

DESTINATION TABLE

Changes made to current draft of Regulation 19

19.1	General	
19.1.1	Application of this Regulation 19	
	This RFU Regulation 19 will also apply to those players and clubs playing in competitions organised under the auspices of the RFUW or a matter relating to women's and girls' rugby	19.1.1
19.1.2	The Disciplinary Officer	
19.1.2.1	The Council shall each year appoint a Disciplinary Officer (either by election of one of their members or co-option) to oversee the exercise of the powers contained in the Disciplinary Regulations.	19.1.12
19.1.2.2	The Disciplinary Officer shall be a senior legal practitioner of at least seven years standing or a serving or retired judge who shall have had previous experience in rugby disciplinary proceedings and relevant rugby experience.	19.1.13
19.1.2.3	The Disciplinary Officer derives his authority from the Council to whom he is responsible. He has functional authority over the RFU Disciplinary Manager and discipline staff and all personnel who participate as Chairmen and members of RFU and CB Disciplinary Panels.	19.1.14 NOTE: Second sentence deleted.
19.1.3	Interpretation	
19.1.3.1	The disciplinary hearings whether held by the Council, an RFU Disciplinary Panel, a Constituent Body Disciplinary Panel, or an Appeal Panel shall, where appropriate, follow the procedures laid down by these Regulations.	Deleted. NOTED: The Disciplinary Regulations set out the procedures and there is therefore no need for this to be said by way of interpretation. It has therefore been deleted.
19.1.3.2	Where in these Regulations any notice or correspondence is required to be sent to the Constituent Body, then where the matter is outside the jurisdiction of the Constituent Body, all such notices shall instead be sent to the RFU Disciplinary Manager, RFU, Rugby House, Twickenham Stadium, 200 Whitton Road, Twickenham, TW2 7BA.	19.1.17

19.1.3.3	Disciplinary matters arising for Age Grade Rugby (under 18 yrs) shall be dealt with as set out in Appendix 6.	19.1.3
19.1.3.4	Separate Regulations will be issued for the Premiership, or any other league and/or competition, where there is any variation of these procedures.	19.1.2
19.1.3.5	The RFU Disciplinary Officer is authorised to issue practice notes as guidance on the interpretation of the Disciplinary Regulations which shall be binding until they are ratified by Council or are withdrawn, whichever is the sooner. Extant memoranda are at Appendix 5.	19.1.15 NOTE: It would be helpful to discuss this provision. Are the guidance note ever ratified by Council?
19.1.3.6	Sanctions and suspensions imposed on persons must be applied universally such that the player may not play/coach/participate as indicated in the judgment anywhere in the world during the period of suspension	19.1.16
19.2	Jurisdiction	
19.2.1	Membership of the RFU	
19.2.1.1	An RFU Disciplinary Panel shall have jurisdiction to hold inquiries and impose sanction(s) upon members of the RFU and those who are subject to the jurisdiction of the RFU as described in Rule 5.	19.1.5
19.2.1.2	Every Club shall be responsible for the conduct of its own members, and for investigating any allegations of foul play and/or acts of misconduct which have taken place on Club premises or as part of a Club activity unless set out to the contrary in these regulations. They are further required to take appropriate action in accordance with these Regulations.	19.1.4 NOTE: Provision now also states that Clubs shall appoint Disciplinary Panels to maintain discipline with that Club.
19.2.3	Constituent Body Disciplinary Panel	
19.2.3.1	A Constituent Body may act in relation to Club membership of their Constituent Body and individuals who are members of those Clubs in relation to:	19.1.6
a)	Any infringement of any Law of the Game; or	
b)	Any conduct which is in the opinion of such Constituent Body prejudicial to the interests of the Union or of the Game as authorised by RFU Rule 5.12; or	
c)	except as provided for in paragraph 19.2.3.5 below.	

19.2.3.2	A Constituent Body may exercise its powers as delegated under RFU Regulation 19.2.3.1, 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 above power shall be delegated to a joint committee of the Constituent Bodies of the individual Clubs involved or otherwise as directed by the RFU Disciplinary Officer	19.1.7
19.2.3.3	No Constituent Body has the power or right to further delegate any of these powers.	19.1.8
19.2.3.4	A Constituent Body may in special circumstances, with the consent of the RFU Disciplinary Officer, surrender back to the RFU its delegated powers generally or in specific cases.	19.1.9
19.2.3.5	The RFU excludes from the delegation to Constituent Bodies the jurisdiction and authority to act on its behalf in respect of:	19.1.10
a)	Players who are registered with or who are under a contract with Clubs playing in the Premiership, Championship and National Leagues 1 and 2N and 2S;	
b)	Players who, although not registered or under contract represent a Premiership Club's Under 21/A XV or are members of an RFU Academy licensed to a Premiership Club;	
c)	Players who are members of an Academy licensed by the Rugby Football Union to a Club when playing a match for that Academy;	
d)	Players dismissed from the field of play or cited during County Championship or Inter Service matches;	
e)	Breaches of iRB Regulations 10 and 21 (Medical and Anti-Doping);	
f)	Breaches of the Rugby Football Union Regulation 20 unless referred back to the Constituent Body by the RFU as a minor disciplinary matter;	
g)	All cases under investigation by the Police; and	
h)	All cross-CB citings.	
19.2.3.6	Additionally, the Disciplinary Officer of the RFU may direct that the RFU shall deal with any case at his discretion.	19.1.11 NOTE: This power is now shared with the RFU Company Secretary and Legal Officer.
19.2.3.7	Constituent Bodies shall deal with all other matters, subject to the 'take-back' provisions in	Deleted.

	RFU Regulation 19.2.3.6 above.	
19.2.4	Overseas Clubs playing in England	
	The RFU is responsible for disciplinary matters in relation to all games played within its jurisdiction, including those involving a visiting Overseas Club, except where there is a tour agreement which specifies how disciplinary matters should be dealt with or in relation to iRB Tier 1 matches and other international matches which are dealt with under iRB 17.	19.1.5(b)
	The RFU has the power to deal with both on and/or off field matters in relation to the visiting Club.	19.1.5(b)
19.2.5	Disciplinary Offences	19.3.1 NOTE: The provisions below have been condensed into the following provision: <i>“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 and 19.3.5.”</i>
19.2.5.1	<u>Sendings off</u>	
	A Disciplinary Panel may exercise its jurisdiction where a player has been dismissed from the field of play by the Referee.	Deleted – covered by the generality of 19.3.1.
19.2.5.2	<u>Abuse of a Match Official</u>	
	A Disciplinary Panel may exercise its jurisdiction where a player, official or member of a Club is reported by a Match Official for abuse during the game or after it while he is still on or at Club premises. Where such a case is being dealt with by a Constituent Body, then that Constituent Body must keep the RFU informed in accordance with paragraph 2.3.7 above.	Deleted – covered by the generality of 19.3.1.
19.2.5.3	<u>Citings or other forms of Misconduct or Acts Prejudicial to the Union and/or the Game</u>	
	A Disciplinary Panel may exercise its jurisdiction where a player has been cited for foul play, other acts of misconduct or acts prejudicial to the interests of the Union and/or the Game.	Deleted – covered by the generality of 19.3.1.
19.2.5.4	<u>Breach of RFU Rule 5.12</u>	
a)	The Disciplinary Officer and the RFU Company Secretary and Legal Officer are each authorised to act on behalf of the RFU in instituting	19.6.8 NOTE: Now dealt within under the “Referral to the

	disciplinary proceedings where there is an alleged breach of RFU Rule 5.12 except in relation to disciplinary proceedings against Council Members when only the Disciplinary Officer may bring such proceedings. In the case of instituting disciplinary proceedings against Council Members the Disciplinary Officer must first obtain authority from at least two of the 'three wise men' elected by Council each year before bringing such proceedings.	Disciplinary Panel" section (19.6.8).
b)	A Disciplinary Panel may exercise its jurisdiction where there has been Misconduct wherever occurring which would prima facie constitute a breach of Rule 5.12 (other than as referred to in RFU Regulation 19.2.5.1 and 19.2.5.2 above).	Deleted – covered by the generality of 19.3.1.
c)	When a player, official or member of a Club is involved in criminal or civil proceedings which are directly or indirectly related to the playing or administration of the Game the appropriate Constituent Body or Disciplinary Panel must consider whether there is a case to answer under Rule 5.12. If such a case exists, the player, official or member of a Club MUST be dealt with under Rule 5.12 as soon as practical according to the circumstances. There is no need to wait until the outcome of civil proceedings before taking appropriate disciplinary action, but see RFU Regulation 19.6.1.7 below.	Now dealt with under Interim Suspension and Criminal convictions sections – 19.4.2 and 19.4.4.
d)	Insofar as no sanction is imposed by an RFU or iRB Regulation for its breach, any alleged breach of a Regulation of the RFU or iRB may be referred to the RFU Disciplinary Officer or the RFU Company Secretary and Legal Officer each of whom may take appropriate disciplinary action under these procedures if either believes that the breach constitutes a prima facie case of prejudicial conduct within the terms of RFU Rule 5.12.	19.6.10
e)	Where a dispute arises between two or more clubs in relation to the application of Regulations, the Disciplinary Officer may direct that the clubs attempt to settle their dispute by mediation before making a formal complaint for an alleged breach of Rule 5.12.	19.6.11
f)	The RFU Disciplinary Officer and the RFU Company Secretary and Legal Officer shall have the power to issue an Interim Suspension Order (ISO) against any person against whom an allegation of misconduct (including foul play within the playing enclosure) has been made and is being investigated or against someone who has been convicted of a criminal offence. The ISO must be in writing, signed by the RFU Disciplinary Officer or RFU Company Secretary and Legal Officer, may be issued without a hearing and may order that the person may not participate in any specified activity, attend any specified location or communicate with any	19.4.2 – 19.4.4 NOTE: Right of appeal added.

