

BRITISH DARTS ORGANISATION

BDO CODE OF PRACTICE No 3 – DISCIPLINARY PROCEEDINGS

1. Introduction

- 1.1 This Disciplinary Code forms part of the terms and conditions of membership of the British Darts Organisation (the “BDO”). It also forms part of the terms and conditions of participation in tournaments, competitions and other events organised and/or sanctioned by the BDO (“BDO Events”). Anyone who applies for membership of the BDO, and/or who participates in a BDO Event, whether as a darts player or as an official, shall be deemed to have accepted this Code and agreed to be bound and to abide by its provisions and all decisions made hereunder.
- 1.2 The BDO may from time to time supplement, amend or vary this Code. Such changes shall be deemed to be effective and binding on each member, player and official on the date of publication of the changes by the BDO.
- 1.3 Although both genders participate in the sport of darts, for ease of reference only “he” and “his” shall be used in this Code, but such references shall be deemed to refer to “she” and “her” as appropriate.
- 1.4 BDO Member Darts Bodies wishing to take their own disciplinary action against their own members shall use this Code as a guide in the exercise of their disciplinary powers, provided that where proceedings are to be taken under this Code with respect to a particular incident, then any BDO Member Darts body with concurrent jurisdiction over the incident shall defer to such proceedings.
- 1.5 BDO Member Darts Bodies shall recognise, and take all steps necessary to give effect to, (a) disciplinary decisions made by a Disciplinary Committee or Appeal Committee under this Code; and (b) disciplinary decisions made by a BDO Member Darts Body in accordance with the provisions of this Code and recognised as such by the BDO.

2. Disciplinary Offences and Disciplinary Complaints

- 2.1 Each member, player and official is responsible and accountable for his own conduct in connection with the sport of darts. He must conduct himself at all times in accordance with the highest standards of disciplined and sporting behaviour. Any conduct that falls below these standards and that harms or undermines the sport of darts in any way shall constitute a Disciplinary Offence under this Code.
- 2.2 It is not possible to draw up a definitive and exhaustive list of types of conduct, behaviour, statements or practices that may amount to a Disciplinary Offence under this Code. For purposes of illustration only, and not by way of limitation, each of the following types of behaviour may constitute a Disciplinary Offence under this Code:
 - 2.2.1 acts/omissions that breach the BDO Playing Rules, the Eligibility Rule, the Policy on Drugs or any other BDO rule, including the rules specific to any particular BDO Event;
 - 2.2.2 acts or statements that are, or conduct that is, discriminatory by reason of gender, sexual orientation, race, nationality, ethnic origin, colour, religion or disability;
 - 2.2.3 any conduct, behaviour, statements or practices, whether inside or outside the match play area, during a BDO Event or otherwise, that is unsporting, offensive, indecent, violent and/or insulting and/or that brings or may bring into disrepute the sport of darts, a BDO Event or the BDO and/or any sponsor or commercial partner of the BDO or a BDO Event; and/or
 - 2.2.4 renegeing on any commitment made to participate in particular BDO Event(s), such as the commitment made by each participant in the BDO World Professional Darts Championship (the “Championship”) to participate, if certain conditions are met, in future Championships.

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3. Commencement of Disciplinary Proceedings

a. Making a Complaint

- 3.1 Any act or omission by a member, player and/or official that constitutes or is capable of constituting a Disciplinary Offence shall in the first instance be considered by the Disciplinary Officer of the BDO (the "Disciplinary Officer"), acting either on his own motion or on referral or complaint from a third party.
- 3.2 The Disciplinary Officer shall have sole discretion to determine whether or not to charge a person with a Disciplinary Offence. In exercising such discretion, the Disciplinary Officer shall be entitled to undertake such investigations as he may deem necessary, and every member, player and/or official (whether or not they are the subject of the complaint) shall be obliged to cooperate with such investigations. A failure to cooperate with such investigations may itself constitute a Disciplinary Offence under this Code.
- 3.3 If the Disciplinary Officer decides to charge a person with a Disciplinary Offence, under this Code, then he shall send a notice to the Chairman of the Disciplinary Panel (see clause 4.1, below), with a copy to the person being charged (the "Defendant"), which notice shall specify the following:
- 3.3.1 the name of the Defendant;
- 3.3.2 full details of the alleged Disciplinary Offence, including date and place and names of any witnesses and any specific BDO rules alleged to have been broken (if applicable); and
- 3.3.3 that the complaint is being referred to the Chairman of the Disciplinary Panel for consideration under clause 5 of this Code.

b. Interim suspensions

- 3.4 Where the Disciplinary Officer believes that it is necessary, in the best interests of the sport, that the Defendant should be suspended from any participation in the sport pending adjudication of the charge:
- 3.4.1 The Disciplinary Officer shall include in the notice referenced at clause 3.3, above, a request for an interim suspension, stating the reasons why such a suspension is necessary in the best interests of the sport, provided that in cases of extreme urgency the application may be made orally; and
- 3.4.2 The Chairman of the Disciplinary Panel shall rule on the request. Where practicable, he shall give the Defendant an opportunity to be heard prior to making his ruling.
- 3.5 Any interim suspension imposed pursuant to clause 3.4.2, above, shall be binding upon notification to the Defendant, and shall remain in effect until the Disciplinary Committee convened to hear the complaint against the Defendant makes its own determination (which may include an interim ruling lifting the suspension pending its final decision).
- 3.6 The period of any interim suspension shall be credited against any period of suspension imposed by the Disciplinary Committee as a sanction pursuant to clause 6.2, below.

