

THE BERMUDA FOOTBALL ASSOCIATION
DISCIPLINARY CODE
(Amended 12-23-15)

Article 1: Title:

The Executive Council of the Bermuda Football Association refers to the following as its Disciplinary Code (BFADC).

Article 2: Object

This code describes infringements of the rules of the BFA regulations, determines the sanctions incurred, regulates the organization and function of the Disciplinary Committee (DC) responsible for making decisions and the procedures to be followed by the (DC).

Article 3: Scope of Application

This code applies to every match and competition organized by the BFA. Beyond this scope, it also applies to every person in registration or relationship and who operate in accordance with the regulations of the BFA and more generally, if the statutory objectives of the BFA are breached.

Article 4: Scope of Application: Natural and Legal Persons

The following are subject to this code:

- a) Direct and indirect members of the BFA;
- b) Officials;
- c) Players;
- d) Match Officials;
- e) Spectators;
- f) Anyone with an authorization from the BFA, in particular with regard to a match, competition or other event organized or sanctioned by the BFA.

Article 5: Definitions

1. Post-Match: the time between the final whistle from the referee and the team's departure from the confines of the stadium or club ground up to maximum of 45 minutes.
2. Pre-match: the time between the teams' arrival to the stadium or club ground and the whistle from the referee to start the match.

Officials: anyone, with the exception of players, performing an activity connected with football at the Association or club, regardless of his or her title, the type of activity (administrative, sporting or any other) and the duration of the activity; in particular, managers, coaches and support staff are officials.

3. Match Official: the referee, assistant referees, fourth official, Match Commissioner, referee assessor, security personnel and other persons appointed by the BFA to assume responsibility in connection with a match.
4. Official Match: a match organized under the auspices of the BFA for teams registered and in membership whereby the score has an effect on the rights of participation in other competitions unless the regulations stipulate otherwise.

Article 6: Gender

The provisions of this code apply to both male and female regardless of the choice of words or expression.

Section 1: Conditions for Sanctions

Article 7: Culpability

Unless otherwise specified, infringements are punishable regardless of whether they have been committed intentionally or negligently.

Article 8: Acts Amounting to Attempts

1. Acts amounting to attempts are also punishable
2. In the case of acts amounting to attempts, the Disciplinary Committee may reduce the sanction envisaged for the actual infringement accordingly. It will determine the extent of the mitigation as it sees fit (see Art. 15).

Article 9: Involvement

1. Anyone who intentionally takes part in committing any infringement either as instigator or accomplice is punishable.
2. The Disciplinary Committee will take account of the degree of guilt of the person involved and may reduce the sanction accordingly (see Art. 15).

Section 2: Various Sanctions

Article 10: Sanctions Common to Natural and Legal Persons

Both individuals and clubs are punishable by the following sanctions:

- a) Warning
- b) Reprimand
- c) Fine
- d) Return of awards

Article 11: Sanctions Applicable to Natural Persons

The following sanctions are applicable only to individuals;

- a) Caution;
- b) Expulsion;
- c) Match suspension;
- d) Ban from dressing room and / or substitutes bench;
- e) Ban from entering stadium or club ground;
- f) Ban on taking part in any football-related activity.

Article 12: Sanctions Applicable to Legal Persons

The following sanctions are applicable only to clubs:

- a) Transfer or release ban;
- b) Playing a match without spectators;
- c) Playing a match at neutral venue;
- d) Annulment of the result of a match;
- e) Exclusion from a competition;
- f) Defeat by forfeit;
- g) Deduction of points;
- h) Relegation to a lower division.

Article 13: Warning

A warning is a reminder of the substance of the disciplinary regulation allied with the threat of a sanction in the event of a further infringement.

Article 14: Reprimand

A reprimand is an official written pronouncement of disapproval sent to the perpetrator of an infringement.

Article 15: Fine

Fines are payable in accordance with the terms and conditions and time limits for payment as imposed by the Disciplinary Committee.

Article 16: Return of Awards

The persons or team required to return an award or awards shall include all benefits received, in particular any sums of money and symbolic objects (medals, trophy, etc).

