



# England Golf Disciplinary Regulations Practice Directions 2021

## INTRODUCTION

These Practice Directions ("**Directions**") are made pursuant to the England Golf Disciplinary Regulations, which require England Golf to establish and maintain appropriate practice directions to govern the conduct of matters falling under the jurisdiction of the England Golf Disciplinary Regulations.

These Practice Directions shall be supplementary to and form part of the England Golf Disciplinary Regulations 2021. In the event of any conflict or inconsistency between the England Golf Disciplinary Regulations 2021 and these Directions, the practices and procedures set out in these Directions shall, unless England Golf considers it unreasonable, prevail.

These Directions are how England Golf gives effect to the principles and regulations outlined in the England Golf Disciplinary Regulations. For ease of navigation, **PD 6**, for example, relates to the application of **Regulation 6**.

These Directions may be amended under the authority of the Board of England Golf at any time and at its sole discretion and such amendments shall be effective from the date stated.

Capitalised terms in these Directions have the meanings set out in **Part 4** of the England Golf Disciplinary Regulations entitled 'Definitions and Interpretations.' For ease of reference, a number shown in **bold** in these Directions is a reference to a clause in these Regulations.



## THE PRACTICE DIRECTIONS

<b>PD 4</b>	<b>DETERMINING THE APPROPRIATE DISCIPLINARY</b>
a.	England Golf may, at its discretion, decide that a matter arising at club or county level should be dealt with by England Golf if it raises a matter of national importance.
a.1	The table contained at Regulation 4.1 of the Regulations is intended to be a general statement by way of example and shall be in no way binding on England Golf.
<b>PD5</b>	<b>RISING OF DISCIPLINARY ISSUES</b>
a.	Following receipt of a Disciplinary Issue, the Governance Department will consider appropriate next steps, which may include the following:
a.1	An initial investigation to obtain more information and/or evidence, or to ascertain the best course of action.
a.2	Sending details of the Disciplinary Issue to the Respondent for a response
a.3	Reference of the matter to any other relevant body which appears to have a legitimate interest in the subject matter
a.4	Suggesting that the parties seek to resolve the issue informally
a.5	Taking no further action
b.	Upon completion of the step or steps above the Governance Department may take one or more of the following steps:
b.1	Conclude that no further action is required



b.2	Reject the Complaint because it does not fall within the authority of England golf
b.3	Refer the matter to another authority more appropriate in practice or law to deal with it including the police, social services, local authorities or any other appropriate body or organisation
b.4	Refer the matter to be dealt with under the Safeguarding Regulations or the Anti-Doping Regulations
b.5	Suggest that the parties engage in alternative dispute resolution, whether administered by England golf or some other body
b.6	Deal with the matter informally, by way of advice, information, or training
b.7	Dismiss the matter on the grounds that there is insufficient evidence to warrant further action being taken
b.8	Dismiss the matter on the grounds that it is vexatious or malicious
b.9	Apply to a member of the Disciplinary Panel qualified to sit as a Chair for a temporary suspension in accordance with the procedure set out at <b>Regulation 7</b>
b.10	Refer the matter to a Disciplinary Panel in accordance with using the procedure set out at <b>Regulation 8</b>
c.	The Governance Department shall inform all relevant parties of the action taken reasons for the decision
d.	If a Complainant wishes to withdraw a Disciplinary Issue at any stage, the Governance Department shall retain the right to take



	any action against the Respondent as may be deemed appropriate at is discretion
<b>PD6</b>	<b>TEMPORARY SUSPENSION</b>
a.	An application to impose a temporary suspension must be made in writing and set out the nature of the alleged breach and the reasons why a temporary suspension is sought. Such reasons may include (but are not limited to):
a.1	The protection of the Respondent and/or other Participants
a.2	Where there is a risk to the reputation of England Golf to fail to suspend
a.3	Where a failure to suspend may impede internal investigations or prejudice investigation by external organisations
b.	The Panel member deciding the application must provide written reasons in support of their decision, which will be communicated to the Respondent by the Governance Department
c.	A temporary suspension may include the suspension of a Member or a Subscriber's World Handicap System handicap index
d.	A Temporary suspension my include suspension from or a restriction on any and all participation in the sport of golf, which may include but is not limited to coaching, managing teams, playing, acting in a position of authority, acting in a position of trust in relation to young people or adults at risk, undertaking any official positions such as board membership or administrative duties, spectating or other official or unofficial activities relating to the sport of golf.



e.	Any suspension under the Part will automatically cease if either of the following occurs (whichever is soonest):
e.1	The matter has been determined by the Disciplinary Panel under the Regulations; or
e.2	The Complaint is withdrawn, and no further action is taken; or
e.3	The matter is resolved by way of agreement or alternative dispute resolution
<b>PD7</b>	<b>NOTICE OF CHARGE AND RESPONSE</b>
a.	A Notice of Charge sent under <b>Regulation 7.1</b> shall:
a.1	Make specific reference to the rules, regulations, policies, or codes alleged to have been breached.
a.2	Include evidence in support of the Charge; and
a.3	Include a copy of, or instructions on how to access, a copy of the England Golf Disciplinary Regulations and these Directions.
b.	If the Respondent does not make written representations in relation to mitigation with 5 working days of accepting a charge under <b>Regulation 7.3</b> , England golf may proceed to appoint the Disciplinary Panel in the absence of any representations from the Respondent.
c.	The Governance Department shall appoint the Disciplinary Panel within 15 working days from receipt of the response from the Respondent.



