



Ulster Hockey Appeal Regulations

Version 2.0
August 2024

1. Introduction

- 1.1 These Appeal Regulations are issued by the Ulster Hockey Management Board in accordance with Ulster Hockey Byelaws. Their purpose is to set out the procedures to be followed in proceedings before the Appeal Commissioner.
- 1.2 This version of the Appeal Regulations will come into effect on 1 September 2024 and will continue in effect (as amended from time to time by the Ulster Hockey Management Board) until repealed by the Ulster Hockey Management Board or AGM / EGM.
- 1.3 Words and phrases appearing in these Appeal Regulations in italicised text are defined terms that bear the meaning set out in the Appendix to these Appeal Regulations.

2. The Authority of the Appeal Commissioner

- 2.1 The Appeal Commissioner is vested with the full power and exclusive authority to investigate, consider and determine the following matters referred to them by the Ulster Hockey CEO:
 - (i) Any finding of the Disciplinary Committee related to acts of misconduct on or off the field of play;
 - (ii) Any finding of the Disciplinary Committee related to other breach(es) of Ulster Hockey's Articles of Association; Ulster Hockey's Byelaws; Ulster Hockey's Disciplinary Regulations, Ulster Hockey's Code of Conduct; and Ulster Hockey's Competition Rules; and
 - (iii) any other matters referred to him/her by the Ulster Hockey CEO.
- 2.2 The Appeal Commissioner shall also have jurisdiction to resolve any challenge to a refusal by the Ulster Hockey CEO to refer a matter to him/her.
- 2.3 Where regulations or another document pursuant to which a matter is referred to the Appeal Commissioner set out procedural and/or substantive provisions applicable to such matter (such as provisions relating to the burden or standard of proof, or as to the sanctions to be applied upon proof of breach of the Regulations), those provisions will prevail over any inconsistent provision of these Appeal Regulations.
- 2.4 Subject always to Regulation 2.3, the Appeal Commissioner has discretion to vary the procedures to be followed in a specific matter to suit the particular features of that matter, provided that such variations respect the rights of the parties to a fair and impartial hearing, including the right to present their own case, the right to notice of and a fair opportunity to address the case asserted against them, the right to present evidence in support of their case and to challenge evidence presented against them, and the right to a timely, reasoned decision.
- 2.5 Where an issue arises that is not specifically provided for in these Appeal Regulations, the Appeal Commissioner may resolve that issue in a manner that he/she considers will best achieve the fair, consistent, and expeditious resolution of the matter.
- 2.6 Where a matter is referred to the Appeal Commissioner, he may either determine the matter alone or he may co-opt two other suitably qualified and independent and impartial persons to form a tribunal with him/her, which he/she will chair, to hear and determine the matter. References in these Appeal Regulations to the Appeal Commissioner shall be deemed to refer

to such tribunal, where appointed. The Appeal Commissioner shall act independently and impartially at all times. He/she shall have had no prior involvement with the case.

- 2.7 Each party shall be required to raise at the earliest opportunity any legitimate objection that he/she/they may have with the Appeal Commissioner appointed to hear the matter. Any unjustified delay in raising any such objection shall constitute a waiver of the objection. If any objection is made, the Ulster Hockey Chair shall rule on its legitimacy.
- 2.8 If the Appeal Commissioner, is unable or unwilling for any reason to hear and determine a particular matter, the Ulster Hockey Chair may appoint another independent member to temporarily replace him/her for that matter.
- 2.9 The Appeal Commissioner shall have all the powers necessary for, and incidental to, the resolution of disputes brought before them, including (without limitation) the power:
- (i) to rule on their own jurisdiction to hear and determine the matter;
 - (ii) to expedite or to adjourn, postpone or suspend proceedings, and/or to extend or shorten any deadline or time-limit otherwise provided for in their own directions or orders (even if an application for extension is made after such deadline or time-limit has expired), upon such terms as they shall determine, where fairness so requires;
 - (iii) to order any party to make any document or other thing in their possession or under their control available for inspection by the Appeal Commissioner or any other party;
 - (iv) to appoint temporary Assistant Appeal Commissioners to help the Appeal Commissioner reach a determination on the complaint;
 - (v) to appoint an expert to assist or advise the Appeal Commissioner on a specific issue or issues, such expert to be and remain impartial and independent of the parties. The costs / expenses of such expert will be borne by the parties in such manner as directed by Appeal Commissioner; and
 - (vi) to order such interim relief or conservatory measures as they see fit pending their final determination of the matter.

