

REGULATION 18. DISCIPLINARY AND JUDICIAL MATTERS

18.1 Breach of the Bye-Laws or Regulations

18.1.1 A Union or Association shall be subject to sanction by a Judicial Officer or Judicial Committee if it is found to have breached the Bye-Laws or Regulations or to have:

- (a) brought the Board or the Game or any Person into disrepute;
- (b) engaged in conduct, behaviour or practice(s) which may be prejudicial to the interests of the Board or of the Game;
- (c) disclosed any confidential information obtained through connection with the Game; or
- (d) breached the Code of Conduct.

18.1.2 A Rugby Body, Club or Person that contravenes these Regulations, brings the Board or the Game into disrepute, engages in conduct, behaviour or practices which may be prejudicial to the interests of the Board or the Game, discloses any confidential information obtained through connection with the Game, or which breaches the Code of Conduct shall be subject to sanction by the Union or Association having jurisdiction in respect thereof in accordance with the bye-laws regulations, code of conduct or other undertakings or agreements of that Union or Association.

18.2 The Appointment and Functions of Judicial Officers and Judicial Committees

18.2.1 The Council shall appoint a panel of individuals (“the Judicial Panel”) of such number as the Council shall think fit, each of whom shall be eligible to sit as Judicial Officers and/or as Members of Judicial Committees. The Council shall appoint a chairman of the Judicial Panel. The Chairman of the Judicial Panel (or his designee) shall, in consultation with the Chairman of the Council, or his nominee, appoint individual Judicial Officers or Judicial Committees from members of the Judicial Panel to resolve, hear and adjudicate on the following:

- (a) an alleged breach or breaches of the Bye-Laws and/or the Regulations and/or alleged offences under Regulation 18.1.1 (a) to (d) inclusive;
- (b) disputes arising under Regulation 4;
- (c) disciplinary matters arising out of illegal and foul play; and

- (d) such other matters as the Council, Chairman of the Judicial Panel or CEO may from time to time refer to a Judicial Officer or Judicial Committee for adjudication.
- 18.2.2 Members of the Judicial Panel shall be appointed for a period of up to two years, following which they shall, unless re-appointed by the Council, automatically cease to be a member of the Judicial Panel. The Council may, at its discretion, remove any member of the Judicial Panel, at any time. The decision of the Council shall be final and binding.
- 18.2.3 Council members appointed as members of the Judicial Panel shall not cease to be members of the Judicial Panel if, during the period of appointment as a Judicial Panel member, they cease to be a member of the Council.
- 18.2.4 When a Judicial Committee is appointed to adjudicate on a case it shall, ordinarily, be made up of three members of the Judicial Panel, one of whom shall be nominated to act as Chairman of the Committee. The Chairman of the Judicial Panel shall, however, in any case, be entitled, at his discretion, to appoint a Judicial Committee of such number as he considers appropriate, up to a maximum of 5 and a minimum of 2.
- 18.2.5 Judicial Officers or Judicial Committee members shall not have had any personal involvement with any case referred to them for adjudication or any connection with any of the parties involved in such matter.
- 18.2.6 If a Judicial Officer or member of a Judicial Committee having been appointed to deal with a case is unable or unwilling to adjudicate then the Judicial Panel Chairman may; (1) appoint another member of the Judicial Panel as a replacement; or (2) appoint a new Judicial Committee; or (3) allow the remaining Judicial Committee members to proceed and adjudicate on the case.
- 18.2.7 The Chairman of the Judicial Panel shall have the power, exercisable in his discretion, to co-opt from time to time additional persons with specialist skills and experience to sit as Judicial Officers and/or as members of a Judicial Committee to deal with cases that require such specialist skills and experience whether such persons are members of the Judicial Panel or not.

