

Lawn Tennis Association Limited: Disciplinary Code
Effective 4 December 2019

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1. Jurisdiction and Powers

- 1.1 Lawn Tennis Association Limited (the “**Association**”) has disciplinary jurisdiction over: (i) all members of the Association (the “**Members**”), entities or persons which are registered as associates of the Association (the “**Associates**”) and, in each case, their members and officers; (ii) all members of the council of the Association (the “**Council**”), officials, referees, umpires, officers or employees of or connected to the Association; (iii) all tennis players who are members of a Member or Associate or who participate in any tennis event or training organised or authorised by the Association or by any Member or Associate or by any other body; (the “**Players**”); (iv) where a Player is under the age of 18 on the date of the tennis event or training organised or authorised by the Association or by any Member or Associate or by any other body, the parent or (if different) the legal guardian of the Player (the “**Parent**”); (v) any supporter of a Player attending the tennis event or training in which the Player is participating (the “**Supporters**”); and (v) any person who has any form of licence, authorisation, accreditation from the Association (for example a coach or official under the LTA licensing and accreditation schemes), or receives any other benefit from the Association.
- 1.2 For avoidance of doubt, any reference in this Code and its appendices:
- (i) to the “**LTA**” or the “**Lawn Tennis Association**” is to the Association;
 - (ii) to the “**Disciplinary Code**” or the “**Code**”, is to this Code;
 - (iii) to the “**Articles**” is to the Articles of Association of the LTA; and
 - (iv) to the “**Rules**” is to the Rules of the LTA.
- 1.3 The Association shall exercise its disciplinary powers in the manner set out in this Code.
- 1.4 The Association shall delegate its power to:
- (i) act upon disciplinary matters to a disciplinary officer (the “**Disciplinary Officer**”) in accordance with the Terms of Reference of the Disciplinary Officer (Schedule 1);
 - (ii) decide disciplinary matters to a disciplinary panel (the “**Disciplinary Panel**”) in accordance with the Code and the Terms of Reference of the Disciplinary Panel (Schedule 2);
 - (iii) impose interim suspensions to the Disciplinary Panel in accordance with paragraph 3 below;
 - (iv) decide upon appeals against the decisions of the Disciplinary Panel and any other disciplinary matters to an appeals tribunal (the “**Appeals Tribunal**”) in accordance with the Code.
- 1.5 This Code shall apply to Anti-Doping Rule Violations (as defined in Article C of Appendix One) in accordance with Appendix One.
- 1.6 This Code shall apply to any disciplinary matter which raises child protection issues in accordance with Appendix Two.
- 1.7 This Code shall apply to any disciplinary matter in respect of match fixing, financial speculation and betting in accordance with Appendix Three.
- 1.8 The Association shall have jurisdiction to consider a matter if a formal complaint of alleged Misconduct (as defined in paragraph 2 below) is made.
- 1.9 The Association shall also have jurisdiction to investigate any other matter which the Disciplinary Officer, in his or her sole discretion, considers may constitute Misconduct.

- 1.10 The Association shall also have jurisdiction over appeals against decisions or rulings of the governing body of a Member and/or in respect of the Association's competition regulations (including appendices) (the "**Competition Regulations**") and/or in respect of non-disciplinary decisions of the Associations. Such appeals will be dealt with by the Appeals Tribunal in accordance this Code.
- 1.11 Although the Association has jurisdiction over the persons and organisations set out in paragraph 1.1 above, Members, Associates and other bodies may have their own disciplinary jurisdiction over such persons and organisations. In such a case, paragraphs 1.12 and 1.13 below shall apply.
- 1.12 Subject to paragraph 1.13 below, where both the Association and a Member have jurisdiction over a matter, the Disciplinary Officer may, in his or her sole discretion on behalf of the Association, determine that:
- (i) such matter should be dealt with by the Association; or
 - (ii) such matter should be dealt with by the Member.

A Member may formally request that the Association deals with a matter, in which case the Disciplinary Officer shall, in his or her sole discretion on behalf of the Association, determine whether the matter should be dealt with by the Association or by the Member.

- 1.13 The Association shall have exclusive jurisdiction over the following matters:
- (i) any allegation of the commission of a Doping Offence contrary to the Association's Anti-Doping programme as set out in Appendix One; and
 - (ii) any allegation of a breach of the general rules of Coach Accreditation+ as set out in Appendix Four, Coach Accreditation as set out in Appendix Five or the Association's officials licensing scheme as set out in Appendix Six (together, the "**Schemes**").
- 1.14 Where an individual against whom a complaint is made is under the age of 14 years when the matter complained of occurred, correspondence will be addressed to his or her parent or guardian only. Where an individual is between 14 and 18 years of age a copy of all correspondence from the Association will be copied to a parent or guardian. In either case, if a complaint of Misconduct results in a hearing, the parent or guardian shall be entitled to be present and make such representations as the parent or guardian thinks fit on the minor's behalf.
- 1.15 The board of directors of the Association may amend these procedures as it sees fit from time to time. Any such amendments shall come into full force and effect upon the date specified by the board of directors of the Association.

