

WRITTEN REASONS OF THE FAST TRACK TRIBUNAL



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

Queen of the South FC

on behalf of

Gordon Botterill

1. These are the written reasons for a Determination made by a Fast Track Tribunal which convened on Wednesday 30th August 2023 to deliberate this Claim.
2. In the 67th minute of the Scottish League One fixture between Cove Rangers FC and Queen of the South FC on Saturday 26th August 2023, the player was dismissed from the field of play by the Referee for spitting at someone, an A3 offence.
3. The Claimants submitted a Claim of Wrongful Dismissal on behalf of the player. In support of this Claim, the club submitted both written submissions and video footage showing the incident in question.
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 written submission was that the player, whilst walking away from an incident, made a kissing or squeaking gesture in the direction of the opposing player and there was no exchange of fluid, despite the opposing player making a gesture to wipe it. It was advised that this was only part of "*trash talking*" between the opposing players and no spitting occurred. The Claimants also advised that their nearest player to the incident saw no such spitting action.
6. The Referee provided a statement explaining the act which he decided was an A3 offence for spitting at someone.
7. The Fast Track Tribunal viewed the video footage of the incident and carefully considered the written submissions from and on behalf of the Claimant. It also considered the definition from Laws of the Game in relation to Law 12.
8. Having considered all the evidence, the Fast Track Tribunal decided, unanimously, that the Claimants had been unsuccessful in demonstrating that an Obvious Refereeing Error had occurred.
9. The Determination of the Fast Track Tribunal was that the Fast Track Claim is dismissed and the sending off offence for a breach of A3 is to be reapplied.
10. The Determination of the Fast Track Tribunal is final and binding on all Parties and is not subject to Appeal.