



**MINUTES OF THE MEETING OF THE EBU LAWS & ETHICS COMMITTEE
HELD AT 40 BERNARD STREET, LONDON WC1
ON WEDNESDAY 10TH NOVEMBER 2004**

Present:	Martin Pool	Chairman
	Richard Fleet	Vice-Chairman
	Steve Barnfield	
	Max Bavin	Chief Tournament Director
	David Burn	
	Jeremy Dhondy	
	David Martin	
	David Stevenson	
	Gerard Faulkner	Vice-President
	Nick Doe	Secretary

1. Election of Committee Chairman for the year 2004/05

Mr Pool was nominated by Mr Fleet and seconded by Mr Barnfield. There being no other nominations Mr Pool was declared duly elected. He thanked the L&E for its continued confidence in him.

2. Election of Committee Vice-Chairman for the year 2004/05

Mr Pool informed the L&E that he found it helpful to have a Vice-Chairman, and nominated Mr Fleet. The nomination was seconded by Mr Barnfield. There being no other nominations Mr Fleet was declared duly elected.

3. Apologies for Absence

Grattan Endicott	Vice-President
Philip Mason	EBU Vice-Chairman
Denis Robson	EBU Chairman

The L&E noted with concern Mr Endicott's recent hospitalisation in Istanbul, and wished him a speedy recovery.

[Secretary's note – a number of items were taken out of order to enable Mr Stevenson, who was delayed, to be present.]

4. Minutes of the previous meeting (8th September)

4.1 Accuracy

The minutes were agreed to be a true record and signed by Mr Pool as Chairman.

4.2 Matters arising

4.2.1 L&E webpage (item 2.2.1); Publication of minutes on website (item 2.2.6)

Mr Stevenson reported that with two exceptions (the finalised *White Book* and the material intended to be of general assistance to Appeals Committees) all the material for the website had now been passed to Mrs Gudge. This included telephone numbers for TDs (on an opt-out basis) and referees (on an opt-in basis).

The L&E noted that there had been some problems with keeping the site updated, and hoped that the L&E material would be put onto the site shortly and maintained promptly when required. Mr Doe informed the L&E that there had been some problems associated with Mrs Gudge's absence in Istanbul at a time when the former member of Aylesbury staff most closely involved with the website had just left the Union's employment, but he was sure that there would be improvements when a successor was in place.

4.2.2 Articles for English Bridge (item 2.2.3)

Mr Stevenson reported that he had a number of articles in mind, and had done some of the writing already.

4.2.3 Disciplinary matters (item 2.2.4)

The L&E noted that the delayed publication had appeared in the October issue of *English Bridge*. It had given rise to some concerns because the wording implied that a common practice in clubs (namely that the package of hands is sent – albeit sealed – to an intended participant in the heat) was a breach of the simultaneous pairs regulations. The L&E noted the steps taken by Aylesbury administration to allay those concerns.

4.2.4 Correspondence with players (item 4.1)

The L&E noted that no response had been received, but that the letter had only recently been sent.

4.2.5 Reports from Tournament Directors – 04.53 (item 7.4)

The L&E noted some observations by Mr Barnfield, who had had to leave the previous meeting before the report in question had been discussed.

5. Orange Book revisions

Mr Stevenson introduced the item by saying that he did not consider that OBESC had worked as well as it had on the occasion of the revisions which had led to the current *Orange Book*. Although he had been able to make recommendations for the L&E's consideration at this meeting, some of them were in the nature of a compromise between different positions held by OBESC members, rather than an agreed recommendation on the part of OBESC as a whole.

5.1 Alerting and Announcements

Mr Stevenson said that he hoped the L&E would find it helpful if he explained the basic purpose of announcements. This is that, instead of an alert in the traditional manner, the partner of the person who makes an announceable bid makes a short specified statement about the bidder's hand. In effect, announcements are a specialist form of alert. They should not cause problems if the particular specified statement happens not to be understood by opponents, because questions could still be asked, as they can about alerted bids. Indeed, announcements are not intended to provide comprehensive explanations – matters of detail would still be disclosed by means of information on convention cards and the answers to questions. He considered that, far from increasing noise as had been suggested, the use of announcements would reduce noise by eliminating the need for questions and explanations in a significant number of cases.

