

**MEMORANDUM OF PROCEDURES
FOR DEALING WITH MISCONDUCT OCCURRING BEFORE, DURING OR AFTER MATCHES AND
COMMITTED BY PLAYERS OF CLUBS DEALT WITH BY COUNTY AND OTHER AFFILIATED
ASSOCIATIONS BUT NOT BY THE FOOTBALL ASSOCIATION
(Except for Teams playing at Step 5 & 6
of the National League System and The FA Women's Premier League)**

This Memorandum cites procedures as they apply exclusively to Participants who are acting as Players when reported. For offered Standard Punishments, accepted allegations or for Personal Hearings found proved, the outcome will normally entail a Fine and a total or conditional suspension from playing.

Save for serious or repeated proved misconduct, Participants offending in a capacity other than as Players in a match should not be suspended but be subject to any of a reprimand, a warning as to future conduct, a written undertaking not to repeat, a touch-line ban for a period of time, and a Fine (active or suspended for a given period), together with costs in proved guilty cases

PART I

DEFINITIONS

- 1.1 In this Memorandum the words "the Association" refer to the appropriate County or other Affiliated Association, and the words "the Association Secretary" mean and include any person nominated to discharge a part of the disciplinary administration of the Association as well as its actual secretary.
- 1.2 Wherever gender is referred to in this Memorandum, either shall be inferred, as relevant.
- 1.3 All written communications from a player to the Association Secretary must be sent by the secretary of the player's club *unless the player is no longer registered with the club.*
- 1.4 Every Association must set out in its rules or regulations a copy of these procedures, which are to be followed after a player has been cautioned or dismissed from the Field of Play while playing in a match for a club or a particular team of a club not dealt with by The Football Association.
- 1.5(a) A "child" means a person who at the date of the relevant match was under the statutory school-leaving age and throughout these regulations full-time education refers to a child who is of compulsory school age or who is over the school-leaving age but is under the age of 18 and is for the time being attending a school or in full-time education in an establishment of further education.
- 1.5(b) Financial penalties for misconduct must not be imposed on a child (*Sections 5.2, 6.3 & 7.2 and 13.3*). Where a Standard Punishment or Commission decision includes any financial element then the player's club is liable for the sum imposed.
- 1.6 Wherever "written" or "letter" is referred to in this Memorandum this is deemed to include communication by fax or e-mail. Where an Association chooses to communicate by fax or e-mail it must take all reasonable steps to ensure that the address or fax number used is current.
- 1.7 This Memorandum supersedes all previous versions and is effective from 1st July 2004 until further notice.
- 1.8 The term "suspension" in this Memorandum means the suspension is from playing football ONLY and any other sanction required for the period of suspension must be specified in the decision letter forwarded to the Participant.
- 1.9 Permanent Suspension means no review to be considered under a period of 10 years.

2. TIMING

Disciplinary procedures shall commence no later than 90 days, and the outcome determined no later than 180 days from receipt of the report of alleged misconduct, or otherwise be void. If deemed reasonable, any period of delay requested or caused by the Participant will not count towards the 90/180 days. The Association must use due diligence to charge and/or finalise cases within that period of time and must conform with the requirements set out in Part I of this Memorandum, subject to the effects of the adoption by the Association of any of the alternative and optional powers set out in Part II.

3. ADMINISTRATIVE PROCEDURES

An Association may reserve the right not to process a caution if the report is deemed to be invalid for any reason.

4. GENERAL

- 4.1 Without prejudice to the foregoing provisions of Part I of this Memorandum, an Association shall have the power to delegate to The Football Association or to another Affiliated Association its powers and duties to investigate and/or adjudicate in cases where it may be advantageous so to do.
- 4.2 If a referee omits to show the appropriate card when taking action against a player, this does not nullify the caution or sending-off offence. However, the attention of the referee should be drawn to the correct procedure.
- 4.3 A Participant consents to abide by the Laws of the Game, the Rules and Regulations of The Football Association or an affiliated Association and to reasonable proportionate disciplinary action when playing the game. The issue of a caution is a decision based on a question of fact on the Field of Play upon which the Referee's decision is final. The recording of the caution and the consequences that flow are both reasonable and proportionate. Cautions not being the subject of appeal do not breach the Human Rights Act 1998.

- 4.4 Recommended punishments are to be used in Sections (5 and 6) below when offering a punishment and as a guide only when dealing with cases under Section 7. When a player is dealt with by a Disciplinary Commission cases must be dealt with on their merits and a punishment awarded consistent with the overall nature and effect of the offence(s); also the player's record of misconduct over the current and previous five seasons.
- 4.5 Associations may, at their discretion, offer suspension periods that are split to avoid suspending players over the summer months. The start and end dates of the time period where players will not be suspended will be determined by the Association. However the start date for the period must fall on a Monday and the end date for the period must be a Sunday. This clause shall not apply to sine die suspensions.