2. Misconduct

- 2.1 The Disciplinary Panel and the Appeals Tribunal decide whether Misconduct has taken place.
- 2.2 Misconduct is defined as:
- (i) any breach of the Rules (including its appendices) or regulations;
 - (ii) the commission of an Anti-Doping Rule Violation (as defined in Article C of Appendix One);
 - (iii) any breach of any of the general rules or conditions of the Schemes;
 - (iv) any breach of any of the regulations concerning match fixing, financial speculation and betting as set out in Appendix Three;

- (v) any breach of any of the conditions governing players set out in the Rules; and
- (vi) any conduct which is detrimental to the interests of the game of lawn tennis.

3. Interim Suspension

- 3.1 If the Disciplinary Officer considers that an allegation, complaint or matter which has been drawn to his or her attention falls within the scope of the Association's disciplinary regime and is of sufficient seriousness to warrant the suspension of a person or body from any aspect of involvement in tennis (including, where relevant, the suspension of a coach accreditation or officials licence or coaching assistant's accreditation) until such time as the Disciplinary Panel has reached its decision (an "**Interim Suspension**"), s/he shall write to such person or body informing him, her or it of the position.
- 3.2 The Disciplinary Officer shall state that it is his or her intention to apply to the Disciplinary Panel for a temporary order that the person or body be so suspended until the hearing of the case before the Disciplinary Panel. The person or body involved shall be asked for his or her comments upon this application as a matter of urgency and within the time limit stated in the letter.
- 3.3 The Disciplinary Officer shall consider the response received. If no response is received within the time limit set out by the Disciplinary Officer, or if the Disciplinary Officer considers that, notwithstanding the response, his or her view remains that an interim suspension should be sought, the Disciplinary Officer shall submit the matter to the Disciplinary Panel who shall decide whether or not it is appropriate to impose an interim suspension pending a hearing before the Disciplinary Panel. Such decision may be made at a meeting of the Disciplinary Panel or by telephone or by written communication.
- 3.4 The person or body whose suspension is sought shall not have the right to appear before the Disciplinary Panel. However, the Panel, in reaching its decision, shall take into account any representations made by such person or body either to the Disciplinary Officer in response to his or her letter informing such person or body of his or her intention to request an interim suspension or otherwise. The decision of the Disciplinary Panel, in this matter, shall not be subject to any appeal.
- 3.5 If at any time the facts or circumstances surrounding a case change, the Disciplinary Panel may consider, either of its own motion or by an application brought by a person or body subject to an interim suspension, whether such interim suspension should continue. In their absolute discretion the Disciplinary Panel may lift such suspension or may impose such conditions as they think fit in default of which the person or body will remain subject to suspension.
- 3.6 The fact of an interim suspension being imposed may be published by the Association in accordance with paragraph 10 below.

4. Summary Procedure

- 4.1 Whether or not the Disciplinary Officer has set in motion the procedures under paragraph 3 above, s/he shall write to the person or body concerned directly seeking his, hers or its views on the matter. Having received these comments, or if such comments are not forthcoming within a reasonable time, the Disciplinary Officer shall then consider whether or not to charge the person or body with Misconduct. Before reaching such a conclusion, the Disciplinary Officer shall be entitled to make all reasonable enquiries and to seek such advice within the Association as s/he deems appropriate and, in an appropriate case, to seek external expert advice, including external legal advice.
- 4.2 The Disciplinary Panel shall meet at least once a year to review any decisions made by the Disciplinary Officer in the preceding year in relation to whether or not to bring a charge of Misconduct against a person or body under paragraph 4.1 above. For the avoidance of doubt, the decision to charge a body or individual with Misconduct remains at the discretion of the Disciplinary Officer and any review by the Disciplinary Panel will have no impact on the decision itself.

- 4.3 The Summary Procedure (as defined and set out below) may be applied if:
- (i) the person or body admits the offence in the correspondence that has passed between that person or body and the Disciplinary Officer; and
 - (ii) the Disciplinary Officer is satisfied that:
 - (a) the offence is a Summary Offence (as defined below); and
 - (b) it can properly be dealt with under this paragraph.

4.4 A “**Summary Offence**” is one where the Disciplinary Officer believes that, if the facts placed before him are true, the appropriate sanction should be no more than:

- (i) a censure;
- (ii) a suspension for a period not exceeding 28 days;
- (iii) a fine or the withholding of prize money not exceeding £250;
- (iv) a suspended penalty where, if the terms of the suspension are breached, a suspension of no more than 28 days would be appropriate; or
- (v) a combination of any of the above.

For the purposes of this paragraph 4.4 “**suspension**” shall mean suspension from Association activities or Association-sanctioned events.

