

DISCIPLINARY DECISION



Match	England –v– USA Rugby		
Competition	July Internationals (North)		
Date of match	4 th July 2021	Match venue	Twickenham
Rules to apply	World Rugby Regulation 17		

PARTICULARS OF OFFENCE

Player's surname	Hattingh		Date of birth	5 th March 1994
Forename(s)	Riekert			
Player's Union	USA			
Referee Name	Andrew Brace	Plea	<input type="checkbox"/> Admitted <input checked="" type="checkbox"/> Not admitted	
Offence	A player must not tackle, charge, pull, push or grasp an opponent whose feet are off the ground (Law 9.17).	SELECT: Red card <input type="checkbox"/> Citing <input checked="" type="checkbox"/> Other <input type="checkbox"/> If "Other" selected, please specify:		
Summary of Sanction	No sanction (Citing Complaint Dismissed)			

HEARING DETAILS

Hearing date	6 th July 2021	Hearing venue	Various – via video link
Chairman/JO	Simon Thomas (Wales)		
Other Members of Disciplinary Committee	<ol style="list-style-type: none"> 1. Jamie Corsi, ex-Welsh Rugby Union national team player and World Rugby judicial panel member 2. Oliver Kohn, ex-Wales Rugby Union International player and World Rugby judicial panel member 		
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)	Mr Gary Gold (Head Coach USA Rugby).	Disciplinary Officer and/or other attendees	Ms Yvonne Nolan, World Rugby Ms Joyce Hayes, World Rugby
List of documents/materials provided to Player in advance of hearing	<ol style="list-style-type: none"> 1. Citing complaint. 2. Video footage. 3. Referee's report and Assistant Referees' reports. 4. Television Match Official's report. 5. Still photographs x4. 6. Statement from Freddie Steward (England 15). 7. Statement of Dr Richard Tingay (England Team Doctor). 8. Team sheets. 9. Player's response to standing directions. 		

Introduction

The disciplinary committee (“the Committee”) had been appointed by Mr Christopher Quinlan QC, World Rugby’s Independent Judicial Panel Chairman to hear the case relating to Mr Riekert Hattingh of USA Rugby (“the Player”), following the citing of the Player for an alleged act of foul play during the match played between England and USA Rugby on 4th July 2021 at Twickenham, England (“the Match”).

World Rugby Regulation 17 applied to the hearing (“the Regulations”).

Pursuant to the Regulations, at a disciplinary hearing following the lodging of a citing complaint, a hearing is convened before a disciplinary committee to consider the matter. At that hearing, a cited player is required to confirm whether they accept they committed the alleged act of foul play specified in the citing complaint and whether they accept that the foul play warranted the issuing of a red card. If they so accept, the Committee considers the evidence and any submissions in the case and decides what sanction, if any, ought to be imposed in accordance with the three-stage sanctioning process as prescribed under Regulations 17.18 – 17.20 and the table of sanctions found at Appendix 1 to the Regulations.

In the event a player denies the alleged act of foul play or denies that the act of foul play warranted a red card, a committee’s function is firstly to determine whether an act of foul play occurred which had warranted a red card. Pursuant to Regulation 17.5.3, the burden is on a cited player to demonstrate to the satisfaction of the committee that the citing complaint should not be upheld.

If a player discharges his burden, the citing complaint is ordinarily dismissed, and that is the end of the matter. Alternatively, if the citing complaint is upheld, the committee proceeds to consider sanction, as referred to above.

In accordance with Regulation 17.15.1, all factual determinations made by disciplinary committees are to be made on the balance of probabilities.

This written judgment is the unanimous decision of the Committee following consideration of all of the evidence it had seen and heard and following oral submissions by the Player’s representative at a hearing on 6th July 2021. It is not intended to be an exhaustive record of all of the evidence presented at the hearing and the absence of a reference to some evidence or submission is not to suggest that such evidence or submission was not taken into account by the Committee at the hearing.

