



**MINUTES OF THE MEETING OF THE EBU LAWS & ETHICS COMMITTEE
HELD AT YOUNG CHELSEA BRIDGE CLUB, GOLDHAWK ROAD
ON WEDNESDAY OCTOBER 5TH 2016**

Present:	Tim Rees (TR)	Chairman and Elected Member
	Robin Barker (RB)	Elected Member
	David Burn (DB)	Elected member
	Jeremy Dhondy (JD)	EBU Chairman
	Richard Fleet (RF)	Elected member
	Martin Pool (MP)	Elected Member
	Gordon Rainsford (GR)	Chief Tournament Director
	Ian Mitchell (IM)	Incoming Secretary
	John Pain (JP)	Outgoing Secretary
1A Apologies for Absence	Frances Hinden (FH)	Vice Chairman and Elected Member
	Mike Amos (MA)	Elected Member
	Barry Capal (BC)	EBU General Manager
	Ian Payn (IP)	EBU Vice Chairman

1B Introduction of new Secretary, and Farewell.

Ian Mitchell was welcomed as the new Secretary of the Committee. The Chairman expressed his thanks to John Pain, on his retirement, for all the hard work that he had put in over the last ten years. The committee echoed these sentiments.

2 MINUTES OF THE PREVIOUS MEETING (25/05/16)

2.1/2 Accuracy

RF suggested that in paragraph 3.2, "allowed the appeal" should be amended to "allowed the appeal to be heard".

Subject to the above amendment, the minutes of the meeting of 25th May 2016 were approved and signed.

2.3 Matters arising

2.3.1 Reforming standing committees

JD reported back from the September meeting of the Board. Proposals had been revised in light of feedback. It was proposed that the Tournament Committee be abolished as a standing committee and replaced with a sub-committee of the board. Proposals will be brought before the AGM to make this change. No changes are proposed to the articles of association for the Selection Committee or for the Laws & Ethics Committee, but organisational changes will be made, including the creation of a Prosecution Panel as a sub committee of the L&E to consider (i) whether there is a case to answer and if so (ii) to prosecute the case. The Disciplinary panel which judges cases will be unchanged. No person will be able to be on both prosecution and disciplinary panels.

It was initially suggested that someone who determined if there was a case to answer should not prosecute, but MP & RF suggested that there generally should be no conflict of interest, and indeed there could be some benefit to allowing some members to carry out more than one role. JD was asked to check this with Honorary Counsel.

2.3.2 Impact of ‘appeals without merit’

GR reported that there were only two appeals at the Eastbourne Summer Meeting. No deposits were retained, although he was surprised that this did not happen in one of the cases.

2.3.3 Demise of the 20a System Card

GR reported that there had been a difference of opinion as to the conclusions of the committee. JP observed that the discussion had taken place in the January meeting [item 5.1], not the May meeting.

The minute records that *reference* to the use of the 20a card should be removed from the Blue Book, but it is unclear as to whether the actual use of the card was no longer to be permitted.

It was noted that visitors from other parts of the UK were more likely than English residents to use the 20a card, and it might seem unduly harsh on them to insist on 20b cards. But by comparison, it is quite clear that we do not permit WBF-style system cards that are widely used by foreigners (outside the UK).

It was agreed that the intention was to prohibit the use of 20a, and that an announcement should be made in English Bridge with a view to enforcing this with effect from 1st April 2017

2.3.4 Further matters arising

RF observed that paragraph 2 of section 6.2 still required attention.

3 APPEALS TO THE NATIONAL AUTHORITY

None this time

4 DISCIPLINARY CASES

4.1 Ultravox

4.1.1 The defendant had requested that the hearing be held at a more suitable location. JP had approached Honorary Counsel to determine whether this request was a reasonable one. The reply contained the following:

“I think it is to be implied that it is for the Secretary and Chairman of the L&E Committee to decide. In doing so, they must act reasonably and take into account all relevant considerations. The balancing of these considerations is a matter for their collective judgment.”

MP suggested in turn that the decision should fall to the Disciplinary Panel themselves.

