

TRIBUNAL PROCEEDINGS
RULES AND PROCEDURES

1. Principle

- 1.1 The Association is the governing body of the sport of parachuting in the United Kingdom.
- 1.2 The Association shall within its jurisdiction make, maintain and enforce rules relating to the conduct of its participating members.
- 1.3 To be eligible to participate in any event or activity organised or authorised by or held under the rules of the Association, wherever held, a person must comply with these rules.
- 1.4 The Association may take disciplinary action against any member who:
 - (i) Is in breach of these Rules;
 - (ii) Brings the sport of parachuting into disrepute;
 - (iii) Brings the British Parachute Association into disrepute;
 - (iv) Otherwise acts in a manner incompatible with any stated aims and objectives of the Association.

2. Preliminaries

Commencement of Proceedings

- 2.1 Any allegation of an offence having been committed under 1.4 shall be communicated in writing to the Chairman of the relevant (Council, STC, Riggers, Pilots, Competitions, Development or Communications) Association Committee.
- 2.2 The Chairman of the relevant committee shall, having regard to the circumstances of the allegation and in consultation with the Technical Officer and / or National Coach and Safety Officer, decide whether:
 - (i) the allegation can be dealt with informally by way of a letter setting out the allegation and, if appropriate, advising the member as to their future conduct,
 - or
 - (ii) the allegation should be referred to the relevant committee to decide if a formal Tribunal hearing is required.
 - or

- (iii) form a Panel of Inquiry to investigate the matter further.
- 2.3 In the event of a parachuting fatality a Board of Inquiry will be convened by the Technical Officer and / or National Coach and Safety Officer.
- 2.4 The Board of Inquiry will consist of a minimum of two persons who shall be any of the Technical Officer, National Coach and Safety Officer, Chairman of the Safety and Training Committee, or any BPA Examiner nominated by them.
- 2.5 Following the investigation by the Board of Inquiry, a Panel of Inquiry will be automatically convened unless the Board of Inquiry recommends otherwise in its report to the Safety and Training Committee and BPA Council.
- 2.6 A Panel of Inquiry convened under 2.2(iii) or 2.5 above shall comprise a minimum of three persons who shall be appointed by the Chairman of the relevant committee. In making the appointments, the Chairman must pay due regards to the impartiality of the Panel members.
- 2.7 Ideally all members of the Panel of Inquiry will be Advanced Instructors / Examiners but in any event one member must be a current voting member of the relevant committee and one other must have held an Advanced Instructor rating within the previous five years. One member will be appointed as the Chairman of the Panel of Inquiry.
- 2.8 The task of the Panel of Inquiry is to investigate issues as directed and report their findings to the relevant committee. The Panel may make such recommendations as they see fit. If, based on the strength of the evidence gleaned during their investigation, the Panel believe that some form of disciplinary action is required; they must recommend that a Tribunal be convened to decide the matter.
- 2.9 If the Panel of Inquiry makes recommendations for disciplinary action, and the Panel believes it to be appropriate in the circumstances, the Panel may offer the respondent(s) the opportunity for the stated disciplinary action to be taken by the Panel. Should the respondent(s) reject the offer, a Tribunal shall be convened to decide the matter. Should the relevant Committee consider the Panel of Inquiry's recommendation(s) to be grossly disproportionate in terms of leniency or severity, it may appeal to the Council for a Tribunal to be convened.
- 2.10 If the relevant Committee declines the Panel of Inquiry's recommendation to convene a Tribunal, the Panel of Inquiry may appeal to the BPA Council. Upon hearing the appeal, the BPA Council may convene a Tribunal of its own accord or reject the recommendation if it finds the evidence produced by the Panel of Inquiry to be insubstantial.

