RFU REGULATION 19 – DISCIPLINE

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19.1 General Provisions

Jurisdiction and Overriding Objective

19.1.1 Regulation 19 applies to all disciplinary matters arising under the Rules and Regulations of the RFU.

19.1.2 Separate Regulations may be issued for the Premiership or any other league and/or competition where there is any variation of these procedures.

19.1.3 Subject to regulation 19.1.14, disciplinary matters arising for Age Grade Rugby (under 18 yrs) shall be dealt with as set out in Appendix 6.

19.1.4 Each Club is required to cooperate with an RFU (or an RFU Constituent Body) disciplinary investigation or disciplinary proceedings. Each Club is further required to appoint an internal disciplinary panel responsible for investigating and, subject to RFU Regulations 19.5.2 to 19.5.4, taking appropriate action in relation to disciplinary matters and the conduct of its members, and for generally maintaining discipline within that Club.

19.1.5 The overriding objective of Regulation 19 is to maintain and promote fair play, protect the health and welfare of Players (and others involved in the Game), ensure that acts of Foul Play and Misconduct (on and off the field of play) are dealt with expeditiously and fairly by independent means within the Game and that the image and reputation of the Game is not adversely affected. Furthermore, to achieve consistency in the way in which discipline is administered and uniformity in the manner in which the assessment of seriousness of Foul Play is conducted and sanctions imposed.

19.1.6 Disciplinary hearings shall be conducted in a fair and just manner and in accordance with the fundamental principles of natural justice, whilst recognising that neither a Disciplinary nor Appeal Panel is a court of law and as such panellists or those appearing before panels may not be legally qualified and therefore, in the interests of achieving a just and fair result, procedural and technical considerations shall take second place to the overriding objective of being just and fair to the parties and is consistent with a duty to the Game.

19.1.7 Proceedings, findings or decisions of a Disciplinary/Appeal Panel or single Judicial Officer shall not be invalidated by reason of any defect, irregularity, omission or technicality unless such defect, irregularity, omission or technicality raises a material doubt as to the reliability of the proceedings, findings or decisions.

19.1.8 In the event that a particular incident takes place for which there is no provision in this Regulation 19 including (but not limited to) procedure, jurisdiction or sanction then the Disciplinary/Appeal Panel or a single Judicial Officer may take such action that it/he/she considers appropriate in the circumstances in accordance with general principles of natural justice and fairness.

RFU Disciplinary Panels

19.1.9 An RFU Disciplinary Panel shall have jurisdiction to conduct disciplinary hearings and impose sanctions upon the following:

(a) Those who are subject to the jurisdiction of the RFU; and

(b) Overseas Clubs and Overseas Players playing in England in relation to both on and off field matters except where there is a tour agreement which specifies how disciplinary matters should be dealt with or in relation to international matches that are dealt with under IRB 17.

Constituent Body Disciplinary Panels

19.1.10 Subject to RFU Regulations 19.1.13 – 19.1.15 a Constituent Body shall act in relation to Clubs in its membership and individuals who are members of those Clubs in relation to:

(a) Any infringement of any Law of the Game;

(b) Any conduct which is, in the opinion of the Constituent Body, prejudicial to the interests of the Union or the Game as authorised by RFU Rule 5.12; or

(c) Any infringement of any of the RFU Regulations and/or IRB Regulations relating to the Game.

19.1.11 A Constituent Body may exercise its powers as delegated under RFU Regulation 19.1.10 when all individuals and Clubs involved in a specific incident during or after a match are under its jurisdiction. In all cases involving members from more than one Constituent Body the power shall be delegated to a joint committee of the Constituent Bodies of the individual Clubs involved or otherwise as directed by the RFU Head of Discipline.

19.1.12 No Constituent Body has the power or right to further delegate any of these powers.

19.1.13 A Constituent Body may in special circumstances and with the consent of the RFU Head of Discipline surrender back to the RFU its delegated powers generally or in specific cases.

19.1.14 The RFU excludes from the delegation to Constituent Bodies the jurisdiction and authority to act in respect of:

(a) Players who are registered with or who are under a contract with Clubs playing in the Premiership, Championship or National Leagues 1 and 2N and 2S;

(b) Players who, although not registered or under contract, represent a Premiership Club in the Premiership 'A' League or are England Academy Players;

(c) Players dismissed from the field of play or cited during County Championship or Inter Service matches;

(d) Breaches of IRB Regulations 6, 10 and 21 (Anti–Corruption and Betting, Medical and Anti-Doping) and breaches of RFU Regulation 20 (Anti-Doping);

(e) Breaches of RFU Regulation 21 unless referred to the Constituent Body to deal with by the RFU Head of Discipline as a minor disciplinary matter;

(f) All cases involving serious injury, unless otherwise directed by the RFU Head of Discipline;

(g) All cases under investigation by the Police, unless otherwise directed by the RFU Head of Discipline;

(h) All cases involving racially aggravated verbal or physical abuse, unless otherwise directed by the RFU Head of Discipline.

19.1.15 The RFU Head of Discipline has the power to direct that the RFU shall deal with any case.

The Independent Rugby Judiciary

19.1.16 The RFU shall appoint a Rugby Judiciary to provide an independent process of adjudication. The RFU shall determine the criteria for appointment and the terms and conditions of the members of the Rugby Judiciary.

19.1.17 The Head of Rugby Judiciary is authorised to issue practice notes and sanctions guidance.

Miscellaneous Provisions

19.1.18 Where in these Regulations any notice or correspondence is required to be sent to the RFU then it shall be sent to the RFU Head of Discipline, Rugby House, Twickenham Stadium, 200 Whitton Road, Twickenham, TW2 7BA.

19.1.19 Where a disciplinary hearing or an appeal is being heard by a single Judicial Officer, that person shall carry out the role of Chairman of the Disciplinary Panel/Appeal Panel.

19.1.20 A Constituent Body Disciplinary Panel, an RFU Disciplinary Panel and an Appeal Panel has the power to deal with any matter on the papers and shall, if required, direct that a video link or a telephone conference shall be utilised.

