

DISCIPLINARY RULES IN RELATION TO MISCONDUCT AT CLUB LEVEL AND AT LICENSED
TOURNAMENTS - MISCONDUCT

1. Disciplinary Regulation

The right of Bowls England to take disciplinary measures

Any member of Bowls England against whom an allegation of misconduct, as defined below, is alleged, may be subject to disciplinary measures.

The essence of misconduct under this Regulation is:-

- (a) Improper interference with the functioning or activities of Bowls England or of any members of Bowls England
- (b) Action which otherwise improperly damages Bowls England or any County Association or Club thereof, or any member thereof, or their reputation.

2. Definitions of Misconduct

For the purposes of this Regulation, the definition of 'misconduct' shall include, but shall not be restricted to;

- 2.1 breach of Bowls England Protection of Children and Vulnerable Adults Policy;
- 2.2 any breach of the Rules and Regulations or of the Laws of Bowls England;
- 2.3 any conduct which is prejudicial to the interests of Bowls England or any County Association or Club thereof, or any member thereof or to the sport of bowls in general;
- 2.4 failure or refusal for a period of one calendar month to pay any fine lawfully imposed by any competent authority under the jurisdiction of Bowls England;
- 2.5 deliberately losing or attempting to lose any match or otherwise be guilty of unfair play;
- 2.6 wilfully altering a bowl after the same has been stamped by a World Bowls Board Licensed Bowls Tester, without submitting the same to such Tester for re-testing and re-stamping;
- 2.7 the use of any profane, indecent, or improper language at any function of Bowls England or of any County Association or Club thereof, or whilst upon the property of any Club;
- 2.8 any violent, indecent, disorderly, threatening, intimidating or offensive behaviour at any time or place towards Bowls England (this includes all employees, any County Association or any Club, or any member thereof, or any official appointed by such body, in respect of the carrying out of any functions or duties under the Laws of the Sport or the Rules and Regulations of Bowls England or of such County or Club as applicable);
- 2.9 Sexual, religious, disability or racial harassment of any member of Bowls England, Associate members or any members affiliated through their County;
- 2.10 any breach of Bowls England Equity Policy;
- 2.11 any drug abuse, otherwise known as 'Anti doping', in breach of the Anti Doping Policy Regulations of Bowls England;
- 2.12 disregarding, or refusing compliance with or acting in contravention of any decision of Bowls England or its Directors or of any official of Bowls England;
- 2.13 obstructing, disrupting or interfering improperly with the functions, duties or activities of any member or official or visitor of Bowls England;
- 2.14 any conduct which constitutes a criminal offence;
- 2.15 any fraud, deceit, deception or dishonesty in relation to Bowls England or its members or visitors;
- 2.16 behaving fraudulently or cheating at any event held by or connected with Bowls England;
- 2.17 theft or misappropriation or misuse of property of Bowls England or of Clubs or County Associations or property of its Members;
- 2.18 failure to comply with a reasonable instruction relating to bowling matters authorised by the Board of Bowls England or the Rules and Regulations of Bowls England to make such instruction;
- 2.19 the unauthorised use or misuse of premises of Bowls England or any Club or County Association.

DISCIPLINARY PROCEEDINGS AT CLUB LEVEL

3. Procedure following an allegation of misconduct at Club level

3.1 Any person wishing to make a complaint of misconduct by a member must do so in writing to the Chairman of the Club. If after preliminary investigation the Chairman of the Club considers that a prima facie case of misconduct exists the Chairman of the Club will refer the complaint to the Club Disciplinary Committee.

In the event of an incident considered necessary for disciplinary action by a Club against one or more of its members, the following procedure must be followed:-

- (a) The accused member/members involved must be advised, in writing, of the complaint and that the complaint will be referred to the Club Disciplinary Committee for a Disciplinary Hearing.
- (b) In the event of a Disciplinary Hearing taking place the date shall, if possible, be agreed with the accused member/members involved, the Club shall provide three dates of availability which shall be within twenty eight days of the date of notification to the accused member/members of the complaint or as soon as practical thereafter and in any event the Disciplinary Hearing must be held within 90 days of the date of notification of the complaint to the accused member/members notwithstanding failure to agree such date with the accused member/members. In the event of failure to agree on such date the decision of the Club as to the date of the Disciplinary Hearing shall be final.

If after receipt of a complaint under Section 3.1, the Club is or becomes aware of the member being charged with a criminal offence which does not reach a conclusion within the 90 day period referred to above any Disciplinary Hearing shall take place within 28 days of the date of the verdict hearing or the charges being withdrawn.

The accused member/members must be given the right to be heard and to be accompanied by an advisor.

- (c) In the case of serious offences, suspension or exclusion from Bowls England will normally be imposed and will be imposed if Bowls England's Protection of Children and Vulnerable Adults Policy so provides until the matter has been reported to the police and either a prosecution has been completed or a decision not to prosecute has been taken. In the event of acquittal of criminal charges, the Club reserves the right to initiate internal disciplinary proceedings on the basis of improperly damaging Bowls England or any County Association or Club thereof, or any member thereof, or their reputation.
- (d) Orders to be made for protection only - Orders of suspension and exclusion pending a disciplinary hearing or court trial are to be used only where necessary to protect a member or members of Bowls England, or the property of Bowls England or its members, or where necessary to comply with any requirements under the anti-doping rules. Written reasons for the decision will be recorded and made available to the member who is the subject of the order.
- (e) Periodic review - A decision to suspend or exclude a member from Bowls England pending a disciplinary hearing or a court trial shall be subject to a periodic review at the request of the member who is the subject of the order. Such a review will not involve a hearing, but the member either personally or through an advisor, friend or representative will be entitled to make written representations to Bowls England. The review will be conducted by any two directors of Bowls England nominated for the purpose who will in turn ensure that a report is forwarded to the Chairman of the Board of directors of Bowls England. In addition to this review, the Chairman of the Board of directors of Bowls England shall review the suspension or exclusion on receipt of written notification of altered circumstances, which might affect the order to suspend or exclude.

3.2 Composition of the Club Disciplinary Committee

The governing body of the Club (in this Regulation "Club Governing Body") will appoint or delegate three persons, none of whom shall have had any previous involvement or material knowledge of the complaint, as the Club Disciplinary Committee (in this Regulation "the Club Disciplinary Committee"), and delegate power to hold a disciplinary hearing (in this Regulation "Disciplinary Hearing"). The members of any such Club Disciplinary Committee need not necessarily be members of the Club. The Club Governing Body shall appoint one of the Club Disciplinary Committee to be the Chairman thereof. In making any such delegation, the Club Governing Body may impose such conditions, if any, as it thinks fit and everything done in due performance of such delegation shall for all purposes be deemed to be done by the Club Governing Body and shall have force and effect accordingly.

Each member of the Club Disciplinary Committee must declare any known conflict with the accused member/members or any representative of the parties.

3.3 Written witness statements in advance of the hearing

The Chairman of the Club Disciplinary Committee or nominee, on behalf of the Club Disciplinary Committee, may call for written witness statements in support of the complaint and in support of the accused member/members to be received by the Club Disciplinary Committee and sent to all the other parties at least 14 days in advance of the Disciplinary Hearing.

3.4 Assistance to the Club Disciplinary Committee

The Chairman of the Club Disciplinary Committee may appoint a person to act as Clerk to the Club Disciplinary Committee, who may be legally qualified, to give assistance to the Club Disciplinary Committee as it thinks fit. The Chairman will also arrange for minutes of the proceedings to be taken. The Chairman of the Club Governing Body will either present the complaint against the accused member/members himself, or appoint a representative to do so, who may be a solicitor (in either case, in this Regulation, "the Club Case Presenter")

3.5 Representation

The accused member/members should be present at the disciplinary hearing and may be represented by an advisor, friend or other representative, who may be a solicitor. If the accused member/members is/are so represented, should it become necessary to ensure good order at the hearing, the Chairman of the Club Disciplinary Committee may stipulate that the accused member/members may speak only when called upon to give evidence by his or her representative.

3.6 Order of Proceedings

Subject to the provisions of this Regulation, the order of proceedings shall be at the discretion of the Club Disciplinary Committee. Members of the Club Disciplinary Committee may ask questions of any witness. The Club Disciplinary Committee may ask for additional enquiries to be undertaken, and may call for additional witnesses to attend.

3.7 Joint hearings

If two or more accused members are involved in related misconducts, the Club Disciplinary Committee may, at its discretion, deal with their case together. However, the wishes of the accused members concerned must be taken into account.

3.8 Standard and Burden of Proof

The burden of proof shall be with the Club Governing Body and the Club Disciplinary Committee will only find against the accused member/members if, on the evidence before it, it is satisfied on the balance of probabilities that an allegation of misconduct has been proved.

3.9 Evidence

The Club Disciplinary Committee will rely solely on evidence presented at the hearing in accordance with Section 3.3 and, in addition, oral evidence may be taken.

3.10 Relevance

The Club Disciplinary Committee may refuse to admit evidence that is, in its opinion, irrelevant to the issues raised.

3.11 Opening and closing addresses

The Club Case Presenter shall be entitled to address the Club Disciplinary Committee before calling witnesses, and at the conclusion of the evidence called on behalf of the accused member/members. The accused member/members or his/her representative may address the Club Disciplinary Committee before calling witnesses and after the Club Case Presenter's final address.

3.12 Witnesses in support of the allegation

The complaint against the accused member/members will be put first. The Club Case Presenter will ask questions of each witness giving evidence in support of the complaint. These must not be leading questions. The witness may be cross-examined by the accused member/members or his/ her representative. Witnesses may be re-examined by the Club Case Presenter, but concerning only those matters raised in cross-examination, for the purpose of clarification.

3.13 Submission that there is no case to answer

At the conclusion of the evidence in support of the complaint against the accused member/members, the accused member/members or his/her representative may submit that no case has been made out. The Club Case Presenter has the right to reply. If the Club Disciplinary Committee finds that, on the evidence, there is no case to answer it may dismiss the complaint.

3.14 Witnesses against the allegation

If the case proceeds, the accused member/members may then give evidence. At the conclusion of the accused member/member's evidence, the Club Case Presenter may cross-examine. The accused member/members may give evidence in reply to clarify matters raised in cross-examination. The accused member/members or his/her representative may then call further witnesses, who may be similarly cross examined and re-examined.

3.15 Recall of witnesses

A witness may be recalled to give further evidence only with the leave of the Club Disciplinary Committee.

3.16 Time Limits

The Club Disciplinary Committee may impose time limits on oral addresses and submissions.

3.17 Adjournment

The Club Disciplinary Committee shall have the power to adjourn a hearing to another date, as it thinks fit.

3.18 Chairman of the Club Disciplinary Committee's right to stop the proceedings

The Chairman of the Club Disciplinary Committee has the power to suspend the activity of the Club Disciplinary Committee at any time, and to stop the proceedings against the accused member/members if he or she believes it to be appropriate to do so.

3.19 Absence

The Club Disciplinary Committee may reach a decision and impose a penalty, notwithstanding that the accused member/members is/are absent from the Disciplinary Hearing, provided that the accused member/members has/have been given notice of the Disciplinary Hearing in accordance with Section 3.1(a) and 3.1(b).

3.20 Majority Verdict

If members of the Club Disciplinary Committee cannot agree, the verdict of the Club Disciplinary Committee will be that decided by the majority of its members.

3.21 Report of Club Disciplinary Committee

At the termination of the proceedings, the Chairman of the Club Disciplinary Committee will write a short report confirming the outcome. In the event of a finding that the allegation has been proved, the report will set out the misconduct alleged, a brief summary of the evidence received, the grounds for the finding that the allegation has been proved, the penalty imposed, and the factors taken into account in deciding the penalty. A copy of the report will be sent to the accused member/members who will be advised of his/her/their right of appeal, and to the Chairman of the Board of Directors of Bowls England and to any other party deemed to have a material interest in the outcome, though in the latter case the report may be censored. Where the misconduct concerns the anti-doping policy, a copy may also be required to be sent to UK Anti-Doping.

4. Penalties

4.1 Imposition of penalties

If an allegation of misconduct is proved against an accused member/members, penalties may be imposed on the accused member/members by the Club Disciplinary Committee. The penalties are set out at Section 4.3 of this Regulation.

4.2 Matters to be considered

When determining penalties, the Club Disciplinary Committee will give consideration to the seriousness of the misconduct, the circumstances of the misconduct, and the general personal circumstances of the accused member/members. Due regard should also be paid to the seriousness with which Bowls England regards proven deliberate cheating and the misuse of drugs in bowling.

4.3 Types of penalty

An accused member/members found to have an allegation of misconduct proved against him/her may be:

- (a) Cautioned.
- (b) Absolutely discharged, which means that although the accused member/members is/are technically found to have had proved against him/ her the allegation of misconduct alleged, no blame should be attached to his/her/their actions.

- (c) Conditionally discharged, which means that no penalty is imposed, subject to the accused member fulfilling certain stipulated conditions as imposed by the Club Disciplinary Committee, including future good behaviour, over a specified period of time. If the conditions are not met, a penalty may be imposed following a further hearing, which shall concern itself only with whether the conditions have been broken. Such further hearing shall take place in accordance with paragraph 3.1(b) of section 3.1 and the procedure in sections 3.2 to 3.21 shall apply with such amendments as the Club Governing Body shall deem are required for the purpose.
- (d) Required to pay a reasonable sum by way of compensation and restitution for an identified and quantified loss
- (e) Excluded from certain activities of the Club and/or the County Association and or Bowls England, such as participating in competitive bowls, for a fixed period of time
- (f) Suspended from the Club and/or the County Association and/or Bowls England for a defined period of time which may include from all or part only of the Club's premises and greens (See also Section 3.1(c))
- (g) Expelled from the Club and/or the County Association and/or Bowls England for an indefinite period of time (see also Section 3.1(c))
- (h) Required to pay any costs in relation to the investigation and proceedings.

In those cases where suspension or expulsion was imposed prior to the Disciplinary Hearing, that decision to suspend or expel shall expire at the final decision of the Disciplinary Hearing and any decision of this Club Disciplinary Committee shall apply from thereon. In the event of the case being proved and suspension or expulsion imposed as part or the whole of any penalty, the Club Disciplinary Committee will decide either that the suspension or expulsion will take effect immediately or in the event of an appeal to the County Association they may decide that the suspension or expulsion should be held in abeyance until that appeal procedure has been finalised. The provisions of Section 3.1(c) should be noted when considering suspension or expulsion. Any decision made by the Club Disciplinary Committee regarding suspension or expulsion may only be overturned by virtue of any appeal procedures.

