



WRITTEN REASONS OF THE FAST TRACK TRIBUNAL

IN THE MATTER OF A WRONGFUL DISMISSAL CLAIM BROUGHT BY:

Hamilton Academical FC (“the Claimant”)

on behalf of

Jamie Hamilton (“the Player”)

1. These are the written reasons for the determination made by a Fast Track Tribunal (“the Tribunal”), which convened on 24th February 2021 to determine this Claim.
2. In the 12th minute of the SPFL Premiership fixture between the Claimant and Hibernian FC, on 20th February 2021, the Player was dismissed from the field of play by the Referee for the offence A1 Serious Foul Play, as defined by the Laws of the Game. The dismissal resulted from an incident involving the Player and the Hibernian FC number 10.
3. The Claimant submitted a claim of Wrongful Dismissal on behalf of the Player. In support of the Claim, the Claimant submitted video footage showing the incident in question, as well as a written Submission and still photograph, and Statements of the Player and the Claimant’s Manager and Chairman.
4. In summary, the Claimant’s submission was that the Player sought to get to the ball before the Hibernian FC opponent did, and the opponent then made contact with the Player’s trailing leg and fell to the ground.
5. The Referee provided a Statement confirming the act which he decided was Serious Foul Play. The Referee stated that he dismissed the Player for Serious Foul Play because the Player had tackled his opponent at high speed with both feet leaving the ground and his studs showing, on the foot of his leading leg. The Referee determined that the Player had made the tackle with excessive force and had endangered the safety of an opponent.
6. In order for a Claim of Wrongful Dismissal to be upheld the Tribunal must be satisfied, on a balance of probabilities, that the Referee made an Obvious Refereeing Error in dismissing the Player.
7. An Obvious Refereeing Error, as stated in Annexe F to the Judicial Panel Protocol 2020/21, is defined as being an error at a match by a Referee or a Match Official which is clear or self-evident, or easily perceived.

8. In IFAB Laws of the Game, Serious Foul Play is defined as follows:-

“Any player who lunges at an opponent in challenging for the ball from the front, from the side or from behind using one or both legs, with excessive force or endangers the safety of an opponent, is guilty of serious foul play.”

9. The Tribunal considered all of the available evidence. The Tribunal viewed the video footage and photograph of the incident supplied by the Claimant, and carefully considered the Claimant's written Submissions, the Statements of the Player, Manager, Chairman, and the Statement of the Referee. Having done so, the Tribunal found, on a balance of probabilities, that the Player did not lunge at his opponent. The Tribunal found that the Player stretched for the ball at speed, with one foot raised, reached the ball before his opponent, and the Player's trailing leg then made contact with the opponent. The Tribunal found that the Player did not use excessive force or endanger the safety of the opponent but that, in stretching for the ball at speed to reach the ball first, he did make a reckless challenge and, accordingly, committed the offence B1c) Recklessly tackles or challenges an opponent.
10. The Tribunal found that the referee was not best able to see the incident as he was some distance away when it occurred, the ball having been played quickly from the Hibernian FC half to the Claimant's half. The Tribunal found that the Referee's view of the incident may also have been obscured by two of the Claimant's other players, who were positioned near to the Player and his opponent. The Tribunal had the benefit of, and placed particular reliance upon, the video footage which clearly showed the incident.
11. Accordingly, and on a balance of probabilities, the Tribunal found that the Referee's conclusion and decision to dismiss the Player for Serious Foul Play was a self-evident error and that the Player, by his actions, had, in fact, committed the cautionable offence of B1c) Recklessly tackles or challenges an opponent.
12. Therefore the determination of the Tribunal was that the Claim be upheld in part, that the sending off offence and mandatory sanction be rescinded, and that the cautionable offence of B1c) Recklessly tackles or challenges an opponent had been committed by the Player, and that the appropriate sanction for that offence be imposed.
13. The determination of the Tribunal is final and binding on all Parties and is not subject to appeal.