

# **UNITED KINGDOM SPORTS COUNCIL**

## **FUNDING ELIGIBILITY POLICY**

**Effective: 5 April 2021**

## **CONTENTS**

### **PART A – ELIGIBILITY POLICY**

1. Introduction
2. Essential requirements for funding eligibility
3. UK Sport eligibility criteria
4. Eligibility panel powers and mitigation
5. Temporary suspension of funding or benefits
6. Review and format
7. Rehabilitation periods

### **PART B - ELIGIBILITY POLICY RULES OF PROCEDURE**

1. Eligibility rules of procedure
2. Handling of the eligibility process
3. Confidentiality
4. Appointment of experts
5. Standard, burden of proof and evidence
6. Meetings and decisions
7. Miscellaneous

### **PART C – ELIGIBILITY PANEL TERMS OF REFERENCE**

1. Membership
2. Role of the chair
3. Quorum
4. UK Sport Integrity Manager
5. UK Sport General Counsel
6. Frequency of meetings
7. Attendance at meetings
8. Notice of meetings
9. Responsibilities
10. Reporting responsibilities
11. Other

### **PART D – APPEAL RULES**

1. Appeal panel and its jurisdiction
2. Request for appeal
3. Appeal panel members
4. Communication
5. Conduct of proceedings
6. Standard, burden of proof and evidence
7. Hearings
8. Witnesses and experts
9. Decisions
10. Costs
11. General rules

### **PART E – DEFINITIONS**

# PART A – ELIGIBILITY POLICY

## 1. INTRODUCTION

UK Sport's investment is focused on Olympic and Paralympic sports and, as a priority, those Athletes and teams capable of reaching the podium. Pursuant to its Royal Charter<sup>1</sup> and National Lottery Directions<sup>2</sup> UK Sport encourages, supports and promotes high ethical standards from all recipients of its funding. High standards of conduct are important in upholding the positive impact of sport on society.

As a strategic, discretionary investor of National Lottery and Exchequer funding in Olympic and Paralympic sports, Athletes and Athlete Support Personnel (ASPs), UK Sport reserves the right to decide who is eligible to receive Public Funding and / or Publicly Funded Benefits. UK Sport's guiding principle is that investment into Athletes and ASPs is a privilege and not a right.<sup>3</sup>

Where the conduct of an Athlete or ASP causes their eligibility for funding to be in question, UK Sport has established an Eligibility Panel to determine the individual cases for Athlete and ASPs to receive Public Funding and / or Publicly Funded Benefits.

In making decisions on an individual's eligibility for funding under this Policy, UK Sport will generally take into account the outcome of other processes that the Athlete or ASP will have been subject to. For example, this may include actions of National Governing Bodies (NGBs), Funded Partners, the Courts and / or the Police, UK Anti-Doping (UKAD), Her Majesty's Revenue and Customs (HMRC), Department for Work and Pensions (DWP) etc. UK Sport will generally wait for the outcome of such decisions but reserves the right to make its own funding decision under this Policy.

All considerations regarding performance and selection to the NGB's WCP are outside the scope of this Policy and not the responsibility of UK Sport. As such, the Eligibility Panel are not authorised to make performance related decisions as regards an Athlete's status on the WCP (i.e. whether they are podium or podium potential). Furthermore, the Eligibility Panel does not have the right to prevent the selection of an Athlete or ASP who is not eligible for Public Funding and / or Publicly Funded Benefits by an NGB, the BOA or the BPA. UK Sport has produced separate guidance on NGB Athlete selection to the WCP, Team GB, Paralympics GB and a NGB's GB Team.

## 2. ESSENTIAL REQUIREMENTS FOR FUNDING ELIGIBILITY

Athletes and ASPs will not be eligible to receive Public Funding and/or Publicly Funded Benefits if they do not satisfy the essential requirements set by other organisations which are set out in Part A paragraphs 2.1 to 2.5 below:

### 2.1 TEAM GB/PARALYMPICS GB AND NGB'S GREAT BRITAIN TEAM

The Athlete or ASP must meet the eligibility requirements of:

- a. the IOC, the BOA;
- b. the IPC, the BPA; and/or
- c. the International Federation or International Disabled Sport Federation, NGB

to compete for or represent Great Britain and Northern Ireland at International Competitions. UK Sport acknowledges that the eligibility criteria for Team GB or Paralympics GB may not be immediately available to the BOA or BPA from the relevant Organising Committee for the Olympic Games for a particular Summer or Winter Paralympic Games until later on in the relevant WCP funding cycle.

---

<sup>1</sup> Article 2 (i)(i).

<sup>2</sup> Dated 9 November 2007 issued pursuant to the National Lottery etc. Act 1993.

<sup>3</sup> <http://www.uk sport.gov.uk/our-work/investing-in-sport/investment-principles>

## 2.2 NATIONALITY (ATHLETES)

The Athlete must be a British national or British passport holder.

Athletes who wish to transfer from another country to compete for Team GB, Paralympics GB and the NGB at International Competitions where the GB Team competes, are not eligible to receive Public Funding and / or Publicly Funded Benefits until the Athlete, in addition to obtaining a British Passport or British Nationality, has received written confirmation from the BOA or BPA and the NGB of their eligibility to compete for Team GB, Paralympics GB and to represent the GB Team at International Competitions.

The only exception to this nationality provision concerns athletes who are training partners of WCP Athletes and are non-British nationals, provided always that they are eligible in accordance with the criteria set out in this Policy and have permission to work in the UK from the UK Border Agency. These training partner athletes may benefit from Publicly Funded Benefits.

## 2.3 RIGHT TO WORK IN THE UK (ASPs)

Where an ASP is receiving public funding and / or publicly funded benefits and working in the UK, they must have the right to work in the UK.<sup>4</sup>

## 2.4 SUSPENSION OR PERIOD OF INELIGIBILITY FROM THE SPORT FOR REASONS OTHER THAN BREACH OF THE NATIONAL ANTI-DOPING POLICY (NADP)

The Athlete or ASP must not be serving a suspension or a Period of Ineligibility from their sport for any reason other than a breach of the NADP outlined in Part A, paragraph 2.5.

