

DISCIPLINARY DECISION

Match	Scotland v South Africa		
Player's union	Scotland	Competition	2024 Autumn Nations Series
Date of match	10 November 2024	Match venue	Murrayfield
Applicable rules	World Rugby's regulations (WRR) 17, 18 and 20, as supplemented by the 2024 Autumn Nations Series Disciplinary Rules (DR)		

PARTICULARS OF OFFENCE			
Player's surname	Cummings	Player's forename(s)	Scott
Player's date of birth	3 December 1996	Referee's name	Christophe Ridley
Foul play	<input checked="" type="checkbox"/> Admitted <input type="checkbox"/> Not admitted	Red card warranted	<input checked="" type="checkbox"/> Admitted <input type="checkbox"/> Not admitted
Offence	Law 9.20(e): "A player must not drop their weight onto an opponent or target the lower limbs"	SELECT: Red card <input checked="" type="checkbox"/> Citing <input type="checkbox"/> Other <input type="checkbox"/> If "Other" selected, please specify:	
Summary of sanction	1 week		

HEARING DETAILS			
Hearing date	12 November 2024	Hearing venue	Zoom call
Chairman/JO	Rhian Williams (Wales)		
Other Members of Disciplinary Committee	Donal Courtney (ex-international referee – Ireland) Olly Kohn (ex-international player – Wales)		
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)	David Edge, Scotland National Team Manager; John Dalziel, Scotland Assistant Coach (Forwards & Contact)	Disciplinary Officer and/or other attendees	Tom Price, Head of Sporting Operations, 6 Nations; Annie Quantrill, 6 Nations
List of documents/ materials provided to Player in advance of hearing	<ul style="list-style-type: none"> Referee / TMO report - Christophe Ridley (Referee) and Ian Tempest (TMO) Email correspondence on Law classification – Referee and TMO Foul Play Review Officer report – Tual Trainini Statement of Franco Mostert – South Africa 5 ("SA5") Statement of Dr Lehlogonolo Jerome Mampane (South Africa team doctor) Player's response to directions Player's playing schedule and disciplinary record Various video footage 		

PRELIMINARY COMMENTS

Mr Edge explained that the Player and the Scottish camp had considered very carefully whether or not the Player should accept the red card. They felt that the match officials had rushed the decision and, in doing so, had ignored a number of mitigating factors. Nevertheless, they accepted that the Player's actions probably reached the red card threshold.

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

The report of the Referee, countersigned by the TMO, stated:

"After TMO referral, I observed Scotland 5 make a dangerous clear out on SA 5. I deemed it met the YC threshold and as a result I issued a YC to Scotland 5 and sent it to the Bunker for referral. Once reviewed, the offence was upgraded to RC for dropping weight on to lower limbs"

The TMO later added by email, *"I can confirm that the law referenced for the bunker review for Scotland 5 was for 9.20(e): 'A player must not drop their weight onto an opponent or target the lower limbs"*

The Foul Play Review Officer's report provided:

"A TMO called showed a dangerous play by Scotland 5. It leads to a YC threshold. When reviewing this as a FPRO, I upgraded it to a 20 min RC because of high degree of danger (dropping weight on lower limbs)"

Video footage

The video footage was watched initially in silence and without sound. From a ruck in the centre of the field, near South Africa's 22, Scotland, in possession, moved the ball to their right. Sc8 took the ball into contact and, as a ruck began to form, SA5 attempted to "jackal" the ball into SA's possession.

The Player approached the ruck seemingly intending to clear SA5 out of the ruck. He grasped SA5 with his left arm wrapped around SA5's right thigh and his right arm behind SA5's neck and over his left shoulder.

The forward momentum of the Player, holding SA5 as described above, influenced by the simultaneous movements of Sc7 (also trying to clear SA5 from the ruck) and SA9 (the original tackler trying to move away from the contact), resulted in the Player falling forwards and twisting his body to his left such that the weight of his torso above his left hip landed on the right leg of SA5. This was the action by the Player that was identified by the match officials as deserving of a red card.

