

UKA – Disciplinary Rules and Procedures

These Rules and Procedures set out UK Athletics' ("UKA") 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 Participants

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 and/or the UKA Competition Rules in Great Britain and Northern Ireland.

1.3. "Participants" shall also include, without limitation:

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 Coaching Licences who are "GB&NI Coaches" as defined in the relevant HCAF Coach Licence Terms and Conditions (regardless of whether they conduct activities in Great Britain and Northern Ireland or further afield);

1.3.4 officials who are subject to UKA's Official's Licence Conditions for Officials qualified at levels 4 and/or 5;

1.3.5 all organisers of "Competitions" as defined in World Athletics Book of Rules staged in Great Britain and Northern Ireland;

1.3.6 all organisers of other "Meetings" staged in Great Britain and Northern Ireland under UKA's Rules for Competition Part 1;

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 UKA, including whether the alleged Misconduct took place before, during or after such event;

1.3.8 all employees or consultants of UKA; and

1.3.9 all Officers of UKA.

1.4. In the event of a dispute or question arising concerning jurisdiction over a disciplinary matter between UKA and any HCAF, the decision as to which organisation has jurisdiction shall be determined by UKA.

- 1.5. In appropriate cases, notwithstanding the fact that UKA has jurisdiction over a Participant, it may delegate the conduct of disciplinary proceedings to a relevant HCAF or other competent body (including, without limitation, the Sport Integrity Service in accordance with paragraph 1.6 of these Rules).
- 1.6. Where appropriate to do so, UKA reserves the right to refer a matter to the Sport Integrity Service under the Rules of Procedure of that service. This may involve the commission of an independent investigation or disciplinary procedure into alleged grievances, or allegations of misconduct involving: i) athletes; ii) athlete support personnel; or iii) UKA office holders as defined within the Rules of Procedure;
- (i) where an individual is deemed a 'Relevant Person' under the terms of the Sport Integrity Service Rules of Procedure; and
 - (ii) they are a respondent to allegations of misconduct as defined as a 'Relevant Matter' under the same regulations.
- In such circumstances they are required to cooperate with any investigation conducted by Sport Integrity.
- 1.7. UKA shall comply with the requirements of Sport Integrity and any investigations carried out by the Sport Integrity Service in accordance with the SI Rules when matters are referred to the Sport Integrity Service.
- 1.8. 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.
- 1.9. 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 including but not limited to:
- 1.9.1. In relation to licenced coaches (other than GB&NI Coaches where UKA asserts jurisdiction);
 - 1.9.2. In relation to officials licenced at qualification Levels 1-3;
 - 1.9.3. as set out in the UKA Competition and Technical Rules as updated from time to time.
- 1.10. In the event of a conflict between HCAF and these Rules, these Rules will prevail as regards jurisdiction.
- 1.11. UKA recognises UK Anti-Doping as the national anti-doping organisation for the United Kingdom and respects its autonomy. UKA also recognises the sole and exclusive jurisdiction of the National Anti-Doping Panel to hear and determine any charges brought against a Participant for Anti-Doping Rule Violations. Any Anti-Doping Rule Violations will be treated as a serious offence by UKA.

2. Misconduct

2.1. UKA may prosecute and conclude disciplinary proceedings against any Participant for Misconduct.

2.2. "Misconduct" shall mean:

2.2.1 Any breach of UKA' Rules, Regulations or Codes of Conduct;

2.2.2 Any Anti-Doping Rule Violation committed by a Participant, as defined in the UK Anti-Doping Rules issued by UK Anti-Doping (as amended from time to time). UKA adopts the UK Anti-Doping Rules as its own and any reference in this document, or any other published by UKA referring to anti-doping rules shall be deemed to be a reference to the UK Anti-Doping Rules from time to time published by UK Anti-Doping;

2.2.3 Any breach of the terms of any licence granted to any person by UKA;

2.2.4 Any breach of duty by any officer, consultant or employee of UKA;

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;

2.2.8 Any failure or refusal to cooperate with any investigation conducted by UKA, the Sport Integrity Service and/or UK Anti-Doping;

2.2.9 Any conduct, behaviour, statements and/or practices that brings or has the potential to bring the sport of Athletics into disrepute.

