

REGULATIONS FOR STAFFORDSHIRE COUNTY NETBALL ASSOCIATION APPEALS

COMMENCEMENT OF APPEAL

- 1.1. Appeal timings shall run from the date of notification of the decision being appealed against ("Notification Date"). The Notification Date shall be:
 - 1.1.1 the date of provision of the written decision; or
 - 1.1.2 where the relevant rules or regulations provide that written reasons may be produced or requested, the date of the written reasons
- 1.2. in the case of an appeal from a decision of a Committee, Regulatory Commission or Disciplinary Commission;
 - 1.2.1 notification of the intention to appeal shall be made via email to Staffordshire County Netball Association (or to the relevant Participant, where the Organisation is the appellant) within 7 days of the Notification Date.
 - 1.2.2 a notice of appeal ("the Notice of Appeal") with Staffordshire County Netball Association by email to the resolution lead (or, where Staffordshire County Netball Association is the appellant with the relevant Participant) within 7 days of the Notification Date.
- 1.3. The Notice of Appeal must:
 - 1.3.1. identify the specific decision(s) being appealed;
 - 1.3.2. set out the ground(s) of appeal and the reasons why it would be substantially unfair not to alter the original decision;
 - 1.3.3. set out a statement of the facts upon which the appeal is based;
 - 1.3.4. save for where the Appellant is Staffordshire County Netball Association in which case no deposit will be payable, be accompanied by an appeal fee of £50 or as prescribed by the relevant rules of Staffordshire County Netball Association. Appeals must only be lodged by email and details of how to pay the appeal fee will be confirmed by Staffordshire County Netball Association upon receipt of the Notice.
 - 1.3.5. where appropriate, apply for leave to present new evidence under 2.1 below.
- 1.4. The grounds of appeal available to Staffordshire County Netball Association, shall be that the body whose decision is appealed against:
 - 1.4.1. misinterpreted or failed to comply with the rules or regulations relevant to its decision; and/or
 - 1.4.2. came to a decision to which no reasonable such body could have come and/or
 - 1.4.3. imposed a penalty, award, order or sanction that was so unduly lenient as to be unreasonable
- 1.5. The grounds of appeal available to Participants shall be that the body whose decision is appealed against :
 - 1.5.1. failed to give the appellant a fair hearing and/or
 - 1.5.2. misinterpreted or failed to comply with the rules or regulations relevant to its decision; and/or
 - 1.5.3. came to a decision to which no reasonable such body could have come and/or
 - 1.5.4. imposed a penalty, award, order or sanction that was excessive
- 1.6. Once an appeal has been commenced, it shall not be withdrawn except by leave of the Appeal Board, with such order for costs as the Appeal Board may consider appropriate.

APPEAL PROCEEDINGS

- 2.1 An Appeal Board shall proceed as set out below.
- 2.2 Reference to a party or parties means:
- (1) the appellant (the “Appellant”); and
 - (2) the respondent (the “Respondent”), which shall be either the Participant and/or Staffordshire County Netball Association in the case of an appeal against a decision of the Committee, or the Affiliated Association or Competition whose decision is appealed against (the “Respondent”).
- 2.3 Staffordshire County Netball Association, whether acting as Appellant or Respondent, shall nominate an individual or individuals to represent it before the Appeal Board.
- 2.4 The Respondent shall serve a written reply to the Notice of Appeal (the “Reply”) on an Appellant and the Appeal Board within 21 days of the lodging of the Notice of Appeal. Where appropriate, the Reply must include any application for leave to present new evidence under 2.6 below.
- 2.5 The parties shall be entitled to make oral submissions to the Appeal Board but an appeal shall be by way of a review on documents only, without oral evidence, except where the Appeal Board gives leave to present new evidence under 2.6 below.
- Appeal Board proceedings shall be conducted how, when and where the Appeal Board considers appropriate.
- Reasonable notice shall be given by the Appeal Board of the date, time and venue of the appeal. An Appeal Board shall not be bound by any enactment or rule of law relating to the admissibility of evidence in proceedings before a court of law.
- An Appeal Board shall proceed as follows
- 2.6 The Appeal Board shall hear new evidence only where it has given leave that it may be presented. An application for leave to present new evidence must be made in the Notice of Appeal or the Reply, setting out the nature and the relevance of the new evidence, and why it was not presented at the original hearing. Save in exceptional circumstances, the Appeal Board shall not grant leave to present new evidence unless satisfied with the reason given as to why it was not, or could not have been, presented at the original hearing and that such evidence is relevant. The Appeal Board’s decision shall be final.
- 2.7 The chairman of an Appeal Board may upon the application of a party or otherwise, give any instructions considered necessary for the proper conduct of the proceedings, including but not limited to:
- (1) extending or abridging any time limit;
 - (2) amending or dispensing with any procedural steps set out in these Regulations;
 - (3) instructing that a transcript be made of the proceedings;
 - (4) ordering parties to attend a preliminary hearing;
 - (5) ordering a party to provide written submissions. The decision of the chairman of the Appeal Board shall be final.
- 2.8 The Appeal Board may adjourn a hearing for such period and upon such terms (including an order as to costs) as it considers appropriate.
- 2.9 The Appellant shall prepare a set of documents which shall be provided to the Appeal Board and Respondent at least seven days before the hearing and which shall comprise the following (or their equivalent):
- (1) the Charge;
 - (2) the Answer;
 - (3) any documents or other evidence referred to at the original hearing relevant to the appeal;

