

## BRITISH WEIGHTLIFTERS' ASSOCIATION

### DISCIPLINARY REGULATIONS

#### CHAPTER 1

##### Overriding Objectives and Application of these Regulations

- 1 These Regulations have the following objectives (the "**Overriding Objectives**"):
  - 1.1 To maintain and promote a fair and reasonable standard of conduct in Lifters, Members and Related Persons as well as to protect their respective rights, the rights of the public and the rights of BWLA in respect of the sports of weightlifting and powerlifting; and
  - 1.2 To ensure that disciplinary matters to which these Regulations apply are dealt with fairly, justly, expeditiously and in a manner that is consistent with the fundamental principles of natural justice.
- 2 The Disciplinary Committee and the Appeal Committee must seek to give effect to the Overriding Objectives when they exercise any powers given to them under these Regulations while recognising that neither the Disciplinary Committee nor the Appeal Committee is a court of law and, as a result, panellists or those appearing before them may not be legally qualified.
- 3 These Regulations apply in all disciplinary matters arising under the Rules save where the wording of those Rules provides otherwise.

#### CHAPTER 2

##### Definitions

- 4 In these Regulations the following words and phrases shall (unless the context otherwise requires) have the following meanings:

**"Appeal Committee"** shall mean any committee established under Paragraph 11.2.

**"Anti-Doping Rules"** shall mean BWLA's anti-doping rules as approved or issued from time to time.

**"Articles of Association"** shall mean the articles of association of BWLA from time to time in force and **"Article"** shall be construed accordingly.

**"Athlete Representative"** shall mean the elected athlete representative as further described in the Articles of Association.

**"Board"** shall mean the board of directors of BWLA from time to time.

"**BWLA**" shall mean the British Weight Lifters Association, company number 00586136, the national governing body for the sports of weightlifting and powerlifting in the United Kingdom.

"**BWLA Event**" shall mean any event, competition or activity organised, authorised or sanctioned by BWLA.

"**BWLA Event Officials**" shall mean any person who controls competition at a BWLA Event by applying the rules and regulations of weightlifting and/or powerlifting and/or the BWLA Event (as applicable).

"**Chairman**" shall mean the chairman of the Disciplinary Committee or the Appeal Committee (as applicable).

"**Chief Executive Officer**" shall mean the chief executive officer of BWLA from time to time.

"**Clerk**" shall mean the person appointed by BWLA under Paragraph 9 to administer any proceedings arising under or in connection with these Regulations.

"**Conference Call**" means a telephone call at which all those taking part can hear what all other participants are saying and can contribute to the discussion in real time.

"**Defendant**" shall mean a person (or persons) who has (or have) been notified by the Clerk that a Notice of Claim has been submitted against him.

"**Disciplinary Committee**" shall mean any committee established under Paragraph 11.1.

"**Disciplinary Panel**" shall mean the Disciplinary Panel established under Paragraph 8.

"**Disciplinary Panel Chair**" shall mean the chair of the Disciplinary Panel.

"**Independent**" shall mean that a person:

- (a) is not related to any of the parties concerned or to any person who might be affected as a result of any decision of the Disciplinary Committee, the Appeal Committee or the disciplinary process;
- (b) is not a member of the club or team of the parties concerned or of any club or team whose position in a competition might be affected as a result of any decision of the Disciplinary Committee, the Appeal Committee or the disciplinary process;
- (c) has not taken part in the competition at which the subject matter of the disciplinary process occurred whether as a competitor or in any other capacity;
- (d) has not been involved with the disciplinary process at any earlier stage;

- (e) is not the doctor or medical adviser to any of the parties concerned or any other party whose position might be affected as a result of any decision taken; and
- (f) is not a person who, by reason of the facts or by circumstances, a reasonable minded person may consider would show bias,

and "**Independence**" shall be construed accordingly.

"**Lifters**" shall mean any weightlifter or powerlifter who is competing, taking part in or present at any BWLA Event.

