

# LTA DISCIPLINARY CODE

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# INTRODUCTION: HOW TO FIND YOUR WAY AROUND THIS CODE

This is the LTA Disciplinary Code. It consists of this introduction and the following Parts:

- **Part A: General Regulations** – This Part applies to all other Parts of the Code. It explains who is bound by the Code, how the Code is to be interpreted, how the Judicial Panel and individual Tribunals and Appeal Tribunals will be appointed and what general powers they will have (in addition to any specific powers given to them in other Parts of the Code), how cases before Tribunals and Appeal Tribunals will be administered and heard (including various procedural and evidentiary matters) and other information about how the Code is administered and enforced.
- **Part B: Disciplinary Regulations** – This Part explains what conduct may be considered by the LTA to be Misconduct, what the possible sanctions are, and how a disciplinary case before a Disciplinary Tribunal (and, if necessary, a Disciplinary Appeal Tribunal) will be heard (in accordance with Part A).
- **Part C: Safeguarding Regulations** – This Part explains the conduct that is Prohibited Conduct, how cases involving such matters are administered, and – if necessary – how a case involving a safeguarding matter before a Safeguarding Tribunal (and, if necessary, a Safeguarding Appeal Tribunal) will be heard (in accordance with Part A).
- **Part D: Registration Appeal Regulations** – This Part explains how cases involving an appeal against an executive decision of the LTA made under the LTA Regulatory Documents are administered and how cases involving such matters will be heard before a Registration Appeal Tribunal (in accordance with Part A).
- **Part E: Anti-Doping Regulations** – This Part explains that the UKAD Rules (with amendments specific to tennis and the LTA) have been adopted in relation to anti-doping cases, sets out those specific amendments and explains how these regulations apply.
- **Part F: Anti-Corruption Regulations** – This Part explains what conduct may be considered by the LTA to constitute an Anti-Corruption Offence, and therefore Misconduct, and how a disciplinary case involving an Anti-Corruption Offence before a Disciplinary Tribunal (and, if necessary, a Disciplinary Appeal Tribunal) will be administered and heard (in accordance with Parts A and B).
- **Part G: Definitions** – This Part applies to all other Parts of the Code. For clarity and consistency, the provisions of the Code use capitalised words that have specific meanings. This Part is a glossary of those defined terms.

This version of the Code will take effect from 1 January 2025 ("**Effective Date**"). The Code may thereafter be amended from time to time by the Board (at its discretion) and such amendments will come into full force and effect on the date specified by the Board (and, in the absence of a specified date, on the day immediately following the date of approval by the Board).

Reference should be made to the most up-to-date version of the Code, which is available online at: <https://www.lta.org.uk/about-us/what-we-do/governance-and-structure/rules-regulations/>.

# PART A: GENERAL REGULATIONS

## PURPOSE

1. The purpose of this Code is to provide uniform procedures for the resolution of disciplinary, safeguarding, licensing, accreditation, anti-doping and anti-corruption issues arising in connection with the Game under the jurisdiction of the LTA, to enable all such issues to be resolved in a fair, consistent and expeditious manner, and – ultimately – to promote fair play and uphold the integrity of the Game.

## SCOPE AND APPLICATION

2. This Code applies to and binds the following persons (collectively, "**Participants**") and each such person is deemed, by participating or seeking to participate in the Game in any way whatsoever whether directly or indirectly (including by providing support to a Player in any way) or by virtue of their role or position in relation to the Game or otherwise by falling within one of the categories noted below, to have agreed to be bound by and to comply with this Code:
  - 2.1 each Councillor;
  - 2.2 each member of the Board or of the board of any subsidiary company of LTA;
  - 2.3 each member or appointee of an LTA advisory group, committee or subcommittee;
  - 2.4 (subject to paragraph 3 of this Part A) each employee and appointee of the LTA, and each person appointed to provide services to the LTA;
  - 2.5 each Member;
  - 2.6 each Registered Organisation;
  - 2.7 each member, officer and/or employee of a Member or Registered Organisation;
  - 2.8 each person engaged in any way by a Member or a Registered Organisation to provide coaching, training, medical and/or officiating services to it and/or its members;
  - 2.9 each owner and/or operator of a tennis or padel club and/or venue located in Great Britain, the Channel Islands and/or the Isle of Man at which an Event is held or an LTA programme is delivered;
  - 2.10 each "LTA Advantage" member;
  - 2.11 each Player;
  - 2.12 each Player Support Person;
  - 2.13 each Related Person;
  - 2.14 each Tournament Support Person;
  - 2.15 each Official;
  - 2.16 each Volunteer;

