

REGULATION 18. DISCIPLINARY AND JUDICIAL MATTERS**18.1 Breach of the Bye-Laws or Regulations**

18.1.1 A Union or Association shall be subject to sanction by a Judicial Officer or Judicial Committee if it is found to have breached the Bye-Laws or Regulations or to have:

- (a) brought World Rugby or the Game or any Person into disrepute;
- (b) engaged in conduct, behaviour or practice(s) which may be prejudicial to the interests of World Rugby or of the Game;
- (c) disclosed any confidential information obtained through connection with the Game;
- (d) breached the Code of Conduct; or
- (e) breached the Wagering Regulations (Regulation 6).

18.1.2 A Rugby Body, Club or Person that contravenes these Regulations, brings World Rugby or the Game into disrepute, engages in conduct, behaviour or practices which may be prejudicial to the interests of World Rugby or the Game, discloses any confidential information obtained through connection with the Game, or which breaches the Code of Conduct shall be subject to sanction by the Union or Association having jurisdiction in respect thereof in accordance with the bye-laws regulations, code of conduct or other undertakings or agreements of that Union or Association.

18.1.3 A Person shall be subject to sanction by a Judicial Committee or Judicial Officer appointed by World Rugby if he breaches the World Rugby Code of Conduct and/or brings World Rugby or the Game into disrepute, engages in conduct, behaviour or practices which may be prejudicial to the interests of World Rugby or the Game, and/or discloses any confidential information obtained through his connection with the Game, in accordance with these Regulations.

18.2 The Appointment and Functions of Judicial Officers and Judicial Committees

18.2.1 The Council shall appoint a panel of individuals ("the Judicial Panel") of such number as the Council shall think fit, each of whom shall be eligible to sit as Judicial Officers and/or as Members of Judicial Committees. The Council shall appoint a chairman of the Judicial Panel. The Chairman of the Judicial Panel (or his designee) shall, in consultation with the Chairman of the Council, or his nominee, appoint individual Judicial Officers or Judicial Committees from members of the Judicial Panel to resolve, hear and adjudicate on the following:

- (a) an alleged breach(es) of the Bye-Laws and/or the Regulations and/or alleged offences under Regulation 18.1.1 and/or 18.1.3;
- (b) disputes arising under Regulation 4;

- (c) disciplinary matters arising out of Foul Play and/or Misconduct (Regulation 17 and Regulation 20); and
- (d) such other matters as the Council, Chairman of the Judicial Panel or CEO may from time to time refer to a Judicial Officer or Judicial Committee for adjudication.

18.2.2 Members of the Judicial Panel shall be appointed for a period of up to two years, following which they shall, unless re-appointed by the Council, automatically cease to be a member of the Judicial Panel. The Council may, at its discretion, remove any member of the Judicial Panel, at any time. The decision of the Council shall be final and binding.

18.2.3 Council members appointed as members of the Judicial Panel shall not cease to be members of the Judicial Panel if, during the period of appointment as a Judicial Panel member, they cease to be a member of the Council.

18.2.4 When a Judicial Committee is appointed to adjudicate on a case it shall, ordinarily, be made up of three members of the Judicial Panel, one of whom shall be nominated to act as Chairman of the Committee. The Chairman of the Judicial Panel shall, however, in any case, be entitled, at his discretion, to appoint a Judicial Committee of such number as he considers appropriate, up to a maximum of 5 and a minimum of 2.

18.2.5 Judicial Officers or Judicial Committee members shall not have had any personal involvement with any case referred to them for adjudication or any connection with any of the parties involved in such matter.

18.2.6 If a Judicial Officer or member of a Judicial Committee having been appointed to deal with a case is unable or unwilling to adjudicate then the Judicial Panel Chairman may; (1) appoint another member of the Judicial Panel as a replacement; or (2) appoint a new Judicial Committee; or (3) allow the remaining Judicial Committee members to proceed and adjudicate on the case.

18.2.7 The Chairman of the Judicial Panel shall have the power, exercisable in his discretion, to co-opt from time to time additional persons with specialist skills and experience to sit as Judicial Officers and/or as members of a Judicial Committee to deal with cases that require such specialist skills and experience whether such persons are members of the Judicial Panel or not.

18.3 The Appointment and Functions of Appeal Committees

18.3.1 The Council shall appoint a panel of individuals of such number as the Council thinks fit ("the Appeal Panel"), each of whom shall be eligible to sit as members of Appeal Committees. The Council shall appoint a Chairman of the Appeal Panel. Members of the Appeal Panel shall not be current members of the Council or any other World Rugby standing committee.

- 18.3.2 Members of the Panel shall include the following:
- (a) Senior legal practitioners with previous experience of judicial proceedings in rugby. Such legal practitioners shall be appointed to sit as Chairmen of Appeal Committees.
 - (b) Eminent rugby administrators, rugby players, coaches and officials with previous experience of judicial proceedings in rugby.
 - (c) Such other individuals as the Council may consider appropriate.
- 18.3.3 The functions of Appeal Committees shall be to hear and decide appeals from decisions made by Judicial Officers or Judicial Committees. The Chairman of the Appeal Panel shall appoint Appeal Committees from Appeal Panel members to hear such appeals.
- 18.3.4 Members of the Appeal Panel shall be appointed for a period of up to two years, following which they shall, unless re-appointed by the Council, automatically cease to be a member of the Appeal Panel. The Council may, at its discretion, remove any member of the Appeal Panel, at any time. The decision of the Council shall be final and binding.
- 18.3.5 When an Appeal Committee is appointed to adjudicate on a case it shall, ordinarily, be made up of three members of the Appeal Panel, one of whom shall be nominated to act as Chairman of the Appeal Committee. The Chairman of the Appeal Panel shall be entitled, however, at his discretion to appoint Appeal Committees of such number as he considers appropriate, up to a maximum of 5 and a minimum of 2.
- 18.3.6 If a member of an Appeal Committee having been appointed to deal with a case, is unable or unwilling to adjudicate then the Appeal Panel Chairman may: (1) appoint another member of the Appeal Panel as a replacement; or (2) appoint a new Appeal Committee; or (3) allow the remaining Appeal Committee members to proceed and adjudicate on the appeal.
- 18.3.7 The Chairman of the Appeal Panel shall have the power, exercisable in his discretion, to co-opt from time to time additional persons with specialist skills and experience to sit as Appeal Committee Members to deal with cases that require such specialist skills and experience whether such persons are members of the Appeals Panel or not.
- 18.4 Procedures Relating to a Breach of the Regulations or Bye-Laws, or Offences under Regulation 18.1.1(a) to (e)**
- 18.4.1 A Union or Association must, as soon as is reasonably practicable, investigate each and every alleged breach of the Regulations occurring or committed within or relating to its jurisdiction and of which it has knowledge. Following such investigation, it shall take such action as is appropriate and thereafter report its decision and the procedures adopted to the CEO in writing within 28 days of its decision. The CEO shall submit the report to the Council.

- 18.4.2 In the event of the Council and/or CEO not being satisfied with the procedures adopted and/or decision reached by a Union or Association pursuant to Regulation 18.4.1 or in the event of a failure to investigate by that Union or Association, then the Council and/or CEO may refer the matter, via the Judicial Panel Chairman, or his designee to a Judicial Officer or Judicial Committee or take such other action as it deems appropriate.
- 18.4.3 A Union or Association which considers another Union or Association to have so conducted itself as to be in breach of these Regulations or the Bye-Laws or to have committed an offence under Regulation 18.1.1(a) to (e), may make complaint of such conduct to the CEO. To be valid, such complaint must be made in writing, set out full details of the complaint and should be received by the CEO not later than 28 days following the complainant Union or Association having knowledge of the said conduct. Upon receipt of any such complaint, the CEO shall initiate an enquiry into the matter and/or refer the complaint via the Judicial Panel Chairman, or his designee to a Judicial Officer or Judicial Committee for adjudication.
- 18.4.4 The Council or CEO may, whether at the request of a Union, Association, or of its own motion, initiate an enquiry into any alleged, or apparent breach of the Bye-Laws and/or Regulations or alleged offences under Regulation 18.1.1(a) to (e). Such enquiry shall be carried out by the CEO or his designee(s). The procedure for such enquiry shall be determined by the CEO. At the conclusion of any such enquiry, the CEO shall either submit a report to Council or refer the matter, via the Judicial Panel Chairman, or his designee, to a Judicial Officer or Judicial Committee for adjudication. The Council on receipt of the report may refer the matter via the Judicial Panel Chairman, or his designee, to a Judicial Officer or Judicial Committee or take such other action (if any) as is deemed appropriate.

18.5 Referral to Judicial Officers or Judicial Committees

- 18.5.1 Where a matter is referred to a Judicial Officer or Judicial Committee, the Judicial Officer or Judicial Committee shall, subject to Appendix 1, be entitled to deal with the matter procedurally as it considers appropriate provided that the parties concerned are aware of the case against them and are afforded a reasonable opportunity to make representations and present their case. For the avoidance of doubt, World Rugby shall have the right to be represented and shall be entitled through its nominated representative to make submissions during any proceedings conducted by Judicial Officers or Judicial Committees.
- 18.5.2 The decisions of Judicial Committees shall be made by majority. In the event of an even vote, the Chairman of the Judicial Committee shall have a casting vote.
- 18.5.3 All Judicial Committee members must take part in the deliberations of the committee and no member of a Judicial Committee may abstain.

18.5.4 The decision of the Judicial Officer or Judicial Committee shall, subject to the right of appeal under Regulation 18.7, be final and binding. Any punishment or penalty imposed by a Judicial Officer or Judicial Committee shall not, ordinarily, take effect until the period allowed for an appeal in Regulation 18.7.2 has elapsed or the appeal has been determined. The decision of the Judicial Officer or Judicial Committee may be published by World Rugby.

18.6 Penalties

18.6.1 Upon finding a breach of the Bye-Laws and/or Regulations, or that an offence pursuant to Regulation 18.1.1(a) to (e) inclusive has been committed, Judicial Officers and Judicial Committees shall be entitled to impose such penalties as they think fit. Such penalties may include, but shall not be limited to:

- (a) a caution, warning as to future conduct, reprimand and/or a fine;
- (b) a suspension for a specified number of Matches and/or a specified period; a requirement that a Match or Matches be played with the exclusion of the public; the cancellation of a Match result and, where appropriate, the replaying of a Match; the forfeiture of a Match or matches and/or tie(s); the deduction or cancellation of points; the immediate or future expulsion or suspension from a tournament(s) or competition(s); or any such similar sanctions;
- (c) cancellation or refusal of the registration of any Person registered in contravention of the Regulations;
- (d) a recommendation to the Council that a Union or Association be expelled or suspended from Membership of World Rugby. Subject to the provisions of Bye-Law 6(d), only the Council shall be competent to expel or suspend a Union or Association and any such expulsion or suspension shall only have effect if approved by a two-thirds majority of the votes cast at a properly convened and quorate Council meeting;
- (e) an order that any Union, Association, Rugby Body, Club or Person pay compensation and/or restitution;
- (f) the withdrawal of other benefits or membership of World Rugby, including, but not limited to, the right to apply to host International Tournaments; and
- (g) any combination of the penalties set out in 18.6.1(a) to (f) above.

18.6.2 Judicial Officers and Judicial Committees shall be entitled to make such order in relation to cost as is deemed appropriate;

18.6.3 In determining the appropriate penalty under these Regulations, a Judicial Officer or Judicial Committee shall be entitled to take account of mitigating and/or aggravating circumstances. Aggravating circumstances shall

include, but shall not be limited to, the repetition of a breach of a particular Bye-Law or Regulation.

18.7 Appeals

- 18.7.1 A Union or Association, or World Rugby (through the Executive Committee or CEO), may appeal against the decision of a Judicial Officer or Judicial Committee, against the penalty imposed and/or any costs order. To be valid, any such appeal, together with the written grounds of appeal, must be lodged with the Appeal Panel Chairman, or his designee, within 14 days of the date of the written decision of the Judicial Officer or Judicial Committee.
- 18.7.2 On receipt of a notice of appeal and the grounds for appeal within the time limit set out in Regulation 18.7.1, an Appeal Committee shall be appointed by the Appeal Panel Chairman or his designee. The Appeal Committee shall, ordinarily, be made up of three members of the Appeal Panel, under the Chairmanship of a senior legal practitioner who shall, subject to Regulation 18.7.3 and Appendix 2, have the discretion to regulate the procedure prior to and at any Appeal Committee hearing.
- 18.7.3 The Appeal Committee shall determine the basis on which an appeal will proceed, including the standard of review and may, in its discretion rehear the whole or any part of the evidence given before the Judicial Officer or Judicial Committee (as the case may be) as it considers appropriate. For the avoidance of doubt World Rugby shall have the right to be represented and shall be entitled through its nominated representative to make submissions in any proceedings conducted by Appeal Committees.
- 18.7.4 The Appeal Committee shall have full discretionary power to hear and receive such further evidence as it thinks fit, provided it is established by the appellant that such evidence was not, on reasonable enquiry, available at the time of the original hearing.
- 18.7.5 For appeal hearings procedural matters shall be determined by the Appeals Committee Chairman. Decisions of the Appeals Committee shall be made by majority. In the event of an even vote, the Chairman of the Appeal Committee shall have a casting vote. No member of an Appeal Committee may abstain and all members of the Committee must take part in its deliberations.
- 18.7.6 Where an appeal relates to a recommendation by a Judicial Officer or Judicial Committee that a Union or Association be expelled or suspended from membership of World Rugby, the appeal will be heard by the Council. In the event of such an appeal, a meeting of the Council shall be convened by the CEO as soon as reasonably practicable. The procedures on any such appeal, including, but not limited to, the standard of review shall be determined by the Council. The Council may confirm the suspension or expulsion and/or impose such other punishment or penalties as it considers fit. The decision of the Council shall be made by a two-third majority of members present and shall be final and binding.