5. CAUTION OFFENCES

- 5.1 Subject to the provisions of Part I Section 3, upon receiving a report from a referee that he has cautioned a player for a violation of the Laws of the Game, the Association Secretary must:-
- 5.2 Send an acknowledgement to the referee and send to the secretary of the club for which the player was playing at the time a written notification that the caution has been recorded. An order must be made for the player or his club to pay an administration charge of £8 within 14 days of the date on the written notification. Where a child is concerned the club for which he is playing at the time of the offence must pay the £8 charge.
- 5.3 It is the duty of the club secretary and the player, within 14 days of the date stated on the notification, to ensure that the Association Secretary receives the completed player reply form with such information that includes: -
- The full name and address of the player.
 - His date of birth (and other personal identification data requested).
 - The name of each club for which he is currently registered and was registered in the previous two seasons.
 - The signature of the player concerned.
 - The names of any school, college or other educational establishment currently attended.

If the player is not available to sign the pro-forma document, the club should complete and return it indicating the reason for the non-completion together with the administration fee and confirmation as to whether or not the player has been made aware of the contents. Any suspension order resulting from failure to comply with 5.3 (a)–(e) above shall be on the club and the individual player, subject to Section 11 below .

- 5.4 A player will not be permitted to request a "Personal Hearing" in respect of an individual caution except in the case of a claim of mistaken identity. Any such claim must be lodged in writing with the Association Secretary within 14 days of the match - by both the club and the player alleging mistaken identity - giving particulars upon which the Claim is founded. The player admitting the offence must agree to the club submitting the claim. If the chairman of the Disciplinary Committee and/or the Association Secretary are satisfied that the claim warrants further investigation, a Commission of not less than three nor more than five members must be appointed to deal with the matter. If the members of the Commission are satisfied that mistaken identity has been proved, the record of the offence will be transferred to the appropriate offender, who may be subject to disciplinary action in accordance with the provisions of the current procedures, if applicable. If the Commission is not satisfied that mistaken identity has been proved the caution will be recorded on the original player's record.

5.5 Recommended Punishments (*Law 12 Caution Offences*)

| | Penalty Points |
|--|----------------|
| Unsporting behaviour | 1 |
| Dissent by word or action | 1 |
| Persistently infringe the Laws of the Game | 1 |
| Delay the restart of play | 1 |
| Fail to respect the required distance when play is restarted with a corner kick or free kick or throw in | 1 |
| Enter or re-enter the field of play without the permission of the Referee | 1 |
| Deliberately leave the field of play without the permission of the referee | 1 |

6. SENDING OFF OFFENCES

- 6.1 Subject as provided by Part I Section 3 of this Memorandum, upon receiving a report from the referee that he has dismissed a player from the Field of Play for misconduct the Association Secretary must: -
- 6.2 Send an acknowledgement to the referee and send to the secretary of the player's club a copy of the referee's report together with a letter offering a punishment in accordance *with section 6.6 (below)* and the appropriate fine and the suspension period. Copies of assistant referees' reports need not be sent unless either was a direct witness of the incident concerned.
- 6.3 An order must be made for the player or his club to pay an administration charge of £8, within 14 days of the date on the letter informing him of the offered punishment. Where a child is concerned the club for which he is playing at the time of the offence must pay the £8 charge.

6.4 Upon receiving from the Association Secretary a notification that a player of his club has been offered a punishment for an alleged offence the club secretary must convey it with the referee's report to the player concerned. It is the duty of the club secretary and the player to acknowledge receipt of the notification within 14 days of the date stated on it, and to ensure that the Association Secretary receives the acknowledgement form fully completed with such information (*that includes*):

- (a) The full name and address of the player.
- (b) His date of birth (*and other personal identification data*)
- (c) The name of each club for which he is currently registered and was registered in the previous two seasons.
- (d) The signature of the player concerned.
- (e) (The names of any school, college or other educational establishment currently attended).

6.5 In the event that a player does not accept the offer of the recommended punishment, as determined from time to time by The Football Association, he can:-

- (a) Request a Personal Hearing to rebut the charge. An application for a personal hearing must include written reasons for the personal hearing together with the estimated number of witnesses to attend the hearing for time management purposes. A personal hearing cannot be declined because of the reasons submitted in this instance. (see Section 13)
- (b) Submit a written plea for leniency, setting out any mitigating factors that the player wishes to be considered.

Option (b) entails acceptance of the report(s) on which the charge is based, and a Commission of not less than three nor more than five members will be appointed to consider the plea for leniency made by the player.

6.6 Recommended Punishments

| | | Suspension (days) | Fine (£) | Penalty Points |
|---|--|----------------------|-------------|-------------------|
| a | Serious foul play | 21 | 15 | 3 |
| b | Violent Conduct | 35 | 25 | 4 |
| c | Attempting to kick or strike another player | 21 | 15 | 3 |
| d | Kicking or striking another player | 35 | 25 | 4 |
| e | Violent head to head butting | 112 | 75 | 7 |
| f | Attempting to head butt | 21 | 15 | 3 |
| g | Head to head contact | 42 | 30 | 4 |
| h | Spitting or similar unseemly behaviour directed at an opponent or any other person (not at a match official) | 112 | 50 | 4 |
| i | Denying a goal or an obvious goal scoring opportunity by physical means or by deliberately handling the ball | 7 | 15 | 2 |
| j | Use of offensive or insulting or abusive language or gestures | 14 | 15 | 2 |
| k | Use of offensive or insulting or abusive language or gestures directed at match officials | 35 | 25 | 4 |
| l | Receiving a second caution in the same match | 7 | 15 | 2 |

