



SCHEDULE FOUR

DISCIPLINARY RULES

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SCHEDULE FOUR

THE UNITED RUGBY CHAMPIONSHIP 2021/22

DISCIPLINARY RULES

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DISCIPLINARY RULES

These Disciplinary Rules form part of the terms and conditions of participation in the Championship. No Club or Person may participate in the Championship unless it/he/she has accepted these Disciplinary Rules and agreed (in the case of a Club, on its own behalf and on behalf of each of its Persons) to be bound and to abide by them and all decisions made thereunder. Participation in the Championship will be deemed to signify such acceptance and agreement (irrespective of whether or not – in the case of a Person - such Person has executed and returned an Acknowledgement and Agreement Form pursuant to the Participation Agreement).

1. Introduction

- 1.1 The purpose of these Disciplinary Rules is to provide uniform procedures for the resolution of disciplinary issues arising in connection with the Championship and to enable all such issues to be resolved in a fair, consistent and expeditious manner.
- 1.2 These Disciplinary Rules shall apply to and bind each Club and each of its Players and other Persons throughout the Championship. Each Club shall ensure that each of its Players and other Persons are aware of these Disciplinary Rules and understands and agrees to be bound by them.
- 1.3 Pro Rugby Championship may from time to time supplement, amend or vary these Disciplinary Rules in accordance with clause 3.3 of the Participation Agreement.
- 1.4 All Clubs, Persons and other individuals involved in the Championship are reminded of the application of World Rugby Regulation 17.4.3 (and any successor provision), which provides that they are bound by World Rugby Regulation 17.
- 1.5 Capitalised terms used in these Disciplinary Rules shall, unless defined elsewhere in these Disciplinary Rules, have the meanings given to them in Appendix One hereto.

2. Responsibility and accountability

- 2.1 Each Person is responsible and accountable for his/her own conduct, and for the conduct of his/her agents and representatives, in connection with the Championship. He/she must conduct himself/herself, and must procure that his/her agents and representatives conduct themselves, at all times in accordance with the highest standards of disciplined and sporting behaviour. He/she must not commit, and must procure that his/her agents and representatives do not commit, when acting in such capacity, any act(s) of Foul Play, any Anti-Corruption Offence(s) and/or any act(s) of Misconduct.
- 2.2 Without prejudice to clause 2.1, above, each Club is responsible and accountable for its own conduct and for the conduct of each of its Players, other Persons and supporters in connection with the Championship.
- 2.3 Each Club must ensure that:
 - 2.3.1 the Club and each of its Players, other Persons and supporters conducts it/him/herself at all times in accordance with the highest standards of disciplined and sporting behaviour;
 - 2.3.2 neither the Club nor any of its Players, other Persons or supporters commits any act or acts of Misconduct; and
 - 2.3.3 none of its Players or other Persons commits any Anti-Corruption Offence(s).
- 2.4 Without prejudice to the generality of the obligations in clause 2.3, above, each Club must use its best endeavours to control the behaviour of its Players and Staff and of all spectators on or around Match days and to ensure that all those individuals conduct themselves in an orderly fashion in accordance with normally acceptable standards of behaviour, and refrain from violent, threatening, abusive, offensive or

provocative behaviour while travelling to or from, or while attending, any Match. This shall include, without limitation, taking all reasonable steps to ensure that no spectators or other unauthorised persons are permitted to encroach on the Playing Enclosure -- save for reasons of crowd safety -- or to throw missiles, bottles or other potentially harmful or dangerous objects at or onto the Playing Enclosure and taking all reasonable steps to ensure that no players or members of Staff enter the spectator area of the venue to threaten or cause injury or offence to any spectator(s). The Club's responsibility pursuant to this clause 2.4 applies before, during (including the half-time interval) and after a Match and extends to all areas of a venue and its vicinity, including, but not limited to, bars within a ground, clubhouses or similar reception areas.

3. Misconduct and Anti-Corruption Offences

- 3.1 Without prejudice to any powers World Rugby has to investigate and/or sanction misconduct under World Rugby Regulations 6 and 18 or otherwise, any act or acts of Misconduct and/or the commission of any Anti-Corruption Offence(s) may result in disciplinary proceedings being brought and (where appropriate) sanctions being imposed on the Person(s) involved and/or his/her Club.
- 3.2 For the purposes of these Disciplinary Rules, "**Misconduct**" shall mean any act of Foul Play by a Player and/or any conduct, behaviour, statements (including, without limitation, statements made on social networking platforms or sites such as Twitter, Facebook, LinkedIn, Instagram or similar) or practices by a Club and/or any of its Players, its other Persons or its supporters, on or off the Playing Enclosure, during a Match or otherwise, that is unsporting and/or insulting and/or that brings or has the potential to bring the sport of rugby union, the Championship, other Clubs or Persons, match officials, Pro Rugby Championship, one or more of the Unions and/or any sponsor or other commercial partner of the Championship or Pro Rugby Championship into disrepute and/or that is not in accordance with the Participation Agreement. An "**Anti-Corruption Offence**" has the meaning given in section 1 of Appendix Twelve to these Disciplinary Rules.
- 3.3 While it is not possible to draw up a definitive and exhaustive list of types of conduct that may amount to Misconduct under these Disciplinary Rules, each of the following types of behaviour by a Club and/or its Players, its other Persons or its supporters is an example of (and constitutes) Misconduct under these Disciplinary Rules:
- 3.3.1 breaching the Championship Rules relating to player registration and/or eligibility, i.e., clauses 6 and 7 of the Championship Rules;
 - 3.3.2 breaching the Championship Rules relating to the application of HIA in the Championship, i.e., clauses 5.11 to 5.16 of the Championship Rules;
 - 3.3.3 participating in the Championship (as a Player) without having first completed World Rugby's online integrity module (or an equivalent training programme provided by his club, union, league or players' association) pursuant to clause 5.17 of the Championship Rules;
 - 3.3.4 breaching any other provision of the Participation Agreement;
 - 3.3.5 failure or refusal by a Club to exercise reasonable and proper control over its Players, its other Persons and/or its supporters, on or off the Playing Enclosure, including, but not limited to when representatives of the Club are travelling to or from a Match and at all times when the Players, other Persons and/or supporters of the Club are present in the country of the home Club for a Match (either before or after such Match);
 - 3.3.6 failure or refusal by a Club to observe and/or to instil among its Players and/or its other Persons a sufficient degree of respect for the Laws of the Game, the disciplinary authority of Pro Rugby Championship and/or the Participation Agreement (there will be a rebuttable presumption that there has been such a failure or refusal if a Club and/or its Players and/or its other Persons collectively have sanctions, including warnings of any sort, imposed on them by Judicial Officers, Disciplinary Committees and/or Appeal Committees under these Disciplinary Rules, or as fixed penalties under clause 6, on three or more occasions as a result of conduct in the Championship);

- 3.3.7 failure or refusal by a Club or Person to cooperate fully with and assist Pro Rugby Championship and each Relevant Body (as defined in the Anti-Doping Rules) with the implementation of the Anti-Doping Rules as required and/or as requested by Pro Rugby Championship and/or the Relevant Body, in breach of clause 4(a) of the Anti-Doping Rules;
- 3.3.8 making comments (including, without limitation, on social networking platforms or sites such as Twitter, Facebook, LinkedIn, Instagram or similar) and/or conducting it/ himself/herself in connection with current and/or anticipated disciplinary proceedings and/or match officiating (or any aspect thereof) in such a way that may be prejudicial to and/or have an impact on current and/or anticipated disciplinary proceedings and/or that is prejudicial to the interests of the sport of rugby union and/or Pro Rugby Championship and/or one or more of the Unions and/or any Club;
- 3.3.9 carrying out acts and/or making statements (including, without limitation, statements made on social networking platforms or sites such as Twitter, Facebook, LinkedIn, Instagram or similar) that are discriminatory by reason of sex, sexual orientation, race, nationality, ethnic origin, colour, religion or disability;
- 3.3.10 failure or refusal by a Club or Person to provide assistance to the Disciplinary Officer in connection with a complaint brought (or a complaint that may be brought) before a Judicial Officer, Disciplinary Committee or Appeal Committee;
- 3.3.11 failure or refusal by a Club or Person to (a) cooperate fully with, and provide assistance to, a Citing Commissioner in connection with any enquiries that the Citing Commissioner might have while carrying out his/her duties (as set out in clause 7.1.2, below), and/or (b) act in accordance with directions applicable to disciplinary proceedings brought under these Disciplinary Rules and/or a decision of a Judicial Officer, Disciplinary Committee or Appeal Committee made in accordance with these Disciplinary Rules and/or a sanction (including a warning of any sort) of a Disciplinary Committee or Appeal Committee (or, pursuant to clause 6, the Sporting and Regulatory Committee) imposed in accordance with these Disciplinary Rules;
- 3.3.12 where a Club or Person is aware of information that shows or suggests that a Club and/or Person is guilty of Misconduct, failure or refusal to disclose (or an unreasonable delay in disclosing) full and up-to-date details of such information to the Disciplinary Officer;
- 3.3.13 making comments (including, without limitation, to representatives of the media and/or on social networking platforms or sites such as Twitter, Facebook, LinkedIn, Instagram or similar) that attack, disparage or criticise (and/or conducting it/ himself/herself in a way that attacks, disparages or criticises) the sport of rugby union, the Championship, other Clubs or Persons, match officials, Pro Rugby Championship, one or more of the Unions and/or any sponsor or other commercial partner of the Championship or Pro Rugby Championship (for the avoidance of doubt, Pro Rugby Championship greatly values feedback from Clubs and others on the performance of match officials, and set out at Appendix Nine of the Championship Rules is a Coach Feedback On Referees Form that can be completed and communicated, privately, to Pro Rugby Championship);
- 3.3.14 unsportsmanlike conduct before, during or after a Match (including making requests to Match officials that an opponent be penalised and/or Temporarily Suspended and/or shown a red card; making dishonest accusations of Foul Play against an opponent and/or feigning/exaggerating injury; making inappropriate and/or sarcastic gestures to an opponent and/or a Match official and/or spectators; and intimidating and/or exhibiting a lack of respect for Match officials and/or Pro Rugby Championship representatives, which will include Club medics, Club managers and Club coaches communicating (or attempting to communicate) with any of the relevant Match officials (including the television match official) at any point during a Match (unless invited to do so by the relevant Match official) and/or any Persons entering or attempting to enter the Match officials' changing room(s), each in breach of clause 4.13 of the Championship Rules);

- 3.3.15 offensive conduct by a Club or Person towards a doping control official or other person involved in Doping Control (as defined in the applicable anti-doping rules), in breach of clause 4(b) of the Anti-Doping Rules;
- 3.3.16 use or possession by a Person (who is not a Player) of a Prohibited Substance or Prohibited Method without valid justification, in circumstances where the use or possession does not otherwise constitute an anti-doping rule violation, in breach of clause 4(c) of the Anti-Doping Rules; and
- 3.3.17 those other matters specifically referred to elsewhere in these Disciplinary Rules and/or the Participation Agreement and/or World Rugby Regulation 18 as constituting or being capable of constituting Misconduct.
- 3.4 For the avoidance of doubt, a Club and/or a Person may be sanctioned for Misconduct that relates to conduct during a Match even if the Match referee has already penalised one or more Players for that conduct and/or the conduct has been the subject of a Citing Commissioner Warning and/or a citing complaint.
- 3.5 Any matter that constitutes or is capable of constituting Misconduct and/or an Anti-Corruption Offence will be considered by the Disciplinary Officer, on referral by a Union, Club, on the recommendation of a Disciplinary Committee, an Appeal Committee, the HIA Review Panel, the Sporting and Regulatory Committee or the Tournament Director, at his/her own instigation or otherwise. However, while the Sporting and Regulatory Committee may direct the Disciplinary Officer to investigate a matter, bring a Misconduct complaint and/or charge a Person with an Anti-Corruption Offence, a Union or Club or other person or entity may not. Subject to the foregoing, in the event that a matter is referred to the Disciplinary Officer, the Disciplinary Officer shall have sole discretion to determine whether to investigate the matter, bring a Misconduct complaint and/or charge a Person with an Anti-Corruption Offence (or take any other action) under these Disciplinary Rules; his/her decision shall be final and shall not be subject to appeal by any party.
- 3.6 In carrying out his/her functions under clause 3.5, above, the Disciplinary Officer shall be entitled to undertake such investigations as he/she may deem necessary, and every Club and Person shall be obliged to cooperate with such investigations. As part of such investigations, the Disciplinary Officer may (among other things) require that Clubs and/or Persons:
- (a) provide written statements and/or provide written answers to questions and/or attend meetings with the Disciplinary Officer and others to answer questions in person and/or provide documentation or other material that the Disciplinary Officer considers relevant to such investigations; and/or
- (b) provide relevant login details and passwords and otherwise facilitate access by (or on behalf of) the Disciplinary Officer to computers, telephone and other communication devices, betting accounts, computer records, telephone records, social media and email accounts and similar.

A failure or refusal to cooperate with such investigations (for example, a failure or refusal to provide such statements/answers/documentation/passwords/access and/or attend such meetings) may itself constitute Misconduct under these Disciplinary Rules and will entitle the Disciplinary Officer (and, in the event that a Misconduct complaint is brought, the Disciplinary Committee and/or Appeal Committee) to draw adverse inferences from such failure or refusal. It will not be a valid excuse for a Club or any of its Persons that has failed or refused to cooperate to rely on any privilege against self-incrimination; any such privilege is deemed to have been waived by the Club and its Persons.

- 3.7 Each Person acknowledges that Pro Rugby Championship will collect, process, disclose (including to World Rugby, other rugby bodies and law enforcement agencies) and use information (including personal information) on himself/herself and his/her activities where it relates to acts or potential acts of Misconduct and/or acts or potential acts that might constitute Anti-Corruption Offences.

4. Disciplinary proceedings

- 4.1 Disciplinary proceedings under these Disciplinary Rules may arise in the following circumstances:
- 4.1.1 when a Player is shown a red card during a Match;
 - 4.1.2 when a Player is the subject of a citing complaint made by a Citing Commissioner under these Disciplinary Rules for an incident of Foul Play committed during a Match;
 - 4.1.3 when the Disciplinary Officer considers a Club, Player, any of a Club's other Persons and/or supporters or purported supporters may have committed an act or acts of Misconduct;
 - 4.1.4 when a Player receives in the Championship (a) three Citing Commissioner Warnings and/or Temporary Suspensions for infringements of Laws 9.11 to 9.28 (inclusive), and/or (b) five Cautions (i.e., Citing Commissioner Warnings and/or Temporary Suspensions of any sort);
 - 4.1.5 when the Disciplinary Officer considers a Person might have committed an Anti-Corruption Offence; and
 - 4.1.6 when the Sporting and Regulatory Committee is satisfied that a Club has breached one or more of the provisions of the Participation Agreement that are set out in Appendix Ten and is liable to a fixed penalty pursuant to clause 6, below.
- 4.2 A matter arising under clauses 4.1.1, 4.1.2, 4.1.3 and 4.1.5, above, shall (subject to clauses 7.2.7, 7.3.13 and 7.5.6, below) be referred to a Disciplinary Committee for consideration in accordance with section 7, below, subject to the appellate authority of an Appeal Committee pursuant to section 8, below.
- 4.3 A matter arising under clause 4.1.4, above, shall be dealt with pursuant to sections 5 and 7.5, below.
- 4.4 A matter arising under clause 4.1.6, above, shall be dealt with pursuant to section 6, below, subject to the appellate authority of an Appeal Committee pursuant to section 8, below.
- 4.5 The Disciplinary Officer may elect to use the Abbreviated Process in certain cases, as set out in Appendix Fourteen to these Disciplinary Rules.
- 4.6 For the avoidance of doubt, the obligation on each Club and on each Person not to commit (and not to permit agents and representatives to commit) Misconduct and/or Anti-Corruption Offences shall survive the termination or expiry of the Participation Agreement. And, further, each Club and Person expressly acknowledges that Pro Rugby Championship's powers (exercised through the Disciplinary Officer) to investigate and/or bring complaints in respect of alleged acts of Misconduct and/or alleged Anti-Corruption Offences shall survive the termination or expiry of the Participation Agreement.

5. Temporary Suspensions and Citing Commissioner Warnings

Temporary Suspensions

- 5.1 Where a Player is Temporarily Suspended in the course of any Match in the Championship, the Match referee shall submit to the Disciplinary Officer as soon as reasonably practicable after the conclusion of the Match a written report of the incident. If the Player is Temporarily Suspended as a result of consultation with one or both assistant referees and/or the television match official, the assistant referee(s) and/or the television match official shall also submit a written report to the Disciplinary Officer as soon as reasonably practicable.
- 5.2 Reports prepared by the referee, assistant referees and/or television match official may be in the form set out in Appendix Two and Three to these Disciplinary Rules (the "**Temporary Suspension Report(s)**") and in any event should ordinarily contain the following information:
- (a) the name, number and Club of the Player Temporarily Suspended;
 - (b) the date of the Match, the venue and the participating Clubs;

- (c) the reason(s) for the Temporary Suspension (and, in particular, whether the offence was an infringement of Laws 9.11 to 9.28 (inclusive), and if so which one); and
 - (d) any other information considered relevant.
- 5.3 The Temporary Suspension Report(s) will be kept on file by the Disciplinary Officer and considered pursuant to clause 7.5.1, below.

Citing Commissioner Warnings

- 5.4 The appointed Citing Commissioner will ordinarily attend the Match and shall be entitled to issue a Citing Commissioner Warning to any Player who has, in the opinion of the Citing Commissioner, committed an act(s) of Foul Play that (in the words of World Rugby) "falls just short of" warranting that the Player be shown a red card (where such act(s) did not result in a yellow card or red card). For the avoidance of doubt, the Citing Commissioner is not limited in the number of Citing Commissioner Warnings he/she may issue to a Player in respect of a Match. In circumstances where the appointed Citing Commissioner does not attend the Match, this will not affect his/her entitlement to issue Citing Commissioner Warnings in accordance with this clause.
- 5.5 Where a Citing Commissioner decides to issue a Citing Commissioner Warning, he/she will do that in writing and submit it to the Disciplinary Officer so as to be received by the Disciplinary Officer no later than 50 hours after the start of the Match in question (although in cases where (i) the Citing Commissioner is uncertain as to the identity of the Player(s) concerned, (ii) the nature of the incident(s) concerned is such that further investigation is needed to identify the Player(s) concerned and/or the act(s) of Foul Play, (iii) there are exceptional circumstances (which might include travel difficulties), and/or (iv) the Citing Commissioner initially makes a citing complaint in respect of the relevant incident pursuant to clause 7.3.1, which is then referred to a Citing Officer (acting as a so-called 'gatekeeper') who determines that the citing complaint should not proceed, the Citing Commissioner Warning may be submitted after the 50-hour deadline so long as it is submitted as soon as reasonably practicable and in any event within 14 days after the 50-hour deadline). In cases where the Citing Commissioner Warning is received by the Disciplinary Officer after the 50-hour deadline, the Disciplinary Officer will submit it to the chairman of the Disciplinary Panel and it will be for the chairman of the Disciplinary Panel (or his/her designee) to determine (if appropriate, and if he/she so directs, based on submissions from the Player and the Disciplinary Officer) whether the Citing Commissioner Warning should stand because (i) the Citing Commissioner was uncertain as to the identity of the Player(s) concerned, (ii) the nature of the incident(s) concerned was such that further investigation was needed to identify the Player(s) concerned and/or the act(s) of Foul Play, (iii) there were exceptional circumstances and/or (iv) the Citing Commissioner initially made a citing complaint in respect of the relevant incident, which was referred to a Citing Officer (acting as a so-called 'gatekeeper') who determined that the citing complaint should not proceed.
- 5.6 The Citing Commissioner may (but is not obliged to) make the Citing Commissioner Warning in the form set out in Appendix Six to these Disciplinary Rules.
- 5.7 The Disciplinary Officer will ordinarily forward a copy of the Citing Commissioner Warning to the Player within 48 hours of receipt.
- 5.8 The Citing Commissioner Warning will be kept on file by the Disciplinary Officer and considered pursuant to clause 7.5.1, below.

6. Fixed penalties

- 6.1 Subject to clause 6.8, below, in the event that the Sporting and Regulatory Committee is satisfied that a Club has breached one or more of the provisions of the Participation Agreement that are set out in Appendix Ten, the Sporting and Regulatory Committee may, in its absolute discretion, impose a fixed penalty on that Club in accordance with Appendix Ten.
- 6.2 If the Sporting and Regulatory Committee is to impose a fixed penalty pursuant to clause 6.1, above, the Disciplinary Officer will inform the Club by sending it a Fixed Penalty Form.

- 6.3 Subject to clauses 6.5 and 6.9, below, and where appropriate, the Club must pay the amount of any fine, as set out in the Fixed Penalty Form, within 30 days following the date on which the Fixed Penalty Form is sent by the Disciplinary Officer.
- 6.4 The Club may elect to appeal against the imposition of a fixed penalty (i.e., against the Sporting and Regulatory Committee's finding that there was a breach of one or more of the relevant provisions of the Participation Agreement).
- 6.5 The appeal proceedings will be dealt with in accordance with section 8, below. Accordingly, and without limitation, the Club making the appeal must comply strictly with the notice provisions set out in clause 8.2.1, below. If the appeal is validly made (or is otherwise allowed to proceed pursuant to clause 8.2.2, below), subject to clause 6.9, below, and where appropriate, the obligation to pay the amount of any fine will be postponed pending the outcome of the appeal hearing (and if the Appeal Committee does not decide to set aside the fine, the Club must pay the amount of the fine within 30 days following the date of the Appeal Committee's decision). For the avoidance of doubt, following the decision of the Appeal Committee, there will be no further right to appeal. Pursuant to clause 8.4.18, below, the Appeal Committee will have the discretion to order the Club to pay some or all the costs of the proceedings, and the Disciplinary Officer's legal and other costs.
- 6.6 The fixed penalty will depend on the provision of the Participation Agreement that has been breached and on the number of times it has been breached by (and a fixed penalty imposed on) that Club in the Championship. Appendix Ten sets out the fixed penalties to be imposed in each case. So, for example, if a Club should breach clause 6.2.2 of the Championship Rules, it will have imposed on it a fixed penalty of a written warning. Should that same Club breach clause 6.2.2 of the Championship Rules again in the Championship, it will have imposed on it a fixed penalty of a €2,000 fine, and subsequent breaches by the Club of that clause in the Championship will result in fixed penalties of fines that increase by €2,000 each time.
- 6.7 Without prejudice to clauses 9.6 and 9.7.3, below, where the fixed penalty imposed is a fine and the Club does not elect to appeal against the imposition of the fine (or does appeal and the Appeal Committee does not decide to set aside the fine), failure or refusal by the Club to pay the amount of the fine within the deadlines set out in clauses 6.3 and 6.5 (as appropriate), above, will constitute an act of Misconduct.
- 6.8 In the case of any breach of the provisions of the Participation Agreement that are set out in Appendix Ten, the Sporting and Regulatory Committee may elect not to impose a fixed penalty, but instead to treat the matter as an act of Misconduct and direct the Disciplinary Officer to bring a Misconduct complaint pursuant to clause 3.5, above. It is anticipated that the more times a provision has been breached by (and a fixed penalty imposed on) a Club, the more likely it is that the Sporting and Regulatory Committee will elect to treat further breaches of that provision by that Club as acts of Misconduct pursuant to this clause.
- 6.9 For the avoidance of doubt, it is open to the Sporting and Regulatory Committee (at its absolute discretion) to suspend the imposition of a fixed penalty that would otherwise be imposed under this clause 6. In such circumstances, the Disciplinary Officer will specify to the Club the period of time for which the imposition of the fixed penalty has been suspended and any other relevant details about the sanction (including what subsequent breaches or other conduct - which can include breaches of participation agreements governing future tournaments - will cause the suspension to be lifted).

