

**DISCIPLINARY RULES AND PROCEDURES**  
**WELSH ATHLETICS LTD (“WA”)**



**WELSH ATHLETICS**  
ATHLETAU CYMRU

These Rules and Procedures set out WA’s disciplinary jurisdiction over Participants (as defined below) in Athletics in Wales and are intended to be legally binding over all those subject to it.

1. **INTERPRETATION**

1.1 The definitions and rules of interpretation in this clause apply in this procedure.

<b>ADT</b>	the Athletics Disciplinary Tribunal
<b>ADT Procedure</b>	the rules and procedures of the ADT as annexed to these Rules
<b>Anti-Doping Rules</b>	the rules contained in the UK Anti-Doping Rules in force from time to time and as published by UK Anti-Doping
<b>Anti-Doping Rule Violation</b>	an actual or alleged breach of the Anti-Doping Rules
<b>Appellant</b>	a person with standing being WA, UK Athletics and the parties set out in paragraph 20.2,
<b>Arbitrator</b>	an independent party appointed in accordance with clause 23;
<b>Athletic Representatives</b>	a person selected by WA (which includes the Welsh Schools Athletic Association) to represent Wales in a competition recognised by WA anywhere in the world
<b>Chair</b>	the chair of the WA Disciplinary Committee, as appointed under Rule 8
<b>Charge</b>	a formal accusation made by WA that the Participant has, or is alleged to have committed an act of Misconduct
<b>Charge Letter</b>	a letter confirming the details as set out in Rules 7.4.1 to 7.4.4
<b>Club</b>	athletics clubs within Wales recognised by the board of directors of Wales Athletics Limited

<b>Coaches</b>	a person who holds a UKA coaching licence
<b>Corporate Documents</b>	WA's Articles of Association, Memorandum of Association, Byelaws and Code of Conduct as in force from time to time
<b>Decision</b>	a decision made by the WA Disciplinary Committee in accordance with Rule 16
<b>Directions</b>	instructions from the WA Disciplinary Committee as to the conduct of the Disciplinary Proceedings, which shall include a timetable leading to a Hearing
<b>Disciplinary Proceedings</b>	proceedings brought by WA against a Participant under these Rules
<b>Hearing</b>	a session convened by the WA Disciplinary Committee in order for the evidence (as permitted under the Directions) relating to a Charge against a Participant to be heard to allow the WA Disciplinary Committee to reach a decision on the Charge

<b>Misconduct</b>	means: <ul style="list-style-type: none"> <li>(a) Any breach of WA’s Corporate Documents;</li> <li>(b) Any Anti-Doping Rule Violation committed by a Participant;</li> <li>(c) Any breach of the terms of any licence granted to any person by WA;</li> <li>(d) Any breach of duty by any officer, consultant or employee of WA;</li> <li>(e) Any failure or refusal to co-operate with any investigation conducted by WA;</li> <li>(f) Any failure or refusal to comply with an Interim Suspension (as defined in Rule 6.2.1)</li> </ul>
<b>Officials</b>	persons who are engaged by UKA to ensure the rules of competition are upheld and followed
<b>Participant</b>	all Athletic Representatives, Clubs, volunteers of WA, spectators, parents and guardians of Athletic Representatives, attendees in committee meetings, members of the Welsh Athletics Limited board of directors, and any other person in any way involved in representing Welsh Athletics (including the Welsh Schools Athletic Association) anywhere in the world.
<b>Rules</b>	these disciplinary rules and procedures as updated from time to time
<b>Rules of Appeal</b>	the rules as set out in Rules 20 to 29

<b>Sanction</b>	any penalty imposed by WA Disciplinary Committee on a Participant in accordance with these Rules
<b>UKA</b>	United Kingdom Athletics Limited, Athletics House, Alexander Stadium, Walsall Road, Perry Barr, Birmingham, B42 2BE.
<b>UKA DRP</b>	the disciplinary rules and procedures of UKA
<b>Vulnerable Witnesses</b>	any person: <ul style="list-style-type: none"> <li>(g) Who is defined as vulnerable, a vulnerable witness, a child or an adult at risk in law or in the usual practice of the Courts;</li> <li>(h) Who has (actually or allegedly) suffered abuse (sexual or otherwise) or any form of bullying or harassment; or</li> <li>(i) Who the WA Disciplinary Committee considers is vulnerable for any other reason.</li> </ul>
<b>WA Disciplinary Committee</b>	the committee formed to adjudicate a Charge made against a Participant and formed in accordance with Rule 8