An accused member/members found to have an allegation of misconduct proved may be cautioned as referred to in (a) above which means that no penalty is imposed but, if the accused member/members is/are found to have had proved against him or her an allegation of misconduct, on a subsequent occasion, within a period of 3 years, the caution may be referred to and taken into account.

Where appropriate the provisions of Sections 15, 16, 17 and 18 of this Regulation, relating to Expulsion and Suspension shall apply.

In the event of an appeal being made, any penalty imposed at the Disciplinary Hearing, other than expulsion or suspension may be held in abeyance until such time as the right to any appeal has ceased and/or all appeal procedures have been finalised.

APPEAL TO COUNTY ASSOCIATION

5. Appeal from Club Disciplinary Committee to County Association

5.1

- (a) In the event of an allegation of misconduct having been upheld by the Club Disciplinary Committee the accused member/members of the Club must be advised in writing of his/her right to appeal to the County Association. Such appeal, which can be against the finding that an allegation has been proved and/or against the penalty imposed, must be made in writing to the County Association General Secretary/Administrator by way of a notice of appeal within fourteen days of receipt of written notification of the result of the Disciplinary Hearing.

- (b) The written notice of appeal must set out the grounds of appeal and the appellant/appellants may be required by the chairman of the County Association to provide a further written submission setting out further details of the grounds of appeal within a specified period.

5.2 County Appeal Hearing

Subject to section 5.4 of this Regulation the governing body of the County Association (in this Regulation, "County Governing Body") shall arrange for a hearing of such appeal either by way of review hearing or re-hearing (in this Regulation the "County Appeal Hearing"). The date of the County Appeal Hearing shall if possible be agreed with the appellant/appellants. The County Association shall provide three dates of availability, which must be within 28 days of the date of receipt of the written notice of appeal by the general secretary/administrator of the County Governing Body, or, if required, 28 days after further details of the grounds of appeal have been received by the County Governing Body or as soon as practicable thereafter. In any event the County Appeal must take place within 90 days of receipt of the written notice of appeal by the County Governing Body, notwithstanding failure to agree such date with the appellant/appellants. In the event of failure to agree on such date the decision of the County Governing Body as to the date of the County Appeal Hearing shall be final.

The appellant/appellants must be given the right to be heard and to be accompanied by an advisor.

5.3 Composition of County Appeal Committee

The Chairman of the County Governing Body will appoint or delegate three persons, none of whom shall have had any previous involvement or material knowledge of the complaint, as the appeal committee (in this Regulation "the County Appeal Committee"), and delegate power to hear the appeal either by way of review hearing or re-hearing (subject to section 5.4). The members of any such County Appeal Committee need not necessarily be members of the County Association. The County Governing Body shall appoint one of the County Appeal Committee to be the Chairman thereof. In making any such delegation, the County Governing Body may impose such conditions, if any, as it thinks fit and everything done in due performance of such delegation shall for all purposes be deemed to be done by the County Governing Body and shall have force and effect accordingly.

Each member of the County Appeal Committee must declare any known conflict with the accused member/members or any representative of the parties.

5.4 Nature of appeal

There is no automatic entitlement to a re-hearing of the case. The appeal will be limited to a review hearing, being a review of the decision of the Club Disciplinary Committee (in this Regulation the "County Review Hearing") unless the County Association considers in its discretion that in the circumstances of an individual appeal it would be in the interests of justice and or there has been some procedural impropriety, that the County Association should hold a re-hearing (in this Regulation "the County Re-Hearing") in which case the procedure set out in Sections 7 & 8 of this Regulation shall apply.

5.5 Assistance to the County Appeal Committee

The Chairman of the County Appeal Committee may appoint a person to act as Clerk to the County Appeal Committee, who may be legally qualified, to give assistance to the County Appeal Committee as it thinks fit. The Chairman will also arrange for minutes of the proceedings to be taken. The Chairman of the Club Governing Body will either present the case himself or appoint a representative to do so, who may be a solicitor, (in this Regulation, in either case "the Club Case Presenter")

6. Procedure for County Review Hearing (see also Section 8)
 - 6.1 If the matter is to proceed by way of a County Review Hearing the County Appeal Committee will invite the appellant/appellants and the respondent to give written submissions. The appellant/appellants or his/her representative, who may be a solicitor, may present the appeal in writing or orally, at his/her discretion. The respondent, or their representative, who may be a solicitor, will be given an opportunity to respond.
 - 6.2 Evidence
The County Appeal Committee shall not hear any new evidence, written or oral, and should limit their consideration to the evidence previously provided by the parties to the Club Disciplinary Committee.
 - 6.3 Standard and Burden of Proof
The burden of proof shall be with the appellant/appellants. The County Appeal Committee will uphold the appeal if, on the evidence before it, it is satisfied, on the balance of probabilities, that the allegation of misconduct has not been proved.
 - 6.4 Findings of the County Appeal Committee in an appeal against a finding that an allegation has been proven
Where the appeal is against a finding that an allegation has been proven, the County Appeal Committee may, after due consideration:
 - (a) Dismiss the appeal allowing the original decision to stand or
 - (b) Dismiss the appeal and impose a greater or lesser penalty or alter or amend any conditions imposed by the original penalty. The provisions of section 3.1 (c) shall be noted when considering expulsion or suspension.
 - (c) Grant the appeal in which case the allegation in respect of the appellant will be recorded as not proven.Where appropriate, the provisions of Sections 15, 16, 17 and 18 of this Regulation, relating to Expulsion and Suspension, shall apply.
 - 6.5 Findings of the County Appeal Committee in an appeal against penalty only
Where the appeal is against penalty only, the County Appeal Committee may, after due consideration:
 - (a) Dismiss the appeal allowing the original penalty to stand
 - (b) Dismiss the appeal and impose a greater penalty, or alter or amend any conditions imposed by the original penalty. The provisions of Section 3.1(c) should be noted when considering suspension or expulsion.
 - (c) Grant the appeal and impose a lesser sentence, or reduce or remove any conditions imposed by the original sentence.Where appropriate, the provisions of Section 15, 16, 17 and 18 of this Regulation relating to Expulsion and Suspension, shall apply.
When determining an appeal against penalty, the County Appeal Committee will give consideration to the seriousness of the misconduct, the circumstances of the misconduct, and the general personal circumstances of the appellant/appellants. Due regard should also be paid to the seriousness with which Bowls England regards proven deliberate cheating and the misuse of drugs in bowling.
7. Procedure for a County Re-Hearing (see also section 8)
 - 7.1 Written witness statements in advance of the hearing
The Chairman of the County Appeal Committee or nominee, on behalf of the County Appeal Committee, may call for written witness statements in support of the complaint and in support of the accused member/members to be received by the County Appeal Committee and sent to all the other parties at least 14 days in advance of the County Re-Hearing.

- 7.2 Representation
The accused member/members should be present at the County Re-Hearing, and may be represented by an advisor, friend or other representative, who may be a solicitor. If the accused member/members is/are so represented, should it become necessary to ensure good order at the County Re-Hearing, the Chairman of the County Appeal Committee may stipulate that the accused member/members may speak only when called upon to give evidence by his or her representative.
- 7.3 Order of Proceedings
Subject to the provisions of this Regulation, the order of proceedings shall be at the discretion of the County Appeal Committee. Members of the County Appeal Committee may ask questions of any witness. The County Appeal Committee may ask for additional enquiries to be undertaken, and may call for additional witnesses to attend.
- 7.4 Joint hearings
If two or more accused members are involved in related misconducts, the County Appeal Committee may, at its discretion, deal with their case together. However, the wishes of the accused members must be taken into account.
- 7.5 Standard and Burden of Proof at County Re-Hearing
The burden of proof shall be with the Club Governing Body and the County Appeal Committee will only find against the accused member/members if, on the evidence before it, it is satisfied on the balance of probabilities that the allegation of misconduct has been proved.
- 7.6 Evidence
The County Appeal Committee will rely solely on evidence presented at the County Re-Hearing in accordance with Section 7.1 and, in addition, oral evidence may be taken.
- 7.7 Relevance
The County Appeal Committee may refuse to admit evidence that is, in its opinion, irrelevant to the issues raised.
- 7.8 Opening and closing addresses
The Club Case Presenter shall be entitled to address the County Appeal Committee before calling witnesses, and at the conclusion of the evidence called on behalf of the accused member/members. The accused member/members, or his/her representative, may address the County Appeal Committee before calling witnesses and after the Club Case Presenter's final address.
- 7.9 Witnesses in support of the allegation
The complaint against the accused member/members will be put first. The Club Case Presenter will ask questions of each witness giving evidence in support of the complaint. These must not be leading questions. The witness may be cross examined by the accused member/members or his/her representative. Witnesses may be re-examined by the Club Case Presenter, but concerning only those matters raised in cross-examination, for the purpose of clarification.

7.10 Submission of no case to answer

At the conclusion of the evidence in support of the complaint against the accused member/members, the accused member/members or his/her representative may submit that no case has been made out. The Club Case Presenter has the right to reply. If the County Appeal Committee finds that, on the evidence, there is no case to answer it may dismiss the complaint.

7.11 Witnesses against the allegation

If the case proceeds, the accused member/members may then give evidence. At the conclusion of the accused member/members' evidence, the Club Case Presenter may cross examine. The accused member/members may give evidence in reply to clarify matters raised in cross examination. The accused member/members or his/her representative may then call further witnesses, who may similarly be cross examined and re-examined.

7.12 Recall of witnesses

A witness may be recalled to give further evidence only with the leave of the County Appeal Committee.

7.13 Imposition of penalties following a County Re-Hearing

If the County Appeal Committee considers that the allegation of misconduct has been proved against the accused member/members, penalties may be imposed on the accused member/members by the County Appeal Committee. An accused member/members found to have an allegation of misconduct proved against him/her may be:

- (a) Cautioned.
- (b) Absolutely discharged, which means that although the accused member/members is /are technically found to have had proved against him or her the allegation of misconduct alleged, no blame should be attached to his/her actions.
- (c) Conditionally discharged, which means that no penalty is imposed, subject to the accused member/members fulfilling certain stipulated conditions as imposed by the County Appeal Committee, including future good behaviour, over a specified period of time. If the conditions are not met, a penalty may be imposed following a further hearing, which shall concern itself only with whether the conditions have been broken. Such further hearing shall take place in accordance with paragraph 3.1(b) of section 3.1 and the procedure in sections 3.2 to 3.21 shall apply with such amendments as the County Governing Body shall deem are required for the purpose.
- (d) Required to pay a reasonable sum by way of compensation and restitution for an identified and quantified loss
- (e) Excluded from certain activities of the Club and/or the County Association and/or Bowls England, such as participating in competitive bowls, for a fixed period of time
- (f) Suspended from the Club and/or the County Association and/or Bowls England for a defined period of time which may include from all or part only of the Club's premises and greens (See also Section 3.1(c))
- (g) Expelled from the Club and/or the County Association and/or Bowls England for an indefinite period of time (see also Section 3.1(c))
- (h) Required to pay any costs in relation to the investigation and proceedings.

In those cases where suspension or expulsion was imposed prior to the County Re-Hearing, that decision to suspend or expel shall expire at the final decision of the County Re-Hearing and any decision of this County Appeal Committee shall apply from thereon. In the event of the case being proved and suspension or expulsion imposed as part or the whole of any penalty, the County Appeal Committee will decide either that the suspension or expulsion will take effect immediately or in the event of an appeal to Bowls England they may decide that the suspension or expulsion should be held in abeyance until that appeal procedure has been finalised. The provisions of Section 3.1(c) should be noted when considering suspension or expulsion. Any decision made by the County Appeal Committee regarding suspension or expulsion may only be overturned by virtue of any appeal procedures.

An accused member/members found to have an allegation of misconduct proved may be cautioned as referred to in (a) above which means that no penalty is imposed but, if the accused member/members is/are found to have had proved against him or her an allegation of misconduct, on a subsequent occasion, within a period of 3 years, the caution may be referred to and taken into account.

Where appropriate the provisions of Sections 15, 16, 17 and 18 of this Regulation, relating to Expulsion and Suspension shall apply.

In the event of an appeal being made, any penalty imposed at the County Re-Hearing, other than expulsion or suspension may be held in abeyance until such time as the right to any appeal has ceased and/or all appeal procedures have been finalised.

7.14 Matters to be considered

When determining penalties, the County Appeal Committee will give consideration to the seriousness of the misconduct, the circumstances of the misconduct, and the general personal circumstances of the accused member/members. Due regard should also be paid to the seriousness with which Bowls England regards proven deliberate cheating and the misuse of drugs in bowling.

8. Procedures common to County Review Hearings and County Re-Hearings

8.1 Time limits

The County Appeal Committee may impose time limits on oral addresses and submissions.

8.2 Adjournment

The County Appeal Committee shall have the power to adjourn a hearing to another date, as it thinks fit.

8.3 Chairman of the County Appeal Committee's right to stop the proceedings

The Chairman of the County Appeal Committee has the power to suspend the activity of the County Appeal Committee at any time, and to stop the County Appeal Hearing if he or she believes it to be appropriate to do so.

8.4 Absence

The County Appeal Committee may reach a decision and impose a penalty, notwithstanding that the appellant/appellants is/are absent from the County Appeal Hearing, provided that the appellant/appellants has/have been given notice of the County Appeal Hearing in accordance with section 5.2.

8.5 Majority Verdict

If members of the County Appeal Committee cannot agree, the verdict of the County Appeal Committee will be that decided by the majority of its members.

8.6 Costs of County Appeal Hearing

If any County Appeal Hearing is abandoned within forty-eight hours of a scheduled hearing, or is dismissed after a hearing then the County Appeal Committee may, if they think appropriate, make an award of costs and expenses against the appellant/appellants in such sum as the County Appeal Committee consider appropriate. Until such time as the costs and expenses are paid the appellant/appellants shall forfeit all rights, entitlements and recognition under the Regulations and shall be deemed to be suspended.

8.7 County Appeal Committee's findings with regard to suspension or expulsion of a member

In the case of suspension or expulsion, having been imposed by the Club Disciplinary Committee and the findings of the County Appeal Committee either uphold that decision in full or in part, or in the event of a suspension or expulsion being imposed by the County Appeal Committee following a County Re-Hearing, should the appellant/appellants appeal against that decision and be seeking to have such suspension or expulsion held in abeyance until that appeal procedure has been finalised, the County Appeal Committee should take into consideration the seriousness of the case in making their decision with particular reference to Section 3.1(c) of this Regulation. The County Appeal Committee may also decide that, in the event of an appeal, any penalty other than Suspension or Expulsion may be held in abeyance until that appeal procedure has been finalised and/or all appeal procedures have been finalised.

