



## THE BYE LAWS OF THE ENGLISH BRIDGE UNION LIMITED

*(full version – Appendices included)*

**These Bye Laws came into force by ordinary resolution passed by the Company on November 25<sup>h</sup> 2020. They are binding on all Associations, Affiliated Clubs and Player Members of the Company and on all persons who participate in competitions under the terms of Section 5 of these Bye Laws.**

## **1 INTERPRETATIONS – DEFINITIONS**

- 1.1 Unless the context otherwise requires, the following words and expressions shall have the following meanings when used in these Bye Laws:

**"Affiliated Club"** means a bridge club affiliated to the Company, (either by being affiliated to the Company via its affiliation to an Association or by direct affiliation in accordance with paragraph 2.2).

**"Association"** means an association of individual bridge players which complies with the requirements of, and which has been admitted to Constituent Membership in accordance with, paragraph 2.5.

**"Association Subscription"** means a subscription payable by an Ordinary Player Member to the Association of which they are a member in accordance with paragraph 3.8

**"Board of Directors"** shall have the meaning given to that term in the Articles of Association of the Company.

**"Chairman"** shall have the meaning given to that term in the Articles of Association of the Company.

**"Chief Tournament Director"** means the person appointed by the Board of Directors to perform the functions to be determined in accordance with paragraph 4.3 of these Bye Laws.

**"the Company"** means The English Bridge Union Limited

**"Constituent Membership"** means affiliation to the Company, and the rights thereby enjoyed, by Associations complying with the requirements of paragraph 2.5 and the other requirements of these Bye Laws.

**"Direct Player Member"** is a person who is a Player Member pursuant to paragraph 2.3.1(c).

**"Disciplinary Rules"** means those rules contained in Appendix A to these Bye Laws.

**"Duplicate Contract Bridge"** means the game known by such name on the date of adoption of these Bye Laws and any other form of competition contract bridge and such other game or games closely akin thereto as may from time to time hereafter be devised or invented.

**"Chief Executive"** means the person appointed by the Board of Directors to perform the functions to be determined in accordance with paragraph 4.1 of these Bye Laws.

**"Honorary Life Player Member"** is a person who is a Player Member pursuant to paragraph 2.3.1(b).

**"Law and Ethics Committee"** means the Standing Committee of that name.

**"Open Competition"** shall mean any Duplicate Contract Bridge competition (including online games) licensed by the EBU or run by the EBU or any of its constituent counties or affiliated clubs, other than ~~one those~~ held at the premises of a club or other organisation for its members or employees and their bona fide guests only.

**"Ordinary Player Member"** is a person who is a Player Member pursuant to paragraph 2.3.1(a).

**"Player Member"** means, an Ordinary Player Member, an Honorary Player Member, a Student Player Member or a Direct Player Member.

**"Secretary"** shall have the meaning given to that term in the Articles of Association of the Company.

**"Selection Committee"** means the Standing Committee of that name.

**"Shareholder"** means a shareholder of the Company.

**"Standing Committee"** shall have the meaning given to that term in the Company's Articles of Association.

**"Student Player Member"** is a person who is a Player Member pursuant to paragraph 2.3.1(d).

**"Subscription"** means any dues payable by a Player Member or Affiliated Club to the Company for its own benefit (rather than as agent for an Association) in accordance with Section 3, including but not exclusively annual subscriptions and Universal Membership subscriptions.

**"Subscription Year"** means the period commencing on 1 April in each year and ending on the following 31 March.

**"Tournament Manager"** means a person appointed by the organiser of any Open Competition to control and be responsible for the organisation and management of such Open Competition.

**"Treasurer"** means the person appointed by the Board of Directors to perform the functions to be determined in accordance with paragraph 4.4 of these Bye Laws.

1.2 Unless the context otherwise requires, in these Bye Laws:

- (a) words denoting the singular include the plural and vice versa; and
- (b) words denoting any gender include both genders.
- (c) paragraph headings are for convenience only and shall not affect the interpretation of these Bye Laws, and any reference to a Section or paragraph is to the relevant Section or paragraph of these Bye Laws.

1.3 For the purposes of section 5 (Licences) and the definition of "Open Competition", a member of an Affiliated Club, Association or other organisation is one who is entitled to substantial benefits in common with other members of such Affiliated Club, Association or other organisation (Provided That being unable to participate in any particular competition shall not preclude a person from being a member for these purposes) and a person shall not be considered an employee of an Affiliated Club, Association or other organisation if their employment is mainly related to the competition in question. The decision of the Board of Directors (upon such evidence as it shall require) as to whether or not a person is to be deemed a member, employee or bona fide guest for the purposes of section 5 (Licences) and the definition of "Open Competition", shall be a final and binding decision.

## **2 MEMBERSHIP**

### **2.1 Constituent Members**

Subject to the provisions of paragraph 2.5, Associations shall be admitted to Constituent Membership of the Company and, subject to paragraph 3.9, shall not be required to pay any Subscription to the Company.

### **2.2 Affiliated Clubs**

Any club becomes affiliated to the Company upon payment of an annual subscription, the amount of which shall be fixed from time to time by the Shareholders in general meeting. Any club which is affiliated to an Association shall be affiliated to the Company and any club which, for geographical reasons, cannot be affiliated to an Association may become

affiliated to the Company directly. This includes clubs that only run online games and do not run games at a physical location.

#### Affiliated Clubs

- (a) shall comply with such conditions, rules and regulations as the Board of Directors shall from time to time impose, which conditions the Board of Directors, may vary, add to or revoke; and
- (b) shall be entitled to receive all publications and services provided by the Company upon payment of the charge, if any; and
- (c) may, without express permission or licence from the Company, hold competitions in the club premises, online or elsewhere for its members and their bona-fide guests.

### 2.3 Individual Player Members

2.3.1 Subject to Bye Law 2.3.2, any person becomes a Player Member upon payment of the Subscription (if any) appropriate to his kind of membership as set out below. The amount of the Subscription for each Subscription Year shall be fixed by the Shareholders in general meeting and shall be paid directly to the Company or paid to the relevant Club or Association and then passed on to the Company as appropriate. The different categories of membership for Player Members are:

- (a) 'Ordinary Player Members', who are persons who are members of an Affiliated Club and who become Player Members by being members of an Affiliated Club are required to pay through their Affiliated Club as agent for the Company, whatever Subscription is determined by the Company and the Association in accordance with these Bye Laws to be payable by such persons;
- (b) 'Honorary Life Player Members', who are persons who become Player Members by being so elected by the Company at one of its general meetings upon the recommendation of the Board of Directors, and who shall not be required to pay any Subscription to the Company;
- (c) 'Direct Player Members', who are persons who for geographical or other reasons may become Player Members by being admitted to direct membership of the Company upon payment directly to the Company of whatever Subscription is determined by the Company in accordance with these Bye Laws to be payable by such persons;
- (d) "Bridge for All" student members; and
- (e) such other categories of membership for Player Members as may be decided by the Board of Directors from time to time.

2.3.2 (a) The Board shall refuse to accept any person as a Player Member

(i) pursuant to Bye Law 3.5 for non-payment of subscription, or

(ii) if the person has been expelled from Player Membership under Rule 11.1(i) of the Disciplinary Rules, or suspended from Player Membership under Rule 11.1(ii) of the Disciplinary Rules;

(b) The Board may at its discretion additionally expel a Player Member or refuse to accept any person as a Player Member where the Board considers that the person's behaviour is incompatible with Player Membership. Appeal against such expulsion or refusal may be made to a committee constituted from the members of the EBU Disciplinary Panel.

### 2.4 Player Members shall

- a) Comply with such conditions and regulations as the Board of Directors shall from time to time impose, vary, add to or revoke; and

- b) be entitled to receive all publications and services provided by the Company upon payment of the charge if any. However, the Board may, in certain cases, set minimum contribution requirements to receive these publications and services; and
  - c) be entitled to the benefits of membership set out on paragraph 3.7, and to enjoy the other rights of Player Membership as may be decided by the Board of Directors from time to time.
- 2.5 An Association shall, subject to the provisions of the Company's Memorandum of Association, be admitted to Constituent Membership of the Company upon application to the Company and shall continue to hold such Constituent Membership provided that it complies at all times with the following conditions:
  - (a) the Association shall at the time of its admission to Constituent Membership of the Company have at least fifty (or such lesser number as the Board of Directors may determine from time to time) individual members who are (or would be, upon such Association being admitted to Constituent Membership of the Company) eligible to be Ordinary Player Members;
  - (b) it shall be a condition of individual membership of the Association that its individual members also become Player Members of the Company;
  - (c) the Association shall conduct its affairs in accordance with a constitution which must be approved by the Board. The Board may from time to time request County Associations to revise a previously approved Constitution;
  - (d) all of the Association's members shall have equal rights in the conduct of its affairs; and
  - (e) the members of the Association shall be drawn from a county (or such other defined area as is approved by the Board of Directors) in England, the Channel Islands or the Isle of Man.
- 2.6 The Board of Directors may at any time upon application agree to the sub-division of any Association or to the merger of any two or more Associations (with the resultant Associations or Association maintaining their Constituent Membership) Provided Always That such merger may only be sanctioned when made between geographically adjacent Associations.
- 2.7 Any Association may be excluded from receiving, or may be divested of, Constituent Membership of the Company in accordance with the Company's Articles of Association. An Association which has been so excluded or divested of Constituent Membership shall forfeit all interests (if any) in the assets of the Company and all rights and privileges afforded by Constituent Membership with immediate effect.

