

## REGULATIONS FOR FOOTBALL ASSOCIATION APPEALS

### Commencement of Appeal

- 1.1 An appeal shall be commenced by lodging a notice of appeal (“the Notice of Appeal”) with The Association.
- 1.2 The Notice of Appeal shall be lodged within 14 days of the date of notification of the decision appealed against. In the case of an appeal from a decision of a Regulatory Commission, the date of notification of the decision shall be the date of the written decision or, if applicable, the date of the written reasons for the decision. In relation to any other decision, the relevant date shall be the date on which it was first announced.
- 1.3 The Notice of Appeal must:
  - (1) identify the specific decision(s) being appealed;
  - (2) set out the ground(s) of appeal and the reasons why it would be substantially unfair not to alter the original decision;
  - (3) set out a statement of the facts upon which the appeal is based;
  - (4) save for where the Appellant is The Football Association, in which case no deposit will be payable, be accompanied by any deposit prescribed by the relevant Rules of The Association or Regulations. Where an appeal is lodged by fax, the deposit must be received not later than the third day following the day of despatch of the fax (including both the day of despatch and receipt);
  - (5) where appropriate, apply for leave to present new evidence under 2.6 below.
- 1.4 The grounds of appeal, available to Participants and The Association, shall be that the body whose decision is appealed against:
  - (1) misinterpreted or failed to comply with the rules or regulations relevant to its decision; and/or
  - (2) came to a decision to which no reasonable such body could have come;
- 1.5
  - (1) Only where a decision made by a league is being appealed, within 7 days of the lodging of the Notice of Appeal, the league (the Respondent) may submit in writing an application for the Appeal Board to require a bond to be lodged by the Appellant before the appeal may progress.
  - (2) Whilst such a bond application is being processed in accordance with this regulation, no Response to the Notice of Appeal will be due from the Respondent in accordance with regulation 2.4.
  - (3) Any bond application must be copied to the Appellant, and -
    - (i) State the grounds for the application; and

(ii) State the amount applied for.

(4) The Appellant may provide a response to the bond application within 7 days of its submission.

(5) Whether or not the Appellant has provided any response to it, the Appeal Board shall consider the bond application as soon as practicable after the seventh day following its submission. The Appeal Board may, in its discretion, consider the bond application on papers alone, or require the parties to attend a personal hearing. Any such hearing shall be conducted according to such timings and procedure as the Appeal Board may determine at its discretion.

(6) Notwithstanding the terms of 3.5 below, only following a bond application by the Respondent submitted pursuant to this regulation, the Appeal Board may order the Appellant to lodge a bond with The Association on such date and in such amount as it considers appropriate.

Where it is satisfied that-

i. The Respondent will incur legal costs (in excess of XX) in responding to the Notice of Appeal; and

ii. There is a real risk the Association will not pursue the Appeal to a final determination by the Appeal Board.

The Appeal Board's decision in this respect shall be final and binding with no further right of appeal.

(7) Where an Appeal Board orders a bond to be lodged with The Association, the Appeal may not proceed until the bond is duly lodged. In any such appeal, notwithstanding the terms of 2.4 below, the Respondent shall serve its response to the Notice of Appeal within 14 days from the date that the bond is lodged with The Association.

(8) Where an Appeal Board decides not to order a bond to be lodged with The Association, notwithstanding the terms of 2.4 below, the Respondent shall serve its response to the Notice of Appeal within 14 days from the date of the Appeal Board's decision.

(9) Any bond lodged with The Association pursuant to (6) above will be held by The Association until the final determination, the bond shall in all cases be returned to the Appellant in full.

(10) Notwithstanding the terms of 3.5 below, in any case where a bond has been lodged with The Association, and the appeal is not pursued by the Appellant to a final determination by the Appeal Board, the Appeal Board shall have a discretion to order the forfeiture of any part or all of the bond, such amount to be paid in full to the Respondent to cover any costs it has so far incurred in responding to the appeal.

- 1.6 Once an appeal has commenced, it shall not be withdrawn except by leave of the Appeal Board, with such order for costs , or such order in respect of any bond lodged pursuant to 1.6 above, as the Appeal Board may consider appropriate.

### **Appeal Proceedings**

A deposit of £100 is required for appeals against decisions of Regulatory Commissions of The Association and the Safeguarding Review Panel, and £50 for appeals against decisions of Disciplinary Commissions of Affiliated Associations.

- 2.1 An Appeal Board shall proceed as set out below.
- 2.2 Reference to a party or parties means:
- (1) the appellant (the “Appellant”); and
  - (2) the respondent (the “Respondent”) which shall be either the Participant and/or The Association in the case of an appeal against a decision of the Regulatory Commission, or the Affiliated Association or Competition whose decision is appealed against (the “Respondent”).
- 2.3 The Association, whether acting as Appellant or Respondent, shall nominate an individual or individuals to represent it before the Appeal Board.
- 2.4 The Respondent shall serve a written reply to the Notice of Appeal (the “Reply”) on an Appellant and the Appeal Board within 21 days of the lodging of the Notice of Appeal. Where appropriate, the Reply must include any application for leave to present new evidence under 2.6 below.
- 2.5 The parties shall be entitled to make oral submissions to the Appeal Board but an appeal shall be by way of a review on documents only, with oral evidence, except where the Appeal Board gives leave to present new evidence under 2.6 below.
- 2.6 The Appeal Board shall hear new evidence only where it has given leave that it may be presented. An application for leave to present new evidence must be made in the Notice of Appeal or the Reply, setting out the nature and relevance of the new evidence, and why it was not presented at the original hearing. Save in exceptional circumstances, the Appeal Board shall not grant leave to present new evidence unless satisfied with the reason given as to why it was not, or could not have been, presented at the original hearing and that such evidence is relevant. The Appeal Boards decision shall be final.
- 2.7 The chairman of an Appeal Board may upon the application of a party or otherwise, give any instruction considered necessary for the proper conduct of proceedings, including but not limited to:
- (1) extending or abridging any time limit;
  - (2) amending or dispensing with any procedural steps set out in these Regulations;
  - (3) instructing that a transcript be made of the proceedings;

