

**Badminton Wales
Sport Wales National Centre
Sophia Gardens
Cardiff
CF11 9SW**

BW Disciplinary Policy

Approved By: Kelly Aston MBE

Title: CEO

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1.0 Instructions for the Procedures at and Conduct of Disciplinary Hearings

- 1.1 Badminton Wales has powers under its Disciplinary Procedure to hold inquiries and impose sanctions or take such action as it sees fit subject to a right of Appeal. These powers are normally exercised on behalf of Badminton Wales by duly appointed Disciplinary Panels and Appeal Panels including independent Appeal Arbitrators. Badminton Wales may also delegate powers, subject to specified limitations, to the County Associations. However, a County Association may in special circumstances, with the consent of the Badminton Wales Disciplinary Officer, surrender back to Badminton Wales its delegated powers generally or in specific cases.
- 1.2 The purpose of the Procedure is to ensure that Badminton Wales behaves fairly towards all registered coaches, national squad players/parents, members of county associations and affiliated bodies, and other persons in investigating and dealing with alleged instances of unacceptable conduct or performance. Accordingly, Badminton Wales reserves the right to depart from the precise requirements of the Procedure where it is expedient to do so and where the resulting treatment of the relevant person is no less fair.
- 1.3 Employees of Badminton Wales, whether full time or part time, are covered by separate disciplinary procedures as covered in Badminton Wales Staff Handbook, unless the issue of concern is clearly one that involves an employee's voluntary badminton activity in non-contractual time, which will be dealt with under this procedure.
- 1.4 County Disciplinary Panel – It is recommended that every registered County Association should appoint a Disciplinary Panel charged with the responsibility of maintaining the standards of discipline within the County. Should a County Association not have a Disciplinary Panel, they will consult with the Badminton Wales Disciplinary Officer as to procedure.
- 1.5 The procedures set out below apply equally to the conduct of hearings before any Disciplinary Panel, Appeal Panel or an Arbitrator (except when these Regulations are inconsistent with the appointment of an individual) which for the purposes of these Regulations are referred to generically as 'the Disciplinary Panel.'
- 1.6 Where these Regulations require any notice or correspondence to be sent to Badminton Wales all such notices shall be sent to Badminton Wales CEO.
- 1.7 All cases of disciplinary action under the Procedure will be recorded and placed in Badminton Wales records. A copy of Badminton Wales records relevant to the alleged unacceptable conduct or performance will be supplied to the person being disciplined upon that person's request in writing.

2.0 Disciplinary Officer

- 2.1 The Board of Badminton Wales shall each year appoint a Disciplinary Officer, who will normally be a senior employee of Badminton Wales. The Board in accordance with such terms of reference it may determine from time to time, will oversee the exercise of the powers as in point 2.2.
- 2.2 The Disciplinary Officer is authorised to act on behalf of Badminton Wales in instituting disciplinary proceedings where there is an alleged breach of the Code of Ethics and Behaviours, the Anti-Doping rules and the Child Protection Policy. In a case involving Child Protection the Disciplinary Officer should act on the advice of Badminton Wales Child Protection Officer. Where the Disciplinary Officer brings proceedings pursuant to this authority, he/she shall not be involved in the appointment of the Disciplinary Panel to hear it; such arrangements and appointment shall be made by the Chair of Badminton Wales.
- 2.3 A Disciplinary Panel shall normally number no less than three and comprise of no less than one Board members from a pool of Board members nominated by the Board together with the Chair (or such other person as he/she may at their absolute discretion appoint as the alternate) and a relevant expert consultant, if appropriate. These requirements may be varied if the Chair decides in their absolute discretion that variation is appropriate or necessary and that all parties to the case first agree.
- 2.4 The Disciplinary Officer will normally be present at a Disciplinary Panel meeting to give guidance and to keep a record of the proceedings and the outcomes of the Panel Hearing.
- 2.5 County Association Disciplinary Panels do not have to comply with the criteria in paragraph 2.3 above but should be constituted in such a way as to ensure a fair and objective hearing.
- 2.6 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 proceedings, findings or decisions.

