



UK Athletics  
Disciplinary  
Rules and  
Procedures



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# UKA Disciplinary Rules and Procedures

These Rules and Procedures set out UKA's Disciplinary jurisdiction over Participants in Athletics in Great Britain and are intended to be legally binding over all those subject to it.

## 1. Jurisdiction

- 1.1. UK Athletics shall have disciplinary jurisdiction over:
  - 1.1.1 Participants; and
  - 1.1.2 Appeals from the decisions of Home Country Athletics Federations ("HCAF"s).
- 1.2. "Participants" includes all Athletics Representatives, Coaches, Officials (conducting their activities in Great Britain and Northern Ireland), Event Organisers, Trainers, Physios and any other person in any way involved in athletics or athletic competitions taking place under the Rules of World Athletics in Great Britain and Northern Ireland.
- 1.3. "Participants" shall also include,
  - 1.3.1 All World Class Programme funded athletes (regardless of whether they conduct activities in Great Britain and Northern Ireland);
  - 1.3.2 Athletes selected for or competing for Great Britain or who have competed for Great Britain in the current or any of the 3 previous indoor or outdoor seasons;
  - 1.3.3 All holders of UK Athletics Coaching Licences (regardless of whether they conduct activities in Great Britain and Northern Ireland);
  - 1.3.4 Officials who are subject to UKA's Official's Licence Conditions;
  - 1.3.5 All organisers of Competitions as defined in World Athletics Rules staged in Great Britain and Northern Ireland;
  - 1.3.6 All organisers of other Meetings staged in Great Britain and Northern Ireland under UK Athletics Rules for Competition Rule 12;
  - 1.3.7 Athletes and Clubs in so far as any alleged Misconduct relates in any way to their participation in, or is connected in any way with, an event run in whole or part by UK Athletics, including whether the alleged Misconduct took place before, during or after such event;

- 1.3.8 All employees or consultants of UK Athletics; and
- 1.3.9 All Officers of UK Athletics.
- 1.4. In the event of a dispute or question arising concerning jurisdiction over a disciplinary matter between UK Athletics and any HCAF, the determination as to where jurisdiction lies will reside with UK Athletics.
- 1.5. In appropriate cases, notwithstanding the fact that UK Athletics has jurisdiction over a Participant, it may delegate the conduct of disciplinary proceedings to a relevant HCAF or other competent body.
- 1.6. Other than in relation to UKA's jurisdiction under paragraph 1.3 above, disciplinary jurisdiction over Athletes and Clubs will reside with the HCAF of which that Athlete or Club is a member.
- 1.7. The HCAFs also have jurisdiction under their own Rules to initiate disciplinary proceedings against Participants based within their geographical jurisdiction or taking place within the territory in relation to breaches of:-
  - 1.7.1 UKA Rule 2 (Club Membership)
  - 1.7.2 UKA Rule 6 (Eligibility Committee and Hardship Applications)
  - 1.7.3 UKA Rule 12 (Permission to promote)
  - 1.7.4 UKA Rule 22 (Misconduct)
  - 1.7.5 UKA Rule 23 (Protests and Appeals)  
UKA has jurisdiction to deal with appeals from these decisions as set out below.
- 1.8. In the event of a conflict between HCAF and UKA Rules, UKA Rules will prevail as regards jurisdiction.



## 2. Misconduct

- 2.1. UK Athletics may prosecute and conclude disciplinary proceedings against any Participant for Misconduct.
- 2.2. "Misconduct" shall mean:
  - 2.2.1 Any breach of UK Athletics' Rules, Regulations or Codes of Conduct;
  - 2.2.2 Any Anti-Doping Rule Violation committed by a Participant;
  - 2.2.3 Any breach of the terms of any licence granted to any person by UK Athletics;
  - 2.2.4 Any breach of duty by any officer, consultant or employee of UK Athletics;
  - 2.2.5 Any breach of any applicable Athletics Representative Regulations or Guidelines;
  - 2.2.6 Any breach of the terms of an Athlete's participation in the World Class Programme;
  - 2.2.7 Any breach of the World Class Programme Athlete Agreement or Team Members Agreement; and
  - 2.2.8 Any failure or refusal to cooperate with any investigation conducted by UK Athletics.
- 2.3. UK Athletics may delegate the prosecution of any alleged Anti-Doping Rule Violation to UK Anti-Doping.

