

As at 25 May 2022

Scottish Women's Premier League

Disciplinary, Inquiries, Adjudications and Appeals Rules

("Disciplinary etc. Rules")

Adjudication of Disputes and Appeals

- J1** If any dispute or difference, the method of resolution of which is not otherwise expressly provided for in these Rules, shall arise between a Club and a Player or between a Club and a Club in relation to any matter to which any of the Rules relate, the Board shall, upon application to the Company made by either party to such dispute or difference, consider and decide upon the matter. The determination of such dispute or difference and any award made and the decision of the Board in any Appeal shall, subject to appeal to the Judicial Panel in terms of these Rules, be final and binding on the parties.
- J2** Any party with an interest in an Adjudication or Appeal may, provided the Judicial Panel Protocol provides for a right of appeal to the Judicial Panel, appeal to the Judicial Panel against the determination of and any award made by the Board.

Powers of Inquiry and Determination

- J3** The Board shall have the power of inquiry into all financial, contractual and other arrangements within, between and/or amongst Clubs and Players and into all matters constituting or pertaining to any suspected or alleged breach of or failure to fulfil the Rules by any Club, Official and/or Player, any failure to comply with any decision, direction and/or determination made in terms of these Rules and/or any matter considered by the Board to be relevant to an Adjudication or an Appeal and every such Club, Official and Player shall be liable to and shall afford every assistance to the Board in undertaking such inquiry as may be requested or required of it or them by or on behalf of the Board.
- J4** The Board shall (i) have the power of determination as to whether there has been a breach of and/or failure to fulfil the Rules and/or in an Adjudication and in an Appeal; and (ii) may exercise such of the powers set out in Rules J3, J5 and/or J10 to J12 (inclusive) as it shall think appropriate.
- J5** The Board may require the attendance of any Official, Player and/or other person at any meeting and/or the production to the Board of any books, letters, communications, agreements and other documents or records whatsoever and howsoever kept by or on behalf of a Club and/or Player, relating to or concerning any matter in relation to which the Board has the power of inquiry and/or determination in terms of Rules J3, J4 and/or J10 to J12 (inclusive).
- J6** The Board may itself or from time to time establish a Committee and/or appoint a person for the purpose of conducting and reporting to it the results of an inquiry

and/or the making a determination in terms of these Rules and the Board, a Committee and a person so established or appointed shall have all of the powers of the Board in conducting and reporting an inquiry and/or making a determination in terms of these Rules.

Rules of Procedure

- J7** The Board may from time to time approve and/or amend Rules of Procedure governing the conduct of proceedings prior to, of and before the Board in respect of or relating to any matter to which these Rules relate and such Rules of Procedure shall be an appendix to these Rules.
- J8** Every, Club, Official and Player shall comply with the Rules of Procedure.
- J9** Rules of Procedure shall be deemed to be part of these Rules.

Powers of the Board

- J10** Upon determining that a breach of and/or failure to fulfil the Rules has been established, the Board may:-
- J10.1** give a warning as to future conduct;
 - J10.2** give a reprimand;
 - J10.3** impose a fine;
 - J10.4** annul the result of an Official Match;
 - J10.5** order that an Official Match be replayed;
 - J10.6** impose a deduction of points;
 - J10.7** award an Official Match (with such deemed score as it thinks appropriate) to a Club;
 - J10.8** order the playing of an Official Match or Matches behind closed doors;
 - J10.9** order the closure of all or part of a stadium for such period and for such purposes as it thinks appropriate;
 - J10.10** order the playing of an Official Match or Matches at such stadium as it thinks appropriate;
 - J10.11** order the relegation of a Club to a lower Division and make such consequent orders as to promotion as it shall think appropriate;
 - J10.12** subject to Rule J12, order that a Club no longer be entitled to participate in the League or that for a specified period a Club may be suspended from participation in the League;