The decision of the Council shall be effective immediately on written notification to the Union or Association concerned.

18.8 Powers of Appeal Committees

18.8.1 An Appeal Committee shall have the power to:

- (a) allow or re-affirm, or dismiss the appeal;
- (b) vary the decision in such manner as it shall think fit (including power to reduce, uphold, decrease or cancel any penalty);
- (c) make such further order (in relation to costs or otherwise) as it thinks fit; and
- (d) take any other step which in the exercise of its discretion the Appeals Committee considers it would be appropriate to take in order to deal justly with the case in question.

18.9 Notification of Appeal Committee Decision

18.9.1 The parties to the appeal shall be notified in writing as soon as reasonably practicable following the conclusion of the hearing. On notification to the Union or Association the decision shall be final and binding. The decision of the Appeal Committee may be published.

18.10 Procedures Relating to Disputes over Player Status, Player Contracts and Player Movement¹

18.10.1 Disputes arising out of those matters referred to in Regulation 4 may be referred, by Unions or Associations only, to the CEO who shall, via the Judicial Panel Chairman or his designee, refer such disputes to a Judicial Officer or Judicial Committee for adjudication. The Judicial Officer or Judicial Committee appointed shall, subject to Appendix 1, have the discretion to determine the procedures to be adopted prior to and at any hearing in connection with such a dispute. The decision of the Judicial Officer or Judicial Committee shall be binding on the Union, Association, Person, Club or other Rugby bodies who are parties to the dispute upon receipt of notification of the Judicial Officer's or Judicial Committee's decision.

18.10.2 An appeal against the decision of a Judicial Officer or Judicial Committee in relation to the issues referred to in 18.10.1 above may be lodged with the Appeal Panel Chairman in accordance with Regulation 18.7. The Appeal Panel Chairman shall refer the matter to an Appeal Committee for final and binding adjudication.

¹ *Disputes arising out of Regulation 4 will, preferably, be adjudicated on by members of the Judicial Panel who are experienced in player issues including, but not limited to, training and development, and may include eminent ex-players.*

- 18.11 General Procedures relating to proceedings of Commissioners, Judicial Officers, Judicial Committees, Disciplinary Committees, Appeal Committees and Appeal Tribunals**
- 18.11.1 The general procedures to be applied by Commissioners, Judicial Officer(s), Judicial Committees, Disciplinary Committees and Appeal Committees and Appeal Tribunals are set out in Appendix 1.
- 18.11.2 The Council may prescribe additional regulations for the conduct of Commissioners, Judicial Officer(s), Judicial Committees, Disciplinary Committees, Appeal Committees, Appeal Tribunals and may from time to time vary, revoke or replace any such regulations.
- 18.11.3 In respect of any matter not provided for in this Regulation 18 the appropriate body shall take a decision according to general principles of justice and fairness.

APPENDIX 1. PROCEDURES AND POWERS OF JUDICIAL OFFICERS, JUDICIAL COMMITTEES, DISCIPLINARY COMMITTEES, APPEAL COMMITTEES AND APPEAL OFFICERS ("DISCIPLINARY TRIBUNAL") IN CONNECTION WITH JURISDICTION, PROCESS AND EVIDENTIAL MATTERS RELATING TO HEARINGS.