PDS	APPOINTMENT OF A DISCIPLINARY PANEL
a.	Members of the Disciplinary Panel shall be appointed from the individuals listed on the Disciplinary Tribunal Panel Register by the following process:
a.1	England Golf shall inform all Chairs of the nature of the matter and invite indications of availability to hear the matter. England Golf shall select an individual that is available and capable of hearing the matter to sit as Chair.
a.2	The Chair shall be responsible for appointing two side panel members to sit with the Chair.
a.3	Upon formation of the Disciplinary Panel, the Governance Department shall inform the Respondent of its composition.
a.4	The Respondent may object to the composition of the Disciplinary Panel by notifying the Governance Department in writing of the objections and the reasons for such objections no later than 5 working days from the date of being informed of the composition of the Disciplinary Panel.
a.4.1	The Governance Department shall immediately forward any objection received in relation to the members of the Disciplinary Panel to the Chair of the Disciplinary Panel who shall consider the objections and determine whether they are valid or in his/her opinion, or there are no grounds for objection, in which case the Chair shall reject the objection.
a.4.2	If the objection is made against the Chair of the Disciplinary Panel, then another member of the Disciplinary Panel must assess the objection.
a.4.3	Where the objection is made against all Disciplinary Panel Members then another member of Disciplinary Tribunal Panel Register must assess the objection.

a.4.4	The governance Department shall notify the Respondent in writing within 5 working days from the date of receipt of any objection to the composition of the Disciplinary Panel that either:
a.4.4.1	The Composition of the Disciplinary Panel has changed (in which case the Governance Department shall Provide details of the New Disciplinary Panel); or
a.4.4.2	The composition of the Disciplinary Panel has not changed (in which case the Governance Department will give reasons why the party's reasons for objecting has not been accepted).
a.4.5	The decision by the Chair or relevant Disciplinary Panel member on the composition of the Disciplinary Panel shall be final.

<b>PD9</b>	<b>DIRECTIONS</b>
a.	The Chair of the Disciplinary Panel shall have power to make such further directions relating to the provision of evidence or the conduct of the hearing as, in his/her sole discretion, are deemed necessary. These may include, but shall not be limited to:
a.1	Pre-hearing meetings of the Disciplinary Panel to agree procedural issues
a.2	Production, inspection and/or exchange of documents, witness statements and other evidence.
a.3	Exchange of skeleton arguments
a.4	A requirement to notify the Chair if a party intends to be legally represented or accompanied at any hearing

a.5	Any direction concerning the determination of any issue on paper in advance of the hearing or the extent to which evidence shall be agreed;
a.6	Directions as to the method of hearing, for example in person, video conference, telephone or on paper.
a.7	Directions in relation to consequences of non-compliance with directions, and in relation to variation with directions.
a.8	Directions in relation to the appointment of any third party to advise or assist the Panel.

<b>PD10</b>	<b>SERVICE OF DOCUMENTS</b>
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a.	Any documents served under the Regulations shall be deemed to be served as follows:
a.1	In person: on that day, if it is delivered on a business day before 17:00 hours, failing which it will be deemed to be served on the next following business day after it is delivered.
a.2	By first class post or by registered post: on the second business day after the date of posting.
a.3	By email: on that day, if it is transmitted on a business day before 17:00 hours, failing which it will be deemed to be served on the next following business day after it is transmitted.

<b>PD11</b>	<b>CONDUCT OF HEARINGS</b>
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a.	Any documents served under the Regulations shall be deemed to be served as follows:
a.1	The case against the Respondent will be presented by England Golf, together with relevant evidence, including witness, if appropriate. In such cases where it is deemed appropriate to



