1 INTRODUCTION

1.1 These disciplinary regulations (the “Regulations”) are made pursuant to the powers of England Golf to act as the governing body for amateur golf in England as set out in its Articles of Association.

1.2 The Regulations are the means by which England Golf exercises disciplinary authority in relation to its policies, regulations, codes, practices and its statement of values established in the furtherance of its objects.

1.3 England Golf is an employer and any grievance or disciplinary matters concerning members of England Golf’s staff shall be dealt with under the procedures in its Staff Handbook.

1.4 Disciplinary matters relating to anti-doping and/or safeguarding matters shall be dealt with under the England Golf Anti-Doping Policy and/or the England Golf Safeguarding Complaints and Disciplinary Regulations (as appropriate).

1.5 The laws of England and Wales apply to the Regulations.

1.6 The Regulations may be amended under the authority of the Board of England Golf at any time and at its sole discretion and such amendments shall be effective from the date stated.

1.7 England Golf will not be liable to any person, or body for any loss, however caused, whether direct, indirect, financial or consequential arising out of or in connection with any disciplinary action taken under the Regulations.

2 DEFINITIONS

2.1 In the Regulations the following words shall have the meaning set out opposite them:

“Adult at Risk of Harm” an individual aged 16 or over who:

- is unable to look after their own well-being, property, rights or other interests; and
- is at risk of harm (either from another person’s behaviour or from their own behaviour);

and because he/she has a disability, mental disorder, illness or physical or mental infirmity, is more vulnerable to being harmed than other adults;

“Appeal” an appeal from a decision of the Disciplinary Panel under Regulation 18 of the Regulations;

“Appeal Panel” the panel appointed to hear an appeal from a Decision of the Disciplinary Panel under Regulation 18 of the Regulations;
<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
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<tbody>
<tr>
<td>Articles of Association</td>
<td>The Articles of Association of England Golf in force at the relevant time;</td>
</tr>
<tr>
<td>Board</td>
<td>The Board of England Golf in office at the relevant time under the Articles of Association;</td>
</tr>
<tr>
<td>Chair</td>
<td>The person appointed from time to time to be the Chair of the Disciplinary Panel or the Appeal Panel under the Regulations;</td>
</tr>
<tr>
<td>Complaint</td>
<td>A complaint of misconduct or notification of a concern regarding particular circumstances and/or conduct as referred to in Regulation 4;</td>
</tr>
<tr>
<td>Complainant</td>
<td>The person or body from whom a Complaint has been received by the Compliance Department;</td>
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<tr>
<td>Compliance Department</td>
<td>The Compliance Department so designated from time to time by England Golf and overseen by a designated person as defined by England Golf;</td>
</tr>
<tr>
<td>Contractor</td>
<td>Any person or organisation engaged to supply services to England Golf in the course of his or its own business undertaking”</td>
</tr>
<tr>
<td>Decision</td>
<td>The written decision of the Disciplinary Panel;</td>
</tr>
<tr>
<td>Disciplinary Register</td>
<td>A register of persons maintained by the Compliance Department of England Golf, all of whom are appropriately trained/experienced in the application of England Golf regulations, codes, policies and its statement of values, who may be appointed at the relevant time to the RMG, Disciplinary Panel or an Appeal Panel under the Regulations. Persons appointed to this Register need not be members of a golf club in England;</td>
</tr>
<tr>
<td>Disciplinary Panel</td>
<td>The Disciplinary Panel appointed to hear a Complaint pursuant to Regulation 9;</td>
</tr>
<tr>
<td>England Golf Tournaments</td>
<td>Any tournament, competition or event at any level promoted or administered from time to time by England Golf;</td>
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<tr>
<td>Independent Person</td>
<td>A person who is called on to act as adviser to the Disciplinary Panel;</td>
</tr>
<tr>
<td>Interested Party</td>
<td>Any person, Member, or body that in the sole opinion of the Compliance Department, will or is likely to be affected by the outcome of any Complaint under the Regulations;</td>
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<tr>
<td>Term</td>
<td>Definition</td>
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<tr>
<td>“Member”</td>
<td>A Voting Member of England Golf as defined in the Rules of England Golf and any club affiliated to a Voting Member from time to time;</td>
</tr>
<tr>
<td>“National Anti-Doping</td>
<td>the independent tribunal responsible for determining anti-doping disputes in sport in the United Kingdom;</td>
</tr>
<tr>
<td>Panel”</td>
<td></td>
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<tr>
<td>“Notice of Complaint”</td>
<td>the notice of the Complaint received by the Compliance Department from the Complainant;</td>
</tr>
<tr>
<td>“Official”</td>
<td>any person acting on behalf of England Golf in the administration of an England Golf Tournament or acting on behalf of England Golf in any other manner from time to time, including but not limited to the administration, coaching and organisation of an England Golf team or any promotional or coaching activity whatsoever;</td>
</tr>
<tr>
<td>“Participant”</td>
<td>any Member, Player, Official, Spectator, Volunteer or Contractor from time to time participating in any tournament or other golfing activity promoted or administered by England Golf;</td>
</tr>
<tr>
<td>“Player”</td>
<td>any person who has entered an England Golf Tournament or who has been selected to represent England Golf in any England Golf team, or invited to attend training or assessment by England Golf;</td>
</tr>
<tr>
<td>“Respondent”</td>
<td>the person who is the subject of the Complaint under the Regulations;</td>
</tr>
<tr>
<td>“RMG”</td>
<td>the Referral Management Group established under the Regulations from time to time and having the powers and role as set out under Regulation 6;</td>
</tr>
<tr>
<td>“The Rules of England</td>
<td>the Rules of England Golf as in place at the relevant time;</td>
</tr>
<tr>
<td>Golf”</td>
<td></td>
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<tr>
<td>“Rules of Golf”</td>
<td>the rules governing the playing of golf as jointly issued by the R&amp;A Rules Ltd and the USGA from time to time;</td>
</tr>
<tr>
<td>“Safeguarding Register”</td>
<td>a register of persons maintained by the Compliance Department of England Golf; all of whom are appropriately trained/experienced in the application of England Golf regulations, codes, policies and its statement of values, who may be appointed at the relevant time to the RMG, Disciplinary Panel or to an Appeal Panel under the Regulations. Persons appointed to this Register need not be members of a golf club in England. Persons on this register will be appointed when Complaints relate to, but are not limited to an Adult at Risk of Harm or a Young Person;</td>
</tr>
<tr>
<td>“Spectator”</td>
<td>any person who is admitted on-course at an England Golf Tournament other than as a Player, Official or Volunteer or</td>
</tr>
</tbody>
</table>
who is attending an England Golf Tournament as a spectator only;

