



**MINUTES OF THE MEETING OF THE EBU LAWS & ETHICS COMMITTEE  
HELD AT YOUNG CHELSEA BRIDGE CLUB, GOLDHAWK ROAD  
ON WEDNESDAY 23<sup>RD</sup> OCTOBER 2019**

<b>Present:</b>	Heather Dhondy (HD)	Chairman and Elected Member
	Robin Barker (RB)	Deputy Chief Tournament Director
	David Burn (DB)	Elected member
	Jeremy Dhondy (JD)	EBU Chairman
	Frances Hinden (FH)	Vice Chairman and Elected Member
	Gordon Rainsford (GR)	EBU Chief Executive
	Tim Rees (TR)	Elected Member
	Alan Wilson (AW)	Elected Member
	Nick Doe	Secretary
<b>Apologies:</b>	Sarah Bell (SB)	Elected member
	Ian Payn (IP)	EBU Vice Chairman
	Martin Pool (MP)	Elected member

HD opened the meeting by paying tribute to two great servants of the Committee whose deaths had occurred since the last meeting.

Max Bavin had been a member of the Committee as Chief Tournament Director for 26 years and his contribution to the work of the Committee had been immense.

Steve Barnfield had been an elected member of the Committee for more than fifteen years and its Chairman for six. He had subsequently served as Pro Bono Advisor, and his contribution had been recognised earlier this year in the receipt of the EBU Silver Award.

## **2 Minutes of the previous meeting**

### **2.2 Accuracy**

4.4 ND drew attention to the fact that an amendment agreed by email had not in fact been made in the version circulated. The words “lifetime ban” should have been changed to “revocation of membership”.

Subject to this change, the minutes of the meeting of 22<sup>nd</sup> May 2019 were approved and signed.

### **2.3 Matters arising**

#### **2.3.1 White Book changes (items 5.3 and 5.5)**

The Committee noted that the changes to sections 1.5.1 (Best Behaviour at Bridge) and 8.16.4 (Hesitation Blackwood) which had been discussed had been agreed and incorporated in the 2019 version which had come into force on 1<sup>st</sup> August. RB took the opportunity to mention that it had

been suggested that the White Book guidance on the consequences of the breakdown of a claim statement may be in conflict with a WBFLC minute which was still in force. There had been correspondence with Laurie Kelso, and the matter would be raised next time the Committee considered the White Book.

**ACTION: RB**

#### 2.3.2 Blue Book changes (item 5.4)

The Committee noted that the change to section 7E3 (1NT overcalls at Level 4), to permit as an overcall any single meaning permitted for a 1NT opening bid, had been incorporated in the 2019 version which had come into force on 1<sup>st</sup> August.

#### 2.3.3 19.006

RB confirmed that he had spoken to the TD who had taken the Committee's views on board.

### 3 Appeals to the National Authority

None this time.

### 4 Disciplinary Matters

#### 4.1 Mandelbrot

The statistical expert's report had been received and circulated. It was decided to ask him to clarify some aspects.

The Committee agreed in principle to proceed to a prosecution, and MP would be asked for his advice once the statistical expert had responded.

**ACTION: ND**

#### 4.2 Pythagoras

A club had held a disciplinary hearing into an allegation of changing scores on scoring tablets, and had expelled a member and warned another. There had been no appeal, but the matter had come to the Committee because the club (with the support of the relevant County Association) had considered the matter to be serious enough that the competent authority should consider whether wider disciplinary action was merited.

The Committee decided to refer the matter to the Prosecution Panel.

**ACTION: ND**

#### 4.3 Napier

The defendant had admitted the charges and the Disciplinary Committee had imposed a sanction of six months' suspension from EBU competitions, to be reduced to three months if the defendant apologised to the TD in charge and to the members of the Appeals Committee (which he had done).

In email exchanges the Committee had strongly deprecated this element of "plea-bargaining", believing that an apology was meaningless if it had to be asked for.

The sanction imposed had caused another difficulty in that it was so rarely imposed that its precise scope was not clear (in terms of whether County, licensed and BGB events were included). The matter had been considered by the Officers of the Board who had concluded that such events were within the scope of the suspension.