3. Third-Party Appeals

- 3.1 Where a Third-Party wishes to Appeal a decision of the Disciplinary Committee, another sub-committee, committee, or the Ulster Hockey Management Board they must, within (14) fourteen days file that complaint with the Ulster Hockey CEO. To be valid, the notice of Appeal must be accompanied by a copy of the decision that is being appealed, and must include (if applicable):
- (i) The name, email address and full contact details of the Appellant and/or of his authorised representative.
 - (ii) The name, email address and full contact details of the other party/parties to the proceedings in which the decision being appealed was issued (the "Appellee") and/or of his authorised representative.

- (iii) The provision in the Regulations alleged to have been breached or other document that establishes the right to appeal the decision in question to the Appeal Commissioner;
 - (iv) The part(s) of the decision that is/are being appealed;
 - (v) Full details of the alleged offence(s), including the date and place it is alleged to have occurred;
 - (vi) Copies of any documents, information or other evidence relied upon; and
 - (vii) The relief sought; and
 - (viii) The grounds of the Appeal.
- 3.2 Upon filing the notice of Appeal, the third-party Appellant must pay a fee of £500, without which the Appeal shall not proceed.
- 3.3 If the Ulster Hockey CEO refuses to refer a matter to the Appeal Commissioner (e.g., on the basis that the third party's complaint does not establish a prima facie case of misconduct or other breach of Regulations), the third party may challenge that refusal by application directly to the Appeal Commissioner. If the Appeal Commissioner declines that application, the fee will be returned, and the third party may refer the matter to Sports Resolutions UK or Sport Dispute Solutions Ireland.

4. Appeal Procedures

Commencing an Appeal

- 4.1 A party wishing to lodge an Appeal (the "Appellant") must, within fourteen (14) Working Days of receiving the decision being appealed, file a signed notice of Appeal with the Ulster Hockey CEO, signed by the Appellant or his authorised representative. To be valid, the notice of Appeal must be accompanied by a copy of the decision that is being appealed, and must include (if applicable):
- (i) The name, email address and full contact details of the Appellant and/or of his authorised representative.
 - (ii) The name, email address and full contact details of the other party/parties to the proceedings in which the decision being appealed was issued (the "Appellee") and/or of his authorised representative.
 - (iii) The provision in the Regulations alleged to have been breached or other document that establishes the right to appeal the decision in question to the Appeal Commissioner;
 - (iv) The part(s) of the decision that is/are being appealed;
 - (v) Full details of the alleged offence(s), including the date and place it is alleged to have occurred;
 - (vi) Copies of any documents, information or other evidence relied upon; and
 - (vii) The relief sought; and

- (viii) The grounds of the Appeal.
- 4.2 Unless an extension of time is granted for good cause shown, the notice of Appeal must be accompanied by an Appeal brief setting out the arguments in support of the Appeal, and any supporting witness statements, expert reports, or other evidence relied upon, as well as copies of any legal authorities cited in the notice of Appeal. Where a record of the first instance hearing is available, it should also be filed, either with the notice of Appeal or as soon thereafter as it becomes available.
- 4.3 Upon filing the notice of Appeal, the Appellant (if not the Ulster Hockey) must pay a fee of £300, without which the Appeal shall not proceed.

Effect of the Appeal on the decision being appealed

- 4.4 Unless the Appeal Commissioner orders otherwise:
- (i) any fine made in the decision being appealed will be suspended pending the outcome of the Appeal; but
 - (ii) subject thereto, the decision being appealed shall remain in full force and effect pending determination of the Appeal.

Appeal Hearings

- 4.5 The Appeal Commissioner may decide to deal with the matter on the basis of written submissions (“on paper”) or may convene a hearing. Where the Appeal Commissioner decides that a virtual or oral hearing is necessary, the hearing will be held using an IT solution / venue chosen by the Appeal Commissioner, and will take one of the following forms:
- (i) Where required, the Appeal Hearing shall take the form of a rehearing de novo of the issue adjudicated by the Disciplinary Committee, i.e., the Appeal Commissioner shall hear the matter all over again, from the beginning, without being bound in any way by the decision being appealed.
 - (ii) In all other cases, the Appeal shall not take the form of a de novo hearing but instead shall be limited to a consideration of whether the decision being appealed was in error. The Appellant shall have the burden of establishing such error.
 - (iii) Unless on appeal the matter is being dealt with de novo then no evidence may be presented on any Appeal that was not presented in the first instance hearing unless it is established that such new evidence is relevant and could not have been obtained, using reasonable diligence, prior to the first instance hearing.
- 4.6 Save where the parties agree otherwise, such hearing will be conducted on a confidential basis.
- 4.7 The parties may be legally represented (at their own expense) in any matter, including at any hearing. However, a party shall not have the right to dictate the timing of any hearing to suit his or its legal representative’s convenience.
- 4.8 The Appeal Commissioner may issue directions as to the conduct of the proceedings including the date(s) of any virtual or oral hearing, and deadlines for any pre-hearing submissions to be filed and /or others steps to be taken by the parties.

