

Judicial Code

Contents

1	Introduction	2
2	Objectives	2
3	What is a complaint	2
4	Judicial Authority	3
5	Functions of the Judicial Panel	3
6	The Judicial Panel	3
7	Function of the Appeal Panel	3
8	The Appeal Panel	3
9	Procedures For Making a Complaint	4
10	Late Complaints	5
11	The Hearing	5
12	Sanctions	8
13	Rights of Appeal	8
14	Procedures Relating to Appeals Against Final Decisions of Judicial Tribunals	8
15	Appeal Tribunals	9
16	Rights and Responsibilities of Panel Members and Other Persons	11
17	Provisions Relating to both Judicial and Appeal Tribunals	11
18	Safeguarding Children	12
19	Power to Change, rescind or add to the provisions of this Judicial Code	14

1 INTRODUCTION

- 1.1 This policy applies to all members, parents or those with parental responsibility for members under 18 years of age and volunteers of the British Wrestling Association Ltd (BWA).
- 1.2 This policy should be read in conjunction with the BWA's Disciplinary Policy, Child Welfare Complaints Procedure and the Protocols for Child Safeguarding Investigations.

2 OBJECTIVES

- 2.1 The objective of the judicial system is to secure, as expeditiously as possible, a just outcome following the submission of a complaint by the system and procedures set out in this Judicial Code.
- 2.2 Where possible the BWA will seek to resolve complaints through mediation as further set out below.
- 2.3 The BWA will respect any complainant's desire for confidentiality wherever possible

3 WHAT IS A COMPLAINT

- 3.1 A complaint is a written expression of dissatisfaction about the standard of service, actions or lack of action on the part of the BWA, Nations or Regions, affiliated associations, affiliated clubs, or any member of those organizations.
- 3.2 Grounds for complaint shall include, but shall not be limited to the following:
 - a) if any organization, club or person engages in any action, behaviour or practice which may bring the sport in to disrepute;
 - b) if any competitor takes part in a competition, exhibition or demonstration with one he/she knows to be under suspension by a member of UWW (world governing body) or the BWA;
 - c) breach of any of the BWA Policies, Rules or Codes of Ethics and Conduct;
 - d) the violation of the BWA's Memorandum or Articles of Association;
- 3.3 A complaint may be made by any person or organization that is affected or likely to be affected by the actions or decisions of the aforementioned organizations.
- 3.4 Third parties submitting a complaint on behalf of the complainant may only do so with written permission to represent the complainant and their interests, which must be presented to, and accepted by, the BWA.
- 3.5 The BWA shall have the right to bring a complaint, or be involved in a complaint as an interested party if it considers it to be in the best interests of the sport for it to do so.

4 JUDICIAL AUTHORITY

- 4.1 There shall be two levels of judicial authority:
- a) the Judicial Tribunal;
 - b) the Appeal Tribunal

5 FUNCTIONS OF THE JUDICIAL PANEL

- 5.1 The functions of the Judicial Panel shall be to provide members for Judicial Tribunals to hear and decide:
- a) complaints;
 - b) appeals against decisions of committees acting under the auspices of the BWA Board

6 THE JUDICIAL PANEL

- 6.1 The Chair of the Judicial Panel shall be appointed by the BWA Board and shall hold office for four years, and shall be eligible to stand for two terms, provided that in any event the Chair shall serve in office for no more than eight consecutive years. The Chair shall be a qualified lawyer and maybe a practicing solicitor or barrister.
- 6.2 Other members of the Judicial Panel shall be made up of nominees, one from each nation or region. Each nominee must have held continued membership of the BWA for a period of not less than five years (with a grace period of up to 3 months for gaps caused by delays in renewals). Each nominee must be ratified by the BWA Board and shall hold office for four years. . Each Panel Member shall be eligible to stand for two terms, provided that in any event no Panel Member shall serve in office for more than eight consecutive years.
- 6.3 The appointments shall be effective from the date of ratification by the BWA Board.
- 6.4 A member of the Judicial Panel may not preside over any proceedings where the complaint emanates from the same nation/region as the member of the Judicial Panel.
- 6.5 A member of the Judicial Panel may act as mediator in any informal dispute resolution where the complaint emanates from the same nation/region as the member of the Judicial Panel.