7. BREACHES OF FA RULES E3 OR E4

7.1 Upon receiving a referee's report that he has dismissed a player from the Field of Play for misconduct (that is outside the scope of *Sections 6-6*) for which no recommended punishment is available or is misconduct deemed by the Association to be of a serious nature, and committed before, during or after a match, the Association Secretary must:-

7.2 Send an acknowledgement to the referee and send to the secretary of the club for which the player was playing at the time, a copy of the referee's report accompanied by a written notification detailing the offence(s) that the player is alleged to have committed. Copies of assistant referees' reports need not be sent unless either official was a direct witness of the incident concerned. An order must be made for the player or his club to pay an administration charge of £8 within 14 days of the date on the written notification of a charge. Where a child is concerned the club for which he is playing at the time of the offence must pay the £8 charge. (*The administration charge is not applicable in cases of misconduct that have been raised in addition to a standard offer of punishment from a single Referee report.*)

7.3 Upon receiving the notification from the Association Secretary that one of the players of his club has been charged with misconduct for an alleged offence the club secretary must convey it with the referee's report to the player concerned. It is the duty of the club secretary and the player to acknowledge receipt of the notification within 14 days of the date stated on it and to ensure that the Association Secretary receives the acknowledgement form fully completed with such information (*that includes*):

- (a) The full name and address of the player
- (b) His date of birth (and other personal identification data)
- (c) The name of each club for which he is currently registered and was registered in the previous two seasons.
- (d) The signature of the player concerned.
- (e) The names of any school, college or other educational establishment currently attended.

7.4 In the event that a player does not accept his guilt of an offence as charged by the Association, he can:-

- (a) Request a Personal Hearing to rebut the charge. An application for a personal hearing must include written reasons for the personal hearing together with the estimated number of witnesses to attend the hearing for time management purposes. A personal hearing cannot be declined because of the reasons submitted in this instance. (see Section 13)
- (b) Submit a written plea for leniency, setting out any mitigating factors the player wishes to be considered.

Option (b) entails acceptance of the report(s) on which the charge is based, and (in either case) a Commission of not less than three nor more than five members will be appointed to consider the plea for leniency made by the player.

7.5

| RECOMMENDED PUNISHMENTS | | | |
|---|--------------------------|-----------------|-----------------------|
| Guide to other recommended punishments for further same game offences following charges under Rule E3 | | | |
| Offences under Rule E3 | Suspension (days) | Fine (£) | Penalty Points |
| (a) Refusing to give name or giving a false name to the referee when ordered to do so | 21 | £30 | 4 |
| b) Refusing to leave the Field of Play when ordered to do so | 42 | £30 | 4 |
| (c) and/or causing the match to be abandoned | 112 | £75 | 5 |
| (d) causing the match to be abandoned (Club charge) | Minimum £50 fine | | 5 |
| (d) Improper or insulting behaviour towards match officials | 112 | £75 | 5 |

7.6

| OFFENCES UNDER RULE E3 or E4 | |
|---|--|
| Disciplinary Commissions' Guide to recommended ranges of additional punishments following Charges under Rule E3 and E4 | |
| (a) Not acting in the best interests of the game (b) Acting in a manner that is deemed to be improper (c) Bringing the game into disrepute | Punishment at the discretion of a Disciplinary Commission |
| (d) Violent conduct or serious foul play – considered to be of a serious nature (e) Use of threatening words/gestures (f) Threatening and insulting behaviour | Each a minimum of 35 days up to a maximum of 84 days suspension and also £75 fine. <i>Penalty Points to be decided by the Disciplinary Commission</i> |
| (g) Use of abusive words/gestures – considered to be mid-range (h) Abusive behaviour (i) Use of indecent words/gestures (j) Indecent behaviour | Each a minimum of 21 days up to a maximum of 56 days suspension and also £50 fine. <i>Penalty Points to be decided by the Disciplinary Commission</i> |

| | |
|--|---|
| (k) Use of insulting words/gestures – considered to be less serious | Each a minimum of 7 days up to a maximum of 28 days suspension and also £30 fine. <i>Penalty Points to be decided by the Disciplinary Commission</i> |
| (l) For offences (e), (g), (i) and (k) above, in which a racist factor has been accepted or proved | For a first offence – the suspension and fine to be doubled, and for a second offence be trebled. Any subsequent offence proved should result in a substantial period of suspension from all football and football activities together with a fine of not less than £200. |

OFFENCES UNDER RULE E4

7.7

| | |
|---|--|
| Proved guilty of any of the above offences and also have acted in a discriminatory manner by reason of: | |
| <ul style="list-style-type: none"> (a) Colour (b) Disability (c) Ethnic origin (d) Nationality (e) Race (f) Religion (g) Sex (h) Sexual Orientation | Any punishment to be imposed for an action that is proved to be of a discriminatory nature must be at the discretion of the Commission dealing with the matter and based on <i>Section 4.4</i> above |

8. CONTINUING (AND CLUB AGGREGATE) MISCONDUCT

8.1 Continuing Misconduct

8.2 An Association will bring a charge under FA Rule (E3) if a participant is not acting in the best interests of the game when he has been disciplined for a sending off offence and/or a breach of FA Rules (E3 and/or E4) on more than one occasion in the same season (in different matches). The Participant will receive the automatic punishments applicable for the offence as determined by The Football Association. There is no right of appeal or entitlement to enter a plea for leniency for these charges. When dealing with such cases of continuing misconduct a Commission considering what penalty to impose must take into account the punishments that were imposed for the offences.

