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**UK ATHLETICS LIMITED (“UKA”)**  
**DISCIPLINARY RULES AND DISPUTE RESOLUTION AND DISCIPLINARY**  
**PROCEDURES**

(adopted by the Board under Article 105 of UKA's Articles of Association, November 2013)

**INTRODUCTION**

These Rules and Procedures relate to UKA exercising its jurisdiction in relation to a dispute or a disciplinary matter, which does not fall under other specific rules (see below).

Part A sets out UKA’s jurisdiction in relation to misconduct matters and over disputes and sets out general provisions relating to disputes and disciplinary matters dealt with under these Procedures.

Part B sets out UKA's disciplinary procedures and how a Disciplinary Committee is appointed and a hearing is conducted.

Part C sets out procedures to resolve disputes whether by mediation or arbitration. (In simple terms, mediation is a process whereby a mediator helps two or more parties who are in dispute reach an agreement. Arbitration is a process whereby an arbitrator is appointed to decide which party to a dispute is right and which one is wrong.) Appeals from decisions of the National Associations shall be referred to the Arbitral Panel.

**Jurisdiction of National Associations under Rules for Competition**

Under the Rules for Competition the National Associations have their own jurisdiction to resolve disputes arising in certain areas (namely eligibility (Rules 3 and 6), hardship (Rule 6), permission to promote (Rule 12), misconduct (Rule 22) and protests and appeals (Rule 23)). The National Associations have their own procedures for disputes and disciplinary matters falling within their jurisdiction and these may provide for an appeal to UKA.

UKA also has jurisdiction under the Rules for Competition to deal with appeals from decisions of National Associations under Rules 22(4) and 23(5) and a general jurisdiction to resolve disputes under Rule 23(6). Such appeals or dispute resolution would be dealt with in accordance with these rules and procedures.

### **Jurisdiction under Welfare Policy and Procedures**

Under UKA's welfare policy and procedures, it is envisaged that in certain circumstances UKA would exercise disciplinary jurisdiction. UKA has exclusive jurisdiction over *licensed* coaches and officials (which is dealt with under separate procedures). Either a National Association or UKA may have a disciplinary jurisdiction where the person concerned is not licensed but otherwise participates in the sport. Where UKA deals with such a matter it would do so under these rules and procedures.

### **Jurisdiction under the Athlete Agreement in relation to members of the GB and NI Team and World Class Pathway Funded Athletes**

UKA has entered agreements with athletes who are funded through World Class Pathway (WCP) and also those (non-funded) athletes who are members of the GB and NI Team. Under those agreements, UKA has exclusive disciplinary jurisdiction and these rules and procedures apply.

### **Separate Rules and Procedures**

UKA has separate rules and procedures which apply in relation to:

- (a) an anti-doping rule violation alleged to have been committed (the Anti-Doping Rules);
- (b) a coach who has his UKA Coaching Pass and Licence withdrawn (Procedures for Coaches);
- (c) an official who has his UKA Licence withdrawn (Procedures for Officials);
- (d) a complaint received against an employee or consultant engaged by UKA;
- (e) a challenge by an athlete to a selection decision taken by UKA;
- (f) a challenge by an athlete to a decision taken in relation to his/her membership of the WCP.

Copies of these rules and procedures are available from UKA.

UKA is an employer and any grievance or disciplinary matters concerning members of UKA's staff shall be dealt with under the procedures in its Staff Handbook.