If the Athlete or ASP is serving a suspension or a Period of Ineligibility from their sport, UK Sport shall automatically deem them to be ineligible to receive Public Funding and/or Publicly Funding Benefits for the same time period as the suspension.

## 2.5 SUSPENSION OR PERIOD OF INELIGIBILITY FROM THE SPORT FOR BREACH OF THE NATIONAL ANTI-DOPING POLICY

The Athlete or ASP must not be serving a suspension or Period of Ineligibility from their sport for a breach of any regulation contained in the NADP<sup>5</sup>.

If the Athlete or ASP is serving a suspension or a Period of Ineligibility from their sport, UK Sport shall automatically deem them to be ineligible to receive Public Funding and/or Publicly Funding Benefits for the same time period as the suspension.

## 3. UK SPORT ELIGIBILITY CRITERIA

Athletes and ASPs may be ineligible for Public Funding and/or Publicly funded benefits in the circumstances outlined at Section 3.1 to 3.6 below. This applies to:

- i) athletes who are on or have been a member of at any time; and
- ii) ASPs who are or have been an employee or contractor working on or providing services to;

a WCP funded through the UK Sport grant.

---

<sup>4</sup> Please visit <http://www.ukba.homeoffice.gov.uk/>

<sup>5</sup> In accordance with the WADA Code

### 3.1 **PRIOR UK SPORT OR APPEAL DECISION**

The Athlete or ASP has been declared ineligible to receive Public Funding and/or Publicly Funded Benefits from UK Sport based on a prior UK Sport decision before the start of this Policy or a decision made under this Policy (including any previous versions).

### 3.2 **CRIMES**

The Athlete or ASP has an unspent conviction<sup>6</sup> for a criminal offence in the United Kingdom (or from legislation in a foreign jurisdiction) under the Rehabilitation of Offenders Act 1974 and Rehabilitation of Offenders (Northern Ireland) or from equivalent legislation in a foreign jurisdiction.<sup>7</sup>

A guide to the duration of rehabilitation periods that apply to convictions after which they become forgotten in law ("spent") is provided at Part A, paragraph 7 to this Policy. If an Athlete or ASP wishes to clarify the status of their conviction under the 1974 Act or 1978 Order they should seek independent legal advice.

Below is a non-exhaustive list of examples of criminal offences:

- Burglary
- Robbery
- Theft
- Financial crimes (including fraud, bribery and corruption)
- Sexual and violent offences
- Offences against minors (including possession of child pornography)
- Human Trafficking
- Drug offences
- Hate crimes
- Attempts or conspiracy to commit any of the above offences

### 3.3 **ANTI-DOPING REGULATIONS VIOLATIONS (ADRV)**

A Period of Ineligibility for a breach of ADRV has been imposed on the Athlete or ASP by a sport governing body or regulatory body. This criterion applies to an Athlete or ASP's doping conduct from 1 January 2002<sup>8</sup>. Any sanctions imposed by a sport governing or regulatory body are separate to UK Sport's obligations under the UK National Anti-Doping Policy.

### 3.4 **BREACH OR VIOLATION OF RULES ON BETTING, CORRUPT CONDUCT AND MATCH-FIXING**

A Period of Ineligibility for breach of rules on Betting, Corrupt Conduct or Match-Fixing is imposed on the Athlete or ASP by a sport governing or regulatory body.

### 3.5 **MISCONDUCT**

The Athlete or ASP has engaged in misconduct. This can include but is not limited to bullying, harassment, discrimination, assault or safeguarding concerns not dealt with by law, or for matters set out in paragraphs 3.1 to 3.7 of this Policy.

---

<sup>6</sup> An 'Unspent Conviction' means a conviction in respect of which the offender is not treated as rehabilitated and is not forgotten in law.

<sup>7</sup> Subject to the provisions of the Rehabilitation of Offenders Act 1974 (Exceptions Order) 1975; Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions) (Scotland) Order 2003; Rehabilitation of Offenders (Northern Ireland) (Exceptions) Order 1979) or any directly analogous legislation in a foreign jurisdiction offences that are spent and road traffic offences are excluded.

<sup>8</sup> This being the date the Statement of Anti-Doping Policy was first introduced into the UK setting out UK Sport's funding criteria and consequences that applied to doping sanctions.

### 3.6 **DISREPUTE**

The Athlete or ASP has done anything which brings or tends to bring themselves, their WCP or NGB, the National Lottery and / or UK Sport into disrepute. This includes using social media in a way that is malicious, derogatory or in ways which tend to offend. Nothing in the foregoing shall apply to comments made by Athletes or ASPs which are fair comment, relate to performance matters such as a comment on sporting tactics or where the Athlete or ASP is whistleblowing on illegal acts or practices which are in the public interest.

**Below is a non-exhaustive list of examples of disrepute:**

1. Acts or comments (whether in the media or online such as through tweets, social networking site comments, texts, blogs etc.) which:

- a. are malicious, hateful, harmful etc.;
- b. are derogatory about a person's disability, gender, pregnancy or maternity, race, sexuality, marital status, beliefs or age (not an exhaustive list); and
- c. shock or offend the community or which manifests contempt or disregard for public morals and decency.

Specific Examples could be:

- d. Committing a criminal offence of the type listed in paragraphs 3.2 above but the offence is dealt with through a caution or warning.
- e. The making of sexist, racist, homophobic or other discriminatory remarks.
- f. Swearing or obscene language whilst wearing team kit.
- g. Desecrating in any way a memorial which commemorates the loss of life; limb or tragedy, religious or holy shrine or other site which is objectively of significance to a persons' beliefs.
- h. Sending or distributing obscene or offensive images (whether online or in hard copy).