"**Member**" shall mean a member of BWLA as further set out in the Articles of Association and "**Members**" and "**Membership**" shall be construed accordingly.

"**Notice of Appeal**" shall mean the notice sent to the Clerk concerning the appeal of a decision made by a Disciplinary Committee which must include the grounds of appeal and explain the basis for the appeal.

"**Notice of Claim**" shall mean the notice sent by BWLA to the Clerk concerning an alleged Offence which must include the following details:

- (a) the name and address of the person(s) alleged to have committed the Offence;
- (b) the alleged Offence;
- (c) a brief statement of the facts and the legal argument;
- (d) BWLA's request for relief;
- (e) any evidence upon which BWLA will seek to rely; and
- (f) the email address(es) to which all communications arising out of or in connection with the disciplinary matter should be sent.

"**Offence**" shall mean any breach of the Rules.

"**Overriding Objectives**" shall mean the objectives of these Regulations as set out at Paragraph 1.

"**Prosecutor**" shall mean a person appointed by BWLA to prosecute a disciplinary matter in accordance with Paragraph 23 and shall include any person acting on behalf of the Prosecutor.

"**Related Person**" shall mean any coach, trainer, therapist, management representative, agent, family member, guest, or associate of any Lifter or Member or any person who by virtue of a contractual arrangement or otherwise is subject to and/or has submitted to the jurisdiction of BWLA for the purposes of these Regulations.

"**Regulations**" shall mean these disciplinary regulations as approved or amended by BWLA from time to time.

**"Rules"** shall mean:

- (a) the Articles of Association;
- (b) any other regulation, policy, code of conduct or guideline issued, approved or amended by BWLA from time to time including but not limited to these Regulations but excluding the Anti-Doping Rules;
- (c) International Weightlifting Federation's Constitutions and By-Laws from time to time in force; and
- (d) World Para Powerlifting (formerly IPC Powerlifting) rules and regulations from time to time in force.

5 In these Regulations, unless the context otherwise require:

- (a) the masculine shall include the feminine, the singular should include the plural and vice versa;
- (b) a reference to a **"Paragraph"** or a **"Chapter"** shall be a reference to a paragraph or a chapter of these Regulations; and
- (c) in writing shall include communications sent by email.

### CHAPTER 3

#### BWLA Jurisdiction

6 In accordance with these Regulations, BWLA shall have the power to investigate, refer to a Disciplinary Committee, and impose penalties upon any:

6.1 Member;

6.2 Lifter; and

6.3 Related Person,

for any alleged Offence and/or for any conduct that has had or is likely to have a serious adverse effect on BWLA or bring BWLA or any of its Members into disrepute or who has acted or has threatened to act in a manner which is contrary to the interests of BWLA as a whole, irrespective of where the conduct or act is alleged to have occurred.

7 Save where the Rules provide otherwise, the BWLA Event Officials decisions at a BWLA Event and their sporting consequences are final and shall not be overturned by a decision of the Disciplinary Committee. The purpose of a subsequent review of an incident that occurred during a BWLA Event by a Disciplinary Committee is to determine whether there should be any disciplinary sanctions applied for an Offence.