2.3. UKA may, in its sole discretion and at any time, refer any disciplinary matter over which it has jurisdiction to the Athletics Disciplinary Tribunal ("ADT"), following which the matter will be dealt with under the Rules and Procedures of the ADT, which can be accessed on the UKA website.

3. Exclusions from Jurisdiction

3.1. In accordance with their terms, consideration of the following matters shall be excluded from the disciplinary jurisdiction of UKA under these Rules:

3.1.1 Matters dealt with under UKA' Safeguarding Regulations;

3.1.2 Disputes concerning selection, both for the World Class Programme and for the composition of UKA or British Athletics representative teams.

The matters referred to at paragraph 3.1.1 and 3.1.2 shall be dealt with by UKA under the jurisdiction conferred on it by the relevant rules.

4. Appellate Jurisdiction of UKA

- 4.1. UKA shall have jurisdiction to hear and determine appeals as set out in paragraph 20.1 below.

5. Powers of Investigation

- 5.1. UKA shall have power to investigate any Participant for Misconduct.
- 5.2. UKA shall have the power to require any Participant to:
- 5.2.1 Provide such specific or general information as UKA may request orally or in writing; and/or
 - 5.2.2 Attend any meeting, inquiry, hearing or proceedings to answer questions; and/or
 - 5.2.3 To produce documents within their power, possession, custody and/or control, as UKA may direct.
- 5.3. UKA may instruct such advisers as it considers appropriate for the purposes of carrying out such investigations, meetings, inquiries, hearings or proceedings.
- 5.4. UKA 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 UKA.
- 5.5. UKA expects the Respondent to proceedings to disclose such material as is relevant to the issues in dispute and as may be requested by UKA.
- 5.6. It shall be no answer to a request from UKA to disclose documents or information pursuant to this Rule that such documents or information requested are confidential.
- 5.7. No Respondent shall be under an obligation to disclose any documents rendered confidential by either the order of a court of competent jurisdiction or by statute or statutory instrument.

6. Interim or Protective Measures

- 6.1. Where UKA 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, but are not limited to:
- 6.2.1. The imposition of a temporary suspension upon a Participant;
 - 6.2.2. The temporary suspension of a Participant's licence;
 - 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.

7. Initiating Disciplinary Proceedings

- 7.1. UKA may, in its sole discretion, initiate disciplinary proceedings against any Participant for Misconduct. A Participant charged with Misconduct shall be called a “Respondent”. Where UKA does not initiate disciplinary proceedings following an investigation, it may write to the parties involved in the investigation to confirm that disciplinary proceedings have not been commenced and make non-binding recommendations about steps that may be appropriate for the parties to take.
- 7.2. UKA may initiate a charge based upon any allegation or suspicion of Misconduct reported to UKA, or of its own motion (the “Charge”).
- 7.3. It shall do so by sending a charge letter to each Respondent charged with Misconduct (the “Charge Letter”).
- 7.4. The Charge Letter shall set out and include:
- 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 UKA; and
 - 7.4.4. Any relevant documents currently available to UKA (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. In the Charge Letter, UKA may also propose that the Charges be determined on the basis of written representations only, without a hearing, and request that the Respondent state whether they agree to this.
- 7.7. If a Charge is admitted, the matter shall be referred to a UKA Disciplinary Panel (the “Panel”) solely for the purpose of sanction.
- 7.8. If a Charge is admitted:
- 7.8.1. on the basis that certain disputed facts are true, but other disputed facts are not true; or
 - 7.8.2. on the basis that the Respondent wishes to mitigate a Charge on a basis which UKA disputes,

the UKA Disciplinary Panel shall set a timetable for evidence in order to resolve these disputed issue of fact.