3. Intentional misrepresentation in Paralympic sport by an Athlete or ASP of their classification (please see the [UK Athlete Classification Code](#) for further information)

4. Breaches of the regulations contained in the UK NADP which are not determined by the National Anti-Doping Panel.

### 3.7 **FALSE STATEMENTS, DECLARATIONS AND DISCLOSURE**

In order to receive or maximise Public Funding and/or Publicly Funded Benefits received from UK Sport, the Athlete or ASP has:

- 3.7.1 knowingly made false statements to UK Sport; and/or
- 3.7.2 failed to make full and fair disclosure to UK Sport in respect of any fact or matter which affects or might reasonably be expected to affect their application or nomination to receive Public Funding and / or Publicly Funded Benefits.

## **4. ELIGIBILITY PANEL POWERS AND MITIGATION**

### 4.1 **POWERS**

On the application of this Policy, all decisions shall be made by the UK Sport Eligibility Panel in accordance with the procedures set out in the Eligibility Rules (see Part B). The Eligibility Panel has the power to:

- 4.1.1 issue a written warning which will be considered in any future conduct decisions made against the Athlete or ASP;
- 4.1.2 retain any payments which have been withheld during any period of suspension;
- 4.1.3 declare that the Athlete or ASP is ineligible to receive Public Funding and/or Publicly Funded Benefits in whole or in part for any specified period of time or indefinitely; and
- 4.1.4 seek repayment of all or part of any Public Funding and / or Publicly Funded Benefits provided to the Athlete or ASP during the period in which they were in breach of this Policy.<sup>9</sup>

The Eligibility Panel has the power and reserves the right to apply further conditions on any consequence applied. All decisions made by the Eligibility Panel will be made on a case by case basis. Notwithstanding any Period of Ineligibility or suspension imposed by a sports or regulatory governing body, the Eligibility Panel shall reserve the right to make a decision under this Policy on the Athlete or ASPs eligibility to receive Public Funding and / or Publicly Funded Benefits beyond any periods imposed by any other body.

## 4.2 **MITIGATION**

The Eligibility Panel will have discretion about whether to take into account the mitigation factors set out below:

- 4.2.1 conduct of the person concerned since first being on notice that their conduct was a concern to UK Sport (i.e. whether they have been open and truthful);
- 4.2.2 whether the person who may be vulnerable due to learning disability or mental health needs or who are at risk due to a specific circumstance which affects their capacity to act for themselves or others;
- 4.2.3 cooperation with UK Sport (including requests for information);
- 4.2.4 cooperation with and provision of information to the appropriate authorities (NGBs, the Courts or the Police, UKAD, HMRC, DWP etc.);
- 4.2.5 remorse and steps to rehabilitation (for example taking part in educational, community, psychological programmes etc.);
- 4.2.6 previous high standard of conduct;
- 4.2.7 conduct since the Eligibility Panel or appeal decision;
- 4.2.8 inexperience;
- 4.2.9 lapse of time; and
- 4.2.10 other mitigating factors UK Sport regards as relevant.

---

<sup>9</sup> Nothing in this section shall prejudice UK Sport's obligation under the UK National Anti-Doping Policy.

#### 4.3 **IMPLICATIONS**

Examples of the implications of certain decisions arising under the Policy are set out below:

1. Implications of ineligibility – Athlete: WCPs vary from NGB to NGB. As an indicative guide if an Athlete is declared ineligible for funding under this Policy then the implications would mean that they may not be entitled to receive the following:

- a. Publicly Funded Benefits via their NGB gained from being on the WCP (this may vary from sport to sport), in essence (in so far as the following items are provided by Publicly Funded Benefits) this would be to access to training; competitions; personal development planning and reviews; coaching support; team clothing and equipment, travel and accommodation expenses at designated camps and events;
- b. An Athlete Performance Award - direct funding grant to contribute to living and sporting costs of being an Athlete on the WCP;
- c. Athlete Medical Scheme Cover (AMS) which is bespoke athlete-specific medical insurance cover;
- d. Personal Development Award;
- e. Sport science, sport medicine, technology and engineering solutions delivered via Home Country Institutes (EIS, SIS, SWI, SNI) - including Performance Lifestyle Support;

2. Implications of repayment - Athlete: Where the right to claw back funding is exercised, this will be on the value of the APA the athlete is in receipt of during the period in which they were in breach of the Policy.

3. Implications for ASPs: an ASP who is declared ineligible to receive Public Funding and/or Publicly Funded Benefits would (i) not be able to be involved in the delivery of services to Athletes using WCP Publicly Funded Benefits, (ii) receive payment paid from WCP funding by NGBs and/or (iii) have access to publicly funded programmes run by UK Sport including the Elite Coaching Programme and International Leadership Programme.

4. Implications on changing role from Athlete to ASP (and vice versa): If an Athlete is subject to a decision under this Policy and then later changes their role from Athlete to ASP (or vice-versa) then that decision shall continue to apply.

#### 4.4 **DURATION OF SANCTION**

If the Eligibility Panel decides that an Athlete or ASP shall be ineligible to receive Public Funding and / or Publicly Funded Benefits, then: i) on expiry of any period imposed; and ii) subject to compliance with any further conditions applied by the Eligibility Panel (if applicable), the Athlete or ASP shall be eligible for Public Funding and / or Publicly Funded Benefits.

### **5 TEMPORARY SUSPENSION OF FUNDING OR BENEFITS**

#### 5.1 **TEMPORARY SUSPENSION FOR REASONS OTHER THAN AN ALLEGED BREACH OF THE NATIONAL ANTI-DOPING POLICYS**

Where an NGB or other sports governing or regulatory body imposes a suspension against the Athlete or ASP pending proceedings in relation to matters referred to under Part A, paragraphs 2.4 or 3.1 to 3.2 and 3.4 to 3.7 (and therefore excluding an alleged breach of the NADP dealt with under paragraphs 2.5 and 5.2) UK Sport reserves the right to automatically suspend Public Funding and/or access to Publicly Funded Benefits received by the Athlete or ASP pending the outcome of the proceedings. Where the period of suspension imposed by the NGB is no more than 4 weeks, the Chair of the Eligibility Panel may delegate the decision to impose a suspension to the UK Sport executive.



