



# **THE BYE LAWS OF THE ENGLISH BRIDGE UNION LIMITED (the "Company")**

*(full version – Appendices included)*

**These Bye Laws came into force by ordinary resolution passed by the Company on October 7<sup>th</sup>, 2009. They are binding on all Associations, Affiliated Clubs and Player Members of the Company and on all persons who participate in competitions under the terms of Section 5 of these Bye Laws.**

## 1 **INTERPRETATIONS – DEFINITIONS**

1.1 Unless the context otherwise requires, the following words and expressions shall have the following meanings when used in these Bye Laws:

**"Affiliated Club"** means a bridge club affiliated to the Company, (either by being affiliated to the Company via its affiliation to an Association or by direct affiliation in accordance with paragraph 2.2).

**"Association"** means an association of individual bridge players which complies with the requirements of, and which has been admitted to Constituent Membership in accordance with, paragraph 2.5.

**"Association Subscription"** means a subscription payable by an Ordinary Player Member to the Association of which they are a member in accordance with paragraph 3.8

**"Board of Directors"** shall have the meaning given to that term in the Articles of Association of the Company.

**"Chairman"** shall have the meaning given to that term in the Articles of Association of the Company.

**"Chief Tournament Director"** means the person appointed by the Board of Directors to perform the functions to be determined in accordance with paragraph 4.3 of these Bye Laws.

**"Constituent Membership"** means affiliation to the Company, and the rights thereby enjoyed, by Associations complying with the requirements of paragraph 2.5 and the other requirements of these Bye Laws.

**"Direct Player Member"** is a person who is a Player Member pursuant to paragraph 2.3(c).

**"Disciplinary Rules"** means those rules contained in Appendix A to these Bye Laws.

**"Duplicate Contract Bridge"** means the game known by such name on the date of adoption of these Bye Laws and any other form of competition contract bridge and such other game or games closely akin thereto as may from time to time hereafter be devised or invented.

**"General Manager"** means the person appointed by the Board of Directors to perform the functions to be determined in accordance with paragraph 4.1 of these Bye Laws.

**"Honorary Life Player Member"** is a person who is a Player Member pursuant to paragraph 2.3(b).

**"Law and Ethics Committee"** means the Standing Committee of that name.

**"Open Competition"** shall mean any Duplicate Contract Bridge competition other than one held at the premises of a club or other organisation for its members or employees and their bona fide guests only.

**"Ordinary Player Member"** is a person who is a Player Member pursuant to paragraph 2.3(a).

**"Member"** means a shareholder of the Company.

**"Player Member"** means, an Ordinary Player Member, an Honorary Player Member or a Direct Player Member (but who need not, for the avoidance of doubt, be a Member).

**"Secretary"** shall have the meaning given to that term in the Articles of Association of the Company.

**"Selection Committee"** means the Standing Committee of that name.

**"Standing Committee"** shall have the meaning given to that term in the Company's Articles of Association.

**"Subscription"** means any dues payable by a Player Member or Affiliated Club to the Company for its own benefit (rather than as agent for an Association) in accordance with Section 3, including but not exclusively annual subscriptions and pay to play subscriptions.

**"Subscription Year"** means the period commencing on 1 April in each year and ending on the following 31 March.

**"Tournament Committee"** means the Standing Committee of that name.

**"Tournament Manager"** means a person appointed by the organiser of any Open Competition to control and be responsible for the organisation and management of such Open Competition.

**"Treasurer"** means the person appointed by the Board of Directors to perform the functions to be determined in accordance with paragraph 4.4 of these Bye Laws.

1.2 Unless the context otherwise requires, in these Bye Laws:

- (a) words denoting the singular include the plural and vice versa; and
- (b) words denoting any gender include all other genders.
- (c) paragraph headings are for convenience only and shall not affect the interpretation of these Bye Laws, and any reference to a Section or paragraph is to the relevant Section or paragraph of these Bye Laws.

1.3 For the purposes of section 5 (Licences) and the definition of "Open Competition", a member of an Affiliated Club, Association or other organisation is one who is entitled to substantial benefits in common with other members of such Affiliated Club, Association or other organisation (Provided That being unable to participate in any particular competition shall not preclude a person from being a member for these purposes) and a person shall not be considered an employee of an Affiliated Club, Association or other organisation if their employment is mainly related to the competition in question. The decision of the Board of Directors (upon such evidence as it shall require) as to whether or not a person is to be deemed a member, employee or bona fide guest for the purposes of section 5 (Licences) and the definition of "Open Competition", shall be a final and binding decision.

## **2 MEMBERSHIP**

### **2.1 Constituent Members**

Subject to the provisions of paragraph 2.5, Associations shall be admitted to Constituent Membership of the Company and, subject to paragraph 3.9, shall not be required to pay any Subscription to the Company.

### **2.2 Affiliated Clubs**

Any club becomes affiliated to the Company upon payment of an annual subscription, the amount of which shall be fixed from time to time by the Members in general meeting. Any club which is affiliated to an Association shall be affiliated to the Company and any club which, for geographical reasons, cannot be affiliated to an Association may become affiliated to the Company directly.

Affiliated Clubs

- (a) shall comply with such conditions as the Board of Directors shall from time to time impose, which conditions the Board of Directors, may vary, add to or revoke;
- (b) shall be entitled to receive all publications issued by the Company upon payment of the charge, if any, therefore; and
- (c) may, without express permission or licence from the Company, hold competitions in the club premises or elsewhere for its members and their bona-fide guests.