7 FUNCTION OF THE APPEAL PANEL

- 7.1 The function of the Appeal Panel shall be to provide members for Appeal Tribunals to hear and decide appeals from decisions of Judicial Tribunals.

8 THE APPEAL PANEL

- 8.1 The Chair of the Appeal Panel shall be appointed by the BWA Board and shall hold office for four years, and shall be eligible to stand for two terms, provided that in any event the Chair

shall serve in office for no more than eight consecutive years. The Chair shall be a qualified lawyer and maybe a practicing solicitor or barrister.

NB: The Chair of the Appeal Panel cannot be the same person as the Chair of the Judicial Panel.

- 8.2 Other members of the Appeal Panel shall be made up of nominees, one from each nation or region. Each nominee must have held continued membership of the BWA for a period of not less than five years (with a grace period of up to 3 months for gaps caused by delays in renewals). Each nominee must be ratified by the BWA Board and shall hold office for four years. . Each Panel Member shall be eligible to stand for two terms, provided that in any event no Panel Member shall serve in office for more than eight consecutive years.
- 8.3 The appointments shall be effective from the date of ratification by the BWA Board.
- 8.4 A member of the Appeal Panel may not preside over any proceedings where the appeal emanates from the same nation/region as the member of the Appeal Panel
- 8.5 No regional nominee can serve on both the Judicial Panel and the Appeal Panel.

9 PROCEDURES FOR MAKING A COMPLAINT

- 9.1 A complainant's responsibility is to:
- a) forward their complaint in writing together with the necessary fee to the BWA administration office for the attention of the Chief Executive of the BWA, normally within 30 days after the alleged incident has taken place;
 - b) explain the problem as clearly and as fully as possible, including any action taken to date;
 - c) allow the BWA a reasonable time to deal with the matter
 - d) recognize that some circumstances maybe beyond the BWA's control.
- 9.2 The BWA's responsibility will be:
- a) acknowledge the complaint in writing
 - b) respond within 7 working days
 - c) deal reasonably and sensitively with the complainant
 - d) take action where it is appropriate
- 9.3 As soon as is reasonably practicable upon receipt of a the complaint together with the appropriate fee, the CE shall notify the Chair of the Judicial Panel and, when the Chair of the Judicial Panel so directs, send a copy to each of the parties who are involved..
- 9.4 The management of the judicial system shall be the responsibility of the Chair of the Judicial Panel in consultation with the Chief Executive (CE) of the BWA. Administrative support for the judicial system shall be provided by the CE.

- 9.5 The Chair of the Judicial Panel may propose mediation. This will be recommended wherever possible. Mediation is only appropriate with the agreement of both parties and with the consent of the Chair of the Judicial Panel.
- 9.6 A member of the Judicial Panel may be appointed to act as mediator.
- 9.7 The mediator shall, normally, have 28 days from the date of his/her appointment to assist in the resolution of the differences between the parties. If the mediator is unable so to assist he/she shall report that fact to the Chair of the Judicial Panel who shall then direct that the matter proceed to a formal hearing.
- 9.8 No formal record or transcript of the mediation process shall be made.
- 9.9 If mediation, or any other alternative dispute resolution mechanism (such as informal negotiation brokered by the CE or the Chair of the Judicial Panel,) is not to be possible or does not succeed, then, if the Chair of the Judicial Panel considers it appropriate, the matter shall be referred to a Judicial Tribunal as further set out below.

10 LATE COMPLAINTS

- 10.1 If the complaint is received outside the 30 day limitation period the Chair of the Judicial Panel shall consider the grounds for the delay and if he/she is satisfied that it is in the interests of the sport to do so, may give the complainant permission to pursue the complaint in the normal way.
- 10.2 In the event that the Chair of the Judicial Panel rejects the complaint on the grounds that it has not been submitted within the 30 days, the parties to the complaint shall be entitled to appeal against this decision to the Chair of the Appeal Panel providing that the Notice of Appeal setting out the grounds for appeal, is lodged with the CE within 14 days of receiving notification of the decision of the Chair of the Judicial Panel. No fee shall be levied for an appeal under this provision.
- 10.3 The Chair of the Appeal Panel shall consider the grounds of appeal. He/she may confirm or alter the decision made by the Chair of the Judicial Panel. The decision of the Chair of the Appeal Panel shall be final.
- 10.4 If the complainant is granted permission to proceed with the complaint whether by the Chair of the Judicial Panel or the Chair of the Appeal Panel the complaint shall proceed in the normal way except that the Chair of the Judicial Panel dealing with it shall give due regard to the lateness of the complaint in any subsequent proceedings.

