

GENERAL PROVISIONS RELATING TO INQUIRIES, COMMISSIONS OF INQUIRY, REGULATORY COMMISSIONS OF THE ASSOCIATION, OTHER DISCIPLINARY COMMISSIONS, APPEAL BOARDS AND SAFEGUARDING REVIEW PANEL HEARINGS (the “General Provisions”)

GENERAL

- 1.1 It should be borne in mind that 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.
- 1.2 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.
- 1.3 The bodies subject to these General Provisions shall have the power to regulate their own procedure.
- 1.4 Without limitation to the authority of the bodies subject to these General Provisions to regulate their own procedure, where at any time in the course of any proceedings, there has been a breach of procedure by The Association or a failure by The Association to follow any direction given, including any time limit, this shall not invalidate the proceedings or its outcome unless the breach has been such as to seriously and irremediably prejudice the position of the Participant Charged.
- 1.5 Save where otherwise stated, the applicable standard of proof shall be the civil standard of the balance of probability.

EVIDENCE

- 2.1 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 and shall not be obliged to follow the strict rules of evidence. Such bodies may admit such evidence as it thinks fit and accord such evidence such weight as it thinks appropriate in all the circumstances.
- 2.2 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 witness (including the Participant Charged) to give evidence or answer a question as it considers appropriate.

REPRESENTATION

- 3.1 A Participant Charged 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/she is associated or by a representative of the Professional Footballers’ Association, and a Referee may be represented by a representative of the Referees’ Association).
- 3.2 A Participant Charged 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 represented by any person who may speak on his/her behalf (including a legal representative) provided that he/she notifies The Association both of the fact that he/she is to be represented and of the identity of the representative by the date on which the written reply is served.
- 3.3 An individual acting as representative for a Participant Charged shall not be allowed to give evidence.

CONFIDENTIALITY/PUBLICATION OF PROCEEDINGS

- 4.1 The proceedings of a Commission of Inquiry, a Regulatory Commission, a Disciplinary Commission, Appeal Board and Safeguarding Review Panel shall take place in private.
- 4.2 Subject to General Provisions 4.4 and 4.5 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.
- 4.3 All oral or written representations, submissions, evidence and documents created in the course of any proceedings shall be subject to qualified privilege.
- 4.4 The Association shall have the power to publish in the public press, on a web site or in any other manner considered appropriate:
- the outcome of any inquiry (irrespective of whether a Charge (as defined in Regulation 3.2 of the Disciplinary Regulations) is issued in respect of that inquiry);
 - reports of any hearing, order, requirement, instruction, decision, proceedings, acts, resolution, finding and penalty;
 - any representations, submissions, evidence and documents created in the course of proceedings (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.

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.

- 4.5 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 and/or are created or otherwise generated during the proceedings of a Commission of Inquiry, a Regulatory Commission, a Disciplinary Commission, Appeal Board and Safeguarding Review Panel for the purpose of carrying out its regulatory functions and monitoring and implementing compliance with its Rules and Regulations (including taking action against any Participant under Rule E of the Rules of The Association).

SERVICE OF DOCUMENTS

- 5.1 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/she is associated.

DAYS

- 6.1 Any reference to a day or days shall mean a calendar day or days. Bank Holidays shall not be counted.

FEES

- 7.1 An appeal fee of £100 is required when a Participant requests an appeal against a decision of a Regulatory Commission. An appeal fee of £50 is required when a Participant requests an appeal against a decision of an Affiliated Association.

For other decisions of The Association amenable to appeal, or a decision of a League, the appeal fees are as follows -

- Premier League to Step 1 - £500
- Step 2 to Step 4 - £250
- Step 5 to Step 7 £100
- Outside National League System - £50

CONSOLIDATED PROCEEDINGS

- 8.1 Where the subject matter of or facts pertaining 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) OR where a Commission believes it appropriate for the timely and efficient disposal of the proceedings, the relevant Commission shall have the power to consolidate proceedings so that they are conducted together and the Charges may be determined at a joint hearing. Evidence adduced by or on behalf 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 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.

OTHER PROCEEDINGS

- 9.1 The fact that the Participant is liable to face or has pending any other criminal, civil or disciplinary proceedings in relation to the same matter shall not prevent or fetter The Association conducting proceedings under the Rules of The Association.

EXCLUSION OF LIABILITY

- 10 Members of any tribunal 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.