

UK SPORT

RULES OF PROCEDURE FOR DECISIONS OF THE SUB-COMMITTEE AND APPEALS TO THE INDEPENDENT APPEAL PANEL ON FUNDING ELIGIBILITY DECISIONS AND APPEALS

These rules of procedure are set out in three sections. Section A relates to the process of decision making for UK Sport. Section B relates to appeals against UK Sport decisions. Section C contains definitions. If you require this policy in another format, Welsh or another language please contact Vijay.Parbat@uksport.gov.uk

SECTION A – UK Sport Sub-Committee

1. Introduction

- 1.1. The UK Sport Board has fully delegated decision making authority to the Sub-Committee to determine matters relating to the eligibility of Athletes and ASPs to receive Public Funding or Publicly Funded Benefits. The Sub-Committee will apply the Policy to determine whether an Athlete or ASP is ineligible for funding, and exercise the powers set out in paragraph 4 of the Policy.
- 1.2. Further, the Sub-Committee fully delegates decision-making to the UK Sport Executive for all matters that fall within paragraph 2.1, 2.2 and 2.3 of the Policy. Decision making under paragraph 2.4 of the Policy may only be delegated to the UK Sport Executive with the express written approval of the Chair of the Sub-Committee.¹
- 1.3. Decisions made under these Rules should not be construed or interpreted as being anything other than UK Sport decisions. The Sub-Committee will fairly apply the UK Sport Funding Eligibility Policy.
- 1.4. The aim of this section is to ensure, before deciding what action to take, that the Athlete or ASP (or their respective representatives) are given an opportunity to address the Sub-Committee regarding the application of the Policy covering both the nature and extent of any action to be taken.
- 1.5. Where paragraph 3 of the Policy applies then the Sub-Committee, only after giving the Athlete or ASP the opportunity to provide their comments, may decide to put back the date for its decision under paragraph 3 of the Policy for a period of time that the Sub-Committee regards as appropriate. Where the Sub-Committee does put back the date for its decision under this Rule 1.5 then it shall inform the Athlete or ASP of that date and follow these Rules when making its decision.

¹ By virtue of the decision of the UK Sport Board on 13 May 2015 and 23 June 2016.

- 1.6. These Rules set out the procedure of decision making to determine an Athlete's or ASPs eligibility to receive Public Funding or Publicly Funded Benefits including applying any consequences arising from an Athlete's or ASP's conduct. It is not within the Sub-Committee's authority to determine performance matters such as an Athlete's status on WCP (i.e. whether they are a podium or podium potential level athlete).
- 1.7. The Rules set out in this Section A apply to the Sub-Committee and not the Appeals Panel. The rules of the Appeals Panel are set out in Section B.

2. Membership

- 2.1. The members (including the Chair) of the Sub-Committee will be selected by the UK Sport Board in a manner decided by UK Sport Board from time to time. Only UK Sport Board members can be members of the Sub-Committee unless otherwise agreed by the UK Sport Board. Membership of the Sub-Committee shall not be greater than 3. Future members or changes in membership shall be made by UK Sport Board in consultation with the Chair of the Sub-Committee.

3. Role of the Chair

- 3.1. The Chair, with the agreement of the other Sub-Committee members, may:
 - 3.1.1. decide, subject to the agreement of the Athlete or ASP, the matter on the papers;
 - 3.1.2. determine questions of procedure and timescales;
 - 3.1.3. make decisions alone;
 - 3.1.4. decide that because of special circumstances the enquiry is to be conducted in a manner which involves a substantial departure from the procedure set out in these Rules. The Chair shall give such directions as they consider appropriate for the purpose of ensuring a fair and/or expeditious conduct of the proceedings (including granting extensions of time for submission of documents or notification of decisions);
 - 3.1.5. under Rule 1.2 delegate authority to the UK Sport Executive to make decisions if appropriate. Where such authority is delegated in accordance with this Rule 3.1.5, unless the Athlete or ASP has agreed for the matter to be decided on the papers, the UK Sport Executive shall follow the Procedure set out in Rule 4 below in reaching its decision. The decision in these circumstances shall be made by representatives from UK Sport's Governance; Investment and Performance Teams and Directors Team.