Article 17: Caution

1. A caution (yellow card) is a warning from the referee to a player during a match to sanction unsporting behavior of a less serious nature in accordance with Law 12 of the Laws of Game.
2. Cautions will be recorded in accordance with the division(s) in which the player competes. In the case where players are eligible to compete in more than one division then the cautions will be recorded for each division separately.
3. Players who receive a caution (yellow card) in three (3) different matches in any of the divisions in which they are eligible to compete will be automatically suspended for one match in each domestic league or divisional cup competition match that the player is eligible to compete. There shall be no appeal.
4. If a player is guilty of serious unsporting behavior as defined in Law 12 of the Laws of Game and is sent off (direct red card), any other caution he has previously received in the same match is upheld.
5. If an abandoned match is to be replayed, any caution issued during that match shall be annulled. If the match is not to be replayed, the cautions received by the team responsible for causing the match to be abandoned are upheld. If both teams are responsible, all of the cautions are upheld.
6. Any suspension which remains on the player's file at the end of the season must be completed at the start of the next season. This includes any suspension due as a result of a player receiving a caution or dismissal in the final game of the season.

Article 18: Expulsion (Amended 12/08/10)

1. An expulsion is the order given by the referee to someone to leave the field of play and its surroundings, including the substitutes' bench during a match. The person who has been sent off may be allowed into the stands unless they are serving a stadium ban.

2. A team official who has been sent off may give instructions to the person replacing him on the substitutes' bench. He shall, however, ensure that he does not disturb or disrupt the flow of the game or surrounding spectators.
3. Players sent off from the field of play shall serve a one match suspension in each division that the player is eligible to participate in domestic league and/or cup matches.
4. Any player who receives two (2) yellow cards (cautions) in the same match must be sent off the playing field. The player shall serve a one match suspension in each division that the player is eligible to participate in domestic league and/or cup matches; regardless of the offence(s) committed.
5. A player must be dismissed from the field of play for violent conduct, serious foul play, or abusive language, whether the player has been previously shown the yellow card (cautioned) in the match or not. The player shall serve a one match suspension in each division that the player is eligible to participate in domestic league and/or cup matches. In addition, the player may be subject to a disciplinary hearing to determine if further penalties should be imposed.
6. Should any player receive two cautions in one match, which automatically warrants dismissal from the match, then the cautions applicable in this case shall be separate to any other caution. Additionally, the dismissal shall incur a one match suspension in each division that the player is eligible to participate in domestic league and/or cup matches; even if imposed in a match that is later abandoned and/or cancelled. The Disciplinary Committee may extend the duration of the suspension.
7. Where a Match Official's Report indicates that a serious breach of misconduct has taken place which in the opinion of the Executive Committee is likely to bring the game into disrepute according to Chapter 5 Article 30(a) of the Statutes, the Association may then bring an appropriate charge of misconduct against the player. Any suspension which may result in excess of three matches may be appealed to the Appeals Committee.
8. In Articles 18(3), (4), (5), (6) there shall be no appeal.
9. In all cases, Article 17 (6) above shall apply.

Article 19: Match Suspension

1. A suspension from a match is a ban on taking part in a future match or competition and on attending it in the area immediately surrounding the field of play.

2. The suspension is imposed in terms of the number of matches, days or months.
3. If the suspension is to be served in terms of matches, only those matches actually played count toward the suspension. If a match is abandoned, cancelled or forfeited, the suspension is only considered to have been served if the team to which the suspended person belongs is not responsible for the circumstances that led to the abandonment, cancellation or forfeit of the match.
4. If the suspension is combined with a fine, the suspension may be prolonged until the fine has been paid in full.

Article 20: Ban from Dressing Rooms and / or Substitutes Bench

A ban from the dressing rooms and / or substitutes bench deprives someone of the right to enter teams' dressing rooms and the area surrounding the field of play and in particular to sit on the substitutes' bench.

Article 21: Stadium or Club Ban

A stadium or club ban prohibits someone from entering within the entrances to the National Sports Center and / or one or several club venues.

Article 22: Ban on Taking Part in Any Football-Related Activity

A person may be banned from taking part in any kind of football related activity (administrative, sporting or any other).