- 2.17 each person who has received accreditation for an Event;
- 2.18 each person who is in an attendance at or otherwise accesses an Event (including any member of the media, any photographer, any videographer or any spectator); and
- 2.19 each person who otherwise submits to the LTA's jurisdiction.
3. A disciplinary issue regarding an LTA employee that arises from or in connection with that person's capacity as an employee will ordinarily be dealt with under the terms and conditions of that person's contract of employment (and the applicable LTA policies and procedures).
4. Temporal scope:
- 4.1 A person who ceases to be a Participant under this Code will nevertheless remain subject to this Code in respect of any matters arising prior to that cessation.
- 4.2 A person will be bound by this Code in respect of any matter(s) arising prior to that person becoming a Participant to the extent that the matter(s) have any bearing on the Participant's involvement with the Game, present a risk to any person under the jurisdiction of the LTA (including any Participant), or might bring the LTA or any of its group companies, Members or Registered Organisations into disrepute.
- 4.3 Any matter pending as at the Effective Date of this Code and any matter arising after that Effective Date based on conduct that occurred prior to the Effective Date will be governed by the procedural rules set out in this Code but by the substantive rules in effect at the time the conduct occurred (rather than the substantive rules set out in this Code) unless the relevant Tribunal or Appeal Tribunal determines the principle of *lex mitior* applies.
- NOTE: The principle of "lex mitior" requires that new substantive rules should be applied when they are more favourable to the person charged than the rules in force at the time of the alleged wrongdoing.*
- 4.4 If the term of office of a member of the Judicial Panel expires and that member of the Judicial Panel has been appointed for any purpose under this Code, the member of the Judicial Panel may, notwithstanding that their term of office has expired, continue to fulfil that appointment with the permission of the Chair of the Judicial Panel. If the Chair of the Judicial Panel does not grant such permission, any questions as to the future progress of the matter will be determined by the Chair of the Judicial Panel in the Chair of the Judicial Panel's absolute discretion.
5. Responsibilities:
- 5.1 It is the responsibility of each Participant to acquaint themselves with all of the provisions of this Code.
- 5.2 Each Participant must inform Relevant Persons with whom that Participant is connected of all of the provisions of this Code and must instruct Relevant Persons to comply with this Code.
6. Liability and responsibility of a Participant:
- 6.1 A Participant who solicits, induces, entices, instructs, persuades, encourages or facilitates another Participant to commit Misconduct (or, in the safeguarding context, to engage in Prohibited Conduct), or who knowingly assists, covers up or is otherwise complicit in another Participant's committal of Misconduct (or, in the safeguarding context, engagement in Prohibited Conduct), will be treated as if that Participant committed such breach themselves and will be held liable accordingly.

- 6.2 If a person is connected (in any way) to a Participant, and the LTA does not have jurisdiction over that person, and that person commits Misconduct (or, in the safeguarding context, engages in Prohibited Conduct), that Participant will be treated as if that Participant committed such breach or engaged in such conduct themselves and will be held liable accordingly.
  - 6.3 As between it and its Members and Registered Organisations, the LTA has exclusive jurisdiction over anti-doping, anti-corruption, safeguarding, Official licensing and coach accreditation matters.
7. Governing law and jurisdiction:
- 7.1 This Code and each dispute or claim arising out of or in connection with it (including non-contractual disputes and claims) will be governed by and construed in accordance with English law.
  - 7.2 This Code (other than the Anti-Doping Regulations) requires the parties to submit such disputes and claims to the Judicial Panel. Subject strictly thereto (and subject to the Anti-Doping Regulations), each such dispute or claim will be subject to the exclusive jurisdiction of the English courts.
  - 7.3 This Code requires the parties to submit disputes and claims in relation to the Anti-Doping Regulations to the relevant body in terms of the Anti-Doping Regulations.

## **INTERPRETATION**

8. This Code is to be interpreted and applied by reference to the purposes set out at paragraph 1 of this Part A (and as appropriate the purposes set out at the beginning of each Part).
9. Each capitalised term in this Code (other than in the Anti-Doping Regulations) will have the meaning given to it in Part G (*Definitions*). In this Code, unless the context otherwise requires:
  - 9.1 words denoting any one gender include a reference to any other gender;
  - 9.2 words denoting the singular include the plural and vice versa, and (for the avoidance of any doubt) the terms “they”, “their” and “themselves” may, where the context so admits, refer to the singular rather than the plural;
  - 9.3 words denoting persons (except the word ‘individual’) will include associations, federations, corporations and other organisations whether incorporated or unincorporated;
  - 9.4 the word ‘days’ will mean calendar days unless specified otherwise;
  - 9.5 a note to a paragraph will be used to interpret that paragraph;
  - 9.6 words following the terms ‘including’, ‘include’, ‘in particular’, ‘for example’ or similar expression will be construed as illustrative, will not be exhaustive and will not limit the sense of the words, description, definition, phrase or term preceding those terms; and
  - 9.7 reference to a “sanction” includes risk management measures and any other outcome.

