

RFL Operational Rules Tribunal. 21st September 2022.

ON/1147/22

**His Honour Roger Thomas QC DL
Danny Sculthorpe
Wilf George**

Re: The Appeal of Morgan Knowles (St Helen's) against a Decision (2 match suspension) of the ORT on 20th September 2022.

HHJ Roger Thomas opened the hearing, with panel members Wilf George and Danny Sculthorpe alongside, outlining the original charge which was under 15.1 (i)

Defender uses any part of their body forcefully to twist, bend or otherwise apply pressure to the limb or limbs of an opposing player in a way that involves an unacceptable risk of injury to that player.

and emphasising that this was not a re-hearing of the case but an appeal based on one of the limited number of areas an appeal could be made on, which are that the Operational Rules Tribunal:

- *came to a decision to which no reasonable body could have come; or*
- *made an error of law in reaching its decision; or*
- *failed to act fairly in a procedural sense; or*
- *the sanction imposed was so excessive or lenient (in the case of the Compliance Manager) as to be unreasonable.*

St Helens', in the form of CEO Mike Rush, contested that their challenge was based on the fact that the original tribunal's decision was contradictory and they came to a decision to which no reasonable body could have come.

The basis for this argument was that as the original tribunal had agreed that the action of Mr Knowles was a professional foul in an attempt to slow the play the ball down; they could not say that either the player's shoulder or indeed the player's wrist at any point was in an unnatural position, although it appeared that the attacking player's shoulder was put to the end of the range of its normal motion.

Whilst there could be a risk, as with every tackle on the rugby pitch, due to the lack of movement beyond its natural range, there was not an 'unacceptable risk' which was an element of the charge and all elements of that charge had to be met.

Although the original tribunal believed that Mr Knowles' actions caused the attacking player to twist his trunk in the same direction as Mr Knowles was applying pressure, so as to avoid further injury to himself and was therefore in a vulnerable position such that any further force from Mr Knowles or indeed from any other tackler could easily have caused injury, their opinion that there was an unacceptable risk taken by the player was wrong, as they had already agreed that the arm was never in an unnatural position Mr Knowles' actions were, therefore, not reckless.

The Appeals Panel did not hear any fresh evidence as this was not a new hearing but a review of the original hearing, and after deliberation they agreed that the original tribunal's ruling that there was 'unacceptable risk' could not be the case if the player's arm never extended beyond the natural range of movement and therefore deemed the appeal to be successful.