19.2 Composition of Disciplinary and Appeal Panels

Constituent Body Disciplinary Panels

19.2.1 A Constituent Body Disciplinary Panel shall be chaired by the disciplinary Chairman (or his/her appointee) who must be accredited to sit in that capacity by the RFU.

19.2.2 A Constituent Body Disciplinary Panel will consist of no more than three members, and exceptionally the hearing may proceed with a panel of two if directed by the Chairperson. A secretary shall also be appointed, who is not a member of the Disciplinary Panel.

19.2.3 No active Referee, nor any person with an interest in the proceedings, shall be permitted to sit on a Constituent Body Disciplinary Panel. Without prejudice to the generality of that prohibition, no member of the Club of which the Player appearing is also a member, nor a member of that Club's opponents on the day the events occurred, shall take part in the Disciplinary Panel's proceedings other than as an advocate or witness.

RFU Disciplinary Panels

19.2.4 The Head of Rugby Judiciary shall appoint a panel, or a single Judicial Officer to sit on RFU Disciplinary Panels.

19.2.5 An RFU Disciplinary Panel, when not comprised of a single Judicial Officer, will consist of three persons, including a legally qualified Chairperson.

19.2.6 An RFU Disciplinary Panel, when not comprised of a single Judicial Officer may proceed with a panel of two if directed by the Chairperson.

Constituent Body and RFU Disciplinary Panel Appeals

19.2.7 The Head of Rugby Judiciary shall appoint Appeal Panels to hear appeals, which shall be made up as either:

(a) A single Judicial Officer; or

(b) An Appeal Panel chaired by a legally qualified person and two others

19.2.8 If the Head of Rugby Judiciary has sat on the RFU Disciplinary Panel at first instance then the appointment of an Appeal Panel or a single Judicial Officer to deal with the appeal shall be undertaken by a legally qualified Chairperson nominated by the Head of Rugby Judiciary. The person nominated to determine who shall sit on the appeal shall not have had any involvement in the case at first instance.

19.3 Disciplinary Offences

19.3.1 In addition to dealing with all disciplinary matters arising out of the RFU Rules and Regulations (including, but not limited to, allegations of Misconduct, Cheating, citings or cases brought under RFU Rule 5.12) a Disciplinary Panel shall have jurisdiction over the matters set out in RFU Regulations 19.3.2.

Bad disciplinary Record

19.3.2 Where Players or members (or persons with a 'non-member' relationship) of a Club appear before a Disciplinary Panel on more than five separate occasions in any one season, that Club may be charged by the RFU Head of Discipline or Constituent Body Disciplinary Secretary and summoned to attend a disciplinary hearing on the basis that it has a bad disciplinary record. When dealing with a Club under this provision, the Disciplinary Panel has the power to impose sanctions as set out in Appendix 2.

Recognition of Other Sporting Bodies' Sanctions

19.3.3 The RFU may recognise the disciplinary sanctions of any other sporting body. Any person suspended or banned by any other sporting body may be suspended or banned concurrently by the RFU Head of Discipline. Any person aggrieved by a decision of the RFU Head of Discipline may appeal to an RFU Disciplinary Panel within 14 days of notification of the decision.

19.4 Interim Suspensions and Criminal Convictions

Interim Suspension Order

19.4.1 The RFU Head of Discipline shall have the power to issue an Interim Suspension Order (ISO) against any person against whom an allegation of Misconduct has been made and is being investigated or, without prejudice to the power under RFU Regulation 19.4.4, against someone who has been convicted of a criminal offence. The ISO shall be in writing, signed by the RFU Head of Discipline and may be issued without a hearing and may order that the person shall not participate in any specified activity, attend any specified location or communicate with any specified people.

19.4.2 Following the imposition of the ISO, the person suspended shall have the right of appeal within 14 days of notification of the decision to an RFU Disciplinary Panel to be convened as soon as is reasonable practicable. The procedure for the disciplinary hearing shall be determined by the Chairman of the Disciplinary Panel.

19.4.3 The ISO shall automatically cease:

(a) When the matter has been dealt with at a disciplinary hearing;

(b) When the allegation is withdrawn and no further disciplinary action is taken; or

(c) After 120 days from its issue, unless the RFU Head of Discipline determines that it is in the interests of the Union or the Game that it should be extended for a further period or periods of not more than 120 days.

Criminal Convictions

19.4.4 Where an individual has been convicted of a criminal offence which directly or indirectly relates to the playing, administration or image of the Game, the Head of Rugby Judiciary shall have the power to sanction the individual without holding a Disciplinary hearing. A person so sanctioned shall have the right of appeal within 14 days of notification of the decision before an RFU Disciplinary Panel to be convened as soon as is reasonable practicable. The procedure for the disciplinary hearing shall be determined by the Chairman of the Disciplinary Panel.

19.5 Suspensions, Standard of Proof and Rules of Evidence etc

Referees

19.5.1 The Referee is the sole judge of fact and law during the match, but where after the match his decision is challenged, the Disciplinary Panel or Judicial Officer shall only make a finding contrary to the referee's decision if it/he/she is satisfied on the balance of probabilities that the referee's decision was wrong.

Suspension

19.5.2 A Player Ordered Off or cited by a Citing Commissioner may not take part or be selected for any match until his case has been dealt with by a Disciplinary Panel or a single Judicial Officer.

19.5.3 Without in any way limiting the effect of paragraph 19.11.16, a Player that is subject to an Ordering off or citing by a Citing Commissioner in a domestic or any other match is not entitled to play the Game (or any form thereof) or be involved in any on-field match day activities anywhere in the world until his/her case has been finally resolved. For the avoidance of doubt a player cited by an opposition team in matches at Level 3 and below may play the Game pending the resolution of his/her case.

19.5.4 A suspended Player who elects to appeal may not take part or be selected for any further match until his case has been dealt with by an Appeal Panel or single Judicial Officer and the Appeal Panel or the single Judicial Officer has directed that he/she may play again, unless his/her suspension has already expired.