[Secretary’s note – it appears that the DP has already considered the circumstances and made a firm decision. Hon. Counsel’s statement should be taken as confirmation that this does not need to be reconsidered.]

4.1.2 The question of expenses for representatives at the proposed “Meeting of Experts” was raised*. The committee felt that it was not incumbent on the EBU to pay the expenses of the defendant’s representatives.

[* Secretary’s Note: It was incorrectly reported at the meeting that it was the defendant that initially raised the issue of expenses. This is apparently not the case.]

It was suggested that, without expenses being paid, there was a danger that the meeting might not happen. Alternative approaches were suggested, such as a meeting by Skype.

4.1.3 The committee agreed that there had been enough delays (caused by both parties), and that the time had come to set a date for the Disciplinary Hearing, around about late January or February 2017. The secretary was asked to approach members of the Disciplinary Panel for suitable dates.

4.2 Wings

JP reported that the hearing had taken place; a decision had been made; further comments had been added by the panel regarding the need for a hearing.

The committee took issue with some of the comments, questioning how the decision to hold a hearing could be deemed 'irrational', when the hearing resulted in a conviction, and suggesting that the 'waste of time' arose not from that decision, but from the defendant initially pleading 'not guilty' before later making an admission.

However, comments were noted, and there was no need for further action. The case is now closed.

4.3-5 Claygate

The committee considered further correspondence on the case, and noted that although the club, as requested, had held a Special General Meeting, procedures had not been followed entirely correctly. However the committee felt that errors in procedure were relatively minor, and did not detract significantly from the findings of the meeting. Should the club repeat the process using the correct procedures, the same result would have been achieved. The committee concluded that it was not in the best interests of any parties to insist that the process should be repeated. The case is closed. The secretary was asked to report this to the complainants.

4.6 Comments on Social Media

Two cases were presented to the committee, neither involving an official complaint. The first case was a self-referral by a member who had made remarks on a post on Bridgewinners.com, which could be taken as mildly defamatory of the Union. In the other case, a member was reported as having made sexist / racist / homophobic remarks on Twitter, directed at the committee of a club where he used to play. The details of those comments were not available.

Rather than discussing the specific cases, the committee considered whether there needed to be guidelines published as to appropriate behaviour on Social Media, and whether there could be any criteria to determine whether such comments might be in breach of our disciplinary code (section 3.2.v).

The committee noted that there were some such guidelines in force in specific cases. For example, panel TDs and committee members are advised not to make any comments on any live cases; and similar guidelines exist for players 'under contract' while representing England in international tournaments. The latter applies to the member concerned in the first case, but it was noted that the contract only applies for the duration of the tournament whilst they are under contract, and the relevant comments were made outside of this period. Nevertheless RF suggested that making any such comments, whether or not actually in breach of our disciplinary code, might nevertheless jeopardise a player's future selection.

The committee declined to make any more detailed guidelines, suggesting that each case should be considered in isolation.

5 TECHNICAL MATTERS

5.1 Publication of the 2016 editions of the Blue Book and White Book.

Thanks were extended to all those involved in their publication, in particular FH for the Blue Book, and RB for the White Book.

5.2 Appeal Booklet 2014 published, 2015 in preparation

It was suggested that more commentators from other jurisdictions might be invited to contribute to future booklets. The new year was suggested as a target date for circulation of the 2015 appeals to commentators.

5.3 Issues arising from 2014 booklet (held over from previous meeting)

5.3.1 14.015

RF expressed continued surprise that Law 25A could be applied, even when the offender became aware of the mistake as a result of comments by partner that would normally be considered to be Unauthorised Information. The committee confirmed that the wording in the WBF resolution “...no matter how he may become aware of his error” means just that.

Nevertheless, the committee considered whether a P.P. should be applied to the partner for deliberately giving such information. Whilst confirming that it would be within the remit of the TD to do so, they were prepared to accept the Chief TD’s recommendation that a P.P. should only be applied if the comment turned out to be without foundation.

5.3.2 14.016

RF wondered whether opening 1C (which could be as few as two cards) on hands that contained a 5-card diamond suit (or indeed a 5-card major) should warrant an alert, or a more detailed announcement.

