

RFU REGULATIONS

RFU REGULATION 19 – DISCIPLINE

19.1 General Provisions

Jurisdiction and Overriding Objective

- 19.1.1 RFU Regulation 19 applies to all disciplinary matters arising under the RFU Rules and RFU Regulations.
- 19.1.2 Separate regulations may be issued for the Premiership or any other league and/or match/competition/tournament where there is any variation of the following disciplinary procedures.
- 19.1.3 Disciplinary matters arising in Age Grade Rugby shall be dealt with in accordance with the procedures set out in Appendix 6.
- 19.1.4 All individuals and entities under the jurisdiction of the RFU are required to cooperate with an RFU (or Constituent Body) disciplinary investigation or disciplinary proceedings. All Clubs are further required to appoint an internal disciplinary panel responsible for investigating and, subject to Regulations 19.5.2 to 19.5.4, taking appropriate action in relation to disciplinary matters and the conduct of its players, officials, members, spectators and employees, and for generally maintaining discipline within that Club. Nothing in RFU Regulation 19 prevents the RFU from bringing disciplinary proceedings against Clubs for the actions of its players, officials, members, employees and/or its spectators including in relation to alleged Misconduct or breaches of Rule 5.12.
- 19.1.5 The overriding objective of RFU Regulation 19 is to maintain and promote fair play, protect the health and welfare of Players (and others involved in the Game), ensure that acts of Foul Play and Misconduct (on and off the field of play) are dealt with expeditiously and fairly by independent means within the Game and that the image and reputation of the Game is not adversely affected. To achieve consistency and uniformity in the administration, assessment and implementation of sanctions regarding foul play and misconduct.
- 19.1.6 Disciplinary hearings shall be conducted in a fair and just manner and in accordance with the fundamental principles of natural justice, whilst recognising that neither a Disciplinary Panel nor an Appeal Panel is a court of law and as such panellists or those appearing before panels may not be legally qualified. Therefore, in the interests of achieving a just and fair result, procedural and technical considerations shall take second place to the overriding objective..
- 19.1.7 Proceedings, findings or decisions of a Disciplinary Panel or Appeal Panel shall not be invalidated by reason of any defect, irregularity, omission or technicality unless such defect, irregularity, omission or technicality raises a material doubt as to the reliability of the proceedings, findings or decisions.
- 19.1.8 In the event that a particular incident takes place for which there is no provision in

RFU Regulation 19 including (but not limited to) procedure, jurisdiction or sanction then the Disciplinary Panel or Appeal Panel may take such action that it considers appropriate in the circumstances in accordance with general principles of natural justice and fairness.

RFU Discipline

19.1.9 In accordance with these Regulations and Rule 5.12, the RFU shall have the power to investigate, conduct disciplinary hearings and impose sanctions upon any:

- (a) Member;
- (b) Rugby Body;
- (c) non-voting member of the Union;
- (d) player, official, member or employee of a Member or a Rugby Body; or
- (e) other person or body that submits to Union's jurisdiction to discipline them (for the avoidance of doubt this includes clubs and players from another Union playing in England in relation to both on and off field matters, where there is an agreement which specifies that disciplinary matters shall be dealt with by the RFU);

for any infringement of the RFU Rules, the RFU Regulations, the Laws of the Game or the World Rugby Regulations and/or for any conduct which is prejudicial to the interests of the Union or the Game or which amounts to cheating, irrespective of where the conduct is alleged to have occurred.

19.1.10 The RFU shall have the power to take disciplinary action in relation to players and other persons in respect of all matches involving its Clubs regardless of whether the match is played in England or in another Union, subject to any competition regulations or tour agreements stating otherwise.

Constituent Body Discipline

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

- (a) any infringement of any Law(s) of the Game;
- (b) any conduct which is, in the opinion of the Constituent Body, prejudicial to the interests of the Union or the Game or which amounts to cheating, contrary to Rule 5.12; or
- (c) any infringement of any of the RFU Regulations and/or World Rugby Regulations relating to the Game.

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

- 19.1.13 No Constituent Body has the power or right to further delegate any of these powers.
- 19.1.14 A Constituent Body may, where necessary and appropriate, and with the consent of the RFU Head of Discipline surrender back to the RFU its delegated powers generally or in specific cases.
- 19.1.15 The RFU excludes from the delegation to Constituent Bodies the jurisdiction and authority to act in respect of the following, unless otherwise directed by the RFU Head of Discipline:
- (a) Players who are registered with or who are under a contract with Clubs playing in the Premiership, Championship National Leagues 1 and 2N and 2S or Women's Premier 15s;
 - (b) Players who, although not registered or under contract, represent a Premiership Club in the Premiership 'A' League, the BUCS Super Rugby Competition or in the Women's EPS or Sevens squads.
 - (c) Players dismissed from the field of play or cited during County Championship matches;
 - (d) breaches of World Rugby Regulations 6, 10 and 21 (Anti-Corruption and Betting, Medical and Anti-Doping) and breaches of RFU Regulations 17 and 20 (Anti-Corruption and Betting and Anti-Doping);
 - (e) breaches of RFU Regulation 21 (Safeguarding);
 - (f) all cases involving serious injury;
 - (g) all cases under investigation by the Police;
 - (h) all cases involving verbal or physical abuse based on a protected characteristic (as defined by the Equality Act 2010);
 - (i) complaints regarding a Referee Society admitted to membership of the Rugby Football Referees Union (or an individual member of such a Society).
- 19.1.16 The RFU Head of Discipline has the power to direct that the RFU, Organising Committee, a Constituent Body, Club or Referee Society shall deal with any matter.

The Rugby Judiciary

- 19.1.17 An RFU Head of Judiciary shall be appointed to provide an independent process of adjudication in rugby disciplinary matters. The RFU Head of Judiciary shall determine the criteria for appointment and the terms and conditions of the independent members of the Rugby Judiciary.
- 19.1.18 The RFU Head of Judiciary is authorised to issue practice notes and sanctions guidance.

Miscellaneous Provisions

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

- 19.1.19 Where a disciplinary hearing or an appeal is being dealt with by a single Judicial Officer, that person shall carry out the role of Chair of the Disciplinary Panel or Appeal Panel.
- 19.1.20 A Constituent Body Disciplinary Panel, Disciplinary Panel or Appeal Panel shall deal with all cases by video link unless directed otherwise by the Chair of the Panel.
- 19.1.21 Where the RFU receives a complaint or information regarding the conduct of a Club's players, officials, members or employees and the RFU Head of Discipline determines that the individuals in question would benefit from training in relation to the RFU's core values and expected standards of behaviour, then he/she may, irrespective of whether disciplinary action is taken by the RFU or CB or not, direct that to occur.