11 THE HEARING

- 11.1 If the Chair of the Judicial Panel considers it appropriate, and if the matter cannot, for whatever reason, be resolved through negotiation or mediation, the Chair will appoint a Judicial Tribunal. A Judicial Tribunal may consist of one member of the Judicial Panel sitting alone (in which case that member must be legally qualified) or, in appropriate cases raising matters of importance to the sport, or where the circumstances otherwise justify it, the Tribunal may consist of three members of the Judicial Panel, of which at least one shall be legally qualified.

- 11.2 The laws of England and Wales shall apply to this Judicial Code.
- 11.3 A Judicial Tribunal or an Appeal Tribunal shall not be bound by judicial rules, governing procedures or the admissibility of evidence provided that the hearing is conducted in a fair and orderly manner and that each party is given a reasonable opportunity to give and call evidence, address the Tribunal and present his/her case.
- 11.4 Any deviation from any provision of this Judicial Code shall not invalidate any finding, procedure or decision unless that deviation raises a material doubt as to the reliability of the finding, procedure or decision.
- 11.5 The selection of the members of a Judicial Tribunal shall include, without limitation, the following procedures:
- a) the CE shall notify the parties in writing of the complete list of eligible names of the panel from whom the individuals who will constitute the Judicial tribunal will be selected and the parties shall have seven days from the receipt of the notification in which to lodge with the CE any objection to any member(s) of the panel stating the grounds for the objection
 - b) the CE shall forward any objection to the Chair of the Judicial Panel who shall consider any such objections in determining the composition of the Tribunal. The decision of the Chair in respect of an objection shall be final. If there is an objection to the Chair that objection shall be referred to the Chair of the Appeal Panel whose decision shall be final.
- 11.6 The Chair of the Judicial Panel shall then appoint a Judicial Tribunal. If the Chair of the Judicial Panel is unable or unwilling to act, then he/she shall appoint another member of the Panel to act as Chair of the Judicial Tribunal. If the Judicial Tribunal is to be one member of the Judicial Panel sitting alone, that member must be legally qualified. Where the Tribunal consists of three members of the Judicial Panel, one shall be legally qualified.
- 11.7 The Chair of the Judicial Panel shall have the power exercisable in his/her absolute discretion to co-opt from time to time additional persons with specialist skills or experience to a Judicial Tribunal to deal with a specific complaint which in the view of the Chair requires such specialist skills or experience.
- 11.8 Any person co-opted to a Judicial Tribunal shall unless otherwise directed by the Chair of the Judicial Panel serve as a full member of the Tribunal for the particular hearing.
- 11.9 The arrangements for a hearing shall include, without limitation, the following conditions:
- a) the CE shall make arrangements for the hearing and shall give the parties at least twenty-eight days' notice of the arrangements, including the date, time, place of the hearing. The CE shall notify the parties of the procedure to be followed prior to the hearing;
 - b) the parties concerned may rely on written representation made prior to the hearing and/or appear in person. The parties shall be asked to confirm whether they intend to attend the hearing;
 - c) at least fourteen days in advance of the hearing date each other party to the complaint must give to the CE his/her response to the complaint and each party must provide the CE with details of any witnesses he/she wishes to call, witnesses' statements, any written evidence he/she proposes to rely on and the name of any representative (professional or otherwise) through whom he/she proposes to present his/her case;

