

REGULATION 17. ILLEGAL AND/OR FOUL PLAY AND MISCONDUCT

17.1 Application of the Regulations

17.1.1 Subject to Regulation 17.1.2, for International Matches, International Tours, and International Tournaments, the disciplinary procedures set out in this Regulation 17 shall be applied. For the purposes of this Regulation 17, International Matches shall be deemed to include the following:

- (a) All Matches between a Union and the Combined Team of the Pacific Island Unions; and
- (b) All Matches involving the British and Irish Lions.

17.1.2 For Matches, International Tournaments and International Matches under the jurisdiction of the IRB, which shall be deemed to include the Rugby World Cup, modified and/or additional procedures and rules to those set out in this Regulation 17 may be adopted by the Tournament organiser or other body designated by the IRB.

17.1.3 Subject to Regulation 17.1.2, for non-International Matches or Matches that do not form part of an International Tour or International Tournament the procedures set out in Regulations 17.26 and 17.27 shall apply.

17.1.4 For IRB Sevens Tournaments, as designated by the IRB, the procedures set out in Regulations 17.33 to 17.40 shall apply, subject to such modifications as are appropriate having regard to the structure of the Tournaments.

17.2 Compliance and Responsibility

17.2.1 For Matches played in accordance with the disciplinary procedures set out in this Regulation 17, subject to the provisions of Regulation 17.2.4 the responsibility for the appointment and administration of the relevant disciplinary bodies and disciplinary personnel, and the imposition of sanctions in respect of Illegal and/or Foul Play, shall be the Host Union's. However, in respect of International Tournaments, subject to the prior written approval of the Board and compliance with these Regulations, the appointment and administration of disciplinary bodies and disciplinary personnel and the imposition of sanctions may be delegated to the International Tournament organiser.

- 17.2.2 For International Matches, International Tours and/or International Tournaments, Unions are required to comply with applicable notification requirements and to apply the disciplinary rules and procedures in accordance with this Regulation 17 subject to any prior written IRB dispensation granted by the CEO, or his designee. Such dispensation shall only be granted on the basis that it is not reasonably practicable due to resource issues and/or non-availability of suitably qualified and experienced personnel to apply the disciplinary rules and procedures set out in this Regulation 17.
- 17.2.3 If the CEO of the Board or his designee suspects that a Union(s) or Tournament organiser is not applying, or in a particular case did not apply, the disciplinary rules and procedures in accordance with this Regulation 17 or failed to apply disciplinary rules and/or procedures properly or in good faith, or failed to comply with applicable notification requirements, the CEO, or his designee, may institute disciplinary action against the Union or Tournament organiser concerned. In addition, the CEO or his designee may investigate and/or review the case concerned to establish if any steps should be taken in relation to the Person(s) that were subject to the disciplinary rules and/or procedures. In such circumstances, the CEO or his designee may suspend the Person, on a provisional basis from participation in an International Match, International Tour and/or International Tournament pending resolution of the matter.
- 17.2.4 The IRB may appoint relevant disciplinary personnel for Matches designated by Council as forming part of the pilot IRB judicial appointment scheme. Where appropriate in Regulation 17, where the IRB makes such appointment, references to Host Union appointment should be read accordingly.

17.3 Disciplinary Matters

- 17.3.1 This Regulation 17 sets out the procedures for dealing with the following disciplinary matters:
- (a) When a Player is Ordered Off the playing enclosure;
 - (b) When a Player is cited for an act or acts of Illegal and/or Foul Play;
 - (c) When a Player has been Temporarily Suspended three times in accordance with Regulation 17.20; and
 - (d) When an act or acts of Misconduct may have been committed by a Union, Player or Person.

17.4 Illegal and/or Foul Play

17.4.1 For the purposes of this Regulation 17, Illegal and/or Foul Play means a breach or breaches of Law 10 of the Laws of the Game and/or a breach or breaches of Law 3.11(c), Law 4.5(c) and Law 6.A.5.

17.5 Ordering Off distinguished from Temporary Suspensions

17.5.1 A Player is Ordered Off when he is sent off the playing enclosure permanently by the referee and can take no further part in the Match in which he was Ordered Off.

17.5.2 A Player is Temporarily Suspended when he is cautioned in a Match by the referee and temporarily sent off the playing enclosure by the referee for a period of ten minutes playing time which is spent in the so-called sin bin.

17.6 Citing

17.6.1 For International Matches and all Matches forming part of International Tours and International Tournaments, Citing Commissioners satisfying the general requirements of Regulation 17.7.1(a) shall be appointed for each Match. Where the appointment of a Citing Commissioner is not reasonably practicable, due to resource issues and/or personnel availability, then subject to the prior agreement of Participating Unions and the CEO (or his designee) pursuant to Regulation 17.6.7, a Citing Commissioner may not be appointed.

Citing Commissioner

17.6.2 When a Citing Commissioner is appointed, the following policy shall apply:

- (a) Citing Commissioners shall be entitled to cite a player for any act or acts of Illegal and/or Foul Play which in the opinion of the Citing Commissioner warranted the Player concerned being Ordered Off;
- (b) Citing Commissioners may cite Players for an act or acts of Illegal and/or Foul Play even where such act or acts may have been detected by the referee and/or touch judge and which may have been the subject of action taken by the referee and/or touch judge. A Citing Commissioner may not, however, cite a Player for an act or acts of Illegal and/or Foul Play in respect of which the Player has been Ordered Off;
- (c) A Player may be cited by the Citing Commissioner if he has been Temporarily Suspended. Such citing may be made in respect of the incident or incidents for which the Player was Temporarily Suspended or otherwise;

- (d) Citing Commissioners shall act independently of the Judicial Officer or Disciplinary Committee and of the referee and/or touch judges of a Match;
- (e) The Union or other affiliated organisation responsible for the management of either participating team in a Match shall not have the power to cite a Player for Illegal and/or Foul Play but may refer any incident of Illegal and/or Foul Play to the Citing Commissioner for consideration provided such incident is referred to the Citing Commissioner within 12 hours of the conclusion of the Match in which the incident is alleged to have occurred. A Citing Commissioner's decision as to whether a Player should be cited (or not, as the case may be), whether as the result of an incident referred to him or otherwise shall be final;
- (f) Citing Commissioners shall be in attendance at the Match for which they are appointed to act as Citing Commissioner save in circumstances where a suitably qualified and independent Citing Commissioner Liaison Officer is in attendance at the Match and is able to provide the Citing Commissioner with the relevant information and back-up required in accordance with the applicable timeframes to allow the Citing Commissioner to discharge his duties in accordance with this Regulation 17.

Matches where Citing Commissioners are Not Appointed

17.6.3 For Matches where, in accordance with Regulation 17.6.1, it is not reasonably practicable for a Citing Commissioner to be appointed, the following policy shall apply:

- (a) Each Union participating in a Match may cite a Player for an act or acts of Illegal and/or Foul Play committed during that Match provided that such act or acts has or have not been detected by the referee and/or touch judges;
- (b) Each Union participating in a Match may cite a Player for more than one incident of Illegal and/or Foul Play in the same Match;
- (c) Each Union participating in a Match may cite more than one Player in any Match.

Notification of Citing and Temporary Suspensions Arrangements

- 17.6.4 With respect to International Matches not forming part of an International Tour it is the responsibility of the Host Union to notify the Board through the CEO, or his designee, 28 days prior to an International Match whether an independent Citing Commissioner will be appointed for the International Match concerned.
- 17.6.5 It is the responsibility of the Host Union to notify the Board through the CEO, or his designee, 28 days prior to the commencement of an International Tour of:
- (a) which Matches during the International Tour an Independent Citing Commissioner will be appointed for; and
 - (b) the policy to be adopted for Temporary Suspensions in accordance with Regulation 17.20.
- 17.6.6 Subject to Regulation 17.1.2, for International Tournaments, the International Tournament organiser shall notify the Board 28 days before the commencement of the International Tournament whether:
- (a) an independent Citing Commissioner will be appointed for all Matches forming part of the International Tournament or only those that are International Matches or otherwise; and
 - (b) the policy to be adopted for Temporary Suspension in accordance with Regulation 17.20.
- 17.6.7 If the Citing Commissioner notifications referred to in Regulation 17.6.4, 17.6.5 and/or 17.6.6 do not propose the appointment of Citing Commissioners, the CEO or his designee shall consider whether, in all the circumstances, such approach should be accepted. The CEO (or his designee) shall be entitled to seek information in relation to the proposal from the Union(s) concerned who shall provide such assistance as the CEO or his designee requires. If the CEO (or his designee) considers that it is reasonably practicable for a Citing Commissioner to be appointed, then the Host Union or International Tournament organiser (as the case may be) shall ensure that a Citing Commissioner is appointed.

17.7 Disciplinary Bodies and Personnel, Constitution and Appointment

17.7.1 For each Match the Host Union shall, subject to Regulation 17.6.1 and 17.6.7 above, appoint the following personnel and disciplinary bodies:

(a) An Independent Citing Commissioner

The Citing Commissioner shall be from a neutral country, unless the participating Unions agree otherwise. The person appointed as Citing Commissioner should have appropriate Rugby experience. No person who is an elected officer or fulltime paid employee of the Host Union or other affiliated organisation responsible for the management of either team participating in a Match shall be eligible for appointment as a Citing Commissioner.

(b) Citing Commissioner Liaison Officer

The function of the Citing Commissioner Liaison Officer shall be to liaise with and assist the Citing Commissioner in such manner as the Citing Commissioner directs. If the Citing Commissioner is not in attendance at the Match, then the Citing Commissioner Liaison Officer must be able to satisfy the minimum criteria set out in Regulation 17.6.2 (f) above.

(c) Disciplinary Committee or Judicial Officer

(i) A Judicial Officer or, subject to the approval of the Participating Unions in the match concerned, a Disciplinary Committee comprising of three members.

(ii) The Disciplinary Committee or Judicial Officer shall have jurisdiction to determine disciplinary matters arising from: Players Ordered Off the playing enclosure; citings; alleged acts of Misconduct; and, as may be applicable, Temporary Suspensions.

(iii) The Chairman of the Disciplinary Committee or Judicial Officer (as the case may be), shall be from a neutral country unless the Participating Unions agree otherwise.

(iv) Where a Disciplinary Committee is appointed, the two remaining members appointed by the Host Union shall be from a neutral country unless the Participating Unions agree otherwise. No person who is a member or full time paid employee of the Host Union or other affiliated organisation responsible for the management of either team participating in a Match shall be eligible for appointment.

- (v) The Chairman of the Disciplinary Committee or Judicial Officer shall be a senior legal practitioner of at least seven years standing or a serving or retired judge who shall have had previous experience in rugby disciplinary proceedings. Where a Disciplinary Committee is appointed, the remaining two members appointed by the Host Union may include an eminent former player, eminent rugby administrator or legally qualified persons with previous experience in rugby disciplinary proceedings or other suitably qualified personnel.
- (vi) The Host Union shall nominate a Designated Disciplinary Official who shall be entitled to undertake such investigations (personally or through a nominee(s)) as he may consider necessary into incidents that constitute or may be capable of constituting Misconduct on the part of Players and/or Persons in accordance with Regulation 17.21. The role of the Designated Disciplinary Official may be undertaken by the Citing Commissioner or the Citing Commissioner Liaison Officer.

17.7.2 The Host Union shall, when required, appoint and have available an Appeal Committee comprising of three members or a single Appeal Officer to adjudicate on appeals from decisions of Disciplinary Committees or Judicial Officers. An Appeal Officer (rather than an Appeal Committee) may only adjudicate on appeal if both Unions and the appellant agree. In the absence of agreement, an Appeal Committee will adjudicate on the appeal. The Chairman of the Appeal Committee or the Appeal Officer (as the case may be) shall be a serving or retired Judge or senior legal practitioner who has had previous experience in rugby disciplinary matters. The Chairman of the Appeal Committee or the Appeal Officer (as the case maybe) shall be from a neutral country unless the Participating Unions agree otherwise. Where applicable, the persons to be appointed as the two additional members of the Appeal Committee may include eminent former players, eminent rugby administrators, legally qualified persons who have had previous experience in rugby disciplinary proceedings or other suitably qualified personnel. Where an Appeal Committee is appointed, the two remaining members appointed by the Host Union shall be from a neutral country unless the Participating Unions agree otherwise. No person who is a member or a full time paid employee of the Host Union or other affiliated organisation responsible for the management of either team participating in a Match shall be eligible for appointment as Chairman or member of an Appeal Committee or as an Appeal Officer.

17.7.3 Where IRB appointments are made under the pilot IRB judicial appointment scheme referred to in Regulation 17.2.4, notwithstanding Regulation 17.7.1 and 17.7.2, the IRB shall determine the person(s) to be appointed and make the appointment of the independent Citing Commissioner, Judicial Officer or Disciplinary Committee Chairman (as the case may be) and Appeal Officer or Appeal Committee Chairman (as the case may be) for the Match concerned. The IRB is not required, in making such appointments, to seek the agreement of the Unions participating in the Match.

17.8 Initial Procedures Ordering Off

17.8.1 Where a Player in a Match is Ordered Off the referee shall, within 2 hours of the completion of the Match, or such further time as is necessary in the circumstances, give to the nominated officer of the Host Union a written report of the incident. If a Player is Ordered Off the playing enclosure as a result of the intervention of a touch judge, the touch judge shall also give to the nominated officer of the Host Union a written report within two hours of the completion of the Match, or such further time as is necessary in the circumstances.

17.8.2 Form 1 (Appendix 2(a) of this Regulation) may be used by the referee for the purposes of a report under Regulation 17.8.1.

17.8.3 Form 2 (Appendix 2(b) of this Regulation) may be used by a touch judge for the purpose of a report under Regulation 17.8.1.

17.8.4 Reports prepared by referees and/or touch judges when a Player has been Ordered Off should contain the following information:

- (a) the date of the Match, the venue and the teams participating;
- (b) the name of the Player Ordered Off and his team;
- (c) the circumstances in which the Player was Ordered Off;
- (d) the reason for the Player being Ordered Off; and
- (e) any other information the referee (or touch judge where applicable) considers relevant.

17.8.5 The Host Union's nominated officer shall arrange for the reports to be provided, as soon as possible, to members of the Disciplinary Committee or Judicial Officer (as the case may be), that will adjudicate on the case.