## **CHAPTER 4**

### **Appointment of Disciplinary Panel, Disciplinary Committee, Appeal Committee and Clerks**

- 8 The Board shall appoint and maintain a Disciplinary Panel from which its Disciplinary Committees and Appeals Committees shall be selected. The Disciplinary Panel members shall be appointed for such period and on such terms as the Board shall determine from time to time. The Board shall use reasonable endeavours to ensure that the Disciplinary Panel is comprised of a range of persons of appropriate expertise to hear disciplinary matters including, but not limited to, persons who are legally trained and/or who are representative of the various stakeholders of BWLA. For the avoidance of doubt, the Disciplinary Panel may include the Athlete Representative and/or be comprised of members of the Board. The Disciplinary Panel shall appoint the Disciplinary Panel Chair from amongst its number and the names of the members of the Disciplinary Panel shall be published on the website of BWLA from time to time and shall make clear the person who is the Disciplinary Panel Chair.
- 9 The Board shall appoint a Clerk to assist the Disciplinary Committee and Appeal Committee who shall provide an independent process of adjudication in weightlifting and powerlifting disciplinary matters. The Board shall use reasonable endeavours to ensure that the Clerk has the appropriate expertise to carry out his responsibilities under these Regulations. The Clerk shall be appointed for such period and on such terms as the Board shall determine from time to time.
- 10 The Board shall nominate sufficient people to the Disciplinary Panel to enable it to at any one time to appoint a Disciplinary Committee and/or an Appeal Committee of at least three people.
- 11 Upon receipt of a Notice of Claim or Notice of Appeal (as applicable), the Clerk shall send such notice to the Disciplinary Panel Chair who shall, within a reasonable time period, appoint three members of the Disciplinary Panel to form:
  - 11.1 the Disciplinary Committee to determine an allegation that an Offence has been committed; and
  - 11.2 the Appeal Committee to determine an appeal arising out of or in connection with these Regulations.
- 12 Members of the Disciplinary Committee and/or the Appeal Committee shall be appointed on a case-by-case basis. The Disciplinary Panel Chair shall use reasonable endeavours to ensure that the appointed members have the appropriate expertise to give effect to the Overriding Objectives of these Regulations.
- 13 The Disciplinary Committee and/or the Appeal Committee (as applicable) shall be responsible for appointing a Chairman amongst their members.

## **CHAPTER 5**

### **Independence and Challenge**

- 14 The Clerk and each member of the Disciplinary Committee and/or the Appeal Committee shall be and shall remain Independent of the parties at all times and shall immediately disclose any circumstances which may affect his or her Independence during the disciplinary process in writing to the parties.
- 15 The Clerk and/or a Member of the Disciplinary Committee and/or the Appeal Committee may be challenged if circumstances arise which would lead a fair minded and objective observer to doubt that person's Independence.
- 16 A challenge must be made in writing to the Chief Executive Officer within seven days of the ground for challenge becoming known.
- 17 Challenges shall be determined by the Board in its absolute discretion (within seven days of receipt of such challenge) and the Board's decision shall be final and binding on the parties.
- 18 In the event of a successful challenge, resignation or death of the Clerk and/or a Disciplinary Committee and/or Appeal Committee Member, the Board or the Clerk (as applicable) shall appoint another person to act in their place within seven days of such challenge, resignation or death. In such circumstances any timetable set out in these Regulations will be adjusted accordingly.

## **CHAPTER 6**

### **Initial Investigation and Referrals**

- 19 Any person wishing to make a complaint that an Offence has been committed shall do so to the Chief Executive Officer. A complaint may be made orally or in writing but, if made orally, the Chief Executive Officer may request that the complainant submit a subsequent written complaint. On receipt of a complaint, the Chief Executive Officer shall review the matter and determine whether further investigation of the alleged Offence is required. In carrying out such further investigation, the Chief Executive Officer shall be under no obligation to consult the person who is alleged to have committed the Offence. The Chief Executive Officer may delegate the further investigation to anyone who he reasonably considers is able to carry it out and may seek external advice as to whether a matter.
- 20 Every Member, Lifter and/or Related Person responding to enquiries made by the Chief Executive Officer (or such person appointed by him to carry out the investigation) or giving evidence before a Disciplinary Committee is under a duty to give full and truthful evidence. If the Chief Executive Officer reasonably believes that such Member, Lifter and/or Related Person has not given full and truthful evidence they may be referred to the Disciplinary Committee, such conduct being an Offence.
- 21 If, after such further investigation, the Chief Executive Officer considers that there is reasonable evidence of an Offence, he shall submit a Notice of Claim.
- 22 BWLA may, at its sole discretion, refer any matter that comes to its attention and which it reasonably considers may constitute an Offence to the Disciplinary Committee by submitting a Notice of Claim.