“Sports Resolutions” Sport Resolutions (UK) (a trading name of The Sports Dispute Resolution Panel Ltd - Company No. 3351039);

“Volunteer” any person providing assistance or support to England Golf from time to time otherwise as an employee and including but not limited to any person providing assistance at England Golf Tournaments;

“Young Person” any person under 18 years of age.

3 INTERPRETATION

3.1 Any reference to gender includes all genders, any reference to the singular includes the plural (and vice versa), and references to persons includes bodies corporate, unincorporated associations and partnerships (whether or not any of them have a separate legal personality).

3.2 Headings are inserted for convenience only and do not affect the construction of the Regulations.

3.3 Any reference to “working days” in the Regulations refers to a normal working day in England, i.e. Monday to Friday, excluding public holidays. For further clarification of the interpretation of dates for service of documents please refer to Regulation 12.

3.4 If any part of the Regulations is held invalid, unenforceable or illegal for any reason, they shall remain in force apart from that part, which shall be treated as if it has been deleted to the extent to which it is invalid, unenforceable or illegal.

4 JURISDICTION AND DISCIPLINARY MATTERS

4.1 The Regulations relate to all England Golf’s policies, regulations, codes, and practices and its statement of values as from time to time established in the furtherance of its objects (other than its anti-doping and safeguarding regulations) and shall include without limitation the following:

4.1.1 alleged breaches of the Rules of Golf, handicap infringements, disqualifications and any breach of regulations in relation to any England Golf Tournament that has not been dealt with sufficiently or satisfactorily, in the opinion of the Compliance Department and/or the RMG, by an Official.

For the avoidance of doubt, a matter that has already been dealt with by an Official during a tournament may also be considered and dealt with under the Regulations;

4.1.2 complaints regarding the behaviour or conduct of a Participant in or in relation to an England Golf Tournament or England Golf team;
4.1.3 complaints regarding alleged breaches of England Golf’s policies regulations, codes, and practices and its statement of values.

4.1.4 any matter in which a Participant engages in any conduct which is incorrect, inappropriate, unlawful, unsporting or behaves in a manner which is unacceptable or opposed to the general interests of England Golf or the sport of golf or which brings the sport into disrepute including without limitation where a Participant;

4.1.4.1 engages in misconduct, cheating and / or an act of dishonesty; or

4.1.4.2 fails to co-operate with the operation of the Regulations either in so far as it relates to him or her or any other person.

4.2 A Complaint can be notified to the Compliance Department by any person or body which shall include without limitation: a Participant, a member of the public or England Golf.

4.3 For the avoidance of doubt, England Golf does not deal with matters which arise at tournaments/competitions which are not England Golf Tournaments, for example tournaments or tournaments administered by any Members. Any complaints arising out of such tournaments should be directed at first instance to the relevant tournament officials / organising body. If following a full investigation such officials or body consider the matter is serious and if it is deemed appropriate they may refer it as a Complaint to the Compliance Department of England Golf.

4.4 As a general rule, disciplinary matters shall be dealt with at their most local level, so that club or county disciplinary matters shall be dealt with at a club or county level as appropriate, with any appeal to the next level so that matters shall be dealt with as follows:

<table>
<thead>
<tr>
<th>Level at which disciplinary matter arises</th>
<th>Disciplinary body at first instance</th>
<th>Appeal level</th>
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<tbody>
<tr>
<td>club</td>
<td>club</td>
<td>county</td>
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<tr>
<td>county</td>
<td>county</td>
<td>England Golf</td>
</tr>
</tbody>
</table>

5 COMPLAINT AND ROLE OF THE COMPLIANCE DEPARTMENT

5.1 Notice of all Complaints shall be given to the Compliance Department. The Notice of Complaint shall be made in writing as soon as practicable and within 28 days of the incident (or knowledge of the incident by the Complainant) and shall set out details of the Complaint.

5.2 In its sole discretion, the Compliance Department may, having recorded its reasons, process Complaints that have been received after the 28 day period.

5.3 On receipt of the Notice of Complaint, the Compliance Department shall:

5.3.1 acknowledge receipt of the Complaint in writing within 10 working days of receipt of the Notice of Complaint;
5.3.2 commence an initial investigation into the matter to source information and evidence as soon as practicable.

5.3.3 forward a copy of the Notice of Complaint to the Respondent within 15 working days of receipt of the Notice of Complaint and invite a written response from the Respondent within 10 working days;

5.3.4 undertake any further investigation the Compliance Department sees fit in order to ascertain the best course of action to resolve the Complaint or commence disciplinary action.