- 17.8.6 The Player Ordered Off shall be supplied with a copy of the referee's report and, where applicable, the touch judge's report by the nominated officer of the Host Union as soon as reasonably practicable and advised:
- (a) of the date, place and time of the Disciplinary Committee or Judicial Officer hearing at which the disciplinary proceedings will be heard;
 - (b) of the identity of the Disciplinary Committee members or Judicial Officer (as the case may be);
 - (c) that he will be required to attend in person at the hearing;
 - (d) that if he is unable to appear at the Disciplinary Committee or Judicial Officer hearing as notified, he should advise the nominated officer of the Union forthwith;
 - (e) that he is entitled to adduce evidence and make submissions and be represented by his Union and/or a legal advisor; and
 - (f) he is not eligible to play pending resolution of the case.
- 17.8.7 Where possible, notice to the Ordered Off Player under this Regulation shall be given in writing. It shall be sufficient compliance with this Regulation if a copy of the referee's report and where applicable, the touch judge's report and notice of the information required in Regulation 17.8.6 are handed to the Player or the Player's team manager.
- 17.8.8 If a member of a Disciplinary Committee or a Judicial Officer is unwilling or unable for whatever reason to hear the matter referred to the Disciplinary Committee or the Judicial Officer then the Host Union may, at its discretion:
- (a) appoint another member to the Disciplinary Committee as a replacement; or
 - (b) appoint a new Judicial Officer or appoint a new Disciplinary Committee; or
 - (c) allow the remaining members of the Disciplinary Committee to hear the matter; or
 - (d) appoint a Judicial Officer to take the place of the Disciplinary Committee.
- 17.8.9 Disciplinary Committee Chairmen (without reference to other members of the Disciplinary Committee) and Judicial Officers shall as they consider appropriate be entitled to deal with applications and matters relating to the hearing.

- 17.8.10 In the interests of time and minimising inconvenience, a Player Ordered Off whose disciplinary hearing is pending can be required by the Disciplinary Committee or Judicial Officer, prior to the hearing, to supply it with full particulars of the case that will be presented on his behalf at the hearing.
- 17.8.11 Cases involving an Ordering Off shall, wherever practicable, be adjudicated on within 24 hours of the conclusion of the Match in which the Player was Ordered Off.
- 17.8.12 The Disciplinary Committee or Judicial Officer shall have power to postpone or adjourn a hearing at which disciplinary proceedings are to be heard.

17.9 Initial Procedures – Citing Complaint by a Citing Commissioner

- 17.9.1 Subject to Regulation 17.9.14, a citing complaint by a Citing Commissioner must be sent in writing to the Secretary of the Host Union, or his nominee, in which the incident that is the subject of the citing complaint occurred within 48 hours of the completion of the Match subject to Regulation 17.9.2 below. For the purposes of this Regulation, a complaint is deemed to be sent when:
- (a) it is transmitted by facsimile or e-mail provided that timed and confirmed notice of transmission can be provided; or
 - (b) it is received by the Secretary of the Host Union or his nominee.
- 17.9.2 Subject to Regulation 17.9.14, a Host Union or International Tournament organiser may, subject to having obtained the approval of relevant Participating Unions, seek the approval of the CEO or his designee to utilise a period within which citing complaints may be initiated of less than 48 hours. In any event, however, this period shall never be less than 12 hours and no more than 48 hours.
- 17.9.3 The citing complaint shall contain the following information:
- (a) the date and place of the alleged Illegal and/or Foul Play;
 - (b) the name of the Player in respect of whom the complaint is made and the team he was playing for at the time of the alleged Illegal and/or Foul Play;
 - (c) the name of the opposing team; and
 - (d) full details of the alleged Illegal and/or Foul Play including brief details of the evidence relied upon.
- Form 3 (Appendix 2(c) of this Regulation) may be used for the purposes of making a citing complaint.

- 17.9.4 On receipt of a citing complaint, the Host Union shall send a copy of the complaint to the Player in respect of whom it is made, his team management, the referee and, where applicable, the touch judges of the Match in which it is alleged the Illegal and Foul Play occurred.
- 17.9.5 The Citing Commissioner or his nominee shall forthwith obtain such information and reports in relation to the act or acts of Illegal and/or Foul Play subject to the citing complaint that he considers appropriate. All persons requested to provide reports and/or information shall co-operate with such requests and provide the reports and/or information as the case may be. Copies of the information and reports obtained shall be forwarded by the Host Union's nominated officer to the Player and other parties that were provided with a copy of the citing complaint.
- 17.9.6 The Host Union's nominated official shall arrange for the reports in relation to the matter to be provided, as soon as possible, to members of the Disciplinary Committee or Judicial Officer (as the case may be), that will adjudicate on the case.
- 17.9.7 If a member of a Disciplinary Committee or a Judicial Officer is unwilling for whatever reason to hear the matter then the Host Union may, at its discretion:
- (a) appoint another member to the Disciplinary Committee as a replacement; or
 - (b) appoint a new Judicial Officer or appoint a new Disciplinary Committee; or
 - (c) allow the remaining members of the Disciplinary Committee to hear the matter; or
 - (d) appoint a Judicial Officer to take the place of the Disciplinary Committee.
- Disciplinary Committee Chairmen (without reference to other members of the Disciplinary Committee) and Judicial Officers shall as they consider appropriate be entitled to deal with procedural applications and matters prior to the hearing.
- 17.9.8 The Player cited shall be supplied with a copy of the relevant reports and information, and video coverage of the incident, if available, by the nominated official of the Host Union as soon as reasonably practicable and advised:
- (a) of the date, place and time of the Disciplinary Committee or Judicial Officer hearing at which the disciplinary proceedings will be heard;
 - (b) the identity of the Disciplinary Committee members of Judicial Officer (as the case may be);
 - (c) that he will be required to attend in person at the hearing;

- (d) that if he is unable to appear at the Disciplinary Committee or Judicial Officer hearing as notified, he should advise the nominated officer of the Union forthwith;
- (e) that he is entitled to adduce evidence and make submissions and be represented by his Union and/or a legal advisor; and
- (f) he is not eligible to play pending resolution of the case.

17.9.9 At any hearing of a citing complaint, the Disciplinary Committee or Judicial Officer may require the Citing Commissioner or his nominee to attend in person or via telephone conference and/or video link in order to present evidence and/or explain the basis upon which the citing complaint has been made.

17.9.10 The Citing Commissioner or his nominee may seek the assistance of a legal advisor.

17.9.11 In the interests of time and minimising inconvenience, a Player who has been cited, and whose disciplinary hearing is pending, can be required by the Disciplinary Committee or Judicial Officer, prior to the hearing, to supply it with full particulars of the case that will be presented on his behalf at the hearing

17.9.12 Where a Player is the subject of a citing complaint, his case should, wherever practicable, be adjudicated on within 5 days of the end of the Match in which the alleged foul play that is the subject of the complaint occurred.

17.9.13 Disciplinary Committee or Judicial Officer shall have power to postpone or adjourn a hearing at which disciplinary proceedings are to be heard.

17.9.14 In circumstances where a Player(a) has not been cited within the time period specified in Regulation 17.9.1 and/or 17.9.2 and/or 17.10.2 as a result of either:

- (a) mistaken identity; or
- (b) the nature of the incident(s) concerned is such that further investigation is needed to identify the Player(s) alleged to have committed an act(s) of Illegal and/or Foul Play;

then a citing complaint may be validly made by the Citing Commissioner (or where Regulation 17.10 applies the Union concerned) notwithstanding the submission of the citing complaint after the expiry of the applicable time period specified in Regulation 17.9.1, 17.9.2 or 17.10.2 (as the case may be). However, any citing complaint submitted pursuant to this Clause shall be lodged as soon as reasonably practicable and in any event within a period of fourteen days from the conclusion of the applicable citing period.

17.10 Initial Procedures - Citings by Unions

- 17.10.1 The procedures to be applied for a citing by a Union in circumstances where a Citing Commissioner has not been appointed for the Match concerned, shall as far as reasonably practicable be as set out in Regulation 17.9 above, subject to such modifications as may be necessary. In any event, the variations set out in Regulations 17.10.2 to 17.10.5, inclusive, shall apply.
- 17.10.2 Subject to Regulation 17.9.4, a citing complaint by a Union must be sent in writing to the Secretary of the Host Union (or his nominee), in which the incident that is the subject of the citing complaint occurred within 48 hours of the completion of the Match.
- 17.10.3 To be valid, the citing complaint must be signed by a duly authorised member of the Union or other person responsible for the management of the team citing the Player.
- 17.10.4 The responsibility for obtaining information and reports in relation to the citing shall rest with the Union making the citing complaint. The Union must liaise, as appropriate, with the Host Union or its nominated official to ensure that relevant information and reports are circulated to the appropriate parties in advance of the hearing.
- 17.10.5 The provisions of Regulation 17.9.8(f) shall not apply to Players cited by Unions.

17.11 Standard of Proof

- 17.11.1 The Regulations relating to Standard of Proof have been prepared with Law 6.A.4 of the Laws of the Game in mind. It is essential to preserve the integrity of this Law and the referee's position as sole judge of fact and law during the Match. Any decision by a referee during a Match cannot be affected by a ruling of a Disciplinary Committee or a Judicial Officer. A distinction is drawn between the referee's decision on the field of play and reasons for the decision. This means that when after a Match a Disciplinary Committee or Judicial Officer consider the further disciplinary consequences of an incident, where the referee has already made a decision on the field in relation to that incident, the Disciplinary Committee or Judicial Officer may, nevertheless, enquire into the referee's reasons for that decision and the circumstances surrounding it.

- 17.11.2 In any case where a Disciplinary Committee or Judicial Officer considers an incident(s) of Illegal and/or Foul Play or alleged Illegal and/or Foul Play, it may decide to impose a sanction in accordance with the provisions of Regulation 17.14 (if any), or in the case of an Ordering Off where the Judicial Officer or Disciplinary Committee is satisfied on the balance of probabilities that the referee's reasons for his decision were wrong take no further action.
- 17.11.3 In the case of an Ordering Off, the function of the Disciplinary Committee or Judicial Officer is to consider the circumstances of the case and determine what further sanction, if any, should be imposed on the Player. The Player Ordered Off may seek to show that the referee's reasons for his decision were wrong and the Disciplinary Committee or Judicial Officer may, subject always to Regulation 17.11.1, review the referee's reasons for the Ordering Off decision and the circumstances surrounding it. In any such case, the Disciplinary Committee or Judicial Officer shall not make a finding contrary to the referee's decision unless it is satisfied, on the balance of probabilities that the referee's reasons for his decision were wrong.
- 17.11.4 In the case of a citing, the function of the Disciplinary Committee or Judicial Officer shall be to review the case and determine whether on the balance of probabilities the Player concerned committed the act or acts of Illegal and/or Foul Play that are the subject of the citing complaint, provided that:
- (a) In any case where a Disciplinary Committee or Judicial Officer is required to consider a citing complaint in respect of an incident where the referee has made a decision on the field of play in relation to that incident, the Disciplinary Committee or Judicial Officer may review the referee's reasons for the decision and the circumstances surrounding it. In any such case, the Disciplinary Committee or Judicial Officer shall not make a finding contrary to the referee's decision unless it is satisfied on the balance of probabilities that the referee's reasons for his decision are wrong.
 - (b) In any case where a Disciplinary Committee or Judicial Officer is required to consider an incident of Illegal and/or Foul Play or alleged Illegal and/or Foul Play which has not been the subject of a determination on the field of play by the referee it shall not uphold the citing complaint unless it is satisfied on the balance of probabilities that the Player concerned committed the acts or acts of Illegal and/or Foul Play that are subject to the citing complaint.

- (c) In citing cases involving Matches in which no Citing Commissioner was appointed, the Judicial Officer or Disciplinary Committee will, prior to considering whether the citing complaint by a Union is to be upheld, establish that the incident was undetected by the referee and/or touch judges.

17.12 Disciplinary Committee or Judicial Officer - Power to Regulate its Own Procedures

- 17.12.1 The procedure of Disciplinary Committees or Judicial Officers as the case may be in all proceedings shall be as the particular Disciplinary Committee or Judicial Officer shall determine in each case and the Disciplinary Committee or Judicial Officer shall be entitled to depart from the procedures set out in Regulation 17.13. However, subject to the power to regulate its own procedures and depart from the procedures set out in Regulation 17.13, it shall:
- (a) seek to conform generally with the procedures set out in Regulation 17.13;
 - (b) ensure that a Player subject to disciplinary proceedings has a reasonable opportunity to be heard and to present his case;
 - (c) comply with the Standard of Proof provisions set out in Regulation 17.11;
 - (d) ensure that for citing complaints made by Unions in Matches where a Citing Commissioner has not been appointed that such Union has a representative in attendance at the hearing, failing which the case will be dismissed.
- 17.12.2 In any case, the Disciplinary Committee or a member thereof or Judicial Officer may convene a pre-hearing conference for the purposes of giving directions for the hearing and clarification of the procedures. Such conference may include any Player Ordered Off or cited or any Union and/or their representative, Match Officials, the Citing Commissioner and any other person or body whose participation is considered desirable.
- 17.12.3 The Disciplinary Committee or Judicial Officer shall endeavour to ensure that disciplinary proceedings are heard in the presence of the Union or Player who is the subject of the proceedings, but nothing in the Regulations, or otherwise, shall prevent a Disciplinary Committee or Judicial Officer hearing and determining disciplinary proceedings in the absence of the Union or Player concerned where the Union or Player does not attend the hearing. In such circumstances the Disciplinary Committee or Judicial Officer may take written representations made by or on behalf of the Union or Player into account in making its decision.

17.13 Disciplinary Committee and Judicial Officer General Procedures

- 17.13.1 A Player who is required to attend a hearing by a Disciplinary Committee or Judicial Officer shall be entitled to be represented at the hearing by an official of his Union, or other affiliated organisation, or by legal counsel.
- 17.13.2 The referee of the Match in which the player is Ordered Off shall (and, if a player is Ordered Off as a result of a touch judge's intervention, the touch judge) unless exceptional circumstances prevent him, attend the hearing of the Disciplinary Committee or Judicial Officer whether in person or via telephone conference and/or video link. Nothing in this Regulation shall prevent the Disciplinary Committee or Judicial Officer hearing and determining disciplinary proceedings in the absence of the referee and/or touch judge.
- 17.13.3 In respect of cases involving the Ordering Off of a Player, the Disciplinary Committee or Judicial Officer shall ensure that, prior to the hearing, the Player Ordered Off has been supplied with, and has had a sufficient opportunity to consider, the referee's report and where applicable the report of the touch judge, together with other evidence including (where available) video evidence. In respect of cases involving a citing complaint, the Disciplinary Committee or Judicial Officer shall ensure that prior to the hearing, the Player cited has been provided with and has had a sufficient opportunity to consider the information and reports of the incident.
- 17.13.4 In any case where the Disciplinary Committee or Judicial Officer considers it necessary, or desirable, it may direct the Host Union to have an interpreter present at a hearing.
- 17.13.5 The Disciplinary Committee or Judicial Officer, subject to Regulation 17.18.1, shall be entitled to receive such evidence and in such form as it thinks fit (including evidence in writing), notwithstanding the evidence may not be legally admissible and shall be entitled to attach such weight to that evidence as it/he sees fit.
- 17.13.6 Generally, Disciplinary Committees or Judicial Officers shall apply the Best Evidence Rule. This means that first hand accounts from persons present at the hearing as to their observations of the incident in question should be preferred. Hearsay evidence may be accepted. However, caution will be exercised before hearsay evidence is accepted in preference to first hand evidence and generally less weight is likely to be given to hearsay evidence. Further, as a general rule, Disciplinary Committees or Judicial Officers should not permit the introduction of opinion evidence other than expert opinion evidence. Expert opinion evidence is only likely to be permitted when the evidence falls outside the every day knowledge of members of the Committee, for example, medical opinion.