- (4) ordering parties to attend a preliminary hearing;
  - (5) ordering a party to provide written submissions. The decision of the chairman of the Appeal Board shall be final.
- 2.8 The Appeal Board may adjourn a hearing for such period and upon such terms (including an order as to costs) as it considers appropriate.
- 2.9 The Appellant shall prepare a set of documents which shall be provided to the Appeal Board and Respondent at least seven days before the hearing and which shall comprise the following (or their equivalent);
- (1) the Charge;
  - (2) the Answer;
  - (3) any documents or other evidence referred to the original hearing relevant to the appeal;
  - (4) any transcript of the original hearing;
  - (5) the notification of the decision appealed against and where they have been given the reasons for the decision;
  - (6) any new evidence;
  - (7) The Notice of Appeal;
  - (8) The Reply.

Where the Regulatory Commission or other body appealed against has not stated the reasons for its decision, either

- (i) The Appellant shall request written reasons from that body which shall be provided to the Appeal Board; or
  - (ii) The Appeal Board shall require that a member of the body that made the decision shall attend (in which case, questions may be put by the Appeal Board at a hearing to satisfy itself as to the reasons for the decision. Cross-examination by the Appellant or Respondent shall not be permitted. Representations may be made by the parties to the Appeal Board who may then put questions to the member of the body that made the decision).
- 2.10 Appeal hearings shall be conducted how, when and where the Appeal Board considers appropriate. Reasonable notice shall be given by the Appeal Board of the date, time and venue of the appeal. Where an application to present new evidence has been made, the party making the application shall address the Appeal Board in support of the application and the other party may respond: the Appeal Board shall determine whether or not it will receive the new evidence. The following procedures shall be followed at an appeal hearing unless the Appeal Board thinks it appropriate to amend them:

- (1) The Appellant to address the Appeal Board, summarising its case;
- (2) Any new evidence to be presented by the Appellant;
- (3) The Respondent to address the Appeal Board, summarising its case;
- (4) Any new evidence to be presented by the Respondent;
- (5) Each party to be able to put questions to any witness giving new evidence;
- (6) The Appeal Board may put questions to the parties and any witness giving new evidence at any stage;
- (7) The Respondent to make closing submissions;
- (8) The Appellant to make closing submissions.

2.11 The Appeal Board shall proceed in the absence of any party, unless it is satisfied that there are reasonable grounds for the failure of a party to attend, and shall do so in such manner as it considers appropriate.

2.12 The Appeal Board may, in the event of a party failing to comply with an order, requirement or instruction of the Appeal Board, take any action it considers appropriate, including an award of costs against the offending party.

### **Appeal Board Decisions**

3.1 A decision, order, requirement or instruction of the Appeal Board shall (save where to be made under the Rules of The Association by the chairman of the Appeal Board alone) be determined by a majority. Each member of the Appeal Board shall have one vote, save the chairman shall have a second or casting vote in the event of deadlock.

3.2 A decision of the Appeal Board shall be final and binding and there shall be no right of further Challenge, save for only in relation to appeals to CAS brought only by FIFA or WADA pursuant to Doping Regulations.

3.3 The Appeal Board shall have power to:

- (1) allow or dismiss the appeal;
- (2) exercise any power which the body against whose decision the appeal was made could have exercised, whether the effect is to increase or decrease any penalty, award or sanction originally imposed;
- (3) remit the matter for re-hearing;
- (4) order that any deposit be forfeited or returned as it considers appropriate;
- (5) make such further or other order as it considers appropriate or for the purpose of giving effect to its decision.

### **Costs**

- 3.4 Any costs incurred in bringing, or responding to, an appeal shall be borne by the party incurring the costs. Any costs incurred in relation to the Appeal Board, including travel, accommodations and room hire, may be ordered by the Appeal Board to be paid by either party.

#### **Announcement of Decision**

- 3.5 The Appeal Board shall announce its decision to the parties as soon as practicable in such manner as it consider appropriate; and unless it directs otherwise, its decision shall come into effect immediately.

#### **Written Decisions**

- 3.6 As soon as practicable after the hearing, the Appeal Board shall publish a written statement of its decision, which shall state:

- (1) the names of the parties, the decision(s) appealed against and the grounds of appeal;
- (2) whether or not the appeal is allowed; and
- (3) the order(s) of the Appeal Board.

The written statement shall be signed and dated by the chairman of the Appeal Board and be the conclusive record of the decision.

- 3.7 The Appeal Board shall, upon request of the Appellant or the Respondent (such request to be received at The Association within five days of the announcement of the decision), give written reasons for its decision.