

## WRITTEN REASONS OF THE FAST TRACK TRIBUNAL



### IN THE MATTER OF A FAST TRACK NOTICE OF COMPLAINT (FT NOC):

**Greg Stewart (Alleged party in breach)**

**Kilmarnock FC (Club)**

1. These are the written reasons for a Determination made by a Fast Track Tribunal (Tribunal) which convened on 1<sup>st</sup> Nov 2018.
2. The Compliance Officer issued a FT NOC to the Alleged Party in Breach on 30<sup>th</sup> Oct 2018 alleging a breach of Disciplinary Rule 200 during the SPFL Premiership Match between Kilmarnock FC and Hamilton Academical FC on Saturday 27<sup>th</sup> Oct 2018.
3. It was alleged in the FT NOC that the Alleged Party in Breach had committed an act, on or around the 86<sup>th</sup> minute, which amounted to the sending off offence of violent conduct. Specifically, that the Alleged Party in Breach used or attempted to use excessive force and/or brutality towards an opponent when not challenging for the ball in that the Alleged Party in Breach moved his head in a violent manner towards the opponent, attempted to headbutt opponent and thereafter did seize him by the neck and bring him to the ground.
4. The Compliance Officer included the following evidence with the FT NOC: the opinions of three former match officials, statements from all four appointed match officials on the match as to whether they had seen all or part of the alleged incident.
5. The Alleged Party in Breach denied the charge in the FT NOC.
6. The Alleged Party in Breach submitted a written statement from Kilmarnock FC and video evidence.
7. The Hearing took place at Hampden Park on 1<sup>st</sup> November 2018 at 2.00pm. The Compliance Officer, Alleged Party in Breach and his Club representative were in attendance.
8. In coming to a Determination in this case the Tribunal had to decide on the following:
  - a. What part of the act referred to in the FT NOC, if any, was not seen by the match officials at the time.
  - b. Was the physical act a sending off offence, and if so, was it violent conduct in terms of using or attempting to use excessive force or brutality towards an opponent when not challenging for the ball.

9. The submission of the Compliance Officer addressed the Tribunal to the effect that the referee in his statement to the Fast Track Tribunal regards the alleged incident noted he did not see it at the time as he was watching the player with the ball and only saw the two players coming together. The other three match officials in their written submissions cited being in unfavourable positions to see or comment on the incident. The Compliance Officer submitted that three former match officials on reviewing video evidence of the incident were unanimous in their opinions that the incident should have been sanctioned as violent conduct at the time. They qualified this by noting that there was excessive force by the Alleged Party in Breach moving his head in a violent manner towards the opponent, or a head butting action, and seizing him by the neck and bringing him to ground. The Compliance Officer submitted in her oral statement that she had not cited the Alleged Party in Breach for the coming together in the initial challenge with the Hamilton player, as noted in the Alleged Party in Breach's written submission but was citing the player for the alleged violent conduct thereafter.
10. The submission of the Alleged Party in Breach was as outlined by the Club Representative in their written submissions and on the video evidence that was reviewed by the Tribunal. The Club Representative submitted video evidence of the Alleged Party in Breach who was in discussion with the referee after the incident where the referee spoke with both players in the next break of play. Their submission was that the two players came together in a challenge initiated by the Hamilton player as he tried to prevent the Alleged Party in Breach from moving forward and into play. They submitted that there was no deliberate attempt to head butt the opponent, but it was simply an attempt to get to the other side of an obstructive opponent.
11. The Fast Track Tribunal viewed the video footage of the incident and carefully considered the written submissions and oral statements from the Claimants. It also considered the definition from The Laws of the Game in relation to violent conduct, which is clear that excessive force /brutality is the test for the offence.
12. The Tribunal concluded that as the act was not seen by the officials, this was, in accordance with section JPP 13 a FT NOC which could be competently be raised by the Compliance Officer
13. Having considered all evidence and submissions presented the Tribunal found the FT NOC proved.
14. The Tribunal in reaching their decision accepted the Compliance Officers submission that there was a deliberate movement of the Alleged Party in Breach head towards his opponent, with the Hamilton player noted to be holding his face post incident having being brought to the ground after being seized by the neck. They noted that IFAB Law 12 does not reference intent which was referenced by the Alleged Party in Breach and their Club Representative and is not a suitable defence for the charge raised. The Alleged Party in Breach was not challenging for the ball and used excessive force against his opponent.
15. The sending off Offence of Violent Conduct was applied. The mandatory suspension of 2 matches for the players recognised team irrespective of competition was imposed.
16. Determinations of a Fast Track Tribunal are final and binding and there is no right of appeal.