



WRU DISCIPLINARY REGULATIONS

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Definitions

In these Disciplinary Regulations (the “**Disciplinary Regulations**”), the following words shall have the following meanings:

“ Age Grade ”	means U18 rugby and age groups below U18 level in Wales;
“ Age Grade Person ”	means (i) an Age Grade Player and (ii) any other Person involved in Age Grade rugby who is aged 17 or below;
“ Age Grade Player ”	means a player of the Game at Age Grade level;
“ Appeal Panel ”	means a panel appointed to hear an appeal in accordance with Regulation 12 of these Disciplinary Regulations;
“ Board of Directors ”	means the board of directors for the time being of the WRU;
“ Club ”	means a Welsh rugby union football club or organisation, including (unless expressly stated otherwise) a Regional Organisation and any other Member;
“ Connected Person ”	Any International Player, Contract Player, International Match Official, Contract Player Support Personnel, any coach, trainer, selector, health professional, analyst, team official, administrator, owner, shareholder, director, executive, staff member and/or any other person involved with and/or engaged in relation to the Game by a Union or its National Representative Team and shall include any Union/Association/World Rugby panel of Match Officials at International Match and/or Contract Player level, Disciplinary Personnel, any Agent and/or representative of an International Player, Contract Player or Contract Player Support Personnel and/or family member and/or associate of any of the foregoing (to the extent that such family member/associate falls under the jurisdiction of a Union, Rugby Body and/or World Rugby) and/or any other individual or entity involved in the organisation, administration and/or promotion of the Game at International Match and/or Contract Player level and/or the training of persons participating in the Game at International Match and/or Contract Player level.
“ Disciplinary Notice ”	means a notice to bring disciplinary proceedings in accordance with these Disciplinary Regulations;
“ Disciplinary Officer ”	means a person appointed by the WRU to act on its behalf in matters arising under these Disciplinary Regulations;
“ Foul Play ”	means a breach or breaches of Law 9 of the Laws of the Game;
“ Game ”	means rugby union football;
“ Laws of the Game ”	means the Laws of the Game as issued and amended from time to time by World Rugby;
“ Member ”	means a member of the WRU, including Regional Organisations, District Members and Affiliate Members;
“ Misconduct ”	means any act of Foul Play by a Player and/or any conduct, behaviour, statements or practices by a Member, a School, and/or a Person, on or off the playing enclosure, during a match or otherwise, that is in breach of the Codes of Conduct and/or is unsporting and/or is insulting and/or for

	any conduct which is prejudicial to the interests of the WRU and/or the Game and/or any sponsor or other partner of the WRU.
“Person”	means (i) a Player, trainer, match official, referee, assistant referee or referee adviser, coach, selector, medical officer, physiotherapist, (ii) any other individual who is or has been at any time involved in the Game (including a WRU Representative and/or Employee) or in the organisation, administration or promotion of the Game, or (iii) any supporter or spectator of the Game;
“Person Charged”	means a Person (or Club, where the context so provides) against whom disciplinary proceedings have been brought;
“Player”	means a player of the Game, including professional players;
“Playing Season”	means the date on which the first fixture in the relevant competition is played each year until the date on which the last fixture in the relevant competition is played each year;
“Regional Organisations”	means the Welsh rugby union football organisations designated as such from time to time by the Board of Directors;
“Secretary to the Appeal Panel”	means a person appointed by the WRU to act as secretary to an Appeal Panel;
“School”	means a school in Wales affiliated to the Welsh Schools Rugby Union;
“World Rugby”	means the association of national rugby football unions in membership therewith in accordance with its bye-laws, that is the world governing body for the Game;
“World Rugby Regulations”	means the World Rugby Regulations Relating to the Game, as amended from time to time;
“WRU”	means The Welsh Rugby Union Limited; and
“WRU Disciplinary Panel”	means a panel appointed in accordance with Regulation 3 and appointed to hear disciplinary cases in accordance with Regulation 6 of these Disciplinary Regulations.

1. JURISDICTION

- 1.1 The disciplinary rules and procedures of the WRU shall be as set out in these Disciplinary Regulations.
- 1.2 Regional and/or Professional Players may be subject to a separate disciplinary process and/or arrangements when playing in a competition, where the rules of which provide for a separate process, such as, but not limited to, the Super Rygbi Cymru Competition, the competitions organised by European Professional Club Rugby, Celtic Rugby Limited and the Rugby Football Union (in respect of the Anglo-Welsh Cup and the British and Irish Cup competitions) and the U23 Celtic Cup.
- 1.3 These Disciplinary Regulations will apply to disciplinary matters arising out of the Game relating to the following:
- (a) Members, District Members rugby and Affiliate Members;
 - (b) Age Grade rugby (save in relation to matters pertaining to Age Grade Persons, which shall be dealt with in accordance with the Age Grade Rugby Disciplinary Regulations);
 - (c) Women's rugby;
 - (d) Mixed Ability Rugby;
 - (e) Wales Deaf rugby; and

Any Member, Person, Player, Regional Organisation who is subject to any (on or off-field) disciplinary issues that arise out of a cross-border friendly Match(es) being played within the jurisdiction of the Host Union.

- 1.4 The overriding objective of the WRU Disciplinary Regulations is to maintain and promote fair play, protect the health and welfare of Players (and others involved in the Game), ensure that acts of foul play and Misconduct (on and off the playing enclosure) are dealt with expeditiously and fairly by independent means within the Game. The role of the Disciplinary Panel is to achieve uniformity and consistency in the way in which disciplinary matters relating to foul play and misconduct are adjudicated and that the process is ultimately, fair, efficient, and effective.
- 1.5 In accordance with these Regulations, the WRU shall have the power to investigate, conduct disciplinary hearings, and impose sanctions upon any:
- (a) Player;
 - (b) Member;
 - (c) District Member;
 - (d) Affiliate Member;
 - (e) School;

- (f) Person;
- (g) Player, official, member or employee of a Member or Club; or,
- (h) Other person or body that submits to the WRU's jurisdiction to discipline them;

For any infringement of the Laws of the Game, or the World Rugby Regulations, or the WRU Regulations, for any act of Misconduct, or for any act which in breach of the Codes of Conduct and/or for any conduct which is prejudicial to the interests of the WRU or the Game. The WRU may terminate or suspend membership of the WRU or impose any other appropriate punishment for any such offence.

- 1.6 Where a School is charged in relation to the Misconduct of its Persons other than Age Grade Persons, the WRU shall have the right to bring the charge pursuant to these Regulations and references to 'Club' in these Regulations shall be construed as applying to Schools.
- 1.7 Each Club is responsible for ensuring that each of its Players, team managers, coaches, Club officials and spectators are aware of and comply with these Disciplinary Regulations.
- 1.8 Save in circumstances as set out in Regulation 6 below, these Disciplinary Regulations do not apply to:
 - (a) anti-doping offences which are dealt with under the WRU Anti-Doping Regulations; or;
 - (b) safeguarding matters which are dealt with by the WRU Safeguarding Policy.