19.2 Composition of Disciplinary Panels and Appeal Panels

Constituent Body Disciplinary Panel

- 19.2.1 A Constituent Body Disciplinary Panel shall be chaired by a person who has been accredited to sit by the RFU.
- 19.2.2 A Constituent Body Disciplinary Panel shall consist of no more than three members, and exceptionally the hearing may proceed with a panel of two if directed by the Chair. A Constituent Body Disciplinary Secretary shall also be appointed, who is not a member of the Disciplinary Panel and shall not take part in the deliberations of the panel.
- 19.2.3 No person with an interest in the proceedings shall be permitted to sit on a Constituent Body Disciplinary Panel.

RFU Disciplinary Panel

- 19.2.4 The RFU Head of Judiciary shall appoint a Disciplinary Panel. No person with an interest in the proceedings shall be permitted to sit on a Disciplinary Panel.
- 19.2.5 A Disciplinary Panel, unless comprised of a single Judicial Officer, shall where practicable consist of three persons, including a legally qualified Chair, but may proceed with a panel of two if directed by the Chair.

Appeal Panel

- 19.2.6 The RFU Head of Judiciary shall appoint an Appeal Panel to hear any appeal, which shall be made up as either:
- (a) a single Judicial Officer; or
 - (b) a panel chaired by a legally qualified person and two others
- 19.2.7 No person with an interest in the proceedings shall be permitted to sit on an Appeal Panel.
- 19.2.8 If the RFU Head of Judiciary has sat on the Disciplinary Panel at first instance then the appointment of an Appeal Panel to deal with the appeal shall be undertaken by the RFU Disciplinary Hearings Manager.

19.3 Bad Disciplinary Record and Recognition of Sanctions

Bad disciplinary record

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

Recognition of Sanctions

- 19.3.2 The RFU may recognise any sanction, suspensions, bars, bans or equivalent of any other sporting body and the Head of Discipline may concurrently suspend, ban, bar or equivalent, the person from playing or having any other involvement in the game. The person subject to the decision may make an Appeal to a Disciplinary Panel and must do so within 14 days of the date on which the written decision was sent.

Meaningful Sanctions

- 19.3.3 Disciplinary Panels will be entitled in their absolute discretion to apply sanctions in a season other than the season in which any breach occurred in order to ensure that the application of any sanction has a meaningful effect.

19.4 Interim Suspension Orders and Criminal Convictions/Cautions

Interim Suspension Orders

- 19.4.1 The RFU Head of Discipline shall have the power to issue an interim suspension order (ISO) against any person against whom an allegation of breach of the World Rugby Regulations, RFU Rules (including Rule 5.12), RFU Regulations or Misconduct has been made and is being investigated or, without prejudice to the power under RFU Regulation 19.4.4, against someone who is under police investigation or has been charged with or cautioned or convicted of a criminal offence. The ISO shall be in writing and signed by the RFU Head of Discipline. The ISO shall be issued without a hearing and may order that the person shall not participate in any specified activity, attend any specified location or communicate with any specified person(s) within the Game.
- 19.4.2 Following the imposition of the ISO, the person suspended shall have the right of appeal within 14 days beginning with the date on which the written decision was sent, to an Appeal Panel to be convened as soon as is reasonably practicable. The procedure for the hearing shall be determined by the Chair of the Appeal Panel. The suspended person may appeal on the grounds that the decision by the RFU Head of Discipline to impose an ISO was irrational, illegal or procedurally improper in all of the circumstances.
- 19.4.3 The ISO shall automatically cease:
- (a) When the matter has been dealt with at a disciplinary hearing;
 - (b) When the allegation is withdrawn and no further disciplinary action is taken;
or
 - (c) After 120 days from its issue, unless the RFU Head of Discipline determines

that it is in the interests of the Union or the Game that it should be extended for a further period or periods of not more than 120 days.

Criminal Convictions/Cautions

- 19.4.4 Where an individual has been cautioned or convicted of a criminal offence which directly or indirectly relates to the playing, administration or image of the Game, the RFU Head of Judiciary or a delegate nominated by them shall have the power to sanction the individual and have the discretion to determine whether or not to hold a hearing. A person so sanctioned shall have the right of appeal within 14 days, beginning with the date on which the written decision was sent, to an Appeal Panel which shall be convened as soon as reasonably practicable. The procedure for the hearing shall be determined by the Chair of the Appeal Panel.

19.5 Referees, Provisional Suspension, Standard of Proof and Rules of Evidence etc.

Referees

- 19.5.1 The integrity of the Laws of the Game and the Referee's position as sole judge of fact and law during a match is unassailable. The Referee's decisions on the field of play and their sporting consequences shall not be altered or overturned by a ruling of a Disciplinary Panel save in the following instances:
- 19.5.1.1 In the case of red cards, when a Disciplinary Panel determines that the Referee's decision was wrong because of (i) mistaken identity or (ii) where the red card test has not been met (see Regulation 19.11.1 and 19.11.4).
- 19.5.1.2 In the case of citings, when a Disciplinary Panel determines that an act of Foul Play merited a yellow card (Levels 1-4 only) or a red card irrespective of whether the act(s) have been detected by the Referee and been the subject of Referee action (see Appendix 4 to Regulation 19).
- 19.5.1.3 In the case of red cards resulting from two yellow cards, when a Disciplinary Panel determines that one or more of the foul play yellow cards was wrongly applied as a result of (i) mistaken identity or (ii) when no act of Foul Play took place (see Appendix 1 to RFU Regulation 19).

The purpose of any subsequent review by a Disciplinary Panel of an incident that occurred during a match is to (i) determine whether there should be any disciplinary sanctions applied for an act of Foul Play as provided for in World Rugby Law 9 or (ii) make determinations in relation to red cards, citings and yellow cards as set out in Regulation 19.5.1.1, 19.5.1.2 and 19.5.1.3.

Provisional Suspension

- 19.5.2 Without in any way limiting the effect of Regulation 19.11.16, a Player that is subject to an ordering off or citing by a Citing Commissioner in a domestic or any other match is not entitled to play the Game (or any form thereof) or be involved in any on-field match day activities anywhere in the world until their case has been finally resolved. For the avoidance of doubt a player cited by an opposition team in matches at National 1 level and below and all Women's matches (save for Women's Premier 15s 1st XV) may play the Game pending the resolution of their case.

- 19.5.3 A suspended Player who elects to appeal may not take part or be selected for any further match until their case has been dealt with by an Appeal Panel and the Appeal Panel has directed that they may play again, unless their suspension has already expired.
- 19.5.4 Where the RFU Head of Discipline appeals, a Player may play pending the hearing of the appeal if the period of suspension has expired or if no suspension was imposed by the original Disciplinary Panel.

Standard of Proof

- 19.5.6 The standard of proof in all disciplinary cases (including before Appeal Panels) is the balance of probabilities. For the avoidance of doubt there is no sliding scale.
- 19.5.7 At first instance disciplinary hearings, in the event that the Player does not accept that the act(s) of Foul Play which is the subject of the disciplinary hearing warranted the Player being Ordered Off or cited, the burden of proof rests on the Player to show that the referee/citing commissioner was wrong

Attendance at Hearings and Representation

- 19.5.8 The RFU Head of Discipline or the Constituent Body Disciplinary Secretary may appoint a person to assist with the presentation of any case or appeal.
- 19.5.9 A person, Player, or Club whose conduct is the subject of inquiry is entitled to be represented or assisted by a person(s) of their choice (any costs incurred shall be borne by them) and is entitled to be present throughout the proceedings except during the deliberations of the Disciplinary Panel or Appeal Panel.
- 19.5.10 Subject to paragraph 19.5.7, in the case of a team citing the Club or Union responsible for making the complaint shall be required to present the case and may be represented or assisted by a person(s) of its choice and will be required to bear its own costs.