### **3 SUBSCRIPTION AND COMPETITION ENTRIES**

- 3.1 The level of Subscription (or levels, should it be determined that different levels shall apply to different categories of membership for Player Members, or that different levels shall apply to different types of game) shall be fixed by the Company by ordinary resolution at each Annual General Meeting and shall take effect on the commencement of the next following Subscription Year.
- 3.2 The Secretary shall notify any changes to the level of Subscriptions made in accordance with paragraph 3.1 as soon as is practicable after the Annual General Meeting to all Associations, Affiliated Clubs and Direct Player Members.
- 3.3 Annual Subscriptions for each Subscription Year shall be due and payable to the Company by the commencement of such Subscription Year.



- 3.4 A person becoming a Direct Player Member during the course of any Subscription Year may, if the Board so determines, pay such amount of the applicable annual subscription as is proportionate to the amount of the current Subscription Year then remaining (rather than a full annual subscription).
- 3.5 A Direct Player Member who either has not paid his annual subscription before the end of the Subscription Year (if required to do so), or who submits his resignation in writing to the Company, shall cease to be a Player Member forthwith or on the later date (if any) specified in his resignation as the case may be. Any such person who ceases to be a Player Member shall remain liable to pay his appropriate annual subscription in respect of the whole or part of the Subscription Year during which he ceased to be a Player Member, and shall not be permitted to become a Player Member at any time at which and such liability remains outstanding.
- 3.6 Without prejudice to the provisions of paragraph 3.5, a Player Member who has not paid his annual subscription for a particular Subscription Year (if required to do so) by 30 June in that Subscription Year shall forfeit all rights afforded by the Company and any Association to Player Members until he has done so, but shall remain subject to the obligations imposed on Player Members as set out in these Bye-Laws.
- 3.7 A Player Member who has paid his annual subscription in respect of any Subscription Year (or who is not required to do so pursuant to paragraph 2.3):
- (a) shall be entitled to participate in any Open Competition which is organised by the Company and which commences in that Subscription Year, subject to such Player Member complying in all respects with the conditions of entry to such competition and subject further to any limitation placed on the numbers and qualifications for entrance and to any circumstances beyond the control of the Company; and
  - (b) shall be entitled to participate in any competition which is organised by any other organisation, which is sanctioned by the Company and which commences in that Subscription Year or which the organiser of the competition deems to appertain to that Subscription Year, even though it may occur wholly or in part in the Subscription Year(s) immediately preceding or following the Subscription Year in question.
- 3.8 Each Association shall at all times keep the Company informed of the applicable level or levels of the Association Subscription levied by it on its members from time to time. In particular, every County Association must, by 31 January, advise the EBU of its subscription rates for the next Subscription Year.
- 3.9 The Company, Associations and Clubs may, where appropriate, collect subscriptions as agents for each other. The payments shall be passed to the relevant entity as soon as practicable.
- 3.10 No person may become a member of an Association or enjoy any benefits of such membership during any Subscription Year unless his appropriate Subscription to the Company in relation to such Subscription Year has been paid.
- 3.11 Subject to any terms imposed by an Association, a Player Member may be a member of any number of Associations in any Subscription Year Provided That
- (a) he has paid to the Company a Subscription (if any) appropriate to his kind of membership in relation to that Subscription Year and
  - (b) he indicates to the Company which Association he considers to be the primary Association of which he is a member for the purposes of Article 4 of the Company's Articles of Association.
- 3.12 A Player Member shall promptly:
- (a) pay to the Company any entry fees payable by him for entry to competitions organised by the Company,

- (b) pay to the Company any charges he may incur for the supply of materials, equipment or services by the Company, and
- (c) reimburse the Company for any sums which the Company may reasonably have disbursed on his behalf.

#### **4 CHIEF EXECUTIVE AND CHIEF TOURNAMENT DIRECTOR**

- 4.1 The duties of the Chief Executive shall be in accordance with the job description determined by the Chairman from time to time in consultation with the Chief Executive. Such duties shall include the preservation of documents, account books and the records of the Company and generally the supervision of the business of the Company, subject to and in accordance with the lawful directions of the Company and the Board.
- 4.2 If at any time there shall be no Chief Executive his duties shall be allocated by the Board of Directors at its discretion between the Secretary and the members of staff of the Company. In such circumstances, every reference to the Chief Executive in these Bye Laws shall be read and construed as a reference to the person for the time being carrying out that duty in accordance with this paragraph 4.2.
- 4.3 The duties of the Chief Tournament Director shall be in accordance with the job description determined by the Chairman from time to time in consultation with the Chief Tournament Director.
- 4.4 The duties of the Treasurer shall be in accordance with the job description determined by the Chairman from time to time in consultation with the Treasurer.

#### **5 LICENCES**

- 5.1 All Open events require a Licence from the Company except where exempted by the Company. General exemptions are detailed in the Masterpoint and Licensing Handbook. Other applications for exemption should be made to the EBU office.
- 5.2 It shall be a required condition of entry to any competition organised, sanctioned or licensed by the Company that each participant submits himself to these Bye Laws of the Company, and in particular to the Disciplinary Rules (whether or not he is a paid up Player Member of the Company).
- 5.3 The Company shall be entitled at its discretion to grant or refuse a licence for an Open Competition pursuant to paragraph 5.1 and to charge or not charge a fee for any licence it may grant.
- 5.4 Licences for Open Competitions issued by the Company shall be in writing and it shall be a duty of the Tournament Manager or other persons having control of any Open Competition requiring a licence to exhibit such licence in a prominent place on the premises where the Open Competition is being held and to certify on the entry form, if any, and on other literature relating to the Open Competition, that a licence has been obtained.
- 5.5 Any Tournament Manager of any Open Competition for which a licence is required submits himself to these Bye Laws of the Company, and in particular to the Disciplinary Rules (whether or not he is a paid up Player Member of the Company) and, if such a licence has not been obtained, shall be guilty of an offence under the provisions of the Disciplinary Rules which shall apply to such person.

#### **6 CONDUCT**

- 6.1 The conduct of Player Members, persons submitting themselves to the Bye Laws of the Company under paragraphs 5.2 and 5.5, and other persons and organisations directly or indirectly affiliated to the Company, shall be regulated in accordance with the Disciplinary Rules set out in Appendix A to these Bye Laws (and, for the avoidance of doubt, such Disciplinary Rules form part of these Bye Laws for the purposes of paragraph 8 below).

6.2 Appeals to the Company from the disciplinary decisions of an Association shall be dealt with in accordance with the provisions of Appendix B to these Bye Laws (and, for the avoidance of doubt, Appendix B forms part of the Disciplinary Rules and therefore part of the Bye Laws for the purposes of paragraph 8 below).

~~6.3 The Disciplinary Rules set out in Appendix A to these Bye Laws shall apply to all disciplinary matters, including those where the conduct complained of took place prior to the date these Bye Laws came into force, except for any case in which a Defendant has already been charged with an offence at the date these Bye Laws came into force, subject to the overriding principle that no Defendant can be charged with an offence in relation to conduct which did not constitute an offence under the Disciplinary Rules in force at the date of such conduct. These Disciplinary Rules shall apply to all disciplinary matters save for those where a Defendant has been charged with an offence at the date these Bye Laws come into force or where the conduct complained took place prior to the date these Bye Laws came into force and such conduct can amount to an offence under these Rules.~~

~~6.36.4 Unless in exceptional circumstances the Board decides otherwise a Defendant who is found to have committed an Offence within Rule 3.2 (iv) of the Disciplinary Rules (unfair or dishonest play) shall not be eligible to represent England in any event for participation in which the approval of the Selection Committee is required, for a period of ten years from the conclusion of the disciplinary proceedings in which he was found to have committed such offence.~~

## **7 STANDING COMMITTEES AND TERMS OF REFERENCE**

The Board may formulate terms of reference of any Standing Committee or officer of the Company and, if any such terms of reference are so settled, they shall be appended to these Bye Laws for information (but, for the avoidance of doubt, they shall not form part of these Bye Laws for the purposes of paragraph 8 below).

