

DISCIPLINARY DECISION



Match	France v Scotland		
Player's Union	FFR	Competition	Men's 6 Nations
Date of Match	15/03/2025	Match venue	Stade de France
Applicable rules	2025 SIX NATIONS DISCIPLINARY AND ANTI-DOPING RULES		

PARTICULARS OF OFFENCE			
Player's Surname	Mauvaka	Player's Forename(s)	Peato
Player's Date of birth	10/01/1997	Referee's Name	Matthew Carley
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	9.12 A player must not physically or verbally abuse anyone. Physical abuse includes, but it not limited to, biting, punching, contact with the eye or eye area, striking with any part of the arm, shoulder, head or knee(s), stamping, trampling, tripping or kicking.	SELECT: Red card <input type="checkbox"/> Citing <input checked="" type="checkbox"/> Other <input type="checkbox"/> If "Other" selected, please specify:	
Summary of sanction	3 weeks		

HEARING DETAILS			
Hearing date	20/03/2025	Hearing venue	Zoom call
Chairman/JO	Jennifer Donovan (Ire)		
Other members of Disciplinary Committee	John Langford (Aus), former International Player Leon Lloyd, (Eng), former International Player		
Appearance Player	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Appearance Player's union	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Player's representative(s)	Oliver Harland, Legal Representative. Raphael Ibanez, FFR Team Manager, Edward Reay-Jones, FFR Head of Legal Affairs and Compliance. Neil Robertson, Stade Toulousain Legal Representative (observing)	Disciplinary Officer and/or other attendees	Tom Price, SNRL Head of Rugby Operations. Annie Quantrill, SNRL Rugby Administrator. Interpreters.

<p>List of documents/ materials provided to Player in advance of hearing</p>	<p>Notice of Hearing. Disciplinary and Anti-Doping Rules. Match Footage. Citing Commissioner’s Report, Tim Lowry. Yellow card report of Referee, Matthew Carley. Report of Foul Play Review Officer, Ian Tempest. Statement of Ben White, Scotland No. 9 (“S9”). Statement of Stuart Paterson, Scotland Lead Physiotherapist. Report of Dave Guyan, Citing Officer (Gatekeeper) FPRO Correspondence following citing notification. Referee Correspondence following citing notification. Decision re ERC v De Jager (2008) submitted by Mr. Price</p> <p>Received from Player: Replies to Standing Directions. Statement of the Player. Screenshot of Instagram message to S9 and response from S9 Statement of Raphael Ibanez, Team Manager. Letter from Stade Toulousain with player’s playing schedule. Player’s disciplinary record.</p>
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SUMMARY OF ESSENTIAL ELEMENTS OF CITING/REFEREE’S REPORT/INCIDENT FOOTAGE

The Citing Report outlined that the player was cited for an offence of striking with the head, contrary to Law 9.12, arising out of an incident in the 21st minute of the match. It was reported that the referee had blown for a penalty infringement against Scotland 5 metres from the French goal-line and that the ball had gone loose towards the French goal-line. The player picked the ball up and as he did, S9 extended his foot, making contact with the left hand of the player causing him to drop the ball, according to the report. The report outlined that the legs of both players came into contact, causing the player to stumble to the ground. S9 then fell over the player, having been pushed in the back by France No. 15.

The Citing Commissioner described the actions of the player as follows:

“At this point, the French 2 grasps, with his right hand, the left ankle of the Scotland 9 and then immediately gets up off the ground into a crouched position. The French 2 plants his right foot on the ground and propels himself with force in the direction of the Scotland 2 (sic) who is in a vulnerable position.

The French 2 drives his right shoulder into the left shoulder of the Scotland 9 and at the same time makes contact with his head into the face of the Scotland 9’s head (see player statement). This contact is confirmed by the TMO in his report to the referee.”

