

LEANDER CLUB

DISCIPLINARY REGULATIONS

1. INTRODUCTION

- 1.1. These Disciplinary Regulations shall apply to any matters of Misconduct relating to Leander Club (“Leander” “the Club”).
- 1.2. All parties involved in proceedings under these Regulations are required to co-operate and act in good faith.
- 1.3. For the avoidance of doubt these Regulations relate to disciplinary proceedings brought by Leander against Participants. Any safeguarding matters will be dealt with under the Safeguarding Regulations.
- 1.4. Leander shall bear the burden of proving any Charge(s). The applicable standard of proof shall be the civil standard of the balance of probabilities.

2. EVIDENCE

- 2.1. Disciplinary Panels and Disciplinary Appeal Panels may admit any evidence they consider fair and relevant to the case before them and shall not be bound by any rules of evidence relating to the admissibility of evidence before a court of law.

3. CONFIDENTIALITY/PUBLICATION

- 3.1. All matters considered under these Regulations will be regarded as confidential (“Confidential Information”) and used only for the purposes of these Regulations, save for the exceptions set out below.
- 3.2. No person involved in, or with information of, any matter proceeding under these Regulations shall make any disclosure of Confidential Information. Any disclosure of Confidential Information shall constitute a separate case of Misconduct.
- 3.3. Leander, at its discretion, may publish the Decision and sanction either in full or in summary.
- 3.4. Leander may disclose a Decision or information from a Decision, including details of sanction, for the purposes of the enforcement of the sanction or in circumstances that it deems appropriate. This can include referral to British Rowing.

4. JURISDICTION

- 4.1. Leander shall have jurisdiction over Participants for the purposes of disciplinary matters, and all Participants shall be bound by all Leander Rules, Regulations, Standards and other applicable processes.
- 4.2. Participants shall include, without limitation:

- 4.2.1. Any person who holds any form of Membership of Leander;
- 4.2.2. Any parent and/or carer of any Member who is a child or an Adult at Risk; and
- 4.2.3. All Officers of Leander.
- 4.3. These Regulations shall have retrospective effect and may be applied in relation to conduct which occurred prior to the implementation of these Regulations. Leander is entitled to investigate and take action under these Regulations against any person regardless of when the events in question occurred. To this end, no Participant may rely on any argument or defence that an allegation, or the events connected to or giving rise to the allegation, has become barred as a result of any argument or defence based on a statute of limitation, or otherwise based on the passage of time.
- 4.4. For the avoidance of doubt:
 - 4.4.1. Proceedings may be brought against a Participant (and that Participant may be sanctioned) for Misconduct even if matters have been dealt with under the Safeguarding Regulations:
 - 4.4.2. The threshold for Misconduct might be met by multiple instances of the same or different conduct or behaviour that, taken alone, would not reach the threshold to constitute Misconduct but, when considered together, would constitute Misconduct.

5. MISCONDUCT

- 5.1. Leander may investigate and bring disciplinary proceedings against any Participant for Misconduct.
- 5.2. “Misconduct” shall mean:
 - 5.2.1. Any breach of Leander’s Codes of Conduct, Policies, Regulations, or any other published procedures.
 - 5.2.2. Any conduct, behaviour, statements and/or practices including verbal, physical or emotional abuse or other violent, threatening, intimidating, harassing or deliberately provocative behaviour, or behaviour which may reasonably be interpreted as intended to offend, insult, humiliate, ridicule or cause harm or fear.
 - 5.2.3. Any act or statement (including any statement made online, on social networking platforms or on group chat or messaging applications or sites) that is unlawful or discriminatory by reason of age, disability, gender reassignment, marriage, civil partnership, pregnancy, maternity, race, religion, belief, sex or sexual orientation.

- 5.2.4. Any conduct, behaviour, statement (including any statement made online, on social networking platforms or on group chat or messaging applications or sites) that is contrary to the integrity of Leander and/or brings or has the potential to bring Leander into disrepute.
- 5.2.5. A breach of the terms of any sanction or interim suspension imposed by Leander under these Regulations or the Safeguarding Regulations.
- 5.2.6. A refusal or failure to fully cooperate with:
 - 5.2.6.1. Any investigation under these Regulations or the Safeguarding Regulations.
 - 5.2.6.2. Any directions issued by any of the panels operating under these Regulations or the Safeguarding Regulations.