18.3 The Appointment and Functions of Appeal Committees

- 18.3.1 The Council shall appoint a panel of individuals of such number as the Council thinks fit (“the Appeal Panel”), each of whom shall be eligible to sit as members of Appeal Committees. The Council shall appoint a Chairman of the Appeal Panel. Members of the Appeal Panel shall not be current members of the Council or any other Board standing committee.
- 18.3.2 Members of the Panel shall include the following:
- (a) Senior legal practitioners with previous experience of judicial proceedings in rugby. Such legal practitioners shall be appointed to sit as Chairmen of Appeal Committees.
 - (b) Eminent rugby administrators, rugby players, coaches and officials with previous experience of judicial proceedings in rugby.
 - (c) Such other individuals as the Council may consider appropriate.
- 18.3.3 The functions of Appeal Committees shall be to hear and decide appeals from decisions made by Judicial Officers or Judicial Committees. The Chairman of the Appeal Panel shall appoint Appeal Committees from Appeal Panel members to hear such appeals.
- 18.3.4 Members of the Appeal Panel shall be appointed for a period of up to two years, following which they shall, unless re-appointed by the Council, automatically cease to be a member of the Appeal Panel. The Council may, at its discretion, remove any member of the Appeal Panel, at any time. The decision of the Council shall be final and binding.
- 18.3.5 When an Appeal Committee is appointed to adjudicate on a case it shall, ordinarily, be made up of three members of the Appeal Panel, one of whom shall be nominated to act as Chairman of the Appeal Committee. The Chairman of the Appeal Panel shall be entitled, however, at his discretion to appoint Appeal Committees of such number as he considers appropriate, up to a maximum of 5 and a minimum of 2.
- 18.3.6 If a member of an Appeal Committee having been appointed to deal with a case, is unable or unwilling to adjudicate then the Appeal Panel Chairman may: (1) appoint another member of the Appeal Panel as a replacement; or (2) appoint a new Appeal Committee; or (3) allow the remaining Appeal Committee members to proceed and adjudicate on the appeal.
- 18.3.7 The Chairman of the Appeal Panel shall have the power, exercisable in his discretion, to co-opt from time to time additional persons with specialist skills and experience to sit as Appeal Committee Members to deal with cases that require such specialist skills and experience whether such persons are members of the Appeals Panel or not.

18.4 Procedures Relating to a Breach of the Regulations or Bye-Laws, or Offences under Regulation 18.1.1(a) to (d)

- 18.4.1 A Union or Association must, as soon as is reasonably practicable, investigate each and every alleged breach of the Regulations occurring or committed within or relating to its jurisdiction and of which it has knowledge. Following such investigation, it shall take such action as is appropriate and thereafter report its decision and the procedures adopted to the CEO in writing within 28 days of its decision. The CEO shall submit the report to the Council.
- 18.4.2 In the event of the Council and/or CEO not being satisfied with the procedures adopted and/or decision reached by a Union or Association pursuant to Regulation 18.4.1 or in the event of a failure to investigate by that Union or Association, then the Council and/or CEO may refer the matter, via the Judicial Panel Chairman, or his designee to a Judicial Officer or Judicial Committee or take such other action as it deems appropriate.
- 18.4.3 A Union or Association which considers another Union or Association to have so conducted itself as to be in breach of these Regulations or the Bye-Laws or to have committed an offence under Regulation 18.1.1 (a) to (d), may make complaint of such conduct to the CEO. To be valid, such complaint must be made in writing, set out full details of the complaint and should be received by the CEO not later than 28 days following the complainant Union or Association having knowledge of the said conduct. Upon receipt of any such complaint, the CEO shall initiate an enquiry into the matter and/or refer the complaint via the Judicial Panel Chairman, or his designee to a Judicial Officer or Judicial Committee for adjudication.
- 18.4.4 The Council or CEO may, whether at the request of a Union, Association, or of its own motion, initiate an enquiry into any alleged, or apparent breach of the Bye-Laws and/or Regulations or alleged offences under Regulation 18.1.1(a) to (d). Such enquiry shall be carried out by the CEO or his designee(s). The procedure for such enquiry shall be determined by the CEO. At the conclusion of any such enquiry, the CEO shall either submit a report to Council or refer the matter, via the Judicial Panel Chairman, or his designee, to a Judicial Officer or Judicial Committee for adjudication. The Council on receipt of the report may refer the matter via the Judicial Panel Chairman, or his designee, to a Judicial Officer or Judicial Committee or take such other action (if any) as is deemed appropriate.

18.5 Referral to Judicial Officers or Judicial Committees

- 18.5.1 Where a matter is referred to a Judicial Officer or Judicial Committee, the Judicial Officer or Judicial Committee shall, subject to Appendix 1, be entitled to deal with the matter procedurally as it considers appropriate provided that the parties concerned are aware of the case against them and are afforded a reasonable opportunity to make representations and present their case. For the avoidance of doubt, the Board shall have the right to be represented and shall be entitled through its nominated representative to make submissions during any proceedings conducted by Judicial Officers or Judicial Committees.
- 18.5.2 The decisions of Judicial Committees shall be made by majority. In the event of an even vote, the Chairman of the Judicial Committee shall have a casting vote.
- 18.5.3 All Judicial Committee members must take part in the deliberations of the committee and no member of a Judicial Committee may abstain.
- 18.5.4 The decision of the Judicial Officer or Judicial Committee shall, subject to the right of appeal under Regulation 18.7, be final and binding. Any punishment or penalty imposed by a Judicial Officer or Judicial Committee shall not, ordinarily, take effect until the period allowed for an appeal in Regulation 18.7.2 has elapsed or the appeal has been determined. The decision of the Judicial Officer or Judicial Committee may be published by the Board.

