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## Disciplinary and Judicial Regulations.

THIS DOCUMENT FORMS PART OF THE SARLSA CONSTITUTION.

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**A. DEFINITION.**

For the purposes of these Regulations the terms below shall have the following meanings assigned to them unless the context otherwise requires.

<b>Appeal Panel</b>	means a panel of individuals appointed in terms of Regulation 4.1 below;
<b>CEO</b>	means the Chief Executive Officer of SARLSA
<b>Constitution</b>	means the constitution of the South African Rugby League Sporting Association
<b>Judicial Panel</b>	means a panel of individuals appointed in terms of Regulation 3.1 below
<b>National Judicial Committee</b>	means the committee to which the Executive Committee of SARLSA in terms of clause 12.2.4.2 of the Constitution has delegated its disciplinary powers in terms of clause 12.2.4.2 of the Constitution, and otherwise, with the right to further delegate such powers to disciplinary committees or judicial officers;
<b>Executive Committee</b>	of SARLSA in terms of clause 12.2.4.2 of the Constitution has delegated its disciplinary powers in terms of clause 12.2.4.2 of the Constitution, and otherwise, with the right to further delegate such powers to disciplinary committees or judicial officers;
<b>Person</b>	means a player, trainer, referee, touch-judge, coach, selector, medical officer, physiotherapist, player agent or other individual who is or has been at any time involved in the Game of Rugby Football, or in the organisation, administration, or promotion of the Game under the jurisdiction of the League or a Member of the League or other body affiliated to the Union or a club as defined in clause 1.2.7 of the Constitution; and for the purposes of the adjudication of breaches or contraventions of the Code of Conduct



<b>Regional</b>	means a regional member of the League as defined in clause 11 of the SARLSA Constitution
<b>SARLSA</b>	means the South African Rugby League Sporting Association
<b>Legal practitioners</b>	means any attorney of advocate which is a member and either the Law Society of South Africa (Including any of it associated society) or a member of the General Council of the Bars (Including any of it associated Bars).
<b>Senior Legal practitioners</b>	means any attorney with at least 20 years of practice which is a member of the Law Society of South Africa (Including any of it associated society) or an Advocate with more than 20 years of practice or which holds the title of Senior Counsel and is a member of the General Council of the Bars (Including any of it associated Bars)

1. Changes to "Senior Legal Practitioners ratified at the 2020 AGM.

## 1. BREACH OF THE CONSTITUTION, RULE AND REGULATIONS.

- 1.1 A Regional member, Rugby Body or Person shall be guilty of an offence and subject to sanction by a Judicial Officer or Judicial Committee if it is found to have –
- 1.1.1. Breached, failed to comply with or contravened the Constitution of SARLSA;
  - 1.1.2. Breached, failed to comply with or contravened the rules and regulations of SARLSA;
  - 1.1.3. breached, failed to comply with or contravened the by-laws, rules or regulations of the Rugby League International Federation, or any other body of persons or organisation to which SARLSA is affiliated or associated with in terms of a joint venture agreement or other agreement, or otherwise, binding on SARLSA;
  - 1.1.4. Breached, failed to comply with or contravened any decisions taken, any resolutions adopted, or rulings made by a general meeting, the executive council, the IRL.
  - 1.1.5. Brought SARLSA or the Game or any Person into disrepute; or
  - 1.1.6. engaged in conduct, behaviour or practice(s) which or action or lack of action is detrimental to the interests of SARLSA or of the Game.



