

## Annex G – 1

### APPEAL RULES

#### Introduction

1. Any person who is a member of one of the BEF Members which has incorporated these Appeal Rules (“AR”) into its rules and who is dissatisfied with the decision of any of the bodies or organisations identified below may subject to AR 2 invoke the appeal procedure set out in these AR.
2. These AR do not apply to:
  - a. decisions which relate to human anti-doping which fall under the provisions of the BEF Anti-Doping Rules for Human Athletes and, in accordance with FEI and UK Sport policy, are dealt with exclusively in accordance with those Rules
  - b. decisions which relate to equine anti-doping or medication control which fall under either the provisions of the BEF Equine Anti-Doping and Controlled Medication Rules or the FEI Equine Anti-Doping and Controlled Medication Rules.
  - c. decisions which relate to selection for the Olympic or Paralympics Games which fall under the provisions of the BEF Olympic and Paralympic Selection Appeal Rules and selection for international championships or other teams which fall under the provisions of the BEF Selection Appeal Rules<sup>1</sup>.

#### Interpretation

3. In these AR the following words or phrases shall bear the following meanings unless the context otherwise requires:

“**Administrative Decision**” means a decision of any of the bodies referred to in AR 9 a. to d. including the following:

- a. Permissions to compete in national or international competitions;
- b. Selection of horse or rider for participation in World Class Performance, Potential or Start Programmes;
- c. Downgrading of Members;
- d. Inclusion, promotion to or demotion from a judges’ panel at any level;
- e. Attendance on approved training courses for any Member or Official;
- f. A decision of equivalent status to any of the above.

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<sup>1</sup> See Annex H - 1

**“Appeal”** means an appeal brought under these AR;

**“Appellant”** means a Member who invokes the appeal procedure set out in these AR;

**“Chair”** means the chair of the Panel appointed pursuant to AR 16;

**“Date of the Relevant Decision”** means in the case of an Administrative Decision whichever is the later of the date of the Decision and the date on which the Appellant is informed of the result of any internal appeal or mediation process applicable to the Decision pursuant to the rules of the relevant BEF Member and in the case of a Disciplinary Decision whichever is the later of the date of the Decision or the date at which the result of any internal appeal pursuant to the rules of the relevant BEF Member is notified to the Appellant;

**“Day”** means any day other than a Saturday, Sunday, Christmas Day, Good Friday or a bank holiday under the Banking and Financial Dealings Act 1971, in England and Wales and “days” shall be construed accordingly;

**“Disciplinary Committee”** means a disciplinary committee or other body responsible for discipline of any BEF Member

**“Disciplinary Decision”** means a decision of a Disciplinary Committee resulting in the finding of a disciplinary default or the imposition of a disciplinary action or disciplinary sanction;

**“Notice of Appeal”** means a notice in the format set out in Appendix A and complying with AR 15;

**“Member”** means an individual member of a BEF Member;

**“Panel”** means an appeal panel appointed to hear an Appeal pursuant to AR 16;

**“Reply”** means a reply made in compliance with AR 22 b);

**“Respondent”** means the relevant BEF Member;

**“Standard Directions”** means the directions set out at AR 22;

**“Statement of Appeal”** means a statement of appeal made in compliance with AR 22 a).

4. Where any written notice or document is to be given or supplied to the BEF under these AR it must be either sent by pre-paid post or delivered by hand to the BEF at Abbey Park, Stareton, Kenilworth, Warwickshire CV8 2RH and marked for the attention of the BEF Chief Executive.

5. Where any written notice or document is to be given or supplied to any other person under these AR it must be either sent by pre-paid post or delivered by hand to the last known address of that person.
6. A document is deemed to be served as follows:  
First class post (or other postal service which provides for delivery on the next business day): The second day after it was posted.  
Personal service: If the document is served personally before 4.30 p.m. on a day, then on that day.
7. References in these AR or in any form to a party's signing, filing or serving any document or taking any other procedural step include the signature, filing or service of that document or the taking of such other procedural step by the party's solicitor.
8. In computing the number of days within which anything under these Rules is required to be done the day on which the period begins and the day upon or by which the thing is to be done shall not be included.
9. The bodies and organisations referred to in AR 1 above are:
  - a. Any BEF Member or committee of a BEF Member;
  - b. Administrators or selectors of any World Class programme;
  - c. Team managers or chefs de mission;
  - d. A Disciplinary Committee.