## 2. JURISDICTION

2.1 WA shall have disciplinary jurisdiction over Participants.

2.2 In the event of a dispute or question concerning jurisdiction over a disciplinary matter between UKA and WA, the determination as to where the jurisdiction lies will reside with UKA.

2.3 In appropriate cases, notwithstanding the fact that WA has jurisdiction over a Participant, it may delegate the conduct of disciplinary proceedings to any other relevant competent body.

2.4 Disciplinary jurisdiction over Coaches and Officials shall reside with UKA and be subject to the UKA DRP, save for where UKA has specifically requested WA to Charge an Official or Coach under these Rules.

### 3. **MISCONDUCT**

3.1 WA may prosecute and conclude Disciplinary Proceedings against any Participant for Misconduct

3.2 WA may, in its sole discretion and at any time, refer any disciplinary matter over which it has jurisdiction to the ADT following which the matter will be dealt with in accordance with the ADT Procedure. For the avoidance of doubt, such discretion shall only apply to WA and any Participant may not refer any disciplinary matter to the ADT.

### 4. **POWERS OF INVESTIGATION**

4.1 WA shall have power to investigate any Participant for Misconduct.

4.2 WA shall have the power to require any Participant to:

4.2.1 Provide such specified or general information as WA may request;

4.2.2 Attend any meeting, inquiry, hearing or proceedings to answer questions;

4.2.3 To produce relevant documents within their power, possession, custody and/or control, as WA may direct.

4.3 WA may instruct such advisers as it considers appropriate for the purposes of carrying out such investigations, meetings, inquiry, hearing, or proceedings.

4.4 Without prejudice to rule 5.5, It shall be no answer to a request from WA to disclose documents or information pursuant to this rule that such documents or information requested are confidential.

4.5 A Participant shall not be required to provide documents that are subject to legal professional privilege or where such disclosure would be prohibited by law.

### 5. **INTERIM OR PROTECTIVE MEASURES**

5.1 Where WA considers that a Participant may have committed Misconduct, it may with the approval of the Board or their designated nominee impose such interim or protective measures as it considers appropriate without the forming of the WA Disciplinary Committee.

- 5.2 These measures may include (each an “**Interim Suspension**”):
- 5.2.1 the imposition of a temporary suspension upon a Participant pending a hearing;
  - 5.2.2 the temporary suspension of a Participant’s licence pending a Hearing; and/or
  - 5.2.3 temporarily removing a Participant from any role in WA, from holding any office in WA, or having any entitlement to participate in its decisions.
- 5.3 Any breach of the terms or conditions of the Interim Suspension will constitute a new disciplinary offence and shall be dealt with accordingly.
- 5.4 WA may request the delivery of any documents or property relating to a potential charge of Misconduct or request that any Participant, whether or not the subject of a potential Charge, attends for interview or answers any questions put to them by WA in relation to a Charge.

## 6. **INITIATING DISCIPLINARY PROCEEDINGS**

- 6.1 WA may initiate disciplinary proceedings against any Participant for Misconduct. A Participant charged with Misconduct shall be called a “**Respondent**”.
- 6.2 WA may initiate a Charge based upon any allegation or suspicion of Misconduct reported to WA, or of its own motion.
- 6.3 WA shall initiate a Charge by sending a Charge Letter to each Respondent charged with Misconduct.
- 6.4 The Charge Letter shall set out:
- 6.4.1 The nature of the complaint or Misconduct constituting the Charge;
  - 6.4.2 A brief summary of the facts relied upon by WA;
  - 6.4.3 The proposed composition of the Disciplinary Committee and
  - 6.4.4 Any relevant documents currently available to WA (but only in such circumstances where their release would not jeopardise or prejudice the investigation).