## 2. THE APPOINTMENT AND FUNCTIONS OF JUDICIAL OFFICERS AND JUDICIAL COMMITTEES.

- 2.1. The National Judicial Committee shall appoint a panel of individuals (“the Judicial Panel”) of such number as the National Judicial Committee shall think fit, each of whom shall be eligible to sit as Judicial Officers and/or as Members of Judicial Committees.
- 2.2. The function of the Judicial Panel will be to hear and adjudicate all matters involving;
  - 2.2.1. alleged breaches, contraventions or offences of the Constitution and/or the Regulations.
  - 2.2.2. Disputes, alleged breaches or offences arising under the Player Status, Player Contracts and Player Movement Regulations;
  - 2.2.3. Alleged breaches, contraventions or offences under of the Constitution; and
  - 2.2.4. such other matters as the Executive Council, Chairman of the National Judicial Committee (or his designee) or the CEO of SARLSA may from time to time refer to a Judicial Officer or Judicial Committee for adjudication.
- 2.3. Members of the Judicial Panel shall include the following:
  - 2.3.1. Legal practitioners with previous experience of judicial proceedings. Such legal practitioners shall be appointed to sit as Chairmen of Judicial Committees
  - 2.3.2. Eminent rugby administrators, rugby players, coaches and officials with previous experience of judicial proceedings in rugby.
  - 2.3.3. Such other individuals as the National Judicial Committee may consider appropriate.
- 2.4. Members of the Judicial Panel shall be appointed for an indefinite period and until replaced by the National Judicial Committee or on an Ad Hock basis. The decision of the National Judicial Committee shall be final and binding.
- 2.5. When a Judicial Committee is appointed to adjudicate on a case it shall, ordinarily, be made up of three members of the Judicial Panel, one of whom shall be nominated to act as Chairman of the Committee. The Chairman of the National Judicial Committee (or his designee) shall, however, in any case, be entitled, at his discretion, to appoint a Judicial Committee of such number as he considers appropriate, up to a maximum of five and a minimum of three.
- 2.6. When a Judicial Committee is appointed to adjudicate on a case it shall, ordinarily, be made up of three members of the Judicial Panel, one of whom shall be nominated to act as Chairman of the Committee. The Chairman of the National Judicial Committee (or his designee) shall, however, in any case, be entitled, at his discretion, to appoint

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a Judicial Committee of such number as he considers appropriate, up to a maximum of five and a minimum of three.

- 2.7. If a Judicial Officer or member of a Judicial Committee having been appointed to deal with a case is unable or unwilling to adjudicate then the Chairman of the National Judicial Committee (or his designee) may;
  - 2.7.1. Appoint another member of the Judicial Panel as a replacement; or
  - 2.7.2. Appoint a new Judicial Committee; or
  - 2.7.3. Allow the remaining Judicial Committee members to proceed and adjudicate on the case.
- 2.8. The Chairman of the National Judicial Committee (or his designee) shall have the power, exercisable in his discretion, to co-opt from time to time additional persons with specialist skills and experience to sit as Judicial Officers and/or as members of a Judicial Committee to deal with cases that require such specialist skills and experience whether such persons are members of the Judicial Panel or not.

### **3. THE APPOINTMENT AND FUNCTIONS OF APPEAL COMMITTEES.**

- 3.1. The National Judicial Committee shall appoint a panel of individuals of such number as the National Judicial Committee thinks fit ("the Appeal Panel"), each of whom shall be eligible to sit as members of Appeal Committees.
- 3.2. Members of the Appeal Panel shall include the following:
  - 3.2.1. Senior legal practitioners with previous experience of judicial proceedings. Such legal practitioners shall be appointed to sit as Chairmen of Appeal Committees.
  - 3.2.2. Eminent rugby administrators, rugby players, coaches and officials with previous experience of judicial proceedings in rugby.
  - 3.2.3. Such other individuals as the National Judicial Committee may consider appropriate.
- 3.3. The functions of Appeal Committees shall be to hear and decide appeals from decisions made by Judicial Officers or Judicial Committees. The Chairman of the National Judicial Committee (or his designee) shall appoint Appeal Committees from Appeal Panel members to hear such appeals.
- 3.4. Members of the Appeal Panel shall be appointed for an indefinite period and or, until replaced by the National Judicial Committee. The National Judicial Committee may, at its discretion, remove any member of the Appeal Panel, at any time. The decision of the National Judicial Committee shall be final and binding.
- 3.5. When an Appeal Committee is appointed to adjudicate on a case it shall, ordinarily, be made up of three members of the Appeal Panel, one of whom shall be nominated to act as Chairman of the Appeal Committee. The Chairman of the National Judicial



Committee (or his designee) shall be entitled, however, at his discretion to appoint Appeal Committees of such number as he considers appropriate, up to a maximum of five and a minimum of three.