### **Administrative Decisions**

10. Before bringing an Appeal under AR 1 in respect of an Administrative Decision the Appellant must first have exhausted any internal appeal/review /mediation procedures of the Respondent.

### **Disciplinary Decisions**

11. Before bringing an appeal under AR 1 in respect of a Disciplinary Decision an Appellant must first have exhausted any internal appeals procedure of the Respondent.

### **Grounds of Appeal**

12. In the case of an Administrative Decision an Appeal may be brought on the grounds that the decision was :
  - a. wrong; or
  - b. unjust because of a serious procedural or other irregularity in the proceedings of the body or organisation.

13. In the case of a Disciplinary Decision an Appeal may be brought on the grounds that:
- a. the finding of a disciplinary default or any disciplinary action or disciplinary sanction imposed was unreasonable;
  - b. there is evidence that could not reasonably have been considered at the original hearing which would have materially affected the Disciplinary Decision; or
  - c. there was a serious procedural or other irregularity in the proceedings which materially affected the Disciplinary Decision.

### **Commencement of Appeal**

14. An Appeal shall be commenced by lodging with the BEF and serving on the Respondent a Notice of Appeal within ten Days of the Date of the Relevant Decision.
15. The Notice of Appeal must be in the format set out in Appendix A to these AR and must:
- Identify and, where available, provide a copy of the decision being appealed;
  - Identify any internal review/appeal/mediation procedure, if applicable, which has been followed and the outcome;
  - Set out the grounds of the Appeal in separate numbered paragraphs;
  - Set out the Appellant's request for relief or remedy;
  - Be signed by the Appellant;
  - Be accompanied by a fee of £300 which will be held by the BEF until the Appeal is decided. If the Appeal is dismissed the fee will not be refunded. Otherwise the Panel may in its discretion order the other party to pay some or all of the fee.

### **Appeal Panel**

16. The BEF Chief Executive will appoint an Appeal Panel of three to hear the Appeal and nominate one of the Panel as chair. In the case of an Appeal brought against a Disciplinary Decision the Chair shall be legally qualified. The Panel will be drawn from Stewards of BEF as nominated by BEF Members and/or the Chief Executive, and approved by the Board, but will not include any person who is a member, or member of a committee, of the Respondent to the Appeal or is otherwise connected to the Respondent.
17. Within seven Days of the appointment of the Panel the Chief Executive will notify the parties of the members of the Panel.

18. Unless otherwise directed by the Panel the decision of the body or organisation concerned will be suspended pending the outcome of the Appeal. The Respondent may apply to the Panel for the decision to take effect pending the outcome of the Appeal where the conduct complained of brings the BEF Member into disrepute.

### **Directions**

19. The Chair may give directions in relation to the conduct or disposal of the Appeal at any time.
20. In the absence of any specific directions the Standard Directions shall apply.
21. Where an Appellant fails to comply with the provisions of these AR or any direction given by a Panel the Appeal may be dismissed by the Panel without further consideration. Where a Respondent fails to comply with the provisions of these AR or any direction given by a Panel the Appeal may be allowed by the Panel without further consideration.

### **Standard Directions**

22. Unless the parties are otherwise directed under the provisions of AR 19, the following Standard Directions shall apply:
- a. Within 14 Days of the date of receipt of the Notice of Appeal the Appellant shall submit to the BEF and serve on the Respondent a Statement of Appeal setting out:
    - a statement of the facts giving rise to the Appeal ;
    - a statement of any law relied on by the Appellant in support of the Appeal;
    - copies of all documents upon which the Appellant intends to rely; and
    - any procedural matters upon which the parties are agreed or proposals in relation to any procedural matters.
  - b. Within 14 Days of receipt of the Statement of Appeal the Respondent shall submit to the BEF and serve on the Appellant a Reply setting out:
    - its position in regard to the Notice of Appeal;
    - its position in regard to the matters of fact or law set out in the Appellant's Statement of Appeal;
    - setting out a statement of the facts and any law upon which the Respondent relies;
    - copies of all documents in support of its position; and
    - any procedural matters upon which the parties have agreed or proposals in relation to any procedural matters.