If it is ultimately decided that no breach or violation of the rules of their sport or criminal offence has been committed, then UK Sport will, absent of exceptional circumstances, remit (as soon as possible after that decision but without payment of any interest or other compensation for delayed payment) any suspended Publicly Funded payments to the Athlete or ASP and will reinstate access for that person to any relevant Publicly Funded Benefits.

If it is finally decided that a breach of the Eligibility Policy has been committed and a Period of Ineligibility is imposed, then UK Sport will retain the suspended payments during the period of suspension and will require repayment from the Athlete or ASP of any funding provided to them by UK Sport, either directly or via the NGB, from the time the breach was committed.

## **5.2 TEMPORARY SUSPENSION FOR ALLEGED BREACH OF THE NATIONAL ANTI-DOPING POLICY**

Where an Athlete or ASP is charged with breach of the NADP, UK Sport may automatically suspend Public Funding and or access to Publicly Funded Benefits received by the Athlete or ASP pending the outcome of the proceedings.

If it is finally decided that no breach of the NADP has been committed or if it is ultimately determined that a breach has been committed but no Period of Ineligibility is imposed, then UK Sport will, absent of exceptional circumstances, remit (as soon as possible after that decision but without payment of any interest or other compensation for delayed payment) any suspended Public Funding to the Athlete or ASP, and will reinstate access for that person to any relevant Publicly Funded Benefits.

If it is finally decided that a breach of the NADP has been committed and a Period of Ineligibility is imposed, then UK Sport will retain the suspended payments and will require repayment from the Athlete or ASP of any funding provided to them by UK Sport, either directly or via the NGB, during the period when the anti-doping rule violation was committed.

## **6 REVIEW AND FORMAT**

UK Sport reserves the right to amend this Policy periodically and ensure the latest version is available on the UK Sport website (<http://www.uk sport.gov.uk/resources/eligibility>).

If you require this policy in another format, Welsh or another language please contact [Integrity@uksport.gov.uk](mailto:Integrity@uksport.gov.uk) Please state 'Eligibility Policy' in the subject heading.

## **7 REHABILITATION**

The following extract is taken from Government guidance which can be found [here](#).

The rehabilitation period (the length of time before a caution or conviction becomes spent) is determined by the type of disposal administered or the length of the sentence imposed. It is calculated from the date of conviction or the date the caution is administered. The rehabilitation periods are shown in the table below:

<b>Sentence or Disposal</b>	<b>Rehabilitation period aged 18 or over when convicted/disposal administered</b>	<b>Rehabilitation period if aged under 18 when convicted/disposal administered</b>
Custodial sentence of over 48 months	Never spent	
Custodial sentence of over 30 months but not exceeding 48 months	7 years from the date on which the sentence (including any licence period) is completed)	42 months from the date on which the sentence (including any licence period) is completed)
Custodial sentence of over 6 months but not exceeding 30 months	48 months from the date on which the sentence (including any licence period) is completed)	24 months from the date on which the sentence (including any licence period) is completed)
Custodial sentence of up to 6 months	24 months from the date on which the sentence (including any licence period) is completed)	18 months from the date on which the sentence (including any licence period) is completed)
Fine	12 months from the date of the conviction in respect of which the fine was imposed	6 months from the date of the conviction in respect of which the fine was imposed
Community order	12 months from the last day on which the order has effect	6 months from the last day on which the order has effect
Conditional caution	3 months from the date on which the caution was given, or (if earlier) when the caution ceases to have effect	
Simple caution, youth caution	Spent immediately	
Compensation order	On the discharge of the order (i.e. when it is paid in full)	

**Important Note:** This is intended as general guidance only. It is not legal advice and must not be regarded as a definitive interpretation of the 1974 Act. Anyone in doubt should seek their own legal advice.

# **PART B - RULES OF PROCEDURE**

## **1. ELIGIBILITY RULES OF PROCEDURE**

- 1.1 The UK Sport Board has fully delegated decision-making authority to the Eligibility Panel to determine matters relating to the eligibility of Athletes and ASPs to receive Public Funding and / or Publicly Funded Benefits. The Eligibility Panel will apply the Policy to determine whether an Athlete or ASP is ineligible for funding, and exercise the powers set out in Part A, paragraph 4 of the Policy.
- 1.2 The Eligibility Panel fully delegates decision-making to the UK Sport Executive for all matters that fall within paragraphs 2.1 - 2.3 of the Policy.
- 1.3 Decisions made under these Eligibility Rules should not be construed or interpreted as being anything other than UK Sport decisions. The Eligibility Panel will fairly apply this Policy.
- 1.4 The aim of this Part B 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 Eligibility Panel regarding the application of the Policy covering both the nature and extent of any action to be taken.
- 1.5 The Eligibility Panel may decide to defer the date for its decision under Part A, paragraph 4.1 of the Policy for a period of time that they deem appropriate after giving the Athlete or ASP the opportunity to provide any comments. Where the Eligibility Panel does defer the date for its decision under this Eligibility Rule 1.5 then it shall promptly inform the Athlete or ASP of the new date.
- 1.6 These Eligibility Rules set out the procedures 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 Eligibility Panel'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 Eligibility Rules set out in Part B apply to the Eligibility Panel and not the Appeals Panel. The rules of the Appeals Panel are set out in Part D.

## **2. NOTICES AND SERVICE**

- 2.1 All notices and communications under this policy shall be sent by first class post or e-mail to the address details currently maintained on AthleteZone or provided to UK Sport by the applicable National Governing Body, 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.
- 2.2 Deemed date for service of documents shall be either: (i) the next Working Day after sending if first class post; or (ii) 5pm (GMT) for email if sent on a Working Day before 5pm (GMT) or the next Working Day at 5pm (GMT) if not sent on a Working Day or sent after 5pm (GMT).
- 2.3 For the purpose of calculating a period of time under these Eligibility Rules, such period shall begin to run on the day after a notice or other communication is served. Non-Working Days occurring during the period are not included in calculating time.