GR confirmed that regulations did not require a detailed announcement, but he would be content if players volunteered additional information as part of the announcement. Such distributional constraints should nevertheless be disclosed on the front of their system card.

5.3.3 14.033

RF questioned whether it is reasonable to expect South to alert (under BB 2B2) when he has no reason even to suspect that partner’s call was not natural.

The committee is content with the original analysis. Whilst South may not be aware that he should alert the 3S bid, the opposition are nevertheless entitled to the ‘correct’ information that there is some doubt as to the meaning.

5.3.4 14.052

RF questioned whether the CTD has the authority to overrule a decision by an assistant TD, in particular in an aspect of judgement.

GR reported that, according to the Laws, the CTD does have such authority. Indeed, the laws only recognise one person, “The Director” (i.e. the CTD), as having any ultimate authority, who (under Law 81D) may delegate his duties to his assistant. Responsibility still rests with the CTD. However it was general practice in EBU events only to advise rather than to overrule, especially once a ruling has been given to the players.

5.4 Level 5 conventions

The discussion arose initially out of a suggestion online that there is no restriction on permitted methods at the Spring Foursomes, a suggestion that the author subsequently conceded might be wrong.

Whilst this might have been the case some decades ago, GR confirmed that ‘Level 5 methods’ were permitted, i.e. methods that conform either to EBU level 4 or to WBF category 3.

RF observed that it was not clear what WBF category 3 meant, other than by going to the website quoted in the Blue Book. He considered that it was not sufficient for the Blue Book to refer to an external source of information. One should be able to determine whether or not a method was permitted by reading the Blue Book alone.

The committee agreed to refer this to FH, as the committee member responsible for the Blue Book.

5.5 WB 1.3.1 & BB 4A6

RF pointed out a discrepancy between paragraph 1.3.1 of the White Book, and 4A6 of the Blue Book. RB agreed to update the White Book accordingly.

6. APPLICATIONS FOR NEW PERMITTED METHODS

None considered

7. REPORTS FROM TOURNAMENT DIRECTORS

7.1/2 16.001 to 16.012 (held over) and 16.013 to 16.029

16.003

<p>♠ 2 ♥ K9654 ♦ KQJ753 ♣ 7</p> <p>♠ 8764 ♠ K5 ♥ - ♥ AJ7 ♦ A10964 ♦ 82 ♣ 8532 ♣ AKJ1064</p> <p>♠ AQJ1093 ♥ Q10832 ♦ - ♣ Q9</p>	<p>Board 28 : Dealer West : NS vulnerable</p> <table border="0"> <thead> <tr> <th>West</th> <th>North</th> <th>East</th> <th>South</th> </tr> </thead> <tbody> <tr> <td>Pass</td> <td>Pass</td> <td>1♣</td> <td>2♣ (A,1)</td> </tr> <tr> <td>4♣</td> <td>4♥</td> <td>5♣</td> <td>Pass</td> </tr> <tr> <td>Pass</td> <td>5♥</td> <td>Dbf</td> <td>All Pass</td> </tr> </tbody> </table> <p>(1) Both majors</p>	West	North	East	South	Pass	Pass	1♣	2♣ (A,1)	4♣	4♥	5♣	Pass	Pass	5♥	Dbf	All Pass
West	North	East	South														
Pass	Pass	1♣	2♣ (A,1)														
4♣	4♥	5♣	Pass														
Pass	5♥	Dbf	All Pass														
<p>Director's statement of facts:</p> <p>North explained the play: East led 2 top clubs, North ruffed and played ♠A and ruffed a spade. He led a heart and East thought for a long while before playing low. North reasoned that East would not think with AJ7 and so played the queen. He argued he might play the 10 if East plays in tempo. East said he had been trying to work out the distribution of the hand and whether he should play the ace.</p> <p>Director's ruling:</p> <p>70% of 5♥x – 1 by North; NS -200</p> <p>30% of 5♥x= by North; NS + 850</p> <p>Details of ruling:</p> <p>East does not have a demonstrable bridge reason for breaking tempo at this point in the play, and could have known that doing so could work to his advantage. North has drawn a false inference and <u>might</u> have finessed. (Laws 73D1, 73F, 12C1(a), 12C1(c))</p> <p>Appeals Committee's comments:</p> <p>The appeal committee agreed no demonstrable bridge reason to think. We had a long discussion about 'could have known' and decided that it applied (not 'did know'). Committee was minded to give EW 10-15% more but thought this was 'a minor adjustment to the TDs ruling' and hence left the TDs ruling unchanged.</p>																	
<p>Laws & Ethics Committee's comments:</p> <p>Opinions were divided as to whether there was a "demonstrable bridge reason" for East to think, some suggesting that the decision as to whether or not to win the trick was surely a good reason. However, a poll had been taken at the time which determined that there was no good reason.</p> <p>There was also some doubt as to whether the hesitation actually damaged declarer.</p>																	

