

This document cancels and replaces the issue dated 05.09.16. The changes include renaming the Board of Appeal as the Appeals Panel which was agreed at the 2022 AGM.

The Regulations set out below were made by the Board in accordance with the following Company Article:

51 Right of appeal

- 51.1 *The directors shall make provision for a right of appeal, to the Appeals Panel or otherwise, for an Affiliated Member or Affiliated Organisation aggrieved by a decision or action taken by or on behalf of the Company or an Affiliated Organisation.*
- 51.2 *The directors shall appoint the members of an Appeals Panel, who shall not be directors of the Company, designating one of them as chairman of the Appeals Panel.*
- 51.3 *A member of the Appeals Panel shall be appointed to serve for a specified period not exceeding three years and shall be eligible for re-appointment.*
- 51.4 *The Appeals Panel shall prescribe and regulate its own procedures.*

E RIGHT OF APPEAL REGULATIONS

1 INTERPRETATION

1.1 Unless the context precludes such an interpretation these regulations shall be interpreted in accordance with the provisions of Article 3 and words and phrases defined by the Articles shall have the same meaning assigned to them in these regulations.

1.2 In these regulations:

Appellant means an Affiliated Member or Affiliated Organisation exercising the right of appeal and includes an individual or organisation whose affiliation rights is the matter at issue in the appeal.

CEO means the Chief Executive Officer or a staff member to whom the Chief Executive Officer delegates any or all of the functions concerned either generally or in respect of a particular appeal.

Improper means a decision, action or omission which contravenes the Articles or regulations or the Respondent's own constitution or rules.

Respondent means the Company or the Affiliated Organisation against whose decision an Appellant appeals.

2 CONFLICTING PROVISIONS

2.1 In the event of any conflict the Articles and the Disciplinary Regulations shall prevail over these regulations, but these regulations shall prevail over any other regulations, the Appeals Panel standing orders and the constitution and rules of an Affiliated Organisation.

3 JURISDICTION AND POWER

3.1 The Board delegates power and jurisdiction to act in relation to any right of appeal in Article 51 to the Appeals Panel in accordance with the Right of Appeal Regulations except that:

3.1.1 The right of appeal against decisions taken under the Disciplinary Regulations shall be only as stated in those Regulations.

- 3.1.2 The right of appeal in respect of the conduct of a competition shall be as specified in the regulations of the competition.
- 3.2 In carrying out its functions the Appeals Panel shall act in accordance with the principles of natural justice.

4 APPOINTMENTS

- 4.1 The Board shall appoint a legally qualified Clerk to the Appeals Panel to advise it on legal matters.
- 4.2 The CEO shall appoint a member of staff to be Appeals Panel Secretary.
- 4.3 The Appeals Panel Secretary shall administer any appeal in accordance with these regulations and the directions of the Appeals Panel Chairman.
- 4.4 The Appeals Panel Secretary may, with the approval of the CEO, delegate any function in any Appeal to another suitable person.

5 SEPARATE AFFILIATED ORGANISATION APPEALS

- 5.1 An Affiliated Organisation may, if it wishes, establish its own appeal arrangements separate from and additional to the right of appeal in the Articles. These arrangements may include provision for appeals to a County Association against Affiliated Organisations affiliated to it.
- 5.2 An Appellant may exercise the right of appeal in the Articles instead of using the appeal arrangements of an Affiliated Organisation.
- 5.3 An Appellant, who appeals under the appeal arrangements of an Affiliated Organisation, may not also appeal to the Appeals Panel unless he satisfies the Appeals Panel that the conduct of the original appeal was itself Improper.

6 DECIDING APPEALS

- 6.1 The burden of proof in an appeal is on the Appellant on the balance of probabilities.
- 6.2 Unless the regulations specifically provide otherwise an appeal shall be upheld only if the Appellant is significantly adversely affected by
- 6.2.1 an Improper decision, action or omission by or on behalf of the Respondent;
- 6.2.2 a disciplinary decision in breach of natural justice;
- 6.2.3 a disciplinary decision (including a decision to impose a particular sanction) which is unreasonable.
- 6.3 If the Appeals Panel considers that a disciplinary sanction is unreasonable it shall have the power to reduce it.
- 6.4 If an appeal is upheld the Respondent shall try as far as possible to restore the situation as if the decision or action appealed against had never been taken; the Appeals Panel shall have the power at the time of the appeal or later to direct how the Respondent shall achieve this.