7. Proceedings before a Disciplinary Committee

7.1 Appointment of Citing Commissioners, a Disciplinary Panel, Judicial Officers and Disciplinary Committees

7.1.1 In respect of each Match, unless otherwise determined by Pro Rugby Championship the Union in whose jurisdiction the Match takes place will appoint a Citing Commissioner (save for the semi-finals and the Final Match, where a Citing Commissioner will be appointed by Pro Rugby Championship). For the avoidance of doubt, a replacement Citing Commissioner may be appointed at any time.

7.1.2 In respect of each Match the Citing Commissioner shall act independently of the referee,

assistant referees, television match official, the Disciplinary Officer and any Judicial Officer and/or Disciplinary Committee that is thereafter appointed in respect of any incident arising from that Match. All Clubs, Players and other Persons must cooperate fully with, and provide assistance to, the Citing Commissioner in connection with any enquiries that the Citing Commissioner might have while carrying out his/her duties (which will include, without limitation, attending and participating fully in meetings with the Citing Commissioner, providing comprehensive, honest and accurate responses (if requested, in writing) to the Citing Commissioner's questions, providing written statements to the Citing Commissioner, and providing the Citing Commissioner with copies of all documents, photographs, video footage and similar that are requested).

- 7.1.3 Pro Rugby Championship shall appoint individuals with the necessary skills and experience to a disciplinary panel ("**Disciplinary Panel**"), and shall designate one of those individuals to act as chairman of the Disciplinary Panel. No director, officer or employee of Pro Rugby Championship may be a member of the Disciplinary Panel. For the avoidance of doubt, Pro Rugby Championship may continue to make appointments to the Disciplinary Panel during the course of the Championship.
- 7.1.4 In any matter that is to be referred to a Disciplinary Committee under clauses 4.2 or 4.3, above, the chairman of the Disciplinary Panel (or his/her designee) will appoint up to three members of the Disciplinary Panel to sit as a Disciplinary Committee to hear the matter. It is anticipated that in most cases the chairman of the Disciplinary Panel (or his/her designee) will appoint three members to sit as a Disciplinary Committee to hear the matter, and in such cases he/she (or his/her designee) will designate one of those members to act as chairman of that Disciplinary Committee. In cases in which the chairman of the Disciplinary Panel (or his/her designee) appoints only one member to sit as a Disciplinary Committee to hear the matter, that member, who may be referred to as a "**Judicial Officer**", will be considered the chairman of the Disciplinary Committee and will have all the powers of a three-member Disciplinary Committee and a chairman of a Disciplinary Committee that are set out in these Disciplinary Rules.
- 7.1.5 No person with a close interest in any matter may sit on the Disciplinary Committee hearing that matter. Without prejudice to the generality of the foregoing, the Disciplinary Committee hearing a matter shall not include any player, member, official, director, officer or member of Staff of a Club that (a) is the subject of the proceedings, (b) has a member, officer, Player or member of Staff who is the subject of the proceedings, or (c) (where applicable) was the opponent Club in the Match during which the event(s) occurred that are the subject of the proceedings. For the avoidance of doubt, the Disciplinary Committee hearing a matter may include one or more persons who are affiliated to the Union of the Club or Person that is the subject of the proceedings.
- 7.1.6 Any objection to any member of a Disciplinary Committee hearing a matter arising pursuant to clause 7.1.5, above, or otherwise, should be made to the chairman of the Disciplinary Panel (c/o the Disciplinary Officer) at the time that the identity of the members of the Disciplinary Committee is notified to the parties, further to any deadline imposed in the notice sent by the chairman of the Disciplinary Panel (or his/her designee) pursuant to clauses 7.2.5 (red card), 7.3.11 (citing), 7.4.6 (Misconduct and Anti-Corruption Offences) or 7.5.4 (totting up), below. Failure to do so shall constitute a waiver of that objection. Where an objection is made pursuant to this clause, the chairman of the Disciplinary Panel (or his/her designee, which will be the case if the objection concerns the chairman of the Disciplinary Panel) will rule on the objection and make any appropriate orders that result from his/her ruling.
- 7.1.7 If one or more members of a Disciplinary Committee are unable or unwilling, for whatever reason, to hear the matter referred to the Disciplinary Committee, then the chairman of the Disciplinary Panel (or his/her designee) may, at his/her absolute discretion:
- (a) appoint (an)other member(s) of the Disciplinary Panel as (a) replacement(s); or
 - (b) appoint a new Disciplinary Committee; or

- (c) (if applicable) allow the remaining member(s) of the Disciplinary Committee to hear the matter on his/their own.

7.1.8 Disciplinary Committees will be entitled to appoint experts to provide specialist advice, including (without limitation) legal advice, medical advice, and advice on rugby matters, without such experts sitting as members of the Disciplinary Committee. The chairman of the Disciplinary Panel (or his/her designee) will also be entitled to appoint experts to advise a Disciplinary Committee. Any expert appointed may or may not be a member of the Disciplinary Panel. The costs of such experts shall be costs of the proceedings, for the purposes of clause 7.6.45, below.

7.1.9 The following provisions of this section 7 set out procedural guidelines for the conduct of proceedings before a Disciplinary Committee:

- (a) clause 7.2 sets out specific procedural guidelines to be followed in cases arising out of a Player being shown a red card;
- (b) clause 7.3 sets out specific procedural guidelines to be followed in citing cases;
- (c) clause 7.4 sets out specific procedural guidelines to be followed in Misconduct and Anti-Corruption Offence cases;
- (d) clause 7.5 sets out specific procedural guidelines to be followed in totting up cases; and
- (e) clause 7.6 sets out procedural guidelines to be followed in cases arising out of a Player being shown a red card, citing cases, Misconduct and Anti-Corruption Offence cases and totting up cases.

7.1.10 In each case, the Disciplinary Committee shall be entitled to depart from these guidelines as it sees fit in the circumstances of the case at hand, provided that each party is given the opportunity to state its case in full and to challenge or respond to all evidence offered against it. Any such departure shall not invalidate any finding or decision of the Disciplinary Committee unless it is shown to render such finding or decision unreliable.

7.2 Procedures to be followed in cases arising out of a Player being shown a red card

7.2.1 In cases arising out of a Player being shown a red card, the function of the Disciplinary Committee shall be to review the showing of the red card in order to determine what further action (if any) should be taken. Subject to clause 7.2.9, below, the Player may seek to show that the referee's decision to show the Player a red card (including where that decision was the result of consultation with one or both assistant referees and/or the television match official) was wrong (for example, because the Player had committed no act of Foul Play or because the act of Foul Play committed did not warrant a red card). For the avoidance of doubt, where a referee's decision to show a Player a red card was based on the referee at the time of the incident drawing conclusions about certain matters in respect of the incident (for example, the specific point of contact between the Player and an opponent), and some or all of those conclusions subsequently turn out to have been mistaken (for example, because the Player made contact with a different part of his/her body from that which the referee had initially considered), the Disciplinary Committee will not be precluded from determining that the referee's decision was not wrong if, for example, regardless of the referee's conclusions on such matters, the Disciplinary Committee is in any event satisfied that the Player committed an act of Foul Play that warranted a red card.

7.2.2 Where a Player is shown a red card, the referee (and, where relevant, the assistant referee(s) and/or the television match official) will send to the Disciplinary Officer as soon as reasonably practicable a report (which may be in the form set out in Appendices Four and Five), together the "**Official Report(s)**".

- 7.2.3 The Official Report(s) should ordinarily contain the following information (but any omissions will not, of themselves, invalidate the proceedings or decisions referred to therein):
- (a) the name, number and Club of the Player shown a red card;
 - (b) the date of the Match, the venue and the participating Clubs;
 - (c) the reason(s) for the Player being shown a red card; and
 - (d) any other information that the Match official in question considers relevant.
- 7.2.4 As soon as reasonably practicable after receipt of the Official Report(s), the Disciplinary Officer will inform and/or send a copy of the Official Report(s) to the chairman of the Disciplinary Panel. The chairman of the Disciplinary Panel (or his/her designee) will, on receipt of such information and/or the Official Report(s), appoint a Disciplinary Committee pursuant to clauses 4.2 and 7.1.4, above. The Player may not play rugby union anywhere (and nor may he/she enter the Playing Enclosure in any capacity, including as a water carrier or tee carrier, at any time on the day of a Match), pending resolution of the case by the appropriate Disciplinary Committee or (pursuant to Appendix Fourteen) Judicial Officer. Where reasonably practicable, the Disciplinary Committee will hear a case within seven days of the Match in which the Player was shown a red card.
- 7.2.5 The chairman of the Disciplinary Panel (or his/her designee, which may be the Disciplinary Officer) will send a written notice to the Player and the Disciplinary Officer (if he/she is not the chairman's designee), with a copy to the members of the Disciplinary Committee:
- (a) attaching the Official Report(s) and informing the Player and the Disciplinary Officer of the identity of the members of the Disciplinary Committee appointed to hear the matter;
 - (b) informing the Player and the Disciplinary Officer of the deadline by which any objection to any member of the Disciplinary Committee hearing the matter must be received;
 - (c) informing the Player and the Disciplinary Officer of the date, time and place at which the Disciplinary Committee will hear the matter; and
 - (d) informing the Player that he/she is required to attend the hearing in person, and that he/she is entitled to be represented at the hearing by a legal advisor and/or other representative, to assist him/her in presenting his/her case and (where necessary and appropriate) making submissions and/or adducing evidence in support of his case.
- 7.2.6 At the time of (or after) sending the written notice referred to in clause 7.2.5, above, the chairman of the Disciplinary Committee (or his/her designee) may send to the Player and the Disciplinary Officer (a) written directions governing the conduct of the proceedings, (b) written confirmation that the standing directions set out at section A of Appendix Nine to these Disciplinary Rules (if appropriate, as amended at the discretion of the chairman of the Disciplinary Committee or his/her designee) will apply to the proceedings, or (c) written instructions that no such directions will apply. In the event that the chairman of the Disciplinary Committee (or his/her designee) does not send such written directions, confirmation or instructions within 24 hours of the written notice referred to in clause 7.2.5, above, having been sent, the standing directions set out at section A of Appendix Nine to these Disciplinary Rules will be deemed to apply to the proceedings.
- 7.2.7 Unless the Abbreviated Process is used, pursuant to Appendix Fourteen to these Disciplinary Rules (and then only so far as the Abbreviated Process results in a conclusion, i.e., the Player accepting the sanction presented), the case will proceed to a hearing before a Disciplinary Committee. At the hearing, the chairman of the Disciplinary Committee should refer to the Official Report(s) and ask the Player whether he accepts the Official Report(s) as true and accurate accounts of the incident that resulted in the red card being shown and the facts surrounding the incident, and whether the Player accepts that he should have been shown a

red card.

- 7.2.8 The chairman of the Disciplinary Committee should then direct that the video footage of the incident (if any) be shown. He/she should then give the referee and/or assistant referee(s) and/or television match official (if present) the opportunity to supplement their respective report(s). The members of the Disciplinary Committee, as well as the Disciplinary Officer (or his/her representative), will be entitled, at any time, to seek from the referee, assistant referee(s) or television match official (if present) clarification regarding any matter referred to in their respective reports or otherwise arising during the hearing.
- 7.2.9 If the Player does not accept that he should have been shown a red card, the burden shall be on the Player to prove, on the balance of probabilities, that the referee's decision to show him a red card (including where that was the result of consultation with one or both assistant referees and/or the television match official) was wrong.
- 7.2.10 The Player, or his representative, will be entitled to question the referee and/or the assistant referee(s) and/or the television match official (if present) on any aspect of their reports, as well as any other witnesses on any relevant aspect of their evidence, but only through the chairman of the Disciplinary Committee.
- 7.2.11 The Player will have the right to give evidence, to call witnesses and/or (personally or through his representative) to make submissions. The Player and any witnesses may be questioned by the members of the Disciplinary Committee, as well as (through the chairman of the Disciplinary Committee) the Disciplinary Officer (or his representative), although it is not anticipated that the Disciplinary Officer will exercise this right, save where he/she considers it necessary.
- 7.2.12 The Disciplinary Officer will ordinarily ensure that the relevant evidence (including any witnesses) is put before the Disciplinary Committee. He/she may also (personally or through his/her representative) make submissions, although it is not anticipated that he/she will exercise this right, save where he/she considers it necessary.
- 7.2.13 For the avoidance of doubt, the provisions of this clause 7.2 will apply to all cases of a Player being shown a red card, including where that is as a result of two Temporary Suspensions.

7.3 Procedures to be followed in citing cases

- 7.3.1 The appointed Citing Commissioner will ordinarily attend the Match and shall be entitled to cite a Player for any act or acts of Foul Play that in the opinion of the Citing Commissioner warranted the Player being shown a red card, even where such act(s) were detected by the Match referee and/or assistant referee(s) and/or the television match official and were the subject of action taken by one or more of them. In circumstances where the appointed Citing Commissioner does not attend the Match, this will not affect his/her entitlement to cite Players in accordance with this clause.
- 7.3.2 A Citing Commissioner may cite a Player in respect of an incident or incidents for which the Player was Temporarily Suspended. A Citing Commissioner may not, however, cite a Player for an act or acts of Foul Play in respect of which the Player has been shown a red card (although, for the avoidance of doubt, nothing in this clause prevents a Citing Commissioner from citing a Player for an act or acts of Foul Play in respect of which the Player was shown a yellow card for the second time in a Match and was therefore shown a red card).
- 7.3.3 A Club shall not have the power to cite a Player for Foul Play, but a Club may refer an incident of suspected Foul Play to the Citing Commissioner for consideration, provided that such referral is made within 26 hours of the start of the Match in question. If a referral is made after that deadline, the Citing Commissioner will be under no obligation to consider the incident to which the referral relates (but, for the avoidance of doubt, the fact that an incident is the subject of a referral made after the 26-hour deadline will not prevent the Citing Commissioner making a citing complaint in respect of that incident – whether or not as a result of the referral

– pursuant to clause 7.3.5, below).

- 7.3.4 A Citing Commissioner's decision as to whether or not a Player should be cited, whether as a result of a referral by a Club or otherwise, shall be final and binding on all parties, and (subject only to the Disciplinary Officer's right to refer a citing complaint to a Citing Officer pursuant to clause 7.3.6, below, and/or to bring a Misconduct complaint for the same conduct) no one shall have the right to appeal against or otherwise challenge it.
- 7.3.5 Where the Citing Commissioner decides that a Player should be cited, he/she shall make a written citing complaint (the Citing Commissioner may, but is not obliged to, make the citing in the form set out in Appendix Six to these Disciplinary Rules, 'Standard Form Citing Commissioner's Report') and submit it to the Disciplinary Officer so as to be received by the Disciplinary Officer no later than 50 hours after the start of the Match in question (although in cases where (i) the Citing Commissioner is uncertain as to the identity of the Player(s) concerned, (ii) the nature of the incident(s) concerned is such that further investigation is needed to identify the Player(s) concerned and/or the act(s) of Foul Play, and/or (iii) there are exceptional circumstances (which might include travel difficulties), the citing complaint may be transmitted after the 50-hour deadline so long as it is transmitted as soon as reasonably practicable and in any event within 14 days after the 50-hour deadline). In cases where the citing complaint is received by the Disciplinary Officer later than 50 hours after the start of the Match in question, the Disciplinary Officer will submit it to the chairman of the Disciplinary Panel and it will be for the chairman of the Disciplinary Panel (or his/her designee) to determine (if appropriate, and if he/she so directs, based on submissions from the Player and the Disciplinary Officer) whether the citing complaint proceeds because (i) the Citing Commissioner was uncertain as to the identity of the Player(s) concerned, (ii) the nature of the incident(s) concerned was such that further investigation was needed to identify the Player(s) concerned and/or the act(s) of Foul Play, and/or (iii) there were exceptional circumstances.
- 7.3.6 The Disciplinary Officer, on receipt of a written citing complaint from a Citing Commissioner (including where such a complaint was received after the 50-hour deadline referred to in clause 7.3.5, above, and was submitted to the chairman of the Disciplinary Panel who determined -- or whose designee determined -- it was to proceed), may, at his/her discretion, elect either (a) to proceed with bringing the citing complaint before a Disciplinary Committee pursuant to clause 7.3.8, below, or (b) to refer the citing complaint to a Citing Officer to determine (as a so-called 'gatekeeper') whether the citing complaint should proceed. If the Disciplinary Officer elects to refer such a citing complaint to a Citing Officer, the Disciplinary Officer will provide all relevant materials to the Citing Officer, the Citing Officer will determine whether or not the evidence presents a case for the Player to answer (as to whether the Player committed an act or acts of Foul Play that warranted a red card) and accordingly whether or not the citing complaint should proceed, and will communicate his/her decision, in writing, to the Disciplinary Officer as soon as reasonably practicable. If the Citing Officer determines that the citing complaint should proceed, the Disciplinary Officer will bring the citing complaint pursuant to clause 7.3.8, below. If the Citing Officer determines that the citing complaint should not proceed, the Disciplinary Officer will not bring the citing complaint, but the Disciplinary Officer may, in his/her discretion, refer the matter back to the Citing Commissioner and it will be open to the Citing Commissioner (subject to clause 5.5, above) to issue a Citing Commissioner Warning in respect of the same incident. A Citing Officer's decision as to whether or not a citing complaint that is referred to him/her by the Disciplinary Officer under this clause should proceed will be final and binding on all parties, and (subject only to the Disciplinary Officer's right to bring a Misconduct complaint for the same conduct) no one shall have the right to appeal against or otherwise challenge it.
- 7.3.7 Other than where a Player receives two Temporary Suspensions in a Match (for which, see clause 7.2.13, above), if a Player receives two Cautions in respect of a Match (which could be two Citing Commissioner Warnings, or one Citing Commissioner Warning and one Temporary Suspension), he will be treated as if he had been cited and the provisions dealing with a hearing of a citing complaint before a Disciplinary Committee will be adapted accordingly.
- 7.3.8 If, pursuant to clause 7.3.6, above, the Disciplinary Officer elects to proceed with a citing

complaint or, on referral from the Disciplinary Officer, a Citing Officer determines that a citing complaint should proceed, then that complaint shall be brought (as a citing complaint) before a Disciplinary Committee by the Disciplinary Officer, on behalf of Pro Rugby Championship. No Club shall be entitled to bring a citing complaint before the Disciplinary Committee itself, but Clubs and Players shall be obliged to provide such assistance as the Disciplinary Officer may request to support any complaint that he/she brings before a Disciplinary Committee.

- 7.3.9 The Disciplinary Officer will inform and/or send a copy of the Citing Commissioner's written complaint, along with any other information and/or clarification and/or further materials (including, where appropriate, any written determination by a Citing Officer pursuant to clause 7.3.6, above, and/or any reports made by the Match officials as a result of Temporary Suspensions) as the Disciplinary Officer deems appropriate, to the chairman of the Disciplinary Panel. For the avoidance of doubt, where the original citing complaint was made by a Citing Commissioner based on a referral made to the Citing Commissioner by a Club pursuant to clause 7.3.3, above, the Disciplinary Officer is not required to enclose a copy of that referral and/or any document evidencing that referral. Upon sending the written notice referred to in clause 7.3.11, below (or, in cases in which the Disciplinary Officer elects to use the Abbreviated Process, once the Player has received a communication from the Disciplinary Officer pursuant to paragraph 2(a) of Appendix Fourteen), the Player may not play rugby union anywhere (and nor may he enter the Playing Enclosure in any capacity, including as a water carrier or tee carrier, at any time on the day of a Match), pending resolution of the case by the appropriate Disciplinary Committee (or pursuant to Appendix Fourteen) Judicial Officer.
- 7.3.10 Upon receipt of such information and/or the complaint from the Disciplinary Officer, the chairman of the Disciplinary Panel (or his/her designee) shall appoint a Disciplinary Committee to hear the complaint pursuant to clauses 4.2 and 7.1.4, above.
- 7.3.11 The chairman of the Disciplinary Panel (or his/her designee, which may be the Disciplinary Officer) will send a written notice to the Player and the Disciplinary Officer (if he/she is not the chairman's designee), with a copy to the members of the Disciplinary Committee:
- (a) attaching a copy of the Citing Commissioner's written complaint (along with any other documents supplied by the Disciplinary Officer to the chairman of the Disciplinary Panel pursuant to clause 7.3.9, above) and informing the Player and the Disciplinary Officer of the identity of the members of the Disciplinary Committee appointed to hear the citing complaint;
 - (b) informing the Player and the Disciplinary Officer of the deadline by which any objection to any member of the Disciplinary Committee hearing the matter must be received;
 - (c) informing the Player and the Disciplinary Officer of the date, time and place at which the Disciplinary Committee will hear the citing complaint;
 - (d) informing the Player that he is required to attend the hearing in person, and that he is entitled to be represented at the hearing by a legal advisor and/or other representative, to assist him him/her in challenging the case made against him and (where necessary and appropriate) making submissions and/or adducing evidence in rebuttal of the complaint(s); and
 - (e) informing the Player that he may not play rugby union anywhere (and nor may he enter the Playing Enclosure in any capacity, including as a water carrier or tee carrier, at any time on the day of a Match), pending resolution of the case by the appropriate Disciplinary Committee.
- 7.3.12 At the time of (or after) sending the written notice referred to in clause 7.3.11, above, the chairman of the Disciplinary Committee (or his/her designee) may send to the Player and the Disciplinary Officer (a) written directions governing the conduct of the proceedings, (b) written confirmation that the standing directions set out at section B of Appendix Nine to these Disciplinary Rules (if appropriate, as amended at the discretion of the chairman of the

Disciplinary Committee or his/her designee) will apply to the proceedings, or (c) written instructions that no such directions will apply. In the event that the chairman of the Disciplinary Committee (or his/her designee) does not send such written directions, confirmation or instructions within 24 hours of the written notice referred to in clause 7.3.11, above, having been sent, the standing directions set out at section B of Appendix Nine to these Disciplinary Rules will be deemed to apply to the proceedings.

- 7.3.13 Unless the Abbreviated Process is used, pursuant to Appendix Fourteen to these Disciplinary Rules (and then only so far as the Abbreviated Process results in a conclusion, i.e., the Player accepting the sanction presented), the case will proceed to a hearing before a Disciplinary Committee. The Disciplinary Committee's hearing of a citing complaint shall commence as soon as reasonably practicable following the Player's receipt of the written notice referred to at clause 7.3.11, above.