The report confirmed that the referee awarded a yellow card to the player for the head contact and referred the matter to the FPRO for off field review. The FPRO determined that the degree of danger was not high and that the yellow card should not be upgraded.

The Citing Commissioner went on to say that having considered the additional evidence not available to the FPRO, being the statement of S9 confirming the head contact to the chin and mouth, he considered the action of the player in propelling himself towards S9 and making head contact, to be a highly dangerous act. The Citing Commissioner explained that he had not applied the Head Contact Process *“due to the fact that this was a strike to the head and as such reaches the red card threshold”*.

The Yellow Card Report of the Referee considered the incident under Law 9.11 (Players must not do anything that is reckless or dangerous to others including leading with the elbow or forearm, or jumping into, or over, a tackler.) The report stated:

“France number 2 who was on the floor was pushed by Scotland 9. France number 15 then pushed Scotland 9 to the ground. France number 2 who was still on the ground and holding Scotland 9’s leg then charged Scotland 9. This was off the ball but France number 2 did wrap. The majority of the contact was shoulder to shoulder which resulted in a slight glancing blow to the head of Scotland 9”.

The FPRO Report considered the incident under the Head Contact Process and determined that the degree of danger was not high, there being a lot of force through the shoulder with glancing head contact. The yellow card was therefore not upgraded.

Both the referee and FPRO were asked for further comment following the notification of the citing. The referee indicated that he had nothing to add. The FPRO added that he had only two useful angles to work from when reviewing the incident – high behind and in goal corner. He said that he had not been able to establish that there had conclusively been head to head contact but deemed that the body of the player had brushed the head of S9 therefore he deemed the action as not a high degree of danger.

Mr. Guyan, the Citing Officer, reviewed the citing and incident in his role as “gatekeeper” and determined that the matter should proceed to hearing.

The broadcast footage, citing clips, spider cam footage and TMO review clips were provided which showed the incident as described in the Citing Report.

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

S9 provided a statement outlining the leadup to the incident and going on to say *“Whilst I was attempting to get up, the player that I tripped over, after the push, rolled over on to all fours and dived at me, driving the top of his head into my face, connecting with my chin and mouth”.*

The Scotland Team Physiotherapist provided a statement indicating that S9 had complained to him (during the match) that he had been head butted and that there had been direct contact with his jaw. S9 had complained of some jaw pain but there were no signs of head injury and no IMG alert. S9 was able to continue and post-game he had no further complaints.

SUMMARY OF PLAYER’S EVIDENCE

Replies to Standing Directions were provided on behalf of the player. The player accepted that he was the player named in the citing report and accepted that he had committed an act of foul play which warranted a red card. He did not however accept the categorisation of the offence as a strike with the head. It was submitted that the offence ought more correctly to be categorised as offending under Law 9.11 or alternatively as a strike with the shoulder under law 9.12.

The player explained, in written submissions and during the hearing, that he had been kicked in the hand by S9 and that he, at the time, believed that S9 had made further contact with him whilst he (the player, was on the ground. He later learned that S9 had in fact been pushed and caused to fall over the player but in the moment, the player reacted to the actual and perceived actions against him. In his written submissions the player stated:

“I was annoyed by Scotland #9’s foul play – both actual and perceived – and reacted unprofessionally. As we were both attempting to get up off the floor, I attempted to tackle him back down to the floor. My

intention was to make what would be a legal tackle if it occurred during play. I drove my right shoulder into his left shoulder with my right arm open to wrap. I believe that our heads connected only after our shoulders connected, and that the contact to Scotland #9's head was not with a high degree of force. I accept that this was intentional foul play. However, I refute any suggestion that I aimed my head at Scotland #9's head".

The player said that he had apologised to S9 at the end of the match and that he had sent a further message of apology via Instagram.

