

MEMORANDUM OF PROCEDURES FOR ADULT FOOTBALL DISCIPLINARY PROCEDURES CONCERNING FIELD OFFENCES

As set out in the Schedule hereto for Players associated with teams in all divisions of Leagues at Steps 5-7 of The National League system and below. (Except for Youth Football)

These procedures also apply to County FA and League Representative Football.

This Memorandum cites procedures as they apply exclusively to Participants who are acting as Players when reported.

Save for serious or repeated proved misconduct, Participants off ending in a capacity other than as Players in a match (at all levels) should not be suspended but be subject to any of a reprimand, a warning as to future conduct, a written undertaking not to repeat, a touch-line ban for a period of time, and a Fine (active or suspended for a given period), together with costs in proved guilty cases. Subject to paragraph 11.5(g) below concerning Players moving between Clubs, for the purpose of these Procedures any referenced to a player's Club means the Club for which the Player was playing when he was cautioned, dismissed or reported for misconduct.

1. DEFINITIONS

- 1.1 In this Memorandum the words "the Association" refer to the appropriate County or other Affiliated Association, and the words "the Association secretary" mean and include any person nominated to discharge a part of the regulatory and disciplinary administration of the Association as well as its actual secretary and Disciplinary Commission means a commission established by the appropriate Association.
- 1.2 Wherever gender is referred to in this Memorandum, either shall be inferred, as relevant.
- 1.3 All written communications from a player to the Association secretary must be sent by the secretary of the player's club unless the player is no longer registered with that club.
- 1.4 Every Association must set out in its rules or regulations a copy of these procedures, which are to be followed after a player has been cautioned or dismissed from the Field of Play while playing in a match for a club or a particular team of a club not dealt with by The Football Association.
- 1.5 Wherever "written" or "letter" is referred to in this Memorandum this is deemed to include communication by fax, e-mail or any other form of electronic online communication. Where an Association chooses to communicate by fax or e-mail or other electronic means, it must take all reasonable steps to ensure that the address or fax number used is current.
- 1.6 This Memorandum is effective from 1st July 2006 until further notice.
- 1.7 The term "suspension" in this Memorandum means the suspension is from playing football ONLY and any other sanction required for the period of suspension must be specified in the decision letter.
- 1.8 Any reference to cautions in this Memorandum refers only to those received playing for teams subject to this Memorandum. Cautions received playing for teams not subject to this Memorandum will be separate and not added to the total received pursuant to this Memorandum (see also paragraph 11.3).
- 1.9 Permanent Suspension means no review to be considered under a period of 10 years.

2. TIMING

Disciplinary procedures shall commence no later than 90 days, and the outcome determined no later than 180 days from receipt of the report of alleged misconduct, or otherwise be void. If deemed reasonable, any period of delay requested or caused by the Participant will not count towards the 90/180 days. The Association must use due diligence to charge and/or finalise cases within that period of time and must conform with the requirements set out in this Memorandum, subject to the effects of the adoption by the Association of any of the alternative and optional powers set out in paragraph 20.

3. ADMINISTRATIVE PROCEDURES – MATCH OFFICIAL REPORTS

An Association may reserve the right not to process a caution if the report is deemed to be invalid for any reason.

4. GENERAL

- 4.1 Without prejudice to the foregoing provisions of this Memorandum, an Association shall have the power to delegate to The Football Association or to another Affiliated Association its powers and duties to investigate and/or adjudicate in cases where it may be advantageous so to do.
- 4.2 If a referee omits to show the appropriate card when taking action against a player, this does not nullify the caution or sending-off offence. However, the attention of the referee should be drawn to the correct procedure.
- 4.3 A Participant consents to abide by the Laws of the Game, the Rules and Regulations of The Football Association or an affiliated Association and to reasonable proportionate disciplinary action when playing the game. The issue of a caution is a decision based on a question of fact on the Field of Play upon which the Referee's decision is final. The recording of the caution and the consequences that follow are both

reasonable and proportionate. Cautions, not being the subject of appeal, do not breach the Human Rights Act 1998.

- 4.4 When a player is dealt with by a Disciplinary Commission cases must be dealt with on their merits and a punishment awarded consistent with the overall nature and effect of the offence(s); also the player's record of misconduct over the current and previous five seasons.
- 4.5 Associations will impose split suspension periods where matches have to be carried over to the following season. The last day of the first suspension period shall be the Player's team's last competitive match of the season. The suspension will recommence with that same team's start of the following season. Competitive matches are defined in paragraph 11.3.