## **PART A**

### **JURISDICTION AND GENERAL PROVISIONS**

#### **1. Interpretation**

1.1 In these Procedures the following words shall have the meaning set out opposite them:

"Appeal"	means an appeal from a decision of a National Association under the Rules for Competition or otherwise or from a decision of the Disciplinary Committee under Clause 6 of the Disciplinary Procedures;
"Arbitral Panel"	the arbitral panel appointed under Clause 2.1 of the Dispute Resolution Procedures;
"Board"	the board of UKA from time to time as constituted under UKA's Memorandum and Articles of Association;
"Chairman"	the person appointed from time to time to be the chairman of the Disciplinary Committee or the Arbitral Panel (as the context requires) under these Procedures;
"Claimant"	the person or body with the Dispute;
"Complaint"	a complaint of misconduct (under Part A Clause 2.1) referred to the Investigations Officer for consideration by the Disciplinary Committee and made by UKA or a person who is subject to UKA's jurisdiction as national governing body for the sport;
"the Decision"	the written decision of either the Disciplinary Committee or the Arbitral Panel (as the case may be) given in accordance with these Procedures;
"Disciplinary Committee"	the disciplinary committee appointed pursuant to Clause 1.1 of the Disciplinary Procedure;
"the Disciplinary Procedure"	the procedures set out in Part B below as amended from time to time;

"Dispute"	the dispute referred to the Arbitral Panel for resolution or determination;
"the Dispute Resolution Procedures"	the procedures set out in Part C below as amended from time to time;
"Interested Party"	any person or member, who in the Investigations Officer's opinion, is likely to be affected by the outcome of any Complaint or Dispute raised under these Procedures;
"Investigations Officer"	the investigations officer(s) of UKA appointed by the Board from time to time either on a case by case basis or generally and includes any deputy appointed by him;
"National Association"	England Athletics Limited (company number 65583713); Scottish Athletics Limited (company number SC217377); Welsh Athletics; and Northern Ireland Amateur Athletic Federation or such other successor bodies recognised by UKA from time to time;
"Notice"	the notice of the Complaint or Dispute to be given to the Investigations Officer;
"the Objection"	any objection by the Claimant to the composition of the Disciplinary Committee or Arbitral Panel notified to the Investigations Officer in accordance with Clause 1.2 of the Disciplinary Procedure or Clause 2.5 of the Dispute Resolution Procedures (as appropriate);
"these Procedures"	the rules and procedures set out in this document;
"Respondent"	the person (who must be subject to UKA's jurisdiction as national governing body for the sport) who is either the subject of the Complaint under these Disciplinary Regulations or the person with whom the Claimant has the Dispute (which could include UKA);
"Rules for Competition"	the rules for competition of UK Athletics adopted by the Board from time to time;
"Sports Councils"	UK Sport, Sport England, Sport Scotland, the Sports

Council for Wales and the Sports Council for  
Northern Ireland (as appropriate);

"UKA"

UK Athletics Limited.

- 1.2 All references to periods of a number of days, relate to the period starting the day after the date of posting or the date of receipt (where documents are delivered by hand) or the date of the incident or meeting and ending the specified number of days later.
- 1.3 Words denoting the singular number shall include the plural number and vice versa and words denoting the masculine gender shall include the feminine gender.

## **2. Misconduct and Jurisdiction**

### *2.1 Complaints of Misconduct*

A Complaint may be made against a Respondent and a Respondent may later be charged with misconduct under Rule 5.2(i) where he:

- (i) refuses or neglects to comply with UKA's Articles of Association;
- (ii) breaches rules 12(8), 14(6), 14(9), 19, 22(1), 22(2) and 22(3) of the Rules for Competition;
- (iii) breaches UKA's Welfare Policies and Procedures or any terms of reference, regulations or other rules of UKA;
- (iv) behaves in a manner which is or is likely to be prejudicial to an event organised under UKA Rules or the administration of a training facility;
- (v) behaves (whether by action or omission) in a manner which is disgraceful or opposed to the general interests of UKA or the sport of athletics or which brings the sport into disrepute; or
- (vi) behaves in a manner that is otherwise considered by UKA to be unacceptable and contrary to the conduct expected of a person participating in athletics.

### *2.2 Rapid Repatriation*

Managers of British teams and National training squads in the United Kingdom and abroad, appointed by or on behalf of UKA, may (in conjunction with the coaching staff for that team or training squad and UKA's Performance Director or members of his staff authorised by him) take immediate disciplinary action to repatriate or otherwise exclude any member of the team or training squad due to misconduct after the team or training squad has been formed (ie the members of that team or squad have come together either at the point of

departure from the UK or at the competition or training venue, whichever is the earlier). For the avoidance of doubt, such persons shall not be entitled to use the power to take immediate disciplinary action for the sole purpose of altering the composition of the team or squad of which they are in charge. In the event of such immediate disciplinary action being taken, the team manager responsible for taking such action shall report the matter to UKA as soon as practical but at least within 72 hours of the event. UKA may at its discretion invoke disciplinary proceedings under Rule 2.3 below if it considers further action is necessary.