## **8 ALTERATION OF BYE LAWS**

These Bye Laws may be amended, or new Bye Laws adopted, by ordinary resolution of the Shareholders provided that notice of such proposed amendment or new Bye Law has been duly given in accordance with the Articles of Association of the Company.



## **APPENDIX A – DISCIPLINARY RULES**

### **1 DEFINITIONS**

- 1.1 In these Disciplinary Rules terms defined in the Articles or Bye Laws of the Company carry the same meaning as in those documents and, the following phrases shall, unless otherwise stated, have the following meanings:
- (i) “Appeals Committee” has the meaning set out in Rule ~~11.6~~11;
  - (ii) “away from the bridge table” in Rule 3.2 shall mean at any location and includes any act or comment in any medium including social media;
  - (iii) “Board” means the Board of Directors of the Company;
  - (iv) “Defendant” means any person or organisation who is the subject of a complaint or whose conduct is under investigation by the Laws and Ethics Committee, whether or not such person has been charged with an Offence;
  - (v) “Disciplinary Committee” has the meaning set out in Rule 6.1;
  - (vi) “Disciplinary Hearing” means a hearing before the Disciplinary Committee in accordance with Rule 9;
  - (vii) “Interim Playing Suspension” has the meaning set out in Rule 8.1;
  - (viii) “L&E Secretary” means the Secretary for the time being to the Laws and Ethics Committee, or such other person as may for the time being be designated by the Chief Executive to perform the functions of the Secretary to the Laws and Ethics Committee;
  - (ix) “Offence” has the meaning set out in section Rule 3.2;
  - (x) “Pro Bono Adviser” has the meaning set out in Rule 5.1; and
  - (xi) “Sanction” means a Sanction set out at Rule 12.1.
  - (xii) “Written Record” means a written record of the decision of the Disciplinary Committee or Appeals Committee, as appropriate, under Rules ~~9.16 and 19~~, 10.3 or 11.21.
- 1.2 In these Disciplinary Rules words incorporating the masculine shall include the feminine, the singular shall include the plural and vice versa and references to person(s) shall include any club or association where the context requires.

### **2 JURISDICTION**

- 2.1 These Disciplinary Rules shall apply to:
- (i) all Player Members;
  - (ii) all bridge associations, clubs, committees and/or persons directly or indirectly affiliated to the Company;
  - (iii) all tournament directors and other officials at events organised by or sanctioned by the Company or by an Association; ~~and~~
  - (iv) any person who participates in an event organised by or sanctioned by the Company or by an Association; ~~and~~
  - (v) any person who has accepted the jurisdiction of the Company in any other manner.
- 2.2 The Company shall exercise the disciplinary function and powers conferred on it by Bye Law 6.1 of its Bye Laws in the manner set out in these Disciplinary Rules. Specifically, the Company shall delegate its power:

- (i) to receive complaints and investigate alleged Offences to the Laws and Ethics Committee in accordance with Rule 4;
  - (ii) to hear disciplinary cases and decide disciplinary Sanctions to the Disciplinary Committee in accordance with Rules 9 and 10; and
  - (iii) to hear and determine appeals to the Appeals Committee in accordance with Rule 11.
- 2.3 The Company shall have jurisdiction to consider a matter if a formal complaint is made in writing to the L&E Secretary from any individual (whether or not a Player Member), Association or club (whether or not an Affiliated Club).
- 2.4 The Laws and Ethics Committee, may, in addition, investigate any other matter which comes to its attention which it may consider constitutes an Offence.

### **3 OFFENCES**

- 3.1 The Sanctions set out in these Disciplinary Rules may be imposed on any person falling at the time of the alleged Offence within the terms of Rule 2.1 who is found to have committed an Offence.
- 3.2 For the purpose of these Disciplinary Rules, the following shall amount to an "Offence":
- (i) a breach of the Bye-Laws or Articles of the Company;
  - (ii) a breach of the regulations laid down by the Board or any of its Standing or other Committees, or any Conditions of Contest or other tournament regulations; including any breach of the fundamental principle set out in the EBU's "Best Behaviour at Bridge" policy;
  - (iii) a breach of the Laws of Duplicate Contract Bridge as in force from time to time;
  - (iv) any unfair or dishonest play;
  - (v) ~~any other act that the Disciplinary Committee or Appeals Committee considers to be misconduct which may include anyany other~~ conduct or behaviour, whether at or away from the bridge table, which falls below the accepted standards required of Player Members and other persons to whom these Disciplinary Rules apply; or
  - (vi) a failure to provide full or true information or evidence to the Laws and Ethics Committee (in the course of its functions under these Disciplinary Rules or otherwise), the L&E Secretary, the Disciplinary Committee or the Appeals Committee or to comply with any decision made pursuant to these Disciplinary Rules.

### **4 LAWS AND ETHICS COMMITTEE**

- 4.1 The functions of the Laws and Ethics Committee shall include:
- (i) receiving complaints, and responding to requests for guidance prior to a possible complaint, made about the behaviour of those subject to these Disciplinary Rules, investigating those complaints (or any other matter which comes to its attention which it considers may constitute an Offence) and, if it thinks appropriate, charging any person or organisation subject to these Disciplinary Rules with an Offence;
  - (ii) being responsible for all matters of administration relating to the conduct of disciplinary proceedings, as well as all other matters specifically set out in these Rules;
  - (iii) in relation to proceedings before the Disciplinary Committee, discharging on behalf of the Company the formal role of prosecutor; and
  - (iv) in relation to proceedings before the Appeals Committee discharging on behalf of the Company the role of appellant or respondent as appropriate.
- 4.2 In discharging its functions in Rule 4.1 (iii) and (iv), the Laws and Ethics Committee shall act by one of its members nominated for the purpose by the Laws and Ethics Committee, or by such other person nominated in accordance with the powers to delegate set out in Rule 4.3.

- 4.3 The Laws and Ethics Committee may be assisted in discharging its functions by other officers or employees of the Company and may delegate its formal functions in any individual case to such person or, in a suitable case, to external legal counsel ~~and any~~. Any reference to the Laws and Ethics Committee or a nominated member of the Laws and Ethics Committee shall be construed so as to refer to any persons to which power is delegated pursuant to this rule. In particular the functions in Rule 4.1(ii) may be delegated to the L&E Secretary.
- 4.4 All references to the actions of the Laws and Ethics Committee in these Disciplinary Rules shall be taken as including actions taken on its behalf by any person so authorised by it under Rules 4.2 or 4.3.

## 5 PRO BONO ADVISER

- 5.1 A Pro Bono Adviser may be appointed by ~~the Chairman of~~ the Board annually from the Player Members of the Company. The Pro Bono Adviser shall not be a current member of the Laws and Ethics Committee but may be a former member of the Laws and Ethics Committee. The function of the Pro Bono Adviser shall be to advise any Defendant charged with an Offence on the procedure set out in these Disciplinary Rules if requested to give such advice by the Defendant. The Pro Bono Adviser may in his absolute discretion decline to offer any advice to the Defendant. For the avoidance of doubt, the Pro Bono Adviser shall not be under any duty or obligation to advise the Defendant about the merits of the charge he faces.
- 5.2 Neither the Pro Bono Adviser nor the Company shall be liable to the Defendant for any loss or damage suffered by the Defendant howsoever arising from the acts omissions or advice of the Pro Bono Adviser. As a condition of his consulting the Pro Bono Adviser the Defendant shall be taken to have waived irrevocably any right that the Defendant has to bring legal proceedings against the Pro Bono Adviser or the Company for any act, omission or advice of the Pro Bono Adviser.

## 6 THE DISCIPLINARY COMMITTEE

- 6.1 A Disciplinary Panel shall be appointed annually by the Board. It shall consist of not fewer than five Player Members, ~~none of whom may also be current~~ who shall not be current members of the Laws and Ethics Committee but may be former members of the Laws and Ethics Committee. The Chairman of the Board shall appoint members of the Disciplinary Panel to form Disciplinary Committees to perform the functions set out in Rule 6.2. The number of ~~panellists~~ members of the Disciplinary Panel required to form a Disciplinary Committee in any particular case shall be determined in accordance with Rules 6.3 and 6.4.
- 6.2 The functions of the Disciplinary Committee shall be:
- (i) to determine the Sanction for Offences admitted by the Defendant pursuant to Rule 7.813;
  - (ii) to hear charges of Offences under these Disciplinary Rules and to determine whether those charges are proved, and if proved, to determine the Sanction to be imposed; and
  - (iii) to report to the Board the results of hearings before it and the Sanctions imposed by it.
- 6.3 Save where the issue is the imposition of a Sanction in accordance with Rule 7.813, in performing its duties under these Disciplinary Rules the Disciplinary Committee shall comprise not fewer than three nor more than five members of the Disciplinary Panel, appointed by the Chairman of the Board in his absolute discretion. The Chairman of the Board shall appoint one of those members as Chairman of the Disciplinary Committee.
- 6.4 When performing its duties in imposing a Sanction in accordance with Rule 7.813, the Disciplinary Committee shall comprise not more than three members of the Disciplinary Panel appointed by the Chairman of the Board in his absolute discretion. In the event that he appoints more than one member, the Chairman of the Board shall appoint one of those members as Chairman of the Disciplinary Committee.
- 6.5 In respect of all matters arising prior to a Disciplinary Hearing a Disciplinary Committee appointed under Rule 6.3 may act by its Chairman alone.