8.8 Report following County Appeal Hearing

After the termination of the County Appeal Hearing, the Chairman of the County Appeal Committee will write a short report confirming the outcome. If the proceedings were a County Review Hearing and the appeal was dismissed or were a County Re-Hearing and the complaint was upheld the report will set out the grounds for the appeal, a brief summary of any evidence received, and the grounds for the finding. A copy of the report will be sent to the appellant/appellants and to the Chairman of the Board of Directors of Bowls England and to any other party deemed to have a material interest in the outcome, though in the latter case the report may be censored. Where the misconduct concerns the anti-doping policy, a copy may also be required to be sent to UK Anti-Doping.

APPEAL TO BOWLS ENGLAND

9. Appeal to Bowls England against decisions made by County Appeal Committees 9.1

- (a) If in the case of a County Review Hearing, the appeal is dismissed by the County Appeal Committee or in a County Re-Hearing the complaint is upheld by the County Appeal Committee, the accused member/members of the Club must be advised in writing of his/her right to appeal to Bowls England. Such appeal, which can be against the finding that an allegation has been proved and/or against the penalty imposed, must be made in writing to the Chief Executive of Bowls England by way of a notice of appeal within fourteen days of receipt of written notification of the result of the County Appeal Hearing.
- (b) The written notice of appeal must set out the grounds of appeal and the appellant/appellants may be required by the Chief Executive of Bowls England to provide a further written submission setting out further details of the grounds of appeal within a specified period.

9.2 National Appeal Hearing

Subject to section 9.4 of this regulation the governing body of Bowls England (in this Regulation, "National Governing Body") shall arrange for a hearing of such appeal either by way of Review Hearing or Re-Hearing (in this Regulation the "National Appeal Hearing"). The date of the National Appeal Hearing shall if possible be agreed with the appellant/appellants. The National Governing Body shall provide three dates of availability, which must be within 28 days of the date of receipt of the written notice of appeal by the Chief Executive of Bowls England, or, if required, 28 days after further details of the grounds of appeal have been received by the Chief Executive of Bowls England, or as soon as practicable thereafter. In any event the Bowls England Appeal Hearing must take place within 90 days of receipt of the written notice of appeal by the Chief Executive of Bowls England, notwithstanding failure to agree such date with the appellant/appellants. In the event of failure to agree on such date the decision of the National Governing Body as to the date of the Bowls England Appeal Hearing shall be final. The appellant/appellants must be given the right to be heard and to be accompanied by an advisor.

The Chief Executive will refer the appeal to the Chairman of the Board of Directors of the National Governing Body.

9.3 Composition of National Appeal Committee

The Chairman of the Board of Directors of the National Governing Body will appoint or delegate three persons, none of whom shall have had any previous involvement or material knowledge of the complaint, as the appeal committee (in this Regulation "the National Appeal Committee"), and delegate power to hear the appeal either by way of review hearing or re-hearing (subject to section 9.4). The members of any such National Appeal Committee need not necessarily be members of Bowls England. The National Governing Body shall appoint one of the National Appeal Committee to be the Chairman thereof. In making any such delegation, the National Governing Body may impose such conditions, if any, as it thinks fit and everything done in due performance of such delegation shall for all purposes be deemed to be done by the National Governing Body and shall have force and effect accordingly.

Each member of the National Appeal Committee must declare any known conflict with the accused member/members or any representative of the parties.

9.4 Nature of appeal

There is no automatic entitlement to a re-hearing of the case. The appeal will be limited to a review hearing, being a review of the decision of the County Appeal Committee (in this Regulation "National Review Hearing") unless Bowls England considers in its discretion that in the circumstances of an individual appeal it would be in the interests of justice and/or there has been some procedural impropriety that Bowls England should hold a re-hearing (in this Regulation "National Re-Hearing") in which case the procedure set out in Sections 11 & 12 of this Regulation shall apply.

9.5 Assistance to the National Appeal Committee

The National Appeal Committee may appoint a person to act as Clerk to the National Appeal Committee, who may be legally qualified, to give assistance to the National Appeal Committee as it thinks fit. The Chairman will arrange for minutes of the proceedings to be taken. The Chairman of the Club Governing Body will either present the case himself or appoint a representative to do so, who may be a solicitor, (in this regulation, in either case "the Club Case Presenter").

10. Procedure for National Review Hearing (see also section 12)
- 10.1 If the matter is to proceed by way of National Review Hearing the National Appeal Committee will invite the appellant/appellants and the respondent to give written submissions. The appellant/appellants or his/her representative, who may be a solicitor, may present the appeal in writing or orally, at his/her discretion. The respondent will be given an opportunity to respond.
- 10.2 Evidence
The National Appeal Committee shall not hear any new evidence, written or oral, and should limit their consideration to the evidence previously considered at either the County Review Hearing or County Re-Hearing.
- 10.3 Standard and Burden of Proof
The burden of proof shall be with the appellant/appellants. The National Appeal Committee will uphold the appeal if, on the evidence before it, it is satisfied, on the balance of probabilities, that the allegation of misconduct has not been proved..
- 10.4 Findings of the National Appeal Committee in an appeal against a finding that an allegation has been proven
Where the appeal is against a finding of the County Appeal Committee that an allegation has been proven, the National Appeal Committee may, after due consideration:
- (a) Dismiss the appeal, allowing the decision of the County Appeal Committee to stand or
 - (b) Dismiss the appeal and impose a greater or lesser penalty or alter or amend any conditions imposed by the original penalty. The provisions of Section 3.1(c) should be noted when considering Suspension or Expulsion.
 - (c) Grant the appeal in which case the allegation in respect of the appellant will be recorded as not proven.
- Where appropriate the provisions of Sections 15, 16, 17 and 18 of this Regulation relating to Expulsion and Suspension, shall apply.
- 10.5 Findings of National Appeal Committee in an Appeal against the penalty only
Where the appeal is against penalty only, the National Appeal Committee may, after due consideration:
- (a) Dismiss the appeal allowing the penalty imposed by the County Appeal Committee to stand
 - (b) Dismiss the appeal and impose a greater penalty, or alter or amend any conditions imposed by the penalty. The provisions of Section 3.1(c) should be noted when considering Suspension or Expulsion.
 - (c) Grant the appeal and impose a lesser sentence, or reduce or remove any conditions imposed by the sentence.
- Where appropriate the provisions of Sections 15, 16, 17 and 18 of this Regulation relating to Expulsion and Suspension, shall apply.
- When determining an appeal against penalty the National Appeal Committee will give consideration to the seriousness of the misconduct, the circumstances of the misconduct, and the general personal circumstances of the appellant/appellants. Due regard should also be paid to the seriousness with which Bowls England regards proven deliberate cheating and the misuse of drugs in bowling.

11. Procedure for a National Re-Hearing (see also section 12)
 - 11.1 Written witness statements in advance of the hearing

The Chairman of the National Appeal Committee or nominee, on behalf of the National Appeal Committee, may call for written witness statements in support of the complaint and in support of the accused member/members to be received by the National Appeal Committee and sent to all other parties at least 14 days in advance of the National Re-Hearing.
 - 11.2 Representation

The accused member/members should be present at the National Re-Hearing, and may be represented by an advisor, friend or other representative, who may be a solicitor. If the accused member/members is/are so represented, should it become necessary to ensure good order at the National Re-Hearing, the Chairman of the National Appeal Committee may stipulate that the accused member/members may speak only when called upon to give evidence by his or her representative.
 - 11.3 Order of Proceedings

Subject to the provisions of this Regulation, the order of proceedings shall be at the discretion of the National Appeal Committee. Members of the National Appeal Committee may ask questions of any witness. The National Appeal Committee may ask for additional enquiries to be undertaken, and may call for additional witnesses to attend.
 - 11.4 Joint hearings

If two or more accused members are involved in related misconducts, the National Appeal Committee may, at its discretion, deal with their appeal together. However, the wishes of the accused members must be taken into account.
 - 11.5 Standard and Burden of Proof at National Re-Hearing

The burden of proof shall be with the Club Governing Body and the National Appeal Committee will only find against the accused member/members if, on the evidence before it, it is satisfied on the balance of probabilities that the allegation of misconduct has been proven.
 - 11.6 Evidence

The National Appeal Committee will rely solely on evidence presented at the National Re-Hearing in accordance with Section 11.1 and, in addition, oral evidence may be taken.
 - 11.7 Relevance

The National Appeal Committee may refuse to admit evidence that is, in its opinion, irrelevant to the issues raised.
 - 11.8 Opening and closing addresses

The Club Case Presenter shall be entitled to address the National Appeal Committee before calling witnesses, and at the conclusion of the evidence called on behalf of the accused member/members. The accused member/members, or his/her representative, may address the National Appeal Committee before calling witnesses and after the Club Case Presenter's final address.

11.9 Witnesses in support of the allegation

The complaint against the accused member/members will be put first. The Club Case Presenter will ask questions of each witness giving evidence in support of the complaint. These must not be leading questions. The witness may be cross examined by the accused member/members or his/her representative. Witnesses may be re-examined by the Club Case Presenter, but concerning only those matters raised in cross-examination, for the purpose of clarification.

11.10 Submission of no case to answer

At the conclusion of the evidence in support of the complaint against the accused member/members, the accused member/members or his/her representative may submit that no case has been made out. The Club Case Presenter has the right to reply. If the National Appeal Committee finds that, on the evidence, there is no case to answer it may dismiss the complaint.

11.11 Witnesses against the allegation

If the case proceeds, the accused member/members may then give evidence. At the conclusion of the accused member/members' evidence, the Club Case Presenter may cross examine. The accused member/members may give evidence in reply to clarify matters raised in cross examination. The accused member/members or his/her representative may then call further witnesses, who may similarly be cross examined and re-examined.

11.12 Recall of witnesses

A witness may be recalled to give further evidence only with the leave of the National Appeal Committee.

11.13 Imposition of penalties following a Bowls England Re-Hearing

If the National Appeal Committee considers that the allegation of misconduct has been proven against the accused member/members, penalties may be imposed on the accused member/members by the National Appeal Committee. An accused member/members found to have an allegation of misconduct proved against him/her may be:

- (a) Cautioned.
- (b) Absolutely discharged, which means that although the accused member/members is/are technically found to have had proved against him or her the allegation of misconduct alleged, no blame should be attached to his/her actions.
- (c) Conditionally discharged, which means that no penalty is imposed, subject to the accused member/members fulfilling certain stipulated conditions as imposed by the National Appeal Committee, including future good behaviour, over a specified period of time. If the conditions are not met, a penalty may be imposed following a further hearing, which shall concern itself only with whether the conditions have been broken. Such further hearing shall take place in accordance with paragraph 3.1(b) of section 3.1 and the procedure in sections 3.2 to 3.21 shall apply with such amendments as the National Governing Body shall deem are required for the purpose.
- (d) Required to pay a reasonable sum by way of compensation and restitution for an identified and quantified loss
- (e) Excluded from certain activities of the Club and/or the County Association and/or Bowls England, such as participating in competitive bowls, for a fixed period of time
- (f) Suspended from the Club and/or the County Association and/or Bowls England for a defined period of time which may include from all or part only of the Club's premises and greens (See also Section 3.1(c))

- (g) Expelled from the Club and/or the County Association and/or Bowls England for an indefinite period of time (see also Section 3.1(c))
- (h) Required to pay any costs in relation to the investigation and proceedings.

In those cases where suspension or expulsion was imposed prior to the National Re-Hearing, that decision to suspend or expel shall expire at the final decision of the National Re-Hearing and any decision of this National Appeal Committee shall apply from thereon. The provisions of Section 3.1(c) should be noted when considering suspension or expulsion. An accused member/members found to have an allegation of misconduct proved may be cautioned as referred to in (a) above which means that no penalty is imposed but, if the accused member/members is/are found to have had proved against him or her an allegation of misconduct, on a subsequent occasion, within a period of 3 years, the caution may be referred to and taken into account.

Where appropriate the provisions of Sections 15, 16, 17 and 18 of this Regulation, relating to Expulsion and Suspension shall apply.

11.14 Matters to be considered

When determining penalties, the National Appeal Committee will give consideration to the seriousness of the misconduct, the circumstances of the misconduct, and the general personal circumstances of the accused member/members. Due regard should also be paid to the seriousness with which Bowls England regards proven deliberate cheating and the misuse of drugs in bowling.

12. Procedures common to both National Review Hearings and National Re-Hearings

12.1 Time Limits

The National Appeal Committee may impose time limits on oral addresses and submissions.

12.2 Adjournment

The National Appeal Committee shall have the power to adjourn a hearing to another date, as it thinks fit.

12.3 Chairman of the National Appeal Committee's right to stop the proceedings

The Chairman of the National Appeal Committee has the power to suspend the activity of the National Appeal Committee at any time, and to stop the National Appeal Hearing if he or she believes it to be appropriate to do so.

12.4 Absence

The National Appeal Committee may reach a decision and impose a penalty, notwithstanding that the appellant/appellants is/are absent from the National Appeal Hearing, provided that the appellant/appellants has/have been given notice in accordance with section 9.2.

12.5 Majority Verdict

If members of the National Appeal Committee cannot agree, the verdict of the National Appeal Committee will be that decided by the majority of its members.

12.6 Report following National Appeal Hearing

After the termination of the National Appeal Hearing, the Chairman of the National Appeal Committee will write a short report confirming the outcome. If the proceedings were a National Review Hearing and the appeal was dismissed or were a National Re-Hearing and the complaint was upheld, the report will set out the grounds for the appeal, a brief summary of the evidence received, and the grounds for the finding. A copy of the report

will be sent to the appellant/appellants and to the Chairman of the Board of Bowls England and to any other party deemed to have a material interest in the outcome, though in the latter case the report may be censored. Where the misconduct concerns the anti-doping policy, a copy may also be required to be sent to UK Anti-Doping.

12.7 Decision of National Appeal Committee

The decision of the National Appeal Committee shall be final.

12.8 Costs of appeal of National Appeal Hearing

If any appeal to National Appeal Hearing is abandoned within forty-eight hours of a scheduled hearing or is dismissed after a hearing, then the National Appeal Committee may, if they think appropriate, make an award of costs and expenses against the appellant/appellants in such sum as the Board consider appropriate. Until such time as the costs and expenses are paid the appellant/appellants shall forfeit all rights, entitlements and recognition under these Regulations and shall be deemed to be suspended.

