

# RFU SHORT JUDGMENT FORM



Match	Sale Sharks RC	Vs	Gloucester RFC
Club's Level	1	Competition	Gallagher Premiership
Date of Match	17/04/2021	Match Venue	Sale

Particulars of Offence			
Player's Surname	Du Preez	Date of Birth	30/07/93
Forename(s)	Robert	Plea	Admitted <input checked="" type="checkbox"/> Not Admitted <input type="checkbox"/>
Club name	Sale Sharks RFC	RFU ID No.	2390116
Type of Offence	Red card		
Law 9 Offence	World Rugby Law 9.18 (Tip Tackle)		
Sanction	3 weeks		

Hearing Details			
Hearing Date	20/04/2021	Hearing venue	Papers (Panel met remotely)
Chairmen/SJO	Ian Unsworth QC	Panel Member 1	Mitchell Read
Panel Member 2	Tony Wheat	Panel Secretary	Rebecca Morgan
Appearance Player	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Appearance Club	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>

Player's Representative(s):	Other attendees:

## List of documents/materials provided to player in advance of hearing:

Charge Sheet  
Red Card report of the referee Adam Leal, dated 18th April 2021  
Extract of RFU Regulations 19 (Appendix 2)  
Update report from Sam Raven, Team Manager, Gloucester Rugby, dated 19th April 2021  
Injury Report from Eion Power, Head of Medical, Gloucester, dated 19th April 2021  
Match Footage (5:54)  
Letter indicating acceptance of charges from Scott Needham, Team Manager, Sale Sharks, dated 20th April 2021  
Judgment from previous case involving the Player (2015)  
RFU Submissions, dated 20th April 2021  
Judgment Christopher Ashton (Richard Whittam QC and panel) 2018

This incident occurred in the first half of the match. The weather was dry and sunny. The game was a physical one but no other cards were issued.

The Report stated:

•Gloucester 1 (Val Rapava Ruskin) won the ball in a turnover at a ruck before running into contact with Sale 10 (Robert Du Preez). Sale 10 lifted Gloucester 1 in a dominant tackle and took him through the horizontal and the tackled player landed dangerously on the side of his head. I immediately awarded a PK to Gloucester and stopped play to consult with the TMO to confirm landing point. After a short consultation we confirmed the foul play and landing point (the side of his head) and issued a red card to Sale 10.Ž

We had the opportunity to observe the match footage which confirmed the accuracy of that description.

The medical report stated:

On the 17th of April 2021 vs Sale Sharks Val Rapava Ruskin was assessed on field following a tackle by an opposition player. As the player landed on his head and shoulder, he was assessed on-field using Maddock questions and head injury symptom check. The player displayed no symptoms of head, neck, or shoulder injury and continued until tactically substituted.

The player has been fully fit for training and selection since the incident.

## Summary of Player's Evidence

In a letter to the Panel, the Player stated:

Firstly, I'd like to take responsibility for my tackle and fully accept the charge against me. I would also like to put in writing my sincerest apologies to Val and am truly thankful he did not suffer any injury as a result of my actions.

The incident itself was entirely unintentional and I certainly did not intend to cause any harm to Val. I saw Val had stolen the ball at the breakdown and had a significant run up before I could get in a position to tackle him. I was also aware of his size and knew I would need to tackle him as hard as I could in order to attempt to bring him down. As I engaged in the tackle I was genuinely surprised at how easily I was able to put force through him.

Unfortunately as I lifted his legs in the tackle I wasn't able to control the balance of the tackle and his legs went above the horizontal. I recognised I wouldn't be able to bring him down safely so I bailed out of the tackle in an attempt to not drive him into the ground.

I immediately apologised to Val following the incident and sought him out again after being shown the red on the pitch to issue a further apology.

## Findings of Fact

Our findings were as follows

1. Gloucester 1 (Val Rapava Ruskin) won the ball in a turnover at a ruck before running into contact with Sale 10 (The Player) who moved into an anticipatory position just beyond Sale's 22.
2. The Player leaned forward with the right side of his body leading.
3. Gloucester 1 held the ball in his left hand
4. The Player wrapped his arms around Gloucester 1 in the waist/ buttocks area
5. He then lifted Gloucester 1 in an upright dominant tackle
6. The Player's left hand was placed under G1's right thigh
7. The Player was moving forward as he lifted G1 up and back
8. The Player lifted G1 beyond the horizontal line, with the player moving back and rotating in an anti-clockwise fashion. The Player was not driving G1 down and began to fall away, dropping him to the ground. At this stage, his technique was flawed.
9. As G1 began to fall, he was leading with his left (ball carrying) side
10. As G1 landed the left side of his head made contact with the pitch with some degree of force.
11. The Player fell away to his right and immediately held his hands in an open palm gesture acknowledging his error.
12. G1 maintained possession of the ball and play was stopped.

### 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 an error in technique, this creating a risk of foul play occurring

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

This is not the gravest act of its type

Nature of actions - Reg 19.11.8(d)

The Player did not drive G1 to the ground but, instead, effectively dropped him on the ground

Existence of provocation - Reg 19.11.8(e)

No

Whether player retaliated - Reg 19.11.8(f)

No

Self-defence - Reg 19.11.8(g)

No

Effect on victim - Reg 19.11.8(h)

The Player was uninjured, was able to continue playing and has had no effect apparent after the game

Effect on match - Reg 19.11.8(i)

No

Vulnerability of victim - Reg 19.11.8(j)

By its nature, he was in a vulnerable position

Level of participation/premeditation - Reg 19.11.8(k)

No premeditation

Conduct completed/attempted - Reg 19.11.8(l)

Complete

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

None

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 checked="" type="checkbox"/>	6	<input type="checkbox"/>		<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:

Law 19.8 does not automatically attract a mid - range entry. Having carefully assessed the factors above, and whilst acknowledging the seriousness of the matter, it is our considered view that this case properly falls into a low 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)

No

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)
Immediate	One similar matter in 2015 on his Super Rugby debut.
Youth and inexperience of player - Reg 19.11.11(c)	Conduct prior to and at hearing - Reg 19.11.11(d)
Experienced	Articulate letter to the Panel, acknowledging guilt and remorse
Remorse and timing of Remorse - Reg 19.11.11(e)	Other off-field mitigation - Reg 19.11.11(f)
Player was immediately and self evidently remorseful on the pitch, holding his hands up to acknowledge that he was at fault and went over to check on his opponent and express his remorse	None

Number of weeks deducted: 3

#### Summary of reason for number of weeks deducted:

In our judgment, the players acknowledgment of guilt, his immediate and genuine remorse attracted full credit. His previous finding for a similar matter was over 5 years ago and he had played many games since then. He was entitled to full credit.

Games for meaningful sanctions:

24/04/21- Worcester Warriors  
07/05/21 - Leicester Tigers  
14/15/16 May 21 - Bath Rugby

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	20th April 2021		
Sanctions concludes	17th May 2021		
Free to play	18th May 2021		
Final date to lodge appeal	22nd May 2021		
Costs (please refer to Reg 19, Appendix 3 for full cost details)	£250		

Signature (JO or Chairman)	Ian Unsworth QC	Date	20/04/21
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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