

KENYA RUGBY UNION - DISCIPLINARY DECISION



Match	Kenya Cup Match- Nakuru RFC vs Kenya Harlequin FC		
Player's Club	Nakuru RFC	Competition	Kenya Cup
Date of match	30 th November 2024	Match Venue	Nakuru Athletic Club
Rules to apply	REGULATION 17 WORLD RUGBY HANDBOOK & KENYA RUGBY UNION'S DISCIPLINARY CODE & RUGBY XV's COMPETITION MANUAL		

PARTICULARS OF OFFENCE			
Player's surname	Wekkhola	D.o.B / Age	9 th October 2001/23 years
Forename(s)	Brian		
Referee Name	Constance Cap	Plea	Admitted <input checked="" type="checkbox"/> Not admitted <input type="checkbox"/>
Offence	9.13. A player must not tackle an opponent early, late or dangerously. Dangerous tackling includes but is not limited to tackling or attempting to tackle an opponent above the line of the shoulders even if the tackle starts below the line of the shoulders.	SELECT: Red card <input type="checkbox"/> Citing <input checked="" type="checkbox"/> Other <input type="checkbox"/> If "Other" selected, please specify:	
Summary of Sanction	The Judicial Officer categorised the citing (as defined in the KRU Rugby XV's Competition Manual – Appendix Rules 20/21/22) as mid range on the scale of seriousness and having considered aggravating and mitigating circumstances imposed upon the player a four (4) week/match suspension. In accordance with the R.17.19.10 and in line with the player's schedule, he will serve suspension from 7 th December 2024. No award was made as to costs.		

HEARING DETAILS			
Hearing date	20 th December 2024	Hearing venue	Virtual
Chairman/JO	Daniel Ndaba		
Other Members of Disciplinary Committee			
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)	1. Chairman Nakuru RFC 2. Simon Mauki Head Coach 3. Joseph Maina -Team Manager	Disciplinary Officer and/or other attendees	1. Kevin Odhiambo Wambura Competitions Administrator KRU 2. Alfred Okwemba KRRS
List of documents/materials provided to Player in advance of hearing	1. Citing Commissioner Report dated 3 rd December 2024 – Citing Commissioner Mr. James Absaloms 2. Notice of Disciplinary Hearing. 3. Video of the incident . https://mail.google.com/mail/u/0?ui=2&ik=32bfd0e90d&attid=0.4&permmmsgid=msg-f:1818674904769773634&th=193d3b30acb84042&view=att&zw&disp=safe 4. Email Kennedy Odhiambo Kenya Harlequins physio dated 4 th December 2024.		

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SUMMARY OF ESSENTIAL ELEMENTS OF CITING/REFEREE'S REPORT/DVD FOOTAGE

Referee's Report on Ordering-off

Refer to detailed "Referee's Report on Ordering Off" as attached.

1. N/A

Disciplinary Designated Officer / Citing Commissioner's Report

1. Player cited for a dangerous tackle 9.13.



Brian Wekhola Citing
- Nakuru vs Quins 30

Match Sheet

1. N/A

Video Footage

1. Availed for the hearing and shows the dangerous tackle being committed by the cited player

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

Medical

1. Email attached. The player suffered a bleeding nose and swollen eye. Did not resume the game and underwent the concussion.

SUMMARY OF PLAYER'S EVIDENCE

The player: *[insert full name of player & Team]*

1. Brian Wekhola Nakuru RFC
2. Admitted to the charge of dangerous tackle. He confirmed that he had apologised to the injured player and was remorseful about the incident.

Player Representative – *[insert full name of Representative, Designation & Team]*

3. Chairman Nakuru RFC- No comment
4. Simon Mauki Head Coach- Apologised on behalf of the player and confirmed that he has had a stellar disciplinary record so far.
Joseph Maina -Team Manager- Apologised also on behalf of the player.

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FINDINGS OF FACT

KRRS Representative - [insert full name of Representative, Designation]

1. Alfred Okwemba

Match Officials - [insert full name(s) of Match Officials, Assignment, & Union]

1. N/A

KRU Official – [insert full name of Representative, Designation & Union]

1. Kevin Odhiambo Wambura

JO's Comments

1. Match Sheet:
 - a. N/A
2. Referee's Report:
 - a. N/A

JO's Decision

Player admitted the offence and is guilty of breaching rule 9.13

DECISION

Breach admitted <input checked="" type="checkbox"/>	Proven <input type="checkbox"/>	Not proven <input type="checkbox"/>	Other disposal (please state) <input type="checkbox"/>
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SANCTIONING PROCESS