- J10.13** withdraw or withhold the award of a title, medal or award;
- J10.14** order any Club, Official or Player to pay compensation to any Club, Player, person or party;
- J10.15** order any Club, Official or Player to comply with any obligation or direction;
- J10.16** cancel or refuse the League Registration of any Player League Registered or attempted to be League Registered;
- J10.17** order that a Club concerned be debarred from League Registering Players or class of Players for such period(s) as it thinks appropriate;
- J10.18** order that any person, persons or group of persons be prohibited from attending at such Official Match or Matches and for such period(s) as it thinks appropriate;
- J10.19** make such other direction, sanction or disposal, not expressly provided for in these Rules, as it shall think appropriate; and/or
- J10.20** make such order as to expenses, including legal expenses, the expenses of the Company and/or party, as it thinks appropriate.
- J11** When imposing a direction, sanction or disposal the Board may apply such number and combination of the directions, sanctions and/or disposals provided for in Rule J10 as it thinks appropriate, may make such provision for time to comply with any one or more of same as it thinks appropriate, may defer for such period or until such event as it shall think appropriate the decision on or imposition of a sanction or sanctions and shall be entitled to suspend the effect of any such direction, sanction or disposal for such period(s) and/or on such conditions as it thinks appropriate.
- J12** The termination or suspension of the entitlement of a Club from participation in the League in terms of Rule J10.12 shall not take effect unless and until it is sanctioned by resolutions to that effect passed by simple majorities at: (i) a meeting of the Board; and (ii) at a General Meeting of the Company. In the event that any one or both of such resolutions shall fail to achieve the requisite majorities the matter of the appropriate sanction shall be automatically remitted back to be reconsidered and applied by the same body or person which imposed the original expulsion or, if the Board so determines, such alternative body or person as the Board shall think appropriate (including the Board itself) to determine which other sanction or sanctions are appropriate in circumstances where termination and/or suspension from participation in the League shall not take effect.
- J13** In the case of an Adjudication or an Appeal, the Board may exercise any of the powers in Rules J10.14, J10.15, J10.19 and/or J10.20 in order to deal appropriately with the matter before it for determination.

Decisions

- J14** Where there has been a determination that there has been a breach of or failure to fulfil the Rules, the imposition of any penalty and/or sanction on any Club, Official or Player, or when determining an Adjudication or Appeal the body or person making or imposing same shall inform in writing each party of such determination and/or imposition as soon as is reasonably practicable.
- J15** The Board shall determine what, if any, publicity is to be given to a decision and/or imposition and the reasons for same.
- J16** Decisions of the Board when or in connection with: (i) inquiring into in terms of J3; (ii) determining a matter in terms of Rule J4(i) and/or (iii) imposing a direction or sanction or making another order in terms of Rules J10 to J12 (inclusive), shall, subject to any right of appeal to the Judicial Panel in terms of these Rules and the Judicial Panel Protocol, be final and binding.

Appeal to the Judicial Panel

- J17** Any Club or person who or which is the subject of an adverse determination by the Board and the Company in the case of a determination by a body or person appointed to make a determination in terms of these Rules, unless the Rules expressly state otherwise and provided the Judicial Panel Protocol provides for a right of appeal to the Judicial Panel, appeal against such determination in accordance with the Judicial Panel Protocol.
- J18** The procedures for lodging an appeal to the Judicial Panel and the powers of the Judicial Panel in relation to such appeals shall be as set out in the Judicial Panel Protocol.
- J19** Where a right of appeal is validly exercised to the Judicial Panel the Board, body or person making the decision and/or determination appealed against shall provide the appellant and the Judicial Panel with written reasons for the decision and/or determination appealed against.

Representation

- J20** A Club, Official or Player appearing before the Board or a body or person appointed by it to make a determination may be represented by a solicitor or counsel or by such other representative as it, they may determine.

The Board

- J21** In these Rules reference to the Board includes reference to any Committee of the Board or person or persons exercising any delegated authority of the Board, whether in terms of the Articles or otherwise, and/or appointed by the Board to discharge any function of the Board.

Advice

- J22** The Board may seek and obtain such legal and/or other advice and assistance as it shall consider appropriate in relation to or concerning any matter in which the Board has the power of inquiry and/or determination in terms of these Rules.