- 2.11 If the allegation is referred to a Tribunal the relevant committee of the Association may, at its discretion, suspend the member's eligibility to participate in activities as referred to in paragraph 1.3 above.
- 2.12 In the event of the allegation being referred to a formal Tribunal a Notice of Complaint shall be served on the member (the Respondent) against whom the allegation has been made by the Chairman of the relevant Committee.
- 2.13 Service shall be effected by a copy of the Notice being handed to the Respondent personally or by it being sent by first class post to the address of the Respondent as it appears on the Association's current mailing list.
- 2.14 A Notice of Complaint shall contain or have annexed to it the following information:
- (i) The full name and address of the Respondent
 - (ii) The full name and correspondence address of the Association
 - (iii) Full details of the alleged offence, including
 - a) which rule or rules have been breached
 - b) when, where and how they are alleged to have been breached.
 - c) full particulars of any evidence relied upon to include:
 - The names of any witnesses
 - Copies of any witness statements
 - Copies of any expert or other written reports
 - (iv) A notice of suspension, if appropriate
 - (v) A copy of these rules relating to disciplinary proceedings
 - (vi) A Form of Response
- 2.15 The Respondent shall within 14 days of receipt of the Notice of Complaint complete and return the Form of Response to the Association.
- 2.16 In the Form of Response the Respondent may
- (i) Deny the complaint
 - (ii) Admit the complaint either in full or in part
- If the Respondent denies the complaint he or she shall give brief details of why the complaint is denied and what matters are in dispute.
- If the Respondent admits the complaint he or she may give details of any mitigating features they would wish to bring to the tribunal's attention.
- 2.17 Upon receipt of the Form of Response or no sooner than 21 days after service of the Notice of Complaint the Chairman of the relevant Committee shall arrange for the holding of a Disciplinary Tribunal.

3. Composition

3.1 The hearing shall take place before a Disciplinary Tribunal comprising three persons appointed by the Association. The three persons shall be:

- (i) A member of Council nominated by the Vice Chairman of Council.
- (ii) A member of the relevant committee nominated by the Chairman of the relevant committee.
- (iii) A person who is not a member of the Association but who shall be a member of some other UK sporting body or association nominated by the BPA Secretary General.

3.2 The Respondent shall be given not less than fourteen days prior notice in writing of the date, time and venue for the hearing. The notice shall contain the full names of the three persons intended to sit as the tribunal and the Respondent and Chairman of the Panel of Inquiry shall be asked whether they object to any of the persons so sitting and, if so, on what grounds. In the event of any objection the Chairman of Council shall consider the Respondent's and / or Chairman of the Panel of Inquiry's objections and in order to provide an independent and impartial tribunal decide whether that person should be replaced.

3.3 The notice shall inform the Respondent that he or she may attend the hearing in person, may be legally represented (or by anyone else), shall have the right to give and call evidence and to address the tribunal. If the Respondent does not intend to attend the hearing they may nevertheless make written representations which shall be taken into consideration by the tribunal. The Respondent shall also be asked whether they intend to attend the hearing, whether they intend to be represented and in either event to provide an estimate as to how long it will take to present their case.

3.4 If not already done at the time of service of the Notice of Complaint, the Respondent shall be provided with copies of all witness statements and reports to be relied upon no less than 7 days before the hearing and the Respondent shall inform the Association of the names of witnesses who are not required to give evidence but whose statements may be read.

4. Procedure

4.1 Any hearing before the tribunal shall be conducted in private unless the Respondent requests a public hearing.

4.2 If the Respondent attends the hearing either in person or by representation, the tribunal shall hear the evidence relied upon in support of the complaint and allow the Respondent the

opportunity to cross-examine witnesses and test the evidence. The tribunal shall allow the Respondent the opportunity to give evidence on his or her own behalf and to call evidence in support. The tribunal shall allow the Respondent or their representative to make closing submissions on his or her behalf.

- 4.3 If the Respondent declines or fails to attend the hearing or be represented the tribunal may proceed to hear the evidence in support of the allegation and shall take into account any written representations the Respondent may have submitted.
- 4.4 The tribunal shall have the power to adjourn the hearing at any time and for such period as it considers appropriate.
- 4.5 Any decision of the tribunal shall be by a majority and the standard of proof required shall be such that the tribunal is comfortably satisfied that the complaint has been established.
- 4.6 Having considered all of the evidence the tribunal may:
- (i) Dismiss the complaint
 - (ii) Find the complaint proved.
- 4.7 Where the Respondent has attended the hearing in person or by representation the tribunal shall inform the Respondent or their representative of its decision and provide a summary of its findings or may reserve judgement. In either event the tribunal will inform the Respondent, the Chairman of the Panel of Inquiry and the relevant Committee of its decision and findings in writing within 21 days of the hearing concluding.
- 4.8 In the event of the tribunal finding the complaint proved the tribunal may at its discretion and having regard both to the circumstances of the offence and any mitigation advanced on behalf of the Respondent discharge them without sanction or impose one or a combination of the following sanctions:
- (i) Admonish the Respondent
 - (ii) Impose a financial penalty
 - (iii) Suspend the Respondent from membership of the Association and/or from eligibility to participate in activities as referred to in paragraph 1.3 above for such period as it considers appropriate and reasonable (which may be up to and including a life time period).
 - (iv) If the offence was committed during a sporting event, the tribunal may at its discretion further disqualify the Respondent and his or her team from the event and the results of the event shall be amended accordingly. The Respondent shall not thereafter be entitled to any reward, title or record to which they would have been entitled by virtue of their participation at the event or any subsequent event.

