

RWC 2019 DISCIPLINARY DECISION



Match	England v Argentina		
Player's Union	Argentina	Competition	RWC 2019
Date of match	Saturday, 5 October 2019	Match venue	Tokyo Stadium
Rules to apply	Regulation 17 World Rugby and RWC 2019 Tournament Disciplinary Programme		

PARTICULARS OF OFFENCE

Player's surname	Lavanini	Date of birth	22 January 1993
Forename(s)	Tomas		
Referee Name	Nigel Owens	Plea	<input checked="" type="checkbox"/> Admitted <input type="checkbox"/> Not admitted
Offence	Breach of Law 9.13 of the Laws of the Game. A player must not tackle an opponent early, late or dangerously. Dangerous tackling includes, but is not limited to, tackling or attempting to tackle an opponent above the line of the shoulders even if the tackle starts below the line of the shoulders.	SELECT: Red card <input checked="" type="checkbox"/> Citing <input type="checkbox"/> Other <input type="checkbox"/>	If "Other" selected, please specify:
Summary of Sanction	4 weeks commencing on Sunday, 6 October 2019 and ending at midnight on 27 October 2019. The Player is free to resume playing from 28 October 2019.		

HEARING DETAILS

Hearing date	Monday, 7 October 2019	Hearing venue	RWC Hearing Disciplinary Room, Atsumi & Sakai, Tokyo
Chairman	Adam Casselden SC (Australia)		
Other Members of Disciplinary Committee	Frank Hadden (Scotland; former international coach) Donal Courtney (Ireland; former international referee)		
Appearance Player	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	Appearance Union	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>
Player's Representative(s)	Aaron Lloyd (Counsel) Gabriel Travaglini (UAR VP)	Disciplinary Officer and/or other attendees	Ben Rutherford (DDO RWCL) Alistair Maclean (General Counsel, World Rugby)
List of documents/materials provided to Player in advance of hearing	Notice of Disciplinary Hearing; Match Official Reports' (Ref, ARs, TMO); Video Evidence; Statement of Owen Farrell (England #12); Medical Report (Dr Robert Young, England Team Doctor); Match Statistics; RWC ToP Disciplinary Section and Regulation 17; and World Rugby High Tackle Sanction Framework.		

SUMMARY OF ESSENTIAL ELEMENTS OF CITING/REFEREE'S REPORT/FOOTAGE

The Referee, Nigel Owens issued the Player with a Red Card in the 16th minute of a match played between England and Argentina on Saturday, 5 October 2019 at Tokyo Stadium for a breach of Law 9.13 of the Laws of the Game. Law 9.13 is in the following terms:

"A player must not tackle an opponent early, late or dangerously. Dangerous tackling includes, but is not limited to, tackling or attempting to tackle an opponent above the line of the shoulders even if the tackle starts below the line of the shoulders."

The Referee in his report stated that *"Argentina #5 whilst attempting a tackle made direct contact to the head with his shoulder. There were no mitigating factors."*

The report by the TMO (Television Match Official) was in identical terms to the Referee's report. The two Assistant Referees also submitted reports in similar terms to the Referee adding that they reviewed the incident with the Referee and the TMO on-field and agreed there was no sudden drop or mitigation.

ESSENTIAL ELEMENTS OF OTHER EVIDENCE (e.g. medical reports)

The victim player, Owen Farrell (England #12) provided a written statement, relevantly, in the following terms:

"I recall seeing the player approach [Argentina #5] and braced for contact. His shoulder/arm hit my head.

...

I was not injured or concussed by the contact and went on to complete the game. My neck was stiff as you would expect from contact of that kind.

Overnight I received a text apology from the Argentinian player concerned."

Dr Robert Young, England Team Doctor, also provided a written statement where he recorded the following:

"I can confirm that Owen Farrell [England #12] did not seek medical attention at the time of the incident, nor did he subsequently ask for assistance. He did not suggest he was injured as a result of the contact. His only report was of a feeling of stiffness in his neck immediately after the incident."

SUMMARY OF PLAYER'S EVIDENCE

The Player at the first available opportunity accepted he committed an act of Foul Play by breaching Law 9.13 by effecting a dangerously high tackle on England #12. The Player also accepted that his act of Foul Play warranted a Red Card and accordingly did not seek to challenge his Ordering Off. The Player described his actions as follows.

The ball had been passed to the ball carrier (England #12) who was relatively deep. The Player then proceeded to run at an angle towards the right hand side of the field. His angle was approximately diagonal towards the corner post (RWCL Video at 0:25 to 0:28).

