

**THE DISCIPLINARY PROCEDURES TO BE USED AT PERSONAL HEARINGS BEFORE DISCIPLINARY COMMISSIONS REQUESTED BY PARTICIPANTS OF CLUBS AND CLUBS DEALT WITH BY COUNTY AND OTHER AFFILIATED ASSOCIATIONS.**

***PERSONAL HEARINGS BEFORE A DISCIPLINARY COMMISSION***

A. Subject to the Rules of The Football Association, a Disciplinary Commission may adopt such procedures at a Personal Hearing of a Charge as it considers appropriate and expedient for the just determination of the Charge brought before it.

B. A Disciplinary Commission shall not be bound by any enactment or Rule of Law relating to the admissibility of evidence in proceedings before a Court of Law.

1. The Disciplinary Commission may appoint a person to act as Secretary to the Disciplinary Commission whose duty shall be to call the evidence to be submitted in support of the Charge and generally assist the Disciplinary Commission in its determination of the Charge.

2. A participant may be represented by one individual. (For instance, a player may be represented by a Club Official of a Club with which he is associated or by a representative of the Professional Footballers' Association, and a Referee may be represented by a representative of the Referees Association except when he is acting as a witness.) A participant appearing before a Disciplinary Commission may be legally represented only with the prior consent of the Disciplinary Commission. Request for consent must be made with at least 7 days notice. An individual acting as representative for a participant shall not be allowed to give evidence at a Disciplinary Commission.

3. The person charged and any representative shall be admitted to the hearing. The Disciplinary Commission shall satisfy itself that the person charged has had details of the Charge.

4. Evidence (including witness evidence) in support of the Charge shall be received by the Disciplinary Commission. In cases concerning a report from a Match Official, that report shall be received in evidence first and shall be read out to the hearing. This report may have been submitted by email or through a web-site, in accordance with accepted FA procedures.

5. The person charged or his representative shall have the right to ask questions relevant to the matters in issue of any witness in support of the Charge.

6. After evidence in support of the Charge has been received by the Disciplinary Commission, any written statement made by the person charged shall be read out to the Disciplinary Commission. The person charged may then give evidence on his own behalf and in such event he may have questions asked of him by the Disciplinary Commission. The person charged or his representative may then submit evidence and call witnesses.

7. At any time the chairman and, through him, members of the Disciplinary Commission, may ask questions of any witness or any representative. The Disciplinary Commission may draw such inferences as it considers appropriate from the failure of the person charged to give evidence or answer a question put to him.

8. In the event of the evidence submitted in answer to the Charge disclosing a point which the Disciplinary Commission considers was not covered in the evidence of, or not put to, any witness in support of the Charge, the Commission may recall any witness and ask questions of such witness. The person charged or his representative may also ask questions as at 5 above.

9. The evidence having been completed to the satisfaction of the Disciplinary Commission, the person charged or his representative shall be entitled to make closing submissions based upon the evidence, but this may not include reference to facts not disclosed in the evidence presented to the Disciplinary Commission.

10. At the conclusion of the closing submissions, all persons shall withdraw whilst the Disciplinary Commission considers the evidence and submissions presented to it and determines whether the Charge has been proved or not. After reaching its decision, the Disciplinary Commission shall recall the person charged and his representative. The chairman shall announce whether the Charge has been found proved or not proved.

11. If the Charge is found not proved the hearing will be declared closed.

12. If the Charge is found proved details of the Misconduct (as defined in and pursuant to the Rules of The Football Association) record of the person charged shall be received by the Disciplinary Commission. The person charged, or his representative, may then make a plea in mitigation.

13. At the conclusion of the plea in mitigation the person charged and his representative shall again withdraw and the Disciplinary Commission shall determine what order or orders, if any, shall be made under the provisions of Regulation 6.1 of the Regulations for Football Association Disciplinary Action.

14. The person charged and his representative shall then be re-admitted and informed of the decision of the Disciplinary Commission. This shall subsequently be confirmed in writing. (In cases of an Assault on a Match Referee, the findings of the Disciplinary Commission will be sent to the Match Official if requested by the Match Official in writing).

15. As an alternative to the above, a Disciplinary Commission may, where it considers it appropriate, not announce its decision at the meeting but inform the person charged that such decision will be communicated to him in writing through his Club Secretary.