	do so, England Golf may appoint a third party to present the case against the Respondent;
a.2	The Respondent or their representative will be asked to admit or deny the disciplinary charge and will then have the opportunity to speak, challenge the evidence presented against them, submit their own evidence, call witnesses, and make representations to the Disciplinary Panel. The evidence of further witnesses not notified in accordance with the Regulations will be admitted only at the sole discretion of the Chair of the Disciplinary Panel;
a.3	Before being called, witnesses will not be allowed in the room while evidence is being given;
a.4	Questions may be put by the Disciplinary Panel to the Respondent and England Golf and each witness on conclusion of their evidence;
a.5	The respondent and England Golf may be able to raise questions in cross-examination;
a.6	The Respondent and England Golf will be allowed to make a closing
a.7	The room will be cleared, and the Panel will deliberate and determine whether, on the balance of probabilities, the disciplinary charge has been proved;
a.8	The Disciplinary Hearing will re-convene, and the Chair of the Disciplinary Panel will announce whether or not the disciplinary charge has been proved unless the Chair of the Disciplinary Panel deems it fit to defer the Disciplinary Panel's Decision in accordance with <b>Regulation 13.1</b>
a.9	If the Respondent admits the disciplinary charge or the Panel decides the disciplinary charge has been proved, the Panel will



	review the Respondent’s previous disciplinary record, where relevant, to consider sanctions and costs;
a.10	The Disciplinary Panel will invite the Respondent to set out any mitigating arguments;
a.11	The room will again be cleared, and the Panel shall determine the appropriate sanction in accordance with the Regulations.
b.	Those representing a Respondent at a Hearing may present and sum up their case, but they are not permitted to answer questions put to the Respondent.
c.	Where a Respondent admits the Charge in accordance with <b>Regulation 7.2</b> , the matter may be dealt with summarily (i.e., without a hearing) by the Disciplinary Panel who may impose any sanction which could have imposed had the Charge been established to its satisfaction at a hearing. In such a case:
c.1	The Disciplinary Panel shall give due consideration to any arguments provided in mitigation by the Respondent in accordance with <b>Regulation 7.3</b> ; and
c.2	There is no appeal against a decision imposed under the provision save that a person subject to a summary decision may appeal against the sanction imposed if the Respondent considers it to be disproportionate to the facts set out in the Notice of Charge.
d.	The Disciplinary Panel and appeal Panels will not be obliged to follow strict rules of evidence. They may admit such evidence as they think fit and accord such evidence such weight as they think appropriate in all the circumstances. Where a Charge has been the subject of previous civil or criminal proceedings, the result of such proceedings and the facts and matters upon which such result is based will be presumed to be correct and

	the facts presumed to be true unless it is shown by clear and convincing evidence that the is not the case.
e.	If the Respondent does not attend the Hearing arranged as above, provided that the Disciplinary Panel is satisfied that notice of the hearing was served properly, it may proceed to hear the evidence in the absence of the Respondent.
f.	In the light of the evidence present to it, the Disciplinary Panel may find that a Charge less or more serious Charge than originally set out in the Notice of Charge has been proven.
g.	The Chair of the Disciplinary Panel has the discretion to adjourn the Hearing if at any time they think the interests of justice require it (for example to secure the attendance of a key witness or other important evidence).
h.	The Disciplinary Panel may limit cross-examination.
i.	In circumstances where a person other than the parties is present and it appears to chair of the Disciplinary Panel that any person giving evidence may expose themselves to unnecessary risk the Chair may require a non-party to withdraw whilst that evidence is given.
j.	The governance Department may audio record Disciplinary Panel proceedings.
k.	The Disciplinary Panel shall not be bound by the rules of Court (or any legislative provision) governing procedures. All hearings shall be conducted in a fair and orderly manner, with each party having a reasonable opportunity to give and call evidence, address the Disciplinary Panel, and present their case.



PD13	THE PANEL'S DECISION
a.	The Disciplinary Panel shall normally provide the written reasons of the Decision to the Respondent, the Complainant and England Golf within 20 working days of the Decision.
b.	Any deviation from these Regulations by a Disciplinary Panel shall not invalidate any finding, procedure of decision unless that deviation raises material doubt as to the reliability of the find, procedure, or decision.
c.	The written reason of the Decision shall include the following matters:
c.1	The identity and composition of the Disciplinary Panel;
c.2	The names of the parties;
c.3	A summary of the facts;
c.4	The Rule/Regulation on which the Decision is based;
c.5	The grounds of the Decision;
c.6	The sanction (if any) to be imposed on the Respondent in accordance with the Regulations;
c.7	Any order for costs; and
c.8	The appropriate appeals procedure in accordance with the Regulations.



<b>PD15</b>	<b>COSTS</b>
a.	An order for costs imposed under <b>Regulation 15</b> may include travel and accommodation expenses reasonably incurred by the Disciplinary Panel and the Governance Department in the preparation and holding of the Disciplinary Hearing and any legal costs incurred by the Disciplinary Panel. In calculating the amount, any legal representation or professional charges incurred by the Complainant (unless the Complainant is England Golf) or the Respondent will not be included.
b.	Any orders for payments of costs shall not form any part of or influence any fines or other sanctions.
<b>PD16</b>	<b>PUBLICATION OF DECISIONS</b>
a.	The Disciplinary Panel may provide that part of the Decision will be redacted or that details of or the Decision itself may not be published.
b.	A party may at any time make an application to the Chair that all or part of a decision should not be published, and the Chair shall have jurisdiction to make a decision alone on such application.
c.	England Golf may at any time during the disciplinary or dispute resolution process notify 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 including but not limited to any Participant.
d.	Where it appears that public knowledge of a Complaint exists, prior to its determination, England Golf reserves the right to confirm the details of such complaint subject to the consent of the complainant and the Respondent.



