



WRITTEN REASONS OF THE FAST TRACK TRIBUNAL

IN THE MATTER OF A WRONGFUL DISMISSAL CLAIM BROUGHT BY:

Gala Fairydean Rovers FC

on behalf of

Alexander Murray

1. These are the written reasons for the determination made by a Fast Track Tribunal which convened on Wednesday 27th October 2021 to determine this Claim.
2. In the 53rd minute of the Scottish Cup Second Round fixture between Gala Fairydean Rovers FC and St Cuthbert Wanderers FC on Saturday 23rd October 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 a challenge for the ball between the player and the St Cuthbert Wanderers FC number eight.
3. The Claimant lodged a claim of Wrongful Dismissal on behalf of the player. In support of the Claim, the Claimant submitted a written submission, statements of the player, the Claimant's Manager, a photograph, video footage of the incident, and copies of social media messages.
4. In summary, the Claimant's submission was that the player and his opponent clashed shins and that the player did not endanger the safety of his opponent.
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 lunged at, and struck the leg of his opponent, with a straight leg, studs showing, and with intensity. The Referee stated that by his actions the player had endangered the safety of his opponent.
6. In order for a Claim of Wrongful Dismissal to be upheld the Fast Track 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 of the Judicial Panel Protocol 2021/22, 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 Fast Track Tribunal considered all of the available evidence. The Fast Track Tribunal viewed the video footage and carefully considered the Claimant's written submission and the statements of the Referee, and those submitted by the player and the Claimant's Manager. Having done so, the Fast Track Tribunal found, on a balance of probabilities, that the player did not lunge at, use excessive force towards, or endanger the safety of his opponent. The Fast Track Tribunal found that the player and his opponent, when challenging for the ball, clashed with each other's shins. The Fast Track Tribunal further found that the player's challenge was late, as he and his opponent clashed shins after the latter had played the ball. The Fast Track Tribunal therefore found that the player made a reckless challenge and, accordingly, committed the offence B1c) Recklessly tackles or challenges an opponent.
10. The Fast Track Tribunal had the benefit of, and placed particular reliance upon the video footage, including slow motion video film of the incident.
11. The Fast Track Tribunal considered the copies of social media messages, but attached no weight to these when making their findings.
12. Accordingly, and on a balance of probabilities, the Fast Track 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.
13. Therefore the determination of the Fast Track Tribunal was that the Claim be partially upheld, 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.
14. The determination of the Fast Track Tribunal is final and binding on all parties and is not subject to appeal.