5.4 Upon completion of the steps set out in Regulation 5.3 and any further investigation undertaken by the Compliance Department, the Compliance Department may take any of the following steps:

5.4.1 decide that no further action is required and the Compliance Department will notify the Respondent and Complainant in writing;

5.4.2 reject the Complaint because it does not fall within the authority of England Golf, and if appropriate refer it to another relevant body;

5.4.3 dismiss the Complaint on the grounds that there is not enough evidence to warrant further action being taken and the Compliance Department will notify the Respondent and Complainant in writing;

5.4.4 dismiss the Complaint on the grounds that it is vexatious or malicious and the Compliance Department will notify the Respondent and Complainant in writing;

5.4.5 refer the Complaint to another authority deemed more appropriate in practice or in law to handle it, including, but not limited to, the police for criminal matters. If an England Golf investigation reveals a possible or actual breach of the law then the England Golf investigation may be suspended. A decision to refer may be made by the Compliance Department alone or by the Compliance Department in consultation with the RMG;

5.4.6 refer the matter for consideration under the England Golf Safeguarding Complaints and Disciplinary Regulations;

5.4.7 refer the matter to National Anti-Doping Panel to be dealt with under the England Golf Anti-Doping Regulations;

5.4.8 on the agreement of the Complainant and the Respondent, deal with the Complaint by mediation, administered by the Compliance Department and/or a member of the RMG or refer the Complaint to Sports Resolutions for final and binding arbitration in accordance with the Arbitration Act 1996 and Sport Resolutions (UK)’s Arbitration Rules. Mediation shall be the preferred course of action where the Complaint is not serious enough to warrant full disciplinary proceedings or is one that has arisen from a wider dispute between the Complainant and Respondent. If such mediation does not resolve the matter then the Compliance Department may then refer the Complaint to the RMG and/or the Disciplinary Panel for resolution;

5.4.9 deal with the Complaint informally by way of advice or information because it is not serious enough to warrant full disciplinary proceedings; and
5.4.10 refer the Complaint to the RMG in order for the RMG to choose the most appropriate course of action.

5.4.11 refer the Complaint to the Disciplinary Panel, to be constituted in accordance with Regulation 10.

5.5 As soon as is practicable, the Compliance Department shall inform the Complainant and the Respondent and any Interested Party or Parties of the course of action taken.

5.6 In the event that a Complaint is withdrawn by a Complainant, England Golf retains the right at its absolute discretion to take any action deemed appropriate against the Respondent under the Regulations.

6 REFERRAL MANAGEMENT GROUP (RMG)

6.1 Where deemed appropriate pursuant to Regulation 5.4.10 the Compliance Department may refer a Complaint to the RMG in order for the RMG to determine the most appropriate course of action.

6.2 The RMG shall be made up of the three members of the Disciplinary Register and / or Safeguarding Register who shall be selected by the Compliance Department but such persons shall not be directly or indirectly connected with any named party involved in the specific Complaint nor have any interest whatsoever in such Complaint.

6.3 Before reaching a decision as to the appropriate course of action the RMG shall have the power to instruct the Compliance Department to carry out any further investigation it deems fit.

6.4 The RMG shall make a decision concerning the appropriate course of action as soon as practicable and in any event within 15 working days of the Complaint being referred to it by the Compliance Department.

6.5 The RMG may take any of the following steps:

6.5.1 decide that no further action is required and instruct the Compliance Department to notify the Respondent and Complainant of the same in writing;

6.5.2 take any of the steps as set out in Regulation 5.4 above;

6.5.3 determine that the Complaint should be dealt with by way of a disciplinary hearing in accordance with the Regulations.

6.6 As soon as is practicable, the Compliance Department shall inform the Complainant and the Respondent and any Interested Party or Parties of the course of action taken by the RMG.

7 DISCIPLINARY MATTERS INVOLVING YOUNG PERSONS OR ADULTS AT RISK OF HARM

7.1 Where a disciplinary matter involves a Young Person or an Adult at Risk of Harm, the Compliance Department, the RMG and the Disciplinary Panel or Appeal Panel
must be mindful of the needs of the person in question and take these into account when deciding upon the format of proceedings or indeed whether any action is taken against such a person.

7.2 Where a disciplinary matter involves a Young Person or Adult at Risk of Harm, the Disciplinary Panel and / or the Appeal Panel shall include at least one member from the Safeguarding Register who is suitably trained at dealing with such Young Person or an Adult at Risk of Harm.

7.3 Any interviews of a Young Person or Adult at Risk of Harm shall only be conducted by suitably trained and experienced persons nominated by England Golf.

7.4 Written permission should be obtained from any parent / carer of a Young Person or Adult at Risk of Harm where such person is asked to provide evidence and / or attend a hearing. Where a Young Person or Adult at Risk of Harm is asked to attend a hearing they shall be afforded the opportunity to do so accompanied by any parent / carer and the Disciplinary Panel shall make sure that the Young Person or Adult at Risk of Harm fully understands the process taking place. In exceptional circumstances, where written permission is not obtained from a parent / carer, assessment should be made of the ability of the Young Person or Adult at Risk of Harm to understand and make their own decisions.

7.5 In all proceedings involving a Young Person or Adult at Risk of Harm the Chair of the Disciplinary Panel or the Appeal Panel or the Compliance Department may vary the standard directions set out in the Regulations in order to take into account the needs of such Young Person or Adult at Risk of Harm and consideration should be given to guidance issued by Sport Resolutions from time to time on ‘Evidence and the Evidence of Children’. This may include without limitation conducting any hearing on paper or providing for evidence to be given by video link.

8 SUSPENSION BEFORE DETERMINATION OF THE COMPLAINT

8.1 The Compliance Department may decide at any time following the receipt of the Notice of Complaint to impose a temporary suspension upon the Respondent. The Compliance Department should refer the matter to the RMG and / or consult with the legal advisors of England Golf prior to taking such a decision.

8.2 A temporary suspension shall not be deemed to be a disciplinary sanction until such time as the matter is determined by the Disciplinary Panel, when it may be taken into account in respect of the imposition of any sanctions.

8.3 Temporary suspension orders will be made where it is considered by the Compliance Department and / or the RMG that such action is appropriate which shall include without limitation the following reasons:

8.3.1 For the protection of the Respondent or other Participants;

8.3.2 In cases involving allegations of gross misconduct;

8.3.3 Where there is a risk to the reputation of England Golf to fail to suspend; and

8.3.4 Where a failure to suspend may impede internal investigations or prejudice investigation by external organisations.
8.4 Suspensions may be imposed for a defined or indefinite period. The nature of the suspension will be communicated to the Respondent in writing. All suspensions will be reviewed on a periodic basis by the Compliance Department and / or the RMG as appropriate.