Article 23: Transfer Ban

A transfer ban prevents a club or player from registering for a different team during the Association transfer / registration periods.

Article 24: Annulment of the Result of a Match

The result of a match is annulled if the result reached on the field of play is disregarded by the association.

Article 25: Deduction of Points

A club may have points deducted from those already attained in the current or future league or cup competition.

Article 26: Forfeit

Teams sanctioned with a forfeit are considered to have lost the match and a score of 3-0 shall be recorded against the offending team. If the goal difference at the end of the match in question is greater than 3-0, the result of the match shall stand.

Article 27: Combined Sanctions

Unless otherwise specified, the sanctions provided for in the general and special parts of this code may be combined.

Section 3: Determining the Sanctions

Article 28: General Rule

1. The Disciplinary Committee shall decide the scope and duration of all sanctions.
2. The Disciplinary Committee shall take into account all the relevant factors in the case and the degree of the offender's guilt when imposing the sanction.

Article 29: Repeated Infringements

Unless otherwise specified herein, the Disciplinary Committee may increase the sanction to be pronounced as deemed appropriate, if an infringement has been repeated.

Article 30: Concurrent Infringements

In the case where several infringements have been committed, the Disciplinary Committee may fine the most serious offence committed and depending on the circumstances may increase the sanction as they may deem appropriate.

Section 4: Infringements of the Laws of the Game

Article 31: Minor Infringements

A player is cautioned in a match if he commits any of the offences as stipulated in Law 12 of the Laws of the Game and is subject to Article 17 of this Code.

Article 32: Serious Infringements

A player is sent off in a match if he commits any of the sending-off offences as stipulated in Law 12 of the Laws of the Game and is subject to Article 18 of this Code.

Section 5: Sanctions

Article 33: Misconduct against Players or Persons other than Match Officials

Including the automatic suspension incurred in accordance with Article 18, the overall suspension imposed on any person receiving a direct red card shall be for:

- a) At least two matches for serious foul play particularly in the case of the use of excessive or brute force;
- b) At least two matches for unsporting conduct toward an opponent or a person other than a match official;
- c) At least two matches for assaulting (elbowing, punching, kicking, etc.) an opponent or person other than a match official;
- d) At least six matches for spitting at an opponent or person other than a match official.
- e) A fine of not more than \$150.00 may also be imposed in all cases.

Article 34: Misconduct against Match Officials

Including the automatic suspension incurred in accordance with Article 18, the overall suspension imposed on any person receiving a direct red card shall be for:

- a) At least four matches for unsporting conduct toward a match official;
- b) At least six months for assaulting (elbowing, punching, kicking, etc.) a match official;
- c) At least twelve months for spitting at a match official.
- d) A fine of not more than \$300.00 may also be imposed in all cases.

Article 35: Brawl

- 1. Involvement in a brawl is sanctioned with a suspension for at least six matches;
- 2. Anyone who has tried merely to prevent a fight, shield others or separate those involved in a brawl is not subject to punishment.

Article 36: Unidentified Aggressors

If it is not possible to identify the perpetrator(s) of an offence, the Disciplinary Committee will sanction the club to which the aggressors belong.

Article 37: Team Misconduct

The following constitutes misconduct by a team and are sanctioned by a maximum fine \$150.00:

- a) When at least four or more players are cautioned during a match;
- b) When at least three players are sent off during a match;
- c) When several players make threats or show force against a match official.

Article 38: Inciting Hatred or Participating in Violence

A player or official who publicly incites others to hatred or participates in violence will be sanctioned with match suspensions for no less than twelve months and a minimum of fine of \$150.00. In serious cases, the minimum fine will be \$300.00.

Article 39: Ineligible Players

Any club that is found guilty of fielding an ineligible player shall be penalized according to the Schedule of Sanctions below. In the case of a knock-out competition or other competition under the control of the Association and in addition to the Schedule of Sanctions listed below, the club will be dealt with in accordance with the regulations of the competition concerned.

