

# **CODE OF DISCIPLINE FOR HOCKEY IN ENGLAND**

**(EFFECTIVE FROM 1 OCTOBER 2006)**

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## **I. DEFINITIONS, ABBREVIATIONS AND INTERPRETATION**

### **In this Code:**

- “EH” means England Hockey Limited, the National Governing Body for hockey in England
- “Region” means a Regional Association as defined in EH’s Articles of Association
- “County” means a County Association as referred to in EH’s Articles of Association
- “RCC” means the Regions’ Consultative Committee” as defined in EH’s Articles of Association
- “The Code” means the Code set out herein as adopted by EH
- “The Regulations” means the numbered Regulations contained in the Code
- “Member” means an individual, corporation, association or organisation admitted to membership (of any class or category) of EH whether entitled to vote at a General meeting of EH or not
- “affiliated body” means any Member of EH, other than an individual Member, and includes the National Programme Umpires Association and any club, school, corporation, association, umpiring association or organisation for which an individual may participate or with which an individual may be principally connected at any material time and which is part of an affiliated body that is a Member of EH
- “EHL” means the English Hockey League
- “Red Card Offence” means an offence during a game as more particularly referred to in Part 4 of the Code
- “MMO” means a Matchday Misconduct Offence as more particularly referred to in Part 4 of the Code
- “Disrepute Offence” means an offence as more particularly referred to in Part 5 of the Code
- “Disrepute Complaint” means a complaint alleging that a Disrepute Offence has been committed
- “NDP” means the National Discipline Panel
- “EH Appeal Panel” means the England Hockey Appeal Panel
- “RDAP” means a Regional Disciplinary Appeal Panel
- “NDO” means the National Disciplinary Officer
- “RDA” means a Regional Disciplinary Administrator
- “CDA” means a County Disciplinary Administrator
- “CDO” means a Club Disciplinary Officer or person deemed to be a CDO pursuant to Regulation 3.3
- “Disciplinary Body” means the appropriate individual, committee, panel or other body responsible pursuant to the Code in the circumstances of any particular case for imposing and/or enforcing any of the provisions of the Code

- “Appeal Body” means the body appointed under the Code for the purposes of an Appeal in any particular case
- “RCRF” means a Red Card Report Form
- “PNF” means a Penalty Notification Form

Words importing any gender include every gender

## **2. GENERAL**

- 2.1 EH is the National Governing Body for the sport of hockey in England. It is a term of membership of EH that Members agree to be bound by the provisions of the Code. No individual may play, coach, umpire, administer or otherwise participate in the sport of hockey in England within the scope of the organisation and administration of EH without also being subject to the authority of EH. In so participating all such individuals agree to abide by the Code and to be subject to the procedures and penalties prescribed.
- 2.2 The Regulations form the framework to ensure the maintenance of discipline and to penalise any action or misconduct at any time which brings EH, any affiliated body, or the sport of hockey itself into disrepute.
- 2.3 Save that EH may from time to time exempt any competition or tournament to which FIH or EHF appoints a Technical Delegate from the application of the Code in whole or in part, EH will deal with those participating in the sport of hockey in England, or abroad where any individual or affiliated body has remained subject to the jurisdiction of EH, in relation to discipline matters in accordance with the Code, but nothing herein shall affect any other powers and rights to deal with them conferred by the Memorandum and Articles of EH or by any other regulations of EH.
- 2.4 All affiliated bodies are responsible for implementing the Code and for the general discipline of their players, coaches, umpires, officials and spectators.
- 2.5 It is the responsibility of each affiliated body to ensure that all individuals participating in any way in the sport of hockey as part of or connected with the affiliated body are aware of the provisions of the Code and of the penalties prescribed in it. Alleged ignorance of the Code or of its penalties by any affiliated body or by any individual who is subject to the Code will not be a defence to any breach of the Code.
- 2.6 The Code contains provisions for certain mandatory penalties. These are included to ensure uniformity and to limit the calls on the time of voluntary officials and umpires in holding disciplinary hearings, however there is provision for representations to be made to a Disciplinary Body and, ultimately, for an Appeal, except in respect of the first 16 days of any mandatory minimum suspension imposed for a Red Card Offence or a MMO. If and to the extent that any affiliated body or league imposes any disciplinary penalty such penalty may be concurrent with or in addition to a penalty imposed under the Code but shall not reduce a penalty imposed pursuant to the Code.
- 2.7 A computer database of all offences committed under the Code and of action taken shall be maintained by EH for a period of seven years following the offence. Any individual or affiliated body may obtain, upon written application to EH and payment of an administration fee, a copy of the recorded details that relate to that individual or the affiliated body concerned.
- 2.8 If a Red Card has been issued, a MMO committed or a Disrepute Offence has been proved, the terms of the Code, including any mandatory minimum penalties and any additional or other penalties, shall come into effect regardless of whether criminal investigations or any criminal or civil court proceedings have been instigated by any party and notwithstanding the outcome of any such investigations or proceedings.
- 2.9 EH reserves the right to impose suspension or take any other action as it may think fit against any individual or affiliated body that has been the subject of a criminal investigation or of criminal or civil proceedings.
- 2.10 Neither EH, nor any body or individual who exercises powers under the Code in good faith, shall be liable in law, notwithstanding any neglect or failure to follow procedures or time constraints specified in the Code. Any body or individual exercising in good faith any powers set out in the Code shall be entitled to a full indemnity from EH in respect of any liability whatsoever and howsoever incurred as a consequence of the exercise of such powers.