8.5 A Respondent who has been suspended may apply to the Compliance Department for the suspension to be lifted. The Compliance Department shall refer the matter to the RMG (which shall be comprised of members who have had no prior involvement in the matter) to determine whether the decision to impose a temporary suspension was appropriate in the circumstances and the Compliance Department shall communicate the decision to the Respondent within 10 working days of the application for appeal of the original decision.

8.6 The Compliance Department may communicate the fact of the suspension to any relevant body.

8.7 Temporary Suspensions imposed on a Respondent will apply universally such that a person’s handicap may be suspended and they will not play, coach, spectate or participate in any England Golf activities as indicated to the Respondent in the notice of suspension during the period of suspension.

8.8 Any suspension under this Part will automatically cease if either of the following occurs (whichever is soonest):

8.8.1 the matter has been determined by the Disciplinary Panel under the Regulations; or

8.8.2 subject to Regulation 5.6, the Complaint is withdrawn and no further action is taken; or

8.8.3 the matter is resolved by way of mediation or alternate dispute resolution, which shall include, without limitation, reference of the matter to Sport Resolutions.

9 DISCIPLINARY PANEL

9.1 Where the Compliance Department or the RMG determines that a Complaint shall be dealt with by way of a disciplinary hearing the Compliance Department shall appoint a Disciplinary Panel in accordance with Regulation 10.

10 COMPOSITION OF THE DISCIPLINARY PANEL

10.1 The Disciplinary Panel shall have jurisdiction to conduct disciplinary hearings and impose sanctions upon those persons / bodies subject to the Regulations.

10.2 The Compliance Department shall act as the secretary and administrator for the Disciplinary Panel. No member of the Compliance Department will serve as a member of the Disciplinary Panel. The Compliance Department shall appoint the Disciplinary Panel within 15 working days from the decision of the Compliance Department or the RMG to proceed to a formal disciplinary procedure.

10.3 A Disciplinary Panel will consist of three members. The members of the Disciplinary Panel shall be appointed from the individuals listed on the Disciplinary Register and / or Safeguarding Register. The Disciplinary Panel shall be formed by the Compliance Department, who shall also nominate the Chair of the Disciplinary
Panel. A number of individuals on the Disciplinary Register and Safeguarding Register will be identified as a potential Chair for the Compliance Department to nominate from. The Compliance Department shall appoint those individuals from the Disciplinary Register and Safeguarding Register who it is deemed are the most appropriate / qualified to hear the specific Complaint.

10.4 Upon formation of the Disciplinary Panel, the Compliance Department shall inform the Respondent of its composition.

10.5 The Respondent may object to the composition of the Disciplinary Panel by notifying the Compliance Department in writing of the objections and setting out the reasons for such objections no later than 5 working days from the date of being informed of the composition of the Disciplinary Panel.

10.6 The Compliance Department shall immediately forward any objection received in relation to the members of the Disciplinary Panel to the Chair of the Disciplinary Panel who shall consider the objections and determine whether they are valid or in his/her opinion, or there are no grounds for objection, in which case the Chair shall reject the objection.

10.7 If the objection is made against the Chair of the Disciplinary Panel then another member of the Disciplinary Panel must assess the objection.

10.8 The Compliance Department shall notify the Respondent in writing within 5 working days from the date of receipt of any objection to the composition of the Disciplinary Panel that either:

10.8.1 the composition of the Disciplinary Panel has changed (in which case the Compliance Department shall provide details of the new Disciplinary Panel); or

10.8.2 the composition of the Disciplinary Panel has not changed (in which case the Compliance Department will give reasons why it has not accepted the party’s reasons for objecting).

10.9 The decision by the Chair of the Disciplinary Panel or relevant Disciplinary Panel Participant on the composition of the Disciplinary Panel under this provision shall be final.

11 PRE-HEARING PROCEDURE

11.1 Within 5 working days of the decision of the Compliance Department and / or the RMG to proceed to a disciplinary hearing, the Compliance Department shall notify the Respondent of the disciplinary charge against him/her with specific reference to the rules, regulations or codes alleged to have been breached (the ‘Notice of Charge’).

11.2 The Respondent has 5 working days from receipt of the Notice of Charge to either:

11.2.1 accept the charge acknowledging that Regulation 13.4 shall govern proceedings; or

11.2.2 deny the charge in which case the matter will be dealt with by a full disciplinary hearing.
11.3 If the Respondent accepts the charge the Disciplinary Panel may deal with the case in the Respondent’s absence in accordance with Regulation 13.4. The Respondent is permitted to make written representations in relation to mitigation within 5 working days from accepting the charge.

11.4 If the Respondent disputes the charge then the Compliance Department shall, within 10 working days of the Notice of Charge, inform all parties of the hearing date, place and time which shall be no more than 30 working days after the Notice of Charge.

11.5 All parties must provide any evidence and copies of all documents including witness statements (if any) relating to the Complaint that they wish the Disciplinary Panel to consider in relation to the matter which in the case of the Respondent shall include a written reply to the Notice of Charge to the Compliance Department within 20 working days. The time limits set out in this paragraph may be extended or reduced by agreement between the parties.

11.6 If no evidence and/or documentation is received by either party within the period of 20 working days (or such alternative time limit imposed by the Compliance Department) the Disciplinary Panel may consider the Complaint in the absence of such evidence, and upon the basis of the facts and statements in its possession.

11.7 Each party shall inform the Compliance Department within 20 working days of the Notice of Charge if:

11.7.1 he/she will be legally represented or accompanied by another third party; and

11.7.2 he/she wishes to call witnesses to give evidence and in which case supply a brief summary of such evidence and who he/she intends to have present at the hearing.

11.8 It shall be the duty of the Respondent at his/her own cost to notify and arrange the attendance of any witnesses he/she may wish to call.

11.9 The Compliance Department shall ensure that at least 5 working days prior to the hearing:

11.9.1 it has notified all parties of the date, time and place of the hearing;

11.9.2 the Respondent has been invited to attend the hearing and offered the opportunity of being accompanied by an adviser/legal representative;

11.9.3 it has notified the Respondent about other persons, such as the Complainant and the Compliance Department who may be attending the hearing;

11.9.4 it has confirmed to all parties the names of any witnesses who will attend the hearing; and

11.9.5 it has supplied copies of any evidence and/or information provided by the parties to the Disciplinary Panel and the other parties.