5. REPORTING OFFENCES BY MATCH OFFICIALS

(a) Caution Offences

Referees must submit to the relevant Association within two days of the match (Sundays not included) a Report stating the offence. Referee reports for all County representative football must be sent to the appropriate County Association, with a copy to The Football Association. All FA County Youth Cup matches will be dealt with by the appropriate County, but a copy of the report must be submitted to The Football Association. All other reports will be returned to the relevant County Football Association to administer.

(b) Sending Off Offences

Referees and Assistant Referees must submit to the relevant Association within two days of the match (Sundays not included) a Report stating the offence(s) and giving a description of the incident(s). Referee reports for all County representative football must be sent to the relevant County Association, with a copy of the report to The Football Association. All FA County Youth Cup matches will be dealt with by the relevant County Association, with a copy of the report to The Football Association. All other reports will be returned to the relevant County Football Association to administer.

(c) If a Referee omits to show the appropriate card when taking action against a player this does not nullify the caution or the sending off offence. However, the attention of the Referee should be drawn to the correct procedure.

6. CAUTION OFFENCES

A player who has been cautioned in a match, will be notified through his Club by the Association of the offence reported by the Referee. At the same time he will be advised of the total number of cautions recorded during the current season and, any punishment resulting from their accumulation. An administration fee of £10.00 will be charged for the processing of each report. For each caution received a player will be subject to one penalty point. Any such punishment will take effect regardless of whether or not the notification of it from The Association is received before it is due to take effect in accordance with these Disciplinary Procedures.

7. SENDING OFF OFFENCES

A player who has been sent off in a match under the provisions of Law 12 will be notified through his Club by the Association of the offence reported by the Referee, and at the same time advised that he will be subject to the agreed automatic punishment (see paragraph 11). An administration fee of £10.00 will be charged for the processing of each report. Any such punishment will take effect regardless of whether or not the notification of it from The Association is received before it is due to take effect in accordance with these Disciplinary Procedures.

8. CLAIMS OF MISTAKEN IDENTITY

In the case of a claim of alleged mistaken identity concerning a player cautioned or sent off in a match, the PLAYERS concerned and the CLUB must within three working days of the match submit in writing to the Association particulars upon which the claim is founded, including the right to claim Wrongful Dismissal. If the Chief Executive of the Association, or his nominees, are satisfied that the claim warrants further investigation, a Disciplinary Commission shall be convened and will meet within the 21 days before any automatic penalty is due to take effect. If the members of the appointed Disciplinary Commission are satisfied that mistaken identity has been proved in a case, the record of the offence will be transferred to the appropriate offender, who will be subject to disciplinary action in accordance with the provisions of the current Procedures. The relevant fee which MUST be included with the evidence is £50 for teams at Steps 5-7 in the National League System. For teams outside of the National League system the fee is £30, which may be retained if the claim is deemed to be unfounded and be used in full or in part to cover any costs incurred by a Disciplinary Commission. In the event of the fee not covering the amount of costs charged, an additional amount may be charged by the Disciplinary Commission.

9. CLAIMS OF WRONGFUL DISMISSAL

In the case of a claim of wrongful dismissal for offences with a penalty imposed under the Laws of the Game of an immediate dismissal (excluding Law S6, the use of offensive or insulting or abusive language / gestures), evidence upon which the claim is founded, which must include a video cassette recording/DVD showing the incident, must be

submitted by the player concerned and his Club, together with the relevant fee and MUST be received by The Association by the close of business of the third working day following the match (as below*). An indication by fax or e-mail (discipline@[insert name of county]fa.com e.g discipline@essexfa.com) on the first working day following the game is required to alert the Disciplinary Departments of the Association that a claim is to be submitted.

* Saturday or Sunday game by Wednesday

Monday - Thursday

Tuesday - Friday

Wednesday - Monday

Thursday - Tuesday

Friday - Wednesday

(If Bank Holidays fall within the period, the appropriate number of extra days will be made available.)

Once the claim is lodged with the Association and it is confirmed that the video shows the incident as reported by the Referee/Assistant Referee and the claim has conformed with the criteria, the Club will then be advised whether the claim has been accepted or not. An accepted claim will be placed before a Disciplinary Commission within the 21 days before an automatic penalty is due to take effect. The Club, the player and Match Officials will NOT be invited to attend. The Disciplinary Commission will be dealing with the level of punishment only. The dismissal from the Field of Play will always remain on the record of the Club and the player and be the subject of the administration fee and the appropriate number of penalty points for a sending off. The only decisions available to the Members of the Disciplinary Commission are:-

- (i) The punishment will remain with the fee being retained;
- (ii) The punishment will be withdrawn, the fee returned and that paragraph 11.5(e) of the procedure will not be invoked if the player is sent off again following the offence.