- 23 BWLA may, in any case it submits or refers to the Disciplinary Committee under Paragraphs 20 or 22, appoint a Prosecutor. In such circumstances, BWLA must notify the Clerk of the Prosecutor's name and address. If a Prosecutor is not appointed, a reference to 'Prosecutor' in these Regulations shall be deemed to be a reference to BWLA.

## **CHAPTER 7**

### **Interim Suspensions and Criminal Offences**

- 24 The Chief Executive Officer shall have the power to issue an interim suspension order at any time against any Member, Lifter, and/or Related Person. Such an interim suspension order may be issued at any time following a complaint being submitted to the Chief Executive Officer pursuant to Paragraph 19 and/or any matter which comes to his attention pursuant to Paragraph 22 up to the conclusion of the case, in circumstances where the Chief Executive Officer reasonably considers that the seriousness of the alleged Offence and/or the evidence gathered in respect of the alleged Offence merits such a suspension.
- 25 Upon issue of an interim suspension order, the Chief Executive shall immediately notify in writing the person who is the subject of the order and the Disciplinary Committee and give reasons for his decision.
- 26 The penalties that the Chief Executive Officer may impose pursuant to an interim suspension order are limited to suspending a person from Membership (in part or in full).
- 27 Within seven days of receipt of an interim suspension order, the person who is the subject of the order may apply in writing to the Disciplinary Committee to have the interim suspension order set aside. Such application must state the reason(s) for the application and may only be made on the grounds that the decision by the Chief Executive Officer was irrational, illegal or procedurally improper taking into account the circumstances of the matter.
- 28 The Chairman shall determine the procedure for hearing such an application and the decision of the Disciplinary Committee shall be final and binding.
- 29 Where an interim suspension order is not challenged within the time period set out above, or where the interim suspension order is confirmed by the Disciplinary Committee, BWLA reserves the right to communicate that suspension to the police, local authorities or any other regulatory or sporting body as required by law, regulation or to allow such persons to properly exercise their function.
- 30 An interim suspension order shall automatically cease:
- 30.1 If the Disciplinary Committee upholds an application made under Paragraph 27 above;
- 30.2 When the matter has been finally determined by a Disciplinary Committee pursuant to these Regulations;

- 30.3 If the allegation against that person is withdrawn; or
- 30.4 120 days after issue, unless the Chief Executive Officer, acting reasonably, determines that it is in the interests of BWLA, weightlifting or powerlifting or the administration of justice that such suspension order should be extended for a further period not exceeding 120 days.
- 31 Where a Member, Lifter and/or Related Person has been convicted or cautioned in respect of a criminal offence in any jurisdiction which directly or indirectly relates to the playing, administration or image of BWLA, weightlifting and/or powerlifting, the Board shall have the power to impose a penalty on that person without submitting that matter to the Disciplinary Committee.
- 32 The Board may impose any penalty that the Disciplinary Committee is empowered to impose under these Regulations and shall give written reasons for the decision. A person who is sanctioned pursuant to this Paragraph shall have the right to appeal to the Appeal Committee within 14 days of receipt of the written reasons for the decision. The procedure for such an appeal shall be determined by the Chairman.

## CHAPTER 8

### Notification of alleged Offence and Communication

- 33 On receipt of a Notice of Claim, the Clerk shall:
- 33.1 Notify the Defendant in writing of the allegation; and
- 33.2 Appoint a Disciplinary Committee.
- 34 In carrying out his duties under Paragraph 33.1, the Clerk shall supply the Defendant with the Notice of Claim and a copy of these Regulations.
- 35 Within 14 days of receipt of a Notice of Claim, the Defendant shall:
- 35.1 Notify the Clerk in writing whether the Charge is admitted and, if not, whether he wishes the allegation to be dealt with by written submissions or by a hearing; and
- 35.2 Identify the email address(es) to which all communications arising out of or in connection with the disciplinary matter should be sent.
- 36 If the Defendant does not reply within the period specified in Paragraph 35, the Disciplinary Committee can proceed on the basis that the Defendant admits the allegations and the Disciplinary Committee may determine the proceedings in accordance with Chapter 10.
- 37 The Clerk must send a copy of all communications, statements of case, applications and evidence he sends or receives (as applicable) to or from one party to the other party or parties to the dispute.