## 3. Exclusions from Jurisdiction

- 3.1. In accordance with their terms, consideration of the following matters shall be excluded from the disciplinary jurisdiction of UK Athletics:
  - 3.1.1 Matters dealt with under UK Athletics' Safeguarding Regulations;
  - 3.1.2 Disputes concerning selection, both for the World Class Programme and for the composition of UK Athletics or British Athletics representative teams.

## 4. Appellate Jurisdiction of UK Athletics

- 4.1. UK Athletics shall have jurisdiction to hear and determine the following appeals:
  - 4.1.1 An appeal by a Participant or UK Athletics against a decision of a UKA Disciplinary Panel;
  - 4.1.2 Any appeal from a disciplinary decision or other decision of a Panel of an HCAF, insofar as the Rules of such HCAF provide for such an appeal;
  - 4.1.3 An appeal from a refusal to grant permission to licence an event;
  - 4.1.4 An appeal from any decision as to an Athletes' eligibility to compete for Great Britain and Northern Ireland (other than Selection Appeals);
  - 4.1.5 An appeal from a refusal to renew any form of licence granted by UKA or to impose conditions upon an existing licence whether during the pendency of the licence or on its renewal.
- 4.2. These matters shall be submitted to the UKA Appeal Panel.

## 5. Powers of Investigation

- 5.1. UK Athletics shall have power to investigate any Participant for Misconduct.
- 5.2. UK Athletics shall have the power to require any Participant to:
  - 5.2.1 Provide such specific or general information as UK Athletics may request orally or in writing; and/or
  - 5.2.2 Attend any meeting, inquiry, hearing or proceedings to answer questions; and
  - 5.2.3 To produce documents within their power, possession, custody and/or control, as UK Athletics may direct.
- 5.3. UK Athletics may instruct such advisers as it considers appropriate for the purposes of carrying out such investigations, meetings, inquiry, hearing or proceedings.
- 5.4. It shall be no answer to a request from UK Athletics to disclose documents or information pursuant to this Rule that such documents or information requested are confidential.
- 5.5. It shall be an answer to such a request that the documents requested are subject to legal professional privilege or that their disclosure is prohibited by law.

## 6. Interim or Protective Measures

- 6.1. Where UK Athletics consider that a Participant may have committed Misconduct, it may impose such interim or protective measures as it considers appropriate.
- 6.2. These measures may include:
  - 6.2.1. The imposition of a temporary suspension upon a Participant pending a hearing;
  - 6.2.2. The temporary suspension of a Participant's licence pending a hearing;
  - 6.2.3. Temporarily removing a Participant from any role in UKA, from holding any office in UKA, or having any entitlement to participate in its decisions.
- 6.3. Any breach of the terms or conditions of the Interim Suspension will constitute a new disciplinary offence and shall be dealt with accordingly.
- 6.4. UK Athletics may request the delivery up of any documents or property relating to a potential charge of Misconduct or request that any Participant, whether or not the subject of a potential Charge, attends for interview or answers any questions put to them by UK Athletics.