### 2.3 *Jurisdiction over Misconduct*

- 2.3.1 UKA shall have exclusive jurisdiction to investigate and discipline alleged misconduct by athletes who have signed an athlete agreement or who are current members of the Great Britain and Northern Ireland Athletics Team.
- 2.3.2 Misconduct falling within Clause 2.1(ii) above shall be dealt with by the relevant National Association subject to an appeal to UKA under Rule 22(4) of the Rules for Competition.
- 2.3.3 Notwithstanding Clause 2.3.2, misconduct which is not within UKA's exclusive jurisdiction or which is alleged to have been committed by other persons under UKA's jurisdiction shall be reported to the relevant National Association for it to take such action as it deems necessary. In cases where the National Association takes no further action, UKA may charge the person concerned with misconduct and take disciplinary action under these Procedures. In cases concerning a breach of UKA's Welfare Policies and Procedures, the National Association may refer the matter to UKA for it to resolve under these Procedures.

### 2.4 *Disputes and Appeals*

- 2.4.1 The National Associations have jurisdiction under the Rules for Competition to decide disputes arising under Rule 3 (Club Membership), Rule 6 (Eligibility Committee and Hardship Applications), Rule 12 (Permission to Promote), Rule 22 (Misconduct) and Rule 23 (Protests and Appeals). UKA has jurisdiction to deal with appeals from these decisions under Rules 6(8), 12(6), 22(4) and 23(5) of the Rules for Competition.
- 2.4.2 In addition, UKA has jurisdiction under these Procedures to deal with the disputes set out below:
  - (i) to determine disputes raised by a person within the jurisdiction of UKA against a decision of UKA affecting that person (provided that other UKA procedures apply to disputes about decisions relating to: anti-doping rule violations; selection; WCP funding; and the issue, suspension or withdrawal of licences for coaches or officials);

- (ii) a dispute raised by either UKA or an athlete in relation to the athlete agreement (other than in relation to a selection or WCP funding decisions to which other procedures apply);
- (iii) any other matter raised by or about any person who falls under the jurisdiction of UKA which concerns the Board of UKA;
- (iv) to act as final arbiter in relation to disputes referred to it by a National Association; and
- (v) to deal with any other disputes arising in connection with UKA's activities whether under Rule 23(6) of the Rules for Competition or otherwise.

### **3. A matter for dispute resolution or disciplinary action**

3.1 These Procedures apply where:

- (i) UKA considers that a matter concerning a person under the jurisdiction of UKA falls within the range of Complaints or Disputes set out in Clause 2.1 or Clause 2.4 respectively and requires disciplinary action or dispute resolution;
- (ii) where a person subject to UKA's jurisdiction wishes to make a Complaint about another person over whom UKA has jurisdiction under Clause 2.1 or has a Dispute falling within Clause 2.4; or
- (iii) where a person or a National Association wishes to appeal against a decision of a National Association under Rules 12(6), 22(4), 23(5) and 23(6) of the Rules for Competition or a disciplinary decision of UKA under Clause 6 of the Disciplinary Procedure.

### **4. Referral to the Investigations Officer**

4.1 Notice of all Complaints, Disputes and Appeals shall be given to the Investigations Officer. The Notice shall be given in writing as soon as practicable and within 14 days of the incident (or knowledge of the incident by the person making the complaint) or the decision complained of (as the case may be) and shall set out details of the Complaint or the Dispute (as the case may be). In exceptional circumstances, the Investigations Officer may in his complete discretion process Complaints or Disputes the Notice for which has been received by him after the 14 day period.