Rules of Evidence

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

Time Limits

- 19.5.12 In general, a failure to observe the time limits specified in these Regulations shall not nullify any proceedings, but such failure may be a cause for a hearing to be adjourned.
- 19.5.13 However in the following cases compliance with the specified time limit is mandatory, and failure to comply will render any proceedings, application or appeal void:
- (a) subject to Appendix 4, a citing must be made within the time limit specified in these Regulations;
 - (b) an appeal must be made within the time limit specified in these Regulations.

Audio Recordings

19.5.14 The Chair of a Disciplinary Panel or Appeal Panel and the RFU Head of Discipline shall have the power to direct that a hearing shall be audio recorded.

19.6 Referral to the Disciplinary Panel

Ordering Off

19.6.1 Where the Referee has ordered off a Player he/she shall as soon as practicable, and in any event by 9am the following Monday morning (for matches played at Levels 1 to 4 and Women's Premier 15s) or within 48 hours from the conclusion of the match (Level 5 and below and all other women's matches), provide a completed copy of the report to:

- (a) the Disciplinary Secretary of the Constituent Body to which the Player's Club is affiliated or allocated, or to the RFU Head of Discipline; and
- (b) the Referee's Society or, if he is not a member of a Referee Society, to the Constituent Body in whose area the match was played.

19.6.2 Where a Player is ordered off following Foul Play drawn to the Referee's attention by an Assistant Referee, that official shall also comply with the obligations under Regulation 19.6.1.

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

Misconduct

19.6.4 In accordance with these Regulations and Rule 5.12, the RFU shall have the power to investigate, conduct disciplinary hearings and impose sanctions upon any:

- (a) Member;
- (b) Rugby Body;
- (c) non-voting member of the Union;
- (d) player, official, member or employee of a Member or a Rugby Body; or
- (e) other person or body that submits to Union's jurisdiction to discipline them (for the avoidance of doubt this includes clubs and players from another Union playing in England in relation to both on and off field matters, where there is an agreement which specifies that disciplinary matters shall be dealt with by the RFU);

for any infringement of the RFU Rules, the RFU Regulations, the Laws of the Game or the World Rugby Regulations and/or for any conduct which is prejudicial to the interests of the Union or the Game or which amounts to cheating, irrespective of where the conduct is alleged to have occurred.

Match Official Abuse

- 19.6.5 A Match Official reporting abuse shall comply with the requirements set out in Regulations 19.6.1 – 19.6.3, save that where the Player has not been ordered off in relation to the alleged abuse a report shall be completed and submitted within 7 days.
- 19.6.6 The Match Official shall set out in the report full details of the alleged physical and/or verbal abuse, including, in the case of verbal abuse, their recollection of the actual abusive words spoken. The Match Official should also list on the form any witnesses to the abuse.

Rule 5.12 Cases, Citings and Warnings

- 19.6.7 Subject to Regulation 19.6.9, the RFU Head of Discipline and a Constituent Body Disciplinary Secretary are each authorised to investigate and institute disciplinary proceedings where there is an alleged breach of Rule 5.12 and may require the person, Player or Club to whom the allegations relate to attend before a Disciplinary Panel to answer the allegation(s).
- 19.6.8 Investigations in relation to Council Members (whether arising from an allegation of Misconduct, breach of Rule 5.12 or of any policy approved by Council or otherwise applicable to Council Members) may only be commenced by the RFU Head of Discipline but before doing so he/she must have authority from two out of the RFU President, the RFU Chief Executive Officer and the Chair of the RFU Board. On receipt of such an allegation the RFU Head of Discipline will seek that authority and, if provided, proceed.
- 19.6.9 If, after investigation, the RFU Head of Discipline considers there to be a prima facie case against a Council Member he/she will seek further approval from two out of the RFU President, the RFU Chief Executive Officer and the Chair of the RFU Board to proceed to institute proceedings.
- 19.6.10 The RFU Head of Discipline and a Constituent Body Disciplinary Secretary may each require a person, Player, Club or body to provide information or to make written representations before deciding whether that person, Player, Club or body has a case to answer.
- 19.6.11 The RFU Head of Discipline has the power to take over any citing made by a Club. The procedures set out in Appendix 4 to these Regulations shall be followed in respect of citings.
- 19.6.12 Where a dispute arises between two or more Clubs, the RFU Head of Discipline may direct that the Clubs attempt to settle their dispute before the RFU Head of Discipline considers instituting proceedings for breach of RFU Rules or Regulations.
- 19.6.13 The RFU Head of Discipline, or a Constituent Body Disciplinary Secretary after receiving authority from the RFU Head of Discipline, has the power to issue a formal written warning to any person, Player or Club for any alleged Misconduct or breach of World Rugby or RFU Rules or Regulations. Before doing so however the person, Player or Club should be given the opportunity of making representations to the allegation(s). Any warning given will be retained on the disciplinary record of the person, Player or Club for a period of five years (or such other time as may be specified in the warning) and may be relied upon in future disciplinary proceedings as follows:
- (a) to establish a course of conduct of the person, Player or Club concerned; and/or
 - (b) for the purposes of consideration of sanction in the current disciplinary

proceedings.

19.7 Notice of Hearing

- 19.7.1 A Notice of Hearing shall be sent to the person, Player or Club charged or cited and, where appropriate, to the relevant Referees' society. In a case of a citing, Misconduct or Rule 5.12 complaint, the RFU Disciplinary Hearings Manager or the CB Discipline Secretary shall notify any person, Player, 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.
- 19.7.2 The Notice of Hearing shall include the following:
- (a) details of the specific charge or, where appropriate, a copy of the citing or complaint being investigated; and
 - (b) in applicable cases, the Referee's ordering off or abuse report.
- 19.7.3 Where a Player has been ordered off, cited or reported for abuse of a Match Official, the Notice of Hearing shall be provided as soon as reasonably practicable.