19.5.5 Where the RFU Head of Discipline appeals a Player may play pending the hearing of the appeal if the period of suspension has expired or if no suspension was imposed by the original Disciplinary Panel.

Standard of Proof

19.5.6 The standard of proof in all disciplinary cases (including before Appeal Panels) is the balance of probabilities.

Attendance of Hearings and Representation

19.5.7 The RFU Head of Discipline or the Constituent Body Disciplinary Secretary may appoint a person to assist with the prosecution of any case or appeal where he/she takes the view that it is in the interests of the Union or of the Game for this to occur.

19.5.8 A person, Player, or Club whose conduct is the subject of inquiry is entitled to be represented or assisted by a person(s) of his/her choice (any costs incurred shall be borne by him/her/itself) and is entitled to be present throughout the proceedings except during the deliberations of the Disciplinary Panel or Appeal Panel.

19.5.9 Subject to paragraph 19.5.7, in cases of a citing the Club or Union responsible for making the complaint shall be required to present the case and may be represented or assisted by a person(s) of its choice and will be required to bear its own costs.

Rules of Evidence

19.5.10 Disciplinary Panels and Appeal Panels shall not be obliged to follow strict rules of evidence. They may admit such evidence as they think fit and accord such evidence such weight as they think appropriate in all the circumstances. Where the subject matter of a complaint or matter before the Disciplinary Panel or Appeal Panel has been the subject of previous civil or criminal proceedings, the result of such proceedings and the facts and matters upon which such result is based shall be presumed to be correct and the facts presumed to be true unless it is shown by clear and convincing evidence that this is not the case.

Time Limits

19.5.11 In general, a failure to observe the time limits specified in these Regulations shall not nullify any proceedings, but such failure may be a cause for a hearing to be adjourned.

19.5.12 However in the following cases compliance with the specified time limit is mandatory, and failure to comply will render any proceedings, application or appeal void:

(a) A citing must be made within the time limit specified in these Regulations;

(b) An appeal must be made within the time limit specified in these Regulations.

Audio recordings

19.5.13 The Disciplinary Panel, Appeal Panel, a single Judicial Officer or the RFU Head of Discipline shall have the power to direct that a hearing shall be audio recorded.

19.6 Referral to the Disciplinary Panel

Orderings Off

19.6.1 In all cases where the Referee has Ordered Off a Player the Referee must as soon as practicable and in any event within 48 hours after the end of the match, provide a completed copy of the Referee's Report to:

(a) The Secretary of the Constituent Body to which the Player's Club is affiliated or allocated, or to the RFU Head of Discipline; and

(b) The Referee's own Referee Society or, if he is not a member of a Referee Society, to the Constituent Body in whose area the match was played.

19.6.2 Where a Player is Ordered Off following Foul Play drawn to the Referee's attention upon the intervention of an Assistant Referee, that official shall also comply with the obligations under RFU Regulation 19.6.1.

19.6.3 In all cases Club Secretaries must report to their Constituent Bodies or the RFU Head of Discipline within 48 hours after the match all relevant details relating to any on or off field disciplinary matters and/or alleged breaches of any Regulations arising out of or in relation to the match.

Misconduct

19.6.4 If a Player is being reported for Misconduct in the playing enclosure, then the procedure set out in Regulations 19.6.1 – 19.6.3 shall be followed.

19.6.5 Cases of Misconduct outside the playing enclosure must be referred to the appropriate Constituent Body Disciplinary Secretary or to the RFU Head of Discipline for consideration under RFU Rule 5.12.

Abuse of an Official

19.6.6 An Official reporting abuse shall comply with the requirements set out in Regulations 19.6.1 – 19.6.3; save that where the Player has not been sent off in relation to the alleged abuse, an Abuse Form shall be completed and submitted within 7 days.

19.6.7 The Official shall set out in the report full details of the alleged abuse, including, in the case of verbal abuse, his recollection of the actual abusive words spoken. The Official should also list on the form any witnesses to the abuse.

RFU Rule 5.12 Cases

19.6.8 Subject to Regulation 19.6.9, the RFU Head of Discipline and a Constituent Body Disciplinary Secretary are each authorised to investigate and institute disciplinary proceedings where there is an alleged breach of RFU Rule 5.12 and may require the person, Player or Club to whom the allegations relate to attend before a Disciplinary Panel to answer the allegation(s)

19.6.9 Investigations arising out of an allegation of misconduct against Council Members (whether arising from a breach of RFU Rule 5.12 or any breach of any policy approved by Council or otherwise applicable to Council Members) may only be commenced by the RFU Head of Discipline, but before doing so he/she must have authority from two out of the RFU President, the RFU Chief Executive Officer and the Chairman of the RFU Board. On receipt of such an allegation the RFU Head of Discipline will seek that authority and, if provided, proceed.

19.6.10 If, after investigation, the RFU Head of Discipline considers there to be a prima facie case against a Council Member he/she will seek further approval from two out of the RFU President, the RFU Chief Executive Officer and the Chairman of the RFU Board to proceed to institute proceedings.

19.6.11 The RFU Head of Discipline and a Constituent Body Disciplinary Secretary may each require a person, Player or Club to provide information or to make written representations before deciding whether that person, Player or a Club has a case to answer.

19.6.12 The procedures set out in Appendix 4 shall be followed in respect of citings.

19.6.13 Where a dispute arises between two or more Clubs, the RFU Head of Discipline may direct that the Clubs attempt to settle their dispute by mediation before the RFU Head of Discipline considers making a formal complaint for breach of RFU Rule 5.12.

19.6.14 The RFU Head of Discipline has the power to take over any citing made by a Club.

19.7 Notice of Hearing

19.7.1 A Notice of Hearing shall be sent to the person, Player or Club charged or cited and, where appropriate, to the relevant referee society.

19.7.2 The Notice of Hearing shall include the following:

(a) Details of the specific charge or, where appropriate, a copy of the citing or complaint being investigated;

(b) In applicable cases, the Referee's Report or Abuse Form; and

(c) Any directions on case management including, where appropriate, the time, date and place for the hearing.