4.2 If the Notice is given by a person under UKA's jurisdiction, it shall be signed by that person.

4.3 If the Notice is given by a club affiliated to UKA it shall be signed by at least three members of the club concerned.

4.4 If the Notice is given by UKA it shall be signed by at least three members of the Board.

4.5 If the Notice is given by any other person (whether or not under the jurisdiction of UKA) it shall be signed by the person concerned and counter-signed by at least one other individual who shall state their address and position.

## **5. Consideration by Investigations Officer**

5.1 On receipt of the Notice, the Investigations Officer shall consider whether or not the Notice shows that there is on the face of it sufficient evidence of a case to be determined. The Investigations Officer shall make such decision (having carried out such investigations and taken such advice as he deems appropriate) in his complete discretion and as soon as practicable and in any event within 21 days of the Notice being lodged.

5.2 If the Investigations Officer decides that there is sufficient evidence of a case, he shall categorise the case as either a Complaint or a Dispute or an Appeal and shall forthwith:

(i) in the case of a Complaint, charge the Respondent with misconduct under Clause 2.1 and either:

(a) where the matter (in the view of the Investigations Officer) justifies such action, refer the matter to the police for investigation and may postpone consideration of the matter by UKA under these Procedures until the police investigation has been concluded; or

(b) refer the matter to the relevant National Association to be determined in accordance with the disciplinary procedure adopted by that National Association; or

(c) convene a Disciplinary Committee to consider the matter in accordance with the Disciplinary Procedure;

(ii) in the case of a Dispute, either:

(a) with the agreement of the parties refer the Dispute for mediation, by appointing an appropriate mediator or by appointing an independent organisation to mediate the dispute and inform the parties and any Interested Parties of such referral; or

(b) convene an Arbitral Panel to consider the Dispute in accordance with the Dispute Resolution Procedures or refer the matter for arbitration by Sport Resolutions (or another body established to resolve disputes by means of arbitration) in accordance with its rules;



- (iii) in the case of an appeal from a decision of a National Association, convene an Arbitral Panel to consider the matter in accordance with the Arbitration Procedure set out in Part C or refer the matter for arbitration by Sport Resolutions (or another body established to resolve disputes by means of arbitrate) in accordance with its rules.

The Investigations Officer shall inform the parties and any Interested Parties of the action taken.

- 5.3 If the Investigations Officer in his complete discretion does not consider that the Notice shows sufficient evidence of a case, the person making the Complaint or having the Dispute and the Respondent shall be so informed in writing (with brief reasons) and no further action taken.
- 5.4 If the Investigations Officer considers that a Complaint or Appeal is to be referred to a Disciplinary Committee or Arbitral Panel under 5.2(i)(c) or 5.2(iii) above, he shall decide whether or not the seriousness of the matter requires the Respondent to be suspended from Competition or official participation in athletics pending determination of the matter. A Respondent so suspended may apply to the Disciplinary Committee or Arbitral Panel considering the matter for the suspension to be lifted. Any Respondent so suspended shall be entitled to a full expedited hearing. For the avoidance of doubt, the Investigations Officer may communicate the fact of the suspension to relevant third parties.
- 5.5 The Investigations Officer may in cases falling under Clause 2.1(iii) (Breach of Welfare Policies and Procedures) delegate his functions under this clause to any Welfare Case Management Group from time to time in place provided that such Case Management Group must act in accordance with the procedure set out in this Clause 5.

## **6. Costs**

- 6.1 Each party shall bear its own costs (including but not limited to legal costs, scientific or other experts' fees, witness costs) in connection with Complaints made or Disputes or Appeals brought under these Procedures.
- 6.2 The costs of any mediator shall be shared by the parties equally and the costs of any arbitration body appointed shall be borne by the parties in such proportions as the arbitration body shall rule at the conclusion of the matter.