- 3.6. If a member of an Appeal Committee having been appointed to deal with a case, is unable or unwilling to adjudicate then the Chairman of the National Judicial Committee (or his designee) may: (1) appoint another member of the Appeal Panel as a replacement; or (2) appoint a new Appeal Committee; or (3) allow the remaining Appeal Committee members to proceed and adjudicate on the appeal.
- 3.7. The Chairman of the National Judicial Committee (or his designee) shall have the power, exercisable in his discretion, to co-opt from time to time additional persons with specialist skills and experience to sit as Appeal Committee Members to deal with cases that require such specialist skills and experience whether such persons are members of the Appeals Panel or not.

#### **4. PROCEDURES RELATING TO BREACHES AND OFFENCES MENTIONED IN Article**

- 4.1. A Regional member, Member, Rugby League Body or Person may notify the CEO of an alleged breach, contravention or offence mentioned in 3.1 above.
- 4.2. To be valid, such notification must be made in writing, set out full details of the alleged breach, contravention or offence and should be received by the CEO not later than 20 (twenty) days following the notifying Regional member, Rugby Body, Member or Person having knowledge of the alleged breach, contravention or offence.
- 4.3. Upon receipt of any such notification, the CEO shall initiate an enquiry into the matter and/or refer the notice via the Chairman of the National Judicial Committee (or his designee) to a Judicial Officer or Judicial Committee for adjudication.
- 4.4. In the event of an enquiry, such enquiry shall be carried out by the CEO or his designee(s).
- 4.5. The procedure for such enquiry shall be determined by the CEO.
- 4.6. The Executive Council or CEO may, of its own motion, initiate an enquiry into any alleged or apparent breach or contravention or offence mentioned in 3.1 above. Such enquiry shall be carried out by the CEO or his designee(s).
- 4.7. The procedure for such enquiry shall be determined by the CEO.
- 4.8. At the conclusion of any such enquiry, the CEO shall either submit a report to the Executive Council or refer the matter, via the Chairman of the National Judicial Committee (or his designee) to a Judicial Officer or Judicial Committee for adjudication.
- 4.9. The Executive Council on receipt of the report may refer the matter via the Chairman of the National Judicial Committee (or his designee) to a Judicial Officer or Judicial Committee and/ or take such other action (if any) as is deemed appropriate.



- 4.10. The Executive Council or the CEO may refer any matter to be adjudicated in terms of the Constitution or Rules and Regulations of SARLSA, or any other matter, not referred to in 5.1 and 5.2 above, via the Chairman of the National Judicial Committee (or his designee) to a Judicial Officer or Judicial Committee for adjudication.

## **5. REFERRALS TO JUDICIAL OFFICERS OR JUDICIAL COMMITTEES.**

- 5.1. Where a matter is referred to a Judicial Officer or Judicial Committee, the Judicial Officer or Judicial Committee shall, subject to Appendix 1, be entitled to deal with the matter procedurally as it considers appropriate provided that the parties concerned are aware of the case against them and are afforded a reasonable opportunity to make representations and present their case.
- 5.2. For the avoidance of doubt, SARLSA shall have the right to be represented and shall be entitled through its nominated representative to make submissions during any proceedings conducted by Judicial Officers or Judicial Committees.
- 5.3. The decisions of Judicial Committees shall be made by majority. In the event of an even vote, the Chairman of the Judicial Committee shall have a casting vote.
- 5.4. All Judicial Committee members must take part in the deliberations of the committee and no member of a Judicial Committee may abstain.
- 5.5. The decision of the Judicial Officer or Judicial Committee shall, subject to the right of appeal under regulation 8 below, be final and binding. Any punishment or penalty imposed by a Judicial Officer or Judicial Committee shall not, ordinarily, take effect until the period allowed for an appeal in regulation 8.1 below has elapsed or the appeal has been determined. The decision of the Judicial Officer or Judicial Committee may be published by the CEO.