- 6.5 The Charge Letter shall state a date within which the Respondent must respond to the Charge as well as requesting that the Respondent states whether the Charge is admitted.
- 6.6 If a Charge is admitted, the matter shall be referred to the Disciplinary Committee solely for the purpose of sanction.
- 6.7 If a Charge is admitted but the Respondent wishes to mitigate a Charge on a basis which WA disputes, the WA Disciplinary Panel shall set Directions in accordance with these Rules, in order to resolve these disputed issue(s) of fact.
- 6.8 Where a Charge is denied, the procedures set out below in paragraph 11 shall apply.

## **7. THE WA DISCIPLINARY COMMITTEE**

- 7.1 The WA Disciplinary Committee shall be composed of three members selected by WA for their expertise, and experience in Athletics or sport generally, and for their impartiality. No person may be appointed a member of a WA Disciplinary Committee if they have any current financial relationship with WA, or are biased or lack impartiality on any basis.
- 7.2 Any challenge by a Respondent to the suitability or impartiality of a member of the WA Disciplinary Committee must be made within 7 days of the receipt of the Charge Letter.
- 7.3 In the event of such a challenge, the challenge may either be resolved by consent or by the decision of the Chair of the WA Disciplinary Committee.
- 7.4 Where the impartiality of the Chair is challenged, this matter shall be resolved by the CEO of WA (or a suitably qualified member WA Disciplinary Committee nominated by such CEO).
- 7.5 Where a Respondent falls under the disciplinary jurisdiction of both UK Athletics and WA, the WA Disciplinary Committee may be jointly appointed by UK Athletics and WA. In such case:
- 7.5.1 The UKA Disciplinary Panel (as formed under the UKA DRP) shall also act as the disciplinary panel of WA and shall have the sanctioning and procedural powers set out in the UKA DRP in addition to its powers under these Rules. The procedure in the UKA DRP will be followed. In relation to any conflict between these Rules and UKA DRP, the UK DRP shall prevail.



- 7.5.2 UK Athletics and WA shall jointly prosecute the case and shall each have the full right to determine the submissions to the UKA Disciplinary Panel in relation to the matters over which they have jurisdiction, including to delegate such authority to the other.
- 7.5.3 The evidence in the case shall be heard only once and shall be applied by the UKA Disciplinary Panel in relation to all charges made by UK Athletics and WA.
- 7.5.4 UK Athletics can request a WA disciplinary panel be convened to hear a case.

## 8. **POWERS OF THE WA DISCIPLINARY COMMITTEE**

- 8.1 The WA Disciplinary Committee shall determine its own procedure and may determine any question as to its own jurisdiction.
- 8.2 In the discharge of its functions, the WA Disciplinary Committee shall have the following powers:
  - 8.2.1 To impose, amend or to abridge any time limits;
  - 8.2.2 To impose any Directions upon either WA or a Respondent with respect to matters before the WA Disciplinary Committee;
  - 8.2.3 To order disclosure by either party of all or any documents in that party's possession it considers to be relevant;
  - 8.2.4 To determine whether expert evidence is required and, if so, in relation to what issues and to make orders relating thereto;
  - 8.2.5 To order the attendance of any Participant to any of the proceedings of the WA Disciplinary Committee;
  - 8.2.6 To order the attendance of any officer or employee of, or consultant, to WA to any proceedings of the WA Disciplinary Committee;
  - 8.2.7 To decide upon any matters of law or fact arising in the course of its proceedings;
  - 8.2.8 To draw any inferences (positive or negative) from the presence or absence of any evidence before the WA Disciplinary Committee ;

8.2.9 To conduct preliminary hearings on any matters arising in the course of the Disciplinary Proceedings, or from the failure or refusal of any party to comply with the any Directions made;

8.2.10 To make final awards as to any matters arising in the course of Disciplinary Proceedings including striking out complaints or defences or parts of complaints or defences, or reaching a conclusion as to an issue in proceedings, in the absence of, or the necessity for, a full hearing; and

8.2.11 To set a date for the Hearing or to adjourn or postpone any hearing.

8.3 Any Hearing of the WA Disciplinary Committee may take place in person or via video conference or through a variety of both media, at the complete discretion of the WA Disciplinary Committee.

