



Guide to Scottish Rugby Disciplinary Hearings

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Foreword

It is easy to understand how being asked to attend a disciplinary hearing could be stressful, irrespective of whether you are the subject of the hearing, attending as a player's representative or simply acting as a witness. Scottish Rugby believes that the disciplinary process should not put undue pressure on anyone. We are simply trying to achieve just outcomes following a fair process. It can therefore only be of benefit if all parties better understand what to expect and the role they may be asked to play within the process.

To aid this understanding Scottish Rugby has developed this *Guide to Disciplinary Hearings*. The Guide provides an overview of Scottish Rugby's disciplinary process, and explains the various types of disciplinary proceedings which are carried out. Guidance is given as to what to expect if you are asked to attend a hearing, with the key points in each section highlighted for ease of reference. Further advice is available from Scottish Rugby's Discipline Manager as required.

Whatever your role in Scottish Rugby's disciplinary process we would recommend that you read and be aware of the contents of Scottish Rugby's *Guide to Disciplinary Hearings*.

Scottish Rugby's Disciplinary Process

The Disciplinary Rules

For the benefit of all concerned, Scottish Rugby requires effective disciplinary rules to manage any Foul Play which occurs on the pitch and any act of Misconduct which might arise on or off it. These rules need to be supported by appropriate procedures to ensure that the rules are applied in a fair manner. Together these rules and procedures are known as the *Scottish Rugby Disciplinary Rules*.

The underlying rationale behind the Disciplinary Rules is to:

- maintain and promote fair play;
- protect the health and welfare of our players;
- ensure that acts of Foul Play and Misconduct are dealt with quickly and fairly through an independent process; and
- to ensure that the game as a whole is not adversely affected.

The current Disciplinary Rules are available from the Rules and Regulations section of Scottish Rugby's website [here](#).

The Discipline Panel

Whilst the Disciplinary Rules are approved by the Scottish Rugby, they are administered independently on the game's behalf by a panel of legally qualified and other suitably experienced rugby people. At present there are twenty one members on this 'Discipline Panel', all of whom give freely of their time as volunteers.

The Panel is Chaired by one of its legally qualified members.

Around half of the Panel members are legally qualified, though many of these members also played club rugby. The remaining members are drawn from the ranks of experienced former players, coaches, referees and club administrators, providing the Panel with a broad range of practical rugby expertise.

Disciplinary and Appeal Committees

Each week the Chair of the Discipline Panel selects a number of Panel members to serve as that week's *Disciplinary Committee*. The Disciplinary Committee will normally consist of three members, one of whom - who will normally be legally qualified - will be appointed as Chair. The Disciplinary Committee meets on Wednesday evenings throughout the Season. Cases which can be dealt with without the need for a hearing are considered every week. Meetings involving actual "Hearings" generally take place at least every second week.

Similarly, when there is an Appeal to be considered, the Chair of the Panel will select an *Appeal Committee* from the more experienced members of the Panel. The Chair of the Appeal Committee will always be legally qualified.

Care is taken to ensure members of the Disciplinary and Appeal Committees do not have a conflict of interest in relation to the matter they are considering. Any objection to the membership of a Disciplinary or Appeal Committee must be raised as a preliminary issue prior to the start of the relevant hearing.

Key Points

- The Discipline Rules are available from the Scottish Rugby website.
- All members of the Discipline Panel are independent of Scottish Rugby.
- The Panel Chair selects members to serve on each Disciplinary and Appeal Committee.
- The Chair of the Committee will generally be legally qualified.
- The other members may either be legally qualified or will possess suitable expertise in the game.
- Care is taken to avoid Conflicts of Interest.

Definitions

Appeal Committee means a body appointed to perform that role by the Chair of the Discipline Panel.

Board means the Board of Directors of Scottish Rugby Limited.

Caution means a Yellow Card or a Citing Commissioner Warning (CCW).

Citing Commissioner means a person appointed by Scottish Rugby or another competent body to act in that capacity at a Match.

Citing Commissioner Warning means a formal warning issued by an appointed Citing Commissioner.

Citing Officer means an independent person appointed to carry out a review of a potential Citing.

Club means any club, school, team or other body which participates in a Match or is otherwise in membership of or recognised by Scottish Rugby.