8.3 (a) A player who has five or ten cautions recorded against him in the same season will receive the automatic punishment applicable for the offence as determined from time to time by The Football Association. There is no right of appeal or entitlement to enter a plea for leniency for these charges.

(b) A player who has already been the subject of disciplinary action as a result of accumulating five and then ten cautions in the season will be subject to a charge under FA Rule (E3) for every additional five cautions recorded in the season, in that he is not acting in the best interests of the game.

8.4 Prior to any punishment imposed in 8.3(b) above, a player has the right to submit a WRITTEN PLEA for leniency to be presented to a Commission.

8.5

| Automatic Punishments. | | Suspension (days) | Fine (£) | Penalty Points |
|------------------------|---|---|----------|----------------|
| a | 5 Cautions in a season – between the opening and last day of the season | 7 | 10 | 0 |
| b | 10 Cautions in a season – between the opening and last day of the season. | 7 | 10 | 0 |
| c | After each further 5 Cautions | Charge with Continuing Misconduct | | |
| d | 2 sending offs and/or breach of FA Rules (E3 and/or E4) in same season in different matches | 7 | 15 | 0 |
| e | 3 sending offs and/or breach of FA Rules (E3 and/or E4) in same season in different matches | 14 | 20 | 0 |
| | | or charge with Continuing Misconduct and instruct to appear before a commission | | |
| f | 4 or more sending offs and/or breach of FA Rules (E3 and/or E4) in same season in different matches | charge with Continuing Misconduct and instruct to appear before a commission | | |

8.6 Aggregate Misconduct (Clubs)

8.7 Associations may, at their option, use a penalty points based system to punish clubs whose misconduct is deemed excessive. If the Association chooses to punish clubs for Aggregate Misconduct they must use a system that conforms to these Regulations.

8.8 Penalty points for Cautions and Standard Punishments are listed against the relevant offences in these Regulations. Disciplinary Commissions must, if they find the charge proved, allocate an appropriate number of disciplinary points to the case in addition to any fine, costs and suspension.

8.9 These points are effective once the case:

- (a) is reported for Cautions.
- (b) is accepted or out of time to request a hearing for standard punishments (unless a hearing has been requested).
- (c) has had a hearing for cases having hearings (unless an appeal is requested).
- (d) has had an appeal for cases going to appeal.

Penalty points must not be awarded to charges found not proved

8.10 Penalty points work on a seasonal basis, with points being included in clubs' totals for offences committed between the first and last days of the season, on an inclusive basis. Points must not be carried forward from one season to the next

8.11 Misconduct dealt with by the Football Association must not be included in the penalty points totals.

8.12 Sanctions should be imposed at three stages, each incurring an Administration Charge, currently set at £10

8.13 The number of points allowed for each stage (the Threshold), must be related to the number of teams that each club possesses

8.14 Associations may make allowances in the number of teams that a club is deemed to have for Aggregate Misconduct, to reflect clubs whose disciplinary cases are handled by The Football Association. This is to prevent such clubs gaining an unfair advantage

8.15

| Recommended Points Allowances per Club per Season | | | | | | Each Additional Team |
|---|----|-----|-----|-----|-----|----------------------|
| No of teams | 1 | 2 | 3 | 4 | 5 | |
| Stage I | 25 | 48 | 69 | 88 | 105 | 20 |
| Stage II | 50 | 96 | 138 | 176 | 210 | 40 |
| Stage III | 75 | 144 | 207 | 264 | 315 | 60 |

8.16

| Recommended Fines for Exceeding a Threshold | | |
|---|-------------------------|---------------------------------|
| (a) | For exceeding Stage I | £ 25 plus an Administration Fee |
| (b) | For exceeding Stage II | £ 50 plus an Administration Fee |
| (c) | For exceeding Stage III | £100 plus an Administration Fee |
| <i>Associations may vary Fines and Thresholds at their Discretion</i> | | |

8.17 Clubs that significantly exceed Stage III should be subject to further disciplinary action.

- 8.18 The Disciplinary Commission shall have the power to impose or recommend as appropriate, any one or more of the following penalties on the offending club:
- (a) a reprimand and/or final warning as to future conduct;
 - (b) a further fine;
 - (c) suspension from all or any specified football activity from a date that the Commission shall order, permanently or for a stated period or number of matches;
 - (d) expulsion from a competition of the Affiliated Association;
 - (e) expulsion from membership of the Affiliated Association;
 - (f) such further or other penalty or order as the Commission considers appropriate

9 ASSAULTS ON MATCH OFFICIALS

The following Regulations shall apply at all levels of the game (*excluding the 6 designated Leagues*):