6. INVESTIGATION

- 6.1. Leander will have full power and authority to consider and investigate all and any matters where information is received which causes Leander reasonably to believe that such matters constitute or are capable of constituting Misconduct.
- 6.2. Leander will have sole discretion to determine whether or not to investigate any matter.
- 6.3. Leander will be entitled to undertake such investigations as they may deem appropriate, including:
 - 6.3.1. Requiring the provision of information, documentation, written statements and/or answers, and other material that the Resolutions Manager considers relevant, including but not limited to any social media posts or digital messages; and/or
 - 6.3.2. Requiring attendance at meetings to answer questions in person.
- 6.4. Each Participant must cooperate fully and promptly with any investigation and provide comprehensive, honest and accurate information and responses.

7. INTERIM SUSPENSION

- 7.1. If the matter is sufficiently serious, or if Leander at that discretion feel that it is appropriate, Leander may at any time impose an Interim Suspension on the Participant pending investigation or the issuing of a Notice of Charge and determination of the matter.
- 7.2. In determining whether an Interim Suspension should be imposed consideration shall be given to the following non-exhaustive list of factors:
 - 7.2.1. Whether the alleged Misconduct is of a serious nature.

- 7.2.2. Whether the safety and/or welfare of anyone involved with the Club is or may be at risk.
- 7.2.3. Whether an Interim Suspension is necessary or proportionate to allow the conduct of any proceedings or investigation; and/or
- 7.2.4. Whether the reputation Leander or British Rowing could be harmed if an Interim Suspension were not imposed.
- 7.3. Where an Interim Suspension is imposed, Leander shall notify the Participant in writing as soon as reasonably practicable.
- 7.4. Leander may consider which other individual or organisation should be notified of the Interim Suspension and shall make such notifications.

8. INVESTIGATION OUTCOMES

- 8.1. Further to the investigation, Leander may:
 - 8.1.1. Dismiss a matter on the grounds that there is not enough evidence to warrant further action being taken.
 - 8.1.2. Refer a matter to any authority deemed more appropriate in practice or in law to handle it, including local authorities, other sports governing bodies, statutory bodies and law enforcement agencies.
 - 8.1.3. Refer the matter to be dealt with under the Safeguarding Regulations.
 - 8.1.4. Deal with the matter as a low-level issue that requires guidance but does not meet the threshold of Misconduct.
 - 8.1.5. Bring a Charge(s) if there is a case to answer.
- 8.2. Leander will at their discretion notify or otherwise update or respond to:
 - 8.2.1. Any person who reported the matter.
 - 8.2.2. Any Participant who is the subject of an investigation; or
 - 8.2.3. Any third party.

9. CHARGE

- 9.1. If, as a result of an investigation carried out under these Regulations, Leander concludes that the Participant under investigation has a case to answer in respect of Misconduct, then Leander will serve a Notice of Charge to the Participant who from this point will be known as the Charged Participant. Service of the Notice of Charge shall be either by email and/or post.
- 9.2. The Notice of Charge shall:

- 9.2.1. Set out the Charge(s) against the Charged Participant;
- 9.2.2. Set out the Rule(s), Regulation(s), Standard(s) or Code(s) that are alleged to have been breached by the Charged Participant;
- 9.2.3. Set out a summary of the facts relied upon by Leander;
- 9.2.4. Include copies of the evidence, information and/or documentation relied upon by Leander
- 9.2.5. Require a response from the Charged Participant ("Response") within 21 days (the "Deadline for Response")