## **3. ADMINISTRATION OF THE CODE**

- 3.1 Implementation procedures are intended to improve consistency, both in respect of the periods of suspension being imposed for the same offence and in the interpretation of umpires’ RCRFs.
- 3.2 An essential element in achieving the desired consistency is the appointment by each Region and County of one person (and a deputy) to act as RDA and CDA respectively covering men’s, women’s and mixed hockey within that Region or County. A deputy RDA/CDA should not be a member of the same Club as the RDA/CDA. Any disciplinary decision in respect of an individual participating for a RDA/CDA’s Club should be delegated to the RDA/CDA’s deputy.
- 3.3 Every Club should appoint a CDO who is intended to be the first point of contact for the relevant Disciplinary Body in matters covered by the Code. The relevant CDO is responsible for ensuring that the officers of the CDO’s Club and any member or other individual participating in a match on behalf of the Club who is the subject of any disciplinary procedure are kept fully informed of any steps taken in the disciplinary process and any penalty imposed. The CDO’s details, including name, address, telephone number, and, if the particular CDO is willing to accept notices and correspondence by fax and/or email, his fax number and/or email address, should be sent to the relevant

CDA within 14 days of his appointment. On a change of CDO, the relevant CDA should be informed, and the new details sent to him, within 14 days of the appointment. If a Club fails to appoint a CDO or to keep the relevant CDA informed with the up-to-date details of its CDO, the Club's secretary or primary contact as registered with EH shall be deemed to be the CDO of the Club.

3.4 An employee of EH shall be appointed by EH as the NDO for the purposes of the Code.

3.5 EH shall from time to time convene meetings of all RDAs. RDAs shall from time to time convene meetings of all CDAs in their respective Regions. CDAs shall from time to time convene meetings of all CDOs in their respective Counties.

3.6 There shall be an EH Appeal Panel.

3.6.1 EH shall appoint annually an independent Chairman of the EH Appeal Panel. The Chairman shall not be an officer or employee of EH or a currently serving RDA or CDA (or deputy).

3.6.2 The RCC shall appoint annually up to six persons as EH Appeal Panel members. Such persons may be currently serving CDAs.

3.6.3 For the purpose of any hearing or decision to be made by the EH Appeal Panel, the Chairman shall request any two of the Panel members to act with him as the EH Appeal Panel.

3.6.4 No person who has previously been involved in adjudicating on any matter to be referred to the EH Appeal Panel or is a member of the affiliated body directly concerned in the incident that led to the decision being appealed against shall be a member of the EH Appeal Panel for the purpose of any hearing or decision relating to that matter.

3.6.5 The NDO shall act as secretary to the EH Appeal Panel.

3.6.6 The Chairman may, with the consent of EH, appoint a Deputy from time to time to act as Chairman where the Chairman is unable or unavailable to chair the EH Appeal Panel. Any such Deputy shall not be an officer or employee of EH or a currently serving RDA or CDA (or deputy).

3.7 Each Region shall establish a RDAP.

3.7.1 The Region shall appoint annually an independent Chairman of its RDAP. The Chairman shall not be an officer or employee of EH or a currently serving RDA or CDA (or deputy).

3.7.2 The Region shall appoint annually such number of persons as the Region shall think fit as RDAP members. Such persons may be currently serving CDAs.

3.7.3 For the purpose of any hearing or decision to be made by a RDAP, the Chairman shall request two of the Panel members to act with him as the RDAP provided that no person who has previously been involved in adjudicating on any matter to be referred to the RDAP or is a member of an affiliated body directly concerned in the incident that led to the decision being appealed against shall be a member of a RDAP for the purpose of any hearing or decision relating to that matter.

3.7.4 The RDAP may appoint a person to act as Secretary to the RDAP and shall from time keep the RDA and all CDAs in the relevant Region fully informed as to the contact details of the Secretary and, in particular, the address, including any fax number or email address, to which any documents may be sent. If a Secretary is not appointed, the RDA of the particular Region shall be deemed to be the Secretary.

3.7.5 The Chairman may, with the consent of the Region, appoint a Deputy from time to time to act as Chairman where the Chairman is unable or unavailable to chair a RDAP. Any such Deputy shall not be an officer or employee of EH or a currently serving RDA or CDA (or deputy).

3.8. There shall be a NDP consisting of the six RDAs which shall sit with an independent Chairman appointed by EH.

3.8.1 For the purpose of any decision to be made by the NDP the Chairman shall request not less than two other members to act with him as the NDP provided that any person who is a member of an affiliated body directly concerned in the incident to be adjudicated upon shall not be a member of the NDP for the purpose of any decision relating to that incident.

3.8.2 The Chairman may, with the consent of EH, appoint a Deputy from time to time to act as Chairman where the Chairman is unable or unavailable to chair the NDP. Any such Deputy shall not be an officer or employee of EH or a currently serving RDA or CDA (or deputy).

3.9. The NDP shall, subject to the right of appeal contained herein, be the relevant Disciplinary Body for the purposes of the Code relating to Red Card Offences and MMOs arising in connection with any match in the following competitions:

- a) The EHL
- b) Any EHL Play-offs or Super Cup

- c) The England Hockey Cup in the round for the last 64 onwards
- d) Any EHL League Cup
- e) The EH Indoor League
- f) Any other national competition or stage of a competition as may be so designated by EH Competitions Committee

3.10 All communications, notifications and correspondence relating to matters within the jurisdiction of the NDP shall be sent to the NDO, who shall co-ordinate meetings of the NDP wherever held and deal with notification of any decisions required to be made by the NDP.

3.11 For the purposes of the Code notification of decisions and receipt of any communications may be by first class post, or by fax, or by email. Unless proved to have been received earlier, the time of receipt of any formal communication, notification or other communication shall be deemed to be no later than 24 hours after the envelope containing the communication was posted, if sent by first class post, or 24 hours after any fax or email was sent.

3.12 Save as provided in Regulation 9.5(2) no appeal will be allowed in respect of a failure to comply with any time limits herein specified and the decision of the relevant CDA, RDA, Secretary to a RDAP or the NDO shall be final in all matters relating to dates for service or notification.