13. Tournaments

13.1 Subject to Section 13.2 in the event of misconduct at licensed tournaments the procedures as set out at Section 3 of this Regulation should be followed and penalties applied in accordance with Section 4. In each case where 'Club' is mentioned in Sections 3 and 4 read 'Tournament' and any other necessary amendment shall be made so as to enable those sections to apply to licenced tournaments.

13.2 Any appeal against a decision made by a Tournament Disciplinary Committee shall be made to the authority who licensed the Tournament in accordance with the procedures set out at Sections 5 to 8 of this Regulation, as the case may be, and the provisions of those sections shall be deemed to be amended so as to enable them to apply to such appeal.

14. Natural Justice

The rules of natural justice must apply at all times to all matters the subject of this Regulation. Natural justice is procedural fairness comprising of two basic rules; first that no man is to be a judge in his own cause (*nemo iudex in causa sua*), and second that no man is to be condemned unheard (*audi alteram partem*).

15. Expulsion and Suspension

For the purposes of this Regulation, 'expulsion' means the action of expelling a member from membership of a Club for an indefinite period of time, or the County Association or Bowls England in any such case for an indefinite period of time and 'suspension' means the action of suspending from membership for a defined period of time.

A member who is suspended or expelled from Bowls England is prohibited from entering Bowls England premises and from partaking in any activity organised under the auspices of Bowls England. Suspension may be subject to qualification, such as permission to undertake particular activities. An order of suspension or expulsion will be notified in writing to the member, and may include a requirement that the member shall have no contact with a named person or persons.

16. Expulsion

Unless the terms of the expulsion decision in any particular case otherwise so provide, for example, it could be stated that there would be no objection to the member joining another Affiliated Club, no member who has been expelled by his/her Club or as a result of an appeal to the County Association or to Bowls England shall be admitted to membership of any Affiliated Club or be permitted to play or practise bowls on the green of any Affiliated Club except with the consent of the Board of Directors of Bowls England. For the purpose of this section 16 and sections 17 and 18 of this regulation the term "Affiliated Club" shall mean a Club which is affiliated to Bowls England.

17. Suspension

Unless the terms of the suspension decision in any particular case otherwise so provide, for example it could be stated that there would be no objection to the member joining another Affiliated Club, the following provisions shall apply to any suspension:

- (a) Whilst a member is under suspension by his/her Club or as a result of an appeal to the County Association or to Bowls England he/she shall not be permitted to play in any form of competition in his/her own Club nor shall he/she be entitled to represent his/her County Association or Bowls England.
- (b) No member, whilst under suspension by any Club or as a result of an appeal to the County Association or to Bowls England shall be admitted to membership of any Affiliated Club, except with the consent of the Board of Directors of Bowls England
- (c) When a member is under suspension from his/her Club, the member does not forfeit his/her membership. If the member wishes to continue his/her membership of the Club he/she should continue to pay his/her membership fee and will return automatically to the privileges of membership after the period of suspension has terminated. An application to re-apply for membership is not required.

18. Notification of Expulsion or Suspension

- (a) Any expulsion or suspension of a member, by the Club, shall be immediately reported to the County Association and to the Chief Executive of Bowls England. In the event of an appeal to the County Association any such notification will be withheld until the result of the appeal is known. In the case of a further appeal to Bowls England no such notification will be made until the result of that appeal is known.
- (b) Each County shall as cases arise, send to all Affiliated Clubs within the County and to the General Secretaries/Administrators of adjacent Counties notification of the name of any Club members who have been expelled or suspended. In the case of appeals, such notification will not be made until the result of the appeal is known.

DISCIPLINARY RULES IN RELATION TO MISCONDUCT AT COUNTY LEVEL - MISCONDUCT

1. Disciplinary Regulation

The right of Bowls England to take disciplinary measures

Any member of Bowls England against whom an allegation of misconduct, as defined below, is alleged, may be subject to disciplinary measures.

The essence of misconduct under this Regulation is:-

- (a) Improper interference with the functioning or activities of Bowls England or of any members of Bowls England
- (b) Action which otherwise improperly damages Bowls England or any County Association or Club thereof, or any member thereof, or their reputation.

2. Definitions of Misconduct

For the purposes of this Regulation, the definition of 'misconduct' shall include, but shall not be restricted to;

- 2.1 breach of Bowls England Protection of Children and Vulnerable Adults Policy;
- 2.2 any breach of the Rules and Regulations or of the Laws of Bowls England;
- 2.3 any conduct which is prejudicial to the interests of Bowls England or any County Association or Club thereof, or any member thereof or to the sport of bowls in general;
- 2.4 failure or refusal for a period of one calendar month to pay any fine lawfully imposed by any competent authority under the jurisdiction of Bowls England;
- 2.5 deliberately losing or attempting to lose any match or otherwise be guilty of unfair play;
- 2.6 wilfully altering a bowl after the same has been stamped by a World Bowls Board Licensed Bowls Tester, without submitting the same to such Tester for re-testing and re-stamping;
- 2.7 the use of any profane, indecent, or improper language at any function of Bowls England or of any County Association or Club thereof, or whilst upon the property of any Club;
- 2.8 any violent, indecent, disorderly, threatening, intimidating or offensive behaviour at any time or place towards Bowls England (this includes all employees, any County Association or any Club, or any member thereof, or any official appointed by such body, in respect of the carrying out of any functions or duties under the Laws of the Sport or the Rules and Regulations of Bowls England or of such County or Club as applicable);
- 2.9 Sexual, religious, disability or racial harassment of any member of Bowls England, Associate members or any members affiliated through their County;
- 2.10 any breach of Bowls England Equity Policy;
- 2.11 any drug abuse, otherwise known as 'Anti doping', in breach of the Anti Doping Policy Regulations of Bowls England;
- 2.12 disregarding, or refusing compliance with or acting in contravention of any decision of Bowls England or its Directors or of any official of Bowls England;
- 2.13 obstructing, disrupting or interfering improperly with the functions, duties or activities of any member or official or visitor of Bowls England;
- 2.14 any conduct which constitutes a criminal offence;
- 2.15 any fraud, deceit, deception or dishonesty in relation to Bowls England or its members or visitors;
- 2.16 behaving fraudulently or cheating at any event held by or connected with Bowls England;
- 2.17 theft or misappropriation or misuse of property of Bowls England or of Clubs or County Associations or property of its Members;
- 2.18 failure to comply with a reasonable instruction relating to bowling matters authorised by the Board of Bowls England or the Rules and Regulations of Bowls England to make such instruction;
- 2.19 the unauthorised use or misuse of premises of Bowls England or any Club or County Association.

DISCIPLINARY PROCEEDINGS AT COUNTYLEVEL

3. Procedure following an allegation of misconduct at County level

3.1 Any person wishing to make a complaint of misconduct by a Club affiliated to Bowls England, or a member whose misconduct is in relation to an issue under the jurisdiction of the County Association or a member of an affiliated Club where, in the interests of natural justice, the issue cannot be dealt with by the Club, must do so in writing to the Chairman of the County Association. If after preliminary investigation the Chairman of the County Association considers that a prima facie case of misconduct exists the Chairman will refer the complaint to the County Disciplinary Committee.

In the event of an incident considered necessary for disciplinary action by a County against an Affiliated Club or in accordance with Section 3.1.one or more of its members, the following procedure must be followed:-

- (a) The accused Club/member/members involved must be advised, in writing, of the complaint and that the complaint will be referred to the County Disciplinary Committee for a Disciplinary Hearing.
- (b) In the event of a Disciplinary Hearing taking place the date shall, if possible, be agreed with the accused Club/member/members involved, the County shall provide three dates of availability which shall be within twenty eight days of the date of notification to the accused Club/member/members of the complaint or as soon as practical thereafter and in any event the Disciplinary Hearing must be held within 90 days of the date of notification of the complaint to the accused Club/member/members notwithstanding failure to agree such date with the accused Club/member/members. In the event of failure to agree on such date the decision of the County as to the date of the Disciplinary Hearing shall be final.

If after receipt of a complaint under Section 3.1, the County is or becomes aware of the Club or member being charged with a criminal offence which does not reach a conclusion within the 90 day period referred to above any Disciplinary Hearing shall take place within 28 days of the date of the verdict hearing or the charges being withdrawn.

The accused Club/member/members must be given the right to be heard and to be accompanied by an advisor.

- (c) In the case of serious offences, suspension or exclusion from Bowls England will normally be imposed and will be imposed if Bowls England's Protection of Children and Vulnerable Adults Policy so provides until the matter has been reported to the police and either a prosecution has been completed or a decision not to prosecute has been taken. In the event of acquittal of criminal charges, the County reserves the right to initiate internal disciplinary proceedings on the basis of improperly damaging Bowls England or any County Association or Club thereof, or any member thereof, or their reputation.
- (d) Orders to be made for protection only - Orders of suspension and exclusion pending a disciplinary hearing or court trial are to be used only where necessary to protect a member or members of Bowls England, or the property of Bowls England or its members, or where necessary to comply with any requirements under the anti-doping rules. Written reasons for the decision will be recorded and made available to the Club or member who is the subject of the order.
- (e) Periodic review - A decision to suspend or exclude a Club or member from Bowls England pending a disciplinary hearing or a court trial shall be subject to a periodic review at the request of the Club or member who is the subject of the order. Such a review will not involve a hearing, but the Club or member will be entitled either themselves or through an advisor, friend or representative to make written representations to Bowls England. The review will be conducted by any two

directors of Bowls England nominated for the purpose who will in turn ensure that a report is forwarded to the Chairman of the Board of Directors of Bowls England. In addition to this review, the Chairman of the Board of Directors of Bowls England shall review the suspension or exclusion on receipt of written notification of altered circumstances, which might affect the order to suspend or exclude.

3.2 Composition of the County Disciplinary Committee

The governing body of the County Association (in this Regulation, "County Governing Body") will appoint or delegate three persons, none of whom shall have had any previous involvement or material knowledge of the complaint, as the County Disciplinary Committee (in this Regulation "the County Disciplinary Committee"), and delegate power to hold a disciplinary hearing (in this Regulation "Disciplinary Hearing"). The members of any such County Disciplinary Committee need not necessarily be members of the County Association. The County Governing Body shall appoint one of the County Disciplinary Committee to be the Chairman thereof. In making any such delegation, the County Governing Body may impose such conditions, if any, as it thinks fit and everything done in due performance of such delegation shall for all purposes be deemed to be done by the County Governing Body and shall have force and effect accordingly.

Each member of the County Disciplinary Committee must declare any known conflict with the accused Club or member/members or any representative of the parties.

3.3 Written witness statements in advance of the hearing

The Chairman of the County Disciplinary Committee or nominee, on behalf of the County Disciplinary Committee, may call for written witness statements in support of the complaint and in support of the accused Club/member/members to be received by the County Disciplinary Committee and sent to all the other parties at least 14 days in advance of the Disciplinary Hearing.

3.4 Assistance to the County Disciplinary Committee

The Chairman of the County Disciplinary Committee may appoint a person to act as Clerk to the County Disciplinary Committee, who may be legally qualified, to give assistance to the County Disciplinary Committee as it thinks fit. The Chairman will also arrange for minutes of the proceedings to be taken. The Chairman of the County Governing Body will either present the complaint against the accused Club/member/members himself, or appoint a representative to do so, who may be a solicitor (in this Regulation, in either case "the County Case Presenter")

3.5 Representation

A delegated member of the accused Club or member/members should be present at the disciplinary hearing, and may be represented by an advisor, friend or other representative, who may be a solicitor. If the accused Club/ member/members is/are so represented, should it become necessary to ensure good order at the hearing, the Chairman of the County Disciplinary Committee may stipulate that the delegated member of the accused Club or member/members may speak only when called upon to give evidence by their/his/her representative.

3.6 Order of Proceedings

Subject to the provisions of this Regulation, the order of proceedings shall be at the discretion of the County Disciplinary Committee. Members of the County Disciplinary Committee may ask questions of any witness. The County Disciplinary Committee may ask for additional enquiries to be undertaken, and may call for additional witnesses to attend.

3.7 Joint hearings

If two or more accused members are involved in related misconducts, the County Disciplinary Committee may, at its discretion, deal with their case together. However, the wishes of the accused members concerned must be taken into account.

3.8 Standard and Burden of Proof

The burden of proof shall be with the County Governing Body and the County Disciplinary Committee will only find against the accused Club/ member/members if, on the evidence before it, it is satisfied, on the balance of probabilities, that an allegation of misconduct has been proved.

3.9 Evidence

The County Disciplinary Committee will rely solely on evidence presented at the hearing in accordance with Section 3.3 and, in addition, oral evidence may be taken.

3.10 Relevance

The County Disciplinary Committee may refuse to admit evidence that is, in its opinion, irrelevant to the issues raised.

3.11 Opening and closing addresses

The County Case Presenter shall be entitled to address the County Disciplinary Committee before calling witnesses, and at the conclusion of the evidence called on behalf of the accused Club/member/members. The delegated member of the accused Club or member/members or their/his/her representative may address the County Disciplinary Committee before calling witnesses and after the County Case Presenter's final address.

3.12 Witnesses in support of the allegation

The complaint against the accused Club member/members will be put first. The County Case Presenter will ask questions of each witness giving evidence in support of the complaint. These must not be leading questions. The witness may be cross-examined by the delegated member of the accused Club or member/members or their/his/ her representative. Witnesses may be re-examined by the County Case Presenter, but concerning only those matters raised in cross-examination, for the purpose of clarification.

3.13 Submission that there is no case to answer

At the conclusion of the evidence in support of the complaint against the accused Club/member/members, the delegated member of the accused Club or member/members or their/his/her representative may submit that no case has been made out. The County Case Presenter has the right to reply. If the County Disciplinary Committee finds that, on the evidence, there is no case to answer it may dismiss the complaint.

3.14 Witnesses against the allegation

If the case proceeds, the delegated member of the accused Club or member/members may then give evidence. At the conclusion of the accused Club delegated member's evidence or the accused member/member's evidence, the County Case Presenter may cross-examine. The accused Club's delegated member or accused member/members may give evidence in reply to clarify matters raised in cross-examination. The accused Club's delegated member or accused member/members or their/his/her representative may then call further witnesses, who may be similarly cross examined and re-examined.