2. APPENDICES

- 2.1 These Disciplinary Regulations also include:
 - (a) The World Rugby Table of Recommended Sanctions for Offences within the Playing Enclosure (set out in **Appendix 1**);
 - (b) Citing Procedures (Set out in **Appendix 2**)
 - (c) The WRU Codes of Conduct (set out in **Appendix 3**);
 - (d) Yellow Cards and Red Cards Totting up Process (set out in **Appendix 4**)
 - (e) The Protocol for Matches in Wales (set out in **Appendix 5**)

3 THE WRU DISCIPLINARY PANEL

- 3.1 Disciplinary matters defined within Regulation 6 and offences subject to these Regulations, shall be dealt with by a WRU Disciplinary Panel. The composition of

each WRU Disciplinary Panel shall be determined by the WRU Rugby Disciplinary Manager and/or WRU Policy and Integrity Manager at their sole discretion.

- 3.2 Each Disciplinary Panel shall consist of three (3) persons, comprising a Chair and two (2) other persons. Panel Members may include any Director or Council Member of the WRU, independent appointments including legally-qualified personnel; former players and match officials; any person with relevant rugby disciplinary experience, or any other person(s) appointed by the WRU Board and/or the Community Rugby Board to ensure compliance with relevant regulations (including but not limited to World Rugby judicial recommendations) from time-to-time.
- 3.3 No person with an interest in the proceedings shall be permitted to sit on a WRU Disciplinary Panel.
- 3.4 The WRU Rugby Disciplinary Manager and/or WRU Policy and Integrity Manager may appoint a single judicial officer to preside over a matter.

4 APPEAL PANEL

- 4.1 Appeals shall be dealt with by an Appeal Panel appointed by the WRU which shall comprise three members made up of one or more of the following:
- (a) A Panel chaired by a legally qualified person and two independent panel members.
 - (b) No person with an interest in the proceedings shall be permitted to sit on a WRU Appeal Panel.

5 GENERAL PROVISIONS RELATING TO ALL DISCIPLINARY CASES AND APPEALS Standard and Burden of Proof

- 5.1 The standard of proof in all disciplinary cases (including before Appeal Panels) is the balance of probabilities.
- 5.2 The integrity of the Laws of the Game and the Referee's position as sole judge of fact and law during a match is unassailable. The Referee's decisions on the field of play and their sporting consequences shall not be altered or overturned by a ruling of a Disciplinary Panel save in the following instances:
- (a) In the case of red cards, when a Disciplinary Panel determines that the Referee's decision was wrong because of (i) mistaken identity or (ii) where no act of Foul Play occurred or (iii) where the red card test has not been met.
 - (b) In the case of citings, when a WRU Disciplinary Panel determines that an act of Foul Play merited a yellow card or a red card irrespective of whether the act(s) have been detected by the Referee and been the subject of Referee action.

- (c) In the case of red cards resulting from two yellow cards, when a WRU Disciplinary Panel determines that one or more of the foul play yellow cards was wrongly applied as a result of (i) mistaken identity or (ii) when no act of Foul Play took place.

Rules of Evidence

- 5.3 It should be borne in mind that the bodies subject to these provisions are not courts of law and are disciplinary, rather than arbitral, bodies. Disciplinary Hearings shall be conducted in a fair and just manner and in accordance with the fundamental principles of natural justice.
- 5.4 Proceedings, findings or decisions of Disciplinary Panels or Appeal Panels shall not be invalidated by reason of any minor defect, irregularity, omission or technicality unless such defect, irregularity, omission or technicality raises a material doubt as to the reliability of the relevant proceedings, findings or decisions.
- 5.5 Disciplinary Panels and Appeal Panels shall not be obliged to follow strict rules of evidence. A panel shall be entitled to receive such evidence and in such form as it sees fit (including evidence in writing), notwithstanding the evidence may not be admissible in civil or criminal proceedings, and it shall be entitled to attach such weight to evidence as it sees fit.
- 5.6 Witnesses shall attend the hearing in person to give oral evidence. If this is not reasonably practicable, then witnesses can seek permission from the Chair in order to give evidence via telephone conference or video link. Witnesses can also seek permission from the Chair for adjustments to be made to the manner in which they give evidence in circumstances where they may have difficulties attending the hearing and/or giving evidence generally.
- 5.7 Disciplinary Panels or Appeal Panels may draw such inference from the failure of a witness (including the Person Charged) to give evidence or answer a question as it considers appropriate.
- 5.8 Written evidence from witnesses may be received. If the written evidence is unchallenged then it shall carry the same weight as oral testimony but if that written evidence is challenged, it may carry less weight than oral testimony. Hearsay evidence may be admitted but should be treated with caution as its reliability cannot be tested by cross-examination.
- 5.9 A Disciplinary Panel or Appeal Panel shall be entitled to consider any footage or any visual material from any source, including (but not limited to) footage produced or obtained by the WRU, the Referee, Referee Advisor, Club Official, Player.
- 5.10 Where match footage, video evidence or visual evidence is in the possession or control of the Club of which the person, player or Club appearing before the hearing

is a member and, without reasonable excuse, the footage is not produced to the Disciplinary Panel or Appeal Panel, the panel shall be entitled to infer that it is unfavourable to the Person, Player or Club.

- 5.11 Where the authenticity of match footage, video evidence or visual evidence is challenged, it is for whoever produces that footage, video evidence or visual evidence to satisfy the Disciplinary Panel or Appeal Panel that the footage of the incident being investigated has not been edited or altered in any way.
- 5.12 The bodies subject to these provisions shall have power to regulate their own procedure.
- 5.13 Where the subject matter of disciplinary proceedings is sufficiently linked (including, but not limited to, where an incident occurs at the same match or where there is common WRU or defence evidence or where a Disciplinary Panel or Appeal Panel believes it appropriate for the timely and efficient disposal of the proceedings) those disciplinary proceedings may be heard together.
- 5.14 Where proceedings are consolidated pursuant to Regulation 5.13 above, evidence adduced by or on behalf of a Person Charged shall be capable of constituting evidence against another Person Charged. The Disciplinary Panel or Appeal Panel (as applicable) shall give appropriate weight to such evidence. Persons Charged or their representatives shall be entitled to cross-examine other Persons Charged and their witnesses.
- 5.15 The Disciplinary Panel or Appeal Panel (as applicable) may hear evidence in any order and shall have complete discretion to take matters out of order for the timely, efficient and appropriate disposal of the proceedings.
- 5.16 Where the subject matter of a complaint or matter before a 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 shall 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.