The Committee considered that this sanction was intended to enable a ban from (say) the next running of a congress at which the offender had behaved badly, and that if the offence was

sufficiently serious to warrant a ban from all EBU events, a suspension of membership was more appropriate.

The Committee decided to recommend to the Board approval of the following Bye-law change:

Disciplinary Rule 11.1(iii) (which currently reads “suspension from participation in one or more competitions of the Company for a specified period of time”) to be changed to “a ban on participation in one or more specified competitions of the Company for a specified period of time”.

The Committee considered that a Disciplinary or Appeals Committee ought to have the power to ban an offender from playing with a particular partner and decided to recommend to the Board the inclusion of the following additional sanction in Disciplinary Rule 11.1:

“a ban on partnering one or more specified individuals in all competitions for a specified period of time”

JD informed the Committee that the Board was due to consider unrelated Bye-law changes at its meeting next week, and that he thought that it would be uncontroversial for the Board to consider the Committee’s recommendations at the same time.

*Update: The Board considered this and decided to propose these changes at the 2019 AGM.*

**ACTION: ND**

#### 4.4 Dispute between a member and a club (1)

A member had complained about the actions of a club and the matter had been considered by the Officers. They had decided to request the club’s comments, and in response the club had asked for help in dealing with what they regarded as a difficult member.

The Committee considered that some of the actions of both parties were open to criticism, but did not think that any action by the Committee was appropriate. However, since both parties were actively seeking the EBU’s assistance, they would be offered the assistance of the EBU Mediation Service. If either party declined, no further action would be taken.

**ACTION: ND**

#### 4.5 Dispute between a member and a club (2)

A member had complained about the actions of a club and the matter had been considered by the Officers, who had decided that it was not appropriate for the EBU to become involved. The Committee confirmed that it was helpful to see the main correspondence in such cases.

#### 4.6 Procedural matters

The Committee approved the following amendments to the Disciplinary Recommendations document:

- A short statement to make it clear that the involvement of the Secretary, in a purely administrative capacity, in the prosecution process, did not preclude him being the impartial EBU employee handling communications between the parties at later stages of a disciplinary case.
- A short statement discouraging Disciplinary or Appeals Committees from including any element of plea-bargaining in their decisions on sanctions.
- A new section providing information to Disciplinary and Appeals Committees about the scope of sanctions and the bodies to which notification of sanctions was made. (The Committee noted that minor amendments to this section would be needed in consequence of the Bye-law changes recommended at item 4.3).

The Committee also decided to remove references to the dates on which certain sections of the document had been approved.

The Prosecution Panel in the Napier case had indicated that they considered the information provided to them to be incomplete (the bad behaviour had followed an Appeal but the Panel had not been provided with a copy of the Appeal form). The Committee considered that Prosecution Panels should be provided as routine with everything that was arguably relevant and they could then decide what they considered to be actually relevant. Although they could ask for something that they knew existed but had not seen, it was preferable to avoid the necessity for this and to provide them at the outset with everything they might need.

#### 4.7 Review of Disciplinary and Prosecution Panels for 2020

ND was asked if he was aware of anyone who no longer wished to serve. He was not, although one member in poor health might not wish to continue. He was asked to write to all members of the Panels to ascertain members' willingness to continue to serve.

*JD withdrew for the remainder of this item.*

JD had expressed an interest in joining one of the Panels when his term of office as EBU Chairman came to an end at the forthcoming AGM. The Committee decided to recommend to the incoming EBU Chairman that his name be added to the Prosecution Panel.

Another EBU member had also expressed a willingness to serve. The Committee decided to await news of any vacancies before making a decision. HD agreed to speak to him.

**ACTION: HD, ND**

## 5 **Technical Matters**

*Secretary's note – this item minuted in the order in which matters were discussed, so the numbering differs from that in the Agenda.*

### 5.1 Major discussion of possible Blue Book changes for 2020 – Alerting and Announcements

HD noted that a number of suggestions had been considered over the past couple of years, but now was the time to address the question of the changes the Committee was inclined to make for 2020 to enable all the details to be dealt with by the May meeting.

Some papers circulated prior to the meeting had disappeared in the post so most members had not seen everything that they should have prior to the meeting. The Committee considered written suggestions from FH and AW, and the paper on doubles prepared by DB for the previous meeting. A note of the specific proposals previously considered was also available.

