

WRITTEN REASONS OF THE FAST TRACK TRIBUNAL



IN THE MATTER OF A WRONGFUL DISMISSAL CLAIM BROUGHT BY:

St. Duthus FC

on behalf of

William Ross

1. These are the written reasons for a Determination made by a Fast Track Tribunal which convened on the morning of Wednesday 8th February 2023 to deliberate this Claim.
2. In the North Caledonian Cup fixture between St. Duthus FC v Loch Ness FC played on Saturday 4th February 2023, the player, William Ross, 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 showing the incident in question and a written statement from the club.
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 in that the player had not elbowed his opponent on the face and the Referee had made an error in thinking so. They claimed that the opposing players head had connected with the shoulder of the player from his own forward motion in the challenge.
6. The Referee provided a statement explaining the act which he decided was Violent Conduct. He submitted that the player came into a challenge at pace and took the opposing player out of the game with an elbow to the face, leaving him floored. He also noted that he had heard someone on the park shout, 'someone smash him'. He sent the player off for Violent Conduct for the deliberate elbow to the face.
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.

Having considered all the evidence, the Fast Track Tribunal decided that the Claimants were successful 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 not raised his elbow nor did the opponent get elbowed in the face during the challenge, where the opposing player was being challenged from behind by one of the players teammates, and the player was coming in from the side to challenge for the ball.

The Fast Track Tribunal accepted the Claimant had demonstrated that the Referee had made an Obvious Refereeing Error in dismissing the player for Violent Conduct for this incident.

It was absolutely clear to the Fast Track Tribunal from the video submitted that there was no contact by the players elbow with his opponents face. The player had made a legitimate challenge for the ball and the opposing player was travelling at speed when he collided with the player, hitting his head against the players upper arm/shoulder. No shout of 'someone smash him' was audible on the video provided.

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 Claimant had demonstrated in their submission that the Referee had made an Obvious Error resulting in the Wrongful Dismissal of the player. They had no difficulty with the benefit of a clear video angle of the incident in determining that the player had not elbowed the opponent.

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

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