- 4.9 If it is resolved that the appeal be dealt with “on paper” then the Appeal Commissioner may give directions as to what documents they wish to see. If the Appeal Commissioner decides that an oral hearing is required, the Appeal Commissioner will determine the Appeal based on the materials referenced at Articles 4.2 and 4.11.
- 4.10 Notices and periods of time
- (i) Any notice or other communication required to be given by a party to the other party and/or to the Appeal Commissioner must be sent by email to appealscommissioner@ulsterhockey.com.
 - (ii) The notice or other communication shall be deemed to have been given on that Working Day that it is received, but if transmitted by email on a non-Working Day or at or after 5pm on a Working Day, it shall be deemed to have been given on the next Working Day.
 - (iii) Any period of time to be calculated under these Appeal Regulations shall begin to run on the day following the day when a notice or other communication is deemed to have been given. Non-Working Days occurring during the period are included in calculating the running of that period, save that if the period, so calculated, ends on a non-Working Day, then it shall be deemed to end on the next Working Day.

Response to Appellant

- 4.11 Within twenty (20) Working Days of receipt of the notice of Appeal and accompanying documents, the Appellee shall file with the Appeal Commissioner and serve on the Appellant an answer containing their answer to the Appeal. The answer must be accompanied by any supporting information.
- 4.12 Unless the parties agree otherwise or the Appeal Commissioner orders otherwise for good cause shown, the parties shall not be permitted to supplement their written arguments or evidence with further written submissions after submission of the notice of Appeal and accompanying documents (in the case of the Appellant) or the answer and supporting information (in the case of the Appellee).

Consensual resolution

- 4.13 At any stage of the Appeal proceedings, the parties may agree on a consensual resolution of the Appeal. However, the Appeal may not be withdrawn except with the permission of the Appeal Commissioner, with such order for costs as the Appeal Commissioner may consider appropriate.

5. Decisions

- 5.1 The Appeal Commissioner shall solely decide the outcome of the Appeal. Where the Appeal Commissioner appoints a temporary Assistant Appeal Commissioner, then all appointed Appeal Commissioners must take part in the deliberations of they must reach an agreed decision.
- 5.2 The Appeal Commissioner shall have the power to:
- (i) allow or dismiss the Appeal;

- (ii) exercise any power that could have been exercised, whether the effect is to increase or decrease any award, order or sanction originally imposed;
 - (iii) order a party to pay some or all of (1) the costs and expenses of the Appeal Commissioner(s); and/or (2) the costs incurred by the other party or parties to the matter, as it deems appropriate; and
 - (iv) make such further or other order as it considers appropriate either generally or for purpose of giving effect to its decision.
- 5.3 The Appeal Commissioner will report their findings to the Ulster Hockey CEO and will indicate whether the Appeal fee should be forfeited or returned to the Respondent.
- 5.4 As soon as practicable after the hearing, the Ulster Hockey CEO shall publish the Appeal Commissioner's written statement of his decision, with reasons. Unless the Appeal Commissioner directs otherwise, such decision shall come into effect immediately.
- 5.5 Save where the Appeal Commissioner orders otherwise, the decision may be made public by the parties upon receipt, including by Ulster Hockey who may post a copy on the Ulster Hockey website.
- 5.6 Save where otherwise provided by Arbitration, the Appeal Commissioner's determination of the Appeal shall be final and binding on all parties.

6. Technicalities

- 6.1 Any ruling, finding or decision of the Appeal Commissioner shall not be quashed or held invalid by reason only of any irregularity, omission, technicality, or defect in the procedures followed unless such irregularity, omission, technicality or defect raises a material doubt as to the reliability of the ruling or finding or decision.

7. Arbitration

- 7.1 All Appeal Commissioner decisions may be appealed by any party involved in the matter under consideration to Sports Resolutions UK or Sport Dispute Solutions Ireland In accordance with their rules.

For convenience and clarity in these Dispute Resolution Regulations, the masculine gender is used and shall be interpreted to include the feminine gender as appropriate. Words importing the singular shall include the plural and vice versa.