The relevant fee is £50 for teams at Steps 5-7 in the National League System. For teams outside of the National League system the fee is £30 and will be retained if the case is deemed to be unfounded and returned if any alterations are made to the offence or punishment.

10. PUNISHMENTS

- 10.1 Any period of suspension automatically imposed for a dismissal from the field of play will commence 21 days from the date of the offence irrespective of whether paperwork has been received from the relevant Association. The suspension will be complete once the Player's team has completed the appropriate number of matches, in approved competitions, according to the suspension as defined below under 10.3. In respect to County FA and League representative football, any suspensions will be from representative football only and not any other level of football unless a Disciplinary Commission has specified that the suspension is to be from all football.
- 10.2 Any period of suspension automatically imposed as a result of cautions under 10.4 will commence 21 days from the date of the last offence irrespective of whether paperwork has been received from the relevant Association. The suspension will be complete once the Player's team has completed the appropriate number of matches, in approved competitions, according to the suspension as defined below under 10.3.
- 10.3 The matches that can be used to clear a player of suspension are those to be played in a domestic competition organised by the Football Association (including The FA Challenge Cup, and The FA Vase and FA Sunday Cup), the League in which the team play (including their League Cup(s)) and the Team's Parent County senior cup Competition (not necessarily The County "Senior Cup"). In addition, a mandatory regional Competition in which a Club is required to participate may also be considered providing that such a Competition has been designated as a qualifying competition by the sanctioning authority prior to the commencement of the season.

During periods of automatic suspension, the player is suspended from playing only for the day type category that the player's team usually plays in (including friendly matches and other Cup Competitions). If the suspension is for a Saturday team, the suspension is from Saturday team football (including midweek fixtures) only and if for a Sunday team, for Sunday team football only (including midweek fixtures). If the suspension is as a result of a misconduct charge, during the whole period of suspension the player is suspended from playing all football (including friendly matches and other Cup Competitions). The categories of football affected by this regulation are Saturday, Sunday, Midweek, Veterans and Representative football. This will be deemed to be a suspension from playing only, unless specified otherwise by a Disciplinary Commission. Where a player has to serve more than one suspension at the same time the following criteria will apply:

- (i) Any suspensions awarded under the provisions of these procedures and due to commence on the same date will result in the total number of matches involved running consecutively.
- (ii) Any suspensions that overlap, in that the next one starts before the previous one ends will also run consecutively as above.
- (iii) Matches cannot be used more than once to cover two or more suspensions.

(iv) Any suspension imposed under the provisions of these procedures that is or will be affected by a period based suspension will automatically commence 21 days from the date of the offence. The matches to be used in relation to this suspension may be before and/or after the period based suspension. The two suspensions cannot run concurrently.

10.4 Cautions Administered On The Field Of Play

(a) (i) If a player accumulates five cautions in any Competition, but receives the 5th caution between the opening day of the Playing Season and the 31st December in the same Season, he will be suspended automatically for a period covering One match plus a fine of £15.

(ii) If a player accumulates five cautions in any Competition between the opening day of the Playing Season and the last day of the same Season, he will be Warned as to his Future Conduct.

(iii) A player who has already been subject to disciplinary action as a result of five cautions and then goes on to receive a further five cautions during the same Season, will be subject to the following punishments: -

(iv) If a player accumulates ten cautions in any Competition between the opening day of the Playing Season and the second Sunday of April in the same Season, he will be suspended automatically for a period covering Two matches plus a fine of £15.

(v) If a player accumulates ten cautions in any Competition between the opening day of the Playing Season and the last day of the same Season, he will be Severely Censured and Warned as to his future Conduct.

(vi) If a player accumulates fifteen cautions in any Competition between the opening date of the Playing Season and the last day of the same Season, he will be suspended automatically for a period covering Three matches plus a fine of £15.

(vii) A player who has already been subject to disciplinary action as a result of receiving five, ten and fifteen cautions, and who goes on to receive 20 cautions in the same Season, shall be required to attend a meeting of a Disciplinary Commission, within 21 days of the date of the last caution. The members of a Disciplinary Commission shall have the power to deal with the player in such manner as they deem fit. The same procedure will apply for every further five cautions received by a player.

(viii) Any period of suspension or part that remains outstanding at the end of a Season must be served at the commencement of the following Season.