- 6.6 Subject to Rule 6.5, the quorum of members of the Disciplinary Panel for proceedings of the Disciplinary Committee shall be
- (i) three members in the case of a Disciplinary Committee appointed under Rule 6.3; and
  - (ii) one member in the case of a Disciplinary Committee appointed under Rule 6.4.
- 6.7 No member of the Disciplinary Committee may sit to consider a charge who has had prior involvement with the case or has any relevant interest in the outcome of the case such as is considered a conflict of interest by the Chairman of the Disciplinary Committee (or by the Chairman of the Board where the issue relates to the Chairman of the Disciplinary Committee). Any issue arising in relation to this restriction shall be raised with the Chairman of the Disciplinary Committee as soon as possible. The Chairman shall decide whether or not the involvement or interest so notified justifies the exclusion of that person from considering a particular charge or from remaining a member of the Disciplinary Committee for the case.
- 6.8 If by virtue of the operation of Rule 6.7 there are insufficient members of the Disciplinary Panel without an interest to constitute a quorum, the Chairman of the ~~Disciplinary Committee~~ Board may ~~re-appoint~~ appoint a Player Member or any other person he considers to be suitably qualified to sit upon the Disciplinary Committee. Any person so appointed must be free of any interest or involvement as described in Rule 6.7.

## **7 INITIAL PROCEDURE**

- 7.1 Where a written complaint is made, or a matter otherwise comes to the attention of the Laws and Ethics Committee, it shall first consider whether such complaint or matter falls within the scope of the Disciplinary Rules and whether further action is warranted. A complaint received more than 90 days after the alleged ~~offence~~ Offence or incident or if later the date on which the complainant has first become aware of it need not be considered.
- 7.2 If, having made such initial investigations and enquiries as it considers appropriate, the Laws and Ethics Committee considers that further action is warranted, the L&E Secretary shall first write to the Defendant, ~~seeking the Defendant's comments on setting out~~ the substance of the complaint or matter that has been raised. ~~The notification shall include an outline of the disciplinary process, and request a response~~ the Defendant's comments within seven days of receipt. The Laws and Ethics Committee shall be entitled to make such further investigations and enquiries as it considers appropriate. The Laws and Ethics Committee shall also be entitled to seek advice within the Company, including from the members of the Disciplinary Committee Panel, and to obtain external legal advice.
- 7.3 Having conducted such enquiries as it considers appropriate (whether or not comments have been received from the Defendant) the Laws and Ethics Committee shall then consider whether or not to charge the Defendant with an Offence. If the Laws and Ethics Committee decides that there is sufficient evidence to charge the Defendant with an Offence, it may instead decide, in the first instance, to invoke the caution procedure set out in Rules 7.4 to 7.8.
- 7.4 At any time prior to charging the Defendant with an Offence, or deciding not to charge the Defendant, the Laws and Ethics Committee may offer the Defendant the opportunity to have a formal caution placed on his record instead of being charged with an Offence.
- 7.5 It is a condition of a formal caution being placed on a Defendant's record that the Defendant must agree that there is evidence that he has engaged in conduct which would justify the Laws and Ethics Committee charging him with an Offence; that he will refrain from repetition of any such conduct; and that he will accept a formal caution in return for the Laws and Ethics Committee agreeing not to charge him with an Offence.
- 7.6 If a Defendant who has had a formal caution placed on his record is within the period of three years thereafter charged with an Offence (whether or not in relation to similar alleged conduct), the Laws and Ethics Committee may charge the Defendant with an Offence in relation to the conduct which was subject to the caution, notwithstanding the caution.



- 7.7 If a Defendant agrees to a formal caution being placed on his record, the matter shall remain confidential between the Company and the Defendant, except in the event that the Defendant is subsequently charged with an Offence.
- 7.8 If the Defendant does not accept the offer of a formal caution within one week of receiving it, or does not agree to the conditions set out in Rule 7.5, the Laws and Ethics Committee may proceed to charge him with an Offence.
- 7.49 At any time prior to charging the Defendant with an Offence, or deciding not to charge the Defendant, whether or not it has made any investigations or enquiries, and whether or not it has received any comments from the Defendant, the Laws and Ethics Committee may (subject to Rule 7.510) decide that the complaint or matter should be dealt with instead by any Association of which the Defendant is a member. If it so decides the L&E Secretary shall refer the matter to the Association concerned as soon as practicable, and provide the Association with all relevant documents and information in the Laws and Ethics Committee's possession to enable the Association to deal with the matter.
- 7.510 The Laws and Ethics Committee shall only be entitled to refer the matter to be dealt with by the Association if it is satisfied that the Association's constitution includes satisfactory provisions to enable the matter to be dealt with by the Association.
- 7.611 Where, in its absolute discretion, the Laws and Ethics Committee considers it appropriate to charge the Defendant, the L&E Secretary shall write a charge letter to the Defendant. The charge letter shall include:
- (i) a summary of the alleged Offence;
  - (ii) a short factual summary of the evidence supporting the charge;
  - (iii) confirmation that it is the Laws and Ethics Committee's view that the Defendant should be prosecuted for the Offence;
  - (iv) a request that the Defendant respond in writing with either an admission or a denial of the charge;
  - (v) a statement ~~that of the consequences which will result under these Rules~~ if the Defendant admits the charge, ~~denies the matter will be referred charge or fails to the Disciplinary Committee for imposition of a Sanction respond to the charge;~~
  - (vi) an invitation to the Defendant, if he admits the charge, to make a plea in mitigation in writing;
  - (vii) notification to the Defendant that he may seek advice on the procedure set out in these Disciplinary Rules from the Pro Bono Adviser ~~but that the Pro Bono Adviser may decline to give that advice in his absolute discretion; and; and~~
  - (viii) a summary of the provisions of Rule 8, relating to Interim Playing Suspensions.
- 7.712 The charge letter shall specify a date by which the Defendant's response has to be provided. Such date shall be at least 14 days from the date of the charge letter.
- 7.813 If the Defendant admits the Offence then the matter shall be referred to the Disciplinary Committee for a decision on the imposition of a Sanction, in accordance with the procedure set out in Rule 10.
- 7.914 If the Defendant does not admit the Offence the matter shall be referred to the Disciplinary Committee and the procedure set out in Rule 9 shall apply.
- 7.15 In any case where the Laws and Ethics Committee considers that the Defendant's response to the charge is equivocal or otherwise unclear, the Laws and Ethics Committee shall inform the Defendant of how it proposes to treat the response, and may request clarification from the Defendant.
- 7.401  
6 Where, under Rule 7.1, the Laws and Ethics Committee considers that no further action is warranted, or, in its absolute discretion, it considers that it is not appropriate to charge the Defendant, the L&E Secretary shall write to the Defendant and the complainant, if any,



advising them of that decision. The Laws and Ethics Committee is not under any obligation to give any reasons for the decision not to prosecute a charge.