#### **4. RED CARD AND MATCHDAY MISCONDUCT OFFENCES**

4.1 The provisions of the Code that apply to Red Card Offences apply to any occasion where an officiating umpire who is qualified at Level 1 Award or above, or is on any other Hockey Umpires Register recognised by EH, issues a Red Card. If a non-registered umpire issues a Red Card, the affiliated body of which the recipient is a member or is representing is expected to use its best endeavours to ensure that the recipient is disciplined using the Code for guidance as to the penalties to be imposed. In such a case the affiliated body, and if a Club the CDO of the Club, must notify in writing the details of the penalty imposed on the recipient of the Red Card by the affiliated body to the relevant CDA who shall be entitled to review the matter.

4.2 A Red Card may only be issued in respect of an offence committed during a match. A match shall be deemed to be all that time between the commencement of a game of hockey and its completion, and shall include any extra time played and/or any penalty stroke competition, the half-time interval and any other interval between the aforementioned phases of the match. A Red Card may be issued to any person participating in the match, including players on the pitch, substitutes and team officials (managers, coaches, physiotherapists and doctors who are part of a team's squad) whether or not a formal team sheet has been submitted.

4.3 A Red Card Offence is a breach of the rules of hockey for which any person is permanently suspended by an umpire from further participation in the match (whether or not, for whatever reason acceptable to the relevant Disciplinary Body, a Red Card is actually shown).

4.4 A MMO is committed when at any time during the day of a match, but excluding the time from the start to the end of the match, a person due to participate or who has participated in the match misconducts himself in such a way that one of the match umpires decides (a) would have warranted the issue of a Red Card had such misconduct occurred during the match, and (b) is to be reported as a MMO, and the umpire so informs the offender at the time of the incident

4.4.1 The umpire shall immediately inform the offender that the offender's misconduct is to be reported as a MMO.. In so far as is reasonably possible, the umpire shall also inform a representative of the affiliated body for which the offender is to participate or has participated on the day of the relevant match that the offender's misconduct is to be reported as a MMO.

4.4.2 A non-registered umpire is not entitled to report a MMO but, in the event of an unregistered umpire being of the opinion that there has been misconduct that ought to be reported as a MMO, the umpire may, subject to Regulation 5.3, make a Disrepute Complaint in respect of such misconduct.

4.5 The issuing of a Red Card or the commission of a MMO shall result in the recipient being subject to an immediate mandatory minimum period of suspension from playing, umpiring, or acting, either from the sides of the pitch or on the pitch, as a team coach, team official or any match official during any hockey match or event. The offender is not automatically excluded from any hockey activity other than that specified in this Regulation.

4.6 The only circumstance in which a Red Card may be withdrawn is if, following the conclusion of the match in which the Red Card was issued, the umpire who issued the Red Card is satisfied that there has been a case of mistaken identity. In such a case the umpire shall withdraw the Red Card and, if satisfied as to the identity of the actual offender, may report the behaviour of the actual offender as a MMO.

4.7 The steps to be taken following the issue of a Red Card or the commission of a MMO are set out in Part 7

4.8 The penalties to be imposed where a Red Card is issued or a MMO is committed are set out in Part 6.

5. Disrepute Offences

5.1 A Disrepute Offence is committed where there is conduct by an affiliated body or an individual (other than an offence penalised by the umpires during a match, the commission of a MMO, or drug abuse for which separate regulations exist) at any time that is prejudicial to EH or is otherwise liable to cause the sport of hockey to be brought into disrepute.

5.2 Before any decision is made concerning whether a Disrepute Offence has been committed there must first be received by the relevant Disciplinary Body a Disrepute Complaint.

5.3 Any affiliated body or individual (provided such individual has the endorsement in writing of at least one affiliated body) may make a Disrepute Complaint. Such a Disrepute Complaint must be made in writing and received by the relevant Disciplinary Body within 14 days of the conduct complained of. EH may make a Disrepute Complaint at any time upon being satisfied that it has sufficient evidence of conduct to warrant the making of a Disrepute Complaint. Where a person has been appointed by EH as an official for a match and that person makes a Disrepute Complaint arising out of or connected with that match such Complaint shall be deemed to have been endorsed by EH and shall not require further endorsement from an affiliated body.

5.4 The procedure to be adopted where a Disrepute Complaint is made, and the penalties that may be imposed in the event of a Disrepute Complaint being upheld, are set out in Part 8.

6. Mandatory minimum and additional penalties for Red Card and Matchday Misconduct Offences

6.1 The mandatory minimum suspension penalty, as set out in Regulation 6.2, shall consist of consecutive days beginning immediately after the match in which the Red Card was issued or immediately after the offender is informed that the MMO is to be reported. The day on which the Red Card was issued or the MMO was committed shall count as day one of the suspension.

6.2 A person issued with a Red Card or committing a MMO shall automatically be suspended for a mandatory minimum of 16 days. Save as may be provided as the consequence of an exemption pursuant to Regulation 2.3, this applies to tournaments as well as to a single match.

6.3 The mandatory minimum penalties for the following offences shall be:

	No. days suspension
(a) where physical violence is not used, attempted or threatened	16
(b) where physical violence is <b>attempted or threatened</b> to a player	30
(c) where physical violence is <b>attempted or threatened</b> to any other person	30
(d) where physical violence <b>is used</b> to a player	60
(e) where physical violence <b>is used</b> to any other person	60
(f) where physical violence is <b>attempted or threaten</b> to an umpire or properly appointed tournament or match official	90
(g) where physical violence <b>is used</b> to an umpire or properly appointed tournament or match official.	180

The above minimum mandatory penalties shall include the automatic mandatory period of suspension of 16 days provided for in Regulation 6.2 and be deemed to have commenced on the day that the Red Card was issued or the MMO was committed. The relevant Disciplinary Body shall have power to provide that there should be one or more breaks in the period of suspension so that, for example, the period of suspension may not run during a holiday period or outside any relevant league season.