### 2.3 Individual Player Members

Any person becomes a Player Member upon payment of the Subscription (if any) appropriate to his kind of membership as set out below. The amount of the Subscription for each Subscription Year shall be fixed by the members of the Company by ordinary resolution in general meeting and shall be paid directly to the Company or paid to the relevant Club or Association and then passed on to the Company as appropriate. The different categories of membership for Player Members are:

- (a) 'Ordinary Player Members', who are persons who are members of an Affiliated Club and who become Player Members by being members of an Affiliated Club are required to pay through their Affiliated Club as agent for the Company, whatever Subscription is determined by the Company and the Association in accordance with these Bye Laws to be payable by such persons;
- (b) 'Honorary Life Player Members', who are persons who become Player Members by being so elected by the Company at one of its general meetings upon the recommendation of the Board of Directors, and who shall not be required to pay any Subscription to the Company;
- (c) 'Direct Player Members', who are persons who for geographical or other reasons may become Player Members by being admitted to direct membership of the Company upon payment directly to the Company of whatever Subscription is determined by the Company in accordance with these Bye Laws to be payable by such persons;
- (d) such other categories of membership for Player Members as may be decided by the Board of Directors from time to time.

2.4 Player Members shall be entitled to the benefits of membership set out in paragraph 3.7, and to enjoy the other rights of player membership as may be decided by the Board of Directors from time to time.

2.5 An Association shall, subject to the provisions of the Company's Memorandum of Association, be admitted to Constituent Membership of the Company upon application to the Company and shall continue to hold such Constituent Membership provided that it complies at all times with the following conditions:

- (a) the Association shall at the time of its admission to Constituent Membership of the Company have at least fifty (or such lesser number as the Board of Directors may determine from time to time) individual members who are (or would be, upon such Association being admitted to Constituent Membership of the Company) eligible to be Ordinary Player Members;
- (b) it shall be a condition of individual membership of the Association that its individual members also become Player Members of the Company;
- (c) the Association shall conduct its affairs in accordance with a constitution which must be approved by the Board;
- (d) all of the Association's members shall have equal rights in the conduct of its affairs; and

- (e) the members of the Association shall be drawn from a county (or such other defined area as is approved by the Board of Directors) in England, the Channel Islands or the Isle of Man.

- 2.6 The Board of Directors may at any time upon application agree to the sub-division of any Association or to the merger of any two or more Associations (with the resultant Associations or Association maintaining their Constituent Membership) Provided Always That such merger may only be sanctioned when made between geographically adjacent Associations.
- 2.7 Any Association may be excluded from receiving, or may be divested of, Constituent Membership of the Company in accordance with the Company's Articles of Association. An Association which has been so excluded or divested of Constituent Membership shall forfeit all interests (if any) in the assets of the Company and all rights and privileges afforded by Constituent Membership with immediate effect.

### **3 SUBSCRIPTION AND COMPETITION ENTRIES**

- 3.1 The level of Subscription (or levels, should it be determined that different levels shall apply to different categories of membership for Player Members) shall be fixed by the Company by ordinary resolution at each Annual General Meeting and shall take effect on the commencement of the next following Subscription Year.
- 3.2 The Secretary shall notify any changes to the level of Subscriptions made in accordance with paragraph 3.1 as soon as is practicable after the Annual General Meeting to all Associations, Affiliated Clubs and Direct Player Members.
- 3.3 Annual Subscriptions for each Subscription Year shall be due and payable to the Company by the commencement of such Subscription Year.
- 3.4 A person becoming a Direct Player Member during the course of any Subscription Year may, if the Board so determines, pay such amount of the applicable annual subscription as is proportionate to the amount of the current Subscription Year then remaining (rather than a full annual subscription).
- 3.5 A Direct Player Member who either has not paid his annual subscription before the end of the Subscription Year (if required to do so), or who submits his resignation in writing to the Company, shall cease to be a Player Member forthwith or on the later date (if any) specified in his resignation as the case may be. Any such person who ceases to be a Player Member shall remain liable to pay his appropriate annual subscription in respect of the whole or part of the Subscription Year during which he ceased to be a Player Member, and shall not be permitted to become a Player Member at any time at which and such liability remains outstanding.
- 3.6 Without prejudice to the provisions of paragraph 3.5, a Player Member who has not paid his annual subscription for a particular Subscription Year (if required to do so) by 1 August in that Subscription Year shall forfeit all rights afforded by the Company and any Association to Player Members until he has done so, but shall remain subject to the obligations imposed on Player Members as set out in these Bye-Laws.
- 3.7 A Player Member who has paid his annual subscription in respect of any Subscription Year (or who is not required to do so pursuant to paragraph 2.3):
  - (a) shall be entitled to participate in any Open Competition which is organised by the Company and which commences in that Subscription Year, subject to such Player Member complying in all respects with the conditions of entry to such competition and subject further to any limitation placed on the numbers and qualifications for entrance and to any circumstances beyond the control of the Company; and
  - (b) shall be entitled to participate in any competition which is organised by any other organisation, which is sanctioned by the Company and which commences in that Subscription Year or which the organiser of the competition deems to appertain to

that Subscription Year, even though it may occur wholly or in part in the Subscription Year(s) immediately preceding or following the Subscription Year in question.

- 3.8 Each Association shall at all times keep the Company informed of the applicable level or levels of the Association Subscription levied by it on its members from time to time.
- 3.9 The Company, Associations and Clubs may, where appropriate, collect subscriptions as agents for each other. The payments shall be passed to the relevant entity as soon as practicable.
- 3.10 No person may become a member of an Association or enjoy any benefits of such membership during any Subscription Year unless his appropriate Subscription to the Company in relation to such Subscription Year has been paid.
- 3.11 Subject to any terms imposed by an Association, a Player Member may be a member of any number of Associations in any Subscription Year Provided That
- (a) he has paid to the Company a Subscription (if any) appropriate to his kind of membership in relation to that Subscription Year and
  - (b) he indicates to the Company which Association he considers to be the primary Association of which he is a member for the purposes of Article 4 of the Company's Articles of Association.
- 3.12 A Player Member shall promptly:
- (a) pay to the Company any entry fees payable by him for entry to competitions organised by the Company,
  - (b) pay to the Company any charges he may incur for the supply of materials, equipment or services by the Company, and
  - (c) reimburse the Company for any sums which the Company may reasonably have disbursed on his behalf.