Disciplinary Committee means a body appointed to perform that role by the Chair of the Discipline Panel.

Discipline Manager means the person appointed by Scottish Rugby to act on its behalf in matters arising under the *Disciplinary Rules*.

Discipline Panel means the body of independent people with appropriate skills and experience appointed by Scottish Rugby to determine the outcome of disciplinary hearings in accordance with Scottish Rugby's *Disciplinary Rules*.

Foul Play means any action of a player in the playing enclosure contrary to Law 9 of the Laws of the Game.

Hearing means a meeting of a Disciplinary or Appeal Committee at which disciplinary cases are considered.

Interim Order means a temporary order pending a final decision made by a Disciplinary or Appeal Committee.

Laws of the Game means World Rugby's *Laws of the Game*, including the Laws of XV's, Tens, Sevens and any other form of the game recognised by World Rugby.

Match means a rugby union match played within the Laws of the Game.

Match Officials means the referee and, where appointed, any assistant referees and television match official.

Misconduct means any act of Foul Play, conduct or behaviour, statement or practice - on or off the playing enclosure, during a Match or otherwise - that is unsporting, insulting, misleading or that brings or has the potential to bring the sport, Scottish Rugby or any other Union/rugby governing body, person, Match Official and/or commercial partner of Scottish Rugby into disrepute, and/or that is not in accordance with the Code of Conduct, the *Disciplinary Rules* or any of Scottish Rugby's other codes, policies, rules or regulations.

Red Card means when a Player is sent from the playing enclosure permanently (to be contrasted with a Yellow Card where the Player is cautioned and sent off the Playing Enclosure for a defined period).

Scottish Rugby means Scottish Rugby Union Limited, Scottish Rugby Limited or any of their wholly or majority owned subsidiaries as appropriate.

World Rugby means World Rugby, the international governing body of rugby union.

World Rugby Regulations means the World Rugby Regulations Relating to the Game.

Yellow Card means when a Player is cautioned and sent off the Playing Enclosure for a defined period.

Scottish Rugby Core Values

Scottish Rugby is the Governing Body of Rugby Union in Scotland and promotes these core values from our National Teams through to grassroots rugby.

Our core values are:

LEADERSHIP

ENGAGEMENT

ACHIEVEMENT

ENJOYMENT

RESPECT

To help promote these values Scottish Rugby has a *Code of Conduct for the Game*. This Code of Conduct can be found on the Discipline section of the Scottish Rugby website.

Types of Disciplinary Proceedings

There are different types of Disciplinary proceedings depending on the nature of the alleged offence. The detailed procedures and burden of proof may vary depending on the type of case. However, all disciplinary cases are decided on the “*balance of probabilities*”.

The main types of Disciplinary Hearing are as follows:

Red Cards

When a player is sent off the referee will submit a Red Card Report to Scottish Rugby. An assistant referee may also submit a report where relevant. These reports identify why the player was sent off and describe the circumstances of the incident.

From the moment a player is sent off they are not allowed to play in any match (or enter the Playing Enclosure in any capacity - including as a coach, water carrier, tee carrier or Match Official - at any time on the day of a Match) until the case is concluded. They may, however, continue to train.

Scottish Rugby’s Discipline Manager will promptly provide the player with a copy of the Red Card and any other reports. This is usually done by email via the player’s Club Secretary. The player then has the choice to either:

- Have the matter dealt with based on the papers alone (i.e. the Match Official reports and the player’s own written explanation of the incident); or
- They may elect to appear before a meeting of the Disciplinary Committee.

The player must indicate their choice within seven days of the reports being issued. If the player doesn’t respond on time the Disciplinary Committee may choose to deal with the case simply based on the Match Official reports.

Where the player elects to appear in person at a “Hearing” - or where this is required by the Disciplinary Committee - the player may be helped to present their case by a representative. This representative is often a Club official, but could also be by legal adviser if the player so wishes. U18 players / persons of reduced capacity can also be accompanied by one of their parents / guardian.

Cittings

Foul Play sometimes happens out of the sight of the Match Officials, or where the referee isn’t able to see what happened clearly enough to take action. To address this, rugby has a “Citing” process through which incidents can be reported after the match for potential disciplinary action.