3.0 Jurisdiction

- 3.1 A Disciplinary Panel shall have jurisdiction to hold inquiries and impose punishment over members of Badminton Wales who are subject to the

jurisdiction of Badminton Wales. For the avoidance of doubt, the following are members:

- i. All coaches on the register of coaches;
- ii. All members of national performance squads including their support team e.g. private coaches, parents, guardians, family members;
- iii. All persons affiliated to Badminton Wales including members of County Associations and persons affiliated to such county associations:

4.0 Complaints

4.1 A County Association should normally liaise with the Badminton Wales Disciplinary Officer to determine which body should deal with a complaint and, subject to normal Data Protection safeguards, will freely exchange information between them so that previous offences are not overlooked in deciding the seriousness of a case. Minor cases will normally be dealt with by the relevant County Association whereas serious breaches may be referred directly to a Badminton Wales Disciplinary Panel.

4.2 A complaint must be received by the County Association or the Badminton Wales Disciplinary Officer (as appropriate)

- i. within 30 days (or a longer period as the Disciplinary Officer may determine in their sole discretion) of the incident (or knowledge of the incident by the Complainant) complained of;
- ii. be written; and
- iii. include sufficient details of the incident complained of

A complaint, once made, may not be withdrawn without the express permission of Badminton Wales Disciplinary Officer.

4.3 Incidents relating to Child Protection are NOT bound by the time limits in Paragraph 4.2.

4.4 Upon receiving a written complaint (whether direct or through Badminton Wales), the Secretary of the County Association or the County Association Disciplinary Panel or Badminton Wales Disciplinary Officer (as appropriate) shall inform the person about whom the complaint has been lodged of the substance of the complaint (this needs to be a clear overview), but not the identity of the complainant, within fourteen days of receipt of such complaint.

4.5 The person about whom the complaint has been made will be given an opportunity to respond in writing to the notifying Officer and must, if he/she wishes to refute or deny the complaint, do so in writing within fourteen days of his/her receipt of notification of the complaint from the County Association or Badminton Wales. The Disciplinary Officer or County Association may extend the deadline in his/her/its absolute discretion.

- 4.6 Where information is given in writing to the Badminton Wales Disciplinary Officer or to a County Association from a named person within the game (i.e. not anonymously) which in the reasonable opinion of the Badminton Wales Disciplinary Officer/County Association would amount to a breach of the Code of Ethics and Behaviours, the Anti-Doping Rules and/or the Child Protection Policy, the Badminton Wales Disciplinary Officer/County Association may require the person to whom that information relates to attend before a Disciplinary Panel to answer the allegations.

5.0 Investigation

- 5.1 As part of the investigation process the Badminton Wales Disciplinary Officer or County Association Discipline Panel will consider the available evidence and may request additional information from the complainant or the person about whom the complaint has been made.
- 5.2 When all relevant documentation and further information has been gathered the Badminton Wales Disciplinary Officer or County Association Discipline Panel will decide whether:
- i. There is no case to answer; or
 - ii. A Hearing should be convened; or
 - iii. It is likely that civil or criminal proceedings will arise from the case and that a postponement is appropriate until the conclusion of the likely civil or criminal proceedings (see 7.3v)
- 5.3 If the decision is taken that there is no case to answer all relevant parties will be notified in writing as soon as practicably possible. There is no right of Appeal to such a decision, but a case may be re-examined if further evidence is later forthcoming.

6.0 Notice of Hearing

- 6.1 If the decision is 5.2ii the County Association or Badminton Wales Disciplinary Officer (as appropriate) will complete and forward a notification of hearing that will include the specific charge together with a copy of the complaint or allegation to the person/s named therein notifying the date, time and place appointed for the hearing at least 14 days before the said hearing date.
- 6.2 The person about whom the complaint has been made will be asked in the notification of hearing whether he/she pleads guilty to the offence specified and whether, if he/she accepts that he/she committed the offence specified, he/she wishes the matter to be dealt with in his/her absence. In determining the penalty, the Disciplinary Panel is entitled to take into account the fact that the person admitted the offence.

