



National Competition Rules

Appeals



Scottish Rugby Appeals

1 DEFINITIONS

‘Board’	means the Scottish Rugby Club Rugby Board, or any sub-committee of the Board operating under the specific authority of the Board.
‘Club’	means any club, team or other body (as the context may require) which participates in a Scottish Rugby Competition.
‘Competitions’	means the Scottish Rugby league and knock-out competitions designated by the Board.
‘Competitions Committee’	means a committee elected or appointed to assist in the organisation of an individual Scottish Rugby Competition.
‘Match’	means a match played or to be played in a Competition.
‘Player’	means any person who is named by a Club to participate in a Match.
‘Regulations’	means any supplementary regulations provided or approved by the Board in respect of individual Competitions, or generally.
‘Rules’	means the Scottish Rugby Competition Rules approved by the Board from time to time.
‘Scottish Rugby’	means Scottish Rugby Union.

2 ORGANISATION AND APPLICATION

The Appeals Process

- 2.1 The Appeals Process and changes to them shall be subject to approval by the Board.
- 2.2 The Board may provide supplementary processes in respect of Appeals. The Board reserves the right to amend the Rules and Regulations from time to time.
- 2.3 The Board shall have the power to rectify any error or omission in the relation to the Appeals process in such manner as it deems fit.
- 2.4 In the processes, unless specified or the context otherwise requires, words importing any gender shall include all other genders, and importing singular shall, where appropriate, include plural.
- 2.5 Should any provision of the Appeals Process be held by any court or other competent authority to be illegal, void or unenforceable (in whole or in part) the remainder of the National Competition Rules and Appeals Processes shall continue to be enforceable.

The Appeals Panel

- 2.6 The Board shall establish an independent Competition Appeals Panel (the “Appeals Panel”) to hear and determine appeals against decisions of the Championship Committee and Competitions Committees, including decisions delegated to the Championship Convenor, Championship Secretary and/or other bodies or individuals appointed to assist with the organisation of specific competitions.
- 2.7 The Board shall appoint the members of the Appeals Panel and, from those members, a Chair of the Appeals Panel. The members of the Appeals Panel shall comprise legally qualified persons together with current and former administrators/players and such others as are considered by the Board to have skills and experience relevant to the work of the Appeals Panel.
- 2.8 The Chair of the Appeals Panel shall from time to time select not less than three members of the Appeals Panel to sit as an Appeals Panel and shall select one of those members (who shall ordinarily be a legally qualified solicitor or advocate of at least five years’ standing) to act as Chair of the Appeals Panel. The Scottish Rugby Regulatory Department shall provide administrative support to the Appeals Panel.
- 2.9 All decisions of the Appeals Panel shall be made by majority. No member of the Appeals Panel may abstain. The Chair of the Appeals Panel shall have both a deliberative and, where the Appeals Panel consists of an even number of members, a casting vote.

3 APPEAL PROCEDURE

Grounds for Appeal

- 3.1 The grounds for appeal shall be limited to the following:
 - 3.1.1 the original decision was unduly harsh or oppressive;
 - 3.1.2 the body or person making the decision misdirected itself in relation to the Laws of the Game and/or the relevant competition Rules and Regulations;
 - 3.1.3 the body or person making the decision, in the exercise of its discretion, took account of factors it should not have or failed to take account of factors it should have;
 - 3.1.4 there has been a breach of natural justice; or
 - 3.1.5 no other reasonable body or person appointed to that role would have reached that decision.
- 3.2 For the avoidance of doubt:
 - 3.2.1 no Club, team or person may appeal in respect of any sanction imposed on, or other decision made concerning, another Club, team or person; and
 - 3.2.2 no Appeal may be brought against an operational decision made in the running of a Competition, notwithstanding that the effect of such decision could impact financially or otherwise on the Club, body or individual.

Timing and Form of Appeal

- 3.3 Notes of appeal must be in writing, be signed by the appellant and must be lodged with the Appeals Panel Secretary within seven days of the decision appealed against being made. The note of appeal must contain the following:
 - 3.3.1 the name of the party making the appeal and the office held /capacity of the person signing it;
 - 3.3.2 the decision appealed against, including details of the party which made the original decision, the date of the decision and any sanction imposed;
 - 3.3.3 the full grounds of appeal; and
 - 3.3.4 any documentation upon which the appellant intends to rely in relation to the appeal.
- 3.4 Other than on cause shown and with the approval of the Appeals Panel, it shall not be permissible to introduce evidence which was available, or could reasonably have been available, at the time the decision appealed against was made but which was not brought to the attention of the original Complaints Committee.

