



WRITTEN REASONS OF THE FAST TRACK TRIBUNAL

IN THE MATTER OF A WRONGFUL DISMISSAL CLAIM BROUGHT BY:

St Mirren FC

on behalf of

Charles Dunne

1. These are the written reasons for the determination made by a Fast Track Tribunal which convened on Wednesday 23rd February 2022 to determine this Claim.
2. In the 82nd minute of the Scottish Premiership fixture between Livingston FC and St Mirren FC on Saturday 19th February 2022, the player was dismissed from the field of play by the Referee for the offence A2 Violent Conduct, as defined by IFAB Laws of the Game.
3. The Claimant submitted a claim of Wrongful Dismissal on behalf of the player. In support of the Claim, the Claimant submitted video footage and photographs showing the incident in question as well as a written submission and written statements of the player and another of the Claimant's players.
4. In summary, the Claimant's submission was that the player was challenging for the ball and did not use excessive force or brutality towards his opponent.
5. The Referee provided a statement confirming the act which he decided was Violent Conduct. The Referee stated that he dismissed the player for Violent Conduct because the player had caught his opponent with his arm on the face before the ball was in playing distance.
6. In order for a Claim of Wrongful Dismissal to be upheld the Fast Track 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 2021/22, 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.

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.”

Charles Dunne, St Mirren FC

9. The Fast Track Tribunal considered all of the available evidence. The Fast Track Tribunal viewed the video footage and photographs and carefully considered the Claimant's written submission and the statements of the Referee, player and the Claimant's other player. Having done so, the Fast Track Tribunal found, on a balance of probabilities, that the player had focused on the approaching ball and having raised his left arm, recklessly, but not deliberately, struck his opponent's face with his forearm. The Fast Track Tribunal found that the player did not use excessive force or brutality towards his opponent.
10. The Fast Track Tribunal had the benefit of, and placed particular reliance upon, the video footage of the incident, whereas the Referee did not have that visual assistance at the time that he made his decision.
11. Accordingly, the Fast Track Tribunal determined that the Referee's conclusion and decision to dismiss the player for Violent Conduct was a self-evident error and that the player, by his actions, had in fact committed the cautionable offence of B1c) Unsporting Behaviour- Recklessly tackles or challenges an opponent.
12. Therefore, the determination of the Fast Track Tribunal was that the Claim be partially upheld, that the sending off offence and mandatory sanction be rescinded, that the cautionable offence of Unsporting Behaviour B1c) had been committed by the Player and that the appropriate sanction for that offence be imposed.
13. The determination of the Fast Track Tribunal is final and binding on all parties and is not subject to appeal.