4.5 Where an admission in correspondence has been made and the Disciplinary Officer considers it appropriate to invoke the Summary Procedure, the Disciplinary Officer shall write to the person or body concerned informing them that it is his or her view that this is a Summary Offence and that the Summary Procedure for dealing with such offences (the “**Summary Procedure**”) may be applied. In such correspondence, the Disciplinary Officer shall:

- (i) seek the consent of such person or body to the matter being dealt with under the Summary Procedure while advising such person or body that the Disciplinary Panel may nonetheless consider that the matter should be dealt with under the Full Disciplinary Procedure (as defined and set out at paragraph 5); and
- (ii) formally charge that person or body with Misconduct.

4.6 The Disciplinary Officer shall refer the matter to the Disciplinary Panel, and if the Disciplinary Panel concludes that a complaint or matter is an appropriate subject for summary treatment the following procedure shall apply. There will be a meeting of the Disciplinary Panel at which the dossier of evidence that the Disciplinary Officer has forwarded to the Disciplinary Panel, and any evidence provided by the person or body charged with Misconduct, shall be considered. Neither the Disciplinary Officer nor the person or body charged shall have a right to attend the meeting. The Disciplinary Panel shall then reach its view and impose the appropriate sanction. The Disciplinary Panel will then communicate that sanction to the person or body involved and to the Disciplinary Officer. There shall be no right of appeal from the imposition of a sanction imposed under the Summary Procedure.

4.7 If the Disciplinary Panel considers that the matter should not properly be brought within the scope of the Summary Procedure, it may inform the Disciplinary Officer of this. The Disciplinary Officer shall then communicate this view to the person or body concerned and the matter will thereafter proceed on the basis set out in paragraph 5 below.

5. Full Disciplinary Procedure

- 5.1 If the person or body who is the subject of the matter does not consent to the Summary Procedure or if the Disciplinary Officer or the Disciplinary Panel considers that a case is not appropriate for the Summary Procedure, the Full Disciplinary Procedure of the Association, as set out below, shall be invoked (the “**Full Disciplinary Procedure**”).
- 5.2 The Disciplinary Officer shall commence the procedure by sending to the person or body the charge in writing, setting out a summary of the alleged Misconduct, together with a short factual summary of the evidence supporting the charge.
- 5.3 The person or body against whom the charge has been made shall have 14 days following the date of receipt of the written communication setting out the charge to answer the charge. Failure to do so shall render the person or body concerned liable to an Interim Suspension from involvement in tennis (including, where relevant, the suspension of a coach accreditation or officials licence or coaching assistant’s accreditation) until a reply has been received. Alternatively, the Disciplinary Officer may ask the Disciplinary Panel to schedule a hearing of the charge.
- 5.4 Once the reply to the charge has been received, the Disciplinary Officer shall liaise with the Disciplinary Panel to schedule a date for the hearing. The Chairperson of the Disciplinary Panel shall select three members of the Disciplinary Panel to form a Disciplinary Tribunal to hear the charge of the alleged Misconduct, in accordance with the Disciplinary Panel’s Terms of Reference. At least 21 days’ notice will be given of the date, place and time of any hearing under the Full Disciplinary Procedure. At least 14 days before the date of the hearing, the Disciplinary Officer shall serve on the person or body charged the evidence s/he is intending to bring to support that charge. The Disciplinary Officer will also request details of any witnesses and/or evidence that the person or body subject to the charge wishes to bring before the Disciplinary Tribunal. If such evidence is not furnished to the Disciplinary Officer within the time frame specified by the Disciplinary Officer s/he may request that the hearing be adjourned upon such terms (including costs) as the Disciplinary Panel shall determine.
- 5.5 All proceedings of the Disciplinary Tribunal shall take place in private and the public and the press shall have no right of access to the room where the hearing is taking place. The Disciplinary Tribunal shall not issue any press statement or conduct any press conferences. All media announcements in relation to any decision of the Disciplinary Tribunal shall be approved by the Disciplinary Officer and published only in accordance with paragraph 10 below.
- 5.6 Every person or body responding to enquiries made by the Disciplinary Officer or giving evidence before the Disciplinary Tribunal is under a duty to give full and truthful evidence. If the Disciplinary Officer believes that a person or body has not given full and truthful evidence, this conduct may be the subject of a further charge of Misconduct.
- 5.7 Any person or body appearing before the Disciplinary Tribunal shall, at their own expense, have the right to be represented by legal counsel of his, her or its choice or may be accompanied by a person who may speak on his, her or its behalf.
- 5.8 At the hearing of the charge of Misconduct, the Disciplinary Officer shall present the evidence to the Disciplinary Tribunal. The standard of proof shall be that of the balance of probabilities. In all cases, the Association shall bear the burden of proving that the charge has been made out. The person or body subject to the charge shall have the right to cross-examine any and all witnesses called by the Association to prove the charge. However, the fact that a person charged has been convicted of a criminal offence or issued with a formal police caution shall be deemed to be conclusive evidence of a conviction or caution and of the facts and circumstances surrounding it.
- 5.9 Once the Disciplinary Officer has completed his or her presentation on behalf of the Association, the person or body subject to the charge shall then have the right to present his or her case to the Disciplinary Tribunal. The person or body subject to the charge shall be entitled (subject to

considerations of relevance) to call all and any witnesses that s/he or it wishes to call. The Disciplinary Officer shall have the right to cross-examine such witnesses.