4. Handling of the Process

- 4.1 In so far as reasonably practicable in the circumstances the meeting of the Sub-Committee will normally take place within or by the expiry of 20 Working Days from notification to the Athlete or ASP under Rule 4.2 below.
- 4.2 UK Sport shall provide a copy of all information (excluding any confidential or privileged information) it intends to rely or take into consideration when making its decision. In its correspondence UK Sport shall set out the date for the

proposed Sub-Committee meeting when the decision will be made and the deadline by which the Athlete or ASP shall provide their written submission.

- 4.3 The Athlete or ASP shall submit to UK Sport 10 Working Days after receipt of the information and documents provided under Rule 4.2 above, a written submission stating setting out as fully as possible (including providing supporting documentation, evidence, statements etc.), how they meet or how their conduct has not breached the criteria set out in the Policy on which the Athlete or ASP relies (a 'Statement of Eligibility') or if it is conceded they do not meet or it is admitted they have breached the criteria the consequence (i.e. relief) that should apply. If the Athlete or ASP cannot attend the Sub-Committee meeting on the proposed date the Athlete or ASP must provide dates of their availability (including their witnesses, experts and representatives etc. availability). Availability need not be in person, but can be by video link, internet or telephone, and this should be set out when details are provided. The Sub-Committee will fix a date that takes into account such availability, but also the need for a rapid decision.
- 4.4 The Sub-Committee will hold its meeting on the agreed date so fixed. Subject to receipt of the Athlete's or ASP's written submission under Rule 4.3 the Athlete or ASP shall have the right to attend the Sub-Committee meeting to make oral representations, to question witnesses and experts and to ask questions of the Sub-Committee.
- 4.5 Within 10 Working Days of the Sub-Committee meeting UK Sport shall make its decision and notify the Athlete or ASP of its decision in writing and include the right of any appeal in accordance with the Appeal Rules. The decision should contain reasons that are sufficiently clear to enable the Athlete or ASP to understand why the decision has been made. Where it is not convenient for summary reasons to accompany a decision, reasons should be provided within a reasonable time of the decision.
- 4.6 The Sub-Committee may still make a decision under the Policy if an Athlete or ASP does not make any written submissions in accordance with these Rules and/or does not attend the Sub-Committee meeting.
- 4.7 The Sub-Committee will not consider a previous Sub-Committee decision to be helpful or relevant when deciding an individual case.

5. Confidentiality

- 5.1. All submissions (including supporting documents, evidence, statements etc.) shall be confidential and, if applicable, privileged but this provision is not intended in any way to constrain what the Sub-Committee may refer to in its written reasons.
- 5.2. Any person who attends a meeting that is conducted in private must respect the privacy and confidentiality of the meeting, evidence and of all submissions and documents prepared in connection with them.
- 5.3. Without prejudice to Rules 5.1 and 5.2, UK Sport may, with the prior written consent of the Athlete or ASP, at the end of the proceedings publish any report or 'press release' including (but not limited to):
 - 5.3.1. the details of proceedings under the Policy which have been taken against an Athlete or ASP (including any facts alleged in support),

- 5.3.2. any topics of inquiry by the Sub-Committee, and
- 5.3.3. the decision made.

6. Appointment of Experts

- 6.1 The Chair may appoint one or more experts to assist the Sub-Committee on technical matters within the expertise of the expert.

7. Standard, Burden of Proof & Evidence

- 7.1. Where any fact or matter is required to be established to the satisfaction of the Sub-Committee, the standard of proof shall be the civil standard (e.g. on the balance of probabilities).
- 7.2. The burden of proof shall be on UK Sport to establish ineligibility or that an Athlete's or ASP's conduct has breached the Policy.
- 7.3. All questions concerning the admissibility of evidence shall be for determination by the Sub-Committee in its discretion and a Sub-Committee shall not be bound by any enactment or rule of law relating to the admissibility of evidence before a court of law or statutory tribunal.
- 7.4. UK Sport may rely on any decision or finding made by any court, tribunal or arbitration body as proof of an act, omission or comment being committed or made by an Athlete or ASP.