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

From Franco Mostert (SA5)'s statement, the following points were relevant:

"I felt a player from Scotland making contact with my right shoulder and on about the same time another Scotland player made contact with my left shoulder with his right hand binding on my left upper leg. The one Scotland player on my right then pushed me slightly sideways (to my left) and backwards while the other Scotland player pulled me in the same direction. I therefore ended up moving slightly to my left and then eventually falling backwards."

The South Africa medical report stated:

"Mr Mostert sustained an injury to his right lower leg during the match against Scotland. He reports that as the opposition player attempted what was now deemed an illegal clean on him, his right lower limb was stuck in the ground. Following completion of the match, he is complaining of significant pain in his right lower leg.

Our plan is to review his previous fracture & surgical fixation site through radiological investigation, to confirm that there hasn't been a new injury to his fracture site.

Current concerns:

- Right lower limb pain
- Antalgic gait / pain with mobilizing"

SUMMARY OF PLAYER'S EVIDENCE

The Player was invited to give his explanation of what had happened. The essence of what he said was as follows:

- As the Player approached the ruck, he saw SA8 "go on the ball" very quickly and saw SA9 on the opposite side of the ruck.
- The Player's intention as the 'inside clearer' was to enter the ruck "as low as possible" and clear out SA5 by lifting his left leg.
- As he attempted this, he felt his right knee "get twisted" by SA9 as he "popped up" from the ground, meaning that the Player could not drop his hips and "ended up on the top instead of underneath".
- SA9 continued to move the Player's weight to the side of the ruck which is "a terrible position for the clear out". He would always aim to be "square on" rather than "side on".
- The Player had landed on SA5's leg but believed that had SA9's movements not affected him, he would have been "chest on" and would not have landed on his side.
- SA9 had continued to move upwards and had driven the Player to the side of the ruck.
- The Player has been taught to try and roll on the ground as much as possible in these situations so expected SA9 to stay low and try to roll out.
- The Player was concerned not to make contact with anyone on the ground and not to risk hitting a player's head.
- His arm was on top of SA5, "not grabbing his neck". He had "no intention to try a croc roll or to drop on his limbs"
- With hindsight, he would try to get out of the ruck and be in control of his body weight but it had been extremely difficult in the circumstances.

Mr Dalziel added the following:

- The Player's right arm had made no attempt to brace the neck of SA5

- He had made a clean, almost perfect, entry to the ruck with no head contact. Ideally, he would have dropped his height lower but SA9 had “popped up” rather than staying low and rolling out.
- It was almost a “perfect storm” with two clearers (the Player and Sc7) arriving at almost the exact same time.
- SA9’s movements had meant the Player had “lost the ability to dip his hips”

FINDINGS OF FACT

The Panel left the meeting and considered in private all of the evidence that had been produced and everything they had heard and seen. The Panel members reminded themselves that the standard of proof in their factual determinations is the balance of probabilities.

In considering the evidence, the Panel made the following determinations and findings of fact:

- They accepted that the Player did not deliberately set out to commit a foul and that his intention had been to clear SA5 from the ruck in a legitimate manner;
- The Player grasped SA5 with his left arm around SA5’s right thigh and his right arm to the back of SA5’s neck and over his shoulder;
- In doing this, however, the Player was unbalanced and not in control of his momentum;
- That momentum recklessly caused him to fall in such a way that caused his weight to drop onto the exposed lower part of SA5’s right leg;
- The involvement of SA9 may have influenced the manner in which the Player fell but not the fact of him falling or the fact that his weight might fall on another player;
- Although the impact on SA5 was of relative low force, and although SA5 suffered no obvious or significant injury, the Panel agreed with the Player that his actions justified the red card.