## **3. HANDLING OF THE ELIGIBILITY PROCESS**

- 3.1 In so far as is reasonably practicable in the circumstances, the meeting of the Eligibility Panel will normally take place within or by the expiry of 20 Working Days from notification of the alleged breach to the Athlete or ASP under Eligibility Rule 3.2.

- 3.2 UK Sport shall serve a copy of all information and documentation to the Eligibility Panel and Athlete or ASP that it intends to rely or take into consideration when making its decision, pursuant to Eligibility Rule 2 above. In its correspondence UK Sport shall set out the date for the proposed Eligibility Panel meeting when the decision will be made and the deadline by which the Athlete or ASP shall provide their written submission to the Eligibility Panel via the email address set out in Eligibility Rule 3.3. The Athlete or ASP shall treat all information provided by UK Sport as confidential.
- 3.3 The Athlete or ASP may submit to UK Sport at [Integrity@uksport.gov.uk](mailto:Integrity@uksport.gov.uk), up to 5 working days prior to the agreed Eligibility Panel meeting (unless an extension is granted by the Chair), a written submission setting out, as fully as possible (including providing supporting documentation, evidence, statements etc.), their position in relation to the funding eligibility criteria set out in the Policy. If the Athlete or ASP cannot attend the Eligibility Panel meeting on the proposed date, the Athlete or ASP must provide dates of their availability (including those of any witnesses, experts and / or representatives etc. availability). Availability need not be in person, but can be by internet or telephone, and this should be set out when details are provided. Subject at all times to Eligibility Rule 3.6, the Eligibility Panel will fix a date that takes into account such availability, but also the need for a speedy decision.
- 3.4 Once UK Sport and the Athlete or ASP have submitted their information and documentation to the Eligibility Panel, the Chair may decide to make an early determination, if it is right to do so, and remove the need to hold a meeting.
- 3.5 If not, the Eligibility Panel will hold its meeting on the agreed date. Subject to receipt of the Athlete's or ASP's written submission under Eligibility Rule 2.3, the Athlete or ASP shall have the right to attend the Eligibility Panel meeting to make oral representations, to question witnesses and experts and to ask questions of the Eligibility Panel.
- 3.6 Within 10 Working Days of the Eligibility Panel 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.
- 3.7 In the event an Eligibility Panel meeting date cannot be agreed under Part B 3.4, the Eligibility Panel may, no earlier than 12 weeks after deemed service, make a decision under the Policy.

#### **4. CONFIDENTIALITY**

- 4.1 All submissions (including supporting documents, evidence, statements etc.) shall be confidential but this provision is not intended in any way to constrain what the Eligibility Panel may refer to in its written reasons.
- 4.2 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.
- 4.3 Without prejudice to Eligibility Rules 4.1 and 4.2, UK Sport may (with prior notice to the Athlete or ASP) in response to a request for information (whether from a media outlet or otherwise), reserve the right to issue a short statement setting out that the Eligibility Panel has met (including dates and times), the types of matters that the Eligibility Panel rules on and that an appropriate outcome has been decided.
- 4.4 The Eligibility Panel may not publish any statement in accordance with Part B, 4.3 (above) during the period in which an appeal may be made in accordance with this Policy or if such an appeal has been made, until such time as it is determined or withdrawn.

## **5. APPOINTMENT OF EXPERTS**

- 5.1 The Chair may appoint one or more experts to assist the Eligibility Panel on technical matters within the expertise of the expert.

## **6. STANDARD, BURDEN OF PROOF AND EVIDENCE**

- 6.1 Where any fact or matter is required to be established to the satisfaction of the Eligibility 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 that an Athlete's or ASP's conduct has breached the Policy.
- 6.3 All questions concerning the admissibility of evidence shall be for determination by the Eligibility Panel in its discretion and an Eligibility 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 Any decision or finding made by any court, tribunal or arbitration body may be relied on in the application of this Policy as proof of an act, omission or comment being committed or made by an Athlete or ASP

## **7. MEETINGS AND DECISIONS**

- 7.1 Meetings of the Eligibility Panel will be held in private and in addition to the Eligibility Panel members, Athlete or ASP and a reasonable number of their assistants, representatives, witnesses or experts will be attended by the UK Sport Executive. However, as stated under Eligibility Rule 7.5 below, all decisions shall be made by the members of the Eligibility Panel.
- 7.2 The Chair shall decide the location of the meeting or whether it can be held via telephone or internet, taking into account the individual needs and circumstances of the Athlete or ASP.
- 7.3 Pursuant to Eligibility Rule 2.1 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.
- 7.4 The Athlete or ASP must provide a list of names and contact details of any persons attending the Eligibility Panel meeting on their behalf as a representative, witness or expert at least 5 working days before the meeting.
- 7.5 Unless the Chair is acting alone, the Eligibility Panel 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 Eligibility Panel may abstain from making a decision.
- 7.6 All decision notices shall contain information on the right of appeal and a copy of the Policy and Appeal Rules.

# **PART C - ELIGIBILITY PANEL TERMS OF REFERENCE**

## **1. MEMBERSHIP**

- 1.1 The UK Sport Board shall appoint an Eligibility Panel which consists of a total of 5 members.
- 1.2 3 of the 5 members of the Eligibility Panel must be appointed from existing members of the UK Sport Board.
- 1.3 The 4<sup>th</sup> and 5<sup>th</sup> members of the Eligibility Panel shall not be a member of the UK Sport Board but will be independent members approved by the UK Sport Board.
- 1.4 The UK Sport Board shall appoint one member of the Eligibility Panel as the panel chair.
- 1.5 Appointments to the Eligibility Panel shall be for a term of up to four years, which may be extended for a further four-year term, subject to reappointment by the UK Sport Board and provided the members are eligible throughout that period.