16.004

<p>♠ 109 ♥ J87 ♦ KJ8764 ♣ A7</p> <p>♠ AK63 ♠ 754 ♥ AK1092 ♥ 654 ♦ - ♦ A1095 ♣ J642 ♣ K108</p> <p>♠ QJ82 ♥ Q3 ♦ Q32 ♣ Q953</p>	<p>♠ 109 ♥ J ♦ KJ8764 ♣ -</p> <p>♠ AK6 ♠ 754 ♥ 1092 ♥ 6 ♦ - ♦ 1095 ♣ J6 ♣ 10</p> <p>♠ QJ82 ♥ - ♦ Q3 ♣ Q9</p>	<p>Board 32 : Dealer West EW vulnerable</p> <p>Column 2 shows the position when the claim occurred.</p>
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Director's statement of facts:

I was called after play had ceased following a concession by West. The play had been ♣A and another to the king in dummy. ♦A pitching a spade; two top hearts leading to the position shown in column 2. At this point West had said that he would knock out ♣Q and concede a club, a heart and a spade for one down. This had been accepted.

West wished to withdraw his concession, which had been based on the assumption that South would win ♣Q and draw the last trump. When South was unable to do this, West could throw a spade from dummy on ♣J and ruff his losing spade on the table (North can throw spades himself and ruff one of West's tops, but this does not matter – the contract is cold).

Director's ruling:

Table result stands.

Since there is a line of play that will lead to West losing the tricks he said he would lose, I ruled that he must lose them (considering such a line to be 'normal' per the relevant law). (Law 71)

Director's comments:

This is not a clear ruling. In such cases I think the TD should rule a line 'normal' (i.e. inclusive of careless or inferior play) and let the committee determine whether this is actually the case.

Appeals Committee decision:

Director's ruling stands.

Deposit returned

Appeals Committee's comments:

Conceding a trick when declarer did was very careless, and if he'd played on at that point he could easily have been equally careless. There are various lines that are considered 'normal' under the definition of Law 71 that will lose a trick. It would be no worse than careless to play three rounds of spades, or a trump.

The Appeal Committee believes that this is a clear ruling and would normally have retained the deposit. However, the TD's comment on the form that he thought the ruling was not clear cut, and implying that an appeal would be justified, means that we are returning the deposit.

Laws & Ethics Committee's comments:

The Committee generally agreed that the ruling was clear, and questioned whether the reason to return the deposit was a sound one.