8. Meetings & Decisions

- 8.1 Meetings of the Sub-Committee will be held in private and in addition to the Sub-Committee members, Athlete or ASP and their assistants, representatives, witnesses or experts will be attended by UK Sport Executive Officers. However, as stated under Rule 8.5 below all decisions shall be made by the members of the Sub-Committee.
- 8.2 The Chair shall decide the location of the meeting or whether it can be held via telephone or video link taking into account the individual needs and circumstances of the Athlete or ASP.
- 8.3 Pursuant to Rule 4.3 the Athlete or ASP is permitted to have assistance or representation by persons of their choice and, if, oral evidence (i.e. witness or expert evidence) is heard it must only be heard in the presence of the Athlete or ASP or their assistant/ representative who shall be given a fair opportunity to question any witness. Athletes or ASPs who are under 18 or require general support may also have their parent/guardian or assistant or carer present.
- 8.4 The Athlete or ASP must provide a list of names and contact details of any persons attending the Sub-Committee meeting on their behalf as a representative, witness or expert.
- 8.5 Unless the Chair is acting alone, the Sub-Committee shall reach its decision by simple majority and any such decision shall be announced, interpreted and construed as decisions of UK Sport. Reasons given for decisions shall not include references to any minority opinion or dissenting view. No member of the Sub-Committee may abstain from making a decision.

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8.6 All decision notices shall contain information on the right of appeal and a copy of the Policy and Appeal Rules.

9. Miscellaneous

Notices and communications shall be sent by first class post or by fax or by e-mail to the address or number as appropriate currently maintained for such Athlete or ASP save that where such Athlete or ASP has elected to be legally represented, communication may be made to such representative.

Section B – Appeal Rules

In order to ensure the fair and independent determination of appeals the UK Sport Board has agreed to appoint an independent Appeal Panel (the "**Appeal Panel**") to hear those appeals in relation to Athletes and ASPs who do not meet the criteria or have breached the criteria set out in the Policy. The Appeal Panel will be appointed and administered by Sports Resolutions UK ("**SRUK**").²

The following Appeal Rules shall govern the procedure for the hearing of those appeals by the Appeal Panel.

1. The Appeal Panel and its Jurisdiction

- 1.1 The Appeal Panel has jurisdiction to hear an appeal by an Athlete or ASP against a decision made by the Sub-Committee under the Policy. The Appeal Panel shall: implement the Appeal Rules and make its decisions based on fairness and natural justice; ensure the Appeal Panel and its members are impartial and independent; not to act as an advocate for either party; and ensure the parties are given a proper opportunity to present their case.
- 1.2 The Appeal Panel does not have jurisdiction to decide performance matters such as the position of an Athlete on a National Governing Bodies' WCP (i.e. the Appeal Panel cannot determine if an Athlete is to be a Podium or Podium Potential Athlete) or the quantum of Publicly Funded Benefits an Athlete or ASP can access.
- 1.3 Any appeals which do not fall within the criteria set out in Appeal Rule 1.1 above, are outside the jurisdiction of the Appeal Panel. The Appeal Panel shall rule on any challenge to its own jurisdiction.
- 1.4 The Appeal Panel will hear the appeal de novo. The Appeal Panel is able to exercise the powers set out in paragraph 4 of the Policy and has full power to decide the facts and the law of the appellant's case and annul and replace the decision appealed against.
- 1.5 Unless the parties agree to the appointment of a sole arbitrator, or SRUK directs that a sole arbitrator may hear the appeal under Rule 1.7 below, any appeal or challenge submitted to the Appeal Panel shall normally be decided by a panel consisting of three individuals ("the Panel Members") all of whom shall be appointed by SRUK. Two of the individuals shall be drawn from SRUK's list of lay members. The third Member, who shall be the Chair of the Panel, shall be drawn from a group of eight legally qualified individuals from a SRUK list.
- 1.6 None of the Panel Members shall be from the Parties. None of the Panel Members shall at any time have been involved in any capacity with any aspect of the decision that is the subject of the appeal or application.
- 1.7 SRUK may direct or the parties may agree to a sole arbitrator to act as the Appeal Panel. Such sole arbitrator shall be drawn from the group of eight legally qualified individuals from a SRUK list. Where a sole arbitrator is appointed to

² Sports Resolutions UK is the trading name of the Sports Disputes Resolution Panel Limited

decide the Appeal all references in these Appeal Rules to the "Chair" shall mean the sole arbitrator unless the context means otherwise.