Attendance at Hearings and Representation

- 5.17 The WRU may appoint a person to assist with the presentation and/or prosecution of any disciplinary case or appeal.
- 5.18 A Person or Club whose conduct is the subject of inquiry may be represented at a disciplinary hearing or an appeal hearing by one person of their choice (in addition to representatives from the Club) and shall be entitled to be present throughout the proceedings, except during the deliberations of the WRU Disciplinary Panel or Appeal Panel (as applicable). For the avoidance of doubt, this Regulation does not

limit the number of witnesses that a Person or Club whose conduct is the subject of a Misconduct complaint may call to give evidence.

- 5.19 It shall be the duty of any Person, Player, Club or WRU involved in disciplinary proceedings to notify and secure the attendance of any witnesses he/she/it may wish to call.
- 5.20 The WRU will support reasonable adjustments in the disciplinary procedure, with particular consideration given to communication, sensory or access requirements. If a Person, Player, Club or WRU request for an adjustment to the procedure to accommodate one of the above requirements, or a disability or long term health condition, the they must do so via the WRU Disciplinary Manager.

Confidentiality

- 5.21 The proceedings of the WRU Disciplinary Panels and Appeal Panels shall take place in private.
- 5.22 Subject to Regulations 5.23 to 5.25 below, all oral or written representations, submissions, evidence and documents created in the course of any proceedings are confidential between the WRU and the individual or body concerned.
- 5.23 All oral or written representations, submissions, evidence and documents created in the course of any proceedings, representations, submissions and evidence and representations shall be subject to qualified privilege.
- 5.24 The WRU shall have the power to publish in the public press, on a website or in any other manner considered appropriate:
 - (a) the decisions of Disciplinary Panels and Appeal Panels made under these Disciplinary Regulations, which may include details of offences committed under these Disciplinary Regulations and of any sanctions imposed; and
 - (b) any representations, submissions, evidence and documents created in the course of proceedings, or evidence, whether or not this reflects on the character or conduct of a Person Charged.
- 5.25 Until such time as a decision is published by the WRU, all parties and participants in the proceedings shall treat such proceedings as confidential.
- 5.26 The WRU shall have the right to use and rely upon any representations, submissions, evidence and documents that are provided to it during the course of any inquiry and/or is created or otherwise generated during the proceedings of a Disciplinary Panel or Appeal Panel for the purpose of carrying out its regulatory functions and monitoring and implementing compliance with its Rules and Regulations.

Audio Recordings

- 5.27 The Chairperson of a WRU Disciplinary Panel, Appeal Panel and the WRU Disciplinary Officer shall have the power to direct that a hearing shall be audio recorded.

Service of Documents

- 5.28 Communications from the WRU to a Club and/or a Person shall be deemed to have been validly made and delivered if addressed to the Secretary of a Club or Chief Executive of a Regional Organisation at the postal address and/or valid email address of the Club or Regional Organisation (as applicable). It is the responsibility of the Club or Regional Organisation to notify the WRU in writing of any temporary or permanent changes of contact details and to make adequate arrangements to deal with absences (for example, in the case of holiday or sickness).

6 DISCIPLINARY OFFENCES AND REFERRALS TO THE WRU DISCIPLINARY PANEL

Ordering Off (Red Cards)

- 6.1 Disciplinary proceedings under these Disciplinary Regulations may arise when a Player is shown a red card during a match.
- 6.2 A Player who is red carded (when a Player is sent off the playing enclosure permanently by the referee) can take no further part in the match in which he was sent off but may play in subsequent matches (unless otherwise notified by the WRU) until such time as his case is determined by the WRU-Disciplinary Panel.
- 6.3 In the case of a professional player and in accordance with World Rugby Regulations, a Player who has been shown a red card in any United Rugby Championship fixture and/or EPCR match and who has not yet had his case heard by his Union or other relevant disciplinary body shall not be eligible to participate in any Match sanctioned by the WRU.

A Misconduct Complaint

- 6.4 Disciplinary proceedings under these Disciplinary Regulations may arise when the Disciplinary Officer considers that any party or person stipulated in **Appendix 3** may have committed an act or acts of Misconduct and/or when the Disciplinary Officer considers it necessary, pursuant to Regulation 1.5 above.
- 6.5 Any matter that constitutes or is capable of constituting Misconduct shall be considered by the Disciplinary Officer on referral by the WRU, at his/her own instigation or as a result of a party submitting a Code of Conduct Complaint in accordance with **Appendix 3**.
- 6.6 While the WRU may direct the Disciplinary Officer to investigate a matter and/or bring a Misconduct complaint, any other party may not. The Disciplinary Officer shall

have sole discretion to determine whether to investigate a matter and/or bring a Misconduct complaint under these Disciplinary Regulations, and his/her decision shall be final and shall not be subject to appeal by any party.

- 6.7 In appropriate cases, the Disciplinary Officer may choose to offer a person being investigated for a potential act of Misconduct “corrective measures” (such as an educative course or behaviour contract being issued/imposed) instead of bringing a Misconduct complaint against them. Such a course of action can only be taken with the agreement of the WRU and the person subject to the investigation. Should such a person agree to such a course of action, that person is expected to complete the corrective measures being offered to them. If such a person fails to complete the corrective measures, the Disciplinary Officer shall be able to bring a Misconduct complaint for the original act. That a person has been the subject of such corrective measures will be recorded by the WRU and may be drawn to the attention of a WRU Disciplinary Panel and then be taken into account by a panel when imposing a sanction for any (proven) act of Misconduct.
- 6.8 In carrying out his/her functions under Regulation 6.6 above, the Disciplinary Officer shall be entitled to undertake such investigations as he/she deems appropriate, and every Club and Person shall be obliged to cooperate with such investigations. Such cooperation may include (but is not limited to) Players and Club representatives making themselves available for interview by, or providing documents or other material that It is considered relevant to such investigations, to the Disciplinary Officer or his/her representatives.
- 6.9 A failure or refusal to cooperate with such investigations may itself constitute Misconduct under these Disciplinary Regulations.

Citing Complaints

- 6.10 Disciplinary proceedings under these Disciplinary Regulations may arise when a Player is the subject of a citing complaint pursuant to **Appendix 2** for an incident of Foul Play committed during a Match.
- 6.11 A Citing may be initiated where there is an allegation that a Player committed an act of foul play, which would constitute a red card if detected by the Match Official but was not awarded a red card for that act.
- 6.12 When a Player is the subject of a citing complaint, the Citing Procedures set out in **Appendix 2** to these Regulations shall be followed.
- 6.13 In the case of a professional player and in accordance with World Rugby Regulations, a Player who and/or who is the subject of a citing complaint (made by a citing commissioner) arising out of a United Rugby Championship and/or EPCR match and who has not yet had his case heard by his Union or other relevant disciplinary body shall not be eligible to participate in any Match sanctioned by the WRU.