- d) no further evidence shall be accepted after this date without the prior agreement of the Chair of the Judicial Tribunal.
- 11.10 Normally, the CE will provide to the parties, and to the members of the Judicial Tribunal, a bundle of documents for use at the hearing containing copies of the documentation submitted by each of the parties. He/she shall also notify the parties of the name of any representative who will be presenting a party's case.
- 11.11 The Chair of the Judicial Tribunal may, through the CE, require that members of the BWA, and request that other individuals, participate and give evidence at the hearing and/or that further written documents or other evidence be supplied by any or all of them.
- 11.12 The arrangement at a hearing shall include, without limitation, the following conditions:
- a) the hearing shall normally take place in private except that the Chair of the Judicial Tribunal may decide to hold a hearing in public provided that;
 - b) before making the decision he/she has consulted the parties involved and has taken their wishes into account;
 - c) he/she is satisfied that it is in the public interest to do so, having regard to the interest of the Judicial Tribunal, any particular need for privacy, the rights of others and the need to encourage others to co-operate with judicial proceedings in general.
- 11.13 If any of the parties concerned do not attend the hearing the matter may be dealt with by the Judicial Tribunal in the absence of that party taking into account any written representation that may have been received from that party.
- 11.14 The procedure at a hearing shall be flexible and shall be at the discretion of the Chair of the Judicial Tribunal. The aim of the Judicial Tribunal shall be to ensure that all parties have had a fair hearing and a proper opportunity to be heard.
- 11.15 It shall be for the complainant to prove the complaint on the balance of probabilities.
- 11.16 The Judicial Tribunal shall make its decisions on cases before it by majority. In the event of equality of votes any complaint shall stand dismissed.
- 11.17 In the case of a complaint the CE shall send to the Chair of the Judicial Tribunal the record of previous offences, if any, of the alleged offender. It shall be supplied in an inner sealed envelope which shall only be opened, in the presence of the parties, if the complaint is established. This shall include the record of previous offences with the BWA, UWW or National Federations affiliated to UWW.
- 11.18 The arrangements after a hearing shall include, without limitation, the following conditions:
- a) the Chair of the Judicial Tribunal may inform the parties orally of the decision of the Judicial Tribunal after the hearing;
 - i) whether or not this is done he/she shall, through the CE, communicate the decision in writing to the parties and such other interested persons or bodies as he/she considers appropriate within seven days of the date of the hearing;
 - ii) as soon as is reasonably practicable thereafter the written reasons for the decision, notification of their entitlement to appeal and the time by which any notice of appeal must be lodged, shall be given to the parties.

12 SANCTIONS

- 12.1 A Judicial Tribunal may hand down any sanction it considers just and appropriate in all the circumstances of the case including, but not limited to disqualification from the sport, suspension, supervision, fine, reprimand, etc.

13 RIGHTS OF APPEAL

- 13.1 There shall be a right of appeal by any of the parties to an Appeal Tribunal against:
- a) any final decision of a Judicial Tribunal
 - b) a decision made by the CE under 'Safeguarding Children' paragraph 18 of these Judicial Rules
- 13.2 The BWA shall have the right to instigate an appeal or to be involved in an appeal as an interested party, if it considers it to be in the best interests of the sport for it to do so.

14 PROCEDURES RELATING TO APPEALS AGAINST FINAL DECISIONS OF JUDICIAL TRIBUNALS

- 14.1 A notice of appeal, setting out the detailed grounds of appeal, together with supporting documents, shall be lodged with the CE within 28 days after the date of the written notification of the reasons of the Judicial Tribunal stating the nature of the appeal and the grounds on which it is to be made. The Notice of the Appeal must be accompanied by the appropriate fee.
- 14.2 If no Notice of Appeal is received by the CE within the requisite 28 days the decision of the Judicial Tribunal shall stand.
- 14.3 On receipt of a Notice of Appeal, the supporting documents and the fee, the CE shall send a copy of the Notice of Appeal, together with the supporting documents to the Chair of the Appeal Panel and, when the Chair so directs, to each of the other parties involved.
- 14.4 As soon as is reasonably practicable thereafter the CE shall arrange the date time and venue of the hearing which shall normally commence within 60 days of the receipt by the CE of the Notice of Appeal. The CE shall give the parties at least 21 days notice of the arrangements for the hearing.
- 14.5 The Chair of the Appeal Panel may, on receipt of the Notice of Appeal suspend the decision of and/or penalty imposed by the Judicial Tribunal pending the outcome of the appeal to an Appeal Tribunal. An appeal to an Appeal tribunal may only be withdrawn with the consent of the Chair of the Appeal Panel on receipt of a letter from the appellant setting out the grounds for the withdrawal of the Notice of Appeal. If a Notice of Appeal is withdrawn the Chair of the Appeal Panel shall uphold the decision of the Judicial Tribunal and if that decision has been suspended the effect of the suspension shall be taken into account i.e. the effect of suspending the decision and/or penalty imposed by the Judicial Tribunal may lead to the imposition of a more significant penalty after suspension.