## **6. PENALTIES.**

- 6.1. Upon finding a breach, contravention or offence as mentioned in 3.1 above, Judicial Officers and Judicial Committees shall be entitled to impose such penalties as they deem fit.
- 6.2. Such penalties may include, but shall not be limited to:
- 6.2.1. A caution, warning as to future conduct, reprimand and/or a fine.
  - 6.2.2. A suspension for a specified number of matches and/or a specified period;
  - 6.2.3. a requirement that a match or matches be played with the exclusion of the public; the cancellation of a match result and, where appropriate, the replaying of a match; the forfeiture of a match or matches and/or tie(s); the deduction or cancellation of match and/or log points; the immediate or future expulsion or suspension from a tournament(s) or competition(s); or any such similar sanctions



- 6.2.4. Cancellation or refusal of the registration of any Person registered in contravention of the Constitution or Regulations.
- 6.2.5. a recommendation to the General Council that a Regional Member or Associate Member be expelled or suspended from membership of SARLSA.
- 6.2.6. An order that any Regional Member, Associate Member, Rugby Body, or Person pay compensation and/or restitution;
- 6.2.7. The withdrawal of other benefits or membership of SARLSA;
- 6.2.8. Expulsion from any or all positions in SARLSA or Rugby League Body, or from any or all rugby activities;
- 6.2.9. Any combination of the penalties set out in 7.1 (a) to (g) above;
- 6.2.10. An order that any Regional Member, Rugby Body or Club issue a clearance certificate as is required in terms of the Player Status, Player Contracts and Player Movement Regulations within a prescribed time period failing which the Executive Council shall be entitled to issue such clearance certificate;
- 6.2.11. Such other penalty or remedy as may be provided for in the Constitution or any of the Regulations of SARLSA; and/or
- 6.2.12. Any other sanction or penalty as the Judicial Officer may think fit.
- 6.3. Judicial Officers and Judicial Committees shall be entitled to make such order in relation to cost as is deemed appropriate;
- 6.4. In determining the appropriate penalty under these Regulations, a Judicial Officer or Judicial Committee shall be entitled to take account of mitigating and/or aggravating circumstances.

## **7. APPEALS.**

- 7.1. A Regional member, Rugby Body or Person or the Executive Council, may appeal against the decision of a Judicial Officer or Judicial Committee, against the penalty imposed and/or any costs order. To be valid, any such appeal, together with the written grounds of appeal as well as an administration fee of R 1 00.00 must be lodged with the Chairman of the National Judicial Committee (or his designee) within 15 (fifteen) days of the date of the written decision of the Judicial Officer or Judicial Committee.
- 7.2. On receipt of a notice of appeal and the grounds for appeal within the time limit set out in the regulation, an Appeal Committee shall be appointed by the Chairman of the National Judicial Committee (or his designee). The Appeal Committee shall, ordinarily, be made up of three members of the Appeal Panel, under the Chairmanship of a senior





legal practitioner who shall, subject to Appendix 1, have the discretion regulate the procedure prior to and at any Appeal Committee hearing

- 7.3. The Appeal Committee shall determine the basis on which an appeal will proceed, including the standard of review and may, in its discretion rehear the whole or any part of the evidence given before the Judicial Officer or Judicial Committee (as the case may be) as it considers appropriate. For the avoidance of doubt the Executive Council shall have the right to be represented and shall be entitled through its nominated representative to make submissions in any proceedings conducted by Appeal Committees.
- 7.4. The Appeal Committee shall have full discretionary power to hear and receive such further evidence as it thinks fit, provided it is established by the appellant that such evidence was not, on reasonable enquiry, available at the time of the original hearing.
- 7.5. The Appeal Committee shall have full discretionary power to hear and receive such further evidence as it thinks fit, provided it is established by the appellant that such evidence was not, on reasonable enquiry, available at the time of the original hearing.
- 7.6. For appeal hearings procedural matters shall be determined by the Chairman of the Appeal Committee. Decisions of the Appeals Committee shall be made by majority. In the event of an even vote, the Chairman of the Appeal Committee shall have a casting vote. No member of an Appeal Committee may abstain, and all members of the Committee must take part in its deliberations.

