

RUGBY WORLD CUP 2019, JAPAN

In the matter of the Citing Commissioner's Report ("the Citing") alleging Foul Play (Law 9.13) against Motu Matu'u ("the Player")

Variation of the Written Decision of the Disciplinary Committee dated 28 September 2019

Summary of First Instance Decision & Appeal

1. The Player was cited for a dangerous high tackle (Law 9.13) in the game between Samoa and Russia on 24 September 2019. After a hearing before this Disciplinary Committee ("the Committee"), which was conducted pursuant to the tournament disciplinary program, the Citing was upheld.
2. The dangerous high tackle by the Player was deemed to merit a Mid-Range Entry Point sanction of 6 weeks and was reduced to 3 weeks (translated to 3 matches) in mitigation ("the Sanction"). The matches included in the Sanction, extracted from page 15 of the written decision of this Committee dated 28 September 2019 ("the Decision"), were:
 - "1. RWC game between Samoa and Japan on 5 October 2019;
 2. RWC game between Samoa and Ireland on 12 October 2019; and
 3. *should Samoa qualify for the RWC quarterfinals on 19 October or 20 October 2019 (depending on their ranking in Pool A), the Player will be free to play on the day after the quarterfinal match (that is to say either 20 October 2019 or 21 October 2019). In the event Samoa does not qualify for the playoffs, the 3rd game of his suspension shall be the Gallagher Premiership Rugby game between London Irish against Sale Sharks on 26 October 2019, in which case, the Player is free to play on 27 October 2019.*"
3. The Player appealed against the Decision on several grounds relating both to the upholding of the Citing and the application of the Sanction. The Player's appeal was heard on 1 October 2019 by the Appeal Panel which dismissed the appeal on all grounds.
4. Consequently, the Player's application to vary the matches included in the Sanction comes now before us, the Committee, who heard the Citing in the first instance.

Application to Vary the Decision

5. Through a written application on 15 October 2019, the Player's counsel, Mr Aaron Lloyd, requested the following:

"Mr Matu'u was originally advised that his 3 week suspension from play would be Samoa's final two pool games (the second pool game could not be counted due to his failed HIA), and then either the quarter final, or a game to be served in the Premiership. He was asked what his next game in the Premiership would be, and advised the Committee it would be the game on the 26th of October (noting that the quarter finals are in fact this coming weekend, 19/20 October).

I was contacted by the RFU on behalf of Mr Matu'u club advising me that in fact, that is not correct. In fact, it was their intention to play him the weekend of the quarter finals if Samoa did not make it.

I have taken time to contact the player and confirm that what the RFU is advising is correct, and he confirms it is.

It appears that there was some confusion when I was taking instructions on the games that would be affected by the sanction. The 26th is the next game he would have played after the quarter-final. If they don't make the quarter-final, then in fact the alternative game would be the one a week earlier (the one on the 20th)."

6. Attached to the request, was a letter from London Irish's Rugby Chairman, Mr Kieran McCarthy, dated 2 October 2019. Mr McCarthy confirmed that London Irish had decided, prior to RWC 2019, that should Samoa not progress to the quarterfinals, the Player would be required to fly back to the United Kingdom on 13 October 2019 to be included in the London Irish squad for the Gallagher Premiership match against Wasps on 20 October 2019 ("the Wasps Fixture")

Decision on Variation

7. The Committee is satisfied with the explanation that the Player's failure, at the time of the hearing, to submit the Wasps Fixture as a part of the Player's schedule, was inadvertent. The Committee is also satisfied that the Wasps Fixture meets the requirements of Regulation 17.19.10.
8. In the circumstances, the Committee will grant the Player's application for the Decision to be varied on include the Wasps Fixture. The matches included in the Sanction on Page 15 of the Decision will be:
 - a. RWC 2019 match between Samoa and Japan on 5 October 2019 – (served);
 - b. RWC 2019 match between Samoa and Ireland on 12 October 2019 – (served); and
 - c. Samoa, not having qualified for the RWC 2019 quarterfinals at the time of this variation, the Gallagher Premiership match between London Irish and Wasps on 20 October 2019.

The Player is free to resume playing on 21 October 2019.

Wang Shao Ing

John Langford

Olly Kohn

15 October 2019