## 7. Initiating Disciplinary Proceedings

- 7.1. UK Athletics may initiate disciplinary proceedings against any Participant for Misconduct. A Participant charged with Misconduct shall be called a “Respondent”.
- 7.2. UK Athletics may initiate a Charge based upon any allegation or suspicion of Misconduct reported to UK Athletics, or of its own motion.
- 7.3. It shall do so by sending a Charge Letter to each Respondent charged with Misconduct.
- 7.4. The Charge Letter shall set out:
  - 7.4.1. The nature of the complaint or Misconduct constituting the Charge;
  - 7.4.2. The Rule, Regulation or Code of Conduct breached by the Respondent;
  - 7.4.3. A brief summary of the facts relied upon by UK Athletics; and
  - 7.4.4. Any relevant documents currently available to UK Athletics (on the understanding that their release would not jeopardise or prejudice the investigation).
- 7.5. The Charge Letter shall state a date within which the Respondent must respond to the Charge as well as requesting that the Respondent state whether the Charge is admitted.
- 7.6. If a Charge is admitted, the matter shall be referred to the UKA Disciplinary Panel solely for the purpose of sanction.
- 7.7. If a Charge is admitted:
  - 7.7.1. On the basis that certain disputed facts are true; or
  - 7.7.2. On the basis that the Respondent wishes to mitigate a Charge on a basis which UK Athletics disputes, the UKA Disciplinary Panel shall set a timetable for evidence in order to resolve these disputed issue of fact.
- 7.8. Where a Charge is denied, the procedures set out below in paragraph 11 shall apply.



## 8. The UKA Disciplinary Panel

- 8.1. The UKA Disciplinary Panel shall be composed of three members selected by UK Athletics for their expertise, and experience in Athletics or sport generally, and for their impartiality. No person may be appointed a member of a UKA Disciplinary Panel if they have any current financial relationship with UK Athletics, or are biased or lack impartiality on any basis.
- 8.2. In most cases, the UKA Disciplinary Panel shall be selected from members of the Disciplinary Case Management Group of UK Athletics. In exceptional cases, however, UK Athletics may appoint a Panel wholly or partially composed of nominees proposed by Sport Resolutions.
- 8.3. Any challenge by a Respondent to the suitability or impartiality of a member of the UKA Disciplinary Panel must be made within 7 days of the receipt of the Charge Letter.
- 8.4. In the event of such a challenge, the challenge may either be resolved by consent or by the decision of the Chair of the Disciplinary Panel.
- 8.5. Where the impartiality of the Chair is challenged, this matter shall be resolved by the CEO of UKA (or a suitably qualified member Disciplinary Case Panel nominated by such CEO).
- 8.6. The Chair of the UKA Disciplinary Panel shall be legally qualified, being either a barrister of at least 12 years call or a solicitor of at least 10 years post-qualification experience.

## 9. Powers of the UKA Disciplinary Panel

- 9.1. The UKA Disciplinary Panel shall determine its own procedure and may determine any question as to its own jurisdiction.
- 9.2. In the discharge of its functions, the UKA Disciplinary Panel shall have the following powers:
  - 9.2.1. To impose, amend or to abridge any time limits;
  - 9.2.2. To impose a timetable leading to the Hearing of a Charge;
  - 9.2.3. To impose any directions upon either UK Athletics or a Respondent with respect to matters before the UKA Disciplinary Panel;
  - 9.2.4. To order disclosure by either party of all or any documents in that party's possession it considers to be relevant;
  - 9.2.5. To determine whether expert evidence is required and, if so, in relation to what issues and to make orders relating thereto;
  - 9.2.6. To order the attendance of any Participant to any of the proceedings of the UKA Disciplinary Panel;
  - 9.2.7. To order the attendance of any Officer or Employee of, or Consultant, to UK Athletics to any proceedings of the UKA Disciplinary Panel;
  - 9.2.8. To decide upon any matters of law or fact arising in the course of its proceedings;
  - 9.2.9. To draw any inferences (positive or negative) from the presence or absence of any evidence before the UKA Disciplinary Panel;



- 9.2.10. To conduct preliminary hearings on any matters arising in the course of the Disciplinary Proceedings, or from the failure or refusal of any party to comply with the any Order for Directions made;
  - 9.2.11. To make final partial or final awards as to any matters arising in the course of Disciplinary Proceedings including striking out complaints or defences or parts of complaints or defences, or reaching a conclusion as to an issue in proceedings, in the absence of, or the necessity for, a full hearing; and
  - 9.2.12. To set a date for the hearing or to adjourn or postpone any hearing.
- 9.3. Any hearing of the UKA Disciplinary Panel may take place in person or via video conference or through a variety of both media, at the complete discretion of the UKA Disciplinary Panel.