The Hearing

At the commencement of the hearing, the Chairman of the Committee identified himself and his fellow panel members and all the participants present at the hearing. He reminded the parties that the hearing would be conducted in accordance with World Rugby Regulation 17 and outlined the procedure to be followed.

The Citing Complaint/Report

The citing commissioner, Mr. Gabriele Pezzano (Italy) had cited the Player for committing an act of foul play contrary to Law 9.17 of the Laws of Rugby Union. Law 9.17 provides as follows:

“A player must not tackle, charge, pull, push or grasp an opponent whose feet are off the ground.”

The citing complaint stated that the incident had occurred in the first half of the Match with 16:15 minutes of time having elapsed when the score was England 12, United States 3.

The narrative of the report stated as follows:

“After a restart kick by USA, the ball goes to the right of the pitch and falls between England’s 22 and 10-metres line. England number 15 (Freddie Steward) jumps for the ball and is challenged by USA number 7 (Riekert Hattingh). At the moment of the impact, England 15 is in the air while USA has one foot still on the ground and is not in a realistic position to legitimately compete for the ball.

Both players touched the ball, but after that, USA 7, having taken the England player’s landing space up, grabs England 15 with his right arm to the right shoulder and with his left arm to the back of the Player.

USA 7 pulls the opponent forward and down. This action alters the balance of the Player in the air who falls to the ground dangerously impacting the grass with his face without any chance to protect himself.

During the descent, USA 7 takes away his right arm from the shoulder of England 15 while keeping his left arm on the back of the opponent.

The referee blows for PK (penalty kick), then talks with the TMO and allows a scrum.

England 15 required medical assistance but continued playing (please see medical statement).

Action: Dangerous tackle in the air.

Reasoning: While the first part of the contest for the ball is legal, the second part is a dangerous tackle of a player in the air. USA 7 grabs the opponent in the air with his right arm to the right shoulder of England 15, pulling him forward and down, altering his balance whilst in the air. He then puts his left arm on the back of England 15 and releases him (with his right arm) before his dangerous impact with the ground.

Decision: In my opinion, the action of USA number 7 is in breach of Law 9.17 reaching the red card threshold.”

The Plea

The Chairman put the citing complaint to the Player. The Player denied that he had committed an act of foul play as alleged in the citing complaint and that it had warranted a red card.

Evidence Supporting the Citing Complaint

Match Footage

The match footage which had been circulated prior to the hearing depicted the incident from a number of angles in real time and in slow motion. The incident arose from a USA re-start. The ball is kicked high and is about to land generally centrally between the England 22-metre line and the 10-metre line.

As the ball begins to descend, the Player is the fastest from the USA team to reach the point of descent and evades two England players running backwards towards their try line. The Player can clearly be seen with his head facing upwards focusing on the descending ball.

As he nears the point where the ball is expected to land, England 15 (Freddie Steward) approaches from the opposite direction and leaps high for the ball. As E15 is in mid-air, the Player can also be seen beginning his own leap with his right knee lifted high off the ground and reaching into the air with both hands to collect the ball.

The ball descends towards England 15 and the Player. England 15 is positioned higher than the Player, having jumped earlier. The Player's hands can be seen open and positioned in a way so as to catch the ball with both hands. The reverse angle footage depicts the incident side-on and demonstrates that the Player manages to scoop the ball with his right hand towards himself (backwards) before England 15 is able to catch the ball.

At about the same time the Player makes contact with the ball, England 15 and the Player collide, with the back of the Player's lower right arm making contact with the chest area of England 15.

England 15 is destabilised following the collision so that he rotates forward. His head begins to face downwards, and he descends to the ground with his arms outstretched before him. His hands and arms make contact with the ground first. England 15's head also appears to make heavy contact with the ground, quickly followed by his waist and thighs.

Following the collision the Player's feet are both off the ground and he too falls but manages to place his right foot on the ground first. He lands on the right side of his body close to England 15.

The referee initially blows the whistle to penalise the Player, but upon reviewing the incident with the assistance of the TMO, considers that there was in fact no foul play and awards a scrum to USA Rugby.

Match Official's Evidence

The match official evidence comprised emails from the referee and the assistant referees.