16.014

<p>♠AJ6 ♥103 ♦1098 ♣KJ1063 ♠KQ953 ♠1084 ♥QJ874 ♥2 ♦6 ♦AKJ75432 ♣97 ♣Q ♠72 ♥AK965 ♦Q ♣A8542</p>	<p>Board 15 : Dealer South : NS vulnerable</p> <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">West</th> <th style="text-align: left;">North</th> <th style="text-align: left;">East</th> <th style="text-align: left;">South</th> </tr> </thead> <tbody> <tr> <td></td> <td></td> <td></td> <td>1♥</td> </tr> <tr> <td>Pass</td> <td>2♣</td> <td>Pass</td> <td>3♦(1)</td> </tr> <tr> <td>Pass</td> <td>3NT</td> <td>Pass (2)</td> <td>5♣(3)</td> </tr> <tr> <td>Dbl</td> <td>Rdbl</td> <td>All Pass</td> <td></td> </tr> </tbody> </table> <ol style="list-style-type: none"> 1. Not alerted but East thought she saw North's hand move as if to alert. 2. Asked about the 3♦ bid after some thought; was told it showed hearts and diamonds. 3. North now realised that 3♦ was a splinter, and explained it as such. 	West	North	East	South				1♥	Pass	2♣	Pass	3♦(1)	Pass	3NT	Pass (2)	5♣(3)	Dbl	Rdbl	All Pass	
West	North	East	South																		
			1♥																		
Pass	2♣	Pass	3♦(1)																		
Pass	3NT	Pass (2)	5♣(3)																		
Dbl	Rdbl	All Pass																			

Director's statement of facts: After the auction described above I was called to the table by East, who related the facts to date. As it was too late for her to change any of her calls, I instructed the players to continue with the board and call me back if required. Initially EW did not wish to pursue the matter but then came to me at the end of the stanza to request a ruling.

South is in receipt of unauthorised information arising from North's failure to alert 3♦. South said that from his point of view it was clear to bid 5♣ as 3♦ had been looking for slam. I conducted a poll in which five out of six players asked would pass 3NT on the given auction. This makes pass a clear logical alternative under Law 16B1(b). South did question why West doubled, holding 5-5 in the majors.

Director's ruling: Score adjusted to 3NT – 4 by North, -400.

Details of ruling: South has used unauthorised information and the bid of 5♣ is therefore disallowed (Law 16B1(b))

Appeal lodged by: North/South

Basis of appeal: clear to bid 5♣

Appeals Committee decision: We confirm the TDs ruling and see no basis at all for the appeal. Accordingly the deposit is retained.

Director's ruling stands.

Deposit forfeited

Appeals Committee's comments:

The appellant had nothing new to say beyond 'I always intended to bid 5/6♣'. There is no reason to overturn the 5-1 vote for pass of the six players polled.

Laws & Ethics Committee's comments:

It was clear to adjust, and the only question arising was whether West should have been penalised for the 'double shot'. The appellants did not give this as their reason for the appeal (despite advice to do so from their team captain, apparently), and this probably contributed to the forfeiture of the deposit.

16.006

The hand was recorded and filed. The secretary was asked to check whether there was any history of psyching by the players concerned.

16.008

The committee wished to remind A.C.s that is not appropriate to make marginal adjustments to percentages in weighted rulings.

16.012

The committee considered what questions a TD should ask a player when taking them away from the table (e.g. after an insufficient bid). Should he ask potentially leading questions? e.g. “Would 5H have the same (or more precise) meaning?” rather than “Do you have any bids that would have the same meaning?”

No conclusion was reached, and it was agreed to allow TDs flexibility in this matter.

16.017

The committee agreed that “keeping people happy” was not an acceptable reason for making a decision that could not have been reached by proper application of the Laws. The A.C. chose a “middle ground” ruling, whilst application of the claim laws should have resulted in either one of the extreme cases (depending on viewpoint).

The committee wishes to remind A.C.s that they should make decisions according to the actual Laws of Bridge, and not what they think the laws should be. It was noted that the A.C. Chairman has a history of making decisions that were not compatible with correct application of the Laws.

