

GENERAL PROVISIONS

SECTION ONE: ALL PANELS

SECTION TWO: REGULATORY COMMISSIONS



GENERAL PROVISIONS

1 These General Provisions are split into two parts:

1.1 The provisions in Section One shall apply to Inquiries, Commissions of Inquiry, Regulatory Commissions, Disciplinary Commissions, Appeal Boards and Safeguarding Review Panels.

1.2 The provisions in Section Two shall apply to Regulatory Commissions and, where stated in paragraph 27, Disciplinary Commissions.

SECTION ONE: ALL PANELS

SCOPE

2 This Section One shall apply to Inquiries, Commissions of Inquiry, Regulatory Commissions, Disciplinary Commissions, Appeal Boards and Safeguarding Review Panels.

3 In relation to proceedings before a Disciplinary Commission, references in this Section One to The Association shall be taken to mean the relevant Affiliated Association.

GENERAL

4 The bodies subject to these General Provisions are not courts of law and are disciplinary, rather than arbitral, bodies. In the interests of achieving a just and fair result, procedural and technical considerations must take second place to the paramount object of being just and fair to all parties.

5 All parties involved in proceedings subject to these General Provisions shall act in a spirit of co-operation to ensure such proceedings are conducted expeditiously, fairly and appropriately, having regard to their sporting context.

6 The bodies subject to these General Provisions shall have the power to regulate their own procedure.

7 Without limitation to paragraph 6 above, any breach of procedure by The Association, or a failure by The Association to follow any direction given (including any time limit), shall not invalidate the proceedings or its outcome unless the breach is such as to seriously and irredeemably prejudice the position of the Participant Charged.

8 Save where otherwise stated, the applicable standard of proof shall be the civil standard of the balance of probabilities.

EVIDENCE

9 A panel to which these General Provisions apply:

9.1 shall not be obliged to follow the strict rules of evidence;

9.2 shall not be bound by any enactment or rule of law relating to the admissibility of evidence in proceedings before a court of law;

9.3 may admit such evidence as it thinks fit and accord such evidence such weight as it thinks appropriate in all the circumstances; and

9.4 may draw such inference from the failure of a witness (including the Participant Charged) to give evidence or answer a question as it considers appropriate.

REPRESENTATION

10 A Participant Charged attending a personal hearing, or an individual attending a Safeguarding Review Panel, may be represented by an or individuals (including a legal

representative), provided that they notify The Association both of the fact that they are to be represented and of the identity of the representatives by the date on which the Reply is served. The representatives may speak on behalf of the Participant Charged / the individual.

11 An individual acting as a representative for a Participant Charged shall not be allowed to give evidence.

12 The Association may nominate an individual or individuals to represent it at a personal hearing.

CONSOLIDATION OF PROCEEDINGS

13 Where the subject matter of or facts relating to a Charge or Charges against one or more Participant(s) is sufficiently linked (including, but not limited to, where offences are alleged to have been committed in the same Match or where there is common evidence of The Association or the defence) and where appropriate for the timely and efficient disposal of the proceedings, The Association and/or the relevant panel shall have the power to consolidate proceedings so that they are conducted together and the Charges may be determined at a joint hearing. In respect of such matters:

13.1 evidence adduced by or on behalf of a Participant shall be capable of constituting evidence against another Participant (the relevant panel shall give appropriate weight to such evidence);

13.2 Participants or their representatives shall be entitled to cross-examine other Participants and their witnesses; and

13.3 the relevant panel may hear evidence in any order and shall have complete discretion to take matters out of order for the timely, efficient and appropriate disposal of the proceedings.

CONFIDENTIALITY / PUBLICATION

14 The proceedings of a Commission of Inquiry, a Regulatory Commission, a Disciplinary Commission, Appeal Board and Safeguarding Review Panel shall take place in private.

15 All oral or written representations, submissions, evidence and documents created in the course of any proceedings shall be subject to qualified privilege.

16 Subject to paragraphs 17 to 19 below, all oral or written representations, submissions, evidence and documents created in the course of any proceedings are confidential between The Association and the individual or body concerned.