7.9. 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 UKA 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 UKA, or are biased or lack impartiality on any basis. Each member shall be required to complete a statement of impartiality.
- 8.2. In most cases, the UKA Disciplinary Panel shall be selected from members of the Disciplinary Case Management Group of UKA. In exceptional cases, however, UKA may appoint a Panel wholly or partially composed of nominees proposed by Sport Resolutions.
- 8.3. UKA shall write to a Respondent to confirm the details of the Panel that has been appointed to hear the Charge against them. 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 letter in which the Panel details were confirmed.
- 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 UKA Disciplinary Panel.
- 8.5. Where the impartiality of the Chair is challenged, the matter shall be resolved by the CEO of UKA (or a suitably qualified member of the Disciplinary Case Panel nominated by the CEO).
- 8.6. Where a Respondent falls under the disciplinary jurisdiction of both UKA and one or more HCAF, the UKA Disciplinary Panel may be jointly appointed by UKA and any one or more HCAF. In such case:
 - 8.6.1. The UKA Disciplinary Panel shall also act as the disciplinary panel of the relevant HCAF(s) and shall have the sanctioning and procedural powers set out in the rules of the relevant HCAF(s) in addition to its powers under these UKA Disciplinary Rules and Procedures. The procedure in these UKA Disciplinary Rules and Procedures will be followed. In relation to any conflict between these UKA Disciplinary Rules and Procedures and the rules of the HCAF, these UKA Disciplinary Rules and Procedures shall prevail.
 - 8.6.2. UKA and the relevant HCAF(s) shall jointly prosecute the case and shall each have the full right to determine the submissions to the UKA Disciplinary Panel in relation to the matters over which they have jurisdiction, including to delegate such authority to the other.
 - 8.6.3. The evidence in the case shall be heard only once and shall be applied by the UKA Disciplinary Panel in relation to all charges proffered by UKA and the relevant HCAF(s).

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 order that a Charge shall be determined on the basis of written representations only. Charges may only be determined on the basis of written representations with the consent of both UKA and the Respondent;
- 9.2.3. To impose a timetable leading to the hearing to determine the Charge ("Hearing of the Charge") or to the determination of a Charge on the basis of written representations only;
- 9.2.4. To impose any directions upon either UKA or a Respondent with respect to matters before the UKA Disciplinary Panel.
- 9.2.5. Unless the timetable and directions have been agreed by the parties, the Panel shall set a date for a hearing to determine the timetable and directions ("Directions Hearing");
- 9.2.6. To place limits on the length of any documents and/or the number of witnesses that either party can rely on;
- 9.2.7. To order disclosure by either party of all or any documents in that party's possession it considers to be relevant;
- 9.2.8. To determine whether expert evidence is required and, if so, in relation to what issues and to make orders relating thereto;
- 9.2.9. To order the attendance of any Participant to any of the proceedings of the UKA Disciplinary Panel;
- 9.2.10. To order the attendance of any Officer or Employee of, or Consultant, to UKA to any proceedings of the UKA Disciplinary Panel;
- 9.2.11. To decide upon any matters of law or fact arising in the course of its proceedings;
- 9.2.12. To draw any inferences (positive or negative) from the presence or absence of any evidence before the UKA Disciplinary Panel;
- 9.2.13. 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;
- 9.2.14. 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

9.2.15. To set a date for the hearing or to adjourn or postpone any hearing. The date set by the Panel for any form of hearing shall be final, and all parties shall be required to attend the hearing on the chosen date unless there are exceptional circumstances affecting their availability. Should either party fail to attend any hearing, the Panel may proceed in that party's absence.

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 UKA 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 in the proceedings in any other capacity (unless as Respondent). Both UKA and the Respondent may only have one representative speaking on behalf of UKA 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 by UKA in accordance with these Rules.

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 (unless Directions have been agreed by the parties).

11.3. The UKA Disciplinary Panel shall supervise the compliance by UKA and Respondent with the Directions.

11.4. The UKA Disciplinary Panel may order that the Charge be determined on the basis of written representations only. Alternatively, the UKA Disciplinary Panel may order that the Charge be determined at a Hearing of the Charge.