- 6.3 Alternatively, the Badminton Wales Disciplinary Officer/County Association Disciplinary Committee may indicate in the notice of hearing that a postal plea will not be acceptable and summon the person to appear where it considers that the circumstances of the case or the person's record of previous offences so require in the interests of procuring a fair hearing. If the person pleads guilty at such a hearing this shall be taken into account by the Disciplinary Panel in determining the appropriate sanction.
- 6.4 The notice of hearing shall advise the person about whom the complaint has been made that he/she should have available any evidence he/she wishes to call and that he/she is entitled to be accompanied at any hearing.
- 6.5 The notice shall be accompanied by a copy of all relevant papers in the possession of the Badminton Wales Disciplinary Officer/County Association Disciplinary Secretary at that stage, subject to issues of confidentiality to be decided by Chair of the Panel.
- 6.6 The hearing should, if possible, take place not earlier than 14 days of the notice of hearing being sent out and not later than 28 days of said hearing being sent out.
- 6.7 It shall be the duty of any person, persons or affiliated organisation in a case of making a complaint to notify and arrange any further written evidence and/or the attendance of any witnesses that he/she or they may wish to call in support of the complaint. Such witness/witness evidence shall be restricted to that which is directly relevant, subject to the complete discretion of the Chair of the Panel.
- 6.8 It shall be the duty of the person facing the complaint to notify and arrange the attendance of any witness he/she may wish to call. Such witnesses will be allowed at the complete discretion of the Chair of the Panel, subject to that detail in paragraph 6.7 above.

7.0 Procedure

- 7.1 If, before a hearing, it becomes apparent to the Chair of the Panel that the case will involve specialist evidence, or has elements which are unusual or difficult, he/she 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 the Chair may make such an order during a hearing prior to granting an adjournment.
- 7.2 A person about whom the complaint has been made is entitled to be represented by no more than one person of his/her choice, who may be legally

qualified unless the Chair agrees that the presence of an interpreter/legal guardian is beneficial.

7.3 The Chair will explain the procedure before the hearing commences:

- i. The details of the conduct alleged, or the complaint will be explained.
- ii. The person appearing before the Disciplinary Panel shall be asked whether the allegations being the subject of the enquiry or hearing ("the allegations") are admitted.
- iii. If the allegations are not admitted the Disciplinary Panel will hear the evidence in the following sequence:
 - a. The person/s making the complaint will be invited to present the case and call any witness or evidence to establish the complaint.
 - b. The person against whom the complaint has been made will be entitled to give and to call evidence in rebuttal.
 - c. 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.
 - d. Upon the conclusion of his/her evidence, questions may be put to each witness, through the Chair, at the request of either party or by any member of the Disciplinary Panel. The Chair may allow direct questioning of witnesses if he/she considers it to be fair to do so.
 - e. In all cases the person answering the allegations shall have the right of the last word.
 - f. The Chair will then invite all persons other than the members of the Disciplinary Panel to retire whilst the Panel considers its decision.
 - g. Evidence of the person's previous disciplinary record will not be given until after a finding of fact has been made.
- iv. If the allegations are admitted or proved to the satisfaction of the majority of the Disciplinary Panel (at least 3 of the 4 members of the Disciplinary Panel) then:
 - a. The person facing the allegations may call evidence as to character and address the Disciplinary Panel in mitigation. No other person may address the Panel as of right, but the Disciplinary Panel may seek such further information, as it requires from any party.
 - b. The Chair 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 10 of these Regulations.
- v. 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 Disciplinary Hearing 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 person against whom the allegations are made. Before so doing the Disciplinary Panel must first give the person the opportunity to make representations about temporary suspension.

- 7.4 In the event of a person having been given due notice failing to attend a hearing and failing also to invite the Disciplinary Panel to deal with the case under paragraph 5.2 of these Regulations, the case will be adjourned and, after reasonable attempts have been made to agree a date, the individual will be advised in writing that, unless a satisfactory reason can be given, his/her attendance is required at the adjourned hearing. 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/her absence or to adjourn the case further.
- 7.5 The procedure contained in paragraph 5.2 of these Regulations shall not be available for any adjourned hearing.
- 7.6 At any adjourned hearing at which the person does not attend, if the Panel is satisfied that an absent person received due notice, the Panel may find him/her guilty in his/her absence and impose an appropriate penalty.

Note: The responsibility for determining the date of an adjourned hearing rests solely with the Chair of the Panel whose decision is final.

8.0 Evidence

- 8.1 It must always be borne in mind that a Disciplinary Panel is not a court of law and those appearing before it will not as a rule 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 of Badminton. The Disciplinary Panel must at all times observe the rules of natural justice.
- 8.2 The standard of proof is the balance of probabilities and not, as in a criminal court, beyond all reasonable doubt. The balance of probabilities means that, having heard all the evidence and using their experience in the Game, the Disciplinary Panel believes that it is more likely than not that the offence is proved. The balance of probabilities is a sliding scale: the more serious the alleged offence the higher the standard of proof. Disciplinary Panels must use

their experience in the Game to help them to decide what was most likely to have occurred in the circumstances before them.