10.5 (a) PLAYERS SENT OFF UNDER LAW 12 (7)

A player who is dismissed from the Field of Play for receiving a second caution in the same match will be suspended automatically commencing on the 21st day following the match in which he was sent off , until such time as his Team has completed one match in an approved competition, as per 10.3, fined the sum of £20 and be subject to 2 penalty points. . Players who play outside the National League System will be fined the sum of £15.

(b) PLAYERS SENT OFF UNDER LAW 12 (4) and (5)

A player who is dismissed from the Field of Play for denying a goal or an obvious goal-scoring opportunity by physical means or by handling the ball, will be suspended automatically commencing on the 21st day following the match in which he was sent off , until such time as his Team has completed one match in an approved competition, as per 10.3, fined the sum of £20 and be subject to 2 penalty points. Players who play outside the National League System will be fined the sum of £15.

(c) PLAYERS SENT OFF UNDER LAW 12 (6)

A player who is dismissed from the Field of Play for using offensive or insulting or abusive language/gestures whether he has previously been cautioned in the match or not, will be suspended automatically commencing on the 21st day following the match in which he was sent off , until such time as his Team has completed two matches in an approved competition, as per 10.3, fined the sum of £30 and be subject to 2 penalty points. Players who play outside of the National League System will be fined the sum of £25.

(d) PLAYERS SENT OFF UNDER LAW 12 (1), (2) and (3)

A player who is dismissed from the Field of Play for Violent Conduct, Serious Foul Play or spitting at an opponent or any other person whether he has previously been cautioned in the match or not, will be suspended automatically commencing on the 21st day following the match in which he was sent off , until such time as his Team has completed three matches (six matches for spitting and fined the sum of £50) in an approved competition, as per 10.3, fined the sum of £40 and be subject to 4 penalty points. Players who play outside of the National League System and commit the offence of Serious Foul Play will be fined the sum of £25.

(e) ADDITIONAL SENDINGS OFF.

Players dismissed from the Field of Play for a second time in the same Season, in addition to the automatic suspension applicable to the offence, will be suspended for one extra match. A player dismissed for a third time in the same Season will be suspended for an extra two matches, and so on. A Disciplinary Commission, when

dealing with a Claim of Wrongful Dismissal (paragraph 9) has the power not to invoke a further one match suspension if it so desires.

(f) OUTSTANDING SUSPENSIONS

Any suspension or part thereof which remains outstanding at the end of a season, must be served at the commencement of the following season.

(g) PLAYERS MOVING BETWEEN CLUBS

Where a Player moves between Clubs at a time when he is subject to a suspension from playing resulting from either these Disciplinary Procedures or any charge of Misconduct, the following shall apply –

- (a) Until the Player moves, the suspension shall be served by reference to matches completed by the Club that the Player moves from;
- (b) Where the Club that the player moves to competes at the same level as the Club that the player moves from, any remaining period of suspension at the time that the Player moves shall be served by reference to matches completed by the Club that the Player moves to;
- (c) Where the Club that the player moves to competes at a different level from the Club that the player moves from, any remaining period of suspension at the time that the Player moves shall continue to be served by reference to matches completed by the Club that the Player moves from.

For the purposes of this section, Clubs compete at four different levels. Each level is comprised as follows –

- (i) The Premier League, Football League and Football Conference (National);
- (ii) The Football Conference (North and South Divisions), the Isthmian League, the Northern Premier League and the Southern League;
- (iii) Steps 5 to 7 of the National League System
- (iv) Any other league outside of the National League System which operates a match-based disciplinary system.

This section applies to all moves by Players between Clubs which are completed and evidenced to the satisfaction of the Association, however they occur. This includes, but is not limited to, all transfers, loans and the expiration of loans, and Players whose registration is cancelled by the Club that the Player moves from, where that Player is subsequently registered by the Club that the Player moves to. Players who are otherwise eligible (i.e. but for any suspension) to play for two or more Clubs competing in any league at level (iii) above will not be taken to have moved between those Clubs for the purposes of this regulation by virtue only of the fact that they are so eligible to play for them.

(h) RULE E3 OF THE FOOTBALL ASSOCIATION

A charge of Misconduct (as defined in and) pursuant to Rule E3 of the Rules of The Football Association may be brought against a player in relation to an incident, notwithstanding that the same incident has been dealt with pursuant to this Memorandum. A Disciplinary Commission considering a charge under Rule E3 of The Football Association in such circumstances, shall have regard to any punishment imposed under this Memorandum when considering any punishment under paragraph 18 of the Disciplinary Procedures to be used at Personal Hearings before Commissions requested by Participants of Clubs and Clubs dealt with by the Associations.

(i) PAYMENT TO PLAYERS UNDER SUSPENSION

Clubs must not pay a player more than his basic wage during the period of a suspension.