- 3.15 Recall of witnesses
A witness may be recalled to give further evidence only with the leave of the County Disciplinary Committee.
- 3.16 Time Limits
The County Disciplinary Committee may impose time limits on oral addresses and submissions.
- 3.17 Adjournment
The County Disciplinary Committee shall have the power to adjourn a hearing to another date, as it thinks fit.
- 3.18 Chairman of the County Disciplinary Committee's right to stop the proceedings
The Chairman of the County Disciplinary Committee has the power to suspend the activity of the County Disciplinary Committee at any time, and to stop the proceedings against the accused Club/member/members if he or she believes it to be appropriate to do so.
- 3.19 Absence
The County Disciplinary Committee may reach a decision and impose a penalty, notwithstanding that no member of the accused Club or member/members is/are present at the Disciplinary Hearing, provided that the accused Club/member/members has/have been given notice of the Disciplinary Hearing in accordance with Section 3.1(a) and 3.1(b).
- 3.20 Majority Verdict
If members of the County Disciplinary Committee cannot agree, the verdict of the County Disciplinary Committee will be that decided by the majority of its members.
- 3.21 Report of County Disciplinary Committee
At the termination of the proceedings, the Chairman of the County Disciplinary Committee will write a short report confirming the outcome. In the event of a finding that the allegation has been proved, the report will set out the misconduct alleged, a brief summary of the evidence received, the grounds for the finding that the allegation has been proved, the penalty imposed, and the factors taken into account in deciding the penalty. A copy of the report will be sent to the accused Club/member/members who will be advised of their/his/her right of appeal, and to the Chairman of the Board of Directors of Bowls England and to any other party deemed to have a material interest in the outcome, though in the latter case the report may be censored. Where the misconduct concerns the anti-doping policy, a copy may also be required to be sent to UK Anti-Doping.
4. Penalties
- 4.1 Imposition of penalties
If an allegation of misconduct is proved against an accused Club/member/members, penalties may be imposed on the accused Club/member/members by the County Disciplinary Committee. The penalties are set out at Section 4.3 of this Regulation.

4.2 Matters to be considered

When determining penalties, the County Disciplinary Committee will give consideration to the seriousness of the misconduct, the circumstances of the misconduct, and the general circumstances of the accused Club/member/members. Due regard should also be paid to the seriousness with which Bowls England regards proven deliberate cheating and the misuse of drugs in bowling.

4.3 Types of penalty

An accused Club/member/members found to have an allegation of misconduct proved against them/him/her may be:

- (a) Cautioned.
- (b) Absolutely discharged, which means that although the accused Club/member/members is/are technically found to have had proved against them/him/her the allegation of misconduct alleged, no blame should be attached to their/his/her actions.
- (c) Conditionally discharged, which means that no penalty is imposed, subject to the accused Club/member/members fulfilling certain stipulated conditions as imposed by the County Disciplinary Committee, including future good behaviour, over a specified period of time. If the conditions are not met, a penalty may be imposed following a further hearing, which shall concern itself only with whether the conditions have been broken. Such further hearing shall take place in accordance with paragraph 3.1(b) of section 3.1 and the procedure in sections 3.2 to 3.21 shall apply with such amendments as the County Governing Body shall deem are required for the purpose.
- (d) Required to pay a reasonable sum by way of compensation and restitution for an identified and quantified loss
- (e) In the case of an accused Club, excluded from certain activities of the County Association and/or Bowls England, and in the case of accused member/members, excluded from certain activities of his/her Club and/or County Association and or Bowls England, which may include exclusion from participating in competitive bowls, for a fixed period of time
- (f) In the case of an accused Club, suspended from the County Association and/or Bowls England for a defined period of time and in the case of accused member/members, suspended from his/her Club and/or County Association and/or Bowls England for a defined period of time, which may include suspension from all or part only of certain Club's premises and greens (See also Section 3.1(c))
- (g) In the case of an accused Club, expelled from the County Association and/or Bowls England for an indefinite period of time and in the case of accused member/members, expelled from his/her Club and/or County Association and/or Bowls England for an indefinite period of time (see also Section 3.1(c))
- (h) Required to pay any costs in relation to the investigation and proceedings.

In those cases where suspension or expulsion was imposed prior to the Disciplinary Hearing, that decision to suspend or expel shall expire at the final decision of the Disciplinary Hearing and any decision of this County Disciplinary Committee shall apply from thereon. In the event of the case being proved and suspension or expulsion imposed as part or the whole of any penalty, the County Disciplinary Committee will decide either that the suspension or expulsion will take effect immediately or in the event of an appeal to Bowls England they may decide that the suspension or expulsion should be held in abeyance until that appeal procedure has been finalised. The provisions of Section 3.1(c) should be noted when considering suspension or expulsion. Any decision made by the County Disciplinary

Committee regarding suspension or expulsion may only be overturned by virtue of any appeal procedures.

An accused Club/member/members found to have an allegation of misconduct proved may be cautioned as referred to in (a) above which means that no penalty is imposed but, if the accused Club/member/members is/are found to have had proved against them/him/ her an allegation of misconduct, on a subsequent occasion, within a period of 3 years, the caution may be referred to and taken into account.

Where appropriate the provisions of Sections 10, 11, 12 and 13 of this Regulation, relating to Expulsion and Suspension shall apply.

In the event of an appeal being made, any penalty imposed at the Disciplinary Hearing, other than expulsion or suspension may be held in abeyance until such time as the right to any appeal has ceased and/or all appeal procedures have been finalised.

APPEAL TO BOWLS ENGLAND

5. Appeal from County Association Disciplinary Committee to Bowls England 5.1

- (a) In the event of an allegation of misconduct having been upheld by the County Disciplinary Committee the accused Club/member/members must be advised in writing of their/his/her right to appeal to Bowls England. Such appeal, which can be against the finding that an allegation has been proved and/or against the penalty imposed, must be made in writing to the Chief Executive of Bowls England by way of a notice of appeal within fourteen days of receipt of written notification of the result of the County Disciplinary Hearing.
- (b) The written notice of appeal must set out the grounds of appeal and the appellant/appellants may be required by the Chief Executive of Bowls England to provide a further written submission setting out further details of the grounds of appeal within a specified period.

5.2 National Appeal Hearing

Subject to section 5.4 of this Regulation the governing body of Bowls England (in this Regulation "National Governing Body") shall arrange for a hearing of such appeal either by way of a review hearing or re-hearing (in this Regulation the "National Appeal Hearing"). The date of the National Appeal Hearing shall if possible be agreed with the appellant/appellants. The National Governing Body shall provide three dates of availability, which must be within 28 days of the date of receipt of the written notice of appeal by the Chief Executive of Bowls England, or, if required, 28 days after further details of the grounds of appeal have been received by the Chief Executive of Bowls England or as soon as practicable thereafter. In any event the National Appeal Hearing must take place within 90 days of receipt of the written notice of appeal by the Chief Executive of Bowls England, notwithstanding failure to agree such date with the appellant/appellants. In the event of failure to agree on such date the decision of the National Governing Body as to the date of the Bowls England Appeal Hearing shall be final.

The appellant/appellants must be given the right to be heard and to be accompanied by an advisor.

The Chief Executive will refer the appeal to the Chairman of the Board of Directors of the National Governing Body.

5.3 Composition of Bowls England Appeal Committee

The Chairman of the Board of Directors of the National Governing Body will appoint or delegate three persons, none of whom shall have had any previous involvement or material knowledge of the complaint, as the appeal committee (in this Regulation "the National Appeal Committee"), and delegate power to hear the appeal either by way of a review hearing or re-hearing (subject to section 5.4). The members of any such National Appeal Committee need not necessarily be members of Bowls England. The National Governing Body shall appoint one of the National Appeal Committee to be the Chairman thereof. In making any such delegation, the National Governing Body may impose such conditions, if any, as it thinks fit and everything done in due performance of such delegation shall for all purposes be deemed to be done by the National Governing Body and shall have force and effect accordingly.

Each member of the National Appeal Committee must declare any known conflict with the appellant/appellants or any representative of the parties.

5.4 Nature of appeal

There is no automatic entitlement to a re-hearing of the case. The appeal will be limited to a review hearing, being a review of the decision of the County Disciplinary Committee (in this Regulation the "National Review Hearing") unless Bowls England considers in its discretion that in the circumstances of an individual appeal it would be in the interests of justice and or there has been some procedural impropriety, that Bowls England should hold a re-hearing (in this Regulation "the National Re-Hearing") in which case the procedure set out in Sections 7 & 8 of this Regulation shall apply.

5.5 Assistance to the National Appeal Committee

The Chairman of the National Appeal Committee may appoint a person to act as Clerk to the National Appeal Committee, who may be legally qualified, to give assistance to the National Committee as it thinks fit. The Chairman will also arrange for minutes of the proceedings to be taken. The Chairman of the County Governing Body will either present the case himself or appoint a representative to do so, who may be a solicitor, (in this Regulation, in either case "the County Case Presenter")

6. Procedure for National Review Hearing (see also Section 8)

6.1 If the matter is to proceed by way of a National Review Hearing the National Appeal Committee will invite the appellant/appellants and the respondent to give written submissions. The appellant/appellants or their/his/her representative, who may be a solicitor, may present the appeal in writing or orally, at his/her discretion. The respondent, or their representative, who may be a solicitor, will be given an opportunity to respond.

6.2 Evidence

The National Appeal Committee shall not hear any new evidence, written or oral, and should limit their consideration to the evidence previously provided by the parties to the County Disciplinary Committee.

6.3 Standard and Burden of Proof

The burden of proof shall be with the appellant/appellants. The National Appeal Committee will uphold the appeal if, on the evidence before it, it is satisfied that, on the balance of probabilities, the allegation of misconduct has not been proved.

6.4 Findings of the National Appeal Committee in an appeal against a finding that an allegation has been proven

Where the appeal is against a finding that an allegation has been proven, the National Appeal Committee may, after due consideration:

- (a) Dismiss the appeal allowing the original decision to stand or
- (b) Dismiss the appeal and impose a greater or lesser penalty or alter or amend any conditions imposed by the original penalty. The provisions of section 3.1 (c) shall be noted when considering expulsion or suspension.
- (c) Grant the appeal in which case the allegation in respect of the appellant/appellants will be recorded as not proven.

Where appropriate, the provisions of Sections 10, 11, 12 and 13 of this Regulation, relating to Expulsion and Suspension, shall apply.

6.5 Findings of the National Appeal Committee in an appeal against penalty only

Where the appeal is against penalty only, the National Appeal Committee may, after due consideration:

- (a) Dismiss the appeal allowing the original penalty to stand
- (b) Dismiss the appeal and impose a greater penalty, or alter or amend any conditions imposed by the original penalty. The provisions of Section 3.1(c) should be noted when considering suspension or expulsion.
- (c) Grant the appeal and impose a lesser sentence, or reduce or remove any conditions imposed by the original sentence.

Where appropriate, the provisions of Section 10, 11, 12 and 13 of this Regulation relating to Expulsion and Suspension, shall apply.

When determining an appeal against penalty, the National Appeal Committee will give consideration to the seriousness of the misconduct, the circumstances of the misconduct, and the general circumstances of the appellant/appellants. Due regard should also be paid to the seriousness with which Bowls England regards proven deliberate cheating and the misuse of drugs in bowling.

7. Procedure for a National Re-Hearing. (See also Section 8)

7.1 Written witness statements in advance of the hearing

The Chairman of the National Appeal Committee or nominee, on behalf of the National Appeal Committee, may call for written witness statements in support of the complaint and in support of the accused Club/member/members to be received by the National Appeal Committee and sent to all the other parties at least 14 days in advance of the National Re-Hearing.

7.2 Representation

A delegated member of the accused Club/ or member/members should be present at the National Re-Hearing, and may be represented by an advisor, friend or other representative, who may be a solicitor. If the accused Club/ member/members is/are so represented, should it become necessary to ensure good order at the National Re-Hearing, the Chairman of the National Appeal Committee may stipulate that the delegated member of the accused Club or member/members may speak only when called upon to give evidence by their/his/her representative.

7.3 Order of Proceedings

Subject to the provisions of this Regulation, the order of proceedings shall be at the discretion of the National Appeal Committee. Members of the National Appeal Committee may ask questions of any witness. The National Appeal Committee may ask for additional enquiries to be undertaken, and may call for additional witnesses to attend.

7.4 Joint hearings

If two or more accused members are involved in related misconducts, the National Appeal Committee may, at its discretion, deal with their case together. However, the wishes of the accused member/members must be taken into account.

7.5 Standard and Burden of Proof at National Re-Hearing

The burden of proof shall be with the County Governing Body and the National Appeal Committee will uphold the appeal if, on the evidence before it, it is satisfied, on the balance of probabilities, that the allegation of misconduct has not been proved.

7.6 Evidence

The National Appeal Committee will rely solely on evidence presented at the National Re-Hearing in accordance with 7.1 and in addition oral evidence may be taken.

7.7 Relevance

The National Appeal Committee may refuse to admit evidence that is, in its opinion, irrelevant to the issues raised.

7.8 Opening and closing addresses

The County Case Presenter shall be entitled to address the National Appeal Committee before calling witnesses, and at the conclusion of the evidence called on behalf of the accused Club/member/members. The delegated member of the accused Club or member/members, or their/his/her representative, may address the National Appeal Committee before calling witnesses and after the County Case Presenter's final address.

7.9 Witnesses in support of the allegation

The complaint against the accused Club/member/members will be put first. The County Case Presenter will ask questions of each witness giving evidence in support of the complaint. These must not be leading questions. The witness may be cross examined by the delegated member of the accused Club or member/members or their/his/her representative. Witnesses may be re-examined by the County Case Presenter, but concerning only those matters raised in cross-examination, for the purpose of clarification.

7.10 Submission of no case to answer

At the conclusion of the evidence in support of the complaint against the accused Club/member/members, the delegated member of the accused Club or member/members or their/his/her representative may submit that no case has been made out. The County Case Presenter has the right to reply. If the National Appeal Committee finds that, on the evidence, there is no case to answer it may dismiss the complaint.

7.11 Witnesses against the allegation

If the case proceeds, the delegated member of the accused Club or member/members may then give evidence. At the conclusion of the accused Club's Delegate or member/members evidence, the County Case Presenter may cross examine. The delegated member of the accused Club or member/members may give evidence in reply to clarify matters raised in

cross examination. The delegated member of the accused Club or member/members or their/his/her representative may then call further witnesses, who may similarly be cross examined and re-examined.

7.12 Recall of witnesses

A witness may be recalled to give further evidence only with the leave of the National Appeal Committee.

7.13 Imposition of penalties following a National Re-Hearing

If the National Appeal Committee considers that the allegation of misconduct has been proved against the accused Club/member/members, penalties may be imposed on the accused Club/member/members by the National Appeal Committee.