	specified people. The ISO shall automatically cease:	
(i)	When the matter is dealt with at a disciplinary hearing;	
(ii)	When the allegation is withdrawn and no further disciplinary action is taken; or	
(iii)	After 120 days from its issue, unless the RFU Disciplinary Officer or RFU Company Secretary and Legal Officer 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.	
19.2.5.5	<u>Safeguarding Children and Vulnerable Adults</u>	
	An RFU Disciplinary Panel may exercise its jurisdiction where there has been an allegation of children's or vulnerable person's abuse or any breach of the RFU Regulation 21.	Deleted – covered by the generality of 19.3.1.
19.2.5.6	<u>Recognition of other sporting bodies' sanctions</u>	
	The RFU may recognise the disciplinary rules and sanctions of any other sporting body and any person suspended or banned by any other sporting body may be suspended or banned concurrently by the RFU. Before imposing any such concurrent suspension or ban, however, the RFU must grant the person the opportunity to offer an explanation at a disciplinary hearing.	19.3.5
19.2.5.7	<u>Doping</u>	
	A Disciplinary Panel may exercise its jurisdiction where a player is alleged to have committed a doping offence and shall deal with the matter in accordance with the iRB Anti-Doping Regulations (iRB Regulation 21) and/or under RFU Regulation 20.	Deleted – covered by the generality of 19.3.1.
19.2.5.8	<u>Agents</u>	
	A Disciplinary Panel may exercise its jurisdiction where there is alleged to have been a breach of the RFU Regulation 8.	Deleted – covered by the generality of 19.3.1.
19.2.5.9	<u>Bad disciplinary record</u>	
a)	Where players or members (or persons with a 'non-member' relationship) of a Club appear before a Disciplinary Panel on more than 5 separate occasions in any one season, that Club can be charged and summoned to attend a disciplinary hearing on the basis that it has a bad disciplinary record, at the discretion of the CB Disciplinary Chairman or the RFU Disciplinary	19.3.2 NOTE: (b) deleted as does not need to be said.

	Officer.	
b)	Where a Club has a bad disciplinary record (in accordance with RFU Regulation 19.2.5.9(a)), a Disciplinary Panel will have jurisdiction over an appropriate officer of that Club, who may be dealt with under RFU Rule 5.12. Such an officer will be afforded the opportunity, after receiving notice of the matters being investigated, to attend and defend themselves.	
19.2.5.10	<u>Breach of Fiduciary Duty</u>	
	The RFU shall have jurisdiction to take such action as it believes is appropriate (including removal of a person from a position held at the RFU) if it is alleged that there has been a breach of fiduciary or corporate duty to the RFU.	19.3.3
19.2.5.11	<u>Pilot Coach Licensing</u>	
	A Disciplinary Panel may exercise its jurisdiction where there is a breach of the RFU Coach Licence Scheme Terms and Conditions and/or the Coach Education Licensing Terms and Conditions by an individual who has become a licensed coach or educator under the pilot scheme.	19.3.4
19.2.5.12	<u>Illicit Drugs Policy</u>	
	All Players are subject to the RFU's Illicit Drugs Policy and Programme. Any Player who fails to comply with that policy is guilty of misconduct under RFU Rule 5.12. The RFU shall have jurisdiction to take such action as is appropriate in accordance with the Policy if a Player is found to have breached the Policy	Deleted – covered by the generality of 19.3.1.
19.2.5.13	<u>Cheating</u>	
	A Disciplinary Panel may exercise its jurisdiction where there is an allegation of Cheating.	Deleted – covered by the generality of 19.3.1.
19.2.6	Appeals	
19.2.6.1	<u>Constituent Body Appeals</u>	
	Where a person, player or Club ('the Appellant') is aggrieved by the decision of a Constituent Body Disciplinary Panel, the Appellant shall have the right to appeal to an RFU Appeal Panel.	19.12.5
19.2.6.2	<u>RFU Disciplinary Panel Appeals</u>	
	Where the first disciplinary hearing is before an RFU Disciplinary Panel, the Appellant shall have a right to appeal to an independent Appeal Panel.	19.2.4 / 19.2.5

19.2.6.3	<u>Organising Committee and Competitions Sub-Committee Appeals</u>	
	Any party having an interest aggrieved at the decision of the Organising Committee and/or the Competitions Sub-Committee may appeal or request a review of that decision in writing to the RFU Disciplinary Manager restating the grounds on which the original appeal or complaint was made.	Deleted – as covered by specific Regs dealing with these appeal (see 19.13).
19.2.6.4	<u>Appeals against Dismissed Charges and Lenient sanction</u>	
a)	The RFU Disciplinary Officer may, in exceptional circumstances where in his view a sanction imposed by a Disciplinary Panel is wholly inappropriate, appeal against the sanction imposed. An interested party to the original proceedings may apply within 7 days of the issue of the judgment to the RFU Disciplinary Officer for him to appeal. His decision whether or not to appeal is final.	19.12.2 (c) – note language changed to say: <i>“The RFU Disciplinary Officer or RFU Company Secretary and Legal Officer may appeal on the grounds that the sanction imposed was so unduly lenient as to be unreasonable.”</i> NOTE: Second sentence re interested parties deleted.
b)	Additionally, in exceptional circumstances, where a person, player or Club has been cleared of the charges faced, the RFU Disciplinary Officer shall have the right to appeal against that finding.	19.12.3(d)
c)	Where the sanction or decision concerned has been imposed or made by the RFU Disciplinary Officer himself, then the power of appeal shall be exercised by the President of the RFU or his nominee.	Deleted. NOTE: Power now shared with the RFU Company Secretary and Legal Officer.
19.3	Referral to the Disciplinary Panel	
19.3.1	Referral Procedure	
	Sendings off	
19.3.1.1	In all cases where the Referee has sent off a player, the Referee shall, within 48 hours after the end of the match:	19.6.1
a)	Send a completed copy of the sending off report to the secretary of the Constituent Body Disciplinary Committee to which the player’s Club is affiliated or allocated, or to the RFU Disciplinary Manager at Twickenham where the Disciplinary Panel has jurisdiction; and	
b)	Send a copy of his report to his 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.	
19.3.1.2	Where a player is sent off following foul play	19.6.2

	drawn to the Referee's attention upon the intervention of a Assistant Referee, that official shall also comply with the obligations imposed upon the Referee by RFU Regulation 19.3.1.1.	
19.3.1.3	Whether the Referee is a member of a Referee Society or not, in all circumstances Club Secretaries must report to their Constituent Bodies, or to the RFU Disciplinary Manager at Twickenham when an RFU Disciplinary Panel has jurisdiction, within 48 hours after the match the name, address and contact telephone and fax numbers of any player who has been ordered off the playing enclosure, including players under the age of 17.	19.6.3
	Misconduct in the Playing Enclosure	
19.3.1.4	If a player is being reported for Misconduct in the Playing Enclosure, then the procedure set out in RFU Regulation 19.3.1.1 – 19.3.1.3 above shall be followed.	19.6.4
	Abuse of a Match Official	
19.3.1.5	A Match Official reporting abuse shall comply with the requirements set out in RFU Regulation 19.3.1.1 – 3.1.3 above, save that, where the player has not been sent off in relation to the alleged abuse. In these cases a Match Official Abuse (MOA) form shall be completed and submitted within 7 days.	19.6.6
19.3.1.6	The Match Official shall set out in the report full details of the abuse suffered, including, in the case of verbal abuse, his recollection of the actual abusive words spoken, expressly or by implication, to him or uttered in his presence. If possible, the Match Official should also list on the form any witnesses to the abuse who could corroborate his evidence.	19.6.7
	Rule 5.12 cases	
19.3.1.7	Where information is given in writing to the RFU Disciplinary Manager or to a Constituent Body Disciplinary Secretary from a named person within the game (i.e. not anonymously), or an individual has been charged with a criminal offence, which in the opinion of the RFU Disciplinary Manager or Constituent Body Disciplinary Secretary would amount to a prima facie case of a breach of Rule 5.12, the RFU Disciplinary Manager or Constituent Body Disciplinary Secretary may require the person or Club to whom that information relates to attend before a Disciplinary Panel to answer the allegations. Where an allegation relates to a member of the RFU Council, the protocol within the 'Council members' aide memoire' shall apply.	19.6.8 / 19.6.9 NOTE: New Provisions state: <i>"Subject to RFU Regulation 19.6.9, the RFU Disciplinary Officer, the RFU Company Secretary and Legal Officer, the RFU Disciplinary Manager and a Constituent Body Disciplinary Secretary are each authorised to institute disciplinary proceedings where there is an alleged breach of RFU Rule 5.12 and may require the person or Club to whom the allegations relate to attend before a Disciplinary Panel to answer the allegations.</i> <i>Disciplinary proceedings against Council Members may only be brought by the RFU Disciplinary Officer</i>