## **10. Rights of Audience before the UKA Disciplinary Panel**

- 10.1. Both UK Athletics and the Respondent may be legally represented before the UKA Disciplinary Panel. Alternatively, either party may choose to be represented by any person they nominate to speak on their behalf, subject to such a person not being involved or the subject of the proceedings. Both UK Athletics and the Respondent may only have one representative speaking on behalf of UK Athletics or each Respondent, in the absence of permission to the contrary from the Chair of the UKA Disciplinary Panel.

## **11. Procedure before the UKA Disciplinary Panel**

- 11.1. Upon the receipt of a Charge, a UKA Disciplinary Panel shall be appointed.
- 11.2. The UKA Disciplinary Panel shall be sent a copy of the Charge and shall, as soon as reasonably practicable, schedule a hearing to set Directions for the Hearing of the Charge.
- 11.3. The UKA Disciplinary Panel shall supervise the compliance by UK Athletics and Respondent with the Directions.
- 11.4. At the hearing, in normal circumstances, UK Athletics will present its evidence first. The Respondent shall have the right to cross-examine all and any witnesses presented by UK Athletics.
- 11.5. Once UK Athletics has presented its case, the Respondent shall present its defence. It may call all and any evidence on its behalf. UK Athletics will have the right to cross-examine all and any of the witnesses presented by the Respondent.
- 11.6. Thereafter, UK Athletics, followed by the Respondent, shall have the right to make short closing submissions.
- 11.7. The UKA Disciplinary Panel may at any time ask any questions of UK Athletics or the Respondent and question any of their witnesses.
- 11.8. Having heard all of the relevant evidence, the Disciplinary Panel shall reach its decision.



## **12. The Confidentiality of Proceedings**

- 12.1. All proceedings of the UKA Disciplinary Panel shall be confidential. All and any documents created or exchanged in the course of the disciplinary proceedings shall also remain confidential, notwithstanding their conclusion. The confidentiality of any disciplinary proceedings may only be overridden by an order of the UKA Disciplinary Panel that heard the relevant proceedings or by an order of an Appeal Panel.

## **13. Burden and Standard of Proof**

- 13.1. UK Athletics shall bear the burden of proving the Charge. The standard of proof shall be the civil standard, in that the UKA Disciplinary Panel must be satisfied that on the balance of probabilities the conduct constituting the Charge took place.

## **14. Evidence**

- 14.1. The UKA Disciplinary Panel shall not be bound by any formal rules of evidence and may accept in evidence as admissible any evidence which it considers is relevant and cogent to the proceedings before it. The weight to be attributed to any evidence shall be a matter for the UKA Disciplinary Panel.

## **15. Venue**

- 15.1 The venue of any disciplinary or appeal hearing will be at the complete discretion of UKA.

## **16. The Decision**

- 16.1. Having heard all of the relevant evidence, the UKA Disciplinary Panel shall reach a Decision. If the Panel is not unanimous in reaching its decision, this shall not be recorded and no dissenting judgment shall be given. The UKA Disciplinary Panel shall decide whether the Charge is proven, not proven, or proven in part. The Decision shall be in writing and distributed to all parties as soon as reasonably practicable after it has been reached.
- 16.2. In matters of urgency a summary of the conclusions reached by the UKA Disciplinary Panel may be released with the full reasoned decision to follow.
- 16.3. Clear reasons shall be given for the conclusion reached in the written Decision. The parties may request clarification of any Decision within seven days after it has been reached, after which time it shall become final and binding on all parties (subject to any subsequent appeal).
- 16.4. Either party or the UKA Disciplinary Panel may request that parts of the written Decision be redacted on grounds of confidence or the protection of third parties. The decision of the UKA Disciplinary Panel to allow or not allow redactions is final.