An accused Club/member/members found to have an allegation of misconduct proved against them/him/her may be:

- (a) Cautioned.
- (b) Absolutely discharged, which means that although the accused Club/member/members is/are technically found to have had proved against them/him/her the allegation of misconduct alleged, no blame should be attached to their/his/her actions.
- (c) Conditionally discharged, which means that no penalty is imposed, subject to the accused Club/member/members fulfilling certain stipulated conditions as imposed by the National Appeal Committee, including future good behaviour, over a specified period of time. If the conditions are not met, a penalty may be imposed following a further hearing, which shall concern itself only with whether the conditions have been broken. Such further hearing shall take place in accordance with paragraph 3.1(b) of section 3.1 and the procedure in sections 3.2 to 3.21 shall apply with such amendments as the National Governing Body shall deem are required for the purpose.
- (d) Required to pay a reasonable sum by way of compensation and restitution for an identified and quantified loss
- (e) In the case of an accused Club, excluded from certain activities of the County Association and/or Bowls England, and in the case of accused member/members, excluded from certain activities of his/her Club, and/or County Association and/or Bowls England which may include exclusion from participating in competitive bowls, for a fixed period of time
- (f) In the case of an accused Club, suspended from the County Association and/or Bowls England for a defined period of time and in the case of accused member/members, suspended from his/her Club, and/or County Association and or Bowls England for a defined period of time, which may include suspension from all or part only of certain Club's premises and greens (See also Section 3.1(c))
- (g) In the case of an accused Club, expelled from the County Association and/or Bowls England for an indefinite period of time and in the case of accused member/members expelled from his/her Club and/or the County Association and/or Bowls England for an indefinite period of time. (see also Section 3.1(c))
- (h) Required to pay any costs in relation to the investigation and proceedings.

In those cases where suspension or expulsion was imposed prior to the National Re-Hearing, that decision to suspend or expel shall expire at the final decision of the National

Re-Hearing and any decision of this National Appeal Committee shall apply from thereon. The provisions of Section 3.1(c) should be noted when considering suspension or expulsion. An accused Club/member/members found to have an allegation of misconduct proved may be cautioned as referred to in (a) above which means that no penalty is imposed but, if the accused Club/member/members is found to have had proved against him or her an allegation of misconduct, on a subsequent occasion, within a period of 3 years, the caution may be referred to and taken into account.

Where appropriate the provisions of Sections 10, 11, 12 and 13 of this Regulation, relating to Expulsion and Suspension shall apply.

7.14 Matters to be considered

When determining penalties, the National Appeal Committee will give consideration to the seriousness of the misconduct, the circumstances of the misconduct, and the general circumstances of the accused Club/member/members. Due regard should also be paid to the seriousness with which Bowls England regards proven deliberate cheating and the misuse of drugs in bowling.

8. Procedures common to National Review Hearings and National Re-Hearings

8.1 Time limits

The National Appeal Committee may impose time limits on oral addresses and submissions.

8.2 Adjournment

The National Appeal Committee shall have the power to adjourn a hearing to another date, as it thinks fit.

8.3 Chairman of the National Appeal Committee's right to stop the proceedings

The Chairman of the National Appeal Committee has the power to suspend the activity of the National Appeal Committee at any time, and to stop the National Appeal Hearing if he or she believes it to be appropriate to do so.

8.4 Absence

The National Appeal Committee may reach a decision and impose a penalty, notwithstanding that the appellant/appellants is/are not present at the National Appeal Hearing, provided that the appellant/appellants has/have been given notice of the Appeal Hearing in accordance with Section 5.2.

8.5 Majority Verdict

If members of the National Appeal Committee cannot agree, the verdict of the National Appeal Committee will be that decided by the majority of its members.

8.6 Report following National Appeal Hearing

After the termination of the National Appeal Hearing, the Chairman of the National Appeal Committee will write a short report confirming the outcome. If the proceedings were a National Review Hearing and the appeal was dismissed or were a National Re-Hearing and the complaint was upheld the report will set out the grounds for the appeal, a brief summary of any evidence received, and the grounds for the finding. A copy of the report will be sent to the appellant/appellants and to the Chairman of the Board of Directors of Bowls England and to any other party deemed to have a material interest in the outcome, though in the latter case the report may be censored. Where the misconduct concerns the anti-doping policy, a copy may also be required to be sent to UK Anti-Doping.

8.7 Decision of National Appeal Committee

The decision of the National Appeal Committee shall be final.

8.8 Costs of National Appeal Hearing

If any National Appeal Hearing is abandoned within forty-eight hours of a scheduled hearing, or is dismissed after a hearing then the National Appeal Committee may, if they think appropriate, make an award of costs and expenses against the appellant/appellants in such sum as the National Appeal Committee consider appropriate. Until such time as the costs and expenses are paid the appellant/appellants shall forfeit all rights, entitlements and recognition under the Regulations and shall be deemed to be suspended.

9. Natural Justice

The rules of natural justice must apply at all times to all matters the subject of this Regulation. Natural justice is procedural fairness comprising of two basic rules; first that no man is to be a judge in his own cause (*nemo iudex in causa sua*), and second that no man is to be condemned unheard (*audi alteram partem*).

10. Expulsion and Suspension

For the purposes of this Regulation, 'expulsion' means the action of expelling a member from membership of a Club for an indefinite period of time, or the County Association or Bowls England in any such case for an indefinite period of time and 'suspension' means the action of suspending from membership for a defined period of time.

A member who is suspended or expelled from Bowls England is prohibited from entering Bowls England premises and from partaking in any activity organised under the auspices of Bowls England. Suspension may be subject to qualification, such as permission to undertake particular activities. An order of suspension or expulsion will be notified in writing to the member, and may include a requirement that the member shall have no contact with a named person or persons.

11. Expulsion

Unless the terms of the expulsion decision in any particular case otherwise so provide, for example, it could be stated that there would be no objection to the member joining another Affiliated Club, no member who has been expelled from his/her Club as a result of a County Disciplinary Hearing or as a result of an appeal to Bowls England shall be admitted to membership of any Affiliated Club or be permitted to play or practise bowls on the green of any Affiliated Club except with the consent of the Board of Directors of Bowls England. For the purpose of this section 11 and sections 12 and 13 of this regulation the term "Affiliated Club" shall mean a Club which is affiliated to Bowls England.

12. Suspension

Unless the terms of the suspension decision in any particular case otherwise so provide, for example it could be stated that there would be no objection to the member joining another Affiliated Club, the following provisions shall apply to any suspension:

- (a) Whilst a member is under suspension from his/her Club as a result of a County Disciplinary Hearing or as a result of an appeal to Bowls England, he/she shall not be permitted to play in any form of competition in his/her own Club nor shall he/she be entitled to represent his/her County Association or Bowls England.
- (b) No member, whilst under suspension from any Club as a result of a County Disciplinary Hearing or as a result of an appeal to Bowls England shall be admitted

to membership of any Affiliated Club, except with the consent of the Board of Directors of Bowls England.

- (c) When a member is under suspension from his/her Club, the member does not forfeit his/her membership. If the member wishes to continue his/her membership of the Club he/she should continue to pay his/her membership fee and will return automatically to the privileges of membership after the period of suspension has terminated. An application to re-apply for membership is not required

13 Notification of Expulsion or Suspension

- (a) Any expulsion or suspension of a member from a Club as a result of the findings of a County Disciplinary Hearing shall, if there is no appeal to Bowls England, be immediately reported to the Chairman of the Board of Directors of Bowls England. In the event of an appeal to Bowls England no such notification will be made until the result of the appeal is known.
- (b) Each County shall as cases arise, send to all Affiliated Clubs within the County and to the General Secretaries/Administrators of adjacent Counties notification of the name of any Club members who have been expelled or suspended. In the case of an appeal, such notification will not be made until the result of the appeal is known.

DISCIPLINARY RULES IN RELATION TO MISCONDUCT AT BOWLS ENGLAND LEVEL
MISCONDUCT

1. Disciplinary Regulation

The right of Bowls England to take disciplinary measures
Any member of Bowls England against whom an allegation of misconduct, as defined below, is alleged, may be subject to disciplinary measures.
The essence of misconduct under this Regulation is:-

 - (a) Improper interference with the functioning or activities of Bowls England or of any members of Bowls England
 - (b) Action which otherwise improperly damages Bowls England or any County Association or Club thereof, or any member thereof, or their reputation.

2. Definitions of Misconduct

For the purposes of this Regulation, the definition of 'misconduct' shall include, but shall not be restricted to;

 - 2.1 breach of Bowls England Protection of Children and Vulnerable Adults Policy;
 - 2.2 any breach of the Rules and Regulations or of the Laws of Bowls England;
 - 2.3 any conduct which is prejudicial to the interests of Bowls England or any County Association or Club thereof, or any member thereof or to the sport of bowls in general;
 - 2.4 failure or refusal for a period of one calendar month to pay any fine lawfully imposed by any competent authority under the jurisdiction of Bowls England;
 - 2.5 deliberately losing or attempting to lose any match or otherwise be guilty of unfair play;
 - 2.6 wilfully altering a bowl after the same has been stamped by a World Bowls Board Licensed Bowls Tester, without submitting the same to such Tester for re-testing and re-stamping;
 - 2.7 the use of any profane, indecent, or improper language at any function of Bowls England or of any County Association or Club thereof, or whilst upon the property of any Club;
 - 2.8 any violent, indecent, disorderly, threatening, intimidating or offensive behaviour at any time or place towards Bowls England (this includes all employees, any County Association or any Club, or any member thereof, or any official appointed by such body, in respect of the carrying out of any functions or duties under the Laws of the Sport or the Rules and Regulations of Bowls England or of such County or Club as applicable);
 - 2.9 Sexual, religious, disability or racial harassment of any member of Bowls England, Associate members or any members affiliated through their County;
 - 2.10 any breach of Bowls England Equity Policy;
 - 2.11 any drug abuse, otherwise known as 'Anti doping', in breach of the Anti Doping Policy Regulations of Bowls England;
 - 2.12 disregarding, or refusing compliance with or acting in contravention of any decision of Bowls England or its Directors or of any official of Bowls England;
 - 2.13 obstructing, disrupting or interfering improperly with the functions, duties or activities of any member or official or visitor of Bowls England;
 - 2.14 any conduct which constitutes a criminal offence;
 - 2.15 any fraud, deceit, deception or dishonesty in relation to Bowls England or its members or visitors;
 - 2.16 behaving fraudulently or cheating at any event held by or connected with Bowls England;
 - 2.17 theft or misappropriation or misuse of property of Bowls England or of Clubs or County Associations or property of its Members;
 - 2.18 failure to comply with a reasonable instruction relating to bowling matters authorised by the Board of Bowls England or the Rules and Regulations of Bowls England to make such instruction;
 - 2.19 the unauthorised use or misuse of premises of Bowls England or any Club or County Association.

DISCIPLINARY PROCEEDINGS AT BOWLS ENGLAND LEVEL

3. Procedure following an allegation of misconduct at Bowls England level

3.1 Any person wishing to make a complaint of misconduct by a County Association, or by a Club affiliated to Bowls England or by a member thereof whose misconduct is in relation to an issue under the jurisdiction of the National Governing Body or by an affiliated Club or by a member thereof where, in the interests of natural justice, the issue cannot be dealt with by the County Association or the Club, must do so in writing to the Chief Executive of Bowls England. If after preliminary investigation the Chief Executive considers that a prima facie case of misconduct exists the Chief Executive will refer the complaint to the Bowls England Disciplinary Committee.

In the event of an incident considered necessary for disciplinary action by Bowls England against a County Association or against an Affiliated Club or in accordance with Section 3.1.one or more of its members, the following procedure must be followed:-

- (a) The accused County/Club/member/members involved must be advised, in writing, of the complaint and that the complaint will be referred to the Bowls England Disciplinary Committee for a Disciplinary Hearing.
- (b) In the event of a Disciplinary Hearing taking place the date shall, if possible, be agreed with the accused County/Club/member/members involved, Bowls England shall provide three dates of availability which shall be within twenty eight days of the date of notification to the accused County/Club/ member/members of the complaint or as soon as practical thereafter and in any event the Disciplinary Hearing must be held within 90 days of the date of notification of the complaint to the accused County/Club/member/members notwithstanding failure to agree such date with the accused County/Club/ member/members. In the event of failure to agree on such date the decision of Bowls England as to the date of the Disciplinary Hearing shall be final.

If after receipt of a complaint under Section 3.1, Bowls England is or becomes aware of the accused County/Club or member being charged with a criminal offence which does not reach a conclusion within the 90 day period referred to above any Disciplinary Hearing shall take place within 28 days of the date of the verdict hearing or the charges being withdrawn. The accused County/Club/member/members must be given the right to be heard and to be accompanied by an advisor.

- (c) In the case of serious offences, suspension or exclusion from Bowls England will normally be imposed and will be imposed if Bowls England's Protection of Children and Vulnerable Adults Policy so provides until the matter has been reported to the police and either a prosecution has been completed or a decision not to prosecute has been taken. In the event of acquittal of criminal charges, Bowls England reserves the right to initiate internal disciplinary proceedings on the basis of improperly damaging Bowls England or any County Association or Club thereof, or any member thereof, or their reputation.
- (d) Orders to be made for protection only - Orders of suspension and exclusion pending a disciplinary hearing or court trial are to be used only where necessary to protect a member or members of Bowls England, or the property of Bowls England or its members, or where necessary to comply with any requirements under the anti-doping rules. Written reasons for the decision will be recorded and made available to the County, Club or member who is the subject of the order.
- (e) Periodic review - A decision to suspend or exclude a County, Club or member from Bowls England pending a disciplinary hearing or a court trial shall be subject to a periodic review at the request of the County, Club or member who is the subject of the order. Such a review will not involve a hearing, but the County, Club or member

will be entitled either themselves or through an advisor, friend or representative to make written representations to Bowls England. The review will be conducted by any two directors of Bowls England nominated for the purpose who will in turn ensure that a report is forwarded to the Chairman of the Board of directors of Bowls England. In addition to this review, the Chairman of the Board of Directors of Bowls England shall review the suspension or exclusion on receipt of written notification of altered circumstances, which might affect the order to suspend or exclude.

3.2 Composition of the Bowls England Disciplinary Committee

The Bowls England Board (in this Regulation, "National Governing Body") will appoint or delegate three persons, none of whom shall have had any previous involvement or material knowledge of the complaint, as the Bowls England Disciplinary Committee (in this Regulation "the Bowls England Disciplinary Committee"), and delegate power to hold a disciplinary hearing (in this Regulation "Disciplinary Hearing"). The members of any such Bowls England Disciplinary Committee need not necessarily be members of the National Governing Body. The National Governing Body shall appoint one of the Bowls England Disciplinary Committee to be the Chairman thereof. In making any such delegation, the National Governing Body may impose such conditions, if any, as it thinks fit and everything done in due performance of such delegation shall for all purposes be deemed to be done by the National Governing Body and shall have force and effect accordingly.