15 APPEAL TRIBUNALS

- 15.1 The selection of members of an Appeal tribunal shall include, without limitation, the following procedures:
- a) the CE shall notify the parties in writing of the list of eligible names of the Panel from whom the individuals who will constitute the Appeal Tribunal will be selected.
 - b) the parties shall have 7 days from receipt of this notification in which to lodge with the CE any objection to any members of the Panel stating the grounds of objection.
 - c) the CE shall forward any objections to the Chair of the Appeal Panel who shall consider any such objections in determining the composition of the Tribunal. The decision of the Chair in respect of an objection shall be final.
 - d) the Chair of the Appeal Panel shall then appoint an Appeal Tribunal. Such a tribunal shall not normally be less than two members. If the Chair of the Appeal Panel is unable or unwilling to act, then he/she shall appoint another member of the panel to act as the Chair of the Appeal Tribunal. If the Appeal Tribunal is to be one member of the Appeal Panel sitting alone, that member must be legally qualified. Where the Tribunal consists of three members of the Appeal Panel, one shall be legally qualified.
- 15.2 The arrangements for the hearing shall include, without limitation, the following conditions:
- a) the CE shall make arrangements for the hearing and shall give the parties at least twenty-eight days' notice of the arrangements, including the date, time, place of the hearing. The CE shall notify the parties of the procedure to be followed prior to the hearing;
 - b) the parties concerned may rely on written representations made prior to the hearing and/or appear in person. The parties shall be asked to confirm whether they intend to attend the hearing;
 - c) at least fourteen days in advance of the hearing date each other party to the complaint must give to the CE his/her response to the complaint and each party must provide the CE with details of any witnesses he/she wishes to call, witnesses' statements, any written evidence he/she proposes to rely on and the name of any representative (professional or otherwise) through whom he/she proposes to present his/her case;
 - d) no further evidence shall be accepted after this date without the prior agreement of the Chair of the Appeal Tribunal;
- 15.3 Normally the CE will provide to the parties, and to the members of the Appeal Tribunal, a bundle of documents for use at the hearing containing copies of the documentation submitted by each of the parties. He/she shall also notify the parties of the name of any representative who will be presenting a party's case;
- 15.4 The Chair of the Appeal Tribunal may, through the CE, require that members of the BWA, and request that other individuals, participate and give evidence at the hearing and/or that further written documents or other evidence be supplied by any or all of them;
- 15.5 When the CE notifies the parties of the arrangements for the hearing he/she shall also notify

- them whether the decision of and/or penalty imposed by the Judicial Tribunal will be suspended pending the decision of the Appeal Tribunal in the appeal;
- 15.6 An appeal will take the form of a review of the Judicial Tribunal's decision regarding the issue(s) being appealed, and the question for the appeal panel will be whether that decision was unreasonable, irrational or otherwise outside of its discretion. Parties may apply, at least fourteen days before the hearing date, for the appeal to be by way of re-hearing rather than mere review, and must give reasons for so doing. A decision on this issue shall be taken by the Appeal Panel at or prior to the hearing.
- 15.7 The arrangements at a hearing shall include, without limitation, the following conditions:
- a) The hearing shall normally take place in private except that the Chair of the Appeal Tribunal may decide to hold a hearing in public provided that:
 - i) Before making the decision he/she has consulted the parties involved and has taken their wishes into account:
 - ii) He/she is satisfied that it is in the public interest to do so, having regard to the interest of the Appeal Tribunal, any particular need for privacy, the rights of others and the need to encourage others to co-operate with judicial proceedings in general.
- 15.8 If any of the parties concerned do not attend the hearing the matter may be dealt with by the Appeal Tribunal in the absence of that party taking into account any written representation that may have been received from that party.
- 15.9 The procedure at a hearing shall be flexible and shall be at the discretion of the Chair of the Appeal Tribunal. The aim of the Appeal Tribunal shall be to ensure that all parties have had a fair hearing and a proper opportunity to be heard
- 15.10 It shall be for the complainant to prove the complaint on the balance of probabilities.
- 15.11 The Appeal Tribunal shall make its decisions on cases before it by majority. In the event of equality of votes any appeal shall stand dismissed.
- 15.12 In the case of a complaint the CE shall send to the Chair of the Appeal Tribunal the record of previous offences, if any, of the alleged offender. It shall be supplied in an inner sealed envelope which shall only be opened, in the presence of the parties, if the complaint is established. This shall include the record of previous offences with the BWA, UWW or National Federations affiliated to UWW.
- 15.13 An Appeal Tribunal shall have the power to:
- a) alter or vary any decision of a Judicial Tribunal;
 - b) quash any penalty and/or substitute for it any other penalty it may think fit or;
 - c) make any such other order or determination as it may think right and just
- 15.14 The decision of an Appeal Tribunal shall be final.
- 15.15 The arrangements after a hearing shall include, without limitation, the following conditions:
- a) The Chair of the Appeal Tribunal may inform the parties orally of the decision of the Appeal Tribunal after the hearing;

