

9. Pre-hearing timetable and procedure

- 9.1 It shall be the duty of the Complainant / Disciplinary Officer and Respondent to notify and arrange for the attendance of any witness they may wish to call.
- 9.2 Whilst mindful of paragraph 8.3, the Chairman of the Disciplinary Panel may, with or without a preliminary hearing, issue such orders for directions as he thinks fit relating to the procedural aspects in the period leading up to the hearing in order that the hearing of the case itself may be properly and fairly conducted. Such orders may include, but shall not be limited to:
- 9.2.1 the procedure and timetable for the production, inspection and/or exchange of documents or property;
- 9.2.2 the procedure and timetable for the submission of the names and details of the witnesses the parties concerned wish to call; and
- 9.2.3 the procedure and timetable for exchange of witness statements and skeleton arguments [if any].
- 9.3 The Secretary, Equity Manager or Operations Manager shall notify the parties of any orders made in accordance with Regulation 9.2 above.
- 9.4 The parties concerned may rely on written representations made prior to the hearing and / or appear in person. There is a requirement that parties shall confirm whether they intend to attend the hearing.

Whether agreed by the Respondent or not, written evidence from a party who is not attending the hearing shall be allowed, this shall also apply to material provided by the respondent, however the following caveats shall apply:

- *Service of the intended evidence shall be made on the respondent allowing 14 days to consider its content before any hearing and*
 - *Appropriate weight to the veracity of the evidence 'in the absence of the witness' will be given by the Panel.*
- 9.5 Unless there is an order for directions by the appointed Chairman specifying differently, at least 14 days in advance of the hearing date, each party to the proceedings must provide the Secretary, Equity Manager or Operations Manager details of any witnesses he wishes to call together with copies of their written statements, and copies of any other documentary evidence he proposes to rely upon at the hearing. In the case of the Respondent, details of evidence need only be brief.
- 9.6 Whenever possible, at least 14 days in advance of the hearing date, the Respondent shall provide to the Secretary, Equity Manager or Operations Manager, the name and status of any representative [legal or otherwise] who will be presenting his case or advising him [if any].
- 9.7 The Secretary, Equity Manager or Operations Manager shall notify each of the parties to the proceedings of the names of the other party's witnesses and the name and status of any representative who will be presenting a party's case or acting as an advisor.

At a point seven days prior to the hearing, the Secretary, Equity Manager or Operations Manager shall have provided copies of written documents or other evidence relevant to the proceedings to the parties including the members of the Disciplinary Panel. No further written evidence shall be accepted after this date without the prior written agreement of the Chairman of the Disciplinary Panel.

- 9.8 All copy documents provided to the parties and to the members of the Disciplinary Panel shall be used only for the purposes of the disciplinary hearing and the determination of the Disciplinary Panel in relation thereto and any appeal against the findings of the Disciplinary Panel.

They must be kept strictly confidential and not used for any collateral, ulterior or other purpose whatsoever. It shall amount to a disciplinary matter for one party to make use of the material supplied under these Regulations for a purpose unconnected with the proceedings. [See paragraph 22 below regarding final retention of case papers].

- 9.9 The Secretary, Equity Manager or Operations Manager shall in advance of the hearing send to the Chairman of the Disciplinary Panel the record of previous offences, if any, of the Respondent. This shall be supplied in a sealed envelope which shall be opened only in the event that the Disciplinary Panel find that the charge is proven and they are considering the appropriate sanction.
- 9.10 The Respondent may request an adjournment of the hearing within 7 days of being notified of the Hearing date. The request should be addressed to the Chairman of the Disciplinary Panel, who will consider the request and will make such order that he, in his absolute discretion, shall consider fair and reasonable [although if any adjournment is ordered, this should, where possible, be for a period not exceeding 14 days]. The Respondent must include a statement of the reasons for the request for an adjournment.
- 9.11 In making any order under Regulation 9.10, the Chairman of the Disciplinary Panel shall bear in mind not only the interests of the party seeking the adjournment but the interests of any other party [including any complainant], witness, and of the sport in general.
- 9.12 The Secretary, Equity Manager, Operations Manager or the Chairman of the Panel may determine the location of any hearing. Whilst the needs of the respondent will be considered, the primary consideration when deciding a venue for the hearing will be based on operational need. It should be clearly understood that travel or other expenses will not be payable by the ABAE to respondents, legal representatives and Respondent witnesses in these matters. Witnesses for the prosecution of a case may be reimbursed for such expenses by their respective Associations.