11.10 The Chair of the Disciplinary Panel shall have power to make such further
directions relating to the provision of evidence or the conduct of the hearing as, in his/her sole discretion, are deemed necessary. These may include, but shall not be limited to:

11.10.1 pre hearing meetings of the Disciplinary Panel to agree procedural issues;
11.10.2 production, inspection and/or exchange of documents, witness statements and other evidence;
11.10.3 exchange of skeleton arguments; and
11.10.4 if deemed appropriate, rule that the hearing take place on paper.

11.11 Time limits referred to in relation to disciplinary hearings may be extended or reduced at the discretion of the Compliance Department and / or the Chair of the Disciplinary Panel.

12 SERVICE OF DOCUMENTS

12.1 Each party must send all communications to the Compliance Department who shall distribute copies as appropriate to the Disciplinary Panel and any Interested Parties.

12.2 Any notification, correspondence or any other document submitted under the Regulations may be sent in writing by person, by first class post or registered post or by facsimile or email transmission.

12.3 Any document served under the Regulations will be deemed to be received by the relevant party on a particular day, if it is received by that body or person (as appropriate) at or before 17:00 hours on a business day. If it is received at any time thereafter, or if it is received during a non-business day, it will be deemed to have been received the next following business day (the “Date of Receipt”). Any time periods stipulated in the Regulations are deemed to commence from the Date of Receipt.

12.4 Any documents served under the Regulations shall be deemed to be served:

12.4.1 in person: on that day, if it is delivered on a business day before 17:00 hours, failing which it will be deemed to be served on the next following business day after it is delivered;
12.4.2 by first class post or by registered post: on the second business day after the date of posting; or
12.4.3 by facsimile or email transmission: on that day, if it is transmitted on a business day before 17:00 hours, failing which it will be deemed to be served on the next following business day after it is transmitted.

12.5 All correspondence addressed to the Compliance Department shall be sent to: England Golf, The National Golf Centre, The Broadway, Woodhall Spa, Lincolnshire, LN10 6PU, marked for the attention of the Compliance Department.
13 THE CONDUCT OF HEARINGS

13.1 The conduct of disciplinary proceedings will be in accordance with the principles of natural justice as determined by and consistent with English law.

13.2 Proceedings, findings or decisions of a Disciplinary Panel shall not be invalidated by reason of any minor defect, irregularity, omission or technicality unless such defect, irregularity, omission or technicality amounts to a material irregularity and forms a ground of appeal.

13.3 The standard of proof in all disciplinary cases (including appeals) is the balance of probabilities.

13.4 Where a Complaint is referred to the Disciplinary Panel and the Respondent admits the offence in accordance with Regulation 11.2.1, the matter may be dealt with summarily (i.e. without a hearing) by the Disciplinary Panel who may impose any sanction which a Disciplinary Panel could have imposed had the alleged breach been referred to it and a breach been established to its satisfaction. The conditions for the imposition of such a sanction shall be that:

13.4.1 the Respondent must consent to the matter being dealt with summarily under this Regulation;

13.4.2 the Disciplinary Panel shall give due consideration to any arguments provided in mitigation by the Respondent in accordance with Regulation 11.3; and

13.4.3 there is no appeal against a decision imposed under this provision notwithstanding that a person subject to a summary decision may appeal against the sanction imposed if the Respondent considers it to be disproportionate to the facts of the Complaint.

13.5 The Disciplinary Panel and Appeal Panels will not be obliged to follow strict rules of evidence. They may admit such evidence as they think fit and accord such evidence such weight as they think appropriate in all the circumstances. Where the subject matter of a complaint or matter before the Disciplinary Panel or Appeal Panel has been the subject of previous civil or criminal proceedings, the result of such proceedings and the facts and matters upon which such result is based will be presumed to be correct and the facts presumed to be true unless it is shown by clear and convincing evidence that this is not the case.

13.6 The Disciplinary Panel shall decide any issue by majority and no member of the Disciplinary Panel may abstain from voting.

13.7 The procedure for the hearing shall be flexible and shall be at the discretion of the Chair of the Disciplinary Panel, who may make such Decisions as necessary to ensure the orderly and effective conduct of the hearing, subject to the overriding requirement of fairness. The Chair of the Disciplinary Panel will then outline the basic procedure of the Hearing.

13.8 Usually this will be as follows:

13.8.1 the case against the Respondent will be presented by England Golf, together with relevant evidence, including witness evidence, if appropriate;
13.8.2 the Respondent or their representative will be asked to admit or deny the disciplinary charge and will then have the opportunity to speak, challenge the evidence presented against them, submit their own evidence, call witnesses and make representations to the Disciplinary Panel. The evidence of further witnesses not notified in accordance with the Regulations will be admitted only at the sole discretion of the Chair of the Disciplinary Panel;

13.8.3 before being called, witnesses will not be allowed in the room while evidence is being given;

13.8.4 questions may be put by the Disciplinary Panel to the Respondent and England Golf and each witness on conclusion of their evidence;

13.8.5 the Respondent and England Golf may be able to raise questions in cross-examination;

13.8.6 the Respondent and England Golf will be allowed to make a closing statement to the Panel;

13.8.7 the room will be cleared and the Panel will deliberate and determine whether, on the balance of probabilities, the disciplinary charge has been proved;

13.8.8 the Disciplinary Hearing will reconvene and the Chair of the Disciplinary Panel will announce whether or not the disciplinary charge has been proved unless the Chair of the Disciplinary Panel deems it fit to defer the Disciplinary Panel’s decision in accordance with Regulation 14.1.2;

13.8.9 if the Respondent admits the disciplinary charge or the Panel decides the disciplinary charge has been proved, the Panel will review the Respondent’s previous disciplinary record, where relevant, to consider sanctions and costs;

13.8.10 the Disciplinary Panel will invite the Respondent to set out any mitigating arguments;

13.8.11 the room will again be cleared and the Panel shall determine the appropriate sanction in accordance with the Regulations;

13.8.12 those representing a Respondent at a Hearing may present and sum up their case, but they are not permitted to answer questions put to the Respondent.