17 The Association shall have the power to publish in the public press, on a web site or in any other manner considered appropriate:

17.1 the outcome of any proceedings or inquiry (irrespective of whether a Charge is issued in respect of that inquiry);

17.2 reports of any hearing, order, requirement, instruction, decision, proceedings, acts, resolution, finding and penalty; or

17.3 any representations, submissions, evidence and documents created in the course of any proceedings or inquiry (including but not limited to the written reasons of a Regulatory Commission and Appeal Board) whether or not this reflects on the character or conduct of a Participant.

18 Each Participant shall be deemed to have consented to any inquiry or Commission of Inquiry, a Regulatory Commission, a Disciplinary Commission, Appeal Board and a Safeguarding Review Panel and to the publication of any information in accordance with paragraph 17.

19 The Association shall have the right to use and rely upon any representations, submissions, evidence and documents that are provided to it during the course of any inquiry pursuant to Rule F (or otherwise) and/or are created or otherwise generated during the

proceedings of a panel to which these General Provisions apply for the purpose of carrying out its regulatory functions and monitoring and implementing compliance with its Rules and Regulations (including, but not limited to, taking action against any Participant under Rule E).

SERVICE OF DOCUMENTS

- 20A document may be served by:
- 20.1giving it to the person to whom it is addressed;

20.2leaving it at, or sending it by first class post to, the last known address of the addressee or, in the case of an individual, the Club with which they are associated; or

20.3sending it by e-mail or by fax to the last known email address or fax number of the addressee or, in the case of an individual, the Club with which they are associated.

FEES

- 21Where a Participant lodges a Notice of Appeal in respect of:
- 21.1a decision of a Regulatory Commission, they must pay an appeal fee of £100;

21.2a decision of an Affiliated Association, they must pay an appeal fee of £50;

21.3any other decisions of The Association subject to appeal, or a decision of Competition, they must pay an appeal fee as follows:

RELEVANT COMPETITION	FEE
Premier League, EFL Championship, EFL League One, EFL League Two and National League	£500
Steps 2 to 4 of the National League System	£250
Steps 5 to 7 of the National League System	£100
Any other Competition (including those outside the National League System)	£50

22In respect of other matters where fees are payable, the relevant fees shall be as prescribed in the relevant regulations.

OTHER PROCEEDINGS

- 23The fact that a Participant is liable to face or has pending any other criminal, civil, disciplinary or regulatory proceedings (whether public or private in nature) in relation to the same matter shall not prevent or fetter The Association conducting proceedings under the Rules.
- 24The result of those proceedings and findings upon which such result is based shall be presumed to be correct and true unless it is shown, by clear and convincing evidence, that this is not the case.

EXCLUSION OF LIABILITY

25Panel members to which these General Provisions apply and any executive staff member of The Association involved in any proceedings subject to these General Provisions, shall not be held liable for any acts or omissions in relation to any such proceedings.

SECTION TWO: REGULATORY COMMISSIONS

SCOPE

26This Section Two sets out provisions applicable to matters of Misconduct proceeding before Regulatory Commissions. Further detail, to include the timetable to be followed in respect of such matters, is found in:

26.1 Part B: Non-Fast Track Regulations (where the matter proceeds according to the ordinary timetable);

26.2 Part E: Fast Track Regulations (where the matter proceeds according to an expedited timetable).

As such, the procedures set out at Part B: Non-Fast Track Regulations and Part E: Fast Track Regulations should be read in conjunction with these provisions.

27 In addition, the following paragraphs of this Section Two shall apply to matters of Misconduct proceeding before Disciplinary Commissions: paragraphs 28, 31, 38 to 43, 46 to 50 and 52 to 53. The content of those paragraphs shall be construed accordingly (e.g. references to The Association shall be taken to mean the relevant Affiliated Association).

THE COLLECTION OF EVIDENCE

28 In accordance with Rule F, all Participants must take all reasonable measures to assist The Association in the collection of evidence. Where The Association requests the production of evidence from any Participant, that Participant shall (subject to considerations of legal professional privilege) be under an obligation to provide it.