- 9.1 In addition to assisting a match official who has reported an assault against him, The Football Association or appropriate Association shall without delay investigate the match official's report and if, after such investigation, the chairman and secretary of the Association or their nominees are satisfied that a *prima facie* case can be made out against the alleged offender they shall take such steps as are necessary to ensure that a charge is preferred and that a Disciplinary Commission meets to consider the charge within 28 days of (*the date of*) the charge letter. The alleged offender shall not participate in any football activity from the date when he is notified of the charge, until a Disciplinary Commission has heard and adjudicated on the matter.
- 9.2 There shall be three categories of assaults:
- (a) COMMON ASSAULT
 - (b) ASSAULT CAUSING BODILY HARM
 - (c) ASSAULT CAUSING SERIOUS BODILY HARM
- 9.3 All assaults on match officials in the above three categories must be reported to The Football Association within 14 days of the completion of a case that has been proved, giving the decision of the Commission together with any reason for variation of the recommended punishments set out in 4 below. (*If a match official who has reported a participant for an assault upon his person makes a written request for the decision and punishment awarded such must be made available to him at the earliest opportunity*)
- 9.4

| | | |
|--|--|--|
| Recommended punishments for a person found guilty of an assault upon a match official are as follows(<i>and cover football at all levels of the game</i>): | | |
| a | (i) Common Assault (ii) Common Assault by way of spitting at or on a Match Official | 182 days suspension plus £150 fine 1 year suspension plus £150 fine |
| b | Assault causing or attempting to cause bodily harm | <i>Sine die</i> suspension with no bodily review to be considered under a period of 5 years plus £250 fine |
| c | Assault causing serious bodily harm | Permanent suspension (<i>see Section 1.9</i>) |

10 ASSAULTS BY PARTICIPANTS ON OTHER PARTICIPANTS

- 10.1 When a referee's report indicates that a Participant has perpetrated an assault on another Participant causing serious bodily harm before, during or after a match, The Football Association or appropriate Affiliated Association may, as in cases of assaults on match officials, without delay investigate the official's report. If after such investigation, the chairman and secretary of the Association, or their nominees, are satisfied that a *prima facie* case can be made out against the alleged offender, such steps shall be taken as are necessary to ensure that a charge is preferred and that a Disciplinary Commission meets to consider the charge within 28 days of the date of the charge letter. The alleged offender shall not participate in any football activity from the date when he is notified of the charge until a Disciplinary Commission has heard and adjudicated on the matter.

10.2

| The recommended punishments for such offences are set out below: - | |
|--|---|
| Offender | |
| (a) Player | A suspension for a minimum of 140 days plus £150 fine for a first offence but, depending on severity, <i>sine die</i> with no review for 5 years. |
| (b) Club official | As for (a) above but: (i) If on a player or other official but not a match official; suspension from all football and football activities (ii) If on a Match Official – section 9 above will apply. |
| (c) Match official | As for Match Officials assaulted by a Player. But a recommendation will be made to the relevant Referees' Committee that the registration be removed and no request for reinstatement will be allowed until the suspension has been completed or removed. |

11 FAILURE TO COMPLY

- 11.1 When the provisions above are not complied with, the player's right to a Personal Hearing or to make a plea for leniency is forfeited and the Commission may deal with the reported misconduct on such evidence as is available.
- 11.2 Failure on the part of the player or his club secretary to discharge any of the requirements set out at clauses in Sections 5, 6 and 7 above may constitute misconduct, which may result in a further charge against the player, his club, or both. (In any case, a late fine, currently £20, will be levied in addition to the original charge and a further 7 days given to respond to the charge. Failure to respond within the 7 days will result in a further Late Fine of £20 and the Club and Player being suspended after a further 7 days until the provisions above have been complied with). Any punishment imposed for failure to comply will be limited to a financial penalty if the fault of the club, but may include suspension of the player where it is the player's fault).
- 11.3 When dealing with compliance issues the Association must consider the following:-
- Whether the player has responded to his club.
 - Whether the club has failed to pass on his reply.
 - Whether the club has informed the Association that the player has failed to respond.
 - Whether the player has left the club.

12. SUSPENSION PENDING MISCONDUCT HEARING

- 12.1 The appropriate (Affiliated) Association shall have the power, in consultation with The Football Association's Compliance/Disciplinary departments, to order that an Official of a Club affiliated to or a Player registered with that Association, and not one associated with the 6 designated Leagues, shall be suspended from all or any specific activity for such period and on such terms and conditions as agreed by The Football Association and the Association considers appropriate (an "Interim Suspension Order")
- 12.2 The Interim Suspension Order shall apply when the Club Official or Player has been charged by the Affiliated Association in relation to an alleged act of serious misconduct, or with a criminal offence, or by a League sanctioned by the Affiliated Association or the Football Association in connection with disciplinary action pursuant to relevant regulations of the League.
- 12.3 As soon as reasonably practicable notification of an Interim Suspension Order shall be advised to the Player and/or the Club and will be lifted when the charge of misconduct is dealt with by a Commission or the criminal charges are withdrawn or found not to have been proved.

13 PERSONAL HEARING

(See also: General Provisions relating to Inquiries, Commissions of Inquiry, Disciplinary Commissions and Appeal Boards; and Disciplinary Procedures to be used at Personal Hearings before Commissions requested by Participants of Clubs and Clubs dealt with by County and Other Affiliated Associations).