## **9. RIGHTS OF AUDIENCE BEFORE THE WA DISCIPLINARY COMMITTEE**

9.1 Both WA and the Respondent may be legally represented before the WA Disciplinary Committee. Alternatively, either party may choose to be represented by any person they nominate to speak on their behalf, subject to such a person not being involved or the subject of the proceedings. Both WA and the Respondent may only have one representative speaking on their behalf save for where permission for multiple representatives is granted by the Chair of the WA Disciplinary Committee .

## **10. PROCEDURE BEFORE THE WA DISCIPLINARY COMMITTEE**

10.1 Upon the receipt of a Charge, a WA Disciplinary Committee shall be appointed.

10.2 The WA Disciplinary Committee shall be sent a copy of the Charge and shall, as soon as reasonably practicable, schedule a hearing to set Directions for the Hearing of the Charge.

10.3 The WA Disciplinary Committee shall supervise the compliance by WA and Respondent with the Directions.

10.4 At the hearing, in normal circumstances, WA will present its evidence first. The Respondent shall have the right to cross-examine all and any witnesses presented by WA.

- 10.5 Once WA has presented its case, the Respondent shall present its defence. It may call all and any evidence on its behalf. WA will have the right to cross-examine all and any of the witnesses presented by the Respondent.
- 10.6 In relation to any Vulnerable Witnesses giving evidence, the WA Disciplinary Committee shall have the power to do any of the following or a combination of the following:
- 10.6.1 Disapply paragraphs 11.4 and/or 11.5 above entirely;
  - 10.6.2 Order that cross examination is directed through the Chair of the WA Disciplinary Committee;
  - 10.6.3 Order that cross examination be carried out in advance of the hearing with only limited persons present;
  - 10.6.4 Order that cross examination be carried out in writing with questions put to the witness and answered in writing prior to the hearing;
  - 10.6.5 Order any special measures it considers are required for the protection of the witness and their mental or physical wellbeing or to ensure that the witness is able to give their best evidence to the WA Disciplinary Committee.
- 10.7 Thereafter, WA, followed by the Respondent, shall have the right to make short closing submissions.
- 10.8 The WA Disciplinary Committee may at any time ask any questions of WA or the Respondent and question any of their witnesses.
- 10.9 Having heard all of the relevant evidence, the WA Disciplinary Committee shall reach its decision within such time as is reasonable in the circumstances.

## 11. **THE CONFIDENTIALITY OF PROCEEDINGS**

- 11.1 All proceedings of the WA Disciplinary Committee shall be confidential. All and any documents created or exchanged in the course of the disciplinary proceedings shall also remain confidential notwithstanding their conclusion. The confidentiality of any Disciplinary Proceedings may only be overridden by an order of the WA Disciplinary Committee that heard the relevant Proceedings, or by the ADT.

12. **BURDEN AND STANDARD OF PROOF**

12.1 WA shall bear the burden of proving the Charge. The standard of proof shall be the civil standard, in that the WA Disciplinary Committee must be satisfied that on the balance of probabilities the conduct constituting the Charge took place.

13. **EVIDENCE**

13.1 The WA Disciplinary Committee shall not be bound by any formal rules of evidence and may accept in evidence as admissible any evidence which it considers is relevant and cogent to the proceedings before it. The weight to be attributed to any evidence shall be a matter for the WA Disciplinary Committee.

14. **VENUE**

14.1 The venue of any disciplinary or appeal hearing will be at the complete discretion of the WA Disciplinary Committee.

15. **THE DECISION**

15.1 Having heard all of the relevant evidence, the WA Disciplinary Committee shall reach a decision. If the WA Disciplinary Committee is not unanimous in reaching its decision, this shall not be recorded and no dissenting judgment shall be given. The WA Disciplinary Committee shall decide whether the Charge is proven, not proven, or proven in part in accordance with clause 13. The decision shall be in writing and distributed to all parties as soon as reasonably practicable after it has been reached.