World Rugby Regulation 6 - Anti-Corruption and Betting Breach(es)

- 6.14 Disciplinary proceedings under these Disciplinary Regulations may arise when a Connected Person, as defined within World Rugby Regulation 6, may have committed an Anti-Corruption Offence.
- 6.15 The WRU is obliged to comply with World Rugby's Regulation in respect of Anti-Corruption and Betting (World Rugby Regulation 6), which shall be deemed to have been automatically amended to reflect any amendment or change approved by the World Rugby during the season.
- 6.16 A copy of the World Rugby Regulation 6 can be obtained via the World Rugby website www.world.rugby/organisation/governance/regulations/reg-6
- 6.17 The WRU has adopted World Rugby Regulation 6 to the fullest possible extent as the WRU's own domestic regulation in relation to betting and anti-corruption matters.
- 6.18 Any breach, allegation or suspicion of a breach, and such other disciplinary matter arising in relation to World Rugby Regulation 6 shall be referred to the Anti-Corruption Officer and investigation conducted pursuant to World Rugby Regulation 6. If there is a case to answer and that a charge should be brought, the matter will be referred to the WRU Disciplinary Panel for determination.
- 6.19 The WRU may request that World Rugby assume the conduct of the investigation and/or hearing in accordance with World Rugby Regulation 6.

Misconduct Offences

- 6.20 "Appropriate punishment" referred to at Regulation 1.5 may include, but shall not be limited to:
- (a) For a person, a reprimand, a financial penalty or suspension from playing, coaching and/or administration;
 - (b) For a Club, in addition to the sanction set out at Regulation 6.20(a), financial or other compensation, deduction of league points or relegation, exclusion or disqualification from any competition. Where a competition does not fall within the jurisdiction of the WRU a Club may be required to withdraw from that competition.
- 6.21 There are certain offences (set out below) that, in addition to being subject to an ordering off or a citing complaint, will also constitute misconduct under these Regulations. For these offences, the WRU Disciplinary Panel will have the discretion to **impose additional sanctions** in accordance with the Code of Conduct as set out in **Appendix 3**. The offences that may be subject to such additional sanctions are:

- (a) verbal abuse of a player based on age, disability, gender reassignment, race (including colour, nationality, ethnic or national origins), religion or belief, sex, sexual orientation;
- (b) Abuse of Match Officials;
- (c) Any prevalent offence or pattern of offending, which the WRU Discipline Committee may wish to combat within the Game.

WRU Player Agent Regulations

- 6.22 Breaches of the WRU's Players Agents Regulations shall, unless otherwise determined by the WRU in accordance with these Regulations/Policies, be dealt with by the WRU Disciplinary Panel.

Poor Disciplinary Record and Persistent Offenders

- 6.23 Where Players, Persons or Members (collectively) are subject to disciplinary matters pursuant to these Regulations on five (5) or more separate occasions in any one season, that Player, Person or Member may be subject to a Misconduct Charge by the Disciplinary Officer and summoned to attend before a WRU Disciplinary Panel on the basis that it has displayed a poor disciplinary record. When dealing with a Club under this provision, the WRU Disciplinary Panel has the power to impose sanctions as set out in **Appendix 3**.
- 6.24 Cases where a Club's 1st XV has six (6) red cards during a season will be considered under the guidance set out in **Appendix 4. Persistent offending in respect of yellow cards will also be considered under the guidance as set out in Appendix 4.**

WRU Anti-Doping Rule Violation

- 6.25 Where a Player and/or Club Official may be subject to separate proceedings relating to an Anti-Doping Rule Violation pursuant to UK Anti-Doping (UKAD) Rules, disciplinary proceedings may arise under these Regulations and treated as a Misconduct Breach in the event (but not limited to) of the following:
- (a) of any non-cooperation;
 - (b) of any abusive and/or inappropriate behaviour towards a doping control officer;
 - (c) of a failure to comply with the provisions of the Whereabouts Rule; and
 - (d) where a Player and/or Club Official is the subject of persistent and repeat offending.

7. INTERIM SUSPENSIONS

- 7.1 Whilst disciplinary proceedings are to be preferred, the Disciplinary Officer shall have the power to issue an interim suspension order (“ISO”) against a Person against whom an allegation of Misconduct, an ordering off or citing complaint has been made and is being investigated, in the event that the Disciplinary Officer determines that such a suspension is in the interests of the Game.
- 7.2 An ISO can also be issued against any person against whom an allegation of breach of the World Rugby Regulations and/or against someone who is under police investigation or who has been charged with or cautioned or convicted of a criminal offence.
- 7.3 The Disciplinary Officer shall also have the power to issue an ISO against any Member (s) or Team (s) from participating in any rugby activity, in the event that the Disciplinary Officer determines that such a suspension is in the interests of the Game.
- 7.4 An interim suspension order may be issued without a hearing and, subject to Regulations 7.5 and 7.6 below, the interim suspension may be on such terms and for such period as the Disciplinary Officer directs. Notification of the interim suspension order shall be made to the relevant Person as soon as reasonably practicable.
- 7.5 Any Person subject to an interim suspension order shall have the right of appeal before a Disciplinary Panel. The procedure for the appeal shall be determined by the Chairperson of the WRU Disciplinary Panel.
- 7.6 An interim suspension order shall automatically cease:
- (a) when the matter has been dealt with at a disciplinary hearing;
 - (b) when the Disciplinary Officer confirms that no further disciplinary action is to be taken; or
 - (c) after 120 days from its issue, unless the Disciplinary Officer determines that it is in the interests of the WRU or the Game that it should be extended for a further period or periods of not more than 120 days.

8. CRIMINAL CONVICTIONS/CAUTIONS

- 8.1 Where an individual has been arrested, cautioned, charged or convicted of a criminal offence which directly or indirectly relates to the playing, administration or image of the Game, the Disciplinary Officer shall have the power to refer the matter to a WRU Disciplinary Panel to determine whether or not to hold a hearing. A person so sanctioned shall have the right of appeal within 7 days, beginning with the date on which the written decision was sent, to an Appeal Panel which shall be convened as soon as reasonably practicable. The procedure for the hearing shall be determined by the Chairperson of the Appeal Panel.

9. CASE MANAGEMENT

The Disciplinary Notice

- 9.1 Disciplinary proceedings shall be commenced against a Person or Club by the serving on them of a Disciplinary Notice by or on behalf of the WRU.
- 9.2 A Disciplinary Notice shall contain, or incorporate by reference to other documents, the material facts relied upon and particulars of the Red Card, Citing and Misconduct offence alleged by reference to those facts. Any defect in a Disciplinary Notice shall not preclude the WRU Disciplinary Panel proceeding to consider and determine the allegations of Misconduct.
- 9.3 Where a Player, Person, Member has been ordered off, cited or subject to a Misconduct Complaint, the Disciplinary Notice shall be provided as soon as reasonably practicable.