## 8 INTERIM PLAYING SUSPENSIONS

- 8.1 A Defendant who has been charged with an ~~offence~~Offence shall be subject to an Interim Playing Suspension in accordance with the following provisions of this Rule.
- 8.2 The Interim Playing Suspension shall commence two business days after despatch of the Charge Letter, and shall finish on whichever of the following dates is applicable:
- 8.2(i) ~~conclusion of the disciplinary proceedings, which, in~~ the event of an appeal by the Defendant against that the decision of the Disciplinary Committee, means when at the Disciplinary Hearing is to find the charge not proved, or to find the charge proved but not to impose a Sanction under any of Rule 12.1(i) to (iv) inclusive, at the appeal is determined conclusion of the Disciplinary Hearing; or
- (ii) In any other case, on the date on which the Sanction imposed by the Disciplinary Committee takes effect under Rule 12.5.
- 8.3 A player subject to an Interim Playing Suspension may not play in any Open Competition, or be eligible for selection for international representation, during the period of the Interim Playing Suspension.
- 8.4 A player subject to an Interim Playing Suspension may, at any time during the period of the Interim Playing Suspension, apply in writing for a stay of the Interim Playing Suspension. Any such application should be sent to the L&E Secretary.
- 8.5 An application under Rule 8.4 shall be heard as soon as practicable by ~~the Disciplinary Committee or, at the option of the Chairman of the Board, by a single member of the Disciplinary Panel, who has not been appointed as a member of the Disciplinary Committee for the case,~~ the nominated member of the Disciplinary Panel, ~~as the case may be,~~ shall consider the application on the basis of written submissions alone. Both the Defendant making the application and the Laws and Ethics Committee shall be entitled to make such representations.
- 8.6 An application under Rule 8.4 shall only be granted if the Defendant satisfies the ~~Disciplinary Committee or the~~ nominated member of the Disciplinary Panel, ~~as the case may be,~~ that the effect of the Interim Playing Suspension on the Defendant is disproportionate having regard to:
- (i) the alleged ~~offence~~Offence;
  - (ii) the length of time that has elapsed since the issue of the Charge Letter;
  - (iii) the length of time which is likely to elapse before the disciplinary proceedings are concluded; and
  - (iv) any other factor which the ~~Disciplinary Committee or the~~ nominated member of the Disciplinary Panel, ~~as the case may be,~~ considers relevant to the question of proportionality.
- 8.7 An application under Rule 8.4 may be granted for such period and/or subject to such conditions as the ~~Disciplinary Committee or the~~ nominated member of the Disciplinary Panel, ~~as the case may be,~~ think ~~thinks~~ fit.
- 8.8 If an application under Rule 8.4 is granted, the Defendant may play in any Open Competition, and be eligible for selection for international representation, during the period of the stay granted, subject to compliance with any conditions.
- 8.9 Subject to Rule 8.10, the fact that a player is subject to an Interim Playing Suspension will not be the subject of any publicity or notification except in the event that the player plays or attempts to play in any Open Competition during the period of the Interim Playing Suspension or breaches or attempts to breach any conditions attached to any stay of the Interim Playing Suspension.

- 8.10 The EBU Selection Committee may be advised, in confidence, of the fact that a player is subject to an Interim Playing Suspension.
- 8.11 Any alleged breach of an Interim Playing Suspension or of the conditions attached to any stay of the Interim Playing Suspension may be treated as an ~~offence~~Offence under Rule 3.2(v) and subject to a fresh charge.
- 8.12 Alternatively, any alleged breach of the conditions attached to a stay of the Interim Playing Suspension may be referred back to the ~~Disciplinary Committee or the~~ nominated member of the Disciplinary Panel, ~~as the case may be~~, who may cancel or modify the stay of the Interim Playing Suspension.
- 8.13 No Defendant shall have any recourse against the Company or any of its Officers, employees or the members of any Committee, for having been subject to an Interim Playing Suspension if at the conclusion of the disciplinary proceedings he is found not to have committed an ~~offence~~Offence, or if he is subjected to a Sanction of shorter duration than the Interim Playing Suspension, or to no Sanction at all.

## **9 PROCEEDINGS BEFORE THE DISCIPLINARY COMMITTEE**

### **PRELIMINARY**

- 9.1 In order to commence a prosecution before the Disciplinary Committee, the L&E Secretary shall send a letter to the Chairman of the Disciplinary Committee enclosing:
- (i) a copy of the charge letter; and
  - (ii) a copy of any reply from the Defendant to the charge letter;
- asking him to convene a Disciplinary Hearing before the Disciplinary Committee.

### **APPLICABLE PRINCIPLES**

- 9.2 Every person responding to enquiries made by the Laws and Ethics Committee or the Disciplinary Committee or giving evidence before the Disciplinary Committee must give full and truthful evidence.
- 9.23 The Laws and Ethics Committee shall bear the burden of proving the charge on the balance of probabilities, unless the Disciplinary Committee rules that the charge includes an allegation of dishonesty, in which case the Laws and Ethics Committee shall bear the burden of proving to the comfortable satisfaction of the Disciplinary Committee (a standard of proof that is stated to be lower than the criminal standard of beyond reasonable doubt, but higher than the civil standard of balance of probabilities) on clear and convincing evidence that the accused person has engaged in such conduct.
- 9.34 The Laws and Ethics Committee shall notify the Defendant of the nature of the evidence and the name(s) of the witness(es) that will give the evidence that it intends to submit in support of the charge, and the Defendant shall notify the Laws and Ethics Committee of the nature of the evidence and the name(s) of the witness(es) that will give the evidence which he intends to submit in defence of the charge. Such notification shall be made by a date specified by the Chairman of the Disciplinary Committee (and notified to the parties by the L&E Secretary), which date shall be at least seven days before the date of the Disciplinary Hearing.
- 9.65 The Defendant shall have the right to be represented by legal counsel of his choice or may be accompanied by a person to speak on his behalf.
- 9.86 The proceedings before the Disciplinary Committee need not follow the strict rules of evidence. The Disciplinary Committee may admit such evidence as it thinks fit and accord such evidence such weight that as it thinks appropriate in all the circumstances.
- 9.97 All proceedings of the Disciplinary Committee shall take place in private but any Defendant will be entitled to invite an observer, who ~~will~~must take no part in the proceedings, in addition to any representative under Rule ~~9.65~~.

9.128 Subject to the right of appeal set out in Rule 11, a decision of the Disciplinary Committee shall be deemed to be a decision of the Company and shall be final and binding and recognised by all Player Members, officers and officials of the Company.

### 9.13 CASE MANAGEMENT

9.209 In exercising its functions under this Rule, the Disciplinary Committee shall have a broad discretion to regulate its own procedure as it considers appropriate. Without prejudice to the generality of this power, the Disciplinary Committee shall have the power:

- (i) to order the parties to attend a case management hearing in advance of the Disciplinary Hearing where matters of evidence and procedure may be decided;
- (ii) to order any further directions in order to ensure that the case is prepared properly prior to the disciplinary hearing;
- (iii) to extend or vary any time limit set out in these Disciplinary Rules;
- (iv) to adjourn the proceedings to allow time for the submission of further evidence or for any other reason;
- (v) to ask questions directly of any party or witness;
- (vi) to direct that cross-examination of witnesses be conducted through questions given to the Chairman of the Disciplinary Committee;
- (vii) to exclude evidence on grounds of lack of relevance or failure to comply with these Rules or its directions;
- (viii) to proceed with a Disciplinary Hearing in the absence of the Defendant, provided that the Disciplinary Committee is satisfied that the L&E Secretary has taken reasonable steps to give the Defendant notice of the date, time and place of the Disciplinary Hearing in accordance with Rule 9.210;
- (ix) to require that any party disclose documents or other material relevant to the case to another party and/or to the Disciplinary Committee; and to regulate the manner in which such disclosure is to be made (including whether disclosure of documents in electronic form is sufficient);
- (x) to regulate attendance at any Disciplinary Hearing, to allow including restricting the number of representatives permitted to a Defendant, and allowing or exclude excluding additional observers.; and
- (xi) to regulate the manner in which any party to disciplinary proceedings should communicate with any other party.

9.241  
0 The L&E Secretary and the Chairman of the Disciplinary Committee shall liaise to schedule a date for the Disciplinary Hearing. At least 14 days prior to the Disciplinary Hearing the L&E Secretary shall give the Defendant notice of the date, time and venue (which may be online) of the Disciplinary Hearing and the composition of the Disciplinary Committee for that Hearing.

### PROCEEDINGS AT THE DISCIPLINARY HEARING

9.11 At the commencement of the Disciplinary Hearing the Chairman shall ascertain ~~that the person the identity of those present to answer the charge is the Defendant or his representative and the~~ The charge shall then be read out or summarised along with the Defendant's response to the charge. The Chairman shall then state the procedure to be followed at the hearing and any preliminary issues shall then be raised and resolved.

9.221  
2 Following the Chairman's introduction of the hearing the representative of the Laws and Ethics Committee shall present the evidence in support of the charge to the Disciplinary Committee. Subject to Rule 9.209, the Laws and Ethics Committee shall be entitled to call such witnesses and to submit such evidence as it wishes. The Defendant shall have the right to challenge all evidence offered in support of the charge including cross-examining all and any witnesses called on behalf of the ~~prosecution~~ Laws and Ethics Committee.