## 17. Sanctions

- 17.1. If the UKA Disciplinary Panel decides that the Charge is proven, or proven in part, it shall then move to consider the imposition of appropriate sanction.
- 17.2. In the exercise of its disciplinary power, the UKA Disciplinary Panel may impose any one, or a combination of, the following Sanctions:
- 17.2.1. Declare the Respondent ineligible for any period of time;
  - 17.2.2. Impose a suspended period of ineligibility;
  - 17.2.3. Issue the Respondent with a reprimand or warning as to future conduct;
  - 17.2.4. Revoke, or vary any licence or permission given by UK Athletics or a HCAF to any person in receipt of such a licence, such revocation to be either temporary (for a term to be decided by the Disciplinary Panel) or permanent;
  - 17.2.5. Impose a financial penalty payable to UK Athletics upon any Respondent;
  - 17.2.6. Exclude a Respondent from any form of participation in athletic activities for any period of time;
  - 17.2.7. Suspend or place any restriction on the membership of a Club or organisation under the jurisdiction of UK Athletics;
  - 17.2.8. Remove a Participant from any role in UKA, from holding any office in UKA, or from any entitlement to participate in its decisions.
  - 17.2.9. Impose an order that the Respondent make a contribution towards the costs incurred by UK Athletics (including Arbitrators' costs);
  - 17.2.10. Suspend or terminate a Club's right to participate in UK Athletics or HCAF competitions, and to withdraw any sporting or membership privileges from such a Club;
  - 17.2.11. Make declaration that any Officers, employees or consultants of UK Athletics or the relevant HCAF are debarred from continuing to hold any office or status in UK Athletics or the relevant HCAF (or both); or
  - 17.2.12. Order any such sanction as the Disciplinary Panel may think fit.

## 18. Publication of the Decision

- 18.1. At the discretion of UK Athletics, the Decision may be published on the UK Athletics website and made available publicly, subject to such redactions as the UK Athletics or Disciplinary Panel may order.
- 18.2. Alternatively UK Athletics may publish a summary of any decision, rather than the full decision, where the interests of athletes, or of the sport generally, or commercial confidence so warrant it.
- 18.3. Where it is agreed that a decision is confidential between the parties, disclosure may be made by UK Athletics for the purposes of the enforcement of the Sanction.

## 19. Costs

- 19.1. In general, both UK Athletics and the Respondent shall bear their own costs of the proceedings. UK Athletics shall pay the costs relating to the Hearing, including Arbitrator costs (if any). Costs shall only be paid by way of a sanction, or part of a sanction, if the Disciplinary Panel consider it appropriate.

# Rules of Appeal

## 20. Appellate Jurisdiction

- 20.1. These Rules of Appeal apply in relation to:
- 20.1.1. An appeal from any decision taken by a UKA Disciplinary Panel (“UKA Disciplinary Decision”);
  - 20.1.2. An appeal from any disciplinary decision taken by a Panel of an HCAF (“HCAF Disciplinary Decision”) in so far as the Rules of such HCAF Provenance for such an appeal;
  - 20.1.3. An appeal from a refusal to grant permission to promote an event;
  - 20.1.4. An appeal from any decision as to an Athletes’ eligibility to compete for Great Britain and Northern Ireland (other than Selection Appeals);
  - 20.1.5. An appeal from a refusal to renew any form of licence granted by UKA or to impose conditions upon an existing licence whether during the pendency of the licence or on its renewal each of which is an “Appeal Decision”.
- 20.2. The persons entitled to appeal against a UKA Disciplinary Decision shall be UK Athletics and the Respondent to the Charge brought before the relevant UKA Disciplinary Panel, the promotor, the athlete or licensee in question.
- 20.3. Subject to the Rules of the HCAF, the persons entitled to appeal against a HCAF Disciplinary Decision shall be UK Athletics, the HCAF and the person(s) sanctioned by the HCAF.
- 20.4. The time limits and rules set out in these Rules of Appeal shall apply to all appeals, whether from the UKA Disciplinary Panel or an HCAF.
- 20.5. These Rules of Appeal constitute the exclusive appeal procedure governing Disciplinary Decisions.
- 20.6. The Parties agree not to commence, continue, or maintain any legal proceedings, other than as set out herein. Any such proceedings may be stayed under Section 9 of the Arbitration Act 1996. All decisions under these Rules of Appeal are final and binding upon the Parties.