#### **4 GENERAL MANAGER AND CHIEF TOURNAMENT DIRECTOR**

- 4.1 The duties of the General Manager shall be in accordance with the job description determined by the Chairman from time to time in consultation with the General Manager. Such duties shall include the preservation of documents, account books and the records of the Company and generally the supervision of the business of the Company, subject to and in accordance with the lawful directions of the Company and the Board.
- 4.2 If at any time there shall be no General Manager his duties shall be allocated by the Board of Directors at its discretion between the Secretary and the members of staff of the Company. In such circumstances, every reference to the General Manager in these Bye Laws shall be read and construed as a reference to the person for the time being carrying out that duty in accordance with this paragraph 4.2.
- 4.3 The duties of the Chief Tournament Director shall be in accordance with the job description determined by the Chairman from time to time in consultation with the Chief Tournament Director.
- 4.4 The duties of the Treasurer shall be in accordance with the job description determined by the Chairman from time to time in consultation with the Treasurer.

#### **5 LICENCES**

- 5.1 All Open events run under the auspices of the Company, an Association or a Club require a Licence from the Company or Association except where exempted by the Company or Association. The relevant authority being the Association in the case of a competition restricted to members of such Association or, in all other cases, being the Company acting by the Board of Directors or such other committee as the Board shall from time to time appoint for such purpose.

- 5.2 It shall be a required condition of entry to any competition organised, sanctioned or licensed by the Company or by an Association that each participant expressly submits himself to these Bye Laws of the Company, and in particular to the Disciplinary Rules (whether or not he is a paid up Player Member of the Company).
- 5.3 The appropriate authority (being an Association or the Company as appropriate) shall be entitled at its discretion to grant or refuse a licence for an Open competition pursuant to paragraph 5.1 and to charge or not charge a fee for any licence it may grant.
- 5.4 Licences for Open Competitions issued by the Company shall be in writing and it shall be a duty of the Tournament Manager or other persons having control of any Open Competition requiring a licence to exhibit such licence in a prominent place on the premises where the Open Competition is being held and to certify on the entry form, if any, and on other literature relating to the Open Competition, that a licence has been obtained.
- 5.5 Any Tournament Manager of any Open Competition for which a licence is required submits himself to these Bye Laws of the Company, and in particular to the Disciplinary Rules (whether or not he is a paid up Player Member of the Company) and, if such a licence has not been obtained, shall be guilty of an offence under the provisions of the Disciplinary Rules which shall apply to such person *mutatis mutandis*.

## **6 CONDUCT**

- 6.1 The conduct of Player Members, persons submitting themselves to the Bye Laws of the Company under paragraphs 5.2 and 5.5, and other persons and organisations directly or indirectly affiliated to the Company, shall be regulated in accordance with the Disciplinary Rules (and, for the avoidance of doubt, such Disciplinary Rules form part of these Bye Laws for the purposes of paragraph 8 below).
- 6.2 Appeals to the Company from the disciplinary decisions of an Association shall be dealt with in accordance with the provisions of Appendix B to these Bye Laws (and, for the avoidance of doubt, Appendix B forms part of the Disciplinary Rules and therefore part of the Bye Laws for the purposes of paragraph 8 below).
- 6.3 These Disciplinary Rules shall apply to all disciplinary matters save for those where a Defendant has been charged with an offence at the date these Bye Laws come into force or where the conduct complained took place prior to the date these Bye Laws came into force and such conduct can amount to an offence under these Rules.

## **7 STANDING COMMITTEES AND TERMS OF REFERENCE**

The Board may formulate terms of reference of any Standing Committee or officer of the Company and, if any such terms of reference are so settled, they shall be appended to these Bye Laws for information (but, for the avoidance of doubt, they shall not form part of these Bye Laws for the purposes of paragraph 8 below).

## **8 ALTERATION OF BYE LAWS**

These Bye Laws may be amended, or new Bye Laws adopted, by ordinary resolution of the Company provided that notice of such proposed amendment or new Bye Law has been duly given in accordance with the Articles of Association of the Company.

## **APPENDIX A – DISCIPLINARY RULES**

### **1 DEFINITIONS**

- 1.1 In these Disciplinary Rules terms defined in the Articles or Bye Laws of the Company carry the same meaning as in those documents and, the following phrases shall, unless otherwise stated, have the following meanings:
- (i) "Appeals Committee" has the meaning set out in Rule 10.4;
  - (ii) "Board" means the Board of Directors of the Company;
  - (iii) "Defendant" means any person or organisation who is the subject of a complaint or whose conduct is under investigation by the Laws & Ethics Committee, whether or not such person has been charged with an Offence;
  - (iv) "Disciplinary Committee" has the meaning set out in Rule 6.1;
  - (v) "Disciplinary Hearing" means a hearing before the Disciplinary Committee in accordance with Rule 8;
  - (vi) "L&E Secretary" means the Secretary for the time being to the Laws & Ethics Committee, or such other person as may for the time being be designated by the General Manager to perform the functions of the Secretary to the Laws & Ethics Committee;
  - (vii) "Offence" has the meaning set out in section Rule 3.2;
  - (viii) "Pro Bono Adviser" has the meaning set out in Rule 5.1; and
  - (ix) "Sanction" means a sanction set out at Rule 11.1.
  - (x) "Written Record" means a written record of the decision of the Disciplinary Committee or Appeals Committee, as appropriate, along with the Sanction(s) imposed (if any) but, for the avoidance of doubt, not the note of the reasons for the decision.
- 1.2 In these Disciplinary Rules words incorporating the masculine shall include the feminine, the singular shall include the plural and vice versa and references to person(s) shall include any club or association where the context requires.