15.2 In matters of urgency, a summary of the conclusions reached by the WA Disciplinary Committee may be released with the full reasoned decision to follow.

15.3 Clear reasons shall be given for the conclusion reached in the written Decision. The parties may request clarification of any Decision of the WA Disciplinary Committee within seven days after it has been reached, after which time it shall become final and binding on all parties (subject to any subsequent appeal).

15.4 Either party or the WA Disciplinary Committee may request that parts of the written decision be redacted on grounds of confidence or the protection of third parties. The decision of the WA Disciplinary Committee to allow or not allow redactions is final

15.5 WA and a Respondent may, at any time prior to a hearing, agree a decision by mutual consent. Such decision must be presented to the WA Disciplinary Committee which

may, in its sole discretion, ratify it or reject it. In the event it is rejected, the matter shall proceed to a Hearing in accordance with these Rules. In the event it is ratified it shall be the binding decision of the WA Disciplinary Committee. A decision by mutual consent may include a provision that there shall be no right of appeal.

## 16. **SANCTIONS**

16.1 If the WA Disciplinary Committee decides that the Charge is proven, or proven in part, it shall then move to consider the imposition of appropriate sanction.

16.2 In the exercise of its disciplinary power, the WA Disciplinary Committee may impose any one, or a combination of, the following Sanctions:

16.2.1 Declare the Respondent ineligible for selection for any period of time;

16.2.2 Impose a suspended period of ineligibility;

16.2.3 Issue the Respondent with a reprimand or warning as to future conduct;

16.2.4 Revoke, or vary any licence or permission given by WA to any person in receipt of such a licence, such revocation to be either temporary (for a term to be decided by the WA Disciplinary Committee) or permanent;

16.2.5 Impose a financial penalty payable to WA;

16.2.6 Exclude a Respondent from any form of participation in athletic activities for any period of time;

16.2.7 Suspend or place any restriction on the membership of a Club or organisation under the jurisdiction of WA;

16.2.8 Remove a Respondent from any role in WA, from holding any office in WA, or from any entitlement to participate in its decisions.

16.2.9 Impose an order that the Respondent make a contribution towards the costs incurred by WA;

16.2.10 Suspend or terminate a Club's right to participate in WA or UK Athletics competitions, and to withdraw any sporting or membership privileges from such a Club;

16.2.11 Make declaration that any Officer, employees or consultants of WA is debarred from continuing to hold any office in WA; or

16.2.12 Order any such Sanction as the WA Disciplinary Committee may think fit.

## 17. **PUBLICATION OF THE DECISION**

17.1 At the discretion of WA, the Decision may be published on the WA website and made available publicly, subject to such redactions as the WA Disciplinary Committee may order.

17.2 Alternatively, WA may publish a summary of any decision, rather than the full decision, where, in the opinion of the WA Disciplinary Committee, the interests of athletes, or of the sport generally, or commercial confidence so warrant it.

17.3 Where it is agreed that a decision is confidential between the parties, disclosure may be made by WA for the purposes of the enforcement of the Sanction.

## 18. **COSTS AND UPDATES**

18.1 In general, both WA and the Respondent shall bear their own costs of the proceedings. WA shall pay the costs relating to the Hearing. Costs shall only be paid by way of a Sanction, or part of a Sanction, if the Disciplinary Panel consider it appropriate.

18.2 WA may update these Rules at any time.

## 19. **APPELLATE JURISDICTION**

19.1 These Rules of Appeal apply in relation to:

19.1.1 An appeal from any Decision taken by a WA Disciplinary Committee ("**WA Disciplinary Decision**");

19.1.2 An appeal from a refusal to grant permission to promote an event;

19.1.3 An appeal from any decision as to an Athletic Representative's eligibility to compete for Wales;

19.1.4 An appeal from a refusal to renew any form of licence granted by WA or to impose conditions upon an existing licence whether during the pendency of the licence or on its renewal.

each of which is an "**Appeal Decision**".