(j) RE-ARRANGED MATCHES

A Disciplinary Commission shall have discretionary power to rule that a match shall not count towards the completion of a suspension if it is satisfied that the game has been arranged by the Club with a view to enabling a player to complete his suspension and thus qualify him to play in a specific match.

11. AGGREGATE MISCONDUCT (CLUBS)

- 11.1 Associations may, at their option, use a penalty points based system to punish clubs whose misconduct is deemed excessive. If the Association chooses to punish clubs or Aggregate Misconduct they must use a system that conforms to these regulations.
- 11.2 Penalty points for cautions and dismissals from the Field of Play are listed against the relevant offences in these Regulations.
- 11.3 These points are effective once the offence:
 - (a) is reported for cautions or dismissals;
 - (b) has had a hearing for cases having hearings (unless an appeal is requested);
 - (c) has had an appeal for cases going to appeal.

Penalty points must not be awarded to charges found not proved.

- 11.4 Penalty points work on a seasonal basis, with points being included in clubs' totals for offences committed between the first and last days of the season, on an inclusive basis. Points must not be carried forward from one season to the next.
- 11.5 Misconduct dealt with by The Football Association must not be included in the penalty points totals.
- 11.6 Sanctions should be imposed at three stages, each incurring an Administration Charge, currently set at £10.
- 11.7 The number of points allowed for each stage (the Threshold), must be related to the number of teams that each club possesses.
- 11.8 Associations may make allowances in the number of teams that a club is deemed to have for Aggregate Misconduct, to reflect clubs whose disciplinary cases are handled by The Football Association. This is to prevent such clubs gaining an unfair advantage.
- 11.9 Recommended Points Allowances per Club per Season *Each Additional No of teams*

	1	2	3	4	5	Team
Stage I	25	48	69	88	105	20
Stage II	50	96	138	176	210	40
Stage III	75	144	207	264	315	60
- 11.10 Recommended Fines for Exceeding a Threshold
 - (a) For exceeding Stage I £25 plus an Administration Fee
 - (b) For exceeding Stage II £50 plus an Administration Fee
 - (c) For exceeding Stage III £100 plus an Administration Fee

The final fine of the season imposed will be proportionate to the amount by which a Club has exceeded a threshold. Associations may vary Fines and Thresholds at their Discretion.

- 11.11 Clubs that significantly exceed Stage III should be subject to further disciplinary action.
- 11.12 The Disciplinary Commission shall have the power to impose, or recommend as appropriate, any one or more of the following penalties on the Off ending Club:
 - (a) a reprimand and/or final warning as to future conduct;
 - (b) a further fine;
 - (c) suspension from all or any specified football activity from a date that the Disciplinary Commission shall order, permanently or for a stated period or number of matches;
 - (d) expulsion from a competition of the Association;
 - (e) expulsion from membership of the Association;
 - (f) such further or other penalty or order as the Disciplinary Commission considers appropriate.

12. DISCIPLINARY ACTION ON CLUBS FOR MISCONDUCT BY THEIR PLAYERS

- 12.1 Any team within the National League System who has six or more individual Players cautioned or Dismissed from the Field of Play in the same match will be automatically fined the sum of £150 (£75 for Step 7) for the first occasion during the Season. For a second/third/fourth etc. occasion in the same Season, the fine on the Club will be £300/£450/£600 etc. (£150/£225/£300 for Step 7).
- 12.2 Any team competing outside of the National League System who has six or more individual Players cautioned or Dismissed from the Field of Play in the same match will be charged and warned as to their future conduct for the first occasion during the Season. For a second/third/fourth etc. occasion in the same Season, the fine on the Club will be £25/£50/£75 etc.

13. ABANDONED MATCHES

When a referee's report indicates that a match has been abandoned due to misconduct of either team, The Football Association or appropriate Affiliated Association shall without delay investigate the official's report. If after such investigation, the chairman and secretary of the Association, or their nominees, are satisfied that a prima facie case can be made out against the Club/participants, such steps shall be taken as are necessary to ensure that a charge is preferred and that a Disciplinary Commission meets to consider the charge within 28 days of the date of the charge letter.

14. ASSAULTS ON MATCH OFFICIALS

The following Regulations shall apply at all levels of the game (excluding the 6 designated Leagues):

- 14.1 In addition to assisting a match official who has reported an assault against him, The Football Association or appropriate Association shall without delay investigate the match official's report and if, after such investigation, the chairman and secretary of the Association or their nominees are satisfied that a prima facie case can be made out against the alleged offender they shall take such steps as are necessary to ensure that a charge is preferred and that a Disciplinary Commission meets to consider the charge within 28 days of (the date of) the charge letter. The alleged offender shall not participate in any football activity from the date when he is notified of the charge, until a Disciplinary Commission has heard and adjudicated on the matter.