## **2. ROLE OF THE CHAIR OF THE ELIGIBILITY PANEL**

- 2.1 The Chair of the Eligibility Panel may:
  - 2.1.1 decide, subject to the agreement of all parties the matter on the papers;
  - 2.1.2 determine questions of procedure and timescales;
  - 2.1.3 decide that, because of special circumstances, it is in the interests of all parties that the Eligibility Panel Meeting is to be conducted in a manner which involves a substantial departure from the procedure set out in the Eligibility Rules (such as, for example, a need for the deadlines prescribed by this Eligibility Policy to be significantly shortened or lengthened). The Chair of the Eligibility Panel 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); and
  - 2.1.4 delegate the decision to suspend an athlete or ASP to the UK Sport Executive, where the period of suspension imposed by the NGB is no more than 4 weeks.
- 2.2 The Chair of the Eligibility Panel shall provide an annual report to the UK Sport Board on the operation of the Eligibility Panel, which shall include, but not be limited to: i) themes and trends; ii) weaknesses and threats to the Eligibility Policy; and iii) any policy improvements.

## **3. QUORUM**

- 3.1 The quorum for Eligibility Panel meetings shall be 3 members consisting of the Chair of the Eligibility Panel and 2 members.

## **4. UK SPORT INTEGRITY MANAGER**

- 4.1 The UK Sport Integrity Manager or his/her nominee shall record any key decisions and action points of the Eligibility Panel, including recording the names of those in attendance along with the outcome of any meetings.

## **5. UK SPORT GENERAL COUNSEL**

5.1 The UK Sport General Counsel or his/her nominee shall be present for all meetings of the Eligibility Panel and will provide legal advice to UK Sport on all such meetings and communications.

## **6. FREQUENCY OF MEETINGS**

6.1 The Eligibility Panel shall meet at the call of the Chair of the Eligibility Panel.

## **7. ATTENDANCE AT MEETINGS**

7.1 Only members of the Eligibility Panel shall have the right to attend Eligibility Panel meetings. However other individuals may be invited by the Chair of the Eligibility Panel to attend all or part of any meeting as and when appropriate.

## **8. NOTICE OF MEETINGS**

8.1 Unless otherwise agreed, notice of each meeting confirming the venue, time and date, together with an agenda of items to be discussed and supporting papers, shall be forwarded to each member of the Eligibility Panel and any other person required to attend, no later than 3 Working Days before the date of the meeting.

## **9. RESPONSIBILITIES**

9.1 The Eligibility Panel shall act as a review or oversight body of the UK Sport Board tasked with application of the Eligibility Policy and Rules.

9.2 The Eligibility Panel shall convene a panel meeting for detailed consideration of such cases and on such terms as the Eligibility Panel sees fit.

## **10. REPORTING RESPONSIBILITIES**

10.1 The Chair of the Eligibility Panel shall report to the UK Sport Board annually on the proceedings of the Eligibility Panel where appropriate.

10.2 The Eligibility Panel shall make whatever recommendations to UK Sport Board it deems appropriate on any area within its remit where action or improvement is needed.

## **11. OTHER**

11.1 In addition to 6.1 above, the Eligibility Panel shall, at least once a year, review its own performance and these Terms of Reference to ensure it is operating at maximum effectiveness, and recommend any changes it considers necessary to UK Sport Board for approval.

11.2 The members of the Eligibility Panel shall be entitled to meet without any UK Sport employees (executives) being present to review and discuss its role and operation.

11.3 In the event the Chair is unavailable to chair a meeting, the Eligibility Panel shall nominate an acting Chair in as required.

# PART D – APPEAL RULES

## APPEAL RULES

In order to ensure the fair and independent determination of appeals the UK Sport Board has appointed an independent Appeal Panel (the '**Appeal Panel**') to hear appeals in relation to decisions under this Policy. The Appeal Panel will be appointed and administered by Sports Resolutions UK ('**SRUK**'),<sup>10</sup>

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 (the '**Appellant**') against a decision made by UK Sport under the Policy. The Appeal Panel shall:
  - 1.1.1 implement the Appeal Rules and make its decisions based on fairness and natural justice;
  - 1.1.2 ensure the Appeal Panel and its members are impartial and independent;
  - 1.1.3 not act as an advocate for either party; and
  - 1.1.4 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 WCP (i.e. the Appeal Panel cannot determine if an Athlete is to be a podium or podium potential Athlete) or the amount of Publicly Funded Benefits an Athlete or ASP can access. The Appeal Panel shall rule on any challenge to its own jurisdiction.
- 1.3 The Appeal Panel will hear all the evidence as if it is the first time (*appeal de novo*). The Appeal Panel is able to exercise the powers set out in paragraph 4 of the Eligibility Policy and has full power to decide the facts and the law of the case and annul and replace the decision appealed against.
- 1.4 Unless the parties agree to the appointment of a sole arbitrator or SRUK directs that a sole arbitrator may hear the appeal under Appeal Rule 1.7, the Appeal Panel shall generally be made up of three individuals ('the **Panel Members**') who are appointed by SRUK. Two of the Panel Members shall be from SRUK's list of lay members. The third Member shall be the Chair of the Appeal Panel, and is drawn from a SRUK list of eight legally qualified individuals.
- 1.5 None of the Panel Members shall be from the parties or shall at any time have been involved in any capacity with any aspect of the decision that is the subject of the Appeal.
- 1.6 If the parties agree or SRUK directs the use of a sole arbiter, they shall be drawn from a SRUK List of eight legally qualified individuals. Where a sole arbitrator is appointed to decide the Appeal all references in these Appeal Rules to the "Chair" shall mean the sole arbitrator unless the context means otherwise.
- 1.7 The Appeal Panel shall be constituted as an Arbitration Panel, as governed by the Arbitration Act 1996 and subject to Appeal Rule 1.7, the seat of arbitration will be in London. The Appeal shall be conducted in accordance with English law.

---

<sup>10</sup> Sports Resolutions UK is the trading name of the Sports Disputes Resolution Panel Limited



- 1.8 Hearings shall generally be in London. However, in certain circumstances, and after consultation with all parties, the Chair of the Appeal Panel may decide to hold a hearing at another place and issue the appropriate directions related to such hearing (including location, telephone and video link).

## **2. REQUEST FOR APPEAL**

- 2.1 The Appellant must submit to SRUK a written request for an appeal within 15 Working Days of deemed service of the decision they wish to 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 statement of whether they wish the appeal to be decided on the papers or by way of hearing; and
- 2.1.6 a copy of the decision (including a copy of any relevant documentation that relates to the decision such as notice provided to the Appellant, statement of eligibility provided to UK Sport and supporting documents).

- 2.2 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  
Email: [resolve@sportresolutions.co.uk](mailto:resolve@sportresolutions.co.uk)

- 2.3 If the requirements in Appeal Rule 2.1 are not satisfied when the Request for an Appeal is filed with SRUK, SRUK may grant a reasonable to the deadline to the Appellant. If the Appellant fails to meet that deadline SRUK shall not, absent of exceptional circumstances, proceed with the Appeal. Requests for extensions under this Appeal Rule 2.3 must be submitted in writing to SRUK.

- 2.4 Appeals may not proceed where a Request for an Appeal is not received within 15 Working Days. Where Appeal Rule 2.3 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.

- 2.5 Within 5 Working Days of receipt, 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 Within 10 Working Days of service of a Request for an Appeal, SRUK will either nominate the Panel Members or a sole arbitrator to hear the Appeal and, having ascertained their availability to sit, will notify the nominations to the parties.

- 3.2 If any party intends to challenge the nomination of a Panel Member or sole arbitrator, they must do so within 5 Working Days of notification by SRUK of the nomination. To challenge a nomination, that party must submit in writing to SRUK the reasons why that party is challenging. Unless the challenged Panel Member 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's Chief Executive, shall decide), shall decide on the challenge and shall if necessary request SRUK to nominate a replacement nominee.

- 3.3 In the absence of any challenge to the nominations of Panel Members, SRUK will appoint the nominees to constitute the Appeal Panel.
- 3.4 If any Panel Member refuses, or in the opinion of the Chair becomes unable or unfit to act, the Chair shall request the appointment of another Panel Member in their 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/her absolute discretion whether to appoint a replacement Appeal Panel Member.

#### **4 COMMUNICATION**

- 4.1 The parties shall communicate through SRUK. The Chair of the Appeal Panel may direct that communication can take place directly, always provided that SRUK and the Appeal Panel receive copies .
- 4.2 All communications shall be delivered or sent by first class post or email to the parties at the addresses notified to SRUK.
- 4.3 Deemed date for service of documents shall be either: (i) the next Working Day after sending if first class post; or (ii) 5pm (GMT) for email if sent on a Working Day before 5pm (GMT) or the next Working Day at 5pm (GMT) if not sent on a Working Day or sent after 5pm (GMT).
- 4.4 A party's last-known residence, place of business 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 Appeal Rules, such period shall begin to run on the day after a notice or other communication is given. Non-Working Days occurring during the period are not included in calculating time.

#### **5 CONDUCT OF THE PROCEEDINGS**

- 5.1 The Appeal Panel shall conduct the proceedings in such manner as it considers fair and reasonable 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 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 Panel Member, 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 UK Sport 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 a Panel Member. 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 UK Sport admits or denies, on what grounds, and on what other facts,

law or rules UK Sport relies together with all exhibits and other evidence upon which UK Sport intends to rely 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 determine it; 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 determine it.
- 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 the opportunity to make a decision based on the written submissions only. 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.
- 5.5 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 AND 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 that the Appellants conduct has breached the Policy or that the decision applied should stand.
- 6.3 All questions concerning the admissibility of evidence shall be for determination by the Appeal Panel in its discretion and the Appeal 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 to the Eligibility Panel 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 Appellant.

## **7 HEARINGS**

- 7.1 Subject to Appeal Rule 1.7, any hearing held shall be at such location as directed by the Chair.
- 7.2 The Chair shall determine 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 shall be at the discretion of the Chair, provided it 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 their case.
- 7.5 The Appellant 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 Appellant or their assistant/representative who shall be given a fair opportunity to question any witness. Appellants who are under 18 or require general support may also have their parent / guardian or assistant or carer present.
- 7.6 If an Appellant fails to attend a hearing, whether in person or by video link, internet or telephone, on the date and time so fixed and the Appellant is not granted an Adjournment, then UK Sport may apply to the Appeal Panel to decide:

7.6.1 the appeal in the absence of the Appellant; or

7.6.2 the appeal is to be considered withdrawn.

## **8 WITNESSES AND EXPERTS**

- 8.1 If the Appeal Panel determines 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 a signed summary statement of their expected testimony, including the subject matter and content of the evidence on which such witnesses will be relying 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 they have 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 Appeal 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, unless agreed otherwise by the parties
- 8.4 The Appeal Panel may (unless the parties 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 has the power to issue a new decision under the Policy and annul and replace the decision. The Appeal Panel can apply any of the consequences set out at paragraph 4 of the Eligibility Policy and take into account the mitigating factors.
- 9.2 The Appeal Panel will endeavour to reach its decision within either: (i) 15 Working Days of service of the Reply or the deadline for service of the Reply, whichever is the later; or (ii) 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 a decision and / or recommendation made were agreed unanimously or by majority.