- 19.2 The persons entitled to appeal against a WA Disciplinary Decision shall be WA, UK Athletics and the Respondent.
- 19.3 The time limits and rules set out in these Rules of Appeal shall apply to all appeals.
- 19.4 These Rules of Appeal constitute the exclusive appeal procedure governing a WA Disciplinary Decision.
- 19.5 The Parties agree not to commence, continue, or maintain any legal proceedings, other than as set out herein. Any such proceedings may be stayed under Section 9 of the Arbitration Act 1996. All decisions under these Rules of Appeal are final and binding upon the Parties.

## 20. **GROUNDS OF APPEAL**

- 20.1 A person with standing, being WA, UK Athletics and the parties set out in paragraph 20.2 above, may appeal only on the grounds, that:
- 20.1.1 In the case of a WA Disciplinary Decision, there has been a material failure to follow the process outlined in the Rules, which failure has resulted in substantial injustice;
- 20.1.2 The WA Disciplinary Committee, or any member of it, or any person involved in making the relevant Appeal Decision, lacked the required independence and has demonstrated bias or bad faith when making the decision;
- 20.1.3 The WA Disciplinary Committee reached an Appeal Decision on the basis of an error of law;
- 20.1.4 The Sanction (including where no sanction is levied) is either too lenient or too severe; or
- 20.1.5 In relation to all of the appeals under paragraph 20.1 (and exclusively for those under paragraph 20.1.5 to 20.1.7) the Decision is perverse or one that no reasonable person could have arrived at.

## 21. **COMMENCING AN APPEAL**

- 21.1 An appeal is commenced when an Appellant, submits a formal written notice of appeal to the Chair of the Board of WA identifying one of the permitted grounds of appeal (the “**Notice of Appeal**”) to WA within 21 days of the date of the Appeal Decision.

- 21.2 Notice of Appeal served outside of the 21 day time limit shall only be accepted in the most exceptional of circumstances. In normal circumstances, any failure to make a timely filing of a Notice of Appeal shall result in the termination of the appeal and shall terminate the proceedings.
- 21.3 In the event of an appeal by UK Athletics against an Appeal Decision, UK Athletics shall send the Notice of Appeal to the Respondent to the appeal and WA (in the event of a UK Athletics appeal) by email to the Chair of the Board of WA.
- 21.4 The Notice of Appeal must set out the full details of the ground(s) of the Appellant's appeal and include:
- 21.4.1 Details of the Appeal Decision which is being appealed and the date of such Decision;
  - 21.4.2 Details of the ground(s) of appeal upon which the Appellant relies, including the precise manner in which the Appellant alleges that such ground(s) apply;
  - 21.4.3 Any documents or written evidence upon which the Appellant relies in support of the appeal;
  - 21.4.4 An email address for correspondence; and
  - 21.4.5 Details of any person who shall act as legal or personal representative of the Appellant.

## 22. **APPOINTMENT OF AN APPEAL PANEL**

- 22.1 Following receipt of a Notice of Appeal, UKA shall appoint a Panel consisting of three Arbitrators, one of whom shall be designated as the Appeal Chair (**Appeal Panel**).
- 22.2 All Arbitrators must be free of conflicts of interest. Each Arbitrator must disclose the existence of such conflicts before accepting an appointment to sit on an Appeal Panel.
- 22.3 WA shall notify the parties to the appeal of the identity of the Appeal Panel.
- 22.4 Any challenge by a Respondent to the suitability or impartiality of a member of the Appeal Panel must be made within 7 days of the receipt of the identity of the Appeal Panel.
- 22.5 In the event of such a challenge, the challenge may either be resolved by consent or by the decision of the Appeal Chair of the Appeal Panel.



- 22.6 Where the impartiality of the Appeal Chair is challenged, this matter shall be resolved by the CEO of WA (or a suitably qualified member of the Appeal Panel nominated by such CEO).
- 22.7 The Appeal Panel shall determine its own procedure and have all the powers of the WA Disciplinary Committee.
- 22.8 The Appeal Chair of the Appeal Panel may conduct preliminary or directions hearings sitting alone.
- 22.9 The Sports Resolutions Arbitration Rules shall not apply to these proceedings.