The player accepted that his actions were carried out after the whistle had gone, whilst S9 was not in possession of the ball and whilst S9 was on the ground. The player said that he did not feel that there was contact between his head and that of S9 at the time but on reviewing the footage he accepted that there was. It was submitted that this contact was secondary and incidental to the shoulder to shoulder contact. It was suggested to the player that he had propelled himself forward towards S9 with force and had ended up a distance from where his manoeuvre had commenced. The player did not accept that contact had been made with force. He said that his actions were a reaction to what had happened.

It was submitted on behalf of the player, that the player had slightly angled his head away from the head of S9 so as to avoid head contact. It was accepted that head contact took place and that the head of S9 did move backwards but it was submitted that the head contact was glancing or fleeting. It was suggested that it was not possible from the footage to see the exact point of contact with the head of S9 but head contact was admitted.

In light of the above, it was argued that the appropriate offence was one of striking with the shoulder under law 9.12, should the committee not accept that the offence ought to be categorised under law 9.11.

In relation to the entry point for sanction it was accepted that, should the offending be considered under law 9.11 the minimum mandatory mid-range entry point would apply. Similarly, if the offending was categorised as a strike with the shoulder under law 9.12, the minimum mandatory entry point would also apply. It was submitted however that if the offence was to be sanctioned as a strike with the head contrary to law 9.12 as set out in the citing report, then the minimum mandatory entry point of mid-range would not apply. Footnote 5 (i) to the Table of Sanctions confirms that the relevant entry point for an offence of striking with the head reflects the specific nature of the foul play and therefore Note 5 in relation to the mandatory minimum entry point does not apply.

It was submitted on behalf of the player that should the offence be sanctioned either under 9.11 or as a strike with the shoulder under 9.12 then the appropriate entry point ought not to go beyond the mandatory minimum of mid-range. Should the offence be sanctioned as a head strike under law 9.12, then it was argued that the appropriate entry point should be low end.

The player's representative addressed the criteria relevant to the assessment of seriousness as set out in Regulation 17.18. It was submitted that although the player intentionally committed an act of foul play, he did not intentionally make contact with the head of S9. The player, it was accepted, had acted unprofessionally in retaliation to events that had occurred but that thankfully, S9 had been uninjured. No injury was reported by the Scotland Team physiotherapist and there had been no alert from the IMG. It was submitted that although head contact was admitted, there was very little force involved in that contact, the majority of force having gone through the shoulder.

In terms of mitigation, it was submitted that the player should be entitled to full mitigation in light of the acceptance of foul play, his apology to S9 and his clean disciplinary record. Letters were submitted in

support of the player from the France Team Manager and from the Player's Club confirming the player's contribution to his national and club teams and his lack of any previous disciplinary issues.

The player's representative indicated that he would not be making any application for inclusion in the coaching intervention programme as that would not be appropriate in this case.

Mr. Price, on behalf of the tournament, had submitted, pre-hearing, the decision in the case of ERC v De Jager and referred the Committee to the classification of the actions of the player in that case. In that case, the player had "lunged head first" towards an opposition player and the top of the player's head had made "fleeting and light contact" with the side of the opposing player's head. Mr. Price wished to point out the following paragraph in the decision:

"However, it is wrong to classify this action as a 'head butt'. That colloquial term means that someone cocks his head backwards and then propels it forwards so that his forehead comes into contact with his intended victim (normally in the face). This incident is more properly described as striking with the head. This is inherently less severe than a 'head butt'".

The committee is not, of course, bound by any such previous decisions but in the case referred to the offending was determined to be low end in respect of entry point for sanction in light of the lack of force in the contact and the lack of injury.

FINDINGS OF FACT

The player was cited for an offence of striking with the head, contrary to Law 9.12. The Committee reminded itself and the player that where a player is cited, the Regulations provide (17.16.1 (b)) that a Disciplinary Committee shall not make a finding contrary to the decision of the Citing Commissioner unless they are satisfied, on the balance of probabilities, that the decision of the Citing Commissioner was wrong. A Disciplinary Committee, under that Regulation, may take account of any action taken during the Match in respect of the alleged Foul Play by the Match Officials and may review the referee's decision and the circumstances surrounding it and may make a finding contrary to the referee's decision.

