

**REGULATIONS GOVERNING THE APPLICATION OF
THE REDUCED PENALTY PROCEDURES FOR DISCIPLINARY OFFENCES
UNDER THE RULES OF THE FOOTBALL ASSOCIATION OF WALES
("ASSOCIATION")**

1. INTRODUCTION

The purpose of these Regulations is to give effect to the principle that when dealing with the penalties imposed by the Association for Disciplinary Offences, credit, in the form of a reduction in the applicable penalty, should be given to the Party charged who admits to a charge of a Disciplinary Offence preferred by the Association and to the timely disposal of such matters. To achieve this, when a charge of a Disciplinary Offence is brought under the procedures in these Regulations, it will also incorporate an offer of a reduced penalty on the Association's minimum standard penalty for the Disciplinary Offence as published from time to time. In the case of a financial penalty, the offer shall be a reduction of one-third (to the nearest whole pound). In the case of any other penalty, the offer shall be a reduction of one-third or the nearest whole number equivalent. Should the Party charged elect NOT to accept the reduced penalty offered or fails to comply with the requirements set out under Clauses 3.2(c) and/or 3.2(d)(v) of these regulations, and the charge is subsequently found proved at a Disciplinary Panel hearing, a higher penalty will apply, which will not incorporate the reduction.

2. EXEMPTIONS

2.1 The procedures in these Regulations shall not apply to any Disciplinary Offence in relation to any of the following:–

- A Disciplinary Offence as set out under FAW Rule 38.1.4, 38.1.4(A) or any other charge brought concerning betting activity related to any match;
- A Disciplinary Offence as set out under FAW Rule 38.1.5, 38.1.5(A), 38.1.5(B), 38.1.5(C) or any other charge brought relating to 'match fixing';
- A Disciplinary Offence as set out under FAW Rule 38.1.7, or any other charge brought relating to ticket touting ;
- A Disciplinary Offence as set out under FAW Rule 38.1.8, or any other charge brought relating to a match that has been played at a ground closed by the Association;
- Disciplinary Offences as set out under FAW Rules 38.1.10 or 38.1.11, or any other charge brought relating to the 'ANTI-DOPING REGULATIONS OF THE FOOTBALL ASSOCIATION OF WALES';

- A Disciplinary Offence as set out under FAW Rule 38.1.12, or any other charge brought relating to 'THE FOOTBALL ASSOCIATION OF WALES SAFEGUARDING/WELFARE REGULATIONS' or SAFEGUARDING/WELFARE POLICY';
- Disciplinary Offences as set out under FAW Rules 38.1.13, 38.1.14 or 38.1.15 relating to the conduct of a club's supporters and/or spectators and/or followers;
- Disciplinary Offences as set out under FAW Rules 38.1.13(A), 38.1.13(B) or 38.1.13(C) relating to alcohol offences; or
- A Disciplinary Offence brought pursuant to 'THE FOOTBALL ASSOCIATION OF WALES' CODE OF ETHICS'.

2.2 Any charge of a Disciplinary Offence preferred by the Association that is exempt from the procedures in these Regulations will be dealt with in accordance with the procedures as set out under FAW Rules 43.1 to 43.1.14 inclusive.

3. SCOPE OF PROCEDURES

3.1 Subject to the exemptions in 2 above, in all cases, it shall be at the absolute discretion of the Association whether a reduced penalty shall be offered under the procedures in these Regulations. In exercising that discretion, the Association shall not utilise these procedures where any one or more of the following exceptional circumstances applies:-

- Where the particular facts of the alleged Disciplinary Offence are of a serious and/or unusual nature, as determined by the Association;
- Where the Party charged has pleaded guilty or been found guilty with a similar matter, as determined by the Association, in the current season;
- Where the alleged Disciplinary Offence is allegedly aggravated by reference to any of the factors as set out under the 'FOOTBALL ASSOCIATION OF WALES NON-DISCRIMINATION REGULATIONS'; or
- Where the particular facts of the alleged Disciplinary Offence, as determined by the Association, necessitate a charge of misconduct to be brought against a participant pursuant to the 'REGULATIONS GOVERNING ASSAULTS ON MATCH OFFICIALS'.