- 14.2 There shall be three categories of assaults:
 (a) COMMON ASSAULT
 (b) ASSAULT CAUSING BODILY HARM
 (c) ASSAULT CAUSING SERIOUS BODILY HARM
- 14.3 Should the participant accept the charge, the match officials will not be required to attend a Disciplinary Commission. Should the charge be denied, the appropriate match officials may be required to attend the Commission.
- 14.4 All assaults on match officials in the above three categories must be reported to The Football Association within 14 days of the completion of a case that has been proved, giving the decision of the Disciplinary Commission together with any reason for variation of the recommended punishments set out in 15.5 below. (If a match official who has reported a participant for an assault upon his person makes a written request for the decision and punishment awarded such must be made available to him at the earliest opportunity).
- 14.5 Recommended punishments for a person found guilty of an assault upon a match official are as follows (and cover football at all levels of the game):
 (a) (i) Common Assault 182 days suspension plus a £150 fine
 (ii) Common Assault by way of 1 year suspension plus £150 fine spitting at or on a Match Official
 (b) Assault causing or attempting to *Sine die* suspension with no cause bodily harm review to be considered under a period of 5 years plus £250 fine
 (c) Assault causing serious bodily harm Permanent suspension - no review to be considered under a period of 10 years.

15. ASSAULTS BY PARTICIPANTS ON OTHER PARTICIPANTS

- 15.1 When a referee's report indicates that a Participant has perpetrated an assault on another Participant causing serious bodily harm before, during or after a match, The Football Association or appropriate Affiliated Association may, as in cases of assaults on match officials, without delay investigate the official's report. If after such investigation, the chairman and secretary of the Association, or their nominees, are satisfied that a prima facie case can be made out against the alleged offender, such steps shall be taken as are necessary to ensure that a charge is preferred and that a Disciplinary Commission meets to consider the charge within 28 days of the date of the charge letter. The alleged offender shall not participate in any football activity from the date when he is notified of the charge until a Disciplinary Commission has heard and adjudicated on the matter.
- 15.2 The recommended punishments for such offences are set out below: -
Offender
 (a) Player A suspension for a minimum of 140 days plus £150 fine for a first offence but, depending on severity, *sine die* with no review for five years.
 (b) Club official As for (a) above but:
 (i) If on a player or other official but not a match official; suspension from all football and football activities
 (ii) If on a Match Official – section 10 above will apply.
 (c) Match official As for Match Officials assaulted by a Player. But a recommendation will be made to the relevant Referees' Committee that the registration be removed and no request for reinstatement will be allowed until the suspension has been completed or removed.

16. FAILURE TO COMPLY

- 16.1 When the provisions above are not complied with, the player's right to a Personal Hearing or to make a plea for leniency is forfeited and the Disciplinary Commission may deal with the reported misconduct on such evidence as is available.
- 16.2 Failure on the part of the player or his club secretary to discharge any of the requirements set out in this Memorandum may constitute misconduct, which may result in a further charge against the player, his club, or both. (In any case, a late fine, currently £20, will be levied in addition to the original charge and a further seven days given to respond to the charge. Failure to respond within the seven days will result in a further Late Fine of £20 and the Club and Player being suspended after a further seven days until the provisions above have been complied with). Any punishment imposed for failure to comply will be limited to a financial penalty if the fault of the club, but may include suspension of the player where it is the player's fault.

The Club Secretary must make the Player aware of the applicable Standard Punishment where an automatic sanction applies. The Club Secretary must sign and return the reply form to the appropriate Affiliated Association by the response date. By signing the form the Club Secretary is confirming that he has made the Player so aware. Where an individual has been charged with Misconduct both the Club Secretary and the individual will be required to sign and return the form to the appropriate Association.

- 16.3 When dealing with compliance issues the Association must consider the following:-
 (a) whether the player has responded to his club;
 (b) whether the club has failed to pass on his reply;

- (c) whether the club has informed the Association that the player has failed to respond;
- (d) whether the player has left the club.