Mr Stevenson indicated that other OBESC members had been in favour of more extensive announcements than was reflected in the compromise recommendation. Mr Martin said that he favoured announcements of all NT calls, all transfers, all two-level openings, and all prepared minor-suit openings, and could be persuaded either way on the subject of doubles. Mr Burn considered that it was desirable to include within the scope of announcements as many common situations as possible, but he did not think that announcements could realistically be extended to doubles. He thought that complicated sets of rules should be avoided, and that it was essential for there to be a gentle approach to a transitional period while players were getting used to the new rules. Mr Stevenson noted that the main difference between the two schools of thought of those who advocated announcements was that he felt that players would more readily get used to announcements if they were initially introduced in only a relatively small number of situations; if they “sold themselves”, as he thought they would, their scope could easily be expanded at a later date. Messrs Burn and Martin, however, considered that the introduction of announcements in a much larger number of situations would be beneficial.

It was noted that the actual specified form of announcements was likely to be brief, and might take the form of a statement which would not be regarded as adequate disclosure if used on its own on the convention card. It was also noted that if announcements were applied to methods such as transfers, they would be confined to methods which are strictly transfers, i.e. where the implied suit is 100% guaranteed. Two-way methods (e.g. where a 2♦ response to 1NT shows ♥s in a majority of cases, but shows something else – such as a strong balanced hand – in a minority of cases, distinguished by a specified continuation), which are strictly “puppets” rather than transfers, would continue to require an alert.

Mr Bavin considered that there was a danger of making changes to something that worked well enough under present arrangements (“if it ain’t broke...”). For example, he saw no reason to introduce announcements of NT ranges, because the present regulation, putting the onus on the opponents to find out such things in advance, meant in his opinion that in England we do not have the problems associated with different NT ranges which had led to the introduction of announcements in America. He did not see the benefits of introducing announcements.

Mr Fleet considered the whole concept misconceived. He would rather encourage compliance with the current regulations with regard to convention cards. He also considered that announcements would constitute another level of complexity in the regulations, which would be likely to deter players from progressing from social to organised bridge, or from club to tournament bridge. He disagreed that announcements would not increase noise levels, and worried about the difficulties which would be experienced by players who had hearing difficulties. He was concerned at the potential increase of misinformation and unauthorised information problems. He was also disappointed at the lack of detailed recommendations – there was obviously a wide gap between the positions of Messrs Martin and Stevenson, and he did not think that the recommendations which had been produced were specific enough to vote on.

Mr Barnfield said that everyone appeared to be agreed that greater simplicity was desirable, but there seemed to be little common ground as to what constituted greater simplicity. Mr Stevenson pointed out that simplicity was not the only objective – in order to achieve a more appropriate set of alerting (and/or announcing) rules, some loss of simplicity might be involved.

After a lengthy discussion Mr Pool indicated that he considered a vote on the principle of the introduction of announcements to be a sensible way of making progress. A proposal from Mr Martin, seconded by Mr Stevenson, that announcements be introduced to replace the traditional type of alert in some situations, the details to be decided later, was approved by 5 votes to 2.

A further discussion then ensued, which included consideration of announcements of 1NT opening bids, Stayman and red suit transfer responses, potentially short and/or artificial minor-suit openings, and a suggestion that all opening bids could be announced. It was eventually agreed that it was not going to be possible to agree comprehensive proposals at this meeting. Instead, Mr Burn’s offer to produce a list of options for announcements, for circulation prior to the next meeting, was gratefully accepted. The need to produce a coherent scheme from the various possibilities was noted.

A proposal from Mr Dhondy, seconded by Mr Fleet, that as a minimum:-

- (a) natural 1NT openings should be announced by stating the range; and
- (b) red suit transfers (i.e. ♦s to ♥s and ♥s to ♠s) should be announced:-
 - in response to a natural 1NT opening;
 - where there has been no intervention; and
 - where the transfer guarantees at least 5 cards in the major suit concerned

was approved unanimously. (Note – the proposal did not specify the exact form of the announcement in the case of red suit transfers).