Response to Notice: Red Card Offences

- 9.4 A Player that receives a Disciplinary Notice **must within seven days** of receipt of the Disciplinary Notice confirm in writing:
- (a) whether the Player admits the offence specified in the Disciplinary Notice and wishes to plead guilty;
 - (b) whether the Player disputes the allegations set out in the Disciplinary Notice; or
 - (c) whether the Player requests a personal hearing.
- 9.5 Should a Player exercise option (c) above and request a personal hearing for a red or yellow card offences, an application must be made in writing to the Disciplinary Officer within seven days of receipt of the Disciplinary Notice. A cheque for £125 made payable to The Welsh Rugby Union Limited must accompany the application for a personal hearing. The player will be required as part of the application, to provide written reasons as to why he or she has requested a personal hearing.
- 9.6 Where a Player requests a personal hearing in writing in accordance with Regulation 9.5 above, the match referee will be invited to attend the hearing. Furthermore, if a referee adviser was present at the match and reported seeing the reported offence, he will also be invited to attend the hearing. The Player will be provided with a date to appear before a WRU Disciplinary Panel. If the Player is unable to attend an initial hearing date, the Player will then be provided with a revised and final date. Failure to attend the revised and final date will result in the WRU Disciplinary Panel concluding the matter in the Player's absence. In only exceptional circumstances may an extension be granted by the Chairperson of the Disciplinary Panel.

- 9.7 If a Player does not request a personal hearing in writing in accordance with Regulation 9.5 above, the Disciplinary Panel will proceed to deal with the Misconduct specified in the Disciplinary Notice in the absence of the Player. **Failure to respond to the Disciplinary Notice within the seven (7) day timeline will result in the Disciplinary Panel dealing with the matter in the player's and/or Club's absence.**

Response to Notice: Misconduct Complaint

- 9.8 A Player, Person or Club that receives a Disciplinary Notice must **within seven days** of receipt of the Disciplinary Notice confirm in writing:

(a) whether they admit and accept the offence/allegations specified in the Disciplinary Notice and wishes to plead guilty; or

(b) whether they disputes the allegations set out in the Disciplinary Notice.

- 9.9 Where a Player, Person or Club intends to dispute the allegations set out in the Disciplinary Notice, the burden will rest upon the Player, Person or Club to submit any evidence in which they intend to rely upon to support its position. If a Player, Person or Club fails to respond to the Disciplinary Notice within the seven (7) day timescale, the Disciplinary Panel will proceed to deal with the matter in their absence and based on the available evidence.

- 9.10 A Player, Person or Club who is subject to a misconduct allegation must complete and submit the standard misconduct complaint response form.

Response to Notice: Citing Cases

- 9.11 A Cited Player that receives a Disciplinary Notice must within seven days of receipt of the Disciplinary Notice confirm in writing:

(a) whether the Cited Player admits the offence/allegations specified in the Disciplinary Notice and wishes to plead guilty; or

(b) whether the Cited Player disputes the allegations set out in the Disciplinary Notice.

- 9.12 If the Cited Player accepts the citing then it can often be dealt with without the need for a Hearing (i.e. based on the citing reports, the player's own comments and any other relevant papers or video).

- 9.13 If the Cited Player disputes the citing complaint, the Player, a representative of his Club, representatives of the Club that made the citing or the person citing the Player will be requested to attend a hearing of the Disciplinary Panel. If the representative of the Club that made the citing or the person citing the Player fails to attend the hearing,

the citing will not be dismissed and the Disciplinary Panel may proceed to a decision in the matter.

Directions

- 9.14 The procedure for the disciplinary proceedings shall be determined by the Chairperson of the Disciplinary Panel who may give any directions necessary for the proper conduct of proceedings including, but not limited to:
- (a) requiring that parties make written submissions in advance of the hearing;
 - (b) extending or abridging time limits;
 - (c) requiring disclosure of documents in possession of the parties;
 - (d) granting an adjournment; and/or
 - (e) establishing the date, time and place of any hearing;
 - (f) may order that the hearing(s) take place in whole or in part by video, web and/or telephone conference.
- 9.15 The WRU Disciplinary Panel prior to or at any stage during proceedings, may amend the Law/offence for which the Club, Person or Player was (as appropriate) shown a red card, cited, made the subject of a Misconduct complaint or allegation of an Anti-Corruption, Anti - Doping Offence (s) or any other integrity matter. When considering the circumstances of the case, the Panel shall have regard to whether any amendment could be made without causing injustice.

Attendance and Adjournments

- 9.16 Unless directed by the Chairperson, the Player, Person, Charged and, where relevant, a Club representative will be invited to appear before the WRU Disciplinary Panel the hearing. The Chairperson of the Disciplinary Panel may direct that the hearing may proceed without such attendance. Where relevant, the match referee and/or referee adviser shall be invited to attend the hearing, although their attendance is not mandatory and no inference may be drawn if the match referee and/or referee adviser does not attend and the hearing may proceed without such attendance.
- 9.17 Where a Person Charged fails to attend a hearing, the Disciplinary Panel has the discretion to adjourn the hearing or, where it is satisfied that there are no reasonable grounds for the failure to attend, to:
- (a) proceed to hear the case against the Person Charged; or
 - (b) suspend the Person Charged until such time as he/she appears.

- 9.18 Where a Person is subject to a red card matter, a citing complaint and/or Misconduct complaint pursuant to Regulation 6 above and is or is likely to be subject to civil or criminal proceedings arising from the circumstances which are the subject of the Misconduct complaint, the Disciplinary Officer, the Disciplinary Panel will decide whether it is in the interests of the Game to proceed pending the outcome of those proceedings. If he/it adjourns the matter until the conclusion of the civil or criminal proceedings, the Disciplinary Officer may impose an interim suspension on the Person against whom the allegations are made in accordance with Regulation 6 above.

The Hearing

- 9.19 The procedure for the hearing shall be determined by the Chairperson of the Disciplinary Panel or Appeal Panel, who shall have regard to (but who is entitled to depart from) the guidance provided within the *Judicial Process Document*.
- 9.20 All parties shall be given a proper opportunity to state their case and to challenge or respond to any evidence given.
- 9.21 Where disciplinary cases against more than one person, Player or Club arise out of the same incident and/or set of facts, the Chairperson of the Disciplinary Panel or Appeal Panel has discretion to hear them together if considered appropriate to do so.

10. FINDINGS AND SANCTION PROCESS

Red Card Cases

- 10.1 In the case of a red card, the function of the WRU Disciplinary Panel is to consider the circumstances of the case and determine its factual findings and what further sanction, if any, should be imposed on the Player.
- 10.2 The integrity of Law 6.5(a) of the Laws of the Game and the referee's position as the ultimate judge of fact and law during the Match is unassailable, save for the exceptions as set out in Regulation 5.2 above.
- 10.3 In the event that the Player does not accept that the act(s) of Foul Play which is the subject of the disciplinary referral and/or hearing warranted the Player being Ordered Off, the burden of proof rests on the Player to show that the referee was wrong.

The "Red Card Test": Did the act(s) of Foul Play warrant the Player being Ordered Off?