- 9.13 Following the presentation of the case on behalf of the Laws and Ethics Committee the Defendant shall then have the right to present his case to the Disciplinary Committee. The Defendant shall be entitled (subject to Rule 9.209) to call such witnesses and to submit such evidence as he wishes. The Laws and Ethics Committee shall have the right to challenge all evidence provided by the Defendant, including cross-examining any and all such witnesses.
- 9.14 Once the Defendant has completed the presentation of his case the representative of the Laws and Ethics Committee shall make its closing submissions in support of the charge. The Defendant shall then have the right to make closing submissions. Upon the conclusion of closing submissions, the Disciplinary Committee will consider its verdict in private.
- 9.15 The Disciplinary Committee shall consider in private whether or not the charge is proved. Upon reaching its decision the Chairman shall reconvene the Disciplinary Hearing and inform the parties of the Disciplinary Committee's finding. If the Disciplinary Committee finds any charge proved against the Defendant the Laws and Ethics Committee shall have the right to present submissions to the Disciplinary Committee on any matters that it considers pertinent to Sanction, including the Defendant's prior disciplinary record, and the Defendant shall have the right to present submissions on matters forming a plea in mitigation.
- 9.16 Having heard such submissions, the Disciplinary Committee shall consider the appropriate Sanction in private. In considering the Sanction to be imposed the Disciplinary Committee shall have regard to:
- (i) the Offence;
  - (ii) any plea in mitigation from the Defendant;
  - (iii) any report from the Laws and Ethics Committee on the Defendant's previous disciplinary record;
  - (iv) any previous Sanctions imposed for similar ~~offences~~ Offences on this or another Defendant; and
  - (v) any other mitigating or aggravating factors which the Disciplinary Committee considers to be present;
  - (vi) any breach of an Interim Playing Suspension by the defendant that the Disciplinary Committee is satisfied has taken place; and
  - (vii) any other fact or matter which the Disciplinary Committee, in its absolute discretion, considers appropriate.
- 9.17 Once the Disciplinary Committee has reached a decision the Chairman in his absolute discretion may either reconvene the hearing and deliver the decision or deliver the decision in writing within a reasonable period of time.
- 9.18 In reaching its decisions, whether on liability or Sanction, there is no requirement that the Disciplinary Committee be unanimous. It is sufficient if a majority of the Disciplinary Committee favour a particular conclusion. No minority opinion or dissenting judgment shall be produced and the Disciplinary Committee shall give no indication to any party that its decision was other than unanimous.

#### **PROCEDURE AFTER THE HEARING**

- 9.19 The Disciplinary Committee shall make a record of the decision, which shall include:
- (i) in relation to each charge, its decision as to whether the charge was proved;
  - (ii) the findings of fact on which such decision was based;  
and in addition, in respect of each charge that was found to be proved:
  - (iii) its decision as to any Sanctions to be imposed;
  - (iv) its decision as to publication of its findings; and
  - (v) a note of the reasons for its decisions.



- 9.20 Within a reasonable period of time after the Disciplinary Hearing, the L&E Secretary shall send to the Defendant ~~(by first class post to the Defendant's last known address)~~ a copy of the Written Record.
- 9.21 In a case where any charge was found to be proved by the Disciplinary Committee, the L&E Secretary shall also send to the Defendant a statement setting out the consequences of the Disciplinary Committee's decision, to include such matters as the scope of any Sanction imposed, the Defendant's ~~a summary of the provisions of these Disciplinary Rules concerning his right of appeal, and the applicable provisions in relation to loss of accreditation, publication and notification.~~

## 10 ADMISSIONS

- 10.1 Where, in accordance with Rule 7.8~~13~~, a Defendant admits an Offence in writing, in considering the Sanction to be imposed the Disciplinary Committee shall have regard to: the admission by the Defendant and the matters set out in Rule 9.16.
- ~~(i) the offence;~~
  - ~~(ii) the admission by the Defendant;~~
  - ~~(iii) any written plea in mitigation from the Defendant;~~
  - ~~(iv)~~
  - ~~(v) any previous Sanctions imposed for similar Offences on this or any other Defendant; and~~
  - ~~(vi) any other fact or matter which the Disciplinary Committee, in its absolute discretion, considers appropriate.~~
- 10.2 In reaching its decision on the Sanction to be imposed the Disciplinary Committee may, if it chooses and in its absolute discretion, consult with other members of the Disciplinary Panel or obtain external legal advice.
- 10.3 The Disciplinary Committee shall make a record of the decision, which shall include:
- (i) its decision as to any Sanctions to be imposed;
  - (ii) its decision as to publication of its findings; and
  - (iii) the reasons for its decision.
- 10.4 Within a reasonable period of time after the Disciplinary Committee has reached its decision, the L&E Secretary shall send to the Defendant ~~(by first class post to the Defendant's last known address)~~ a copy of the Written Record.
- 10.5 In a case where any Sanction has been imposed by the Disciplinary Committee, the L&E Secretary shall also send to the Defendant a summary of statement in relation to the provisions of these Disciplinary Rules concerning his right of appeal matters referred to in Rule 9.21. The provisions of Rule 11.3~~4~~ shall apply to any appeal against the Sanction imposed.
- 10.6 ~~The Defendant shall be deemed to have received the Written Record two working days after despatch.~~

## 11 APPEALS

- 11.1 Every Defendant found guilty of an ~~offence~~Offence by the Disciplinary Committee has the right to appeal the Disciplinary Committee's decision to the Appeals Committee. ~~A deposit of £100 must be lodged with the English Bridge Union before the appeal may proceed. The appeal may be against any or all of the decision to find the charge proved, the Sanction imposed and the decision in relation to publication and/or notification. However, the power of the Appeals Committee to allow an appeal in relation to the decision in relation to publication and/or notification shall be limited to making a recommendation to the Board.~~



- 11.2 A deposit of £100 must be lodged with the Company before the appeal may proceed. This deposit will normally be returned unless the appeal is considered frivolous by the Appeals Committee.
- 11.23 The Laws and Ethics Committee has the right to appeal a decision of the Disciplinary Committee to the Appeals Committee ~~but the right of the Laws and Ethics Committee to appeal the decision shall be~~ limited to an appeal against the Sanction (if any) imposed by the Disciplinary Committee. ~~The Laws and Ethics Committee shall not be entitled to request a de novo hearing.~~
- 11.34 Any appeal against the decision of the Disciplinary Committee must be filed within 14 days of the date on which the Defendant is deemed, under Rule ~~9.19 or 10.6~~ 14.1, to have received the Written Record.
- 11.45 On the written application of the Defendant or the Laws and Ethics Committee (to be sent to the L&E Secretary) within the 14-day period mentioned in Rule 11.34, the Chairman of the Board may extend the time limit in Rule 11.34, and may make such extension subject to such conditions as he thinks fit.
- 11.56 In the remainder of this Rule, the party appealing the decision of the Disciplinary Committee shall be referred to as the “Appellant” and the other party as the “Respondent”.
- 11.7 Any appeal must be filed by submitting a written Notice of Appeal, with copies of all documents relied on in support of the appeal, to the L&E Secretary (although copies of documents which were before the Disciplinary Committee need not be provided as long as those relied on are clearly identified in the Notice of Appeal). The Notice of Appeal shall set out the decision appealed against, and the grounds upon which it is submitted that the Disciplinary Committee has erred, ~~and (if applicable) the grounds for requesting a de novo hearing.~~
- 11.8 No appeal shall ordinarily be entertained unless the Notice of Appeal includes a properly arguable claim that the Disciplinary Committee has erred in one or more of the following respects:
- (i) It failed to consider the evidence provided;
  - (ii) It wrongly refused to admit evidence;
  - (iii) It conducted the case in a way that involved procedural errors materially prejudicial to the Defendant(s);
  - (iv) It made findings of fact that are manifestly perverse on the evidence before it; or
  - (v) In imposing a Sanction it failed to take proper account of the currently applicable guidelines.
- 11.9 The L&E Secretary shall send copies of the Notice of Appeal and of all relevant documents to the Respondent.
- 11.10 Within 14 days of receipt of the Notice of Appeal the L&E Secretary shall request the Chairman of the Board to convene an Appeals Committee.
- 11.40 11 The Appeals Committee shall comprise at least three individuals appointed by the Chairman of the Board from among the Vice Presidents of the Company, the Board ~~of Directors~~ and members of the Disciplinary Panel. Where, in his absolute discretion, the Chairman considers that there are insufficient suitable persons within those categories available to be appointed, he may appoint a Player Member from outside those categories to the Appeals Committee. ~~Failure to comply with the requirements of Rule 11.8 shall constitute grounds for summary dismissal of the Appeal by the Appeals Committee.~~
- 11.44 12 No one may sit on an Appeals Committee hearing a particular case who has had prior involvement with the case or has any relevant interest in the outcome of the case such as is considered a conflict of interest by the Chairman of the Board. Any person who is asked to sit and who may have grounds for thinking that such involvement or interest may exist shall

notify the Chairman of the Board at the first available opportunity. Alternatively, any party to the Appeal Proceedings may raise the issue, at which point the Chairman of the Board shall decide whether or not the involvement or interest identified justifies the exclusion of that person from the Appeals Committee. In the event that a person is excluded, the Chairman of the Board shall nominate a replacement.