13.9 If the Chair of the Disciplinary Panel feels it is necessary, bearing in mind all the circumstances surrounding the case, the Disciplinary Panel may, at its discretion, request an Independent Person to act as adviser to the Disciplinary Panel.

13.10 The Chair of the Disciplinary Panel has the authority to adjourn the Hearing to allow for additional evidence to be presented only if they consider it important and relevant in reaching a decision.

13.11 In exceptional circumstances the Disciplinary Panel may determine that attendance by the Complainant, Respondent and any witnesses may be via conference call or video link, subject to agreement by all parties involved.
13.12 If the Respondent does not attend the Hearing arranged as above, provided that the Disciplinary Panel is satisfied that notice of the hearing was served properly, it may proceed to hear the evidence in the absence of the Respondent.

13.13 In the light of the evidence presented to it, the Disciplinary Panel may find a Respondent guilty of a less or more serious disciplinary charge than originally set out in the Notice of Charge.

13.14 If the alleged disciplinary charge has not been proved, the Chair of the Disciplinary Panel shall so state and the Disciplinary Panel shall dismiss the Complaint.

13.15 The Chair of the Disciplinary Panel has the discretion to adjourn the Hearing for a maximum of 10 working days if at any time they think the interests of justice require it (for example to secure the attendance of a key witness or other important evidence).

13.16 The Disciplinary Panel may reasonably limit cross-examination.

13.17 The Compliance Department shall record Disciplinary Panel proceedings. The proceedings may be audio-recorded.

13.18 The Disciplinary Panel shall not be bound by the rules of Court (or any legislative provision) governing procedures. All hearings shall be conducted in a fair and orderly manner, with each party having a reasonable opportunity to give and call evidence, address the Disciplinary Panel and present their case.

13.19 Except in the case of appeals, a failure to observe the time limits specified in the Regulations shall not nullify any proceedings, but such failure may be a cause for a hearing to be adjourned.

14 THE DISCIPLINARY PANEL’S DECISION

14.1 The Chair of the Disciplinary Panel may:-

14.1.1 Announce the decision of the Disciplinary Panel on the date of the hearing and any sanction to be imposed in accordance with Regulation 15; or

14.1.2 Defer the Disciplinary Panel’s decision to a later date.

14.2 Any deviation from these regulations by a Disciplinary Panel shall not invalidate any finding, procedure or decision unless that deviation raises material doubt as to the reliability of the finding, procedure or decision.

14.3 The Disciplinary Panel shall provide the written reasons of the Decision to the Respondent, the Complainant and England Golf within 20 working days of the Decision.

14.4 The written reasons of the Decision shall include:

14.4.1 The identity and composition of the Disciplinary Panel;

14.4.2 The names of the parties;
14.4.3 A summary of the facts;
14.4.4 The Rule / Regulation on which the Decision is based;
14.4.5 The grounds of the Decision;
14.4.6 The sanction (if any) to be imposed on the Respondent in accordance with the Regulations;
14.4.7 Any order for costs; and
14.4.8 The appropriate appeals procedure in accordance with the Regulations.

15 AVAILABLE SANCTIONS

15.1 The Disciplinary Panel may reject the Complaint or where the Complaint is upheld, impose such sanctions upon the Respondent as it thinks fit including without limitation:

15.1.1 A warning or reprimand in respect of the misconduct or rule breach committed;
15.1.2 A penalty pursuant to clause 24 of the Council of National Golf Unions (CONGU) Unified Handicapping System;
15.1.3 Suspension from England Golf activities including England Golf Tournaments, teams, meetings or other events as a Player, Official, Spectator or Volunteer for a specified or indefinite period;
15.1.4 Exclusion from England Golf activities including England Golf Tournaments, teams, meetings or other events as a Player, Official, Spectator or Volunteer;
15.1.5 Suspension for a specified period or removal from any office held within England Golf;
15.1.6 Exclusion from holding office within England Golf for a specified or indefinite period of time;
15.1.7 Withdrawal of some or all of any golf related financial support or benefits;
15.1.8 A fine not exceeding £100 for an individual Participant payable within any specified period of time. Where such Participant is a Member, the maximum fine shall be £1,000;
15.1.9 A requirement to undertake training or be subject to a period of monitoring / mentoring; and
15.1.10 A combination of any of the above or any other disciplinary action as considered appropriate and in accordance with the Rules and Articles of Association of England Golf.

15.2 The decision taken by the Disciplinary Panel in relation to the sanction to be imposed must be reasonable and proportionate in all circumstances.
15.3 The Disciplinary Panel may order that any part of sanction be suspended for a specified period (not exceeding twelve months). If the person benefiting from a suspended sanction commits another breach of the Rules and regulations of England Golf or is the subject of a further Complaint during the period of such suspended sanction which is subsequently upheld then the suspension of the sanction is automatically revoked and that sanction is added to the sanction pronounced for the new breach.

15.4 Any suspension imposed by a Disciplinary Panel may be backdated to take into account any interim suspension that may have been imposed pursuant to Regulation 8.

15.5 All fines and financial sanctions should be paid within 28 days from the notice of the fine or financial sanction being applied or this failure to pay will be classed as a disciplinary matter and action will be taken by England Golf in accordance with the Regulations. Interest shall be paid at the rate applicable to judgment debts in England from the end of the 28 day period until the actual date of payment.

16 PUBLICATION OF DECISIONS

16.1 England Golf may publish, in an anonymous manner, details of any disciplinary action taken, including publication of any decision made by the Disciplinary Panel where a Complaint is upheld.

16.2 England Golf may at any time during the disciplinary or dispute resolution process notify any other relevant body of any details relating to the Complaint or Dispute as such body may need to know for the proper exercise of its functions including but not limited to Members.