- 10.4 The WRU Disciplinary Panel shall first determine whether or not the relevant act(s) of Foul Play warranted the Player being Ordered Off/shown a red card. The Player may either:
- a) admit that the act(s) of Foul Play warranted the Player being Ordered Off in which case the function of the WRU Disciplinary Panel is to determine what sanction, if

any, should be imposed on the Player under Regulations 10.11, 10.12, 10.13, 10.14, 10.15, 10.16, 10.17, 10.18 and 10.19; or

- b) deny that the act(s) of Foul Play warranted the Player being Ordered Off/shown a red card in which case, the Player may seek to show that the decision of the referee was wrong. The WRU Disciplinary Panel may review the decision of the referee and the circumstances surrounding it. In any such case, the WRU Disciplinary Panel shall not make a finding contrary to the decision of the referee unless they are satisfied, on the balance of probabilities that the decision of the referee was wrong. In such a case, the Disciplinary Panel shall direct that the red card be expunged from the Player's record.

10.5 Where the alleged offence is not admitted, the Disciplinary Panel shall consider their decision in private and shall determine whether the alleged offence has been proven. The Disciplinary Panel shall reach a decision on a majority vote with the Chairperson having the casting vote in the event of equality.

10.6 Where the offence is admitted or proven, the Disciplinary Panel shall proceed to hear submissions regarding sanction:

- (a) the Person charged may call evidence as to character and address the Disciplinary Panel in mitigation;
- (b) the Person's charged previous disciplinary record in all rugby union competitions during his/her playing career and in other sports (as appropriate) shall be considered.

10.7 Whilst each case will be dealt with on its merits, the Disciplinary Panel will apply the World Rugby list of recommended sanctions for offences within the playing enclosure **(in accordance with World Rugby Regulation 17)**. The list of sanctions is set out in **Appendix 1**, which shall be deemed to have been automatically amended to reflect any amendment or change approved by the World Rugby during the season.

10.8 In cases of fully professional players, the WRU-Disciplinary Panel shall (in addition to the right under Regulation 10.7 above) have the right to impose financial penalties.

10.9 In respect of offences not covered by the list of recommended sanctions set out in **Appendix 1**, appropriate sanctions may be imposed at the sole discretion of the Disciplinary Panel or the Appeal Panel (as the case may be) which may include but not be limited to:

- (a) for a Person, a reprimand, a financial penalty and/or suspension from playing or administration of the Game or both; or
- (b) for a Club, in addition to the sanctions set out in Regulation 10.9 (a) above, deduction of league points, a fine, relegation and/or exclusion or disqualification from any competition.

Sanctions and Core Sanctioning Process

10.10 When imposing sanctions for acts of Foul Play, the WRU Disciplinary Panel shall apply World Rugby's sanctions for Foul Play set out in **Appendix 1**.

What is the correct entry point for the sanction?

The Assessment

10.11 The WRU Disciplinary Panel shall undertake an assessment of the seriousness of the Player's conduct, which constitutes the offending and categorise the offence as being at the lower end (LE), mid range (MR) or top end (TE) of the scale of seriousness in order to identify the appropriate entry point for consideration of a particular incident(s) where such incident(s) is expressly covered in the World Rugby list of recommended sanctions for offences within the playing enclosure. Such assessment of the seriousness of the Player's conduct shall be determined by reference to the following features of offending:

- (a) whether the offending was intentional;
- (b) whether the offending was reckless, that is the player knew (or should have known) there was a risk of committing an act of Foul Play;
- (c) the nature of the actions, the manner in which the offence was committed including part of body used (for example, fist, elbow, knee or boot);
- (d) the existence of provocation;
- (e) whether the Player acted in retaliation and the timing of such;
- (f) whether the Player acted in self-defence (that is whether he used a reasonable degree of force in defending himself/herself)
- (g) the effect of the Player's actions on the victim (for example, extent of injury, removal of victim Player from the Game);
- (h) the effect of the Player's actions on the match;
- (i) the vulnerability of the victim Player including part of the victim's body involved/affected, position of the victim Player, ability to defend himself/herself;
- (j) the level of participation in the offending and level of premeditation;
- (k) whether the conduct of the offending Player was completed or amounted to an attempt; and
- (l) any other feature of the Player's conduct in relation to or connected with the offending.

10.12 Based on the assessment of the offence(s) under consideration against the above features of offending, the Disciplinary Panel shall categorise the act of Foul Play as

being at the lower end, mid-range or top end of the scale of seriousness of offending and identify the applicable entry point as set out in **Appendix 1**.

10.13 For offences categorised at the **top end** of the scale of seriousness of offending, the Disciplinary Panel shall identify an entry point between the period shown as the top end for the particular offence and the maximum sanction as set out in **Appendix 1**.

Are there any reasons to decrease the sanction?

10.14 Having identified the applicable entry point for consideration of a particular incident, the WRU Disciplinary Panel shall identify any relevant off-field mitigating factors and determine if there are grounds for reducing the period of suspension and subject to Regulations 10.15 and 10.16 the extent, if at all, by which the period of suspension should be reduced. Mitigating factors include the following:

- (a) the presence and timing of an acknowledgement of the commission of foul play by the offending Player;
- (b) the Player's disciplinary record;
- (c) the youth and inexperience of the Player;
- (d) the Player's conduct prior to and at the hearing
- (e) the Player having demonstrated remorse for his/her conduct to the victim Player including the timing of such remorse; and
- (f) any other off-field mitigating factor(s) that the WRU Disciplinary Panel considers relevant and appropriate.

10.15 For acts of Foul Play the WRU Disciplinary Panel cannot apply a greater reduction than 50% of the relevant entry point suspension (prior to any increase for aggravating factors). In assessing the percentage reduction applicable for mitigating factors, the Disciplinary Committee or Judicial Officer shall start at 0% reduction and apply the amount, if any, to be allowed as mitigation up to the maximum 50% reduction.

10.16 In cases involving offending that has been classified pursuant to Regulation 10.11 as lower end offending, where:

- (a) there are off-field mitigating factors; and
- (b) where the WRU Disciplinary Panel considers that the sanction would be wholly disproportionate to the level and type of offending involved;

the WRU Disciplinary Panel may apply sanctions less than 50% of the lower end entry sanctions specified in **Appendix 1** including in appropriate cases no sanction.

Are there any reasons to increase the sanction?

10.17 Thereafter, the WRU Disciplinary Panel shall identify any relevant off-field aggravating factors and determine what additional period of suspension, if any, should apply to the case in question. Aggravating factors include:

- (a) the Player's status generally as an offender of the Laws of the Game;
 - (b) the need for a deterrent to combat a pattern of offending in the Game where the teams participating in the Match or Tournament have been put on notice that such a need exists; and
 - (c) any other off-field aggravating factor(s) that the Disciplinary Panel considers relevant and appropriate (including poor conduct prior to or at the hearing).
- 10.18 In cases of multiple offending, a Disciplinary Panel may impose sanctions to run either on a concurrent or a consecutive basis, provided that the total sanction is in all the circumstances proportionate to the level of the overall offending.
- 10.19 Notwithstanding the above, in cases where the Player's actions constitute mid range or top end of offending for any type of offence which had the potential to result and/or did result in serious/gross consequences to the health of the victim, the Disciplinary Panel may impose any period of suspension (including a suspension for life) as it deems appropriate.