Each member of the Bowls England Disciplinary Committee must declare any known conflict with the accused County/Club/member/members or any representative of the parties.

3.3 Written witness statements in advance of the hearing

The Chairman of the Bowls England Disciplinary Committee or nominee, on behalf of the Bowls England Disciplinary Committee, may call for written witness statements in support of the complaint and in support of the accused County/Club/member/members to be received by the Bowls England Disciplinary Committee and sent to all the other parties at least 14 days in advance of the Disciplinary Hearing.

3.4 Assistance to the Bowls England Disciplinary Committee

The Chairman of the Bowls England Disciplinary Committee may appoint a person to act as Clerk to the Bowls England Disciplinary Committee, who may be legally qualified, to give assistance to the Bowls England Disciplinary Committee as it thinks fit. The Chairman will also arrange for minutes of the proceedings to be taken. The Chairman of the National Governing Body will either present the complaint against the accused County/Club/member/members himself, or appoint a representative to do so, who may be a solicitor (in this regulation, in either case, "the Bowls England Case Presenter")

3.5 Representation

A delegated member of the accused County/Club or member/members should be present at all disciplinary hearings, and may be represented by an advisor, friend or other representative, who may be a solicitor. If the accused County/Club/member/members is/are so represented, should it become necessary to ensure good order at the hearing, the Chairman of the Bowls England Disciplinary Committee may stipulate that the delegated member of the accused County/Club or member/members may speak only when called upon to give evidence by their/his/her representative.

3.6 Order of Proceedings

Subject to the provisions of this Regulation, the order of proceedings shall be at the discretion of the Bowls England Disciplinary Committee. Members of the Bowls England Disciplinary Committee may ask questions of any witness. The Bowls England Disciplinary Committee may ask for additional enquiries to be undertaken, and may call for additional witnesses to attend.

3.7 Joint hearings

If two or more accused members are involved in related misconducts, the Bowls England Disciplinary Committee may, at its discretion, deal with their case together. However, the wishes of the accused members concerned must be taken into account.

3.8 Standard and Burden of Proof

The burden of proof shall be with the Bowls England Governing Body and the Bowls England Disciplinary Committee will only find against the accused County/Club/member/members if, on the evidence before it, it is satisfied on the balance of probabilities that an allegation of misconduct has been proved.

3.9 Evidence

The Bowls England Disciplinary Committee will rely solely on evidence presented at the hearing in accordance with Section 3.3 and, in addition, oral evidence may be taken.

3.10 Relevance

The Bowls England Disciplinary Committee may refuse to admit evidence that is, in its opinion, irrelevant to the issues raised.

3.11 Opening and closing addresses

The Bowls England Case Presenter shall be entitled to address the Bowls England Disciplinary Committee before calling witnesses, and at the conclusion of the evidence called on behalf of the accused County/Club/member/members. The delegated member of the accused County/Club or member/members or their/his/her representative may address the Bowls England Disciplinary Committee before calling witnesses and after the Bowls England Case Presenter's final address.

3.12 Witnesses in support of the allegation

The complaint against the accused County/Club/member/members will be put first. The Bowls England Case Presenter will ask questions of each witness giving evidence in support of the complaint. These must not be leading questions. The witness may be cross-examined by the delegated member of the accused County/Club or member/members or their/his/ her representative. Witnesses may be re-examined by the Bowls England Case Presenter, but concerning only those matters raised in cross-examination, for the purpose of clarification.

3.13 Submission that there is no case to answer

At the conclusion of the evidence in support of the complaint against the accused County/Club/member/members, the delegated member of the accused County/Club or member/members or their/his/her representative may submit that no case has been made out. The Bowls England Case Presenter has the right to reply. If the Bowls England Disciplinary Committee finds that, on the evidence, there is no case to answer it may dismiss the complaint.

3.14 Witnesses against the allegation

If the case proceeds, the delegated member of the accused County/Club or member/members may then give evidence. At the conclusion of the accused County/Club delegated member's evidence or member/member's evidence, the Bowls England Case Presenter may cross-examine. The delegated member of the accused County/Club or member/members may give evidence in reply to clarify matters raised in cross-examination. The delegated member of the accused County/Club or member/members or their/his/her representative may then call further witnesses, who may be similarly cross examined and re-examined.

3.15 Recall of witnesses

A witness may be recalled to give further evidence only with the leave of the Bowls England Disciplinary Committee.

3.16 Time Limits

The Bowls England Disciplinary Committee may impose time limits on oral addresses and submissions.

3.17 Adjournment

The Bowls England Disciplinary Committee shall have the power to adjourn a hearing to another date, as it thinks fit.

3.18 Chairman of the Bowls England Disciplinary Committee's right to stop the proceedings The Chairman of the Bowls England Disciplinary Committee has the power to suspend the activity of the Bowls England Disciplinary Committee at any time, and to stop the proceedings against the accused County/Club/ member/members if he or she believes it to be appropriate to do so.

3.19 Absence

The Bowls England Disciplinary Committee may reach a decision and impose a penalty, notwithstanding that no member of the accused County/Club/ or member/members is/are present at the Disciplinary Hearing, provided that the accused County/Club/member/members has/have been given notice of the Disciplinary Hearing in accordance with Section 3.1(a) and 3.1(b).

3.20 Majority Verdict

If members of the Bowls England Disciplinary Committee cannot agree, the verdict of the Bowls England Disciplinary Committee will be that decided by the majority of its members.

3.21 Report of Bowls England Disciplinary Committee

At the termination of the proceedings, the Chairman of the Bowls England Disciplinary Committee will write a short report confirming the outcome. In the event of a finding that the allegation has been proved, the report will set out the misconduct alleged, a brief summary of the evidence received, the grounds for the finding that the allegation has been proved, the penalty imposed, and the factors taken into account in deciding the penalty. A copy of the report will be sent to the accused County/Club/member/members who will be advised of their/his/her right of appeal, and to the Chairman of the Board of Directors of Bowls England and to any other party deemed to have a material interest in the outcome, though in the latter case the report may be censored. Where the misconduct concerns the anti-doping policy, a copy may also be required to be sent to UK Anti-Doping.

4. Penalties

4.1 Imposition of penalties

If an allegation of misconduct is proved against an accused County/Club/member/members, penalties may be imposed on the accused County/Club/member/members by the Bowls England Disciplinary Committee. The penalties are set out at Section 4.3 of this Regulation.

4.2 Matters to be considered

When determining penalties, the Bowls England Disciplinary Committee will give consideration to the seriousness of the misconduct, the circumstances of the misconduct, and the general circumstances of the accused County/Club/member/members. Due regard should also be paid to the seriousness with which Bowls England regards proven deliberate cheating and the misuse of drugs in bowling.

4.3 Types of penalty

An accused County/Club/member/members found to have an allegation of misconduct proved against them/him/her may be:

- (a) Cautioned.
- (b) Absolutely discharged, which means that although the accused County/Club/member/members is/are technically found to have had proved against them/him/her the allegation of misconduct alleged, no blame should be attached to their/his/her actions.
- (c) Conditionally discharged, which means that no penalty is imposed, subject to the accused County/Club/member/members fulfilling certain stipulated conditions as imposed by the Bowls England Disciplinary Committee, including future good behaviour, over a specified period of time. If the conditions are not met, a penalty may be imposed following a further hearing, which shall concern itself only with whether the conditions have been broken. Such further hearing shall take place in accordance with paragraph 3.1(b) of section 3.1 and the procedure in sections 3.2 to 3.21 shall apply with such amendments as the National Governing Body shall deem are required for the purpose.
- (d) Required to pay a reasonable sum by way of compensation and restitution for an identified and quantified loss
- (e) In the case of an accused County, excluded from certain activities of Bowls England, in the case of an accused Club excluded from certain activities of the County Association and/or Bowls England, and in the case of accused member/members, excluded from certain activities of his/her Club and/or County Association and/or Bowls England which may include exclusion from participating in competitive bowls, for a fixed period of time
- (f) In the case of an accused County suspended from Bowls England for a defined period of time, in the case of an accused Club, suspended from the County Association and/or Bowls England for a defined period of time and in the case of accused member/members, suspended from his/her Club and/or County Association and/or Bowls England for a defined period of time, which may include suspension from all or part only of certain Club's premises and greens (See also Section 3.1(c))
- (g) In the case of an accused County expelled from Bowls England for an indefinite period of time, in the case of an accused Club, expelled from the County Association and/or Bowls England for an indefinite period of time and in the case of accused

- (h) member/ members expelled from his/her Club and/or the County Association and/or Bowls England for an indefinite period of time (see also Section 3.1(c))
- (i) Required to pay any costs in relation to the investigation and proceedings.

In those cases where suspension or expulsion was imposed prior to the Disciplinary Hearing, that decision to suspend or expel shall expire at the final decision of the Disciplinary Hearing and any decision of this Bowls England Disciplinary Committee shall apply from thereon. In the event of the case being proved and suspension or expulsion imposed as part or the whole of any penalty, the Bowls England Disciplinary Committee will decide either that the suspension or expulsion will take effect immediately or in the event of an appeal to the National Governing Body they may decide that the suspension or expulsion should be held in abeyance until that appeal procedure has been finalised. The provisions of Section 3.1(c) should be noted when considering suspension or expulsion. Any decision made by the Bowls England Disciplinary Committee regarding suspension or expulsion may only be overturned by virtue of any appeal procedures.

An accused County/Club/member/Members found to have an allegation of misconduct proved may be cautioned as referred to in (a) above which means that no penalty is imposed but, if the accused County/Club/member/members is found to have had proved against them/him/ her an allegation of misconduct, on a subsequent occasion, within a period of 3 years, the caution may be referred to and taken into account.

Where appropriate the provisions of Sections 10, 11, 12 and 13 of this Regulation, relating to Expulsion and Suspension shall apply.

In the event of an appeal being made, any penalty imposed at the Disciplinary Hearing, other than expulsion or suspension may be held in abeyance until such time as the right to any appeal has ceased and/or all appeal procedures have been finalised.

APPEAL TO THE NATIONAL GOVERNING BODY

5. Appeal from Bowls England Disciplinary Committee to National Governing Body

5.1

- (a) In the event of an allegation of misconduct having been upheld by the Bowls England Disciplinary Committee the accused County/Club/ member/members must be advised in writing of their/his/her right to appeal to the National Governing Body. Such appeal, which can be against the finding that an allegation has been proved and/or against the penalty imposed, must be made in writing to the Chairman of the Board of Directors of the National Governing Body by way of a notice of appeal within fourteen days of receipt of written notification of the result of the Bowls England Disciplinary Hearing.
- (b) The written notice of appeal must set out the grounds of appeal and the appellant/appellants may be required by the Chairman of the Board of Directors of the National Governing Body to provide a further written submission setting out further details of the grounds of appeal within a specified period.

5.2 National Governing Body Appeal Hearing

Subject to section 5.4 of this Regulation the National Governing Body ("in this Regulation the National Governing Body") shall arrange for a hearing of such appeal either by way of a review hearing or re-hearing (in this Regulation the "National Governing Body Appeal Hearing"). The date of the National Governing Body Appeal Hearing shall if possible be agreed with the appellant/appellants. The Chairman of the Board of Directors of the National Governing Body shall provide three dates of availability, which must be within 28 days of the date of receipt of the written notice of appeal by the Chairman of the Board of Directors of the National Governing Body, or, if required, 28 days after further details of the grounds of appeal have been received by the Chairman of the Board of Directors of the

National Governing Body or as soon as practicable thereafter. In any event the National Governing Body Appeal Hearing must take place within 90 days of receipt of the written notice of appeal by the Chairman of the Board of Directors of the National Governing Body, notwithstanding failure to agree such date with the appellant. In the event of failure to agree on such date the decision of the Chairman of the Board of Directors of the National Governing Body as to the date of the National Governing Body Appeal Hearing shall be final. The appellant(s) must be given the right to be heard and to be accompanied by an advisor.

5.3 Composition of the National Governing Body Appeal Committee

The Chairman of the Board of Directors of the National Governing Body will appoint or delegate three persons, none of whom shall have had any previous involvement or material knowledge of the complaint, as the appeal committee (in this Regulation "the National Governing Body Appeal Committee") and delegate power to hear the appeal either by way of a review hearing or re-hearing (subject to section 5.4). The members of any such National Governing Body Appeal Committee need not necessarily be members of Bowls England. The Chairman of the Board of Directors of the National Governing Body shall appoint one of the National Governing Body Appeal Committee to be the Chairman thereof. In making any such delegation, the Chairman of the Board of Directors of the National Governing Body may impose such conditions, if any, as he/she thinks fit and everything done in due performance of such delegation shall for all purposes be deemed to be done by the National Governing Body and shall have force and effect accordingly.

Each member of the National Governing Body Appeal Committee must declare any known conflict with the accused county/club/member/members or any representative of the parties.

5.4 Nature of appeal

There is no automatic entitlement to a re-hearing of the case. The appeal will be limited to a review hearing, being a review of the decision of the Bowls England Disciplinary Committee (in this Regulation the "National Governing Body Review Hearing") unless the Chairman of the Board of Directors of the National Governing Body considers in his/her discretion that in the circumstances of an individual appeal it would be in the interests of justice and or there has been some procedural impropriety, that the National Governing Body should hold a re-hearing (in this Regulation "the National Governing Body Re-Hearing") in which case the procedure set out in Sections 7 & 8 of this Regulation shall apply.