- 17.13.7 In the event that the Disciplinary Committee or Judicial Officer accepts as of probative value video tape evidence it shall be viewed without the sound or commentary associated with it being heard, save where the sound commentary includes the comments made by the referee through his microphone in relation to the specific incident in question.
- 17.13.8 The Disciplinary Committee or Judicial Officer shall be entitled to determine whether witnesses that give evidence are able to remain in the room in which the hearing is being heard after their evidence has been given.
- 17.13.9 The Disciplinary Committee or Judicial Officer may direct the attendance at the meeting of any Player Ordered Off or cited, and any witness. Where such a direction is given by the Disciplinary Committee or Judicial Officer it shall be the responsibility of the Union, the Player or Person or witness concerned to ensure that it is complied with, notwithstanding any travel or other arrangements that may need to be made and/or altered. In any case where a direction given by the Disciplinary Committee or Judicial Officer is not complied with, the Disciplinary Committee or Judicial Officer may refuse to allow the evidence of the Union, Player or Person or witness to be given in any other form.
- 17.13.10 At any hearing the Disciplinary Committee or Judicial Officer may direct that the Host Union be represented. If so, the Union shall appear by counsel or by a representative at the hearing, in such capacity as the Disciplinary Committee or Judicial Officer requires, to provide assistance to the Disciplinary Committee or Judicial Officer in the discharge of its duties.
- 17.13.11 Where evidence is given before a Disciplinary Committee or Judicial Officer there shall be no direct questioning of any witness, save by Disciplinary Committee members or the Judicial Officer save where the Judicial Officer or Disciplinary Committee agree otherwise. Questions may, however, be put to a witness through the Chairman of the Disciplinary Committee or Judicial Officer at the Chairman's or Judicial Officer's discretion.
- 17.13.12 Disciplinary Committees or Judicial Officers shall be entitled to call on experts to provide specialist advice, including legal advice.
- 17.13.13 Unless it otherwise directs, the procedure of the Disciplinary Committee or Judicial Officer at a hearing will be as follows:
- (a) the Chairman will explain the procedure to be followed;
 - (b) for cases involving Ordering Off, the referee's report and, where applicable, the touch judge's report will be read;

- (c) the Player will be asked to confirm if he admits that he has committed an act or acts of Illegal and/or Foul Play;
- (d) evidence from the Ordered Off Player, if he elects to give evidence, and from any witnesses to be called will be heard;
- (e) final submissions will be heard;
- (f) a similar procedure subject to such modification as the Disciplinary Committee or Judicial Officer deem appropriate may be adopted at the discretion of the Disciplinary Committee or Judicial Officer with regard to cases involving citing however, the Player will be asked to confirm if he admits that he has committed an act or acts of Illegal and/or Foul Play.

- 17.13.14 For citing complaints initiated by a Citing Commissioner, the Disciplinary Committee Chairman or Judicial Officer may request that a person be available to present the case and set out the basis of the citing complaint.
- 17.13.15 For citing complaints initiated by Unions, in circumstances where a Citing Commissioner was not appointed, the Union citing the Player must have a representative in attendance at the hearing to present the basis of the citing complaint and evidence in support.
- 17.13.16 The Player subject to the proceedings may admit the offence at any time in which case the Disciplinary Committee or Judicial Officer should proceed immediately to hear submissions as to the sanction (if any) to be imposed.
- 17.13.17 The Disciplinary Committee or Judicial Officer's deliberations on its decision shall take place in private. A decision of a Disciplinary Committee shall be valid if taken by at least a simple majority of the Members of the Disciplinary Committee. No Member of a Disciplinary Committee may abstain from any decision. Where a Disciplinary Committee has an even number of Members and the Members of such Disciplinary Committee are unable to come to a unanimous or majority decision, then the Chairman of the Disciplinary Committee shall have a casting vote.
- 17.13.18 Subject always to Regulation 17.11, the Disciplinary Committee or Judicial Officer shall, in the first instance, determine, its factual findings. Thereafter, as appropriate, it will reconvene and hear and consider evidence and submissions in relation to sanctions.

17.14 Sanctions

- 17.14.1 When imposing sanctions, Disciplinary Committees or Judicial Officers dealing with an Ordering Off and/or citing shall apply the Board's recommended penalties for Illegal and/or Foul Play set out in Appendix 1 in accordance with this Regulation 17.14.
- 17.14.2 Disciplinary Committees or Judicial Officers shall undertake an assessment of the seriousness of the Player's conduct, which constitutes the offending and categorise the offence as being at the lower end, mid range or top end of the scale of seriousness in order to identify the appropriate entry point for consideration of a particular incident(s) where such incident(s) is expressly covered in Appendix 1. Such assessment of the seriousness of the Player's conduct shall be determined by reference to the following features of offending:
- (a) The offending was intentional, that is, committed intentionally or deliberately;
 - (b) The offending was reckless, that is the Player knew (or should have known) there was a risk of committing an act of Illegal and/or Foul Play;
 - (c) The gravity of the Player's actions in relation to the offence:
 - (i) Nature of actions, manner in which offence committed including part of body used i.e. fist, elbow, knee or boot;
 - (ii) The existence of provocation and whether the Player acted in retaliation and/or self-defence;
 - (d) The effect of the offending Player's actions on the victim (i.e. extent of injury, removal of Player from game);
 - (e) The effect of offending Player's actions on the game;
 - (f) The vulnerability of victim Player including part of victim's body involved/affected, position of Player, ability to defend himself;
 - (g) The level of participation in the offending and level of premeditation;
 - (h) Whether the conduct of the offending Player was completed or amounted to an attempt;
 - (i) Any other feature of the Player's conduct which constitutes the offending.

Based on the assessment of the offence(s) under consideration against the above features of offending, the Disciplinary Committee or Judicial Officer shall categorise the offence(s) as being at the lower end, mid range or top end of the scale of seriousness of offending and identify the applicable entry point where set out in Appendix 1. For offences categorised at the top end of the scale of seriousness of offending, the Disciplinary Committee or Judicial Officer is entitled to identify an entry point between the period shown as the top end of Appendix 1 and the maximum sanction.¹

- 17.14.3 Having identified the applicable entry point for consideration of a particular incident, Disciplinary Committees or Judicial Officers shall identify all relevant aggravating factors and determine what additional period of suspension, if any, above the applicable entry point for the offence should apply to the case in question. Aggravating factors include the following:
- (a) An absence or lack of remorse and/or contrition on the part of the offending Player;
 - (b) The Player's status as an offender of the Laws of the Game;²
 - (c) The need for a deterrent to combat a pattern of offending;
 - (d) Any other off field aggravating factor that the Disciplinary Committee or Judicial Officer considers relevant and appropriate.
- 17.14.4 (a) Thereafter, Disciplinary Committees or Judicial Officers shall identify all relevant mitigating factors and determine if there are grounds for reducing the period of suspension, if any. Mitigating factors include the following:
- (i) The presence and timing of an acknowledgement of culpability/guilt by the offending Player;
 - (ii) A good record and/or good character;
 - (iii) The age and experience of the Player;

¹ The plus sign against each top end period suspension denotes this entitlement and flexibility.

² The Player's disciplinary record in all competitions and (as appropriate) in other sports during his playing career from the age of 18 shall be considered by a Disciplinary Committee or Judicial Officer. In any case in which the Disciplinary Committee or Judicial Officer establishes that the Player has previously been found by a Judicial Officer and/or Disciplinary Committee to have committed an act of Illegal and/or Foul Play and/or Misconduct then the Disciplinary Committee or Judicial Officer in imposing any sanction on the Player may in fixing that sanction take account of such offending as an aggravating factor.

- (iv) The Player's conduct prior to and at the hearing;
 - (v) Remorse for the Player's actions and the victim Player;
 - (vi) Any other off field mitigating factor that the Disciplinary Committee or Judicial Officer considers relevant and appropriate.
 - (b) In cases involving offending that has been classified pursuant to Regulation 17.14.2 as lower end offending, where there are compelling on-field and/or off-field mitigating features and a complete absence of on-field and/or off-field aggravating features, Disciplinary Committees and Judicial Officers may apply sanctions less than the lower end entry sanctions specified in Appendix 1 and in this respect only, the lower end sanctions set out in Appendix 1 are not minimum sanctions.
 - (c) In cases of multiple offending, Disciplinary Committees and Judicial Officers may impose sanctions to run either on a concurrent or a consecutive basis provided that the total sanction is in all the circumstances proportionate to the level of the overall offending.
- 17.14.5 Disciplinary Committees and Judicial Officers shall in their written decisions set out the reasoning for their findings, including the finding on culpability, how they have categorised the seriousness of the offence by reference to the standard features of offending set out in Regulation 17.14.2, how they applied aggravating and mitigating factors and conclude with the sanction, if any, imposed.
- 17.14.6 Decisions on sanctions and suspensions imposed on Players under IRB Regulation 17:
- (a) must be applied universally such that the Player may not play the Game (or any form thereof) anywhere during the period of suspension;
 - (b) must not allow Players to avoid the full consequences of their actions by, for example, playing in Matches prior to the commencement of their suspension, or playing in Matches during a break in the suspension and/or serving their suspension during a period of inconsequential pre-season and/or so-called friendly Matches;
 - (c) must apply and be served when the Player is scheduled to play;
 - (d) must be imposed until a stated date which should be fixed after taking into consideration all playing consequences of such suspension including the application of Regulation 17.14.7(c);

- (e) shall be effective immediately.
- 17.14.7 When imposing suspensions on Players under Regulation 17 Disciplinary Committees or Judicial Officers must comply with the requirements set out in Regulation 17.14.6 above. In doing so Disciplinary Committees or Judicial Officers:
- (a) may not, for cases involving Illegal and/or Foul Play, suspend the effect of any sanction imposed;
 - (b) may defer the commencement of a suspension provided that the Player is not scheduled to play (and will not be permitted to play) prior to the commencement of the suspension;
 - (c) may, at its/their discretion in assessing the playing consequences of a sanction apply the suspension to scheduled pre-season and/or so-called friendly Matches, provided such scheduled pre-season and/or so-called friendly Matches have, in the opinion of the Disciplinary Committee or Judicial Officer concerned, a meaningful playing consequence for the Player. In making its/their assessment of the playing consequences of a sanction and determining whether the playing consequence is meaningful, Disciplinary Committees and Judicial Officers may, in their discretion, take account of such factors as they consider relevant including, but not limited to, the proximity of the Match to the commencement of the season, the identity and stature of the opponents, likely quality of teams to be selected and general Match profile.
 - (d) may, if a Player's suspension has not terminated by the end of the current playing season, continue the suspension until a stated date in the next playing season, unless the Player has been selected for a close season tour, or he intends to play during the close of season in another Union. In this event the period of the tour in the playing season in the visited Union and the fact that he intends to play in another Union must be taken into account in determining when the suspension shall come to an end;
 - (e) may divide the suspension into two separate periods in order to exclude the whole or part of the closed season provided that the Player is not permitted to play during such closed season.

17.15 Costs

- 17.15.1 As a general principle and subject to Regulation 17.15.2 and 17.15.3 below, the Host Union shall bear the cost of holding the hearing, including the travel/accommodation and/or costs of the Disciplinary Committee members and/or Judicial Officer, Match Officials, Citing Commissioner and other witnesses called by the Disciplinary Committee or Judicial Officer as well as the costs of interpretation, transcription and legal advice for the Disciplinary Committee or Judicial Officer.
- 17.15.2 The Player that is the subject of the proceedings or his Union shall pay his/their own costs, including travel/accommodation costs of the person, his representatives and his witnesses, as well as his legal costs.
- 17.15.3 Notwithstanding Regulations 17.15.1 and 17.15.2, Disciplinary Committees and Judicial Officers shall have complete discretion to impose such cost orders as it/he sees fit having regard to the circumstances of the case. Such cost orders may cover the costs referred to in Regulation 17.15.1 and 17.15.2 and such other costs as the Disciplinary Committee or Judicial Officer shall determine.

17.16 Post-Hearing Procedures

- 17.16.1 The decision of the Disciplinary Committee or Judicial Officer shall be advised to applicable parties, as soon as practicable after the conclusion of the hearing and shall be binding on notification to the Player or his representative, if any. Where it considers it appropriate, the Disciplinary Committee or Judicial Officer may deliver a short oral decision at the conclusion of the hearing (with its reasons to be put in writing and communicated to the parties at a later date) or it may reserve its decision.
- 17.16.2 Relevant parties heard by the Disciplinary Committee or Judicial Officer shall be entitled to a copy of the written decision of the Disciplinary Committee or Judicial Officer which shall, where practicable, be sent to them by the Host Union within 48 hours after it is available.
- 17.16.3 In any case where a Player is adversely affected by a decision of the Disciplinary Committee or Judicial Officer he shall be advised by the Disciplinary Committee or Judicial Officer of the circumstances in which he may appeal to an Appeal Committee or Appeal Officer (as the case may be). Such advice shall, ordinarily, be included in the Disciplinary Committee's or Judicial Officer's written decision and advised at the conclusion of the hearing if an oral decision is given.

17.16.4 The hearing by the Disciplinary Committee or Judicial Officer (save for private deliberations) shall, ordinarily, be fully audio recorded. The record of the proceedings, and all papers associated with the proceedings, shall be held by the Host Union which shall make the same available to the Board if required. Copies of the record shall be made available at reasonable cost only on appeal of the decision of the Disciplinary Committee or Judicial Officer.

17.17 Appeals

17.17.1 A Player may appeal to an Appeal Committee or Appeal Officer from a decision of a Disciplinary Committee or Judicial Officer. Any appeal must be lodged with the secretary of the Host Union or its nominated officer within 48 hours of the date on which the decision of the Disciplinary Committee or Judicial Officer has been notified.

17.17.2 An appeal shall be deemed to have been lodged when a notice of appeal is received by the secretary of the Host Union together with any required deposit referred to in Regulation 17.17.4.

17.17.3 The notice of appeal shall be in writing and signed by the Player lodging the appeal and shall specify:

- (a) the name of the Player lodging the appeal;
- (b) the decision appealed against;
- (c) the date of the decision appealed against; and
- (d) the specific grounds of the appeal. Except as provided, no specific form of a notice of appeal is required.