19.8 Response to Notice of Hearing

- 19.8.1 The Player, Person or Club charged shall within such period as set out in the Notice of Hearing confirm in writing:
- (a) whether he/she/it admits the offence(s) specified in the Match Official's ordering off report, abuse report or citing report and wishes to plead guilty or;
 - (b) whether he/she/it disputes the allegations.
- 19.8.2 In the case of an ordering off or Match Official abuse case, the Player/Person or Club shall confirm if they require the Match Official(s) to be available to give evidence to the disciplinary hearing. A failure by the person, Player or Club to give such notification may prevent the person, Player or Club from being permitted to challenge the evidence of the Match Official at the disciplinary hearing (see Regulation 19.10.3).
- 19.8.3 It shall be the duty of the RFU Disciplinary Hearings Manager or the Constituent Body Disciplinary Secretary (as appropriate) to notify the Match Official(s) and/or any match assessor of the date, time and place of the hearing if their attendance is required by the Person/Player/Club charged ;
- 19.8.4 Except in cases where the Notice of Hearing has required their attendance, if a Player/Person/Club admits the offence they may request that the case be dealt with in their absence. Such request is to be made to the Chair of the Panel who may request that the Player/Person/Club provide written submissions to assist the Panel.

Directions

- 19.8.5 A Disciplinary Panel or Appeal Panel may give any directions necessary for the proper conduct of proceedings including, but not limited to:
- (a) ordering a preliminary hearing;

- (b) requiring that parties make written submissions or submit skeleton arguments in advance of the hearing;
- (c) except in relation to Regulation 19.5.12, extending or abridging time limits;
- (d) requiring disclosure of relevant documents in possession of the parties save in relation to documents where privilege applies;
- (e) setting time limits for the exchange of evidence;
- (f) granting an adjournment; and/or
- (g) establishing the date, time and place of the hearing.

19.8.6 A Disciplinary Panel or Appeal Panel may change any reference to any Law of the Game, World Rugby/RFU Regulations or particulars of offence contained in a report or charge sheet before or during a hearing provided it is satisfied, if necessary after hearing submissions, that to do so is not unduly prejudicial.

Attendance of Witnesses

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

19.9 Procedure at the Hearing

Failure to Attend and Parallel Criminal/Civil Proceedings

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

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

19.9.3 Where there is evidence to suggest that the person, Player or Club 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 shall decide whether it is in the interests of the Game to proceed. If it adjourns the matter until the conclusion of the civil or criminal proceedings, it may impose an interim suspension order on the person or Player against whom the allegations are made. Before so doing, the Disciplinary Panel shall give the person or Player the opportunity to make representations. There is no right of appeal from a decision of the panel to impose an interim suspension order in such circumstances.

Conduct of the Hearing

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

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

respond to any evidence given.

- 19.9.6 Where disciplinary cases against more than one person, Player or Club arise out of the same incident and/or set of facts, the Chair of the Disciplinary Panel or Appeal Panel has discretion to hear them together if considered appropriate to do so.

19.10 Evidence

Match Officials

- 19.10.1 The provisions of this Regulation shall apply equally to the evidence of any Match Official who has been appointed by the RFU or by a Referee Society, as they do to the Referee.
- 19.10.2 Match Officials appointed by the RFU or a Referee Society are independent eye-witnesses of what has occurred and their evidence shall be treated as such.
- 19.10.3 If a person, Player or Club appearing before a Disciplinary Panel wishes to challenge any aspect of a Match Official's report, he/she must request the Match Official's attendance at the hearing or that he/she is available to give evidence via telephone conference or video link. Once the Match Official's attendance has been requested, the person or Player or Club may challenge the report irrespective of whether the Match Official is able to attend the hearing or give evidence via telephone conference or video link.

Other Eye-Witnesses

- 19.10.4 Witnesses shall attend the hearing in person to give oral evidence. If this is not reasonably practicable, then witnesses can seek permission from the panel Chair in order to give evidence via telephone conference or video link.
- 19.10.5 Written evidence from witnesses may be received. If the written evidence is unchallenged then it shall carry the same weight as oral testimony but if that written evidence is challenged, it may carry less weight than oral testimony.
- 19.10.6 Hearsay evidence may be admitted but should be treated with caution as its reliability cannot be tested by cross-examination.
- 19.10.7 Any person, Player or Club who is alleged to have provided false or misleading information to a Disciplinary Panel or Appeal Panel shall be liable to disciplinary action.

Match Footage

- 19.10.8 Where a person, Player or Club is sent off, cited or is the subject of a Misconduct or Rule 5.12 complaint, and footage has been taken of the match in which the incident in question occurred, any Club which took or commissioned the match footage shall forward a copy of it as soon as possible to either the RFU Head of Discipline or the Constituent Body Disciplinary Secretary with jurisdiction of the case.
- 19.10.9 Where there is match footage of an incident, and the RFU Disciplinary Hearings Manager or CB Disciplinary Secretary has advised a person, Player or Club appearing before the Disciplinary Panel, Appeal Panel or Judicial Officer that it does not have the required equipment for the screening of the footage, it is the responsibility of that person, Player or Club to provide and install the required equipment.
- 19.10.10 Where match footage is in the possession or control of the Club of which the person,

Player or Club appearing before the hearing is a member and, without reasonable excuse, the footage is not produced to the Disciplinary Panel or Appeal Panel the panel shall be entitled to infer that it is unfavourable to the person, Player or Club.

- 19.10.11 A Disciplinary Panel or Appeal Panel shall be entitled to consider footage from any source, including (but not limited to) footage commissioned or obtained by a Referee Society, Referee Group, Match Official or any other person.
- 19.10.12 Where the authenticity of match footage or other visual evidence is challenged, it is for whoever produces that footage or other visual evidence to satisfy the Disciplinary Panel or Appeal Panel that the footage of the incident being investigated has not been edited or altered in any way.

19.11 Finding, Sanction and Costs

Finding and Sanction

- 19.11.1 In the case of an ordering off or citing the function of the Disciplinary Panel is to consider the circumstances of the case and determine its factual findings and what further sanction, if any, should be imposed. A Player may seek to show that the decision of the Referee (see Regulation 19.5.1) or Citing Commissioner was wrong and the Disciplinary Panel may review the decision. In any such case, the Disciplinary Panel shall not make a finding contrary to the Referee or Citing Commissioner's decision unless it is satisfied on the balance of probabilities that the decision was wrong. In such a case, the red card will be removed from the Player's record (see Regulation 19.11.4).
- 19.11.2 Where an alleged offence is not admitted, the Disciplinary Panel or single Judicial Officer shall consider their decision in private and shall determine whether the alleged offence has been proven.
- 19.11.3 A decision of the Disciplinary Panel shall (save for when the case is heard by a single Judicial Officer) be determined by a majority. Each member of the panel shall have one vote. In the event of a deadlock the Chair shall have the casting vote.
- 19.11.4 If the offence has not been proven, the Chair shall so state and the finding shall, subject to Regulation 19.10.7 and an appeal brought under these Regulations, be a bar to further disciplinary proceedings arising from the issues then before the panel. If the Disciplinary Panel determines that there was Foul Play albeit that the act in question did not meet the red card test, then the Disciplinary Panel may, following a decision to rescind the red card or dismiss the citing, determine that an on-field yellow card be recorded on the Player's disciplinary record. This will be taken into consideration for totting-up purposes in the relevant season. There is no appeal against the decision of the Disciplinary Panel to record a Foul Play yellow card on the Player's disciplinary record.
- 19.11.5 Where the offence is admitted or proven, the Disciplinary Panel or single Judicial Officer shall proceed to hear submissions regarding sanction and:
- (a) the person, Player or Club facing the allegations may call evidence as to character and address the Disciplinary Panel in mitigation;
 - (b) the party that brought the charge or made the citing may make representations as to any aggravating factors; and
 - (c) the previous disciplinary record of the person, Player or Club should be

ascertained.