### 23. **RESPONSE TO APPEAL**

- 23.1 The respondent to the appeal (being either WA or the Respondent before the Disciplinary Panel) shall file its response to the Notice of Appeal with WA by email (with a copy to all other parties to the appeal) within 21 days of receipt of the Notice of Appeal.
- 23.2 In relation to an appeal against an WA Decision, in the event UK Athletics is not the Appellant or a Respondent to the appeal, it may file such intervener brief or take such part in the proceedings as it considers appropriate.

### 24. **DIRECTIONS HEARING**

- 24.1 As soon as reasonably practicable after receipt by all parties of the response to the Notice of Appeal, a Directions hearing will be held. The Directions hearing should be held by video conference unless the Appeal Chair considers there is a good reason for it to be held in person.

### 25. **AFFECTED THIRD PARTIES**

- 25.1 Where it appears to the Appeal Panel that any third party may be affected by, or have a legitimate interest in, the appeal, they will notify the third party of the appeal and, provide that party with a copy of any appeal submissions (and any other relevant documents).
- 25.2 The third party may apply to make or may be invited to make submissions on such terms as the Appeal Panel may set. A third party shall be under no obligation to make any submissions, but if the third party makes any comments the Appeal Panel will give the parties to the appeal a copy of these submissions and time to make any

further submissions in response to these submissions in advance of the Appeal Hearing.

## **26. APPELLATE HEARING**

26.1 Appellate hearings shall involve a review of the Disciplinary Decision in question, followed by the making of a decision, unless the Appeal Panel orders that the matter proceed as a re-hearing of the entire matter.

26.2 A re-hearing of the entire matter shall be ordered only in exceptional circumstances and only where, in the opinion of the Appeal Panel, it is required in order to do justice to the parties before it (for example to cure substantial procedural or substantive failures in the proceedings before the WA Disciplinary Committee).

26.3 No new evidence shall be admitted in respect of an appeal unless the Appeal Panel determines that:

26.3.1 The evidence was not available at the time of the original hearing, notwithstanding the exercise of reasonable diligence by the person seeking to introduce it;

26.3.2 The evidence is credible; and

26.3.3 The evidence is relevant.

26.4 Hearings may be conducted by way of oral hearing or on a review of the papers. Hearings may only be conducted by way of a review of the papers with the consent all parties (including the Appeal Panel) and WA.

26.5 Hearings may take place orally or via video conference (or a mixture of both) at the discretion of the Appeal Panel.

26.6 In relation to vulnerable witnesses giving evidence before it, the Appeal Panel shall have the powers set out in paragraph 11.6 above.

## **27. APPEAL PANEL DECISION**

27.1 The Appeal Panel shall have the power to:

27.1.1 Dismiss the appeal and confirm the Disciplinary Decision;

27.1.2 Set aside the Decision in whole or in part and substitute a new decision; or

27.1.3 Remit the matter for a rehearing before a differently constituted WA Disciplinary Committee.

27.2 Where the Appeal Panel decides not to confirm the Sanctions element of the Disciplinary Decision, it may impose all or any of the Sanctions available to WA as set out above.

## 28. **FINALITY OF APPEALS**

28.1 The result of all Appeals shall be final and binding on all parties and not subject to any further review, save under the Arbitration Act 1996.

## 29. **COMMUNICATIONS ETC.**

29.1 All correspondence is related to a disciplinary matter or appeal shall be conducted by email.

29.2 WA may update these Rules, including the Appeal Rules at any time.

## 30. **GOVERNING LAW AND THE ARBITRATION ACT**

30.1 The Governing Law of all proceedings before the WA Disciplinary Committee and the Appeal Panel shall be English and Welsh Law.

30.2 Proceedings before the WA Disciplinary Committee and the Appeal Panel shall constitute Arbitrations for the purposes of Part 1 the Arbitration Act 1996. As such, they are subject to the procedural supervision of the English High Court in London.

30.3 Sections 44, 45 and 69 of the Arbitration Act 1996 are excluded from these proceedings.

30.4 The seat of the Arbitration shall be Wales.