Appeal Process

- 3.5 The Appeals Panel shall, subject to the requirements of natural justice, have the power to:
 - 3.5.1 regulate its own procedure and determine any matter arising in relation to the Appeal. Meetings of the Appeals Panel may take place either in whole or in part in one place, by letter, telephone, e-mail, video-conference, webcast or by a combination of convenient means;
 - 3.5.2 determine the timescale for the appeal. The timescale shall be advised to the appellant, who may request a postponement of any hearing on cause shown. For the avoidance of doubt the Appeals Panel shall be entitled to expedite the process where it considers that this is required for the benefit of the competition or in the best interests of the game to do so;
 - 3.5.3 call upon, receive and consider such evidence as it thinks appropriate; and
 - 3.5.4 request the attendance at any hearing of any Club, team or person under the jurisdiction of Scottish Rugby. Where a Club, team or person requested to attend refuses or fails to do so the committee may adjourn the hearing or proceed in their absence Any Club, team or person failing to co-operate with the Appeals Panel or seeking to mislead at any point in the Complaint process, may be subject to Misconduct proceedings under Scottish Rugby's Disciplinary Rules.
- 3.6 The appellant shall have the right to be represented at any hearing by up to two people, in the case of a Club one of whom must be a Club member. The name and capacity of those attending shall be advised to the Appeals Panel in advance of the meeting.
- 3.7 Scottish Rugby's Discipline Manager or his nominee may represent the original decision making body or person at any Appeal Hearing.

- 3.8 Where evidence is given before the Appeals Panel, there shall be no cross-examination of witnesses except through the Chair and to the extent that the Appeals Panel in its discretion permits. The deliberations of the Appeals Panel shall be in private.
- 3.9 No appeal shall be decided upon grounds not contained within the note of appeal lodged by the appellants. The Appeals Panel may, on cause shown, allow further grounds of appeal to be stated providing that the party who made the original decision or its representative is given an opportunity, within a reasonable time, to answer the same.

Appeal Decision

- 3.10 Having heard such evidence it deems appropriate and any submission made by or on behalf of the appellant, the Appeals Panel may decide to:
- 3.10.1 affirm the original decision; or
 - 3.10.2 uphold the appeal by setting aside the decision appealed against and quashing any sanction imposed under it; or
 - 3.10.3 uphold the appeal in part by setting aside part only of the decision appealed against and/or modifying any sanction imposed; or
 - 3.10.4 refuse the appeal and increase the sanction imposed on the appellant or substitute an alternative sanction; or
 - 3.10.5 take any step which in the exercise of its discretion the Appeals Panel considers it would be appropriate to take in order to deal justly with the appeal.
- 3.11 The decision of the Appeals Panel shall be advised to the appellant as soon as reasonably practicable after the conclusion of the hearing. Where it considers it appropriate, the Appeals Panel may deliver an oral decision at the conclusion of the hearing. A written statement giving reasons for a decision of the Appeals Panel shall be provided in due course if so requested by the appellant. Scottish Rugby reserves the right to make public the outcome of any appeal and the identity of any Club, team or individuals concerned.
- 3.12 The decision of the Appeals Panel shall be notified to all parties in writing and shall be final and binding on all concerned.

Acts of Misconduct

- 3.13 For the avoidance of doubt the Appeals Panel shall be entitled to refer any act of potential Misconduct under Scottish Rugby's Disciplinary Rules to the Discipline Committee for further consideration.

4 NOTICES

- 4.1 Any notice served pursuant to the Rules and Regulations shall be in writing and shall be delivered by email. All notices shall be deemed, until the contrary is proved, to have been received on the date of sending if sent by email.

5 OMISSIONS, INTERPRETATION AND EXCEPTIONAL CIRCUMSTANCES

- 5.1 The Appeals Panel may, on cause shown, relieve a Club, team or person from the consequences of a failure to comply with the National Competition Rules and Regulations which is shown to be a mistake, oversight or other excusable cause on such conditions as the Panel so determines.
- 5.2 With the prior approval of the Board, the Appeals Panel shall have the discretion to:
- 5.2.1 decide on matters not provided for in the National Competition Rules and Regulations and to take appropriate action thereon;
 - 5.2.2 interpret the meaning of the National Competition Rules and Regulations in accordance with the underlying principles and intent (insofar as it can be ascertained) of the relevant Rule / Regulation and the interests of the game;
 - 5.2.3 determine any inconsistency between the National Competition Rules and Regulations and to rectify any administrative error.