9.0 The Decision and Penalties

9.1 Where the alleged offence is not admitted, the Disciplinary Panel shall first determine whether it has been proved as provided for in paragraph 8.2. If the offence has not been proved, the Chair 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 Badminton Wales Disciplinary Officer.

Any person or Club who wilfully misleads a Disciplinary Panel will be liable to be made the subject to further disciplinary action by Badminton Wales.

9.2 Where the alleged offence is admitted or proved and after the procedures set out in paragraph 9.1 have been concluded the Disciplinary Panel shall have power to impose the following penalties as appropriate:

- i. A fine of up to £200
- ii. Temporary or permanent removal from the register of coaches
- iii. Temporary or permanent removal from national squad and the benefits that attach thereto including subsistence funding and support for training and competition
- iv. Temporary or permanent suspension of the right to play in any matches and to be entered in tournaments (domestic and international) or taking part in the administration of Badminton (see 9.10)
- v. For a Parent/Support Team Member, temporary or permanent suspension from the Badminton Arena in which a person of significance to them is playing/training/competing for a period to be set by the Disciplinary Panel. This may also be extended beyond Wales into other jurisdictions as decided by the Disciplinary Panel
- vi. A caution/reprimand or severely caution/reprimand as to future conduct
- vii. For a Club or County Association, in addition to these penalties, a deduction of league points, relegation or exclusion or disqualification from any competition. Where a competition does not fall within the jurisdiction of Badminton Wales a Club may be required to withdraw from that competition.

9.3 In addition, the Disciplinary Panel may order that the person, Club or Association against whom the original complaint was made and against whom such complaint has been sustained shall pay the costs of the hearing, or a part thereof, or a fixed contribution towards those costs. Where the complaint is not proved, the Disciplinary Panel shall have the power to order the party citing or 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 within 21 days shall be an offence and thereby subject to the Disciplinary Regulations.

- 9.4 Where at a hearing a person 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 person of the written judgment including the order to pay costs. If such costs are not paid in full by the date specified in the order, the person shall be or remain suspended from the Game 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 unless the Disciplinary Panel which heard the case orders otherwise. The person 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.
- 9.5 No party shall be required to pay or contribute to the legal costs incurred by the other party.
- 9.6 All penalties must be seen to be just and fair and in accordance with the circumstances of the individual cases. Whilst no two cases can be identical, and the discretion of Disciplinary Panels should not be restricted, the recommended penalties should be regarded as strongly persuasive of the penalty to be imposed in order to achieve uniformity throughout the country. Guidance from the Disciplinary Officer should ensure such uniformity.
- 9.7 In assessing a penalty, a Disciplinary Panel is:
- i. Entitled to take into account, and give credit for, the fact that the person admitted the offence.
 - ii. Entitled to take previous offences of a similar nature into account provided that the offence in relation to which he has appeared before a Disciplinary Panel occurred within the five years prior to the hearing. Any offences committed more than five years prior to the hearing shall be disregarded
 - iii. Entitled to disregard or take into account the whole or any part of a period of suspension imposed by a player's Club or Association.
 - iv. Encouraged to take advice from the Disciplinary Officer.
- 9.8 Incidents relating to Child Protection are NOT bound by the time limits in Paragraph 9.7ii.
- 9.9 If a Disciplinary Panel imposes a period of suspension it should:
- i. Make it clear whether the period of suspension is from playing, spectating or administration or both.
 - ii. Specify the exact dates between which the suspension will take place, the commencing and finishing dates to be inclusive of the period of suspension.

- 9.10 The Chair of the Disciplinary Panel shall at, or within seven days after, the conclusion of the case, deliver a written judgment to the person, the complainant and the Secretary of the County Association or Badminton Wales Disciplinary Officer, as appropriate.

10.0 Junior Badminton

- 10.1 In Junior Badminton, where players are 19 or under, the procedures and approach laid out in the above will apply subject to any reasonable variances considered appropriate by the Chair of the Disciplinary Panel.