- 13.1 The notification indicating a charge must inform the player of the right to request a Personal Hearing in respect of the alleged offence and must also indicate that in the event of the charge being proved there will be a liability to be ordered to pay all or part of the costs of the Personal Hearing, which costs may include a part of the overhead expenses of the Association attributable to the hearing. Similarly, in cases where the rules or regulations of the Association require the deposit of a fee for a Personal Hearing, (as determined by the Council - currently £25) at the time of such request the player must be informed that the fee is liable to be forfeited in full or in part if the charge is proved, in addition to any fine which may be imposed. In an unproved case neither a fee may be retained, nor may Commission costs be levied, either for a Personal Hearing or for any other "non-Personal Hearing" case. *(Commission costs cannot be levied in cases where a player has been instructed to appear before a disciplinary commission).*
- 13.2 Upon receiving a request for a Personal Hearing in respect of an alleged offence, the Association will appoint a Commission of not less than three nor more than five members to hear and adjudicate upon the charge. In the case of a player under the age of 18 years of age on the date fixed for the hearing, it shall take place either in the presence of a parent or guardian of the player or another appropriate adult.
- 13.3 Fines must not be imposed on children [Section 1.5(b)] Any fine and administration charges arising out of misconduct by a child *must* be levied on the club.
- 13.4 The player, through his club secretary, must be given the date, time and venue fixed for the Personal Hearing and arrangements made for the attendance before the Commission of any witnesses in support of the charge, in particular the match official(s) on whose report the charge has been brought. At a Personal Hearing of a charge a Commission may adopt such procedures as it considers appropriate and expedient for the just determination of the charge brought before it. A Commission shall not be bound by any enactment or rule of law relating to the admissibility of evidence in proceedings before a court of law.

- 13.5 The person charged and the match official(s) concerned should be given a minimum 14 days' notice of details of the Personal Hearing. Any written request to the Commission for a postponement of the hearing should be given consideration. If the reason submitted is considered valid, then a postponement should be granted, and in such circumstances costs may be charged. A request for a second postponement by the same party should not be granted.
- 13.6 If the charge is found not proved, any record of it will be expunged. If the charge is found proved the Commission will decide what punishment, if any, is to be imposed. In so doing, members of the Commission must consider the overall nature and effect of the offence(s) and the player's previous record and any plea for leniency.
- 13.7 Except when an Appeal has been lodged, any fines or costs that are ordered must be paid before the expiry of 14 days from the date of the order. Failure to pay within such period is deemed to be misconduct punishable by censure, a further late fine and/or suspension as determined by a Commission. (This second Commission shall have the power to consider the matter on 48 hours notice and the power to suspend for continuing non-payment.) (In any case, a late fine, currently £20, will be levied in addition to the original charge and a further 7 days given to respond to the charge. Failure to respond within the 7 days will result in a further late fine of £20 and, after a further 7 days, the Club and Player being suspended until the provisions above have been complied with.) The player and his club are jointly and severally responsible for payment of the fine and costs. The club shall take such action as may be necessary to recover any sum paid on the player's behalf. The rules or regulations of an Association must provide for disciplinary action to be taken against a player who fails to reimburse his club in accordance with the Football Debt Recovery (Section 14) regulations approved by Council.
- 13.8 A Disciplinary Commission shall comprise members appointed by the Association. The appointed members of such Commissions shall have no previous personal knowledge of the events or any involvement with any of the participants concerned.
- 13.9 The decisions of Commissions are final and binding on all parties subject only to a right of appeal to The Football Association under the provisions of Football Association Rules, but limited to offers of punishment in excess of 21 days suspension and a fine of £15. The player and/or the club for which the player was playing at the time may appeal within 14 days of the sending of the decision notification.
- 13.10 The decision of the Association will be sent by first-class post or by e-mail to the secretaries of all clubs for whom the player is known to be currently playing and to the player's home address if known. Each of these secretaries is responsible for informing the player of the decision.
- 13.11 The commencement date of any suspension imposed on a player is at the discretion of the adjudicating Commission, subject to the suspension starting on a Monday. Such date must allow for the 14-day period permitted for an appeal.