## **7. Communications**

- 7.1 Each party must send all communications to the Investigations Officer who shall distribute copies as appropriate to the Disciplinary Committee or Arbitral Panel and any Interested Parties.
- 7.2 Subject to 8.3, any notification, correspondence or any other document submitted under these Procedures shall be sent in writing by first class post or recorded delivery (or airmail if outside the UK) to:
- (i) the parties (and Interested Parties) at the addresses set out for each in the Notice or at the address held by UKA for the Respondent (as the case may be) or at such other address as any party may have previously notified the Investigations Officer and the other parties (as the case may be); and
  - (ii) the Arbitral Panel or the Disciplinary Committee (as the case may be); and
- such documents shall be deemed to have been received by the intended recipient 48 hours (or if by airmail four working days) after posting.
- 7.3 All correspondence addressed to the Investigations Officer shall be sent to:
- UK Athletics Ltd  
Athletics House, Alexander Stadium  
Walsall Road, Perry Barr  
Birmingham, West Midlands, B42 2BE  
**For the attention of the Investigations Officer**

## **8. Publication of Decisions**

- 8.1 UKA may publish details of any disciplinary action taken including publication of any decision made by the Disciplinary Committee or Arbitral Panel where a Complaint is upheld or in any Dispute or Appeal where the matter has been put into the public domain.
- 8.2 UKA may at any time during the disciplinary or dispute resolution process notify UK Sport, the British Olympic Association, the IAAF, the IPC, the IOC or any other relevant body of any details relating to the Complaint or Dispute as such body may need to know for the proper exercise of its functions.
- 8.3 Where it appears that public knowledge of a Complaint or Dispute exists, prior to its determination, UKA reserves the right to confirm the details after communication with the person making the Complaint and the Respondent.

## **9. Amendment**

The Board reserves the right to amend these Procedures at its sole discretion.

## **PART B**

### **UK ATHLETICS LIMITED DISCIPLINARY PROCEDURE**

#### **1. Appointment of the Disciplinary Committee**

- 1.1 Where the Investigations Officer determines that a disciplinary matter is to be dealt with in accordance with UKA's Disciplinary Procedures, he shall appoint a Disciplinary Committee comprised of three persons with appropriate experience (one of whom shall be legally qualified) and who shall have no connection with the parties or matter under consideration. The legally qualified member of the Disciplinary Committee shall be appointed as Chairman. The Investigating Officer shall inform the Respondent of the composition of the Disciplinary Committee.
- 1.2 The Respondent may object to the composition of the Disciplinary Committee by notifying the Investigations Officer of the Objection and setting out the reasons for such an Objection no later than seven days from the date of being informed of the composition of the Disciplinary Committee.
- 1.3 The Investigations Officer shall, within seven days (or such shorter time limit imposed by the Investigations Officer) from the date of receipt of an Objection, notify in writing the parties that either:
- (i) the composition of the Disciplinary Committee has changed (in which case the Investigations Officer shall provide details of the new Disciplinary Committee); or
  - (ii) the composition of the Disciplinary Committee has not changed (in which case the Investigations Officer shall give reasons why it has not accepted the party's Objection).

The decision by the Investigations Officer on the composition of the Disciplinary Committee under this Clause shall be final.

- 1.4 Where it is not practicable to convene a Disciplinary Committee as set out in Clause 1.1 above, or if the Investigations Officer decides it is more appropriate, the Investigations Officer may refer the Complaint to Sport Resolutions or other independent dispute resolution service for determination. The procedural rules of such independent body shall apply to any case so referred. Any independent dispute resolution service so appointed shall decide the matter in accordance with the applicable rules and regulations of UKA.

