

WRITTEN REASONS OF THE FAST TRACK TRIBUNAL



IN THE MATTER OF A WRONGFUL DISMISSAL CLAIM BROUGHT BY:

Knightswood FC

on behalf of

Darren Miller.

1. These are the written reasons for a Determination made by a Fast Track Tribunal which convened on Tuesday 12th November 2024 to deliberate this Claim.
2. In the 54th minute of the West of Scotland Fourth Division fixture between Knightswood FC and BSC Glasgow FC on Saturday 9th November 2024, 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 showing the incident in question and written submissions.
4. In order for a Claim of Wrongful Dismissal to succeed, 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.
5. In summary, the Claimant's submission was that the player was hit from the back. It was further submitted that upon turning around, a BSC Glasgow FC player had his hands raised, so the player put his arms up to keep his opponent at arm's length and avoid further conflict. At that point, a number of players from each team intervened and the player was dismissed. The Claimants submitted that the player did not engage in any conduct worthy of a dismissal for A2 - Violent Conduct.
6. The Referee provided a statement explaining the act which he decided was A2 - Violent Conduct. The Referee described the incident as an act of brutality by the player, who also (i) adopted a threatening manner and (ii) used foul and abusive language towards his opponent.
7. The Fast Track Tribunal viewed the 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 A2 - Violent Conduct:

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.

8. Having considered all the evidence, the Fast Track Tribunal decided that the Claimants had successfully demonstrated that an Obvious Refereeing Error had occurred. Upon reviewing the video footage, the Fast Track Tribunal decided that the footage was consistent with the player's description of the incident. The Fast Track Tribunal did not consider that the player had committed an act of brutality. The Fast Track Tribunal further noted that threatening behaviour and/or use of foul and abusive language are not included in the definition of Violent Conduct.
9. The Determination of the Fast Track Tribunal was that the Claim be upheld and the sending off offence and original sanction should be rescinded.
10. The Determination of the Fast Track Tribunal is final and binding on all Parties and is not subject to Appeal.