- 5.10 Once the person or body subject to the charge has completed his, her or its presentation, the Disciplinary Officer shall make his or her concluding remarks in support of the charge. The person or body subject to the charge shall then have the right to make concluding remarks or to have such remarks made on his, her or its behalf. Upon the conclusion of the closing submissions, the Disciplinary Tribunal will retire to consider its verdict.
- 5.11 The Disciplinary Tribunal shall consider its decision in private. It shall first consider whether or not the charge of Misconduct is proved. If it is so proved, then the Disciplinary Tribunal shall inform the person or body subject to the charge of this decision and invite him or it to raise matters in mitigation. Having heard such mitigation, the Disciplinary Tribunal shall retire to consider the appropriate sanction.
- 5.12 In reaching its decision, there is no requirement that the Disciplinary Tribunal be unanimous. It is sufficient if a majority of the Disciplinary Tribunal favour a particular conclusion – the casting vote shall be the Chairperson's in accordance with paragraph 3.6 of Schedule 2. No minority opinion or dissenting judgment shall be produced and no indication shall be given by the Disciplinary Tribunal to any party that its decision was other than unanimous.
- 5.13 Having reached its conclusion as to whether or not the charge has been proved, the Disciplinary Tribunal shall communicate that decision either at the time of the hearing or within 14 days thereafter. In all cases the Disciplinary Tribunal shall produce a written decision setting out the reasons for reaching its conclusions. This will be conveyed to the parties to the proceedings and their representatives (if any) as soon as possible and in all events within 14 days of the date of the hearing. The period for filing an appeal shall run from the date of the receipt of the written decision by the person or body involved.
- 5.14 In exercising its functions under this Code, the Disciplinary Tribunal shall have the power to regulate its own procedure. Without prejudice to the generality of this power it shall have the power:
- (i) to extend or vary any limit set out in this Code including the 28 day limit referred to in paragraph 6.2 below;
 - (ii) to adjourn the proceedings, whether prior to a scheduled hearing date or during the hearing, to allow time for the submission of further evidence or for any other reason;
 - (iii) to ask questions directly of any party or witness to any proceeding before the Disciplinary Tribunal;
 - (iv) to admit or exclude evidence on grounds of relevance or failure to comply with directions;
 - (v) to make appropriate directions (whether in advance of the hearing or at the start or during the hearing) with respect to the conduct of proceedings before the Disciplinary Tribunal; and
 - (vi) to order that costs of, and in connection with, the hearing be paid for by a party.
- 5.15 In the course of any proceedings before the Disciplinary Tribunal, the Disciplinary Tribunal shall not be obliged to follow the strict rules of evidence and may admit such evidence as it thinks fit and accord such evidence such weight as it thinks appropriate in all the circumstances.
- 5.16 Subject to paragraph 6 below, a decision of the Disciplinary Tribunal shall be deemed to be a decision of the Association and be binding on all those set out in paragraph 1.1 above.

6. Appeals Tribunal Procedure

- 6.1 Appeals may be made to the Appeals Tribunal in the following circumstances:

- (i) a party found guilty of a charge of Misconduct or the Association may appeal against the decision of the Disciplinary Tribunal to the Appeals Tribunal on the ground that the Disciplinary Tribunal in its conduct or conclusions misdirected itself or otherwise reached an erroneous conclusion;
 - (ii) save as to sub-paragraph 6.1(v) below, any directly affected person who disputes any decision of the Association reached on: (A) eligibility to play under the Rules; (B) interpretation of the Rules or any regulations of the Association; or (C) any non-disciplinary matter;
 - (iii) any directly affected person who brings an appeal under Rule 49 against a decision or ruling of a Member;
 - (iv) a tournament referee/tennis development manager/officiating manager refers an appeal to the Disciplinary Officer under the Competition Regulations;
 - (v) the Association's competitions team refers an appeal to the Disciplinary Officer under the Competition Regulations;
 - (vi) any directly affected person who disputes any decision reached on selection for any team representing Great Britain including but not limited to, the Davis Cup, Fed Cup and Olympic Teams, made by the Association or any Member on the grounds that the applicable selection criteria has not been followed;
- 6.2 Subject to sub-paragraph 5.14(i) above, an appellant shall have 28 days from the date of the relevant decision to submit a notice of appeal under paragraph 6.1.
- 6.3 The notice of appeal for an appeal under paragraph 6.1 shall set out the decision appealed against and the grounds upon which it is submitted that the Disciplinary Tribunal misdirected itself or otherwise reached an erroneous conclusion. Where the Association appeals to the Appeals Tribunal under sub-paragraph 6.1(i) above, it may apply to the Disciplinary Panel to continue any suspension imposed under paragraph 3 above until the Appeals Tribunal reaches its own decision.
- 6.4 Where on receipt of the Disciplinary Tribunal's decision, the Association wishes to reserve its right to appeal, it may apply to the Disciplinary Panel to continue such suspension imposed under paragraph 3 above until expiry of the period within which it can appeal, or until, if it does appeal, the Appeals Tribunal reaches its own decision.
- 6.5 Having received the notice of Appeal, the chairperson of the Disciplinary Panel shall instruct Sport Resolutions UK, as an independent dispute resolution service, to appoint the Appeals Tribunal for a specific case. The Appeals Tribunal shall consist of three persons with appropriate experience in accordance with the Arbitration Rules of Sport Resolutions UK selected by Sport Resolutions UK. The chairperson of the Disciplinary Panel will notify the parties of the composition of the Appeals Tribunal as soon as practicable and in any event no later than 14 days from the receipt of the notice to appeal. A date shall then be set for the hearing of the appeal, which shall be expedited in the case of an appeal under sub-paragraph 6.1(vi).
- 6.6 Subject to paragraph 6.14 below, the procedure set out in paragraphs 5 above shall apply to the appeal proceedings. For the avoidance of doubt, the Appeals Tribunal has the right to address questions of fact and questions of law.
- 6.7 The body against whose decision the appellant complains may be present at the appeal, and shall have the equivalent right to be heard as the appellant.
- 6.8 The hearing before the Appeals Tribunal will be a full re-hearing on the merits. The Appeals Tribunal will consider all of the documents and evidence submitted in relation to the matter and may request the recall of any witnesses previously heard. The Appeals Tribunal shall have power to admit new

evidence including evidence of any third party which the Appeals Tribunal considers is likely to be affected by the outcome of the appeal.

- 6.9 In light of the evidence received by it, the Appeals Tribunal will reach its decision. It shall have power to make a decision on the facts as it thinks fit (including, without limitation, the imposition of sanctions under paragraph 7 below). For the avoidance of doubt, it may cancel, reduce, confirm or increase the penalty under appeal or may restore a licence or an accreditation removed by the Disciplinary Tribunal.
- 6.10 A decision of the Appeals Tribunal is final and binding and shall be deemed to be a decision of the Association and be binding on all those persons set out in paragraph 1.1 above and any third parties whose evidence is admitted under paragraph 6.11 above.
- 6.11 In exercising its functions under this Code the Appeals Tribunal shall have the power to regulate its own procedure. Without prejudice to the generality of this power, it shall have the power:
- (i) to extend or vary any limit set out in this Code;
 - (ii) to adjourn the proceedings, whether prior to a scheduled hearing date or during the hearing, to allow time for the submission of further evidence or for any other reason;
 - (iii) to ask questions directly of any party or witness to any proceeding before the Appeals Tribunal;
 - (iv) to admit or exclude evidence on grounds of relevance or failure to comply with directions;
 - (v) to make appropriate directions (whether in advance of the hearing or at the start or during the hearing) with respect to the conduct of proceedings before the Appeals Tribunal; and
 - (vi) to order that costs of, and in connection with, the hearing be paid for by a party.

7. Sanctions and Costs

- 7.1 If the Disciplinary Tribunal or the Appeals Tribunal finds a charge of Misconduct to have been proven under the Full Disciplinary Procedure, it may impose upon the person or body concerned:
- (i) One of, or a combination of, the following sanctions as it considers appropriate to the type of Misconduct proven:
 - (a) suspension from competition or from taking part in any other capacity in any event sanctioned by the Association;
 - (b) permanent exclusion from competition or taking part in any other capacity in any event sanctioned by the Association;
 - (c) exclusion or suspension from coaching or playing at a Member or an Associate or at any event organised by a Member or an Associate;
 - (d) exclusion or suspension from officiating at a Member or an Associate or at any event organised by a Member or an Associate;
 - (e) exclusion or suspension from attending any event sanctioned by the Association or organised by a Member or an Associate;
 - (f) expulsion, suspension or exclusion from standing for, or holding, any office within the Association, either for a temporary period or permanently;
 - (g) a fine not exceeding £10,000;

- (h) the withholding of all or a proportion of any prize money earned by a player from an event or tournament;
 - (i) a caution and/or censure in respect of his, her or its conduct;
 - (j) a suspended penalty, being a penalty which is only invoked in the event that a person or body, subject to the Association's disciplinary power, commits another disciplinary offence within a stated time of the date of the decision;
 - (k) the removal of an accreditation either for a temporary period or permanently;
 - (l) the imposition of any such conditions on an accreditation as it sees fit; and/or
 - (l) a requirement to attend appropriate training.
- (ii) A requirement to pay a contribution to, or all of, the costs of the disciplinary hearing.