## 21. Grounds of Appeal

- 21.1. A person with standing, being UK Athletics and the parties set out in paragraph 20.2 above, the Respondent to disciplinary proceedings or HCAF, may appeal on the grounds, and only on the grounds, that:
- 21.1.1. In the case of a UKA Disciplinary Decision, there has been a material failure to follow the process outlined in the UK Athletics Disciplinary Rules and Procedures, which failure has resulted in substantial injustice;
  - 21.1.2. In the case of a HCAF Disciplinary Decision, there has been a material failure to follow the process outlined in the relevant HCAF Rules and Procedures, which failure has resulted in substantial injustice;

- 21.1.3. The UKA Disciplinary Panel, or any member of it, or any person involved in making the relevant Disciplinary Decision, lacked the required independence and has demonstrated bias or bad faith when making the decision;
- 21.1.4. The UKA Disciplinary Panel or HCAF reached a Disciplinary Decision on the basis of an error of law;
- 21.1.5. The sanction (including where no sanction is levied) is either too lenient or too severe; or
- 21.1.6. In relation to all of the appeals under paragraph 20.1 (and exclusively for those under paragraph 20.1.3 to 20.1.5) the Disciplinary Decision is perverse or one that no reasonable person could have arrived at.

## 22. Commencing an Appeal

- 22.1. An appeal is commenced when a person with standing submits a formal written notice of appeal to UK Athletics identifying one of the permitted grounds of appeal (the “Notice of Appeal”) to UK Athletics within 21 days of the date of the Appeal Decision.
- 22.2. Notice of Appeal served outside of the 21 day time limit shall only be accepted in the most exceptional of circumstances. In normal circumstances, any failure to make a timely filing of a Notice of Appeal shall result in the termination of the appeal and shall terminate the proceedings.
- 22.3. In the event of an appeal by UK Athletics or an HCAF against an Appeal Decision, UK Athletics shall send the Notice of Appeal to the Respondent to the appeal and the HCAF (in the event of a UK Athletics appeal) by email.
- 22.4. The Notice of Appeal must set out the full details of the ground(s) of the Appellant’s appeal and include:
  - 22.4.1. Details of the Appeal Decision which is being appealed and the date of such Decision;
  - 22.4.2. Details of the ground(s) of appeal upon which the Appellant relies, including the precise manner in which the Appellant alleges that such ground(s) apply;
  - 22.4.3. Any documents or written evidence upon which the Appellant relies in support of the appeal;
  - 22.4.4. An email address for correspondence; and
  - 22.4.5. Details of any person who shall act as legal or personal representative of the Appellant.

## 23. Appointment of an Appeal Panel

- 23.1. Following receipt of a Notice of Appeal, UKA shall appoint an Appeal Panel consisting of three Arbitrators, one of whom shall be designated as the Chair.
- 23.2. All Arbitrators must be free of conflicts of interest. Each Arbitrator must disclose the existence of such conflicts before accepting an appointment to sit on an Appeal Panel.
- 23.3. UK Athletics shall notify the parties to the appeal of the identity of the Appeal Panel.
- 23.4. Any challenge by a Respondent to the suitability or impartiality of a member of the Appeal Panel must be made within 7 days of the receipt of the identity of the Appeal Panel.
- 23.5. In the event of such a challenge, the challenge may either be resolved by consent or by the decision of the Chair of the Appeal Panel.



- 23.6. Where the impartiality of the Chair is challenged, this matter shall be resolved by the CEO of UKA (or a suitably qualified member Disciplinary and Appeal Case Panel nominated by such CEO).
- 23.7. The Chair of the Appeal Panel shall be legally qualified, being either a barrister of at least 12 years call or a solicitor of at least 10 years post-qualification experience.
- 23.8. The Appeal Panel shall determine its own procedure and have all the powers of the UKA Disciplinary Panel.
- 23.9. The Chair of the Appeal Panel may conduct preliminary or directions hearings sitting alone.
- 23.10. The Sports Resolutions Arbitration Rules shall not apply to these proceedings.