### **2 JURISDICTION**

- 2.1 These Disciplinary Rules shall apply to:
- (i) all Player Members;
  - (ii) all bridge associations, clubs, committees and/or persons directly or indirectly affiliated to the Company;
  - (iii) all tournament directors and other officials at events organised by or sanctioned by the Company or by an Association; and
  - (iv) any person who participates in an event organised by or sanctioned by the Company or by an Association.
- 2.2 The Company shall exercise the disciplinary function and powers conferred on it by Bye Law 6.1 of its Bye Laws dated 12<sup>th</sup> January 2005 in the manner set out in these Disciplinary Rules. Specifically, the Company shall delegate its power:
- (i) to receive complaints and investigate alleged Offences to the Laws and Ethics Committee in accordance with Rule 4;
  - (ii) to hear disciplinary cases and decide disciplinary sanctions to the Disciplinary Committee in accordance with Rules 8 and 9; and
  - (iii) to hear and determine appeals to the Appeals Committee in accordance with Rule 10.
- 2.3 The Company shall have jurisdiction to consider a matter if a formal complaint is made in writing to the L&E Secretary from any individual (whether or not a Player Member),

Association or club (whether or not an Affiliated Club).

- 2.4 The Laws and Ethics Committee, may, in addition, investigate any other matter which comes to its attention which it may consider constitutes an Offence.

### **3 OFFENCES**

- 3.1 The Sanctions set out in these Disciplinary Rules may be imposed on any person falling within the terms of Rule 2.1 who is found to have committed an Offence.
- 3.2 For the purpose of these Disciplinary Rules, the following shall amount to an “Offence”:
- (i) a breach of the Bye-Laws or Articles of the Company;
  - (ii) a breach of the regulations laid down by the Board or any of its Standing or other Committees, or any Conditions of Contest or other tournament regulations;
  - (iii) a breach of the Laws of Duplicate Contract Bridge 1997 or any subsequent re-enactment;
  - (iv) any unfair or dishonest play;
  - (v) any act that the Disciplinary Committee or Appeals Committee considers to be misconduct which shall include, without limitation, any conduct or behaviour which falls below the accepted standards required of Player Members and other persons to whom these Disciplinary Rules apply; or
  - (vi) a failure to provide full or true information or evidence to the Laws and Ethics Committee (in the course of its functions under these Disciplinary Rules or otherwise), the L&E Secretary, the Disciplinary Committee or the Appeals Committee or to comply with any decision made pursuant to these Disciplinary Rules.

### **4 LAWS AND ETHICS COMMITTEE**

- 4.1 The functions of the Laws and Ethics Committee shall include:
- (i) receiving complaints made about the behaviour of those subject to these Disciplinary Rules, investigating those complaints (or any other matter which comes to its attention which it considers may constitute an Offence) and, if it thinks appropriate, charging any person or organisation subject to these Disciplinary Rules with an Offence;
  - (ii) being responsible for all matters of administration relating to the conduct of disciplinary proceedings, as well as all other matters specifically set out in these Rules;
  - (iii) in relation to proceedings before the Disciplinary Committee, discharging on behalf of the Company the formal role of prosecutor; and
  - (iv) in relation to proceedings before the Appeals Committee discharging on behalf of the Company the role of appellant or respondent as appropriate.
- 4.2 In discharging its functions in Rule 4.1 (iii) and (iv), the Laws & Ethics Committee shall act by one of its members nominated for the purpose by the Laws & Ethics Committee, or by such other person nominated in accordance with the powers to delegate set out in Rule 4.3.
- 4.3 The Laws and Ethics Committee may be assisted in discharging its functions by other officers or employees of the Company and may delegate its formal functions in any individual case to such person or, in a suitable case, to external legal counsel and any reference to the Laws and Ethics Committee or a nominated member of the Laws and Ethics Committee shall be construed so as to refer to any persons to which power is delegated pursuant to this rule. In particular the functions in Rule 4.1(ii) may be delegated to the L&E Secretary.
- 4.4 All references to the actions of the Laws and Ethics Committee in these Disciplinary Rules shall be taken as including actions taken on its behalf by any person so authorised by it under Rules 4.2 or 4.3.

### **5 PRO BONO ADVISER**

- 5.1 A Pro Bono Adviser may be appointed by the Chairman of the Board annually from the Player Members of the Company. The Pro Bono Adviser shall not be a current member of the Laws

and Ethics Committee but may be a former member of the Laws and Ethics Committee. The function of the Pro Bono Adviser shall be to advise any Defendant charged with an Offence on the procedure set out in these Disciplinary Rules if requested to give such advice by the Defendant. The Pro Bono Adviser may in his absolute discretion decline to offer any advice to the Defendant. For the avoidance of doubt, the Pro Bono Adviser shall not be under any duty or obligation to advise the Defendant about the merits of the charge he faces.

- 5.2 Neither the Pro Bono Adviser nor the Company shall be liable to the Defendant for any loss or damage suffered by the Defendant howsoever arising from the acts omissions or advice of the Pro Bono Adviser. As a condition of his appointing the Pro Bono Adviser the Defendant shall be taken to have waived irrevocably any right that the Defendant has to bring legal proceedings against the Pro Bono Adviser or the Company for any act, omission or advice of the Pro Bono Adviser.