4. Composition of the Disciplinary Committee

- 4.1 The BDO Executive Council shall designate individuals of suitable experience and standing to form a Disciplinary Panel. For the avoidance of doubt, members of the BDO Executive Council may be members of the Disciplinary Panel. The BDO Executive Council shall designate one of the members of the Disciplinary Panel to serve as Chairman of the Disciplinary Panel.

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- 4.2 When the Chairman of the Disciplinary Panel receives a complaint from the Disciplinary Officer, the Chairman shall convene a three-person Disciplinary Committee from the members of the Disciplinary Panel to hear the complaint. He shall designate one of the members to act as Chairman of the Disciplinary Committee.
- 4.3 No person with a close interest in the matters that are the subject of the complaint may sit on the Disciplinary Committee hearing the complaint.
- 4.4 Once the Disciplinary Committee has been convened, its Chairman shall send a written notice to the Disciplinary Officer and the Defendant, (a) identifying the members of the Disciplinary Committee and specifying a deadline by which any challenges to its composition based on clause 4.3, above, must be made; (b) specifying a venue, date and time at which attendance is required for a hearing on the complaint; and (c) if he deems it necessary or appropriate, requiring the Disciplinary Officer to clarify or provide further detail regarding the complaint, and/or requiring the Defendant to respond to the charge, in writing, prior to the hearing.
- 4.5 If a member of a Disciplinary Committee is unable or unwilling, for whatever reason, to hear the complaint, then the Chairman of the Disciplinary Panel may, at his absolute discretion (a) appoint another member of the Disciplinary Panel as a replacement; or (b) appoint a new Disciplinary Committee.
- 4.6 A Disciplinary Committee shall be entitled to call on experts to provide specialist advice, including legal advice, without such experts sitting as members of the Disciplinary Committee. The costs of such experts shall be costs of the proceedings, for the purposes of clause 6.5, below.

5. Proceedings before the Disciplinary Committee

- 5.1 The Defendant must attend before the Disciplinary Committee for a hearing on the complaint. For the avoidance of doubt, however, provided that due notice of the hearing has been given, if the Defendant fails to attend, the hearing may proceed in his absence.
- 5.2 The procedures applicable in respect of the hearing before the Disciplinary Committee shall be determined by the Disciplinary Committee as it shall see fit, provided always that such procedures shall be consistent with the requirements of fairness. The procedures shall be advised to the parties at the beginning of the hearing, and the parties shall be entitled to propose amendments to the procedures in the particular circumstances of that case.
- 5.3 It is hereby acknowledged that requirements of fairness are not fixed, but depend for their content on the particular facts and circumstances of the case in question. Nevertheless, they shall usually include at a minimum the following:
- 5.3.1 The Defendant shall be entitled to be accompanied at the hearing by a person of his choice (such as a legal advisor, whose costs shall be costs of the proceedings for the purposes of clause 6.5, below), who may speak on behalf of the Defendant. The Defendant and his chosen person shall be entitled to be present for the whole of the hearing other than the private deliberations of the Disciplinary Committee.
- 5.3.2 The Disciplinary Officer shall bear the burden of proving, on the balance of probabilities, that the Defendant has committed a Disciplinary Offence. The Disciplinary Officer may be assisted by legal counsel, whose costs shall be costs of the proceedings for purposes of clause 6.5, below.
- 5.3.3 The Defendant may admit the charge at any time, in which case the Disciplinary Committee shall proceed immediately to hear submissions as to what sanctions (if any) should be imposed.
- 5.3.4 In addition, the Disciplinary Officer may ask the Defendant questions through the Chairman of the Disciplinary Committee. The Defendant may be required to answer such questions and to give such explanations for his conduct as requested by the Disciplinary Committee.