No other person may address the Disciplinary Panel as of right, but the Disciplinary Panel may seek such further information as required from any party.

- 19.11.6 Where the alleged offence is admitted or proven the Disciplinary Panel shall have power to impose the sanctions set out in Appendix 2 to these Regulations.
- 19.11.7 “Appropriate punishment” referred to in Rule 5.12 and Regulation 19.6.5 shall include, but shall not be limited to:
- (a) for a person, a reprimand, a financial penalty or suspension from playing, coaching and/or administration.
 - (b) for a Club, in addition to the sanction set out in RFU Regulation 19.11.7(a), financial or other compensation, deduction of league points or relegation, exclusion or disqualification from any competition. Where a competition does not fall within the jurisdiction of the RFU a Club may be required to withdraw from that competition.
- 19.11.8 A Disciplinary Panel shall undertake an assessment of the seriousness of the Player’s conduct which constitutes the offending and shall categorise the offence as being at the lower end, mid-range or top end of the scale of seriousness in order to identify the appropriate entry point for consideration of a particular incident(s) of Foul Play, where such incident(s) is expressly covered in Appendix 2. Such assessment of the seriousness of the Player’s conduct shall be determined by reference to the following features:
- (a) whether the offending was intentional;
 - (b) whether the offending was reckless, that is the Player knew (or should have known) there was a risk of committing an act of Foul Play;
 - (c) the nature of actions, manner in which the offence was committed including part of body used (for example, fist, elbow, knee or boot);
 - (d) the existence of provocation;
 - (e) whether the Player acted in retaliation and the timing of such;
 - (f) whether the Player acted in self-defence (that is whether they used a reasonable degree of force in defending themselves);
 - (g) the effect of the Player’s actions on the victim (for example, extent of injury, removal of victim Player from game);
 - (h) the effect of the Player’s actions on the match;
 - (i) the vulnerability of the victim Player including part of the victim’s body involved/affected, position of the victim Player, and the ability to defend themselves;
 - (j) the level of participation in the offending and the level of premeditation;
 - (k) whether the conduct of the offending Player was completed or amounted to an attempt; and

- (l) any other features of the Player's conduct in relation to or connected with the offending.
- 19.11.9 For offences categorised at the top end of the scale of seriousness of offending, the Disciplinary Panel shall identify an entry point between the period shown as the top end for the particular offence and the maximum sanction in Appendix 2.
- 19.11.10 Having identified the applicable entry point for consideration of a particular incident, the Disciplinary Committee or Judicial Officer shall identify any relevant off-field mitigating factors and determine if there are grounds for reducing the period of suspension and subject to Regulations 19.11.11 and 19.11.12 the extent, if at all, by which the period of suspension should be reduced. Mitigating factors include the following
- (a) the presence and timing of an acknowledgement of culpability/wrong-doing by the offending Player;
 - (b) the Player's disciplinary record and/or good character;
 - (c) the youth and inexperience of the Player;
 - (d) the Player's conduct prior to and at the hearing
 - (e) the Player having demonstrated remorse for their conduct to the victim Player including the timing of such remorse; and
 - (f) any other off-field mitigating factor(s) that the Disciplinary Committee or Judicial Officer considers relevant and appropriate.
- 19.11.11 Subject to Regulation 19.11.12 for acts of Foul Play the Disciplinary Panel cannot apply a greater reduction than 50% of the relevant entry point. In assessing the reduction applicable for mitigating factors, the Disciplinary Panel shall start at 0% reduction and apply the amount, if any, to be allowed as mitigation up to the maximum 50% reduction.
- 19.11.12 In cases involving offending that has been classified pursuant to Regulation 19.11.8 as lower end offending, where:
- (a) there are off-field mitigating factors; and
 - (b) where the Disciplinary Panel considers that the sanction would be wholly disproportionate to the level and type of offending involved;

the Disciplinary Panel may apply a greater reduction than 50% of the low-end entry point specified in Appendix 2, including in appropriate cases no sanction.

- 19.11.13 Thereafter, the Disciplinary Committees or Judicial Officers shall identify any relevant off-field aggravating factors and determine what additional period of suspension, if any, should apply to the case in question. Aggravating factors include:
- (a) the Player's status generally as an offender of the Laws of the Game;
 - (b) the need for a deterrent to combat a pattern of offending in the Game where the teams participating in the Match or Tournament have been put on notice that such a need exists; and
 - (c) any other off-field aggravating factor(s) that the Disciplinary Committee or

Judicial Officer considers relevant and appropriate (including poor conduct prior to or at the hearing).

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

19.11.15 A Disciplinary Panel shall ordinarily in their written decisions set out the reasoning for their findings, including the finding on culpability, how they have categorised the seriousness of the offence by reference to the features set out in Regulation 19.11.8, how they identified and applied any mitigating factors (19.11.10) and aggravating factors (19.11.13) and conclude with the resultant sanction, if any, imposed. This includes, for the avoidance of doubt, the expiry date of the suspension setting out the number of weeks, or where the Player has a specific playing schedule that is known at the time of the imposition of the sanction, a list of the Matches (or Match weekends, rounds or dates where specific dates of fixtures have not yet been finalised) (subject, ordinarily, to a maximum of 2 matches in any 7-day period), for which the Player is suspended provided that, in any event, the Player would, on the best information available at the time of the decision, be scheduled to play in a Match which would meet the criteria set out in Regulation 19.11.17 (c), (d) and (e) below on each of the week's taken into account and that an expiry date is stipulated for the suspension. Sanctions for Players in non-elite rugby settings should ordinarily be expressed in weeks for simplicity and clarity.

19.11.16 Decisions on sanctions and suspensions imposed under these Regulations shall:

- (a) be applied universally by all Clubs and Constituent Bodies such that the suspended person may not play the game (or any form thereof) or be involved in any on-field match day activities anywhere from the time they are Ordered Off, cited or where Appendix 1 to RFU Regulation 19 applies (totting-up of yellow cards and/or Citing Commissioner Warnings) until their suspension expires or their case is dismissed;
- (b) not allow the suspended person to avoid the full consequences of their actions by, for example, playing in matches prior to the commencement of their suspension, or playing in matches during a break in the suspension and/or serving their suspension during a period of inconsequential pre-season and/or so-called friendly matches;
- (c) apply and be served when the Player is scheduled to play and/or have a match day involvement;
- (d) be imposed until a stated date which should be fixed after taking into consideration all consequences of such suspension; and
- (e) be effective immediately (subject to 19.11.17(b)).