- i) whether or not this is done he/she shall, through the CE, communicate the decision in writing to the parties and such other interested persons or bodies as he/she considers appropriate within seven days of the date of the hearing
- ii) as soon as is reasonably practicable thereafter the written reasons for the decision shall be given to the parties.

16 RIGHTS AND RESPONSIBILITIES OF PANEL MEMBERS AND OTHER PERSONS

- 16.1 Members of the Judicial Panel and the Appeal Panel shall be immune from complaint only while acting under the provisions within these Judicial Rules.
- 16.2 Any improper contact, approach or attempt to influence or intimidate any Judicial Panel or Appeal Panel member, witness, potential witness or representative either in person or through an intermediary must be reported immediately to the CE (if it is prior to the hearing), or to the Chair of the Judicial Tribunal or Appeal Tribunal (if it is during the course of the hearing). The office holder receiving the report may take such action as he/she deems appropriate.
- 16.3 Every member of the Judicial Panel and the Appeal Panel shall be required to comply with the provisions of the BWA Conflicts of Interest Policy including the making of any return required for entry in the Conflicts of Interest register. In particular, any member who believes he/she may have a conflict due to the circumstances of any particular case shall alert the CE to his/her concerns.

17 PROVISIONS RELATING TO BOTH JUDICIAL AND APPEAL TRIBUNALS

- 17.1 Proceedings before a tribunal shall be recorded manually and/or mechanically. In the event of a mechanical recording being made, the only official recording of the proceedings shall be that mechanical recording. After any hearing, any recording (manual and/or mechanical) shall be retained by the CE together with the entire record of the complaint or appeal.
- 17.2 All decisions of a Tribunal shall be reported to the CE and such other bodies or persons as the Chair of the tribunal shall direct. British Wrestling, the Judicial Panel and the Appeal Panel shall be entitled to publish as they think fit reports of proceedings, findings and penalties.
- 17.3 After 6 years from the date of a decision of a Tribunal or, if a suspension was imposed, after 6 years from the end of that suspension, all records of the relevant tribunal hearing(s) shall be destroyed and any penalty shall be expunged from the record of the club, body, organisation or person.
- 17.4 In addition to any financial penalty which a tribunal may impose the Chair of the Tribunal may at his/her discretion; make an order for the costs of the hearing to be paid, in such proportions as he/she may decide by any of the parties to the hearing. These costs shall include expenses necessarily incurred in the preparation for the hearing by the tribunal and may include the expenses actually and necessarily incurred by a successful party in preparing and presenting his/her case to the tribunal. In calculating the costs to be paid to a party nothing shall be included on account of professional representation.

- 17.5 In the event of a complaint being resolved prior to a Tribunal reaching a decision (for instance, by way of mediation, withdrawal of the complaint or other resolution) then insofar as any costs have been incurred by the parties and/or the BWA in relation to the complaint (including relating to the expense of appointing a Tribunal and/or convening a hearing), it will be open to them to make an application for a decision in relation to such costs. Such an application will go to the Chairman of the relevant Tribunal (Judicial or Appeal) if one has been appointed, and will otherwise go to the Chair of the relevant Panel (Judicial or Appeal). All parties concerned by such an application will be provided with an opportunity to state their position in relation to such an application in writing before a decision is taken. The decision-maker will be entitled to make such an order as he considers fit in all the circumstances, including having regard to the conduct of the parties, save that an order will only be made against the BWA in exceptional circumstances and no party may recover costs on account of professional representation.
- 17.6 When he/she considers it is impracticable or unjust to award costs, or that the recovery of costs would cause undue hardship, the Chair of the Tribunal may recommend that British Wrestling should make a contribution towards the costs of the successful party.
- 17.7 The following fees shall be required for:
- a) Making a complaint - £50