## THE DISCIPLINARY OFFICER, THE HEAD OF SAFEGUARDING AND THE ANTI-DOPING OFFICER

10. The LTA delegates authority, power and responsibility for its investigation and enforcement work:
  - 10.1 under the Anti-Doping Regulations to the Anti-Doping Officer;
  - 10.2 under the Safeguarding Regulations to the Head of Safeguarding; and
  - 10.3 under all other parts of the Code (including the Disciplinary Regulations) to the Disciplinary Officer.
11. Each of the Disciplinary Officer, the Head of Safeguarding and the Anti-Doping Officer:
  - 11.1 is entitled to seek assistance from (and engage the services of) legal and/or other persons during the exercise of their authority, power and responsibility in accordance with this Code;
  - 11.2 may, in their sole discretion, delegate to another person their authority, power and responsibility in accordance with this Code in respect of a particular matter and will be the liaison between that person and the LTA; and
  - 11.3 may, if they are concerned about a possible personal conflict of interest in respect of a particular matter, delegate to another person their authority, power and responsibility in accordance with this Code in respect of that matter and will not be the liaison between that person and the LTA (the LTA will determine the identity of the liaison).

## THE JUDICIAL PANEL

12. The LTA delegates authority, power and responsibility for the determination of cases brought by the LTA (acting through the Anti-Doping Officer, the Disciplinary Officer or the Head of Safeguarding) in accordance with this Code (other than the Anti-Doping Regulations) to Tribunals and Appeal Tribunals appointed from the Judicial Panel, subject only to paragraph 28 of this Part A.
13. The "**Judicial Panel**" comprises three Divisions:
  - 13.1 the "**Disciplinary Division**", a Division with a focus on disciplinary issues;
  - 13.2 the "**Safeguarding Division**", a Division with a focus on safeguarding and child protection issues; and
  - 13.3 the "**Registration Appeals Division**", a Division with a focus on licensing, accreditation and registration issues.
14. In order to hear a first instance case arising under this Code (other than the Anti-Doping Regulations), as appropriate:
  - 14.1 a "**Disciplinary Tribunal**" will be formed from members of the Disciplinary Division of the Judicial Panel; or
  - 14.2 a "**Safeguarding Tribunal**" will be formed from members of the Safeguarding Division of the Judicial Panel,



collectively referred to in this Code as "**Tribunals**", in each case appointed by the Chair of the Judicial Panel in accordance with paragraphs 22 to 26 of this Part A.

*NOTE: Cases arising under the Registration Appeal Regulations will take the form of an appeal against the LTA's executive decision and be heard by a Registration Appeal Tribunal. There will be no right of appeal against the Registration Appeal Tribunal's decision.*

15. In order to hear an appeal case arising under this Code (other than the Anti-Doping Regulations) or under LTA Regulatory Documents, as appropriate:

15.1 a "**Disciplinary Appeal Tribunal**" will be formed from members of the Disciplinary Division of the Judicial Panel; or

15.2 a "**Safeguarding Appeal Tribunal**" will be formed from members of the Safeguarding Division of the Judicial Panel; or

15.3 a "**Registration Appeal Tribunal**" will be formed from members of the Registration Appeals Division,

collectively referred to in this Code as "**Appeal Tribunals**", in each case appointed by the Chair of the Judicial Panel in accordance with paragraphs 22 to 26 of this Part A.

16. Proceedings before the Judicial Panel are private and disciplinary in nature rather than arbitral. For the avoidance of doubt, proceedings before the Judicial Panel under this Disciplinary Code are not an arbitration for the purposes of the Arbitration Act 1996 (as amended, varied, supplemented and/or substituted from time to time).

17. The Chair of the Judicial Panel:

17.1 will be Legally Qualified with no less than fifteen years' post-qualification experience;

17.2 will:

(a) be Independent;

(b) be impartial as between the LTA and the relevant Participant(s);

(c) have skills and experience relevant to the demands of the role;

(d) be allocated to one or more of the Divisions; and,

(e) be eligible for appointment as a member of Tribunals and/or Appeal Tribunals in cases that require members from the Division(s) to which they have been allocated;

17.3 will be appointed by the Board upon the recommendation of the Nomination Committee after following an open recruitment process, in which process:

(a) the selection and interview panel will ordinarily include the outgoing Chair of the Judicial Panel, one long-standing and non-Legally Qualified member of the Judicial Panel, either the President or Deputy President of the LTA and one Independent Board Member; and

(b) employees of the LTA may be engaged to provide administrative support but will have no substantive role or responsibility regarding selection or appointment; and

17.4 will be appointed for a three-year term and, subject to reappointment by the Board, may serve (in total) up to three consecutive three-year terms as Chair of the Judicial Panel.