7.2 In imposing or reviewing a suspension, the Disciplinary Panel or the Appeals Tribunal shall take into account the amount of interim suspension and/or suspension served by the person or body in deciding the appropriate period of such further suspension (if any) that should be imposed. Where the Disciplinary Panel imposes any period of suspension, that period of suspension shall run from the date set by the Disciplinary Panel which shall be not be:

- (i) before the deadline for the submission of an appeal or, if earlier, when the person or body subject to the suspension confirms that they will not be submitting an appeal; and
- (ii) where the person or body subject to the suspension submits an appeal in accordance with this Code, before the conclusion of such appeal process (should a suspension still be imposed).

7.3 The Disciplinary Tribunal or the Appeals Tribunal may recommend that a complete dossier of the evidence submitted in the course of the proceedings be prepared and sent to the police and other relevant authorities, together with an expression of the view of the Disciplinary Tribunal or the Appeals Tribunal that the matter should be investigated by such authorities to establish whether a criminal offence or other infringement has been committed.

8. Waiver of Minor Procedural Irregularities

8.1 Without prejudice to the right of the Disciplinary Tribunal or the Appeals Tribunal to regulate its own procedure, where at any time in the course of any disciplinary proceeding carried out under the Rules or this Code there has been a breach of procedure or failure to follow any direction given, this shall not invalidate the proceedings unless such breaches have been such as to seriously and irretrievably prejudice the position of the person against whom an allegation of Misconduct is made.

9. Arbitration Act 1996

9.1 The procedures in this Code shall be governed by the Arbitration Act 1996 and amount to a binding arbitration agreement for the purposes of Section 6 of that Act. The seat of the arbitration shall be England.

10. Publication of Decisions

10.1 The Association may publish details of any disciplinary action taken, including publication of any decision made by the Disciplinary Tribunal or Appeals Tribunal or any decision taken by the SPC or LRC or an Appeal Committee.

10.2 The Association may at any time during the disciplinary or appeals process notify Members, the ATP, WTA, ITF, UK Sport, UK Anti-Doping (UKAD), the British Olympic Association (BOA), the

International Olympic Committee (IOC), the International Paralympic Committee (IPC) or any other relevant authority of any details relating to the matter as such authority may need to know for the proper exercise of its functions.

- 10.3 Where it appears that public knowledge of a matter exists, prior to its determination, the Association reserves the right to confirm the details after notifying the persons or organisations concerned.

11. Recognition

- 11.1 The Disciplinary Officer may, on behalf of the Association, recognise disciplinary sanctions imposed by the ATP, WTA, ITF, IOC and BOA or by a member of the ITF upon players subject to the Rules, or who wish to play in tournaments sanctioned by the Association, and, with the Chairman of the Association, decide that such sanctions shall be automatically applied. There shall be no right of appeal against this decision. Where, however, any such sanction is amended, varied, reduced, withdrawn or cancelled by the body imposing such sanction, the Disciplinary Officer shall equally recognise any such alteration to such sanction.

- 11.2 The fact that a person, player, committee or organisation is liable or has been subject to disciplinary proceedings under the rules of another governing body shall not affect the right of the Association to conduct its own separate and independent investigation into such alleged Misconduct or its right to prosecute and impose sanctions upon those subject to the Code.

12. Governing Law

- 12.1 This Code shall be governed by and construed in accordance with English law.

SCHEDULE 1

DISCIPLINARY OFFICER TERMS OF REFERENCE

1. Purpose

- 1.1 The Disciplinary Officer acts on behalf of the LTA (the “**Association**”), exercising both the administrative and prosecutorial powers of the Association in relation to its disciplinary matters.

2. The Appointment of the Disciplinary Officer

- 2.1 The Disciplinary Officer shall be appointed and may be replaced by the Association’s Board (the “**Board**”).

3. Areas of Responsibility

3.1 Jurisdiction

In exercising the disciplinary powers of the Association, the Disciplinary Officer shall have responsibility for:

- (A) investigating allegations of Misconduct (as defined in the Code) following a formal complaint;
- (B) investigating matters which the Disciplinary Officer, in his or her sole discretion, considers may constitute Misconduct;
- (C) determining pursuant to paragraph 1.12 of the Disciplinary Code (the “**Code**”) whether or not the Association has jurisdiction over a disciplinary matter; and
- (D) determining whether a matter should be dealt with by the Association or by another body in cases where either has disciplinary jurisdiction over a matter.