5.5 Assistance to the National Governing Body Appeal Committee

The Chairman of the National Governing Body Appeal Committee may appoint a person to act as Clerk to the National Governing Body Appeal Committee, who may be legally qualified, to give assistance to the National Governing Body Appeal Committee as it thinks fit. The Chairman will also arrange for minutes of the proceedings to be taken. The Chairman of the Board of Directors of the National Governing Body will either present the case himself or appoint a representative to do so, who may be a solicitor, (in this Regulation, in either case "the Bowls England Case Presenter")

6. Procedure for National Governing Body Review Hearing (see also Section 8)
- 6.1 If the matter is to proceed by way of a National Governing Body Review Hearing the National Governing Body Appeal Committee will invite the appellant and the respondent to give written submissions. The appellant/appellants or their/his/her representative, who may be a solicitor, may present the appeal in writing or orally, at his/her discretion. The respondent, or their representative, who may be a solicitor, will be given an opportunity to respond.
- 6.2 Evidence
The National Governing Body Appeal Committee shall not hear any new evidence, written or oral, and should limit their consideration to the evidence previously provided by the parties to the Bowls England Disciplinary Committee.
- 6.3 Standard and Burden of Proof
The burden of proof shall be with the appellant/appellants. The National Governing Body Appeal Committee will uphold the appeal if, on the evidence before it, it is satisfied that, on the balance of probabilities, the allegation of misconduct has not been proved.
- 6.4 Findings of the National Governing Body Appeal Committee in an appeal against a finding that an allegation has been proven
Where the appeal is against a finding that an allegation has been proven, the National Governing Body Appeal Committee may, after due consideration:
- (a) Dismiss the appeal allowing the original decision to stand or
 - (b) Dismiss the appeal and impose a greater or lesser penalty or alter or amend any conditions imposed by the original penalty. The provisions of section 3.1 (c) shall be noted when considering expulsion or suspension.
 - (c) Grant the appeal in which case the allegation in respect of the appellant will be recorded as not proven.
- Where appropriate, the provisions of Sections 10, 11, 12 and 13 of this Regulation, relating to Expulsion and Suspension, shall apply.
- 6.5 Findings of the National Governing Body Appeal Committee in an appeal against penalty only
Where the appeal is against penalty only, the National Governing Body Appeal Committee may, after due consideration:
- (a) Dismiss the appeal allowing the original penalty to stand
 - (b) Dismiss the appeal and impose a greater penalty, or alter or amend any conditions imposed by the original penalty. The provisions of Section 3.1(c) should be noted when considering suspension or expulsion.
 - (c) Grant the appeal and impose a lesser sentence, or reduce or remove any conditions imposed by the original sentence.
- Where appropriate, the provisions of Section 10, 11, 12 and 13 of this Regulation relating to Expulsion and Suspension, shall apply.
- When determining an appeal against penalty, the National Governing Body Appeal Committee will give consideration to the seriousness of the misconduct, the circumstances of the misconduct, and the general circumstances of the appellant/appellants. Due regard should also be paid to the seriousness with which Bowls England regards proven deliberate cheating and the misuse of drugs in bowling.

7. Procedure for a National Governing Body Re-Hearing. (See also Section 8)
 - 7.1 Written witness statements in advance of the hearing
The Chairman of the National Governing Body Appeal Committee or nominee, on behalf of the National Governing Body Appeal Committee, may call for written witness statements in support of the complaint and in support of the accused County/Club/ member/members to be received by the National Governing Body Appeal Committee and sent to all the other parties at least 14 days in advance of the National Governing Body Re-Hearing.
 - 7.2 Representation
A delegated member of the accused County/Club or member/members should be present at the National Governing Body Re-Hearing, and may be represented by an advisor, friend or other representative, who may be a solicitor. If the accused County/Club/ member/members is/are so represented, should it become necessary to ensure good order at the National Governing Body Re-Hearing, the Chairman of the National Governing Body Appeal Committee may stipulate that the delegated member of the accused County/Club or member/members may speak only when called upon to give evidence by their/his/her representative.
 - 7.3 Order of Proceedings
Subject to the provisions of this Regulation, the order of proceedings shall be at the discretion of the National Governing Body Appeal Committee. Members of the National Governing Body Appeal Committee may ask questions of any witness. The National Governing Body Appeal Committee may ask for additional enquiries to be undertaken, and may call for additional witnesses to attend.
 - 7.4 Joint hearings
If two or more accused members are involved in related misconducts, the National Governing Body Appeal Committee may, at its discretion, deal with their case together. However, the wishes of the accused members must be taken into account.
 - 7.5 Standard and Burden of Proof at National Governing Body Re-Hearing
The burden of proof shall be with the National Governing Body and the National Governing Body Appeal Committee will uphold the appeal if, on the evidence before it, it is satisfied, on the balance of probabilities, that the allegation of misconduct has not been proved.
 - 7.6 Evidence
The National Governing Body Appeal Committee will rely solely on evidence presented at the National Governing Body Re-Hearing in accordance with 7.1 and in addition oral evidence may be taken.
 - 7.7 Relevance
The National Governing Body Appeal Committee may refuse to admit evidence that is, in its opinion, irrelevant to the issues raised.
 - 7.8 Opening and closing addresses
The Bowls England Case Presenter shall be entitled to address the National Governing Body Appeal Committee before calling witnesses, and at the conclusion of the evidence called on behalf of the accused County/Club/member/members. The delegated member of the accused County/Club or member/members, or their/his/her representative, may address

the National Governing Body Appeal Committee before calling witnesses and after the Bowls England Case Presenter's final address.

7.9 Witnesses in support of the allegation

The complaint against the accused County/Club/member/members will be put first. The Bowls England Case Presenter will ask questions of each witness giving evidence in support of the complaint. These must not be leading questions. The witness may be cross examined by the delegated member of the accused County/Club or member/members or their/his/her representative. Witnesses may be re-examined by the Bowls England Case Presenter, but concerning only those matters raised in cross-examination, for the purpose of clarification.

7.10 Submission of no case to answer

At the conclusion of the evidence in support of the complaint against the accused County/Club/member/members, the delegated member of the accused County/Club or member/members or their/his/her representative may submit that no case has been made out. The Bowls England Case Presenter has the right to reply. If the National Governing Body Appeal Committee finds that, on the evidence, there is no case to answer it may dismiss the complaint.

7.11 Witnesses against the allegation

If the case proceeds, the delegated member of the accused County/Club or member/members may then give evidence. At the conclusion of the accused County/Club delegated member's evidence or member/members' evidence, the Bowls England Case Presenter may cross examine. The delegated member of the accused County/Club or member/members' may give evidence in reply to clarify matters raised in cross examination. The delegated member of the accused County/Club or member/members or their/his/her representative may then call further witnesses, who may similarly be cross examined and re-examined.

7.12 Recall of witnesses

A witness may be recalled to give further evidence only with the leave of the National Governing Body Appeal Committee.

7.13 Imposition of penalties following a National Governing Body Re-Hearing

If the National Governing Body Appeal Committee considers that the allegation of misconduct has been proved against the accused County/Club/member/members, penalties may be imposed on the accused County/Club/member/members by the National Governing Body Appeal Committee. An accused County/Club/ member/members found to have an allegation of misconduct proved against them/him/her may be:

- (a) Cautioned.
- (b) Absolutely discharged, which means that although the accused County/Club/member/members is/are technically found to have had proved against them/him /her the allegation of misconduct alleged, no blame should be attached to their/his/her actions.
- (c) Conditionally discharged, which means that no penalty is imposed, subject to the accused County/Club/member/members fulfilling certain stipulated conditions as imposed by the National Governing Body Appeal Committee, including future good behaviour, over a specified period of time. If the conditions are not met, a penalty may be imposed following a further hearing, which shall concern itself only with

whether the conditions have been broken. Such further hearing shall take place in accordance with paragraph 3.1(b) of section 3.1 and the procedure in sections 3.2 to 3.21 shall apply with such amendments as the National Governing Body shall deem are required for the purpose.

- (d) Required to pay a reasonable sum by way of compensation and restitution for an identified and quantified loss
- (e) In the case of an accused County, excluded from certain activities of Bowls England, in the case of an accused Club excluded from certain activities of the County Association and/or Bowls England, and in the case of accused member/members, excluded from certain activities of his/her Club and/or County Association and/or Bowls England which may include exclusion from participating in competitive bowls, for a fixed period of time
- (f) In the case of an accused County suspended from Bowls England for a defined period of time, in the case of an accused Club, suspended from the County Association and/or Bowls England for a defined period of time and in the case of accused member/members, suspended from his/her Club and/or County Association and/or Bowls England for a defined period of time, which may include suspension from all or part only of certain Club's premises and greens (See also Section 3.1(c))
- (g) In the case of an accused County expelled from Bowls England for an indefinite period of time, in the case of an accused Club, expelled from the County Association and/or Bowls England for an indefinite period of time and in the case of accused member/ members expelled from his/her Club and/or County Association and/or Bowls England for an indefinite period of time. (see also Section 3.1(c))
- (h) Required to pay any costs in relation to the investigation and proceedings.

In those cases where suspension or expulsion was imposed prior to the National Governing Body Re-Hearing, that decision to suspend or expel shall expire at the final decision of the National Governing Body Re-Hearing and any decision of this National Governing Body Appeal Committee shall apply from thereon. The provisions of Section 3.1(c) should be noted when considering suspension or expulsion.

An accused County/Club/member/members found to have an allegation of misconduct proved may be cautioned as referred to in (a) above which means that no penalty is imposed but, if the accused County/Club/member/members is found to have had proved against him or her an allegation of misconduct, on a subsequent occasion, within a period of 3 years, the caution may be referred to and taken into account.

Where appropriate the provisions of Sections 10, 11, 12 and 13 of this Regulation, relating to Expulsion and Suspension shall apply.

7.14 Matters to be considered

When determining penalties, the National Governing Body Appeal Committee will give consideration to the seriousness of the misconduct, the circumstances of the misconduct, and the general circumstances of the accused County/Club/member/members. Due regard should also be paid to the seriousness with which Bowls England regards proven deliberate cheating and the misuse of drugs in bowling.

8. Procedures common to National Governing Body Review Hearings and National Governing Body Re-Hearings

8.1 Time limits

The National Governing Body Appeal Committee may impose time limits on oral addresses and submissions.

8.2 Adjournment

The National Governing Body Appeal Committee shall have the power to adjourn a hearing to another date, as it thinks fit.

8.3 Chairman of the National Governing Body Appeal Committee's right to stop the proceedings

The Chairman of the National Governing Body Appeal Committee has the power to suspend the activity of the National Governing Body Appeal Committee at any time, and to stop the National Governing Body Appeal Hearing if he or she believes it to be appropriate to do so.

8.4 Absence

The National Governing Body Appeal Committee may reach a decision and impose a penalty, notwithstanding that the appellant/appellants is/are not present at the National Governing Body Appeal Hearing, provided that the appellant/appellants has/have been given notice of the Appeal Hearing in accordance with Section 5.2.

8.5 Majority Verdict

If members of the National Governing Body Appeal Committee cannot agree, the verdict of the National Governing Body Appeal Committee will be that decided by the majority of its members.

8.6 Report following the National Governing Body Appeal Hearing

After the termination of the National Governing Body Appeal Hearing, the Chairman of the National Governing Body Appeal Committee will write a short report confirming the outcome. If the proceedings were a National Governing Body Review Hearing and the appeal was dismissed or were a National Governing Body Re-Hearing and the complaint was upheld the report will set out the grounds for the appeal, a brief summary of any evidence received, and the grounds for the finding. A copy of the report will be sent to the appellant/appellants and to the Chairman of the Board of Directors of Bowls England and to any other party deemed to have a material interest in the outcome, though in the latter case the report may be censored. Where the misconduct concerns the anti-doping policy, a copy may also be required to be sent to UK Anti-Doping.

8.7 Decision of National Governing Body Appeal Committee

The decision of the National Governing Body Appeal Committee shall be final.

8.8 Costs of National Appeal Hearing

If any National Governing Body Appeal Hearing is abandoned within forty-eight hours of a scheduled hearing, or is dismissed after a hearing then the National Governing Body Appeal Committee may, if they think appropriate, make an award of costs and expenses against the appellant/appellants in such sum as the National Governing Body Appeal Committee consider appropriate. Until such time as the costs and expenses are paid the appellant/appellants shall forfeit all rights, entitlements and recognition under the Regulations and shall be deemed to be suspended.

9. Natural justice

The rules of natural justice must apply at all times to all matters the subject of this Regulation. Natural justice is procedural fairness comprising of two basic rules; first that no man is to be a judge in his own cause (*nemo iudex in causa sua*), and second that no man is to be condemned unheard (*audi alteram partem*).

10. Expulsion and Suspension

For the purposes of this Regulation, 'expulsion' means the action of expelling a member from membership of a Club for an indefinite period of time, or the County Association or Bowls England in any such case for an indefinite period of time and 'suspension' means the action of suspending from membership for a defined period of time.

A member who is suspended or expelled from Bowls England is prohibited from entering Bowls England premises and from partaking in any activity organised under the auspices of Bowls England. Suspension may be subject to qualification, such as permission to undertake particular activities. An order of suspension or expulsion will be notified in writing to the member, and may include a requirement that the member shall have no contact with a named person or persons.

11. Expulsion

Unless the terms of the expulsion decision in any particular case otherwise so provide, for example, it could be stated that there would be no objection to the member joining another Affiliated Club, no member who has been expelled from his/her Club as a result of a Bowls England Disciplinary Hearing or as a result of an appeal to the National Governing Body shall be admitted to membership of any Affiliated Club or be permitted to play or practise bowls on the green of any Affiliated Club except with the consent of the Board of Directors of the National Governing Body. For the purpose of this section 11 and sections 12 and 13 of this regulation the term "Affiliated Club" shall mean a Club which is affiliated to Bowls England.

12. Suspension

Unless the terms of the suspension decision in any particular case otherwise so provide, for example it could be stated that there would be no objection to the member joining another Affiliated Club, the following provisions shall apply to any suspension:

- a) Whilst a member is under suspension from his/her Club as a result of a Bowls England Disciplinary Hearing or as a result of an appeal to the National Governing Body, he/she shall not be permitted to play in any form of competition in his/her own Club nor shall he/she be entitled to represent his/her County Association or Bowls England.
- b) No member, whilst under suspension from any Club as a result of a Bowls England Disciplinary Hearing or as a result of an appeal to the National Governing Body shall be admitted to membership of any Affiliated Club, except with the consent of the Board of Directors of the National Governing Body
- c) When a member is under suspension from his/her Club, the member does not forfeit his/her membership. If the member wishes to continue his/her membership of the Club he/she should continue to pay his/her membership fee and will return automatically to the privileges of membership after the period of suspension has terminated. An application to re-apply for membership is not required

13 Notification of Expulsion or Suspension

- (a) Any expulsion or suspension of a member from a Club as a result of the findings of a Bowls England Disciplinary Hearing shall, if there is no appeal to the National Governing Body, be immediately reported to the Chairman of the Board of Directors of Bowls England. In the event of an appeal to the National Governing Body no such notification will be made until the result of the appeal is known.
- (b) The National Governing Body shall as cases arise, send to all Affiliated Clubs within the County of the accused member and to the General Secretaries/Administrators of adjacent Counties, notification of the name of any Club members who have been expelled or suspended.

