



USER GUIDES: MISCONDUCT

Bowls England Regulation 9/9A

Approved: November 2019

All categories of Membership, as a qualification of membership of Bowls England, **MUST** adopt the procedures set out in Bowls England Regulation 9 or 9A as appropriate when dealing with any disciplinary or misconduct issues.

All Clubs and County Associations are reminded to ensure that their Constitution (or other governing document) includes such provision.

Bowls England has produced this set of user guides to assist individual Members, Clubs and County Associations to fully understand the requirements of Regulation 9 or 9A as appropriate.

The three guidance documents contained within are:

1. Club Disciplinary Proceedings (Regulation 9)
2. Appeal to County Association (Regulation 9)
3. Disciplinary Proceedings at County Level (Regulation 9A)

Should your Club/County Association need to instigate disciplinary proceedings, the relevant pages from this document should be read in conjunction with the Regulations referred to within.

Please note that Regulation 9B refers to matters dealt with by Bowls England, therefore no guidance document has been produced for that Regulation as matters will be dealt with by Bowls England.

Should you require assistance with any disciplinary matter, please contact Bowls England:

E-mail: legal@bowlsengland.com

Telephone: 01926 334609

Website: www.bowlsengland.com

CLUB DISCIPLINARY PROCEEDINGS (REGULATION 9)

Complaint of Misconduct of a member by ANY person made in writing to Club Chair, or if no Chair the Club President.

(Regulation 9.3.1)

Club Chair/Club President conducts preliminary investigation and considers whether there is sufficient evidence to justify disciplinary proceedings

(Regulation 9.3.1)

SUFFICIENT EVIDENCE? YES

In the case of serious offences, the Club may suspend the accused pending the outcome of disciplinary proceedings
(Regulation 9.3.1e)

Proceed to 'Arranging the Club Disciplinary Hearing'

SUFFICIENT EVIDENCE? NO

CASE CLOSED

Unless the County Association considers decision perverse - if so County Association to proceed under Regulation 9A.3.1

(Regulation 9.3.1)

Arranging the Club Disciplinary Hearing

Club Chair/President refers the complaint to the Club Disciplinary Committee
(Regulation 9.3.1)

Club convenes Club Disciplinary Committee comprising of THREE Members and appoints one to be Chair, none of whom shall have had any previous involvement or prior material knowledge of the alleged misconduct
(Regulation 9.3.2a)

Accused member/members is/are required to attend Disciplinary Hearing and will be provided with a choice of three dates for the Hearing to be held within 42 days. The case may proceed in the absence of the accused member/members if they do not respond or refuse to attend
(Regulation 9.3.1b, Regulation 3.5 and Regulation 3.19)

Names of members of Club Disciplinary Committee to be forwarded to the accused member/members who may object to a maximum of two
(Regulation 9.3.2b)

Chair of Club Disciplinary Committee to call for written witness statements in support of the complaint and of the accused member/members. Copies to be served, when all received, on the other parties
(Regulation 9.3.3)

Accused member/members to advise Chair of Club Disciplinary Committee whether written evidence is accepted or whether witnesses are required to give evidence in person at the Club Disciplinary Hearing
(Regulation 9.3.3)

Process for the Club Disciplinary Hearing

Chair of Club Disciplinary Committee must arrange for minutes of the Disciplinary Hearing to be taken
(Regulation 9.3.4)

Club Chair/Club President or Selected Nominee to act as Case Presenter
(Regulation 9.3.4)

**CLUB DISCIPLINARY HEARING CONDUCTED IN ACCORDANCE WITH REGULATION 9
(SECTIONS 3.5 TO 3.20 INCLUSIVE)**

ALLEGATION PROVEN - YES

Penalty imposed on the accused member/members
(Regulation 9.4.3)

If expulsion or suspension proposed refer to
Regulation 9 Sections 15, 16 & 17

ALLEGATION PROVEN - NO

CASE CLOSED

Procedures following the Club Disciplinary Hearing

Chair of Club Disciplinary Committee prepares SHORT report
(Refer to Regulation 9.3.21 for guidance)