6.4 In addition to the mandatory minimum suspension, any relevant Disciplinary Body or the affiliated body for which the offender was participating may impose such additional penalty, including further suspension, as it may deem fit. The date of the commencement of any additional suspension shall be at the discretion of the relevant Disciplinary Body or affiliated body as the case may be, which shall have power to direct that there should be one or more breaks in the period of suspension.

6.5 In a case of premeditated violence a substantially more severe penalty than those prescribed in Regulation 6.3 should be imposed: in particular, but not exclusively, use of a stick, punching or kicking and/or group violence should be severely penalised.

6.6 For a second or subsequent Red Card Offence or MMO in any period of 12 months, commencing on the date of the first offence, the mandatory minimum penalty imposed shall be double that prescribed in Regulation 6.3.

- 6.7 An additional penalty may include an extension of the scope of the exclusion from hockey activities referred to in Regulation 4.5.

## **7. RED CARD AND MATCHDAY MISCONDUCT OFFENCE PROCEDURE**

- 7.1 When a Red Card has been issued or a MMO committed:
- 7.1.1 The offender and the affiliated body (in particular the captain of the relevant team) for which the offender is to participate or has participated shall provide the umpire who issued the Red Card or is to report the MMO with all the information he may reasonably require for the purpose of completing a RCRF.
  - 7.1.2 It is the responsibility of the offender to ensure that the affiliated body has sufficient details about the offender to enable the affiliated body to give to the relevant Disciplinary Body all the information required by the Disciplinary Body and to enable the affiliated body to provide the offender with copies of any documents sent to the affiliated body in connection with the offence in sufficient time for the offender to comply with any time limits proscribed in the Code.
  - 7.1.3 All communications between the Disciplinary Body and the offender up to and including the PNF should be sent to the relevant affiliated body to be forwarded by the affiliated body to the offender.
  - 7.1.4 It is the responsibility of the affiliated body to provide the offender with copies of all relevant documents sent to the affiliated body by the Disciplinary Body in sufficient time for the offender to comply with any time limits proscribed in the Code.
  - 7.1.5 Where the affiliated body is a Club, all communications sent by the Disciplinary Body should be sent to the Club's CDO.
- 7.2 The umpire who issued the Red Card or is to report the MMO shall, within 72 hours, send a completed RCRF:
- 7.2.1 where the relevant Disciplinary Body is the NDP, to the NDO.
  - 7.2.2 where the relevant Disciplinary Body is the NDO, to the NDO.
  - 7.2.3 where the relevant Disciplinary Body is a RDA, to the RDA of the Region through which the affiliated body for which the offender was participating, is affiliated.
  - 7.2.4 where the relevant Disciplinary Body is a CDA, to the CDA of the County through which the affiliated body for which the offender was participating, is affiliated.
- 7.3 Save for matches subject to the jurisdiction of the NDP and in respect of which the NDP is the relevant Disciplinary Body pursuant to Regulation 3.9 the following shall be the relevant Disciplinary Body for the purposes of the Code in relation to Red Card Offences and MMOs:
- 7.3.1. for offences arising in connection with a Regional or International senior or junior or youth match, the NDO.
  - 7.3.2 for offences arising in connection with a County senior or junior or youth match, the RDA of the Region through which the affiliated body for which the offender was participating is affiliated.
  - 7.3.3 for offences arising in connection with other matches involving an affiliated body, the CDA of the County through which the affiliated body for which the offender was participating is affiliated.7.3.3.1 Where a relevant CDA or deputy is unable to act as the Disciplinary Body in relation to a Red Card or MMO the relevant RDA shall select a different CDA to act as the Disciplinary Body.
- 7.4 Where the relevant Disciplinary Body is the NDP, the NDO shall, within 24 hours of receipt of the RCRF, consult with the NDP which shall decide whether the offence described in the RCRF falls into a category that attracts a mandatory suspension of more than 16 days and the form of notification to be sent to the offender.
- 7.5 Where the offence described in the RCRF falls into the category that attracts a mandatory sentence of 16 days and no more and the relevant Disciplinary Body decides that Regulations 6.4 and 6.6 are not applicable, the Disciplinary Body shall, as soon as reasonably practicable, and in any case within 72 hours of receipt of the RCRF, notify its decision to offender and the relevant affiliated body by completing and sending to the affiliated body, together with a copy of the RCRF, a PNF. Such notification shall contain details of the penalty imposed and succinct reasons for the decision.
- 7.6 Where the offence described in the RCRF falls into a category that attracts a mandatory suspension of more than 16 days or, in the opinion of the relevant Disciplinary Body, ought to attract a period of suspension of more than 16 days, the Disciplinary Body shall, as soon as reasonably practicable, and in any case within 72 hours of receipt of the RCRF, send the relevant affiliated body a copy of the RCRF.
- 7.6.1 The offender and/or his affiliated body may make representations in writing to the Disciplinary Body as to the offence committed, the category set out in Regulation 6.3 into which the offence should fall, and any matters which the offender wishes to have taken into consideration regarding any penalty. Such

representations must be received by the Disciplinary Body not later than 4.00 pm on day ten of the 16 day period of suspension imposed pursuant to Regulation 6.2.

7.6.2 Upon receipt of such representations, or after 4.00 pm on day ten of the 16 day period of suspension imposed pursuant to Regulation 6.2, whichever is the sooner, the relevant Disciplinary Body shall, within 72 hours thereafter, reach its decision on the offence and the penalty to be imposed and notify the offender and the relevant affiliated body by completing and sending to the affiliated body a PNF. Such notification shall contain details of the penalty imposed and succinct reasons for the decision.