11.12 ~~If the Appellant requests a de novo hearing the As soon as practicable after its appointment~~  
13 ~~the Appeals Committee shall first consider the application, on the basis of written submissions alone, whether the procedural requirements of Rule 11.7 and the substantive requirements of Rule 11.8 have been complied with. If the Appeals Committee considers that the Appellant has failed to comply with any of those requirements in a material respect, and that there is no other exceptional reason for hearing the appeal, it may summarily dismiss the appeal.~~

11.14 ~~When the Appeals Committee has considered the issues set out in Rule 11.13 it may order a fresh Disciplinary Hearing before a new Disciplinary Committee. The provisions of Rule 9 shall apply to such fresh hearing, and the provisions of this Rule shall apply if the Defendant is found guilty of an Offence at the fresh Disciplinary Hearing.~~

11.13 ~~If the Appellant can show good cause, the Appeals Committee neither summarily dismisses the appeal under Rule 11.13 nor orders a fresh Disciplinary Hearing under Rule 11.14, an~~  
15 ~~Appeal Hearing shall order a de novo hearing, which shall be heard by take place before the Appeals Committee or a new Disciplinary Committee and follow as nearly as possible the procedures of the Disciplinary Committee set out at Rules 9.7 to 9.15 inclusive. If heard by the Appeals Committee, the findings of this hearing may not be appealed further. If the Appellant cannot show good cause, the The burden of proof at the Appeal Hearing will be on the Appellant to prove, on the balance of probabilities, that the Disciplinary Committee erred in finding the charge proved or imposed in imposing an inappropriate or excessive Sanction.~~

11.16 ~~The L&E Secretary shall promptly notify the parties to the appeal of the Appeals Committee's decisions under Rules 11.13 and 11.14. Where Rule 11.15 applies, the L&E Secretary shall advise the parties to the appeal of the composition of the Appeals Committee and of the date, time and venue (which may be online) of the Appeal Hearing.~~

11.44 ~~The Appeals Committee shall have broad discretion to regulate its own procedure. After its~~  
17 ~~appointment determining that Rule 11.15 applies, it shall order such directions as it considers appropriate. Without prejudice to the generality of its powers it shall have the same powers as are given to the Disciplinary Committee under Rule 9.20 above 9. The provisions of Rules 9.42, 9.5, 9.6, 9.15, 9.16, 9.177, 9.18 and, 9.19, 9.21 shall 20 and 9.21 shall apply to the proceedings of the Appeals Committee as they apply to proceedings of the Disciplinary Committee, mutatis mutandis.~~

11.15 ~~The Appeals Committee shall have absolute discretion to admit or refuse any new evidence~~  
18 ~~tendered by any party and also to adjourn the proceedings for the purpose of taking new evidence if it considers it appropriate.~~

11.16 ~~Having considered all of the evidence presented to it at the Appeal Hearing, and having~~  
19 ~~allowed the parties to the Appeal an opportunity to make submissions in all relevant matters the Appeals Committee will consider its decision in private.~~

11.17 ~~For the avoidance of doubt, where the Appeals Committee decides to impose a Sanction~~  
20 ~~upon the Defendant, it may impose any or all of the Sanctions set out at Rule 12 and shall not be fettered in its choice of Sanction by the Sanction imposed by the Disciplinary Committee.~~

11.18 ~~A decision of the Appeals Committee shall be deemed to be a decision of the Company and~~  
21 ~~be final and binding and recognised by all Player Members, officers and officials of the Company.~~

## **12 SANCTIONS**

12.1 ~~If the Disciplinary Committee or the Appeals Committee find the Offence has been proved it may impose upon the Defendant one or more of the following Sanctions:~~

- (i) expulsion from Player Membership of the Company;
  - (ii) suspension from Player Membership of the Company for a specified period of time, or, in the case of a non-member, a bar on that individual becoming a Player Member of the Company for a specified period of time;
  - (iii) a ban on participation in one or more specified competitions of the Company for a specified period of time;
  - (iv) a ban on partnering one or more specified individuals in all competitions for a specified period of time.
  - (v) a reprimand or censure; and/or
  - (vi) a fine up to a maximum of ~~£500~~£1000.
- 12.2 If the Defendant is an Affiliated Club, Rules 12.1 (i) and (ii) shall take effect as cancellation of the club's affiliation, or suspension of the club's affiliation for the specified period, respectively.
- 12.3 In the event of a Sanction being imposed under any of Rule 12.1 (i), ~~(iii) or~~ to (iv), inclusive, the specified period of time shall (subject to Rule 12.4) automatically be reduced by the aggregate period of any Interim Playing Suspension to which the Defendant has been subject under Rule 8 (not counting any period during which a stay of the Interim Playing Suspension was in force).
- 12.4 The reduction specified in Rule 12.3 shall not be applied in respect of any period during which the Disciplinary Committee (or Appeals Committee) is satisfied that the Defendant was in breach of the Interim Playing Suspension.
- ~~12.45~~ Any Sanction imposed by the Disciplinary Committee shall take effect on the day immediately following the date on which the Defendant is deemed, under Rule ~~9.19 or 10.6~~14.1, to have received the Written Record, unless a different date is specified by the Disciplinary Committee. However, a reprimand or censure under Rule 12.1(v) will not be formally actioned and a fine under Rule 12.1(vi) will not be payable until the time for appeal has elapsed or the appeal has been determined, as the case may be.
- ~~12.56~~ Any Sanction imposed by the Appeals Committee shall take effect forthwith unless a different date is specified by the Appeals Committee.
- ~~12.67~~ A Defendant subjected by the Disciplinary Committee to a Sanction under any of Rule 12.1 (i) to (iv) inclusive who files a Notice of Appeal may accompany the Notice of Appeal with a written application for a stay of the Sanction. Any such application shall be heard as soon as practicable by the Appeals Committee or, at the option of the Chairman of the Board, by a single member of the Disciplinary Panel, who was not a member of the Disciplinary Committee for the case, nominated for the purpose by the Chairman of the Board. The Appeals Committee or the nominated member of the Disciplinary Panel, as the case may be, shall consider the application on the basis of written submissions alone.
- ~~12.78~~ An application for a stay of the Sanction shall only be granted if the Defendant satisfies the Appeals Committee or the nominated member of the Disciplinary Panel, as the case may be, that a substantial likelihood exists that on the hearing of the Appeal the Disciplinary Committee's decision that one or more charges were proved will be reversed or that the Sanction imposed by the Disciplinary Committee will be significantly reduced. A stay may be granted subject to such conditions as the Appeals Committee or the nominated member of the Disciplinary Panel, as the case may be, think fit.
- ~~12.89~~ In the event that a stay of the Sanction is granted, the operation of the Sanction shall be suspended until the Appeal has been determined. The period elapsing between the date when the Sanction took effect under Rule ~~12.4 and 5~~and the date when the application for a stay was determined shall be counted against any Sanction confirmed or imposed by the Appeals Committee on determination of the appeal. The defendant shall have no recourse against the Company or any of its Officers, employees or the members of any Committee in



relation to the period of Sanction already served in the event that he is no longer subject to a Sanction after the appeal has been determined.

12.91  
0 Any Player Member suspended from membership may not play in any Open Competition, or be eligible for selection for international representation, during the time in which he is suspended, (but see also Bye Law 6.4). Any Player Member suspended from membership may not act as Tournament Director or assist a Tournament Director in any Open Competition. Any Player Member suspended from membership may not hold themselves out as an EBU licensed, accredited or qualified teacher during the period of their suspension.

12.40  
11 Where the Sanction imposed is expulsion or suspension, upon receipt of notification of the Sanction under Rule ~~13.3~~ 2 any Association of which the Defendant is a member shall take like action unless the Disciplinary Committee or Appeals Committee specifies otherwise.

### **13 PUBLICATION AND NOTIFICATION**

13.1 Unless in exceptional circumstances the Board decides otherwise, details of disciplinary hearings including the identity of the Defendant (except where the Defendant is under 18), the nature of the ~~offence~~ Offence and the Sanction imposed shall be published in *English Bridge* and/or such other publication as the Board may decide, and on the Company's website. ~~Such publication shall take place as soon as practicable after the date on which the Sanction takes effect under Rule 12.45, but if at the date of publication the time for appeal has not elapsed or a Notice of Appeal has been filed, the publication shall include a statement that the decision is still subject to appeal.~~

13.2 ~~In the event that a decision, details of which have already been published, is varied on appeal, details of the Appeals Committee's decision shall be published, so far as practicable, in any publication in which details of the original decision had been published.~~

13.32 ~~The~~ Unless in exceptional circumstances the Board decides otherwise, the L&E Secretary shall notify all Associations, any Affiliated Club of which the Defendant is a member and any club or other entity which reports its results to the EBU, where the Defendant has played within the last two years, of the Sanction imposed. ~~If applicable, such notification shall indicate that the decision is subject to an appeal, but that the Sanction has nevertheless taken effect.~~

13.43 The L&E Secretary shall make such notification of the Sanctions imposed by the Disciplinary Committee or the Appeals Committee as may be required under the terms of the Company's affiliation to the European Bridge League or any other supranational bridge organisation.