18.6 Penalties

- 18.6.1 Upon finding a breach of the Bye-Laws and/or Regulations, or that an offence pursuant to Regulation 18.1.1 (a) to (d) inclusive has been committed, Judicial Officers and Judicial Committees shall be entitled to impose such penalties as they think fit. Such penalties may include, but shall not be limited to:
- (a) a caution, warning as to future conduct, reprimand and/or a fine;
 - (b) a suspension for a specified number of Matches and/or a specified period; a requirement that a Match or Matches be played with the exclusion of the public; the cancellation of a Match result and, where appropriate, the replaying of a Match; the forfeiture of a Match or matches and/or tie(s); the deduction or cancellation of points; the immediate or future expulsion or suspension from a tournament(s) or competition(s); or any such similar sanctions;
 - (c) cancellation or refusal of the registration of any Person registered in contravention of the Regulations;

- (d) a recommendation to the Council that a Union or Association be expelled or suspended from Membership of the Board. Subject to the provisions of Bye-Law 6(d), only the Council shall be competent to expel or suspend a Union or Association and any such expulsion or suspension shall only have effect if approved by a two-thirds majority of the votes cast at a properly convened and quorate Council meeting;
- (e) an order that any Union, Association, Rugby Body, Club or Person pay compensation and/or restitution;
- (f) the withdrawal of other benefits or membership of the Board, including, but not limited to, the right to apply to host International Tournaments; and
- (g) any combination of the penalties set out in 18.6.1(a) to (f) above.

18.6.2 Judicial Officers and Judicial Committees shall be entitled to make such order in relation to cost as is deemed appropriate;

18.6.3 In determining the appropriate penalty under these Regulations, a Judicial Officer or Judicial Committee shall be entitled to take account of mitigating and/or aggravating circumstances. Aggravating circumstances shall include, but shall not be limited to, the repetition of a breach of a particular Bye-Law or Regulation.

18.7 Appeals

18.7.1 A Union or Association, or the Board (through the Executive Committee or CEO), may appeal against the decision of a Judicial Officer or Judicial Committee, against the penalty imposed and/or any costs order. To be valid, any such appeal, together with the written grounds of appeal, must be lodged with the Appeal Panel Chairman, or his designee, within 14 days of the date of the written decision of the Judicial Officer or Judicial Committee.

18.7.2 On receipt of a notice of appeal and the grounds for appeal within the time limit set out in Regulation 18.7.1, an Appeal Committee shall be appointed by the Appeal Panel Chairman or his designee. The Appeal Committee shall, ordinarily, be made up of three members of the Appeal Panel, under the Chairmanship of a senior legal practitioner who shall, subject to Regulation 18.7.3 and Appendix 2, have the discretion to regulate the procedure prior to and at any Appeal Committee hearing.

- 18.7.3 The Appeal Committee shall determine the basis on which an appeal will proceed, including the standard of review and may, in its discretion rehear the whole or any part of the evidence given before the Judicial Officer or Judicial Committee (as the case may be) as it considers appropriate. For the avoidance of doubt the Board shall have the right to be represented and shall be entitled through its nominated representative to make submissions in any proceedings conducted by Appeal Committees.
- 18.7.4 The Appeal Committee shall have full discretionary power to hear and receive such further evidence as it thinks fit, provided it is established by the appellant that such evidence was not, on reasonable enquiry, available at the time of the original hearing.
- 18.7.5 For appeal hearings procedural matters shall be determined by the Appeals Committee Chairman. Decisions of the Appeals Committee shall be made by majority. In the event of an even vote, the Chairman of the Appeal Committee shall have a casting vote. No member of an Appeal Committee may abstain and all members of the Committee must take part in its deliberations.
- 18.7.6 Where an appeal relates to a recommendation by a Judicial Officer or Judicial Committee that a Union or Association be expelled or suspended from membership of the Board, the appeal will be heard by the Council. In the event of such an appeal, a meeting of the Council shall be convened by the CEO as soon as reasonably practicable. The procedures on any such appeal, including, but not limited to, the standard of review shall be determined by the Council. The Council may confirm the suspension or expulsion and/or impose such other punishment or penalties as it considers fit. The decision of the Council shall be made by a two-third majority of members present and shall be final and binding. The decision of the Council shall be effective immediately on written notification to the Union or Association concerned.