DECISION

Foul play	Admitted <input checked="" type="checkbox"/> Determined <input type="checkbox"/> Not determined <input type="checkbox"/> Other disposal (please state) <input type="checkbox"/>
Red card warranted	Admitted <input checked="" type="checkbox"/> Determined <input type="checkbox"/> Not determined <input type="checkbox"/> Other disposal (please state) <input type="checkbox"/>

SANCTIONING PROCESS

ASSESSMENT OF SERIOUSNESS

Assessment of intent – WRR 17.18.1(a)-(b)
Intentional/deliberate <input type="checkbox"/> reckless <input checked="" type="checkbox"/>
State reasons
The Player did not intend to commit a foul but his actions were reckless
Nature of actions – WRR 17.18.1(c)
In trying to clear out his opponent, the Player lost control of his body momentum and his weight fell on SA5's exposed lower leg
Existence of provocation – WRR 17.18.1(d)
N/A
Whether Player retaliated – WRR 17.18.1(e)
N/A
Self-defence – WRR 17.18.1(f)
N/A
Effect on victim – WRR 17.18.1(g)
SA5 played on without medical attention until substituted at half time.
Effect on match – WRR 17.18.1(h)
N/A
Vulnerability of victim – WRR 17.18.1(i)
SA5's right leg was exposed and therefore vulnerable
Level of participation/premeditation – WRR 17.18.1(j)
Full
Conduct completed/attempted – WRR 17.18.1(k)
Completed
Other features of Player's conduct – WRR 17.18.1(l)
N/A

ASSESSMENT OF SERIOUSNESS CONTINUED

Entry point		
<u>Top end*</u>	<u>Mid-range</u>	<u>Low end</u> 2
<u>Weeks/matches</u>	<u>Weeks/matches</u>	<u>Weeks/matches</u>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

RELEVANT OFF-FIELD MITIGATING FACTORS

Acknowledgement of guilt and timing – WRR 17.19.1(a) The Player accepted, at his first opportunity, that he had committed an act of foul play which warranted a red card	Player’s disciplinary record/good character – WRR 17.19.1(b) Exemplary. He has never previously received a red card nor a yellow card for foul play
Youth and inexperience of player – WRR 17.19.1(c) He is 27 years old and has made 172 professional appearances for Scotland and Glasgow Warriors	Conduct prior to and at hearing – WRR 17.19.1(d) The Player took a full and helpful part in the hearing
Remorse and timing of remorse – WRR 17.19.1(e) The Player had spoken to SA5 after the match to apologise for what had happened.	Other off-field mitigation – WRR 17.19.1(f) N/A

Number of weeks/matches deducted: 1

Summary of reason for number of weeks/matches deducted:

The Player had accepted the red card, displayed remorse for his actions and assisted the Panel throughout the hearing. With 172 appearances for club and country, he had maintained a clean disciplinary record. This was particularly noteworthy considering that, as Mr Dalziel added, he performs at a very high level and is involved in 21-24 breakdowns in a game on average. The Panel considered he should received the full mitigation available.

RELEVANT OFF-FIELD AGGRAVATING FACTORS

Player’s status generally as an offender of the Laws of the Game – WRR 17.20.1(a) N/A
Need for deterrence – WRR 17.20.1(b) N/A
Any other off-field aggravating factors – WRR 17.20.1(c) N/A


Number of additional weeks/matches: 0

SANCTION

NOTE: PLAYERS ORDERED OFF OR CITED ARE PROVISIONALLY SUSPENDED PENDING THE HEARING OF THEIR CASE, SUCH SUSPENSION SHOULD BE TAKEN INTO CONSIDERATION WHEN SANCTIONING – WRR 17.12.5(f) and 17.13.7.

Total sanction	1 week	Sending off sufficient <input type="checkbox"/>
Sanction commences	10 / 11/ 2024	
Sanction concludes	17 / 11 / 2024	
Matches/tournaments included in sanction	Scotland v Portugal (Autumn Nations Series): 16/11/2024	

Costs	N/A
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Signature (JO or Chairman)		Date	13 / 11 / 2024
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NOTE: THE PLAYER WILL HAVE 48 HOURS FROM THE DATE OF RECEIPT OF THE WRITTEN DECISION TO FILE AN APPEAL WITH THE ADMINISTRATOR – DR 6.2(a). TO BE EMAILED TO disciplinary@sixnationsrugby.com.