29 Where on-field offences are concerned, The Association may request that a Club provides or procures the delivery of video evidence to assist it in investigating possible Misconduct. Clubs must provide such video evidence to The Association as soon as reasonably practicable and in any event no later than 12 noon on the next Business Day following The Association's request (or a later date if stipulated by The Association). Failure to provide such evidence within this deadline may result in The Association issuing a Charge against the Club.

CHARGE

30 The decision that facts or matters may give rise to Misconduct and that a Charge be brought will be made by the Chief Regulatory Officer (or their nominee) on behalf of The Association.

31 Where any facts or matters give rise to alleged Misconduct by a Participant, The Association will serve on the Participant a Charge which shall:

- 31.1 state briefly the nature of the alleged Misconduct;
- 31.2 identify the provision(s) alleged to have been breached; and
- 31.3 enclose copies of documents or other material referred to in the Charge.

32 The Charge may include a request for the provision of a summary of the current terms and conditions of employment of a Participant.

33 A copy of the Charge shall be forwarded to the Judicial Panel Chairman who shall appoint a Regulatory Commission in accordance with, and subject to, the Terms of Reference for the Composition and Operation of the Judicial Panel.

TIME LIMITS AND DIRECTIONS

General

34 The standard directions for a Regulatory Commission processing a matter under these Regulations shall be as set out in Part B: Non-Fast Track Regulations and Part E: Fast Track Regulations.

35 In complex cases the standard directions may, at the discretion of the Regulatory Commission, be the subject of a directions hearing which may be conducted in accordance with paragraph 26 of Part B: Non-Fast Track Regulations.

Exceptional Circumstances

36 Where the circumstances of a case are such that the Chief Regulatory Officer (or their nominee) or a Participant considers that it would be impractical or unfair for a Charge to be

processed in accordance with the directions or other time limits set out in Part B: Non-Fast Track Regulations and Part E: Fast Track Regulations, the Chief Regulatory Officer (or their nominee) or a Participant may apply to the Judicial Panel Chairman (or their nominee) for an order that the relevant time limits be amended, suspended, reduced or dispensed with.

37 Examples of circumstances in which the processing of a Charge would be impractical or unfair within the time limits set out in Part B: Non-Fast Track Regulations and Part E: Fast Track Regulations are where:

- 37.1 there is a pending police investigation; or
- 37.2 the seriousness or complexity of the matter necessitates a longer period of investigation; or
- 37.3 substantial evidence needs to be obtained from non-Participants.

REGULATORY COMMISSION DELIBERATIONS

38 Deliberations of a Regulatory Commission shall take place in private.

39 The decision of the Regulatory Commission shall be determined by majority. Each member of the Regulatory Commission shall have one vote, save that the Chairman of the Regulatory Commission shall have a second and casting vote in the event of a deadlock.

PENALTIES

General

40 Save where expressly stated otherwise, a Regulatory Commission shall have the power to impose any one or more of the following penalties on the Participant Charged:

- 40.1 a reprimand and/or warning as to future conduct;
- 40.2 a fine;
- 40.3 suspension from all or any specified football activity from a date that the Regulatory Commission shall order, permanently or for a stated period or number of Matches;
- 40.4 the closure of a ground permanently or for a stated period;
- 40.5 the playing of a Match or Matches without spectators being present, and/or at a specific ground;
- 40.6 any order which may be made under the rules and regulations of a Competition in which the Participant Charged participates or is associated, which shall be deemed to include the deduction of points and removal from a Competition at any stage of any playing season;
- 40.7 expulsion from a Competition;
- 40.8 expulsion from membership of The Association or an Affiliated Association;
- 40.9 such further or other penalty or order as it considers appropriate.

41 In imposing penalties, a Regulatory Commission shall consider any:

- 41.1 applicable standard sanctions or sanction guidelines as may be communicated by The Association from time to time. A Regulatory Commission shall have the discretion, to depart from such sanction guidelines where it, in its absolute discretion, deems it appropriate having regard to the facts of an individual case (for example, where a particular act of Misconduct is sufficiently serious that the guideline sanction would not constitute a sufficient penalty for the Misconduct that has taken place);
- 41.2 mitigating and/or aggravating factors, to include but not limited to those as may be communicated by The Association from time to time.