7 CONCILIATION

- 7.1 The CEO may stay an appeal and appoint a conciliator to try and resolve the matter by agreement, but the Appellant or Respondent may terminate conciliation at any time and the Appeal shall then proceed.

ANNEX A: APPEALS PANEL STANDING ORDERS

Notes

- a *These Standing Orders are not part of the Right of Appeal Regulations. They are the responsibility of the Appeals Panel, which may make amendments (other than to the amount of deposits) without the permission of the Directors. They are annexed so that potential parties to an appeal will be aware of the procedure for dealing with it, and of the documents and information that they will be required to provide.*
- b *It is assumed that all communications in connection with appeals will be by email. If any party does not have access to email, or if email is otherwise inappropriate, documents shall be sent by 1st class post and the Chairman may direct any necessary changes to ensure that no party is disadvantaged.*
- c *Throughout this document 'address' means both email and postal addresses.*

1 Submission of appeal

- 1.1 An Appellant wishing to appeal shall notify the Secretary not later than 21 days after the date when she/he become, or should have become, aware of the decision or action appealed against.
- 1.2 The notification shall include
 - 1.2.1 their name and address and, if different, the name and address of the person to whom all subsequent correspondence shall be addressed;
 - 1.2.2 the name and address of the Respondent;
 - 1.2.3 the decision or action appealed against;
 - 1.2.4 the date of the decision or action appealed against, and when it came to their attention;
 - 1.2.5 a brief statement of the grounds for the appeal.
- 1.3 The Appellant shall state whether she/he requires a Hearing if the Respondent does not require one and the Panel is prepared to determine the matter without a Hearing.
- 1.4 The application shall be accompanied by a deposit of £50 for an individual Appellant and £100 for an organisation unless a hearing is requested, when the deposit shall be £100 or £200 respectively; the deposit will be returned if the appeal is successful or if the Appeals Panel decides it would be unjust not to do so in the particular circumstances of a case.
- 1.5 If the appeal is submitted later than 21 days after the decision or action appealed against the Appellant shall state the reason(s) for delay; an appeal submitted out of due time may be accepted where the Appeals Panel is satisfied that the delay was due to exceptional circumstances.

2 Receipt of Appeal

- 2.1 When an appeal is received
 - 2.1.1 the Secretary shall send the Appellant an acknowledgment and a copy of the Right of Appeal Regulations and these Standing Orders;
 - 2.1.2 the Appeals Panel Chairman shall appoint a panel consisting of three members of the Appeals Panel to deal with it, designating one of them as Panel Chairman.

3 Acceptance of Appeal

- 3.1 Before confirming acceptance of an appeal, the Panel shall consider whether the Appeals Panel has jurisdiction to hear it and, if it was not submitted in due time, whether it can be admitted.
- 3.2 If the Panel accepts the appeal the Secretary shall notify the Appellant and send the Respondent details of the appeal and a copy of the Right of Appeal Regulations and these Standing Orders.
- 3.3 If the Panel rejects the appeal the Secretary shall notify the Appellant, giving reasons for rejection.

4 Information and Documents to be provided by Appellant

- 4.1 When an appeal is accepted the Appellant shall send to the Secretary who has no decision making powers and to the Respondent, to reach them not later than 14 days after being notified that the appeal has been accepted:
 - 4.1.1 copies of all relevant documents in their possession or under their control, including correspondence, copies of Minutes and Rules, and copies of any evidence at any previous hearing in relation to the matter appealed against;
 - 4.1.2 a list, in chronological order, of the documents submitted, showing the date of each document and, if applicable, its author and to whom it was addressed;
 - 4.1.3 a written statement of their case, including any witness statements.
- 4.2 If a document has more than one page, each page shall be labelled so that it can be easily identified.
- 4.3 The Appellant shall be entitled to send a reply to any written statement made by the Respondent; this must be sent to the Secretary and to the other parties to reach them not later than 7 days after being sent the Respondent's statement.
- 4.4 If an Appellant fails within the specified time to supply the information and documents required, the appeal shall be regarded as abandoned.