1. Breaches for Fielding Ineligible Player:

- a) Unregistered for the team for which player is representing
- b) Failure to present Player Registration ID Card to Referee
- c) Currently serving a suspension issued by the Association
- d) Not listed as a player or substitute prior to kick-off
- e) Unapproved Player (under age 16 years old on the date of match)

2. Schedule of Sanctions

Sanctions against the winning team fielding an ineligible player shall include:

- a) Forfeiture of the match; and,
- b) 3-points awarded to opposing team; and,
- c) Score of 3-0 recorded in favor of opposing team
- d) 1st Offence: \$150.00 fine to the Club, player and coach suspended for 1 match
- e) 2nd Offence: \$300.00 fine to the Club, player and coach suspended for 1 match, 1-point deduction
- f) 3rd Offence: \$500.00 fine to the Club, player and coach suspended for 1 match, 3-point deduction

Sanctions against the losing team fielding an ineligible player shall include:

- a) Forfeiture of the match; and,
- b) Actual score of match remains if aggregate is more than 3-0. Otherwise, the score of 3-0 shall be recorded in favor of the winning team
- c) 1st Offence: \$150.00 to the Club fine, player and coach suspended for 1 match
- d) 2nd Offence: \$300.00 to the Club fine, player and coach suspended for 1 match, 1-point deduction
- e) 3rd Offence: \$500.00 to the Club fine, player and coach suspended for 1 match, 3-point deduction

In all cases, the Executive Council shall specify the date by which the fine must be paid. Failure on the part of the club / team to pay the fine by the specified date without just reason may render the club / team with a charge of bringing the game into disrepute.

Article 40: Failure to Play and Abandonment

- a) Any team that defaults three (3) matches during the season will be banned from participating in any further competitions relating to the division in which the matches were defaulted for the remainder of the season.
- b) If a team refuses to play or to continue playing a match which has begun, it will be sanctioned with a minimum fine of \$100.00 and will in principle forfeit the match.

Article 41: Offensive Behavior

Anyone who insults someone in any way especially by using offensive gestures or language will be sanctioned by the Disciplinary Committee with the following match suspension:

- a) If the perpetrator is a player, he or she will be suspended from at least two matches;
- b) If they are a team official then they will be suspended from at least four matches. A maximum fine of \$150.00 as well as a ban on performing any football related activity may also be pronounced.

Section 42: Threats

Anyone who intimidates a match official with serious threats will be sanctioned by the Disciplinary Committee with no less than six matches.

Section 43: Coercion

Anyone who uses violence or threats to pressurize a match official into taking certain action or to prevent him in any other way from acting freely will be sanctioned with a fine of at least \$150.00 and a three match suspension.

Section 44: Forgery and Falsification

1. Anyone who, in football-related activities, forges a document or falsifies any authentic document or uses a forged or falsified document to deceive the Association will be sanctioned with a suspension of at least six matches. If the perpetrator is an official, the Disciplinary Committee will pronounce a ban on taking part in any football-related activity for a period of at least twelve months.
2. In both cases a minimum fine of at least \$300.00 may also be pronounced.

Section 6: Doping

Article 45: Definition

Doping and doping offences are defined in the Anti-Doping Regulations as published by FIFA for various Competitions and Out of Competitions as well as the Bermuda Council for Drug Free Sport – Domestic Doping Control Policies and Procedures. In doping related matters, the FIFA Anti-Doping Regulations apply in full.

Article 46: Sanctions

Sanctions will, in principle, be decided in accordance with the FIFA Anti-Doping Regulations for Competitions and Out of Competition as well as the Standard Operating Policy (SOP) of the Bermuda Council for Drug Free Sports, where applicable. In the event of any contradictions between national regulations and the FIFA Anti-Doping Regulations, the FIFA provisions as set out in the FIFA Anti-Doping Regulations shall prevail.

Article 47: Obligations

The Association is a signatory to the BCDS Domestic Program, which aims to eliminate the use of illicit drugs in sport and is therefore bound by the regulations and procedures as outlined in the BCDS Standard Operating Procedures. Every player, team official or other persons in membership or under the jurisdiction of the Association shall agree to undergo any anti-doping control procedures conducted by the relevant bodies in Article 45 and shall be bound by the provisions as stipulated in their respective regulations. Failure to comply may result in the appropriate sanctions taken in accordance with these regulations.

