

SCHEDULE F

RWC SEVENS 2009

JUDICIAL OFFICERS HEARING REPORT

Date of Hearing: Friday 6 March 2009

Name of Unions participating in the Match: England v Russia

Date of Match: Friday 6 March 2009

Match Venue: Dubai Stadium

Player's Name: Charlotte Barras

Player's Union: England

Referee's Name: Joyce Henry

Offence as stated in the Referee's Report or Citing Complaint: 10.4 (e)

Judicial Officers Decision:

1. Introduction

1.1 The hearing was commenced before me to consider the citing of the English player Charlotte Barras in the Women's match played at the Rugby World Cup Sevens tournament in Dubai between England and Russia on Friday 6 March 2009.

Ms Barras was cited by the Citing Commissioner Jean-Claude Legendre for a dangerous tackle on a Russian player at three minutes of the second half of the match.

1.2 The Referee for the game had awarded a penalty kick for this offence.

2. Preliminary Objection

2.1 Ms Barras raised a preliminary objection pursuant to Tournament Disciplinary Regulation (TDR) 10.4.4 (d) that she had not received the Citing Complaint within one hour of the end of the match. The advice of the Designated Tournament Official Ms Ahern was that the game in question concluded at 4.30pm. She was advised of the possible citing at 5.15pm but did not receive the paperwork and DVD until approximately 6pm.

- 2.2 Ms Barras advised that she was notified of the citing at approximately 6.15pm and received the report shortly thereafter.
- 2.3 The reason for the delay was reported by Ms. Ahern to be technical difficulties arising in the Citing Commissioner's box which required the Commissioner to attend the media room to view the DVD prior to completing his report.
- 2.4 The hearing commenced at 6.50pm and England's next game in which Ms. Barras was scheduled to play was to kick off at 7.28pm.
- 2.5 I advised the parties that I did not view the effluxion of the time requirements as fatal unless, pursuant TDR 10.8.10, it raised a material doubt as to reliability of the findings or decisions at the hearing and resulted in a miscarriage of justice. I therefore adjourned the preliminary objection to be determined at the conclusion of the hearing.

3. Evidence

- 3.1 The Citing Commissioner was present at the hearing to give evidence. Unfortunately an official translator was not available to assist in translating from French to English.
- 3.2 The DVD evidence was unsatisfactory. The clip itself did not display the incident clearly. In addition the operation of the DVD machine was problematic. It did not work properly. The Citing Commissioner advised that the DVD recording he had viewed earlier in reaching his decision to issue a citing report had been much clearer.
- 3.3 After several attempts to view the DVD, all unsatisfactory, the Hearing of the evidence was necessarily terminated.

4. Decision

- 4.1 In view of the lack of reliability of the DVD evidence, and in particular that better DVD evidence could have and should have been available, and in addition, the lack of an official translator to assist in the proceedings, and also in view of the fact that England had an upcoming match in 10 minutes time, I revisited the issue as to whether or not the delay in the receipt of the Citing Report was fatal to the proceedings.
- 4.2 In my view the passage of time prevented this matter proceeding in a manner that was fair and just in the circumstances. In my view, there was a material doubt as to the reliability of any decision that could have been made and this could well have resulted in a miscarriage of justice.

For these reasons the Citing Complaint was dismissed.