Citing Commissioners

In certain matches, usually internationals or matches involving professional teams, an independent **Citing Commissioner** may be appointed in addition to the Match Officials. Citing Commissioners report any item of Foul Play which they believe should have resulted in a Red Card. The competition rules will set out a time by which this must be done. This is known as a *Citing*. Often their decision will be based on a review of the video footage, but the Citing Commissioner will also discuss possible incidents of Foul Play with both teams.

The Discipline Manager will take forward any Cittings. Where appropriate he can ask for a second opinion from a separate **Citing Officer** (who will usually be

Key Points

- Carefully read all correspondence, particularly the Red Card Report.
- Reply by the time specified.
- A player disputing the referee’s account in a written response should be as detailed as possible.
- A player contesting a Red Card must show that the referee was wrong to send them off.
- Some Red Cards can be dealt with without a Hearing. Usually this will be at the player’s choice.
- If a Hearing is required the player may be represented.
- **Until the matter is dealt with the player is not allowed to play, or enter the Playing Enclosure, in any rugby match.**

Key Points

- Carefully read all correspondence, particularly the Citing Report.
- Reply to the Citing Complaint within the specified timelines.
- The onus will be on the Discipline Manager to show that a Red Card offence actually took place.
- The procedure may vary depending on whether a Citing Commissioner was appointed for the match.
- If the player doesn’t accept the Citing Complaint a Disciplinary Hearing will normally be required.

a very experienced Citing Commissioner). This can help the Discipline Manager to decide if the Citing should progress to a hearing before a Disciplinary Committee.

From the time the player is **Cited by a Citing Commissioner** they are not allowed to play in any match (or enter the Playing Enclosure in any capacity) until their case is concluded (but they may continue to train with their club).

Club Citings

For most Club games there will be no Citing Commissioner. In this case the Clubs involved in the match may refer incidents to the Discipline Manager which they believe were worthy of a Red Card. However, **they may only do this if the referee didn't detect the incident at the time**. Clubs normally have seven days to Cite a player for Foul Play.

The Discipline Manager will look for any Citing to be supported by appropriate evidence. Usually this will include witness statements describing what happened. Often the best evidence will be the match video (if there is one). The Discipline Manager will always check with the referee to see if they were aware of the incident. He will also want to check to see if the match was videoed (by either or both teams).

The Discipline Manager may accept that the Club Citing should proceed, may refer it for a second opinion to a Citing Officer or, if based on his own knowledge and experience he doesn't believe that there is evidence to support that a Red Card offence was committed, may decide to reject it. Where the Discipline Manager rejects a Club Citing the Citing Club has the right to request a review by a Citing Officer.

Players subject to a Club Citing are generally allowed to continue to play (and enter the Playing Enclosure in other capacities) until their case is resolved, though the Discipline Manager may apply for an Interim Order to suspend the player where he believes this to be appropriate.

Bringing a Citing Complaint

Where it is decided to proceed with a Citing, the Discipline Manager will provide the player with a copy of the Citing and any other reports or evidence. Usually this is done by email via the player's Club Secretary.

If the player accepts the Citing then it can often be dealt with without the need for a Hearing (i.e. based on the Citing reports, the player's own comments and any other relevant papers or video). Where the player doesn't accept the Citing, a Hearing before a Disciplinary Committee will be required. The player has seven days to indicate whether they accept the Citing. If they don't respond on time the Disciplinary Committee may choose to deal with the case based on the Citing Report and any other available evidence.

Where a Hearing is required the player may be helped to present their case by a representative. This is often a Club official, but could instead be a legal adviser.

Multiple Cautions

During the course of a season a player can accumulate a number of "Cautions". These will usually be for Yellow Cards, but Citing Commissioners can also award a Citing Commissioner Warning (CCW) for Foul Play which they believe falls "just short" of warranting a Red Card.

Any player accumulating five Cautions in a season will receive a "Totting Up" Complaint. The process followed in Totting Up cases is very similar to that for Red Cards, with the aim being to assess whether any further action is required as a result of the player's regular offending.

