

WRITTEN REASONS OF THE FAST TRACK TRIBUNAL



IN THE MATTER OF A FAST TRACK NOTICE OF COMPLAINT

Rangers FC (“club”)

Jonathan Flanagan, Player (“Alleged Party in Breach”)

1. These are the Written Reasons for a Determination made by a Fast Track Tribunal, which convened on 17 May 2019.
2. The Compliance Officer issued a Fast Track Notice of Complaint to the Alleged Party in Breach on 14 May 2019, alleging a breach of Disciplinary Rule 200 during the SPFL Premiership match Rangers FC v Celtic FC on 12 May 2019.
3. It was alleged in the Fast Track Notice of Complaint that the Alleged Party in Breach’s behaviour at the 51st minute amounted to Violent Conduct.
4. The Compliance Officer included the following evidence with the Fast Track Notice of Complaint: a video clip.
5. The Alleged Party in Breach denied the charge.
6. The Alleged Party in Breach submitted a written submission and video evidence.
7. The hearing took place at Hampden Park on 17 May 2019 at 9.30am.
8. The Alleged Party in Breach attended personally along with club representatives.
9. The submission of the Compliance Officer was that the player deliberately struck his opponent on the face or head while not challenging for the ball. The Compliance Officer produced statements from the four match officials at the match, and took the position that the referee’s statement showed that he had not seen the point of contact of the incident. Consequently the Compliance Officer was in a position to proceed having met the test required by Paragraph 13.3. The Compliance Officer then produced statements from 3 former match officials, all of whom had viewed the video clip lodged and all agreed that the action of the player constituted Violent Conduct, in terms of the Laws of the Game.
In terms of paragraph 13.3.3 any act alleged to constitute Violent Conduct must be exceptional and this can be either by the level of excessive force being very high, brutality being used, or a significant injury occurred as a consequence of the challenge. The Compliance Officer indicated that she would not be relying on excessive force or significant injury, but contended that the incident in question showed the use of brutality, which she defined as savage, ruthless or deliberately violent.
In support of her contention, she referred to the statement of one former referee who referred to the use of brutality in his description of the incident and that of another who referred to the Player as using his arm/elbow as a weapon.
The Compliance Officer contended that the evidence met the ‘exceptional’ standard required to allow the Tribunal to increase the penalty from a cautionable offence to a sending off offence.

10. The submission of the Alleged Party in Breach was that the Player made no contact with the face or head of the opponent and that he was merely fending off the opponent. It was accepted that the opponent was caught on the upper chest /neck area and that such an act was reckless. The Player gave evidence and stated that he was only standing his ground, following initial contact with the opponent, as they awaited the corner kick. The Player stated that he made contact with his forearm to the upper chest area of his opponent as the opponent moved against him. The Player's representative contended that it was not necessary for the referee to see the point of contact, to assess whether there was brutality used, as such an assessment would take account of the whole nature of the Player's movement and contact with the opponent. He stated that it is often impossible to see the actual point of contact of any incident viewed at normal speed in the circumstances of a fast moving game.
11. Having viewed the available footage of the incident, provided by both parties, and having considered the submissions from both parties, the Fast Track Tribunal decided that the Fast Track Notice of Complaint should be dismissed. The referee saw the incident in question, and, notwithstanding that he did not see the actual point of contact, he saw sufficient to assess brutality and decided that the action of the Player was reckless. The Fast Track Tribunal took the view that the Player made contact with the chest/neck area of the opponent, not with his face or head, and that the evidence did not meet the "exceptional" test in JPP 13.3. Accordingly, the Fast Track Tribunal dismissed the Complaint.
12. Determinations of a Fast Track Tribunal are final and binding and there is no right of Appeal.