3.2 Interim Suspension

If the Disciplinary Officer considers that a matter, allegation or complaint falls within the scope of the Association’s disciplinary regime, the Disciplinary Officer shall have responsibility for:

- (A) determining whether the alleged Misconduct is of sufficient seriousness to warrant an Interim Suspension (as defined in the Code); and
- (B) implementing the Interim Suspension procedure as set out in paragraph 3 of the Code and liaising as necessary with the Disciplinary Panel.

3.3 Summary Procedure

Whether or not the Disciplinary Officer sets in motion the Interim Suspension procedure, if the Disciplinary Officer considers that a matter, allegation or complaint falls within the scope of the Association’s disciplinary regime, the Disciplinary Officer shall have responsibility for:

- (A) writing to the individuals or body concerned directly, seeking his, her or its views on the matter;
- (B) determining whether or not the severity of a matter warrants charging a person or a body with Misconduct;

- (C) if a person or body is charged with Misconduct, deciding whether it should be dealt with under the Summary Procedure (as defined in the Code) or if it should be dealt with under the Full Disciplinary Procedure (as defined in the Code) (subject to the power of the Disciplinary Panel to invoke the Full Disciplinary Procedure under paragraph 4.7 of the code); and
- (D) implementing the Summary Procedure as set out in paragraph 4 of the Code and liaising as necessary with the Disciplinary Panel.

3.4 Full Disciplinary Procedure

If the person or body charged does not consent to the Summary Procedure, or if the Disciplinary Officer or the Disciplinary Panel considers that a case is not appropriate for the Summary Procedure, the Disciplinary Officer shall have responsibility for:

- (A) implementing the Full Disciplinary Procedure as set out at paragraph 5 of the Code and liaising as necessary with the Disciplinary Panel; and
- (B) acting as prosecutor on behalf of the Association under the Full Disciplinary Procedure.

3.5 Appeals Tribunal Procedure

Under the Appeals Tribunal procedure as set out at paragraph 6 of the Code, the Disciplinary Officer shall have responsibility for:

- (A) managing the appeals referred to him or her pursuant to sub-paragraphs 6.1 (ii)-(v) inclusive of the Code;
- (B) if appropriate, applying to the Disciplinary Panel for a suspension imposed under paragraph 3 of the Code to be continued;
- (C) representing the Association at a hearing of the Appeals Tribunal pursuant to paragraph 6.9 of the Code.

3.6 Publication of Decisions

The Disciplinary Officer shall be responsible for approving and/or publishing all media announcements in relation to disciplinary matters in accordance with paragraph 10 of the Code.

3.7 Recognition

On behalf of the Association, the Disciplinary Officer shall be responsible for recognising any disciplinary sanctions imposed by other bodies in accordance with paragraph 11.1 of the Code and, with the Chairman of the Association, deciding whether such sanctions should automatically be applied.

3.8 Appointment of Disciplinary Panel Members

The Disciplinary Officer, in conjunction with the Nominations Committee, shall compile a list of suitable candidates for appointment to the Disciplinary Panel and make these recommendations to the Board.

4. Other matters

- 4.1 The Disciplinary Officer may be assisted in discharging his or her functions by other officers or employees of the Association and may delegate his or her formal functions and responsibilities to other officers or employees of the Association or, where appropriate, to external legal counsel. All

reference to actions of the Disciplinary Officer in the Code shall include any action taken on his or her behalf by any other person authorised to do so by the Disciplinary Officer.

- 4.2 The Disciplinary Officer shall have access to sufficient resources in order to carry out his or her duties.
- 4.3 The Disciplinary Officer may obtain, at the Company's expense, outside legal or other professional advice on a matter within these Terms of Reference.
- 4.4 The Disciplinary Officer is authorised to seek any information it requires from any employee of the Company in order to perform his or her duties.
- 4.5 The Disciplinary Officer, in consultation with the Chairperson of the Disciplinary Panel shall, at least once a year, review:
 - (A) the provisions of the Code and all disciplinary matters dealt with over the course of the previous year; and
 - (B) his or her own performance, scope of duties and Terms of Reference, and recommend any changes considered necessary to the Board for approval.

SCHEDULE 2

DISCIPLINARY PANEL TERMS OF REFERENCE

1. Current Membership

- 1.1 The current members of the Disciplinary Panel (the “**Panel Members**”) shall be as set out on the LTA website from time to time.

2. Purpose

- 2.1 The Disciplinary Panel is responsible for hearing and deciding upon each disciplinary matter referred to it by the Disciplinary Officer.
- 2.2 If a Full Disciplinary Procedure (as defined in the Disciplinary Code) is invoked, a disciplinary tribunal (the “**Disciplinary Tribunal**”) is formed from amongst the members of the Disciplinary Panel to hear a charge of misconduct in accordance with the Disciplinary Code.