Suspended Penalty

42 Save where any Rule or regulation expressly requires an immediate penalty to be imposed, and subject to paragraphs 43 to 45 below, the Regulatory Commission may order that a penalty imposed is suspended for a specified period or until a specified event and on such terms and conditions as it considers appropriate.

43 Where the penalty to be imposed is to be suspended, no more than three-quarters of any such penalty may be suspended. If the period of such a suspension is a lifetime, the non-suspended period must be no less than eight years.

44 Where a Participant has committed a breach of Rules E5, E8 or E14, the Regulatory Commission must consider suspending a portion of the penalty to be imposed if:

44.1 that Participant has provided assistance and / or information to any Competition, The Association, UEFA, FIFA, any other national football association, a law enforcement agency or professional disciplinary body; and

44.2 the assistance and / or information provided results in the discovery or establishment of a criminal offence or the breach of disciplinary rules by another person relating to betting or integrity (not including anti-doping, in respect of which the Anti-Doping Regulations shall apply) in football or sport generally.

45 Where the Regulatory Commission, in exercising its discretion under paragraph 44, considers it to be appropriate to suspend a portion of the penalty, the extent to which the penalty may be suspended will be based on the significance of the assistance provided by the Participant to the effort to eliminate corruption from sport.

Aggravated Breaches (Rule E3(2))

46 Whether or not a suspension has been imposed by the Regulatory Commission in accordance with paragraphs 47 to 50 below, in respect of an Aggravated Breach that Regulatory Commission:

46.1 must order that the Participant who commits an Aggravated Breach be subject to an education programme, the details of which will be provided to the Participant by The Association;

46.2 may impose a financial penalty or any other sanction that it considers appropriate.

47 Subject to paragraphs 48 and 49 below:

47.1 where a Participant commits an Aggravated Breach for the first time, a Regulatory Commission shall impose an immediate suspension of at least five Matches on that Participant. The Regulatory Commission may increase the suspension where additional aggravating factors are present.

47.2 where a Participant commits a second (or further) Aggravated Breach, a Regulatory Commission shall impose an immediate suspension of no fewer than six Matches. In determining the suspension to be imposed, the Regulatory Commission shall use as an entry point an immediate suspension of 10 Matches. The Regulatory Commission may depart from the entry point where aggravating or mitigating factors are present.

48 Where an Aggravated Breach is committed:

48.1 by a Participant for whom a match-based suspension would be inappropriate due only to that Participant's particular role in football (for the avoidance of doubt, this sub-paragraph shall not apply to a Manager, coach or Player);

48.2 in writing only;

48.3 via the use of any communication device, public communication network (to include, but not limited to, social media) or broadcast media only; or

48.4 by reference to nationality only,

a Regulatory Commission will not be bound to impose an immediate suspension of at least five Matches for a first such breach, or of no fewer than six Matches for a second or further

such breach. Instead the Regulatory Commission may impose any sanction that it considers appropriate, taking into account any aggravating or mitigating factors present.

49 Where a Player in youth football aged 12 to 15 (inclusive) commits an Aggravated Breach for the first time, a Regulatory Commission shall impose a suspension of at least five Matches on that Player. The Regulatory Commission may increase the suspension where additional aggravating factors are present. A minimum of one Match shall come into effect immediately, however the Regulatory Commission may suspend such number of the remaining Matches on such terms and for such period as it considers appropriate. For the avoidance of doubt, where such a Player commits a second (or further) aggravated breach, a Regulatory Commission shall apply the provisions of paragraph 47.2 above.

50 Where a Regulatory Commission sanctions a Club in accordance with Rule E3(4), it may impose any sanction it considers appropriate, taking into account any aggravating or mitigating factors present.

Drug Rehabilitation and Counselling

51 Where a Participant has breached the provisions of the Anti-Doping Regulations or the Social Drugs Policy Regulations, a Regulatory Commission may order a compulsory period of target testing, rehabilitation and counselling, and attach such conditions as it considers appropriate.

Compensation Orders

52 The Regulatory Commission may, where it considers it appropriate, order the Participant Charged to pay compensation to another Participant (the “**Compensation Claimant**”), instead of or in addition to any penalty or other order. Such an order may be for such amount as the Regulatory Commission considers appropriate.

