

## GENERAL PROVISIONS RELATING TO INQUIRIES, COMMISSIONS OF INQUIRY, REGULATORY COMMISSIONS OF THE ASSOCIATION, OTHER DISCIPLINARY COMMISSIONS, APPEAL BOARDS AND SAFEGUARDING REVIEW PANEL HEARINGS

### EVIDENCE

- 1.1 A Commission of Inquiry, Regulatory Commission, Disciplinary Commission, Appeal Board and a Safeguarding Review Panel shall not be bound by any enactment or rule of law relating to the admissibility of evidence in proceedings before a court of law.
- 1.2 A Commission of Inquiry, a Regulatory Commission, a Disciplinary Commission, Appeal Board and a Safeguarding Review Panel may draw such inference from the failure of a Participant or an Alleged Offender or a witness to give evidence or answer a question as it considers appropriate.

### REPRESENTATION

- 2.1 A Participant attending a personal hearing may be represented by one individual. (For instance, a Player may be represented by a Club Official of a Club with which he is associated or by a representative of the Professional Footballers' Association, and a Referee may be represented by a representative of the Referees' Association).
- 2.2 An Alleged Offender appearing before a Regulatory Commission or an Appellant before an Appeal Board, or a Participant before a Safeguarding Review Panel, and any individual or body assisting in any way an inquiry of The Association or a Commission of Inquiry, may be legally represented only with the prior consent of such Commission or Appeal Board, Safeguarding Review Panel, The Association or Commission of Inquiry respectively.  
Request for consent must be made with at least 7 days' notice.
- 2.3 An individual acting as representative for an Alleged Offender shall not be allowed to give evidence.

### CONFIDENTIALITY/PUBLICATION OF PROCEEDINGS

- 3.1 The proceedings of a Commission of Inquiry, a Regulatory Commission, a Disciplinary Commission, Appeal Board and Safeguarding Review Panel shall take place in private.
- 3.2 Subject to Rule 3.3 below, all oral or written representations and documents created in the course of any proceedings are confidential between The Association and the individual or body concerned. All evidence and representations shall be privileged.
- 3.3 The Association shall have the power to publish in the public press, on a web site or in any other manner considered appropriate, reports of any hearing, order, requirement, instruction, decision, proceedings, acts, resolution, finding and penalty and any transcript or document prepared in the course of proceedings, or evidence, whether or not this reflects on the character or conduct of a Participant. 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 report.

### SERVICE OF DOCUMENTS

- 4.1 A document may be served by giving it to the person to whom it is addressed or by leaving it at, or sending it by first class post, e-mail or by fax to, the last known address of the addressee or, in the case of an individual, the Club with which he is associated.

**DAYS**

- 5.1 Any reference to a day or days in the Regulations shall mean a calendar day or days. Bank Holidays shall not be counted.

**FEEES**

- 6.1 An Appeal fee of £100 is required when a participant requests an appeal against a decision of a Regulatory Commission, other FA decision amenable to appeal, or a decision of a League participating in the National League System. An Appeal Fee of £50 is required for an appeal against a decision of an Affiliated Association or of a League outside the National League System.

**CONCURRENT HEARINGS**

- 7.1 For offences alleged to have been committed in the same match, where there is common Association or defence evidence, the relevant Commission shall hear all parties at the same hearing. Evidence adduced in the defence of a participant shall be capable of constituting evidence against another participant. The relevant Commission shall give appropriate weight to such evidence. Participants or their representatives shall be entitled to cross-examine other participants and their witnesses.

The relevant Commission shall generally hear defence cases in chronological order of the alleged events but shall have complete discretion to take parties and witnesses out of order for timely, efficient and appropriate disposal of the proceedings.

**GUIDANCE NOTES****APPLICATIONS MADE TO REGULATORY COMMISSIONS FOR PRE-HEARING DIRECTIONS****(a) General Principles**

These are Guidance Notes; they may be deviated from at the discretion of the Regulatory Commission dealing with any given case, if the circumstances of that case so dictate. These Guidance Notes have been prepared in order to facilitate the management of pre-hearing applications and provide a framework within which these matters can be dealt with efficiently and effectively.

It should be noted that applications in respect of “fast-track” cases will be dealt with according to discretionary timescales (as decided by the Regulatory Commission) in order to expedite the process.