19.11.17 When imposing suspensions a Disciplinary Panel shall comply with the requirements set out in Regulation 19.11.16 above. In doing so a Disciplinary Panel:

- (a) must not suspend the effect of any sanction imposed;
- (b) may defer the commencement of a suspension provided that the Player/person is not scheduled to play (and will not be permitted to play) or have any match day involvement prior to the commencement of the suspension;
- (c) shall set out the reasons why it considers those Matches to be meaningful;

- (d) shall take into account weeks in which there is a Match(es) which comply with each of the following criteria:
- i. until such time as the Player was suspended, the Player would otherwise have been scheduled to play in the Match, the burden resting with the Player to prove that he was scheduled to play. Where the Player was scheduled to play in more than one Match in a week (for example, a mid-week fixture) this week still only counts as one week of the suspension save where the rules of the particular tournament or tour from which the suspension arises and in which there is more than one Match per week allow for a suspension within that tournament or tour to be served in Matches;
 - ii. the Match is to be played between two teams in compliance with all of the Laws of the Game;
 - iii. where the Match is not part of a tournament, tour or Series of Matches which has been sanctioned in accordance with Regulation 10, the Match:
 - (i) is to be played between teams of equivalent level (for example, similar divisions or standards of play) and who play at the same or an equivalent level of the Game to the Player's ordinary level;
 - (ii) is to feature the best players available to each team;
 - (iii) is to be played at a venue of the capacity and characteristics ordinarily used by teams of this level or standard;
 - (iv) is to be open to the public (and in the case of a Match involving professional teams, tickets will be sold);
 - (v) is scheduled within 4 weeks prior to the start of a Season an International Match, tournament, tour or Series of Matches which has been sanctioned in accordance with Regulation 10;
- (e) where the Match is a playoff, final or similar Match for which the Player's team has not yet qualified, the Disciplinary Panel or Judicial Officer's decision may provide for alternative applications of the Player's sanction whereby the Match(es) in question shall be counted if the Player's team participates or not counted if the Player's team does not participate in which case the Match(es) in which the Player's team next participates is instead included in the sanction.
- (f) must, if a Player/person's suspension has not terminated by the end of the current playing season, continue the suspension until a stated date in the next playing season, unless the Player/person has been selected for a closed season match and/or tour that complies with Regulation 19.11.16/17, or has made plans to play during the close of season in another Union. In this event (and subject to the Disciplinary Panel receiving satisfactory verification of such tour or playing arrangements), the match, period of the tour or the fact that the Player/person intends to play in another Union shall be taken into account in determining when the suspension shall come to an end; and
- (g) shall, where the Player/person is scheduled to play in a different form of the Game to that from which the sanction arises and those matches in the other form of the Game fall within the period of the suspension, those Matches shall be taken into account for the purposes of the suspension provided they have, in the opinion of the Disciplinary Panel concerned, a meaningful consequence for the Player/person (the burden resting with the Player/person to prove that

he/she was scheduled to play).

- 19.11.18 In respect of offences not referred to in the recommended sanctions in Appendix 2, appropriate sanctions may be imposed at the discretion of the relevant Disciplinary Panel.
- 19.11.19 Notwithstanding the sanctions in Appendix 2 and/or the provisions of RFU Regulation 19, in cases where the Player/person's actions constitute mid-range or top end offending for any offence which had the potential to result in, or did result in, serious/gross consequences to the health and safety of the victim, the Disciplinary Panel may impose any period of suspension including, in the most serious cases, a suspension for life.
- 19.11.20 In Misconduct and Rule 5.12 cases, a Disciplinary Panel may suspend the effect of any sanction to be imposed.
- 19.11.21 Where a Disciplinary Panel imposes a period of suspension it shall:
- (a) make it clear whether the period of suspension is from playing, administration, coaching, officiating, attending a Club or from any other specified activity in relation to the Game; and
 - (b) specify the precise dates of the period of the suspension and a list of the matches (or match weekends, rounds or dates where specific fixtures have not yet been scheduled) for which the Player/person is suspended (subject to Regulation 19.11.17 and 19.11.24).
- 19.11.22 The Player/person or Club shall furnish the Disciplinary Panel with an accurate list of the Club's competitive matches relevant to a suspension at the disciplinary hearing in question. If the Player/person is not able to provide a list of the Club's competitive matches then the Chair of that Disciplinary Panel shall issue directions stipulating when such information should be filed.
- 19.11.23 Following receipt of the list of the Club's competitive matches and the Disciplinary Panel's determination in relation to the applicable matches that are judged to be meaningful to the Player/person, it shall be the responsibility of the Player/person, Club and/or the RFU to ensure that the terms and duration of the suspension are adhered to.
- 19.11.24 Should the list of the Club's competitive matches change following the Disciplinary Panel's determination then the Club and/or Player/person must notify the RFU Disciplinary Hearings Manager. In these circumstances, the Player/person and/or the Club and/or the RFU can request that the RFU Disciplinary Hearings Manager refers the matter back to a Disciplinary Panel to consider the dates of the period of the suspension. Any Disciplinary Panel will only consider the dates of the period of suspension to ensure that it is meaningful and will not review the duration or terms of the suspension.

Costs

- 19.11.25 In the event that a charge is proven, the usual administration fees in Appendix 3 will be payable by the person, Player or Club that is the subject of the proceedings. The Club, whom the person or player represented, will be responsible for the payment of any fees unless otherwise directed by the Disciplinary Panel.
- 19.11.26 Subject to Regulation 19.11.26, no party shall be required by a Disciplinary Panel to pay or contribute towards the costs incurred by the other party in an ordering-off,

citing or totting-up case.

- 19.11.27 No party shall be required by a Disciplinary Panel to pay or contribute towards the costs incurred by the other party in any matter brought under RFU Regulation 19 (including Misconduct, breach of RFU Rule 5.12 and breach of regulations cases) and costs will lie where they fall, save that the Disciplinary Panel shall have the power to award reasonable costs against a party where it is satisfied that the party has acted improperly, unreasonably or negligently in the preparation or presentation of their case.
- 19.11.28 Citing cases (below Levels 1 and 2 only and all women's matches (save for Women's Premier 15s 1st XV)
- (a) where the citing complaint is not proven, the Disciplinary Panel shall have the power to order the party making the complaint to forfeit the citing administration fee; and
 - (b) where the citing is upheld, the Disciplinary Panel shall have the power to order the party against whom the complaint has been proven to pay the relevant disciplinary administration fee as set out in Appendix 3. The administration fee paid by the citing Club shall be refunded unless the Disciplinary Panel takes the view that the sum should be forfeited, the reasons for which shall be explained in the written decision.
- 19.11.29 Where a person, Player or Club is ordered to pay costs, then, unless the Disciplinary Panel grants a longer period for payment, they shall be paid within 30 days of receipt of the invoice by the person, Player or Club against whom the demand for payment has been made.
- 19.11.30 If such costs are not paid by the required date, a Disciplinary Panel may impose further sanctions for breach of the order on a person, Player or Club (including, in relation to Players, suspending the Player from playing) until they are paid.

