

RFU SHORT JUDGMENT FORM



Match	Sale Sharks RFC	Vs	Harlequins RFC
Club's Level	1	Competition	Gallagher Premiership
Date of Match	04.06.21	Match Venue	Sale Sharks

Particulars of Offence			
Player's Surname	Du Preez	Date of Birth	09/11/94
Forename(s)	Jean - Pierre	Plea	Admitted <input checked="" type="checkbox"/> Not Admitted <input type="checkbox"/>
Club name	Sale Sharks RFC	RFU ID No.	2625789
Type of Offence	Citing		
Law 9 Offence	Contrary To World Rugby Law 9.12 - Striking With The Elbow		
Sanction	3 weeks		

Hearing Details			
Hearing Date	08.06.21	Hearing venue	Remote via Zoom
Chairmen/SJO	Ian Unsworth QC	Panel Member 1	Becky Essex
Panel Member 2	Rob Vickerman	Panel Secretary	Rebecca Morgan
Appearance Player	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Appearance Club	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

Player's Representative(s):	Other attendees:
Scott Needham, Sale Sharks Team Manager Hugh Jenner, Performance Analyst, Sale Sharks	Angus Hetherington, Legal Counsel RFU

List of documents/materials provided to player in advance of hearing:
Match footage from various angles Charge Sheet Citing Commissioner's Report from Shaun Gallagher, dated 05.06.21 Extract RFU Regulation 19 - Appendix 2 Medical Report re Hugh Tizard, dated 08.06.21 Email from Sale Sharks Team manager dated 08.06.21 re acceptance of charge Character Reference from Alex Sanderson, Sale Sharks Screenshots of communications between the Player and High Tizard RFU Submissions

This offence occurred in the 2nd half, the score being 33-7 at the time

The Citing Commissioner's Report stated:

•BT Match clock 57.15 From a half way restart, Harlequins kick deep and the ball is caught just inside his own 22 by the Sale No 19, Jean-Pierre DU PREEZ. He runs forward with the ball in both hands and is immediately confronted by the advancing Harlequins No 20, Hugh TIZARD, who prepares for a tackle by lowering his body height. DU PREEZ, braces himself for contact and transfers the ball into his left arm. Immediately before impact, DU PREEZ extends his right forearm away from his body and makes forceful and dynamic contact with the right side of TIZARD'S head. TIZARD goes to floor as DU PREEZ follows through with the motion and is brought to floor by a secondary Harlequins tackle. Play continues without any match official intervention. TIZARD is subsequently removed from the field of play for a Head Injury Assessment at BT match clock 58.11, which he fails and does not return to the field of play. According to the Head Contact Process, this incident involves a high level of danger, with direct, forceful contact to the head with a leading forearm, extended away from the body in a dynamic movement in which a failed Head Injury Assessment results. In addition DU PREEZ as the ball carrier, had a clear line of sight of the advancing TIZARD. Having looked at all the additional footage and angles available and taking into account all the aggravating and mitigating factors of this incident, I believe it to be an act of foul play that meets the red card threshold and I therefore cite the Sale No 19, Jean-Pierre DU PREEZ for the offence of striking an opponent, contrary to law 9.12 of World Rugby laws of the game.Ž

We viewed the match footage both before the hearing and during it. We were satisfied that the description given by the citing commissioner accurately reflected the footage of the incident that we saw.

Essential Elements of Other Evidence (e.g. medical reports)

In a short medical report dated the 8th of June, Mike Lancaster, Head of medical services, Harlequins RFC, stated that Hugh Tizard sustained a concussion at the time:

- Failed HIA 1 and HIA 2 post-game.

Progressing through the GRTP process this week.

As at 8 th June 2021, we expect Hugh Tizard to be fit to play on Saturday 12 th June 2021 based upon his current progress.

Communications between the players showed that the Player provided a prompt apology and expressed his remorse. To his credit Hugh Tizard was accepting of that apology and was gracious in the manner in which he did so.

Character Evidence from Alex Sanderson was glowing in relation to the player. On his behalf we were told that he was a highly respectful, polite and honest member of the squad. In Mr Sanderson's view the player had no malice whatsoever about him and in his opinion would never intend to cause harm to an opponent.

We were informed that the player has no previous adverse findings against him from any governing body.

Summary of Player's Evidence

The Player addressed us. He said he received the ball -his first move was to make contact. He is a tall man, (2 metres 10cm height), closed his eyes at the point of impact and didn't know where he had made contact at the time. He said that his intention was to fend off his opponent. H20 didn't really drop his height to a significant extent. On his behalf it was suggested that H20's tackle technique was not as it might have been. His head was on the wrong side and he was too high. We accepted that interpretation.

H20 was not in a vulnerable position prior to this.

The Player was very apologetic and expressed his remorse for the injury caused.