## **6 THE DISCIPLINARY COMMITTEE**

- 6.1 A Disciplinary Panel shall be appointed annually by the Board. It shall consist of not fewer than five nor more than ten Player Members, none of whom may also be current members of the Laws and Ethics Committee. The Chairman of the Board shall appoint members of the Disciplinary Panel to form Disciplinary Committees to perform the functions set out in Rule 6.2. The number of panellists required to form a Disciplinary Committee in any particular case shall be determined in accordance with Rules 6.3 and 6.4.
- 6.2 The functions of the Disciplinary Committee shall be:
- (i) to determine the Sanction for Offences admitted by the Defendant pursuant to Rule 7.8;
  - (ii) to hear charges of Offences under these Disciplinary Rules and to determine whether those charges are proved, and if proved, to determine the Sanction to be imposed; and
  - (iii) to report to the Board the results of hearings before it and the Sanctions imposed by it.
- 6.3 Save where the issue is the imposition of a Sanction in accordance with Rule 7.8, in performing its duties under these Disciplinary Rules the Disciplinary Committee shall comprise not fewer than three nor more than five members of the Disciplinary Panel, appointed by the Chairman of the Board in his absolute discretion. The Chairman of the Board shall appoint one of those members as Chairman of the Disciplinary Committee.
- 6.4 When performing its duties in imposing a Sanction in accordance with Rule 7.8, the Disciplinary Committee shall comprise not more than three members of the Disciplinary Panel appointed by the Chairman of the Board in his absolute discretion. In the event that he appoints more than one member, the Chairman of the Board shall appoint one of those members as Chairman of the Disciplinary Committee.
- 6.5 In respect of all matters arising prior to a Disciplinary Hearing a Disciplinary Committee appointed under Rule 6.3 may act by its Chairman alone.
- 6.6 Subject to Rule 6.5, the quorum of members of the Disciplinary Panel for proceedings of the Disciplinary Committee shall be
- (i) three members in the case of a Disciplinary Committee appointed under Rule 6.3; and
  - (ii) one member in the case of a Disciplinary Committee appointed under Rule 6.4.
- 6.7 No member of the Disciplinary Committee may sit to consider a charge who has had prior involvement with the case or has any relevant interest in the outcome of the case such as is considered a conflict of interest by the Chairman of the Disciplinary Committee (or by the Chairman of the Board where the issue relates to the Chairman of the Disciplinary Committee). Any issue arising in relation to this restriction shall be raised with the Chairman of the Disciplinary Committee as soon as possible. The Chairman shall decide whether or not the involvement or interest so notified justifies the exclusion of that person from considering a particular charge or from remaining a member of the Disciplinary Committee for the case.
- 6.8 If by virtue of the operation of Rule 6.7 there are insufficient members of the Disciplinary Panel without an interest to constitute the a quorum, the Chairman of the Disciplinary

Committee may co-opt a Player Member or any other person he considers to be suitably qualified to sit upon the Disciplinary Committee. Any person so appointed must be free of any interest or involvement as described in Rule 6.7.

## **7 INITIAL PROCEDURE**

- 7.1 Where a written complaint is made, or a matter otherwise comes to the attention of the Laws and Ethics Committee, it shall first consider whether such complaint or matter falls within the scope of the Disciplinary Rules and whether further action is warranted. If it does, save in the exceptional circumstances referred to in Rule 7.2, the L&E Secretary shall first write to the Defendant, seeking the Defendant's comments on the substance of the complaint or matter that has been raised. The Laws and Ethics Committee shall also be entitled to make such further investigations and enquiries as it in its absolute discretion considers appropriate. The Laws and Ethics Committee shall also be entitled to seek advice within the Company, including from the Disciplinary Committee, and to obtain external legal advice.
- 7.2 Where the Laws & Ethics Committee decides in its absolute discretion that to inform the Defendant of the complaint would prejudice the gathering of evidence relevant to the complaint, it may undertake such further investigations as it considers appropriate before it writes to the Defendant to obtain the Defendant's comments on the substance of the complaint. For the avoidance of doubt the Laws & Ethics Committee must write to the Defendant to seek the Defendant's comments prior to considering whether or not to charge the Defendant with an Offence.
- 7.3 Having conducted such enquiries as it considers appropriate (whether or not comments have been received from the Defendant within a reasonable time) the Laws and Ethics Committee shall then consider whether or not to charge the Defendant with an Offence.
- 7.4 At any time prior to charging the Defendant with an Offence, or deciding not to charge the Defendant, whether or not it has made any investigations or enquiries, and whether or not it has received any comments from the Defendant, the Laws and Ethics Committee may (subject to Rule 7.5) decide that the complaint or matter should be dealt with instead by any Association of which the Defendant is a member. If it so decides the L&E Secretary shall refer the matter to the Association concerned as soon as practicable, and provide the Association with all relevant documents and information in the Laws and Ethics Committee's possession to enable the Association to deal with the matter.
- 7.5 The Laws and Ethics Committee shall only be entitled to refer the matter to be dealt with by the Association if it is satisfied that the Association's constitution includes satisfactory provisions to enable the matter to be dealt with by the Association.
- 7.6 Where, in its absolute discretion, the Laws and Ethics Committee considers it appropriate to charge the Defendant, the L&E Secretary shall write a charge letter to the Defendant. The charge letter shall include:
- (i) a summary of the alleged Offence;
  - (ii) a short factual summary of the evidence supporting the charge;
  - (iii) confirmation that is that Laws and Ethics Committee's view that the Defendant should be prosecuted for the Offence;
  - (iv) a request that the Defendant respond in writing with either an admission or a denial of the charge;
  - (v) a statement that if the Defendant admits the charge the matter will be referred to the Disciplinary Committee for imposition of a Sanction;
  - (vi) an invitation to the Defendant, if he admits the charge, to make a plea in mitigation in writing; and
  - (vii) notification to the Defendant that he may seek advice on the procedure set out in these Disciplinary Rules from the Pro Bono Adviser but that the Pro Bono Adviser may decline to

give that advice in his absolute discretion.

- 7.7 The charge letter shall specify a date by which the Defendant's response has to be provided. Such date shall be at least 14 days from the date of the charge letter.
- 7.8 If the Defendant admits the Offence then the matter shall be referred to the Disciplinary Committee for a decision on the imposition of a Sanction, in accordance with the procedure set out in Rule 9.
- 7.9 If the Defendant does not admit the Offence the matter shall be referred to the Disciplinary Committee and the procedure set out in Rule 8 shall apply.
- 7.10 Where, under Rule 7.1, the Laws and Ethics Committee considers that no further action is warranted, or, in its absolute discretion, it considers that it is not appropriate to charge the Defendant, the L&E Secretary shall write to the Defendant and the complainant, if any, advising them of that decision. The Laws and Ethics Committee is not under any obligation to give any reasons for the decision not to prosecute a charge.