11.5. At the Hearing of the Charge, in normal circumstances, UKA will present its evidence first. It may call all and any evidence on its behalf, subject to any limits on evidence imposed by the Panel. The Respondent shall have the right to cross-examine all and any witnesses presented by UKA.

11.6. Once UKA has presented its case, the Respondent shall present its defence. It may call all and any evidence on its behalf, subject to any limits on evidence imposed by the Panel. UKA will have the right to cross-examine all and any of the witnesses presented by the Respondent.

11.7. In relation vulnerable witnesses giving evidence, the UKA Disciplinary Panel shall have the power to do any of the following or a combination of the following:

- 11.7.1. disapply paragraphs 11.4 and/or 11.5 above entirely;
- 11.7.2. order that cross examination is directed through the Chair of the UKA Disciplinary Panel;
- 11.7.3. order that cross examination be carried out in advance of the hearing with only limited persons present;
- 11.7.4. order that cross examination be carried out in writing with questions put to the witness and answered in writing prior to the hearing;
- 11.7.5. order any special measures it considers are required for the protection of the witness and their mental or physical wellbeing or to ensure that the witness is able to give their best evidence to the UKA Disciplinary Panel.

11.8. A vulnerable witness is any person:

- 11.8.1. who is defined as vulnerable, a vulnerable witness, a child or an adult at risk in law or in the usual practice of the Courts;
- 11.8.2. who has (actually or allegedly) suffered abuse (sexual or otherwise) or any form of bullying or harassment; or
- 11.8.3. who the UKA Disciplinary Panel considers is vulnerable for any other reason.

11.9. Thereafter, UKA, followed by the Respondent, shall have the right to make short closing submissions.

11.10. The UKA Disciplinary Panel may at any time ask any questions of UKA or the Respondent and question any of their witnesses.

11.11. Having heard all of the relevant evidence, the Disciplinary Panel shall reach its decision.

12. The Confidentiality of Proceedings

12.1. All proceedings, and any matters relating to proceedings of the UKA Disciplinary Panel shall be confidential and heard in private.

12.2. All and any documents created or exchanged in the course of the disciplinary proceedings (or the investigation) 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. UKA 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. The UKA Disciplinary Panel may impose limits on the length of any documents and/or the number of witnesses that either party may rely on.

15. Venue

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

16. The Decision

- 16.1. Having considered all of the relevant evidence, the UKA Disciplinary Panel shall reach a decision (the "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, along with details of any Charges that are proven. 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.
- 16.5. UKA and a Respondent may, at any time prior to a hearing, agree a Decision by mutual consent. Such Decision must be presented to the UKA Disciplinary Panel, which may, in its sole discretion, ratify it or reject it. In the event it is rejected, the matter shall proceed to a hearing in the usual way. In the event it is ratified, it shall be the binding Decision of the UKA Disciplinary Panel. A Decision by mutual consent may include a provision that there shall be no right of appeal.

17. Sanctions

- 17.1. If the Panel decides that the Charge is proven, or proven in part, it shall then move to consider the imposition of appropriate sanctions ("Sanctions").
- 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 UKA 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 UKA Disciplinary Panel) or permanent;
- 17.2.5. Impose a financial penalty payable to UKA 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 UKA;
- 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 UKA (including Arbitrators' costs);
- 17.2.10. Suspend or terminate a Club's right to participate in UKA 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 UKA or the relevant HCAF are debarred from continuing to hold any office or status in UKA or the relevant HCAF (or both); or
- 17.2.12. Order any other such Sanction as the Disciplinary Panel may think fit.

18. Publication of the Decision

- 18.1. At the discretion of UKA, the Decision may be published on the UKA website and made available publicly, subject to such redactions as the UKA or Disciplinary Panel may order. UKA shall maintain the Decision on its website for a period of not less than 5 years or, if longer, the period of any sanction imposed by the Panel.
- 18.2. Alternatively UKA 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 UKA for the purposes of the enforcement of the Sanction.