		<i>save that, where the RFU Disciplinary Officer is conflicted, such proceedings may be brought by the President of the RFU. Before bringing disciplinary proceedings against Council Members permission must first be obtained from at least two of the 'three wise men' elected by Council."</i>
19.3.1.8	Where an individual has been convicted of a criminal offence, the Disciplinary Officer shall have power to sanction the individual without holding a full Disciplinary Panel hearing.	19.4.5 NOTE: Right of appeal added.
19.3.1.9	Cases of Misconduct outside the playing enclosure, for example in the clubhouse, must be referred to the appropriate Constituent Body or RFU Disciplinary Panel for consideration under Rule 5.12.	19.6.5
19.3.1.10	The RFU Disciplinary Manager or Constituent Body Disciplinary Secretary may, at his discretion, before deciding whether the person or a Club to whom the information relates has a case to answer, require the person or Club to provide information or invite the person or Club to make written representations in which event that person or Club shall have the right to see a copy of any such relevant documents submitted to the RFU Disciplinary Manager or Constituent Body Disciplinary Secretary.	19.6.11
19.3.10.11	The Disciplinary Officer, RFU Legal Officer or RFU Disciplinary Manager may initiate an investigation for any act of misconduct.	19.6.8
19.4	Notice of Hearing	
19.4.1	Contents/Format of Notice: Sendings Off	
19.4.1.1	Where a player has been sent off, the appropriate authority will complete and forward as soon as possible (preferably no later than 7 days from the receipt of the Match Officials Report) a Notice of Hearing that will include details of:	19.7.1 / 19.7.2 NOTE: Now one single provision dealing with notices.
a)	The specific charge; and	
b)	The date, time and place appointed for the hearing.	
c)	Directions on case management, as appropriate.	
19.4.1.2	The player will be asked in the Notice of Hearing:	19.8.3 NOTE: Now one single provision dealing with responses to notices.
a)	Whether he accepts that he committed the offence specified in the Match Official's Report and wishes to plead guilty, and if so whether he wishes to be dealt with in his absence (provided	

	that the Notice of Hearing has not indicated that he must attend a hearing); or	
b)	Whether he disputes the allegations and wishes the Referee (or Assistant Referee in appropriate cases) to be invited to attend.	
19.4.1.3	The player should be advised in the Notice of Hearing that if he wishes any of the Match Officials to be invited to attend, he may be called upon to pay their travelling expenses.	Deleted. Does not need to be in Regs but can be dealt with as a matter of standard practice.
19.4.1.4	The Notice of Hearing shall be accompanied by a copy of the Match Officials Report.	19.7.2(b)
19.4.1.5	The Notice of Hearing shall advise a player that he should have available any evidence he wishes to call and his attention must be specifically directed to these Regulations.	Deleted. Does not need to be in Regs but can be dealt with as a matter of standard practice.
19.4.2	Contents/Format of Notice: Abuse of a Match Official	
	In cases of alleged abuse reported by a Match Official the provisions of paragraph 4.1 above shall apply, save that the report provided to the player shall be the Match Official's report form. The player will normally be required to attend a hearing, but in the least serious cases where the player admits guilt, the case may be heard in his absence (in accordance with 5.2 below).	19.7.1 / 19.7.2 NOTE: Now one single provision dealing with notices.
19.4.3	Contents/Format of Notice: valid citing or alleged Misconduct under RFU Rule 5.12	
19.4.3.1	Where there has been a valid citing in accordance with Appendix 4 below, the Notice of Hearing shall:	19.7.1 / 19.7.2 NOTE: Now one single provision dealing with notices.
a)	Include a copy of the citing or complaint being investigated and a copy of all relevant papers in the possession of the RFU Disciplinary Manager/ Constituent Body Disciplinary Secretary at that stage; and	
b)	Ask the person, player or Club whether the allegations are admitted and warn them that, in the event of the allegations being in dispute, there will be a need to call evidence.	
19.4.3.2	The hearing shall, take place within 21 days of the citing unless there are exceptional circumstances that merit a longer period.	
19.4.4	Service	
19.4.4.1	The Notice of Hearing referred to in RFU Regulations 19.4.1, 19.4.2 and 19.4.3 above shall be forwarded to:	19.7.1

a)	The person(s) and/or their Club and/or the representative body for which they are players.	
b)	The relevant Referee Society.	
19.4.5	Time Limits	
19.4.5.1	In general, failure to observe the time limits specified in these procedures shall not nullify any proceedings, but such failure may be a good cause for a hearing to be adjourned.	19.5.13
19.4.5.2	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:	19.5.14
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.	
19.5	Case Management	
19.5.1	Constitution of Panel	
	RFU	
19.5.1.1	The RFU Disciplinary Officer, the RFU Disciplinary Manager or the RFU Company Secretary and Legal Officer shall appoint a panel or a single Judicial Officer to sit on disciplinary cases and impose sanction upon or take such action as it sees fit in all cases excluded from the delegation to Constituent Bodies, and in Rule 5.12 cases.	19.2.4
19.5.1.2	A RFU Disciplinary Panel, when not a judicial officer, shall normally comprise a Chairman who is legally qualified, a player or ex-player, and an experienced administrator. These requirements may be varied if the RFU Disciplinary Officer, the RFU Disciplinary Manager or the RFU Company Secretary and Legal Officer decides in their absolute discretion that variation is appropriate or necessary. Exceptionally a hearing may proceed with a panel of two provided that all parties to the case first agree.	19.2.5 NOTE: A distinction is made between Judicial Officers and the RFU Disciplinary Officer.
19.5.1.3	Cases referred under RFU Regulation 21 shall be heard by the RFU Disciplinary Officer, or a professional/professionals experienced in safeguarding children and/or vulnerable adults issues, as he shall direct. The RFU Disciplinary Officer may make such directions in relation to the hearing as he thinks fit including (but not limited to) the following:	19.2.8 NOTE: Sub paras (a) – (c) deleted as dealt with under Regulation 21.

a)	That rather than being heard by him, the matter should be heard by a panel consisting of three suitably experienced individuals who are independent from the RFU; and that the decision of that Panel shall be final and binding; and that in such circumstances there shall be no right of appeal to the Appeal Panel under Regulation 11; or	
b)	That the provisions relating to witnesses set out at Regulations 5 to 7 above shall be amended such that all or certain witness evidence shall be presented in the form of witness statements with the witness or witnesses not being required to attend in person; or	
c)	That the hearing will be heard on papers only and that no one should be heard in person.	
19.5.1.4	Cases referred under RFU Regulation 19.2.5.10 above shall be heard by the RFU Disciplinary Officer or a professional/professionals appointed by the RFU Disciplinary Officer and experienced in issues relating to breaches of fiduciary or corporate duty.	19.2.9
	Constituent Body	
19.5.1.5	A Constituent Body Disciplinary Panel shall be chaired by a Chairman or his appointee who must be accredited to sit in that capacity by the RFU.	19.2.1
19.5.1.6	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 which are the subject of the inquiry shall take part in the Panel's proceedings other than as an advocate or witness.	19.2.3
19.5.1.7	The quorum for a Constituent Body Disciplinary Panel shall be three members, but exceptionally the hearing may proceed with a panel of two provided that all parties first agree. A secretary shall also be appointed, who is not a member of the Panel.	19.2.2
19.5.2	Guilty Plea	
	If the player accepts that he committed the offence specified in the Referee's Report, and requests that the matter be dealt with in his absence then 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 penalty, the Disciplinary Panel is entitled to take into account the fact that the player pleaded guilty by post as an off field mitigating factor.	19.8.2