Notification of Decision

- 19.11.31 A Disciplinary Panel, shall within 24 hours of the conclusion of the case (in ordering-off cases in Levels 1-4 and Women's Premier 15s and citing cases in Levels 1-2 and Women's Premier 15s 1st XV only and BUCS Super Rugby Matches) and within 7 days of the conclusion of the case (in all other matters), deliver written reasons to the person, Player or Club that was the subject of the charge and any party to the disciplinary proceedings. Where that party is a Player the decision and the reasons shall also be delivered to the Player's Club and if appropriate to the League Organising Committee and the Referee's Society. This period may be extended by the Disciplinary Panel in exceptional circumstances. The written reasons shall be sufficiently detailed to identify the material facts established by the Disciplinary Panel, how it resolved material conflicts, how it categorised the seriousness of the offence by reference to the standard features of offending and how it applied aggravating and mitigating factors. A failure to comply with these requirements will not however invalidate the decision and/or any sanction awarded.
- 19.11.32 In all cases dealt with by the RFU, the RFU Disciplinary Hearings Manager will inform all relevant parties of the decision which shall, subject to the discretion of the RFU Head of Discipline, be published on the England Rugby website in accordance with Regulation 19.17.3.

- 19.11.33 In all cases considered by a Constituent Body Disciplinary Panel, a short form written

decision shall be produced and a copy provided to the person, Player or Club that is the subject of the proceedings at the conclusion of the hearing or, in any event, within 72 hours. In addition, the Constituent Body Disciplinary Secretary shall report the decision of the Disciplinary Panel to their Constituent Body. In addition, the decision shall be reported to the RFU Discipline department and uploaded to the RFU game management system within 28 days of the date of the hearing. If the decision is appealed against the Chair shall, within 7 days of the appeal being lodged, produce a full written decision in accordance with RFU Regulation 19.11.29.

- 19.11.34 Any sanction imposed by a Disciplinary Panel shall take effect immediately (or as directed by the Panel) irrespective of whether or not an appeal is subsequently lodged, save where the RFU Head of Judiciary determines otherwise in the interests of justice.

19.12 Appeals against a Decision of an RFU or Constituent Body Disciplinary Panel

Appeals against a Decision of an RFU Disciplinary Panel

- 19.12.1 A person, Player or Club that has been found guilty of an offence may commence an appeal against a decision of a Disciplinary Panel on the grounds that the panel:
- (a) came to a decision to which no reasonable body could have come; or
 - (b) made an error of law in reaching its decision; or
 - (c) failed to act fairly in a procedural sense.
 - (d) the sanction imposed was so excessive as to be unreasonable
- 19.12.2 Where a person, Player or Club has been cleared of a charge the RFU Head of Discipline may commence an appeal against a decision of a Disciplinary Panel on the grounds that the Disciplinary Panel:
- (a) came to a decision to which no reasonable body could have come; or
 - (b) made an error of law in reaching its decision: or
 - (c) failed to act fairly in a procedural sense.
 - (d) the RFU Head of Discipline may appeal on the grounds that the sanction imposed was so unduly lenient as to be unreasonable.
- 19.12.3 A Person, Player or Club which has been found guilty of an offence, and the RFU Head of Discipline, may commence an appeal where he/she/it can demonstrate to the requisite standard, that there is new evidence available for the appeal which was not reasonably available at the original hearing and that, had it been available, may have caused the Disciplinary Panel to reach a materially different decision.;
- 19.12.4 Ordinarily the parties to an appeal shall be entitled to make oral submissions to the Appeal Panel but an appeal shall be way of a review of documents (and any video footage) only.

Appeals against a Decision of a Constituent Body Disciplinary Panel

- 19.12.5 A person, Player or Club that is the subject of the charge is dissatisfied with the decision of a Constituent Body Disciplinary Panel he/she/it shall have a right of appeal to an Appeal Panel on the grounds that the panel:
- (a) came to a decision to which no reasonable body could have come; or
 - (b) made an error of law in reaching its decision; or
 - (c) failed to act fairly in a procedural sense; or
 - (d) imposed a sanction that was so unduly lenient or excessive as to be unreasonable.
- 19.12.6 The RFU Head of Discipline has the right of appeal against a decision of a Constituent Body Disciplinary Panel to an Appeal Panel on the grounds set out in 19.12.6.
- 19.12.7 A de novo hearing shall only be permitted if the Appeal Panel considers it to be in the interests of justice.

Notice of Appeal (where appeal is lodged in accordance with Regulation 19.12.1 to 19.12.8 or 19.4.4)

- 19.12.8 The appellant shall serve a Notice of Appeal in writing upon the RFU Head of Discipline within 14 days beginning with the date on which the written decision was sent, save in a citing case in Levels 1-2 and Women's Premier 15s 1st XV only or an ordering off in Levels 1-4 or BUCS Super Rugby or Women's Premier 15s 1st where an appeal must (unless the RFU Head of Judiciary in their discretion determines otherwise) be lodged within 24 hours from the time the written decision was sent.
- 19.12.9 The Notice of Appeal shall:
- (a) state the date and decision against which the appeal is lodged;
 - (b) state the grounds of appeal relied upon;
 - (c) set out the statement of facts upon which the appeal is based, specifying whether the appeal is against finding and/or sanction and include any supporting documentation upon which the appellant seeks to rely;
 - (d) state whether the appellant wishes to seek a de novo hearing and, if so, the grounds for that request; and
 - (e) be accompanied by a cheque for the relevant sum as specified in Appendix 3;
 - (f) not be valid unless (a)-(e) above have been complied with and may be struck out by the Chair of an Appeal Panel.
- 19.12.10 An appeal, once validly lodged, may be withdrawn with the consent of the RFU Head of Judiciary. In exercising this power the RFU Head of Judiciary shall have the right to require that the appellant pay the costs of the appeal.

Powers of an Appeal Panel (where appeal is lodged in accordance with Regulation 19.12.1 to 19.12.8 or 19.4.4)

19.12.11 An Appeal Panel has the power to:

- (a) dismiss the appeal;
- (b) quash a finding and any sanction imposed;
- (c) remit the matter for a re-hearing;
- (d) substitute an alternative finding and/or sanction;
- (e) reduce or increase the original sanction; and/or
- (f) make such further orders as it considers appropriate.

19.12.12 A member of a Disciplinary Panel that heard a case at first instance may attend any subsequent appeal hearing as an observer. He/she may (with the leave of the Chair) give evidence or information at the appeal hearing about the first instance hearing, such as where it becomes apparent that the appellant or any witness may have altered their account of what had occurred.

19.12.13 Where an appeal is against a decision which followed a Club citing, a Rule 5.12 or Misconduct case not arising from a Player being ordered off, the person, Player or Club who initiated the complaint shall be entitled to a copy of the documents to be referred to at the appeal and may (with the leave of the Chair) attend the appeal and be present throughout the hearing.