7.6.3 Within 7 days of receipt of the PNF the offender may appeal against the decision in accordance with the procedure set out in Part 9.

7.6.4 An Appeal pursuant to Regulation 7.6.3 shall not in itself have the effect of staying, suspending or varying the decision of the relevant Disciplinary Body. Only the Chairman of the relevant Appeal Body shall have the power to stay or vary any penalty pending the hearing of an Appeal, and then only if an application is made to the Appeal Body by the offender. The decision whether to stay, suspend or vary any penalty pending an Appeal shall be in the sole discretion of the Chairman from whose decision there is no right of Appeal.

7.7 If an affiliated body imposes an additional penalty pursuant to Regulation 6.4, it shall, in addition to notifying the offender, within 72 hours of the imposition of such penalty, notify in writing the relevant Disciplinary Body.

7.8 In cases where the relevant Disciplinary Body is the NDP or the NDO, the NDO shall, in addition to the provisions contained in Regulation 7.5 or Regulation 7.6.2, within 72 hours of the decision pursuant to Regulation 7.5 or Regulation 7.6.2, send to:

- (1) the relevant CDA and RDA, 1 copy each of the RCRF and the PNF.
- (2) the umpire who issued the Red Card or reported the MMO, a copy of the PNF.

7.9 In cases where the relevant Disciplinary Body is a RDA, the RDA shall, in addition to the provisions contained in Regulation 7.5 or Regulation 7.6.2, within 72 hours of the decision pursuant to Regulation 7.5 or Regulation 7.6.2, send to:

- (1) the relevant CDA, a copy of the RCRF and the PNF.
- (2) EH, 1 copy of the RCRF and the PNF.
- (3) the umpire who issued the Red Card or reported the MMO, a copy of the PNF.

7.10 In cases where the relevant Disciplinary Body is a CDA, the CDA shall, in addition to the provisions contained in Regulation 7.5 or Regulation 7.6.2, within 72 hours of the decision pursuant to Regulation 7.5 or Regulation 7.6.2, send to:

- (1) EH and the relevant RDA, 1 copy each of the RCRF and the PNF.
- (2) the umpire who issued the Red Card or reported the MMO, a copy of the PNF.

7.11 It is the responsibility of the affiliated body for which the offender was participating when the Red Card was issued or the MMO committed to implement any penalty imposed by a relevant Disciplinary Body. In all cases the offender shall be responsible for informing any other affiliated body of which the offender is a member of the penalty that has been imposed. Any failure by the relevant affiliated body to implement any penalty or by the offender to inform any other relevant affiliated body shall be deemed to be a Disrepute Offence.

## **8. DISREPUTE OFFENCE PROCEDURE**

8.1 A Disrepute Offence will not be investigated unless and until a Disrepute Complaint (and, where appropriate, the relevant endorsement required by Regulation 5.3) has been received by the relevant Disciplinary Body. A Disrepute Complaint must be in writing but may be in such form as is acceptable to the relevant Disciplinary Body. If a Disrepute Complaint is received by an affiliated body, the affiliated body shall immediately forward a copy of the Disrepute Complaint to the relevant Disciplinary Body.

8.2 The relevant Disciplinary Body in any particular case shall be as follows:

- (1) where the conduct complained of occurred in connection with a match where, if a Red Card had been issued, the relevant Disciplinary Body would have been either the NDO or the NDP, the NDP. The Disrepute Complaint should be sent to the NDO.
- (2) where the conduct complained of occurred in connection with a match where, if a Red Card had been issued, the relevant Disciplinary Body would have been a RDA, the RDA.
- (3) where the conduct complained of occurred in connection with a match where, if a Red Card had been issued, the relevant Disciplinary Body would have been a CDA, the CDA.

- (4) in any other case, the CDA of the County in which the conduct complained of took place, provided that the CDA may, if it thinks fit or if requested so to do by the relevant RDA, refer consideration of the complaint to another CDA or to the relevant RDA or the NDO or the NDP.
- 8.3 The relevant Disciplinary Body may, on receipt of a Disrepute Complaint, decide that the Complaint should be dealt with by a higher disciplinary authority, in which case the Disrepute Complaint should be referred as soon as practicable to the relevant RDA, the NDO or the NDP as the case may be.
- 8.4 Where, on receipt of a Disrepute Complaint, a Disciplinary Body decides not to refer the Complaint to a higher disciplinary authority, it may decide that the Complaint discloses no conduct capable of being classified as a Disrepute Offence. In such a case, the Disciplinary Body shall dismiss the Disrepute Complaint and so inform the complainant in writing. The decision of the Disciplinary Body shall be final. If the Disciplinary Body decides not to dismiss the Disrepute Complaint, the Disrepute Complaint shall thereafter be deemed to be a Disrepute Complaint raised by EH, and the complainant shall not be required to take any further steps to prosecute the complaint save that the complainant may be asked to produce further evidence, and to give oral evidence at any Appeal hearing. If a Disrepute Complaint is to be proceeded with, within 72 hours of receipt of the Disrepute Complaint the Disciplinary Body, or (in the case of the NDP) the NDO, shall send a copy to the alleged offender, together with any witness statements and other documents relied on in support of the Disrepute Complaint.**
- 8.4.1 If the alleged offender wishes to make any comments or representations concerning the Disrepute Complaint, such comments or representations must be in writing and received by the Disciplinary Body within 14 days of the copy of the Disrepute Complaint being sent to the alleged offender.
- 8.4.2 Within 21 days of the Disrepute Complaint being sent to the alleged offender, and after consideration of any comments or representations made in due time by the alleged offender, the Disciplinary Body shall decide and inform the alleged offender as follows:
- (1) that no further action on the Disrepute Complaint is to be taken; or
  - (2) that no further action on the Disrepute Complaint is to be taken, but that the alleged offender is warned as to future conduct; or
  - (3) that it intends to refer the Complaint to a higher disciplinary authority, in which case the Disrepute Complaint should be referred as soon as practicable to the relevant RDA, the NDO or the NDP as the case may be and the alleged offender should be given full details of the Disciplinary Body to which the Complaint is to be referred; or
  - (4) that it intends to proceed to adjudicate upon the Disrepute Complaint, having regard to any comments or representations received within the time limit specified in Regulation 8.4.1. The Disciplinary Body may, before deciding the Disrepute Complaint, investigate the matter further and obtain additional written evidence, provided always that the alleged offender shall have the opportunity to comment in writing on any additional evidence before the Disciplinary Body decides the matter.
- 8.5 The Disciplinary Body shall endeavour to reach a decision on the Disrepute Complaint as soon as is reasonably practicable and, within 48 hours of any decision, notify in writing that decision and any penalty to:
- (1) the individual or affiliated body that made the Disrepute Complaint.
  - (2) the offender. The notification to the offender shall include succinct reasons for the decision and the penalty imposed.
  - (3) if the offender is an individual, the affiliated body for which the alleged offender was participating at the time of the conduct complained of or with which the offender was principally connected at the time of such conduct.
  - (4) the relevant RDA and CDA, if the Disrepute Complaint was considered by the NDP or the NDO.
  - (5) the relevant RDA, if the Disrepute Complaint was considered by a CDA.
  - (6) the relevant CDA, if the Disrepute Complaint was considered by a RDA.
  - (7) EH
- 8.6 Where the offender is an individual, the affiliated body for which the offender was participating at the time of the conduct complained of or with which the offender was principally connected at the time of such conduct shall be primarily responsible for implementing any penalty imposed. The offender shall be responsible for informing any other affiliated body of which the offender is a member of the penalty that has been imposed. Any failure by the relevant affiliated body to implement any penalty or by the offender to inform any other relevant affiliated body shall be deemed to be a Disrepute Offence.