19.5.3	Attendance of Witnesses	
19.5.3.1	It shall be the duty of the RFU Disciplinary Manager or the Constituent Body Disciplinary Secretary (as appropriate):-	19.8.6
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 a Rule 5.12 case to notify any person, persons, Club, Union or Affiliated Organisation making the 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.	
19.5.3.2	It shall be the duty of any person, persons, Club, Union or Affiliated Organisation in the case of a citing or a Rule 5.12 case, making a complaint to notify and arrange the attendance of any witnesses he or they may wish to call in support of the complaint.	19.8.7
19.5.3.3	It shall be the duty of the person, player or Club facing any complaint to notify and arrange the attendance of any witness he or they may wish to call.	Also dealt with by 19.8.7.
19.5.3.4	The Club is ultimately responsible for ensuring that any of its members who are called to attend a hearing have all the relevant paperwork and attend the hearing.	Deleted as is unnecessary.
19.5.4	Administrative fees	
19.5.4.1	A Disciplinary Panel may:	
a)	Require the Club or a player/member summoned to a Disciplinary Hearing to pay an administrative fee after the hearing; and	Dealt with by cost provisions – 19.11.26(a).
b)	Require a person or Club lodging a complaint under Rule 5.12, or seeking to cite a player similarly to pay such a fee on lodging the complaint and/or making the citation after the hearing.	How is this discretion exercised?
19.5.4.2	Where a Disciplinary Panel has determined in favour of a party to the proceedings the monies will be reimbursed upon the conclusion of the hearing.	Dealt with by cost provisions – 19.11.26(b).
19.5.4.3	Nothing in this section shall affect the operation of paragraph 8.3 below.	Deleted.
19.5.5	Presumption of innocence and player availability	

19.5.5.1	The Referee is the sole judge of fact and law during the match, but where after the match his decision is challenged, there is a presumption of innocence, i.e. the player is innocent until proved guilty on the balance of probabilities.	19.5.1
19.5.5.2	Subject to any suspension which may be imposed upon a player by his/her Club or by a Disciplinary Panel, a player who has been sent off or cited may continue to play in any RFU domestic match until his case is determined by a Disciplinary Panel. However, a player will not be permitted to play in an international, European Rugby Cup match or any other match involving Clubs from different Unions governed by iRB Regulation 17 until the final determination of the case.	19.5.2
19.5.5.3	Where the appeal is against finding and sanction, and the appeal lodged within the period allowed, the suspension shall not take effect pending the determination of the appeal unless the RFU Disciplinary Officer directs otherwise. He may only do so when it is in the interests of the Game to impose a suspension pending final determination. If the appeal is against sanction only, the player may not play pending the determination of his appeal. However, a player will not be permitted to play in an international or any other match governed by iRB Regulation 17 until the final determination of his case. He will, therefore, be permitted to play in an ERC or Anglo/Welsh competition match until the final determination of his case.	19.5.3 NOTE: Reference to ERC or Anglo/Welsh deleted.
19.5.5.5	Where the RFU Disciplinary Officer or President of the RFU appeals, pursuant to paragraph 2.6.4, 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.	19.5.4
19.5.6	Directions	
19.5.6.1	If before a hearing it becomes apparent to the chairman of the Disciplinary Panel that the case will involve specialist (e.g. medical) evidence, or has elements which are unusual or difficult, he may, with or without a preliminary hearing, issue an order for directions setting out a timetable for the exchange of information and evidence, witness statements and/or skeleton arguments in order that the hearing of the case itself may be properly and fairly conducted. If appropriate, a chairman may make such an order during a hearing, prior to granting an adjournment.	19.8.4 NOTE: Now a general directions provision.
19.5.6.2	A Disciplinary Panel may change any reference to any law of the Game contained in a report or charge sheet before or during a hearing. If the Disciplinary Panel reasonably considers that a change, in the circumstances, would be	19.8.5

	prejudicial to the player it should hear submissions before deciding whether or not to change.	
19.5.6.3	Reasonable notice of the hearing before the Disciplinary Panel must be given to all persons required or entitled to attend. Any person appearing before the Disciplinary Panel to answer any charge must be given an accurate copy of any document setting out the complaint against him (or his Club if he represents a Club) and any documents in the possession of the Disciplinary Panel relevant to the hearing as soon as practicable.	Deleted – now dealt with by notice of hearing provisions (19.7.1).
19.5.6.4	Where a player is sent off, cited or is the subject of a complaint under 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 or CB Disciplinary Secretary with jurisdiction over the case.	Consider moving to 19.7 as these provisions relate to evidence rather than to directions.
19.5.6.5	Paragraph 5.6.5 shall apply regardless of whether the player appearing before the Disciplinary Panel is a member of the Club which took or commissioned the Match footage.	Deleted – unnecessary.
19.5.6.6	Where there is match footage of the incident, and a Disciplinary Panel has advised a player appearing before the Disciplinary Panel or his Club 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.	
19.6	Procedure at Hearing	
19.6.1	Adjournment	
19.6.1.1	Any person appearing before the Disciplinary Panel as a party (as opposed to attending as a witness) must be made aware in advance of the hearing of the charges to be answered and the need where appropriate to adduce evidence in corroboration or rebuttal in answering the charges. If such a person appearing before the Disciplinary Panel has not been given reasonable notice of the charges or any of them, the Disciplinary Panel should consider sympathetically a request for an adjournment.	Deleted – does not need to be said in the Regs.
19.6.1.2	In the event of a person, player or Club having been given due notice failing to attend a hearing and failing also to invite the Disciplinary Panel to deal with the case in his absence in accordance with paragraph 5.2 above, the case may be adjourned.	Deleted – does not need to be said in the Regs.
19.6.1.3	After reasonable attempts have been made to agree a date, the individual will be advised in	Deleted – does not need to be said in the Regs.

	writing that, unless a satisfactory reason can be given, his attendance is required at the adjourned hearing.	
19.6.1.4	Should the individual, without good reason, fail to attend the adjourned hearing, the Disciplinary Panel shall have discretion whether to hear the case in his absence or to adjourn the case further.	19.9.1
19.6.1.5	At any adjourned hearing at which a player does not attend, a Disciplinary Panel, if it decides not to hear the case, may suspend a player until such time as he appears, in which event every reasonable attempt will be made to agree with the player the date for a further hearing.	19.9.2
19.6.1.6	Alternatively, at an adjourned hearing of which the Disciplinary Panel is satisfied that an absent player received due notice, the Panel may find him guilty in his absence and impose an appropriate penalty.	19.9.1
19.6.1.7	Where the person appearing before a Disciplinary Panel 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 will decide whether it is in the interests of the Game to proceed. If it does not proceed to hear the case and adjourns the matter until the conclusion of the criminal proceedings, it may impose a temporary suspension on the player against whom the allegations are made. Before so doing, the Disciplinary Panel must first give the player the opportunity to make representations about temporary suspension.	19.9.3
19.6.1.8	The responsibility for determining the date of a hearing rests solely with the chairman of the Disciplinary Panel, whose decision is final.	19.9.4
19.6.2	Presentation of Case	
19.6.2.1	In cases of a citing or a Rule 5.12 case, the person, persons, Club, Union or Affiliated Organisation making the complaint shall be invited to present the case and call any witness or evidence to establish the complaint.	19.5.11
19.6.2.2	The RFU Disciplinary Manager or the Chairman of the Constituent Body Disciplinary Committee may appoint a person to assist with the prosecution of any case or appeal. Such an appointment will be normal in cases of Match Official abuse.	19.5.8
19.6.2.3	A person or player is entitled to be represented or assisted by one person of his or her choice.	19.5.9
19.6.2.4	In addition to Club Officers or Members, that Club	19.5.10

	may be represented or assisted by one person of its choice.	
19.6.2.5	All parties must be given the opportunity to state their case in full and to challenge any evidence given or respond to it.	19.9.5
19.6.3	Order of Proceedings	
19.6.3.1	The Disciplinary Panel must follow the laid down procedures, and shall ensure that any person appearing before the Disciplinary Panel is fully aware of those procedures. The chairman of the Disciplinary Panel should explain the procedure before a hearing commences and give a person appearing before the Disciplinary Panel an opportunity to ask questions on matters of procedure which are not clear.	19.9.4 NOTE: Now dealt with by a general reference to Appendix 7: <i>"The procedure for the hearing shall be determined by the Chairman of the Disciplinary Panel or Judicial Officer who shall have regard to, but shall be entitled to depart from, the guidance set out in Appendix 7."</i>
19.6.3.2	A person (or representative of the Club) whose conduct is the subject of the inquiry is entitled to be present throughout the proceedings except during the deliberations of the Disciplinary Panel as described in RFU Regulation 19.6.3.13 below.	19.5.9
19.6.3.3	The paragraphs below should be read in conjunction with Appendix 4, where further explanation is required.	19.9.4 NOTE: Procedure now dealt with by guidance in Appendix 7:
19.6.3.4	The Referee's Report will be read, or details of the conduct alleged or the citing will be explained.	
19.6.3.5	The person, player or Club appearing before the Disciplinary Panel shall be asked whether the allegations being the subject of the enquiry or hearing ("the allegations") are admitted.	
19.6.3.6	At this stage (or at any other stage considered appropriate by the Disciplinary Panel) the match footage, when available, will be shown.	
19.6.3.7	If the allegations are not admitted, the Disciplinary Panel will hear the evidence in the following sequence:	
a)	The Referee and/or Assistant Referee will be invited to comment upon his Report;	
b)	The Referee's Advisor's evidence (if applicable) and any evidence in support of the Referee's Report will be heard;	
c)	Witnesses supporting the allegation will be heard;	
d)	The person, player or Club against whom the allegations are made shall be entitled to give and to call evidence in rebuttal.	
19.6.3.8	Before being called, witnesses should be asked to retire whilst evidence is being given, but may	

