



**MINUTES OF THE MEETING OF THE EBU LAWS & ETHICS COMMITTEE  
HELD AT 40 BERNARD STREET, LONDON WC1,  
ON MONDAY 26<sup>TH</sup> JULY 2004**

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

1. **Apologies for Absence** Philip Mason EBU Vice-Chairman  
Denis Robson EBU Chairman

2. **Minutes of Previous Meeting (21<sup>st</sup> April 2004)**

2.1 **Accuracy**

The minutes were agreed to be a true record and signed by the Chairman.

2.2 **Matters arising**

2.2.1 **L&E webpage (referred to in item 2.2.1)**

Mr Dhondy reported that he and Mr Stevenson had discussed the content. One question which had arisen was whether the page should be open to all or password-protected. The L&E agreed that access should be unrestricted, but – in the same way as for the digest of appeals – players' names should not appear. Messrs Dhondy and Stevenson were asked to progress the matter.

2.2.2 **White Book 2004 – index (item 2.2.3)**

Mr Martin apologised that he had not yet been able to make progress, although he hoped to do so within the next month or so.

The L&E reconsidered the decision not to make any changes in the official printed version, in the light of the fact that an error had been discovered in the section on correction periods. It was agreed that corrections would be made where appropriate before printing, subject to the L&E having sight of the proposed changes and agreeing them before a final decision was made.

### 2.2.3 *Articles for English Bridge (item 2.2.4)*

Mr Stevenson apologised that this was one of the things he was due to do for the L&E which he had not yet been able to progress.

### 2.2.4 *Disciplinary matters (item 2.2.5)*

Mr Doe reported that he had been in contact with the Editor, and he thought that the item would be published in October. The L&E was concerned that it had taken so long.

#### *Any other matters arising not featuring elsewhere on the Agenda*

### 2.2.5 *White Book 2004 – amendments (item 2.2.3)*

Mr Stevenson raised the question of what constitutes a “gross and manifest error” (to which different correction periods apply). The main point at issue was whether a single (although possibly very significant) error by a computer operator could be considered “gross and manifest”, or whether it fell to be dealt with under the shorter correction periods for scoring errors which were not “gross and manifest”.

The L&E thought that it was appropriate to rewrite the provisions. One possibility was to replace the distinction between “gross and manifest” and other errors with one between errors by officials and those by players. The other was to leave the wording as it is but to provide an explanation of what constitutes a gross and manifest error. The aim should be to have short correction periods for errors which players had had a reasonable opportunity to spot, and longer ones otherwise. It was agreed to keep the present distinction but that Mr Stevenson should draft some amendments to the provisions to explain it.

### 2.2.6 *Appeal to the National Authority (item 3)*

Mr Doe confirmed that he had been in contact with the TD, but had not yet written to the County, as the guidelines that he had thought were in existence needed to be written.

### 2.2.7 *Disciplinary procedures*

Mr Doe reported that with the assistance of the EBU’s Solicitors it was hoped to complete the revisions to the draft Disciplinary Rules shortly so that they could be circulated to Counties for comment in advance of the circulation of papers for the AGM.

## **3. *Disciplinary matters***

### **3.1 *New case (“Nectarine”) – procedural discussion***

The L&E noted that the Investigatory Panel had recently considered a new case in which the following issues arose:-

- a relatively minor incident had been drawn to the Panel’s attention, but when taken together with previous occurrences, a case for disciplinary action could perhaps be made out: to what extent was it appropriate to base a case for disciplinary action on the “history”?
- because the players concerned had come to the L&E’s attention before, it was arguable that members of the Judicial Panel would be unable to hear the case because of prior knowledge: was it appropriate to defer the matter until the new Disciplinary Rules were in force?

The L&E concluded that it was not inappropriate *per se* to consider the history, although care was needed to avoid prejudice to the players by including matters not raised with them at the time, or matters which, even if raised at the time, involved witnesses who were no longer available or who could not be expected to recall the circumstances.

Although a view was expressed that no further action should be taken until a constitutionally sound new procedure was in place to deal with it, the L&E decided that it was appropriate for the Investigatory Panel to continue with such investigations as it considered proper. Meanwhile Mr Doe agreed to obtain the advice of the Solicitors concerning the transition from the old procedures to the new.

### **3.2 Case not proceeded with by the Investigatory Panel (“Kumquat”)**

The L&E considered the papers from a case where the Investigatory Panel had decided not to bring disciplinary proceedings. One of the reasons cited by the Panel had been the fact that the members concerned had resigned their membership, and although the Panel appreciated that this did not preclude them rejoining, it had considered the time, effort and expense involved in mounting a case difficult to justify.

The L&E considered that it was unfortunate to make such a decision on economic grounds. It agreed that at least the right should have been reserved to re-open the matter in the event of the players concerned rejoining the Union or joining one of the other Home Unions.