7.4 Procedures to be followed in Misconduct and Anti-Corruption Offence cases

- 7.4.1 Misconduct complaints and charges of Anti-Corruption Offences may be brought only by the Disciplinary Officer.
- 7.4.2 The Disciplinary Officer must ordinarily make the Misconduct complaint and/or issue the charge of an Anti-Corruption Offence as soon as reasonably practicable after completing his/her investigation of the matter under clause 3.5, above.
- 7.4.3 The Misconduct complaint and/or charge of an Anti-Corruption Offence should be made in writing to the chairman of the Disciplinary Panel, with copies sent to the Person and/or Club that is the subject of the complaint/charge. The complaint/charge must contain the following information:
- (a) the name of the Person and/or Club that is the subject of the complaint/charge;
 - (b) details of the alleged Misconduct and/or Anti-Corruption Offence(s), including the date and place thereof; and
 - (c) where the alleged Misconduct and/or Anti-Corruption Offence(s) is/are said to have taken place in connection with a Match, and if relevant, the names of the Match referee and assistant referees.
- 7.4.4 Where applicable, reports shall be obtained by the Disciplinary Officer from the Match referee, assistant referees, television match official and such other persons who may be able to provide evidence in relation to the alleged Misconduct and/or Anti-Corruption Offence(s). Copies of any such reports will ordinarily be forwarded to the Disciplinary Committee members and the party or parties who are the subject of the Misconduct complaint and/or charge of an Anti-Corruption Offence as soon as is reasonably practicable after receipt of the reports by the Disciplinary Officer.
- 7.4.5 On receipt of a Misconduct complaint and/or charge of an Anti-Corruption Offence, the chairman of the Disciplinary Panel (or his/her designee) will appoint a Disciplinary Committee to hear the complaint pursuant to clauses 4.2 and 7.1.4, above, and shall send a copy of the complaint to each member of the Disciplinary Committee.
- 7.4.6 The chairman of the Disciplinary Panel (or his/her designee, which may be the Disciplinary Officer) shall send a written notice to the Person and/or Club that is the subject of the Misconduct complaint and/or charge of an Anti-Corruption Offence and the Disciplinary Officer (if he/she is not the chairman's designee), with a copy to the members of the Disciplinary Committee:
- (a) informing the Person and/or Club and the Disciplinary Officer of the identity of the members of the Disciplinary Committee appointed to hear the complaint/charge;

- (b) informing the Person and/or Club and the Disciplinary Officer of the deadline by which any objection to any member of the Disciplinary Committee hearing the matter must be received;
- (c) informing the Person and/or Club and the Disciplinary Officer of the date, time and place at which the Disciplinary Committee will hear the complaint/charge;
- (d) informing any Person who is the subject of the complaint/charge that he/she is required to attend the hearing in person, and that he/she is entitled to be represented at the hearing by a legal advisor and/or other representative to assist him/her in challenging the case made against him/her and (where necessary and appropriate) making submissions and/or adducing evidence in rebuttal of the complaint(s); and
- (e) informing any Club that is the subject of the Misconduct complaint that a representative of the Club is required to attend the hearing in person, and that it is entitled to be represented at the hearing by a legal advisor to assist it in challenging the case made against it and (where necessary and appropriate) making submissions and/or adducing evidence in rebuttal of the complaint(s).

7.4.7 At the time of (or after) sending the written notice referred to in clause 7.4.6, above, the chairman of the Disciplinary Committee (or his/her designee) may send to the Person and/or Club and the Disciplinary Officer (a) written directions governing the conduct of the proceedings, (b) written confirmation that the standing directions set out at section C of Appendix Nine to these Disciplinary Rules (if appropriate, as amended at the discretion of the chairman of the Disciplinary Committee or his/her designee) will apply to the proceedings, or (c) written instructions that no such directions will apply. In the event that the chairman of the Disciplinary Committee (or his/her designee) does not send such written directions, confirmation or instructions within 24 hours of the written notice referred to in clause 7.4.6, above, having been sent, the standing directions set out at section C of Appendix Nine to these Disciplinary Rules will be deemed to apply to the proceedings.

7.4.8 The Disciplinary Committee's hearing of a Misconduct complaint and/or a charge of an Anti-Corruption Offence shall ordinarily commence as soon as reasonably practicable after receipt of the Misconduct complaint and/or the charge of an Anti-Corruption Offence by the chairman of the Disciplinary Panel, although the chairman of the Disciplinary Panel (or his/her designee) may determine (in his/her absolute discretion) that the hearing be deferred where that is otherwise convenient for the efficient administration of justice (for example, to take place during a break in the Championship, or on a date when other Misconduct complaints and/or charges of Anti-Corruption Offences are being heard).

7.5 Procedures to be followed in totting up cases

7.5.1 When a Player receives during the Championship (a) three Citing Commissioner Warnings and/or Temporary Suspensions for infringements of Laws 9.11 to 9.28 (inclusive), and/or (b) five Cautions (i.e., Citing Commissioner Warnings and/or Temporary Suspensions of any sort), such accumulation will give rise to a totting up case and the following will apply:

7.5.2 The Disciplinary Officer will refer the matter to the chairman of the Disciplinary Panel as soon as reasonably practicable. Upon such referral, the chairman of the Disciplinary Panel (or his/her designee) will appoint a Disciplinary Committee to hear the matter pursuant to clauses 4.3 and 7.1.4, above.

7.5.3 Once the written notice referred to in clause 7.5.4, below, is sent, the Player may not play rugby union anywhere (and nor may he/she enter the Playing Enclosure in any capacity, including as a water carrier or tee carrier, at any time on the day of a Match), pending resolution of the case by the appropriate Disciplinary Committee.

- 7.5.4 The chairman of the Disciplinary Panel (or his/her designee, which may be the Disciplinary Officer) will send a written notice to the Player and the Disciplinary Officer (if he/she is not the chairman's designee), with a copy to the members of the Disciplinary Committee:
- (a) attaching copies of the relevant documents, and informing the Player and the Disciplinary Officer of the identity of the members of the Disciplinary Committee appointed to hear the matter;
 - (b) informing the Player and the Disciplinary Officer of the deadline by which any objection to any member of the Disciplinary Committee hearing the matter must be received;
 - (c) informing the Player and the Disciplinary Officer of the date, time and place at which the Disciplinary Committee will hear the matter;
 - (d) informing the Player that he is required to attend the hearing in person, and that he is entitled to be represented at the hearing by a legal advisor and/or other representative, to assist him in presenting his case and (where necessary and appropriate) making submissions and/or adducing evidence in support of his case; and
 - (e) informing the Player that he may not play rugby union anywhere (and nor may he enter the Playing Enclosure in any capacity, including as a water carrier or tee carrier, at any time on the day of a Match), pending resolution of the case by the appropriate Disciplinary Committee.
- 7.5.5 At the time of (or after) sending the written notice referred to in clause 7.5.4, above, the chairman of the Disciplinary Committee (or his/her designee) may send to the parties (a) written directions governing the conduct of the proceedings, (b) written confirmation that the standing directions set out at section D of Appendix Nine to these Disciplinary Rules (if appropriate, as amended at the discretion of the chairman of the Disciplinary Committee or his/her designee) will apply to the proceedings, or (c) written instructions that no such directions will apply. In the event that the chairman of the Disciplinary Committee (or his/her designee) does not send such written directions, confirmation or instructions within 24 hours of the written notice referred to in clause 7.5.4, above, having been sent, the standing directions set out at section D of Appendix Nine to these Disciplinary Rules will be deemed to apply to the proceedings.
- 7.5.6 Unless the Abbreviated Process is used, pursuant to Appendix Fourteen to these Disciplinary Rules (and then only so far as the Abbreviated Process results in a conclusion, ie the Player accepting the sanction presented), the case will proceed to a hearing before a Disciplinary Committee. The Disciplinary Committee will consider whether the Player is able to demonstrate (on the balance of probabilities) that one or more of the Cautions were wrongly issued to him, and (if the Player is not able to demonstrate such matters) what sanctions should be imposed on the Player.
- 7.5.7 If the Disciplinary Committee is satisfied (on the balance of probabilities) that one or more of the Cautions were wrongly issued to the Player, the Disciplinary Committee will take no further action (save that, for the avoidance of doubt, if any of the remaining Cautions were not found to have been wrongly issued to the Player, disciplinary proceedings may continue if at least three/five Cautions remain (as applicable), or may subsequently be brought under clause 7.5.1 based on the accumulation of those Cautions and Cautions subsequently recorded against the Player in the Championship).
- 7.5.8 Proceedings under clause 7.5.1 may be brought against a Player more than once per season, but once Cautions have been acted upon under the above clauses they are considered to be 'wiped clean' for these purposes.
- 7.5.9 For the avoidance of doubt, and subject to clause 7.5.10, below, if a Player receives two Temporary Suspensions in the same Match and is therefore sent off, those incidents will be

dealt with pursuant to clause 4.1.1, above, and will not be taken into account under clause 7.5.1.

- 7.5.10 If a Player receives two Temporary Suspensions in the same Match and is dealt with pursuant to clause 4.1.1, above, and the Disciplinary Committee (or Appeal Committee) hearing the case determines that the referee's decision to show the Player a red card (including where that decision was the result of consultation with one or both assistant referees and/or the television match official) was wrong and reached that determination because it determined that the referee's decision to Temporarily Suspend the Player (including where that decision was the result of consultation with one or both assistant referees and/or the television match official) on one (but only one) of the occasions was wrong, then for the purposes of clause 7.5.1, the Player will be treated as if he had been Temporarily Suspended once in that Match.
- 7.5.11 If a Player is cited in respect of an incident for which he received a Temporary Suspension, for the purposes of this clause 7.5, the Disciplinary Committee will ordinarily determine how the Temporary Suspension should be treated thereafter.
- 7.5.12 The Player, or his representative, will be entitled to question the referees, the assistant referees, the television match officials and/or the Citing Commissioners (if present) on any aspect of their respective reports, as well as any other witnesses on any relevant aspect of their respective evidence, but only through the chairman of the Disciplinary Committee.
- 7.5.13 The Player will have the right to give evidence, to call witnesses and/or (personally or through his representative) to make submissions. The Player and any witnesses may be questioned by the members of the Disciplinary Committee, as well as (through the chairman of the Disciplinary Committee) the Disciplinary Officer (or his representative), although it is not anticipated that the Disciplinary Officer will exercise this right, save where he considers it necessary.
- 7.5.14 The Disciplinary Officer will ordinarily ensure that the relevant evidence (including any witnesses) is put before the Disciplinary Committee. He/she may also (personally or through his/her representative) make submissions, although it is not anticipated that he/she will exercise this right, save where he/she considers it necessary.
- 7.5.15 The Disciplinary Committee's hearing of a totting up case shall commence as soon as reasonably practicable following the Player's receipt of the written notice referred to at clause 7.5.4, above.
- 7.5.16 For the avoidance of doubt, any Cautions that a Player receives during the Championship shall not be carried over into the next season for the purposes of the accumulation of Cautions under clause 7.5.1, above, or its successor.
- 7.6 Procedures to be followed in cases arising out of a Player being shown a red card, citing cases, Misconduct and Anti-Corruption Offence cases and totting up cases**
- 7.6.1 Save where otherwise provided, each of the provisions of this clause 7.6 shall apply to cases arising out of a Player being shown a red card, citing cases, Misconduct and Anti-Corruption Offence cases and totting up cases.
- 7.6.2 Save where contrary directions have been made (or deemed made):
- (a) in cases arising out of a Player being shown a red card, citing cases and totting up cases, copies of all relevant evidence (including translations in accordance with clause 7.6.3, below) and lists of any witnesses to be called shall ordinarily be provided to the Disciplinary Committee and exchanged as between the Player and the Disciplinary Officer at least 24 hours in advance of the hearing (in practice, it is envisaged that the Disciplinary Officer will circulate all video evidence well in advance of this deadline however, evidence not submitted by this deadline (or any other deadline imposed in directions) may not ordinarily be submitted for the consideration of the Disciplinary

Committee unless the Disciplinary Committee is satisfied that there was a reasonable excuse for the failure to meet the deadline).

- (b) in Misconduct and Anti-Corruption Offence cases, copies of all relevant evidence (including translations in accordance with clause 7.6.3, below) and lists of any witnesses to be called shall ordinarily be provided to the Disciplinary Committee and exchanged as between the Person and/or Club and the Disciplinary Officer at least 72 hours in advance of the hearing (evidence not submitted by this deadline (or any other deadline imposed in directions) may not ordinarily be submitted for the consideration of the Disciplinary Committee unless the Disciplinary Committee is satisfied that there was a reasonable excuse for the failure to meet the deadline); and
- (c) in cases involving one or more Players, the relevant Player(s) must bring to the hearing and have available to provide to the Disciplinary Committee in the event that it should be required (1) a written schedule of his/their respective playing commitments for at least the remainder of the current season along with any written evidence as to whether or not he is/they are fit, available and/or expected to play in each such match, and (2) a comprehensive, accurate and up-to-date written statement of his/their respective disciplinary record(s) (which must include all relevant details from all sports and all competitions since the age of 18).

7.6.3 All evidence provided in accordance with clause 7.6.2, above, or otherwise, and any further evidence tendered subsequently (save for oral evidence at the hearing) must be in English. Documents that are not in English must be translated into English at the expense of the party relying on them.

7.6.4 The chairman of the Disciplinary Committee shall be entitled to determine any pre-hearing procedural or evidential issues or disputes (and the chairman of the Disciplinary Committee will not have to have recourse to any other members of the Disciplinary Committee when doing so).

7.6.5 In a Misconduct case and a case involving an Anti-Corruption Offence, nothing in these Disciplinary Rules prevents the Player or other Person who is the subject of the complaint from playing or participating in rugby union pending the hearing of the Disciplinary Committee, save that (a) the chairman of the Disciplinary Panel (or his/her designee) and/or the chairman of the Disciplinary Committee (once appointed) will have the discretion to impose an interim suspension on the Player or other Person, pending the hearing of the Disciplinary Committee, where he/she is satisfied that the circumstances warrant it, (b) in cases involving an Anti-Corruption Offence, the Disciplinary Officer himself/herself may impose an interim suspension on a Person in the circumstances set out in paragraph 2 of Appendix Twelve to these Disciplinary Rules, and (c) the Player or other Person in the interim may be suspended from playing (and/or other rugby union activities) by his Club or Union or other competent sporting body as a result of the same incident that forms the basis of the complaint and/or may voluntarily elect to withdraw from playing (and/or other rugby union activities), in which case he should notify the Disciplinary Officer in writing of such suspension or voluntary withdrawal (and provide all relevant details) as soon as reasonably practicable.

7.6.6 All hearings before Disciplinary Committees under these Disciplinary Rules shall be held in private, unless otherwise ordered by the Disciplinary Committee. The proceedings, at the request of the Disciplinary Committee or the Disciplinary Officer, may be recorded by audio-tape and/or a clerk, stenographer or otherwise, and the costs thereof shall be costs of the proceedings falling within the scope of clause 7.6.45, below. The Disciplinary Officer shall have the right to be assisted by legal representatives at the hearing (although it is not anticipated that he/she will exercise this right, save where he/she considers it necessary) and may be accompanied by other representatives of Pro Rugby Championship.

7.6.7 At the beginning of the hearing, in the presence of the Disciplinary Officer and the Person/Club that is the subject of the proceedings (and their respective representatives), the chairman of the Disciplinary Committee will ordinarily introduce himself/herself and the other members of

the Disciplinary Committee, state the purpose of the hearing and outline the procedure to be followed.

- 7.6.8 The chairman of the Disciplinary Committee will ordinarily then establish that the person present is the person subject to the Cautions, or named in the citing complaint, Misconduct complaint or charge of an Anti-Corruption Offence, or (in a case arising out of a Player being shown a red card) is the Player who was shown the red card, or (in the case of a Misconduct complaint against a Club) is a duly authorised representative of the Club. Such person, and his/her representative(s), if any, should be present for the whole of the hearing, excluding only any private deliberations of the Disciplinary Committee.
- 7.6.9 The Disciplinary Committee may direct that the particulars of each party's case be summarised. In any event, the parties and their representatives will ordinarily be invited to make any submissions on preliminary issues (including but not limited to the proposed procedure) as they see fit.
- 7.6.10 If one or more parties have failed or refused to act in accordance with the directions applicable to the proceedings (for example, directions made pursuant to clauses 7.2.6 (red card), 7.3.12 (citing), 7.4.7 (Misconduct and Anti-Corruption Offences), 7.5.5 (totting up), or 7.6.2(c) (general), above, or the standing directions set out at Appendix Nine to these Disciplinary Rules, or otherwise), the Disciplinary Committee will first give that party or parties the opportunity to make submissions in relation to that failure or refusal, and the Disciplinary Committee will then determine, in its discretion, what will be the consequences of that failure or refusal. Such consequences can include (among other things) a fine, an order relating to costs, a refusal to allow evidence to be adduced and/or submissions made, an order that a complaint or charge be dismissed or a defence or submission struck out, and/or a recommendation that a Misconduct complaint be brought pursuant to clauses 3.3.11 and 3.5, above.
- 7.6.11 In a citing case:
- 7.6.11.1 If the Player does not accept that he should have been the subject of a citing complaint, the burden shall be on the Player to prove, on the balance of probabilities, that he should not have been the subject of a citing complaint (because he did not commit the act(s) of Foul Play specified in the complaint and/or those act(s) would not have **warranted a red card**). If the Player does not meet this burden, the citing complaint shall be upheld. If, however, the Player proves **that** he did not commit **the act(s) of Foul Play** specified in the complaint **and/or that** those act(s) **would not have warranted a red card, the citing complaint shall not be upheld**, and the proceedings will ordinarily be discontinued.
- 7.6.11.2 The Player, or his representative, will be entitled to question the Citing Commissioner (if present) on any aspect of his/her reports, as well as any other witnesses on any relevant aspect of their evidence, but only through the chairman of the Disciplinary Committee.
- 7.6.11.3 The Player will have the right to give evidence, to call witnesses and/or (personally or through his representative) to make submissions. The Player and any witnesses may be questioned by the members of the Disciplinary Committee, as well as (through the chairman of the Disciplinary Committee) the Disciplinary Officer (or his/her representative).
- 7.6.11.4 The Disciplinary Officer will be entitled to adduce evidence, call witnesses and/or (personally or through his/her representative) make submissions.
- 7.6.12 In a Misconduct and/or Anti-Corruption Offence case, the Disciplinary Committee will consider whether or not it is satisfied, on the balance of probabilities, that the Person and/or Club named in the complaint committed the act(s) of Misconduct and/or the Anti-Corruption Offence(s) specified therein. If the Disciplinary Committee is so satisfied then the complaint shall be upheld.

- 7.6.13 In a Misconduct case or an Anti-Corruption Offence case, the Disciplinary Officer will ordinarily ensure that the relevant evidence (including evidence from any witnesses) in respect of the complaint is put before the Disciplinary Committee. He/she may also (personally or through his/her representative) make submissions, although it is not anticipated that he/she will exercise this right, save where he/she considers it necessary. The Disciplinary Committee as well as (through the chairman of the Disciplinary Committee) the Disciplinary Officer (or his/her representative) may ask questions of any witness. In addition, the Person and/or Club that is the subject of the complaint may cross-examine witnesses but only through the chairman of the Disciplinary Committee.
- 7.6.14 In the event that documentary evidence is put before the Disciplinary Committee (including statements from witnesses not present at the hearing), the Person/Club that is the subject of the proceedings and (where he/she considers it necessary) the Disciplinary Officer may make such comments as to the weight to be attached to such evidence as (s)he/it sees fit.
- 7.6.15 For the avoidance of doubt, the absence of a party at any hearing before the Disciplinary Committee shall not, in itself, prevent the Disciplinary Committee from proceeding to a decision in the matter, provided that the Disciplinary Committee is satisfied that the party received notice of the hearing. The Disciplinary Committee shall have discretion in such circumstances, where good cause is shown (a) to consider written submissions by or on behalf of such absentee(s) and/or (b) to adjourn the proceedings to a date when the absentee(s) is/are able to attend.
- 7.6.16 In any case where a witness required by the Disciplinary Committee refuses or fails to attend before the Disciplinary Committee, the Disciplinary Committee may, in its discretion, allow or refuse to allow the evidence of that witness to be given in any other form.
- 7.6.17 In a Misconduct case or an Anti-Corruption Offence case, once the Disciplinary Officer has put before the Disciplinary Committee the relevant evidence (and made any submissions, if appropriate), the Person and/or Club that is the subject of the complaint shall then be invited to present evidence in his/her/its defence. The Disciplinary Committee may ask questions of any witness. In addition, the Disciplinary Officer (or his/her representative) may cross-examine witnesses but only through the chairman of the Disciplinary Committee, although it is not anticipated that the Disciplinary Officer will exercise this right, save where he/she considers it necessary. In all cases, the Disciplinary Committee will be entitled to draw adverse inferences from a failure or refusal to answer questions by the Person and/or Club that is the subject of the proceedings, and it will not be a valid excuse for a Club and/or any of its Persons that has failed or refused to answer questions to rely on any privilege against self-incrimination; any such privilege is deemed to have been waived by the Club and its Persons.
- 7.6.18 The Disciplinary Committee shall not be bound to apply formal rules of evidence, but instead will have the discretion to receive such evidence as it thinks fit (including without limitation, evidence in writing or videotape or photographs), and to attach such weight to that evidence as it sees fit.
- 7.6.19 Third party witnesses will not ordinarily be admitted to the hearing room prior to giving their evidence, and after giving their evidence all such witnesses will ordinarily withdraw from the hearing room.
- 7.6.20 Any video evidence should be viewed in the presence of the Person and/or Club that is the subject of the complaint (or, in a case arising out of a Player being shown a red card or who is the subject of a totting up case, in the presence of that Player), ordinarily with any sound commentary (but not any comments of the Match officials) turned down so that it cannot be heard.
- 7.6.21 At any time during the hearing, including but not limited to after the screening of video evidence, the Disciplinary Committee may recall witnesses and may ask them such questions as it considers appropriate. The Disciplinary Officer and the Person/Club that is the subject of the proceedings may also ask questions of such witnesses, but only through the chairman of

the Disciplinary Committee (and, again, it is not anticipated that the Disciplinary Officer will exercise this right, save where he/she considers it necessary).

7.6.22 The Disciplinary Committee shall be entitled, where the circumstances warrant, to adjourn or postpone proceedings as it thinks fit.

7.6.23 Subject to clause 7.6.26 below, in:

(a) a citing case, a Misconduct case or an Anti-Corruption Offence case, the Player/Person/Club that is the subject of the complaint may at any time admit the complaint;

(b) a case arising out of a Player being shown a red card, the Player may at any time accept that the referee's decision to show the Player a red card was not wrong; and

(c) a totting up case, the Player may at any time accept that none of the Cautions were wrongly issued to him,

and in each such case the Disciplinary Committee should hear and/or review the relevant evidence that remains unheard/unseen and then proceed to hear submissions as to the sanction (if any) to be imposed.

7.6.24 Once the Disciplinary Committee is satisfied that it has heard all the relevant evidence on the issue of 'liability' or 'guilt', the Person/Club that is the subject of the proceedings will ordinarily be given the opportunity to make concluding submissions. The Disciplinary Officer will also have the right to make concluding submissions, but it is not anticipated that he/she will exercise this right, save where he/she considers it necessary. If he/she does exercise this right, the Person and/or Club that is the subject of the complaint (or in a case arising out of a Player being shown a red card or in a totting up case, the relevant Player) shall ordinarily be given the final opportunity to address the Disciplinary Committee. Thereafter, the Disciplinary Committee shall retire to deliberate in private on the question of 'liability' or 'guilt' (in a citing case or a case arising out of a Player being shown a red card, this might include the question as to whether or not the Player committed an act of Foul Play, and the question as to whether or not it was worthy of a red card).

7.6.25 A decision of a Disciplinary Committee shall be made by at least a simple majority of the members of the Disciplinary Committee. Where a Disciplinary Committee has an even number of members, and the members of such Disciplinary Committee are unable to come to a unanimous or majority decision, then the chairman of the Disciplinary Committee shall have a casting vote. No member of a Disciplinary Committee may abstain from any decision.