Section 7: Responsibilities of Clubs

Article 48: Organization of Matches

1. Clubs must assess the degree of risks posed by a match and notify the Association of such match;
2. Clubs must comply with and implement safety measures and take every safety and security precaution demanded by circumstances before, during and after the match in accordance with the Association Safety and Security Regulations;
3. Clubs must keep the Association, the Bermuda Police Service and any other entities concerned with a match informed and collaborate with them actively and effectively;
4. Clubs must ensure that matches are organized properly and report any security and safety breaches to the Association and the Bermuda Police Service immediately and when requested to do so.

Article 49: Failure to Comply

1. Any club that fails to fulfill its obligation in accordance with Article 48 shall be fined by the Disciplinary Committee.
2. In case of serious infringement, the Disciplinary Committee may impose other sanctions as may be deemed appropriate.
3. The Association reserves the right to pronounce certain sanctions for safety reasons even if no infringement has been committed.

Article 50: Liability for Spectator Conduct

1. The home Club is liable for any improper conduct among spectators regardless of the question of culpability or culpable oversight and depending on the circumstances may be fined. Further sanctions may be imposed in the case of serious disturbances.
2. The visiting Club is liable for the improper conduct among its own spectators, unless proven to the contrary and may be fined or face further sanctions depending on the circumstances.
3. Improper conduct includes violence toward persons, throwing or using objects or weapons, uttering insulting or abusive language, invading the pitch, etc.

Article 51; Manipulating Match Results

Anyone who conspires to influence the result of a match in a manner incompatible with sporting ethics will be sanctioned with a minimum of a three match suspension and a minimum fine of \$150.00. The Disciplinary Committee will also pronounce a ban on taking part in any football-related activity and in serious cases this sanction will apply for life.

Section 8: Organization and Procedures: Authority

Article 52: Referee

1. During matches, disciplinary decisions are taken by the referee.
2. The referee decisions are final.
3. In certain circumstances, the jurisdiction of the Association's judicial bodies may apply.

Article 53: Judicial Bodies

The judicial bodies of the Association are the Disciplinary Committee and the Appeals Committee.

Article 54: Independence

1. The Disciplinary and Appeal Committee shall pass their decisions entirely independently; in particular, they shall not receive instructions from any other body.
2. No member of any other body or Committee shall remain in the meeting room during the Disciplinary or Appeal Committee deliberation unless they have been explicitly summoned to attend.
3. Members of the Disciplinary or Appeal Committees may not sit on the Committee if the case being dealt with concerns themselves or players, clubs officials or any other member of the Club or team to which they belong. This may apply to such cases whereby the member in question has a direct interest in the outcome of the matter; if he is associated with any of the parties or if he has already dealt with the case under different circumstances.

Article 55: Confidentiality

The members of the Disciplinary and Appeal Committees shall ensure that everything disclosed to them during the course of their duty remain confidential (facts of the case, contents of the deliberations and decisions taken).

Article 56: Exemption from Liability

Except in case of gross culpability, neither members of the Disciplinary or Appeal Committees nor the Secretariat may be made liable for any deeds or omissions relating to any disciplinary procedure.

Article 57: Arbitration

Decisions passed by the Appeal Committee may be appealed against before the chambers of the Bermuda Alternative Dispute Resolution (ADR). Alternatively, decisions may be appealed to the Court of Arbitration for Sport in Lausanne, Switzerland as per Article 36 of the Associations Statutes.

Section 9: Disciplinary Committee

Article 58: General Jurisdiction

1. The Disciplinary Committee is authorized to sanction any breach of Association policies, rules and regulations and is independent in its function.
2. The Disciplinary Committee is responsible for:
 - a) Sanctioning serious infringements which have not been reported in the match officials report;
 - b) Rectifying obvious errors in the referees disciplinary decisions;
 - c) Extending the duration of a match suspension incurred automatically by an expulsion;
 - d) Pronouncing additional sanctions, such as a fine.

Article 59: Committee Members

1. The Disciplinary Committee shall consist of not more than seven members, all of whom shall be appointed by the Executive Council for the duration of the term of office of the President (4 years or any period of time remaining).
2. The members of the Disciplinary Committee shall not belong to either the Executive Council or any Standing Committee of the Association.