- 9.4 Appeal Panel decisions shall be in writing, stating the reasons, 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 to the parties, the written decision shall be confidential.
- 9.6 Without prejudice to Appeal Rules 7.3 and 9.5, UK Sport may (with prior notice to the Athlete or ASP) in response to a request for information (whether from a media outlet or otherwise), reserve the right to issue a short statement setting out that the Eligibility Panel has met (including dates and times), the types of matters that the Eligibility Panel rules on and that an appropriate outcome has been decided

## **10 COSTS**

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

# PART E - DEFINITIONS

**'Appeal Rules'** means the rules of procedure governing appeals which are set out in Part D;

**'Athlete'** means a member of the WCP or a person who is nominated for inclusion on the WCP (including Performance Support Personnel);

**'(AMS) Athlete Medical Scheme'** means a bespoke athlete-specific medical insurance cover for all athletes on the World Class Programme;

**'Athlete Support Personnel' or 'ASP'** means any coach, trainer, manager, athlete representative, agent, team staff member, official, medical or para-medical personnel, or any other person employed by or working with an Athlete or the Athlete's NGB (including those persons from a Funded Partner working with an Athlete or an NGB's WCP generally);

**'Benefit'** means the direct or indirect receipt or provision (as relevant) of money or money's worth (other than prize money and / or contractual payments to be made under endorsement, sponsorship or other contracts);

**'Bet'** means a wager of money or any other form of financial speculation whether legal or illegal;

**'Betting'** means making, accepting, or laying a Bet and shall include, without limitation, activities commonly referred to as sports betting such as fixed and running odds, totalisator/tote games, live betting, betting exchange, spread betting and other games offered by legal sports betting operators or illegal betting operators;

**'BOA'** means the British Olympic Association;

**'BPA'** means the British Paralympic Association;

**'Chair of the Eligibility Panel'** means the individual who acts as Chair of the Eligibility Panel, as selected from time to time by UK Sport Board or nominated by the Eligibility Panel in an acting capacity the event of the unavailability of the Chair;

**'Competition'** means an Event or series of Events conducted over one or more days including a National or International Competition;

**'Corrupt Conduct'** means:

- a. Disclosing Inside Information to any third party for the purposes of Betting or Matching Fixing;
- b. Inducing, instructing, facilitating or encouraging a Participant to breach Betting or Match-Fixing rules or knowingly assisting, covering up or otherwise being complicit in any acts or omissions of the type described above committed by a Participant;
- c. Providing, offering, giving, requesting or receiving any gift or Benefit (or the legitimate expectation of a Benefit, irrespective of whether such Benefit is in fact given or received) in circumstances that the Participant might reasonably have expected could bring him or the sport into disrepute;

**'Eligibility Panel'** means the UK Sport Board Eligibility Panel who has delegated authority to determine cases of eligibility to receive Public Funding and / or Publicly Funded Benefits;

**'Eligibility Rules'** means the rules of the Eligibility Panel set out in Part B;

**'(EIS) English Institute of Sport'** means the organisation that provides sport science and medical support services to elite athletes through a nationwide network of expertise and facilities, working with Olympic and Paralympic summer and winter sports;

**'Executive'** means a team of UK Sport employees consisting of the Chief Operating Officer and members of the Sport Integrity Unit and Legal team;

**'Event'** means a single race, match or contest;

**'Funded Partner'** means organisations such as the home country institutes of sport, BOA, BPA and Sports Coach UK etc.;

**'Inside Information'** means any information relating to any Competition or Event that a Participant possesses by virtue of his position within the sport. Such information includes, but is not limited to, factual information regarding the competitors, the conditions, tactical considerations or any other aspect of the Competition or Event, but does not include such information that is already published or a matter of public record, readily acquired by an interested member of the public or disclosed according to the rules and regulations governing the relevant Competition or Event;

**'International Competition'** means the Summer or Winter Olympic or Paralympic Games, World, European Championships, or any other international competition for the sport recognized by the International Federation or International Disabled Sport Federation;

**'IOC'** means International Olympic Committee;

**'IPC'** means the International Paralympic Committee;

**'Match Fixing'** means:

- a. Fixing or contriving in any way or otherwise improperly influencing, or being a party to fix or contrive in any way or otherwise improperly influence, the result, progress, outcome, conduct or any other aspect of an Event or Competition; and / or
- b. Ensuring or seeking to ensure the occurrence of a particular incident in an Event or Competition which occurrence is to the Participant's knowledge the subject of a Bet and for which he or another Person expects to receive or has received a Benefit; and / or
- c. Failing in return for a Benefit (or the legitimate expectation of a Benefit, irrespective of whether such Benefit is in fact given or received) to perform to the best of one's abilities in an Event or Competition;
- d. Accepting, offering, agreeing to accept or offer, a bribe or other Benefit (or the legitimate expectation of a Benefit, irrespective of whether such Benefit is in fact given or received) to fix or contrive in any way or otherwise to influence improperly the result, progress, outcome, conduct or any other aspect of an Event or Competition;

**'National Competition'** means a county, regional or national trials competition of the sport including Home Country or British Team qualifying events;

**'Participant'** means any athlete, Athlete Support Personnel, judge, referee, delegate, commissioner, jury of appeal member, competition official, NGB team or delegation member and any other accredited person;

**'Performance Support Personnel'** means a guide, pilot, cox, assistant etc. to an Athlete(s) in the performance of their sport;

**'Period of Ineligibility'** means where an Athlete or ASP is not permitted for a period of time from participating in the following: an Event, Competition, training and any other activity of an NGB, International Federation or International Disabled Sport Federation, IOC or IPC;

**'Policy'** means this Eligibility Policy, set out in Parts A-E;

**'Public Funding'** means grant and / or National Lottery funding provided directly by UK Sport to an Athlete or ASP;

**'Publicly Funded Benefits'** means support services or other benefits of any kind funded directly by UK Sport or through the Home Country Institute of Sports or NGBs to Athletes and / or ASP;

**'(SIS) Scottish Institute of Sport'** means the organisation that provides high-performance leadership and expertise to sports and athletes throughout Scotland and the UK;

**'(SNI) Sport Northern Ireland'** means the leading public body for the development of sport in Northern Ireland;

**“(SWI) Sport Wales Institute”** means the national organisation responsible for developing and promoting sport and physical activity in Wales;

**“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;

**“World Class Programme (‘WCP’)”** means the programme designed, structured and operated by the National Governing Body to systematically nurture and sustain athletes capable of succeeding at the highest level of international competition which is funded by UK Sport;

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