## CHAPTER 9

### Burden and Standard of Proof and Rules of Evidence

- 38 In all matters arising out of or in connection with these Regulations (including appeals), the standard of proof shall be the balance of probabilities. The Prosecutor shall bear the standard of proof before the Disciplinary Committee. The appellant shall bear the standard of proof before the Appeal Committee.
- 39 The Disciplinary Committee and the Appeal Committee shall not be obliged to follow strict rules of evidence. They may admit such evidence as they think fit and accord it such weight as they deem appropriate and reasonable in all the circumstances.
- 40 The Disciplinary Committee and the Appeal Committee may draw such inference as they consider justified from any absence of evidence which they consider material and may invite the party whom they consider should have produced such evidence to explain its absence.

## CHAPTER 10

### Procedure on Written Submissions

- 41 If the Defendant indicates that he wishes the allegations to be disposed of by written submissions (or the Disciplinary Committee proceeds under Paragraph 36), the provisions of this Chapter shall apply and the Clerk shall notify the Defendant:
- 41.1 of the date by which the Defendant's written submissions must be submitted to the Clerk, such date being not less than 14 days after notice has been given to the Defendant in accordance with this Paragraph; and
- 41.2 of any previous findings of a Disciplinary Committee against the Defendant which, in the event of the Disciplinary Committee finding the allegation proved, will be made known to the Disciplinary Committee on the question of penalty.
- 42 If the Defendant does not reply within the time specified in Paragraph 41.1 the Clerk shall notify the Prosecutor and call a meeting of the Disciplinary Committee and proceed in accordance with Paragraph 46.
- 43 Unless the parties agree otherwise or the Chairman orders otherwise in exceptional circumstances, there will be no further written submissions. The Chairman has sole discretion to determine whether such permission should be granted.
- 44 Written submissions may include written statements from witnesses, reports from experts or any other material which is relevant to the matters in issue.
- 45 If a party shall require more time for any stage of the process set out in this Chapter, they may apply in writing to the Chairman for an extension of time. Such application should be made in writing before the time allowed for that stage has expired. The Chairman may, at his sole discretion, extend the time for such period as he thinks reasonable.

- 46 When all written submissions have been received, the Disciplinary Committee shall call a meeting at which they shall consider the written submissions and reach their decision.
- 47 If the Chairman so determines, the meeting may be by way of Conference Call.

## CHAPTER 11

### Preparation for Hearings

- 48 If the Defendant asks for a hearing the provisions of this Chapter and of Chapter 12 shall apply.
- 49 When the Clerk receives the request for a hearing he will notify the Chairman.
- 50 On receipt of such notification, the Chairman will consider whether it will help in meeting the overriding objectives to hold a preliminary review with the Prosecutor and the Defendant present. If he does, the Clerk will fix a convenient time and place for the preliminary review or may arrange one by Conference Call.
- 51 In place of a preliminary review and/or in straightforward cases, the Chairman may give written directions about any matter that could be dealt with on a preliminary review.
- 52 The purpose of a preliminary review is not to decide whether the allegations are proven but to assist the Disciplinary Committee and the parties in meeting the Overriding Objectives.
- 53 The preliminary review may:
- 53.1 Require the Defendant to state his defence;
  - 53.2 Require either party to provide more information about their case;
  - 53.3 Identify the issues which are in dispute and those which are agreed;
  - 53.4 Decide the order in which the issues are to be dealt with;
  - 53.5 Consider what (if any) technical evidence is needed and how it will be obtained;
  - 53.6 Consider what information either side may reasonably need which is held by the other side and to make arrangements for it to be made available;
  - 53.7 Consider the number of witnesses that may be needed (if any), the nature of their evidence and how their evidence may be given;
  - 53.8 Consider whether the names of witnesses need to be exchanged before the hearing and whether the statements of those witnesses should be exchanged and if so at what point;

