

## WRITTEN REASONS OF THE FAST TRACK TRIBUNAL



### IN THE MATTER OF A WRONGFUL DISMISSAL CLAIM BROUGHT BY:

**Peebles Rovers FC**

**on behalf of**

**Fraser Stuart**

1. These are the written reasons for a Determination made by a Fast Track Tribunal which convened on the morning of Wednesday 6<sup>th</sup> September 2023 to deliberate this Claim.
2. In Alex Jack Cup 2<sup>nd</sup> Round fixture between Whitburn Juniors FC v Peebles Rovers FC played on Saturday 2<sup>nd</sup> September 2023, the player was dismissed from the field of play by the Referee for A2: Violent Conduct.
3. The Claimants submitted a Claim of Wrongful Dismissal on behalf of the player. In support of this Claim, the club submitted video footage and still photos showing the incident in question and a written statement.
4. In order for a Claim of Wrongful Dismissal to be upheld, the Fast Track Tribunal must be satisfied, by way of evidence submitted and not opinion, that the Referee made an Obvious Refereeing Error in dismissing the player.
5. In summary, the Claimant's submission was that the player did not commit an act of Violent Conduct. They agreed that there was a foul on the opponent deserving at most a yellow card, and in the context of it being a late and tired challenge after 100 minutes of football. They claimed that the challenge was not above the knee, and the Referee was on the other side of it and misinterpreted it. They expressed surprise that it was notified as a Violent Conduct offence and not Serious Foul Play.
6. The Referee provided a statement explaining the act which he decided was Violent Conduct. He submitted that there was a promising attack in the centre of the park by Whitburn Juniors FC. The player had made no attempt to play the ball and kicked the Whitburn Juniors FC midfielder just above the knee with excessive force. He had a clear and unobstructed view.
7. The Fast Track Tribunal viewed video footage of the incident and carefully considered the written submissions from the Claimants. It also considered the definition from Laws of the Game in relation to Violent Conduct: (*ref IFAB Laws of the Game Glossary 2. Football Terms*)

*Violent Conduct is an action, which is not a challenge for the ball, which uses or attempts to use excessive force or brutality against an opponent, or when a player deliberately strikes someone on the head or face unless the force used is negligible.*

8. They also considered the definition from Laws of the Game in relation to Serious Foul Play: (*ref IFAB Laws of the Game 2023/24*) as the Claimant had contended this offence, if it was an offence, was not Violent Conduct.

*A tackle or challenge that endangers the safety of the opponent **or** uses excessive force **or** brutality must be sanctioned as serious foul play.*

*Any player who lunges at an opponent in challenging for the ball from the front, side or behind, using one or both legs, with excessive force or endangers the safety of the opponent is guilty of serious foul play.*

Having considered all the evidence, the Fast Track Tribunal decided that the Claimants were unsuccessful in demonstrating that an Obvious Refereeing Error had occurred.

Having reviewed the video evidence submitted by the Claimants it was clear to the Fast Track Tribunal that the player had challenged his opponent whilst the ball had been played ahead of the opponent and was at least a yard away at the point of contact. They believed there to have been excessive force in the challenge.

It was clear to the Fast Track Tribunal from the video submitted that there was a clear foul on the opponent that was not a challenge for the ball, whilst the force used was excessive force. The ball had been played forward by the opponent when he was fouled, and the challenge was directly on him when the ball was not there to be won by the player.

For a Claim to be successful as per the JPP Annex K, section 10.10.4 the Fast Track Tribunal 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*).

Based on this, the Fast Track Tribunal were unanimous that the Claimants had not demonstrated that the Referee, with the benefit of a clear, uninterrupted view from close range, made an Obvious Error. It was neither clear, self evident, or easily perceived on multiple reviews of the incident that the Referee had made an error.

The Determination of the Fast Track Tribunal was that the Claim be dismissed and the sending off offence and mandatory sanction should be applied.

The Fast Track Tribunal did not believe this to be a frivolous claim, as considered under section 15.9 of the JPP, therefore no further sanction has been imposed.

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