17.17.4 If the Host Union shall so require, each notice of appeal shall be accompanied by a deposit of an amount not exceeding the equivalent of £1000 (English pounds), such amount to be determined by the Host Union or International Tournament organiser. In the event of a required deposit not being paid, the appeal shall be deemed to be abandoned, save that the Appeal Committee or Appeal Officer (as the case may be), in any case, shall have power to extend the time for payment of the deposit.

17.17.5 On the lodgement of the appeal the Host Union shall make available to the Appeal Committee or Appeal Officer the full record of the proceedings before the Disciplinary Committee or Judicial Officer.

17.17.6 An Appeal Committee or Appeal Officer shall have power to conduct and regulate the appeal proceedings as it sees fit having regard to the circumstances of the case but shall generally conform to the procedures stated in these Regulations but particularly Regulation 17.17.7.

- 17.17.7 The Appeal Committee or Appeal Officer shall at its/his discretion be entitled, in exceptional circumstances, to conduct a de novo hearing. Ordinarily, however, appeals will be heard based on the record of the decision by the Judicial Officer or Disciplinary Committee and the evidence received and considered by the Judicial Officer or Disciplinary Committee. Also, in exceptional circumstances and at the discretion of the Appeal Committee or Appeal Officer, a combination of a de novo hearing or appeal on the record may be applied. In determining the basis on which an appeal is to be conducted the Appeal Committee or Appeal Officer shall have regard to the following principles:
- (a) It will only be in exceptional circumstances that a de novo hearing in whole or part will be adopted on appeal.
 - (b) The evidential assessment of the Judicial Officer or Disciplinary Committee at first instance should not be overturned save as in circumstances where central findings of fact made by the Judicial Officer or Disciplinary Committee are clearly wrong.
 - (c) A de novo hearing in whole or part would ordinarily only be appropriate where:
 - (i) Further evidence is available and such further evidence was not, on full and proper enquiry, available at the time of the first instance hearing; and/or
 - (ii) the record and/or evidence received and submitted at the first instance hearing is unclear and/or the record is otherwise defective.

Where the appellant appeals against the sanction and/or cost order alone, the appellant may request that the Appeal Committee or Appeal Officer review the sanction without the need for a personal hearing. The Appeal Committee or Appeal Officer may also determine that a personal hearing is not required in relation to any appeal but if he so wishes, the appellant always has the right to appear and make representations in all cases or alternatively he may make representations by telephone and/or in writing.

- 17.17.8 Subject to Regulation 17.17.7, the Appeal Officer and the Appeal Committee Chairman shall be entitled as he sees fit to deal with pre hearing procedural and/or evidential matters and as may be applicable without reference to other members of Appeal Committees and Appeal Officers and may convene a pre-hearing conference for the purposes of giving directions for the hearing and clarification of the procedures. The Appeal Committee Chairman or Appeal Officer may require any person to attend the hearing as a witness.

- 17.17.9 The Appeal Committee or Appeal Officer shall set a time, date and place for the hearing of the appeal which shall be notified by the Host Union to the Union and/or Player who has lodged the appeal. The appellant will at that time also be notified of the names of the Appeal Committee Members or Appeal Officer (as the case may be) and the fact that pending appeal, the Player is not eligible to play the game save always that where a Player's suspension expires when his appeal is pending the Player will be eligible to play forthwith.
- 17.17.10 If a Member of the Appeal Committee or Appeal Officer is unable or unwilling, for whatever reason, to hear the appeal, then the Host Union may, at its absolute discretion:
- (a) appoint a replacement; or
 - (b) appoint a new Appeal Committee or new Appeal Officer; or
 - (c) allow the remaining members of the Appeal Committee to hear the appeal.
- 17.17.11 Appeal Committees and Appeal Officers shall be entitled to call on experts to provide specialist advice, including legal advice.
- 17.17.12 An appeal should, where practicable, be heard within 7 days of its lodgement.
- 17.17.13 The Appeal Committee or Appeal Officer shall have power to postpone or adjourn the hearing of an appeal.
- 17.17.14 In any appeal, the Appeal Committee or Appeal Officer may direct that the Host Union be represented. If so, the Host Union shall appear by counsel, or by another representative at the hearing of the appeal in such capacity as the Appeal Committee or Appeal Officer requires, to provide assistance to the Appeal Committee or Appeal Officer in the discharge of its duties.
- 17.17.15 The appellant may be represented before the Appeal Committee or Appeal Officer by a Union representative and/or legal counsel.
- 17.17.16 Subject to Regulation 17.17.7, where any question of fact arises on an appeal before the Appeal Committee or Appeal Officer it may be determined by reference to the record of proceedings before the Disciplinary Committee or Judicial Officer. However, the Appeal Committee or Appeal Officer, in its discretion, may rehear or receive written evidence in respect of the whole or any part of the evidence given before the Disciplinary Committee or Judicial Officer as it considers appropriate.

- 17.17.17 Subject to Regulation 17.17.7 the Appeal Committee or Appeal Officer shall have full discretionary power to hear and receive such further evidence on an appeal as it thinks fit. Ordinarily, such evidence would only be accepted where it can be established that such evidence was not, on full and proper enquiry, available at the time of the original hearing. The Appeal Committee or Appeal Officer, subject to Regulation 17.18.1, shall be entitled to receive such evidence as it thinks fit, notwithstanding the evidence may not be legally admissible.
- 17.17.18 If in its discretion, and subject to Regulation 17.17.6 and 17.17.7 above an Appeal Committee or Appeal Officer admits further evidence to be adduced at a hearing, there shall be no cross-examination of witnesses except to the extent allowed by the Appeal Committee or Appeal Officer.
- 17.17.19 In any case where a witness required by the Appeal Committee or Appeal Officer refuses and fails to attend before the Appeal Committee or Appeal Officer, the Appeal Committee or Appeal Officer may decide whether or not to allow the evidence of that witness to be given in any other form.
- 17.17.20 The Appeal Committee or Appeal Officer shall be entitled to determine whether witnesses that give evidence are able to remain within the room in which the appeal is being heard after their evidence has been given.
- 17.17.21 Save where the Appeal Committee or Appeal Officer decides to hear the entire case de novo (in which circumstances the applicable first instance standards and burdens shall apply), the appellant shall have the burden of proving that the decision being challenged should be overturned or varied.
- 17.17.22 The Appeal Committee's deliberations on its decision shall take place in private.
- 17.17.23 A decision of an Appeal Committee shall be valid if taken by at least a simple majority of the Members of the Committee. No Members of an Appeal Committee may abstain from any decision. When an Appeal Committee has an even number of Members and the Members of such Committee are unable to come to a unanimous or majority decision, then the Chairman of the Appeal Committee shall have the casting vote.
- 17.17.24 In exercising its jurisdiction, an Appeal Committee or Appeal Officer shall have power to:
- (a) dismiss the appeal, quash, vary or increase any decision and/or penalty appealed against; and/or
 - (b) order that the whole or any part of a deposit lodged pursuant to Regulation 17.17.4 be refunded; and/or
 - (c) take any other steps that it considers necessary to deal justly with the appeal.

- 17.17.25 The Appeal Committee or Appeal Officer shall have the discretion to make such cost order as it deems appropriate and may order any party or parties to pay some or all of the costs of proceedings under this Regulation 17 including the cost of holding the hearings, the cost of any interpreters and/or the legal and/or travel/accommodation costs of the members of the Appeal Committee or Appeal Officer, Disciplinary Committee, Judicial Officer and/or the parties.
- 17.17.26 The decision of the Appeal Committee or Appeal Officer shall be advised to the parties as soon as practicable after the conclusion of the hearing and shall be final and binding on notification to the Union, Player or Person, his representative, if any, or his Union. Where it considers it appropriate, the Appeal Committee may deliver a short oral decision at the conclusion of the hearing (with its reasons to be put in writing and communicated to the parties at a later date) or it may reserve its decision.
- 17.17.27 Relevant parties heard by the Appeal Committee or Appeal Officer shall be entitled to a copy of the Appeal Committee's or Appeal Officer's written decision which shall be provided by the Appeal Committee as soon as practicable after it is available.
- 17.17.28 The hearing of any appeal by an Appeal Committee or Appeal Officer shall, ordinarily, be fully audio recorded. The record of proceedings and all papers produced at the hearing shall be retained by the Host Union which shall make the same available to the Board if it requires. The Host Union shall forthwith supply a copy of any decision to the Board.

17.18 Additional Provisions

- 17.18.1 In all proceedings heard by Disciplinary Committee or Judicial Officers and/or Appeal Committees or Appeal Officers, referees and/or touch judges may only give evidence of fact, not opinion.
- 17.18.2 The standard of proof on all questions to be determined by Disciplinary Committee or Judicial Officers or Appeal Committees shall be the balance of probabilities.
- 17.18.3 Procedures or proceedings under this Regulation or any decision of a Disciplinary Committee or Judicial Officer or Appeal Committee or Appeal Officer shall not be quashed or held invalid by reason only of any defect, irregularity, omission or other technicality unless such defect, irregularity, omission or technicality raises a material doubt as to the reliability of the findings or decisions of a Disciplinary Committee or Judicial Officer or Appeal Committee or results in a miscarriage of justice.

- 17.18.4 Hearings by Disciplinary Committees or Judicial Officers shall, ordinarily, take place at the Match venue. Appeal Committee or Appeal Officer hearings shall, ordinarily, be heard in the country where the disciplinary proceedings originated and at a convenient venue nominated by the national Union of that country. All hearings shall be held in private.
- 17.18.5 Where disciplinary proceedings, however arising, are taken against more than one Player as a result of incidents occurring in a Match, such proceedings may be heard by a Disciplinary Committee or Judicial Officer at the same time, provided there is no prejudice to any person against whom the disciplinary proceedings are taken.
- 17.18.6 No member of a Disciplinary Committee or a Judicial Officer or member of an Appeal Committee or Appeal Officer should comment to the media on a decision of those bodies but the Chairman of either may release a copy of that decision to the media when it is available; or if a full written decision is not immediately available, release to the media a brief resume of that decision.
- 17.18.7 Disciplinary Committee or Judicial Officers, Citing Commissioners and Appeal Committees or Appeal Officers constituted under these rules shall exercise their functions independently of both Unions playing in a Match and the National Union within whose jurisdiction the hearing or appeal takes place.
- 17.18.8 Disciplinary Committee or Judicial Officers, Citing Commissioners and Appeal Committees or Appeal Officers shall be fully autonomous and, in particular, any decision they make shall be binding on the National Unions participating, neither of which shall have the power to affirm, revoke or alter any decision.
- 17.18.9 In respect of any matter not provided for in this Regulation the appropriate body or person shall take a decision according to general principles of natural justice and fairness.
- 17.18.10 Disciplinary Committee or Judicial Officers and Appeal Committees, prior to a hearing or at any stage during a hearing, may amend the offence for which the Player or Person has been Ordered Off or cited unless, having regard to the circumstances of the case, such amendment cannot be made without causing injustice.
- 17.19 Suspension**
- 17.19.1 A Player Ordered Off or cited by an independent Citing Commissioner may not take part or be selected for any further Match until his case has been dealt with by a Disciplinary Committee or Judicial Officer.

- 17.19.2 Without in any way limiting the effect of Clause 17.14.6, a Player that is subject to an Ordering Off or citing in domestic competition (or as may be applicable subject to a misconduct complaint) is not entitled to play in any International Match or Match forming part of an International Tournament or International Tour until his case has been finally resolved.
- 17.19.3 A suspended Person or Player who elects to appeal may not take part or be selected for any further Match until his case has been dealt with by an Appeal Committee or Appeal Officer.

17.20 Temporary Suspensions

- 17.20.1 By January 1 2004, or such other later date as the Board may determine, Unions and International Tournament organisers shall introduce provisions to regulate the administration and disciplinary consequences arising out of Temporary Suspensions.
- 17.20.2 In developing its provisions for Temporary Suspensions for International Tournaments, the following indicative procedures and principles may be applied subject to such modifications as may be necessary having regard to the Tournament structure:
- (a) the referee must report each Temporary Suspension in the Tournament at the conclusion of the Match in which the Temporary Suspension was imposed;
 - (b) the report which may be in a standard form shall, ordinarily, be forwarded to the Host Union or nominated official (or other person appointed by the International Tournament organiser to co-ordinate disciplinary matters) and, where reasonably practicable, within two hours following the completion of the Match in which the Temporary Suspension was imposed;
 - (c) the Host Union, its nominee or International Tournament organiser (as the case may be) shall forward a copy of the report to the relevant parties within 48 hours of receipt;
 - (d) A Player who has been Temporarily Suspended on three or more occasions in Matches under the jurisdiction of the International Tournament organiser shall be required to appear before a Disciplinary Committee or Judicial Officer of the International Tournament organiser at an appointed time and place. At that time the Player will be notified as follows:

- (i) That the purpose of the hearing is to consider whether any further penalty should be imposed on him for his persistent offending;
 - (ii) That he may be represented by his Union or by a legal representative;
 - (iii) Save where he alleges that a Temporary Suspension in any incident was a result of the referee having wrongly identified the Player as the offending Player (“mistaken identity”) no evidence will be heard other than on the question of penalty;
 - (iv) The identity of the Disciplinary Committee Members or Judicial Officer, as the case may be;
 - (v) That the Player may not continue to play the game pending resolution of the case;
- (e) The general procedures for hearings and appeals under Regulation 17, subject to such modifications as may be necessary, shall also apply to the hearings and appeals in relation to Temporary Suspensions;
- (f) The sanctions set out in Appendix 1 shall be applied subject to the provisions of Regulation 17.14.

17.20.3 Unions will be required, from January 1 2004, or such later date as the Board may determine, to put in place a system to deal with Temporary Suspensions, which may incorporate the indicative principles set out in Regulation 17.20.2 above for all competitions under their jurisdiction.

17.21 Misconduct

17.21.1 Unions are responsible and accountable for the conduct of their Players, officials and all Persons under their jurisdiction. Unions, Players and Persons must conduct themselves in a disciplined and sporting manner and ensure that they do not commit an act or acts of Misconduct.

For the purposes of this Regulation, Misconduct shall mean any conduct, behaviour or practices on or off the playing enclosure in connection with an International Match, International Tour or International Tournament (excluding Foul Play during a Match) that is unsporting and/or unruly and/or ill-disciplined and/or that brings or has the potential to bring the sport of Rugby Union, the IRB and/or its commercial partners into disrepute.