- (4) any transcript of the original hearing;
- (5) the notification of decision appealed against and where they have been given the reasons for the decision;
- (6) any new evidence;
- (7) The Notice of Appeal;
- (8) The Reply.

Where the Committee or other body appealed against has not stated the reasons for its decision, either

- (i) the Appellant shall request written reasons from that body which shall be provided to the Appeal Board; or
- (ii) the Appeal Board shall require that a member of the body that made the decision shall attend (in which case, questions may be put by the Appeal Board at a hearing to satisfy itself as to the reasons for the decision. Cross-examination by the Appellant or Respondent shall not be permitted. Representations may be made by the parties to the Appeal Board who may then put questions to the member of the body that made the decision).

- 2.10 Appeal hearings shall be conducted how, when and where the Appeal Board considers appropriate with a preference for virtual hearings. Unless otherwise agreed by all parties, reasonable notice of 14 days shall be given by the Appeal Board of the date, time and venue of the appeal.

Where an application to present new evidence has been made, the party making the application shall address the Appeal Board in support of the application and the other party may respond; the Appeal Board shall then determine whether or not it will receive the new evidence. The following procedures shall be followed at an appeal hearing unless the Appeal Board thinks it appropriate to amend them:

- (1) The Appellant to address the Appeal Board, summarising its case;
- (2) Any new evidence to be presented by the Appellant;
- (3) The Respondent to address the Appeal Board, summarising its case;
- (4) Any new evidence to be presented by the Respondent;
- (5) Each party to be able to put questions to any witness giving new evidence;
- (6) The Appeal Board may put questions to the parties and any witness giving new evidence at any stage;
- (7) The Respondent to make closing submissions;
- (8) The Appellant to make closing submissions.

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

- 2.12 The Appeal Board may, in the event of a party failing to comply with an order, requirement or instruction of the Appeal Board, take any action it considers appropriate, including an award of costs against the offending party.

APPEAL BOARD DECISIONS

- 3.1 A decision, order, requirement or instruction of the Appeal Board shall (save where to be made under the Rules of Staffordshire County Netball Association by the chairman of the Appeal Board alone) be determined by a majority. Appeal Board shall be made up of a Panel of three (one Chairman and two wing members).

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

- 3.3 The Appeal Board shall have power to:
- (1) allow or dismiss the appeal;
 - (2) exercise any power which the body against whose decision the appeal was made could have exercised, whether the effect is to increase or decrease any penalty, award, order or sanction originally imposed;
 - (3) remit the matter for re-hearing;
 - (4) order that any deposit be forfeited or returned as it considers appropriate;
 - (5) make such further or other order as it considers appropriate, generally or for the purpose of giving effect to its decision.
 - (6) Order that any costs, or part thereof, incurred by the Appeal Board be paid by either party or be shared by both parties in a manner determined by the Appeal Board.
- 3.4 Decisions of the Appeal Board shall be final and binding and there shall be no right of further challenge.

OTHER COSTS

- 3.5 Any costs incurred in bringing, or responding to, an appeal shall normally be borne by the party incurring the costs. In exceptional circumstances the Appeal Board may order one party to pay some or all of the other party's costs. Such costs will not include any legal costs. Any applications for such costs must be made at the Appeal Board and must include details of the exceptional circumstances.

WRITTEN DECISION

- 3.6 As soon as practicable after the hearing, the Appeal Board shall circulate to the parties a written statement of its decision, which shall state:
- (1) the names of the parties, the decision(s) appealed against and the grounds of appeal;
 - (2) whether or not the appeal is allowed; and
 - (3) the order(s) of the Appeal Board.
- The written statement shall be signed and dated by the chairman of the Appeal Board and be the conclusive record of the decision.
- 3.7 If not provided within the decision statement, the Appeal Board shall, upon the request of the Appellant or the Respondent (such request to be received by the resolution lead at Staffordshire County Netball Association within three days of the date of the announcement of the decision), give written reasons for the decision. Written reasons shall be produced within 7 days of request.