1. General

- 1.1 Disciplinary Tribunals constituted under these Regulations shall exercise their functions independently, including independently of (i) the parties to the Match and/or proceedings, (ii) the Unions, Associations or Rugby Bodies under whose jurisdiction responsibility falls for the relevant Match and shall not perform a legislative role in any Union, Association or Rugby Body involved in the Match and/or proceedings.
- 1.2 Disciplinary Tribunals shall be fully autonomous and, in particular, any decision they make shall be binding on the Player, Person, his/their national Union(s), Rugby Body(ies) and all other Unions, Associations, Tournament Organisers and their constituent bodies, none of whom shall have the power to affirm, revoke or alter any decision.
- 1.3 The standard of proof on all questions to be determined by Disciplinary Tribunals shall be the balance of probabilities unless otherwise specified in a particular Regulation. Disciplinary Tribunals shall have no discretion in this regard.
- 1.4 Unions, Associations and Disciplinary Tribunals shall be entitled to publish as they think fit reports of their proceedings, findings and penalties and in the case of such bodies appointed by World Rugby, such publication shall be made through World Rugby. No member of a Disciplinary Tribunal shall comment to the media on a decision of that body.
- 1.5 Disciplinary Tribunals shall have absolute discretion in imposing orders as to the payment of costs in relation to any proceedings including the cost of holding the hearings, interpretation and legal costs, travel and accommodation costs of the members of the Disciplinary Tribunals and/or any other expenses necessary for the proper conduct of the hearing.
- 1.6 All hearings shall take place in private.
- 1.7 Disciplinary Tribunals:
- (a) shall be entitled to adjourn and/or postpone proceedings;
 - (b) shall be entitled to determine whether witnesses that give evidence are able to remain within the room in which the matter is being heard after their evidence has been given;

- (c) may direct that an interpreter be present to partake in the proceedings;
 - (d) shall be entitled to call on experts to provide specialist advice;
 - (e) shall be entitled to be assisted by a legal advisor;
 - (f) shall deliberate in private on their decisions.
- 1.8 The non-attendance of a party at a hearing and/or preliminary hearing in respect of which that party has received notice shall not prevent the matter being dealt with in their absence.
- 1.9 A decision of a Judicial Committee, Disciplinary Committee or Appeal Committee shall be valid if taken by at least a simple majority of the members of the Committee. No member of the Judicial, Disciplinary or Appeal Committee may abstain from any decision. Where a Committee has an even number of members and they are unable to reach a unanimous or majority decision then the Chairman of the Judicial, Disciplinary or Appeal Committee shall have a casting vote.
- 1.10 Any procedures, findings or decisions of Disciplinary Tribunals pursuant to disciplinary processes under these Regulations shall not be quashed or invalidated by reason only of any departure from the procedural Regulations, defect, irregularity, omission or other technicality unless such departure, defect, irregularity, omission or technicality raises a material doubt as to the reliability of the findings or decisions of these bodies or results in a miscarriage of justice.
- 1.11 Hearings by Disciplinary Tribunals shall, unless otherwise specified in the Regulations, ordinarily be heard in the country where the disciplinary proceedings originated or at a convenient venue nominated by World Rugby, Host Union or Tournament Organiser as appropriate. In appropriate circumstances technology may be employed to assist the process.
- 1.12 Hearings by Disciplinary Tribunals (save for private deliberations) may be fully audio or audio-visually recorded or by a stenographer. The record of proceedings and all papers associated with the proceedings shall be held for a suitable period by World Rugby, Union or Tournament Organiser under whose jurisdiction the hearing took place and who shall promptly make the same available to World Rugby if it requires.
- 1.13 In respect of any matter not provided for in this Regulation 18, Appendix 1, the appropriate body or person shall take a decision according to general principles of natural justice and fairness.