- 8.7 Penalties imposed for Disrepute Offences are at the discretion of the relevant Disciplinary Body and may include a fine and/or suspension. In the case of an affiliated body found guilty of a Disrepute Offence, the powers of the Disciplinary Body shall include the right to make such recommendations as it thinks fit to EH, the affiliated body's Region and/or County, and/or any relevant league and/or umpires' association, concerning the affiliated body. Where a period of suspension is imposed on an individual offender, the Disciplinary Body shall decide the date of commencement and shall have power to provide for one or more breaks in the period of suspension.
- 8.8 Within 7 days of receipt of notification of a decision pursuant to Regulation 8.4, the offender may appeal against the decision in accordance with the procedure set out in Part 9.
- 8.9 An Appeal pursuant to Regulation 8.8 shall not in itself have the effect of staying, suspending or varying the decision of the relevant Disciplinary Body. Only the Chairman of the relevant Appeal Body shall have the power to stay, suspend or vary any penalty pending the hearing of an Appeal, and then only if an application is made to the Appeal Body by the offender.

## 9. APPEALS

- 9.1 There shall be no right of appeal in respect of the first 16 days of a mandatory penalty of suspension imposed for a Red Card Offence or a MMO.
- 9.2 Appeals shall be determined by one of the following Appeal Bodies:
- (1) the EH Appeal Panel, for appeals from decisions of the NDO and the NDP
  - (2) a RDAP, for appeals from decisions of CDAs and RDAs

The parties to any appeal are EH on the one hand and the Appellant on the other.

- 9.3 An Appeal must be commenced by an Appeal Notice.
- 9.3.1 An Appeal Notice must be in writing but may be in such form as is acceptable to the relevant Appeal Body and should contain sufficient details for the Appeal Body to know the nature of the decision appealed against and the grounds for the Appeal.
- 9.3.2 An Appeal Notice should state whether the Appeal is in respect of the whole of a decision or only the penalty imposed.
- 9.3.3 An Appeal Notice must state whether an oral hearing is requested. If the Appeal Notice does not request an oral hearing, the Appeal will be dealt with on the basis of written submissions only.
- 9.3.4 An Appeal Notice must be received not later than 7 days after receipt by the Appellant of the notification of the decision or penalty appealed against.
- 9.3.5 In the case of an Appeal from the NDO or the NDP, the Appeal Notice should be sent to the NDO marked for the attention of the EH Appeal Panel.
- 9.3.6 In the case of an Appeal from a RDA or a CDA, the Appeal Notice should be sent to the relevant RDA marked for the attention of the RDAP.
- 9.3.7 An Appeal Notice must include the Appellant's address for service of any documents, including, if the Appellant is willing to accept service by fax and/or email, a fax number and/or email address.
- 9.4 An Appellant shall send with the Appeal Notice the appropriate deposit as follows:

Appeal to a RDAP	£100
Appeal to the EH Appeal Panel	£150

Failure to pay this deposit shall render the Appeal void and of no effect. If an Appeal is successful in whole or part, the relevant Appeal Body may, at its discretion, direct that all or part of the deposit be refunded.

- 9.5 The Chairman of the relevant Appeal Body may, upon the application in writing made by or on behalf of the Appellant:
- (1) Stay, suspend or vary any penalty that is the subject of an Appeal pending determination of the Appeal; and/or
  - (2) in exceptional circumstances, extend the time for appealing set out in Regulation 9.3.4; upon such terms, if any, as the Chairman may think fit. The decision of the Chairman shall be final.
- 9.6 Where an Appeal Notice does not expressly request an oral hearing, the following provisions shall apply:
- 9.6.1 Save as provided in Regulation 9.6.2 the only documents and evidence that may be considered by the Appeal Body are the documents and witness statements before the relevant Disciplinary Body when the decision appealed against was made and the documents setting out and giving the reasons for the decision appealed against, save that the Appellant may, within 14 days of the date of the Appeal Notice, send to the Appeal Body

further written submissions.