- c. Unless the Chair permits, the parties shall not submit further written material after the time limit for the submission of the Statement of Appeal or the Reply, as the case may be.
- d. The Appeal will be limited to a review of the decision of the body or organisation against whose decision the Appeal is being made unless the Panel considers that in the circumstances of an individual Appeal it would be in the interests of justice to hold a re-hearing.

### **Oral Hearing**

- 23. If either party applies to the Panel for an oral hearing no later than five days after the date upon which the Respondent's Reply is served, or if the Chairman of the Appeal Panel so directs, an oral hearing of the Appeal shall be held. An application made under this AR 23 must be in writing signed by the Appellant and accompanied by a fee of £600. The fee shall be held on deposit pending the outcome of the Appeal. If the Appeal succeeds, the fee shall be refunded, otherwise it shall be retained.
- 24. Subject to any specific directions which the Chair shall give the following procedure shall apply to any oral hearing:
  - a. The Chief Executive shall fix the date for the hearing giving to the parties as much notice as practicable taking into account the parties' availability. However, in the event of difficulty the Panel's decision shall be final.
  - b. Unless the Panel orders otherwise, the hearing shall take place at the BEF offices or in the close vicinity.
  - c. Unless the Panel orders otherwise the hearing shall be held in private. At the discretion of the Chair an external independent observer may be permitted to attend a private hearing.
  - d. Any party may choose to be legally represented at the hearing.
  - e. The parties must notify the BEF and the other party as soon as is practicable and in any event within any time limits set by the Chair of the identity of any witnesses they wish to call and the Chair may require that each party shall disclose the witness statement of any such witness both to the Panel and to the opposing party. The Panel shall decide whether such witness should be required to attend and give evidence at the hearing.
  - f. The oral hearing shall be conducted as follows:-
    - i) The Appellant shall give his or her evidence together with any witness evidence or witness statement relied upon following which the Respondent shall give its evidence together with any witness evidence or witness statement relied upon;

- ii) Either party may cross examine the other and any witness called by them;
  - iii) Following the giving of evidence the Appellant and then the Respondent shall summarise their respective cases.
- g. The non-attendance of a party at an oral hearing in respect of which that party has received notice shall not prevent the hearing being held in their absence.
- h. The Appeal Panel shall indicate whether they can reach their decision and finding on the day of the hearing and shall notify the parties of its decision in writing within 14 Days.
- i. The costs of the hearing and of any legal representation, and any contribution by the losing party to the BEF hearing fees, will be in the absolute discretion of the Panel.

### **Decision**

25. The Panel may uphold the original decision, dismiss the Appeal or make such other determination as it thinks appropriate to deal justly with the case. In the event of a rehearing of a Disciplinary Decision it shall have the same powers of decision making as the original body or organisation and of sanctioning as the Disciplinary Committee, but may not increase any penalty.
26. The Panel has power to order the unsuccessful party to pay the costs of the successful party; the amount may be agreed by the parties or determined by the Chair in default.
27. The Panel's decision along with its reasons shall be given in writing to the Chief Executive who will provide a copy of the decision and finding to the parties within seven Days of receipt.

### **Publicity**

28. Neither the Appellant nor the Respondent shall make any public comment on the subject matter of the Appeal prior to the determination of the Appeal by the Panel.
29. The Panel's decision and finding may be published by the BEF.

### **Further Appeal**

30. If either the Appellant or the Respondent disagrees with the decision of the Appeal Panel the case may be referred to Sports Resolution UK ("SR"). Copies of the SR rules are available from the BEF office.

## General

31. The overriding objective of the AR is to enable the BEF to deal with appeals justly. Dealing with an appeal justly includes
- a. dealing with the appeal in a way which is proportionate to
    - i) the importance of the case
    - ii) the complexity of the issues
    - iii) the financial implications
  - b. ensuring the appeal is dealt with fairly and expeditiously
  - c. saving expense

In any unforeseen circumstances or in any situation which cannot be resolved by recourse to the provisions of these AR the issues shall be resolved by reference to that overriding objective and these AR.