10. RESPONSE

- 10.1. The Charged Participant must serve on Leander a Response by the Deadline for Response which:
 - 10.1.1. Admits or denies the Charge(s) or any part of the Charge(s);
 - 10.1.2. Where the Charge(s) is denied, states whether they wish the matter to be dealt with:
 - 10.1.2.1. On written submissions alone; or
 - 10.1.2.2. At a personal hearing.
 - 10.1.3. The Response must include:
 - 10.1.3.1. A clear explanation of the nature and extent of the Charged Participant's admission or denial of the Charge(s) or any part of the Charge(s);
 - 10.1.3.2. Copies of any documentation, evidence, mitigation or other relevant material on which the Charged Participant intends to rely.
 - 10.1.3.3. In the event that the Charged Participant elects to have a personal hearing then full reasons as to why a hearing should take place in person should be set out.
 - 10.1.3.4. Confirmation of an email address and/or postal address for service.
- 10.2. If the Charge(s) is admitted by the Charged Participant, the matter will be referred to the Disciplinary Panel to determine the applicable sanction. The Charged Participant may make any submissions on sanction as part of their Response. In such circumstances the Disciplinary Panel will deal with the case on the papers.

- 10.3. If the Charged Participant fails to respond or refuses to respond to the Notice of Charge by the stipulated deadline, Leander will conclude the Charge(s) is admitted and that the Charged Participant does not wish to make any submissions or provide any evidence and forward the matter to the Disciplinary Panel to determine the applicable sanction. In such circumstances the Disciplinary Panel will deal with the case on the papers.
- 10.4. If the Charge(s) is denied either in full or in part, the matter will be referred to the Disciplinary Panel and the procedures set out below shall apply.

11. THE DISCIPLINARY PANEL

- 11.1. Following a Charge(s), Leander will appoint a panel of three people to conduct the hearing and decide on the outcome ("Disciplinary Panel"). The Disciplinary Panel may be Members who have not been involved in the matter and have no conflict of interest. The Disciplinary Panel shall elect one of their number to act as Chair.
- 11.2. Leander shall write to the Charged Participant to confirm the details of the Disciplinary Panel that has been appointed to hear the Charge(s). Any challenge by a Charge Participant to the suitability or impartiality of a member of the Disciplinary Panel must be made within 7 days of receipt of the letter in which the details of the Disciplinary Panel were confirmed.
- 11.3. In the event of such a challenge, the challenge may either be resolved by consent or by the decision of the Chair of the Disciplinary Panel. If the appointment of the Chair of the Disciplinary Panel is challenged, the challenge shall be resolved by the Chair of the Club.
- 11.4. The Disciplinary Panel shall determine all procedural matters for the conduct of the case.

12. PRE-HEARING PROCEDURE

- 12.1. Notwithstanding the Disciplinary Panel's powers to determine all procedural matters, ordinarily cases will proceed as follows:
 - 12.1.1. Within 21 days after the Deadline for Response Leander will prepare and circulate to the Charged Participant and the Disciplinary Panel a bundle (in either paper or electronic form) containing a copy of:
 - 12.1.1.1. The Notice of Charge and accompanying evidence provided with it to the Charged Participant pursuant to Regulation 9;
 - 12.1.1.2. The Response, if any, and all other written material submitted by the Charged Participant pursuant to Regulation 10.

13. DIRECTIONS

- 13.1. The Disciplinary Panel may issue any directions considered necessary for the proper conduct of the case, including but not be limited to:
 - 13.1.1. Where there is to be an oral hearing, establishing the date, time and place of the hearing and whether it is to be in person, by video link or hybrid;
 - 13.1.2. Extending or reducing any time limit;
 - 13.1.3. Amending or dispensing with any of the procedural steps set out in these Regulations;
 - 13.1.4. Requiring that the parties make written submissions or submit skeleton arguments in advance of the hearing.
 - 13.1.5. Requiring the disclosure of specific and identifiable documents in the possession of Leander, the Charged Participant or any other Participant which are considered by the Disciplinary Panel to be relevant to the Charge(s);
 - 13.1.6. Determining who shall attend the hearing.
- 13.2. All and any Directions issued by the Disciplinary Panel shall be notified in writing to the parties;
- 13.3. The Disciplinary Panel may order that there be a directions hearing which shall operate as it so directs.