IF ALLEGATION OF MISCONDUCT IS PROVEN, accused member/members to be advised in writing of their right of appeal to County Association - template form available on Bowls England website
(Regulation 9.5.1a)

NOTIFICATION OF EXPULSION OR SUSPENSION

If expulsion or suspension awarded and no appeal made, refer to **Regulation 9 Section 18**

APPEAL TO COUNTY ASSOCIATION (REGULATION 9)

Any Appeal should be made to the County Association, using the form provided on the Bowls England website, within 14 days of the Club Disciplinary Hearing
(Regulation 9.5.1a)

County Association to arrange for a **REVIEW HEARING** within 42 days. **RE-HEARING** only to be considered if in interests of Natural Justice or there has been procedural impropriety
(Regulation 9.5.2 and Regulation 9.5.4)

Respondent to be provided with three dates of availability within 42 days, and date selected by respondent. If possible the date should also be agreed with the Appellant/Appellants
(Regulation 9.5.2)

The County Association shall convene Appeal Committee comprising of THREE Members and appoints one to be Chair, none of whom shall have had any previous involvement or prior material knowledge
(Regulation 9.5.3a)

Names of members of County Appeal Committee to be forwarded to Appellant/Appellants who may object to a maximum of two
(Regulation 9.5.3b)

Chair of County Appeal Committee must arrange for Minutes to be taken
(Regulation 9.5.5)

Club Chair/President or Selected Nominee to act as Case Presenter
(Regulation 9.5.5)

Please refer to 'REVIEW HEARING' OR 'REHEARING' as appropriate on following pages for further guidance

COUNTY ASSOCIATION REVIEW HEARING: Regulation 9 (Section 6 and Section 8)

Appellant/Appellants invited to give written submissions and shall be required to attend the County Review Hearing.
Case may proceed in the absence of the Appellant/Appellants
(Regulation 9.6.1 and Regulation 9.8.4)

Evidence to be restricted to that previously provided at Club Disciplinary Hearing - no new evidence permitted
(Regulation 9.6.2)

Findings of the County Appeal Committee in an appeal
against a finding that an allegation has been proven
(Regulation 9.6.4)

Findings of the County Appeal Committee in an appeal
against penalty only
(Regulation 9.6.5)

Imposition of Penalties following a County Association Review Hearing
(Regulation 9.6.6)
If expulsion or suspension proposed refer to **Regulation 9 Sections 15, 16 and 17**

For additional procedures regarding Review Hearing, refer to Regulation 9 Sections 8.1 to 8.8

Procedures following the County Association Review Hearing

Chair of Appeal Panel prepares SHORT report
(Refer to Regulation 9.8.9 for guidance)

If the appeal was dismissed the Appellant/Appellants to be advised in writing of their right of appeal to Bowls England
- template form available on Bowls England website
(Regulation 9.9.1a)

NOTIFICATION OF EXPULSION OR SUSPENSION

If expulsion or suspension awarded and no further appeal made, refer to **Regulation 9 Section 18**

COUNTY ASSOCIATION RE-HEARING: Regulation 9 (Section 7 and Section 8)

Chairman of County Appeal Committee to call for written witness statements in support of the appeal and the Appellant/Appellants - copies to be served, when all received, on the other parties
(Regulation 9.7.1)

Appellant/Appellants to indicate whether written evidence is accepted or whether witnesses are required to give oral evidence at County Appeal Hearing
(Regulation 9.7.1)

Appellant/Appellants required to attend. Case may proceed in their absence.
(Regulation 9.7.2 and Regulation 9.8.4)

**COUNTY APPEAL HEARING CONDUCTED IN ACCORDANCE WITH REGULATION 9
(SECTIONS 7.3 TO 7.12 INCLUSIVE AND SECTIONS 8.1 TO 8.8 INCLUSIVE)**