The Player can then be seen starting outside the previous ruck, in line with England #3 who was standing in front of England #12. The ball then passes behind England #3 to England #12 who becomes the ball carrier (RWCL Video at 0:27).

The Player, having seen the ball pass behind England #3, adjusts his line to go around England #3 in order to engage England #12. The Player stated that he did not have a clear line of sight until England #12 cleared the visual obstruction caused by England #3.

The Player then moved towards England #12 in an attempt to tackle him. The Player submitted that he approached England #12 at a legal height, albeit towards the ball and upper chest. However, in the moments before contact, England #12 stepped off his right foot, effectively stopping his momentum to the right. This, the Player submitted, had the consequence of bringing England #12 back towards the Player but also causing a drop in England #12's height. As a result, the Player tackled him high.

The Player fully accepted that his shoulder made contact with England #12's head.

The Player also submitted that his actions were not intentional but were reckless. Although he submitted that he started at a legal height, he accepted that any drop in height by England #12 was likely to result in contact above the line of the shoulders and accordingly, to the Player's credit, he accepted that he should have started his tackle lower and that the Referee was correct to issue him a Red Card.

FINDINGS OF FACT

The video footage is broadly consistent with the Player's description of the incident. The Judicial Panel accepted the Player's admissions that his actions amounted to a breach of Law 9.13 and that his offending warranted a Red Card by the Referee. The video footage clearly demonstrated that the Player's left shoulder comes into forceful contact with the left hand side of England #12's head, the ball carrier, when the Player is attempting to wrap his arms around England #12 to effect a tackle. The Referee was correct to issue a Red Card and order the Player from the playing enclosure, in doing so the Referee had regard to World Rugby's High Tackle Sanction Framework and correctly found, in our opinion, consistent with the Player's admissions, that there was:

Firstly, clear contact to the head of the ball carrier, England #12 by the Player's left shoulder;
Secondly, the degree of danger to the ball carrier, England #12 was high; and
Thirdly, there was no mitigation to bring the Foul Play below the Red Card threshold.

We accepted the Player's submission that he should have started his tackle lower and that his actions, whilst not intentional, were nonetheless reckless as he knew, or should have known, that there was a risk of committing an act of Foul Play.

Accordingly, we upheld the Red Card issued by the Referee.

DECISION

Breach admitted <input checked="" type="checkbox"/>	Proven <input type="checkbox"/> Not proven <input type="checkbox"/> Other disposal (please state) <input type="checkbox"/>
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SANCTIONING PROCESS

ASSESSMENT OF SERIOUSNESS

Assessment of Intent – R 17.19.2(a)-(b) (or equivalent Tournament rule)
Intentional/deliberate <input type="checkbox"/> Reckless <input checked="" type="checkbox"/>
State Reasons
The Player's actions were reckless, in that he knew, or should have known, that by not starting his tackle at a lower height there existed a risk, when effecting the tackle, that his arm or shoulder would rise above the line of the shoulders of England #12 and make contact with England #12's head in breach of the Laws of the Game.
Gravity of player's actions – R 17.19.2(c) (or equivalent Tournament rule)
The Player's actions were grave as his left shoulder made forceful contact with England #12's head. England #12 was placed in a vulnerable position by reason of the Player's actions and the risk of injury to him was obvious.
Nature of actions – R 17.19.2(d) (or equivalent Tournament rule)
The Player's actions were reckless resulting in his left shoulder making forceful contact with England #12's head.
Existence of provocation – R 17.19.2(e) (or equivalent Tournament rule)
Not Applicable
Whether player retaliated – R 17.19.2(f) (or equivalent Tournament rule)
Not Applicable
Self-defence – R 17.19.2(g) (or equivalent Tournament rule)
Not Applicable
Effect on victim – R 17.19.2(h) (or equivalent Tournament rule)
England #12 was not injured or concussed and was able to complete the match. He reported some neck stiffness immediately after the incident.
Effect on match – R 17.19.2(i) (or equivalent Tournament rule)
The Player's Ordering Off undoubtedly had an effect on the outcome of the match. The Player was ordered off the playing enclosure in the 16 th minute of the first half of the match. At that time the score was England 5, Argentina 3. Thereafter, Argentina had to play with 14 players. At full time the score was England 39, Argentina 10.
Vulnerability of victim – R 17.19.2(j) (or equivalent Tournament rule)
England #12 was placed in a vulnerable position by reason of the Player's actions and the risk of injury to him was obvious.