- 1.8 The Appeal Panel shall be constituted as an Arbitration Panel as governed by the Arbitration Act 1996 and subject to Appeal Rule 1.8 the seat of arbitration will be in London. The Appeal shall be conducted in accordance with English law.
- 1.9 Hearings shall normally take place in London. However, should circumstances so warrant, and after consultation with all parties, the Chair of the Panel may decide to hold a hearing at another place and issue the appropriate directions related to such hearing. The Chair shall take into account the individual needs and circumstances of the Athlete or ASP in deciding the location of the hearing. The Chair may also decide the location of the meeting or whether it can be held via telephone or video link.

2. Request for Appeal

- 2.1 If an Athlete or ASP wishes to instigate an appeal, that Athlete or ASP ("the Appellant") must, within 15 Working Days of service of the decision which is the subject of the appeal, submit to SRUK a written request for an appeal ("**the Request for an Appeal**") containing the following details:
 - 2.1.1. the name and address of the Appellant (and any legal or other representative);
 - 2.1.2 a brief statement describing the nature and circumstances of the decision against which the Appellant wishes to appeal;
 - 2.1.3 request for relief;
 - 2.1.4 if applicable, an application to suspend the implementation of the decision appealed against;
 - 2.1.5 a copy of the Policy, the Rules and the Appeal Rules;
 - 2.1.6 a statement of whether they wish the appeal to be decided on the papers or by way of hearing; and
 - 2.1.7 a copy of the UK Sport decision (including a copy of any relevant documentation that relates to the decision such as UK Sport notice provided to the Athlete or ASP, Statement of Eligibility provided to UK Sport and supporting documents).
 - 2.1.8 The Appellant should submit their Request for an Appeal to SRUK via email or post at the following address:

Sport Resolutions (UK)

1 Salisbury Square

London

EC4Y 8AE

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Tel: 020 7036 1966

Fax: 020 7936 2602

Email: resolve@sportresolutions.co.uk

- 2.2. If the requirements in Appeal Rule 2.1 are not fulfilled when the Request for an Appeal is filed with SRUK, SRUK may grant an extension to the deadline to the Appellant to complete their Request for an Appeal. If the Appellant fails to meet that deadline SRUK shall not, absent exceptional circumstances, proceed with the Appeal. Requests for extensions under this Appeal Rule 2.2 must be submitted in writing to SRUK.
- 2.3 As stated in Appeal Rule 2.1 the time limit for submission of a Request for an Appeal is 15 Working Days, Appeals may not proceed where a Request for an Appeal is late. Where Appeal Rule 2.2 applies, only the Chair of the Appeal Panel may decide if an Appeal may proceed and the Appeal shall be paused until the Chair is appointed in accordance with Appeal Rule 3 below.
- 2.4 Within 5 Working Days of service, SRUK will forward the Request for an Appeal together with copies of any other relevant documents previously supplied by the Appellant to UK Sport.

3. Appeal Panel Members

- 3.1 Unless the parties agree or SRUK directs that the Appeal may be decided by a sole arbitrator under Appeal Rule 1.7, within 10 Working Days of service of a Request for an Appeal, SRUK will either nominate three panel members or a sole arbitrator for appointment to the Panel to hear the Appeal and, having ascertained their availability to sit, will notify the nominations to the parties to the Appeal.
- 3.2 If any party intends to challenge the nomination of a Panel Member or sole arbitrator that party shall, within 5 Working Days of notification by SRUK of the nomination, submit in writing to SRUK the reasons why that party is challenging the appointment of the nominee. Unless the challenged nominee withdraws or the other party agrees to the challenge, the proposed Chair of the Appeal Panel (unless it is the appointment of the Chair or sole arbitrator that is challenged in which case the SRUK, acting through its Director, shall decide), shall decide on the challenge and shall if necessary request SRUK to nominate a replacement nominee. SRUK shall notify the parties accordingly.
- 3.3 In the absence of any challenge to the nominations proposed within 5 Working Days of notification, SRUK will appoint the nominees to constitute the Appeal Panel.
- 3.4 If any Panel Member, after appointment to the Appeal Panel refuses, or in the opinion of the Chair becomes unable or unfit to act, the Chair shall request SRUK to appoint another Panel Member in his/her place. If the Chair, after appointment to the Appeal Panel refuses or in the opinion of the parties and the Director of SRUK becomes unable or unfit to act, SRUK shall appoint a replacement Chair. This Appeal Rule shall also apply where a sole arbitrator has been appointed.
- 3.5 If in the opinion of the majority of the Appeal Panel, one Panel Member refuses or fails to comply with the Appeal Rules or any applicable law relating to the Appeal, or the making of the decision and/or any award, having been given a reasonable opportunity to do so, the other Panel Members may apply to the Director of SRUK