Players should note that Yellow Cards awarded for "technical offences" can't be challenged. The validity of any Yellow Card or CCW awarded for "Foul Play" also can't be challenged at this stage unless the player lodged formal notice of a challenge against that Caution within seven days of the match concerned.

Key Points (continued)

- In Citing cases video evidence is often key.
- If a Hearing is required the player can be represented.
- Players Cited by a Citing Commissioner can't play in matches (or enter the Playing Enclosure in any capacity) until their case is resolved.
- Players Cited by other Clubs are normally not suspended pending their Hearing and may continue to play / enter the Playing Enclosure until their case is resolved.

Key Points

- Multiple Cautions are "Totting Up". The threshold for further action is five in a season.
- The process followed is very similar to Red Card cases.
- You can't challenge the validity of a Yellow Card or CCW if you didn't lodge notice at the time.

Misconduct

Whilst it is not possible to draw up a definitive list of acts which could constitute Misconduct, the Disciplinary Rules provide details as to the types of behaviours which are deemed to be unacceptable.

Where a possible act of Misconduct is reported to the Discipline Manager he will conduct a preliminary investigation to help decide whether any further action is required. The Disciplinary Rules require that everyone governed by Scottish Rugby assist him in this investigation. The decision to bring Misconduct Proceedings will be based on this investigation and will be the Discipline Manager's alone.

Where the Discipline Manager decides to bring Misconduct proceedings, if the person accepts the Misconduct Charge it can sometimes be dealt with on the papers alone (i.e. based on the Misconduct Charge, the person's own comments and any other relevant papers or evidence).

Where the person does not accept the charge, a Hearing before a Disciplinary Committee will be required. At the Hearing **the onus will be on the Discipline Manager to prove that Misconduct has occurred.**

The subject of the charge must indicate whether they accept the charge within seven days. If they fail to respond on time the Disciplinary Committee may choose to deal with the case based on the charge and any other available evidence.

Where a Hearing is required the person may be helped to present their case by a representative. This is often a Club official, but could instead be a legal adviser.

Key Points

- Misconduct cases can relate to both on and off-field offences.
- The Disciplinary Rules provide examples of Misconduct.
- The decision to bring proceedings is for the Discipline Manager alone.
- The Discipline Manager must prove that the alleged Misconduct has occurred.
- Persons subject to Misconduct proceedings are not normally suspended pending their Hearing.

Match Official Abuse

One specific type of Misconduct is "Abuse" of the Match Officials. If this happens on the pitch the referee may issue a Red or Yellow Card. Where the abuse comes from off the field, perhaps from a coach or other club official, or takes place after the match, the referee may submit a *Match Official Abuse Form* (MOAF).

The MOAF is used to advise the Discipline Manager of the incident. On the form the Match Official will specifically record whether had the alleged abuse occurred on the pitch it would have resulted in a Red Card. If this is the case the Discipline Manager will follow a very similar procedure to what would have happened had the referee issued a Red Card. In this case, however, the onus will be on the Discipline Manager to prove that the abuse complained about actually occurred.

The Discipline Manager will provide the person accused of the abuse with a copy of the MOAF. Usually this is done by email via their Club Secretary. They then have the choice to either:

- Have the matter to dealt with based on the papers alone (i.e. the MOAF and the person's own written explanation of the incident); or
- They may elect to appear before a meeting of the Disciplinary Committee.

They must indicate their choice within seven days of the MOAF being issued. If they don't respond on time the Disciplinary Committee may choose to deal with the case simply based on the MOAF and any other evidence available to it.

Where the person elects for a Hearing (or where this required by the Disciplinary Committee) they may be helped to present their case by a representative. This will often be a Club official, but could instead be by legal adviser.

Key Points

- Off-field Match Official abuse is a specific form of Misconduct.
- Scottish Rugby has produced a specific *Guide in respect of the Abuse of Match Officials*.
- The Match Official will indicate if he believes that the abuse was equivalent to a Red Card offence.
- The Discipline Manager is required to prove that the alleged abuse occurred.