16.022

<p>♠AJ2 ♥754 ♦Q9542 ♣J4</p> <p>♠KQ10 ♠9654 ♥AJ6 ♥Q103 ♦K73 ♦AJ10 ♣10632 ♣KQ8</p> <p>♠873 ♥K982 ♦86 ♣A975</p>	<p>Board 24 : Dealer West : Love All</p> <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;"><i>West</i></th> <th style="text-align: left;"><i>North</i></th> <th style="text-align: left;"><i>East</i></th> <th style="text-align: left;"><i>South</i></th> </tr> </thead> <tbody> <tr> <td>1NT</td> <td>Pass</td> <td>3NT</td> <td>All Pass</td> </tr> </tbody> </table> <p>The diamond lead was won by the ten. A spade went to the King and Ace, and North led a second diamond to the King. West led a club to the King and South ducked (5) after some thought. West led a spade from dummy to the ten and jack and north returned the ♣J.</p>	<i>West</i>	<i>North</i>	<i>East</i>	<i>South</i>	1NT	Pass	3NT	All Pass
<i>West</i>	<i>North</i>	<i>East</i>	<i>South</i>						
1NT	Pass	3NT	All Pass						
<p>Director’s statement of facts:</p> <p>EW talked to me after the round had ended and questioned North’s play of ♣J when South’s hesitation clearly showed ♣A. (they accept that this did not cause damage.)</p> <p>I went through the play with South and he agreed there had been a pause before ducking the club and thought the club play by North questionable.</p> <p>I went through the play with North and asked her why she had played ♣J. She only now seemed to be recognising the significance of the hesitation and said she did not want to open up the heart suit and there didn’t seem much point in continuing diamonds.</p> <p>In my opinion, North has safe logical alternatives of a diamond or a spade. A club switch is made more safe by the information that South has the Ace.</p>									

GR reported that (a short time after the incident) he had spoken to North, to remind her of her obligations under law 73C, to carefully avoid taking advantage of any UI available, but was not convinced that the player had taken this on board.

7.3 BB@B forms

Not considered this time

7.4 Pachabo Cup – Sussex v Devon (GR correspondence)

<p>♠ Q72 ♥ Q63 ♦ A7543 ♣ J7</p> <p>♠ A3 ♠ J4 ♥ AK10982 ♥ 74 ♦ KQ ♦ J92 ♣ A85 ♣ KQ6432</p> <p>♠ K109865 ♥ J8 ♦ 1086 ♣ 109</p>	<p>Board 4 : Dealer West : Game All</p> <table> <thead> <tr> <th>West</th> <th>North</th> <th>East</th> <th>South</th> </tr> </thead> <tbody> <tr> <td>2NT¹</td> <td>Pass</td> <td>3♣²</td> <td>Pass</td> </tr> <tr> <td>4NT³</td> <td>Pass</td> <td>5♣⁴</td> <td>Pass</td> </tr> <tr> <td>6NT</td> <td>All Pass</td> <td></td> <td></td> </tr> </tbody> </table> <p>¹ Alerted (at which West reacted) as 5-5 in minors, 5-14 HCPs. ² Very slow, agreed at the table. ³ RKCB for Clubs. ⁴ 1 or 4 Key Cards.</p> <p>(Result at other table 3NT making 9 on a spade lead)</p>	West	North	East	South	2NT ¹	Pass	3♣ ²	Pass	4NT ³	Pass	5♣ ⁴	Pass	6NT	All Pass		
West	North	East	South														
2NT ¹	Pass	3♣ ²	Pass														
4NT ³	Pass	5♣ ⁴	Pass														
6NT	All Pass																
<p>6NT made twelve tricks on a diamond lead (North not guessing to keep hearts after declarer discarded three heart cards).</p> <p>The TD was called at the end of the hand, and the result was ruled back to 5C+1, -620</p>																	

Laws & Ethics Committee’s comments:

The committee agreed that there should have been a Procedural Penalty issued against West for blatant use of UI, and that the reason given for not doing so (“not to inflame an already tense situation”) was not an acceptable reason.

RB reported that Sussex had considered an appeal, but were advised that, whilst Devon might get a worse score (as a result of the P.P.), Sussex’s result could not be improved. As it was the end of the event, and both sides were out of contention, Sussex declined to appeal.

TR questioned whether it might have been appropriate to award double the standard amount as a P.P., to which GR replied that there was no limit according to the Laws.

GR will write to the Director; TR to the Sussex captain.

8 DATE OF NEXT MEETING

Wednesday 1st February 2017, at 1.15pm.

Venue is Young Chelsea Bridge Club, Goldhawk Rd, Shepherds Bush.

The meeting closed at 5.10pm.