19.7.3 Where a Player has been sent off or reported for abuse of an Official, the appropriate authority will complete and forward the Notice of Hearing as soon as possible (preferably no later than 7 days from the receipt of the Referee's Report or Abuse Form).

19.7.4 In a citing or RFU Rule 5.12 case the hearing shall normally take place within 21 days unless circumstances exist that merit a longer period.

19.8 Case Management

Response to Notice of Hearing: IRB Law 10(4) Foul Play offences

19.8.1 The Player shall within such period as set out in the Notice of Hearing confirm in writing:

(a) Whether he/she admits the offence specified in the Referee's Report or Abuse Form and wishes to plead guilty and, if so, whether he/she wishes the case to be dealt with on the papers in his/her absence (provided that the Notice of Hearing has not indicated that he/she must attend a hearing); or

(b) Whether he/she disputes the allegations and, if so, whether he/she wishes the Referee (or Assistant Referee in appropriate cases) to be invited to attend the disciplinary hearing.

19.8.2 Except in cases where the Notice of Hearing has required his/her attendance, if a Player admits the offence and requests that the case be dealt with in his/her absence he may provide a written statement of mitigation including representations as to the appropriate entry point for the relevant sanction in Appendix 2. In determining the appropriate sanction, the Disciplinary Panel or single Judicial Officer shall take into account the fact that the Player pleaded guilty as an off-field mitigating factor.

Response to Notice of Hearing: RFU Rule 5.12 and Citing Cases

19.8.3 A person, Player or Club who has been cited or charged under RFU Rule 5.12 shall within such period as set out in the Notice of Hearing confirm in writing:

(a) Whether he/she/it admits the offence specified in the Notice of Hearing and wishes to plead guilty; or

(b) Whether he/she/it disputes the allegations.

Directions

19.8.4 A Disciplinary Panel, Appeal Panel or a single Judicial Officer may give any directions necessary for the proper conduct of proceedings including, but not limited to:

(a) Ordering a preliminary hearing;

(b) Requiring that parties make written submissions or submit skeleton arguments in advance of the hearing;

(c) Extending or abridging time limits;

(d) Requiring disclosure of documents in possession of the parties;

(e) Setting time limits for the exchange of evidence;

(f) Granting an adjournment; and/or

(g) Establishing the date, time and place of the hearing.

19.8.5 A Disciplinary Panel, Appeal Panel or single Judicial Officer may change any reference to any law of the Game contained in a report or charge sheet before or during a hearing provided it is satisfied, if necessary after hearing submissions, that to do so is not unduly prejudicial.

Attendance of Witnesses

19.8.6 It shall be the duty of the RFU Judicial Secretary or the Constituent Body Disciplinary Secretary (as appropriate):

(a) To notify the Match Official(s) and/or Match Assessor of the date, time and place of the hearing if his attendance is required;

(b) In a case of citing or an RFU Rule 5.12 case to notify any person, Club, Union or Affiliated Organisation making a complaint of the date, time and place of the hearing and provide a copy of the Notice of Hearing and any representations made by the person, Player or Club against whom the citing or complaint is made.

19.8.7 It shall be the duty of any person, Club, Union or Affiliated Organisation involved in disciplinary proceedings to notify and secure the attendance of any witnesses he/she/it may wish to call.

19.9 Procedure at Hearing

Failure to Attend

19.9.1 Where a person, Player or Club, to whom a Notice of Hearing has been sent, fails to attend a hearing, the Disciplinary/Appeal Panel or single Judicial Officer has the discretion to adjourn the hearing or, where it is satisfied that there are no reasonable grounds for the failure to attend, to proceed to hear the case against the person, Player or Club.

19.9.2 In the event that the Disciplinary/Appeal Panel or single Judicial Officer adjourns a hearing following a person, Player or Club failing to attend a hearing, it shall have the power to suspend the person, Player or Club from any specified activity within the Game until such time as he/she/it appears.

19.9.3 Where the person or Player appearing before a Disciplinary Panel or single Judicial Officer is or is likely to be subject to civil or criminal proceedings arising from the circumstances which are the subject of the case, the Disciplinary Panel or single Judicial Officer will decide whether it is in the interests of the Game to proceed. If it adjourns the matter until the conclusion of the civil or criminal proceedings, it may impose an interim suspension on the person or Player against whom the allegations are made. Before so doing, the Disciplinary Panel or single Judicial Officer shall give the person the opportunity to make representations.

Conduct of the Hearing

19.9.4 The procedure for the hearing shall be determined by the Chairman of the Disciplinary/Appeal Panel or single Judicial Officer who shall have regard to, but shall be entitled to depart from, the guidance set out in Appendix 7.

19.9.5 All parties shall be given a proper opportunity to state their case and to challenge or respond to any evidence given.

19.10 Evidence

Match Referee

19.10.1 The provisions of this Regulation shall apply equally to the evidence of an Assistant Referee who has been independently appointed by the RFU or by a Referee Society, as they do to the Referee.

19.10.2 Aside from cases of Match Official abuse, the Referee is not a party to disciplinary proceedings. Instead, he is an independent eye-witness of what occurred and his evidence carries considerable weight.

19.10.3 If a Player appearing before a Disciplinary Panel wishes to challenge the Referee's Report, he must request the Referee's attendance at the hearing or that the Referee is available to give evidence via telephone conference or video link. Once the Referee's attendance has been requested, the Player may challenge the Referee's Report irrespective of whether the Referee is able to attend the hearing or give evidence via telephone conference or video link.

Other Eye-Witnesses

19.10.4 Witnesses should attend the hearing in person to give oral evidence. If this is not reasonably possible, then witnesses can request that they give evidence via telephone conference or video link.

19.10.5 Written evidence from witnesses may be received. If the written evidence is unchallenged then it shall carry the same weight as oral testimony but if that written evidence is successfully challenged, it will normally carry less weight than oral testimony.

19.10.6 Hearsay evidence may be admitted but should be treated with caution as its reliability cannot be tested by cross-examination.