- 17.21.2 It is not possible to provide a definitive and exhaustive list of the types of conduct, behaviour, statements or practices that may amount to Misconduct under these Regulations. By way of illustration, each of the following types of conduct is an example of Misconduct:
- (a) acts of violence or intimidation within the Venue in which the Match is being played including (without limitation) the tunnel, changing rooms and/or warm-up areas;
 - (b) acting in an abusive, insulting, intimidating or offensive manner towards referees, touch judges or other officials or any person associated with the Union's participating in the Match or spectators;
 - (c) acts or statements that are or conduct that is discriminatory by reason of religion, race, sex, colour or national or ethnic origin;
 - (d) seeking or accepting any bribe or other benefit to fix a Match, International Tour, International Tournament or series of Matches or to achieve a contrived outcome to a Match, International Tour, International Tournament or series of Matches or to otherwise influence improperly the outcome of any dimension of aspect of any Match, Tour, Tournament or series of Matches;
 - (e) entering into any wager, bet or form of financial speculation, directly or indirectly as to the result of any other dimension or aspect of any International Match, International Tour and/or International Tournament or series of Matches in which the Person is directly or indirectly involved and/or connected with;
 - (f) providing inaccurate and/or misleading information about previous disciplinary record in any proceedings under this Regulation or other disciplinary proceedings and/or misleading information concerning the Player's future playing intentions;
 - (g) any other breach of Regulation 20 (Code of Conduct) of the IRB Regulations Relating to the Game;
 - (h) comments and/or conduct in connection with current and/or anticipated disciplinary proceedings and/or match officiating (or any aspect thereof), which may be prejudicial to and/or impact on current and/or anticipated disciplinary proceedings and/or which are prejudicial to the interests of the game and/or any Person.

17.22 The Role of the Host Union in Misconduct Matters

17.22.1 The Host Union shall nominate a Designated Disciplinary Official who shall, subject to Regulation 17.23, be entitled to undertake such investigations as he may consider necessary into incidents that constitute or may be capable of constituting Misconduct on the part of Players and/or Persons. The Designated Disciplinary Official shall be entitled to appoint a nominee(s) to undertake such investigation. No person who is a member or a full time paid employee of the Host Union or other affiliated organisation responsible for the management of either team participating in a Match shall be eligible for appointment as the Designated Disciplinary Official, or his nominee(s).

17.23 Initial Procedures – Misconduct

17.23.1 The Designated Disciplinary Official or his nominee shall be entitled to undertake such investigations as he may consider necessary into incidents that constitute or may be capable of constituting Misconduct involving a Player(s) and/or Person(s). Every Union, Player and Person shall be obliged to co-operate with any such investigations and a failure to co-operate with such investigation may itself constitute Misconduct under this Regulation.

17.23.2 Subject to the provisions of this Regulation 17.23, the Designated Disciplinary Official has sole discretion to determine whether to investigate an incident or incidents and/or to bring a Misconduct complaint against a Player(s) and/or Person(s) under these Regulations and his decision in respect of both initiating an investigation and/or bringing a Misconduct complaint shall be final, save that in cases involving conduct and/or behaviour that in his opinion are more appropriately dealt with by a visiting Union, or the Board, the Designated Disciplinary Official may, on behalf of his Union and with the consent of his Union refer the matter to the visiting Union or the Board to deal with.

17.23.3 Notwithstanding Regulation 17.23.2, where the Designated Disciplinary Official has reason to believe that an act or acts of Misconduct may have been committed by a Union, he must immediately inform the CEO of the Board (or his designee), in writing. The CEO (or his designee) shall then deal with the matter as he thinks fit.

17.23.4 If a matter is properly referred to a visiting Union, pursuant to Regulation 17.23.2 above, then the visiting Union shall be obliged to progress the matter in accordance with appropriate disciplinary procedures which shall be based on those set out in this Regulation, subject to such modifications as may be necessary, having regard to the circumstances of the case.



- 17.23.5 The Designated Disciplinary Official shall notify the CEO, or his designee, of any Misconduct matters and/or act or acts which may constitute Misconduct and confirm (a) whether the Designated Disciplinary Official proposes to refer the matter to a visiting Union and, if so, the reasons for the referral or (b) that it is proposed that the matter be handled by the Host Union. On receipt of this notification, the CEO, or his designee, may determine that the case should not be referred and/or should be handled by the Board. If so, or in the event of a referral further to 17.23.3 above, then the Board will advise the visiting Union and Host Union accordingly from which point the Board will take responsibility for the investigation and general conduct of the matter. If, following further investigation or otherwise, the CEO of the Board (or his designee) elect to bring a Misconduct complaint, then the matter shall be referred to a Disciplinary Committee or Judicial Officer (as the case may be) for consideration. The Union, Player or Person concerned shall be notified in accordance with Regulation 17.23.9, with the CEO or his designee fulfilling the role of the Designated Disciplinary Official. The provisions of Regulations 17.23.11 to 17.23.19 shall apply to proceedings brought further to this Regulation 17.23.5, with the CEO or his designee fulfilling the role of the Designated Disciplinary Official as necessary.
- 17.23.6 If the CEO, or his designee, allows the visiting Union to handle the case then the visiting Union shall report the outcome to the CEO, or his designee, as soon as it is concluded.
- 17.23.7 The CEO, or his designee, may take such action against the Union and/or Player and/or Person concerned as he considers appropriate in the event that the visiting Union does not conclude the investigation and/or adjudicate on the matter expeditiously in good faith.
- 17.23.8 If the Designated Disciplinary Official elects to bring a Misconduct complaint, then the matter shall be referred to a Disciplinary Committee or Judicial Officer (as the case may be) for consideration.
- 17.23.9 Subject to Regulation 17.23.2 above, the Misconduct complaint by the Designated Disciplinary Official shall be sent in writing to the Secretary of the Host Union or his nominee. The Misconduct complaint should contain the following information:
- (a) Date and place of the alleged Misconduct;
 - (b) The name of the Player or Person in respect of whom the complaint is made and (where applicable) his Union;
 - (c) Details of the alleged Misconduct (including brief details of the evidence relied).

- 17.23.10 On receipt of a Misconduct complaint, the Host Union shall, subject to Regulations 17.23.2 and 17.23.3 above, send a copy of the complaint and applicable information and/or reports to the Player or Person (and their Union) in respect of whom it is made together with notification of the date, time and place for the meeting of the Disciplinary Committee or Judicial Officer at which the Misconduct complaint will be heard.
- 17.23.11 In the interests of time and minimising inconvenience, a Union, Player or Person subject to a Misconduct complaint and whose disciplinary hearing is pending, can be required by the Disciplinary Committee or Judicial Officer, prior to the hearing, to supply full particulars of the case that will be presented on his behalf at the hearing.
- 17.23.12 The Disciplinary Committee or Judicial Officer shall have power to postpone or adjourn a hearing at which disciplinary proceedings are to be heard. The Disciplinary Committee or Judicial Officer may impose a provisional suspension on a Player or Person subject to a Misconduct complaint pending the resolution of the case.
- 17.23.13 The Disciplinary Committee or Judicial Officer shall determine the applicable pre-hearing and hearing procedures and may adopt the general procedures for Ordering Off or citing issues subject to such modifications as is considered appropriate for the case concerned.
- 17.23.14 At any hearing of a Misconduct complaint, the Designated Disciplinary Official shall be in attendance to explain the basis of the Misconduct complaint. The Designated Disciplinary Official shall be entitled to appoint a nominee to present the Misconduct complaint and may be assisted by a legal advisor. The Designated Disciplinary Official shall have the burden of proving, on the balance of probabilities that an act or acts of Misconduct have been committed. The Union, Player or Person subject to the Misconduct complaint will be asked if it/he accepts that it/he has committed an act of Misconduct. The Disciplinary Committee or Judicial Officer, as the case may be, shall determine its factual findings and whether it is satisfied on the balance of probabilities that an act or acts of Misconduct has been committed by the Union, Player or Person concerned.
- 17.23.15 If a Disciplinary Committee or Judicial Officer determines that an act or acts of Misconduct has been committed then it/he shall receive and consider representations on Sanctions. The Disciplinary Committees and Judicial Officers shall be entitled to impose such sanction as it/he thinks fit on the Union and/or Person and/or Player concerned including, but not limited to, the following:
- (a) a caution, warning as to future conduct, reprimand;

- (b) a fine;
- (c) a suspension for a specified number of Matches or period of time;
- (d) exclusion orders from Unions or grounds within Unions;
- (e) suspension from involvement in Rugby officiating and/or administration;
- (f) any combination of the above.

17.23.16 The decision of the Disciplinary Committee or Judicial Officer shall be communicated to the relevant Union, Player or Person concerned or their representatives as soon as reasonably practicable and shall be binding on notification to the Union, Player and/or Person concerned and their representatives. In cases handled by a Union, the IRB shall also be notified immediately.

17.23.17 A Union, Player or Person who is found to have committed and act or acts of Misconduct shall have the right to appeal against the finding of an offence of Misconduct and/or the sanction imposed.

17.23.18 Any penalties imposed shall remain effective pending the determination of the appeal.

17.23.19 Unless the Board determines otherwise, all penalties imposed in respect of Misconduct shall be applied by and recognised by all Unions.

17.24 Appeals In Relation To Misconduct Matters

17.24.1 To be valid, any appeal against the decision of a Disciplinary Committee or Judicial Officer in relation to Misconduct must be lodged with the Designated Disciplinary Official or his nominee in writing within 48 hours of the written notification of the decision.

17.24.2 The appeal shall be heard as soon as reasonably practicable. The appeal will be dealt with in the most convenient location having regard to the Unions, Persons or Players involved. It need not take place in the country in which the Misconduct occurred. This will be determined by the Appeal Committee Chairman or Appeal Officer appointed to adjudicate on the appeal.

17.24.3 The Appeal Committee or Appeal Officer shall determine the basis on which the appeal shall proceed, including the standard of review. The general principles in relation to appeals set out in Regulation 17.17 shall be applied subject to such modification as the Appeal Committee or Appeal Officer deems necessary.

17.24.4 In exercising its jurisdiction, the Appeal Committee or Appeal Officer shall have the equivalent powers to those set out in Regulation 17.17.24.

- 17.24.5 The decision of the Appeal Committee or Appeal Officer shall, as soon as reasonably practical be notified in writing to the appellant and other relevant parties.
- 17.24.6 The majority decision of the Appeal Committee or the decision of the Appeal Officer (as the case may be) shall be effective immediately on notification to the appellant and/or his representatives and shall be final and binding.
- 17.24.7 Each Union or Tournament organiser (as the case may be) shall submit a full report of proceedings and conclusions in Misconduct matters arising out of or within its jurisdiction within 14 days of the final decision having been made. The CEO, or his designee, may, on behalf of the Board, accept the result or refer the matter to the appropriate body for consideration.

17.25 Disputes over Procedures to be Adopted for Citing or Temporary Suspension in International Matches, International Tours and International Tournaments.

- 17.25.1 If two Unions cannot agree on citing and/or Temporary Suspension arrangements to be adopted for an International Match, International Tournament or, International Tour then the disciplinary procedures to be applied shall be determined by the CEO, or his designee, whose determination shall be final and binding.

DISCIPLINARY PROCEDURES FOR NON INTERNATIONAL MATCHES OR MATCHES THAT DO NOT FORM PART OF AN INTERNATIONAL TOUR OR INTERNATIONAL TOURNAMENT

17.26 Players Ordered Off the Playing Enclosure

- 17.26.1 When a Player is Ordered Off the playing enclosure the referee shall, as soon as possible after the Match, send to the Union, or other disciplinary body having jurisdiction over the Match, a report, in the standard form, naming the Player and describing the circumstances that necessitated the ordering off. The Player should be provided with a copy of the report. The Union, or other disciplinary body having jurisdiction over the Match, shall consider such report and any other evidence it deems appropriate. The Player Ordered Off shall have the right to be heard, if he so desires and to produce evidence, including video, oral, film or photographic evidence. The Union, or other disciplinary body having jurisdiction over the Match, shall then take such action and impose such punishment as it sees fit and shall apply the Board's sanctions for Illegal and/or Foul Play set out in Appendix 1 subject to the principles set out in Regulation 17.14.

17.27 Citing of Players

- 17.27.1 Unions may appoint independent Citing Commissioners for matches under its jurisdiction or adopt the citing regime set out in Regulation 17.27.2 below. Where independent Citing Commissioners are appointed for a Match, the principles set out in Regulation 17 in relation to International Matches, International Tours and/or International Tournaments shall be applied.
- 17.27.2 Where a Player commits an act of Illegal and/or Foul Play which has not been detected by Match Officials either of the Unions or affiliated organisations participating in the Match have the discretion to cite that Player in writing to the Union or disciplinary body having jurisdiction over the Match. Such citing, to be effective, must be made within 48 hours of the conclusion of the Match in which the foul play is alleged to have occurred. The Player should be provided with a copy of the citing complaint. The Union, or other disciplinary body having jurisdiction over the Match, shall consider the citing complaint and any other evidence it deems appropriate including video, oral, film or photographic evidence. The Player cited shall have the right to be heard and to produce evidence. At any hearing of a citing complaint a representative of the citing Rugby Body or Club must be in attendance, failing which the citing complaint will be dismissed. If an act of foul play is found to have been committed the Union, or disciplinary body having jurisdiction over the Match, shall then take such action and impose such penalties as it sees fit and shall apply the Board's sanctions for Illegal and/or Foul Play set out in Appendix 1 subject to the principles set out in Regulation 17.14.

17.28 Additional/Alternative Procedures for non international Matches or Matches that do not form part of an International Tour or International Tournament

17.28.1 In addition to the provisions contained in 17.26 and 17.27 above, the Union, Association or other disciplinary body having jurisdiction over a Match, may apply additional procedures (including, but not limited to, a right to appeal), for dealing with a Player Ordered Off or cited and other disciplinary or misconduct matters provided that such procedures meet the objectives of ensuring a fair and impartial procedure within the judicial requirements of the jurisdiction of that Union, Association, or disciplinary body.

17.29 Exceptional Circumstances

17.29.1 In exceptional circumstances where the conduct of a Player(s) or Person(s) is of such a serious/gross nature that his or their continued involvement in the sport in any capacity pending the final determination of the matter by the relevant authority is deemed by the IRB to be inappropriate and/or potentially prejudicial to the image and reputation of the sport, then the Board is entitled to require as it deems fit that the relevant Union(s) provisionally suspend such Player(s) or Person(s) from any involvement in the sport.

17.29.2 It is the responsibility of each Union in membership of the IRB to ensure that in such circumstances it is able by reference to its regulations or otherwise to effect and/or recognise such provisional suspension on the Player or Person concerned.

17.30 Unforeseen Circumstances

17.30.1 In the event that a particular incident takes place for which there is no provision in this Regulation 17 then the CEO of the Board, or his nominee may take such action that he considers appropriate in the circumstances in accordance with general principles of natural justice and fairness.

17.31 Technical Non-Compliance

17.31.1 Any procedures pursuant to disciplinary processes under these Regulations or proceedings, findings or decisions of Judicial Officers, Judicial Committees, Disciplinary Committees and/or Appeal Committees and Appeal Committees and Appeal Officers shall not be quashed or invalidated by reason of any departure from the procedural Regulations, defect, irregularity, omission or technicality unless such departure, defect, irregularity, omission or technicality raises a material doubt as to the reliability of the findings or decisions of these bodies or results in a miscarriage of justice.