### ***BOARD HEARINGS***

Appeal hearings shall be conducted how, when and where the Appeal Board considers appropriate. Reasonable notice shall be given by the Appeal Board of the date, time and venue of the appeal.

An Appeal Board shall not be bound by any enactment or Rule of Law relating to the admissibility of evidence in proceedings before a Court of Law.

Appeals against the decisions of Affiliated Associations or Competitions are allowed on one or more only of the grounds listed below in that the relevant body whose decision is appealed against:-

- (a) Failed to give the Appellant a fair hearing.
- (b) Failed to comply with the Disciplinary Procedures relevant to the hearing of the charge.
- (c) Came to a decision on the facts of the case, which no reasonable body could have reached.
- (d) Imposed a punishment, without reasons, not conforming with the Schedule Guide to recommended punishment.
- (e) Imposed an award, order or any other sanction that is excessive.

A Participant may rely on any one or more of the grounds (a) – (e) listed above. Where The Football Association brings an appeal, it may rely on any one or more of grounds (b) – (d), and also the following –

- (f) That the relevant body whose decision is appealed against imposed an award, order or any other sanction that is so unduly lenient as to be unreasonable.

It must be noted that appealed decisions of such bodies are NOT automatically set aside on the acceptance of an appeal. Any request for the setting aside of a decision must be made by the APPELLANT in writing. The appellant must not assume that the request has been agreed.

Therefore, prior to playing or officiating contrary to a written order of the body appealed against, the appellant must be in receipt of a notification from The Football Association that such a decision has been set aside.

Where an application to present new evidence has been made, the party making the application shall address the Appeal Board in support of the application and the other party may respond; the Appeal Board shall then determine whether or not it will receive the new evidence. The following procedures shall be followed at an appeal hearing unless the Appeal Board thinks it appropriate to amend them:

- (1) The Appellant to address the Appeal Board, summarising its case;
- (2) Any new evidence to be presented by the Appellant;

- (3) The Respondent to address the Appeal Board, summarising its case;
- (4) Any new evidence to be presented by the Respondent;
- (5) Each party to be able to put questions to any witness giving new evidence;
- (6) The Appeal Board may put questions to the parties and any witness giving new evidence at any stage;
- (7) The Respondent to make closing submissions;
- (8) The Appellant to make closing submissions;
- (9) The Appeal Board shall proceed in the absence of any party, unless it is satisfied that there are reasonable grounds for the failure of the party to attend and shall do so in such manner as it considers appropriate.

The Appeal Board may, in the event of a party failing to comply with an order, requirement or instruction of the Appeal Board, take any action it considers appropriate, including an award of costs against the offending party.

### ***APPEAL BOARD DECISIONS***

A decision, order, requirement or instruction of the Appeal Board shall (save where to be made under the Rules of The Football Association by the chairman of the Appeal Board alone) be determined by a majority. Each member of the Appeal Board shall have one vote, save that the chairman shall have a second and casting vote in the event of deadlock. A decision of the Appeal Board shall be final and binding and there shall be no right of further challenge.

The Appeal Board shall have power to:

- (1) allow or dismiss the appeal;
- (2) exercise any power which the body against whose decision the appeal was made could have exercised, whether the effect is to increase or decrease any penalty, award, order or sanction originally imposed;
- (3) remit the matter for re-hearing;
- (4) order that any deposit be forfeited or returned as it considers appropriate;
- (5) make such further or other order as it considers appropriate, generally or for the purpose of giving effect to its decision.

### ***COSTS***

The Appeal Board shall have the power to make such order as to the costs of the original hearing and the appeal as it considers appropriate.

### ***ANNOUNCEMENT OF DECISION***

The Appeal Board shall announce its decision to the parties as soon as practicable in such a manner as it considers appropriate; and unless it directs otherwise, its decision shall come into effect immediately.

### ***WRITTEN DECISION***

As soon as practicable after the hearing, the Appeal Board shall publish a written statement of its decision, which shall state:

- (1) The names of the parties, the decision(s) appealed against and the grounds of appeal;
- (2) Whether or not the appeal is allowed; and
- (3) The order(s) of the Appeal Board.

The written statement shall be signed and dated by the chairman of the Appeal Board and be the conclusive record of the decision.

The Appeal Board shall, upon the request of the Appellant/Respondent (such request to be received at The Association within 5 days of the date of the announcement of the decision), give written reasons for the decision.