## **2. Pre-hearing procedure**

- 2.1 Where the Disciplinary Committee is to be convened the Investigations Officer shall forthwith:
- (i) send a copy of the Complaint together with the charge and evidence gathered against the Respondent by recorded delivery post to the Respondent;
  - (ii) notify all parties of the composition of the Disciplinary Committee and of the date, place and time of the hearing when the Disciplinary Committee is to consider the matter;
  - (iii) inform all parties that they must provide in writing to the Investigations Officer within 21 days or such alternative time limit as the Investigations Officer shall decide any information and copies of all documents relating to the Complaint that either party wishes the Disciplinary Committee to consider in relation to the matter;
  - (iv) ask each party whether he wishes to make representations at the hearing (in which case he may be asked questions when the Complaint is being considered) whether he will be represented or accompanied by a supporter, whether he wishes to call witnesses to give evidence, and who he intends to be present at the hearing. Each party shall provide his response within such time limit as the Investigations Officer shall decide;
  - (v) inform the Respondent that if no reply is received within the period of 21 days (or such alternative time limit imposed by the Investigations Officer under Clause 2.1(iii) above) the Committee will consider the Complaint in his absence on the basis of the facts and statements in its possession;
- 2.2 The Chairman shall be entitled to make directions as to any further exchange of evidence. The Chairman may rule that the hearing take place on paper and may rule that the Disciplinary Committee is convened by telephone conference (provided that all information has been supplied to both parties and each has had the opportunity to respond to information supplied by the other).
- 2.3 Upon receipt of any information provided under Clause 2.1(iv) of these Disciplinary Procedures, the Investigations Officer shall forthwith supply copies of such information to the Disciplinary Committee and the other parties.
- 2.4 The Investigations Officer shall ensure that, prior to the hearing, each party and the Disciplinary Committee are given not less than seven days' notice of the hearing; have been invited to attend the hearing and offered the opportunity of being accompanied by an adviser; and notified of those the Investigations Officer is aware are attending the hearing.

### **3. Directions for the conduct of hearing**

The Chairman of the Disciplinary Committee shall have power to make such further directions relating to the provision of information or the conduct of the hearing as, in his sole discretion, are deemed necessary. For the avoidance of doubt, any question as to whether observers shall be permitted to attend the hearing shall be determined by the Chairman.

### **4. The conduct of hearings**

4.1 At the hearing the Disciplinary Committee shall consider all the evidence made available to it UKA and the Respondent including the written and/or oral testimony of any witnesses supporting that evidence. It may question UKA, the Respondent and any witnesses present in relation to the matter. It may call upon either of UKA or the Respondent to supply additional evidence and may adjourn the hearing for that or any other purpose.

4.2 After the hearing, the Disciplinary Committee shall provide its full Decision in writing to the Board within 14 days. The Disciplinary Committee may decide any issue by majority. The Decision shall include:

- (a) a summary of the Complaint;
- (b) the Disciplinary Committee's decision in relation to the Complaint and its reasons;
- (c) the appropriate sanction (if any) to be imposed on the Respondent in accordance with the Clause 5 of these Disciplinary Procedures.

### **5. Powers of the Disciplinary Committee**

The Disciplinary Committee may reject the Complaint or where the Complaint is upheld, impose such sanctions upon the Respondent as it thinks fit including without limitation:

- (i) a public warning in respect of the misconduct committed;
- (ii) a direction to the athletics club of which he is a member to terminate his membership or remove him from any official position within the club including that of Team Manager;
- (iii) a requirement to attend education or training course;
- (iv) in the case of a Respondent who is an athlete:
  - (a) suspension from competition (or official participation within athletics) or from taking part in any event sanctioned by UKA for a specified period;
  - (b) exclusion from competition (or official participation within athletics) or from taking part in any event sanctioned by UKA on a permanent basis;

- (c) a recommendation to UKA to withhold WCP funding from him or terminate the athlete agreement;
- (v) suspension for a specified period or removal from any office held within UKA or a National Association;
- (vi) exclusion from holding office within UKA or a National Association for a specified or indefinite period of time; or
- (vii) any combination of the above.

## **6. Appeal of the Disciplinary Committee's Decision**

- 6.1 Either UKA or the Respondent (but not the individual(s) who originally made the Complaint) is entitled to appeal the Decision by serving notice of an appeal on the Investigations Officer. The Notice should be given in accordance with Clause 3 of Part A and must set out in detail why UKA or the Respondent disagrees with the Decision. The Notice (where given by the Respondent) must be accompanied by a cheque for £100 made payable to UKA ("the Deposit"). This Deposit shall be held by UKA and re-paid to the Respondent in the event that the Arbitral Panel so decides.
- 6.2 The Investigations Officer shall consider the matter and decide if the Notice shows that there is on the face of it sufficient evidence for the appeal to be determined in accordance with Clause 5.1 of Part A of these Procedures. If he does so decide he shall refer the Appeal to be resolved by arbitration in accordance with Part C of these Procedures. A different person shall be appointed as the Investigations Officer to make this decision to the person who was appointed as the Investigations Officer to review the initial Complaint.