3.2 Upon the Association deciding that facts or matters may give rise to a Disciplinary Offence and that a charge be brought which should include the offer of a reduced penalty under these Regulations, the following procedure will apply:-

THE CHARGE

- (a) The Association will give written notice (“the Disciplinary Notice”) to the Party charged, stipulating:–
 - (i) The nature of the alleged Disciplinary Offence;
 - (ii) Details of the reduced penalty offered; and
 - (ii) Details of the options available to the Party charged.
- (b) If an individual is charged, a copy of the Disciplinary Notice will be sent to his/her club. If a club is charged, a copy of the Disciplinary Notice will be sent to the club’s relevant league.

THE RESPONSE

- (c) The Party charged shall have seven (7) Business Days after service of the Disciplinary Notice to respond in writing to the charge.
- (d) Should the Party charged elect to admit the charge and accept the reduced penalty offered, the following shall apply:–
 - (i) There shall be no Disciplinary Panel hearing and the matter shall be dealt with at an administrative level by the Association;
 - (ii) The Party charged shall not be entitled to provide evidence in mitigation;
 - (iii) The penalty imposed on the Party charged by the Association shall be the reduced penalty set out in the Disciplinary Notice;
 - (iv) Any suspension which forms part of the reduced penalty offered shall automatically come into effect fourteen (14) calendar days following the date of the Disciplinary Notice;
 - (v) Any fine which forms part of the reduced penalty offered shall be payable within seven (7) Business Days following the date of the Disciplinary Notice;
 - (vi) There shall be no costs payable by the Party charged; and
 - (vii) The Association shall write to the Party charged with confirmation of the outcome.
- (e) Should the Party charged elect NOT to accept the reduced penalty offered, the matter will proceed in accordance with FAW Rules 43.1.2 to 43.1.14 and the following shall apply:-

- (i) The reduced penalty offered shall be withdrawn;
 - (ii) A Disciplinary Panel shall be convened;
 - (iii) The Party charged shall be entitled to provide evidence in mitigation;
 - (iv) If a charge is found proven, any penalty applied shall be based on the standard minimum penalty; and
 - (v) If a charge is found proven, the Disciplinary Panel shall be entitled to impose costs against the Party charged.
- (f) Should the Party charged either fail to respond in writing to the charge as per Clause 3.2(c) hereabove, or fail to pay any fine offered as part of the reduced penalty offered as per Clause 3.2(d)(v) hereabove, within the required seven (7) Business Days, the matter will proceed in accordance with FAW Rule 43.1.3 and the following shall apply:-
- (i) The reduced penalty offered shall be withdrawn;
 - (ii) The Party charged will be deemed to have denied the charge and to have waived their right to a private hearing before the Disciplinary Panel;
 - (iii) The Association will, without further notice to the Party charged, convene a Disciplinary Panel who will consider the alleged Disciplinary Offence in the absence of the Party charged.
 - (iv) If a charge is found proven, the standard minimum penalty shall form the basis of any penalty applied; and
 - (v) If a charge is found proven, the Disciplinary Panel shall be entitled to impose costs against the Party charged.

4. APPEALS

- 4.1 Should the Party charged elect to admit the charge and accept the reduced penalty offered, there shall be no right of appeal under the FAW Rules to the outcome set out in 3.2(d) above except where –
- a) It is necessary to allow an appeal in order to avoid real injustice;
 - b) The circumstances are exceptional and make it appropriate to allow an appeal; and
 - c) There is no alternative effective remedy.

- 4.2 A Party wishing to claim a right of appeal in the circumstances set out in 4(a) above shall make application in writing for leave to appeal to the Association within five (5) calendar days after service of the Association's written notification under 3.2(d)(vii) above. The Association shall place the application for leave before a person nominated by the Association from the pool of persons who sit as the chairmen of the Association's Appeals Panel from time to time. The said chairman shall consider the application in private and shall have absolute discretion whether or not to grant leave to appeal and, if so, whether to suspend the penalty imposed by the original procedure. There shall be no right of appeal against the chairman's decision, or any part of that decision. If leave to appeal is granted, the procedure for the hearing of the appeal shall be in accordance with FAW Rule 44.
- 4.3 Should the Party charged elect NOT to accept the reduced penalty offered and the charge is subsequently found proved at a Disciplinary Panel, the Party charged shall have a right of appeal in accordance with FAW Rule 44.