14 FOOTBALL DEBT RECOVERY

- 14.1 Associations are required to operate a system to collect football debts on behalf of Affiliated Clubs, Affiliated Leagues and Other Associations.
- 14.2 Football debts are defined as those costs arising directly from football activity, and as such would include disciplinary costs (e.g. fines), match costs (e.g. Match Fees), and playing expenses (e.g. pitch hire). Incidental costs (e.g. fund raising activities, Club Subscriptions) do not fall within the scope of Football Debt Recovery.
- 14.3 Associations may take action against individuals or groups of individuals. Individuals may be pursued where they are refusing to reimburse an individual club for a qualifying debt. Where a club has folded its qualifying debts may be apportioned against its registered members and officers, and action taken against them individually to recover the club's debt.
- 14.4 Where a club's debts are apportioned to individuals they must then be treated as individuals, and any disciplinary action must not be linked to the recovery of the total debt.
- 14.5 It is incumbent on the creditor to take reasonable steps to recover the debt before asking their parent Association to take action. This would normally include approaching the debtor personally as well as contacting them in writing to seek payment.
- 14.6 The Parent Association should be approached as soon as it is clear there is a problem. In all cases this should be within 28 days of formal payment being requested, and 56 days of the debt being incurred
- 14.7 Upon receipt the Association must immediately take steps to verify whether the debt is valid and notify the creditor and debtor of its decision.
- 14.8 Upon being satisfied that a qualifying debt exists the Association must apportion the debt on a pro-rata basis and notify the individual or individuals concerned. The Association may add an Administration Fee (not exceeding £8) to each individual's pro-rata debt
- 14.9 Upon being notified, an individual must pay the debt within 21 days of the issue of the notification letter or appeal in accordance with the appeal procedures. If payment or appeal is not received the individual will be suspended sine die until the debt is paid and he is notified that the suspension has been lifted. This suspension will commence from (and include) the 22nd day after the date the notification was issued

PART II

An Affiliated Association in formulating its Rules and Regulations for misconduct may adopt and include some or all of the following powers: -

1. To make an order that a club whose players are persistently found guilty of misconduct
 - (a) Be censured and/or fined in accordance with the approved penalty point process
 - (b) May have its affiliation suspended or cancelled
2.
 - (a) Any other power approved in writing by The Football Association.
 - (b) Any optional or alternative power granted to an Affiliated Association in accordance with Section 2(a) shall continue from year to year until such time as the approval is withdrawn. Such approval may be withdrawn by notice in writing from The Football Association given before 30th April, in any year.

GENERAL PROVISIONS RELATING TO INQUIRIES, COMMISSIONS OF INQUIRY, DISCIPLINARY COMMISSIONS AND APPEAL BOARDS

Evidence

- 1.1 A Commission of Inquiry, Disciplinary Commission and an Appeal Board shall not be bound by any enactment or rule of law relating to the admissibility of evidence in proceedings before a court of law.
- 1.2 A Commission of Inquiry, an inquiry by The Association, a Disciplinary Commission and an Appeal Board may draw such inference from the failure of a Participant or an Alleged Offender or a witness to give evidence or answer a question as it considers appropriate.

Representation

- 2.1 A Participant may be represented by one individual. (For instance, a Player may be represented by a Club Official of a Club with which he is associated or by a representative of the Professional Footballers' Association, and a Referee may be represented by a representative of the Referees' Association).
- 2.2 An Alleged Offender appearing before a Disciplinary Commission or an Appellant before an Appeal Board, and any individual or body assisting in any way an inquiry of The Association or a Commission of Inquiry, may be legally represented only with the prior consent of the Disciplinary Commission or Appeal Board, The Association or Commission of Inquiry respectively. Request for consent must be made with at least 7 days notice.
- 2.3 An individual acting as representative for an Alleged Offender shall not be allowed to give evidence.

Confidentiality/Publication of Proceedings

- 3.1 The proceedings of a Commission of Inquiry, a Disciplinary Commission and an Appeal Board shall take place in private.
- 3.2 Subject to Rule 3.3 below, all oral or written representations and documents created in the course of any proceedings are confidential between The Association and the individual or body concerned. All evidence and representations shall be privileged.
- 3.3 The Association shall have the power to publish in the public press, *on a web site* or in any other manner considered appropriate, reports of any hearing, order, requirement, instruction, decision, proceedings, acts, resolution, finding and penalty and any transcript or document prepared in the course of proceedings, or evidence, whether or not this reflects on the character or conduct of a Participant. Each Participant shall be deemed to have consented to any inquiry or Commission of Inquiry, Disciplinary Commission or Appeal Board and to the publication of any report.

Service of Documents

- 4.1 A document may be served by giving it to the person to whom it is addressed or by leaving it at, or sending it by first class post, e-mail or by fax to, the last known address of the addressee or, in the case of an individual, the Club with which he is associated.

Days

- 5.1 Any reference to a day or days in the Regulations shall mean a calendar day or days. Bank Holidays shall not be counted.

Fees

- 6.1 An Appeal fee of £100 is required when a participant requests an appeal against a decision of a F.A. Disciplinary Commission and £50 for an appeal against a decision of a Disciplinary Commission of an Affiliated Association.

Concurrent Hearings

- 7.1 For offences alleged to have been committed in the same match, where there is a common Association or defence, evidence the Commission shall hear all parties at the same hearing. Evidence adduced in the defence of a participant shall be capable of constituting evidence against another participant. The Commission shall give appropriate weight to such evidence. Participants or their representatives shall be entitled to cross-examine other participants and their witnesses.

The Commission shall generally hear defence cases in chronological order of the alleged events but shall have complete discretion to take parties and witnesses out of order for timely, efficient and appropriate disposal of the proceedings.

THE DISCIPLINARY PROCEDURES TO BE USED AT PERSONAL HEARINGS BEFORE COMMISSIONS REQUESTED BY PARTICIPANTS OF CLUBS AND CLUBS DEALT WITH BY COUNTY AND OTHER AFFILIATED ASSOCIATIONS.