	remain in the room when their evidence is concluded, if they so wish.	
19.6.3.9	Questions may be put to each witness upon the conclusion of his/her evidence, by or at the request of the party appearing to make or answer the allegations, or by any member of the Disciplinary Panel.	
19.6.3.10	Evidence of the player's previous disciplinary record will not be given until after a finding of fact has been made.	
19.6.3.11	In cases of a citing or a Rule 5.12 case, the person representing the Union or Affiliated Organisation responsible for the citing, or the person (if any) making the allegations shall have the right to address the Disciplinary Panel, but in all cases the person, player or Club answering the allegations shall have the right of the last word.	
19.6.3.12	In the case of a Match Official reporting abuse, a Disciplinary Panel shall always hear the case as if the person(s) named in the report had been sent off.	
19.6.3.13	The Chairman will then invite all persons other than the members of the Disciplinary Panel to retire whilst the Panel considers its decision in private. The person charged has no right of access to the deliberations of the Panel.	
19.6.3.14	If the allegations are admitted or proved to the satisfaction of the Disciplinary Panel then:	19.11.5 NOTE: Provision added which states: <i>"The party that brought the charge or made the citing may make representations as to any aggravating factors."</i>
a)	The person, player or Club facing the allegations may call evidence as to character and address the Disciplinary Panel in mitigation. No other person may address the Disciplinary Panel as of right, but the Disciplinary Panel may seek such further information as it requires from any party.	
b)	A player's previous disciplinary record should be ascertained. The punishment should be consistent with similar cases, but the Disciplinary Panel should take into consideration a person's previous record and behaviour.	
c)	The Chairman will again invite all persons other than the members of the Disciplinary Panel to retire whilst the Panel considers the penalty to be imposed under the provisions of paragraph 8.2 of these Regulations.	

19.6.4	Natural Justice and Fairness	
19.6.4.1	The overriding consideration in the conduct of disciplinary procedures is that they should be fair and just.	19.5.5
19.6.4.2	It must always be borne in mind that a Disciplinary Panel is not a court of law and those appearing before it may not be trained advocates, and must therefore in the interests of achieving a just and fair result, be given every assistance and latitude in presenting their submissions. All procedural and technical considerations must take second place to the paramount object of being as just and fair to all parties as is consistent with a duty to the Game. The Disciplinary Panel must at all times observe the rules of natural justice relating to the conduct of the hearing process.	Deleted – principle now dealt with in Appendix 7 guidance for the order of proceedings.
19.6.4.3	A Disciplinary Panel must be:	Deleted.
a)	Impartial (that is free of prejudice or bias and not have an interest in the outcome other than to see that the decision is fair); and	
b)	Careful and thorough in their consideration of the procedures and evidence.	
19.6.4.4	Proceedings, findings or decisions of a Disciplinary Panel shall not be invalidated by reason of any minor defect, irregularity, omission or technicality unless such defect, irregularity, omission or technicality raises a material doubt as to the reliability of the Disciplinary Panel's proceedings, findings or decisions. Save as for 19.4.5.2 above time periods specified in these regulations may be extended if to do so may be in the interests of natural justice.	19.5.6
19.6.4.5	All decisions, together with the reasons for those decisions, should be recorded in writing by the Disciplinary Panel as set out in RFU Regulation 19.8.2.11 below.	Deleted – dealt with by “Notification of Decision” section (19.11.28 – 19.11.30)
19.6.5	Standard of Proof	
19.6.5.1	The standard of proof in disciplinary cases is the balance of probabilities and not, as in a criminal court, beyond reasonable doubt. The balance of probabilities means that, having heard all the evidence and using their experience in the Game to help them to decide what was most likely to have occurred in the circumstances before them, the Disciplinary Panel believes that it is more likely than not that the offence took place as alleged.	19.5.7
19.6.5.2	In the case of citing where the match official saw the incident but did not award a red card, the Disciplinary Panel may not uphold the citing	Deleted – dealt with by Appendix 4.

	unless it is satisfied on the balance of probabilities that the match official was wrong in not awarding a red card.	
19.7.	Evidence	
19.7.1	Witness Evidence	
	Match Referee	
19.7.1.1	The provisions of this RFU Regulation 19.7.1 shall apply equally to the evidence or report of an Assistant Referee who has been independently appointed by the RFU or by a Referee Society, as they do to the match Referee.	19.10.1
19.7.1.2	Aside from cases of Match Official abuse, the match Referee is not a party to disciplinary proceedings. Instead, he is an independent eye-witness of what occurred, and his evidence or report carries considerable weight.	19.10.2
19.7.1.3	If a player appearing before a Disciplinary Panel wishes to challenge the match Referee's Report, he must request the match Referee's attendance at the hearing. Once the match Referee's attendance has been requested, the player may challenge his report irrespective of whether the match Referee is actually able to attend the hearing.	19.10.3
19.7.1.4	If the match Referee is unable to attend the hearing in person, then he may give his evidence by video-link or by telephone conference speaker phone, provided that members of the Disciplinary Panel, the player, and the player's representative can hear the questions being asked and the answers that are given.	19.10.4
19.7.1.5	When the match Referee is not present at the disciplinary hearing, and cannot be reached by telephone or by video-link in accordance with RFU Regulation 19.7.1.4 above, then subject to RFU Regulation 10.7.1.6 below, a Disciplinary Panel shall seek the best evidence of the events in issue. This would normally be an eye-witness account in accordance with RFU Regulation 19.7.1.7 below.	Deleted.
19.7.1.6	A Disciplinary Panel has discretion to adjourn a hearing in order to obtain the attendance of the match Referee, if doing so is likely to be reasonably practicable and is likely to resolve or clarify a conflict of evidence.	Deleted.
	Other Eye-Witnesses	
19.7.1.7	Witnesses should attend the hearing in person to give oral evidence. If this is not reasonably possible, witnesses can give evidence via telephone conference or video link.	19.10.5

19.7.1.8	Written evidence from witnesses may be received, and is equally valid as oral testimony if it is not challenged, but save in exceptional circumstances written evidence will carry less weight than oral testimony.	19.10.6
19.7.1.9	Hearsay evidence is permitted but it should be treated with caution as its reliability cannot be tested by cross-examination.	Deleted – does not need to be expressly stated. Disciplinary Panel has general right to grant adjournments.
19.7.1.10	A Disciplinary Panel has discretion to adjourn a hearing in order to obtain the attendance of a witness at that hearing if it is likely to be reasonably practicable to do so and is likely to resolve or clarify a conflict of evidence.	Deleted – does not need to be expressly stated. Disciplinary Panel has general right to grant adjournments.
19.7.1.11	Any person or Club who deliberately misleads a Disciplinary Panel will be liable to disciplinary action under RFU Rule 5.12.	19.10.8
19.7.2	Match Footage	
	Production and Admissibility of Match Footage	
19.7.2.1	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 Panel, the Disciplinary Panel shall be entitled to infer that it is unfavourable to the player.	19.10.11
19.7.2.2	As well as the Match Footage, a Disciplinary Panel shall be entitled to consider other footage from any source, including (but not limited to) footage commissioned by a Referee Society, Referee Group or Match Official as part of a Match Official's development and training. Should any such footage be in existence, then the Referee shall be obliged to provide it to the Disciplinary Panel.	19.10.12
19.7.2.3	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 Panel that the footage of the incident being investigated has not been edited or altered in any way.	19.10.14
19.7.2.4	Where the production of the Match footage or other visual evidence is delayed, a Disciplinary Panel may:	Deleted – does not need to be expressly stated. Disciplinary Panel has general right to grant adjournments.
a)	Decline to accept that evidence; or	
b)	Adjourn the hearing (at the expense of the party responsible for the production of the footage) if it	