Citing Cases

- 10.20 In the case where there has been a citing complaint, the function of the WRU Disciplinary Panel is to determine whether an act of Foul Play (a Foul that had met the red card threshold) was committed by the Player.
- 10.21 The WRU Disciplinary Panel must establish (i) that the incident was undetected by the referee and/or assistant referees and (ii) the alleged Foul Play was sufficiently serious to warrant an Ordering Off/Red Card.
- 10.22 Where the alleged offence is not admitted, the Disciplinary Panel consider their decision in private and shall determine whether the alleged offence has been proven. The WRU Disciplinary Panel shall reach a decision on a majority vote with the Chairperson having the casting vote in the event of equality.
- 10.23 If the WRU Disciplinary Panel does not consider the alleged Foul Play of sufficient seriousness to have warranted an Ordering Off/Red Card, they shall dismiss the citing complaint.
- 10.24 Whether the offence is admitted or if the WRU Disciplinary Panel considers the alleged Foul Play of sufficient seriousness to have warranted an Ordering Off/Red Card, the WRU Disciplinary Panel shall proceed to hear submissions regarding sanction and shall apply **the assessment and sanctioning regime as set out in Regulations 10.11 to 10.19 above.**

Misconduct Cases

- 10.25 The WRU Disciplinary Panel shall determine its/his factual findings and whether it is satisfied on the balance of probabilities that an act or acts of Misconduct has been committed by the Player, Person or Member.

Suspensions and other Sanctions

- 10.26 In accordance with World Rugby Regulation 17, suspensions will be calculated in numbers of weeks and will be imposed until a stated date.
- 10.27 For the purposes of imposing a meaningful suspension, the WRU Disciplinary Panel shall take into account weeks in which there is a Match(es). The WRU Disciplinary Panel may use its discretion when determining and imposing a meaningful period of suspension. As such, the WRU Disciplinary Panel may determine that the period of sanction will be applied in Match(es).
- 10.28 Any period of suspension imposed:
- (a) will commence immediately following the written notification or, where the Player attends a personal hearing, oral notification of the decision of the Disciplinary Panel.
 - (b) may be divided into two separate periods in order to exclude the whole or part of the closed season provided that the Player is not permitted to play the Game (in any form) during such closed season; and
 - (c) shall apply universally such that a Player may not play the Game (in any form) anywhere during the period of suspension.
- 10.29 If a Player's suspension has not finished by the end of the respective Playing Season, it shall continue until a stated date in the next Playing Season, unless he/she has been selected for a close season tour, or he/she intends to play during the close season in another Union. In this event the period of the tour in the Playing Season in the visited Union and the fact that he/she intends to play in another Union shall be taken into account in determining when the suspension shall come to an end.
- 10.30 Sanctions other than suspensions shall take effect in accordance with the written decision of the Disciplinary Panel.
- 10.31 Failure to fully adhere to the terms of suspension imposed will constitute misconduct pursuant to the published Codes of Conduct and proceedings being pursued against the Player, Person, Member and/or Club.

Decision and Notification of the Decision

- 10.32 A WRU Disciplinary Panel shall ordinarily in their written decisions set out the reasoning for their findings, including the finding on culpability, how they have categorised the seriousness of the offence by reference to the features set out in Regulation 10.11, how they identified and applied any aggravating and mitigating factors and conclude with the resultant sanction, if any, imposed.
- 10.33 The WRU Disciplinary Panel shall deliver its decision to the parties to the disciplinary proceedings orally at the end of the disciplinary hearing or in writing within five days after the conclusion of the disciplinary hearing.
- 10.34 Where a party to the disciplinary proceedings requires that written reasons be produced it must request such reasons within 48 hours following receipt of the decision, following which written reasons will be produced by the Disciplinary Panel as soon as is reasonably practicable.

11. COSTS

- 11.1 The costs of administering the Disciplinary Panel (including the fees of those sitting on the Disciplinary Panel) shall be borne by the WRU.
- 11.2 Any costs incurred in bringing or defending disciplinary proceedings shall be borne by the party incurring those costs.

12. APPEALS

- 12.1 A Person or Club that has been found guilty of an offence may appeal against the decision of a Disciplinary Panel on the grounds that the panel:
- (a) came to a decision to which no reasonable body could have come; or
 - (b) made an error of law in reaching its decision; or
 - (c) failed to act fairly in a procedural sense; or
 - (d) the sanction imposed was so excessive as to be unreasonable.
- 12.2 In a citing case, the party that made the citing may appeal against the decision of a Disciplinary Panel on the grounds that the panel:
- (a) came to a decision to which no reasonable body could have come; or
 - (b) made an error of law in reaching its decision; or
 - (c) failed to act fairly in a procedural sense; or

- (d) the sanction imposed was so unduly lenient as to be unreasonable.
- 12.3 The WRU shall have a right to appeal against any decision of a Disciplinary Panel on the grounds that the panel:
- a) came to a decision to which no reasonable body could have come; or
 - b) made an error of law in reaching its decision; or
 - c) failed to act fairly in a procedural sense; or
 - d) the sanction imposed was so unduly lenient as to be unreasonable.
- 12.4 Pending an appeal, a Player and/or Person who has been suspended shall not be eligible to play and/or participate in the Game (in any form) until the earlier of:
- (a) the appeal being determined by an Appeal Panel; and
 - (b) the suspension imposed by the Disciplinary Panel expiring.
- 12.5 Ordinarily, the parties to an appeal shall be entitled to make oral submissions to the Appeal Panel but an appeal shall be by way of a review of documents only without witness evidence.
- 12.6 A de novo hearing against the decision of a Disciplinary Panel may be permitted if the Appeal Panel considers it to be in the interests of justice. This will only be permitted in exceptional circumstances, such as when new evidence which was not reasonably available at the original hearing is to be adduced.

Notice of Appeal

- 12.7 Any appeal brought under Regulations 12.1 to 12.3 above must be served on the WRU Disciplinary Department within seven (7) days of notification of the decision of the Disciplinary Panel.
- 12.8 For the avoidance of doubt, the time limit specified in Regulation 12.7 above shall include weekends and Bank Holidays.
- 12.9 The notice of appeal shall be served on the WRU Disciplinary Department in writing (by letter and/or email) and must be signed by the Person or Club serving the appeal (the “Appellant”). The notice of appeal must be accompanied by a cheque of £100 (made payable to The Welsh Rugby Union Limited) which may or may not be returned and shall specify:
- (a) the name of the Person or Club lodging the appeal;
 - (b) the decision appealed against;
 - (c) the date of the decision appealed against; and

(d) the specific grounds of the appeal.