## **8. POWERS OF APPEAL COMMITTEES.**

- 8.1. An Appeal Committee shall have the power to:
  - 8.1.1. Allow or re-affirm, or dismiss the appeal;
  - 8.1.2. Vary the decision in such manner as it shall think fit (including power to increase, reduce, uphold, decrease or cancel any penalty), subject to 7.1(a) above;
  - 8.1.3. make such further order (in relation to costs or otherwise) as it thinks fit; and take any other step which in the exercise of its discretion the Appeal Committee considers it would be appropriate to take in order to deal justly with the case in question.

## **9. NOTIFICATION OF APPEAL COMMITTEE DECISION.**

The parties to the appeal shall be notified in writing as soon as reasonably practicable following the conclusion of the hearing. On notification to the Regional member, Associate Member, Rugby Body or Person, the decision shall be final and binding. The decision of the Appeal Committee may be published.



**10. PROCEDURES RELATING TO DISPUTES OVER PLAYER STATUS, PLAYER CONTRACTS AND PLAYER MOVEMENT.**

- 10.1. Person, Club or other Rugby bodies who are parties to the dispute upon receipt of notification of the Judicial Officer's or Judicial Committee's decision.
- 10.2. An appeal against the decision of a Judicial Officer or Judicial Committee in relation to the issues referred to in 11.1 above may be lodged with the Chairman of the National Judicial Committee (or his designee) in accordance with the regulation. The Chairman of the National Judicial Committee (or his designee) shall refer the matter to an Appeal Committee for final and binding adjudication.

**11. GENERAL PROCEDURES RELATING TO PROCEEDINGS OF JUDICIAL OFFICERS, JUDICIAL COMMITTEES, DISCIPLINARY COMMITTEES, APPEAL COMMITTEES AND APPEAL TRIBUNALS.**

- 11.1. The general procedures to be applied by Judicial Officer(s), Judicial Committees, Disciplinary Committees and Appeal Committees and Appeal Tribunals are set out in Appendix 1 of this document.
- 11.2. The Executive Council may prescribe additional regulations for the conduct of Judicial Officer(s), Judicial Committees, Disciplinary Committees, Appeal Committees, and Appeal Tribunals and may from time to time vary, revoke or replace any such regulations.
- 11.3. In respect of any matter not provided for in these Regulations the appropriate body shall take a decision according to general principles of justice and fairness.

**APPENDIX**

General Procedures relating to proceedings of Judicial Officers, Judicial Committees and Appeal Committees.

The standard of proof on all questions to be determined by Judicial Officers, Judicial Committees and Appeal Committees shall be the balance of probabilities.

Judicial Officers and the Chairmen of Judicial Committees and Appeal Committees shall be entitled to publish as they think fit reports of proceedings, findings and penalties.

Judicial Officers, Judicial Committees and Appeal Committees shall have absolute discretion in imposing orders as to the payment of costs in relation to any proceedings.

Judicial Officers, Judicial Committees and Appeal Committees shall be entitled to adjourn and/or postpone proceedings.

All hearings shall take place in private.

The non-attendance of a party at a hearing in respect of which that party has received notice shall not prevent the matter being dealt with in their absence.