The L&E considered that it was possible to make some progress on alerting in advance of final agreement on announcements, and a number of proposals were put to the vote.

A proposal from Mr Martin, seconded by Mr Burn, that the basic alerting rules should be as follows:-

You must alert a pass or bid if

- (a) it is not natural; or
- (b) it is natural but has a potentially unexpected meaning

was approved *nem con*. (Note – the proposal effectively amalgamates the present alerting rules in *Orange Book* 5.2.1 (b) and (c), with simplified wording; it does not apply to doubles; and does not address the question of any exceptions to the basic rules).

A proposal from Mr Martin, seconded by Mr Dhondy, that, subject to any changes required by decisions yet to be made concerning announcements:-

In principle no calls above 3NT should be alerted except for:-

- (a) artificial opening bids;
- (b) lead-directing passes; and
- (c) lead-directing doubles that ask for the lead of a suit other than the suit doubled

was approved by 5 votes to 2.

A proposal from Mr Dhondy, seconded by Mr Martin, that as an exception to the basic alerting rules already agreed, “fourth suit forcing” should not require an alert, was approved by 5 votes to 1. (Note – for the purposes of the proposal, “fourth suit forcing” means the artificial use of the fourth bid by a side, where all four bids are in different suits; other sequences which may be described as “fourth suit forcing” are not covered).

A proposal from Mr Stevenson, seconded by Mr Martin, that as an exception to the basic alerting rules already agreed, a 2NT strong enquiry response to a natural weak two opening should not require an alert, was approved *nem con*.

Following a discussion of the OBESC proposals in relation to doubles, which had suggested a distinction between first round and later doubles, a proposal by Mr Fleet, seconded by Mr Burn, that the regulations should not differentiate between doubles on the first round of the auction and later doubles, was approved by 5 votes to 1.

A proposal from Mr Fleet, seconded by Mr Barnfield, that the basic alerting rules for doubles should be as follows:-

- (a) a double of a natural suit bid which is for takeout should require no alert; other doubles of natural suit bids should be alerted;
- (b) a double of a bid of no trumps which is for penalties should require no alert; other doubles of no trump bids should be alerted;
- (c) a double of an artificial suit bid which shows the suit doubled should require no alert; other doubles of artificial suit bids should be alerted;

and that for the purposes of (a) a form of words should be devised to include with natural suit bids opening bids of one of a minor suit which are in principle natural, but may be made on fewer than three cards in the suit (i.e. including “short” clubs and Precision diamonds, but not strong clubs or diamonds or “either-or” clubs, none of which are “in principle natural”)

was approved *nem con*.

Following a discussion on the subject, a proposal from Mr Martin that 1NT openings which are in principle natural, but may be made by agreement on some hands which contain a singleton, should not be alerted, but that a statement “may contain a singleton” should be added to the range announcement, was approved *nem con*.

Mr Fleet asked that the question of other agreed distributional constraints for 1NT openings be re-examined, and it was agreed to discuss the matter further once further progress on announcements had been made.

5.2 Permitted methods

The L&E considered correspondence from the Chairman of the Welsh Bridge Union Laws & Ethics Committee, expressing the view that a decision not to publish a successor to Level 3 would be a mistake. The L&E also noted that the effect on Counties and Clubs of any such decision had been the subject of considerable comment at Council. Mr Stevenson said that he was worried that the fact that a decision had been made in principle not to play EBU events at Level 3 had been wrongly interpreted as a decision not to produce a detailed successor to Level 3 for the benefit of other sponsoring organisations, notably those which were part of the EBU, but also others such as the WBU. No such decision had yet been made. He considered that a decision should now be made as to whether to publish a successor to Level 3 or not, and provided suggested wording for a resolution not to do so, which recognised that the needs of other sponsoring organisations had been considered.

The L&E noted that one possibility for those who wished to play at level 3 was to use *Orange Book 1998* vintage Level 3 even after the *Orange Book 1998* had been superseded by the 2006 version.

A proposal from Mr Martin, seconded by Mr Burn, that successors to Levels 2 and 4 should be fully documented in the new *Orange Book*, and that when the content of those levels had been agreed, a decision should then be made as to whether it was necessary to produce an intermediate level for clubs and others, and if so how to promulgate it, was approved by 7 votes to 1.