17.32 All Unions and Associations shall provide, on request, to the Board their disciplinary rules and procedures.

PROCEDURES FOR ILLEGAL AND/OR FOUL PLAY, CITING AND MISCONDUCT FOR IRB SEVENS TOURNAMENTS

17.33 Introduction

- 17.33.1 In recognition of the unique structure of IRB Sevens Tournaments these disciplinary procedures for Illegal and/or Foul Play, citing and Misconduct have been developed to provide a uniform disciplinary process that will enable all disciplinary decisions in IRB Sevens Tournaments to be made in a fair, but expeditious manner.
- 17.33.2 Unions participating in IRB Sevens Tournaments are responsible and accountable for the conduct of their Players and officials. Unions, Players and officials must ensure that Sevens Matches are played in accordance with disciplined and sporting behaviour and that they do not commit an act or acts of Misconduct.
- 17.33.3 For the purposes of these Sevens disciplinary Regulations, Misconduct shall mean conduct, behaviour or practices, on or off the playing enclosure, (excluding Illegal and/or Foul Play during a Match) that may bring the Tournament, and/or the game of rugby and/or the Tournament's commercial partners into disrepute. Misconduct shall include, but shall not be limited to, abusive, threatening or intimidating behaviour towards referees, touch judges, spectators or other officials.
- 17.33.4 The appointment of Judicial Officers and Appeals Committees to adjudicate on cases pursuant to this Sevens disciplinary Regulations, shall, ordinarily, take place in accordance with the provisions of Regulation 18.2.1 of the Regulations Relating to the Game.

17.34 Standard of Proof

- 17.34.1 The Regulations relating to Standard of Proof have been prepared with Law 6.A.4 of the Laws of the Game in mind. It is essential to preserve the integrity of this Law and the referee's position as sole judge of fact and law during the Match. Any decision by a referee during a Match cannot be affected by a ruling of a Judicial Officer. A distinction is drawn between the referee's decision on the field of play and reasons for the decision. This means that when after a Match a Judicial Officer considers the further disciplinary consequences of an incident, where the referee has already made a decision on the field in relation to that incident, the Judicial Officer may, nevertheless, enquire into the referee's reasons for that decision and the circumstances surrounding it.

- 17.34.2 In any case where a Judicial Officer considers an incident(s) of Illegal and/or Foul Play or alleged Illegal and/or Foul Play, he may decide to impose a sanction in accordance with the provisions of Regulation 17.35.6 – 17.35.9 or take no further action.
- 17.34.3 In the case of an Ordering Off, the function of the Judicial Officer is to consider the circumstances of the case and determine what further sanction, if any, should be imposed on the Player. The Player Ordered Off may seek to show that the referee's reasons for his decision were wrong and the Judicial Officer may, subject always to Regulation 17.34.1, review the referee's reasons for the Ordering Off decision and the circumstances surrounding it. In any such case, the Judicial Officer shall not make a finding contrary to the referee's decision unless he is satisfied, on the balance of probabilities that the referee's reasons for his decision were wrong.
- 17.34.4 In the case of a citing, the function of the Judicial Officer shall be to review the case and determine whether on the balance of probabilities the Player concerned committed the act or acts of Illegal and/or Foul Play that are the subject of the citing complaint, provided that:
- (a) In any case where a Judicial Officer is required to consider a citing complaint in respect of an incident where the referee has made a decision on the field of play in relation to that incident, the Judicial Officer may review the referee's reasons for the decision and the circumstances surrounding it. In any such case, the Judicial Officer shall not make a finding contrary to the referee's decision unless he is satisfied on the balance of probabilities that the referee's reasons for his decision are wrong.
 - (b) In any case where a Judicial Officer is required to consider an incident of Illegal and/or Foul Play or alleged Illegal and/or Foul Play which has not been the subject of a determination on the field of play by the referee he shall not uphold the citing complaint unless he is satisfied on the balance of probabilities that the Player concerned committed the acts or acts of Illegal and/or Foul Play that are subject to the citing complaint.

17.35 Player Ordered Off the Playing Enclosure

- 17.35.1 If a Player of either team is Ordered Off the playing enclosure in a Sevens Match, his case shall, wherever practicable, be adjudicated on within 2 hours of the conclusion of that Match, or prior to him playing another Match in the Tournament (whichever the earlier). The case will be adjudicated on by a Judicial Officer who shall act as sole arbiter.

- 17.35.2 As soon as reasonably practicable following the conclusion of the Match in which the Player or Players have been Ordered Off, the referee of that Match must submit a written report of the incident, in the standard form, to the designated Tournament Official. A copy of the standard form appears at Schedule A of these Sevens disciplinary Regulations. If a Player is Ordered Off as a result of a touch judge's intervention, the touch judge must also submit a written report, in the standard form, to the designated Tournament Official as soon as reasonably practicable following the conclusion of the Match. A copy of the standard form appears at Schedule B of these Sevens disciplinary Regulations. Such reports must be made available by the designated Tournament Official to the Player concerned, his Union and to the Judicial Officer as soon as practicable in advance of the hearing. The hearing will be convened by the designated Tournament Official or his designee.
- 17.35.3 The Judicial Officer is entitled to be supported by a legal advisor, if so required and shall, subject to Regulation 17.40 of these procedures, have full discretion as to the procedure adopted at the hearing and what evidence he may require (including video, film oral or photographic evidence), but he must hear the evidence of the referee and, if appropriate, the touch judge. The Player Ordered Off shall have the right to be present throughout the hearing, save for the deliberations of the Judicial Officer, and to be heard if he so desires. The Player is entitled to produce evidence at the hearing and to be represented by a person of his choice, provided such person is readily accessible and available. The Player, or his representative, may question the referee or any witnesses, but such questioning shall only be directed through the Judicial Officer.
- 17.35.4 When a Judicial Officer is appointed, the IRB is responsible for meeting the costs involved in the appointment and attendance of the Judicial Officer and, where applicable, the costs of his legal advisor.
- 17.35.5 A Player Ordered Off may not take part or be selected for any further Match until his case has been dealt with by the Judicial Officer.
- 17.35.6 The Judicial Officer will consider the case and come to a decision on his factual findings. Thereafter, the issue of sanction will be considered and submissions and evidence on sanctions heard. The Judicial Officer may suspend the Player. Sanctions for Ordering Off shall only be related to periods of suspension. In accordance with this Regulation 17.35, Judicial Officers shall undertake an assessment of the seriousness of the Player's conduct, which constitutes the offending and categorise the offence as being at the lower end, mid range or top end of the scale of seriousness in order to identify the appropriate entry point for consideration of a

particular incident(s) where such incident(s) is expressly covered in Appendix 1. Such assessment of the seriousness of the Player's conduct shall be determined by reference to the following features of offending:

- (a) The offending was intentional, that is, committed intentionally or deliberately;
- (b) The offending was reckless, that is the Player knew (or should have known) there was a risk of committing an act of Illegal and/or Foul Play;
- (c) The gravity of the Player's actions in relation to the offence:
 - (i) Nature of actions, manner in which offence committed including part of body used i.e. fist, elbow, knee or boot;
 - (ii) The existence of provocation and whether the Player acted in retaliation and/or self-defence;
- (d) The effect of the offending Player's actions on the victim (i.e. extent of injury, removal of Player from game);
- (e) The effect of offending Player's actions on the game;
- (f) The vulnerability of victim Player including part of victim's body involved/affected, position of Player, ability to defend himself;
- (g) The level of participation in the offending and level of premeditation;
- (h) Whether the conduct of the offending Player was completed or amounted to an attempt;
- (i) Any other feature relevant to the offending.

Based on the assessment of the offence(s) under consideration against the above features of offending, the Disciplinary Committee or Judicial Officer shall categorise the offence(s) as being at the lower end, mid range or top end of the scale of seriousness of offending and identify the applicable entry point where set out in Appendix 1. For offences categorised at the top end of the scale of seriousness of offending, the Disciplinary Committee or Judicial Officer is entitled to identify an entry point between the period shown as the top end of Appendix 1 and the maximum sanction¹.

² *The Player's disciplinary record in all competitions and (as appropriate) in other sports during his playing career from the age of 18 shall be considered by a Disciplinary Committee or Judicial Officer. In any case in which the Disciplinary Committee or Judicial Officer establishes that the Player has previously been found by a Judicial Officer and/or Disciplinary Committee to have committed an act of Illegal and/or Foul Play and/or Misconduct then the Disciplinary Committee or Judicial Officer in imposing any sanction on the Player may in fixing that sanction take*

- 17.35.7 Having identified the applicable entry point for consideration of a particular incident, the Judicial Officer shall identify all relevant aggravating factors and determine what additional period of suspension, if any, above the applicable entry point for the offence should apply to the case in question. Aggravating factors include the following:
- (a) An absence or lack of remorse and/or contrition on the part of the offending Player;
 - (b) The Player's status as an offender of the Laws of the Game²;
 - (c) The need for a deterrent to combat a pattern of offending;
 - (d) Any other off field aggravating factor that the Judicial Officer considers relevant and appropriate.
- 17.35.8 (a) Thereafter, Judicial Officers shall identify all relevant mitigating factors and determine if there are grounds for reducing the period of suspension, if any. Mitigating factors include the following:
- (i) The presence and timing of an acknowledgement of culpability/guilt by the offending Player;
 - (ii) A good record and/or good character;
 - (iii) The age and experience of the Player;
 - (iv) The Player's conduct prior to and at the hearing;
 - (v) Remorse for the Player's actions and the victim Player;
 - (vi) Any other off field mitigating factor that the Disciplinary Committee or Judicial Officer considers relevant and appropriate.
- (b) In cases involving offending that has been classified pursuant to Regulation 17.35.6 as lower end offending, where there are compelling on-field and/or off-field mitigating features and a complete absence of on-field and/or off-field aggravating features,

account of such offending as an aggravating factor.

¹ *The plus sign against each top end period suspension denotes this entitlement and flexibility.*

² *The Player's disciplinary record in all competitions and (as appropriate) in other sports during his playing career from the age of 18 shall be considered by a Disciplinary Committee or Judicial Officer. In any case in which the Disciplinary Committee or Judicial Officer establishes that the Player has previously been found by a Judicial Officer and/or Disciplinary Committee to have committed an act of Illegal and/or Foul Play and/or Misconduct then the Disciplinary Committee or Judicial Officer in imposing any sanction on the Player may in fixing that sanction take account of such offending as an aggravating factor.*

Disciplinary Committees and Judicial Officers may apply sanctions less than the lower end entry sanctions specified in Appendix 1 and in this respect only, the lower end sanctions set out in Appendix 1 are not minimum sanctions.

- (c) In cases of multiple offending, Disciplinary Committees and Judicial Officers may impose sanctions to run either on a concurrent or a consecutive basis provided that the total sanction is in all the circumstances proportionate to the level of the overall offending.

- 17.35.9 Judicial Officers shall in their written decisions set out the reasoning for their findings, including the finding on culpability, how they have categorised the seriousness of the offence by reference to the standard features of offending set out in Regulation 17.35.6, how they applied aggravating and mitigating factors and conclude with the sanction, if any, imposed.
- 17.35.10 The Board's recommended sanctions for Illegal and/or Foul Play set out in Appendix 1 have been established on the basis that a one week period of suspension would normally result in a Player missing one Match. During the Tournament, Players may, however, participate or participating Unions may be scheduled to participate in several Matches per day. During a Sevens Tournament, when determining the appropriate periods of suspension, a Judicial Officer should take cognisance of the fact that during a Sevens Tournament a Player may miss more than one Match as a result of being made subject to a week's suspension and may impose a suspension based on a number of Tournament Matches. This does not preclude the imposition of periods of suspension running beyond a Player's participation in the Tournament.
- 17.35.11 The Judicial Officer shall convey his decision using the standard form (a copy of which appears at Schedule C of these Sevens Disciplinary Regulations) as soon as reasonably practicable to the Player, to the Unions involved in the Match, the designated Tournament Official and to the IRB. The decision shall be binding on the Player as soon as he, or his representative, if any, or his Union is notified of the decision.
- 17.35.12 A Player shall have a right of appeal against the decision of the Judicial Officer to an Appeal Committee. A suspended Player who elects to appeal may not take part, or be selected for any further Match, until his case has been dealt with by the Appeal Committee.

17.36 Citing of Players

- 17.36.1 For each IRB Sevens Tournament a Citing Commissioner shall be appointed by the IRB. The Citing Commissioner should have appropriate rugby experience.
- 17.36.2 The Citing Commissioner has the power to cite a Player for Illegal and/or Foul Play when that Player has not been Ordered Off the playing enclosure, notwithstanding that the act of Illegal and/or Foul Play may have been detected by the referee and/or touch judge provided that in the opinion of the Citing Commissioner, the act or acts of Illegal and/or Foul Play warranted the Player concerned being Ordered Off.
- 17.36.3 Unions participating in the Tournament shall not have the power to cite a Player for Illegal and/or Foul Play pursuant to Law 10 of the Laws of the Game of Rugby Football, but may refer any incident of Illegal and/or Foul Play in Matches in which they participated to the Citing Commissioner for consideration, provided that such referral is made within 30 minutes of the end of the Match in which the incident of Illegal and/or Foul Play is alleged to have occurred. The decision of the Citing Commissioner to cite any Player for Illegal and/or Foul Play, or not (as the case may be) as a result of an incident referred to him by a Union pursuant to this rule or otherwise, shall be final.
- 17.36.4 A citing complaint by a Citing Commissioner must:
- (a) contain the cited Player's name and the Player's Union;
 - (b) full details of the alleged Illegal and/or Foul Play, including brief details of the evidence relied on;
 - (c) be signed by the Citing Commissioner; and
 - (d) be received by the designated Tournament Official within 1 hour of the end of the Match in which the act or acts of Illegal and/or Foul Play is alleged to have taken place.
 - (e) In circumstances where a Player (a) has not been cited within the time period specified in Regulation 17.36.4(iv) as a result of either:
 - (i) mistaken identity; or
 - (ii) the nature of the incident(s) concerned is such that further investigation is needed to identify the Player(s) alleged to have committed an act(s) of Illegal and/or Foul Play;

then a citing complaint may be validly made by the Citing Commissioner notwithstanding the submission of the citing complaint after the expiry of the applicable time period specified in Regulation 17.36.4(iv). However, any citing complaint submitted

pursuant to this Clause 17.36.4(iv) shall be lodged as soon as reasonably practicable and in any event within a period of fourteen days from the conclusion of the applicable citing period.