**(b) Applications**

Any party to a Football Association charge (or the representative thereof) may apply for a pre-hearing where directions may be sought from the Regulatory Commission in relation to specific aspects of a case (e.g. the admissibility of evidence, the need to co-opt witnesses etc).

An application for a pre-hearing must be sent in writing to the Judicial Panel Chairman (or his nominee), by fax or post. This shall set out a summary of the basis of the application.

An application for a pre-hearing may be made at any time during the conduct of a matter (i.e. after a charge has been preferred by The Football Association), subject to the proviso that it must be made as soon as practicable, and in any case no later than 10 working days prior to the full hearing date.

**(c) Submissions**

Following the application for a pre-hearing, the party making the application (the Applicant) must provide written submissions in support of the application, which will be put before a Regulatory Commission. These submissions must be made within 3 working days of the application, and must be sent in writing to the Judicial Panel Chairman (or his nominee) (by fax or post).

**(d) Responses**

The other party to proceedings (the Respondent) will have the right to respond to any matters raised in the submissions put forward by the Applicant. The Respondent shall have at least 2 working days to provide responses prior to the pre-hearing itself. These responses must be submitted in writing to the Judicial Panel Chairman (or his nominee).

**(e) Pre-hearing**

Upon receipt of an application for a pre-hearing, the Judicial Panel Chairman (or his nominee) shall, without delay:

- (i) Confirm with the chairman of the Regulatory Commission (if such a Commission is appointed) that the matter(s) upon which the application is based is/are valid and eligible to be put before a Regulatory Commission for pre-hearing directions;
- (ii) It shall be at the discretion of the chairman of the Regulatory Commission or the Judicial Panel Chairman (or his nominee) as the case may be to decide whether the application should be dismissed summarily, dealt with at the main Regulatory Commission hearing or placed before a Commission for pre-hearing directions;
- (iii) Make arrangements for the hearing location etc and provide details of the arrangements to all parties concerned;

- (iv) Circulate the documentation submitted by both sides to all concerned.

The following procedures shall be followed at the pre-hearing Regulatory Commission unless the Commission thinks it appropriate to amend them:

- (i) A summary of the matter submitted for pre-hearing directions will be put forward by the Applicant. The Respondent will then put forward a summary of the points to be raised on its behalf;
- (ii) All relevant information, of which notice will have been given, to be presented on behalf of the Applicant;
- (iii) All relevant information, of which notice will have been given, to be presented on behalf of the Respondent;
- (iv) Each party shall have the opportunity to put questions in respect of the matters presented by the other party, and the Regulatory Commission may question parties at any time;
- (v) In conclusion, the Applicant and the Respondent in that order may make closing submissions;
- (vi) The Regulatory Commission will decide how best to deal with the matters raised and make their decision known to both parties.

Note that, in general, live evidence will not be admissible at pre-hearings.

**(f) Decisions**

A decision of a pre-hearing Regulatory Commission shall be final and binding and there shall be no right of further challenge.

The pre-hearing Regulatory Commission shall have power to:

- (i) Allow or dismiss the application in full or in part;
- (ii) Make such further or other order as it considers appropriate.

**(g) Representation**

Parties have the right to be present and/or represented at a pre-hearing Regulatory Commission. In the event that either party wishes to be represented, this fact, together with the identity of any representative, shall be submitted at the same time as the application or response (as relevant), as set out in (b) and (d) above.

A pre-hearing Regulatory Commission may also be heard on the basis of written submissions only, should the Applicant and Respondent not wish to be present or represented. However, the decision to be present at a pre-hearing rests with each party individually.

**(h) Regulatory Commissions**

Subject to the Terms of Reference of the Judicial Panel in force from time to time, the Judicial Panel Chairman has absolute discretion over the selection of members for the pre-hearing Regulatory Commission. For the avoidance of doubt, it shall be acceptable for a pre-hearing Regulatory Commission to comprise any of the same members as the full hearing (indeed in certain cases it may be expressly recommended). Neither the Applicant nor Respondent (nor their representative(s)) shall have the right to apply to the Judicial Panel Chairman in this regard.

**(i) Costs**

Any costs incurred in bringing, or responding, to a pre-hearing application shall be borne by the party incurring the costs. Any costs incurred in relation to the convening and conduct of the pre-hearing Regulatory Commission may be ordered by the Regulatory Commission to be paid by either party.