Appeal Hearings

In certain circumstances it may be possible to appeal the decision of a Disciplinary Committee. For an Appeal to be allowed the person making the Appeal must be able to show that the original decision was both in error and that it should be overturned or varied. The possible grounds for appeal are as follows:

- In reaching its decision the Disciplinary Committee misdirected itself in relation to the Disciplinary Rules, Laws of the Games, etc.;
- The Disciplinary Committee took into account factors it shouldn't (or failed to take into account factors it should have);
- That there has been a breach of natural justice; or
- No other reasonable body would have reached the same decision.

Generally speaking an Appeal is not a rehearing of the original case. This is only available in very limited circumstances.

The notice of Appeal must include certain key matters including the grounds for the Appeal and details of any evidence that the person making the Appeal intends to rely on. If this evidence was available at the time of the original hearing but was not presented at the time, the person making the Appeal will need to explain why they believe the Appeal Committee should exercise its discretion to consider this evidence as part of the Appeal.

Please remember that any notice of Appeal must be sent to the Discipline Manager within 7 days of the original written decision being issued.

Key Points

- The grounds for an Appeal are limited.
- An Appeal is not a re-hearing of the original case.
- Strict time limits apply in relation to the lodging of an Appeal.

Your Role at a Hearing

It is important that all those appearing before a Disciplinary Committee understand their role in the proceedings.

Subject of the Complaint

As the **subject of a complaint** (a Red Card, Citing, etc.) you can represent yourself or you can ask someone to help you. Often it is easier if someone else does this. This could be an official from your club, but could be a legal representative. If you are U18 one of your parents/guardians can also attend with you.

Prior to the Hearing it is best to check that your representative fully understands their role at the Hearing and is clear as to your position on the matter.

At the Hearing you will be asked questions about the incident.

- **DO** remember that if you refuse to answer questions the Disciplinary Committee is entitled to draw adverse conclusions from this.
- **DON'T** be too nervous. It is understood that the Hearing process will be new you! Simply try to answer the questions you are asked

Player's Representative

The role of the **player's representative** is to support your player, making sure that their case is presented in the best possible way.

You can do this by making sure that you fully understand the Disciplinary Rules and by being properly prepared for the Hearing. If you are unsure about the Hearing process you can speak with the Discipline Manager in advance of the Hearing.

- **DO** check where the burden of proof lies e.g. in a Red Card cases you will have to prove that your player didn't commit the act of Foul Play complained about.
- **DON'T** treat the Hearing as a Court of Law, it's not. It is a sporting tribunal.

Match Officials

Match Officials may be asked to appear at a Disciplinary Hearing in the capacity of a **witness**. Often this can be done by a Zoom call or by telephone.

The Disciplinary Committee will have already received a copy of your report (Red Card, MOAF, etc.). You will be given the opportunity to expand on this.

The Discipline Manager and members of the Disciplinary Committee may wish to ask you questions in order to clarify points. The player or his representative may also wish to ask questions, but may only do so through the Chair.

- **DO** remember that you are not on trial : you are simply appearing as a witness.
- **DO** answer truthfully. If you are not sure of something or can't quite remember, say so!

Other Witnesses

If you are asked to attend a Hearing as a **witness** you will usually be able to do so through a Zoom call (though sometimes Hearings are required in person).

Witnesses may only attend the part of the hearing where they give their evidence. Normally they are free to go after this. They are not allowed to stay for the rest of the proceedings.

The player's representative and the Disciplinary Committee may ask you questions about your evidence. The Discipline Manager may also wish to ask questions, but may only do so through the Chair.

- **DO** remember that you are not on trial.
- **DO** answer truthfully. If you are not sure of something or can't quite remember, say so!

What to Expect at a Hearing

It is important to understand what is expected of the parties before, during and after each stage of the Disciplinary Hearing process.

In advance of the Hearing

Prior to the Hearing the Committee Chair may issue 'directions' as to how the Hearing is going to be conducted. More commonly the "Standing Directions" set out in the *Disciplinary Rules* will apply. These Directions are intended to help with the smooth running of the Hearing and they govern what information has to be produced in advance of the meeting.

The Standing Directions vary depending on the type of disciplinary proceeding (Red Card, Citing, etc.). You are advised to read the relevant Directions before answering the charge. The Directions will usually require you to say:

- Whether you accept the charge being made against you;
- If you do not accept the charge, why not and what evidence you will be relying upon to support your position;
- Who will be attending the Hearing with you and in what capacity; and
- Whether there are any preliminary matters you wish to raise.