These read as follows:

Andrew Brace (Referee)

"My initial view live; following a USA restart was that USA number 7 Riekert Hattingh hadn't got into a realistic position to contest possession and played England number 15 in the air. I penalised this live but wanted to review the level of sanction. When I reviewed the incident formally, I see my initial view was clearly wrong as USA number 7 was making

a genuine attempt to gain possession and is in a realistic position to get the ball, as he gets his arm to the ball and wins possession back. From this, I deem there to be no foul play, so I restart with a scrum to USA.”

First Assistant Referee, Mr Andera Piardi,

Mr Piardi’s statement read:

“When the incident happened, I was too far away to get a clear view of that. When Andrew decided to review formally, I had the same view as him, so no foul play and genuine attempt to gain possession of the ball.”

Second Assistant Referee, Ben Blain,

This statement contained the following:

“As this is middle of the pitch, like Andera, live I was too far away to see what exactly happened, but on formal review, I saw USA 7 get into a realistic position to get the ball and it turned out he does by knocking it back with his hand. No foul play for me from this action.”

Television Match Official

The Television Match Official, Ben Whitehouse, had made a statement as follows:

“I saw the incident on my monitor, as it happened, so fast my initial thoughts were that we potentially have an act of foul play.

I put the angles up on the big screen to show Andrew Brace.

It was clear that USA 7 does in fact get into a very realistic position to compete for the high ball and then in fact actually does win the ball back in the air. Thus, I agreed with Brace that there was no case to answer in relation to foul play and that Brace should overturn his on-field decision and restart the game with a scrum. No foul play occurred and it was a rugby incident where two players competed legally for a high ball.”

Freddie Steward (England 15)

Mr Steward was the England player involved in the incident and had provided a statement to the Citing Commissioner which read as follows:

“I am Freddie Steward, the England full back involved in the aerial collision today. As I recall, I went up to take a high ball from the kickoff, and was hit midair, which caused me to land awkwardly on my face. I don’t try to take anything else into focus except the ball when going up, so I was unaware of any challenge as I leapt for the ball. However, the short contestable nature of the kick meant that I expected some aerial contest which I was therefore braced for. All I remember really is being knocked off balance in the air, and then landing on my face. I remember briefly watching the replay back on the big TV and it appeared we both had a hand on the ball, so I was not surprised that the penalty decision was overturned.”

Medical Evidence

Dr Richard Tingay, the England Team Doctor, had provided a statement to the Citing Commissioner about the incident and the effect upon Freddie Steward. This contained the following:

“During the incident in question, Freddie was seen to land following the collision onto the front of his face. He was attended on-field by both myself and Bobbie Sourbutts (England team physiotherapist). He reported an impact to his nasal bridge, but no concussive symptoms. Following the history and examination on-field, he then underwent C-spine clearance and was deemed fit to continue. The impact was then discussed with the Independent Match-Day Doctor (Dr David Ward) who felt there were no grounds for a head injury assessment based on the video footage of the incident.

Post-game he has no symptoms and is well.”

Still Photographs

There were four still photographs taken from the match footage which showed the contact between the Player and England 15 and in particular the Player’s right hand on the shoulder area of England 15.

This concluded the evidence presented on behalf of World Rugby.

SUMMARY OF PLAYER’S EVIDENCE

Player’s Case

Player’s response to standing directions.

In advance of the hearing, the Player had provided his written responses to the allegations which had been received by the Committee. The responses were:

- a. *I am Riekert Hattingh and the Player in the citing complaint.*
- b. *There are no preliminary matters to address or bring forth.*
- c. *I do not accept the citing complaint as a true and accurate account of the incident that resulted in the citing.*
- d. *I do not accept any culpability of the actions stated in the citing complaint and did not commit any act or acts of foul play as set out in the citing complaint.*
- e. *I do not accept that the red card threshold/test has been met.*
- f. *As I judged the ball and left the ground, my primary focus was the ball from the restart, not having an awareness of the England player that was contesting, but I knew he would likely be there. As I left the ground, I brought my right hand, which was in the cradle, up to the ball and made contact with the ball as per the law and World Rugby guidelines, which state that a player must be in a realistic position to compete and make a genuine attempt to go for the ball. In my attempt to catch the ball with both arms, the England player number 15 crashed into me while I was airborne, and there was an accidental collision between the England player and myself, resulting in my falling to the ground. On the way down, my right arm hooked in with the number 15 player’s right arm, but at no stage did I ever make the attempt to pull number 15 to the ground, and I absolutely did not grasp number 15 player with my left hand.*