In this case, the player admitted that he committed an act of foul play that met the red card threshold. The question, based on the player's submissions, was whether the Citing Commissioner was incorrect in, firstly, citing the player under law 9.12 as opposed to 9.11 and secondly, categorising the offence as a strike with the head rather than a strike with the shoulder.

The Citing Commissioner described that the player had driven his right shoulder into the left shoulder of the S9 and, at the same time, the player's head had made contact with the face of S9. For that reason, the offence was cited as a strike with the head. Having considered all of the evidence before it including the incident footage and the statement of S9, the Committee found no basis for a determination that the Citing Commissioner was incorrect in his decision to cite for an offence contrary to Law 9.12.

The Committee found that the player did propel himself forward and did make contact with S9 so that the contact was simultaneously between the shoulders of the two player and the heads of the two players as set out in the Citing Report. The Committee found that the player has failed to demonstrate, on the balance of probabilities, that this action was incorrectly described as a strike with the head. The Committee found that the offending did involve a strike with the head.

The Committee was not required to consider whether or not the offending met the red card threshold as this was admitted by the player. The committee did not consider the offence under the Head Contact Process, the HCP not being applicable to offences contrary to Law 9.12.

The citing, for an offence of striking with the head contrary to Law 9.12, was upheld.

The assessment of seriousness is outlined hereunder. The committee determined that the appropriate entry point for sanction was low end with an entry point of 6 weeks. Consideration was given to a mid-range entry point given the nature of the player's actions being off the ball, after the whistle and involving a strike with the head. Each of the determining factors were discussed and considered but having assessed the incident as a whole, taking into account a certain element of provocation and the lack of injury to S9 it was determined that the low end entry point was the most appropriate.

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

References below are to provisions in the 2025 Disciplinary and Anti-Doping Rules, which form Schedule Four of the 2025 Six Nations Terms of Participation documentation.

ASSESSMENT OF SERIOUSNESS

Assessment of intent – clause 2.5.89 (a) and (b)
Intentional <input type="checkbox"/> Reckless <input checked="" type="checkbox"/>
State reasons
<p>The Committee considered the seriousness of the offence with a view to determining entry point for sanction. The Committee agreed that there was no mandatory minimum entry point in respect of the offence under Law 9.12, as submitted on behalf of the player.</p> <p>The Committee found that the player had intentionally propelled himself towards S9. The committee did not find that the player had intentionally struck S9 with his head but rather that the player was reckless in that respect.</p>
Nature of actions – clause 2.5.89 (c)
<p>The Committee found, on the balance of probabilities, that there was direct contact between the head of the player and the head of S9 which was simultaneous with the more forceful contact between the shoulder of the player and the shoulder of S9. The actions of the player, being after the whistle and off the ball, were completely unacceptable.</p>
Existence of provocation – clause 2.5.89 (d)
<p>The player said that he had intended to take a quick penalty following the infringement by Scotland but was prevented from doing so the interference of S9. The player said that S9 had kicked his hand. This was detailed in the Citing Report. The player also mistakenly believed that S9 had made further deliberate contact with him but later realised that this was in fact as a result of S9 having been pushed by France No. 15.</p>
Whether Player retaliated – clause 2.5.89 (e)
<p>The player accepted that he reacted inappropriately and in retaliation to what S9 had done and to what the player mistakenly believed S9 to have done.</p>