- 2. Judicial Committees² and Judicial Officers - Power to Regulate their Own Procedures**
- 2.1 The procedure of Judicial Committees or Judicial Officers in all proceedings shall be as the appointed Judicial Committee or Judicial Officer shall determine in each case. However, subject to the power to regulate its own procedures, it shall:
- (a) seek to conform generally with the procedures set out in Section 1 above, this Section 2 and Section 3 below; and
 - (b) ensure that a Player and/or Person subject to disciplinary proceedings has a reasonable opportunity to be heard and be informed of the charge(s) and to present his case.
- 2.2 The Chairman of the Judicial Committee and the Judicial Officer shall be entitled to determine pre-hearing procedural and/or evidential matters. Such matters may include:
- (a) a pre-hearing conference convened for the purposes of giving directions for the hearing and clarification of the procedures; and
 - (b) the requirement for any person to attend the hearing as a witness.
- For the purposes of pre-hearing case management the Chairman of the Judicial Committee may exercise this function without reference to the other Judicial Committee members.
- 2.3 The Judicial Committee or Judicial Officer shall endeavour to ensure that disciplinary proceedings are heard in the presence of the Union, Player and/or Person who is the subject of the proceedings. Nothing in the Regulations, or otherwise, shall prevent a Judicial Committee or Judicial Officer hearing and determining disciplinary proceedings in their absence where the Union, Player and/or Person concerned (and/or their representatives) do not attend the hearing. However hearings may only be held in the absence of any of the parties if those parties have first been given the opportunity to attend and have declined the opportunity without reasonable excuse or consented to a hearing in absentia. In such circumstances the Judicial Committee or Judicial Officer may take any written representations into account in making its decision.
- 2.4 If a member of a Judicial Committee or a Judicial Officer is unwilling or unable, for whatever reason, to hear the matter referred to them then World Rugby, Host Union or Tournament Organiser may, at its discretion:
- (a) appoint another member to the Judicial Committee as a replacement;
 - (b) appoint a new Judicial Officer or appoint a new Judicial Committee;

² For convenience, only Judicial Committee is referred to but the term also encompasses Disciplinary Committees established for the purposes of Regulations 17.

- (c) allow the remaining members of the Judicial Committee to hear the matter; or
- (d) appoint a Judicial Officer to take the place of the Judicial Committee.

2.5 Where a disciplinary hearing is pending, a Player may, prior to the hearing, be required by the Judicial Committee or Judicial Officer to:

- (a) supply it or him with full particulars of the case that will be presented on the Player's behalf at the hearing and any witnesses intended to be called by the Player;
- (b) provide it or him with copies of any documents or reports that may be relied on by the Player at the hearing; and
- (c) comply with such directions as shall be considered appropriate by the Judicial Committee or Judicial Officer at, or prior to, the hearing.

3. Judicial Committee and Judicial Officer - General Procedures

3.1 The general procedures relating to proceedings of Disciplinary Tribunals set out in Sections 1 and 2 above shall apply.

3.2 Any Union, Player, Person and/or Connected Person who is required to attend a hearing to answer charges or allegations shall be entitled to be represented at the hearing including by a Union representative and/or by legal counsel.

Evidence

3.3 The Judicial Committee or Judicial Officer shall be entitled to receive such evidence and in such form as it thinks fit (including evidence in writing), notwithstanding the evidence may not be legally admissible and shall be entitled to attach such weight to that evidence as it/he sees fit.

3.4 First-hand accounts from persons present at the hearing as to their observations of the incident in question are to be preferred. Hearsay evidence may be accepted. However, caution will be exercised before hearsay evidence is accepted in preference to first hand evidence and generally less weight is likely to be given to hearsay evidence.

3.5 Judicial Committees or Judicial Officers should not permit the introduction of opinion evidence other than expert opinion evidence. Expert opinion evidence is only likely to be permitted when the evidence falls outside the everyday knowledge of members of the Judicial Committee or of the Judicial Officer.

3.6 Where a direction is given by a Judicial Committee or Judicial Officer it shall be the responsibility of the Union, the Player, Person or witness concerned to ensure that it is complied with, notwithstanding any travel or other arrangements that may need to be made and/or altered. In any case where a direction given by the Judicial Committee or Judicial Officer is not complied with, the Judicial Committee or Judicial Officer may refuse to

allow the evidence of the Union, Player or Person or witness to be given in any other form.