Appendix

Rules of Procedure

1. General Rules

- 1.1** These Rules of Procedure have been made by the Board under and in terms of these Rules and they apply to pre and post hearing procedures and hearings in relation to:-
- 1.1.1** an alleged breach of or failure to fulfil the Rules;
 - 1.1.2** Appeals;
 - 1.1.3** Adjudications;
 - 1.1.4** an appeal to an Appeal Tribunal;
 - 1.1.5** any other proceedings or process where the Board considers it appropriate that they should apply.
- 1.2** Definitions of words and phrases in the Definitions Rules apply in these Rules of Procedure. In these Rules of Procedure, the Board, including any Committee of the Board, and other body or person appointed in terms of the Rules to inquire into and/or determine any matter is referred to as a “**Tribunal**”.
- 1.3** Any deviation from any provision of these Rules of Procedure and/or any other irregularity, omission, technicality or other defect in the procedures followed shall not invalidate any finding, procedure or decision of the Tribunal unless it is shown to render the proceedings unreliable or to have caused an injustice.
- 1.4** Notwithstanding these Rules of Procedure, a Tribunal shall have the power to regulate the hearing procedures adopted by it and in so doing any may deviate from the hearing procedures in part 3 of these Rules of Procedure as it considers appropriate and expedient so as to dispose of any matter before it justly and expeditiously.
- 1.5** A Tribunal may be assisted by the Secretary (or substitute), clerk, legal adviser and/or technical expert as shall be considered expedient by the chair of the Tribunal. The Secretary (or substitute), legal adviser and/or technical expert shall be entitled to take such part in the proceedings, except that they shall not have a vote, prior to and at any hearing as the chair shall think appropriate and shall be entitled, with the permission of the chair, to be present and give advice to the Tribunal when the Tribunal undertakes its deliberations on any matter before it. Any advice given by any technical expert appointed to assist the Tribunal shall be disclosed to parties in advance of any determination being made by a Tribunal which takes account of such advice and parties shall be afforded a reasonable opportunity to make representations on such advice before any such determination is made.
- 1.6** Except as otherwise provided in the Rules or in these Rules of Procedure the chair of a Tribunal shall be entitled itself to determine any issue or matter of procedure arising prior to, during or in connection with any hearing.

- 1.7** The chair of a Tribunal shall be entitled to make such order or orders as they may think appropriate and/or expedient in advance of any hearing or adjourned hearing requiring any person or party to attend at a hearing, to produce any document or provide any information to any hearing, to provide in advance of any hearing a written submission or outline of case or the like, to provide details of any witnesses who may be called at any hearing, to provide in advance, by such time or times as they may think appropriate, written statements of such witnesses and any documents or other materials as may be in the possession of such person or party, to disclose any or all of such to any other parties with an interest in the proceedings and any other order as considers will assist in securing a just and expeditious disposal of any matter or issue before or which may be before the Tribunal.
- 1.8** The chair of the Tribunal may make such enquiries or direct that such enquiries be made as regards the facts related any matter for consideration by the Tribunal and adduce such evidence secured by such enquiries to the Tribunal as they shall consider appropriate and expedient for the purpose of securing a just and expeditious disposal of any matter or issue before or which may be before the Tribunal.
- 1.9** In the event that a party to any proceedings before a Tribunal shall fail to comply with any order or requirement of the chair of the Tribunal then the chair shall be entitled to impose such sanction and/or make such default order, including an order granting any remedy or relief sought or dismissal of any claim made as shall seem appropriate to the chair.
- 1.10** All hearings shall be conducted in private.
- 1.11** A Tribunal shall be entitled to adjourn or postpone a hearing as it sees fit.
- 1.12** Except with the express approval of the Board or the chair, no member of a Tribunal or any person or party taking part, appearing or attending, in any capacity, at a hearing before a Tribunal shall make any statement or disclosure to any third party concerning any event which took place at and any statement made, or document or other materials considered during or in connection with such a hearing.
- 1.13** A Tribunal shall be entitled to determine any matter before it notwithstanding that a party invited or entitled to attend shall fail, decline or shall elect not to attend and/or present any evidence and/or make any representations at or to a hearing.

2. Pre-Hearing Procedures

- 2.1** In the event that the Board, or body or person with delegated authority from the Board, shall decide that it is appropriate that there should be a determination as to whether there has been a breach of and/or failure to fulfil the Rules then, subject to

Rule of Procedure 2.8, the following pre-hearing procedures should ordinarily be followed.