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- 5.3.5 The Disciplinary Officer may present oral, written or video evidence from third parties. In such a case the Defendant (or his representative) shall be given a reasonable opportunity to cross-examine (through the Chairman of the Disciplinary Committee) those who have given oral evidence and to make representations as to the contents of any written or video evidence.
- 5.3.6 If the Disciplinary Officer establishes a *prima facie* case of a Disciplinary Offence, the Defendant shall be given proper opportunity to state his defence to the Disciplinary Committee before any decision is taken.
- 5.3.7 The Defendant may present oral, written or video evidence from himself or from third parties as he thinks appropriate, in which case the Disciplinary Officer shall be given a reasonable opportunity (through the Chairman of the Disciplinary Committee) to cross-examine such witnesses and to make representations as to the contents of any written or video evidence.
- 5.3.8 The Disciplinary Committee shall seek, where possible, to obtain first-hand evidence of matters in issue rather than hearsay evidence. However, formal legal rules regarding the admissibility of evidence shall not apply in proceedings before the Disciplinary Committee. Instead, the Disciplinary Committee shall decide in its absolute discretion what weight, if any, to give to evidence presented to it.
- 5.3.9 The Disciplinary Committee shall decide all of the issues presented to it fairly and impartially.
- 5.4 The Chairman of the Disciplinary Committee shall be entitled to suspend or adjourn the hearing for the purposes of investigating any matters arising in the course of the hearing or for any other reason. Such suspension or adjournment shall last only for as long as shall be reasonably necessary.

6. Decisions of the Disciplinary Committee

- 6.1 At the conclusion of the disciplinary hearing, the Disciplinary Committee shall confer in private in order to reach a decision. Decisions of the Disciplinary Committee shall be made by majority vote, without right to abstain.
- 6.2 Where the Disciplinary Committee is satisfied on the balance of probabilities that the Defendant has committed a Disciplinary Offence, then (subject to clause 6.4, below), the Disciplinary Committee shall impose such sanction(s) as it shall see fit (if any). In its discretion, it may invite further submissions from the parties as to what sanctions (if any) should be imposed prior to making that decision.
- 6.3 Subject to clause 6.4, below, a non-exhaustive list of the steps that may be decided upon by the Disciplinary Committee is as follows:
- 6.3.1 take no further action;
- 6.3.2 caution or reprimand the Defendant, or issue an oral or written warning;
- 6.3.3 fine the Defendant in an amount proportionate to the seriousness of the offence (recommended maximum fine = [£1,000]);
- 6.3.4 suspend the Defendant from participation in one or more BDO Events or from membership of the BDO for a specified period; and/or
- 6.3.5 expel the Defendant from membership of the BDO.

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- 6.4 Where a complaint is upheld that the Defendant has reneged on a commitment to participate in the World Professional Darts Championship, the sanction shall be suspension from membership of the BDO for a period of not more than eighteen months, commencing on the date of the Championship in question. Proof of mitigating circumstances will be required in order to justify reducing the length of the sanction in such a case to less than eighteen months.
- 6.5 In its decision, the Disciplinary Committee shall have discretion to impose any order that it shall see fit as to the costs of proceedings before it.
- 6.6 The Chairman shall inform the Defendant of the Disciplinary Committee's decision, including the reasons for it, in writing within 24 hours of the decision being made, and in any event prior to any public announcement being made. The decision shall be binding upon notification to the Defendant. The BDO may publicise the decision after it has been notified to the Defendant.
- 6.7 If no appeal is made against the decision within the fourteen (14) day deadline specified in clause 7.2.1, below, then the decision shall be deemed final.

7. Appeals from Decisions of the Disciplinary Committee

- 7.1 Either the Defendant or the Disciplinary Officer may appeal against any aspect of the decision of the Disciplinary Committee.
- 7.2 Such appeal shall be resolved by arbitration in London in accordance with the rules of the Sports Dispute Resolution Panel, as modified and/or supplemented by the following provisions:
- 7.2.1 notice of the appeal, including a copy of the decision being appealed against, a specification of the particular aspect(s) of the decision being appealed against, and a statement of the full grounds on which the appeal is based, must be filed with the Sports Dispute Resolution Panel, with a copy served on the BDO Executive Council, within fourteen (14) days of the date of the written decision;
- 7.2.2 one arbitrator shall hear the appeal, who shall not be a member of the BDO Executive Council or the Disciplinary Panel or anyone with any close interest in the appeal;
- 7.2.3 the arbitrator appointed to hear the appeal shall decide upon the procedures for the appeal, including but not limited to the burden of proof to be applied and whether the appeal should proceed by way of *de novo* rehearing or some more limited standard of review;
- 7.2.4 the arbitrator appointed to hear the appeal shall have the power to dismiss the appeal, or to confirm, quash, vary, increase or reduce any decision and/or sanction imposed, to overrule any finding made, and/or to take any other step that they consider is necessary in order to deal justly with the appeal in question; and
- 7.2.5 the decision of the arbitrator appointed to hear the appeal shall be in writing, including a statement of the reasons for the decision. It shall be final and shall take effect upon notification to the parties. The BDO may publicise the decision after it has been notified to the parties.

8. Miscellaneous

- 8.1 Disciplinary findings or decisions made pursuant to this Code shall not be quashed or held invalid by reason only of any irregularity, omission, technicality or other defect in the procedures followed unless such irregularity, omission, technicality or other defect raises a material doubt as to the reliability of the findings or decisions or results in a miscarriage of justice.
- 8.2 In respect of any matter arising that is not provided for in this Code, the appropriate body shall take a decision according to general principles of justice and fairness.