## **8 PROCEEDINGS BEFORE THE DISCIPLINARY COMMITTEE**

- 8.1 In order to commence a prosecution before the Disciplinary Committee, the L&E Secretary shall send a letter to the Chairman of the Disciplinary Committee enclosing:
- (i) a copy of the charge letter; and
  - (ii) a copy of any reply from the Defendant to the charge letter;
- asking him to convene a Disciplinary Hearing before the Disciplinary Committee.
- 8.2 The L&E Secretary and the Chairman of the Disciplinary Committee shall liaise to schedule a date for the Disciplinary Hearing. At least 21 days prior to the Disciplinary Hearing the L&E Secretary shall give the Defendant notice of the date, place and time of the Disciplinary Hearing and the composition of the Disciplinary Committee for that Hearing.
- 8.3 The Laws and Ethics Committee shall notify the Defendant of the nature of the evidence and the name(s) of the witness(es) that will give the evidence that it intends to submit in support of the charge, and the Defendant shall notify the Laws & Ethics Committee of the nature of the evidence and the name(s) of the witness(es) that will give the evidence which he intends to submit in defence of the charge. Such notification shall be made by a date specified by the Chairman of the Disciplinary Committee (and notified to the parties by the L&E Secretary), which date shall be at least 14 days before the date of the Disciplinary Hearing.
- 8.4 Save where the Disciplinary Committee orders otherwise, all proceedings of the Disciplinary Committee shall take place in private.
- 8.5 Every person responding to enquiries made by the Laws and Ethics Committee or the Disciplinary Committee or giving evidence before the Disciplinary Committee must give full and truthful evidence.
- 8.6 The Defendant shall have the right to be represented by legal counsel of his choice or may be accompanied by a person to speak on his behalf.
- 8.7 At the commencement of the Disciplinary Hearing the Chairman shall ascertain that the person present to answer the charge is the Defendant or his representative and the charge shall then be read out or summarised along with the Defendant's response to the charge. The Chairman shall then state the procedure to be followed at the hearing and any preliminary issues shall then be raised and resolved.
- 8.8 Following the Chairman's introduction of the hearing the representative of the Laws and Ethics Committee shall present the evidence in support of the charge to the Disciplinary Committee. Subject to Rule 8.21, the Laws and Ethics Committee shall be entitled to call such witnesses and to submit such evidence as it wishes. The Defendant shall have the right to challenge all evidence offered in support of the charge including cross-examining all and any witnesses called on behalf of the Company.
- 8.9 The Laws and Ethics Committee shall bear the burden of proving the charge on the balance

of probabilities, unless the Disciplinary Committee rules that the charge includes an allegation of dishonesty, in which case the Laws and Ethics Committee shall bear the burden of proving the charge beyond a reasonable doubt.

- 8.10 Following the presentation of the case on behalf of the Laws and Ethics Committee the Defendant shall then have the right to present his case to the Disciplinary Committee. The Defendant shall be entitled (subject to Rule 8.21) to call such witnesses and to submit such evidence as he wishes. The Laws and Ethics Committee shall have the right to challenge all evidence provided by the Defendant, including cross-examining any and all such witnesses.
- 8.11 Once the Defendant has completed the presentation of his case the Laws and Ethics Committee shall make its closing submissions in support of the charge. The Defendant shall then have the right to make closing submissions. Upon the conclusion of closing submissions the Disciplinary Committee will consider its verdict in private.
- 8.12 The Disciplinary Committee shall consider in private whether or not the charge is proved. Upon reaching its decision the Chairman shall reconvene the Disciplinary Hearing and inform the parties of the Disciplinary Committee's finding. If the Disciplinary Committee finds any charge proved against the Defendant the Laws and Ethics Committee shall have the right to present submissions to the Disciplinary Committee on the Defendant's prior disciplinary record and the Defendant shall have the right to present submissions on matters forming a plea in mitigation.
- 8.13 Having heard such submissions the Disciplinary Committee shall consider the appropriate Sanction in private. In considering the Sanction to be imposed the Disciplinary Committee shall have regard to:
- (i) the Offence;
  - (ii) any plea in mitigation from the Defendant;
  - (iii) any report from the Laws and Ethics Committee on the Defendant's previous disciplinary record;
  - (iv) any previous Sanctions imposed for similar offences on this or another Defendant; and
  - (v) any other fact or matter which the Disciplinary Committee, in its absolute discretion, considers appropriate.
- 8.14 Once the Disciplinary Committee has reached a decision the Chairman in his absolute discretion may either reconvene the hearing and deliver the decision or deliver the decision in writing within a reasonable period of time.
- 8.15 In reaching its decisions, whether on liability or Sanction, there is no requirement that the Disciplinary Committee be unanimous. It is sufficient if a majority of the Disciplinary Committee favour a particular conclusion. No minority opinion or dissenting judgment shall be produced and the Disciplinary Committee shall give no indication to any party that its decision was other than unanimous.
- 8.16 The Disciplinary Committee shall make a record of the decision, which shall include:
- (i) in relation to each charge, its decision as to whether the charge was proved;
  - (ii) the findings of fact on which such decision was based;  
and in addition in respect of each charge that was found to be proved:
  - (iii) its decision as to any Sanctions to be imposed;
  - (iv) its decision as to publication of its findings; and
  - (v) a note of the reasons for its decision.
- 8.17 Within a reasonable period of time after the Disciplinary Hearing, the L&E Secretary shall send to the Defendant (by first class post to the Defendant's last known address) a copy of the Written Record.
- 8.18 If within 14 days of sending the Written Record the L&E Secretary receives a written request

from the Defendant, the L&E Secretary shall send to the Defendant as soon as reasonably possible the note of the reasons for the decision reached by the Disciplinary Committee.