- 9.6.2 If either party wishes the Appeal Body to consider further evidence not previously considered by the relevant Disciplinary Body, the Appeal Body shall consider such evidence provided that:
- (1) Such further evidence is sent to the Appeal Body and the other party within 14 days of the date of the Appeal Notice;
  - (2) Such further evidence is in the form of written statements and/or copy documents certified as being true by the person submitting the evidence;
  - (3) The other party may reply in writing to such further evidence by making representations and/or submitting further evidence, such reply to be received by the Appeal Body not later than 21 days after the date of the Appeal Notice;
  - (4) Either party may request the Appeal Body to hold an oral hearing where any further evidence has been sent to the Appeal Body if such request is in writing and received by the Appeal Body within 21 days of the date of the Appeal Notice. In such a case the Appeal Body cannot decide the Appeal and must direct an oral hearing, and the provisions of Regulation 9.6.4(4) shall apply.
- 9.6.3 As soon as reasonably practicable after the expiration of 21 days from the date of the Appeal Notice, the Appeal Body shall consider the Appeal.
- 9.6.4 Having considered the Appeal, the Appeal Body may either:
- (1) allow the Appeal; or
  - (2) allow the Appeal in part, in which case it may impose any lesser penalty than that imposed by the Disciplinary Body appealed from; or
  - (3) dismiss the Appeal and confirm the decision appealed against including any penalty imposed; or
  - (4) if the Appeal Body decides that it cannot reach a conclusion without an oral hearing or is minded to increase the penalty imposed by the relevant Disciplinary Body, the Appeal Body shall direct an oral hearing of the Appeal, in which case the NDO, on behalf of the EH Appeal Panel, or the Secretary to the relevant RDAP shall serve on the Appellant a notice in writing stating the date, time and place at which the Appeal Body will hold the hearing together with a copy of the Guidelines for Oral Appeal Hearings set out in the Appendix hereto.
- 9.6.5 In all cases the decision of the Appeal Body shall be notified in writing to the Appellant within 48 hours of the decision and such notification shall include succinct reasons for the decision.
- 9.7 Where an Appeal Notice expressly requests an oral hearing, as soon as reasonably practicable after the Appeal Notice has been received the NDO, on behalf of the EH Appeal Panel, or the Secretary to the relevant RDAP shall serve on the Appellant a notice in writing stating the date, time and place at which the Panel will hold the hearing together with a copy of the Guidelines for Oral Appeal Hearings set out in the Appendix hereto.
- 9.7.1 At the conclusion of the hearing of the Appeal, the Appeal Body may either:
- (1) allow the Appeal; or
  - (2) allow the Appeal in part, in which case it may impose any lesser penalty than that imposed by the Disciplinary Body; or
  - (3) dismiss the Appeal, in which case it may impose any penalty that the Disciplinary Body appealed from could have imposed, including the imposition of a greater penalty than that imposed by the Disciplinary Body.
- 9.7.2 The Appeal Body may direct the Appellant to pay all or part of the costs and expenses of the Appeal to be summarily assessed by the Appeal Body at the conclusion of the hearing. Where the Appellant is directed to pay any costs and expenses the Appeal Board may impose a period of suspension on the Appellant, or extend any period of suspension already imposed, until such time as the costs and expenses have been paid in full.
- 9.7.3 In all cases the decision of the Appeal Body shall be notified in writing to the Appellant within 48 hours of the decision and such notification shall include succinct reasons for the decision.
- 9.8 In addition to the Appellant, the details of the decision of an Appeal Body at the conclusion of an Appeal shall be notified in writing within 72 hours of the decision as follows:
- (1) to EH, the NDO, the relevant RDA, CDA and the relevant affiliated body; and
  - (2) in the case of an Appeal in respect of a Red Card Offence or a MMO, to the umpire who issued the red Card or reported the MMO; or

(3) in the case of an Appeal in respect of a Disrepute Offence, to the individual or affiliated body that made the Disrepute Complaint.