16.3 Where it appears that public knowledge of a Complaint exists, prior to its determination, England Golf reserves the right to confirm the details of such complaint subject to the consent of the Complainant and the Respondent.

17 COSTS

17.1 The Disciplinary Panel may, at its discretion, make an order for the costs relating to the disciplinary action to be paid in such proportion as they may decide by any of the parties. The Disciplinary Panel will not ordinarily make an order for costs without first considering submissions from the relevant parties on the question of costs.

17.2 These costs may include travel and accommodation expenses reasonably incurred by the Disciplinary Panel and the Compliance Department in the preparation and holding of the Disciplinary Hearing and any legal costs incurred by the Disciplinary Panel. In calculating the amount, any legal representation or professional charges incurred by the Complainant (unless the Complainant is England Golf) or the Respondent will not be included.

17.3 Such orders for payments of costs shall not form any part of or influence any fines or other sanctions.
18 APPEAL OF THE DISCIPLINARY PANEL'S DECISION

18.1 Either England Golf or the Respondent has the right to seek leave to appeal the Decision.

18.2 Any disciplinary matter which is appealed at a County level pursuant to Regulation 4.4 shall be dealt with under this Regulation 18.

18.3 Leave to appeal can only be sought against a Decision on one or more of the following grounds:

18.3.1 the Decision was based on error of fact or could not have been reasonably reached by a Disciplinary Panel when faced with the evidence before it;

18.3.2 serious procedural or other irregularity in the proceedings before the Disciplinary Panel;

18.3.3 significant and relevant new evidence has become available which was not available before the conclusion of the Hearing but, had it been available, may have caused the Disciplinary Panel to reach a materially different decision; and/or

18.3.4 the sanction imposed was manifestly unreasonable in the light of the facts before the Disciplinary Panel.

18.4 In accordance with Regulation 13.4.3 a Respondent whose case was dealt with summarily may only appeal on the grounds set out in Regulation 18.3.4.

18.5 The party seeking leave to appeal (the 'Appellant') shall serve a Notice of Appeal in writing upon the Compliance Department within 10 working days following receipt of the written grounds of the Decision against which the appeal is being made.

18.6 The Notice of Appeal shall:

18.6.1 state the date and decision of the Disciplinary Panel against which the appeal is lodged;

18.6.2 state the grounds of appeal relied upon in accordance with Regulation 18.3;

18.6.3 set out the statement of facts upon which the appeal is based, specifying whether the appeal is against finding and sanction or just sanction alone and include any supporting documentation upon which the Appellant will rely; and

18.6.4 be accompanied by a cheque for £250 made payable to England Golf ("the Deposit"). This Deposit shall be held by England Golf and re-paid to the Appellant in the event that the Appeal Panel so decides.

18.7 Upon receipt of the Notice of Appeal, the Compliance Department will consider the matter and decide if the Notice of Appeal shows that grounds are made out for the appeal to be determined under the Regulations. In doing so the Compliance Department should refer the matter to the RMG to reach the decision. If the Compliance Department is satisfied that there are grounds to do so the matter shall be referred to the Appeal Panel.
18.8 A decision as to whether to grant leave to appeal shall be taken within 10 working days from receipt of the Notice of Appeal. Such decision will be notified to the Appellant and any Interested Parties.

18.9 In the case of appeals the time limits specified in the Regulations must be complied with.

19 COMPOSITION AND POWERS OF THE APPEAL PANEL

19.1 An Appeal Panel will consist of three members. The Compliance Department shall act as the secretary or administrator for the Appeal Panel. No member of the Compliance Department will serve as a member of the Appeal Panel. The Compliance Department shall appoint the Appeal Panel within 10 working days from notification of the decision to grant leave to appeal in accordance with Regulation 18.7.

19.2 The members of the Appeal Panel shall be appointed from the individuals listed on the Disciplinary Register and / or Safeguarding Register. The Appeal Panel shall be formed by the Compliance Department, who shall also nominate the Chair of the Appeal Panel. A number of individuals on the Disciplinary Register and / or Safeguarding Register will be identified as a potential Chair for the Compliance Department to nominate from.

19.3 The members of the Appeal Panel shall not have been members of the original Disciplinary Panel which considered this case or had any previous involvement in the case.

19.4 England Golf may appoint a legal representative to assist with any Appeal Panel. They shall be permitted to be involved in all stages of the process but shall not be considered to be a member of the Appeal Panel.

19.5 The Appeal Panel is empowered to decide:

19.5.1 The time and place of any hearing;

19.5.2 That the appeal hearing shall be paper based or that the hearing be carried out by teleconference subject to the consent of all parties;

19.5.3 The nature of the evidence (if any) that it requires to be adduced;

19.5.4 Who (if anybody) should be invited to appear at any hearing; and

19.5.5 How and when any decision it takes should be acted upon.

20 PRE APPEAL PANEL PROCEDURES

20.1 Where the Appeal Panel has been convened the Compliance Department will send a copy of the Notice of Appeal along with confirmation of the composition of the Appeal Panel to the Complainant, the Appeal Panel and any Interested Parties;

20.2 The Appeal Panel shall then decide the appropriate course of action for the appeal in accordance with Regulation 19.5. Upon making its decision which shall be no longer than 10 working days after the Appeal Panel has been convened, the Compliance Department will send notice to all the parties including:
20.2.1 the decision of the Appeal Panel as to the course of action for the appeal;

20.2.2 notification to all parties of the date, time and place of the hearing ensuring that that all parties are given at least 10 working days notice of the hearing;

20.2.3 asking the Appellant, whether he/she will be represented or accompanied by an advocate or other third party, whether he/she wishes to call witnesses to give evidence, and who he/she intends to have present at the hearing;

20.2.4 inviting Interested Parties to attend the hearing and make any submissions deemed necessary; and

20.2.5 supply copies of any evidence and/or information previously provided to the Compliance Department in relation to the case, including the initial Complaint, the Disciplinary Panel’s Decision, and any further evidence and/or information deemed necessary.