- 8.19 In a case where any charge was found to be proved by the Disciplinary Committee, the L&E Secretary shall also send to the Defendant a summary of the provisions of these Disciplinary Rules concerning his right of appeal.
- 8.20 Any appeal against the decision of the Disciplinary Committee must be filed within 21 days of the date of receipt of the Written Record which shall be deemed to be two working days after despatch, whether or not the Defendant has also requested a note of the reasons for the decision.
- 8.21 In exercising its functions under this Rule, the Disciplinary Committee shall have a broad discretion to regulate its own procedure as it considers appropriate. Without prejudice to the generality of this power, the Disciplinary Committee shall have the power:
- (i) to order the parties to attend a case management hearing in advance of the Disciplinary Hearing where matters of evidence and procedure may be decided;
  - (ii) to order any further directions in order to ensure that the case is prepared properly prior to the disciplinary hearing;
  - (iii) to extend or vary any time limit set out in these Disciplinary Rules;
  - (iv) to adjourn the proceedings to allow time for the submission of further evidence or for any other reason;
  - (v) to ask questions directly of any party or witness;
  - (vi) to direct that cross-examination of witnesses be conducted through questions given to the Chairman of the Disciplinary Committee;
  - (vii) to exclude evidence on grounds of lack of relevance or failure to comply with these Rules or its directions;
  - (viii) To proceed with a Disciplinary Hearing in the absence of the Defendant, provided that the Disciplinary Committee is satisfied that the L&E Secretary has taken reasonable steps to give the Defendant notice of the date, time and place of the Disciplinary Hearing in accordance with Rule 8.2; and
  - (ix) to require that any party disclose documents or other material relevant to the case to another party and/or to the Disciplinary Committee.
- 8.22 The proceedings before the Disciplinary Committee need not follow the strict rules of evidence. The Disciplinary Committee may admit such evidence as it thinks fit and accord such evidence such weight that as it thinks appropriate in all the circumstances.
- 8.23 Subject to the right of appeal set out in Rule 10, a decision of the Disciplinary Committee shall be deemed to be a decision of the Company and shall be final and binding and recognised by all Player Members, officers and officials of the Company.

## **9 ADMISSIONS**

- 9.1 Where, in accordance with Rule 7.8, a Defendant admits an Offence in writing, in considering the Sanction to be imposed the Disciplinary Committee shall have regard to:
- (i) the offence;
  - (ii) the admission by the Defendant;
  - (iii) any written plea in mitigation from the Defendant;
  - (iv) any report from the Laws and Ethics Committee on the Defendant's previous disciplinary record;
  - (v) any previous Sanctions imposed for similar Offences on this or any other Defendant; and
  - (vi) any other fact or matter which the Disciplinary Committee, in its absolute discretion, considers appropriate.

- 9.2 In reaching its decision on the Sanction to be imposed the Disciplinary Committee may, if it chooses and in its absolute discretion, consult with other members of the Disciplinary Panel or obtain external legal advice.
- 9.3 The Disciplinary Committee shall make a record of the decision, which shall include:
- (i) its decision as to any Sanctions to be imposed;
  - (ii) its decision as to publication of its findings; and
  - (iii) the reasons for its decision.
- 9.4 Within a reasonable period of time after the Disciplinary Committee has reached its decision, the L&E Secretary shall send to the Defendant (by first class post to the Defendant's last known address) a copy of the Written Record.
- 9.5 If within 14 days of sending the Written Record the L&E Secretary receives a written request from the Defendant, the L&E Secretary shall send to the Defendant as soon as reasonably possible the note of the reasons for the decision reached by the Disciplinary Committee.
- 9.6 In a case where any Sanction has been imposed by the Disciplinary Committee, the L&E Secretary shall also send to the Defendant a summary of the provisions of these Disciplinary Rules concerning his right of appeal. The provisions of Rule 8.20 shall apply to any appeal against the Sanction imposed.

## **10 APPEALS**

- 10.1 Every Defendant found guilty of an offence by the Disciplinary Committee has the right to appeal the Disciplinary Committee's decision to the Appeals Committee.
- 10.2 The Laws and Ethics Committee has the right to appeal a decision of the Disciplinary Committee to the Appeals Committee but the right of the Laws and Ethics Committee to appeal the decision shall be limited to an appeal against the Sanction (if any) imposed by the Disciplinary Committee. The Laws and Ethics Committee shall not be entitled to request a de novo hearing.
- 10.3 In the remainder of this Rule, the party appealing the decision of the Disciplinary Committee shall be referred to as the "Appellant" and the other party as the "Respondent".
- 10.4 The Appeals Committee shall comprise at least three individuals appointed by the Chairman of the Board from among the Vice Presidents of the Company, the Board of Directors and members of the Disciplinary Panel. Where, in his absolute discretion, the Chairman considers that there are insufficient suitable persons within those categories available to be appointed, he may appoint a Player Member from outside those categories to the Appeals Committee.
- 10.5 The Appeals Committee shall be constituted as an Arbitration Panel and these Disciplinary Rules shall constitute an agreement in writing with those persons set out in Rule 2.1 for the purposes of Section 5 of the Arbitration Act 1996.
- 10.6 No one may sit on an Appeals Committee hearing a particular case who has had prior involvement with the case or has any relevant interest in the outcome of the case such as is considered a conflict of interest by the Chairman of the Board. Any person who is asked to sit and who may have grounds for thinking that such involvement or interest may exist shall notify the Chairman of the Board at the first available opportunity. Alternatively, any party to the Appeal Proceedings may raise the issue, at which point the Chairman of the Board shall decide whether or not the involvement or interest identified justifies the exclusion of that person from the Appeals Committee. In the event that a person is excluded, the Chairman of the Board shall nominate a replacement.
- 10.7 Any appeal must be filed by submitting a written Notice of Appeal, with copies of all documents relied on in support of the appeal, to the L&E Secretary. The Notice of Appeal shall set out the decision appealed against, the grounds upon which it is submitted that the Disciplinary Committee has erred, and (if applicable) the grounds for requesting a de novo hearing.