Personal Hearings before a Commission

- A. Subject to the Rules of the Association, a Commission may adopt such procedures at a Personal Hearing of a Charge as it considers appropriate and expedient for the just determination of the Charge brought before it.
 - B. A Commission shall not be bound by any enactment or Rule of Law relating to the admissibility of evidence in proceedings before a Court of Law.
1. The Commission, having assembled shall appoint one of its number as Chairman. The Commission may appoint a person to act as Secretary to the Commission whose duty shall be to call the evidence to be submitted in support of the Charge and generally assist the Commission in its determination of the Charge.
 2. A participant may be represented by one individual. (for instance, a player may be represented by a Club Official of a Club with which he is associated or by a representative of the Professional Footballers' Association, and a Referee may be represented by a representative of the Referees Association except when he is acting as a witness.) A participant appearing before a Commission may be legally represented only with the prior consent of the Commission. Request for consent must be made with at least 7 days notice. An individual acting as representative for a participant shall not be allowed to give evidence at a Commission.
 3. The person charged and any representative shall be admitted to the hearing. The Commission shall satisfy itself that the person charged has had details of the Charge.
 4. Evidence (including witness evidence) in support of the Charge shall be received by the Commission. In cases concerning a report from a Match Official, that report shall be received in evidence first and shall be read out to the hearing. This report may have been submitted by email or through a web-site, in accordance with accepted FA procedures.
 5. The person charged or his representative shall have the right to ask questions relevant to the matters in issue of any witness in support of the Charge.
 6. After evidence in support of the Charge has been received by the Commission, any written statement made by the person charged shall be read out to the Commission.

The person charged may then give evidence on his own behalf and in such event he may have questions asked of him by the Commission. The person charged or his representative may then submit evidence and call witnesses.

7. At any time the Chairman and, through him, Members of the Commission, may ask questions of any witness or any representative. The Commission may draw such inferences as it considers appropriate from the failure of the person charged to give evidence or answer a question put to him.
8. In the event of the evidence submitted in answer to the Charge disclosing a point which the Commission considers was not covered in the evidence of, or not put to, any witness in support of the Charge, the Commission may recall any witness and ask questions of such witness. The person charged or his representative may also ask questions as at 5 above.
9. The evidence having been completed to the satisfaction of the Commission, the person charged or his representative shall be entitled to make closing submissions based upon the evidence, but this may not include reference to facts not disclosed in the evidence presented to the Commission.
10. At the conclusion of the closing submissions, all persons shall withdraw whilst the Commission considers the evidence and submissions presented to it and determines whether the Charge has been proved or not. After reaching its decision, the Commission shall recall the person charged and his representative. The Chairman shall announce whether the Charge has been found proved or not proved.
11. If the Charge is found not proved the hearing will be declared closed.
12. If the Charge is found proved details of the Misconduct record of the person charged shall be received by the Commission. The person charged, or his representative, may then make a plea in mitigation.
13. At the conclusion of the plea in mitigation the person charged and his representative shall again withdraw and the Commission shall determine what order or orders, if any, shall be made under the provisions of Regulation 6.1 of the Regulations for Football Association Disciplinary Action.
14. The person charged and his representative shall then be re-admitted and informed of the decision of the Commission. This shall subsequently be confirmed in writing. *(In cases of an Assault on a Match Referee, the findings of the commission will be sent to the Match Official if requested by the Match Official in writing).*
15. As an alternative to the above, a Commission may, where it considers it appropriate, not announce its decision at the meeting but inform the person charged that such decision will be communicated to him in writing through his Club Secretary.

Board of Appeal Hearings

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.

A Board of Appeal shall not be bound by any enactment or Rule of Law relating to the admissibility of evidence in proceedings before a Court of Law.

Appeals against the decisions of Affiliated Associations or Competitions are allowed on one or more only of the grounds listed below in that the relevant body whose decision is appealed against:-

- (a) Failed to give the Appellant a fair hearing.
- (b) Failed to comply with the Disciplinary Procedures relevant to the hearing of the charge.
- (c) Came to a decision on the facts of the case, which no reasonable body could have reached.
- (d) Imposed a punishment, without reasons, not conforming with the Schedule Guide to recommended punishment.
- (e) Imposed an award, order or any other sanction that is excessive.

It must be noted that appealed decisions of such bodies are NOT automatically set aside on the acceptance of an appeal. Any request for the setting aside of a decision must be made by the APPELLANT in writing. The appellant must not assume that the request has been agreed. Therefore, prior to playing or officiating contrary to a written order of the body appealed against, the appellant must be in receipt of a notification from The Football Association that such a decision has been set aside.

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 then 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;
- (9) The Appeal Board shall proceed in the absence of any party, unless it is satisfied that there are reasonable grounds for the failure of the party to attend and shall do so in such manner as it considers appropriate

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

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

A decision of the Appeal Board shall be final and binding and there shall be no right of further challenge.

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, order 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, generally or for the purpose of giving effect to its decision.

Costs

The Appeal Board shall have the power to make such order as to the costs of the original hearing and the appeal as it considers appropriate.

Announcement of Decision

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

Written Decision

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.

The Appeal Board shall, upon the request of the Appellant / Respondent (such request to be received at The Association within 5 days of the date of the announcement of the decision), give written reasons for the decision.