14. DETERMINATION ON WRITTEN SUBMISSIONS

- 14.1. Where the Charge(s) is admitted by the Charged Participant the Disciplinary Panel, in accordance with Regulation 10.2 shall determine the appropriate sanction based on written submissions.
- 14.2. Where the Charged Participant has failed to respond or refuses to respond to the Notice of Charge the Disciplinary Panel, in accordance with Regulation 10.3 shall determine the appropriate sanction based on written submission.
- 14.3. Where the Charged Participant states, in accordance with Regulation 10.1.2.1 that they wish the matter to be dealt with on written submissions, or where the Disciplinary Panel determine it should be dealt with by way of written submissions the Disciplinary Panel shall determine the Charge(s), and the sanction if the Charge(s) is found proven on the written submissions and shall make such order as it deems appropriate.

15. HEARING PROCEDURE

- 15.1. Where the Charged Participant states, in accordance with Regulation 10.1.2.2 that they wish for the matter to be dealt with at a hearing it will be for the

Disciplinary Panel to determine whether the case should be by way of a hearing or on written submissions.

15.2. Both Leander and the Charged Participant may be legally represented before the Disciplinary Panel. Alternatively, either party may choose to be represented by any person they nominate to speak on their behalf, subject to that nominated person having no other involvement in any capacity in the proceedings. Leander and the Charged Participant may have only one representative each speaking on their behalf subject to any permission to the contrary from the Chair of the Disciplinary Panel.

15.3. For a hearing, ordinarily proceedings will proceed as follows:

15.3.1. Leander (or their representative) shall present the Charge(s) and make submissions. It may call any evidence on its behalf, subject to any limits on evidence imposed by the Disciplinary Panel.

15.3.2. The Charged Participant (or their representative) may make submissions as to why the Charge(s) should be dismissed and may call any evidence on its behalf, subject to any limits on evidence imposed by the Disciplinary Panel.

15.3.3. Leander (or their representative) may make closing submissions;

15.3.4. The Charged Participant (or their representative) may make closing submission;

15.3.5. The Disciplinary Panel may ask questions at any point during the hearing; and

15.3.6. The Chair of the Disciplinary Panel will close the hearing, and the Disciplinary Panel will deliberate in private.

16. VULNERABLE WITNESSES

16.1. The Disciplinary Panel has a responsibility to ensure that any witness who might be deemed to be vulnerable in any way is provided with the appropriate special measure to allow them to give evidence appropriately.

16.2. The Disciplinary Panel shall have the power to order special measures for the giving of evidence where it deems it appropriate and this can include but is not limited to:

16.2.1. Ordering that evidence is given over video link rather than in person;

16.2.2. Ordering that cross examination is directed through the Chair of the Disciplinary Panel;

16.2.3. Ordering that cross examination be carried out in advance of the hearing with only limited persons present;

- 16.2.4. Ordering that cross examination is carried out in writing with questions put to the witness and answered in writing prior to the hearing;
 - 16.2.5. Ordering any special measures it considers are required for the protection of the witness and their mental and/or physical wellbeing or to ensure that the witness is able to give their best evidence to the Disciplinary Panel.
- 16.3. A vulnerable person is any person:
- 16.3.1. Who is defined as vulnerable, a vulnerable witness, a child or an Adult at Risk in law;
 - 16.3.2. Who has (actually or allegedly) suffered abuse (sexual or otherwise) or any form of bullying or harassment; or
 - 16.3.3. Who the Disciplinary Panel considers is vulnerable for any other reason.

17. DECISION ON CHARGE

- 17.1. Having considered all the relevant evidence, the Disciplinary Panel shall reach a decision on whether the Charge(s) is proven either in whole or in part.
- 17.2. Each member of the Disciplinary Panel shall have one vote, save that the Chair shall have a second and casting vote in the event of deadlock.
- 17.3. The Disciplinary Panel shall notify the parties of its decision as to whether the Charge(s) is proven. The Disciplinary Panel must notify the parties as soon as reasonably practicable. Where such decision is reached at a hearing at which the Charged Participant is present, they should be notified immediately, save where the Disciplinary Panel considers it appropriate to act otherwise.