ALLEGATION PROVEN - YES

Penalty imposed on the appellant/appellants.
(Regulation 9.7.13)

If expulsion or suspension proposed refer to
Regulation 9 Sections 15, 16 and 17

ALLEGATION PROVEN - NO

CASE CLOSED

Procedures following the County Association Re-Hearing

Chair of Appeal Panel prepares SHORT report
(Refer to Regulation 9.8.9 for guidance)

If complaint upheld, Appellant/Appellants to be advised in writing of their right of appeal to County Association - template form available on Bowls England website
(Regulation 9.9.1a)

NOTIFICATION OF EXPULSION OR SUSPENSION

If expulsion or suspension awarded and no further appeal made, refer to **Regulation 9 Section 18**

DISCIPLINARY PROCEEDINGS AT COUNTY LEVEL (REGULATION 9A)

Complaint of Misconduct of a Club or member by ANY person made in writing to County Chair, or if no County Chair the County President
(Regulation 9A.3.1)

County Chair/County President conducts preliminary investigation and considers whether there is sufficient evidence to justify disciplinary proceedings
(Regulation 9A.3.1)

SUFFICIENT EVIDENCE? YES

In the case of serious offences, the County Association may suspend the accused pending the outcome of disciplinary proceedings
(Regulation 9A.3.1e)

Proceed to 'Arranging the County Disciplinary Hearing'

SUFFICIENT EVIDENCE? NO

CASE CLOSED

Unless Bowls England considers decision perverse - if so Bowls England to proceed under **Regulation 9B.3.1**
(Regulation 9A.3.1)

Arranging the County Disciplinary Hearing

County Chair/President refers the complaint to the County Disciplinary Committee
(Regulation 9A.3.1)

County convenes County Disciplinary Committee comprising of THREE Members and appoints one to be Chair, none of whom shall have had any previous involvement or prior material knowledge
(Regulation 9A.3.2a)

Accused Club/member/members are required to attend Disciplinary Hearing and will be provided with a choice of three dates for the Hearing to be held within 42 days - case may proceed in the absence of the accused Club/member/members if they do not respond or refuse to attend
(Regulation 9A.3.1c, Regulation 9A.3.5 and Regulation 9A.3.19)

Names of members of County Disciplinary Committee to be forwarded to accused Club/member/members who may object to a maximum of two
(Regulation 9A.3.2b)

Chair of County Disciplinary Committee to call for written witness statements in support of the complaint and the accused Club/member/members - copies to be served, when all received, on the other parties
(Regulation 9A.3.3)

Accused Club/member/members to advise Chair of County Disciplinary Committee whether written evidence is accepted or whether witnesses are required to give oral evidence at County Disciplinary Hearing
(Regulation 9A.3.3)

Process for the County Disciplinary Hearing

Chair of County Disciplinary Committee must arrange for minutes to be taken
(Regulation 9A.3.4)

County Chair/President or Selected Nominee to act as Case Presenter
(Regulation 9A.3.4)

**COUNTY DISCIPLINARY HEARING CONDUCTED IN ACCORDANCE WITH REGULATION 9A SECTIONS 3.5 TO 3.20
INCLUSIVE**

ALLEGATION PROVEN - YES

Penalty imposed on the accused Club/member/members
(Regulation 9A.4.3)

If expulsion or suspension proposed refer to
Regulation 9A Sections 10, 11 & 12

ALLEGATION PROVEN - NO

CASE CLOSED

Procedures following the County Disciplinary Hearing

Chair of County Disciplinary Committee prepares SHORT report
(Refer to Regulation 9A.3.21 for guidance)

IF ALLEGATION OF MISCONDUCT IS PROVEN, accused Club/member/members to be advised in writing of their right of appeal to Bowls England - template form available on Bowls England website
(Regulation 9A.5.1a)

NOTIFICATION OF EXPULSION OR SUSPENSION

If expulsion or suspension awarded and no appeal made, refer to **Regulation 9A Section 13**