17. SUSPENSION PENDING MISCONDUCT HEARING

- 17.1 The appropriate Affiliated Association shall have the power, in consultation with The Football Regulatory Authority to order that an Official of a Club affiliated to or a Player registered with that Association, and not one associated with the 6 designated Leagues, shall be suspended from all or any specific activity for such period and on such terms and conditions as agreed by The Football Association and the Association considers appropriate (an "Interim Suspension Order").
- 17.2 The Interim Suspension Order shall apply when the Club Official or Player has been charged by the Affiliated Association in relation to an alleged act of serious misconduct, or with a criminal offence, or by a League sanctioned by the Affiliated Association or the Football Association in connection with disciplinary action pursuant to relevant regulations of the League.
- 17.3 As soon as reasonably practicable notification of an Interim Suspension Order shall be advised to the Player and/or the Club and will be lifted when the charge of misconduct is dealt with by a Disciplinary Commission or the criminal charges are withdrawn or found not to have been proved.

18. PERSONAL HEARING

(See also: General Provisions relating to Inquiries, Commissions of Inquiry, Regulatory Commissions of The Association, Other Disciplinary Commissions and Appeal Boards; and Disciplinary Procedures to be used at Personal Hearings before Commissions requested by Participants of Clubs and Clubs dealt with by County and Other Affiliated Associations).

- 18.1 The notification indicating a misconduct charge must inform the player of the right to request a Personal Hearing in respect of the alleged offence and must also indicate that in the event of the charge being proved there will be a liability to be ordered to pay all or part of the costs of the Personal Hearing, which costs may include a part of the overhead expenses of the Association attributable to the hearing. Similarly, in cases where the rules or regulations of the Association require the deposit of a fee for a Personal Hearing, (as determined by the Council - currently £50 for Participants in the National League System and £30 for Participants outside of the National League System), at the time of such request the player must be informed that the fee is liable to be forfeited in full or in part if the charge is proved, in addition to any fine which may be imposed. In an unproved case neither a fee may be retained, nor may Disciplinary Commission costs be levied, either for a Personal Hearing or for any other "non-Personal Hearing" case. (Disciplinary Commission costs cannot be levied in cases where a player has been instructed to appear before a Disciplinary Commission).
- 18.2 Upon receiving a request for a Personal Hearing in respect of an alleged offence, the Association will appoint a Disciplinary Commission of not less than three nor more than five members to hear and adjudicate upon the charge. In the case of a player under the age of 18 years of age on the date fixed for the hearing, it shall take place either in the presence of a parent or guardian of the player or another appropriate adult.
- 18.3 Fines must not be imposed on children in youth football [Section 1.5(b)]. Any fine and administration charges arising out of misconduct by a child must be levied on the club.
- 18.4 The player, through his club secretary, must be given the date, time and venue fixed for the Personal Hearing and arrangements made for the attendance before the Disciplinary Commission of any witnesses in support of the charge, in particular the match official(s) on whose report the charge has been brought. At a Personal Hearing of a charge a Disciplinary Commission may adopt such procedures as it considers appropriate and expedient for the just determination of the charge brought before it. A Disciplinary Commission shall not be bound by any enactment or rule of law relating to the admissibility of evidence in proceedings before a court of law.
- 18.5 The person charged and the match official(s) concerned should be given a minimum 14 days' notice of details of the Personal Hearing. Any written request to the Commission for a postponement of the hearing should be given consideration. If the reason submitted is considered valid, then a postponement should be granted, and in such circumstances costs may be charged. A request for a second postponement by the same party should not be granted.
- 18.6 If the charge is found not proved, any record of it will be expunged. If the charge is found proved the Disciplinary Commission will decide what punishment, if any, is to be imposed. In so doing, members of the Disciplinary Commission must consider the overall nature and effect of the offence(s) and the player's previous record and any plea for leniency. If charging costs the Personal Hearing fee must be taken into account.
- 18.7 Except when an Appeal has been lodged, any fines or costs that are ordered must be paid before the expiry of 14 days from the date of the order. Failure to pay within such period is deemed to be misconduct punishable by censure, a further late fine and/or suspension as determined by a Disciplinary Commission. This second Disciplinary Commission shall have the power to consider the matter on 48 hours notice and