13.54 The Disciplinary Committee or the Appeals Committee may direct that notification of the Sanctions imposed be made to any other National Bridge Organisation or relevant body that organises bridge events.

13.65 Publication under Rule 13.1 and notifications under Rules 13.2, 13.3 and 13.4 shall take place ~~The notifications required by Rules 13.3, 13.4 and 13.5 shall be made as soon as practicable after whichever of the following events is applicable:~~

- (i) The expiry of the time for appeal (as extended under Rule ~~11.45~~ 11.45, if applicable), if no Notice of Appeal has by then been filed, ~~or if a Notice of Appeal has been filed but it was not accompanied by an application for a stay of the Sanction; or~~
- (ii) ~~The refusal of the application for a stay of the Sanction, if a Notice of Appeal has been filed accompanied by an application for a stay of the Sanction, but the latter application has been refused; or~~
- (iii) The determination of the appeal, ~~if a Notice of Appeal has been filed accompanied by an application for a stay of the Sanction, and the latter application has been granted.~~

13.76 The Disciplinary Committee or the Appeals Committee may provide the complainant with such information relating to its decision as it considers appropriate, on condition that the information is kept strictly confidential to the complainant.

- 13.87 In the event that a decision, details of which have already been notified under Rule 13.~~32~~, 13.~~4-3~~ or 13.~~54~~, or provided to a complainant under Rule 13.~~76~~, is varied on appeal, details of the Appeals Committee's decision shall be notified, so far as practicable, to any institution or person to which the original decision was notified.

#### 14 COMMUNICATIONS

- 14.1 Except where circumstances make this impracticable or a Disciplinary Committee determines otherwise pursuant to Rule 9.9(xi), all communications between the parties to disciplinary proceedings or potential disciplinary proceedings shall be made or confirmed in writing by electronic mail or similar means, and shall be deemed to be received two business days after sending.

#### 15 DELEGATION

Any action required by these Rules to be taken by the Chairman of the Board shall, if the Chairman is unable to take such action, be taken by the Vice Chairman or, if the Vice Chairman is also unable to act, by another Director appointed by the Board.





## **APPENDIX B – PROVISIONS FOR APPEALS FROM CLUB AND COUNTY DISCIPLINARY DECISIONS**

1. Where the constitution of an Association gives a member the right of appeal to the Company against a disciplinary decision of the Association, any appeal to the Company shall be referred to the Laws and Ethics Committee.
2. Where the constitution of a club gives a member the right of appeal against a disciplinary decision of the Club to a body outside the club, any appeal shall be referred to the County Association.
3. When an appeal is referred to it, the Laws and Ethics Committee shall have such of the following options as are consistent with the constitution of the Association concerned. When an appeal is referred to the County Association it shall have the following options as are consistent with the constitution of the club:-
  - (a) to constitute itself an Appeal Committee to determine the appeal.
  - (b) to appoint an Appeal Committee to determine the appeal. Such Appeal Committee shall consist of no fewer than three nor more than five Player Members, who may include one or more members of the Laws and Ethics Committee. In the case of a County the Appeal Committee shall comprise no fewer than three nor more than five Player Members.
  - (c) to refer the appeal to the Disciplinary Committee, which shall act as an Appeal Committee to determine the appeal. In the case of a County the appeal may be referred to the Law and Ethics Committee for consideration.
4. The Appeal Committee shall consider and enquire into the matter appealed in such manner as it shall see fit to determine the outcome of the appeal, and to confirm or vary the findings and decisions of the Association or Club, but not so as to impose any penalty which is not within the powers of the Association or Club. Alternatively, the Appeal Committee may decide that the matter shall be referred to the Laws and Ethics Committee as an allegation of an Offence under the Disciplinary Rules (in which event the prior findings and decisions of the Association or Club in relation to the matter shall be nullified and the member so informed).
5. The powers and procedures of an Appeal Committee under this Appendix shall conform as nearly as possible to the powers and procedures of the Appeals Committee under Rule 10 of the Disciplinary Rules.

## **APPENDIX C – TERMS OF REFERENCE FOR THE EBU SELECTION COMMITTEE**

*last updated 24 November 2016*

The principal Terms of Reference of the Selection Committee are set by the board and are as follows.-

1. Determine the selection of players and officials to represent England in Open, Women, Seniors, U26, U26 Women, U21, U16 & Mixed international bridge competitions and championships having regard to the document produced by the Board “International Events in which English teams participate”
2. Recommend to the Board the format and conditions for entry of any trial or series of trials, which the Committee considers necessary or desirable, for the purposes of discharging its selection responsibilities.
3. Make suitable arrangements for the training, preparation or coaching of teams selected and squads/training groups.
4. Ensure that there are player agreements for all representative players and the conditions of them are adhered to.
5. Commission reports, from players and/or officials, representing England in international events. Take action if appropriate arising from the recommendations in them
6. Produce an annual Internationals budget/activity plan for approval, in the format required by the Board, that matches the funding allocated plus any additional funding available from sponsorship, grants etc.
  - a) Recommend to the Board which events England will send teams from the categories stated in 1 above
  - b) Recommend to the board the degree to which these will be funded
  - c) Recommend to the board what other International activities can and should be funded.
  - d) Produce cost and income details for each activity
7. Manage the annual budget
  - Ensure that the annual budget agreed by the Board is not exceeded without prior authority and:
  - Operate to financial controls and authorisation limits as set out by the Board
  - Adhere to the EBU's general financial regulations
  - Ensure that the financial support given to teams is clearly set out, and does not exceed the budget available
  - Ensure that such financial support is provided in a cost effective manner
  - Review spend and commitment against budget on a regular basis, and take such corrective action as is necessary.
8. Operate any processes necessary to support the subsidised/free entry scheme to competitions set by the board and trials for junior players that are run by the Selection Committee.

9. Manage the supporting administrative processes for International representation including the creation and maintenance of, invitation letters, Codes of Conduct, acceptance forms etc.
10. Develop a fundraising/sponsorship plan for Internationals and support its implementation.
11. Recommend to the Board, on request, suitable candidates for awards
12. Keep an up to date register of interests for all members of the committee

## **APPENDIX D – TERMS OF REFERENCE FOR THE EBU LAWS AND ETHICS COMMITTEE**

*Adopted at the Board Meeting of 25 Oct 2017*

### **1. Status**

- 1.1 The Laws & Ethics Committee is a Standing Committee of the Board of Directors of the English Bridge Union Ltd, established under paragraph 16 of the Articles of Association of the company.
- 1.2 These terms of reference are established by the Board under the enabling provision in paragraph 8 of the Bye Laws of the company.

### **2. Responsibilities**

The principal responsibilities of the Laws & Ethics Committee, in line with any principles or directions which might be set by the Board from time to time are as follows, including without limitation:-

- 2.1 to act as the Regulating Authority for the game of Duplicate Bridge in England, under Law 93C of the Laws of Duplicate Bridge 2017 and as the equivalent body under any future revision of the Laws.
- 2.2 to discharge the functions relating to disciplinary matters delegated to the Laws & Ethics Committee by virtue of paragraph 6.1 of the Bye Laws of the Company and the Disciplinary Rules established under that Bye Law.

The L&E shall be responsible for the management of any case brought by it to issue interpretations of the Laws of Duplicate Bridge as in force from time to time, to the extent sanctioned by the Laws Committee or other appropriate body of the World Bridge Federation and/or the European Bridge League, which interpretations shall have force in England.

- 2.3 to issue regulations supplementary to the Laws of Duplicate Bridge as in force from time to time and any future revision of the Laws, and directives and other guidance in connection with the game of Duplicate Bridge in England, including, but not limited to, the following matters:-
  - 2.3.1 disclosure of system, alerting, system cards and related matters
  - 2.3.2 permitted methods
  - 2.3.3 tournament direction
  - 2.3.4 appeals
  - 2.3.5 tournament regulations of extensive or general application (detailed regulations for specific tournaments being the responsibility of the Chief Tournament Director or the Selection Committee, as the case may be).
- 2.4 to cause to be published, in consultation with the Board, such records of the interpretations, regulations, directives and other guidance issued by the Committee as may be considered appropriate.



- 2.5 to exercise a general supervisory role in relation to the game of Duplicate Bridge in England, and to take such action as may be considered appropriate to ensure that as far as possible the game is played in accordance with the Laws and applicable regulations (including Best Behaviour at Bridge), directives or other guidance.
- 2.6 to carry out the above cost effectively and in line with the budget laid down by the Board.