In addition, the directions set out the timelines for providing information in relation to the matter.

Key Points

- It is important to read and follow the Directions governing the Hearing.
- The Standing Directions in the *Disciplinary Rules* will usually apply.
- Pay particular attention to the timelines for responding or providing information.

If you have a Disability

If you have been asked to attend a Hearing (in any capacity) and have a mobility issue, specific learning disability or any other form of disability which might affect your attendance or ability to participate in the Hearing process, you should advise the Discipline Manager at your earliest opportunity. The Discipline Manager will inform the Chair of the Discipline Committee, who will consider what reasonable adjustments should be made to the Hearing process.

Such reasonable adjustments could, for instance, include:

- Reviewing the method or location of the Hearing;
- Allowing the person to be accompanied at the Hearing;
- Allowing evidence to be given by an alternative means
- Allowing rest breaks during the proceedings, etc.

If you have any specific requests as to possible reasonable adjustments, you are encouraged to advise the Discipline Manager.

Please note that if for any reason you have not been able to advise of your disability in advance of the Hearing, this does not preclude you from advising the Discipline Committee at the Hearing.

Key Points

- Please advise the Discipline Manager of any disability.
- Reasonable adjustments will be considered.
- Please highlight any specific requests.

Before the Hearing Starts

The Discipline Manager will advise you of the method by which the Hearing will take place and what time you need to be available for. Usually Hearings are held by Zoom. You may, however, ask for an in-person Hearing. Sometimes the Chair of the Discipline Committee will decide that an in-person Hearing is necessary.

If there is going to be a problem with your attendance you should advise the Discipline Manager as soon as possible. You should also advise him if you have any mobility or similar issues which might impact your participation in the Hearing.

Not all Hearings run to time so the Discipline Manager will place you in a 'waiting room' until you are called. At the appropriate time the Discipline Manager will bring you and your representative into the Hearing room. Any witnesses will have to wait until they are called to give their evidence.

Before the Hearing gets under way the Chair will address any preliminary matters which have been raised. In addition, if any party wishes to object to a member of the Disciplinary Committee they must do so at this stage.

Process at the Hearing

At the Disciplinary Hearing the Chair will generally:

- Introduce the members of the Disciplinary Committee and establish who else is present and their intended role at the Hearing;
- In the case of a Club, check that Club's representative has been authorised to act on its behalf;
- Outline the procedure which will be followed at the Hearing;
- Summarise the charge and ask to what extent the charge is accepted;
- Direct that any video evidence of the incident be shown;
- Provide the Match Officials with the opportunity to supplement their written reports;
- Invite the Discipline Manager to present any other witnesses or evidence he wishes to put forward;
- Invite the subject of the proceedings to give evidence (if they choose to do so) and to also present any witnesses or evidence they or their representative wishes to put forward.

Once all of the evidence has been heard the parties will be offered the opportunity to make closing submissions. The parties will then be returned to their waiting room whilst the Committee considers whether it is going to uphold the charge.

Once the Committee has reached a decision the parties will be invited back in to hear its decision. Where the charge is upheld, the Chair will invite the parties to make submissions as to what sanctions (if any) they think should be imposed. The subject of the proceedings will be given the opportunity to explain any mitigating factors which they believe should be taken into account.

The parties will then return to the waiting room whilst the Committee considers what sanction (if any) it is going to impose. The sanctioning process itself is explained in more detail below. Where possible the Disciplinary Committee will tell the parties its decision at the end of the Hearing. Where this is not possible the Chair will normally advise a timescale for the decision and may make an Interim Order (e.g. for instance to suspend the player) pending the final decision.

In all cases the decision of the Committee will also be advised in writing by the Discipline Manager.

Key Points

- You will be advised as to where and when the Hearing will be.
- Wait at the appointed place until you are called.
- Any procedural matters will be dealt with at the start.

Key Points

- The *Disciplinary Rules* set out the step-by-step Hearing process.
- Hearings are held in private.
- Hearings are a form of sporting tribunal, not a Court of Law.

