

Proposed changes to the Bye Laws

Papers for the AGM include proposed amendments to the Bye Laws, a clean version and one marked to show changes from the current version (n.b. Rules 9 and 11 have been reordered for clarity; where the text has just moved, the markup will not show the change, only new text or deletions)

As members will be aware, there has been a significant upturn in the number of disciplinary hearings in the last couple of years, and the proposed changes derive from the experience gained in operating the procedures.

Apart from changes designed to make the procedures easier to understand and apply, there are a few proposed substantive changes, of which the major ones are:

It is proposed to add the ability to issue a caution rather than proceeding to a charge. The L&E Committee believes that some cases would be better dealt with in this way, to avoid the expense and commitment of resources on relatively minor cases.

It is proposed that the change which was introduced last year, naming members at the point of conviction, be reversed so that they are not now named until the appeal period has passed.

The substantive criteria required for an appeal have been spelt out. This is intended to prevent resources being committed to appeals where the defendant has no substantive grounds for challenging the original decision.

It is proposed that anyone found guilty of unfair or dishonest play should, other than in exceptional circumstances, be barred from representing England for a period of ten years, irrespective of the length of any period of suspension. The Board believe that this is an appropriate sanction, and relieves the disciplinary panel of the need to consider this as a separate issue.

It will be clarified that the amended rules will apply to any conduct prior to their introduction (assuming it constituted an offence at the time) which has not yet been charged.