	feels that the other party is, or may be prejudiced.	
	Viewing of the Match footage or other visual evidence	
19.7.2.5	Where Match footage or other visual evidence is available, it should be viewed immediately after the match Referee's Report has been read and after the player has indicated his plea, or at any other time during the proceedings, when considered appropriate by the Panel.	Deleted – dealt with by guidance in Appendix 7.
19.7.2.6	The footage shall be shown without sound or commentary unless the disciplinary panel rules that the sound is relevant to their considerations.	TO BE ADDED BACK IN.
19.7.2.7	The Match footage or other visual evidence, like any other evidence, should be given the weight considered appropriate by the Panel.	Deleted – does not need to be said.
19.7.2.8	The Match footage or other Visual evidence does provide a contemporaneous view of events, although members of the Disciplinary Panel should bear in mind that the footage does not necessarily give the full picture, and that camera angles and foreshortening can result in a misleading impression being given.	Deleted – does not need to be said.
19.7.2.9	After the screening of the Match footage or other visual evidence, the Chairman or other members of the Disciplinary Panel may ask such further questions as they deem appropriate of those (if any) who have given evidence prior to the screening of the footage.	Deleted – dealt with by guidance in Appendix 7.
19.8.	Decision and Sentencing	
19.8.1	Decision	
19.8.1.1	Where the alleged offence is not admitted, the Disciplinary Panel shall first determine whether it has been proved.	19.11.1
19.8.1.2	If the offence has not been proved, the Chairman shall so state and the Disciplinary Panel's finding shall be a bar to further disciplinary proceedings arising from the issues then before the Disciplinary Panel save in the case of an appeal by the RFU Disciplinary Officer or RFU President under RFU Regulation 19.2.6.4 above.	19.11.3
19.8.1.3	Where a player has been ordered off and a disciplinary panel 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.	19.11.4
19.8.2	Finding and Sanction	

19.8.2.1	Where the alleged offence is admitted or proved and after the procedures set out in RFU Regulation 19.8.1 above have been concluded the Disciplinary Panel shall have power to impose penalties in accordance with the sanctioning regime.	19.11.5
19.8.2.2	For the avoidance of doubt “appropriate punishment” referred to in Rule 5.12 shall include, but not be limited to for a person, a reprimand, a financial penalty or suspension from playing, administration or both and for a Club, in addition to these penalties, financial or other compensation, deduction of league points, relegation or 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.	19.11.7
19.8.2.3	When dealing with a sending off or citing, Disciplinary Panels shall apply the recommended penalties set out in Appendix 2.	19.11.6
19.8.2.4	Disciplinary Panels 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), where such incident(s) is expressly covered in Appendix 2. For offences categorised as the top end of the scale of seriousness of offending, the Disciplinary Panel is entitled to identify an entry point between the period shown as the top end in Appendix 2 and the maximum sanction.	19.11.8
19.8.2.5	Such assessment of the seriousness of the Player’s conduct shall be determined by reference to the following features of offending:	19.11.9
a)	The offending was intentional, that is, committed intentionally or deliberately;	
b)	The offending was reckless, that is the Player knew (or should have known) there was a risk of committing an act of illegal and/or foul play;	
c)	The gravity of the Player’s actions in relation to the offence:	
i.	Nature of actions, manner in which offence committed including parts of body used i.e. fist, elbow, knee or boot; and	
ii.	The existence of provocation and whether the player acted in retaliation;	
d)	The effect of the offending Player’s actions on the	

	victim (i.e. extent of injury, removal of player from game);	
e)	The effect of the offending player's actions on the game;	
f)	The vulnerability of the victim player including part of the victim's body involved/affected, position of player, and the ability to defend himself;	
g)	The level of participation in the offending and the level of premeditation;	
h)	Whether the conduct of the offending player was completed or amounted to an attempt; and	
i)	Any other feature of the player's conduct which constitutes the offending.	
19.8.2.6	If a Disciplinary Panel decides that the offending is at the Top End of the scale of seriousness, it must then make a further assessment of an appropriate entry point between the length of suspension specified in the Appendix and the maximum suspension for the appropriate offence and then undertake the normal exercise of increasing or decreasing from that point. In written judgments Disciplinary Panels should always specify what period they considered to be the starting point.	19.11.10
19.8.2.7	Having identified the applicable entry point for consideration of a particular incident, Disciplinary Panels shall identify all relevant 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:	19.11.11
a)	An absence or lack of remorse and/or contrition on the part of the offending player;	
b)	The player's status as a offender of the laws of the game;	
c)	The need for a deterrent to combat a pattern of offending; and	
d)	Any other off field aggravating factor that the Disciplinary Panel considers relevant and appropriate.	
19.8.2.8	Thereafter, Disciplinary Panels shall identify all relevant mitigating factors and determine if there are grounds for reducing the period of suspension, if any. Mitigating factors include:	19.11.12
a)	The presence and timing of an acknowledgment	

	of culpability/guilt by the offending player;	
b)	A good record and/or good character;	
c)	The age and experience of the player;	
d)	The player's conduct prior to and at the hearing;	
e)	Remorse to the player's actions and the victim player; and	
f)	Any other off field mitigating factor that the Disciplinary Panel considers relevant and appropriate.	
19.8.2.9	In cases involving offending of the least serious kind where there are compelling mitigating features and an absence of aggravating features, sanctions less than the lower end sanctions specified in Appendix 2 may be applied, and, in this respect only, the lower end sanctions set out in Appendix 2 are not minimum sanctions. Further guidance in this respect is provided by the Guidance Note 2 at Appendix 5.	19.11.13
19.8.2.10	In cases of multiple offending, Disciplinary Panels 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
19.8.2.11	Disciplinary Panels shall 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 standard features of offending set out above, how they applied aggravating and mitigating factors, and concluding with the sanction, if any, imposed.	19.11.28
19.8.2.12	Any period of suspension imposed by a Disciplinary Panel may:	19.11.16
a)	Be back-dated to start at such date as it thinks fit, if it wishes to take account of any effective disciplinary action taken by the Club of which the player or other person to whom the report relates is a member, arising out of the same incident; or	
b)	Include or exclude the whole or any part of the closed season, taking into account any tours or other games to which the player or other person to whom the report relates is committed.	
19.8.2.13	For cases involving illegal and/or foul play, a Disciplinary Panel may not suspend the effect of any sanction to be imposed.	19.11.17
19.8.2.14	In Rule 5.12 cases, a Disciplinary Panel may	19.11.18

	suspend the effect of any sanction to be imposed.	
19.8.2.15	If a Disciplinary Panel imposes a period of suspension it should:	19.11.19
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.	
b)	Specify the exact dates between which the suspension will take place, the commencing and finishing dates to be inclusive of the period of suspension. The period of suspension may be split into two distinct periods if it is desired to exclude the whole or part of the close season.	
c)	The player or Club shall furnish the Disciplinary Panel with a list of Club's Competitive Matches relevant to a suspension at the conclusion of the hearing or within 4 days thereafter.	19.11.20
19.8.2.16	When dealing with a Club under the 'bad disciplinary record' provisions under RFU Regulation 19.2.5.9 above, the Disciplinary Panel has power to suspend the whole Club, a specific team or individuals from playing or taking part in the administration of Rugby Union Football, or both, for such a period as it may think fit.	19.11.21
19.8.3	Costs	
19.8.3.1	A Disciplinary Panel may order that the player and/or the Club shall pay the costs of the hearing, or a part thereof, or a fixed contribution towards those costs. In the absence of any other order for costs, the Disciplinary Panel's usual administrative fees in Appendix 3 will be applied. However, a Disciplinary Panel shall have no power to order a player, whose case is dealt with under RFU Regulation 19.5.2 of these Regulations, to pay the costs of a hearing other than the Disciplinary Panel's usual administration fee. (see Appendix 3)	19.11.23 / 19.11.24
19.8.3.2	Where at a hearing a player is ordered to pay costs, such costs, unless the Disciplinary Panel grants a longer period for payment, shall be paid within 21 days of the receipt by the player/club. of the written judgment. If such costs are not paid by the date specified in the order, a Disciplinary Panel may suspend the player from playing from the day following the date by which the costs were ordered to be paid in full until the date when they are so paid. The player shall be entitled to apply to that Disciplinary Panel for a review of the date or manner of payment when the Disciplinary Panel may make such orders as to payment and suspension as it considers reasonable.	19.11.25
19.8.3.3	In a citing or Rule 5.12 case:	19.11.26