5 Information and Documents to be Provided by Respondent

- 5.1 The Respondent shall send to the Secretary and to the Appellant, to reach them not later than 14 days after being sent the Appellant's documents:
 - 5.1.1 the name and address of the person to whom subsequent correspondence shall be addressed;
 - 5.1.2 copies of all relevant documents in its possession or under its control, including correspondence, copies of Minutes and Rules, and copies of any evidence at any previous hearing in relation thereto;
 - 5.1.3 a written statement of its case, including any witness statements.
- 5.2 The Respondent shall state whether it requires a Hearing, even if the Appellant does not require one and the Board is prepared to deal with the matter without a Hearing.
- 5.3 If the Respondent requires a Hearing even if the Appellant does not it shall at the same time submit a deposit of £50; the deposit will be returned if the appeal is unsuccessful or if the Panel decides it would be unjust not to do so in the particular circumstances of the case.

5.4 If a Respondent fails within the specified time to provide the information and documents requested, the appeal shall be dealt with on the basis only of information and documents provided by the Appellant.

6 Third Party

6.1 If the Panel Chairman considers that a person or organisation other than the Appellant or Respondent is directly concerned in the subject matter of the appeal and will be directly affected by its outcome, she/he may direct the Secretary to invite that person or organisation to become a Third Party to the appeal.

6.2 A Third Party who accepts this invitation and wishes the Panel to consider a written statement for consideration must send such statement to the Secretary, copied to the Appellant and to the Respondent, to reach them not later than 14 days after being invited.

7 Time Limits

7.1 The Panel shall have power to extend or abridge any of the specified time limits for the provision of documents or information, but only in exceptional circumstances.

7.2 Any party wanting an extension of time must send a written request to the Secretary stating the extra time needed and giving reasons.

7.3 If the application is granted, the Secretary shall forthwith notify all parties of the amount of additional time to be allowed.

7.4 The specified time limits continue to apply unless and until an extension is granted by the Panel and notified to the parties.

8 Decision on Procedure

8.1 If neither the Appellant nor the Respondent exercises their right to a Hearing, the Panel may at its discretion determine the appeal without a formal Hearing.

8.2 If the Panel decides to proceed without a formal Hearing it will take into account any written statement from the Appellant, the Respondent and any Third Party.

8.3 The Panel Chairman, after consulting the Clerk, shall arrange with his co-members for the due determination of the appeal at the earliest possible date.

8.4 If at any stage the Panel is satisfied that an appeal would be successful only because of a technicality, or a procedural error by the Respondent, it may instead remit the matter to be dealt with afresh by the Respondent with a direction regarding the technicality or procedural error.

8.5 If the appeal is to be determined by a formal Hearing, the procedure shall be as set out below.

9 Procedure with Hearing

- 9.1 The Panel Chairman, after consulting with the Clerk and the Secretary, shall appoint a date (which shall be as soon as practicable) and venue for the Hearing and the Secretary shall give all parties concerned not less than 14 days' notice of the place, date and time of the Hearing.
- 9.2 The Appellant and Respondent shall within 7 days after being notified of the date of the Hearing notify the Secretary whether or not they will be represented at the Hearing.
- 9.3 An individual may be represented at a Hearing provided that the Secretary is notified in advance in writing of the intention to be represented, indicating the name and the status of the representative (e.g. barrister, solicitor, friend, parent).
- 9.4 When a party is represented, the representative will make out the case, and all questions will be put by the representative and not by the party.
- 9.5 An Affiliated Member must not without good and sufficient cause absent himself from the Hearing of any appeal after having been requested with reasonable notice to attend.
- 9.6 An Affiliated Member must not refuse to answer any question if directed to answer by the Panel Chairman, except that the Panel Chairman shall not direct a witness to a question if satisfied that the witness could incriminate himself by answering; the term 'witness' shall include a party when giving evidence or making a statement.
- 9.7 The Panel may consider written statements from any person not able to be present but will take account of the fact that the contents cannot be tested by cross examination; a party wishing to introduce a written statement must provide copies for the other party, for the Clerk and Secretary, for each member of the Panel and for the Third Party, if any.
- 9.8 Unless conducting the case, a witness may not be present before giving evidence.
- 9.9 The Panel shall have the power to adjourn the proceedings at any time.

10 Opening of Hearing

- 10.1 The Panel Chairman shall open the proceedings by stating that the Hearing is by a Panel of the Appeals Panel of English Table Tennis Association Limited, operating as Table Tennis England, and will invite all those present to introduce themselves.
- 10.2 She/he shall then state the decision, action, neglect or refusal against which the appeal is made.