3. Membership

- 3.1 The chairperson of the Disciplinary Panel (the “**Chairperson**”) shall be independent of the LTA (the “**Association**”). S/he shall be a current or former member of the judiciary, Queen’s Counsel, a junior barrister or solicitor of more than 10 years standing, and be selected by the Association’s Board (the “**Board**”) to be a Panel Member and to chair the Disciplinary Panel.
- 3.2 Following recommendations by the Disciplinary Officer and the Council Nominations Committee, the Board shall appoint a minimum of 6 Panel Members for an initial term of three years and may, at their discretion and with the endorsement of the Board, continue for a second term of three years. Subject to approval by the Board, any individuals who were Panel Members on 31 December 2017 may continue to serve as Panel Members until and including 31 December 2020, notwithstanding that they may have exceeded the maximum terms set out above. In case of any vacancies on the Disciplinary Panel, following recommendations by the Disciplinary Officer and the Council Nominations Committee, the Board shall appoint suitably qualified replacements.
- 3.3 A minimum of two of the Panel Members appointed by the Board shall be current or former members of the judiciary, Queen’s Counsel, junior barristers or solicitors of more than 10 years standing.
- 3.4 From 1 January 2019, all Panel Members shall be independent of the Association.
- 3.5 For the purpose of these Terms, “independent” means any person who at the time of his or her appointment, or at any time up to five years prior thereto, shall not:
- (A) be serving or have served as an LTA Officer, on the Board, on Council or in a senior LTA executive position;
 - (B) be or have been an employee or officer of the Association or a Member;
 - (C) have had a prior professional relationship with the LTA relevant to the functions of the Disciplinary Panel; or
 - (D) take up any such positions after the date of appointment as a Panel Member until his or her retirement, removal or vacation from that office.

3.6 The Chairperson of a Disciplinary Tribunal shall be one of the Panel Members appointed in accordance with paragraph 3.3 above. S/he shall have the casting vote in the case of a tie in a decision of the Tribunal.

4. Quorum

4.1 When the Disciplinary Panel sits to hear a matter submitted to it by the Disciplinary Officer under the Full Disciplinary Procedure, three persons, one of whom shall be the Chairperson (or his or her nominee), shall constitute the Disciplinary Tribunal.

4.2 When the Panel meets for any other purpose, the quorum shall be three Panel Members of the Disciplinary Panel and there shall be no maximum.

5. Formation of a Disciplinary Tribunal

5.1 A Disciplinary Tribunal is formed from amongst the Panel Members. The Chairperson, in consultation with the other members of the Disciplinary Panel, will determine the membership of each Disciplinary Tribunal.

5.2 The Chairperson may, in his or her sole discretion, appoint an external independent professional expert to advise, but not to sit on, the Disciplinary Tribunal in an individual case. Such independent external expert shall advise the Disciplinary Tribunal as to the evidence placed before him or her, but shall not count as part of the quorum, or be entitled to exercise any decision-making functions within the Disciplinary Tribunal.

5.3 No Panel Member may sit on the Disciplinary Tribunal for a particular case or matter where he or she has had what is, or may reasonably be thought to be, any prior involvement with the case or matter. Neither should they have any material financial, familial or other relevant interest in the outcome of the proceedings. Any Panel Member who is asked to sit on a Disciplinary Tribunal and who may have grounds for thinking that such involvement or interest may exist shall notify the Chairperson at the first available opportunity. The Chairperson shall decide whether or not the involvement or interest justifies the exclusion of that Panel Member from the Disciplinary Tribunal in respect of that matter.

5.4 Should a Panel Member become unable to hear a disciplinary matter following his or her appointment on a Disciplinary Tribunal for whatever reason, the Chairperson will appoint a suitable replacement.

6. Frequency of Meetings

6.1 The Disciplinary Panel shall meet at least once a year and at such other times as the Chairperson shall require.

7. Notice of Meetings

7.1 Meetings of the Disciplinary Panel shall be called by the Chairperson.

8. Minutes of Meetings

8.1 The Association's company secretariat shall minute the proceedings and resolutions of all Disciplinary Panel meetings.

8.2 Minutes of meetings shall be circulated promptly to all Panel Members unless a conflict of interest exists.

9. Other Matters

9.1 The Panel shall:

- (A) have access to sufficient resources in order to carry out its duties, including access to the company secretariat for assistance as required;
- (B) be authorised to seek any information it requires from any employee of the Association in order to perform its duties; and
- (C) at least once a year, in relation to the preceding year:
 - (i) review any decisions made by the Disciplinary Officer as to whether or not to bring a charge of Misconduct against a person or a body;
 - (ii) review the matters heard by any Disciplinary Tribunals; and
 - (iii) review its own performance, constitution and Terms of Reference to ensure it is operating effectively and recommend any changes it considers necessary to the Board for approval.
- (D) The Board shall determine the LTA's policy on payment of fees and expenses for Panel members from time to time. The LTA/Board may also decide, on an *ex gratia* basis, to provide Panel members complimentary access to tickets to tennis events.