- 10.8 The L&E Secretary shall send copies of the Notice of Appeal and of all relevant documents to the Respondent.
- 10.9 Failure to comply with the requirements of Rule 10.7 shall constitute grounds for summary dismissal of the Appeal by the Appeals Committee.
- 10.10 Within 21 days of receipt of the Notice of Appeal the L&E Secretary shall request the Chairman of the Board to convene an Appeals Committee. Within 14 days of receiving the response to such request the L&E Secretary shall advise the parties to the appeal of the composition of the Appeals Committee and of the date, time and venue of the hearing of the Appeal.
- 10.11 If the Appellant requests a de novo hearing the Appeals Committee shall consider the application on the basis of written submissions alone.
- 10.12 If the Appellant can show good cause, the Appeals Committee shall order a de novo hearing, which shall follow as nearly as possible the procedures of the Disciplinary Committee set out at Rules 8.7 to 8.15 inclusive. If the Appellant cannot show good cause, the burden of proof at the Appeal Hearing will be on the Appellant to prove on the balance of probabilities, that the Disciplinary Committee erred in finding the charge proved or imposed an inappropriate or excessive Sanction.
- 10.13 The Appeals Committee shall have broad discretion to regulate its own procedure. After its appointment it shall order such directions as it considers appropriate. Without prejudice to the generality of its powers it shall have the same powers as are given to the Disciplinary Committee under Rule 8.21 above. The provisions of Rules 8.4, 8.5, 8.6, 8.15, 8.16, 8.17, 8.18 and 8.22 shall apply to the proceedings of the Appeals Committee as they apply to proceedings of the Disciplinary Committee, with any necessary changes made mutatis mutandis.
- 10.14 The Appeals Committee shall have absolute discretion to admit or refuse any new evidence tendered by any party and also to adjourn the proceedings for the purpose of taking new evidence if it considers it appropriate.
- 10.15 Having considered all of the evidence presented to it, and having allowed the parties to the Appeal an opportunity to make submissions in all relevant matters the Appeals Committee will consider its decision in private.
- 10.16 For the avoidance of doubt, where the Appeals Committee decides to impose a Sanction upon the Defendant, it may impose any or all of the Sanctions set out at Rule 11 and shall not be fettered in its choice of Sanction by the Sanction imposed by the Disciplinary Committee.
- 10.17 A decision of the Appeals Committee shall be deemed to be a decision of the Company and be final and binding and recognised by all Player Members, officers and officials of the Company.

## **11 SANCTIONS**

- 11.1 If the Disciplinary Committee or the Appeals Committee find the Offence has been proved it may impose upon the Defendant one or more of the following sanctions:
- (i) expulsion from Player Membership of the Company;
  - (ii) suspension from Player Membership of the Company for a specified period of time, or, in the case of a non-member, a bar on that individual becoming a Player Member of the Company for a specified period of time;
  - (iii) suspension from participation in one or more of the competitions of the Company for a specified period of time;
  - (iv) a reprimand or censure; and/or
  - (v) a fine up to a maximum of £500.
- 11.2 If the Defendant is an Affiliated Club, Rules 11.1 (i) and (ii) shall take effect as cancellation of the club's affiliation, or suspension of the club's affiliation for the specified period,

respectively.

- 11.3 Any Sanction imposed by the Disciplinary Committee shall take effect as soon as the time for appeal has elapsed. In the event that the Defendant has filed a Notice of Appeal within the time allowed the Sanction shall not take effect until such Appeal has been determined. In the event that a Notice of Appeal is filed out of time the Sanction imposed by the Disciplinary Committee shall take effect unless the Appeals Committee orders otherwise.
- 11.4 Any Sanction imposed by the Appeals Committee shall take effect forthwith unless a different date is specified by the Appeals Committee.
- 11.5 The L&E Secretary shall promptly notify any Association of which the Defendant is a member of the Sanction imposed provided that such notification shall not be made in the case of a Sanction imposed by the Disciplinary Committee until the time for appeal has elapsed. Where the Sanction imposed is expulsion or suspension, upon receipt of notification of the Sanction the Association shall take like action unless the Disciplinary Committee or Appeals Committee specifies otherwise.
- 11.6 The Disciplinary Committee or the Appeals Committee may direct that publication of the whole or such part of the Written Record as it considers appropriate be made in any journal relating to the game of Duplicate Contract Bridge.
- 11.7 The Disciplinary Committee or the Appeals Committee may provide the complainant with such information relating to its decision as it considers appropriate, on condition that the information is kept strictly confidential to the complainant.
- 11.8 The L&E Secretary shall make such notification of the Sanctions imposed by the Disciplinary Committee or the Appeals Committee as may be required under the terms of the Company's affiliation to the European Bridge League or any other supranational bridge organisation.
- 11.9 The Disciplinary Committee or the Appeals Committee may direct that notification of the Sanctions imposed be made to any other National Bridge Organisation or similar organisation.
- 11.10 The Disciplinary Committee or the Appeals Committee may direct that any Affiliated Club of which the Defendant is a member be notified of the Sanction imposed provided that such notification shall not be made in the case of a Sanction imposed by the Disciplinary Committee until the time for appeal has elapsed.
- 11.11 Any Player Member suspended from membership may not play in any Open Competition, during the time in which he is suspended.

## **APPENDIX B – PROVISIONS FOR APPEALS FROM COUNTY DISCIPLINARY DECISIONS**

1. Where the constitution of an Association gives a member the right of appeal to the Company against a disciplinary decision of the Association, any appeal to the Company shall be referred to the Laws and Ethics Committee.
2. When an appeal is referred to it, the Laws and Ethics Committee shall have such of the following options as are consistent with the constitution of the Association concerned:-
  - (a) to constitute itself an Appeal Committee to determine the appeal.
  - (b) to appoint an Appeal Committee to determine the appeal. Such Appeal Committee shall consist of no less than three nor more than five Player Members, who may include one or more members of the Laws and Ethics Committee.
  - (c) to refer the appeal to the Disciplinary Committee, which shall act as an Appeal Committee to determine the appeal
3. The Appeal Committee shall consider and enquire into the matter appealed in such manner as it shall see fit to determine the outcome of the appeal, and to confirm or vary the findings and decisions of the Association, but not so as to impose any penalty which is not within the powers of the Association. Alternatively, the Appeal Committee may decide that the matter shall be referred to the Laws and Ethics Committee as an allegation of an Offence under the Disciplinary Rules (in which event the prior findings and decisions of the Association in relation to the matter shall be nullified and the member so informed).
4. The powers and procedures of an Appeal Committee under this Appendix shall conform as nearly as possible to the powers and procedures of the Appeals Committee under Rule 10 of the Disciplinary Rules.