The remainder of the item was deferred to the next meeting due to lack of time.

5.3 Other amendments

5.4 Detailed drafting and presentation

5.5 Timetable

Due to lack of time these items were deferred.

6. White Book 2004

6.1 Amendments

The L&E considered the amendments made by Mr Stevenson following the discussion at the previous meeting, and agreed two further minor amendments.

Mr Stevenson raised an ambiguity in the present text. If in a potential mismatch situation a team which has been incorrectly assigned could have been correctly assigned against a number of different teams, it may be that when the actual assignment is compared with the possible correct ones, some combinations produce mismatches and some do not. The current wording does not specify whether there is a mismatch in those circumstances. The L&E decided that there should not be – there should only be a mismatch if all possible correct assignments produce a mismatch when compared with the erroneous actual assignment.

6.2 Index

An amalgamation of versions prepared by Mr Martin and by Mr Barrable was tabled. L&E members wishing to comment were asked to send their comments to Mr Doe within two weeks.

7. Disciplinary procedures

7.1 Updated text of proposed rules

The L&E noted the amendments which had been made, which appeared to address all its significant concerns.

Mr Faulkner highlighted a point which he had raised after the previous meeting, namely the provision allowing the L&E to delegate functions to external legal counsel. The Solicitors had explained that this was included in particular to enable the L&E to delegate the task of prosecuting a case at a hearing. The L&E considered that it was sensible to have such a power, as it might not be reasonable to expect L&E members who were not lawyers to prosecute a serious case in person.

Mr Doe undertook to investigate a point raised by Mr Faulkner concerning the wording of the new provisions for appeals from County disciplinary decisions.

7.2 Timetable for introduction of new rules

The L&E noted that the new regime was expected to come into force on the day following the January Council meeting. It also noted the transitional provisions, namely that any case which had not reached the stage of a decision to convene a formal hearing, by the date the new regime came into force, would be subject to the new rules. If a formal hearing was pending, however, it would take place under the old rules.

7.3 Panel composition pending introduction of new rules

Messrs Dhondy and Fleet having confirmed their willingness to continue as the two elected members normally assigned to the Investigatory Panel, the L&E decided that panel composition should remain unchanged for the limited remaining life of the panel system.

7.4 "Legal papers"

These had been circulated by way of periodic reminder to L&E members, and were noted.

8. Technical matters – penalty cards

The point at issue concerned a defender who in trying to play a card in fact plays two, which both become visible. Assuming that either card could legally be played, Law 58B2 provides that the player designates which card he proposes to play, and the other becomes a penalty card. The question was whether the card not so designated, if not an honour, was a major or a minor penalty card.

The existing interpretation is that a card is only a minor penalty card if, in designating the card to be played, the player does not change his original intention as to which card to play; in that case the exposure of the second card is truly inadvertent. On the other hand, if the card not ultimately designated to be played was the card originally intended to be played, then it was not exposed inadvertently, and must therefore be a major penalty card.

The L&E noted that a TD at the Brighton Summer Congress had ruled that a card was a minor penalty card without enquiry as to the player's initial intentions, on the grounds that a player to whom the consequences were explained would always deny a change of mind. When it had been drawn to his attention, Mr Bavin (as TD in charge of the event) had allowed this ruling to go unaltered on pragmatic grounds. He confirmed, however, that he had not thereby intended, as had subsequently been suggested, to cast doubt on the correct way to rule.

The L&E saw no reason to change the present interpretation. It acknowledged that it was not really satisfactory to have a situation where it was so clearly in players' interests not to be honest in response to questions from the TD. However, it did not consider that the matter presented any major problem, given that changes of mind in such a situation were likely to be rare.

9. Reports from Tournament Directors

Due to lack of time this item was deferred.

10. Date of next meeting

Tuesday 14th December at 1 pm at 40 Bernard Street.

11. Any other business

None.

[Secretary's note – Committee members were asked to retain the papers relating to the matters deferred, which will therefore only be re-circulated to Committee members who specifically request them.]