- 2.2 The Secretary or another person appointed by the Secretary or, in their absence, the Managing Director, should write to the Club and/or other person or party alleged to have breached and/or failed to fulfil the Rules and/or Regulations notifying the breach and/or failure alleged against such Club, person or party (“Notice of Complaint”).
- 2.3 A Notice of Complaint should contain a brief description of the alleged breach of and/or failure to comply with the Rules and/or Regulations.
- 2.4 A Tribunal shall not be constrained, limited or confined by any description, provided for in Rule of Procedure 2.3, or by any specification of individual Rules in the Notice of Complaint and shall be entitled to make such factual findings based on the evidence available to it and determinations as regards and in terms of the Rules as it shall think appropriate.
- 2.5 In the event that the alleged breach of and/or failure to fulfil the Rules comprised in the Notice of Complaint concerns a Competition the Notice of Complaint may include a proposal that if the Club and/or other person or party alleged to have breached and/or failed to fulfil the Rules accepts that breach of and/or failure to fulfil the Rules was committed by it or them then a **“Defined Sanction”**, as described in Rule of Procedure 2.6, specified in the Notice of Complaint, shall be imposed without the necessity of there being a hearing or other procedure or further consideration of the alleged breach of and/or failure to fulfil the Rules set out in the Notice of Complaint.
- 2.6 A Defined Sanction may comprise a warning as to future conduct, a reprimand and/or a fine up to a maximum of £500 and may make such provision for time to pay, may defer payment for such period or until such event as shall be considered appropriate and/or may suspend payment of all or any part of such fine for such period and/or on such conditions as is considered appropriate.
- 2.7 Where a Notice of Complaint includes a proposed Defined Sanction, it shall specify the period within which the relevant Club, person or party may accept the proposal. If, within the specified time or extended period (up to but not including the date of the hearing on the Notice of Complaint) allowed by the Tribunal on cause shown, the proposed Defined Sanction is accepted in writing by or on behalf of the relevant Club, person or party then the alleged breach of and/or failure to fulfil the Rules is deemed established and the Defined Sanction is deemed to have been imposed by the Tribunal, all as if determined by it. In the event that a proposed Defined Sanction is not accepted in writing within the specified or extended period then it is deemed to have been rejected. The rejection, whether express or deemed, of a proposed Defined Sanction shall not be taken account of for any purposes in the further proceedings in relation to an alleged breach and/or failure to fulfil the Rules.
- 2.8 The Board or, when appointed, the chair of a Tribunal or a Tribunal, may decide that alternative or supplementary pre-hearing procedures should be adopted in substitution for and/or in supplement of Rules of Procedure 2.2 to 2.7 inclusive.

3. Hearing Procedures

- 3.1** At the commencement of any hearing, the chair of the Tribunal should confirm the identities of the persons admitted to the hearing and introduce the members of the Tribunal and of any clerk, legal adviser and/or technical expert assisting the Tribunal. The chair should confirm the nature of the matter or matters in issue before the Tribunal and confirm what documents and other materials are before the Tribunal. The chair should also outline the procedures to be followed during the course of the hearing including the order in which parties shall present their respective cases if more than one is present.
- 3.2** Where the Board, person or body appointed by the Board and/or Secretary (or their substitute) has gathered evidence in relation to the matter for determination by a Tribunal they shall present such evidence as they have determined shall be adduced, as the first evidence at a hearing.
- 3.3** Where any evidence has been secured as a consequence of enquiries made by or on behalf of the chair, and they have determined that same shall be adduced, they shall make such evidence available to the Tribunal as the second evidence at any hearing.
- 3.4** Persons appearing before a Tribunal may present evidence by oral or written statement, produce original documents or copies, refer to them and/or call witnesses.
- 3.5** In any case where a witness does not attend at a hearing for whatever reason, the Tribunal shall be entitled to take account of that witnesses evidence as is made apparent to it in any other form. That includes, for example, by telephone, teleconference, video, web conference, recording, affidavit, report or written statement. Witnesses who are not parties or officers of parties shall not be allowed to be present during the hearing except when they are to give evidence. After giving evidence, witnesses shall retire but shall be subject to recall by or with the permission of the chair of the Tribunal.
- 3.6** A Tribunal shall not be bound by any formal rules of evidence and may accept evidence in any form. However, it shall be entitled to accord to evidence such weight as seems to the Tribunal proper having regard to the quality of the evidence and the reliability and credibility of same.
- 3.7** The members of a Tribunal may ask such questions of any party or witness at any time. There shall be no cross-examination of witnesses by or on behalf of a party, except through or with the permission of the chair of the Tribunal.
- 3.8** Generally, where a determination on a matter of principle or liability falls to be made by a Tribunal the determination of same shall, unless the Tribunal determines otherwise, be made and communicated to the party or parties concerned in advance of the consideration and determination of any issue of direction, award, penalty, remedy, *quantum* or the like.

- 3.9** Prior to the parties being invited to leave the hearing, the parties shall be given the opportunity of making closing submissions in such order as shall seem most appropriate to the chair.
- 3.10** A Tribunal shall conduct its deliberations in private.
- 3.11** A Tribunal may reconvene and announce any decision orally to the party or parties or may notify same in writing.