a)	Where the complaint is not proved, the Disciplinary Panel shall have the power to order the party making the complaint under Rule 5.12 to pay the costs of the hearing, any part thereof, or a fixed contribution towards those costs. Failure to pay any costs so ordered shall be an offence under Rule 5.12;	
b)	Where a citing is upheld, the monies deposited by a Citing Club will be refunded unless there is good reason for them to be forfeit, and the reasons must be explained in any written judgment by the Panel Chairman.	
c)	No party shall be required to pay or contribute towards the legal costs incurred by the other party.	19.11.27
19.8.4	Notification of Decision	
19.8.4.1	The Disciplinary Panel shall within four working days, after the conclusion of the case, deliver a written judgment to the player, his Club and the League Organising Committee. This period may be extended in exceptional circumstances provided the Disciplinary Panel explains its reasons for extension before the expiration of four working days, and specified a date by which the judgment will be delivered.	19.11.28
	Failure to comply with this Regulation will not invalidate the judgment and any sanction awarded.	
19.8.4.2	In addition, the Disciplinary Secretary of the Constituent Body shall report the decision of the Disciplinary Panel to his own CB and the RFU Disciplinary Manager.	19.11.29 To discuss - what happens if this deadline is missed? Would that invalidate the decision?
19.8.4.3	In all cases considered by a Constituent Body Disciplinary Panel, the short form written judgment must be produced and a copy passed to the player at the conclusion of the hearing or within 72 hrs. If the suspended player exercises his/her right to appeal, the Panel Chairman shall within 7 days of the appeal being lodged, produce a full written judgement.	
19.8.4.4.	In all RFU cases the Disciplinary Manager will inform all relevant parties of the decision and place a copy of the written judgment on the disciplinary section of www.RFU.com within 14 days.	19.11.30
19.9	Age Grade Disciplinary Matters	
	The Age Grade Disciplinary Regulations are at Appendix 6.	19.1.3

19.10	Constituent Body and RFU Appeals	
19.10.1	Powers of Appeal Panel	19.12.10
19.10.1.1	An Appeal Panel has the power to:	
a)	Quash a finding and any sanction imposed by the original disciplinary panel; and/or	
b)	Substitute an alternative finding; and/or	
c)	Reduce or increase the original sanction.	
19.10.1.2	Any sanction or suspension imposed or confirmed or varied by the Appeal Panel shall normally commence on the day following the date of the appeal, but may be delayed to take account of the close season or other relevant factors, or be backdated if the player has not played since the incident.	19.12.11
19.10.1.3	A de novo hearing may only be permitted if the Appeal Panel considers it to be in the interests of justice. This will normally be when new evidence which was not reasonably available at the original hearing is to be adduced.	19.12.4
19.10.1.4	An Appellant may appeal against finding and sanction or just sanction alone. In either case the Appeal Panel may exercise all the powers in 11.1.1 above.	19.12.1 and 19.12.2 NOTE: Now dealt with by provisions regarding rights of appeal.
19.10.2	Notice of Appeal	
19.10.2.1	The Appellant shall serve Notice of Appeal in writing upon the RFU Disciplinary Manager.	19.12.7
19.10.2.2	The Notice of Appeal shall state:	19.12.8
a)	The date and decision of the Disciplinary Panel against which the appeal is lodged; and	
b)	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 witness statements or supporting documentation on which the Appellant will rely.	
19.10.2.3	The Notice of Appeal shall be served upon the RFU Disciplinary Manager no later than the fourteenth day following the date of the written notification of the disciplinary decision against which the appeal is lodged, except in the case of the Premiership where an appeal must (unless the RFU Disciplinary Officer in his discretion determines otherwise) be lodged within 24 hours of the finding which is being appealed against.	19.12.7

19.10.2.4	An appeal, once validly lodged, cannot be withdrawn but must be adjudicated upon by an Appeal Panel, unless the RFU Disciplinary Officer grants permission for the appeal to be withdrawn.	19.12.9
19.10.3	Appeal Fee	
19.10.3.1	The Notice of Appeal shall be accompanied by a cheque for the sum specified in Appendix 3 ('the relevant payment'), to contribute towards administration expenses.	19.12.8(e)
19.10.3.2	The relevant payment may, at the Appeal Panel's discretion, be returned to the Appellant in whole or in part. This includes (but is not limited to) circumstances where the Appeal is against sentence only and is heard in the Appellant's absence, or where the appeal is successful.	Move this to the later section which deals with costs (19.10.9).
19.10.3.3	Nothing in this section shall restrict the power of the Appeal Panel to order the Appellant to make further payments to cover the costs of the appeal in addition to the relevant payment.	19.12.21
19.10.4	Case Management	
19.10.4.1	The hearing date shall be set by the RFU Disciplinary Manager after consultation with the Panel Chairman and should be the earliest convenient date.	19.12.14
19.10.4.2	The RFU Disciplinary Manager shall prepare and provide for each member of the Appeal Panel, either in advance or on the day of the hearing, a pack of documents containing:	Deleted – does not need to be in the Regs. Is a matter of good practice.
a)	A copy of the Notice of Appeal; and	
b)	(Where relevant) a copy of the Match officials Report; and	
c)	Copies of any other relevant documents, including any written statements submitted to the original Disciplinary Panel, and a copy of their judgment.	
19.10.5	Procedure at Hearing	
19.10.5.1	As at the original hearing, the standard of proof to be applied is the balance of probabilities (see RFU Regulation 19.6.5.1). In order to succeed on appeal, the Appellant must prove on the balance of probabilities that the decision appealed against was wrong or was one the Panel could not have reasonably reached.	19.5.7
19.10.5.2	The Appellant shall have the right to be present in person at the hearing of his Appeal unless he elects to invite the Appeal Panel to review his	19.5.9

	sanction in his absence. In such cases he may be represented and the person representing him may be present throughout the hearing.	
19.10.5.3	The Referee (or Touch Judge, in the case of abuse of a Match Official), or a Referee's Advisor if one was present at the match in question) shall be invited to attend where there is an issue of fact to be determined and in any case where the President of the RFU, the chairman of the Appeal Panel or the RFU Disciplinary Officer consider it desirable. If the Referee, Assistant Referee or Referee's Advisor are unable to attend the hearing may proceed in their absence.	19.12.15
19.10.5.4	A member of the original panel which heard the case at first instance may attend the appeal hearing as an observer. He may give evidence at the appeal hearing about the first hearing where it becomes apparent that the appellant or any witnesses have changed their account of what had occurred.	19.12.15
19.10.5.5	The RFU Disciplinary Manager/Constituent Body Disciplinary Secretary (or his nominee) shall be in attendance and shall record the decision.	19.12.16
19.10.5.6	Where there is media interest in the outcome of the hearing, the RFU will ensure a press liaison officer is present. Chairmen and members of Disciplinary Panels should not normally discuss the case with the media without advice from the press liaison officer.	Deleted.
19.10.5.7	Where the appeal is against a decision which followed a citing or in a Rule 5.12 case not arising from a player being sent off ("a citing case") the Club, Union or affiliated organisation or person responsible for the complaint shall be entitled to a copy of the documents referred to in RFU Regulation 19.10.4.2 and be invited to attend the hearing of the appeal to prosecute the case.	19.5.11
19.10.5.8	In a citing case the affiliated organisation or person responsible for the citing or complaint shall be entitled to be present throughout the hearing and call witnesses in a manner similar to the Appellant. The Complainant shall call his evidence first.	
19.10.6	Appeal Panel Constitution	
19.10.6.1	An RFU Appeal shall be heard either by:	19.2.13
a)	An independent single Judicial Officer, sitting alone; or	
b)	An Appeal Panel chaired by an independent lawyer, and consisting of two others.	
c)	The RFU Disciplinary Officer.	

19.10.6.2	RFU Appeals will normally be heard by an independent lawyer in accordance with RFU Regulation 19.106.1(a) above, but where the RFU Disciplinary Officer determines that matters are likely to be technically complicated, he may direct the appeal to be heard in accordance with RFU Regulation 19.10.6.1(b).	
19.10.6.3	Representatives from Constituent Bodies involved in the case shall not be appointed to sit on an Appeal Panel.	19.2.11
19.10.6.4	No more than one member shall be nominated from the same Constituent Body.	19.2.12
19.10.6.5	A Constituent Body Appeal shall always be to an Appeal Panel consisting of no fewer than three and not more than five members, who may be RFU Council Members.	19.2.10
19.10.6.6	Representatives from Constituent Bodies involved in the case shall not be appointed to sit on an appeal panel.	19.2.11
19.10.6.7	No more than one member shall be nominated from the same Constituent Body.	19.2.12
19.10.7	Order of Proceedings	
19.10.7.1	The independent single J.O. or the chairman of the Appeal Panel (hereafter known as the Appeal Panel) may give directions as to the procedure and the evidence to be adduced to limit the issues to be adjudicated upon or for the more efficient determination of the hearing. He shall be entitled to regulate the appeal procedure and depart from the procedures set out below if he deems it appropriate to do so.	19.12.12
19.10.7.2	Where the original decision was taken on the papers or by way of preliminary hearing, the Appeal Panel shall have the discretion to quash the decision and refer the case back to the original panel for consideration.	19.12.10
19.10.7.3	If in advance of the day of the hearing itself, the Appellant makes submissions requesting a rehearing of his case, and the independent lawyer or chairman considers it appropriate, a de novo hearing may be held. This would normally only be the case where new evidence arises.	19.12.4
19.10.7.4	The Chairman shall introduce all parties and explain the procedure and that such evidence was not reasonably available at the first hearing.	Deleted - dealt with by general provision re procedure: <i>"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</i>

