

REGULATIONS OF M.C.C.

(By order of the M.C.C. Committee in accordance with M.C.C. Rule 13.2)

The following new Regulations were approved by the M.C.C. Committee on 23rd March 2016 and come into force on 1st October 2016. These Regulations are referred to in Rule 6.2 of the Rules of the Club.

5. DISCIPLINARY REGULATIONS

Disciplinary Panel Chairman

- (a) There shall be appointed by the M.C.C. Committee a legally qualified Member, who shall not be, or have for at least five years been, a member of the M.C.C. Committee or a Trustee, to chair the Club's Disciplinary Panel, and to be called the Disciplinary Panel Chairman.
- (b) Any Member exercising the powers of the Disciplinary Panel Chairman shall be legally qualified and all references in these Regulations to the Disciplinary Panel Chairman shall include any nominated deputy.

Complaint against a Member

- (c) Any complaint against a Member under Rule 6.1 shall be immediately referred to the Disciplinary Panel Chairman. The date of receipt of such complaint by the Disciplinary Panel Chairman is to be regarded as the date of commencement of the disciplinary procedure.
- (d) Upon receipt of a complaint or, where appropriate, after any preliminary investigation, the Disciplinary Panel Chairman shall determine whether:
 - (i) the complaint has no merit and should be dismissed; or
 - (ii) the complaint raises issues of misconduct and either
 - (I) it is appropriate for there to be a summary disposal of the matter and the Member agrees, or
 - (II) it is appropriate that the matter be fully investigated and a Disciplinary Panel convened.
- (e) Normally, a complaint falling within Regulation 5(d)(ii) will be put before a Disciplinary Panel. However, the Disciplinary Panel Chairman may initiate a summary disposal of a complaint where he or she considers it to be a comparatively trivial matter, and may finalise it if the Member agrees that he or she has breached the standards expected of a Member and accepts the proposed penalty. In these circumstances, the Disciplinary Panel Chairman may impose one of the following penalties:
 - (i) a reprimand; or
 - (ii) the suspension of any or all privileges (other than as specified in Regulation 5(i)) for no more than fourteen days.
- (f) Where the Disciplinary Panel Chairman initiates a summary disposal, but for any reason that course is unable to be finalised, the matter shall be put before a Disciplinary Panel.

Disciplinary Panel

- (g) Where the Disciplinary Panel Chairman determines that a Disciplinary Panel shall be convened, he or she shall have the absolute power to initiate such investigations as he or she may reasonably consider necessary to ensure that all relevant facts are put before the Disciplinary Panel.
- (h) A Disciplinary Panel shall be chaired by the Disciplinary Panel Chairman together with two other Members who have each been a Full Member for at least five years.
- (i) The Disciplinary Panel shall hear cases in accordance with fairness and the rules of natural justice. If the Disciplinary Panel finds that a complaint of misconduct is proved, it shall have the following penalties at its disposal:
 - (i) a reprimand;
 - (ii) suspension as a Member for any period or the withdrawal of any particular rights and privileges for any period;
 - (iii) expulsion from the Club.

Nothing in this Regulation 5(i) shall permit a Disciplinary Panel to withdraw the rights accorded to a Full Member by Rule 2.7 (iv), (v), (xii), (xiv) or (xv), or the rights accorded to a Senior Member by Rule 2.7 (c)(iii), save where the Member is expelled, or during any period of suspension.

- (j) The Chief Executive & Secretary shall make available to the Disciplinary Panel Chairman such administrative resources as may be reasonably necessary to investigate any complaint.

- (k) In any case in which the Disciplinary Panel Chairman is involved as a witness, or in which the Disciplinary Panel Chairman becomes closely involved in investigating a case, or where he or she is unable to chair a Disciplinary Panel for any other reason, he or she may, subject to the qualification requirements of Regulation 5(a), nominate another Member who fulfils the requirements of Regulation 5(h) to handle a case and/or to chair a Disciplinary Panel.
- (l) In the event of the Disciplinary Panel Chairman being the subject of a complaint, the Club Chairman or the chairman of a principal committee nominated by the Club Chairman, shall, subject to the qualification requirements of Regulation 5(a), nominate a Member as Disciplinary Panel Deputy Chairman to handle that complaint.
- (m) There shall be an appeals process and Appeals Panel which shall fall under the jurisdiction of the Disciplinary Panel Chairman.

Appeals Process

- (n) A Member may appeal against the decision of a Disciplinary Panel, and a Playing Member may appeal against a sanction imposed under Rule 3.12, on one or more of the following grounds:
 - (i) the decision was against the weight of the evidence; and/or
 - (ii) there was a procedural irregularity in the original hearing; and/or
 - (iii) the sanction imposed was unjust in all the circumstances of the case.
- (o) Notice of appeal shall be directed to the Disciplinary Panel Chairman and usually must be lodged within fourteen clear days of the decision appealed.
- (p) An Appeals Panel shall be convened and chaired by the Disciplinary Panel Chairman unless he or she sat on the Disciplinary Panel or is for any other reason unable to chair, in which case the Disciplinary Panel Chairman shall, subject to the qualification requirements of Regulation 5(a), nominate another Member who fulfils the requirements of Regulation 5(h) as chairman of that appeal who shall then administer it and the Appeals Panel.
- (q) The Appeals Panel shall be constituted in the same way as a Disciplinary Panel (see Regulation 5(h)) save that no Member who served on the Disciplinary Panel shall be eligible to sit on the Appeals Panel.
- (r) At an Appeals Panel, there shall be no right to a rehearing of the complaint and the Appeals Panel shall hear such evidence and/or submissions as it sees fit, bearing in mind the grounds of appeal, but shall act in accordance with fairness and natural justice.
- (s) An Appeals Panel shall have at its disposal any or all of the sanctions which were available to the Disciplinary Panel and shall have the power to apply a greater sanction than the Disciplinary Panel if it sees fit in all the circumstances.
- (t) The Disciplinary Panel Chairman shall be answerable to the M.C.C. Committee and shall provide regular reports to such principal committee as the M.C.C. Committee shall from time to time decide.

Administrative Arrangements

- (u) The administrative arrangements shall be as set out in this Regulation.
 - (i) A Member against whom a complaint has been made shall be given at least fourteen days' notice of any hearing.
 - (ii) Such Member shall be given adequate notice of the detail of the evidence to be given against him or her. This will usually require that any witness statement or report be copied to the Member.
 - (iii) A Member subject to a disciplinary hearing may choose to make a written representation to the Disciplinary Panel or the Appeals Panel.
 - (iv) A Member may appear before a Disciplinary Panel or an Appeals Panel alone or with a representative.
 - (v) A Disciplinary Panel or Appeals Panel may, prior to any hearing, make such directions as it sees fit.
 - (vi) A Disciplinary Panel hearing shall usually be convened within 28 days of a complaint being received by the Disciplinary Panel Chairman and an Appeals Panel shall usually be convened within 28 days of receipt of Notice of Appeal.
- (v) It shall be the duty of any Member called upon to act in any capacity on a Disciplinary Panel or Appeals Panel to ensure that he or she has no conflict of interest in the matter brought before such Panel or in the event that one exists, to recuse himself or herself for that reason.

Emergency Action

- (w) Nothing in these Regulations shall prevent any necessary immediate action being taken by the Chief Executive & Secretary or the Deputy Secretary or their nominees to deal with any emergency or breach of any Regulations of the Club that occurs, provided that, within a reasonable time thereafter, the matter is referred to the Disciplinary Panel Chairman to be dealt with in accordance with these Regulations.