18. SANCTION

- 18.1. Where a Charge(s) is found proven in whole or in part, the Disciplinary Panel will be entitled to impose any one or more of the following sanctions on the Charged Participant as the Disciplinary Panel deems appropriate having regard to all the circumstances of the case:

Stage 1

First written warning. Where there are no other active written warnings on a Participant's disciplinary record, they will usually receive a first written warning unless the Misconduct is considered serious or gross. A first written warning will usually remain active for six months.

Stage 2

Final written warning. More serious cases or cases of further Misconduct where there is an active first written warning on record, will usually result in a final written warning. This may also be used without a first written warning for serious cases of Misconduct. The final written warning will usually remain active for 12 months.

Stage 3

Suspension or exclusion. In cases of gross misconduct, or for further Misconduct where there is an active final written warning on record, Participants may be suspended for a period of time, or they may be permanently excluded from the Club. Examples of gross misconduct are given below but the Disciplinary Panel has discretion to determine what they consider to be gross misconduct.

18.2. The following are examples of matters that are normally regarded by Leander as gross misconduct:

- Theft or fraud.
- Physical violence or bullying.
- Deliberate and serious damage to property.
- Serious misuse of the Club's property or name.
- Serious insubordination.
- Unlawful discrimination or harassment.
- Bringing the Club into serious disrepute.
- Use of illegal drugs or breach of anti-doping rules.
- Incapacity due to alcohol or illegal drugs.
- Causing loss, damage or injury.
- A serious breach of health and safety rules.
- A serious breach of trust and or confidence; and
- A serious breach of Club or British Rowing rules or policies.

18.3. Where a Charge(s) is proven following determination at a hearing, the parties shall be invited to address the Disciplinary Panel as to any matter relevant to its consideration of sanction.

18.4. Where a Charge(s) is proven following determination on written submissions the Disciplinary Panel shall consider any information they believe relevant to the consideration of sanction including the Charged Participant's disciplinary record and any written submissions made by the parties.

18.5. When assessing the applicable sanction, the Disciplinary Panel may (at its sole discretion) take into account factors such as:

- 18.5.1. The seriousness of the Misconduct.
- 18.5.2. The Charged Participant's prior record in respect of any matters of Misconduct or Safeguarding;
- 18.5.3. The demonstration of genuine remorse by the Charged Participant;
- 18.5.4. The Charged Participant's youth and/or inexperience;

- 18.5.5. The impact or effect of the Misconduct on any other person;
- 18.5.6. The need for a deterrent and to see to change the future behaviour of the Charged Participant; and/or
- 18.5.7. Any other factor(s) that the Disciplinary Panel considers relevant

19. WRITTEN DECISION

- 19.1. Within 14 days after the conclusion of the hearing, the Disciplinary Panel will provide to the parties its written decision, which will ordinarily contain:
 - 19.1.1. Details of the Charge(s) considered, and whether it/they are admitted or denied;
 - 19.1.2. A summary of the relevant evidence heard;
 - 19.1.3. The findings made by the Disciplinary Panel;
 - 19.1.4. The reasons for the Disciplinary Panel's decision; and
 - 19.1.5. The sanction and/or other order (if any) imposed;
- 19.2. The Chair of the Disciplinary Panel will provide the written decision to Leander.
- 19.3. Where the Sanction imposed by the Disciplinary Panel is that the Charged Participant be permanently excluded from the Club or that their membership be revoked, the Sanction will require the ratification of the Club Committee. In the event that the Club Committee elect not to ratify the Sanction they shall have the power to impose an alternative Sanction and must provide detailed written reasons for their decision.
- 19.4. The Club will serve the written decision of the Disciplinary Panel and, if given, any written reasons from the Club Committee, on the Charged Participant either by email and/or post. The decision will take effect immediately.
- 19.5. If no appeal is filed in accordance with the appeal provisions in these Regulations the decision will be final and binding.

20. COSTS

- 20.1. Each party shall bear its own costs, and the Disciplinary Panel shall have no jurisdiction to make any order as to costs.

APPEALS

21. RIGHT OF APPEAL

- 21.1. A Charged Participant or Leander may appeal to a Disciplinary Appeal Panel a decision of the Disciplinary Panel made under these Regulations on any one or more of the Grounds of Appeal.

