

## WRITTEN REASONS OF THE FAST TRACK TRIBUNAL



### IN THE MATTER OF A WRONGFUL CAUTION CLAIM BROUGHT BY:

**Name of Club (the Club) Airdrieonians FC**

**on behalf of**

**Name of Player (the Player) Paul McKay**

1. These are the written reasons for a Determination made by a Fast Track Tribunal, which convened on 13 March 2020 to deliberate this Claim.
2. In the 72<sup>nd</sup> minute of the Scottish League Cup fixture between Airdrieonians FC and East Fife FC on 7 March 2020, the Player was cautioned by the Referee for unsporting behaviour (Commits an act of simulation).
3. The Claimants submitted a Claim of Wrongful Caution on behalf of the Player. In support of this Claim, the Club submitted video footage showing the incident in question and written submissions.
4. In order for a Claim of Wrongful Caution 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 cautioning the Player.
5. In summary, the Claimant's submission was that the Player did not dive but went down as result of contact on his leg as he went to strike the ball goalward. It was not the contention that the contact was necessarily deliberate in that it looked as though the opposing player was trying to avoid the contact. The player would have fallen forwards had he been attempting to deceive the referee and in any event had a clear shot at goal and had no need to dive.
6. The Referee provided a statement explaining the act, which he decided was a cautionable offence occurred when he had a clear view of the incident and the Player went down within the penalty area without any contact from an opposing player and immediately turned towards the referee claiming for a penalty kick.
7. The Fast Track Tribunal viewed the video footage of the incident and carefully considered the written submissions from the Claimants. It also considered the definition from Laws of the Game in relation to: a caution for unsporting behaviour by attempting to deceive the referee (simulation).
8. Having considered all the evidence, the Fast Track Tribunal, by a majority, decided that the Claimants had been unsuccessful in demonstrating that an Obvious Refereeing Error had occurred. It was the majority view of the Tribunal that there was not evidence in the video that any contact had been made upon the Player by his opponent and that the referee was in the correct position to assess this. Whilst acknowledging the submission on behalf of the Player that he had no reason to go to ground, the video evidence was of no assistance to the Player in providing evidence to support his claim.

9. The Determination of the Fast Track Tribunal was that the Claim be dismissed and the original sanction re-imposed. The Tribunal determined that the Claim did not fall to be dealt with in terms of paragraph 13.13.8 of the Judicial Panel Protocol.
10. The Determination of the Fast Track Tribunal is final and binding on all Parties and is not subject to Appeal.