

MEMORANDUM ON DISCIPLINARY PROCEEDINGS PROCEDURE

Introduction

1. The Chairman will introduce the proceedings by reminding the parties of the reason for the hearing which is to determine whether or not the Defendant has acted in breach of The Football Association of Wales' rules or procedures and, if he/she has, to determine the appropriate penalty with regard to the relevant guidelines.
2. Both parties will be asked to confirm that they have had an opportunity to prepare their case, that they understand the procedure to be followed and are ready to proceed. The Defendant will be reminded that he or she should listen carefully to the case against him/her and that he/she will be given an opportunity to challenge what is said and present his/her own case later in the proceedings.

The Plaintiff's Case

3. The Chairman will then invite the Plaintiff to present the case against the Defendant. The Plaintiff will read his/her report and be given an opportunity to add any other information or comments or refer the Disciplinary/Appeal Panel to any documentation which may be relevant.
4. Once the Plaintiff has presented his/her case, the Disciplinary/Appeal Panel may question the Plaintiff if it requires clarification of any point.
5. The Defendant will then be invited to ask questions and challenge the Plaintiff's evidence and assertions.
6. The Plaintiff will then have an opportunity to call witnesses who will be asked to give evidence in turn and, at the end of each witnesses' evidence, the Defendant will be given an opportunity to ask questions and challenge the evidence of each witness. The Disciplinary/Appeal Panel may also question the witnesses if it wishes.

The Defendant's Case

7. The Chairman will then invite the Defendant to present his/her case. The Defendant may read a prepared statement and/or present any information or comments or refer the Disciplinary/Appeal Panel to any documentation which may be relevant.
8. Once the Defendant has presented his/her case, the Disciplinary/Appeal Panel may question the Defendant if it requires clarification of any point.
9. The Plaintiff will then be given an opportunity to ask questions and challenge the Defendant's evidence and assertions.
10. The Defendant may then call any witnesses who are to give evidence on his/her behalf in turn and, at the end of each witnesses' evidence, the Plaintiff will be given an opportunity to question the witnesses. The Disciplinary/Appeal Panel may also question the witnesses if it wishes.

The Decision of the Disciplinary/Appeal Panel

11. Once the Defendant has confirmed that he/she has finished presenting

his/her case, providing that the Chairman is satisfied that both parties have had every opportunity to present any relevant information in support of their cases, the Chairman will adjourn the hearing to enable the Disciplinary/Appeal Panel to consider its decision.

12. Once the Disciplinary/Appeal Panel has reached its decision, the hearing will be reconvened and the Chairman will announce the decision to the parties.
13. If the decision is that the case against the Defendant has been proven, before the Disciplinary/Appeal Panel decides on the appropriate penalty, the Defendant will be given an opportunity to bring to the attention of the Disciplinary/Appeal Panel any mitigating factors or other circumstances which might affect the penalty imposed.
14. The hearing should then be adjourned again to allow the Disciplinary/Appeal Panel to consider the appropriate penalty taking into account the nature of the misconduct and any mitigating circumstances. In reaching its decision the Disciplinary/Appeal Panel will have regard to the guidelines set out in the Rules **[but will not regard itself as bound by those guidelines in the event that it considers an alternative penalty more suitable in taking into account all of the particular circumstances of the case].**
15. The decision of the Disciplinary/Appeal Panel will be announced either at the hearing or notified to the parties in writing within the next 10 days. In any event, the decision of the Disciplinary/Appeal Panel will be confirmed in writing and, if appropriate, will advise the Defendant of his or her right to appeal.

Ref: HLC/DR/E/

Dear Sir/Madam,

You are required to attend a Disciplinary/Appeal Panel of the Football Association of Wales, Chaired by:

at:

on:

commencing at:

to consider:

The purpose of this hearing is to determine whether or not you are guilty of the misconduct set out above, full details of which have already been provided to you.

You are referred to the Memorandum on Disciplinary Proceedings enclosed which sets out the procedure which will be followed at a personal hearing. This procedure will be followed whether or not a previous hearing has taken place. If written evidence only is submitted by you, this will be considered on its merits in light of the other evidence available to the hearing.

Each party will be allowed to call any witnesses and/or to present written evidence at the hearing. Prior indication of the number of witnesses you

are likely to call is requested although the Disciplinary/Appeal Panel will exercise its discretion to allow you to call additional witnesses. Both parties are required to provide the Chairman with copies of any documents they intend to rely on at least three days prior to the hearing. The Chairman will copy any documents received to the other party.

In view of the serious nature of the allegations against you, you are encouraged to attend the hearing in person in order to present your case. However, if you choose not to appear in person, the Disciplinary/Appeal Panel will consider any written representations submitted by you or on your behalf at the appropriate stage in the hearing. The final stage of appeal through the Football Association of Wales is to the Appeal Board.

NB: If you submit written representations only to the Disciplinary/Appeal Panel and do not attend in person, any right of appeal you may have against the Panel's decision will be in respect of sentence only.

If you wish to be represented by a friend or club official at the hearing, you must notify the Disciplinary/Appeal Panel at least three days before the hearing. Legal representation will not be permissible except with prior leave of the Chairman.

The Chairman will ensure that you receive a fair hearing and that you are given every opportunity to present your case. The Chairman reserves the right to adjourn the hearing at any stage if, in his or her opinion, further investigation into the circumstances of the alleged offence is required.

Please read the enclosed Memoranda carefully and contact me if you have any queries concerning the allegations against you or the conduct of the hearing.

Would you also return the copy of this letter attached confirming that you have received notification of the hearing, the Memoranda setting out the procedure to be followed and indicating whether or not you intend to appear in person at the hearing.

Yours faithfully,

D. G. Collins,
Secretary General

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I confirm receipt of the above letter, a copy of which I have retained.

I **DO** intend to be present at the hearing at which I will represent myself/be represented by [].*

I intend to call [] witnesses.

OR

I DO NOT intend to be present at the hearing and I therefore attach my written case and any documents to which I would refer the Disciplinary/Appeal Panel including any details of any mitigating circumstances which may be relevant.

OR

I agree to submit my written case and any relevant documents to the Chairman within three days of the hearing, including details of any mitigating circumstances that may be relevant.*

I understand that if I do not attend the hearing, any appeal I may subsequently wish to raise against a finding of the Panel will be in respect of sentence only.

* Delete as appropriate.

Signed: _____ Dated: _____