- 3.7 The Judicial Committee or Judicial Officer may direct that the Union or Tournament Organiser be represented. If so, the Union or Tournament Organiser shall appear by counsel and/or by a representative at the hearing, in such capacity as the Judicial Committee or Judicial Officer requires, to provide assistance to the Judicial Committee or Judicial Officer in the discharge of its duties.
- 3.8 Offences and breaches of Regulations may be established by any reliable means, including admissions. The following rules of proof shall be applied by the Judicial Committee or Judicial Officer:
- (a) they shall have the discretion to accept any facts established by a decision of a court of competent jurisdiction or professional disciplinary tribunal which is not the subject of a pending appeal as irrefutable evidence against the Player or Person to whom the decision relates of those facts, save only where the Player or Person establishes that the decision was contrary to the principles of natural justice; and
 - (b) where the Player or Person is charged with an offence and/or breach and fails or refuses without compelling justification to appear at a hearing (in person or by telephonic means) of which they have been given reasonable notice, the Judicial Committee or Judicial Officer may draw an inference adverse to the Player or Person.
- 3.9 Unless it otherwise directs, the procedure of the Judicial Committee or Judicial Officer at a hearing will be as follows:
- (a) the Chairman or Judicial Officer will explain the procedure to be followed;
 - (b) for cases involving Misconduct or breaches of the Code of Conduct and/or Anti-Corruption and Betting Regulations:
 - (i) the charges will be read; and
 - (ii) the Player or Person will be asked to confirm if he admits that he has committed the act or acts of Misconduct or breaches of the Regulation(s) for which he is charged;
 - (c) for cases involving Ordering Off:
 - (i) the referee's report and, where applicable, the assistant referee's report shall be read;
 - (ii) the Player shall be asked to confirm if he admits that he has committed an act or acts of Foul Play; and
 - (iii) the Player will be given the opportunity to say whether or not he will seek to show that the referee's decision was wrong (and if so why);

- (d) for cases involving a citing the procedures in (c)(ii) and (iii) above shall be applied, subject to such modification as the Judicial Committee or Judicial Officer deems appropriate;
 - (e) evidence from the Player or Person if he elects to give evidence, and from any witnesses to be called will be heard; and
 - (f) final submissions will be heard.
- 3.10 For cases involving citing complaints initiated by a Citing Commissioner, Misconduct or other breaches of the Regulations, the Judicial Committee Chairman or Judicial Officer may request that a person be available to present the case and set out the basis of the citing complaint, Misconduct or other charges.
- 3.11 The Player or Person subject to disciplinary proceedings may admit the offence at any time in which case the Judicial Committee or Judicial Officer should proceed immediately to hear submissions in relation to sanction.
- 3.12 Where disciplinary proceedings, however arising, are taken against more than one Player or Person as a result of incidents occurring in a Match or arising from the same incident or series of incidents, such proceedings may be heard by a Judicial Committee or Judicial Officer at the same time, provided there is no prejudice to any person against whom the disciplinary proceedings are taken.
- 3.13 Upon the finding of a breach of the Bye-Laws and/or Regulations Judicial Committees and Judicial Officers shall be entitled to impose such penalties and orders as they think fit which may include the penalties and orders set out in Regulation 18.6.1.
- 4. Appeal Committees and Appeal Officers – Power to regulate their own procedures**
- 4.1 The Appeal Committee or Appeal Officer are entitled to receive and shall be provided with the full record of the proceedings before the Judicial Committee or Judicial Officer.
- 4.2 An Appeal Committee or Appeal Officer shall have power to conduct and regulate the appeal proceedings as it sees fit having regard to the circumstances of the case but shall generally conform to the procedures stated in this Regulation 18, Appendix 1.
- 4.3 The Appeal Committee or Appeal Officer shall have the power to order that a de novo hearing in whole or in part be adopted on appeal. A de novo hearing in whole or in part would ordinarily only be appropriate where it is established that it is in the interests of justice that a re-hearing of the case in whole or in part is necessary. In the case of an appeal which proceeds in whole as a de novo hearing the procedure to be adopted, the burden of proof and all evidential and other matters shall proceed as if the hearing was a first instance hearing before a Judicial Committee or Judicial Officer.