- 53.9 Agree that the Chairman will write to a potential witness asking them to:
- (a) attend the hearing; or
  - (b) answer such questions as it is agreed the Chairman should put to them; or
  - (c) give a written account of the events;
- 53.10 Establish a timetable leading up to the hearing;
- 53.11 Fix a date for the hearing (or any other significant event in the preparation or review of the case);
- 53.12 Make any arrangements about the conduct of the hearing including the order of the procedure, the presence of witnesses, preparation and submission of documents (including reports of experts) and any other matter of procedure that could conveniently be decided before the hearing; and
- 53.13 Do anything else which the Chairman considers will assist the Disciplinary Committee in meeting the Overriding Objectives.
- 54 If a party does not comply with any direction given by the Disciplinary Committee, the Disciplinary Committee may draw such conclusions from that as they think fit.
- 55 In the event that any party fails to comply with a material direction given by the Disciplinary Committee, the Chairman may, after giving the defaulting party the opportunity to be heard, give such directions he believes to be just including dismissing the Notice of Claim or striking out the defence and directing the Disciplinary Committee to proceed on the basis that the Defendant had not responded to the charge.
- 56 Any party may apply to the Chairman to vary the directions given or for any other directions to be given. The Chairman shall determine such request in his sole discretion taking into account the Overriding Objectives.

## **CHAPTER 12**

### **The Hearing**

- 57 The Disciplinary Committee, in conducting the hearing, must apply the following principles:
- 57.1 Each side must have a fair opportunity to put their own case forward and to challenge that of the other side;
- 57.2 Each side must be allowed to place before the Disciplinary Committee any relevant evidence that they wish to have considered. The Disciplinary Committee may prevent the introduction of defamatory or irrelevant material or unnecessarily long or repetitious material;

- 57.3 Where a witness gives evidence orally, the other side must be allowed to test that evidence. The Disciplinary Committee should restrain any cross-examination that is not relevant to the issues or which is designed to humiliate or distress the witness; and
- 57.4 The Overriding Objectives of these Regulations should be met.
- 58 Subject to Paragraph 56 and any directions given, the Disciplinary Committee may adopt any method of proceedings at a hearing that it considers to be fair.
- 59 Unless the Chairman agrees otherwise, the only people who are allowed to attend or be present at the hearing are:
- 59.1 Members of the Disciplinary Committee;
- 59.2 The Clerk;
- 59.3 Anyone appointed by the Clerk to take a note of the proceedings;
- 59.4 The Prosecutor;
- 59.5 The Defendant;
- 59.6 Any witnesses who are not asked to remain outside the hearing; and
- 59.7 Legal representatives of either party.
- 60 The Disciplinary Committee shall, on the basis of the evidence and submissions made to it, decide whether the allegations have been made out against the Defendant.

## **CHAPTER 13**

### **Decision, Penalties and Reasons**

- 61 Deliberations of the Disciplinary Committee shall be private and only the members of the Disciplinary Committee shall take part. At the request of the Disciplinary Committee, the Clerk or a person appointed by the Clerk may be present solely for the purposes of recording the reasons for the decision.
- 62 A decision of the Disciplinary Committee shall be determined by a majority. Each member of the Disciplinary Committee shall have one vote. In the event of a deadlock the Chairman shall have the casting vote.
- 63 Where the Disciplinary Committee find the charge is proven or the Offence is admitted, the Disciplinary Committee shall consider:
- 63.1 Any relevant previous findings of a Disciplinary Committee against the Defendant;
- 63.2 Any submissions by the Defendant in respect of any mitigating factors; and
- 63.3 Any submissions made by the Prosecutor in respect of any aggravating factors,

such submissions may be made orally or in writing and within such timeframe as the Chairman, at his sole discretion, shall determine.