Findings of Fact

We found the following:

1. As was accepted, this case clearly passed the red card test and the citing was upheld.
2. Harlequins kick deep and the ball is caught just inside his own 22 by the the Player (S19).
3. S19 ran forward with the ball in both hands and was immediately confronted by the advancing Harlequins No 20 (H20) S19 had a clear view of H20 but then closed his eyes as the players become closer.
4. S19 braced himself for contact and transferred the ball into his left arm.
5. Immediately before impact, S19 closed his eyes, extended his right forearm away from his body and made forceful and dynamic contact with the right side of H20's head. This was in an attempt to fend off H20 but in an error of technique he lifted his arm too high. This was a reckless act compounded by poor tackle technique from H20. This does not excuse what S19 did.
6. H20 went to the floor as S19 followed through with the motion and was brought to floor by a secondary Harlequins tackle.

Decision

Breach admitted Proven Not Proven Other Disposal (please state below)

SANCTIONING PROCESS



Assessment of Seriousness

Assessment of intent - Ref 19.11.8

PLEASE TICK APPROPRIATE BOX

19.11.8(a) Intentional/deliberate

19.11.8(b) Reckless

Reasons for finding as to intent:

This was in an attempt to bump off H20 but in an error of technique he lifted his arm too high. This was a reckless act

Gravity of player's actions - Reg 19.11.8(c)

Not at the extreme end of the range of this type of offending.

Nature of actions - Reg 19.11.8(d)

Again, this was not at the extreme end of this type of offending

Existence of provocation - Reg 19.11.8(e)

None

Whether player retaliated - Reg 19.11.8(f)

None

Self-defence - Reg 19.11.8(g)

No

Effect on victim - Reg 19.11.8(h)

H20 suffered a concussion, failed the HIA and did not return to play. The present position is that he may to be fit to play this coming weekend but that all depends on his progress.

Effect on match - Reg 19.11.8(i)

The loss of H20

Vulnerability of victim - Reg 19.11.8(j)

He was not particularly vulnerable

Level of participation/premeditation - Reg 19.11.8(k)

This was not a pre-meditated and deliberate act

Conduct completed/attempted - Reg 19.11.8(l)

yes

Other features of player's conduct - Reg 19.11.8(m)

No other features

Assessment of Seriousness Continued

Entry point

<u>Low-end</u>	<u>Weeks</u>	<u>Mid-range</u>	<u>Weeks</u>	<u>Top-end*</u>	<u>Weeks</u>
<input type="checkbox"/>		<input checked="" type="checkbox"/>	6	<input type="checkbox"/>	

*If Top End, the JO or Panel should identify, if appropriate, an entry point between the Top End and the maximum sanction and provide the reasons for selecting this entry point, below.

In making this assessment, the JO/committee should be consider RFU Regulation 19

Reasons for selecting entry point:

This case involving an act of foul play which resulted in contact with the head must, of course, result in at least a mid range sanction. We agreed with the RFU submission that there were no further aggravating features in this case and there was in our judgement an absence of features which would render it liable to a top end entry point.

Additional Relevant Off-Field Aggravating Factors - Reg 19.11.10

Player's status as an offender of the laws of the game - Reg 19.11.10 (a)

None

Need for deterrent to combat a pattern of offending - Reg 19.11.10(b)

No

Any other off-field aggravating factor that the disciplinary panel considers relevant and appropriate - Reg 19.11.10 (c)

No

Number of additional weeks: 0

Relevant Off-Field Mitgating Factors	
Acknowledgement of guilt and timing - Reg 19.11.11(a)	Player's disciplinary record/good character - Reg 19.11.11(b)
Pre - hearing	Exemplary - clean record
Youth and inexperience of player - Reg 19.11.11(c)	Conduct prior to and at hearing - Reg 19.11.11(d)
N/a	He conducted himself professionally at all stages of the process
Remorse and timing of Remorse - Reg 19.11.11(e)	Other off-field mitigation - Reg 19.11.11(f)
Immediate, full and genuine	We took into account his glowing character reference and all matters raised at the hearing as appropriate. It is clear that the player conducts himself both on the field and off it with integrity

Number of weeks deducted: 3

Summary of reason for number of weeks deducted:

Given all of these factors the player was clearly entitled, in our judgement, to a full 50% credit

Games for meaningful sanctions:

12/06 Exeter

18/06 19/06 Semi Final Game TBC

26.06 Final TBC OR one other meaningful game TBC

Sanction

NOTE: PLAYER ORDERED OFF ARE PROVISIONALLY SUSPENDED PENDING THE HEARING OF THEIR CASE, SUCH SUSPENSION SHOULD BE TAKEN INTO CONSIDERATION WHEN SANCTIONING

Total sanction	3 weeks	Sending off sufficient	
Sanction commences	06.06.21		
Sanctions concludes	After 3 meaningful games TBC		
Free to play	Immediately after the 3rd meaningful game TBC		
Final date to lodge appeal	24 hours upon sending of this Judgment		
Costs (please refer to Reg 19, Appendix 3 for full cost details)	£500		

Signature (JO or Chairman)	Ian Unsworth QC	Date	09.06.2021
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NOTE: YOU HAVE THE RIGHT OF APPEAL AGAINST THIS DECISION AS SET OUT IN REGULATION 19.12 OF THE DISCIPLINARY REGULATIONS. YOUR ATTENTION IS SPECIFICALLY DRAWN TO THE TIME LIMIT AND DIRECTIONS/REQUIREMENTS RELATING TO AN APPEAL SET OUT IN REGULATION 19.12.9