for his/her removal and the Director of SRUK shall determine in his absolute discretion whether to appoint a replacement Panel Member.

4. Communications

- 4.1 The parties shall communicate through SRUK. The Chair of the Appeal Panel may direct that communication can take place directly between the parties with copies of all correspondence and documents to be sent at the same time to the Appeal Panel and SRUK.
- 4.2 All communications shall be delivered or sent by first class post, fax or email to the parties at the addresses notified to SRUK.
- 4.3 Deemed date for service of documents.

If sent by first class post, the notice or other communication shall be deemed to have been given on the "**Working Day**" following the day it is sent. If transmitted by facsimile or email before 5pm (GMT time) on a Working Day, the notice of communication shall be deemed to have been given on that Working Day. If transmitted on a non-Working Day, at or after 5pm (GMT time) the notice or other communication shall be deemed to have been given on the next Working Day.

- 4.4 A party's last-known residence, place of business, fax number or e mail address shall be a valid address for the purpose of any notice or other communication unless notification of a change to such addresses or numbers has been communicated to all parties and to SRUK.
- 4.5 For the purpose of calculating a period of time under the Rules, such period shall begin to run on the day following the day when a notice or other communication is given. Non-Working Days occurring during the period are not included in calculating the running of that period.

5. Conduct of the Proceedings

- 5.1 The Appeal Panel shall conduct the proceedings of the Appeal in such manner as it considers fair and reasonable to the parties and may issue any order for directions it considers appropriate and/or follow any procedure agreed by the parties if in the Appeal Panel's opinion it is fair and practicable so to do. These Appeal Rules are without limitation on the power of the Appeal Panel to conduct the Appeal in accordance with this discretion.
- 5.2 Unless otherwise agreed or decided by the Appeal Panel under Appeal Rule 5.1, the parties shall make written submissions to the Appeal Panel as follows:

- 5.2.1. the Appellant shall, within 10 Working Days of service of notification from SRUK of the appointment of the Appeal Panel, file a statement of claim setting out in as full detail as possible, any facts, law or rules on which the Appellant is relying together with all exhibits and other evidence upon which the Appellant intends to rely and stating how they are eligible for Public Funding and/or Publicly Funded Benefits and the relief claimed ("the Statement of Claim"). Alternatively, the Appellant within the time limit inform SRUK in writing that the Request for an Appeal shall be considered as the Statement of Claim. The Statement of Claim will be served on the Respondent by SRUK. For the avoidance of doubt the time limit to file a Statement of Claim shall be inclusive of the time limit of any objection to

the appointment of an Appeal Panel Member under Appeal Rule 2.6 above. If the Appellant fails to meet the time limit set out above the Appeal shall be deemed to have been withdrawn;