**PART C**  
**UK ATHLETICS LIMITED**  
**DISPUTE RESOLUTION PROCEDURES**

**1. Mediation**

Where a Dispute is, in the opinion of the Investigations Officer, appropriate for mediation, the matter shall (if Parties and Interested Parties to the Dispute agree) be referred to a qualified mediator or independent mediation service appointed by the Investigations Officer to be dealt with in accordance with such mediation procedure as he sees fit or the mediation procedure of that organisation (as appropriate).

**2. Arbitration Procedure**

- 2.1 Where the Dispute is appropriate for arbitration (including Appeals), the Investigations Officer shall convene an Arbitral Panel to consider the matter. The Arbitral Panel shall comprise of three persons with appropriate experience (one of whom shall be legally qualified) and who shall have no connection with the parties or the matter under consideration. The Investigations Officer shall appoint the legally qualified member as Chairman. The Arbitral Panel shall have the powers set out in Clause 5 below. The Investigations Officer shall inform the parties and any Interested Parties of the composition of the Arbitral Panel.
- 2.2 Should a member of the Arbitral Panel become unable to consider the Dispute following the appointment of the Arbitral Panel for whatever reason, the Investigations Officer shall appoint a replacement member.
- 2.3 In determining the composition of the Arbitral Panel UKA undertakes to ensure that the dispute resolution process will be conducted fairly and impartially and the Investigations Officer in convening the Arbitral Panel may decide it is more appropriate to refer the Dispute to Sports Resolutions or another independent dispute resolution service for determination. The procedural rules of such independent body shall apply to any case so referred. Any independent dispute resolution service shall decide the matter in accordance with the applicable rules and regulations of UKA.
- 2.4 Any party (or Interested Party) to the arbitration may object to the composition of the Arbitral Panel by notifying the Investigations Officer of the Objection and setting out in writing the reasons for such an Objection no later than seven days from the date of being informed of the composition of the Arbitral Panel under Clause 2.1 above.

- 2.5 The Investigations Officer shall, within seven days (or such shorter time limit imposed by the Investigations Officer) from the date of receipt of an Objection, notify in writing the parties (and any Interested Parties) that either:
- (i) the composition of the Arbitral Panel has changed (in which case the Investigations Officer shall provide details of the new Arbitral Panel); or
  - (ii) the composition of the Arbitral Panel has not changed (in which case the Investigations Officer shall give reasons why it has not accepted the party's Objection).

The decision by the Investigations Officer on the composition of the Arbitral Panel under this Rule shall be final.

- 2.6 Any arbitration under this arbitration procedure shall be governed by Part 1 of the Arbitration Act 1996 ('the Act') and this arbitration procedure amounts to a binding arbitration agreement for the purposes of section 6 of the Act. The seat of the Arbitration shall be England.

- 2.7 Within 14 days (or such shorter time limit imposed by the Investigations Officer) from the date of receipt by the Investigations Officer of the Notice of the Dispute or Appeal or within 14 days (or such shorter time limit imposed by the Investigations Officer) from the date the Investigations Officer responds to the Objection under Clause 2.6 above (as appropriate), the Chairman of the Arbitral Panel shall give such directions to the parties and any Interested Parties to the Dispute as are appropriate for consideration of the matter, and in particular:

- (i) the date and place at which the Arbitral Panel will meet to determine the Dispute, provided that the Dispute shall not be heard later than three months from the date of the receipt of the Notice by the Investigations Officer unless there are, in the Chairman's opinion, exceptional circumstances which should permit a longer period of time;
- (ii) whether the arbitration will proceed by way of written submissions or an oral hearing; and
- (iii) whether the parties and Interested Parties (if any) should be required to submit statements of their evidence and/or written submissions prior to the hearing and, if so, a timetable for doing so and the procedure for exchanging such statements and written submissions.