12.10 For the purposes of Regulation 12.7 above, the notification of the disciplinary decision will be deemed to have been delivered:

- (a) when it is communicated at the end of the disciplinary hearing;
- (b) where written notification is served by first class post, the second day after it has been sent by first class post to the Club and/or Person;
- (c) where written notification is served by fax or e-mail, on the second day after the day on which it is transmitted; or
- (d) where a party requests written reasons in accordance with Regulation 10.33 above:
 - (i) where the written reasons are provided by first class post, on the second day after the written reasons have been sent by first class post to the Club and/or Person; or
 - (ii) where the written reasons are provided by fax or email, on the second day after the day on which it is transmitted.

12.11 For the purposes of Regulation 12.9 above, the notice of appeal will be deemed to have been served:

- (a) where it has been sent by post, the second day after it has been sent by first class post by the Appellant;
- (b) where it has been sent by fax, if it is transmitted on a business day before 4pm on that day, or in any other case, on the business day after the day on which it is transmitted; or
- (c) where it has been sent by e-mail, on the second day after the day on which it is transmitted.

In case of any dispute in relation to the sending of a notice of appeal, the burden shall be on the Person making the appeal to produce evidence of posting or confirmation of transmission (as appropriate).

An appeal may only be withdrawn if the Chairperson of the Appeal Panel grants permission to such withdrawal.

Powers of Appeal Panel

12.12 The Appeal Panel has the power to:

- (a) dismiss the appeal;
- (b) quash a finding and any sanction imposed by the original Disciplinary Panel;

- (c) remit the matter for a re-hearing;
- (d) substitute an alternative finding;
- (e) reduce or increase the original sanction; and/or
- (f) make such further order as it considers appropriate.

Attendance of the Appeal Hearing

- 12.13 Where the appeal is against a decision which followed a citing or is in respect of a Code of Conduct case not arising from a player being sent off, the party responsible for the complaint shall be entitled to a copy of the documents to be referred to at the appeal and shall be invited to attend the appeal hearing to prosecute the case.
- 12.14 A match official or referee adviser (if one was present at the relevant match) may be invited to attend the appeal hearing where there is an issue of fact to be determined and in any case where the Chairperson of the Appeal Panel or the Disciplinary Officer considers it desirable. Such attendance is not mandatory and no inference may be drawn if the match official (and/or referee adviser) does not attend. The hearing may proceed without such attendance.
- 12.15 A member of the original panel which heard the case at first instance may attend the appeal hearing as an observer. He may give evidence at the appeal hearing about the first hearing where it becomes apparent that the Appellant or any witnesses (where witness evidence has exceptionally been allowed) have changed their account of what had occurred.
- 12.16 The Secretary to the Appeal Panel (or his/her nominee) shall be in attendance and shall record the decision of the Appeal Panel.

Procedure for Appeal

- 12.17 The procedure for the appeal shall be determined by the Chairperson of the Appeal Panel who may give directions as to the procedure for the appeal and the evidence to be adduced in order to limit the issues to be adjudicated upon or for the more efficient determination of the hearing including, but not limited to:
- (a) requiring that parties make written submissions in advance of the hearing;
 - (b) extending or abridging time limits;
 - (c) requiring disclosure of documents in possession of the parties;
 - (d) granting an adjournment; and/or
 - (e) establishing the date, time and place of the hearing.

- 12.18 Where a de novo hearing is exceptionally permitted, the Appeal Panel shall have regard to, but shall be entitled to depart from, the procedure for the appeal hearing set out below:
- (a) the body or person responsible for the citing or complaint shall call his/her evidence first;
 - (b) where the appeal is against a finding of fact, the evidence against the Person making the appeal shall be called first;
 - (c) the Person making the appeal may call witnesses in support of his case;
 - (d) at the discretion of the Chairperson of the Appeal Panel, additional evidence may be presented by the Person making the appeal irrespective of whether or not the additional evidence was available to that Person or by reasonable enquiry could have been made available to that Person at the time of the original hearing;
 - (e) the Appeal Panel shall have discretion to hear any further witnesses and to seek such other evidence as they consider will be of assistance;
 - (f) the Appeal Panel may question the Appellant or any of the witnesses;
 - (g) in cases of the abuse of match officials, the match official may, through the Chairperson of the Appeal Panel, question:
 - (i) the Person making the appeal; and
 - (ii) witnesses who have given evidence against the Person making the appeal; and
 - (h) the Appellant shall be given the right of the last word.

Decision

- 12.19 The Appeal Panel shall consider their decision in private and shall reach a decision on a majority vote with the Chairperson having the casting vote in the event of equality.
- 12.20 Any sanction or suspension imposed, confirmed or varied by the Appeal Panel shall normally commence on the day following the date of the appeal, but may be delayed to take account of the end of the season or other relevant factors, or backdated if the player has not played since the incident.
- 12.21 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.
- 12.22 The Appeal Panel shall deliver its decision to the parties to the appeal proceedings orally at the end of the hearing or in writing within five days after the conclusion of the hearing.

- 12.23 Where a party to the appeal proceedings requires that written reasons be produced it must request such reasons within 48 hours following receipt of the decision, following which written reasons will be produced by the Appeal Panel as soon as is reasonably practicable.

Costs

- 12.24 Whilst the Appeal Panel shall have discretion in this regard, a Person making an unsuccessful appeal may be required to pay the costs of the appeal which may include:
- (a) the costs of the Appeal Panel (including the cost of any independent members of the Appeal Panel);
 - (b) the travelling expenses of any match official or referee adviser that attended the appeal hearing; and
 - (c) the legal costs of the WRU (but not the legal costs of any other party to the appeal)

13 Unforeseen circumstances

- 13.1 In the event that a particular incident takes place for which there is no provision in these Disciplinary Regulations, then the Disciplinary Officer may either refer the matter to the WRU Disciplinary Committee or the Chairperson of the WRU Disciplinary Panel (or his designee) or else take such other action that he/she considers appropriate in the circumstances.
- 13.2 If the Disciplinary Officer refers the matter to the WRU Disciplinary Committee or to the Chairperson of the WRU Disciplinary Panel, that entity or person shall deal with the matter in accordance with general principles of natural justice and fairness.

14 Financial Penalties / Sanctions

- 14.1 Unless otherwise expressly ordered by the relevant Disciplinary Panel or Appeal Panel, a fine imposed on a Club or Person must be paid within 28 days of the decision.
- 14.2 If a Club fails to pay any fine imposed on it within 28 days of the decision (or such other time period as specified by the relevant Disciplinary Panel or Appeal Panel if different), a corresponding amount will be deducted (and retained) from any sums payable to the Club by the WRU.
- 14.3 If a Club or Person is subject to any other form of sanction (such as an educative course), the Club or person shall bear its cost.