## **24. Response to Appeal**

- 24.1. The Respondent to the appeal (being either UK Athletics or the Respondent before the Disciplinary Panel, or relevant HCAF) shall file its Response to the Notice of Appeal with UK Athletics by email (with a copy to all other parties to the appeal) within 21 days of receipt of the Notice of Appeal.
- 24.2. In relation to an appeal against an HCAF Decision, in the event UK Athletics is not the Appellant or a Respondent to the appeal, it may file such intervener brief or take such part in the proceedings as it considers appropriate.

## **25. Directions Hearing**

- 25.1. As soon as reasonably practicable after receipt by all parties of the Response to the Notice of Appeal, a Directions hearing will be held. The Directions Hearing should be held by video conference unless the Chair considers there is a good reason for it to be held in person.

## **26. Affected Third Parties**

- 26.1. Where it appears to the Appeal Panel that any Third Party may be affected by, or have a legitimate interest in, the appeal, they will notify the Third Party of the appeal and, provide that party with a copy of any appeal submissions (and any other relevant documents).
- 26.2. The Third Party may apply to make or may be invited to make submissions on such terms as the Appeal Panel may set. A Third Party shall be under no obligation to make any submissions, but if the Third Party makes any comments the Appeal Panel will give the parties to the appeal a copy of these submissions and time to make any further submissions in response to these submissions in advance of the Appeal Hearing.

## **27. Appellate Hearing**

- 27.1. Appellate hearings shall involve a review of the Disciplinary Decision in question, followed by the making of a decision, unless the Appeal Panel orders that the matter proceed as a re-hearing of the entire matter.
- 27.2. A de novo hearing shall be ordered only in exceptional circumstances and only where, in the opinion of the Appeal Panel, it is required in order to do justice to the parties before it (for example to cure substantial procedural or substantive failures in the proceedings before the UKA Disciplinary Panel).

- 27.3. No new evidence shall be admitted in respect of an appeal unless the Appeal Panel determines that:
- 27.3.1. The evidence was not available at the time of the original hearing, notwithstanding the exercise of reasonable diligence by the person seeking to introduce it;
  - 27.3.2. The evidence is credible; and
  - 27.3.3. The evidence is relevant.
- 27.4. Hearings may be conducted by way of oral hearing or on a review of the papers. Hearings may only be conducted by way of a review of the papers with the consent all parties (including the Appeal Panel) and UK Athletics.
- 27.5. Hearings may take place orally or via video conference (or a mixture of both) at the discretion of the Appeal Panel.

## **28. Appeal Panel Decision**

- 28.1. The Appeal Panel shall have the power to:
- 28.2. Dismiss the appeal and confirm the Disciplinary Decision;
- 28.3. Set aside the Decision in whole or in part and substitute a new decision; or
- 28.4. Remit the matter for a rehearing before a differently constituted UKA Disciplinary Panel or disciplinary panel of the HCAF in question.
- 28.5. Where the Appeal Panel decides not to confirm the sanctions element of the Disciplinary Decision, it may impose all or any of the Sanctions available to either the UKA Disciplinary Panel as set out above.

## **29. Finality of Appeals**

- 29.1. The result of all Appeals shall be final and binding on all parties and not subject to any further review, save under the Arbitration Act 1996.

## **30. Costs**

- 30.1. The same provisions as to costs shall apply before the Appeal Panel as before the UKA Disciplinary Panel.

## **31. Communications**

- 31.1. All correspondence is related to a disciplinary matter or appeal shall be conducted by email.

## **32. Governing Law and The Arbitration Act 1996**

- 32.1. The Governing Law of all proceedings before the UKA Disciplinary Panel and the Appeal Panel shall be English Law.
- 32.2. Both the proceedings before the UKA Disciplinary Panel and the Appeal Panel shall constitute Arbitrations for the purposes of Part 1 the Arbitration Act 1996. As such, they are subject to the procedural supervision of the English High Court in London.
- 32.3. Sections 44, 45 and 69 of the Arbitration Act 1996 are excluded from these proceedings.
- 32.4. The seat of the Arbitration shall be England.