9.9 The decision of an Appeal Body shall be final.

## APPENDIX

### Guidelines for Oral Appeal Hearings

1. In these Guidelines, “the Panel” means either the EH Appeal Panel or the appropriate RDAP. “The Chairman” means the Chairman of the EH Appeal Panel or the appropriate RDAP that is to hear the particular Appeal.
2. The parties to any Appeal hearing are EH on the one hand and the Appellant on the other. EH should be represented by the NDO, or the relevant RDA or CDA, but may appoint another individual as its representative. The Appellant may appear in person and/or be represented at the hearing. If under the age of 18 years, the Appellant is entitled to be accompanied by a person having parental responsibility as defined in the Children Act 1989 or nominated as a representative by such a person.
3. Although an Appeal, at the oral hearing the burden shall be upon EH to satisfy the Panel that the decision that is the subject of the Appeal should be upheld. Where any fact is required to be proved the Panel shall regard it as proved if proved on the balance of probabilities provided that, if any criminal act, or fraud or dishonesty is alleged against the Appellant, the allegation is only to be regarded as proved if it has been proved beyond reasonable doubt.
4. The Chairman may postpone the hearing on his own initiative, or upon the application in writing of EH or the Appellant, as he may think fit, in which case notice in writing stating the new date, time and place at which the Panel will hold the hearing will be served on the Appellant not less than 7 days before the new hearing.
5. Where appropriate, and in the discretion of the Chairman, two or more Appeals may be heard together.
6. Save in exceptional circumstances, and subject to the discretion of the Chairman, no person may give evidence before the Panel unless a signed witness statement has previously been produced in accordance with these Guidelines.
7. If EH wishes to rely on any witness statements or documents in addition to those supplied to the Appellant prior to the making of the decision that is the subject of the Appeal, copies thereof must be sent to the Appellant not less than 14 days prior to the hearing. If the Appellant wishes to rely on any witness statements or documents in addition to those produced prior to the decision that is the subject of the Appeal, copies thereof must be sent to the NDO or the Secretary to the relevant RDAP as the case may be not less than 7 days before the hearing.
8. Any witness statement must be signed by the maker of the statement but the witness (unless also a party) will not be required to attend the hearing unless, not less than 72 hours before the hearing, a party informs the NDO or the Secretary to the relevant RDAP as the case may be that the presence of the witness is required, in which case the NDO or the Secretary of the relevant RDAP shall so inform the witness. Where a witness statement has been produced but the witness does not appear at the hearing having been requested to attend, the witness statement may be admitted as evidence at the discretion of the Chairman, subject to the Panel giving such weight to the statement as it thinks fit having regard to the fact that there will have been no opportunity to question the maker of the statement.
9. Procedure at oral hearings shall be informal, the details being in the discretion of the Chairman. The Chairman may amend and adapt the procedure in order to do justice in the particular case.
10. The attendance of the Appellant (or its duly appointed representative if an affiliated body) is required at the oral hearing, but, if the Appellant nevertheless fails to attend, the hearing may proceed in the absence of the Appellant if the Panel is satisfied that all relevant procedures requiring the attendance of the Appellant have been complied with and that no acceptable explanation for the absence has been provided. Should the Panel not be so satisfied, it shall have power to adjourn the hearing to such time and date as it may think fit.
11. A record of each oral hearing shall be taken and retained by EH for not less than 2 years.
12. The Panel may adjourn the hearing from time to time and upon such terms as it may think fit.
13. On an Appeal in respect of a Red Card Offence or a MMO and on an Appeal in respect of a Disrepute Offence where the initial Disrepute Complaint was made by an umpire, the umpire who issued the Red Card or reported the MMO or made the Disrepute Complaint as the case may be is entitled to be independently represented at the hearing.
14. Unless otherwise directed by the Chairman prior to the hearing, the NDO or the Secretary to the appropriate RDAP shall prepare a bundle of documents (“the Appeal Bundle”) for use at the Appeal. The Appeal Bundle should contain copies of all documents and witness statements intended for use at the Appeal, paginated and indexed. Seven copies of the Appeal Bundle should be produced: one for each member of the Panel, one for the Appellant, one for the EH representative, one for the umpire in the case of an Appeal in respect of a Red Card Offence or a MMO or a Disrepute Complaint made by an umpire, and one for the use of witnesses at the hearing. Copies of the Appeal Bundle should be supplied to the members of the Panel, the Appellant, the EH representative and the umpire (if appropriate) not less than 48 hours before the hearing.

15. Prior to the hearing, the NDO or the Secretary to the appropriate RDAP shall prepare a schedule containing a summary of the actual and anticipated costs and expenses of and occasioned by the Appeal.
16. Subject to the discretion of the Chairman in any particular case, the procedure at the Appeal hearing will be as follows:
  - 16.1 The Chairman will introduce the members of the Panel and ascertain the identity and role of all those present.
  - 16.2 The decision that is the subject of the Appeal shall be read out by the EH representative. Unless the Panel indicate that the documents and witness statements in the Appeal Bundle have been read, the EH representative shall read out, or invite the members of the Panel to read, the documents and witness statements in the Appeal Bundle.
  - 16.3 The Chairman shall then invite the Appellant to make a statement and the EH representative shall be entitled to ask the Appellant questions.
  - 16.4 Any witness giving oral evidence against the Appellant shall be asked to verify his witness statement and, in the case of an umpire, the contents of the relevant RCRF. The witness shall be asked to correct any mistakes or omissions in his witness statement and may, with the permission of the Chairman, be asked questions by the EH representative supplementing his evidence. The Appellant or the Appellant's representative may then question the witness. With the permission of the Chairman, the EH representative may then question the witness further upon any new matter arising out of the Appellant's or the Appellant's representative's questions.
  - 16.5 Any witness giving oral evidence on behalf of the Appellant shall be asked to verify his witness statement. The witness shall be asked to correct any mistakes or omissions in his witness statement and may, with the permission of the Chairman, be asked questions by the Appellant or the Appellant's representative supplementing his evidence. The EH representative may then question the witness. With the permission of the Chairman, the Appellant or the Appellant's representative (if any) may then question the witness further upon any new matter arising out of the EH representative's questions.
  - 16.6 Where the Appeal is concerned with a Red Card Offence or a MMO or a Disrepute Complaint made by an umpire, the umpire or the umpire's representative may, if and when permitted by the Chairman, question any witness.
  - 16.7 The Chairman and any member of the Panel, with the consent of the Chairman, may at any stage of the hearing question any witness, the EH representative, the Appellant and the Appellant's representative if any.
  - 16.8 At the conclusion of the evidence the Appellant or, if represented, the Appellant's representative shall be invited to make final submissions as to whether the decision appealed against should be upheld.
  - 16.9 If so required by the Chairman, the EH representative may be invited to make submissions concerning whether the decision appealed against should be upheld.
  - 16.10 At the conclusion of the hearing the Chairman will either ask the parties to withdraw or the Panel will withdraw to consider its decision.
  - 16.11 The Panel may either invite the parties to wait for its decision, or state that the announcement of the decision will be deferred and put in writing to be sent to the parties.
17. The Panel may direct that all or a proportion of the costs and expenses incurred in connection with the Appeal as set out in the schedule referred to in 15 above should be paid by the Appellant, in which case the Panel shall summarily assess the amount to be paid.
18. Where a decision is announced at the conclusion of the hearing, the decision shall be confirmed in writing to the Appellant and the NDO within 48 hours. The decision shall be notified in writing within 72 hours pursuant to Regulation 9.8. The confirmation and notification of the decision shall include succinct reasons for the decision.