(No fee is required when the complaint is made by an official of the BWA, acting in a capacity approved by the BWA, arising from an incident or incidents dealt with in pursuance of his/her official duties.)
 - b) An appeal from a final decision of a Judicial Tribunal or from a decision by the CE under paragraph 18 of these Judicial Rules to impose a period of suspension - £250

(No fee is required when the appeal is made by an official of the BWA, acting in a capacity approved by the BWA, following a complaint made by him/her arising from an incident or incidents dealt with in pursuance of his/her official duties.)
- 17.8 The Chair of a Tribunal may order the return of the fee if, in all the circumstances, it seems to him/her to be reasonable to do so. Alternatively the return of the fee may be taken into account in an award of costs against an unsuccessful party.

18 SAFEGUARDING CHILDREN

- 18.1 In this Rule the expression 'Offence' shall mean any one or more of the offences against a child within the meaning of Schedule 4 to the Criminal Justice and Court Services Act 2000 and any other offence which reasonably causes the CE to believe that the person accused of the offence is or maybe a risk or potential risk to children or young persons
- 18.2 For the purpose of this Rule 'child' or 'young person' shall be construed to include 'vulnerable adult' and 'children' or 'young persons', shall be construed to include 'vulnerable adults'.
- 18.3 Upon receipt by the CE of:
- a) notification that an individual has been charged with an Offence; or

- b) notification that an individual is the subject of an investigation by the police, children services or any other authority relating to an Offence; or
 - c) other evidence which causes the CE reasonably to conclude that an individual may have committed an Offence then in any such case the CE may impose upon the individual an interim suspension from any event or activity promoted or authorized by the BWA wherever held.
- 18.4 There shall be a right of appeal under this Code against the decision of the CE to impose a suspension for a specified term under this Rule.
- 18.5 Upon receipt by the CE of a recommendation from the Lead Child Protection Officer including the results of a Criminal Records Bureau search or other information received which causes the CE to conclude on reasonable grounds that the individual concerned is unsuitable to work with or have unsupervised access to children within the sport of wrestling the CE may impose upon the individual an interim suspension or a suspension for a specified term decided by the CE from any event or activity promoted or authorized by the BWA wherever held.
- 18.6 In reaching his/her determination as to whether an interim suspension should be imposed the CE shall give consideration, inter alia, to the following factors:
- a) whether a child or children or young person(s) are or maybe at risk;
 - b) whether the allegations are of a serious nature;
 - c) whether a suspension is necessary or proportionate to allow the conduct of any investigation by the BWA or any other authority or body to proceed unimpeded.
- 18.7 Where an individual shall have been convicted or have been the subject of a caution in respect of an Offence the CE shall have power summarily to impose the suspension for a specified term decided by the CE of the individual from any event or activity promoted or authorized by the BW wherever held. There shall be a right of appeal under this judicial code against the decision of the CE to impose a suspension for a specified term under this Rule
- 18.8 If a Local Authority (LA) forms a belief under the formal beliefs system derived from the Children Act 1989, as amended, regarding an individual's suitability to work with children the CE shall have the power summarily to suspend that person for a specified term decided by the CE from all BWA activities provided that:
- a) the LA has informed the BWA that such a belief has been formed;
 - b) the person concerned has been formally made aware by the LA that such a belief has been formed.
- N.B. There shall be a right of appeal under this Judicial Code against the decision of the CE to impose a suspension for a specified term under this Rule.
- 18.9 The suspension of any individual for a specific term decided by the CE imposed under this Rule shall not be lifted unless and until the individual has submitted to a formal risk assessment with regard to his/her suitability to be involved with children in the sport of wrestling.

19 POWER TO CHANGE, RESCIND OR ADD TO THE PROVISIONS OF THIS JUDICIAL CODE

- 19.1 The BWA Board may add to, or change the provisions of this Judicial Code at anytime provided that such changes are reported to the next Annual General Meeting of the BWA.