22. GROUNDS OF APPEAL

- 22.1. The Grounds of Appeal available to Leander shall be that the Disciplinary Panel:
- 22.1.1. Misinterpreted or failed to comply with the Disciplinary Regulations;
 - 22.1.2. Came to a decision to which no reasonable such body could have come; and/or
 - 22.1.3. Imposed a sanction that was so unduly lenient as to be unreasonable.
- 22.2. The Grounds of Appeal available to the Charged Participant shall be that the Disciplinary Panel:
- 22.2.1. Failed to give the Charged Participant a fair hearing;
 - 22.2.2. Misinterpreted or failed to comply with the Disciplinary Regulations;
 - 22.2.3. Came to a decision to which no reasonable such body could have come; and/or
 - 22.2.4. Imposed a sanction, or had a sanction ratified or amended by the Club Committee, that was excessive.

23. APPEAL PROCESS

- 23.1. For all appeals the Appellant, where it is the Charged Participant, shall lodge a Notice of Appeal to Leander or where the Appellant is Leander, it shall lodge a Notice of Appeal to the Charged Participant, within 14 days following the Deemed Receipt (see Regulation 29) of the written decision of the Disciplinary Panel that is being appealed against.
- 23.2. The Notice of Appeal shall set out:
- 23.2.1. The identity of the Appellant;
 - 23.2.2. Details of the decision being appealed, including the date of that decision and by whom it was taken;
 - 23.2.3. The ground(s) of appeal and the reasons why it would be substantially unfair not to alter the original decision;
 - 23.2.4. A statement of facts on which the appeal is based.
 - 23.2.5. Copies of any documents or other material referred to.

- 23.3. Failure to lodge a Notice of Appeal within the specified time limit and/or failure to comply with all the associated requirements set out in Regulation 23.2 shall result in forfeiture of a right of appeal.
- 23.4. Unless directed otherwise the Respondent to the appeal shall serve a written response to the Notice of Appeal (the “Response”) on the Appellant and the Disciplinary Appeal Panel within 21 days of receipt of the Notice of Appeal.

24. THE DISCIPLINARY APPEAL PANEL

- 24.1. The procedure for appointing the Disciplinary Appeal Panel shall follow that set out in Regulation 11 save that no member of the Disciplinary Appeal Panel shall have had any involvement in the Disciplinary Panel.
- 24.2. The Disciplinary Appeal Panel shall determine all procedural matters for the conduct of the appeal.

25. NEW EVIDENCE

- 25.1. The Disciplinary Appeal Panel shall hear new evidence only where it has given leave that it may be presented. An application for leave to present new evidence must be made in the Notice of Appeal or the Response. Any application must set out the nature and the relevance of the new evidence, and why it was not presented at the original hearing. The Disciplinary Appeal Panel shall not grant leave to present new evidence unless satisfied with the reason given as to why it was not, or could not have been, presented at the original hearing and that such evidence is relevant. The Disciplinary Appeal Panel’s decision shall be final. Where leave to present new evidence has been granted, in all cases the other party will be given an opportunity to respond.

26. DISCIPLINARY APPEAL PANEL PROCEEDINGS

- 26.1. An appeal shall be by way of a review on documents only and shall not involve a rehearing of the evidence considered by the Disciplinary Panel. The parties shall however be entitled to make oral submissions to the Disciplinary Appeal Panel. Oral evidence will not be permitted, except where the Disciplinary Appeal Panel gives leave to present new evidence under Regulation 25.
- 26.2. The Disciplinary Appeal Panel may give any directions considered necessary for the proper conduct of the proceedings.
- 26.3. Once an appeal has been commenced it may only be withdrawn by leave of the Disciplinary Appeal Panel.
- 26.4. The Appellant shall prepare a set of documents which shall be provided to the Disciplinary Appeal Panel and the Respondent at least 14 days prior to the hearing and which shall comprise the following:
 - 26.4.1. All documents that were referred to at the Disciplinary Panel;

