



WRITTEN REASONS OF THE FAST TRACK TRIBUNAL

IN THE MATTER OF A WRONGFUL DISMISSAL CLAIM BROUGHT BY:

Lossiemouth FC

on behalf of

Lewis McAndrew

1. These are the written reasons for the determination made by a Fast Track Tribunal (“the Tribunal”) which convened on Wednesday 25th January 2023 to determine this Claim.
2. In the 45th minute of the Highland Football League fixture between Lossiemouth FC and Brechin City FC on Saturday 21st January 2023, the player was dismissed from the field of play by the Referee for the offence A2 Violent Conduct, as defined by IFAB Laws of the Game
3. The Claimant submitted a Claim of Wrongful Dismissal on behalf of the player. In support of the Claim the Claimant submitted video footage, and still photographs, showing the incident in question as well as a written submission, a statement of the player, and statements of another Lossiemouth F.C. player and their manager.
4. In summary, the Claimant’s submission was that after a challenge between the Player and his opponent, the Brechin City FC number 2, the player fell to the ground and his legs struck the opponent player as he was also falling to the ground.
5. The Referee provided a statement confirming the act which he decided was Violent Conduct. The Referee stated that he dismissed the player for Violent Conduct after he had been informed by his Assistant Referee (2) that the player had kicked his opponent on the knee with the sole/studs of his boot in an act of brutality.
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 2022/23, 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, Violent Conduct is defined as follows:-

“Violent Conduct is when a Player uses or attempts to use excessive force or brutality against an opponent when not challenging for the ball, or against a team-mate, team official, match official, spectator or any other person, regardless of whether contact is made.

In addition, a player who, when not challenging for the ball, deliberately strikes an opponent or any other person on the head or face with the hand or arm, is guilty of violent conduct unless the force used was negligible.”

9. The Tribunal considered all of the available evidence. The Tribunal viewed the video footage and photographs. They carefully considered the Claimant’s written submission as well as the statements of the Referee, the Player and others. The Referee had not seen the incident and the Tribunal, in particular, had the benefit of viewing footage. Having considered all of the evidence the Tribunal found, on a balance of probabilities, that, after he had fallen to the ground the Player’s legs had made minimal contact with his opponent player’s legs, and that the Player did not use excessive force or brutality against his opponent.

10. Accordingly, the Tribunal determined that the Referee had made an obvious refereeing error in concluding that the player’s actions constituted Violent Conduct. Therefore, the Determination of the Tribunal was that the Claim be upheld and that the sending off offence, and mandatory sanction be rescinded. The Tribunal also determined that the player had not committed any other offence.

11. The determination of the Tribunal is final and binding on all parties and is not subject to appeal.