3. The Committee is valid with a quorum of at least three members, one of whom shall be the Chairman or Deputy Chairman as appointed by the Executive Council. If either the Chairman or Deputy Chairman is prevented from attending the meeting, and where appropriate the longest serving member shall act in the capacity as Chairman for the meeting.

Article 60: Meetings

1. In consultation with the Chairman, the Secretariat shall schedule the disciplinary meetings and call the number of members deemed necessary to each meeting.
2. The Chairman or his designate conducts the meeting in accordance with the Disciplinary Committee **Memorandum of Procedure** and delivers the decision to the Secretariat on behalf of the Committee.
3. The Committee shall be provided with a Recording Secretary for all meetings, if possible.
4. The Secretariat staff shall provide the Chairman with the necessary support in the execution of his duties on behalf of the Committee.
5. The Committee shall grant a hearing to the parties involved in disciplinary matters. No party may be represented or accompanied by a legal counsel during the hearing. The parties involved may be represented by no more than two persons even if they may not be personally present at the hearing. The parties are free to choose their own assistance or representation.
6. Notification of a hearing including the relevant documents intended for player(s) or officials are addressed to the President or Secretary or both of the club concerned on condition that it will be forwarded to the parties concerned. Failure on the part of the club to carry out this obligation does not exempt the parties from the disciplinary hearing.
7. Any type of proof may be produced and admissible during the hearing. Such matters of proof include reports from the referee, assistant referees, match commissioner, referee assessor, security officer, declaration from the accused, witnesses, material evidence or expert opinions, audio or video recordings.
8. Facts contained in the match officials' reports are presumed to be accurate. Proof of the inaccuracy of the contents of these reports may be provided by the parties involved to the Committee.
9. The burden of proof regarding any disciplinary infringement rest with the Association.

10. Proof that violates human dignity or obviously does not serve to establish relevant facts shall be rejected.
11. The Secretariat or ad hoc committee appointed by the President shall carry out the necessary preliminary investigation under the chairman's guidance.
12. The parties involved in disciplinary matters shall be given the opportunity to be heard before any decision is passed. In such circumstances, the chairman shall reschedule the hearing once should the parties involved be unable to attend the initial meeting. Thereafter, the Committee shall have the right to decide upon a matter in the absence of the parties to the meeting, in particular where no valid reason was provided for their non-attendance.

Article 61: Deliberations and Decisions

1. The Committee shall deliberate behind closed doors. They are conducted without interruption, unless there are exceptional circumstances. The parties concerned shall not be entitled to attend the deliberations of the Committee.
2. Members present express their opinions in the order set out by the Chairman, who always speaks last.
3. The General Secretary or his Designate shall be called upon at any time in a purely consultative role.
4. The Committee shall take its decision in accordance with the sanctions contained in this Code generally, and in special circumstance may render a decision deemed appropriate in cases not specified in this Code.
5. The Committee shall take its decision by a simple majority of votes of the members present. No member may abstain from taking a decision. If an equal number of votes is recorded than the chairman shall have the deciding vote.
6. All decision shall contain:
 - a. The composition of the Committee;
 - b. The names of all parties involved in the hearing;
 - c. A summary of the facts;
 - d. The reasons for the decision;
 - e. The provisions on which the decision was based;
 - f. The terms of the decision.
7. The decision must be signed by the Chairman and the Recording Secretary.
8. In very serious cases, once the decision has been taken, the Committee shall forward the file to the Executive Council so that it may take further action deemed appropriate.

9. Any decision taken by the Committee shall be submitted in writing to the parties concerned by the General Secretary. The Committee shall refrain from announcing their decision to the parties concerned at the time of the hearing.
10. Decisions come into force as soon as they have been communicated.
11. Decision taken by the Committee shall be made public except in special cases.
12. The Secretariat shall ensure that the decisions passed and the relevant files shall be kept for at least 12 months past the applied length of the sanction.