19. Costs and updates

- 19.1. UKA and the Respondent shall bear their own costs of the proceedings. UKA shall pay the administrative costs of the Directions Hearing and Hearing of the Charges, including Arbitrator costs (if any). Costs shall only be paid by way of a sanction, or part of a sanction, if the UKA Disciplinary Panel consider it appropriate.
- 19.2. UKA may update these Disciplinary Rules and Procedures at any time. Any disciplinary proceedings initiated by UKA shall be governed by the Disciplinary Rules and Procedures in place at the time that those proceedings are commenced in accordance with Section 7 of these Rules.

Appeal

20. Appellate Jurisdiction

These Rules of Appeal constitute the exclusive appeal procedure governing appeals relating 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 decision taken by a Panel of an HCAF ("HCAF Decision") in so far as the UKA Competition and Technical Rules provide for such an appeal to be heard by UKA;
- 20.1.3. an appeal from a decision taken by the ADT ("ADT Decision") where UKA was a party to the case before the ADT;
- 20.1.4. an appeal from a refusal by UKA to grant permission to licence an event;
- 20.1.5. an appeal from any decision as to an Athletes' eligibility to compete for Great Britain and Northern Ireland (other than Selection Appeals);
- 20.1.6. 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 "Appealable Decision".

- 20.2. The persons entitled to appeal against a UKA Disciplinary Decision shall be UKA and the Respondent to the Charge brought before the relevant UKA Disciplinary Panel, the promotor, the athlete or licensee in question.
- 20.3. The persons entitled to appeal against a HCAF Decision where the UKA Competition and Technical Rules provide for such an appeal to be heard by UKA shall be as set out in the UKA Competition and Technical Rules.
- 20.4. The persons entitled to appeal against an ADT Decision shall be UKA, the HCAF(s) who prosecuted the case and the Respondent to the Charge brought before the ADT but where UKA is not a party to the case before the ADT, the Appeal Panel shall not have jurisdiction to hear the appeal.

20.5. In relation to Anti-Doping Rule Violations, UKA recognises the sole and exclusive jurisdiction of the National Anti-Doping Panel (in the case of National-Level Athletes) or the Court of Arbitration for Sport (in the case of International-Level Athletes) to hear and determine appeals from decisions at first instance of NADP tribunals.

20.6. 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.

20.7. 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 UKA and the parties set out in paragraph 20.2 to 20.4 above 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 Decision where the UKA Competition and Technical Rules provide for such an appeal to be heard by UKA, those grounds that are set out in the UKA Competition and Technical Rules;
- 21.1.3. in the case of an ADT Decision, there has been a material failure to follow the process outlined in the ADT Rules and Procedures, which failure has resulted in substantial injustice;
- 21.1.4. the UKA Disciplinary Panel, or any member of it, or any person involved in making the relevant Appealable Decision, lacked the required independence and has demonstrated bias or bad faith when making the decision;
- 21.1.5. the ADT or any member of it, or any person involved in making the relevant Appealable Decision, lacked the required independence and has demonstrated bias or bad faith when making the decision;
- 21.1.6. the UKA Disciplinary Panel or ADT reached a Decision on the basis of an error of law;
- 21.1.7. the sanction (including where no sanction is levied) is either too lenient or too severe; or
- 21.1.8. in relation to all of the appeals under paragraph 20.1 (and exclusively for those under paragraph 20.1.4 to 20.1.6) the 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 Appealable 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 Appealable 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 Appealable 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 a panel consisting of three Arbitrators, one of whom shall be designated as the Chair (the “Appeal Panel”).
- 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 Appealable 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 UKAA.

27.5. Hearings may take place orally or via video conference (or a mixture of both) at the discretion of the Appeal Panel.

27.6. In relation to vulnerable witnesses giving evidence before it, the Appeal Panel shall have the powers set out in paragraph 11.6 above.

28. Appeal Panel Decision

28.1. The Appeal Panel shall have the power to:

28.2. dismiss the appeal and confirm the Appealable Decision;

28.3. set aside the Appealable 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 Appealable 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 etc

31.1. All correspondence 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.

Updated 1 November 2023