### **3. Statement of Claim and Reply**

- 3.1 If required by the Chairman of the Arbitral Panel and within any time limit specified by him in accordance with Clause 2.7(iii) above, the Claimant shall submit to the Arbitral Panel and serve on the Respondent and Interested Parties (if any) a statement of claim (failing which the arbitration shall be deemed to be withdrawn) containing or accompanied by (collectively referred to as the "Statement of Claim"):
- (i) a statement of the facts and any law giving rise to the arbitration and upon which the Claimant is relying;
  - (ii) notification of any witnesses the Claimant wishes to call;
  - (iii) copies of all documents upon which the Claimant is relying;
  - (iv) any proposals in relation to the arbitration procedure; and
  - (v) details of any other persons likely to be affected.
- 3.2 If required by the Chairman of the Arbitral Panel and within any time limit specified by him in accordance with Clause 2.7(iii) above, the Respondent and Interested Parties (if any) shall send to the Arbitral Panel and serve on the Claimant a reply containing or accompanied by (collectively referred to as the "Reply"):
- (i) confirmation or denial of all or part of the Claimant's Statement of Claim, setting out as fully as possible the facts and any law in the claim which the Respondent admits or denies, on what grounds and any other facts and law upon which the Respondent relies;
  - (ii) a statement of the nature and circumstances of any counterclaims specifying the Respondent's counterclaim(s) against the Claimant, the relief claimed or the remedy sought and the facts and law upon which the Respondent is relying ("the Counterclaim");
  - (iii) notification of any witnesses the Respondent wishes to call;
  - (iv) copies of all documents on which the Respondent is relying unless the document has been previously submitted by the Claimant; and
  - (v) any proposals in relation to the arbitration procedure.
- 3.3 The Claimant may if required by the Chairman of the Arbitral Panel and within any time limit specified by him in accordance with Clause 2.7(iii) above, submit to the Arbitral Panel and serve on the Respondent and Interested Parties (if any) a defence to such Counterclaim (the "Defence to Counterclaim"). Unless the Chairman of the Arbitral Panel permits or directs otherwise, the parties shall not submit further written argument(s) after the submission of the Statement of Claim, the Reply, the Counterclaim or the Defence to Counterclaim as the case may be.

- 3.4 If within any time-limit set, the Respondent fails to submit or serve its Reply or any Counterclaim (if required) or the Claimant any Defence to Counterclaim (if required) the Arbitral Panel may nevertheless proceed with the arbitration and deliver its award.

#### **4. Jurisdiction of the Arbitral Panel**

The Arbitral Panel may decide on its own jurisdiction, including whether the Arbitral Panel is properly constituted, what matters have been submitted and any objections with respect to the existence or validity of an arbitration agreement.

#### **5. Powers of the Arbitral Panel**

- 5.1 The Arbitral Panel shall meet on the date fixed by the Chairman.
- 5.2 The Arbitral Panel may at its sole discretion disregard any failure by a party or any Interested Party to adhere to this arbitration procedure and may give such further directions as may be appropriate.
- 5.3 Prior to and at the hearing, the Chairman may give such directions whether or not made at the request of the parties, for the proper conduct of the hearing as he deems may be reasonably necessary for the fair conduct of the hearing, including changes to the procedure as set out in these Procedures.
- 5.4 Any such hearings shall be in private unless the parties and Interested Parties (if any) agree otherwise or unless the Arbitral Panel directs.
- 5.5 The Arbitral Panel shall have power to make a decision on the facts as it thinks fit and may recommend UKA's Board impose sanctions (including those set out in Clause 5 of Part B where it considers that to be appropriate).
- 5.6 The Arbitral Panel shall inform the parties and Interested Parties (if any) of its decision together with written reasons for its decision. The decision of the Arbitral Panel shall be final and binding on the parties and Interested Parties. The Arbitral Panel shall decide on any issue by majority.