- 5.2.2 UK Sport may, within 15 Working Days of service of the Statement of Claim file a response stating in as full detail as possible any facts, law or rules in the Statement of Claim which the Respondent admits or denies, on what grounds, and on what other facts, law or rules the Respondent relies together with all exhibits and other evidence upon which the Respondent intends to rely and stating how they are eligible for Public Funding and/or Publicly Funded Benefits and the relief claimed ("the Response"). The Response will be served on the Appellant by SRUK. If the Respondent fails to meet the time limit set out above the Appeal Panel may proceed with the Appeal and make a decision; and
- 5.2.3 within 15 Working Days of service of any Response, the Appellant may file with SRUK a reply to the Response ("the Reply"). The Appellant may submit additional exhibits and evidence to their Reply. Any Reply will be served on the Respondent by SRUK. If the Appellant fails to meet the time limit set out above the Appeals Panel may proceed with the Appeal and make a decision.
- 5.3 The time limits set out in Appeal Rule 5.2 may be varied by agreement between the parties and the Chair. The parties may agree in principle to reduce the time limits if, for a bona fide reason, there is a need for an expedited decision. In the absence of specific agreement, the Chair may on the application of one party direct that the time limits set out herein may be varied.
- 5.4 The Appeal Panel shall consider the written submissions filed on behalf of each party and the Chair shall decide whether to call a hearing, or to offer to the parties to render its decision based on those written submissions without any oral hearing. If a hearing is called by the Chair, or if either party requests a hearing, then Appeal Rule 7 shall apply. Where the Appeal Panel has determined that a hearing is to be conducted, the parties must notify the Appeal Panel and other parties as soon as practicable of their dates and times of availability, whether in person or by video link, internet or telephone. The Appeal Panel shall fix a date for the hearing taking into account all the circumstances and submissions of the parties.
- 5.6 The Appeal Panel has the power to request full and complete disclosure of all documents held by the parties relating to the Appeal.

6 Standard, Burden of Proof & Evidence

- 6.1 Where any fact or matter is required to be established to the satisfaction of the Appeal Panel, the standard of proof shall be the civil standard (e.g. on the balance of probabilities).
- 6.2 The burden of proof shall be on UK Sport to establish ineligibility or that an Athlete's or ASP's conduct has breached the Policy or that the consequence applied should remain.
- 6.3 All questions concerning the admissibility of evidence shall be for determination by the Appeal Panel in its discretion and a panel shall not be bound by any enactment or rule of law relating to the admissibility of evidence before a court of law or statutory tribunal.

- 6.4 The Appeal Panel shall have the absolute discretion to admit or refuse any evidence provided by any party whether or not that evidence was presented before the party making the decision that is the subject of the Appeal and also to adjourn the proceedings for the purpose of considering new evidence if the Appeal Panel considers it appropriate.
- 6.5 The Appeal Panel may rely on any decision or finding made by any court, tribunal or arbitration body as proof of an act, omission or comment being committed or made by an Athlete or ASP.

7 Hearings

- 7.1 Subject to Appeal Rule 1.8, any hearing held shall be at such location as directed by the Chair.
- 7.2 The Chair shall fix the date, time and place of any hearings for directions or for the Appeal and shall give the parties as much notice as practicable.
- 7.3 All hearings shall be in private and proceedings shall be confidential unless the Appeal Panel and the parties agree otherwise.
- 7.4 The procedure followed at any hearing shall be at the discretion of the Chair, provided that the hearing is conducted in accordance with applicable rules on fairness and natural justice, with a reasonable opportunity for each party to present evidence (including the right to call and to question witnesses), address the Appeal Panel and present his, her or its case.
- 7.5 Hearings may still proceed if any of the parties, their witnesses or experts fail to appear and the Appeal Panel may make a decision.
- 7.6 The Athlete or ASP is permitted to have assistance or representation by persons of their choice and, if, oral evidence (i.e. witness or expert evidence) is heard it must only be heard in the presence of the Athlete or ASP or their assistant/representative who shall be given a fair opportunity to question any witness. Athletes or ASPs who are under 18 or require general support may also have their parent/guardian or assistant or carer present.
- 7.7 If an Athlete or ASP fails to attend a hearing, whether in person or by video link, internet or telephone, on the date and time so fixed then UK Sport may apply to the Appeal Panel to make a decision in the absence of the Athlete or Appellant.

8 Witnesses & Experts

- 8.1 Where the Appeal Panel has determined that a hearing is to be conducted, the parties must notify the Appeal Panel and other parties as soon as practicable and within any time limits set by the Appeal Panel of the identity of any witnesses and/or experts they wish to call. If the Appeal Panel requires it, each party shall disclose in the form of a signed summary statement of their expected testimony as to the subject matter and content of the evidence on which each such witness will be relying at the hearing and how that evidence relates to the points at issue.
- 8.2 The parties are responsible for the availability and costs of the witnesses and/or experts to be called. With the agreement of the parties, the Appeal Panel may exempt a witness and/or expert from appearing at the hearing if the latter has

previously filed a signed statement. The Appeal Panel may also limit or disallow the appearance of any witness on grounds of irrelevance.

