

17. Procedure for an Appeal Hearing

Subject to the Note at 8.3.

- 17.1 An appeal shall be heard by an Appeal Panel where possible within 28 days of receipt of notification of the appeal.
- 17.2 The Panel will be drawn from the National Discipline and Appeals Panel. Consideration in appropriate cases may be given to appointing a suitably experienced solicitor or barrister as Chairman or Advisor to the Panel and / or other competent independent members. The decision regarding this will be made by the Equity Manager or Operations Manager in liaison with the appointed Appeal Panel Chairman.
- 17.3 The Appeal shall proceed as a complete re-hearing of the matter save that the Chairman of the Appeal Panel shall in advance of the hearing encourage the parties to 'agree' that evidence from the initial disciplinary hearing which is uncontested, so that this evidence can be accepted without further process at the hearing.
- 17.4 Subject to the direction of the Equity Manager or Operations Manager, either the Complainant or a Disciplinary Officer shall present the case against the Appellant before the Appeal Panel. Although preferable, a Disciplinary Officer need not be one and the same person that prosecuted at the original Discipline Hearing.
- 17.6 As soon as is practicable after the Appeal Panel has been appointed, the Chairman of the Appeal Panel shall arrange a date, time and venue of a hearing which shall normally commence within [60] days of either his receipt of the Notice of Appeal and the fee, or the Chairman of the Appeals Panel's decision to allow an appeal to proceed.
- 17.7 The Chairman of the Appeal Panel may make such orders as he thinks fit relating to the procedural aspects prior to the hearing in the same way as the Chairman of the Disciplinary Panel under Regulation 9.2.
- 17.8 The Secretary, Equity Manager or Operations Manager shall ensure that the parties [i.e. the Complainant / Disciplinary Officer from the first hearing and the Appellant] are given at least 28 days notice of the arrangements, including the date, time and place of the hearing and of the procedure to be followed prior to the hearing. It shall be the Secretary's, Equity Manager's or Operation Manager's duty to notify the complainant of the date, time and place of the Appeal hearing and provide a copy of the Notice of Appeal.
- 17.9 The parties may rely on written representations made prior to the hearing and/or appear in person. The parties shall be asked to confirm to the Secretary, Equity Manager or Operations Manager whether they intend to attend the hearing and the name and status of any representative, professional or otherwise, through whom he proposes to present his case.
- 17.10 Copies of all written documents or evidence relevant to the case shall be provided by the Secretary, Equity Manager or Operations Manager to the parties to the appeal and the members of the Appeal Panel at least 7 days in advance of the hearing. This shall include any relevant 'further' evidence provided by either the Complainant / Discipline Officer or the Appellant however, no further written evidence shall be accepted after this date without the prior agreement of the Chairman of the Appeal Panel.
- 17.11 The hearing shall normally take place in private except that the Chairman of the Appeal Panel may decide to hold a hearing in public provided that:
 - 17.11.1 before making the decision he has consulted the parties involved and has taken their wishes into account; and

- 17.11.2 he is satisfied that it is in the interest of the sport to do so having regard to the interests of the Appeal Panel, any particular need for privacy, the rights of others and the need to encourage others to co-operate with judicial proceedings in general
- 17.11.3 any requests to observe the proceedings, if open proceedings are not sanctioned shall be submitted to Chairman of the Panel and his decision shall be final.
- 17.12 If any of the parties do not attend the Appeal Panel hearing, the matter may be dealt with by the Appeal Panel in the absence of that party taking into account any written representations that may have been received from that party.
- 17.13 The Secretary or Operations Manager shall send to the Chairman of the Appeal Panel the record of previous offences, if any, of the Respondent. This shall be supplied in an inner sealed envelope and shall only be opened in the event that a sanction is being considered.