Self-defence – clause 2.5.89 (f)
N/a
Effect on victim – clause 2.5.89 (g)
The Committee accepted that the contact with the head of S9 did not result in any injury and was not significant enough to cause an IMG alert. S9 did complain of some initial jaw pain but he did not require treatment and was able to continue to play.
Effect on match – clause 2.5.89 (h)
It was submitted on behalf of the player that there was little effect on the match. The player was sidelined for the 10 minute sinbin period and then returned to play. He was then substituted early in the second half.
Vulnerability of victim – clause 2.5.89 (i)
The player was on the ground and was in a vulnerable position.
Level of participation/premeditation – clause 2.5.89 (j)
The player participated fully but the action was not premediated.
Conduct completed/attempted – clause 2.5.89 (k)
Completed.
Other features of Player’s conduct – clause 2.5.89 (l)
N/a

ASSESSMENT OF SERIOUSNESS CONTINUED

Entry point					
<u>Top end*</u>	<u>Weeks/matches</u>	<u>Mid-range</u>	<u>Weeks/matches</u>	<u>Lower end</u>	6 <u>Weeks/matches</u>
<input type="checkbox"/>		<input type="checkbox"/>		<input checked="" type="checkbox"/>	

*If top end, the JO or Disciplinary Committee must identify, based on his/her/its assessment of the seriousness of the conduct, an entry point between the top end and the maximum sanction and provide the reasons for selecting this entry point, below (see clause 2.5.90).

REASONS FOR SELECTING ENTRY POINT ABOVE TOP END

N/a.

RELEVANT OFF-FIELD MITIGATING FACTORS

Acknowledgement of foul play (and timing) – clause 2.5.91(a)	Player’s disciplinary record – clause 2.5.91 (b)
The player acknowledged foul play in his pre-hearing submissions.	The player has an unblemished disciplinary record.

Youth and/or inexperience of Player – clause 2.5.91 (c)	Conduct prior to and at hearing – clause 2.5.91 (d)
The player is not inexperienced at this level.	The player was courteous and co-operative throughout.
Remorse (and timing if remorse) – clause 2.5.91 (e)	Other off-field mitigation – clause 2.5.91 (f)
The player made an apology to S9 immediately after the match and again in a message to S9 via social media.	N/a

Number of weeks/matches deducted:

Summary of reason for number of weeks/matches deducted:

In light of the player’s acceptance that he had committed an act of foul play warranting a red card, his clean disciplinary record, his apology to S9 and his conduct at the hearing the Committee considered that it was appropriate to apply the maximum reduction of 50%.

In relation to the player’s playing Schedule, the player confirmed that he was fit and available for selection for the matches set out in the Playing Schedule submitted to the Committee. The player confirmed that he was not subject to any mandatory rest period following the conclusion of the tournament and that he had been released back to his club.

RELEVANT OFF-FIELD AGGRAVATING FACTORS

Player’s status as an offender of the Laws of the Game – clause 2.5.94 (a)
N/a
Need for deterrence – clause 2.5.94 (b)
N/a
Any other off-field aggravating factors – clause 2.5.94 (c)
N/a

Number of additional weeks/matches:

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 – CLAUSES 2.5.14 AND 2.5.33.

Total sanction	3 weeks	Sending off sufficient <input type="checkbox"/>
Sanction commences	15/03/2025	
Sanction concludes	Midnight 06/04/2025	
Matches/tournaments included in sanction	March 23, 2025 –Bordeaux Bègles vs Toulouse (Top 14) March 29, 2025 – Toulouse vs Pau (Top 14) April 6, 2025 – Toulouse vs Sale Sharks (Champions Cup)	

Costs	Nil
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Signature (JO or Chairman)	Jennifer Donovan	Date	20/03/2025
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NOTE: THE PLAYER WILL HAVE UNTIL 4PM (GMT) ON THE THIRD DAY (EXCLUDING WEEKENDS) AFTER RECEIPT OF THE WRITTEN NOTICE OF THE DECISION OF THE CHAIRMAN/JO TO FILE AN APPEAL WITH THE CHAIRMAN OF THE DISCIPLINARY PANEL C/O THE DISCIPLINARY OFFICER – CLAUSE 2.6.4. APPEAL TO BE EMAILED TO disciplinary@sixnationsrugby.com.