- 17.36.5 The designated Tournament Official shall provide a copy of the citing complaint to the Judicial Officer, the Player cited, his Union, the referee and touch judges. The designated Tournament Official, or his designee, shall obtain, forthwith, reports from the referee, touch judges and such other persons who he considers may be able to provide evidence. Copies of the reports obtained shall be sent to the parties to whom the citing complaint has been sent with notification of when and how the Judicial Officer will deal with the citing complaint.
- 17.36.6 If a Player of either team in a Match is cited in accordance with the procedures set out in these Regulations, the case should be adjudicated on as soon as practicable, and, wherever possible, during the course of the Tournament. The adjudication will be made by a Judicial Officer. Hearings will be convened by the designated Tournament Official or his designee. The Judicial Officer is entitled to be supported by a legal advisor if so required.
- 17.36.7 The Judicial Officer shall examine any evidence in support of the citing and shall then review the same. The referee, and if appropriate the touch judges, where requested to do so by the Player or by the Judicial Officer should attend any hearing of the citing complaint.
- 17.36.8 The Judicial Officer shall, subject to section 17.40 of these procedures, have full discretion as to the procedure adopted prior to and at any hearing and as to what (further) evidence he may require (including video, oral, film, or photographic evidence). Any video evidence should be viewed in the presence of the Player.
- 17.36.9 The Player cited must be given the opportunity to attend any hearing of the citing complaint, allowed to adduce evidence and be represented by a representative of his choice, provided such representative is readily accessible and available. Save for the Judicial Officer's deliberations, the Player cited shall be entitled to be present throughout a hearing, including when statements are taken from the Match referee and touch judge(s). The Judicial Officer may require the Citing Commissioner to be in attendance at any hearing of a citing complaint to present evidence, explain the basis of the citing complaint or otherwise.
- 17.36.10 A Player cited may not take part or be selected for any further Match until his case has been dealt with by the Judicial Officer.

17.36.11 The Judicial Officer will consider the case and come to a decision on his factual findings. Where it is established that an act of Illegal and/or Foul Play has been committed, the Judicial Officer may suspend the Player. The issue of sanction will be considered and submissions and evidence on sanctions heard. Sanctions for citing shall only be related to periods of suspension. In accordance with this Regulation 17.36, Judicial Officers shall undertake an assessment of the seriousness of the Player's conduct, which constitutes the offending and categorise the offence as being at the lower end, mid range or top end of the scale of seriousness in order to identify the appropriate entry point for consideration of a particular incident(s) where such incident(s) is expressly covered in Appendix 1. Such assessment of the seriousness of the Player's conduct shall be determined by reference to the following features of offending:

- (a) The offending was intentional, that is, committed intentionally or deliberately;
- (b) The offending was reckless that is the Player knew (or should have known) there was a risk of committing an act of Illegal and/or Foul Play;
- (c) The gravity of the Player's actions in relation to the offence:
 - (i) Nature of actions, manner in which offence committed including part of body used i.e. fist, elbow, knee or boot;
 - (ii) The existence of provocation and whether the Player acted in retaliation and/or self-defence;
- (d) The effect of the offending Player's actions on the victim (i.e. extent of injury, removal of Player from game);
- (e) The effect of offending Player's actions on the game;
- (f) The vulnerability of victim Player including part of victim's body involved/affected, position of Player, ability to defend himself;
- (g) The level of participation in the offending and level of premeditation;
- (h) Whether the conduct of the offending Player was completed or amounted to an attempt;
- (i) Any other feature relevant to the offending.

Based on the assessment of the offence(s) under consideration against the above features of offending, the Judicial Officer shall categorise the offence(s) as being at the lower end, mid range or top end of the scale of seriousness of offending and identify the applicable entry point where set out in Appendix 1. For offences categorised at the top end of the scale of seriousness of offending, the Disciplinary Committee or Judicial Officer is

entitled to identify an entry point between the period shown as the top end of Appendix 1 and the maximum sanction¹.

- 17.36.12 Having identified the applicable entry point for consideration of a particular incident, the Judicial Officer shall identify all relevant aggravating factors and determine what additional period of suspension, if any, above the applicable entry point for the offence should apply to the case in question. Aggravating factors include the following:
- (a) An absence or lack of remorse and/or contrition on the part of the offending Player;
 - (b) The Player's status as an offender of the Laws of the Game²;
 - (c) The need for a deterrent to combat a pattern of offending;
 - (d) Any other off field aggravating factor that the Judicial Officer considers relevant and appropriate.
- 17.36.13 (a) Thereafter, Judicial Officers shall identify all relevant mitigating factors and determine if there are grounds for reducing the period of suspension, if any. Mitigating factors include the following:
- (i) The presence and timing of an acknowledgement of culpability/guilt by the offending Player;
 - (ii) A good record and/or good character;
 - (iii) The age and experience of the Player;
 - (iv) The Player's conduct prior to and at the hearing;
 - (v) Remorse for the Player's actions and the victim Player;
 - (vi) Any other off field mitigating factor that the Disciplinary Committee or Judicial Officer considers relevant and appropriate.

¹ The plus sign against each top end period suspension denotes this entitlement and flexibility

² The Player's disciplinary record in all competitions and (as appropriate) in other sports during his playing career from the age of 18 shall be considered by a Disciplinary Committee or Judicial Officer. In any case in which the Disciplinary Committee or Judicial Officer establishes that the Player has previously been found by a Judicial Officer and/or Disciplinary Committee to have committed an act of Illegal and/or Foul Play and/or Misconduct then the Disciplinary Committee or Judicial Officer in imposing any sanction on the Player may in fixing that sanction take account of such offending as an aggravating factor.

- (b) In cases involving offending that has been classified pursuant to Regulation 17.36.11 as lower end offending, where there are compelling on-field and/or off-field mitigating features and a complete absence of on-field and/or off-field aggravating features, Disciplinary Committees and Judicial Officers may apply sanctions less than the lower end entry sanctions specified in Appendix 1 and in this respect only, the lower end sanctions set out in Appendix 1 are not minimum sanctions.
- (c) In cases of multiple offending, Disciplinary Committees and Judicial Officers may impose sanctions to run either on a concurrent or a consecutive basis provided that the total sanction is in all the circumstances proportionate to the level of the overall offending.

17.36.14 Judicial Officers shall in their written decisions set out the reasoning for their findings, including the finding on culpability, how they have categorised the seriousness of the offence by reference to the standard features of offending set out in Regulation 17.36.11, how they applied aggravating and mitigating factors and conclude with the sanction, if any, imposed.

17.36.15 The Board's recommended sanctions for Illegal and/or Foul Play set out in Appendix 1 have been established on the basis that a one week period of suspension would normally result in a Player missing one Match. During the Tournament, Players may, however, participate or participating Union's may be scheduled to participate in several Matches per day. During a Sevens Tournament, when determining the appropriate periods of suspension, a Judicial Officer should take cognisance of the fact that during a Sevens Tournament a Player may miss more than one Match as a result of being made subject to a week's suspension and may impose a suspension based on a number of Tournament Matches. This does not preclude the imposition of periods of suspension running beyond a Player's participation in the Tournament.

17.36.16 The Judicial Officer shall convey his decision using the standard form (a copy of which appears at Schedule C of these Sevens disciplinary Regulations) as soon as reasonably practicable to the Player, to the Unions involved in the Match, the designated Tournament Official and to the IRB. The decision shall be binding on the Player as soon as he, or his representative, if any, or his Union is notified of the decision.

17.36.17 A Player shall have a right of appeal against the decision of the Judicial Officer to an Appeal Committee. A suspended Player who elects to appeal may not take part, or be selected for any further Match, until his case has been dealt with by the Appeal Committee.

17.37 Temporary Suspension and Card System

17.37.1 A Player who breaches Law 3.11(c); Law 4.5(c); Law 6.A.5; Law 10.3 (a) (c); Law 10.2; Law 10.4 (a) (b) (c) (d) (e) (f) (g) (h) (i) (j) (k) (l) (m); shall either be Ordered Off, Temporarily Suspended or cautioned that he will be sent off if he repeats the offence. For a similar offence, after Temporary Suspension or caution, the Player must be Ordered Off.

- (a) A Temporary Suspension is a formal caution under the penalty provisions of Law 10.
- (b) Temporary Suspension is not a substitute for Ordering Off a Player. If an offence warrants a Player being Ordered Off then the Player must be Ordered Off.
- (c) The maximum period of suspension shall not exceed two minutes and does not include half-time for time-keeping purposes. If the period of suspension continues beyond the half-time interval, the suspended Player is not permitted contact with his team.
- (d) The referee may delegate the control and management of Temporarily Suspended Players including keeping the time that the Player is off the field, to the reserve touch judge who can be assisted by another person.
- (e) Time commences when the Player leaves the field of play.
- (f) The Temporarily Suspended Player may not be replaced by another Player nor replace an injured Player except as provided for in Law 3.13.
- (g) In the event of two Players (one from each team) being Ordered Off or Temporarily Suspended as a result of the same incident and one Player being injured and the other leaves the field of play, the replacement Player is not permitted to enter the game until the period of Temporary Suspension has expired.

- 17.37.2 If a Player is Temporarily Suspended he shall proceed to the touchline and remain there alone, away from members of his own team or the other team. The Player will be under the supervision of the reserve touch judge who can be assisted by another person. The Player shall not re-enter the field of play until he is permitted by the referee to do so.
- 17.37.3 If a Player breaches any of the requirements in Regulation 17.37.2 above, he must be Ordered Off.
- 17.37.4 The referee must report each Temporary Suspension at the conclusion of the Sevens match to the designated Tournament Official. The reports on all Temporary Suspensions imposed on Players during a Tournament shall be forwarded to the IRB by the designated Tournament Official within 48 hours of the conclusion of the Tournament.
- 17.37.5 A Player who has been Temporarily Suspended in three or more matches at a single Sevens Tournament or a Player who has been Temporarily Suspended five times over the IRB Sevens, shall, except as provided in Regulation 17.37.7 be required to appear before a Judicial Officer at an appointed time and place. Pending such hearing the Player may not take part in any further Match. Ordinarily, such hearings shall take place either at the Tournament Venue at which the third or fifth (as the case may be) Temporary Suspension was imposed on the Player. However, in the case of a fifth IRB Sevens Temporary Suspension being imposed on a Player, the hearing may take place at the Home Union of the Player concerned. The decision on the appropriate venue for the hearing shall be made by the Judicial Officer.
- 17.37.6 The Player will be notified of the time and place of the hearing by the Judicial Officer, or his designee. The Player shall be provided with copies of the referee's reports on the Temporary Suspensions and notified that:
- (a) the purpose of the hearing of the Judicial Officer is to consider whether any further penalties should be imposed on the Player by reason of his persistent Illegal and/or Foul Play;
 - (b) he may be represented at the hearing by a legal representative and/or a representative of his team or Union;
 - (c) except where he alleges that his Temporary Suspension in any incident was a result of the referee having wrongly identified the Player as the offending Player ("mistaken identity"), no evidence will be heard other than on the question of penalty;

- (d) in the event he alleges mistaken identity, he shall be required to give written notice to the Judicial Officer in sufficient time for the Judicial Officer to arrange for the attendance at the hearing of the referee and (where applicable) other witnesses as may be required.

17.37.7 Notwithstanding Regulation 17.37.5 above, in any case where a Player who has been Temporarily Suspended alleges his Temporary Suspension was the result of the Player having been wrongly identified as an offending Player, that Player may, within 48 hours of the completion of the Match in which he was Temporarily Suspended, apply to the Appeal Committee Chairman, or his designee, for a review of his Temporary Suspension. The procedures governing appeals are set out in Regulation 17.39 of these Regulations.

17.38 Misconduct

- 17.38.1 Where the designated Tournament Official, or his designee, or the Citing Commissioner believes that an act or acts of Misconduct, during or in connection with the Tournament may have been committed by a Union and/or a Player and/or an official the designated Tournament Official, or his designee, or the Citing Commissioner (as the case may be) may refer the matter to a Judicial Officer for adjudication.
- 17.38.2 Subject to Regulation 17.40 of these procedures, the Judicial Officer shall have full discretion as to the procedures adopted and as to what evidence he may require when dealing with an alleged act or acts of Misconduct and he is entitled to be assisted by a legal advisor. The Judicial Officer will not be bound by judicial rules governing his procedures or the admissibility of evidence, provided that the proceedings are conducted in a fair manner with a reasonable opportunity for the Union(s) Player(s) and official(s) concerned (as the case may be) to present their case.
- 17.38.3 The Judicial Officer shall deal with cases involving alleged Misconduct as soon as practicable and, wherever possible, during the course of the Tournament. If a case is not dealt with during the course of a Tournament it will, ordinarily, be dealt with within seven days of the conclusion of the Tournament, at a convenient location for the Union(s), Player(s) or official(s) concerned. This location does not have to be in the country in which the Tournament was played and shall be determined by the Judicial Officer or his designee.

- 17.38.4 If the Judicial Officer determines that an act or acts of Misconduct has been committed he shall be entitled to impose such penalty as he thinks fit including, but not limited to, the following:
- (a) a caution, warning as to future conduct, reprimand;
 - (b) a fine;
 - (c) a suspension for a specified number of Matches;
 - (d) expulsion of a Participating Union and its team from the remainder of the Tournament;
 - (e) expulsion of any member or members of a Union's team from the remainder of the Tournament;
 - (f) the cancellation of a Match result;
 - (g) The replaying of a Match;
 - (h) The forfeiture of a Match; the deduction or cancellation of points or any such similar sports or Tournament based sanction;
 - (i) The withdrawal of other benefits of membership of the IRB including, but not limited to, the right to apply to host International Tournaments; or
 - (j) any combination of the above.
- 17.38.5 The decision of the Judicial Officer shall be communicated to the relevant Union, Player or official, or their representatives, as soon as reasonably practicable and shall be binding on notification to the Union, Player and/or official concerned or their representatives. The IRB shall also be notified.
- 17.38.6 A Union, Player or official who is found to have committed an act or acts of Misconduct shall have the right to appeal against the finding of an offence of Misconduct and/or the sanction imposed. Any penalties imposed shall remain effective pending the determination of the appeal.

17.39 Appeals

- 17.39.1 To be valid, any appeal against the decision of a Judicial Officer under these Sevens disciplinary Regulations must be lodged with the designated Tournament Official, or his designee, in writing, within 24 hours of the notification of the decision of the Judicial Officer to the Union, or Player or official concerned, or his/their representative(s), if any.