- 4.9 In the event of the imposition of a financial penalty the Respondent shall be given a minimum of 28 days or such other longer period as the tribunal considers appropriate to satisfy the penalty after which they shall be suspended from membership of the Association until the sum is paid.
- 4.10 The tribunal may, at its discretion, make such award for costs either against or in favour of the Respondent as it considers appropriate. Legal costs will not normally be awarded. In exceptional circumstances the tribunal has the discretion to make a contribution towards legal costs of up to a maximum of £500.

5. Appeal

- 5.1 A Respondent or Panel of Inquiry Chairman against whom a finding has been made may appeal against the decision or the sanction imposed and in order to do so shall submit to the Chairman of the relevant committee a written notice of appeal, setting out what decision is to be appealed and the grounds relied upon, within 21 days of the decision being announced or, if in writing, having been received by the Respondent and / or Panel of Inquiry Chairman. In exceptional cases (for example where fresh evidence has been discovered after the expiry of 21 days) the 21-day period may be extended at the discretion of the Chairman of the relevant committee.
- 5.2 An appeal shall be heard by an Appeal Tribunal and shall be by way of re-hearing.
- 5.3 The Appeal Tribunal shall comprise three persons to be appointed by the Association. The Appeal Tribunal shall consist of a legally qualified person who is a practising Barrister or Solicitor who shall act as its Chairman, a person who is a member of a relevant committee and a person who is not a member of the Association but who shall be a member of some other UK sporting body or association. All of whom shall be selected randomly by the BPA Secretary General. The Appeal Tribunal shall not include any person who sat on the original Disciplinary Tribunal.
- 5.4 The Respondent shall be given not less than 21 days notice in writing of the date, time and venue of the Appeal hearing and the full names of the persons intended to sit as the tribunal.
- 5.5 The Respondent and Chairman of the Panel of Inquiry shall have the same rights of objection to the tribunal members as contained in paragraph 3.2 above.
- 5.6 Further, the Respondent shall have the same rights of appearance, representation and conduct of the case (the right to hear, test and call evidence) as appear at paragraphs 3.3 and 4.2 above.
- 5.7 The Appeal hearing shall be conducted in private unless the Respondent requests a public hearing.
- 5.8 The Appeal Tribunal shall have the power to adjourn the hearing at any time and for such

period as it considers appropriate.

- 5.9 Any decision of the Appeal Tribunal shall be by a majority.
- 5.10 The Appeal Tribunal shall have the power to vary any decision or sanction under appeal.
- 5.11 The Appeal Tribunal may, at its discretion, make such award for costs, either for or against the Respondent, as it considers appropriate. Legal costs will not normally be awarded, apart from in exceptional circumstances whereby the tribunal has the discretion to make a contribution towards legal costs up to a maximum of £500.
- 5.12 Any decision of the Appeal Tribunal shall be final and binding upon both the Association and the Respondent and no further right of appeal shall lie to any other tribunal without the consent of both parties.
- 5.13 The Appeal tribunal will inform the Respondent, the Chairman of the Panel of Inquiry and the relevant Committee of its decision and findings in writing within 21 days of the hearing concluding.

6. General

- 6.1 Subject to the above provisions, the rules of natural justice and the provision of the Human Rights Act 1998, Disciplinary and Appeal Tribunals convened under these rules shall have the power to regulate the conduct of their own proceedings.

7. Confidentiality

- 7.1 Other than in the case of a public hearing requested by the Respondent, all proceedings brought before any Disciplinary or Appeal Tribunal shall be confidential, and other than in any official association minutes, no information as to the identity of any party to the proceedings shall be disclosed or made public without the prior consent of that party.

British Parachute Association

Disciplinary Tribunal Hearing - Form of Response

I, _____ acknowledge receipt of a Notice of Complaint dated _____ together with the following documentation

[The details of documents sent with the Notice of Complaint would be listed here]

I wish to deny the complaint for the reasons set out below.

I wish to admit the complaint or admit it in part as set out below.

Please use the following space and overleaf if necessary to set out brief details of why the complaint is denied and if admitted in part what part is admitted, what remains in dispute and why. If the complaint is admitted please set out any explanation or mitigation you wish to bring to the tribunal's attention. (please note you will still be entitled to attend the tribunal and speak on your own behalf or have someone represent and speak for you).

Signed..... Dated.....