- 64 Following consideration of the submissions, the Disciplinary Committee shall:
- 64.1 In respect of any Offence for which there is a mandatory, fixed penalty set out in the Rules, the Disciplinary Committee shall impose such penalty; and
- 64.2 In respect of any other Offence, the Disciplinary Committee may impose any one or more of the following penalties:
- (a) That the Defendant be reprimanded and warned as to his/her future conduct;
  - (b) That the Defendant be excluded permanently from Membership;
  - (c) That the Defendant be suspended from Membership for a period not exceeding five years;
  - (d) That the Defendant be prohibited from participating in any competition or event organised, sanctioned or authorised by BWLA for a period not exceeding 12 months;
  - (e) In the event that the Offence took place during a BWLA Event and in respect of that particular BWLA Event, that:
    - (i) The Defendant's results be removed from any record;
    - (ii) Any points that the Defendant accrued or was awarded be deducted; and/or
    - (iii) The Defendant be required to give back any medal, trophy or prize money awarded to him or her;
  - (f) That the Defendant pay a fine to BWLA in such amount as the Disciplinary Committee shall, in their absolute discretion, direct giving due regard to the gravity of the Offence in question and all the circumstances of the case; and
  - (g) Any other sanction that the Disciplinary Committee deems reasonable giving due regard to the gravity of the Offence in question and all the circumstances of the case.
- 65 As soon as possible following the conclusion of the case, the Chairman shall notify the Clerk of the decision of the Disciplinary Committee and shall, at the same time, deliver written reasons for its decision. In urgent cases, the Chairman may notify the Clerk of the Disciplinary Committee's decision only and, in such circumstances, the Disciplinary Committee shall send a copy of its written reasons as soon as reasonably practicable thereafter. Upon receipt of the Disciplinary Committee's decision and/or reasons, the Clerk shall immediately notify the Defendant and BWLA of the same.

- 66 BWLA shall keep a record of the decisions and the written reasons of its Disciplinary Committees at its registered office.

## CHAPTER 14

### Appeals

- 67 Subject to Paragraph 28 above, BWLA or a Defendant may appeal a decision of the Disciplinary Committee to the Appeal Committee by submitting a Notice of Appeal to the Clerk. The Notice of Appeal must be submitted within 21 days from the date of receipt of the Disciplinary Committee's decision that is being appealed.
- 68 The grounds of appeal available to a Defendant shall be limited to claims that the Disciplinary Committee:
- 68.1 Failed to give the Defendant a fair hearing;
  - 68.2 Misinterpreted or failed to properly apply these Regulations; or
  - 68.3 Came to a decision which no reasonable body properly informed could have reached.
- 69 Upon receipt of a Notice of Appeal, the Clerk shall send it to the other party or parties to the appealed decision.
- 70 The Appeal Committee shall have all such powers as are necessary to carry out its function efficiently and effectively. In particular it shall:
- 70.1 Issue such further directions as are necessary for the efficient conduct of the proceedings;
  - 70.2 Take such legal and/or other professional advice it considers necessary;
  - 70.3 Nominate such person as it considers appropriate to act as its secretary in the proceedings (this may, but need not be, the Clerk); and
  - 70.4 Ensure that a fair hearing takes place.
- 71 The Appeal Committee shall proceed on the basis of written submissions save where the Defendant applies in his Notice of Appeal for an oral hearing. Such oral hearing may proceed by telephone conference or video conference at the discretion of the Appeal Committee. Subject to further order, the Appeal Committee will announce its decision as soon as practicable following the hearing.
- 72 The Appeal Committee may affirm, reverse or modify (by the imposition of lesser or more severe sanction(s)) the decision subject to appeal. The Appeal Committee shall promptly give written notice of the findings and any sanctions imposed to the parties.
- 73 The decision of the Appeal Committee shall be final and binding and not subject to further challenge. All parties waive irrevocably any right to any form of appeal, review