53 The Regulatory Commission may order compensation only where:

53.1 it receives, in advance of its determination as to whether a Charge has been proven, a written claim by or on behalf of the Compensation Claimant which sets out the amount claimed and detailed reasons for the claim;

53.2 it is satisfied that the Compensation Claimant has suffered loss as a consequence of the Misconduct of the Participant Charged; and

53.3 the Participant Charged has had an opportunity both of seeing the claim in advance of an order being made and of making submissions to the Regulatory Commission in relation to it.

COSTS ORDERS

54 Save where otherwise provided, any costs incurred:

54.1 in bringing or defending a Charge will be borne by the party incurring the costs; and

54.2 by a Regulatory Commission, which are considered by the Chairman of the Regulatory Commission to be appropriate, may be ordered to be paid in full or in part by either party (such costs may include, but are not limited to, the costs of the Regulatory Commission and related expenses).

55 Any appeal against only the quantum of costs awarded shall be heard and determined by a single person appointed by Sport Resolutions (UK) (or similar independent body as determined by The Association from time to time). That person shall decide all matters of procedure for how such an appeal will be conducted.

56 A Notice of Appeal against a decision of a Regulatory Commission shall be deemed not to have been lodged unless either:

56.1 all financial orders, including costs orders, relating to the Participant in question have been paid in full; or

56.2 the Chairman of the Regulatory Commission has made an order to set aside the

relevant financial orders pending the outcome of the Appeal.

57 In the event of an appeal being lodged, where applicable payments of costs made will be held in escrow by The Association.

COMPLIANCE WITH PENALTIES AND ORDERS

58 Unless the Regulatory Commission determines otherwise, a penalty or order shall come into effect immediately at the date of the notification of the decision.

59 A Regulatory Commission may issue such further order, requirement or instruction as it considers appropriate for the purpose of giving effect to its decision.

60 Where a Regulatory Commission is satisfied that a Participant Charged has failed to observe or comply with a penalty or order imposed by the Regulatory Commission, it shall have the power to order that the Participant Charged be suspended immediately from all or any football activity for such period and on such conditions as it considers appropriate.

61 In respect of any appeal made by a Participant Charged against a decision of a Regulatory Commission, the Regulatory Commission shall have the power, upon application and its absolute discretion, to stay the effect of, or compliance by the Participant Charged with, a penalty or order of a Regulatory Commission.

PAYMENT OF FEES, FINES AND COMPENSATION ORDERS

62 Payment of any administration fee, fine or compensation shall be made to The Association by such deadline and under such terms as ordered by The Association at the time of the written notification or decision.

63 The failure to make payment within the deadline ordered may result in an automatic increase of 25% of the amount due. Failure to pay within a further 30 days from the deadline ordered may result in the automatic suspension of the Participant until such time as payment has been received. Where the Participant is a person, such suspension will be from all football and football activity. Where the Participant is a Club, such suspension will be from playing in any Match or Competition.

WRITTEN DECISION

64 The Regulatory Commission shall as soon as practicable send to the Participant Charged and the Chief Regulatory Officer (or their nominee) a written statement of its decision, which shall state:

- 64.1 the Charge(s) considered and whether admitted or denied;
- 64.2 the decision as to whether Misconduct has been proven or not; and
- 64.3 any penalty or other order imposed.

65 The written decision shall be signed and dated by the Chairman of the Regulatory Commission and be the conclusive record of the Regulatory Commission's decision. A copy of the written decision shall be forwarded to The Association.

WRITTEN REASONS

66 Where the relevant parts of Part B: Non-Fast Track Regulations and Part E: Fast Track Regulations so provide, written reasons may be requested and provided.

67 Where written reasons are provided they shall state in writing:

- 67.1 the findings of fact made by the Regulatory Commission;
- 67.2 the reasons for the Regulatory Commission's decision finding the Charge(s) proven; and
- 67.3 the reasons for any penalty or order.

APPEALS

68 The rights of appeal shall be as set out in Part B: Non-Fast Track Regulations or Part E: Fast Track Regulations.