- 26.4.2. The Disciplinary Panel written Decision;
 - 26.4.3. The Notice of Appeal;
 - 26.4.4. The Response;
 - 26.4.5. Any new evidence allowed by the Disciplinary Appeal Panel further to Regulation 26.
- 26.5. The following procedures shall be followed at an appeal hearing unless the Disciplinary Appeal Panel thinks it is appropriate to amend them:
- 26.5.1. The Appellant to address the Disciplinary Appeal Panel, summarising its case;
 - 26.5.2. Any new evidence to be presented, by the Appellant;
 - 26.5.3. The Respondent to address the Disciplinary Appeal Panel, summarising its case;
 - 26.5.4. Any new evidence to be presented, by the Respondent;
 - 26.5.5. The Disciplinary Appeal Panel may put questions to the parties at any stage;
 - 26.5.6. The Respondent to make closing submissions;
 - 26.5.7. The Appellant to make closing submissions.
- 26.6. The Disciplinary Appeal Panel may, in the event of a party failing to comply with an order, requirement or instruction of the Disciplinary Appeal Panel, take any action it considers appropriate.

27. DISCIPLINARY APPEAL PANEL DECISIONS

- 27.1. A decision by the Disciplinary Appeal Panel shall be determined by a majority. Each member of the Disciplinary Appeal Panel shall have one vote, save that the Chair shall have a second and casting vote in the event of deadlock.
- 27.2. The Disciplinary Appeal Panel shall have the power to:
- 27.2.1. Allow or dismiss the appeal;
 - 27.2.2. Exercise any power that was available to the Disciplinary Panel;
 - 27.2.3. Remit the matter for a re-hearing before a differently constituted Disciplinary Panel;
 - 27.2.4. Make such order as it considers appropriate;
 - 27.2.5. Order that any appeal fee be forfeited or returned;

- 27.3. Where the Disciplinary Appeal Panel imposes a new sanction that the Charged Participant be permanently excluded from the Club or that their membership be revoked, the sanction will require the ratification of the Club Committee. In the event that the Club Committee elect not to ratify the Sanction they shall have the power to impose an alternative Sanction and must provide detailed written reasons for their decision.
- 27.4.
- 27.5. Decisions of the Disciplinary Appeal Panel, including where required, the ratification of the Club Committee, shall be final and binding and there shall be no right of further appeal.
- 27.6. The Disciplinary Appeal Panel shall provide written reasons for its Decision which are to be provided to all parties within 14 days of the Decision.

28. APPEAL COSTS

- 28.1. The same provisions as to costs shall apply before the Disciplinary Appeal Panel as before the Disciplinary Panel.

29. SERVICE

- 29.1. Any notice or other communication required to be served or sent for the purposes of these Regulations may be delivered:
- 29.1.1. by email.
 - 29.1.2. by post.
 - 29.1.3. by hand.
- 29.2. Deemed Receipt:
- 29.2.1. Service of a document sent by email shall be deemed to have been given at the time and date sent;
 - 29.2.2. Service of a document sent by first class post shall be deemed to have been completed on the third working day following the day after it was sent and, in proving a document was so sent, it shall be sufficient to prove with a receipt of posting that the envelope containing it was properly addressed, prepaid, and posted.
- 29.3. Where either the Participant or Referrer is younger than 16 years old, correspondence will be addressed to their parent/carer or guardian. Where either the Participant or Referrer is between 16 and 18 years old, correspondence will be copied to their parent/carer or guardian as well as to them.

30. GOVERNING LAW and THE ARBITRATION ACT 1996

- 30.1. The Governing Law of all proceedings before the Disciplinary Panel and the Disciplinary Appeal Panel shall be English Law.
- 30.2. The proceedings before both the Disciplinary Panel and the Disciplinary Appeal Panel shall constitute Arbitrations for the purposes of Part 1 of the Arbitration Act 1996. As such, they are subject to the procedural supervision of the English High Court in London.
- 30.3. Sections 44, 45 and 69 of the Arbitration Act 1996 are excluded from these proceedings.
- 30.4. The Parties agree not to commence, continue, or maintain any legal proceedings, other than as set out herein. Any such proceedings may be stayed under Section 9 of the Arbitration Act 1996. All decision under the Regulations are final and binding upon the Parties.
- 30.5. The seat of the Arbitration shall be England.