7.6.26 Once the Disciplinary Committee has reached its decision on 'liability' or 'guilt', it shall recall the Disciplinary Officer and the Person/Club that is the subject of the proceedings and announce such decision to them; where the complaint has been upheld (or, in a totting up case or a case arising out of a Player being shown a red card, where the Player has not been able to show, respectively, that one or more of the Cautions were wrongly issued or that the referee's decision to show the Player a red card was wrong), the Disciplinary Committee shall invite the Disciplinary Officer and the Person/Club that is the subject of the proceedings to make submissions regarding what sanctions, if any, should be imposed and (subject to clause 7.6.45, below) what costs award, if any, should be made (although, in the case of the Disciplinary Officer, it is not anticipated that he/she will exercise his/her right to make such submissions, save where he/she considers it necessary). Following such submissions, the Disciplinary Committee shall again deliberate in private to determine what sanctions (if any) should be imposed and what costs award (if any) should be made. For the avoidance of doubt, where a citing complaint is upheld (or admitted) and where in a case arising out of a Player being shown a red card the Disciplinary Committee finds (or the Player admits) that the referee's decision was not wrong, it is anticipated that the Disciplinary Committee will ordinarily impose a sanction unless it concludes that no sanction is appropriate pursuant to the strict analysis in clause 7.6.35, below.

- 7.6.27 Subject to clause 7.6.29, below, in the event that a citing complaint, a Misconduct complaint or a charge of an Anti-Corruption Offence is upheld (or in a totting up case or a case arising out of a Player being shown a red card, where the Disciplinary Committee does not find, respectively, that one or more of the Cautions were wrongly issued or that the referee's decision to show the Player a red card was wrong), the Disciplinary Committee shall be entitled to impose any one or more of the following sanctions as it shall deem appropriate having regard to all of the circumstances of the case (all of which except Player suspension may, where appropriate, be suspended):
- (a) caution, reprimand and/or warning as to future conduct;
 - (b) fine (where it finds that certain clauses of the Participation Agreement have been breached, the Disciplinary Committee will be bound to impose, at a minimum, the fines set out in Appendix Eight);
 - (c) deduction of points earned in the Championship and/or future competitions organised by Pro Rugby Championship;
 - (d) awarding of a Match or Matches by default;
 - (e) voiding of the result of a Match and ordering of a replay at a venue of the Disciplinary Committee's choice;
 - (f) compensation payments to any person or entity affected by the Misconduct;
 - (g) any sanction that the Disciplinary Committee considers would allow and/or require the relevant Player and/or other Person and/or Club to understand properly the wrongdoing and/or its effect on others including (for example, but without limitation) attendance at and participation in one or more training or educational courses;
 - (h) expulsion from the Championship and/or a ban from future competitions organised by Pro Rugby Championship; and/or
 - (i) (in the case of Players or other Persons) suspension from playing (and entering the Playing Enclosure in any capacity, including as a water carrier or tee carrier, at any time on the day of the Match) and/or other activities, subject to clause 9.5.3, below.
- 7.6.28 In a case arising out of a Player being shown a red card, if the Disciplinary Committee finds that the referee's decision to show the Player a red card was wrong, then unless the circumstances otherwise warrant it the Disciplinary Committee will take no further action (i.e., impose no suspension on the Player) and the red card should thereafter be disregarded for the purposes of the Player's disciplinary record.
- 7.6.29 Subject to clause 7.6.39, below, in exercising its sanctioning authority against a Player in a case of Foul Play, the Disciplinary Committee shall apply World Rugby's sanctions for Foul Play (as set out in Appendix One to World Rugby Regulation 17, available at www.worldrugby.org, and as amended by World Rugby from time to time), in accordance with clauses 7.6.30 to 7.6.43, below. Set out at Appendix Seven to these Disciplinary Rules is the version of World Rugby's sanctions for Foul Play in force as at July 2021, but any amendments made by World Rugby to its sanctions will take immediate effect in the Championship. However, and for the avoidance of doubt, the version of World Rugby's sanctions for Foul Play to be applied will be the version that is in force at the time that the act of Foul Play is committed. Accordingly, if, for example, World Rugby amends its sanctions after an act of Foul Play is committed, but before disciplinary proceedings in respect of that act of Foul Play are concluded, the version of World Rugby's sanctions to be applied will be the version in force before the amendments were made. Notwithstanding clause 7.6.27, above, a Player suspension imposed solely as a result of Misconduct proceedings can, where appropriate, be suspended.

- 7.6.30 The Disciplinary Committee shall assess the seriousness of the Player's conduct which constitutes the offending by reference to the following features:
- (a) whether the offending was intentional or deliberate;
 - (b) whether the offending was reckless, that is the Player knew (or should have known) that there was a risk of committing an act of Foul Play;
 - (c) the gravity of the Player's actions in relation to the offending;
 - (d) the nature of the actions, the manner in which the offence was committed including the part of the body used (for example, fist, elbow, knee or boot);
 - (e) the existence of provocation;
 - (f) whether the Player acted in retaliation and the timing of such;
 - (g) whether the Player acted in self-defence (that is, whether he used a reasonable degree of force in defending himself);
 - (h) the effect of the Player's actions on the victim (for example, the extent of the victim's injury and whether he was removed from the Match);
 - (i) the effect of the Player's actions on the Match;
 - (j) the vulnerability of the victim, including the part of the victim's body involved/affected, the position of the victim and his ability to defend himself;
 - (k) the level of participation in the offending and the level of premeditation;
 - (l) whether the conduct of the Player was completed or amounted to an attempt; and
 - (m) any other feature of the Player's conduct in relation to or connected with the offending.
- 7.6.31 Based on its assessment of the seriousness of the Player's conduct, the Disciplinary Committee shall categorise the offence as being at the lower end, mid-range or top end of the scale of seriousness in order to identify the appropriate entry point for consideration of a particular incident, where such incident is expressly covered in Appendix Seven. For acts of Foul Play that are categorised as at the top end of the scale of seriousness, the Disciplinary Committee must identify, again based on its assessment of the seriousness of the Player's conduct, an entry point between the period shown as the top end in Appendix Seven and the maximum sanction shown in Appendix Seven.
- 7.6.32 Having identified the appropriate entry point for consideration of a particular incident, the Disciplinary Committee shall identify all relevant off-field aggravating factors and determine what additional period of suspension, if any, above the applicable entry point for the offence should be applied in light of such aggravating factors. Aggravating factors include the following:
- (a) the Player's status generally as an offender against the Laws of the Game (the Disciplinary Committee must take into account the Player's disciplinary record – including acts of misconduct - in all competitions and, as appropriate, in other sports, since the age of 18 and determine whether previous findings of guilt by tribunals should be treated as aggravating factors, and it will be the Player's obligation to provide the Disciplinary Committee - at that stage of the hearing - with a comprehensive, accurate and up-to-date written statement of his disciplinary record, which he must have brought with him in pursuant to clause 7.6.2(c) above);
 - (b) the need for a deterrent to combat a pattern of offending in the game where the teams

participating in the Match have been put on notice that such needs exists; and

- (c) any other off-field aggravating factor(s) that the Disciplinary Committee considers relevant and appropriate (including poor conduct prior to or at the hearing).

7.6.33 Thereafter, the Disciplinary Committee, subject to clauses 7.6.34 and 7.6.35, below, shall identify all relevant off-field mitigating factors and determine if there are grounds for reducing the period of suspension, if any. Mitigating factors include the following:

- (a) the presence and timing of an acknowledgement of culpability/wrong-doing by the Player;
- (b) the Player's disciplinary record and/or good character;
- (c) the youth and inexperience of the Player;
- (d) the Player's conduct prior to and at the hearing;
- (e) the Player having demonstrated remorse for his conduct to the victim player, including the timing of such remorse; and
- (f) any other off-field mitigating factor(s) that the Disciplinary Committee considers relevant and appropriate.

Explanatory note: in respect of clause 7.6.33(d), above, and subject to the submissions of the relevant parties, the Disciplinary Committee should ordinarily consider (and take into account) all relevant conduct, right up until a written judgment is issued pursuant to clause 7.6.47, below (rather than, for example, leaving such conduct to be treated as part of a separate Misconduct complaint).

7.6.34 Subject to clause 7.6.35, below, the Disciplinary Committee cannot apply a greater reduction than 50% from the entry point suspension. In assessing the level of reduction from the entry point suspension, the Disciplinary Committee should start at 0% and work up to the maximum 50%. For the avoidance of doubt, the reference to "50% from the entry point suspension" in this clause limits in that context the reduction that can be made (to a Player's suspension) to 50 per cent of the period of suspension that is determined by the entry point pursuant to clause 7.6.31, above, irrespective of any additional period of suspension that may have been imposed, or may go on to be imposed, pursuant to clause 7.6.32, above, as a result of aggravating factors. *So, for example, in a case in which the appropriate entry point suspension is six weeks, the limit on the reduction of "50% from the entry point suspension" in this clause means that the period of suspension can be reduced by up to three weeks, irrespective of whether an additional period of (for example) two weeks has been imposed as a result of aggravating factors, and so in that case (if two weeks had been added), if the maximum reduction were to be applied, that would result in a suspension of five weeks.*

7.6.35 For acts of Foul Play that are categorised as at the lower end of the scale of seriousness pursuant to clause 7.6.31, above, the Disciplinary Committee may apply a reduction greater than 50% from the entry point suspension where it makes each of the following findings:

- (a) there are off-field mitigating factors; and
- (b) without such a reduction, the sanction would be wholly disproportionate to the level and type of offending.

If the Disciplinary Committee makes each of those findings, it can apply a reduction greater than 50% from the entry point suspension (and can even reduce the sanction to the extent that it imposes no suspension). So, for example, for an act of Foul Play that is categorised as at the lower end of the scale of seriousness pursuant to clause 7.6.31, above, and that has a lower end entry point of four weeks, and where an additional period of one week has been imposed as a result of aggravating factors (making a total of five weeks), the maximum reduction

permitted under clause 7.6.34, above, would be two weeks (resulting in a suspension of three weeks). If, however, the Disciplinary Committee finds that there are off-field mitigating factors and that a three-week suspension would be wholly disproportionate to the level and type of offending, it can apply a greater reduction, resulting in a suspension of two weeks, one week, or no suspension at all.

- 7.6.36 World Rugby's sanctions for Foul Play, as set out at Appendix Seven to these Disciplinary Rules, are drafted on the basis that a one-week period of suspension would ordinarily result in a Player missing one Meaningful Match. When imposing a suspension, the Disciplinary Committee will always specify a period of suspension of a whole number of weeks, rather than fractions of weeks (or a number of days). Accordingly, if the period of suspension to be imposed would ordinarily amount to a fraction of a week or a number of days (for example, following a 50% reduction from an entry point suspension of an odd number of weeks), the period of suspension will be rounded up to the next whole number of weeks.
- 7.6.37 With the exception of Anti-Corruption Offences, in respect of offences not referred to in World Rugby's sanctions for Foul Play, and in totting up cases and cases where a red card is shown as a result of two Temporary Suspensions, appropriate sanctions may be imposed at the discretion of the Disciplinary Committee (in that regard, attached at Appendix Thirteen is, among other things, a copy of a memorandum issued by World Rugby on the sanctioning of such cases). In totting up cases and cases where a red card is shown as a result of two Temporary Suspensions, the Disciplinary Committee may decide that the case can be dealt with based on written evidence and submissions (including any reports made by the Match officials as a result of the Temporary Suspensions), without the need for a hearing. Where it is determined that a Person has committed an Anti-Corruption Offence, the Disciplinary Committee will determine the appropriate sanction to be imposed in accordance with the provisions of paragraph 3 of Appendix Twelve to these Disciplinary Rules.
- 7.6.38 Notwithstanding the foregoing clauses, in cases where the Player's actions constitute the mid-range or top end of offending for any type of offence that had the potential to result in and, in fact, did result in serious/gross consequences to the health of the victim, the Disciplinary Committee may impose any period of suspension, including a suspension for life.
- 7.6.39 In a Misconduct case involving Foul Play, the Disciplinary Committee shall be entitled, where it believes that the act(s) of Foul Play committed by the Player would not have warranted a red card (and it will be entitled to adjudicate on this at any stage it thinks appropriate), to impose no suspension on the Player (in which case the Disciplinary Committee will ordinarily expressly state in its written judgment that it believed the act(s) of Foul Play did not warrant a red card). Further, and subject to the remainder of this clause 7.6.39, for Misconduct cases involving Foul Play, particularly where the relevant activity also constitutes Misconduct other than solely because it is an act of Foul Play and/or where the offence that makes up the Foul Play is not referred to in Appendix Seven to these Disciplinary Rules, the Disciplinary Committee need not necessarily comply with clause 7.6.29, above (and assess entry point, mitigating and aggravating factors) and may instead determine the appropriate sanction at its discretion pursuant to clause 7.6.27, above. Notwithstanding what is stated above in this clause 7.6.39, all Disciplinary Committees hearing Misconduct or Anti-Corruption Offence cases under these Disciplinary Rules will be entitled (if they wish) to use the general methodology adopted in clauses 7.6.29 to 7.6.38, above (i.e. assessing entry point or equivalent, mitigating and aggravating factors) and vary it as they see fit (for example, by taking into account conduct as an aggravating and/or mitigating factor).
- 7.6.40 In any case where there has been multiple offending, the Disciplinary Committee can order that sanctions run either concurrently or consecutively, provided that the overall sanction is proportionate to the level of overall offending in all the circumstances.
- 7.6.41 Where the Disciplinary Committee decides to suspend a Player, the suspension shall be effective immediately, subject to the Disciplinary Committee's discretion to commence the suspension on another date, for example, on the date on which (a) an interim suspension was

imposed, (b) a suspension was imposed by the Player's Club, Union or other competent sporting body, or (c) a voluntary withdrawal was exercised, pursuant to clause 7.6.5, above. If the Disciplinary Committee is asked to commence the suspension on the date on which a suspension was imposed by the Player's Club, Union or other competent sporting body or a voluntary withdrawal was exercised pursuant to clause 7.6.5, above, the Disciplinary Committee will be entitled to enquire (and base its determination on) whether the Player had confirmed the position to the Disciplinary Officer pursuant to clause 7.6.5, above, and whether the Player was otherwise fit, available and expected to play in the period covered by the suspension or voluntary withdrawal. If a Disciplinary Committee elects to commence the suspension on a date after the date on which the Disciplinary Officer and the relevant Player are advised of the decision, the Player should not be allowed to play rugby union (or enter the Playing Enclosure in any capacity, including as a water carrier or tee carrier, at any time on the day of a Match) in the period prior to the commencement of the period of suspension, and in any event the Player should not be allowed to play rugby union (or enter the Playing Enclosure in any capacity, including as a water carrier or tee carrier, at any time on the day of a Match) during any break in the period of suspension.

- 7.6.42 In determining the length of any period of suspension, the Disciplinary Committee shall take into consideration all playing consequences of such a suspension and:
- (a) include those weeks in which the Player is (but for any suspension) fit, available and expected to play in a Meaningful Match; and
 - (b) exclude those weeks in which the Player is not fit, available and expected to play in a Meaningful Match.

Explanatory Note:

1. *In each case the burden will be on the Player to demonstrate that he is (but for any suspension) fit, available and expected to play in a Meaningful Match in the relevant week.*
2. *If the Player is (but for any suspension) fit, available and expected to play in more than one Meaningful Match in a week, that week will count as only one week towards any suspension unless the rules applicable to the relevant Meaningful Matches provide for suspensions to be served in terms of matches and not weeks.*
3. *Subject to paragraph 6 of this note below, where it is not clear whether or not a Meaningful Match will be relevant for the purposes of the Player's suspension (for example, because it is in the latter stages of a knock-out competition and the Player's team has not yet qualified), the Disciplinary Committee will ordinarily, using the best available information, determine whether or not it is to be included but may at its discretion determine alternative periods of suspension to take account of the different permutations.*
4. *Seven-a-side and ten-a-side tournaments will be considered Meaningful Matches and included in a period of suspension only if they have been approved and/or permitted by the relevant body or person pursuant to World Rugby Regulation 16, and if so each such tournament (if played over two days) will be treated as one Meaningful Match.*
5. *While a Player is not precluded from training activities during any period of suspension, he is precluded from participating in matches, even if they are not considered Meaningful Matches for the purpose of these Disciplinary Rules.*
6. *In the event that the information on which the Disciplinary Committee determines the length of suspension subsequently (ie after the hearing) appears to have been materially inaccurate, incomplete or otherwise wrong (for example, if insufficient evidence was before the Disciplinary Committee, the Player is subsequently injured, relevant matches are subsequently postponed/cancelled, or there are other material changes of circumstances), the Player must promptly notify the Disciplinary Officer of this and, in any event, the Disciplinary Officer and/or the Player may request that the Disciplinary Committee reconsider the length of suspension (and only the length of suspension). In these circumstances, the Disciplinary Committee will determine whether or not it will reconsider the length of suspension and (if so) the procedure under which it will do so.*

- 7.6.43 Disciplinary Committees shall have the discretion to order the Disciplinary Officer and/or the Person/Club that is the subject of the proceedings to pay some or all of the costs of proceedings before them under these Disciplinary Rules, including:
- (a) the costs of holding the hearings (except the costs of any interpreter(s));
 - (b) the legal and/or travel/accommodation costs and/or fees or charges of the members of the Disciplinary Committee; and/or
 - (c) all of the legal and/or travel/accommodation costs of the Disciplinary Officer and/or the Person/Club that is the subject of the proceedings.
- 7.6.44 Disciplinary Committees will not ordinarily make an order as to costs (including an order that each side bears its own costs) without first hearing or reading submissions from the relevant parties on the question of costs. Where, following an order as to costs, the Disciplinary Officer and/or the Person/Club that is the subject of the proceedings remain in disagreement as to the specific sums payable thereunder, the Disciplinary Officer and/or the Person/Club that is the subject of the proceedings may refer the matter to the Disciplinary Committee, which will make a determination in respect thereof (and which will have the power, where appropriate, to make further costs orders relating to the work carried out by the Disciplinary Officer and/or the Person/Club that is the subject of the proceedings in resolving the disagreement on costs).
- 7.6.45 The Disciplinary Committee may also order some or all of such costs to be paid by some other person(s) or entity/ies that is considered to have acted frivolously and/or in bad faith in the matter, provided that such other person(s) or entity/ies shall first be given an opportunity to make submissions (which may be limited to written submissions) as to why such an order should not be made. This discretion on the part of the Disciplinary Committee is without prejudice to the right of the Disciplinary Officer, in appropriate circumstances, to bring a Misconduct complaint in relation to such frivolous and/or bad faith conduct.
- 7.6.46 In exercising the discretion to award costs as set out in clause 7.6.45, above, in any case in which the citing or Misconduct complaint was not upheld, or in which a Player who had been shown a red card succeeded in showing that the referee's decision to show the Player a red card was wrong, or in a totting up case where the Player succeeded in showing that one or more of the Cautions were wrongly issued, the Disciplinary Committee should have regard to the Disciplinary Officer's regulatory function and his/her obligations to bring/defend proceedings, for the good of the Championship, in accordance with these Disciplinary Rules. In particular, in such cases, costs awards will not ordinarily be made against the Disciplinary Officer simply because the citing or Misconduct complaint was not upheld or because the referee's decision was wrong or because one or more of the Cautions were wrongly issued. Rather, in such cases, the Disciplinary Committee will ordinarily make a costs award against the Disciplinary Officer only if the Disciplinary Committee determines that the case was brought frivolously, improperly, dishonestly and/or in bad faith or (in a citing or Misconduct complaint) if the allegation on which the complaint was based was misconceived, without foundation or born of malice or some other improper motive. In all cases in which a Disciplinary Committee is asked to make a costs award pursuant to clause 7.6.45, above (including determinations as to the specific sums payable), the Disciplinary Committee will be entitled to take into account the parties' conduct at all relevant times.
- 7.6.47 Subject to clause 9.5.6, below, the Disciplinary Committee shall advise the Disciplinary Officer and the Person/Club that is the subject of the proceedings of its decision as soon as reasonably practicable. The decision shall take effect at that point. The Disciplinary Committee shall then confirm its decision in a written judgment, issued as soon as reasonably practicable after the hearing. The judgment shall be served on the Disciplinary Officer and the Person/Club that is the subject of the proceedings.
- 7.6.48 If no appeal is filed in accordance with clause 8.1, below, then the decision shall be final.

8. Proceedings before an Appeal Committee

8.1 Right of appeal

- 8.1.1 Subject to the remainder of this clause 8.1.1, the decision of a Disciplinary Committee on a citing complaint, in a case arising out of a Player being shown a red card or in a totting up case may be appealed by the appropriate Player and/or by the Disciplinary Officer. However, where the Abbreviated Process is used, pursuant to Appendix Fourteen to these Disciplinary Rules, and that results in a conclusion (i.e., the Player accepts the sanction presented), the Player will not have a right of appeal against any aspect of the resulting judgment, whether in terms of foul play, sanction or otherwise.

Explanatory note: for the avoidance of doubt, where the Abbreviated Process is used, the Disciplinary Officer will retain a right of appeal pursuant to this clause 8.

- 8.1.2 The decision of a Disciplinary Committee on a Misconduct complaint or a case involving an Anti-Corruption Offence may be appealed by the Person and/or Club that was the subject of the complaint and/or by the Disciplinary Officer and/or by World Rugby (and in the case of an appeal by World Rugby, for the purposes of the appeal proceedings World Rugby will be treated as if it had been a party to the proceedings below and is a party to the appeal proceedings). For the avoidance of doubt, where World Rugby appeals a decision in a Misconduct or Anti-Corruption Offence case pursuant to this clause, by doing so World Rugby will be deemed to be bound by the terms of these Disciplinary Rules and any decisions made hereunder, including any costs decisions made pursuant to clause 8.4.18, below.
- 8.1.3 The decision of the Sporting and Regulatory Committee to impose a fixed penalty may be appealed by the Club on whom the penalty was imposed (in which case the Sporting and Regulatory Committee will be represented by the Disciplinary Officer, who will be a “party” to the appeal for the purposes of these Disciplinary Rules).
- 8.1.4 Unless otherwise stated elsewhere in these Disciplinary Rules, an appeal under this clause 8.1 may be against the whole of the decision or against a particular aspect or aspects of the decision.
- 8.1.5 Save for an appeal by the Disciplinary Officer against a judgment resulting from use of the Abbreviated Process, the decisions of Disciplinary Committees that may be appealed pursuant to clauses 8.1.1 and 8.1.2, above, are those final, substantive decisions that are reached after cases have been heard, including any decision taken at any stage to dismiss or strike out a complaint by the Disciplinary Officer (as opposed to any decisions, directions, orders or determinations made in respect of preliminary or procedural matters raised during the course of proceedings). There will be no separate right of appeal from any decisions, directions, orders or determinations made in respect of preliminary or procedural matters raised during the course of proceedings (other than by way of an appeal of the final, substantive decision in each case) unless the Disciplinary Committee that made the decision, direction, order or determination orders that such an appeal may be brought (which it will only do in truly exceptional circumstances).