19.10.7 Any person or Club who provides false or misleading information to a Disciplinary/Appeal Panel or a single Judicial Officer will be liable to disciplinary action under RFU Rule 5.12.

Match Footage

19.10.8 Where a Player is sent off, cited or is the subject of a complaint under RFU Rule 5.12, and footage has been taken of the match in which the incident in question occurred (the 'Match footage'), any Club which took or commissioned the Match footage shall forward a copy of it as soon as possible to either the RFU Head of Discipline or the Constituent Body Disciplinary Secretary with jurisdiction over the case.

19.10.9 Where there is Match footage of the incident, and the RFU Judicial Secretary has advised a Player appearing before the Disciplinary/Appeal Panel that it does not have the required equipment for the screening of the footage, it is the responsibility of that Player or his Club to provide and install the required equipment.

19.10.10 Where the Match footage is in the possession or control of the Club of which the Player appearing before the hearing is a member, and, without reasonable excuse, the Match footage is not produced to the Disciplinary/Appeal Panel, the panel shall be entitled to infer that it is unfavourable to the Player.

19.10.11 A Disciplinary/Appeal Panel shall be entitled to consider footage from any source, including (but not limited to) footage commissioned by a Referee Society, Referee Group or Match Official. The Referee shall be obliged to provide any such footage to the panel.

19.10.12 Where the authenticity of Match footage or other visual evidence is challenged, it is for whoever produces that footage or other visual evidence to satisfy the Disciplinary/Appeal Panel that the footage of the incident being investigated has not been edited or altered in any way.

19.11 Decision, Sanction and Costs

Decision and Mitigation

19.11.1 Where an alleged offence is not admitted, the Disciplinary Panel or single Judicial Officer shall consider their decision in private and shall determine whether the alleged offence has been proven.

19.11.2 A decision of the Disciplinary Panel shall (save for when the disciplinary case is heard by a single Judicial Officer) be determined by a majority. Each member of the panel shall have one vote. In the event of a deadlock the Chairman of the Disciplinary Panel shall have the casting vote.

19.11.3 If the offence has not been proven, the Chairman shall so state and the finding shall be a bar to further disciplinary proceedings arising from the issues then before the Disciplinary Panel or single Judicial Officer, save in the case of an appeal brought under regulation 19.12 (Appeals).

19.11.4 Where a Player has been sent off and a Disciplinary Panel or single Judicial Officer subsequently finds that the red card was erroneously awarded because of mistaken identity or where no act of Foul Play occurred, the Disciplinary Panel may direct that the red card be removed from the Player's record.

19.11.5 Where the offence is admitted or proven, the Disciplinary Panel or single Judicial Officer shall proceed to hear submissions regarding sanction and

(a) The person, Player or Club facing the allegations may call evidence as to character and address the Disciplinary Panel in mitigation;

(b) The party that brought the charge or made the citing may make representations as to any aggravating factors; and

(c) The previous disciplinary record of the person, Player or Club should be ascertained.

No other person may address the Disciplinary Panel or single Judicial Officer as of right, but the Disciplinary Panel or single Judicial Officer may seek such further information as required from any parties.

Finding and Sanction

19.11.6 Where the alleged offence is admitted or proven the Disciplinary Panel or single Judicial Officer shall have power to impose penalties in accordance with the sanctioning regime set out in this Regulation 19 and shall apply the recommended penalties set out in Appendix 2.

19.11.7 "Appropriate punishment" referred to in RFU Rule 5.12 shall include, but shall not be limited to:

(a) For a person, a reprimand, a financial penalty or suspension from playing and/or administration.

(b) For a Club, in addition to the sanction set out in RFU Regulation 19.11.7(a), financial or other compensation, deduction of league points or relegation, exclusion or disqualification from any competition. Where a competition does not fall within the jurisdiction of the RFU a Club may be required to withdraw from that competition.

19.11.8 A Disciplinary Panel or single Judicial Officer shall undertake an assessment of the seriousness of the Player's conduct which constitutes the offending and shall categorise the offence as being at the lower end, mid range or top end of the scale of seriousness in order to identify the appropriate entry point for consideration of a particular incident(s) of Foul Play, where such incident(s) is expressly covered in Appendix 2. Such assessment of the seriousness of the Player's conduct shall be determined by reference to the following features:

(a) Whether the offending was intentional or deliberate;

(b) Whether the offending was reckless, that is the Player knew (or should have known) there was a risk of committing an act of Foul Play;

(c) The gravity of the Player's actions in relation to the offending;

(d) The nature of actions, manner in which offence was committed including part of body used (for example, fist, elbow, knee or boot);

(e) The existence of provocation;

(f) Whether the Player acted in retaliation and the timing of such;

(g) Whether the Player acted in self-defence (that is whether he used a reasonable degree of force in defending himself);

(h) The effect of the Player's actions on the victim (for example, extent of injury, removal of victim Player from game);

(i) The effect of the Player's actions on the match;

(j) The vulnerability of the victim Player including part of the victim's body involved/affected, position of the victim Player, and the ability to defend himself;

(k) The level of participation in the offending and the level of premeditation;

(l) Whether the conduct of the offending Player was completed or amounted to an attempt; and

(m) Any other features of the Player's conduct in relation to or connected with the offending.

Based on the assessment of the offence(s) under consideration against the above features of offending, the Disciplinary Panel or single Judicial Officer shall categorise the act of Foul Play as being at the lower end, mid-range or top end of the scale of seriousness of offending and identify the applicable entry point as set out in Appendix 2.

19.11.9 For offences categorised at the top end of the scale of seriousness of offending, the Disciplinary Panel or single Judicial Officer shall identify an entry point between the period shown as the top end for the particular offence and the maximum sanction in Appendix 2.

19.11.10 Having identified the applicable entry point for consideration of a particular incident, the Disciplinary Panel or single Judicial Officer shall identify any relevant off-field aggravating factors and determine what additional period of suspension, if any, above the applicable entry point for the offence should apply to the case in question. Aggravating features include:

(a) The Player's status as an offender of the laws of the game;

(b) The need for a deterrent to combat a pattern of offending; and

(c) Any other off field aggravating factor that the Disciplinary Panel considers relevant and appropriate.

