

## DISCIPLINARY DECISION



Match	Northern Suburbs v Swara RFC		
Competition	Kenya Cup		
Date of match	25 <sup>th</sup> January 2025	Match venue	<u>CUEA</u>
Applicable rules	Regulation 17 World Rugby Handbook		

### PARTICULARS OF OFFENCE

Player's surname	Kimande	Player's forename(s)	Lennox
Player's Union	Swara RFC	Date of birth	2004
Referee's name	Maureen Ambani		
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	9.17 A player must not tackle, charge, pull, push or grasp an opponent whose feet are off the ground.	SELECT: Red card <input checked="" type="checkbox"/> Citing <input type="checkbox"/> Other <input type="checkbox"/> If "Other" selected, please specify:	
Summary of Sanction	Sending off sufficient. No further sanction.		

### HEARING DETAILS

Hearing date	04.02.2025	Hearing venue	Zoom Call
Chairman/JO	Lawrence Terer		
Other Members of Disciplinary Committee	N/A		
Appearance Player	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Appearance Union	Yes <input type="checkbox"/> No <input type="checkbox"/>
Player's Representative(s)	1. Gilbert Otieno, Team Manager.	Disciplinary Officer and/or other attendees	1. Alfred Okwemba, KRRS 2. Brian Onyiego, KRU
List of documents/materials provided to Player in advance of hearing	1. Referee's Report on an Ordering Off 2. Notice of Disciplinary Hearing		

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

The Referee's Report states :

The game resumed with Northern Suburbs kicking off after a try was scored by the Swara. The ball crossed the 10-meter line, and a Northern Suburbs player caught it mid-air. However, Swara's number 15 tackled the player while he was still airborne. I immediately stopped the game to assess the situation, as the Northern player landed on his back. I issued a yellow card to the Swara number 15 for the dangerous and reckless tackle. Since this was not the first sanction given to the tackler, it led to an immediate send-off Swara Number 15. The Northern Suburbs player was then assessed by the medical personnel, and he left the field before resuming play.

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

N/A

**SUMMARY OF PLAYER'S EVIDENCE**

At the Hearing hereof, in response to the Referee's sending off Report, the Player accepted to have committed an act of Foul Play, which warranted a second yellow card.

**FINDINGS OF FACT**

As per the evidence presented which stands un rebutted, the player executed a tackle against an airborne victim palyer.

The player's action constitutes an illegal tackle as defined under Rule 9.17., noting the victim player's feet were off the ground. As provided under Rule 17.16.1 (a), the Player has admitted that the act of Foul Play was commmitted. He agreed with the fact that the act warranted sending off, being a second yellow card infringement. It is therefore my duty to determine what sanction, if any, should be imposed on the Player under Rules 17.17 to 17.21.

Noting that none of the two stand-alone incidents in quo met the red card threshold, it is my finding that the the sending off was sufficient.

## DECISION

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

## SANCTIONING PROCESS

### ASSESSMENT OF SERIOUSNESS

Assessment of Intent – R 17.18.1(a)-(b) (or equivalent Tournament rule)	
Intentional	Reckless <input checked="" type="checkbox"/>
State Reasons	
The player ought to have known that a tackle on an opponent whose feet are off the ground is sanctionable, moreso having been yellowc-arded earlier in the game.	
Nature of actions – R 17.18.1(c) (or equivalent Tournament rule)	
N/A	
Existence of provocation – R 17.18.1(d) (or equivalent Tournament rule)	
N/A	
Whether player retaliated – R 17.18.1(e) (or equivalent Tournament rule)	
N/A	
Self-defence – R 17.18.1(f) (or equivalent Tournament rule)	
N/A	
Effect on victim – R 17.18.1(g) (or equivalent Tournament rule)	
Victim player carried on with the game after off-field medical attention.	
Effect on match – R 17.18.1(h) (or equivalent Tournament rule)	
N/A	
Vulnerability of victim – R 17.18.1(i) (or equivalent Tournament rule)	
N/A	
Level of participation/premeditation – R 17.18.1(j) (or equivalent Tournament rule)	
N/A	

Conduct completed/attempted – R 17.18.1(k) (or equivalent Tournament rule)
N/A
Other features of player’s conduct – R 17.18.1(l) (or equivalent Tournament rule)
N/A

**ASSESSMENT OF SERIOUSNESS CONTINUED**

Entry point (select entry point and indicate n° of weeks/matches starting point)		
Top end* <input type="checkbox"/>	Mid-range <input type="checkbox"/>	Low-end <input type="checkbox"/>
N° of Weeks/Matches	N° of Weeks	N° Weeks/Matches

\*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.

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

**RELEVANT OFF-FIELD MITIGATING FACTORS**

Acknowledgement of commission of foul play – R 17.19.1(a) (or equivalent Tournament rule)	Player’s disciplinary record – R 17.19.1(b) (or equivalent Tournament rule)
The Player admitted having committed foul play.	No previous record.
Youth and/or 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)
N/A	Good
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)
The Player stated apologised for the incident.	N/A

Number of weeks/matches deducted

N/A

Summary of reason for number of weeks/matches deducted:

**ADDITIONAL RELEVANT OFF-FIELD AGGRAVATING FACTORS**

Player's status as an offender of the Laws of the Game – R 17.20.1(a) (or equivalent Tournament rule)
N/A
Need for deterrence – R 17.20.1(b) (or equivalent Tournament rule)
N/A
Any other off-field aggravating factors – R 17.20.1(c) (or equivalent Tournament rule)
N/A

Number of additional weeks/matches N/A

**SANCTION**

**NOTE:** PLAYERS ORDERED OFF OR CITED BY A CITING COMMISSIONER ARE PROVISIONALLY SUSPENDED PENDING THE HEARING OF THEIR CASE, SUCH SUSPENSION SHOULD BE TAKEN INTO CONSIDERATION WHEN SANCTIONING – R 17.12.5(f) / 17.13.7 (or equivalent Tournament rule)

Total sanction		Sending off sufficient	<b>x</b>
Sanction commences	N/A		
Sanction concludes	The player is free to resume play.		
Matches/tournaments included in sanction	N/A		
Costs	N/A		

Signature (JO or Chairman)		Date	5 <sup>TH</sup> FEBRUARY 2025
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**NOTE:** YOU HAVE **48 HOURS (15s) / 24 HOURS (7s)** FROM NOTIFICATION OF THE DECISION OF THE CHAIRMAN/JO TO LODGE AN APPEAL WITH THE APPEALS PANEL – R 17.24.2(a) / R 17.38.1 (or equivalent Tournament rule)