8.2 Notice of Appeal and the effect on sanctions imposed below

- 8.2.1 For an appeal to be valid, the party making the appeal (the “**Appellant**”) must comply with the following conditions:
- (a) the Appellant must file a notice of appeal (the “**Notice of Appeal**”) complying in all respects with clause 8.2.1(b), below, with the chairman of the Disciplinary Panel c/o the Disciplinary Officer, by no later than 4pm (UK time) on the third day (excluding weekends) after receipt of the written notice of the decision being appealed against (or, in the case of a fixed penalty, the Fixed Penalty Form). *So, for example, if the written notice of the decision is received on a Thursday, the deadline by which the Notice of Appeal must be filed is 4pm (UK time) on the following Tuesday.* In the case of an appeal by World Rugby

of a decision in a Misconduct or Anti-Corruption Offence case pursuant to clause 8.1.2, above, the deadline for filing the Notice of Appeal by World Rugby is seven days (weekends are not excluded) after receipt of the written notice of the decision. The Notice of Appeal shall be deemed to have been when it is transmitted by email to the chairman of the Disciplinary Panel c/o the Disciplinary Officer at David.Jordan@unitedrugby.com; and

- (b) the Notice of Appeal must be signed by or on behalf of the Appellant and must specify:
- the date of the decision appealed against or Fixed Penalty Form;
 - the time and date that the Appellant received written notice of the decision or Fixed Penalty Form;
 - the specific aspect(s) of the decision being challenged on appeal (for example, in a citing case, whether the appeal is on the finding of Foul Play, or on the level of sanction imposed, or both); and
 - the specific grounds of such challenge.

8.2.2 Where the conditions set out in clause 8.2.1, above, are not complied with, the appeal is *prima facie* invalid and shall be summarily dismissed by the chairman of the Disciplinary Panel (or his/her designee), unless the Appellant demonstrates sufficient excuse to persuade the chairman of the Disciplinary Panel (or his/her designee) to exercise his/her discretion to allow the appeal to proceed. If the appeal is dismissed pursuant to this clause, the decision being challenged shall be deemed to be final and binding.

8.2.3 The Appellant must also, before the deadline set out in clause 8.2.1(a), above, serve a copy of the Notice of Appeal on any other parties to the original proceedings (which will include, in the case of an appeal by a Person/Club that was the subject of the proceedings before the Disciplinary Committee, the Disciplinary Officer), each of whom will be parties to the appeal.

8.2.4 If an appeal is validly made (or is otherwise allowed to proceed pursuant to clause 8.2.2, above):

- (a) any fine, compensation or costs award made by the Disciplinary Committee will be postponed pending the outcome of the appeal hearing (and if the Appeal Committee does not in its decision set aside or vary such fine, compensation or costs award, they will be payable within 30 days of the date of the Appeal Committee's decision); and
- (b) any other sanction imposed by the Disciplinary Committee, including suspension, will remain in place and have effect pending the outcome of the appeal hearing (for the avoidance of doubt, if the sanction imposed by the Disciplinary Committee was a playing suspension and that has been served in full prior to the time that the appeal is heard, the Appellant Player may resume playing immediately after the expiry of the suspension).

8.3 Appointment of the Appeal Committee

8.3.1 Subject to clause 8.3.2, below, when a Notice of Appeal is filed under clause 8.2.1, above, the chairman of the Disciplinary Panel (or his/her designee) shall appoint three members of the Disciplinary Panel to sit as an Appeal Committee to hear the appeal. He/she shall designate one of those members, who shall have legal experience, to act as chairman of that Appeal Committee. He/she (or his/her designee, which may be the Disciplinary Officer) shall send copies of the Notice of Appeal to the members of the Appeal Committee and to all of the parties involved in the proceedings below.

8.3.2 In the case of an appeal against the decision of the Sporting and Regulatory Committee to impose a fixed penalty, the chairman of the Disciplinary Panel (or his/her designee) may elect

to appoint one member of the Disciplinary Panel (who shall have legal experience) to sit as an Appeal Committee. That one member shall have all the powers of an Appeal Committee (and the chairman of an Appeal Committee) that are set out in this section 8 of these Disciplinary Rules.

- 8.3.3 In the case of an appeal of a decision by a Disciplinary Committee or Judicial Officer, none of the members of the Disciplinary Panel who sat on the Disciplinary Committee (or the Judicial Officer) that issued the decision being challenged on appeal may sit on the Appeal Committee that hears the appeal.
- 8.3.4 No person with a close interest in the appeal shall sit on the Appeal Committee hearing the appeal. Without prejudice to the generality of the foregoing, the Appeal Committee hearing a matter shall not include any Player, member, official, director, officer or member of Staff of a Club that (a) is the subject of the proceedings, (b) has a member, officer, Player or member of Staff who is the subject of the proceedings, or (c) (where applicable) was the opponent Club in the Match during which the event(s) occurred that are the subject of the proceedings. For the avoidance of doubt, the Appeal Committee hearing a matter may include one or more persons who are affiliated to the Union of the Club or Person that is the subject of the proceedings.
- 8.3.5 Any objection to any member of an Appeal Committee hearing a matter arising pursuant to clauses 8.3.3 or 8.3.4, above, or otherwise, should be made to the chairman of the Disciplinary Panel (c/o the Disciplinary Officer) at the time that the identity of the members of the Appeal Committee is notified to the parties, further to any deadline imposed in the notice sent by the chairman of the Disciplinary Panel (or his/her designee) pursuant to clause 8.4.2(b), below. Failure to do so shall amount to a waiver of that objection. Where an objection is made pursuant to this clause, the chairman of the Disciplinary Panel (or his/her designee, which will be the case if the objection concerns the chairman of the Disciplinary Panel) will rule on the objection and make any appropriate orders that result from his/her ruling.
- 8.3.6 If one or more members of an Appeal Committee are unable or unwilling, for whatever reason, to hear the appeal, then the chairman of the Disciplinary Panel (or his/her designee) may, at his/her absolute discretion:
- (a) appoint (an)other member(s) of the Disciplinary Panel as (a) replacement(s); or
 - (b) appoint a new Appeal Committee; or
 - (c) allow the remaining member(s) of the Appeal Committee to hear the appeal on his/their own.
- 8.3.7 Appeal Committees shall be entitled to appoint experts to provide specialist advice, including (without limitation) legal advice, medical advice and advice on rugby matters, without such experts sitting as members of the Appeal Committee. Any such expert may or may not be a member of the Disciplinary Panel. The costs of such experts shall be costs of the proceedings, for the purposes of clause 8.4.18, below.

8.4 Procedures to be followed in Appeal Committee proceedings

- 8.4.1 The following provisions of this clause 8.4 set out procedural guidelines for the conduct of appeals before Appeal Committees. Further applicable provisions are set out at section 9, below. In each case, the Appeal Committee shall be entitled to depart from these procedures as it sees fit in the circumstances of the case at hand, provided that each party is given the opportunity to state its case in full and to challenge or respond to all evidence offered against it. Any such departure shall not invalidate any finding or decision of the Appeal Committee unless it is shown to render such finding or decision unreliable.
- 8.4.2 Upon receipt of the Notice of Appeal, the chairman of the Disciplinary Panel (or his/her designee, which may be the Disciplinary Officer) shall send a notice to the Disciplinary Officer (if he/she is not the chairman's designee) and the other parties to the appeal:

- (a) informing them of the identity of the members of the Appeal Committee appointed to hear the appeal;
 - (b) informing them of the deadline by which any objection to any member of the Appeal Committee hearing the matter must be received; and
 - (c) informing them of the date, time and place at which the Appeal Committee will hear the appeal.
- 8.4.3 At the time of (or after) sending the written notice referred to in clause 8.4.2, above, the chairman of the Appeal Committee (or his/her designee) may send to the parties (a) written directions governing the conduct of the proceedings, (b) written confirmation that the standing directions set out at section E of Appendix Nine to these Disciplinary Rules (if appropriate, as amended at the discretion of the chairman of the Appeal Committee or his/her designee) will apply to the proceedings, or (c) written instructions that no such directions will apply. In the event that the chairman of the Appeal Committee (or his/her designee) does not send such written directions, confirmation or instructions within 24 hours of the written notice referred to in clause 8.4.2, above, having been sent, the standing directions at section E of Appendix Nine to these Disciplinary Rules will be deemed to apply to the proceedings.
- 8.4.4 Whether or not directions have been made (or deemed made), the chairman of the Appeal Committee may require any party, prior to the hearing, to identify its contentions in the appeal and/or to respond to the other parties' contentions. In addition, where practicable, written submissions and evidence shall be provided to the Appeal Committee and exchanged by the parties prior to the hearing. All documents must be in English. Documents not in English must be translated into English at the expense of the party relying on them.
- 8.4.5 The chairman of the Appeal Committee shall be entitled to determine any pre-hearing procedural or evidential issues or disputes (including the basis on which the appeal will proceed, pursuant to clause 8.4.8, below) without recourse to the other members of the Appeal Committee. Without prejudice to clauses 3.3, 3.6 and 7.6.21, above, the chairman may also compel any Person to appear as a witness before an Appeal Committee.
- 8.4.6 All hearings before Appeal Committees under these Disciplinary Rules shall be held in private, unless otherwise ordered by the Appeal Committee. For the avoidance of doubt, the Disciplinary Officer shall have the right to be assisted by legal representatives at the hearing and may be accompanied by other representatives of Pro Rugby Championship.
- 8.4.7 Where the Appellant appeals against the sanction alone, the Appellant may request that the Appeal Committee review the sanction without the need for a personal hearing. If the chairman of the Appeal Committee agrees that a personal hearing is not necessary, then the Appellant, the Disciplinary Officer and any other party to the appeal shall be entitled to make representations in writing to the Appeal Committee.
- 8.4.8 The Appeal Committee shall be entitled to conduct and regulate the appeal proceedings as it sees fit in the circumstances of the case, and shall determine the basis on which the appeal will proceed. Except where an appeal proceeds as a *de novo* hearing pursuant to this clause 8.4.8, the basis of the appeal will be that the Appellant shall have the burden of proving that the decision being challenged (a) was in error and (b) should be overturned or varied. The Appellant may make a request for a *de novo* hearing, but an Appeal Committee may only determine to proceed with an appeal as a *de novo* hearing if it is shown that the circumstances are exceptional and that there are compelling reasons why the Appeal Committee should hear the case *de novo*. In the case of a *de novo* hearing, the Appeal Committee will consider the case as if it were a Disciplinary Committee hearing it at 'first instance'. Where a decision to proceed with an appeal as a *de novo* hearing is not made in advance of the hearing, the Appeal Committee will consider, pursuant to clause 8.4.12, below, any applications for an adjournment so that the parties can prepare for a *de novo* hearing.

Explanatory note: where the Disciplinary Officer appeals against the judgment of a Judicial Officer that resulted from the use of the Abbreviated Process pursuant to Appendix Fourteen to this Disciplinary Rules, the provisions in this clause 8 will (wherever reasonably practicable) apply to such an appeal in the same way as they would to an appeal of a decision reached other than by the use of the Abbreviated Process.

- 8.4.9 If one or more parties have failed or refused to act in accordance with the directions applicable to the proceedings (i.e. directions made pursuant to clause 8.4.3, above, or the standing directions set out at Appendix Nine to these Disciplinary Rules, whichever is applicable), the Appeal Committee will first give that party or parties the opportunity to make submissions in relation to that failure or refusal, and the Appeal Committee will then determine, in its discretion, what will be the consequences of that failure or refusal. The consequences can include (among other things) a fine, an order relating to costs, a refusal to allow evidence to be adduced and/or submissions made, an order that the appeal be dismissed or a response or submission struck out, and a recommendation that a Misconduct complaint be brought pursuant to clauses 3.3.11 and 3.5, above.
- 8.4.10 At the hearing, the Appellant may not, without the express consent of the Appeal Committee, advance any ground of challenge that was not specified in the Notice of Appeal filed pursuant to clause 8.2.1, above.
- 8.4.11 The Appeal Committee shall have discretion to consider evidence not offered below (where appropriate), provided that the party offering the evidence shows that it was not, on reasonable enquiry, available at the time of the proceedings below.
- 8.4.12 The Appeal Committee shall be entitled, where the circumstances warrant (a) to adjourn or postpone proceedings as it thinks fit; and/or (b) to issue directions prior to the hearing as to who should attend the hearing on behalf of the various parties.
- 8.4.13 Save where otherwise directed by the Appeal Committee, all parties to the appeal should attend the hearing before the Appeal Committee. For the avoidance of doubt, however, the absence of a party at any hearing before an Appeal Committee shall not, in itself, prevent the Appeal Committee from proceeding to a decision in the matter. The Appeal Committee shall have discretion whether to receive written submissions by or on behalf of such absentee(s).
- 8.4.14 The parties shall have the right to make submissions to the Appeal Committee as to the procedures that it should follow in hearing the appeal. Subject thereto, and to the Appeal Committee's inherent jurisdiction to determine its own procedures, the following guidelines shall apply:
- (a) The chairman of the Appeal Committee will ordinarily introduce himself/herself and the other members of the Appeal Committee to the parties. He/she will ordinarily then read out the Notice of Appeal, or a summary of it, before explaining the procedure to be followed.
 - (b) The Appellant shall ordinarily be invited to make submissions and (where appropriate) call witnesses, subject to cross-examination through the chairman of the Appeal Committee.
 - (c) The other party or parties to the appeal shall ordinarily be invited to make submissions and (where appropriate) call witnesses, subject to cross-examination through the chairman of the Appeal Committee.
 - (d) The parties shall ordinarily each be entitled to make concluding submissions.
 - (e) The Appeal Committee shall ordinarily retire to deliberate in private.
- 8.4.15 In any case where a witness required by the Appeal Committee refuses or fails to attend before the Appeal Committee, the Appeal Committee may, in its discretion, allow or refuse to allow the evidence of that witness to be given in any other form.

- 8.4.16 A decision of an Appeal Committee shall be made by at least a simple majority of the members of the Committee. Where an Appeal Committee has an even number of members, and the members of such Committee are unable to come to a unanimous or majority decision, then the chairman of the Appeal Committee shall have a casting vote. No member of an Appeal Committee may abstain from any decision.
- 8.4.17 With the exception of *de novo* appeals (where the Appeal Committee shall consider sanctioning under clause 7.6.27, above), the Appeal Committee can:
- (a) affirm the decision appealed against;
 - (b) set aside the decision appealed against and quash any sanction imposed;
 - (c) set aside only part of the decision appealed against;
 - (d) substitute for the findings of the decision-maker below its own decision on 'liability' or 'guilt' (e.g., finding a party culpable of a lesser or greater offence) and/or substitute for the sanction imposed below its own sanction; and/or
 - (e) take any other step that it considers necessary to deal justly with the appeal.

For the avoidance of doubt, pursuant to this clause 8.4.17, following an appeal by a Person or a Club, the Appeal Committee can impose a greater sanction than that which was imposed by the Disciplinary Committee.

- 8.4.18 Appeal Committees shall have the discretion to order any party or parties to pay some or all of the costs of proceedings brought before them under these Disciplinary Rules, including:
- (a) the costs of holding the hearings (except the costs of any interpreter(s));
 - (b) the legal and/or travel/accommodation costs and/or fees or charges of the members of the Appeal Committee; and/or
 - (c) all the legal and/or travel/accommodation costs of the parties.

Appeal Committees will not ordinarily make an order as to costs (including an order that each side bears its own costs) without first hearing or reading submissions from the relevant parties on the question of costs. Where, following an order as to costs, the parties remain in disagreement as to the specific sums payable thereunder, the parties may refer the matter to the Appeal Committee, which will make a determination in respect thereof (and which will have the power, where appropriate, to make further costs orders relating to the work carried out by the parties in resolving the disagreement on costs).

- 8.4.19 Appeal Committees may also amend any costs order made in the proceedings below.
- 8.4.20 In exercising the discretion to award costs as set out in clause 8.4.18, above, in any case in which the Appellant was a Player, Person or Club (or World Rugby) and succeeded in showing that the decision below was in error and should be overturned or varied, the Appeal Committee should have regard to the Disciplinary Officer's regulatory function and his/her obligations to bring/defend proceedings, for the good of the Championship, in accordance with these Disciplinary Rules. In all cases in which an Appeal Committee is asked to make a costs award pursuant to clause 8.4.18, above (including determinations as to the specific sums payable), the Appeal Committee will be entitled to take into account the parties' conduct at all relevant times.
- 8.4.21 Subject to clause 9.5.6, below, the Appeal Committee shall advise the parties of its decision as soon as reasonably practicable. The decision shall take effect at that point. The Appeal Committee shall then confirm its decision in a written judgment, issued as soon as reasonably

practicable after the hearing. The judgment shall be served on each of the parties to the appeal.

8.4.22 The decision of the Appeal Committee, including in any case in which the Appeal Committee heard the matter *de novo*, shall be final and binding.

9. General provisions

9.1 Public announcements

9.1.1 Pro Rugby Championship is entitled to issue press releases and make comments prior to hearings (identifying in each case, for example, the parties involved, the nature of the case, as well as the time, date and venue for the hearing) and following hearings (providing, for example, a summary of the decision). Pro Rugby Championship is also entitled to broadcast (and/or authorise others to broadcast) footage of incidents that relate to any hearings prior to and/or following hearings. Pro Rugby Championship may publish the decisions of Disciplinary Committees and Appeal Committees made under these Disciplinary Rules, as applicable, as soon as is reasonably practicable after the decision has been communicated to the parties. The public announcement of the decision may include details of offences committed under these Disciplinary Rules and of the sanctions imposed, if any.

9.1.2 In cases involving possible Anti-Corruption Offences, the Disciplinary Officer may be required to disclose details of such possible Anti-Corruption Offences to World Rugby, in accordance with World Rugby's Regulation 6.

9.1.3 Save for the disclosures referred to in clauses 9.1.1 and 9.1.2, above, until such time as a decision is published, all parties and participants in the proceedings shall treat such proceedings as confidential.

9.1.4 In any event, with respect to Misconduct cases, Pro Rugby Championship may provide World Rugby with a copy of any decisions of Disciplinary Committees and/or Appeal Committees (as well as fuller reports of such cases).

9.2 Video/web/telephone conferencing

9.2.1 In any case, the applicable chairman of the Disciplinary Committee or Appeal Committee may order that the hearing(s) take place in whole or in part by video, web and/or telephone conference.

9.3 Multiple incidents

9.3.1 Two or more parties (e.g., two Players, or a Club and a Player) may be dealt with at the same hearing where the proceedings arise out of the same incident or set of facts, or where there is a clear link between separate incidents. In this situation, the Disciplinary Committee or Appeal Committee, as applicable, shall modify the procedures adopted at the hearing as may be appropriate.

9.4 Language

9.4.1 All hearings shall be conducted in English. In any case where a person is involved who does not speak English fluently, an interpreter will ordinarily be present, unless this requirement is waived by such person. Wherever practicable, such interpreter shall be independent.

9.5 Suspension or other sanction of Players, other Persons and Clubs

9.5.1 Pursuant to World Rugby Regulation 17.3(b) or its successor provisions (which Pro Rugby Championship is required to adopt and enforce), all Players who are suspended under these Disciplinary Rules are prohibited from playing rugby union in any form anywhere during the period of suspension. Nor may they enter the Playing Enclosure in any capacity (including as a

water carrier or tee carrier) at any time on the day of a Match during the period of suspension.

- 9.5.2 In accordance with World Rugby Regulations, a Player who has been shown a red card in any non-Championship match and/or who is the subject of a citing complaint (made by a citing commissioner) arising out of a non-Championship match and who has not yet had his case heard by his Union or other relevant disciplinary body shall not be eligible to participate in a Match in the Championship.
- 9.5.3 In the event that any Person is suspended as a result of proceedings brought pursuant to these Disciplinary Rules, the Disciplinary Committee or Appeal Committee imposing the suspension will ordinarily specify the activity from which the Person is to be suspended, but for the avoidance of doubt it will be open to that Disciplinary Committee or Appeal Committee to suspend the Person from participating in any aspect of rugby union (including managing, coaching, officiating, selection, team management, administration or promotion of rugby union, playing and training as part of a team or squad and/or providing medical treatment to a team or squad, and having direct or indirect contact with members of a team or squad on match days) in relation to the Championship and other current and/or future events organised by Pro Rugby Championship (and, subject to the applicable regulations of other relevant rugby authorities, in relation to rugby activities outside Pro Rugby Championship's events, worldwide or otherwise) for the period of suspension.
- 9.5.4 If a Person is suspended from a form of rugby activity by a competent rugby disciplinary body (for example, one appointed by a Union), and that suspension is purported to apply to the Championship, Pro Rugby Championship will wherever possible recognise and enforce that suspension in the Championship. In addition, where World Rugby recognises a decision under World Rugby Regulation 18.17, Pro Rugby Championship will wherever possible recognise that decision and take all necessary action to render the decision (including any sanctions and/or penalties) effective in relation to the Championship.
- 9.5.5 For the avoidance of doubt, if a Player, other Person or Club has been suspended or has been the subject of any other sanction imposed pursuant to these Disciplinary Rules (including suspended sanctions), the obligations owed by that Player/other Person/Club pursuant to that suspension/other sanction will continue until the suspension/other sanction has been discharged, and will survive the termination or expiry of the Participation Agreement.
- 9.5.6 In a Misconduct case, the Disciplinary Committee and/or Appeal Committee may decide, in its discretion, to reduce the sanction that would otherwise be imposed on the Player, other Person and/or Club pursuant to clauses 7.6.27 or 8.4.17 (as appropriate) where the Player, other Person and/or Club concerned provides Pro Rugby Championship with information and/or assistance relating to act(s) of Misconduct by others and that information and/or assistance results in (or – if Pro Rugby Championship decides not to pursue the matter(s) for whatever reason - would have resulted in) Misconduct complaints by Pro Rugby Championship being upheld against those others. The scope of any such reduction will depend on the type and value of information and/or assistance that is provided to Pro Rugby Championship and the gravity of the Misconduct to which it relates. Ordinarily, no reduction will be made unless the Disciplinary Committee and/or Appeal Committee is satisfied that the Player, other Person and/or Club concerned has fully cooperated with Pro Rugby Championship in respect of the matter (which might include providing written statements and presenting testimony at relevant hearings). If necessary and/or appropriate, the Disciplinary Committee and/or Appeal Committee may delay the imposition of the sanction pending an assessment of the information and/or assistance provided and/or impose a sanction with a proviso that the sanction may be subsequently reduced on the assessment of the information and/or assistance provided.

9.6 Sanctions imposed on Clubs or Persons

- 9.6.1 A Club or Person that fails to pay a fine and/or discharge a costs or compensation award imposed on her/him/it by a Disciplinary Committee or Appeal Committee (or a fine imposed as a fixed penalty by the Sporting and Regulatory Committee) within 30 days of the final

decision may be suspended by Pro Rugby Championship from the Championship and/or excluded by Pro Rugby Championship from participation in other events organised by Pro Rugby Championship in the future, without the need for any further hearing.

9.7 Unions' and Clubs' liability

- 9.7.1 The decisions of Disciplinary Committees and Appeal Committees acting under these Disciplinary Rules (and decisions of the Sporting and Regulatory Committee to impose fixed penalties) shall be binding on the Unions, who shall not have any power to revoke or alter any such decisions.
- 9.7.2 In the event that a Person fails to pay any fine and/or costs or compensation award imposed on him/her under these Disciplinary Rules within 30 days of the decision, his/her Club at the time of the incident to which the fine or award relates shall become immediately liable to satisfy that fine and/or costs or compensation award.
- 9.7.3 In the event that a Club fails to pay any fine and/or costs or compensation award imposed on it under these Disciplinary Rules (or for which it has become liable under these Disciplinary Rules, including under clause 9.7.2, above) within 30 days of the decision (or, in the case of a failure to pay by a Person under clause 9.7.2, above, within 30 days of the date on which the Club became liable), the Union within whose jurisdiction that Club falls shall be liable to satisfy that fine and/or costs or compensation award and the Club shall procure that the Union pay the relevant sums immediately. For the avoidance of doubt, in respect of any sums payable by a Person, Club or Union under these Disciplinary Rules, Pro Rugby Championship may deduct (and retain) a corresponding amount from any sums payable by Pro Rugby Championship to the applicable Union.