18.8 Powers of Appeal Committees

- 18.8.1 An Appeal Committee shall have the power to:
- (a) allow or re-affirm, or dismiss the appeal;
 - (b) vary the decision in such manner as it shall think fit (including power to reduce, uphold, decrease or cancel any penalty);
 - (c) make such further order (in relation to costs or otherwise) as it thinks fit; and
 - (d) take any other step which in the exercise of its discretion the Appeals Committee considers it would be appropriate to take in order to deal justly with the case in question.

18.9 Notification of Appeal Committee Decision

18.9.1 The parties to the appeal shall be notified in writing as soon as reasonably practicable following the conclusion of the hearing. On notification to the Union or Association the decision shall be final and binding. The decision of the Appeal Committee may be published.

18.10 Procedures Relating to Disputes over Player Status, Player Contracts and Player Movement ¹

18.10.1 Disputes arising out of those matters referred to in Regulation 4 may be referred, by Unions or Associations only, to the CEO who shall, via the Judicial Panel Chairman or his designee, refer such disputes to a Judicial Officer or Judicial Committee for adjudication. The Judicial Officer or Judicial Committee appointed shall, subject to Appendix 1, have the discretion to determine the procedures to be adopted prior to and at any hearing in connection with such a dispute. The decision of the Judicial Officer or Judicial Committee shall be binding on the Union, Association, Person, Club or other Rugby bodies who are parties to the dispute upon receipt of notification of the Judicial Officer's or Judicial Committee's decision.

18.10.2 An appeal against the decision of a Judicial Officer or Judicial Committee in relation to the issues referred to in 18.10.1 above may be lodged with the Appeal Panel Chairman in accordance with Regulation 18.7. The Appeal Panel Chairman shall refer the matter to an Appeal Committee for final and binding adjudication.

18.11 General Procedures relating to proceedings of Commissioners, Judicial Officers, Judicial Committees, Disciplinary Committees, Appeal Committees and Appeal Tribunals

18.11.1 The general procedures to be applied by Commissioners, Judicial Officer(s), Judicial Committees, Disciplinary Committees and Appeal Committees and Appeal Tribunals are set out in Appendix 1.

18.11.2 The Council may prescribe additional regulations for the conduct of Commissioners, Judicial Officer(s), Judicial Committees, Disciplinary Committees, Appeal Committees, Appeal Tribunals and may from time to time vary, revoke or replace any such regulations.

18.11.3 In respect of any matter not provided for in this Regulation 18 the appropriate body shall take a decision according to general principles of justice and fairness.

¹ *Disputes arising out of Regulation 4 will, preferably, be adjudicated on by members of the Judicial Panel who are experienced in player issues including, but not limited to, training and development, and may include eminent ex-players.*



APPENDIX 1.

**General Procedures relating to proceedings of Commissioners, Judicial Officers, Judicial Committees, Disciplinary Committee/Judicial Officers, Appeal Committees, Appeal Committees and Appeal Officers.
(Applicable to Regulation 18)**

- (a) The standard of proof on all questions to be determined by Commissioners, Judicial Officers, Judicial Committees, Disciplinary Committee/Judicial Officers, Appeal Committees and Appeal Committees and Appeal Officers shall be the balance of probabilities.
- (b) Unions, Associations, Commissioners, Judicial Officers and the Chairmen of Judicial Committees, Appeal Committees, Disciplinary Committee/Judicial Officers and Appeal Committees and Appeal Officers shall be entitled to publish as they think fit reports of their proceedings, findings and penalties.
- (c) Judicial Officers, Judicial Committees, Appeals Committees, Disciplinary Committee/Judicial Officers and Appeal Committees and Appeal Officers shall have absolute discretion in imposing orders as to the payment of costs in relation to any proceedings.
- (d) Commissioners, Judicial Officers, Judicial Committee, Appeal Committee, Disciplinary Committee/Judicial Officer and Appeal Committees and Appeal Officers Chairmen shall be entitled to adjourn and/or postpone proceedings.
- (e) All hearings shall take place in private.
- (f) 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 their absence.
- (g) Any procedures pursuant to disciplinary processes under these Regulations or proceedings, findings or decisions of Commissioners, Judicial Officers, Judicial 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.



- (h) The Council may prescribe additional Regulations for the conduct of Commissioners, Judicial Officer, Judicial Committees, and Appeals Committees and may from time to time vary, revoke or replace any such Regulations.