



**MINUTES OF THE MEETING OF THE EBU LAWS & ETHICS COMMITTEE  
HELD AT THE IMPERIAL HOTEL, RUSSELL SQUARE, LONDON WC1  
ON WEDNESDAY 6<sup>TH</sup> SEPTEMBER 2006**

<b>Present:</b>	Martin Pool	Chairman
	Steve Barnfield	
	Max Bavin	Chief Tournament Director
	Jeremy Dhondy	
	David Martin	
	Philip Mason	EBU Vice-Chairman
	David Stevenson	
	Gerard Faulkner	Vice-President
	John Pain	Secretary

1. **Apologies for Absence**
- |                  |                |
|------------------|----------------|
| David Burn       |                |
| Denis Robson     | EBU Chairman   |
| Grattan Endicott | Vice-President |

2. **Minutes of Previous Meeting (June 6<sup>th</sup> 2006)**

2.1 **Accuracy**

The minutes of the meeting of June 6<sup>th</sup> 2006 were taken as read. Mr Faulkner asked why a line he had specifically asked to be in the minutes had appeared for a short time on the website and was then removed. The Chairman explained that the EBU Vice Chairman had requested the removal of the line as it dealt with a sensitive issue. The Chairman had agreed on a temporary basis and for the removal to be discussed at the next meeting. Mr Faulkner felt it unhelpful to censor a criticism and where a specific matter was asked to be minuted then it should be, however he agreed to let the matter rest. The minutes were approved as a true record and signed by the Chairman.

2.2 **Matters arising**

2.2.1 *White Book – index (item 2.2.1) and VP scales*

Mr Bavin had redrawn the VP scales for Swiss Pairs. The new specification gives a standard deviation of 11%, making it harder to achieve a 20-0 win. It was agreed that the scales currently in use had been correctly calculated given the parameters that had been set. The new scales would take effect in EBU competitions from 1<sup>st</sup> November 2006. The changes were APPROVED. The new scales are attached to the minutes – *Appendix A*.

With the index imminent Mr Stevenson had undertaken a limited update of the White Book. The White Book was now with Mr Barrable and work was starting on the index. Mr Martin asked that the index be properly done with field codes, which meant to repagination would happen

automatically. The target date for printing and distribution was 1<sup>st</sup> November 2006. Mr Dhondy queried whether a printed hard copy was really necessary but the consensus of the meeting was that it would be useful for TDs, Referees and others. Mr Faulkner said it was service to members to have printed copies available.

#### 2.2.2 *Hippopotamus*

Further correspondence had been received and answered. As far as the committee was concerned the matter was now closed.

#### 2.2.3 *Feedback on the EBU20B*

A letter from Mr C Ryall offering constructive comments was considered. The Secretary had replied asking for specific proposed changes which might be implemented at a later date. Discussion focussed on the version available on the website which had been criticised as difficult to edit. Derek Oram has a useful version, which the secretary was asked to try and obtain.

### **3. *Paper from MDAG***

The Chairman suggested that it was not a primary function of the Committee to deal with Membership Development; the Tournament Committee was the more likely committee to deal with it but he understood that all three standing committees may have something to offer. It was noted that some teachers do not introduce Stops and Alerts as part of their teaching, although the Secretary pointed out that it was an integral part of the *Bridge for All* course and Announcements also featured in the teaching material (but under another name).

Mr Martin said that it was hard to think of another sport or pastime where top level players competed with novices on an equal footing, so some difficulties would always arise. He noted that some top level players, notably Andrew Robson, ran a very successful club without any Stop or Alerts at all. Mr Stevenson felt that it really didn't matter what regulations were in place – it was the approach of one player to another which determined retention of members.

Mr Barnfield noted that a sensible number of players was necessary to provide any sort of meaningful event and there was bound to be a mix of players at different levels. Mr Mason felt there were more matters coming to the L&E than several years ago, but Mr Faulkner assured him this was not the case.

It was agreed that more items could go on the website and in *English Bridge* regarding help and advice with the Stop, Alert and Announcing procedures.

The discussion moved on to the discuss the article on Best *Behaviour at Bridge* (BB@B) which had appeared in the June edition of *English Bridge*. The Committee would have liked the opportunity to comment on the code before publication. The Secretary noted that he had received a number of comments in his capacity as Chief TD at Brighton along the lines of 'we only played against nice people; the only rude people were the TDs'. Mr Bavin said that the Promotions and Appointments Committee would review all TDs performance in the light of the reports received.

There was no enthusiasm for coloured convention cards.

Mr Martin asked what had happened to the previously announced 'most important policy' of the handicapping system and Mr Mason admitted that it had stalled.

Mr Mason thanked the committee for discussing the MDAG paper Mr Dhondy asked whether some guidance should go into *English Bridge* – say a general article on guidelines for alerting and the Stop procedure.

### **4 *Technical matters***

#### 4.1 *Announcements and the Hard of Hearing*

The Chairman that he, the General Manager and the Secretary had had a large amount of correspondence on the introduction of announcing, including six letters threatening to sue the EBU regarding the discrimination of the deaf and hard of hearing with the new regulations. Replies to correspondents had indicated that discussions had taken place with government agencies and the RNID. Many letters had been received prior to the August 1<sup>st</sup> anticipating problems.

The Secretary said that an Announcement Card had been available at the Brighton Summer Meeting for those who required it but they had not been used although a few members had taken them back home. The Chairman reported on correspondence with Ronnie Bourne of LINK. He pointed out that §141 of the White Book dealt with the TD's powers to suspend tournament regulations for disabled players in cases of genuine difficulty and this had been accepted.

Mr Faulkner suggested an article in *English Bridge* about Announcement Cards and the powers of TD's to waive regulations and Chairman said that such an article was already being prepared.

Mr Mason observed that many clubs did not appreciate that the new regulations were the responsibility of the club and that, while we hoped clubs would use the new methods, they did not have to. Mr Bavin felt that most clubs would want to follow the new guidelines – they just felt they were not quite right yet.

Mr Stevenson had received feedback at Brighton over the new regulations and felt that some had merit. It had been suggested that the alerting rules for doubles were still giving problems and that the next stage might be to introduce announcements for doubles in certain positions. Mr Dhondy and Mr Bavin both felt that it was proving difficult in some situations where alerting was counter-intuitive.

#### 4.1.1 *Extended rule of 25 – correspondence from RJ Fleet*

Mr Fleet had drawn the Committee's attention to the fact that hands previously allowed to be opened a Benji 2♣ now failed to meet the new extended rule of 25 and could not be so opened. The committee noted this but decided to take no action until a fuller review of the new Orange Book was undertaken in about six months time.

#### 4.2 *Disciplinary penalties issued in accordance with BB@B*

The committee noted a number of penalties had been issued and wished to be kept informed of any future penalties.

### 5 **Submission of a new agreement**

A submission from N Guthrie to allow a method at Level 3 was REFUSED. The method is already allowed at Level 4, but it was felt to be outside the normal parameters allowed at Level 3.

### 6 **Laws and Ethics Archive**

The Secretary asked for guidance on disposal of L&E papers. It was agreed that disciplinary matters and TD reports should be kept for ever, with general correspondence being kept for seven years. The Secretary was asked to find out the EBU office policy on keeping records.

*(Secretary's note: Materials are archived from time to time. It is up to line managers to decide how long to keep material, except where the law of the land stipulates a set time.)*

### 7 **Disciplinary matters**

#### 7.1 *'Elephant'*

The Secretary reported that a hearing had been held on July 21<sup>st</sup> 2006. Against one defendant the case was found to be not-proved; against the second defendant the case was found to be proved. A formal reprimand was placed on his record. There had been no appeal, so in accordance with §11.5 of the Disciplinary Rules the Secretary had informed his County Association of the outcome.

The Chairman raised the following matters raised by the Chairman of the Disciplinary Hearing:

**Non-appearance:** The non appearance of the chief witness for the prosecution had made it difficult to deal with the case satisfactorily. Mr Bavin had written to the witness and received an apology. The Secretary had also received a verbal apology.

**Duration:** The Disciplinary Committee had criticised the time taken for the case to come to a hearing and the L&E recommended a streamlining of procedures. Mr Barnfield considered that ten months was not unduly long in legal terms. Mr Martin proposed that 'The committee delegates authority to investigate complaints to the Chairman or Vice Chairman of the L&E. If neither of

these is available then another member of the Committee can act.' This was carried by 4 votes to 1.

**Witnesses/Observers:** The Chairman of the Disciplinary Hearing had not allowed the complainants to be called as witnesses. The L&E Chairman and other members of the Committee considered this to be misguided.

**Preparation:** The L&E Chairman considered it essential that the person appointed to prosecute on behalf of the L&E should be properly prepared.

**Pro Bono Adviser:** The Pro Bono Advisor had not been contacted in this case, but he felt that he may have been too associated with the establishment and his advice may not have been seen as impartial. It needed to be made clear that his role was similar to that of a 'cuddly' as appointed at congresses.

The case was closed.

#### 7.2 *'Jackal'*

The Secretary reported that it was still not possible to proceed with the case as he was still awaiting the paperwork from the Chairman of the County Conduct Committee. The Secretary was instructed to write to the Chairman of the County concerned reminding him that it was at the County's request that the L&E became involved.

Mr Faulkner considered that action might be taken against the Chairman of the County Conduct Committee for obstructing the work of the L&E in bringing the matter to a conclusion. The Secretary was instructed to write to the Chairman of the County Conduct Committee with this in mind.

The Secretary said that he only had the limited papers available through the intervention of one of the complainants who had contacted him the day before the meeting, expressing her great displeasure at the lack of progress.

#### 7.3 *'Kangeroo'*

Mr Bavin considered that the TD had done very well in exercising his disciplinary powers at the event and that should be an end to the matter. The committee agreed. The Secretary was instructed to write to the TD supporting his action and to the member concerned saying the matter was closed.

The case was closed.

#### 7.4 *'Lion'*

The Committee noted the correspondence between the parties concerned. The Secretary was instructed to write to the Club to enquire whether the apology had been forthcoming and what action they proposed to take if it had not been.

#### 7.5 *'Meerkat'*

The Chairman declared an interest and withdrew for this item. Mr Barnfield was elected as Chairman for this item.

Mr Faulkner considered that the papers showed the matter had been handled badly. The club constitution did not give it the powers they had used and the minutes of the relevant meeting suggested the member had not had a fair hearing. The Secretary was instructed to write to the Club concerned offering it advice on how to modify its constitution and pointing out where the principles of natural justice appeared not to have been followed. "

#### 7.6 *'Narwhal'*

The Committee considered correspondence from both parties and proposed to take no further action.

## **8 *Reports from Tournament Directors***

### 8.1 *Revisit 06.22 – comments from Paul Lamford*

The Committee considered additional comments from Paul Lamford regarding whether 'intent' should be taken into account when deciding whether a psyche should be considered 'red'. In the case in question the action by the player was so completely irrational that the Committee considered it did not constitute fielding, whereas the on-site appeals committee did not take that into account. The Committee considered the current situation to be preferable and proposed no change.

6B1 in the Orange book 2006 says:

The actions of the psycher's partner following a psyche – and, possibly, further actions by the psycher himself – may provide evidence of an unauthorised, and therefore illegal, understanding. If so, then the partnership is said to have 'fielded' the psyche. The TD will judge actions objectively by the standards of a player's peers; that is to say intent will not be taken into account.

If a TD or AC judges that the actions do not provide evidence of such an understanding then the psyche is not fielded. The Committee judges this to be the case here. The Committee would feel this is the case with any player in the same set of circumstances, i.e. it is an objective decision.

**8.2 06.35**

The Committee noted that a statement by a TD that in a situation where a deviation was recorded, no classification was required. The Committee considered this to be wrong – a recorded deviation may require a classification. Mr Stevenson noted that older style 'Record of Hand Forms' were still in use and he and the Secretary would try to ensure that a definitive version was available at Tournaments and on the website.

**8.2 06.38**

Dealer N  
Game all  
Scoring: KO  
Teams

	<b>North</b>	
	♠ 9 7 6 4 2	
	♥ 2	
	♦ 8 6 4	
	♣ 10 9 8 4	
<b>West</b>		<b>East</b>
♠ Q 5 3		♠ A K 10
♥ A		♥ Q J 4
♦ K Q J 9 7		♦ A 10 5 3
♣ A J 7 2		♣ K Q 5
	<b>South</b>	
	♠ J 8	
	♥ K 10 9 8 7 6 5 3	
	♦ 2	
	♣ 6 3	

<b>Bidding:</b>	<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
		Pass	1♦	3♥
	4♥(A)	pass	4♠(A)	Pass
	5♦(1)	Pass	6♦	Pass
	7♦	End		

(1) disputed hesitation

**Result:** 7♦ ✓ by East = -2140 Lead ♣6

**TD first called:** at end of hand

**Tournament Director's statement of facts & ruling**

4♥ was intended as Roman Key Card Blackwood for diamonds but was taken as a cue-bid. So East cue-bid his ♠A which West understood as 0 or 3 key cards, clearly 0 since had two himself. So he signed off in 5♦. East had heard a cue-bid in hearts and had many controls and points so he bid 6♦. Now West realised what had happened and converted to 7♦. N/S contend that 5♦ was out of tempo – as was 4♥. E/W say it was not really slow, no slower than 90% of the bids in the match so far.

Table result stands.

### Appeals Committee's decision

We don't think pass is a logical alternative. Hand specified by the appellants (and similar hands) would bid 3NT or 5♦, not 4♥. Tempo of 5♦ therefore irrelevant.

### L&E comment:

Just because there has been an unconvincing auction doesn't mean that players are unethical.

## 8.2 06.43.

Dealer W  
Game all

Scoring: IMPs  
to VPs

### North

♠ A Q J 10 7 4  
♥ 8 7 6 4  
♦ 9 7  
♣ 7

### West

♠ 9 8 6 5  
♥ 10 3  
♦ A J 10  
♣ K 8 6 2

### East

♠ K  
♥ A J 5 2  
♦ Q 5 4  
♣ A Q J 9 5

### South

♠ 3 2  
♥ K Q 9  
♦ K 8 6 3 2  
♣ 10 4 3

Bidding:	West	North	East	South
	Pass	Pass	1♣(A1)	Pass
	1♠	Pass	2♥	Pass
	3♣	Pass	3♦(A2)	Pass
	3NT	End		

(A1) club may be short

(A2) fourth suit forcing

**Result:** 3NT - 1 by West = +100 Lead ♠J

### Tournament Director's statement of facts & ruling

At the end of play West asked North about ♠J lead and was told Q would ask for reverse attitude, this is when I was called. West said he would play the hand differently, taking the diamond finesse if he had been correctly informed about defender's lead style. He had looked at the convention card: there was no hatched circle and a small line under the J i.e. Q J x (the underline was printed under the Q, but written under the J) and declarer assumed their leads were standard and decided it was safe to return spades at trick three (hoping opponents would play a red suit or rectify the count).

Declarer was misinformed of opponents methods and should not be expected to ask. If spades might run, declarer will play diamond finesse. (Laws 47E2B and 40C). Score adjusted to 3NT + 1 = -630.

### **Appeals Committee's decision**

West was misled by the poorly completed card. His line was playing for a mis-defence but not stupid.

We felt that West might have asked questions to protect himself and his failure to do so and not take the best percentage line means only 60% of 3NT +1. N/S to be fined 0.5VP for their poorly completed card.

60% of 3NT + 1; 40% of 3NT – 1.

#### **L&E comment:**

*"(1) The Committee noted it was not clear why the fact that the lead of the Queen would ask for reverse attitude meant the lead of the Jack denied the Queen. In any case North clearly did not have QJx, as South would hardly have ducked with the Ace, so it was not clear why an error (if indeed there was one) in the convention card description of the lead from QJx would have an effect on what North might lead from his actual holding of AQJ10xx.*

*(2) Declarer seemed to have gambled that North has not led from AJ10xx, which seemed a possible holding on any view of the Jack lead. He had lost this gamble and so it was not clear any adjustment was due in this case.*

*(3) The award of a weighted score on the grounds that Declarer might have asked questions to protect himself was not appropriate.*

*(4) In this case the Committee doubted if the misinformation had affected Declarer's line. However if there was uncertainty over which line a declarer would have followed given correct information and/ or the the likely success of a line declarer might have followed given correct information, then a weighted score may be given."*

Consideration of further reports was deferred until the next meeting.

### **9 Any other business**

As this was the last meeting before elections at the Annual General Meeting the Chairman thanked the Committee for their work over the year.

### **10 Date of next meeting**

Wednesday 25<sup>th</sup> October at Imperial Hotel, London WC1 – Fountain Room at 1.15pm.

*(Secretary's note: The preferred venue, Bernard Street is not available; Imperial Hotel 2<sup>nd</sup> choice.)*

Appendix A

New Victory Point Scales to be used in EBU Swiss Pairs competitions on and after November 1<sup>st</sup> 2006. This table replaces the table in section 161.7 of the White Book

VPs	Matches of						
	4 boards or fewer	5 – 6 boards	7 – 9 boards	10 – 13 boards	14 – 19 boards	20 – 27 boards	28 – 39 boards
	% of available match points not exceeding						
10 – 10	50.92	50.78	50.65	50.54	50.45	50.38	50.32
11 – 9	52.80	52.39	51.98	51.65	51.38	51.16	50.97
12 – 8	54.71	54.02	53.33	52.78	52.32	51.94	51.63
13 – 7	56.70	55.72	54.74	53.95	53.30	52.77	52.32
14 – 6	58.80	57.51	56.23	55.19	54.34	53.63	53.04
15 – 5	61.08	59.45	57.83	56.53	55.45	54.57	53.83
16 – 4	63.63	61.62	59.64	58.04	56.71	55.62	54.71
17 – 3	66.61	64.17	61.75	59.80	58.18	56.85	55.74
18 – 2	70.36	67.37	64.40	62.01	60.03	58.40	57.04
19 – 1	75.95	72.13	68.35	65.30	62.78	60.71	58.97
20 - 0	more than 75.95	more than 72.13	more than 68.35	more than 65.30	more than 62.78	more than 60.71	more than 58.97

**Notes**

- (a) *The use of VPs in matches of fewer than five boards is not recommended.*
- (b) *Where the percentage is on the borderline then the VP nearer to average is taken. For example, in an 8 board match, a score of 56.23% precisely scores 14-6 in VPs.*