9.8 Amendments

- 9.8.1 Disciplinary Committees and Appeal Committees, prior to or at any stage during a hearing, may amend the offence for which the Club, Person or Player was (as appropriate) Temporarily Suspended, shown a red card, cited, made the subject of a Misconduct complaint or allegation of an Anti-Corruption Offence, or had a fixed penalty imposed unless, having regard to the circumstances of the case, such amendment cannot be made without causing injustice.

9.9 Deviations from these Disciplinary Rules

- 9.9.1 Any deviation from any provision of these Disciplinary Rules by the Disciplinary Officer, match officials, disciplinary personnel, tribunal members and/or others involved in bringing proceedings under these Disciplinary Rules (which is to include, without any limitation whatsoever, the appointment of any individuals as Citing Officers, Citing Commissioners or members of the Disciplinary Panel, who do not meet the criteria for such appointment that are set out in the Disciplinary Rules, and/or any decisions made by such individuals) and/or any irregularity, omission, technicality or other defect in the procedures followed by such individuals shall not invalidate any finding, procedure or decision unless it is shown to render the proceedings unreliable or to have caused a miscarriage of justice.

9.10 Unforeseen circumstances

- 9.10.1 In the event that a particular incident takes place for which there is no provision in these Disciplinary Rules, then the Disciplinary Officer may either refer the matter to a Disciplinary Committee, Appeal Committee or the chairman of the Disciplinary Panel (or his/her designee) or else take such other action that he/she considers appropriate in the circumstances. If the Disciplinary Officer refers the matter to a Disciplinary Committee, Appeal Committee or the chairman of the Disciplinary Panel (or his/her designee), that entity or person shall deal with the matter in accordance with general principles of natural justice and fairness.

9.11 Expulsion of Clubs

- 9.11.1 In the event that a Disciplinary Committee (or as appropriate an Appeal Committee) expels a Club from the Championship pursuant to these Disciplinary Rules, the Sporting and Regulatory Committee will determine all consequential issues, such as whether the expelled Club can be replaced and how to treat the Championship playing record of the expelled Club.

9.12 Exhaustion of appeal rights

- 9.12.1 Without prejudice to the generality of clause 9.5.1, all Persons are precluded from exercising any rights of review that may exist under national law unless and until they have exhausted their appeal rights under clause 8 of these Disciplinary Rules.

9.13 Waiver of claims

- 9.13.1 Each Club and Player and other Person waives any and all claims that it/he/she might have against any and all members of Disciplinary and/or Appeal Committees hearing cases involving such Club/Player/Person, whether for negligence, breach of contract or otherwise.

Appendix One

Definitions

Abbreviated Process means the process under which a Judicial Officer determines the outcome of certain cases as set out in Appendix Fourteen to these Disciplinary Rules.

Anti-Corruption Offence has the meaning given to that term in section 1 of Appendix Twelve to these Disciplinary Rules.

Appeal Committee means a body appointed to perform that role by the chairman of the Disciplinary Panel (or his/her designee).

Appellant has the meaning given to that term in clause 8.2.1 of these Disciplinary Rules.

Bet means any wager, bet or other form of financial speculation.

Caution means a Temporary Suspension or a Citing Commissioner Warning.

Championship means the United Rugby Championship 2021/22.

Championship Rules means the 2021/22 Championship Rules, a copy of which is attached as Schedule One to the Participation Agreement.

Citing Commissioner means a person with appropriate rugby experience who has been appointed to act in that role for a Match (and who will not, ordinarily, be a player, member, official, director, officer or member of Staff of a Club that is participating in the Match).

Citing Commissioner Warning means a formal warning issued by a Citing Commissioner pursuant to clause 5.4 of these Disciplinary Rules.

Citing Officer means a person appointed by (but independent of) Pro Rugby Championship and experienced in on-field disciplinary issues, to carry out the functions allocated to the Citing Officer in these Disciplinary Rules. To ensure adequate resources, Pro Rugby Championship may appoint more than one person as a Citing Officer, and then as and when a citing matter arises it may determine which of its appointees shall act as Citing Officer in relation to that matter, depending on (among other things) availability.

Club means any rugby union body or entity (including, without limitation, a club, province or regional team) participating in the Championship.

Commercial Rules means the 2021/22 Commercial Rules, a copy of which is attached as Schedule Two to the Participation Agreement.

Disciplinary Committee means a body appointed to perform that role by the chairman of the Disciplinary Panel (or his/her designee).

Disciplinary Officer means the person appointed by Pro Rugby Championship to act on its behalf in matters arising under these Disciplinary Rules.

Disciplinary Panel has the meaning given to that term in clause 7.1.3 of these Disciplinary Rules.

Final Match has the meaning given to that term in the Championship Rules.

Fixed Penalty Form means a document in the form set out in Appendix Eleven or otherwise as determined by the Disciplinary Officer.

Foul Play means a breach or breaches of Law 3.7, Law 4.7 and/or Law 9 of the Laws of the Game.

HIA has the meaning given to that term in the Championship Rules.

HIA Review Panel has the meaning given to that term in the Championship Rules.

Inside Information means information relating to any Match(es) or the Championship that a Club or Person possesses as a result of its/his/her position (in the case of a Person) within a Club or (in any case) within the Championship (such as, without limitation, information on the participating Players, tactical considerations, weather or ground conditions), except such information that is readily available to members of the public at the relevant time.

Judicial Officer has the meaning given to that term in clause 7.1.4 of these Disciplinary Rules, and all references in these Disciplinary Rules to 'Disciplinary Committees' will (where relevant and appropriate) apply to Judicial Officers.

Laws of the Game means World Rugby's Laws of the Game of Rugby Union, as amended from time to time.

Match means a match forming part of the Championship.

Meaningful Match means a rugby union match:

that is played between two teams in accordance with all the Laws of the Game; and that:

- (1) has been approved and/or permitted by the relevant body or person pursuant to World Rugby Regulation 16; or
- (2) is:
 - (i) played between teams of a similar standard;
 - (ii) played in by the best players available to those teams;
 - (iii) played at a venue that has a capacity and characteristics that are typical of venues used by teams of this standard;
 - (iv) open to the public (and, in the case of professional teams, with tickets on sale); and
 - (v) played no more than four weeks prior to a match involving one or both such teams that has been approved and/or permitted by the relevant body or person pursuant to World Rugby Regulation 16.

Media Rules means the 2021/22 Media Rules, a copy of which is attached as Schedule Three to the Participation Agreement.

Misconduct has the meaning given to that term in clause 3.2 of these Disciplinary Rules.

Notice of Appeal has the meaning given to that term in clause 8.2.1(a) of these Disciplinary Rules.

Official Report(s) has the meaning given to that term in clause 7.2.2 of these Disciplinary Rules.

Participation Agreement means the 2021/22 Participation Agreement, of which these Disciplinary Rules form a part, which sets out the terms and conditions of participation in the Championship.

Person means a Player, or a member, director, official, officer, member of Staff, employee, contractor, agent or representative of a Club or any other person involved in the Championship in any way on behalf of a Club.

Player means any person who is named in a Club's Championship squad.

Playing Area means the area between the goal-lines and the touch-lines in addition to the in-goal areas. The touch-lines, touch-in goal lines and dead ball lines are not part of the Playing Area.

Playing Enclosure means the Playing Area and the space around it, not less than five metres where practicable.

Pro Rugby Championship means Pro Rugby Championship Designated Activity Company or any other successor organisation.

Prohibited Substances has the meaning given to that term in World Rugby Regulation 21.

Prohibited Method has the meaning given to that term in World Rugby Regulation 21.

Reward means any direct or indirect financial benefit, other than payments or other benefits provided under playing, service, employment, sponsorship, endorsement or other similar contract or agreement.

Sporting and Regulatory Committee means the committee of that name, which has been formed by, and has the authority to determine various matters on behalf of, the board of Pro Rugby Championship.

Staff means all employees of and volunteers to a Club, including (but not limited to) officials, administrators, team managers, coaches, doctors, fitness advisers, physiotherapists and groundsmen.

Substantial Assistance means (a) full disclosure in a signed witness statement of all information that a Person possesses in relation to Anti-Corruption Offences, and (b) cooperation upon request by the Disciplinary Officer or any criminal, professional disciplinary or regulatory authority with the investigation and adjudication of any case related to that information, including (for example) providing evidence, including oral testimony if required.

Temporarily Suspended means a Player being shown a yellow card, when he is cautioned by the referee and sent off the Playing Enclosure for a period of ten minutes, to be spent in the so-called 'sin bin' (or, if it is a second yellow card in the same Match, where he is then shown a red card and sent off the Playing Enclosure permanently).

Temporary Suspension Report(s) has the meaning given to that term in clause 5.2 of these Disciplinary Rules.

Tournament Director means the person appointed by Pro Rugby Championship to perform that role.

Union means any one of the Federazione Italiana Rugby, the Irish Rugby Football Union, the Scottish Rugby Union Limited, The Welsh Rugby Union Limited and SA Rugby (Pty) Ltd; and **"Unions"** means more than one of them.

World Rugby means World Rugby, the international governing body of rugby union.

World Rugby Regulations means the World Rugby Regulations Relating to the Game, as amended from time to time.



Appendix Two

REFEREE'S REPORT ON A TEMPORARY SUSPENSION

Player's Club: Full name of Player:

Venue: Date of Match:

Player Number: Playing position:

Match result:

Nature of offence / Infringement of:
(Please circle appropriate offence and give a short description of the Law)

Law 3.7 Law 4.7 Law 9.7 (a) (b) (c) (d) Law 9.8 Law 9.9 Law 9.

Laws 9.11, 9.12, 9.13, 9.14, 9.15, 9.16, 9.17, 9.18, 9.19, 9.20, 9.21, 9.22, 9.23, 9.24, 9.25, 9.26, 9.27, 9.28

Other

PERIOD (of game when incident occurred): 1st Half 2nd Half Elapsed time in half

Proximity of referee to incident:

Score at that time:

Had any cautions been issued to: a) Individual Yes No b) General Yes No

Was the Player ordered off further to the report of an assistant referee? Yes No
(If yes, a separate report may need to be completed and submitted by the assistant referee)

REFEREE'S NAME: _____ UNION: _____ Date: _____

Please give detailed report below: PLEASE WRITE CLEARLY

REPORT: - please use paper apart if necessary

THIS REPORT MUST BE COMPLETED AND SENT TO (A) SFMS LTD ON stats@sfmsltd.co.uk, AND (B) THE DISCIPLINARY OFFICER ON David.Jordan@unitedrugby.com, AS SOON AS REASONABLY PRACTICABLE FOLLOWING COMPLETION OF THE MATCH



Appendix Three

ASSISTANT REFEREE'S REPORT ON A TEMPORARY SUSPENSION

Player's Club: Full name of Player:

Venue: Date of Match:

Player Number: Playing position:

Match result:

Nature of offence / Infringement of:
 (Please circle appropriate offence and give a short description of the Law)

Law 3.7 Law 4.7 Law 9.7 (a) (b) (c) (d) Law 9.8 Law 9.9 Law 9.10

Laws 9.11, 9.12, 9.13, 9.14, 9.15, 9.16, 9.17, 9.18, 9.19, 9.20, 9.21, 9.22, 9.23, 9.24, 9.25, 9.26, 9.27, 9.28

Other

PERIOD (of game when incident occurred): 1st Half 2nd Half Elapsed time in half

Proximity of Assistant referee to incident:

Score at that time:

Had any cautions been issued to: a) Individual Yes No b) General Yes No

ASSISTANT REFEREE'S NAME: _____ UNION: _____ Date: _____

REFEREE'S NAME: _____ UNION: _____

Please give detailed report below: PLEASE WRITE CLEARLY

REPORT: - *please use paper apart if necessary*

THIS REPORT MUST BE COMPLETED AND SENT TO (A) SFMS LTD ON stats@sfmsltd.co.uk, AND (B) THE DISCIPLINARY OFFICER ON David.Jordan@unitedrugby.com, AS SOON AS REASONABLY PRACTICABLE FOLLOWING COMPLETION OF THE MATCH

Appendix Four



REFEREE'S REPORT ON AN ORDERING OFF

Player's Club: Full name of Player:

Venue: Date of Match:

Player Number: Playing position:

Match result:

Nature of offence / Infringement of:
 (Please circle appropriate offence and give a short description of the Law)

- Law 3.7 Law 4.7 Law 9.7 (a) (b) (c) (d) Law 9.8 Law 9.9 Law 9.10
- Laws 9.11, 9.12, 9.13, 9.14, 9.15, 9.16, 9.17, 9.18, 9.19, 9.20, 9.21, 9.22, 9.23, 9.24, 9.25, 9.26, 9.27, 9.28
- Other

PERIOD (of game when incident occurred): 1st Half 2nd ed time in half

Proximity of Referee to incident:

Score at that time:

Had any cautions been issued to: a) Individual Yes No b) General Yes No

Was the Player ordered off further to the report of an Assistant Referee / TMO? Yes No

(If yes, a separate Form will need to be completed and submitted by the assistant referee)

REFEREE'S NAME: _____ UNION: _____ Date: _____

Please give detailed report below: PLEASE WRITE CLEARLY

REPORT: - please use paper apart if necessary

THIS REPORT MUST BE COMPLETED AND SENT TO (A) SFMS LTD ON stats@sfmsltd.co.uk, AND (B) THE DISCIPLINARY OFFICER ON David.Jordan@unitedrugby.com, AS SOON AS REASONABLY PRACTICABLE FOLLOWING COMPLETION OF THE MATCH

Appendix Five



ASSISTANT REFEREE'S REPORT ON AN ORDERING OFF

Player's Club: Full name of Player:

Venue: Date of Match:

Player Number: Playing position:

Match result:

Nature of offence / Infringement of:
 (Please circle appropriate offence and give a short description of the Law)

- Law 3.7 Law 4.7 Law 9.7 (a) (b) (c) (d) Law 9.8 Law 9.9 Law 9.10
- Laws 9.11, 9.12, 9.13, 9.14, 9.15, 9.16, 9.17, 9.18, 9.19, 9.20, 9.21, 9.22, 9.23, 9.24, 9.25, 9.26, 9.27, 9.28
- Other

PERIOD (of game when incident occurred): 1st Half 2nd Half Elapsed time in half

Proximity of Assistant referee to incident:

Score at that time:

Had any cautions been issued to: a) Individual Yes No b) General Yes No

ASSISTANT REFEREE'S NAME: _____ UNION: _____ Date: _____

REFEREE'S NAME: _____ UNION: _____

Please give detailed report below: PLEASE WRITE CLEARLY

REPORT: - *please use paper apart if necessary*

THIS REPORT MUST BE COMPLETED AND SENT TO (A) SFMS LTD ON stats@sfmsltd.co.uk, AND (B) THE DISCIPLINARY OFFICER ON David.Jordan@unitedrugby.com, AS SOON AS REASONABLY PRACTICABLE FOLLOWING COMPLETION OF THE MATCH



TMO'S REPORT ON AN ORDERING OFF

Player's Club: Full name of Player:

Venue: Date of Match:

Player Number: Playing position:

Match result:

Nature of offence / Infringement of:
(Please circle appropriate offence and give a short description of the Law)

Law 3.7 Law 4.7 Law 9.7 (a) (b) (c) (d) Law 9.8 Law 9.9 Law 9.10
Laws 9.11, 9.12, 9.13, 9.14, 9.15, 9.16, 9.17, 9.18, 9.19, 9.20, 9.21, 9.22, 9.23, 9.24, 9.25, 9.26, 9.27, 9.28
Other

PERIOD (of game when incident occurred): 1st Half 2nd Half Elapsed time in half

Proximity of Assistant referee to incident:

Score at that time:

Had any cautions been issued to: a) Individual Yes No b) General Yes No

TMO'S NAME: _____ UNION: _____ Date: _____

REFEREE'S NAME: _____ UNION: _____

Please give detailed report below: PLEASE WRITE CLEARLY

REPORT: - *please use paper apart if necessary*

THIS REPORT MUST BE COMPLETED AND SENT TO (A) SFMS LTD ON stats@sfmsltd.co.uk AND/OR +44 (0) 1455 891635, AND (B) THE DISCIPLINARY OFFICER ON David.Jordan@unitedrugby.com, AS SOON AS REASONABLY PRACTICABLE FOLLOWING COMPLETION OF THE MATCH



Appendix Six

CITING COMMISSIONER WARNING

Player's Club: Full name of Player:

Venue: Date of Match:

Player Number: Playing position:

Match result:

Nature of offence:
 (Please circle appropriate offence and give a short description of the Law)

Laws 9.11, 9.12, 9.13, 9.14, 9.15, 9.16, 9.17, 9.18, 9.19, 9.20, 9.21, 9.22, 9.23, 9.24, 9.25, 9.26, 9.27, 9.28

PERIOD (of game when incident occurred): 1st Half 2nd Half Extra Time

Elapsed time in half

Proximity of Official(s) to incident:

Score at that time:

Please give detailed report below: PLEASE WRITE CLEARLY

REPORT: - *please use paper apart if necessary*

THIS REPORT MUST BE COMPLETED AND SENT TO (A) SFMS LTD ON stats@sfmsltd.co.uk, AND (B) THE DISCIPLINARY OFFICER ON David.Jordan@unitedrugby.com, AS SOON AS REASONABLY PRACTICABLE FOLLOWING COMPLETION OF THE MATCH



STANDARD FORM CITING COMMISSIONER'S REPORT

Player's Club: Full name of Player:

Venue: Date of Match:

Player Number: Playing position:

Match result:

Nature of offence:
 (Please circle appropriate offence and give a short description of the Law)

Laws 9.11, 9.12, 9.13, 9.14, 9.15, 9.16, 9.17, 9.18, 9.19, 9.20, 9.21, 9.22, 9.23, 9.24, 9.25, 9.26, 9.27, 9.28

PERIOD (of game when incident occurred): 1st Half 2nd Half Extra Time

Elapsed time in half

Proximity of Official(s) to incident:

Score at that time:

Please give detailed report below: PLEASE WRITE CLEARLY

REPORT: - *please use paper apart if necessary*

THIS REPORT MUST BE COMPLETED AND SENT TO (A) SFMS LTD ON stats@sfmsltd.co.uk, AND (B) THE DISCIPLINARY OFFICER ON David.Jordan@unitedrugby.com, AS SOON AS REASONABLY PRACTICABLE FOLLOWING COMPLETION OF THE MATCH

Appendix Seven

World Rugby sanctions for Foul Play

Note: Any act of foul play which results in contact with the head and/or neck shall result in at least a mid-range sanction.*(5)

Note: Where a Player receives a mid-range or top end sanction, a Disciplinary Committee/Judicial Officer/Appeal Committee/Appeal Officer may, at its discretion, agree that one week of the sanction may be replaced by a “Coaching Intervention” that complies with the World Rugby Coaching Intervention Programme.*(6)

9.11 Players must not do anything that is reckless or dangerous to others

Low-end: 2 weeks/matches	Mid-range: 6 weeks/matches	Top-end: 10+ weeks/matches	Max: 52 weeks/matches
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9.12 A player must not physically abuse anyone. Physical abuse includes, but is not limited to:

Biting	Low-end: 12 weeks/matches	Mid-range: 18 weeks/matches	Top-end: 24+ weeks/matches	Max: 208 weeks/matches
Intentional Contact with Eye(s)*(7)	Low-end: 12 weeks/matches	Mid-range: 18 weeks/matches	Top-end: 24+ weeks/matches	Max: 208 weeks/matches
Reckless Contact with Eye(s)*(8)	Low-end: 6 weeks/matches	Mid-range: 12 weeks/matches	Top-end: 18+ weeks/matches	Max: 208 weeks/matches
Contact with Eye Area*(9)	Low-end: 4 weeks/matches	Mid-range: 8 weeks/matches	Top-end: 12+ weeks/matches	Max: 52 weeks/matches
Punching or striking with hand, arm (including stiff-arm tackle), elbow or shoulder	Low-end: 2 weeks/matches	Mid-range: 6 weeks/matches	Top-end: 10+ weeks/matches	Max: 52 weeks/matches
Leading with the forearm	Low-end: 2 weeks/matches	Mid-range: 6 weeks/matches	Top-end: 10+ weeks/matches	Max: 52 weeks/matches
Striking with head	Low-end: 6 weeks/matches	Mid-range: 10 weeks/matches	Top-end: 16+ weeks/matches	Max: 104 weeks/matches
Striking with knee	Low-end: 4 weeks/matches	Mid-range: 8 weeks/matches	Top-end: 12+ weeks/matches	Max: 52 weeks/matches
Stamping or Trampling	Low-end: 2 weeks/matches	Mid-range: 6 weeks/matches	Top-end: 12+ weeks/matches	Max: 52 weeks/matches
Tripping	Low-end: 2 weeks/matches	Mid-range: 4 weeks/matches	Top-end: 8+ weeks/matches	Max: 52 weeks/matches
Kicking	Low-end: 4 weeks/matches	Mid-range: 8 weeks/matches	Top-end: 12+ weeks/matches	Max: 52 weeks/matches

**5 “The note does not apply to the following Laws whose low-end entry points already take into account head contact being a potential feature or consequence of such breach reaching the red-card threshold: 9.12 (biting, contact with eye(s)/eye area, striking with head and tripping), 9.18 and 9.27 (hair pulling).”*

**6 The World Rugby Coaching Intervention Programme is only available for foul play offences occurring under the “Head Contact Process”. World Rugby Guidelines for the “Head Contact Process” are set out in Appendix Fifteen to these Disciplinary Rules.*

**7 The “eye” involves all tissues including the eye lids within and covering the orbital cavity and the “eye area” is anywhere in close proximity to the eye.*

**8 The “eye” involves all tissues including the eye lids within and covering the orbital cavity and the “eye area” is anywhere in close proximity to the eye.*

**9 The “eye” involves all tissues including the eye lids within and covering the orbital cavity and the “eye area” is anywhere in close proximity to the eye.*

9.12 A player must not verbally abuse anyone. Verbal abuse includes, but is not limited to, abuse based on: religion, colour, national or ethnic origin, sexual orientation.

Low-end: 6 weeks/matches	Mid-range: 12 weeks/matches	Top-end: 18+ weeks/matches	Max: 52 weeks/matches
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9.13 A player must not tackle an opponent early, late or dangerously. Dangerous tackling includes, but is not limited to, tackling or attempting to tackle an opponent above the line of the shoulders even if the tackle starts below the line of the shoulders.

Low-end: 2 weeks/matches	Mid-range: 6 weeks/matches	Top-end: 10+ weeks/matches	Max: 52 weeks/matches
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9.14 A player must not tackle an opponent who is not in possession of the ball.

Low-end: 2 weeks/matches	Mid-range: 6 weeks/matches	Top-end: 10+ weeks/matches	Max: 52 weeks/matches
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9.15 Except in a scrum, ruck or maul, a player who is not in possession of the ball must not hold, push, charge or obstruct an opponent not in possession of the ball.