19.11.11 Thereafter, a Disciplinary Panel or single Judicial Officer shall identify all relevant off-field mitigating factors and determine if there are grounds for reducing the period of suspension and subject to Regulations 19.11.12 and 19.11.13 the extent, if at all, by which the period of suspension should be reduced. Mitigating factors include the following:

(a) The presence and timing of an acknowledgment of culpability/guilt by the offending Player;

(b) The Player's disciplinary record and/or good character;

(c) The youth and inexperience of the Player;

(d) The Player's conduct prior to and at the hearing;

(e) The Player having demonstrated remorse for the Player's conduct to the victim Player including the timing of such remorse;; and

(f) Any other off field mitigating factor(s) that the Disciplinary Panel considers relevant and appropriate.

19.11.12 Subject to Regulations 19.11.13 and 19.11.14 for acts of Foul Play the Disciplinary Panel cannot apply a greater reduction than 50% of the relevant entry point suspension. In assessing the percentage reduction applicable for mitigating factors, the Disciplinary Panel shall start at 0% reduction and apply the amount, if any, to be allowed as mitigation up to the maximum 50% reduction.

19.11.13 In cases involving offending that has been classified pursuant to Regulation 19.11.8 as lower end offending, where:

(a) there are off-field mitigating factors; and

(b) where the Disciplinary Panel or single Judicial Officer considers that the sanction would be wholly disproportionate to the level and type of offending involved;

the Disciplinary Panel or single Judicial Officer may apply, notwithstanding regulation 19.11.12, sanctions less than the lower end entry sanctions specified in Appendix 2, including in appropriate cases no sanction.

19.11.14 In cases of multiple offending, a Disciplinary Panel or single Judicial Officer may impose sanctions to run either on a concurrent or a consecutive basis, provided that the total sanction is in all the circumstances proportionate to the level of the overall offending.

19.11.15 A Disciplinary Panel or single Judicial Officer shall ordinarily in their written decisions set out the reasoning for their findings, including the finding on culpability, how they have categorised the seriousness of the offence by reference to the features set out in Regulation 19.11.8, how they identified and applied any aggravating and mitigating factors and conclude with the resultant sanction, if any, imposed.

19.11.16 Decisions on sanctions and suspensions imposed on Players under RFU Regulation 19 shall:

(a) be applied universally by all Clubs and Constituent Bodies such that the Player may not play the game (or any form thereof) or be involved in any on-field match day activities anywhere during the period of suspension;

(b) not allow Players to avoid the full consequences of their actions by, for example, playing in matches prior to the commencement of their suspension, or playing in matches during a break in the suspension and/or serving their suspension during a period of inconsequential pre-season and/or so-called friendly matches;

(c) apply and be served when the Player is scheduled to play;

(d) be imposed until a stated date which should be fixed after taking into consideration all playing consequences of such suspension; and

(e) be effective immediately (subject to 19.11.17(b)).

19.11.17 When imposing suspensions on Players under RFU Regulation 19 a Disciplinary Panel or single Judicial Officer shall comply with the requirements set out in Regulation 19.11.16 above. In doing so a Disciplinary Panel or single Judicial Officer :

(a) must not suspend the effect of any sanction imposed;

(b) may defer the commencement of a suspension provided that the Player is not scheduled to play (and will not be permitted to play) prior to the commencement of the suspension;

(c) shall, in respect of meaningful off-season application of sanctions, set out the reasons why it considers those Matches to be meaningful;

(d) may, at its discretion in assessing the playing consequences of a sanction apply the suspension to scheduled pre-season and/or so-called friendly matches, provided such scheduled pre-season and/or so-called friendly matches have, in the opinion of the Disciplinary Panel concerned, a meaningful playing consequence for the Player. In making their assessment Disciplinary Panels may, in their discretion, take account of such factors as they consider relevant including, for example, the proximity of the Match to the commencement of the season, the identity and stature of the opponents, likely quality of teams to be selected, and the general match profile;

(e) must, if a Player's suspension has not terminated by the end of the current playing season, continue the suspension until a stated date in the next playing season, unless the Player has been selected for a closed season tour, or has made plans to play during the close of season in another Union. In this event (and subject to the Disciplinary Panel receiving satisfactory verification of such tour or playing arrangements), the period of the tour or the fact that the Player intends to play in another Union shall be taken into account in determining when the suspension shall come to an end; and

(f) may divide the suspension into two separate periods in order to exclude the whole or part of the closed season provided that the Player is not permitted to play during such closed season.

19.11.18 In respect of offences not referred to in the Sanctions in Appendix 2, appropriate sanctions may be imposed at the discretion of the relevant Disciplinary Panel.

19.11.19 Notwithstanding the recommended sanctions in Appendix 2 and/or the provisions of this Regulation 19.11, in cases where the Player's actions constitute mid-range or top end offending for any type of offence which had the potential to result and, in fact, did result in serious/gross consequences to the health of the victim, the Disciplinary Panel or single Judicial Officer may impose any period of suspension including a suspension for life.

19.11.20 In RFU Rule 5.12 cases, a Disciplinary Panel may suspend the effect of any sanction to be imposed.

19.11.21 If a Disciplinary Panel or single Judicial Officer imposes a period of suspension it should:

(a) Make it clear whether the period of suspension is from playing and/or administration and/or coaching and/or refereeing and/or attending a Club or from any other activity in relation to the Game; and

(b) Specify the precise dates of the period of suspension.

19.11.22 The Player or Club must furnish the Disciplinary Panel or the Constituent Body Disciplinary Panel (as appropriate) with a list of Club's Competitive Matches relevant to a suspension at the disciplinary hearing in question.

Costs

19.11.23 In the event that a charge against a person, Player or Club is not proven, there will be no costs order against that person, Player or Club.

19.11.24 If the charge is proven, the usual RFU administration fees in Appendix 3 will be payable by that person, Player or Club (see Appendix 3).