11.0 The Procedure on Appeals

- 11.1 The Badminton Wales Disciplinary Officer may, in exceptional circumstances where in his/her view a sentence is wholly inappropriate, Appeal against the sentence imposed by the Badminton Wales/County Association Disciplinary Panel. The Badminton Wales Disciplinary Officer shall indicate to the President of Badminton Wales their wish to lodge such an Appeal within 14 days of being advised of the result of the hearing. The President of Badminton Wales shall then consider whether to permit the Badminton Wales Disciplinary Officer to proceed with an Appeal and if such authority is given the procedure for Appeals set out below shall then apply. Where the Badminton Wales Disciplinary Officer Appeals pursuant to this paragraph the sanctions imposed will be suspended pending the hearing of the Appeal.
- 11.2 Where a person against whom a complaint has been upheld by the Badminton Wales Disciplinary Panel or County Association Disciplinary Committee (The Appellant) is aggrieved by the decision of a County Association Disciplinary Panel the Appellant shall have the right to Appeal to Badminton Wales. Where the first disciplinary hearing is before a Badminton Wales Disciplinary Panel, the Appellant shall have a right to Appeal to an Appeal Panel constituted under paragraph 12. An Appeal once validly lodged cannot be withdrawn but must be adjudicated upon by an Appeal Panel, unless the Badminton Wales Disciplinary Officer allows the Appeal to be withdrawn. There is no further right of Appeal.
- 11.3 The Appellant shall serve notice of Appeal in writing to the Badminton Wales Disciplinary Officer stating:
- i. the date and decision of the Disciplinary Panel against which the Appeal is lodged, and
 - ii. the grounds of the Appeal.
- 11.4 Notice of Appeal shall be sent to the Badminton Wales Disciplinary Officer and be received by him/her not later than 4pm on the 14th day next following the date of the delivery of the written notification of the disciplinary decision against

which the Appeal is lodged (as detailed in paragraph 9.10 above). The Notice of Appeal shall be accompanied by a cheque for £100, made payable to Badminton Wales. Proof of posting lies with the Appellant.

- 11.5 For the purposes of paragraphs 11.3 and 11.4, delivery will be the handing of a written decision to the Appellant at the end of a hearing, or, if this is not done, the day following the posting by first class post of the written decision to the Appellant, or receipt of the decision by e-mail.
- 11.6 Save as mentioned in paragraph 11.7 below any Notice of Appeal that is not accompanied by the relevant payment to Badminton Wales to cover administration expenses SHALL BE VOID. Where an Appeal is lodged by e-mail or FAX the payment must be received no later than 4pm on the 14th day following the date of the delivery of the written notification of the disciplinary decision against which the Appeal is lodged as outlined in 11.4 above. The payment may be repaid to the Appellant at the discretion of the Appeal Panel and will normally be repaid where an Appeal is successful. Nothing in this paragraph 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 sum referred to above.
- 11.7 Where an Appellant accepts the Panel's decision but wishes to Appeal against the sentence only, he/she may in his/her notice of Appeal invite the Appeal Panel to review his/her sentence in his/her absence in such manner as the Appeal Panel shall find expedient. In these circumstances the Panel may, after determining the Appeal, consider whether, in the circumstances of the case, the sum referred to in paragraph 11.4, or any part thereof, should be refunded in whole or in part.
- 11.8 The Appellant shall have the right to be present in person at the hearing of his/her Appeal unless he elects to invite the Appeal Panel to review his/her sentence in his/her absence as provided in paragraph 11.7. Except in cases heard under paragraph 11.7, he/she may be represented and the person representing him/her may be present throughout the hearing. The Appellant may be represented by a legally appointed person.

12.0 Composition of an Appeal Panel

- 12.1 An Appeal shall be heard by either:
- i. An Appeal Panel will consist of 3 members who may be members of Badminton Wales Board who had not previously heard the decision against which the Appeal has been submitted; or
 - ii. An Appeal Panel chaired by an independent person, who is not a Member of Badminton Wales, and consisting of 2 others who may be Members

of Badminton Wales Board provided that the members of the Appeal Panel shall not have been members of the original Disciplinary Panel.