- the power to suspend for continuing non-payment. (In any case, a late fine, currently £20, will be levied in addition to the original charge and a further seven days given to respond to the charge. Failure to respond within the seven days will result in a further late fine of £20 and, after a further seven days, the Club and Player being suspended until the provisions above have been complied with.) The player and his club are jointly and severally responsible for payment of the fine and costs. The club shall take such action as may be necessary to recover any sum paid on the player's behalf. The rules or regulations of an Association must provide for disciplinary action to be taken against a player who fails to reimburse his club in accordance with the Football Debt Recovery (Section 20) regulations approved by Council.
- 18.8 A Disciplinary Commission shall comprise members appointed by the Association. The appointed members of such Disciplinary Commissions shall have no previous personal knowledge of the events or any involvement with any of the participants concerned.
- 18.9 Participants shall have the right to appeal decisions of Disciplinary Commissions to an Appeal Board of The Football Association. The player and/or the club for which the player was playing at the time may appeal within 14 days of the sending of the decision notification. The FA shall also have the right to appeal decisions of Disciplinary Commissions to an Appeal Board of The Football Association. There shall be no further right of challenge in respect of decisions of Disciplinary Commissions, which are otherwise final and binding.
- 18.10 The decision of the Association will be sent by first-class post or by e-mail to the secretaries of all clubs for whom the player is known to be currently playing and to the player's home address if known. Each of these secretaries is responsible for informing the player of the decision.
- 18.11 The commencement date of any suspension imposed on a player is at the discretion of the adjudicating Disciplinary Commission, subject to the suspension starting on a Monday. Such date must allow for the 14-day period permitted for an appeal.
- 18.12 Referees and Assistant Referees may be told the result of a hearing on the next working day, should they request to be told, subject to the participant being aware of the decision.

19. FOOTBALL DEBT RECOVERY

Limited to £50 minimum total claim, except for the recovery of Disciplinary Monies.

- 19.1 Associations are required to operate a system to collect football debts on behalf of Affiliated Clubs, Affiliated Leagues and Other Associations. Associations cannot use their football debt recovery system in respect of under 18 players of teams participating in under 18 competitions, but may do so in respect of any adult Club Official of any such team's Club.
- 19.2 Save for disciplinary fines and costs, football debts are defined as those costs where actual monies have been expended arising directly from football activity, and as such would include (but not be limited to), match costs (e.g. Match Fees), playing expenses (e.g. pitch hire) and League costs (repair to Cups etc). Incidental costs (e.g. fund raising activities, Club Subscriptions) do not fall within the scope of Football Debt Recovery. League fines do not fall within the scope of Football Debt Recovery where a Club remains in membership of the League to which they owe money, or disbands without having played a competitive fixture in that League in the season that any fine accrues.
- 19.3 Associations may take action against individuals or groups of individuals. Individuals may be pursued where they are refusing to reimburse an individual club for a qualifying debt. Where a club has folded its qualifying debts may be apportioned against its registered members and officers, and action taken against them individually to recover the club's debt.
- 19.4 Where a club's debts are apportioned to individuals they must then be treated as individuals, and any disciplinary action must not be linked to the recovery of the total debt.
- 19.5 It is incumbent on the creditor to take reasonable steps to recover the debt before asking their parent Association to take action. This would normally include approaching the debtor personally as well as contacting them in writing to seek payment.
- 19.6 The Parent Association should be approached as soon as it is clear there is a problem. In all cases this should be within 28 days of formal payment being requested, and 112 days of the debt being incurred.
- 19.7 The creditor, on presenting a claim for recovery, must pay on advance an administration fee of £25 per debt to be recovered. This figure is added to the total debt to be recovered and forms part of the £50 minimum limit. In addition, the creditor must supply the Full Name, Date of Birth and last known address of the individuals responsible for the debt. The County Football Association must not place a participant under suspension under the Football Debt Recovery scheme without this information.
- 19.8 Upon receipt the Association must immediately take steps to verify whether the debt is valid and notify the creditor and debtor of its decision.
- 19.9 Upon being satisfied that a Qualifying debt exists the Association must apportion the debt on a pro-rata basis and notify the individual or individuals concerned. The Association may add an additional Administration Fee of £1 to each individual's pro-rata debt.
- 19.10 Upon being notified, an individual must pay the debt within 21 days of the issue of the notification letter or appeal in accordance with the appeal procedures. If payment or appeal is not received the individual will be

suspended sine die until the debt is paid and he is notified that the suspension has been lifted. This suspension will commence from (and include) the 22nd day after the date the notification was issued.

20. FURTHER DISCIPLINARY ACTION

An Affiliated Association in formulating its rules and regulations for misconduct may adopt and include some or all of the following powers: -

- 20.1. To make an order that a club whose players are persistently found guilty of misconduct
 - (a) Be censured and/or fined in accordance with the approved penalty point process
 - (b) May have its affiliation suspended or cancelled

- 20.2.
 - (a) Any other power approved in writing by The Football Association
 - (b) Any optional or alternative power granted to an Affiliated Association in accordance with Section 2(a) shall continue from year to year until such time as the approval is withdrawn. Such approval may be withdrawn by notice in writing from The Football Association given before 30th April, in any year.