19.11.25 The Disciplinary Panel or single Judicial Officer may, in its discretion, also order that the costs of the hearing be paid by the person, Player or Club against whom the charge has been proven, save that no further cost order shall be made in respect of a person, Player or Club who pleaded guilty in accordance with RFU Regulations 19.8.1(a) or 19.8.3(a).

19.11.26 In a citing case:

(a) Where the complaint is not proven, the Disciplinary Panel or single Judicial Officer shall have the power to order the party making the complaint to pay the costs of the hearing; and

(b) Where a citing is upheld, the Disciplinary Panel or single Judicial Officer shall have the power to order the party against whom the complaint has been proven to pay the costs of the hearing. The monies deposited by the citing Club will be refunded unless there is good reason for them to be forfeited (the reasons for which shall be explained in any written judgment by the Disciplinary Panel or single Judicial Officer).

19.11.27 No party shall be required to pay or contribute towards the legal costs incurred by the other party.

19.11.28 Where a person, Player or Club is ordered to pay costs, such costs, unless the Disciplinary Panel or single Judicial Officer grants a longer period for payment, shall be paid within 21 days of the receipt by the person, Player or Club of the written decision. If such costs are not paid by the date specified in the decision, a Disciplinary Panel or single Judicial Officer may impose further sanctions on a person, Player or Club (including, in relation to Players, suspending the Player from playing) until they are paid. A failure to pay any costs so ordered shall also be a breach of RFU Rule 5.12.

Notification of Decision

19.11.29 A Disciplinary Panel or single Judicial Officer, shall within 4 working days after the conclusion of the case, deliver written reasons to the person, Player or Club charged. Where that party is a Player the reasons shall also be delivered to the Player's Club and the League Organising Committee. This period may be extended by the Disciplinary Panel or single Judicial Officer in exceptional circumstances. The written reasons shall be sufficient to identify the material facts established by the Disciplinary Panel or single Judicial Officer and, in summary, how it resolved material conflicts, how it categorised the seriousness of the offence by reference to the standard features of offending and how it applied aggravating and mitigating factors. A failure to comply with this regulation will not invalidate the decision and any sanction awarded.

19.11.30 In all RFU cases the Judicial Secretary will inform all relevant parties of the decision which may, subject to the discretion of the RFU Head of Discipline, be placed on the disciplinary section of www.RFU.com within 14 days.

19.11.31 In all cases considered by a Constituent Body Disciplinary Panel, a short form written decision shall be produced and a copy passed to the person, Player or Club charged at the conclusion of the hearing or within 72 hours. In addition, the Constituent Body Disciplinary Secretary shall report the decision of the Disciplinary Panel to his own Constituent Body and the RFU Head of Discipline. If the person, Player or Club charged exercises the right to appeal, the Panel Chairman shall, within 7 days of the appeal being lodged, produce written reasons in accordance with RFU Regulation 19.11.29.

19.12 Appeals

RFU Disciplinary Panel Appeals

19.12.1 Any person, Player or Club that has been found guilty of an offence, may commence an appeal against a decision of a Disciplinary Panel or single Judicial Officer on the grounds that the Disciplinary Panel or single Judicial Officer:

(a) Came to a decision to which no reasonable body could have come; or

(b) Made an error of law in reaching its decision; or

(c) Failed to act fairly in a procedural sense.

19.12.2 Where a person, Player or Club has been cleared of a charge the RFU Head of Discipline may commence an appeal against a decision of a Disciplinary Panel or single Judicial Officer on the grounds that the Disciplinary Panel or single Judicial Officer:

(a) Came to a decision to which no reasonable body could have come; or

(b) Made an error of law in reaching its decision: or

(c) Failed to act fairly in a procedural sense.

19.12.3 In addition:

(a) The person, Player or Club which has been found guilty of an offence may appeal on the grounds that the sanction imposed is excessive;

(b) A person, Player or Club which has been found guilty of an offence, he/she/it (and the RFU Head of Discipline) may commence an appeal where there is evidence available for the appeal which was not reasonably available at the original hearing and which had it been available would have caused the Disciplinary Panel or single Judicial Officer to reach a materially different decision;

(c) The RFU Head of Discipline may appeal on the grounds that the sanction imposed was so unduly lenient as to be unreasonable.

19.12.4 Ordinarily the parties to an appeal shall be entitled to make oral submissions to the Appeal Panel but an appeal shall be way of a review of documents only without oral evidence.

19.12.5 A de novo hearing against the decision of a Disciplinary Panel or single Judicial Officer may be permitted if the Appeal Panel considers it to be in the interests of justice. This will only be permitted in exceptional circumstances, such as when new evidence which was not reasonably available at the original hearing is to be adduced.

Constituent Body Appeals

19.12.6 Where a person, Player or Club is dissatisfied with the decision of a Constituent Body Disciplinary Panel he/she/it shall have a right of appeal to an Appeal Panel.

19.12.7 The RFU Head of Discipline has the right to appeal a decision of a Constituent Body Disciplinary Panel to an Appeal Panel in the event that either considers it to be in the interests of the Union or the Game to do so.

19.12.8 A de novo hearing against the decision of a Constituent Body Disciplinary Panel may be permitted if the Appeal Panel considers it to be in the interests of justice.

Notice of Appeal

19.12.9 The party bringing the appeal (the 'Appellant') shall serve a Notice of Appeal in writing upon the RFU Head of Discipline within 14 days following the date of the written notification of the disciplinary decision against which the appeal is lodged, except in the case of a Citing or an Ordering Off in the Premiership and Championship where an appeal must (unless the Head of Rugby Judiciary in his/her discretion determines otherwise) be lodged within 24 hours of the finding which is being appealed against.

19.12.10 The Notice of Appeal shall:

(a) State the date and decision of the Disciplinary Panel against which the appeal is lodged;

(b) State the grounds of appeal relied upon;

(c) Set out the statement of facts upon which the appeal is based, specifying whether the appeal is against finding and sanction or just sanction alone and include any supporting documentation upon which the Appellant will rely;

(d) State whether the Appellant wishes to have a de novo hearing and, if so, the grounds for that request; and

(e) Be accompanied by a cheque for the relevant sum specified in Appendix 3.