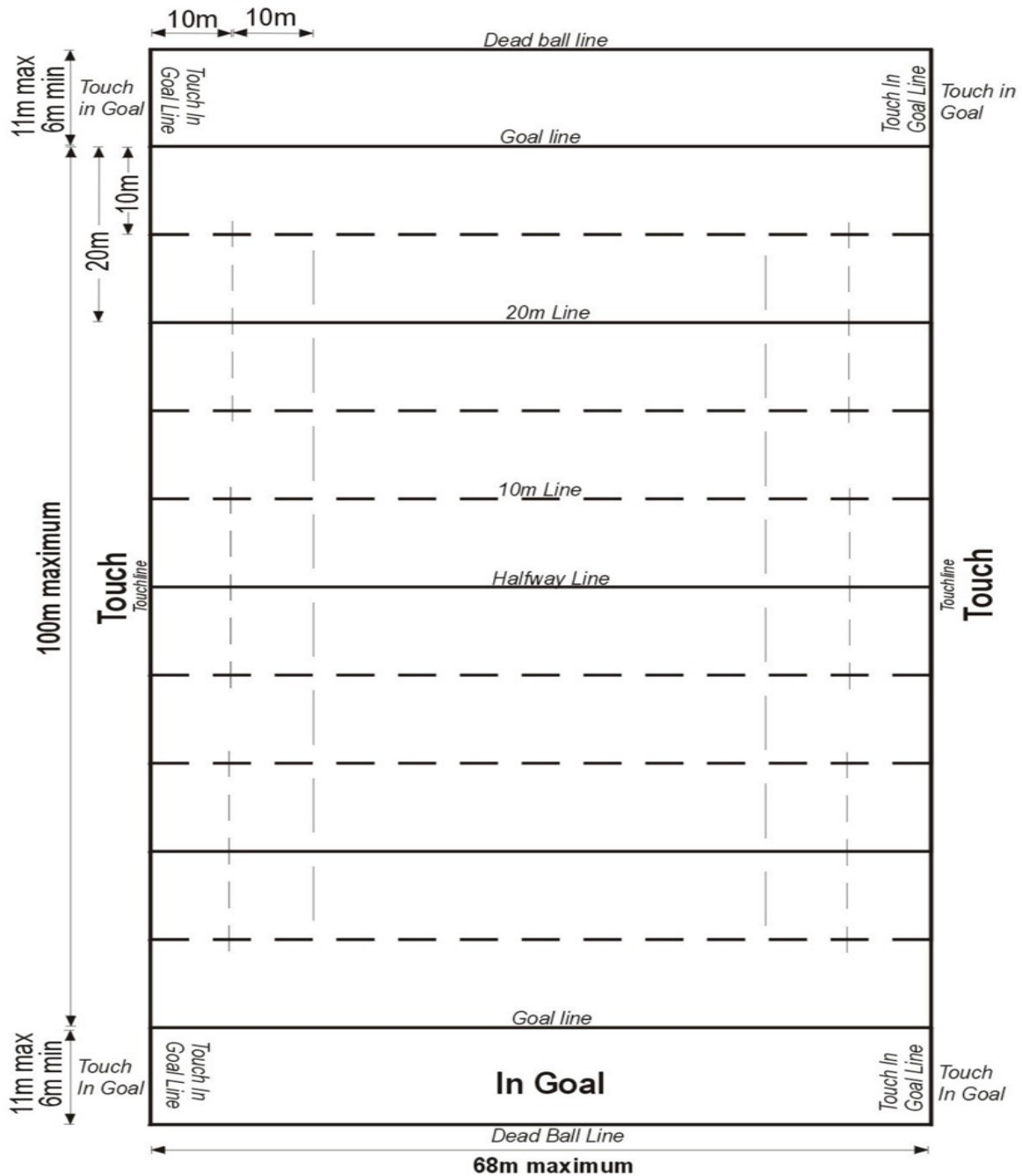
Any procedures pursuant to disciplinary processes under these Regulations or proceedings, findings or decisions of Judicial Officers, Judicial Committees and Appeal Committees shall not be quashed or



invalidated by reason of any departure from the procedural Regulations, defect, irregularity, omission or technicality unless such departure, defect, irregularity, omission or technicality raises a material doubt as to the reliability of the findings or decisions of these bodies or results in a miscarriage of justice.

The Executive Council may prescribe additional Regulations for the conduct of Judicial Officers, Judicial Committees and Appeal Committees and may from time to time vary, revoke or replace any such Regulation.

# RUGBY LEAGUE PITCH



PE [Signature]



Signed on the 7th of MARCH 2020 at the HPC Pretoria

**PRESIDENT:**

**DR F ERASMUS.**

**SECRETARY GENERAL:**

**KOBUS BOTHA.**

**VICE-PRESIDENT:**

**PATRICK ENGELBRECHT.**