- 12.2 An Appeal from a County Association Disciplinary Panel shall always be to a panel established by Badminton Wales and constituted as outlined in paragraph 2.3. Representatives from County Associations involved in the case shall not be appointed to sit on an Appeal panel. No more than one member shall be nominated from the same County Association. There shall be no further right of Appeal from this Appeal.
- 12.3 In relation to an Appeal by Badminton Wales Disciplinary Officer (see paragraph 11.1), the President shall determine the composition of the Appeal Panel. Upon receiving a Notice of Appeal the Chair of Badminton Wales shall advise the President who shall determine the manner in which the Appeal shall be heard and nominate an Appeal Panel and Chair as appropriate. The Appellant may make submissions about the constitution of the Appeal Panel before the President makes his/her determination and if the President nominates a Chair, the Appellant may make representations about the identity of that person. Representatives from County Associations involved in the case shall not be appointed to sit on an Appeal Panel. No more than one member shall be nominated from the same County Association. The President may delegate these powers of nomination and appointment to the Chair of Badminton Wales.
- 12.4 The Badminton Wales Disciplinary Officer, County Association Disciplinary Secretary or his/her nominee shall be in attendance and record the decision.

13.0 The Appeal Hearing

- 13.1 The hearing date shall be set by the Chair of the Appeal Panel and should be the earliest convenient date, but not less than 7 days after the date of the hearing is notified to the Appellant.
- 13.2 The Badminton Wales Disciplinary Officer shall provide the members of the Appeal Panel with:
- i. A copy of the Notice of Appeal
 - ii. A copy of any relevant documents, which shall include any written statements, submitted to the original Disciplinary Panel and a copy of their judgment.
- 13.3 The Chair of 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.

14.0 Appeal Procedure

- 14.1 The Chair shall introduce all parties and explain the procedure.
- 14.2 Witnesses should be asked to withdraw but the Appellant and any other parties whom the Chair considers appropriate may be present throughout the hearing.
- 14.3 Where the Appeal is against a finding of fact the evidence against the Appellant shall be called first. The Appeal Panel may question the witnesses and the Appellant through the Chair of the Appeal Panel.
- 14.4 The Appellant may call witnesses in support of his case who again may be questioned by the Appeal Panel through the Chair of the Appeal Panel. Witnesses who have given evidence may remain in the hearing until the Appeal Panel considers its decision.
- 14.5 The County Association or person responsible for the 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/her evidence first.
- 14.6 The Appeal Panel shall have discretion to hear any further witnesses and to seek such other evidence as they reasonably consider will be of assistance in reaching a fair and correct decision. The Appeal Panel and all other parties may question any witnesses so called in the same manner as other witnesses referred to above.
- 14.7 The Appellant shall be given the right of the last word.
- 14.8 The Chair shall then invite all persons other than the Appeal Panel to retire whilst the Appeal Panel considers its decision. The Appeal Panel shall reach a decision on a majority vote with the Chair having the casting vote in event of equality.
- 14.9 All those who have attended or participated in the Hearing will be invited to return when the Chair will announce his decision. There is no Appeal against the finding.

15.0 Appeal Evidence

- 15.1 As in the original hearing, the Appeal Panel must be satisfied on the balance of probabilities that the offence was committed by the Appellant.
- 15.2 At the discretion of the Chair 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.

- 15.3 The provision of paragraph 7 of these Regulations shall also apply where appropriate to evidence on Appeal.
- 15.4 The Appeal Panel may decide that the allegations against the Appellant have not been proved or, where they find that the allegations have been proved they may reduce, increase or confirm the penalties imposed by the original Disciplinary Panel and may impose any other penalties available under these Regulations. Any sentence of 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 other relevant factors.
- 15.5 The Appeal Panel may direct the Appellant to pay the costs of the Appeal and 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 reasonable itemised legal costs of Badminton Wales (if any) but not the legal costs of any party to the Appeal.

16.0 Promulgation

- 16.1 The Chair or secretary of the Appeal Panel shall at, or as soon as possible after, the conclusion of the hearing, deliver a written judgment to the Badminton Wales Disciplinary Officer.
- 16.2 Badminton Wales Disciplinary Officer will within four days of the conclusion of the Appeal hearing communicate the decision together with a copy of the written judgment to:
- i. The Appellant; and/or
 - ii. The Secretary of the County Association concerned; and/or
 - iii. The Chair of Badminton Wales; and/or
 - iv. The County Association or person making the complaint.

17.0 Time Limits

- 17.1 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. 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:
- i. A complaint must be made within the time limit specified in paragraph 4 of these Regulations.
 - ii. An Appeal must be made strictly within the time and in accordance with the procedures specified in paragraph 11 of these Regulations.