- In fact, as per the video evidence, my left hand was still open in an attempt to catch the ball, so the outside of my palm of my hand was flush with his back. This was also articulated to me by the referee Andrew Brace on the field after he overturned his on-field decision and confirmed that I had won possession of the ball.”*
- g. I have no disciplinary history since the age of 18 years.”*

Player’s Oral Evidence

The Player gave evidence in connection with the matter by reference to the video footage.

He pointed out to the Committee from the video footage that as he was running, he could be seen with his eyes fixed on the ball. He said that he attempted to jump for the ball and was in the process of leaping as the ball touched his hand. He pointed out how his left hand could be seen open and that the way in which both his hands were positioned prior to and immediately following the contact with England 15 were open which demonstrated that he was genuinely attempting to catch the ball.

He also stated that during the course of the action, the palm of his left hand could be seen open which positively demonstrated that at no stage did he try to grab the England player with his left hand.

In answer to questions from the Committee about his approach in such situations, he said that from a restart kick, he knew that there were likely to be opposing players attempting to block his progress and that his focus would ordinarily be 50% on avoiding these players and 50% on keeping his eye on the ball and timing his run. He explained that in this particular instance, he calculated that he could catch the ball successfully.

He further stated that if he had thought otherwise, he would not have contested for it. In support of this point, he referred to a passage of play during the Match shortly after the incident for which he had been cited where the re-start kick had been longer. He said he had calculated that it would not have been possible for him to have successfully challenged the ball and so he had not done so.

In referring to the video footage, the Player pointed out to the Committee that he had not only been in a realistic position to contest for the ball, but he had “won the ball”. He showed how his hands were positioned in what he described as being “the basket” to catch the ball. He further stated that he had touched the ball before he had made any contact with England 15.

When asked specifically about the allegations contained in the citing commissioner’s report, he denied grabbing England 15 with his right arm to the right shoulder and explained how his arm had ended up in that position, but he had not applied any force. Similarly, he denied that he had grabbed England 15 with his left arm on E15’s back and referred again to how the video footage showed his left hand had been open at all times with his palm facing away from the back of England 15.

Under questioning from the Disciplinary Officer, the Player denied exerting any form of pressure downwards on England 15 during their descent.

On his behalf, Mr Gold emphasised that he disagreed with the citing commissioner’s comments that the Player had “taken the space” of England 15 who had jumped in the air. Mr Gold stated that the Player had run a further distance than England 15 and was legitimately competing for the ball and so, therefore, there was no proper suggestion that anybody’s “space” had been taken.

Mr Gold also was at pains to emphasise how sensitive the question of player safety is and that from a coach’s perspective challenges in the air are taken very seriously.

In conclusion, Mr Gold stated that the most compelling evidence of all in terms of the legality of the Player's actions was the fact that the Player had actually touched the ball before England 15 and clearly had been in a realistic position to compete for it.

The Disciplinary Officer's Submissions in Support of the Complaint

The Disciplinary Officer did not make any submissions in support of the complaint.

The Player's submissions as to whether the complaint should be upheld

Mr Gold stated that he had little more to add than that which the Player and he had already submitted in evidence. He said that aside from the Player having won the ball, the evidence also demonstrated that there had been no grabbing of England 15 and no pulling down or pressure applied by the Player which had any adverse impact upon England 15.

FINDINGS OF FACT AND COMMITTEE'S DECISION

The Committee retired in private to review the evidence it had seen and heard and to consider the match footage. It also considered the Player's representative's submissions.