AW considered that announcements worked well for tournament players and that it might be appropriate to extend them, but he was less sure that such an extension would be welcome in clubs. JD observed that club players tended to be unsure what the regulations required, so they just announced what they thought was helpful, and this did not necessarily work badly in practice.

FH considered that any new rule needed to be capable of being expressed much more succinctly than the current two and a half pages. DB considered that there were a number of common situations where an alert was currently required for something that was relatively commonplace. Opponents of players who were playing something really unusual in the same position therefore got no benefit from their opponents' alert – they had to remain in ignorance, or risk creating potentially damaging UI for their side by asking, if the answer was that the commonplace methods were in use after all. The current regulations were in urgent need of amendment to ensure that players were able to obtain the full benefit of the full disclosure of their opponents' methods that the Laws require. If in the process the burden of UI was transferred to the alerting side, that would be beneficial.

FH considered that the general thrust of the regulations should focus much more on the principle of “tell the opponents what you play” rather than a whole series of specific rules for what should be announced or alerted. She offered for the Committee’s consideration a new announcing rule for the first round of the auction (defined as at present, i.e. the opening bid and the next three calls, ignoring any initial passes): that anything that was either not natural, or that was natural but had a potentially unexpected meaning (i.e. anything that would currently be alertable) should instead be announced. This could be in conjunction with retaining some of the current announcements, e.g. natural 1NT and 2-level openings.

A number of Committee members thought that there was merit in moving to a situation where things that were currently alertable but commonplace should be announced, so that alerts were much more likely to signify that something unusual was being played. There was also support for a more context-based alerting regulation along the lines of “alert if you think that your opponents need to know”.

GR cautioned that a lot of players are more comfortable with having specific rules. Concern was also expressed at the difficulty for TDs in ruling on what was alertable, although the point was made that club TDs are generally well-attuned to what is commonplace and what is unusual in their club; and disagreements arise under current rules (this was notably so under WBF regulations at the recent World Championships).

A number of Committee members were of the view that the question of doubles was the most difficult one. DB had suggested a three-way regime (alert/announce/do nothing), but he was convinced that if a two-way regime (alert or do nothing) was to be retained, the dividing line had to be between penalty doubles on one side and everything else on the other – the one thing players really needed to know above all else was whether the expectation at the time of the double was that the opponents’ default option was to pass the double out.

FH agreed to put flesh on the bones of her proposals and circulate to Committee members. All committee members’ priority should then be to identify potential problem areas for discussion by email prior to, and then at, the next meeting.

In terms of how the new regulations, once agreed, were to be presented, there was considerable support for FH’s idea of shortening the actual regulations and moving specific instances to an Appendix of examples.

***ACTION: FH, then all members***

#### 5.2 1NT opening denying a 4 card major

The Committee considered a request from a member to clarify the current alerting/announcing status of a natural 1NT opening which denied holding a 4-card major. The TD at an inter-County event had ruled that it was alertable, on the basis that it was natural, but had a potentially unexpected meaning. The Committee was content to respond that the matter would likely be covered in the Blue Book changes for 2020, but in the meantime it was content for the players to do anything that they considered reasonable in the interests of ensuring that opponents were aware of the unusual treatment being played.

***ACTION: ND***

#### 5.3 Dual meaning signals

The Committee considered correspondence suggesting that the prohibition in BB 7F3 on dual-meaning signals (when following suit) was imperfectly understood, even by EBU TDs. ND confirmed that he had ascertained from the TDs concerned that they had given the correct advice in relation to “Italian” signals (odd encouraging, even discouraging, but the rank of the even card sending a suit preference signal). He was asked to respond to the member. Meanwhile a specific example would be considered for the next Blue Book.

***ACTION: ND***

5.4 1D opening

The Committee noted that ND had been asked for advice on the current alerting/announcing status of a 1D opening which was always four cards except when holding 4-1 (either way round) in the majors, with precisely three diamonds and five clubs. On GR's advice he had responded that an alert was required on the basis that the bid was natural but had a potentially unexpected meaning. The Committee was happy that this had been the correct advice.