11 Appellant's Case at Hearing

- 11.1 The Appellant shall state the grounds of the appeal and make their case, calling witnesses if desired.
- 11.2 The Third Party may question any witness for the Appellant.
- 11.3 The Respondent may question any witness for the Appellant.
- 11.4 The Third Party may ask any witness for the Appellant further questions limited to matters arising from the Respondent's questions.
- 11.5 The Appellant may ask further questions of any witness limited to matters arising from the questions of the Third Party or the Respondent.

12 Third Party's Case at Hearing

- 12.1 The Third Party shall then put their case, calling witnesses if desired.
- 12.2 The Respondent may question any witness for the Third Party.
- 12.3 The Appellant may question any witness for the Third Party.
- 12.4 The Respondent may ask any witness for the Third Party, further questions limited to matters arising from the Appellant's questions.
- 12.5 The Third Party may ask further questions of their witnesses, limited to matters arising from the questions of the Respondent or the Appellant.

13 Respondent's Case at Hearing

- 13.1 The Respondent shall then put its case, calling witnesses if desired.
- 13.2 The Third Party may question any witness for the Respondent.
- 13.3 The Appellant may question any witness for the Respondent.
- 13.4 The Third Party may ask any witness for the Respondent further questions limited to matters arising from the Appellant's questions.
- 13.5 The Respondent may ask further questions limited to matters arising from the questions of the Third Party or the Appellant.

14 Closing Speeches at Hearing

- 14.1 Any party may make a closing speech lasting not more than 10 minutes or such longer period as the Chairman decides is reasonably necessary to sum up the case.

15 Adjudication at Hearing

- 15.1 The Panel shall then deliberate in private, all other persons except the Clerk and Secretary withdrawing.
- 15.2 The Panel may re-open the Hearing to ask further questions for clarification only.
- 15.3 The Panel Chairman shall announce the decision of the Panel as soon as reasonably practicable but in any event not more than 72 hours following conclusion of the hearing.

16 Official Record

- 16.1 When an appeal has been decided, the Secretary shall prepare an official record of the proceedings, which shall be signed by the Panel Chairman and submitted to the Company's Office.

The official record shall be published forthwith, and a copy shall be sent to all parties to the appeal and to any person who has declined an invitation to be a Third Party.

Appellant Information Form

Update: 9/2022

Name:	Address:
TTiD:	
Contact Number:	Email address:

If you represent an organisation, please give its names, address and other contact details and confirm that you have been authorised to pursue the appeal on its behalf.

1. What is the decision to be appealed, please state date, the matter it concerned and the parties to the decision. Please attach a copy marked "1".

2. What are the names, addresses, emails and telephone numbers of other parties to the decision and proposed by you as respondent(s) to your appeal?

3. How do you say you have been adversely affected by the decision?

4. On what date did it come to your attention or of the organisation you represent?

5. What are the rules which you rely on and/or say are relevant to this appeal? Please attached copies marked "5".

6. **An appeal will only lie to the TTE Appeals Panel if the decision was:**

- 6.1 refusal or neglect to exercise jurisdiction which there is a duty to exercise;
- 6.2 jurisdiction was improperly exercised;
- 6.3 action was taken beyond the limits of appropriate jurisdiction;
- 6.4 in the case of an appeal which had been made under Regulation 1.1, the County Association or ETTA Board disregarded Regulation 3;
- 6.5 the County Association or ETTA Board failed to observe Regulation 4;
- 6.6 the County Association or ETTA Board disregarded a relevant ETTA, County or League Rule or Regulation, the Laws of Table Tennis or the By-Laws;
- 6.7 the wrong issue or issues were decided;
- 6.8 an incorrect inference or conclusion was drawn from primary facts.

Please specify precisely the reasons why you say that the decision fell within which of these specific grounds of appeal. For the avoidance of doubt should the Appeals Panel decide in its absolute discretion that it does not have jurisdiction to hear an appeal, it may give such directions as it considers fit.

7. What remedy are you seeking from the Appeals Panel, do you want the matter sent back to the original decision-maker and, if so, with what directions?

8. What evidence do you seek to rely on?

- (a) If you rely on any documents, please attach copies in paginated, chronological order marked "8"
- (b) If you rely on witnesses, please provide the names, addresses, telephone numbers and email address for each, any dates of unavailability of those witnesses for the purposes of convening a hearing, and summarise the nature of the witness's evidence

I confirm that I am authorised to pursue this appeal

Please sign:

Date: