



WRITTEN REASONS OF THE FAST TRACK TRIBUNAL

IN THE MATTER OF A WRONGFUL DISMISSAL CLAIM BROUGHT BY:

Gala Fairydean Rovers FC (“the Claimant”)

on behalf of

Daniel Galbraith (“the Player”)

1. These are the written reasons for the Determination made by a Fast Track Tribunal (“the Tribunal”), which convened on 30th October 2020 to determine this Claim.
2. In the 70th minute of the Scottish Lowland League fixture between the Claimant and Spartans FC, on 27th October 2020, the Player was dismissed from the field of play by the Referee for the offence A2 Violent Conduct, as defined by the Laws of the Game. The dismissal resulted from an incident involving the Player and the Spartans FC Player number 2.
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.
4. In summary, the Claimant’s submission was that the Player was not violent in his conduct towards the Spartans FC Player number 2, in that the Player may have “touched/pushed” his opponent in order to free himself from the latter’s grasp. The Claimant submitted that the Player was grabbed and brought to the ground by his opponent. They further submitted that the Player was 30 years old and had never been sent off in his career.
5. The Referee provided a Statement confirming the act which he decided was Violent Conduct. The Referee confirmed that he dismissed the Player for Violent Conduct because, after he had been held back by his opponent, the Spartans FC number 2, the Player turned his body to face the opponent and, with a clenched fist, punched his opponent directly in the face. He stated that the Player’s force was not excessive or brutal but his actions were inexcusable.
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, 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.”

9. The Tribunal viewed the video footage of the incident, supplied by the Claimant, and carefully considered the Claimant's written Submission and the Statement of the Referee. Having done so, the Tribunal found that the Player had not used or attempted to use excessive force or brutality against his opponent. The Tribunal found that the Player had been held back by his opponent, fell to the ground with the opponent and tried to push the opponent off. The Player did not use or attempt to use excessive force or brutality against his opponent. This was confirmed by the Referee in his Statement. The Tribunal further found that the Player had not committed any offence during the incident.
10. Accordingly, and on a balance of probabilities, the Tribunal determined that the Referee had made an obvious refereeing error in concluding that the Player's actions constituted Violent Conduct. The Referee's conclusion and decision to dismiss the Player for Violent Conduct was, in this case, a clear, self-evident or easily perceived error as the actions of the player did not satisfy the definition of Violent Conduct.
11. Therefore the Determination of the Tribunal was that the Claim be upheld and that the sending off offence of A2 Violent Conduct, and mandatory sanction, be rescinded.
12. The Tribunal also determined that the Claim was not frivolous, an abuse of process, a delaying tactic or without prospect of success, having had regard to Paragraph 13.13.8 of the Protocol.
13. The Determination of the Tribunal is final and binding on all Parties and is not subject to appeal.