

**IN THE MATTER OF**  
**THE FOOTBALL ASSOCIATION ex parte THE WEST RIDING FA**

-v-

**MR JAMES HUTCHINSON**

**REASONS FOR DISCIPLINE COMMISSION DECISION**  
**WEDNESDAY 14<sup>TH</sup> SEPTEMBER 2016**

**PARTIES**

The Discipline Commission members were Mr Stephen Elphick, Miss Stacey Payne and Mr Tony Rock. Mr James Sanderson acted as Secretary to the Commission.

**INTRODUCTION**

1. These are written reasons for a Discipline Commission hearing on behalf of The West Riding FA on Wednesday 14<sup>th</sup> September 2016 following two charge raised against Mr James Hutchinson arising out of the fixture Wire Works First v Town Rangers First on 7<sup>th</sup> August 2016.
2. By a letter dated 31<sup>st</sup> August 2016 Mr Hutchinson was charged as follows:-
  - 1) Under FA Rule E3 – Improper conduct (including foul and abusive language).
  - 2) Under FA Rule E3(2) – Improper conduct – aggravated by a persons Ethnic Origin, Colour, Race, Nationality, Faith, Gender, Sexual Orientation or Disability.
3. The details of the charges are that after around 70 minutes of the game Mr Hutchinson and Mr Tahir challenged for possession of the ball. Mr Hutchinson is then said to have punched Mr Tahir in the face shortly after calling him a “smelly paki cunt”. For the

avoidance of doubt the charges relating to the punch to the face are dealt with in case number 8628353M.

4. The Commission were informed by communication from the West Riding FA that they had received pleas of not guilty from Mr Hutchinson.

## **CONCLUSION**

5. The Commission received written evidence from:-

- The match referee's report, Jordan Greig dated 31<sup>st</sup> August 2016
- E-mail from Jordan Greig dated 11<sup>th</sup> August 2016
- E-mail from Danny Smith of Wire Works FC, dated 19<sup>th</sup> August 2016
- E-mail from Dan Waddington of Wire Works FC, dated 25<sup>th</sup> August 2016
- E-mail from Abdul Tahir dated 31<sup>st</sup> August 2016
- E-mail from Josh Scotthorne, Town Rangers FC secretary, dated 1<sup>st</sup> September 2016
- E-mail from Jack O'Connor of Town Rangers FC, dated 2<sup>nd</sup> September 2016
- E-mail from Chris Dolan, Town Rangers FC Manager, dated 6<sup>th</sup> September 2016

6. The Commission reviewed and considered all of the evidence. The Commission noted inconsistencies in respect of the account provided by the referee in his report and those of the Town Rangers statements. In particular, the referee stated that there had been some collisions between Mr Hutchinson and Mr Tahir during the game but that these were "nothing serious". However, the statements on behalf of Town Rangers FC suggest that Mr Tahir had been making "persistently .... late malicious tackles" on the whole team. On balance the Commission prefer the evidence of the referee in this respect.

7. The statements from Town Rangers FC suggest that Mr Hutchinson punched Mr Tahir in “self defence fearing he would be assaulted like Jack O’Connor was”. Whilst the Commission recognise that the assault does not specifically form a part of this charge it is important to make a finding as to the circumstances in which the assault took place. On the basis of the evidence available the Commission is satisfied that Mr Hutchinson did not punch Mr Tahir in self defence.
  
8. The evidence of the referee, Mr Tahir and Mr Smith was particularly useful to the Commission in respect of determining whether Mr Hutchinson used the language that he had been accused of. The Commission found that the consistency and detail of these statements were persuasive and that, on the balance of probabilities, Mr Hutchinson had used the aggravated language that he has been charged with using, before then assaulting Mr Tahir.
  
9. The charges are therefore proven.

### **MITIGATION**

10. The commission received no mitigation.

### **PREVIOUS MISCONDUCT**

11. The Commission received information that there had been previous offences of improper conduct which included the use of foul and abusive language and gestures in January 2012, October 2015 and November 2015.

## **SANCTION**

12. The Commission have taken into account all of the circumstances in this case and the evidence surrounding it, including the previous disciplinary record. The charge is a serious one as it took place almost immediately before a connected assault took place. The Commission finds that for the offences committed Mr Hutchinson will receive a 5 match ban, a £75.00 financial penalty and be required to attend an FA Education Course.
13. For the avoidance of any doubt the above sanction relates only to the charges detailed above.
14. There is a right to appeal against the decision in accordance with FA Regulations.

**Mr Stephen Elphick (Chairman)**

**Wednesday, 14<sup>th</sup> September 2016**