19.12.11 An appeal, once validly lodged, may be withdrawn with the consent of the Head of Rugby Judiciary. In exercising this power the Head of Rugby Judiciary shall have the right to require that the Appellant pay the costs of the appeal.

Powers of Appeal Panel

19.12.12 An Appeal Panel has the power to:

(a) Dismiss the appeal;

(b) Quash a finding and any sanction imposed by the original Disciplinary Panel;

(c) Remit the matter for a re-hearing;

(d) Substitute an alternative finding;

(e) Reduce or increase the original sanction; and/or

(f) Make such further order as it considers appropriate.

Case Management

19.12.13 The Appeal Panel shall give directions as to the procedure for the appeal and the evidence to be adduced in order to limit the issues to be adjudicated upon or for the more efficient determination of the hearing.

19.12.14 Where a de novo hearing is permitted the Appeal Panel shall have regard to, but shall be entitled to depart from, the guidance set out in Appendix 7.

19.12.15 The hearing date shall be set by the RFU Judicial Secretary after consultation with the Appeal Panel Chairman.

19.12.16 The Referee or Referee's Assistant shall be invited to attend where the Chairman of the Appeal Panel considers it desirable. A member of the Disciplinary Panel or single Judicial Officer that heard the case at first instance may attend the appeal hearing as an observer. He/she may give evidence at the appeal hearing about the first hearing, such as where it becomes apparent that the Appellant or any witnesses have changed their account of what had occurred.

19.12.17 The RFU Judicial Secretary/Constituent Body Disciplinary Secretary (or nominee) shall be in attendance at the hearing and shall record the decision.

19.12.18 Where the appeal is against a decision which followed a citing or in a RFU Rule 5.12 case not arising from a Player being sent off the Club, Union or person responsible for the complaint shall be entitled to a copy of the documents to be referred to at the appeal, shall be invited to attend the appeal hearing and shall be entitled to be present throughout the hearing.

Appeal Panel Decision

19.12.19 The decision will be communicated orally at the hearing or within 24 hours of the hearing.

19.12.20 The Chairman of the Appeal Panel shall at the conclusion of the hearing, or as soon as possible thereafter, deliver a written decision to the RFU Judicial Secretary who will distribute to the Appellant and all other interested parties and may publish it on **www.RFU.com**.

19.12.21 The decision of an Appeal Panel shall be final and binding upon the parties, and there shall be no further right of appeal from it.

Costs

19.12.22 Whilst the Appeal Panel shall have discretion in this regard, an unsuccessful Appellant will normally be required to pay the costs set out in Appendix 3 together with the costs of the appeal which shall include:

(a) The costs of the Appeal Panel;

(b) The travelling expenses of any witnesses; and

(c) The legal costs of the Union (but not the legal costs of any other party to the appeal).

19.13 Competitions Sub-Committee and Organising Committee Appeals

Lodging of Appeal

19.13.1 If a Club, or either party to a complaint or dispute, or any other person or Club is dissatisfied with a decision of the Competitions Committee, Organising Committee, Constituent Body, or NCA Executive it may within 14 days from the date of the letter informing it of the decision, or such other period as the RFU may from time to time specify, appeal or request a review of the decision in writing to the RFU Head of Discipline stating the grounds on which the original appeal or complaint was made.

19.13.2 Any such appeal must be accompanied by such payment as is specified at Appendix 3, which is refundable in the event the appeal is upheld unless the Appeal Panel decides otherwise.

19.13.3 The RFU Head of Discipline shall refer the appeal to an Appeal Panel for determination.

Appeal Panel's Discretion

19.13.4 The Appeal Panel is empowered to decide:

(a) Whether or not it should hold a hearing;

(b) The time and place of any hearing;

(c) The nature of the evidence it would wish to be adduced;

(d) Who (if anybody) should be invited to appear at any hearing; and

(e) How and when any decision it takes should be acted upon.

19.13.5 The Appeal Panel will be entitled to seek advice from such other persons (including, if it deems it appropriate, members of the relevant Committee) as it deems appropriate.

19.13.6 The Appeal Panel shall have the power to hear evidence from any third party or Club not directly involved in the appeal if the Appeal Panel is of the view that such third party or Club may be materially or adversely affected by any decision it may make.

Evidence

19.13.7 Where the Appellant wishes to rely upon any new evidence it must notify the Chairman of the Appeal Panel at least 72 hours ahead of the hearing who will give any other party to the hearing as much notice of the new evidence as is reasonably possible. The Chairman of the Appeal Panel shall determine the weight to be given to such evidence.

Decision

19.13.8 The Appeal Panel shall only be allowed to depart from the application of RFU Regulation 13 in exceptional circumstances where the Appeal Panel is of the opinion that the application of RFU Regulation 13 has resulted or would result in a perverse and/or unfair outcome.

19.13.9 Subject to RFU Regulation 19.13.10, the decision of the Appeal Panel, which shall be given within 28 days of all information required by it being supplied, shall be final and binding.

Sanction

19.13.10 No sanction will be applied until the appeals procedure has ended.

19.13.11 Sanctions may be increased as well as decreased on appeal.

Costs

19.13.12 The Club and/or Appellant may be required at the sole discretion of the Appeal Panel to pay the costs of the appeal when a personal hearing is requested and granted.

19.14 Confidentiality

19.14.1 All disciplinary proceedings which take place under RFU Regulation 19 are confidential and shall take place in private.

19.14.2 Subject to RFU Regulation 19.14.3 all documents are confidential between the parties to the proceedings and the RFU. All evidence, representations and submissions shall be privileged. Any audio or other recording made under these Regulations shall be the property of the RFU.

19.14.3 The RFU shall have the right to publish any written decision of a Disciplinary Panel, Appeal Panel or single Judicial Officer on the disciplinary section of **www.RFU.com** and the parties are deemed to have consented to such publication.

19.14.4 These provisions as to confidentiality shall not prevent the RFU from using material received for the purpose of implementing compliance with its Rules and Regulations.