PD17	COMPOSITION OF THE APPEAL PANEL
a.	The members of an appeal Panel shall not have been members of the original Disciplinary Panel which considered this case or had any previous involvement in the case. The Appellant may object to the composition of the Appeal Panel by notifying the Governance Department of the objections and setting out the reasons for such objections no later than 5 working days from the date of being informed of the composition of the Appeal Panel.
b.	The Governance Department shall immediately forward any objection received in relation to the members of the Appeal Panel to the Chair of the appeal Panel who shall consider the objections and determine whether they are valid or in their opinion, the grounds for objection are frivolous, unfounded, or ill informed, in which case the Chair shall reject the objection.
c.	If the objection is made against the Chair of the Appeal Panel, then another member of the appeal Panel must assess the objection.
d.	The Governance Department shall notify the Appellant in writing within 5 working days from the date of receipt of the decision of the Chair or other Appeal Panel member that:
d.1	The composition of the appeal Panel has changed (in which case the Governance Department shall provide details of the new Appeal Panel); or
d.2	The composition of the appeal Panel has not changed, with reasons for the Appellant's objection being dismissed.
e.	The Decision by the Chair of the Appeal Panel or relevant Appeal Panel participant on the composition of the Appeal Panel under this provision shall be final.



	<p>f. England Golf may appoint a legal representative to assist with any Appeal Panel. They shall be permitted to be involved in all stages of the process but shall not be considered to be a member of the Appeal Panel.</p>
<b>PD17.2</b>	<b>PRE-APPEAL PANEL PROCEDURES</b>
	<p>a. Where the Appeal Panel has been convened the Governance Department will send a copy of the Notice of Appeal along with confirmation of the composition of the Appeal Panel to the Complainant, the Appeal Panel and in Interested Parties.</p>
	<p>b. The Chair of the appeal Panel will give directions as to:</p>
	<p>b.1 The time and place of any hearing;</p>
	<p>b.2 That the appeal hearing shall be paper based or that the hearing be carried out by telephone or video conferencing;</p>
	<p>b.3 The nature of the evidence (if any) that it requires to be adduced;</p>
	<p>b.4 Who (if anybody) should be invited to appear at any hearing; and</p>
	<p>b.5 Any other directions that appear to the Chair to be appropriate.</p>
	<p>c. The Chair of Appeal Panel shall have power to make such further directions relating to the provision of information/evidence or the conduct of the hearing as, in his or her sole discretion, are deemed necessary.</p>
	<p>d. The governance Department shall act as the Secretary and Administrator for the Appeal Panel. Where possible this function will be carried out by a member of the Governance Department not having any previous involvement in the matter.</p>



PD17.3	THE CONDUCT OF APPEAL PANEL HEARINGS
a.	The standard of proof in all cases before the Appeal Panel is the balance of probabilities
b.	Proceedings, findings, or decisions of an Appeal Panel shall not be invalidated by reason of any minor defect, irregularity, omission, or technicality unless such defect, irregularity, omission, or technicality amounts to a material irregularity and forms a ground of appeal.
c.	Proceedings may be recorded.
d.	If the Appellant does not attend the Appeal Hearing, provided that the Appeal Panel is satisfied that notice of the hearing was served properly, it may proceed to hear the evidence in the absence of the Appellant.
e.	Appeal Panels will not be obliged to follow strict rules of evidence. It may admit such evidence as it deems fit and accord such evidence such weight as they think appropriate in all the circumstances. Where the subject matter of a complaint or matter before the Appeal Panel has been the subject of previous civil or criminal proceedings, the result of such proceedings and the facts and matters upon which such result is based will be presumed to be correct and the facts presumed to be true unless it is shown by clear and convincing evidence that this is not the case.
f.	In the case of appeals, a failure to observe the time limits specified in the Regulation shall nullify any proceedings.
g.	The Appeal Panel shall decide any issue by majority and no member of the appeal Panel may abstain from voting.



<b>PD19</b>	<b>COSTS OF AN APPEAL PANEL</b>
a.	An order for payment of the costs of an appeal shall normally include:
a.1	The costs of the Appeal Panel less the fee paid with the Notice of Appeal;
a.2	The travelling expenses of any witnesses; and
a.3	The legal costs incurred by the Appeal Panel and/or England Golf (but not the legal costs of any other party of the Appeal).