or recourse by or in any court of judicial authority in respect of such decision, in so far as such waiver may be validly made. For the avoidance of doubt, such a waiver extends to any rights that would otherwise arise under sections 45 or 69 of the Arbitration Act 1996 (or any successor provisions) in force from time to time.

## **CHAPTER 15**

### **Costs**

- 74 Subject to Paragraph 75, the costs of any party in respect of disciplinary matters (including any appeal) shall be borne by himself (including the costs of any lawyer engaged by that party, any witnesses he calls or any expert's report he commissions).
- 75 Paragraph 66 shall not apply where:
- 75.1 The parties have agreed that costs should be dealt with in a particular way; or
- 75.2 The Disciplinary Committee or the Appeal Committee (as applicable) are satisfied that one party has deliberately conducted himself in a manner that was repeatedly and/or materially contrary to the Overriding Objectives. In such circumstances, the Disciplinary Committee or the Appeal Committee may order that party to make such contribution to the costs of the other party as the Committee in its absolute discretion thinks appropriate.

## **CHAPTER 16**

### **Confidentiality and Publication**

- 76 Proceedings under these Regulations shall be held in private. Subject to Paragraphs 77 and 78, the parties, the Disciplinary Committee and the Clerk agree to keep confidential and not to disclose details of the disciplinary process or any hearing (together with any associated documents, correspondence and evidence) unless required by law, a court order, the order of a competent regulatory body or upon agreement between the parties.
- 77 BWLA may, at its sole discretion, publish (including on its website or other media) and/or circulate a copy to any person who BWLA reasonably considers should receive such a copy, any decision and/or reasons determined pursuant to these Regulations (in full or subject to any necessary temporary or permanent redaction).
- 78 BWLA may, at any time during the disciplinary proceedings, notify the police, the local authorities or any other competent regulatory or sporting body of the existence of and details relating to the disciplinary investigation or proceedings as required by law or as such persons may need to know for the proper exercise of their function.

## CHAPTER 17

### Minor Deviations from Procedure

- 79 A departure from the procedures set out in these Regulations or anything derived from these Regulations shall not invalidate any finding by a Disciplinary Committee or Appeal Committee (as applicable) unless that departure was such as to cast a real doubt on the reliability of such decision.

## CHAPTER 18

### Protection of BWLA, members of Disciplinary Committees etc

- 80 Except as provided in Paragraph 81 no claim shall be brought against:
- 80.1 BWLA (including the Chief Executive Officer);
  - 80.2 The Board of BWLA;
  - 80.3 any member of any Disciplinary Committee or Appeal Committee;
  - 80.4 the Clerk;
  - 80.5 The Prosecutor; or
  - 80.6 any person acting on BWLA'S behalf under these Regulations with the authority of BWLA, purporting to act on its behalf under these Regulations,  
  
by any sportsman in any court of judicial authority whether in contract or tort or otherwise howsoever and whether for damages or other relief of any kind whatsoever unless the sportsman alleges actual fraud on the part of the person sued.
- 81 Paragraph 80 does not apply to any claim for death or bodily injury arising from the negligence of the Defendant.

## CHAPTER 19

### Amendments to these Regulations and Publication

- 82 The Board may at any time, through passing a resolution approved by a simple majority, make such alteration to these Regulations as it thinks fit and such amendments shall take effect from the date specified in the resolution or if no date is specified one week after the day the resolution was approved. Any such changes shall not affect any case which at the date the resolution is approved has been notified to BWLA.
- 83 BWLA shall publish any such amendments on its website as soon as reasonably practicable following the Board's resolution.