## **4. Technical matters**

### **4.1 Permitted methods – 1♦ response to 1♠ opening**

The L&E considered whether the methods of a pair fell within the wording of *Orange Book* paragraph 12.3.2 (b) (“artificial, negative or semi-negative”), when the response in question was more in the nature of a waiting bid used on a variety of hands not suitable for any other response (although always denying game forcing values).

A proposal from the Chair that the method be accepted as “negative or semi-negative” pending the completion of the *Orange Book* review, but that the wording be re-examined on that review with a view to making the meaning of the phrase clearer, was carried by 6 votes to 1.

### **4.2 Disclosure of methods – lead styles**

The L&E considered correspondence from Mr Armstrong suggesting that guidance be issued on the terminology by which lead styles are referred to. The styles particularly involved are that which is common domestically (4<sup>th</sup> highest from an honour, 2<sup>nd</sup> from three or more small, top of doubletons) and that which is common in Poland (4<sup>th</sup> highest from length, middle of three (including from an honour), low from small doubletons). The L&E noted that the latter style is known internationally (with the authority of WBF guidance in force for its events) as “2<sup>nd</sup> and 4<sup>th</sup>”.

The L&E did not think that it was appropriate to issue specific guidance as to nomenclature. Players should be assiduous in identifying on their convention cards the agreed lead from particular combinations, and a comprehensible summary should be included on the front of the card, particularly highlighting any departures from common practice in this country. Shorthand descriptions should be avoided as being potentially confusing.

## **5. Psyche record**

The L&E considered the psyche record of a pair and decided to write to the players concerned to draw their attention to the fact that it appeared that there was some danger of implicit understandings arising.

## **6. Orange Book revisions**

### **6.1 Timetable**

The L&E expressed concern that it might not be possible to adhere to the advertised timetable. Mr Stevenson apologised that he had not had the time to devote to the review since the last meeting, but he still considered that it would be possible to achieve the target.

### **6.2 Announcements**

Mr Pool reported that Council had been broadly in favour of the introduction of announcements in some form, and was looking forward to the detailed proposals which the L&E would now try to produce.

The L&E had a further discussion with a view to suggesting parameters for OBESC to develop into specific proposals to be discussed at the next meeting.

Returning to the theme of confining announcements to aspects of a pair's methods which they might rarely be expected to forget, as discussed at the previous meeting, Mr Stevenson noted that in the US, announcements were used for the following:-

- 1NT opening ranges
- red suit transfers (i.e. ♦s to ♥s and ♥s to ♠s)
- short minors (i.e. not guaranteeing 3 cards)

In addition, in South Africa, opening two-bids were announced.

Although some L&E members felt that they would like further time to think about the implications, it was felt appropriate for a list similar to the above to form the basis of detailed proposals.

### **6.3 Alerting**

Mr Stevenson drew to the L&E's attention the fact that it had previously been suggested that the second alerting rule (alert bids which are natural but unexpectedly forcing or non-forcing) might be abandoned. He considered that doing this, combined with removing a relatively small number of calls out of the scope of alerting by announcing them instead, otherwise leaving the basic rules unchanged but introducing a small number of exceptions, would both simplify the system by removing a number of largely redundant alerts, and lead to more accurate alerting. In other words such a regime would more closely follow the essential purpose of alerts, namely to alert the unexpected.

The L&E agreed that the alerting of doubles was the most difficult area. The present rules did not work because whatever their merits they were poorly understood.

It was agreed that there were so many shades of meaning for doubles that announcements could not provide the answer. Although it was possible to stop alerting doubles altogether, it was considered undesirable for there not to be alerts of very strange doubles, and it was also thought helpful for there to be some alerts so that in certain situations the non-alert of a double did provide the opponents with a specific inference as to its meaning.

One possibility was to alert penalty doubles on the first round of the auction and very unusual doubles at any time, but no others.

Whilst a significant change to the alerting of doubles might meet with consumer resistance in the short term, it was felt that this would be better than sticking with the present rule with all the problems it has brought.

It was agreed that OBESC should produce specific proposals on alerting and the other subjects discussed in the light of the points raised.

### **6.4 Permitted methods**

Mr Pool drew the L&E's attention to the fact that an attempt had been made at Council to get Council to reconsider its mandate to the L&E not to permit non-penalty doubles of 1NT openings at Level 3. The L&E noted that Council had declined to consider the matter without notice. The L&E considered that it would be most helpful for Council to consider the matter, as this was one of the areas in which the feedback from the membership had been most critical of the status quo.

The L&E conducted a lengthy discussion on the framework of regulation of permitted methods. It noted that there was considerable pressure from the membership for simplification of the regulations. This did not mean permitting only simpler methods. It was perceived that a large body of players tends to feel largely unaffected by whatever systems policy is in place. There is a group of players at the less experienced end who may need to be protected from exposure to methods which may be too complex for them, whereas at the other end of the spectrum a number of tournament players have pet methods which they are anxious should be or continue to be permitted. The most vociferous critics of the current regulations seem to be the middle-ranking players who feel that they are not able to play what they want to.