Low-end: 2 weeks/matches	Mid-range: 4 weeks/matches	Top-end: 6+ weeks/matches	Max: 52 weeks/matches
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9.16 A player must not charge or knock down an opponent carrying the ball without attempting to grasp that player.

Low-end: 2 weeks/matches	Mid-range: 6 weeks/matches	Top-end: 10+ weeks/matches	Max: 52 weeks/matches
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9.17 A player must not tackle, charge, pull, push or grasp an opponent whose feet are off the ground.

Low-end: 4 weeks/matches	Mid-range: 8 weeks/matches	Top-end: 12+ weeks/matches	Max: 52 weeks/matches
--------------------------	----------------------------	----------------------------	-----------------------

9.18 A player must not lift an opponent off the ground and drop or drive that player so that their head and/or upper body make contact with the ground.

Low-end: 6 weeks/matches	Mid-range: 10 weeks/matches	Top-end: 14+ weeks/matches	Max: 52 weeks/matches
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9.19 Dangerous play in a scrum.

- a. The front row of a scrum must not form at a distance from its opponents and rush against them.
- b. A front-row player must not pull an opponent.
- c. A front-row player must not intentionally lift an opponent off their feet or force the opponent upwards out of the scrum.
- d. A front-row player must not intentionally collapse a scrum.

Low-end: 2 weeks/matches	Mid-range: 4 weeks/matches	Top-end: 8+ weeks/matches	Max: 52 weeks/matches
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9.20 Dangerous play in a ruck or maul.

- a. A player must not charge into a ruck or maul. Charging includes any contact made without binding onto another player in the ruck or maul.

Low-end: 2 weeks/matches	Mid-range: 6 weeks/matches	Top-end: 10+ weeks/matches	Max: 52 weeks/matches
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b. A player must not make contact with an opponent above the line of the shoulders.

c. A player must not intentionally collapse a ruck or a maul.

Low-end: 2 weeks/matches	Mid-range: 4 weeks/matches	Top-end: 8+ weeks/matches	Max: 52 weeks/matches
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9.25 A player must not intentionally charge or obstruct an opponent who has just kicked the ball.

Low-end: 2 weeks/matches	Mid-range: 6 weeks/matches	Top-end: 10+ weeks/matches	Max: 52 weeks/matches
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9.27 A player must not do anything that is against the spirit of good sportsmanship including but not limited to:

Hair pulling or grabbing	Low-end: 2 weeks/matches	Mid-range: 4 weeks/matches	Top-end: 6+ weeks/matches	Max: 52 weeks/matches
Spitting at anyone	Low-end: 4 weeks/matches	Mid-range: 8 weeks/matches	Top-end: 12+ weeks/matches	Max: 52 weeks/matches
Grabbing, twisting or squeezing the genitals (and/or breasts in the case of female players)	Low-end: 12 weeks/matches	Mid-range: 18 weeks/matches	Top-end: 24+ weeks/matches	Max: 208 weeks/matches
Other	Low-end: 4 weeks/matches	Mid-range: 8 weeks/matches	Top-end: 12+ weeks/matches	Max: 52 weeks/matches

9.28 A player must not disrespect the authority of a Match Official.

Low-end: 2 weeks/matches	Mid-range: 4 weeks/matches	Top-end: 6+ weeks/matches	Max: 52 weeks/matches
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9.28 A player must not verbally abuse a Match Official. Verbal abuse includes, but is not limited to, abuse based on: religion, colour, national or ethnic origin, sexual orientation.

Low-end: 6 weeks/matches	Mid-range: 12 weeks/matches	Top-end: 18+ weeks/matches	Max: 52 weeks/matches
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9.28 A player must not make physical contact with Match Officials.

Low-end: 6 weeks/matches	Mid-range: 12 weeks/matches	Top-end: 18+ weeks/matches	Max: 52 weeks/matches
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9.28 A player must not use threatening actions or words towards Match Officials.

Low-end: 12 weeks/matches	Mid-range: 24 weeks/matches	Top-end: 48+ weeks/matches	Max: 260 weeks/matches
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9.28 A player must not physically abuse Match Officials.

Low-end: 24 weeks/matches	Mid-range: 48 weeks/matches	Top-end: 96+ weeks/matches	Max: Life
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In respect of offences not referred to in Appendix Seven above, appropriate sanctions may be imposed at the discretion of the relevant Judicial Officer, Disciplinary Committee, Appeal Officer and/or Appeal Committee (as the case may be).

Notwithstanding the sanctions in Appendix Seven and/or the provisions of World Rugby Regulation 17.17 to 17.21 in cases where the player's actions constitute mid-range or top end offending for any type of offence which had the potential to result and, in fact, did result in serious/gross consequences to the health of the victim, the Judicial Officers and/or Disciplinary Committees may impose any period of suspension including a suspension for life.

Appendix Eight

Minimum fines

Provision	Minimum fine for breach
Championship Rules, clause 5.9 (use of Official Ball in Matches)	€13,000
Championship Rules, Appendix Seven, clause 2.2 (technical zone armbands/bibs)	€6,500
Commercial Rules, clause 4.11 (Match programmes)	€6,500
Commercial Rules, clause 4.17 (use of posters and other branding or marketing materials)	€6,500
Commercial Rules, clause 6.2 (Championship Logo patch on left-hand shirt sleeve)	€13,000
Commercial Rules, clause 7.1 (Match tickets)	€6,500
Commercial Rules, clauses 7.2, 7.5 and 7.6 (provision of tickets, hospitality and car parking to Pro Rugby Championship)	€6,500
Media Rules, clause 1.4 (hyper-text links)	€6,500

Appendix Nine

Standing directions

Important note 1: *the deadlines imposed on Players, other Persons and Clubs in the standing directions set out below are 'long stop' deadlines, designed to facilitate the efficient running of the disciplinary process. Players, other Persons and Clubs may wish to make their respective positions known to the Disciplinary Officer and the Disciplinary or Appeal Committee (as appropriate) well in advance of the deadlines imposed below. And, in particular, if a Player, other Person or Club wishes to inform the Disciplinary Officer and the Disciplinary or Appeal Committee that (s)he/it accepts and/or will not challenge the allegations being made against her/him/it, and/or (s)he/it wishes to express remorse for any actions, (s)he/it is strongly encouraged to do so as early in the disciplinary process as possible. An early notification of such information might mean, for example, that the Disciplinary Officer need not commit so much of his/her time and resources to prepare for the relevant hearing, and is likely to be of benefit to the Player/Person/Club involved in terms of the effect of mitigating factors (see, for example, clause 7.6.37 of the Disciplinary Rules) and in terms of costs (see, for example, clauses 7.6.45 and 8.4.18 of the Disciplinary Rules).*

Important note 2: *in respect of the Player directions in sections A, B and D, below, where the Player will not be arguing any preliminary matters and will be accepting the case against him such that the Disciplinary Officer might elect to use the Abbreviated Process pursuant to Appendix Fourteen to these Disciplinary Rules, the Player may choose to provide further information when submitting his statement, in particular in respect of all off-field aggravating and mitigating factors pursuant to clauses 7.6.32 and 7.6.33, above, since that might provide for a quicker resolution of the case if the Abbreviated Process is used.*

Section A – Cases arising out of a Player being shown a red card

1. Player directions

By no later than 24 hours prior to the hearing before the Disciplinary Committee, the Player who was shown the red card must send to the chairman of the Disciplinary Committee (or his/her designee) and the Disciplinary Officer, by email and/or fax a written statement setting out the following matters:

- (a) whether he is the Player who was shown the red card;
- (b) whether he will argue any preliminary matters, and if so what they are (in summary);
- (c) whether he accepts that the Official Report(s) is/are (a) true and accurate account(s) of the incident that resulted in the showing of the red card and the facts surrounding the incident;
- (d) whether he accepts that he committed an act or acts of Foul Play as set out in the Official Report(s);
- (e) whether he accepts that that act/those acts warranted a red card;
- (f) whether he will try to show that the referee's decision to show the Player a red card was wrong;
- (g) if so, why he says the referee's decision was wrong (in summary), and what evidence (and/or authorities) he will rely on to support his position (any written evidence and/or authorities must be attached to the written statement when sent by the Player, and the names of any witnesses to be called must be set out in the statement); and
- (h) who will be attending the hearing and in what capacity.

Section B – Citing cases

1. Player directions

By no later than 24 hours prior to the hearing before the Disciplinary Committee, the Player named in the citing complaint must send to the chairman of the Disciplinary Committee (or his/her designee) and the Disciplinary Officer, by email and/or fax a written statement setting out the following matters:

- (a) whether he is the Player named in the citing complaint;
- (b) whether he will argue any preliminary matters, and if so what they are (in summary);
- (c) whether he accepts that the citing complaint is a true and accurate account of the incident that resulted in the citing;
- (d) whether he accepts that he committed an act or acts of Foul Play as set out in the citing complaint;
- (e) whether he accepts that that/those act(s) warranted a red card;
- (f) if he does not accept one or more of the propositions in paragraphs (c), (d) and (e), above, why he does not accept it/them (in summary), and what evidence (and/or authorities) he will rely on to support his position (any written evidence and/or authorities must be attached to the written statement when sent by the Player and the names of any witnesses to be called must be set out in the statement); and
- (g) who will be attending the hearing and in what capacity.

2. *Disciplinary Officer directions*

On receipt of the Player's written statement referred to above, the Disciplinary Officer may, at some point prior to the hearing before the Disciplinary Committee, send to the chairman of the Disciplinary Committee (or his/her designee) and the Player named in the citing complaint, by email and/or fax a written statement setting out the following matters:

- (a) a response (in summary) to any preliminary matters raised in the Player's written statement;
- (b) a response (in summary) to any other matters raised in the Player's written statement;
- (c) if there is any additional evidence (and/or authorities) that he considers should be put before the Disciplinary Committee and that he has not already sent to the Disciplinary Committee and the Player, what that evidence is (any such written evidence and/or authorities must be attached to the Disciplinary Officer's written statement, and the names of any new witnesses must be set out in the statement); and
- (d) who will be attending the hearing and in what capacity.

Section C – Misconduct and Anti-Corruption Offence cases

1. *Person/Club directions*

By no later than 48 hours prior to the hearing before the Disciplinary Committee, the Person and/or Club named in the Misconduct complaint or charge of an Anti-Corruption Offence must send to the chairman of the Disciplinary Committee (or his/her designee) and the Disciplinary Officer, by email and/or fax a written statement setting out the following matters:

- (a) whether (s)he/it is the Person or Club named in the Misconduct complaint or charge of an Anti-Corruption Offence (and in the case of a Club, the identity and role within the Club of the person making the statement);
- (b) whether (s)he/it will argue any preliminary matters, and if so what they are (in summary);

- (c) in the case of a Misconduct complaint, whether (s)he/it accepts that (s)he/it committed the act or acts of Misconduct as set out in the Misconduct complaint and whether (s)he/it accepts that that act/those acts constituted Misconduct;
- (d) in the case of an Anti-Corruption Offence, whether (s)he/it accepts that (s)he/it committed the Anti-Corruption Offence;
- (e) if, in the case of a Misconduct complaint, (s)he/it does not accept one or both of the propositions in paragraph (c), above, and/or if, in the case of an Anti-Corruption Offence, (s)he/it denies the Anti-Corruption Offence, why (s)he/it does not accept it/those propositions/denies the Anti-Corruption Offence (in summary), and what evidence (and/or authorities) (s)he/it will rely on to support her/his/its position (any written evidence and/or authorities must be attached to the written statement when sent by the Person and/or Club, and the names of any witnesses to be called must be set out in the statement); and
- (f) who will be attending the hearing and in what capacity.

2. *Disciplinary Officer directions*

On receipt of the written statement from the Club or Person concerned, the Disciplinary Officer may, at some point prior to the hearing before the Disciplinary Committee, send to the chairman of the Disciplinary Committee (or his/her designee) and the Person or Club named in the Misconduct complaint or charge of an Anti-Corruption Offence, by email and/or fax a written statement setting out the following matters:

- (a) a response (in summary) to any preliminary matters raised in the Person's or Club's written statement;
- (b) a response (in summary) to any other matters raised in the Person's or Club's written statement;
- (c) if there is any additional evidence (and/or authorities) that he/she considers should be put before the Disciplinary Committee and that he/she has not already sent to the Disciplinary Committee and the Person/Club, what that evidence is (any such written evidence and/or authorities must be attached to the Disciplinary Officer's written statement, and the names of any new witnesses must be set out in the statement); and
- (d) who will be attending the hearing and in what capacity.

Section D – Totting up cases

1. *Player directions*

By no later than 24 hours prior to the hearing before the Disciplinary Committee, the Player who is subject to the totting up case must send to the chairman of the Disciplinary Committee (or his/her designee) and the Disciplinary Officer, by email and/or fax, a written statement setting out the following matters:

- (a) whether he is the Player who received the Cautions;
- (b) whether he will argue any preliminary matters, and if so what they are (in summary);
- (c) whether he will argue that any of the Cautions were wrongly issued to him pursuant to clause 7.5.6 of the Disciplinary Rules, and if so what evidence (and/or authorities) he will rely on to support his position (any written evidence and/or authorities must be attached to the written statement when sent by the Player, and the names of any witnesses to be called must be set out in the written statement); and
- (d) who will be attending the hearing and in what capacity.

Section E – Appeals

1. Appellant directions

By no later than 72 hours prior to the hearing before the Appeal Committee, the Appellant must send to the chairman of the Appeal Committee (or his/her designee) and the other party(ies) to the appeal, by email and/or fax a written statement setting out the following matters:

- (a) in an appeal of a decision of a Disciplinary Committee, whether the Appellant will argue that the Appeal Committee should hear the case *de novo*;
- (b) if so, the Appellant's reasons for that (in summary) and why it is that the circumstances are exceptional and the reasons compelling;
- (c) on the assumption that the Appeal Committee will not hear the case *de novo*, why the decision of the Disciplinary Committee was in error and why it should be overturned or varied, according to the grounds of appeal identified in the Notice of Appeal;
- (d) what evidence (s)he/it will rely on to support her/his/its position (any written evidence must be attached to the written statement when sent by the Appellant, and the names of any witnesses to be called must be set out in the statement);
- (e) whether any evidence that (s)he/it will rely on is evidence that was not offered below, and if so what the evidence is, why (s)he/it says it was not on reasonable enquiry available at the time of the proceedings below, and why (s)he/it says the Appeal Committee should exercise its discretion to consider such evidence;
- (f) what authorities (s)he/it will rely on to support her/his/its position (any authorities must be attached to the written statement when sent by the Appellant); and
- (g) who will be attending the hearing and in what capacity.

2. Directions for the other party(ies) to the appeal

By no later than 24 hours prior to the hearing before the Appeal Committee, the other party(ies) to the appeal must (each) send to the chairman of the Appeal Committee (or his/her designee) and the Appellant (and any other parties to the appeal) by email and/or fax a written statement setting out the following matters:

- (a) whether (s)he/it will argue any preliminary matters, and if so what they are (in summary);
- (b) her/his/its response (in summary) to the Appellant's position regarding a *de novo* hearing;
- (c) her/his/its response (in summary) to any other matters raised in the Appellant's written statement;
- (d) if there is any evidence that (s)he/it will rely on to support her/his/its position, what that evidence is (any written evidence must be attached to the written statement, and the names of any witnesses to be called must be set out in the statement);
- (e) whether any evidence that (s)he/it will rely on is evidence that was not offered below, and if so what the evidence is, why (s)he/it says it was not on reasonable enquiry available at the time of the proceedings below, and why (s)he/it says the Appeal Committee should exercise its discretion to consider such evidence;
- (f) what authorities (s)he/it will rely on to support her/his/its position (any authorities must be attached to the written statement when sent); and
- (g) who will be attending the hearing and in what capacity.

Appendix Ten

Fixed penalties

Provision	Fixed penalty	
	First breach	Each subsequent breach
Championship Rules, clause 3.7 (using best endeavours to avoid postponement etc.)	€25,000 fine	€25,000 fine
Championship Rules, clause 5.2.8 (Match travel)	€15,000 fine and a compensation payment to the home Club of €15,000	€15,000 fine and a compensation payment to the home Club of €15,000
Championship Rules, clause 5.2.18 (attendance of visiting Club doctor at all Matches)	€2,500 fine	€2,500 fine
Championship Rules, clause 5.5 (failure to meet media guide deadline)	€1,000 fine	€1,000 fine
Championship Rules, clause 5.6 (home Club not wearing nominated "home" strip)	€1,000 fine	€5,000 fine
Championship Rules, clause 5.7 (visiting Club not changing into an alternative strip)	€1,000 fine	€5,000 fine
Championship Rules, clause 6.2.2 (provision of Official Team Sheet)	Written warning	€2,000 fine, increasing by a further €2,000 for each subsequent breach (for example, €4,000 for a third breach and €6,000 for a fourth breach)
Commercial Rules, clause 2.5 (Match naming rights)	€1,000 fine	€1,000 fine
Commercial Rules, clause 4.15 (Player of the Match award sponsorship rights)	€1,000 fine	€1,000 fine
Commercial Rules, clause 5.5 (failure to provide pourage sales and relevant percentages of overall sales by the relevant deadlines)	€1,000 fine	€1,000 fine
Commercial Rules, clause 6.1 (Failure to meet kit design and production deadlines)	€1,000 fine	€1,000 fine
Commercial Rules, clause 8.10 (failure to comply with Brand Guidelines)	€1,000 fine	€1,000 fine
Media Rules, clause 1.1.3 (attendance of media officer at each Match)	€2,500 fine	€2,500 fine
Media Rules, clauses 2.3 and 2.8 and Appendix Five (attendance of coaching staff and players at media events)	€5,000 fine	€5,000 fine
Media Rules, clause 2.6.1 (provision of press release)	Written warning	€2,000 fine, increasing by a further €2,000 for each subsequent breach (for example, €4,000 for a third breach and €6,000 for a fourth breach)

Media Rules, clause 2.10 (non-attendance of Clubs' designated media officers at broadcaster meetings)	€1,000 fine	€1,000 fine
Media Rules, Appendix Six (failure to comply with the requirements in the Access Charter)	€1,000 fine	€500 fine, increasing by a further €500 for each subsequent breach

Appendix Eleven

Fixed Penalty Form

Date:
Club:
Address:

Pursuant to clause 6 of the United Rugby Championship Disciplinary Rules, the Sporting and Regulatory Committee is entitled to impose a fixed penalty if it is satisfied that there has been a breach of certain provisions of the United Rugby Championship Participation Agreement.

The Sporting and Regulatory Committee is satisfied that the Club has breached clause [] of the [] Rules. The details of the breach are as follows:

This is the [] time in the Championship (i.e. this season) that the Club has received a fixed penalty for a breach of this provision. Accordingly, and pursuant to Appendix Ten of the Disciplinary Rules, the Club is hereby [warned about its conduct in this regard/fined the sum of €[]].

[In accordance with clause 6.3 of the Disciplinary Rules, the Club has 30 days following the date of this notice to pay the amount set out above.]

[The Sporting and Regulatory Committee has resolved to suspend the operation of the fixed penalty imposed in this case for a period of []. Accordingly, the imposition of the fixed penalty is suspended unless and until the Club breaches clause [] (or its successor/equivalent clause in participation agreements governing future tournaments run by Pro Rugby Championship) at any point prior to []. If the Club does breach clause [] (or such successor/equivalent clause) prior to [], on receipt of notification from the Sporting and Regulatory Committee or the Disciplinary Officer, the Club will have 30 days to pay any fixed penalty fine for the first breach (along with any other fine or other penalty imposed for the second breach).]

In accordance with clauses 6.4 and 8 of the Disciplinary Rules, the Club may appeal against the Sporting and Regulatory Committee's decision to impose the fixed penalty. If the Club elects to appeal, subject to clause 8.2.2 of the Disciplinary Rules, it must file a Notice of Appeal by no later than 4pm (UK time) on the third day (excluding weekends) after receiving this Fixed Penalty Form (see clause 8.2.1(a) of the Disciplinary Rules).

Please contact me if you have any questions in relation to this matter.

Yours sincerely

David Jordan
Disciplinary Officer

Appendix Twelve

Anti-Corruption Regulation

1. Anti-Corruption Offences

The conduct described in paragraphs 1.1 to 1.4, below, if committed by a Person, will amount to an "**Anti-Corruption Offence**" by that Person:

1.1 Corruption

- 1.1.1 Fixing or contriving in any way or otherwise influencing improperly, or being a party to an agreement or effort to contrive in any way or otherwise influence improperly, the result, progress, conduct or any other aspect of a Match, including (without limitation) by deliberately underperforming.
- 1.1.2 Ensuring the occurrence of a particular incident in a Match, for the purposes of Betting (as set out in paragraph 1.2, below) or other corrupt purpose.
- 1.1.3 Seeking, accepting, offering or agreeing to accept any bribe or other Reward to: (a) fix or to contrive in any way or otherwise to influence improperly the results, progress, conduct or any other aspect of a Match (including, without limitation, by deliberately underperforming); or (b) ensure the occurrence of a particular incident in a Match, for the purposes of Betting or other corrupt purpose.
- 1.1.4 Soliciting, inducing, enticing, instructing, persuading, encouraging or intentionally facilitating any Person to breach any of the foregoing provisions of this paragraph 1.1.

1.2 Betting

- 1.2.1 Placing, accepting, laying or otherwise entering into any Bet with any other party (whether individual, company or otherwise) in relation to the result, progress, conduct or any other aspect of a Match (or any incident within a Match) or the Championship.
- 1.2.2 Soliciting, inducing, enticing, instructing, persuading, encouraging, or facilitating any other party to enter into a Bet in relation to the result, progress, conduct or any other aspect of a Match (or any incident within a Match) or the Championship.
- 1.2.3 Receiving the proceeds of (and/or any benefit in relation to) any Bet placed in relation to the result, progress, conduct or any other aspect of a Match (or any incident within a Match) or the Championship.

1.3 Misuse of Inside Information

- 1.3.1 Using any Inside Information for the purposes of (and/or in connection with) the placing of any Bet (whether by him/herself or by another individual) in relation to the result, progress, conduct or any other aspect of a Match (or any incident within a Match) or the Championship.
- 1.3.2 Seeking, inviting, requesting or procuring Inside Information for the purposes of (and/or in connection with) the placing of any Bet (whether by him/herself or by another individual) in relation to the result, progress, conduct or any other aspect of a Match (or any incident within a Match) or the Championship.

- 1.3.3 Disclosing Inside Information to any individual(s) where the Person knew or should have known that such disclosure might lead to the information being used for the purposes of (and/or in connection with) the placing of any Bet in relation to the result, progress, conduct or any other aspect of a Match (including any incident within a Match) or the Championship.
- 1.3.4 Soliciting, inducing, enticing, persuading, encouraging or intentionally facilitating any Person to breach any of the foregoing provisions of this paragraph 1.3.