19.13 Appeals under RFU Regulation 13 (Adult Competitions) or RFU Regulation 16 (Adult Womens Competitions) and all other Competitions

19.13.1 A Club, or other party to a complaint or dispute, may appeal against a decision of the Divisional Organising Committee, Disputes Committee, Constituent Body, or NCA executive, within 14 days beginning with the date on which the written decision was sent (or such other period as may be specified in the decision). Such appeal must be put in writing to the RFU Head of Discipline. The notice of appeal shall:

- (i) set out in full details of the matter appealed against and, if the whole of the decision is not appealed against, specify that part of it which is appealed against;
- (ii) set out in full which of the following ground(s) of appeal it is relying upon:
 - (a) came to a decision to which no reasonable body could have come; or
 - (b) made an error of law in reaching its decision; or
 - (c) failed to act fairly in a procedural sense; or
 - (d) the sanction imposed was so excessive/lenient as to be unreasonable
- (iii) be accompanied by the administrative fee set out in Appendix 3, which is refundable in the event that the appeal is upheld unless the Appeal Panel determines otherwise.

19.13.2 The RFU Head of Discipline has the power to refer the matter appealed to the RFU Adult Competitions Management Sub-Committee for mediation. If there is no referral for mediation or no resolution by mediation, the appeal shall be referred to an Appeal Panel for determination.

- 19.13.3 The Appeal Panel shall only depart from the application of RFU Regulation 13 in exceptional circumstances where the Appeal Panel is of the opinion that the application of RFU Regulation 13 has resulted or would result in a perverse and/or unfair outcome.
- 19.13.4 An Appeal Panel shall (in addition to the power to give any directions necessary for the proper conduct of the appeal as set out in Regulation 19.8.4) have the power to:
- (i) allow or dismiss the appeal;
 - (ii) vary the decision appealed against in such manner as it shall think fit including the power to increase, decrease or remit any penalty imposed;
 - (iii) remit the matter, with such directions as it thinks fit, for reconsideration;
 - (iv) make such further orders as it considers appropriate.
- 19.13.5 Subject to RFU Regulation 19.15.3 the decision of the Appeal Panel shall be final and binding.
- 19.13.6 No sanction will be applied until any competition appeals procedure has ended.

19.14 Other Appeals

(a) Required to be determined in accordance with Regulation 19

- 19.14.1 All other appeals that are required to be dealt with under Regulation 19 must (unless otherwise stated in the specific policy, scheme, regulation, agreement or other document) be commenced by the appellant within 14 days, beginning with the date on which the written decision was sent, in writing to the RFU Head of Discipline. The notice of appeal shall:
- (i) set out in full details of the decision or matter appealed against;
 - (ii) set out in full the grounds of appeal and an appellant shall not be entitled to rely on any ground of appeal not set out in the notice of appeal; and
 - (iii) be accompanied by the relevant fee.
- 19.14.2 The RFU Head of Discipline shall refer the appeal to an Appeal Panel for determination.
- 19.14.3 An Appeal Panel shall (in addition to power to give any directions necessary for the proper conduct of the appeal as set out in Regulation 19.8.4) (and unless otherwise stated in the specific policy, scheme, regulation, agreement or other document) have the power to:
- (i) allow or dismiss the appeal;
 - (ii) vary the decision appealed against in such manner as it shall think fit including (except in the case of a fixed penalty) the power to increase, decrease or remit any penalty imposed;
 - (iii) remit the matter, with such directions as it thinks fit, for reconsideration;
 - (iv) make such further orders as it considers appropriate.

19.14.4 Subject to RFU Regulation 19.15.3 the decision of the Appeal Panel shall be final and binding.

19.14.5 No sanction will be applied until any appeals procedure has ended.

(b) Appeals in relation to an Anti-Doping Rule Violation

19.14.6 Decisions made under World Rugby Anti-Doping Regulations may be appealed as set out in RFU Regulation 20 and World Rugby Regulation 21.

19.15 Appeal Panel Decision

19.15.1 The decision of the Appeal Panel will ordinarily be communicated orally at the hearing or, where practicable, within 24 hours of the conclusion of the hearing.

19.15.2 The Chair of the Appeal Panel shall as soon as practicable after the conclusion of the hearing deliver a written decision to the RFU Disciplinary Hearings Manager who will distribute it to the parties and may publish it on the England Rugby website in accordance with Regulation 19.17.3

19.15.3 The procedures in Regulation 19 relating to RFU Disciplinary Panel hearings and appeals before an Appeal Panel shall be governed by the Arbitration Act 1996 (“the Act”) and amount to a binding arbitration agreement for the purposes of section 6 of that Act. Subject to the provisions of sections 67 to 71 of the Act, the decision of the Appeal Panel shall be final and binding on the parties and there shall be no right of appeal. The parties are deemed to have agreed that there shall be no right of appeal on a point of law under section 69 of the Act. The seat of arbitration shall be England and the governing law of the RFU Regulations and the proceedings under RFU Regulation 19 shall be English Law.

19.16 Costs in Appeals

19.16.1 Whilst an Appeal Panel shall have discretion in this regard, an unsuccessful appellant shall normally be required to forfeit any administration fee paid (as set out in Appendix 3).

19.16.2 No party shall:

- (a) be required by an Appeal Panel to pay or contribute towards the costs incurred by the other party in relation to an appeal involving an ordering-off, citing or totting-up case.
- (b) be required by an Appeal Panel to pay or contribute towards the costs incurred by the other party in any other appeal to be determined under Regulation 19 and costs will lie where they fall, save that the Appeal Panel shall have the power to award reasonable costs against a party where it is satisfied that the party has acted improperly, unreasonably or negligently in the preparation or presentation of their case.

19.17 Confidentiality and Publication

19.17.1 All disciplinary and appeal proceedings that take place under RFU Regulation 19 are confidential and shall take place in private, unless otherwise agreed by all parties

19.17.2 Subject to RFU Regulation 19.17.3 and 19.17.4 all documents, audio and any other media recordings are confidential between the parties to the proceedings and the

RFU. All evidence, representations and submissions shall be privileged. Any audio or other recording made under these Regulations shall be the property of the RFU.

- 19.17.3 Without prejudice in any event to any form of privilege available in respect of any such publication, whether pursuant to the Defamation Act 2013 or otherwise, the RFU shall be entitled to publish (including on its website or other media) as it shall think fit reports of its proceedings or any written decision of a Disciplinary Panel or Appeal Panel (in full or in a redacted form) and any supporting evidence, whether or not they reflect adversely on the character or conduct of any person, Player or Club or other body and any person, Player or Club or other body bound by the RFU Rules and Regulations shall be deemed to have provided their full and irrevocable consent to such publication.
- 19.17.4 The RFU may at any time during a disciplinary investigation or proceedings notify any person, Player or Club, UK Sport, UK Anti-Doping (UKAD), police force or any other relevant authority/body of any details relating to the matter as such authority may need to know for the proper exercise of its functions.
- 19.17.5 These provisions as to confidentiality shall not prevent the RFU from using material received for the purpose of implementing compliance with its Rules and Regulations.