The Committee noted that there appeared to be some contradiction on the face of the Citing Complaint in how the allegation was presented. In the first part of the narrative description, it alleged that the Player *"was not in a realistic position to legitimately compete for the ball"* but later under the heading *"Reasoning"* stated *"Whilst the first part of the contest of the ball is legal, the second part is a dangerous tackle...."* and referred to the Player grabbing and pulling E15 down and forward.

The Committee also reminded itself that its findings of fact were to be determined on the balance of probabilities.

The Committees' factual conclusions were as follows:

1. At a restart, the ball was kicked by USA Rugby into an area central to the pitch between the England 22-metre and 10-metre line. The Player was the fastest player from his team to approach the descending ball. He ran close to two England players who were retreating and managed to get beyond them. England 15 ran and jumped high in order to collect the descending ball. As he did so, the Player approached the descending ball and began to leap to compete for it.
2. As the ball began to descend between the Player and England 15, the Player's right knee was raised high as part of his motion to jump for the ball. The Player's right and left hands were extended outwards and upwards in a clear attempt to collect the ball. The Player's right hand appeared to position itself between England 15's hands, and as the ball descended, the Player was successful in making first contact with the ball which resulted in the ball bouncing back towards the USA side.
3. Due to the contact between the bodies of England 15 and the Player, the Player's right hand made contact with England 15's right shoulder and the Player's left hand moved around the lower back of England 15. The Player's left hand was placed in a sideways and upwards facing direction with an open hand which was consistent with his evidence that he did not exert any downward pressure upon England 15.

4. The Committee was satisfied the Player had not attempted to grab or take hold of England 15 by the Player's right hand and further, Player had not done anything with his hands or arms to accelerate England 15's descent.

The Committee therefore concluded the following:

In cases of dangerous tackles in the air, the first fundamental consideration is whether a tackling player makes a genuine attempt to and is in a realistic position to compete for the ball. Such assessments often involve very fine margins. This is because there are two players often running at very high speed from opposite directions whose focus is looking upwards to give themselves every opportunity to catch the ball successfully. There are frequently obstacles in their way in the form of other players. Nevertheless, player safety is fundamental to the game of rugby union and that is why players must exercise appropriate skill and care so as not to unnecessarily put other players at risk.

In this instance, it was clear that whilst England 15 had leapt earlier and higher to collect the descending ball, the Player had nevertheless reached up and was himself in the process of jumping to compete for the ball. Indeed, not only was he in a realistic position to compete, but he actually made contact with the ball before England 15 which meant his actions were not contrary to Law 9.17.¹

In the ordinary course of events, it would not be necessary for disciplinary committees to then go on and look further as to the mechanics of what transpired, because the consequences of genuine attempts to compete for the ball where the tackling player is in a realistic position to do so would normally be regarded as a "rugby incident" with no foul play. However, for completeness, the Committee concluded in this instance from the evidence it had seen and heard that the Player had not acted in a way so as to exert any downward pressure upon England 15. The evidence relied upon by the Committee in reaching this conclusion included no suggestion by England 15 that any downward pressure was applied by the Player, the denial by Player himself who the Committee found to be an honest and reliable witness and the match footage.

In the circumstances the Committee was satisfied that the Player had discharged the burden of demonstrating on the balance of probabilities that he had not committed the alleged act of foul play. Accordingly, the Citing Complaint would be dismissed.

Announcing the decision

Following its deliberations, the hearing was reconvened and a short oral decision was announced dismissing the complaint and providing the reasons for the decision.

The Player was therefore advised that the proceedings were concluded and the parties were reminded that they have a right to appeal the decision in accordance with the Regulations.

¹ Screenshots supporting these findings are attached to this decision.

DECISION

Breach admitted <input type="checkbox"/>	Proven <input type="checkbox"/>	Not proven <input checked="" type="checkbox"/>	Other disposal (please state) <input type="checkbox"/>
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Signature (JO or Chairman)	Simon Thomas	Date	7 July 2021
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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 17.24.2(a) (or equivalent Tournament rule)