1.4 **General**

- 1.4.1 Giving or providing to any Person any gift, payment, hospitality or other benefit (whether of monetary value or otherwise) either (a) for the purposes of procuring any Anti-Corruption Offence by another Person, or (b) in circumstances that could bring him/her, Pro Rugby Championship, the Championship, Clubs, match officials or any sponsor or commercial partner of Pro Rugby Championship or the Championship into disrepute.
- 1.4.2 Failing to disclose to the Disciplinary Officer (without unnecessary delay) the receipt of any gift, payment, hospitality or other benefit (whether of monetary value or otherwise (a) that the Person knew or should have known was given or provided to him/her to procure an Anti-Corruption Offence, or (b) that was given or provided to him/her in circumstances that could bring him/her, Pro Rugby Championship, the Championship, Clubs, match officials or any sponsor or commercial partner of Pro Rugby Championship or the Championship into disrepute.
- 1.4.3 Failing to disclose to the Disciplinary Officer (without unnecessary delay) full details of any approach or invitation received by a Person to engage in conduct that would constitute an Anti-Corruption Offence.
- 1.4.4 Failing to disclose to the Disciplinary Officer (without unnecessary delay) full details of any incident, fact or matter that comes to the attention of a Person that might constitute an Anti-Corruption Offence by another Person, including (without limitation) approaches or invitations that have been received by another Person to engage in conduct that would constitute an Anti-Corruption Offence. For the avoidance of doubt, this duty of disclosure remains even in circumstances in which (a) a Person has already made a disclosure to the Disciplinary Officer and becomes aware of any new incident, fact or matter that he/she is required to disclose under this paragraph 1.4.4, or (b) a Person is aware that such incident, fact or matter has already been brought to the attention of the Disciplinary Officer by another individual.
- 1.4.5 Soliciting, inducing, enticing, persuading, encouraging or intentionally facilitating any Person to breach any of the foregoing provisions of this paragraph 1.4.

1.5 For the purposes of this paragraph 1.5:

- 1.5.1 any attempt by a Person or any agreement by a Person with any other individual(s) to engage in conduct that would constitute an Anti-Corruption Offence will be treated as if an Anti-Corruption Offence has been committed by that Person, whether or not such attempt or agreement, in fact, resulted in conduct that would constitute an Anti-Corruption Offence; and
- 1.5.2 a Person who authorises, causes, knowingly assists, facilitates, encourages, aides, abets, covers up or is otherwise complicit in any conduct that would constitute an Anti-Corruption Offence committed by an/other individual(s) not bound by these Disciplinary Rules (whether, without limitation, an agent, family member, affiliate or associate) will be treated as having engaged in such conduct him/herself and will be held liable accordingly.

- 1.6 The following are not relevant to the question of whether or not an Anti-Corruption Offence has been committed (although they might be relevant to the question of the appropriate sanction to be imposed on a Person in the event that it is determined that such Person has committed an Anti-Corruption Offence):
- 1.6.1 whether or not the relevant Person was participating or involved in any other way in the specific Match(es) in relation to which the alleged Anti-Corruption Offence was committed;
 - 1.6.2 the nature or outcome of any Bet(s) that is/are the subject of (and/or otherwise relevant to) an alleged Anti-Corruption Offence;
 - 1.6.3 the outcome of the specific Match(es) in relation to which the alleged Anti-Corruption Offence was committed;
 - 1.6.4 whether or not the Person's efforts or performance (if any) in the specific Match(es) in relation to which the alleged Anti-Corruption Offence was committed were (or could be expected to be) affected by the conduct in question (ie, the conduct that would constitute an Anti-Corruption Offence); and
 - 1.6.5 whether or not the result(s) of the Match(es) in relation to which the alleged Anti-Corruption Offence was committed were (or could be expected to be) affected by the conduct in question (ie, the conduct that would constitute an Anti-Corruption Offence).
- 1.7 It shall be a valid defence to any alleged Anti-Corruption Offence to prove, on the balance of probabilities, that the alleged Anti-Corruption Offence was committed (and that, where applicable, it was not reported to the Disciplinary Officer thereafter) as a consequence of the Person's honest and reasonable belief that there was a serious threat to his/her life or safety or to the life or safety of another individual.

2. Interim suspensions

- 2.1 Where either: (a) the Disciplinary Officer charges a Person with an Anti-Corruption Offence, or (b) the Disciplinary Officer considers that there are other exceptional circumstances that are relevant to a Person (for example, where any relevant police authority has arrested and/or charged a Person with an offence under any relevant criminal law in respect of facts or circumstances that may also constitute an Anti-Corruption Offence), the Disciplinary Officer will have the discretion, in circumstances where he/she considers that the integrity of the sport of rugby union and/or the Championship could otherwise be seriously undermined, to impose an interim suspension on the Person pending a Disciplinary Committee's determination of whether or not an Anti-Corruption Offence has been committed. Any decision to impose such an interim suspension will be communicated to the Person in writing, with a copy sent at the same time to the chairman of the Disciplinary Panel.
- 2.2 Where an interim suspension is imposed in accordance with paragraph 2.1, above, the Person subject to the interim suspension will (if he/she notifies the Disciplinary Officer in writing of his/her wish to do so) be given an opportunity to contest the imposition of the interim suspension in a hearing before a Judicial Officer appointed by the chairman of the Disciplinary Panel on a timely basis after the relevant Person has given such notice. At any such hearing, it will be the burden of the Disciplinary Officer to establish that the integrity of the sport of rugby union and/or the Championship could be seriously undermined if he/she does not remain subject to an interim suspension pending determination of whether or not an Anti-Corruption Offence has been committed. The hearing will take place on the basis of written submissions alone, save where the appointed Judicial Officer, in his/her absolute discretion, determines that an oral hearing should take place, in which case the appointed Judicial Officer will determine the appropriate procedure for such a hearing.

- 2.3 When imposing an interim suspension in accordance with paragraph 2.1, above, the Disciplinary Officer will determine what activity the relevant Person is to be precluded from carrying out, but it is anticipated that where the relevant Person is a Player he will be precluded from (at least) playing rugby union anywhere (and from entering the Playing Enclosure in any capacity, including as a water carrier or tee carrier, at any time on the day of a Match).

3. Sanctions

- 3.1 Where an Anti-Corruption Offence has been committed, the Disciplinary Committee will be required to impose a sanction on the Person from within the range of sanctions set out in clause 7.6.27 of the Disciplinary Rules. In order to determine the appropriate sanction that is to be imposed in each case, the Disciplinary Committee must first determine the seriousness of the offending, which will include identifying all relevant factors that it deems to:

3.1.1 aggravate the offending, including (without limitation):

- (a) a lack of remorse on the part of the Person;
- (b) the Person's previous disciplinary record (if this is not good);
- (c) where the monetary benefit gained (or to be gained) by the Person as a result of the Anti-Corruption Offence is/was substantial;
- (d) where the Anti-Corruption Offence substantially damaged (or had the potential to substantially damage) the reputation of Pro Rugby Championship, the Championship, Clubs, match officials, other Persons or any sponsor(s) or commercial partner(s) of Pro Rugby Championship or the Championship;
- (e) where the Anti-Corruption Offence affected (or had the potential to affect) the result of a Match;
- (f) where the welfare or safety of a Person or any other individual has been endangered as a result of the Anti-Corruption Offence;
- (g) where the Anti-Corruption Offence involved a conspiracy or the involvement of one or more Persons or individuals;
- (h) where the Person has not fully cooperated with any investigation into the alleged Anti-Corruption Offence carried out by the Disciplinary Officer (notwithstanding the fact that such failure to cooperate might also constitute Misconduct under these Disciplinary Rules); and/or
- (i) any other aggravating factor(s) that the Disciplinary Committee considers relevant and appropriate;

3.1.2 mitigate the nature of the offending, including (without limitation):

- (a) any admission of guilt and/or demonstration of remorse (the mitigating value of which will depend in part on its timing);
- (b) the Person's previous disciplinary record (if this is good);
- (c) the youth and/or lack of experience of the Person;
- (d) where the Person renounced an attempt or agreement to commit an Anti-Corruption Offence prior to it being discovered by a third party not involved in the attempt or agreement;
- (e) where the Person has fully cooperated with any investigation into the alleged Anti-Corruption Offence carried out by the Disciplinary Officer;
- (f) where the Anti-Corruption Offence did not substantially damage (or have the potential to substantially damage) the reputation of Pro Rugby Championship, the Championship, Clubs, match officials, other Persons or any sponsor(s) or commercial partner(s) of Pro Rugby Championship or the Championship;

- (g) where the Anti-Corruption Offence did not affect and did not have the potential to affect the result of a Match;
- (h) where the Person provides Substantial Assistance to Pro Rugby Championship, World Rugby, a Union, a criminal authority or a professional disciplinary or regulatory body;
- (i) where the Person has already been sanctioned for the conduct constituting the Anti-Corruption Offence by another organisation, including (without limitation) a criminal authority or professional disciplinary body; and/or
- (j) any other mitigating factor(s) that the Disciplinary Committee considers relevant or appropriate.

3.2 Having considered all of the factors described in paragraph 3.1 above, the Disciplinary Committee will then determine what the appropriate sanction(s) should be.

Appendix Thirteen

World Rugby's sanction guidance for the accumulation of temporary suspensions and/or citing commissioner warnings

MEMORANDUM

To: All World Rugby Judicial Personnel

From: Tim Gresson, Judicial Panel Chairman

Date: 21st January 2015

Subject: **Multiple yellow cards/Citing Commissioner Warnings - treatment for sanctioning purposes - Regulation 17**

1. This Memorandum is issued to assist Judicial Personnel in determining the appropriate sanction in cases involving multiple yellow cards/Citing Commissioner Warnings and to inform those players who may be subject to such judicial consideration as to the factors that a Judicial Officer may take into account when conducting that exercise.
2. There is deliberately no guidance within the Recommended Sanctions table to assist a Judicial Officer who is required to determine a sanction in relation to accumulated yellow cards/Citing Commissioner Warnings. This is an area where judicial discretion is required to be engaged given the multiple permutations that could emerge. A Judicial Officer may be required to consider whether to apply sanctions against Players for accumulation of yellow cards and Citing Commissioner Warnings in two circumstances:
 - (a) where a Player has received three yellow cards and/or Citing Commissioner Warnings (or a combination thereof) during a particular tournament (Regulation 17.25.2(d), 17.25.3(d) and (5 not 3 yellow cards and/or Citing Commissioner Warnings in the case of Sevens) Regulation 17.35.2(a)) and the Judicial Officer is required to consider whether any further penalty should be imposed by reason of his persistent Foul Play*
 - (b) where a Player has received two yellow cards and/or Citing Commissioner Warnings in one Match which in the case of a temporary suspension led to him being Ordered Off on receipt of the second temporary suspension.
3. It is assumed for the purposes of this Memorandum that none of the relevant yellow cards resulted in a subsequent citing which was upheld by a Judicial Officer. In such cases the yellow card event which has been cited falls away and is replaced by the decision arising from the citing.
 - (a) ***Player receives three temporary suspensions/Citing Commissioner Warnings in a Tournament or five in a Sevens Series***
4. The Judicial Officer is required to apply a sanction for the offence of persistent offending, not for the substantive offences relating to each yellow card or Citing Commissioner Warning. Ordinarily, it is suggested the appropriate entry point sanction in such circumstances is a suspension of one to three weeks depending upon the seriousness of the offending. Sanctioning in these circumstances should be

* The trigger point for a hearing shall be established by each Tournament Organiser subject to the principles in 17.25.2(d), 17.25.3(d) and 17.35.2(a) (as applicable)

determined by reference to the methodology in Regulation 17.19 and in particular to the application of mitigating and aggravating features.

5. The Judicial Officer may, however, decide to apply no sanction in the following circumstances:
 - (a) where one or more of the yellow cards or Citing Commissioner Warnings was applied as a result of mistaken identity; or
 - (b) exceptional circumstances exist which would warrant no sanction being imposed. This situation could arise when:
 - (i) a Player was temporarily suspended for an act of Foul Play but on review it was clear that there was no Foul Play or only a minor act of Foul Play had been committed which would not have warranted a yellow card or Citing Commissioner Warning;
 - (ii) some of the temporary suspensions were awarded for technical offences (that is, not Foul Play) following a team warning by the referee or for what are characterised as so called technical offences not involving a breach of Law 10.4 [now Laws 9.11 to 9.28 (inclusive)].

(b) *Player receives two temporary suspensions/Citing Commissioner Warnings in one Match*

6. The Judicial Officer is required to apply a sanction for the offence of persistent offending, not for the substantive offences relating to each yellow card and/or Citing Commissioner Warnings. It is suggested the appropriate entry point for persistent offending within a single Match is a suspension of one to two weeks. Sanctioning in these circumstances should be determined by reference to the methodology in Regulation 17.19 and in particular to the application of mitigating and aggravating features.
7. The Judicial Officer may decide that sending off was sufficient in the following circumstances:
 - (a) where either of the yellow cards or Citing Commissioner Warnings were applied as a result of mistaken identity; or
 - (b) that exceptional circumstances exist which would warrant no further sanctions being imposed. Again this situation could arise when a Player was temporarily suspended for an act of Foul Play but on review it was clear that there was no Foul Play or only a minor act of Foul Play had been committed which would not have warranted a yellow card and/or Citing Commissioner Warning;
 - (c) any of the Temporary Suspensions were awarded for so-called technical offences (including following a team warning) not involving a breach of Law 10.4 [now Laws 9.11 to 9.28 (inclusive)].

Tim Gresson
Judicial Panel Chairman

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Appendix Fourteen

Abbreviated Process

Explanatory note: the Abbreviated Process set out in this Appendix Fourteen is intended to be used in very straightforward on-field disciplinary cases in which, for example, the relevant Player does not wish to argue any preliminary matters and accepts the case against him (including, where relevant, that there was Foul Play that warranted a red card), there are no material points of contention, and time and resources can be saved appropriately by invoking a speedy and informal process in which a suitable sanction is agreed without any form of hearing. Ordinarily, the Disciplinary Officer will elect to use the Abbreviated Process only once he/she has seen footage of the relevant incident and reviewed other relevant information but before the relevant Player has submitted his written statement pursuant to the standing directions in Appendix Nine to these Disciplinary Rules.

1. In any case arising out of a Player being shown a red card, any citing case and any totting up case, the Disciplinary Officer (and only the Disciplinary Officer) may (at any time prior to the commencement of the hearing before the relevant Disciplinary Committee) elect in his/her absolute discretion to use the Abbreviated Process set out in this Appendix Fourteen.
2. In a case in which the Disciplinary Officer elects to use the Abbreviated Process, he/she will:
 - (a) communicate to the Player that he/she has elected to use the Abbreviated Process;
 - (b) communicate to the chairman of the Disciplinary Panel that he/she has elected to use the Abbreviated Process and ask the chairman of the Disciplinary Panel:
 - (i) to suspend the ordinary disciplinary process in the particular case, pending the outcome of the Abbreviated Process (which the chairman of the Disciplinary Panel will do);
 - (ii) to appoint a Judicial Officer (from the Disciplinary Panel) to determine the outcome of the case pursuant to this Appendix Fourteen (which the chairman of the Disciplinary Panel will do);
 - (c) communicate to the single Judicial Officer (once appointed by the chairman of the Disciplinary Panel) to:
 - (i) inform him/her that he/she has been appointed to determine the outcome of the case pursuant to this Appendix Fourteen, and
 - (ii) provide him/her with all relevant material on the case.
3. Upon receipt of communication from the Disciplinary Officer pursuant to paragraph 2(c), above, the Judicial Officer will:
 - (a) review the relevant material on the case;
 - (b) consider whether or not he/she wishes to see more material before determining the outcome of the case, and if so seek that material from the Disciplinary Officer, the Player and/or others (for example, if the Player has not indicated until that point any details of what might amount to off-field aggravating or mitigating factors pursuant to clauses 7.6.32 and 7.6.33, above, he/she might be asked, and if so he/she must provide, all such details to the Judicial Officer);
 - (c) review any further material on the case and determine what would be the appropriate sanction in the case (as if it had been heard by a Disciplinary Committee pursuant to section 7 of the Disciplinary Rules);
 - (d) communicate in writing to the Player to:

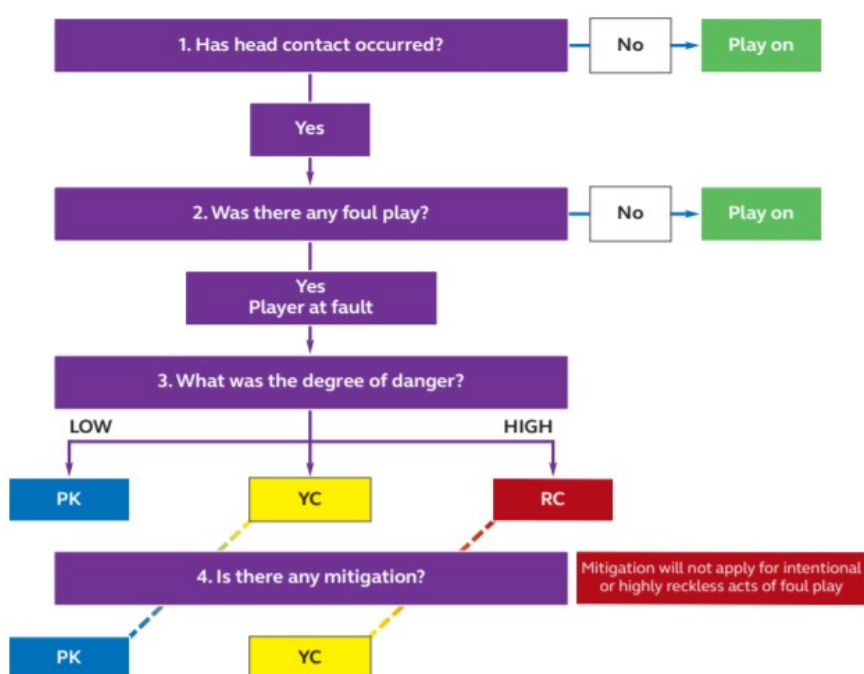
- (i) present the Player with the Judicial Officer's determination as to sanction (this will be copied to the Disciplinary Officer); or
 - (ii) inform the Player that in the Judicial Officer's assessment the case is more suitably heard by a Disciplinary Committee (this will be copied to the Disciplinary Officer).
4. Upon receipt of written communication from the Judicial Officer pursuant to paragraph 3(d)(i), above (i.e., where the Judicial Officer presents the Player with the Judicial Officer's determination as to sanction), the Player will communicate in writing to the Judicial Officer (copied to the Disciplinary Officer) whether he accepts or declines the sanction presented (there will be no opportunity for negotiation: the Player may simply accept or decline):
- (a) if the Player accepts the sanction presented (which will necessarily involve – where relevant – acceptance by the Player that he committed the relevant act(s) of Foul Play and that they warranted a red card), the sanction will take effect immediately and the Judicial Officer will record the sanction (and the fact that it was imposed under this Abbreviated Process) in a written judgment (and the suspended ordinary disciplinary process will be automatically discontinued); and
 - (b) if the Player declines the sanction presented, the Disciplinary Officer will communicate to the chairman of the Disciplinary Panel to inform him/her that the Abbreviated Process has not resulted in a conclusion (without disclosing why that is the case) and to ask the chairman of the Disciplinary Panel to lift the suspension of the ordinary disciplinary process, and in such a case the chairman of the Disciplinary Panel will take such steps to have the case heard by a Disciplinary Committee in the normal way.
5. Upon receipt of written communication from the Judicial Officer pursuant to paragraph 3(d)(ii), above (ie where the Judicial Officer's assessment is that the case is more suitably heard by a Disciplinary Committee), the Disciplinary Officer will communicate to the chairman of the Disciplinary Panel to inform him/her that the Abbreviated Process has not resulted in a conclusion (without disclosing why that is the case) and to ask the chairman of the Disciplinary Panel to lift the suspension of the ordinary disciplinary process, and in such a case the chairman of the Disciplinary Panel will take such steps to have the case heard by a Disciplinary Committee in the normal way.
6. In any case in which the suspension of the ordinary disciplinary process is lifted and the case heard by a Disciplinary Committee in the normal way:
- (a) the Judicial Officer may not be appointed to the Disciplinary Committee hearing the case; and
 - (b) the fact that the Abbreviated Process was used (and any details of the Abbreviated Process including any sanction presented) will, where possible, be kept confidential (and not disclosed to the Disciplinary Committee) at least until after the Disciplinary Committee has heard the case and delivered its written judgment.
7. In any case in which the Player accepts the sanction presented by the Judicial Officer as part of this Abbreviated Process, the Player will not have a right of appeal against any aspect of the resulting judgment, whether in terms of foul play, sanction or otherwise. However, for the avoidance of doubt, the Disciplinary Officer will retain a right of appeal pursuant to clause 8 of these Disciplinary Rules.
8. The Disciplinary Officer's election whether or not to use the Abbreviated Process set out in this Appendix Fourteen may not be appealed by the Player or any other person or entity.

Appendix Fifteen

Head Contact Process – World Rugby Guidelines

Head Contact Process

March 2021



Context

Player welfare drives World Rugby's decision making for zero tolerance of foul play, especially where head contact occurs.

The focus must be on the actions of those involved, not the injury - the need for an HIA does not necessarily mean that there has been illegal head contact.

The 'power of choice' for tacklers is crucial, especially as 72% of head injuries occur in the tackle.

There needs to be an understanding that tacklers stay up to allow them to 'adjust and react' - dropping quickly into the low tackle entry position - using their 'eyes and feet' to get their timing right.

It is important that coaches and players continually develop safe tackling techniques in training.

Aims of the Head Contact Process

The process is designed to protect the head, neck and throat area of players.

The process can be applied to:

- High tackles
- Shoulder charges
- Dangerous cleanouts
- Head-to-head collisions
- Leading elbow / forearm

The Head Contact Process is a Law Application Guideline. Under 9.11, the referee is always entitled to issue a red or yellow card for anything deemed to be reckless or dangerous. However, this process is intended to aid consistency in the application of sanctions by providing guidance on how contact with the head should be approached by match officials and disciplinary personnel.

LAW 9 Foul play



DANGEROUS PLAY

11. Players must not do anything that is reckless or dangerous to others.
13. A player must not tackle an opponent early, late or dangerously. Dangerous tackling includes, but is not limited to, tackling or attempting to tackle an opponent above the line of the shoulders even if the tackle starts below the line of the shoulders.
20. Dangerous play in a ruck or maul.
 - a. A player must not charge into a ruck or maul. Charging includes any contact made without binding onto another player in the ruck or maul.
 - b. A player must not make contact with an opponent above the line of the shoulders.

This includes head-on-head

Process questions and considerations

1. Has head contact occurred?

Head contact includes neck and throat area

2. Was there foul play?

Considerations:

- Intentional
- Reckless
- Avoidable

3. What was the degree of danger?

Considerations include:

- Direct vs indirect contact
- High force vs low force

4. Is there any mitigation?

Considerations include:

- Line of sight
- Sudden and significant drop or movement
- Clear attempt to change height
- Level of control
- Upright - passive vs dynamic

Mitigation will not apply for intentional or highly reckless acts of foul play

Trigger words for match officials

Match officials may wish to use the non-exhaustive list of trigger words below to help them identify whether a player is at fault, the degree of danger involved and whether any mitigation should be applied.

PLAY ON

No fault

- Sudden and significant drop in height by the ball carrier
- Player had no time to readjust
- Passive action
- Involuntary collision
- No leading arm when close to the body

PK

YC

Low danger

- Indirect contact
- Low force
- Low speed
- Passive
- No leading head / shoulder / forearm

RC

High danger

- Direct contact
- Lack of control
- High speed
- Upright and dynamic
- Leading head / shoulder / elbow / forearm
- Swinging arm
- No mitigation for intentional or highly reckless act of foul play

Mitigation

- Sudden / significant drop in height or change in direction from ball carrier
- A late change in dynamics due to another player in the contact
- An effort to wrap / bind and having no time to adjust