

WRITTEN REASONS OF THE FAST TRACK TRIBUNAL



IN THE MATTER OF A WRONGFUL DISMISSAL CLAIM BROUGHT BY:

Kilmarnock FC

on behalf of

Alex Bruce

1. These are the written reasons for a Determination made by a Fast Track Tribunal which convened on 1st November 2019 to deliberate this Claim.
2. In the 14th minute of the fixture between Motherwell FC v Kilmarnock FC on 30th October 2019 the Player, Mr Alex Bruce, was dismissed from the field of play by the Referee for A4: Denying the opposing team or an opponent a goal or an obvious goal scoring opportunity as defined by Law 12.
3. The Claimants submitted a Claim of Wrongful Dismissal on behalf of Mr Bruce. In support of this Claim, the Claimant submitted a series of video footage showing the incident in question and a written statement on behalf of the Player.
4. In summary, the Claimant's submission was that the Player did not deny the opposition player a goalscoring opportunity as Mr Bruce stuck the ball, changing it's spin and direction. This could, they suggested, be best seen from a low level camera angle from behind the goal. They submitted that the Motherwell player went to ground and immediately indicated to the referee that a card should be shown.
5. The Referee provided a statement explaining that the Motherwell no 9 had played the ball towards the goal when the challenge from Mr Bruce came in. It was, he reported, was within the control of the Motherwell no 9 before the challenge and he deemed this an obvious goal-scoring opportunity when he was carelessly tripped by Mr Bruce.
6. In order for a Claim of Wrongful Dismissal to be upheld, the Fast Track Tribunal must be satisfied, by way of evidence submitted and upon the balance of probabilities, that the Referee made an Obvious Refereeing Error in dismissing the Player.
7. The Fast Track Tribunal viewed video footage of the incident and carefully considered the written submissions from the Claimant.

Having considered all the evidence, the Fast Track Tribunal decided that the Claimants had unsuccessfully demonstrated that an Obvious Refereeing Error had occurred.

8. Having reviewed the video evidence submitted by the Claimant it was clear to the Fast Track Tribunal panel that the referee had a clear view of the challenge which occurred at speed. The Tribunal were unable to determine that Mr Bruce had played the ball, in real time on video review. It was only after repeated reviews at slow video speed over a considerable period of time and from a behind the goal camera angle did it appear that Mr Bruce could have made contact with the ball before colliding with the opposition player.

The panel therefore did not accept the claimant had demonstrated that the referee had made an obvious refereeing error in dismissing the player.

9. The Fast Track Tribunal were provided with video evidence which gave a clear view of the incident.

For a claim to be successful as per the JPP Annex K, section 10.10.4 the FTT must be satisfied that it is more likely than not, in all of the circumstances of the Case, that an obvious refereeing error has occurred. That is the error is 'clear, self evident or easily perceived' (*glossary JPP*).

10. The Tribunal noted that the referee was close to the incident, had a clear and unobstructed view and had no hesitation in determining at the time that this was a red card offence. It was only with the benefit of repeated reviews of the challenge over a significant period of time, from different angles and in slow motion, that the it became clearer to the Tribunal that Mr Bruce could have played the ball ahead of making contact with the opposition player. The Tribunal noted that this was neither, clear, self-evident or easily perceived given the significant difficulty they had seeing this and it was certainly not evident in real time video review.

Based on this the Tribunal determined that the claimant failed to demonstrate in their submission that the referee had made an obvious error resulting in the wrongful dismissal of the player.

11. The Determination of the Fast Track Tribunal is final and binding on all Parties and is not subject to Appeal.