- 17.39.2 If a Union, Player or official lodges an appeal then, subject to the discretion of the Appeal Committee Chairman and, where reasonably practicable, the appeal shall be dealt with during the course of the Tournament. If the appeal is not dealt with during the course of the Tournament then it will be dealt with as soon as reasonably practicable thereafter and, ordinarily, within 7 days of the lodgment of the appeal.
- 17.39.3 For the avoidance of any doubt, the Appeal Committee need not be chaired by the Appeal Committee Chairman who decided that the appeal should not proceed during the course of the Tournament. The appeal will be dealt with in the most convenient location having regard to the Union(s), Player(s) and official(s) involved. It need not take place in the country in which the Tournament was held. This will be determined by the Appeal Committee Chairman or his designee. The appellant shall be advised, as soon as practicable, when and how the appeal will be dealt with.
- 17.39.4 The appellant shall have the right to attend any hearing of the appeal, adduce evidence and be legally represented. The procedure to be adopted in relation to an appeal shall, subject to Regulation 17.40 of these procedures, be determined at the discretion of the Chairman of the Appeal Committee that will adjudicate on the appeal. The Appeal Committee shall determine the basis on which the appeal will proceed, and it shall in its discretion be entitled, in exceptional circumstances, to conduct a de novo hearing. Ordinarily, however, appeals will be heard based on the record of the decision by the Judicial Officer. Also, in exceptional circumstances and at the discretion of the Appeal Officer, a combination of a de novo hearing or appeal on the record may be applied. In determining the basis on which an appeal is to be conducted the Appeal Committee shall have regard to the following principles:
- (a) It will only be in exceptional circumstances that a de novo hearing in whole or part will be adopted on appeal.
 - (b) The evidential assessment of the Judicial Officer or Disciplinary Committee at first instance should not be overturned save as in circumstances where central findings of fact made by the Judicial Officer or Disciplinary Committee are clearly wrong.
 - (c) A de novo hearing in whole or part would ordinarily only be appropriate where:
 - (i) Further evidence is available and such further evidence was not, on full and proper enquiry, available at the time of the first instance hearing; and/or

- (ii) the record and/or evidence received and submitted at the first instance hearing is unclear and/or the record is otherwise defective.

- 17.39.5 In circumstances where an appellant appeals against the sentence alone, or otherwise, the appellant may request, or the Appeal Committee Chairman may determine, that the appeal can be dealt with without the need for a personal hearing. In such circumstances the appellant shall be entitled to make representations in writing, supplemented, where necessary, by submissions via a telephone conference call. The Appeal Committee does not have to meet in person before it arrives at its decision on any appeal provided that it has a reasonable opportunity to consider the relevant submissions.
- 17.39.6 In exercising its jurisdiction, the Appeal Committee shall be entitled to dismiss the appeal or quash, vary or increase any decision and/or penalty appealed against.
- 17.39.7 The decision of the Appeal Committee shall, as soon as reasonably practicable after the conclusion of the appeal, be notified in writing to the appellant and other relevant parties. The majority decision of the Appeal Committee shall be effective immediately on notification to the Player, his representative, if any, or his Union and shall be final and binding.

17.40 General Procedures

- 17.40.1 In all proceedings under these Sevens disciplinary Regulations for Illegal and/or Foul Play referees and/or touch judges may only give evidence of fact, not opinion.
- 17.40.2 The standard of proof on all questions to be determined by Judicial Officers and Appeal Committees shall be the balance of probabilities applied having regard to the gravity of the allegations in question.
- 17.40.3 Judicial Officers and Appeal Committees (subject to Regulation 17.39.4) shall be entitled to receive such evidence as they think fit (including evidence in writing), notwithstanding that the evidence may not be legally admissible. However, Judicial Officers and Appeal Committees, (subject to Regulation 17.39.4), shall be concerned to obtain first hand evidence from parties involved in any incident and shall be careful to afford any hearsay evidence only so much weight as is appropriate.
- 17.40.4 Questions of witnesses, including the referee and touch judge, shall be put through the Judicial Officer or Appeal Committee Chairman as the case may be.

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- 17.40.5 Judicial Officers and Appeal Committees shall be entitled to publish, as they think fit, reports of their proceedings, findings and penalties, provided such publication is made through the IRB.
- 17.40.6 Judicial Officers and Appeal Committees shall have absolute discretion in imposing orders as to the payment of costs in relation to any proceedings under these Sevens disciplinary Regulations.
- 17.40.7 Judicial Committees and Appeal Committee shall be entitled to adjourn and/or postpone proceedings.
- 17.40.8 All hearings shall take place in private.
- 17.40.9 The non-attendance of a party at a hearing in respect of which that party has received notice shall not prevent the matter being dealt with in that party's absence.
- 17.40.10 Any procedures under these Sevens disciplinary Regulations and/or proceedings, findings or decisions of Judicial Officers, and/or Appeal Committees shall not be quashed or invalidated by reason of any defect, irregularity, omission or technicality, unless such defect, irregularity, omission or technicality raises a material doubt as to the reliability of the findings or decisions of these bodies and results in a miscarriage of justice.
- 17.40.11 Any matters not provided for in these procedures shall, in the first instance, be referred to a Judicial Officer who shall deal with such matter as he sees fit.

APPENDIX 1. IRB RECOMMENDED SANCTIONS FOR OFFENCES WITHIN THE PLAYING ENCLOSURE (REGULATION 17)

Law No.	Description	Entry Point Based on Scale of Seriousness of the Player's conduct, which constitutes the offending – Lower End (LE), Mid Range (MR), Top End (TE).	Maximum Sanction
6.A.5 10.4(l)	Verbal Abuse of Match Officials	LE – 6 weeks MR – 12 weeks TE – 18+weeks	52 weeks
6.A.5 10.4(l)	Physical Abuse of Match Officials	LE – 24 weeks MR – 48 weeks TE – 96+ weeks	Life
6.A.5 10.4(l)	Threatening Actions or Words at Match Officials	LE – 12 weeks MR – 24 weeks TE – 48+ weeks	260 weeks
10.4(a)	Striking another Player with a hand, arm or fist	LE – 2 weeks MR – 5 weeks TE – 8+ weeks	52 weeks
10.4(a)	Striking another Player with the elbow	LE – 2 weeks MR – 5 weeks TE – 9+ weeks	52 weeks
10.4(a)	Striking with knee	LE – 3 weeks MR – 8 weeks TE – 12+ weeks	52 weeks
10.4(a)	Striking with head	LE – 4 weeks MR – 8 weeks TE – 12+ weeks	104 weeks

10.4(b)	Stamping on an Opponent	LE – 2 weeks MR – 5 weeks TE – 9+ weeks	52 weeks
10.4(b)	Trampling on an Opponent	LE – 2 weeks MR – 5 weeks TE – 9+ weeks	52 weeks
10.4(c)	Kicking an Opponent	LE – 4 weeks MR – 8 weeks TE – 12+ weeks	52 weeks
10.4(d)	Tripping an Opponent with the foot/leg	LE – 2 weeks MR – 4 weeks TE – 7+weeks	52 weeks
10.4(e)	Dangerous tackling of an Opponent including early or late and including the action known as the “stiff arm tackle”	LE – 2 weeks MR – 6 weeks TE – 10+ weeks	52 weeks
10.4(e)	Dangerous tackling of an Opponent including a tackle or attempted tackle above the line of the shoulders even if the tackle starts below the line of the shoulders	LE – 2 weeks MR – 6 weeks TE – 10+ weeks	52 weeks
10.4(f)	Holding, pushing or obstructing an Opponent not holding the ball except in a scrum, ruck or maul	LE – 2 weeks MR – 4 weeks TE – 6+ weeks	52 weeks
10.4(f) 10.4(j)	Dangerous charging or obstructing or grabbing of Opponent without the ball, including shouldering	LE – 3 weeks MR – 5 weeks TE – 9+weeks	52 weeks
10.4(g)	Dangerous charging or knocking down an Opponent with the ball, including shouldering	LE – 2 weeks MR – 5 weeks TE – 9+ weeks	52 weeks
10.4(h)	Tackling, tapping, pushing or pulling an Opponent jumping for the ball in a lineout or in open play	LE – 3 weeks MR – 6 weeks TE – 10+ weeks	52 weeks

10.4(i)	Lifting a Player from the ground and either dropping or driving that Player's head and/or upper body first into the ground whilst the Player's feet are off the ground	LE – 3 weeks MR – 6 weeks TE – 10+ weeks	52 weeks
10.4(j)	Causing a scrum, ruck or maul to collapse	LE – 2 weeks MR – 4 weeks TE – 8+ weeks	52 weeks
10.4(l)	Testicle grabbing or twisting or squeezing	LE – 12 weeks MR – 18 weeks TE – 24+ weeks	208 weeks
10.4(l)	Biting	LE – 12 weeks MR – 18 weeks TE – 24+ weeks	208 weeks
10.4(l)	Contact with Eyes or the Eye Area	LE – 12 weeks MR – 18 weeks TE – 24+ weeks	156 weeks
10.4(l)	Spitting at Players	LE – 4 weeks MR – 7 weeks TE – 11+ weeks	52 weeks
10.4(l)	Verbal abuse of Players based on Religion, Race, Colour, or National or Ethnic Origin or otherwise	LE – 4 weeks MR – 8 weeks TE – 13+ weeks	52 weeks
10.4(l)	Any other acts (not previously referred to) which are contrary to good sportsmanship	LE – 4 weeks MR – 7 weeks TE – 11+ weeks	52 weeks

In respect of offences not referred to above, appropriate sanctions may be imposed at the discretion of the relevant Judicial Officer, Disciplinary Committee, Appeal Officer and/or Appeal Committee (as the case may be).

Notwithstanding the recommended sanctions in Appendix 1 and/or the provisions of Regulation 17.14 in cases where the player's actions constitute mid range or top end of offending for any type of offence which had the potential to result and, in fact, did result in serious/gross consequences to the health of the victim, the Judicial Officers and/or Disciplinary Committees may impose any period of suspension including a suspension for life.



APPENDIX 2(a). FORM 1. STANDARD FORM REFEREE'S REPORT ON AN ORDERING OFF INTERNATIONAL MATCH

Player's Union: _____

Full Name of Player: _____

Venue: _____ Date of Dismissal: _____

Playing Position of Player: _____ Number: _____

Match result: _____ (pts) _____ (pts)

Nature of offence: *(Please list applicable Law Number(s) and short description of the Law)*

Period of game when incident occurred: 1st Half 2nd Half

Ground & Weather Conditions: _____

Elapsed Time in Half: _____

Proximity of Referee to incident: _____ (metres)

Score at that time: _____ pts _____ pts

Was the Player ordered off further to the report of a touch judge? Yes No

(If yes, Appendix 2(b) may need to be completed and submitted by the touch judge)

Please give detailed report below: PLEASE WRITE CLEARLY

REPORT:

(Please use paper apart if necessary)

REFEREE'S NAME: _____

UNION: _____

This report must be completed and given to the designated official immediately after the completion of the match



**APPENDIX 2(b). FORM 2. STANDARD FORM
TOUCH JUDGE'S REPORT ON AN ORDERING OFF
INTERNATIONAL MATCH**

Player's Union: _____

Full Name of Player: _____

Venue: _____ Date of Dismissal: _____

Playing Position of Player: _____ Number: _____

Match result: _____ (pts) _____ (pts)

Proximity of Touch Judge to incident: _____ (metres)

Please give detailed report below: PLEASE WRITE CLEARLY

REPORT:

(Please use paper apart if necessary)

TOUCH JUDGE'S NAME: _____

UNION: _____

This report must be completed and given to the designated official immediately after the completion of the match



**APPENDIX 2(c). FORM 3. STANDARD FORM
CITING COMMISSIONER'S REPORT
INTERNATIONAL MATCH**

Player's Union: _____

Full Name of Player: _____

Venue: _____ Date of Dismissal: _____

Playing Position of Player: _____ Number: _____

Match result: _____ (pts) _____ (pts)

Nature of offence: *(Please list applicable Law
Number(s) and short description of the Law)*

Period of game when incident occurred: 1st Half 2nd Half

Ground & Weather Conditions: _____

Elapsed Time in Half: _____

Proximity of Officials to incident: _____ (metres)

Score at that time: _____ pts _____ pts

Please give detailed report below: PLEASE WRITE CLEARLY

REPORT:

(Please use paper apart if necessary)

CITING COMMISSIONER'S NAME: _____

UNION: _____

This report must be completed and given to the designated
tournament official within the applicable time period



SCHEDULE A. IRB SEVENS TOURNAMENTS REFEREE'S REPORT ON ORDERING OFF

Player's Union: _____

Full Name of Player: _____

Venue: _____ Date of Dismissal: _____

Playing Position of Player: _____ Number: _____

Match result: _____ (pts) _____ (pts)

Nature of offence: Infringement of:

Law 3.11(c); Law 4.5(c); Law 6.A.5; Law 10.3 (a) (c); Law 10.2;

Law 10.4 (a) (b) (c) (d) (e) (f) (g) (h) (i) (j) (k) (l) (m)

(Put a line through the appropriate reference)

Period of game when incident occurred: 1st Half 2nd Half Extra Time

Elapsed Time in Half: _____

Proximity of Referee to incident: _____ (metres)

Score at that time: _____ pts _____ pts

Had any cautions been issued to

(a) Individual: Yes No (b) General: Yes No

Please give detailed report below: PLEASE WRITE CLEARLY

REPORT:

(Please use paper apart if necessary)

REFEREE'S NAME: _____

UNION: _____

This report must be completed and given to the designated official immediately after the completion of the match



SCHEDULE B. IRB SEVENS TOURNAMENTS TOUCH JUDGE'S REPORT ON ORDERING OFF

Player's Union: _____

Full Name of Player: _____

Venue: _____ Date of Dismissal: _____

Playing Position of Player: _____ Number: _____

Match result: _____ (pts) _____ (pts)

Nature of offence: Infringement of:

Law 3.11(c); Law 4.5(c); Law 6.A.5; Law 10.3 (a) (c); Law 10.2;

Law 10.4 (a) (b) (c) (d) (e) (f) (g) (h) (i) (j) (k) (l) (m)

(Put a line through the appropriate reference)

Period of game when incident occurred: 1st Half 2nd Half Extra Time

Elapsed Time in Half: _____

Proximity of Referee to incident: _____ (metres)

Score at that time: _____ pts _____ pts

Had any cautions been issued to

(a) Individual: Yes No (b) General: Yes No

Please give detailed report below: PLEASE WRITE CLEARLY

REPORT:

(Please use paper apart if necessary)

TOUCH JUDGE'S NAME: _____

UNION: _____

This report must be completed and given to the designated
tournament official



**SCHEDULE C. IRB SEVENS TOURNAMENTS
JUDICIAL OFFICERS HEARING REPORT**

Date of Hearing: _____

Name of Unions participating in the Match: _____

Date of Match: _____

Match Venue: _____

Player's Name: _____

Player's Union: _____

Referee's Name: _____

Offence as stated in the Referee's Report:

Judicial Officers Decision *(please continue on a separate sheet if necessary)*

Signature of Judicial Officer: _____

NOTE: THE RIGHT OF THE PLAYER TO APPEAL AGAINST THE DECISION OF THE JUDICIAL OFFICER IS LAID DOWN IN SECTION 7 OF THE TOURNAMENT DISCIPLINARY PROCEDURES.