

WRITTEN REASONS OF THE FAST TRACK TRIBUNAL



IN THE MATTER OF A WRONGFUL DISMISSAL CLAIM BROUGHT BY:

Raith Rovers FC

on behalf of

Christophe Berra

1. These are the written reasons for a Determination made by a Fast Track Tribunal which convened on Wednesday 22nd December 2021 to deliberate this Claim.
2. In the 60th minute of the Scottish Championship fixture between Partick Thistle FC and Raith Rovers FC on Saturday 18th December 2021, the player was dismissed from the field of play by the Referee for Serious Foul Play.
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 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.
5. In summary, the Claimant's submission was that the player went into a challenge for a bouncing ball at waist height and realising that the opponent would reach the ball a split second before him, pulled out of the challenge causing his knee to collide with the opponent's side rather than striking him with his foot in the abdomen as described by the Referee.
6. The Referee provided a statement explaining the act which he decided was Serious Foul Play. He stated that the player, in challenging for a bouncing ball, had jumped into the opponent with a straight leg, studs showing, driving his studs down into the opponent's abdomen area and thus endangering the safety of the 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: Serious Foul Play.
8. Having considered all the evidence, the Fast Track Tribunal decided that the Claimants had been unsuccessful in demonstrating that an Obvious Refereeing Error had occurred. It appeared to the Fast Track Tribunal from the footage – which, due to the foggy weather conditions was not particularly clear – that the player in challenging for the ball did endanger the safety of the opponent. The Fast Track Tribunal were of the opinion that the player was too late in pulling out of the challenge and collided with the opponent at waist height, thus endangering his safety.
9. The Determination of the Fast Track Tribunal was that the Claim be dismissed and the sending off offence and original sanction should be reimposed. The Fast Track Tribunal were of the opinion that this Claim was neither frivolous nor an abuse of process, nor did it have no prospect of success, therefore did not fall to be dealt with in terms of paragraph 13.21.8.1.

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