The Sanctioning Process

In cases involving Foul Play on the pitch the normal sanction will be a suspension from playing the game. In cases of Misconduct, whilst a suspension from playing, coaching or club administration is possible, the range of alternative sanctions is very wide and includes fines, venue bans, the awarding of match results and/or the awarding of competition points, etc.

Sanctions Table

In relation to Foul Play, World Rugby Regulation 17 (Foul Play) sets out a scale of playing suspensions which are to be applied for specific offences. This scale is set out at three levels depending on the gravity of the offending: Low End, Mid Range or Top End (which also indicates a Maximum sanction). Certain offences, notably those involving contact with the head, require a minimum Mid Range starting point for any sanction.

Scottish Rugby has adopted the World Rugby Sanctions Table into its own Disciplinary Rules. Scottish Rugby has chosen not to apply World Rugby's Sanction Table for younger players (but the Disciplinary Committee will take into account the player's youth / inexperience as part of their determination).

In calculating the length of any suspension for Foul Play the World Rugby Sanctions Table at the time of the offence will be used.

Sanctioning Process

In order to achieve a fair, sensible and consistent outcomes, the Disciplinary Rules set out a *Sanctioning Process Guide* which the Disciplinary Committee will follow in calculating the length of any playing ban. The steps in this process are to:

1. Identify the specific Foul Play offence in terms of World Rugby Sanctions Table;
2. Decide whether the act was carried out deliberately or was done recklessly;
3. Consider any relevant on field issues (such as: *Was the player provoked? Was the victim injured?* etc.);
4. In the light of stages 2 and 3, consider what the appropriate entry point on the World Rugby Scale should be (i.e. Low End, Mid Range or Top End);
5. If Top End, consider where the offending lies on a scale between the Top End and the Maximum sanction;
6. Consider any mitigating factors (such as: *Did the player admit the offence? Does he previously have a clean record? Is the player young or inexperienced?* etc). The Disciplinary Committee will reduce the number of weeks for any mitigating factors, starting with an assumption of no reduction and building to a maximum of 50% of the entry point suspension (only in the case of Low End entry points can the reduction be more than 50%);
7. Consider any "off-field" aggravating factors (such as the player's previous record of offending). If there are aggravating factors the Disciplinary Committee will add extra weeks to the number indicated on the Sanctions Table; and
8. Calculate the net sanction in whole weeks (rounding up where necessary).

Making the Sanction Meaningful

It is important that any sanction imposed is meaningful from the player's perspective. This means that in determining the length of any suspension the Disciplinary Committee will carefully consider the playing consequences

Key Points

- The World Rugby Sanctions Table will apply.
- A structured process is adopted in order to arrive at a net sanction in weeks.
- For sanctions to be 'meaningful' periods without games, where the player is injured, etc. are not included.
- The Disciplinary Rules include *Guidance on the Determination of Meaningful Sanctions*.

of its decision. In doing so it will consider:

- Any Close Season or other periods of inactivity for the player (for most players this means from 1 May to the second Sunday in August each year and the weekends nearest Christmas and the New Year);
- Any periods in which the player is injured, not available or not expected to play; and
- Any periods during which only inconsequential pre-season or so called “friendly” matches are played.

This may mean that, for example, if a player receives a four week suspension towards the end of April they may not be free to play again until early September. Similarly, if the player is injured the start date for their suspension may be delayed until they are fit to play again.

The suspended player may seek to show that any period normally regarded as being ‘not meaningful’ is in fact meaningful in their own context (e.g. they had intended going on tour with their club during the Close Time period, etc.).

Key Points

- Sanctions must be meaningful.
- Suspensions will be extended where they cross Close Time or where the player is injured or otherwise unavailable.
- The Disciplinary Rules include *Guidance on the Determination of Meaningful Sanctions*.

Further Information

Disciplinary Rules

Scottish Rugby’s Disciplinary Rules are available from the Scottish Rugby website:

[Scottishrugby.org](#) → Rules and Regulations → Discipline → Disciplinary Rules

World Rugby Regulations

World Rugby’s Regulations are available from the World Rugby website:

[Worldrugby.org](#) → Inside World Rugby → Governance → Regulations Relating to the Game

Scottish Rugby Discipline Manager

The Scottish Rugby Discipline Manager can be contacted at:

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