ASSESSMENT OF SERIOUSNESS

Assessment of Intent – R 17.18.1(a & b) (or equivalent Tournament rule)	
Intentional/deliberate <input type="checkbox"/>	Reckless <input checked="" type="checkbox"/>
State Reasons	
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Gravity of player’s actions - R 17.18.1(b) (or equivalent Tournament rule)	
Nature of actions - R 17.18.1(c) (or equivalent Tournament rule)	
Existence of provocation - R 17.18.1(d) (or equivalent Tournament rule)	
Whether player retaliated - R 17.18.1(e) (or equivalent Tournament rule)	
Self-defence – R 17.18.1(f) (or equivalent Tournament rule)	
Effect on victim – R 17.18.1(g) (or equivalent Tournament rule)	
Effect on match – R 17.18.1(h) (or equivalent Tournament rule)	
Vulnerability of victim – R 17.18.1(i) (or equivalent Tournament rule)	
Level of participation/premeditation – R 17.18.1(j) (or equivalent Tournament rule)	
Conduct completed/attempted – R 17.18.1(k) (or equivalent Tournament rule)	
Other features of player’s conduct – R 17.18.1(l) (or equivalent Tournament rule)	

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ASSESSMENT OF SERIOUSNESS CONTINUED					
KINDLY REFER TO ATTACHED DOCUMENTS – PLAYER SANCTIONS (LAST PAGE)					
<i>Offence: 9.13</i>					
<u>Low end</u>	<u>Weeks / Matches</u>	<u>Mid-range</u>	<u>Weeks / Matches</u>	<u>Top-end*</u>	<u>Weeks /Matches</u>
<input checked="" type="checkbox"/>	2 weeks	<input checked="" type="checkbox"/>	6 weeks	<input type="checkbox"/>	10+weeks

Notes

1. **If Top End, the JO or Panel should identify, if appropriate, an entry point between the Top End and the maximum sanction and provide the reasons for selecting this entry point, below.*
2. *Appendix 2 - WORLD RUGBY SANCTIONS FOR FOUL PLAY (REGULATION 17): Any act of foul play which results in contact with the head shall result in at least a mid-range entry point sanction.*
3. *In making this assessment, the JO/Committee should consider World Rugby Regulations 17.18.1(a), 17.18.1(g), and 17.18.1(h) or the equivalent provisions within the Tournament Rules referred to above.*

Reasons for selecting Entry Point above Top End

ADDITIONAL RELEVANT OFF-FIELD AGGRAVATING FACTORS

Player’s status as an offender of the Laws of the Game – R 17.19.4(a) (or equivalent Tournament rule)

1.

Need for deterrence – R 17.19.4(b) (or equivalent Tournament rule)
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1.

Any other off-field aggravating factors – R 17.19.4(c) (or equivalent Tournament rule)
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1.

Number of additional weeks:
[In Words & (Digits)]

Nil(0)

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RELEVANT OFF-FIELD MITIGATING FACTORS

Acknowledgement of guilt and timing – R 17.19.1(a) (or equivalent Tournament rule)	Player’s disciplinary record/good character – R 17.19.1(b) (or equivalent Tournament rule)
1. Admitted	1. No disciplinary record. 2. First time offence
Youth and inexperience of player – R 17.19.1(c) (or equivalent Tournament rule)	Conduct prior to and at hearing – R 17.19.1(d) (or equivalent Tournament rule)
1. 23 years	1. Clean record
Remorse and timing of remorse – R 17.19.1(e) (or equivalent Tournament rule)	Other off-field mitigation – R 17.19.1(f) (or equivalent Tournament rule)
1. Admitted to the offence and apologised immediately to the injured player	1.

Number of weeks deducted: 2
Two Weeks OR 2 Weeks

See Regulation 17.19.2 below for maximum mitigation

*17.19.2 Subject to Regulations 17.19.3 and 17.21.1, for acts of Foul Play the Disciplinary Committee or Judicial Officer cannot apply a greater reduction than 50% of the relevant entry point suspension (prior to any increase for aggravating factors). In assessing the percentage reduction applicable for mitigating factors, the Disciplinary Committee or Judicial Officer shall start at 0% reduction and apply the amount, if any, to be allowed as mitigation up to the maximum 50% reduction.
The total sanction below replaces the automatic one-match ban for a RED CARD sending-off.*

SANCTION

NOTE: PLAYERS ORDERED OFF ARE PROVISIONALLY SUSPENDED PENDING THE HEARING OF THEIR CASE, SUCH SUSPENSION SHOULD BE TAKEN INTO CONSIDERATION WHEN SANCTIONING – R 17.14.5(f) (or equivalent Tournament rule)

Total sanction	4 weeks	Sending off sufficient <input type="checkbox"/>
Sanction commences	7 th December 2024	
Sanction concludes	KRU sanctioned Match weekends in which sanctioned player’s Team participates (as per Kenya Rugby Union Disciplinary Code & Tournament Participation Rules for 15s tournaments).	
Matches/tournaments included in sanction	Nakuru vs Nondies 7 th December 2024 Enterprise Cup -14 th December 2024 Nakuru vs Oilers 11 th January 2024 KCB vs Nakuru 18 th January 2024	

Costs	N
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/A

Signature (JO or Chairman)	<div style="border-bottom: 1px solid black; width: 100%;"></div> Daniel Ndaba	Date	20 th December 2024
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NOTE: YOU HAVE 7 (SEVEN) DAYS FROM NOTIFICATION OF THE DECISION OF THE CHAIRMAN/JO TO LODGE AN APPEAL WITH THE KRU COMPETITIONS DEPARTMENT – R 17.22.2(a) (or equivalent Tournament rule)