20.3 The Chair of the Appeal Panel shall have power to make such further directions relating to the provision of information/evidence or the conduct of the hearing as, in his or her sole discretion, are deemed necessary.

20.4 The Appellant may object to the composition of the Appeal Panel by notifying the Compliance Department of the objections and setting out the reasons for such objections no later than 5 working days from the date of being informed of the composition of the Appeal Panel.

20.5 The Compliance Department shall immediately forward any objection received in relation to the members of the Appeal Panel to the Chair of the Appeal Panel who shall consider the objections and determine whether they are valid or in their opinion, the grounds for objection are frivolous, unfounded or ill informed, in which case the Chair shall reject the objection.

20.6 If the objection is made against the Chair of the Appeal Panel then another member of the Appeal Panel must assess the objection.

20.7 The Compliance Department shall notify the Appellant in writing within 5 working days from the date of receipt of any objections that either:

20.7.1 The composition of the Appeal Panel has changed (in which case the Compliance Department shall provide details of the new Appeal Panel); or

20.7.2 The composition of the Appeal Panel has not changed (in which case the Compliance Department will give reasons why it has not accepted the Appellant’s reasons for objecting).

20.8 The decision by the Chair of the Appeal Panel or relevant Appeal Panel Participant on the composition of the Appeal Panel under this provision shall be final.

20.9 The Appeal Panel shall have the power to hear evidence from any third party not directly involved in the appeal if the Appeal Panel is of the view that such third party may be materially or adversely affected by any decision it may make.

20.10 Where the Appellant wishes to rely upon any new evidence it must notify the Chair of the Appeal Panel at least 72 hours ahead of the hearing the Chair of the
Appeal Panel will then give any other party to the hearing as much notice of the new evidence as is reasonably possible. The Chair of the Appeal Panel shall determine the weight to be given to such evidence.

21 THE CONDUCT OF APPEAL PANEL HEARINGS

21.1 Any appeal of a Disciplinary Panel Decision shall be by way of review only and not a re-hearing.

21.2 The conduct of Appeal Panel proceedings will be in accordance with the principles of natural justice as determined by and consistent with English law.

21.3 The standard of proof in all cases before the Appeal Panel is the balance of probabilities.

21.4 Proceedings, findings or decisions of an Appeal Panel shall not be invalidated by reason of any minor defect, irregularity, omission or technicality unless such defect, irregularity, omission or technicality amounts to a material irregularity and forms a ground of appeal.

21.5 The Compliance Department shall record Appeal Panel proceedings. The proceedings may be audio-recorded.

21.6 If the Appellant does not attend the Appeal Hearing, provided that the Appeal Panel is satisfied that notice of the hearing was served properly, it may proceed to hear the evidence in the absence of the Appellant.

21.7 Appeal Panels will not be obliged to follow strict rules of evidence. It may admit such evidence as it deems fit and accord such evidence such weight as they think appropriate in all the circumstances. Where the subject matter of a complaint or matter before the Appeal Panel has been the subject of previous civil or criminal proceedings, the result of such proceedings and the facts and matters upon which such result is based will be presumed to be correct and the facts presumed to be true unless it is shown by clear and convincing evidence that this is not the case.

21.8 In the case of appeals, a failure to observe the time limits specified in the Regulations shall nullify any proceedings.

21.9 At the hearing the Appeal Panel shall consider all the evidence made available to it by England Golf and the Appellant, including the written and/or oral testimony of any witnesses supporting that evidence. It may question England Golf, the Appellant and any witnesses present in relation to the matter. Each party will be entitled to question the other's witnesses. It may call upon either England Golf or the Appellant to supply additional evidence and may adjourn the hearing for that or any other purpose.

21.10 The Appeal Panel shall decide any issue by majority and no member of the Appeal Panel may abstain from voting.

22 POWERS OF AN APPEAL PANEL

22.1 An Appeal Panel has the power to:
22.1.1 dismiss the Appeal;
22.1.2 overturn any finding and any sanction imposed by the original Disciplinary Panel;
22.1.3 remit the matter for a re-hearing;
22.1.4 substitute an alternative finding;
22.1.5 reduce or increase the original sanction; and/or
22.1.6 make such further order as it considers appropriate.

22.2 For the avoidance of doubt, sanctions may be increased as well as decreased on appeal.

22.3 Any sanction imposed, confirmed or varied by the Appeal Panel shall normally commence on the day following the date of the appeal or with immediate effect.

22.4 The Chair of the Appeal Panel may:
22.4.1 announce the decision of the Appeal Panel on the date of the hearing; or
22.4.2 defer the Appeal Panel’s decision to a later date.

22.5 In any event, the Chair of the Appeal Panel shall, within 10 working days, deliver a written decision to the Compliance Department who will distribute the written decision to the Appellant and all Interested Parties.

22.6 The decision of an Appeal Panel shall be final and binding upon the parties, and there shall be no further right of appeal from it.

22.7 The decision of the Appeal Panel and sanction imposed, if any, shall be made public on an anonymous basis after it has been notified to all the parties. All parties to an appeal hearing are deemed to have consented to such publication.

23 COSTS OF AN APPEAL PANEL

23.1 The Appeal Panel shall have discretion in this regard, however an unsuccessful Appellant will normally be required to pay the costs of the appeal which shall include:
23.1.1 The costs of the Appeal Panel less the fee paid with the Notice of Appeal;
23.1.2 The travelling expenses of any witnesses; and
23.1.3 The legal costs incurred by the Appeal Panel and / or England Golf (but not the legal costs of any other party to the Appeal).

24 RECORD KEEPING AND DATA PROTECTION

24.1 All personal data held in connection with a disciplinary matter will be held in accordance with England Golf’s Data Protection Policy and the Data Protection Act 1998.
24.2 The Compliance Department will determine how long any offences should be retained on record, including the sanctions imposed and any related documentation.

24.3 A list of historic decisions on an anonymous basis will be made available to all Members in order to promote consistency of disciplinary action throughout the game of golf.