- 8.3 The Appeal Panel may, provided it shall have notified the parties who shall have the right to object to such costs being incurred, appoint one or more experts to submit a written report to the Panel on specific issues and may require a party to give such an expert any information which the Appeal Panel considers relevant or to produce, or to provide access to, any documents, goods or property which the Appeal Panel considers relevant for inspection by the expert. The costs of the expert shall be borne by the parties in equal shares.
- 8.4 The Appeal Panel may (unless the parties shall otherwise agree) direct an expert witness to give evidence either before a hearing in the form of a written report and/or at the hearing in the form of an oral report, and may also require an expert witness to attend a hearing so that the Appeal Panel or the parties may question him or her, and the parties may present other expert witnesses in order to testify on the points at issue.

9 Decisions

- 9.1 The Appeal Panel will hear the appeal 'de novo'. The Appeal Panel has full power to issue a new decision under the Policy and annul and replace the decision appealed against. The Appeal Panel can apply any of the consequences set out at paragraph 4 of the Policy and take into account the mitigating factors.
- 9.2 The Appeal Panel will endeavour to reach its decision within 15 Working Days of service of the Reply or the deadline for service of the Reply, whichever is the later, or within 15 Working Days of any hearing.
- 9.3 The Appeal Panel shall decide any issue by a majority unless the Chair is acting as sole arbitrator. No Panel Member may abstain from reaching a decision. The Appeal Panel shall not reveal to any party whether any such decision and/or recommendation finally made were agreed by the Panel Members unanimously or by majority.
- 9.4 Any decision made by the Appeal Panel shall be in writing, stating the reasons and shall be dated and signed by the Chair of the Appeal Panel. The decision of the Panel shall be final and binding as soon as it is communicated to the parties.
- 9.5 SRUK will issue the written decision of the Appeal Panel to the parties which shall be confidential.
- 9.6 Without prejudice to Appeal Rules 7.3 and 9.5, UK Sport may, with the prior written consent of the Athlete or ASP, at the end of the proceedings publish any report or 'press release' including (but not limited to):
- 9.6.1 the details of proceedings under the Policy which have been taken against an Athlete or ASP (including any facts alleged in support),
 - 9.6.2 any topics of inquiry by the Appeal Panel, and
 - 9.6.3 the decision made.

10 Costs

- 10.1 The cost and resource of administering the Appeals Panel and will generally fall to UK Sport. If an oral hearing is granted the cost would be borne by UK Sport against whom the appeal has been made. UK Sport may request an order for reimbursement of costs and the Appeal Panel may make such orders in relation to

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the costs of the parties in the Appeal.

10.2 UK Sport will not reimburse the Appellant for their costs, or those of any representative, witnesses or assistant incurred in dealing with the Appeal.

11 General Rules

11.1 If a party proceeds with an Appeal notwithstanding the fact that a provision of, or requirement under, these Appeal Rules has not been complied with without promptly stating its objection that party shall have waived its right to object.

11.2 These Appeal Rules shall be governed by the laws of England and Wales.

Section C – Definitions

The following words and expressions shall have the following meanings.

“Appeal Rules” means the rules of the Appeals Panel set out in Section B.

“Policy” means the document entitled “UK Sport Funding Eligibility Policy” as amended from time to time.

“Public Funding” has the same meaning as in the Policy.

“Publicly-Funded Benefits” has the same meaning as in the Policy.

“Rules” means the rules of the Sub-Committee set out in Section A.

“Sub-Committee” means the UK Sport Board sub-committee who has delegated authority to determine cases of eligibility to receive Public Funding and/or Publicly Funded Benefits.

“UK Sport Appeals Policy” is the document of that name issued by UK Sport, as updated from time to time.

“UK Sport Board” is the appointed members of UK Sport’s board from time to time.

“UK Sport Executive Officer” is an employee or worker of UK Sport.

“Working Day” means any day other than Saturday, Sunday or any public holiday in England.

Any other defined terms set out in the Policy which are referenced in the Rules or Appeals Rules shall have the same meaning as set out in the Policy.

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