Section 10: Appeal Committee

Article 62: Jurisdiction

1. The Appeal Committee is responsible for deciding appeals against any of the Disciplinary Committee's decisions that the regulations of the Association do not declare as final or referable to another body.
2. The Appeal Committee may reaffirm, revoke or amend a decision against which an appeal has been lodged. It shall not be bound by the contents of the appeal from the parties concerned. A decision may be amended to the disadvantage of the party lodging the appeal.

Article 63: Members

The Appeal Committee shall comprise legally trained persons as well as and including Honorary Life and Vice Presidents of the Association. No Honorary Life or Vice President acting as a member of the Appeal Committee may function as an executive member of a club or serve on any other Committee of the Association.

Article 64: Composition and Quorum

The Committee is valid with a quorum of three members. The President shall appoint the Committee Chairman and Deputy Chairman. The General Secretary shall coordinate with the Chairman regarding the composition of the Committee Members for each hearing. The Secretariat shall advise the Executive Council and all parties involved in the matter of the names of the members serving on the Appeal Committee for each hearing.

Article 65: Ad Hoc Appeal Committee

Under special circumstances, the Executive Council on the recommendation of the President may decide to appoint an ad hoc Appeal Committee composed as following:

- a) Chairman;
- b) Deputy Chairman;
- c) Three members whom the President shall designate before the commencement of the hearing.

Article 66: Meetings

1. The Secretariat shall schedule the meeting dates of the Appeal Committee in consultation with the designated Chairman for each meeting. The Secretariat shall communicate the date and time as well as the relevant documents to all parties concerned no later than seven days prior to the hearing date.
2. In certain circumstances (tournaments, competitions, etc) Art. 66(1) can be set aside in the interest of expediency whereby a decision may be required in order to facilitate the continuation of the event or activity under appeal.

Article 67: Contestable Decisions

An appeal may be lodged to the Appeal Committee against any decision passed by the Disciplinary Committee, unless the decision pronounced is:

- a) A warning;
- b) A reprimand;
- c) A suspension for less than 3 matches;
- d) A fine that is less than \$ 50.00 on the person or \$100 on the club or organization.

Article 68: Eligibility to Appeal

1. Anyone who is affected by a decision and has an interest justifying amendment or cancellation of the decision may submit it to the Appeal Committee.
2. Clubs may appeal against decisions sanctioning their players, officials, or members. They must have the written agreement of the person concern.

Section 11: Deadlines, Fees, Grounds for Appeal, Procedure

Article 69: Deadlines

1. Any party intending to appeal must inform the Association of its intention to do so in writing within seven days of notification of the decision.

2. The reasons for the appeal shall then be given in writing within a further seven days commencing upon the expiry of the first-time limit of seven days.
3. If the above requirements have not been complied with, under no circumstances shall the appeal be admitted.

Article 70: Fees

1. Any party wishing to lodge an appeal shall submit at the time of advising the Association of their intention to do so a deposit of \$150.00 payable to the Bermuda Football Association.
2. Failure by the party concerned to submit the deposit will result in the appeal not being admitted.
3. If the party lodging the appeal wins the case, the deposit shall be refunded in its entirety. If the appeal is considered to be frivolous and therefore rejected, the deposit is forfeited. If the appeal is withdrawn prior to the commencement of the appeal hearing, the deposit shall be refunded in its entirety. If it is withdrawn after the hearing has commenced, the deposit shall be forfeited.

Article 71: Grounds for Appeal

1. The party lodging an appeal may object to inaccurate representation of the facts and/or the wrong application of the law.
2. The appeal document shall include the claim, reasons and means of proof and must be signed by all the relevant parties concerned with the appeal.
3. An appeal which in the opinion of the Appeal Committee does not comply with these provisions shall be disregarded.

Article 72: Procedure

1. Lodging an appeal shall not suspend or defer the Disciplinary Committee decision except by a ruling of the Appeal Committee.
2. The Chairman shall decide whether the other parties implicated in the appeal shall be informed of it. If the party is notified, the chairman shall give a period of grace in which the party shall be given the opportunity to state its case in writing and submit any items of evidence it considers relevant and necessary. If the other parties fail to react within the stated period of time, it shall be deemed to have renounced the use of its rights.
3. Article 61 shall apply similarly to the procedure to be followed by the Appeal Committee.