		<i>upon or for the more efficient determination of the hearing.”</i>
19.10.7.5	The Appellant, Referee, Assistant Referee and the Referee’s Advisor (if present) and any other parties whom the Chairman considers appropriate may be present throughout the hearing in accordance with RFU Regulation 19.10.5.2 above. In an appeal against a decision in a citing or a Rule 5.12 case, the party making the complaint or citing may also be present throughout the hearing. Other witnesses should be asked to withdraw. Witnesses who have given evidence may remain in the hearing until the Appeal Panel considers its decision.	In the event that a re-hearing is to be allowed, the procedure is dealt with under 19.12.13: <i>“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.”</i>
19.10.7.6	Where the appeal is against a finding of fact, the evidence against the Appellant shall be called first.	
19.10.7.7	The Appellant may then call witnesses in support of his case.	
19.10.7.8	At the discretion of the Chairman, additional evidence may be presented by the Appellant irrespective of whether or not the additional evidence was available to the Appellant or by reasonable enquiry could have been made available to the Appellant at the time of the original hearing.	
19.10.7.9	In a citing case the affiliated organisation or person responsible for the citing or complaint shall be entitled to be present throughout the hearing and call witnesses in a manner similar to the Appellant. The complainant shall call his evidence first.	
19.10.7.10	The Appeal Panel shall have discretion to hear any further witnesses and to seek such other evidence as they consider will be of assistance in reaching a fair and correct decision.	
19.10.7.11	The Appeal Panel may question:	
a)	The Appellant;	
b)	Witnesses who have given evidence against the Appellant; and	
c)	Any further witnesses called in accordance with RFU Regulation 19.10.7.10 above.	
19.10.7.12	In cases of Match Official abuse, the Referee or where relevant the Touch Judge or the Referee’s Advisor may, through the Chairman of the Appeal Panel, question:	
a)	The Appellant; and	

b)	Witnesses who have given evidence against the Appellant.	
19.10.7.13	The Chairman shall invite the Referee to make any final comment but the Appellant shall be given the right of the last word.	
19.10.7.14	The Chairman shall then invite all persons other than the Appeal Panel and its Secretary to retire whilst the Appeal Panel considers its decision. The Appeal Panel shall reach a decision on a majority vote with the chairman having the casting vote in event of equality.	
19.10.7.15	All those who have attended or participated in the hearing will be invited to return when the Chairman announces his decision.	
19.10.8	Appeal Panel Finding	
	The decision will be communicated orally at the hearing or within 24 hours of the hearing,	19.12.18
	The Chairman of the Appeal Panel shall at, or as soon as possible after, the conclusion of the hearing deliver a written judgment to the RFU Disciplinary Manager who will distribute to the appellant/club and all other interested parties and place it on rfu.com.	19.12.19
19.10.9	Costs	
19.10.9.1	Costs shall be payable by the Appellant in accordance with the table in Appendix 3, except where the Appeal Panel considers the appeal frivolous or vexatious, in which case the Appeal Panel shall have the discretion to direct the Appellant to pay the costs of the appeal.	19.12.21
19.10.9.2	Whilst the Appeal Panel shall have discretion in this regard, an unsuccessful Appellant will normally be required to pay the costs of the appeal which shall include the travelling expenses of the Referee and the legal costs of the Union (if any) but not the legal costs of any party to the appeal.	
19.10.9.3	The Appellant may be ordered to contribute towards the cost of any independent members of the Panel.	
19.10.9.4	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.	19.12.20
19.11	Competitions Sub-Committee and Organising Committee Appeals	

19.11.1	Lodging of Appeal	
19.11.1.1	If a Club, or either party to the complaint or dispute, or any other person or Club is dissatisfied or aggrieved at the decision of the Competitions Committee, Organising Committee, Constituent Body, or NCA Executive it may, in writing, 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 Disciplinary Manager restating the grounds on which the original appeal or complaint was made.	19.13.1
19.11.1.2	Any such appeal must be accompanied by such payment as is specified at Appendix 3 of these Regulations, which is refundable in the event the appeal is upheld unless the Appeal Panel decides otherwise.	19.13.2
19.11.1.3	The RFU Disciplinary Manager shall refer the complaint to an Appeal Panel for determination.	19.13.3
19.11.2	Appeal Panel's discretion	
19.11.2.1	In any hearing the Appeal Panel will deal with the matter by way of re-hearing or such other manner, as it deems appropriate.	19.13.4 NOTE: General discretion given to Appeal Panel to decide how to run appeal.
19.11.2.2	The Appeal Panel shall only be allowed to depart from the application of RFU Regulation 13 in exceptional circumstances.	19.13.8
a)	Exceptional circumstances will only arise in instances 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.	
b)	In all cases where the Appeal Panel is of the opinion that exceptional circumstances exist, the Disciplinary Officer (or the President where the Disciplinary Officer chaired the Appeal Panel) must review the decision within 96 hours of receipt of the written judgment to affirm the view of the Appeal Panel.	
c)	If the Disciplinary Officer (or the President as the case may be) is of the opinion that the application of RFU Regulation 13 would not result in a perverse and or/unfair outcome, of that to depart from them would not be in the interests of the Union or the Game he may substitute the original decision for that of the Appeal Panel.	19.13.10 NOTE: Review process now a standalone provision.
d)	This review process will normally be by consideration of the papers presented to the Appeal Panel only, there being no right for any	

	party to make any further submissions unless the Disciplinary Officer (or the President as the case may be) decides otherwise.	
19.11.2.3	The Appeal Panel is empowered to decide:	19.13.4 NOTE: Appeal Panel is no longer entitled to decide the burden of proof (it will be the balance of probabilities).
a)	Whether or not it should hold a hearing; and	
b)	The time and place of any hearing.	
19.11.2.4	The Appeal Panel shall, as it deems appropriate, have discretion to decide:	
a)	The nature of the evidence it would wish to be adduced;	
b)	The burden of proof required;	
c)	Who (if anybody) should be invited to appear at any hearing; and	
d)	How and when any decision it takes should be acted upon.	
19.11.2.5	The Appeal Panel will be entitled to seek advice from such other persons (including if it deems it appropriate members of the Committee), as it deems appropriate.	19.13.5
19.11.2.6	The Appeal Panel shall have the power to hear evidence from any third party or Club not directly involved in the appeal, if, in the Appeal Panel's sole and absolute discretion, it is of the view that such third party or Club may be materially or adversely affected by any decision it may make.	
19.11.3	Evidence	
19.11.3.1	Where the appellant wishes to rely upon any evidence which was not placed before the Organising Committee when it took the decision appealed against it must specifically notify the chairman of the Appeal Panel at least 72 hours ahead of the hearing who will do everything reasonably possible to give any other party to the hearing as much notice as possible.	19.13.7
19.11.3.2	The chairman of the Appeal Panel may upon receipt of a request to admit further evidence require any hearing to be adjourned and the costs of such adjourned hearing may be ordered by the Chairman to be for the appellant's account.	Deleted – unnecessary.

19.11.3.3	If further evidence is submitted the chairman of the Appeal Panel will decide as to what weight should be given to it.	19.13.7
19.11.3.4	Any party to an appeal shall provide such information or evidence and within such time as the Appeal Panel shall specify.	Deleted – unnecessary.
19.11.3.5	Upon a party to an appeal failing to provide such information within the time required, the Appeal Panel shall be entitled to refuse to hear that party when considering the appeal.	Deleted – unnecessary.
19.11.4	Decision	
	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. It shall be at the sole discretion of the Appeal Panel as to the burden of proof that may be required, as to how the matter before it shall be dealt with and whether or not to grant a personal hearing having regard to the matter, the rules of natural justice, the Human Rights Act, the rights and arguments of the persons or Clubs concerned and the effect (s) and impact of any decision taken upon third parties.	19.13.8 NOTE: This is now subject to review process in 19.13.10.
19.11.5	Sanction	
19.11.5.1	No sanction will be applied until the appeals procedure has ended.	19.13.11
19.11.5.2	The imposed sanction(s) may be increased as well as decreased on appeal. (This may also apply to an appeal which is deemed to be frivolous).	
19.11.6	Costs	
19.11.6.1	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.	19.13.14
19.11.6.2	Costs aside from the payment referred to in RFU Regulation 19.11.1.2 above will not be invoiced until the appeals process has ended.	