5.5 1C opening

The Committee considered a 1C opening which was either natural or a hand with 8+ HCP and at least 3-3 in the majors, but with the proviso that hands with a 6-card major or 5-5 in the majors would open a major, so that these hands were excluded. The result was that there was no hand that would open 1C that neither contained four cards in one of the minors nor had a distribution on which it was permitted to open a natural 1NT, thus bringing it within the wording of BB 7B1(j). EBU TDs had been called on a number of occasions with queries as to whether the use of the bid was permitted, and GR thought that they would find a minute helpful.

The Committee confirmed that if the agreement was specifically in place as stated, then it was within BB 7B1(i) and therefore permitted. However, there was some evidence that a particular player persuaded her partners to play the method when they did not really understand what it was that they were being asked to agree to play. If that is found to be the case, then there is no agreement and Law 75D2 is engaged so there is an infraction. In any event TDs should investigate precisely what agreement (if any) has been made by pairs adopting this method, are whether full disclosure of the agreement is being provided to opponents.

5.6 Possible Blue Book changes for 2020 – permitted methods

The only matter which had been discussed recently was the definition of Strong, and the Committee did not wish to revisit this.

5.7 Possible Blue Book changes for 2020 – general and miscellaneous matters

The only matter which had been discussed recently was the Stop card procedure, and the Committee did not wish to revisit this.

At the previous meeting it had been minuted that clubs are entitled to draw up their own arrangements with regard to alerting, announcing and permitted systems, but this is nowhere stated in the Blue Book, and there appears to be a widespread misconception that EBU regulations must apply in affiliated clubs. The Committee considered that the relevant White Book provision (0.3) is intended to apply to matters covered by the Blue Book, but that it would be helpful for an equivalent statement to appear in the Blue Book, space permitting.

The Committee noted that there are some numbering anomalies in the current Blue Book. As editor, FH confirmed that she was happy for these to be addressed provided that someone else was in a position to check all the cross-references. ND indicated that he would be able to do this.

**ACTION: FH / ND**

**6. Applications for new permitted methods**

None this time.

**7. Reports from Tournament Directors**

Not considered this time.

## 8. **Other Business**

### 8.1 Regulations for Rulings and Appeals in EBU Knockout Competitions

The main part of the General Regulations document had been subject to a major revision some two years ago, but the section on Rulings and Appeals had been left untouched, and was now overdue for review. The Committee considered that it should have ultimate responsibility for these regulations but was happy for GR/RB/ND to agree on proposed changes and report back.

### 8.2 NGS abuses

GR informed the Committee that at the request of the new Club Liaison Officer a report had been produced on the incidence of exemptions from NGS processing claimed since the start of the year. This revealed a significant number of instances of exemptions being claimed by partnerships on multiple occasions whereas the regulations state that only unfamiliar partnerships (defined as partners playing together for the maximum of a third time) are eligible.

The Committee was clear that it was not acceptable to turn a blind eye, and that if we are going to have these regulations (a Board decision) they must be enforced.

It was agreed to write to all the players who were revealed to have breached the regulations to inform them that:

- The exemptions claimed were in breach of the regulations which had been widely publicized;
- The sessions affected would therefore be processed for NGS;
- The practice of claiming exemptions in breach of the regulations must cease;
- If players who have been warned to stop do not do so, their ability to claim exemptions will be removed.

The letters to those who appeared to be serial and knowing offenders would specifically mention the possibility of disciplinary proceedings.

### 8.3 Committee papers

The Committee agreed to a suggestion by FH that paper copies of documentation circulated to Committee members should be issued only on an opt-in basis in future, the default being the circulation of electronic copies only. ND undertook to circulate everything for each meeting in one go wherever possible.

### 8.4 End of Committee year

The Committee noted that this was JD's last meeting as he would cease to be an *ex officio* member of the Committee following the forthcoming AGM, when he would relinquish the post of EBU Chairman. The Committee was appreciative of his contribution during his long service both as an elected and then an *ex officio* member.

## 9 **Date of next meeting**

It was not sensible to continue to use Doodle Poll as this service was now charged for. Circulating Committee members by email seemed the best option. ND was asked to circulate members asking for availability for Wednesdays and Thursdays in late January or February, with the Young Chelsea Bridge Club remaining the provisional venue assuming continued availability.

The meeting closed at 4.30pm.