- 4.4 Except where an appeal proceeds in whole or in part, and then only with respect to that part, as a de novo hearing and subject to clause 3.3 above, appeals and any question of fact arising on appeal will be heard and determined based on the record of the decision and the evidence received and considered by the Judicial Committee or Judicial Officer.
- 4.5 Except where an appeal proceeds in whole as a de novo hearing it is for the Appellant to establish that the decision being challenged on appeal:
- (a) was in error (either as to central factual findings or in law);
 - (b) in the interests of justice should be overturned;
 - (c) the sanction imposed was manifestly excessive or wrong in principle; and/or
 - (d) the sanction imposed was unduly lenient.
- 4.6 Except where an appeal proceeds in whole or in part, and then only with respect to that part, as a de novo hearing, appeals shall be conducted on the basis that:
- (a) the evidential assessment or decision involving an exercise of discretion or judgment of or by a Judicial Committee or Judicial Officer shall not be overturned save in circumstances where the relevant findings made by the Judicial Committee or Judicial Officer are manifestly wrong;
 - (b) the evidential assessment or decision involving an exercise of discretion or judgment of or by a Judicial Committee or Judicial Officer shall not be overturned save in circumstances where the Judicial Committee or Judicial Officer applied wrong principles in the exercise of its/his discretion which has resulted in an erroneous decision being made; and/or
 - (c) new or additional evidence not offered before the Judicial Committee or Judicial Officer shall only be considered by the Appeal Committee or Appeal Officer where the party offering such evidence establishes that it was not, on reasonable enquiry, available at the time of the proceedings before the Judicial Committee or Judicial Officer.
- 4.7 Where the Appellant appeals against the sanction and/or cost order alone, the Appellant may request that the Appeal Committee or Appeal Officer review the sanction without the need for a personal hearing. The Appeal Committee or Appeal Officer may also determine that a personal hearing is not required in relation to any appeal but if it/he so wishes, the Appellant always has the right to appear and make representations in all cases in person or by way of technology or alternatively he may make representations in writing.

- 4.8 The Chairman of the Appeal Committee and the Appeal Officer shall be entitled to determine pre-hearing procedural and/or evidential matters. Such matters may include:
- (a) a pre-hearing conference convened for the purposes of giving directions for the hearing and clarification of the procedures; and/or
 - (b) the requirement for any person to attend the hearing as a witness.
- For the purposes of pre-hearing case management the Chairman of the Appeal Committee may exercise this function without reference to the other Appeal Committee members.
- 4.9 The Appeal Committee or Appeal Officer shall set a time, date and place for the hearing of the appeal which shall be notified by Rugby World, Host Union or Tournament Organiser to the Appellant(s) who has lodged the appeal.
- 4.10 Where a Player is suspended, provisionally suspended or had other sanctions imposed, such suspension and/or sanction shall remain in place pending the outcome of an Appeal.
- 4.11 If a Member of the Appeal Committee or Appeal Officer is unable or unwilling, for whatever reason, to hear the appeal, then World Rugby, Host Union or Tournament Organiser through an independent process may, at its absolute discretion:
- (a) appoint a replacement; or
 - (b) appoint a new Appeal Committee or new Appeal Officer; or
 - (c) allow the remaining members of the Appeal Committee to hear the appeal.
- 4.12 Appeal Committees and Appeal Officers shall:
- (a) have the power to direct that World Rugby, Union or Tournament Organiser be represented. If so, World Rugby, Union or Tournament Organiser shall be represented by a designated disciplinary officer (or his nominee) and may appear by counsel at the hearing of the appeal in such capacity as the Appeal Committee or Appeal Officer requires, to assist it/him in the discharge of its/his duties;
 - (b) may permit such other persons to be present at the hearing of the appeal as they see fit;
 - (c) in any case where a witness has been required to attend and refuses and/or fails to attend the hearing, the Appeal Committee or Appeal Officer may decide whether or not to allow the evidence of that witness to be given in any other form;
 - (d) be entitled to determine whether witnesses that give evidence are entitled to remain within the room in which the appeal is being heard after their evidence has been given; and

- (e) subject to clauses 3.3 to 3.5 be entitled to receive evidence in such form as it thinks fit (including evidence in writing), including evidence which may not be admissible in a court or tribunal and should be entitled to attach such weight to that evidence as it/he sees fit.
- 4.13 Save where the Appeal Committee or Appeal Officer decides to hear the entire case de novo, the Appellant shall have the burden of proving that the decision being challenged should be overturned or varied.
- 4.14 The Appeal Committee or Appeal Officer shall have the powers ascribed to it in Regulation 18.8.1 including the power to deal with penalties and costs as set out in Regulation 18.8.1.
- 4.15 The decision of the Appeal Committee or Appeal Officer shall be advised to the parties as soon as practicable after the conclusion of the hearing and shall be final and binding on notification to the Union, Player and/or Person. Where it considers it appropriate, the Appeal Committee or Appeal Officer may deliver a short oral decision at the conclusion of the hearing (with its/his reasons to be put in writing and communicated to the parties at a later date) or it/he may reserve its decision.
- 4.16 Relevant parties heard by the Appeal Committee or Appeal Officer shall be entitled to a copy of the Appeal Committee's or Appeal Officer's written decision which shall be provided by the Appeal Committee or Appeal Officer as soon as practicable after it is available.