The principal difficulties under the current structure were thought to be the dividing line between Level 3 and Level 4 and the fact that a number of congresses incorporate events played at different Levels. Although the latter is a matter for the Tournament Committee, the L&E was

strongly of the view that there should be one Level of permitted conventions applicable to all events at a particular congress (except for lower-flighted events or other events specifically designed for less-experienced players).

The L&E considered the possibility of playing the vast majority of EBU events at one of only two defined Levels. It had already been considered impracticable to amalgamate Levels 3 and 4 in the sense of devising something which was part way between the present Level 3 and the present Level 4. It was therefore acknowledged that a proposal to reduce to two Levels would effectively mean keeping Levels 2 and 4, and abandoning Level 3. Whilst this had a measure of support, it was considered that something in the middle would still be appropriate for clubs. Whilst clubs are the sponsoring organisation of their own events, and thus have the authority to devise their own arrangements, some L&E members thought that it was unhelpful for the L&E to contemplate removal of a Level which many clubs use. It was generally agreed that it was appropriate to endeavour to empower clubs and other sponsoring organisations to choose a systems policy which suited their own needs, but it was not obvious precisely how to achieve this. One possibility would be to publish the proposed two Levels in the Orange Book, but to devise some other means of assisting clubs with tailoring a policy to their own requirements.

At the end of the discussion a proposal was made by Mr Martin, seconded by Mr Burn, that the L&E should consult with the Tournament Committee about the possibility of reducing the number of Levels of permitted methods for the vast majority of EBU events to two, broadly equivalent to the present levels 2 and 4, whilst acknowledging that there might be a small number of tournaments for which special arrangements would have to be devised. The proposal was carried by 5 votes to 3.

As the next L&E meeting was likely to be before the next Tournament Committee meeting, Mr Doe was asked to speak to Mrs Curtis to ascertain whether she was prepared to ask Tournament Committee members for their reaction prior to the next meeting.

## **7. Zero Tolerance**

*[taken out of order prior to item 6]*

The L&E considered the Zero Tolerance policy operated by Sussex C.C.B.A. Mr Pool introduced the discussion by saying that it provided a mechanism by which more experienced players were encouraged to be welcoming to their less-experienced fellows, whilst affording the latter the chance to raise concerns otherwise than in a potentially confrontational context at the table. All forms submitted were followed up, normally verbally, and in the overwhelming majority of cases no further action was considered necessary. Patterns could however be identified.

Some concern was expressed that records about players were built up under such a system without giving them an opportunity to defend themselves properly.

It was agreed that it was not appropriate to introduce such a system nationally, but that its existence should if possible be drawn to the attention of clubs as one way of addressing a perceived problem, which had had some success at local level.

## **8. L&E records**

*[taken out of order prior to item 6]*

The L&E considered two requests for access to L&E records, and took the opportunity to express its opinion as to the length of time for which L&E papers should be retained. It concluded as follows:-

- Disciplinary papers should be kept indefinitely
- Psyche records should be kept for a number of years although not necessarily indefinitely
- Appeal forms should be discarded after, say, two years

The L&E considered that access to records was largely an administrative matter for Aylesbury (although of course no access could be given to disciplinary papers), but that it was appropriate to remove players' names from any material to which access was granted, and to obtain an undertaking from the members to whom access was granted not to disclose any names or other personal information unwittingly provided.

## **9. County Disciplinary decision**

*[taken out of order prior to item 6]*

The L&E noted a three month suspension imposed by a County, and endorsed Mr Doe's response drawing the County's attention to a number of flaws in its procedure.

## **10. Reports from Tournament Directors**

Consideration of the reports was deferred due to lack of time.

## **11. Date of next meeting**

Wednesday 8<sup>th</sup> September at 1 pm.

*[Secretary's note – due to the unavailability of other venues, the meeting will take place at the Waverley House Hotel, 130 Southampton Row, London WC1B 5AG]*

## **12. Any other business**

### **12.1 Style of minutes**

Mr Doe highlighted a decision of the Board to adopt a new style of minutes, which in particular reduced the extent to which individual opinions were attributed. The L&E was generally content with the present style, which to a considerable extent followed the same policy.

### **12.2 Publication of minutes on website**

The L&E noted that some time ago it had approved in principle a proposal to publish its minutes on the website. Mr Doe undertook to investigate whether there was any reason why this could not now be implemented, and to liaise with Mrs Gudge and others as necessary.

### **12.3 Publication of disciplinary decisions**

Mr Stevenson raised a question as to the extent to which it is appropriate to inform a complainant in disciplinary proceedings of the result. The L&E noted that its traditional stance had been to confine information about decided disciplinary cases to the strict publication provisions of the Bye-laws, which did not include informing complainants. It was acknowledged that to inform a complainant might produce effective publication in a case in which the L&E had decided not to publish officially. However, the danger of this might have been exaggerated, and the L&E thought that not informing complainants tended to detract from the principle that justice ought to be seen to be done, and it was somewhat uncomfortable about this.

Mr Doe was asked to raise the point with the Solicitors so that an appropriate provision could be inserted if appropriate in the new Disciplinary Rules.