Article 73: Conclusion to the Proceedings

1. The Appeal Committee rules, in principle, as the body in the last instance.
2. The right is reserved for an appeal to be made to the chambers of the Bermuda Alternative Dispute Resolution (ADR) and the Court of Arbitration for Sport (CAS) as set out Article 57.

Section 12: Special Provisions

Article 74: Special Circumstances:

If the circumstances so require, the Chairman may arrange for the hearing, deliberations, and decision-making to be conducted via telephone conference, videoconference, or any other method appropriate at the time.

Article 75: Review of Decision

1. A review may be requested after a decision has been passed if a party discovers facts or proof that would have resulted in an alternative decision and that, even with due diligence, could not have been produced during the original hearing.
2. A request for review shall be made in writing within seven days of discovering the reason for the review.
3. The limitation period to request a review shall be four months or 120 days as from the time the decision had come into force.

Section 13: Final Title

Article 76: Scope, Omissions, Customs and Sport Doctrine

1. This Code governs every subject to which the text or the meaning of its provisions refers.
2. If there are any omissions in this Code, the Disciplinary Committee and Appeals Committee will decide in accordance with the Association's custom or, in the absence of custom, in accordance with the rules they would lay down if acting as regulators.
3. During their entire duties, the Disciplinary Committee and Appeal Committee will draw upon best practice and settlements established by sport doctrine.

Article 77: Adoption and Enforcement

1. The Executive Council of the Bermuda Football Association has adopted this Code on August 6th, 2009 and amended on December 23rd, 2015.
2. This Code came into force on September 1st, 2009.

THE BERMUDA FOOTBALL ASSOCIATION
DISCIPLINARY COMMITTEE

MEMORANDUM OF PROCEDURES
(2009 Edition)

In order to allow all parties concerned to become acquainted with the order of procedure at a Disciplinary Committee hearing, the following Memorandum of Procedure has been adopted by the Bermuda Football Association.

This procedure must be adhered by all parties concern at all Hearings of the Disciplinary Committee of the Bermuda Football Association:

1. The Disciplinary Committee appointed by the Bermuda Football Association shall ensure that the accused person or representative or any Membership Organization appears before it when summoned and during the appearance confirms whether the full details of the charge have been served and received in accordance with Article 60 (5-12) of the Disciplinary Code (BFADC).
2. The Chairman presiding over the hearing will then entertain a plea i.e. Guilty or Not Guilty.
3. Before proceeding further the Chairman will confirm the names of witnesses and representatives of the parties being charged (BFADC Art. 5).
4. During the Hearing only those persons involved in the proceedings will be entitled to be present.
5. The person charged or representatives shall be allowed to ask questions of the witness, provided such questions are relative to the matter in issue. On completion, the witness will retire from the hearing. The same privilege will be given to the representative of the membership organization, which has been charged.
6. During the Hearing, the Chairman and members of the Committee, through the Chairman, may ask questions of the witness to clear up any doubts that may arise.
7. The Chairman shall then call other witnesses in support of the charge. The person charged or their Representative(s) shall have the right to ask questions of the witnesses. Such witnesses may also be questioned by members of the Committee.
8. The person charged shall have the opportunity to then give evidence on their own behalf and in such case may have questions put to them by members of the Committee, which questions they must answer.

9. No written statement shall be accepted in evidence unless the author thereof shall be present for the purpose of being questioned with regard thereto and neither shall "hearsay" be admitted. All extraneous matters in the evidence shall be ruled "out of order". The Chairman may decide in cases where a guilty plea has been submitted by the person charged to exempt the author of a written statement or report from attending the Hearing. Such authors may include referees, match commissioner, referee assessor, security officer, club representative or other witnesses.
10. Upon completion of the evidence, the person charged or their representative shall be entitled to make a final submission, but this does not entitle them to introduce new evidence not previously submitted during the Hearing.
11. At the conclusion of the submission, all witnesses with the person charged and their representative shall withdraw from the Hearing to allow the Committee to commence with its deliberations and decisions according to Article 61 of the Disciplinary Code (BFADC).