Level of participation/premeditation – R 17.19.2(k) (or equivalent Tournament rule)
Not Applicable
Conduct completed/attempted – R 17.19.2(l) (or equivalent Tournament rule)
The Player’s conduct was completed.
Other features of player’s conduct – R 17.19.2(m) (or equivalent Tournament rule)
Not Applicable

ASSESSMENT OF SERIOUSNESS CONTINUED

Entry point					
<u>Top end*</u>	<u>Weeks</u>	<u>Mid-range</u>	<u>6 Weeks</u>	<u>Low-end</u>	<u>Weeks</u>
<input type="checkbox"/>		<input checked="" type="checkbox"/> As mandated by Appendix 1 to World Rugby’s Regulation 17 because the Foul Play resulted in contact with the head of an opponent.		<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 consider World Rugby Regulations 17.19.2(a), 17.19.2(h), and 17.19.2(i) or the equivalent provisions within the Tournament Rules referred to above.

Reasons for selecting Entry Point above Top End
Not Applicable

ADDITIONAL RELEVANT OFF-FIELD AGGRAVATING FACTORS

Player’s status as an offender of the Laws of the Game – R 17.19.4(a) (or equivalent Tournament rule)
Not Applicable
Need for deterrence – R 17.19.4(b) (or equivalent Tournament rule)
Not Applicable
Any other off-field aggravating factors – R 17.19.4(c) (or equivalent Tournament rule)
Not Applicable

Number of additional weeks:

Nil

RELEVANT OFF-FIELD MITIGATING FACTORS

Acknowledgement of guilt and timing – R 17.19.5(a) (or equivalent Tournament rule)	Player’s disciplinary record/good character – R 17.19.5(b) (or equivalent Tournament rule)
The Player made full and frank admissions at the first available opportunity.	<p>The Player’s record is as follows: 2014 – 1 week sanction for charging into a ruck (aged 21 yrs); 2015 – 1 week sanction for charging into a ruck (aged 22 yrs); 2016 – 1 week sanction for striking with the knee (aged 23 yrs); 2016 – 2 week sanction for dangerous charging (aged 23 yrs); and 2017 – a Red Card for two yellow cards in the same match resulting in no further sanction.</p> <p>As can be seen the Player has never received a sanction for dangerous tackling and has had no sanctions imposed upon him since 2016, a period of three years. This can be attributed to professional development he has personally undertaken since 2016 to address his earlier offending and, perhaps also, to his maturing as a player.</p> <p>The four sanctions he received prior to 2016, in the main, related to dangerous charging and all occurred when the Player was a young and inexperienced player.</p>
Youth and inexperience of player – R 17.19.5(c) (or equivalent Tournament rule)	Conduct prior to and at hearing – R 17.19.5(d) (or equivalent Tournament rule)
The Player is 26 years of age and has played for Argentina 55 times (2013-2019). He commenced playing first class rugby at 19 years of age (2012) and earned his first Test cap for Argentina when he was 20 years of age (2013).	The Player was respectful and conducted himself appropriately, as one would expect of a player of his standing. The Player was candid in his exchanges with the Judicial Panel.
Remorse and timing of remorse – R 17.19.5(e) (or equivalent Tournament rule)	Other off-field mitigation – R 17.19.5(f) (or equivalent Tournament rule)
The Player sent a text apology to England #12 after the match.	Not Applicable

Number of weeks deducted:

2

Summary of reason for number of weeks deducted:

The Player was entitled to a 2 week reduction from the starting point of 6 weeks because of 1) his early and frank admissions; 2) his contrition (expressed to his opponent after the match); and 3) his good character, conduct, demeanour and candour prior to and at the hearing.

SANCTION

NOTE: PLAYERS ORDERED OFF ARE PROVISIONALLY SUSPENDED PENDING THE HEARING OF THEIR CASE, SUCH SUSPENSION SHOULD BE TAKEN INTO CONSIDERATION WHEN SANCTIONING – R 17.14.5(f) (or equivalent Tournament rule)

Total sanction	4 weeks	Sending off sufficient <input type="checkbox"/>
Sanction commences	Sunday, 6 October 2019.	
Sanction concludes	Midnight on 27 October 2019. The Player is free to resume playing rugby from 28 October 2019.	
Matches/tournaments included in sanction	Argentina v USA – 9 October 2019; Leicester v Northampton – 12 October 2019; Leicester v Worcester – 19 October 2019; and Leicester v Saracens – 27 October 2019.	

Costs	Not Applicable
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(Chairman)	Adam Casselden SC	Date	Tuesday, 8 October 2019
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NOTE: YOU HAVE **48 HOURS** FROM NOTIFICATION OF THE DECISION OF THE CHAIRMAN/JO TO LODGE AN APPEAL WITH THE TOURNAMENT DIRECTOR – R 17.22.2(a) (or equivalent Tournament rule)