18. The Judicial Panel will comprise members:
  - 18.1 each of whom will:
    - (a) be Independent;
    - (b) be impartial as between the LTA and the relevant Participants;
    - (c) have skills and experience relevant to the demands of the role;
    - (d) be allocated to one or more of the Divisions; and
    - (e) be eligible for appointment as a member of Tribunals and/or Appeal Tribunals in cases that require members from the Division(s) to which they have been allocated;
  - 18.2 some of whom will be Legally Qualified with no less than ten years' post-qualification experience, who will each be eligible for appointment to chair Tribunals and/or Appeal Tribunals;
  - 18.3 each of whom will have been appointed by the Chair of the Judicial Panel following an open recruitment process;
  - 18.4 each of whom will be appointed for a three-year term and, subject to reappointment by the Chair of the Judicial Panel, may serve additional consecutive terms; and
  - 18.5 one of whom will be elected or appointed Deputy Chair of the Judicial Panel in accordance with paragraph 19 of this Part A.
19. A Judicial Panel member who fulfils the criteria at paragraph 18.2 of this Part A may apply for the role of Deputy Chair of the Judicial Panel. The Deputy Chair of the Judicial Panel:
  - 19.1 will be elected by vote of the Judicial Panel members (not including those members who are candidates) and in the event of a tie, the Deputy Chair of the Judicial Panel will be appointed by the Chair of the Judicial Panel from the tied candidates (and one relevant factor to be considered by the Chair of the Judicial Panel will be whether any of the tied candidates have been allocated to one (or more) Division(s) to which the Chair of the Judicial Panel has not been allocated);
  - 19.2 will deputise for the Chair of the Judicial Panel when the Chair is (a) conflicted or otherwise unavailable to fulfil the role, and/or (b) so designated by the Chair to act;
  - 19.3 will be appointed for a three-year term and, subject to re-election/appointment by the Judicial Panel members/Chair of the Judicial Panel in accordance with paragraph 19.1 of this Part A, may serve additional consecutive terms; and
  - 19.4 may apply for the role of Chair of the Judicial Panel when it becomes vacant (but for the avoidance of doubt there will be no automatic promotion of the Deputy Chair of the Judicial Panel to the Chair of the Judicial Panel when the latter role becomes vacant).
20. A Judicial Panel member who has a conflict of interest in respect of, or has had any prior involvement with, a particular matter may not sit on a Tribunal or an Appeal Tribunal in respect of that matter.
21. The Board will determine the LTA's policy on the payment of fees (if any) and out-of-pocket expenses for the members of the Judicial Panel from time to time. The LTA or Board may also

decide, on an *ex gratia* basis, to provide members of the Judicial Panel complimentary access to tickets to tennis events.

## **APPOINTMENT OF A TRIBUNAL OR APPEAL TRIBUNAL**

22. Where this Code requires appointment of a Tribunal or Appeal Tribunal, the Chair of the Judicial Panel will:
  - 22.1 appoint one or three suitably qualified individuals from the Judicial Panel to sit as the Tribunal or Appeal Tribunal (as appropriate) to hear the matter;
  - 22.2 forward the notice of charge or notice of appeal form (as appropriate) and any supporting documents to the appointed Tribunal or Appeal Tribunal (as appropriate); and
  - 22.3 notify the parties of that appointment.
23. Ordinarily, three individuals will be appointed to sit on a Tribunal or Appeal Tribunal (one of whom will be appointed/designated by the Chair of the Judicial Panel as chair), but in each case the Chair of the Judicial Panel will have the discretion to appoint only one individual to sit as a Tribunal or Appeal Tribunal.
24. If only one individual is appointed to sit as a Tribunal or Appeal Tribunal, that individual will be designated as chair and will have all the powers that a three-member Tribunal or Appeal Tribunal and/or its chair would have.
25. Objections:
  - 25.1 An objection to a member of a Tribunal or Appeal Tribunal must be made within seven days after receipt of notification of that person's appointment (or within a shorter period if so notified by the Chair of the Judicial Panel), and a failure to do so will constitute a waiver of that objection.
  - 25.2 The Chair of the Judicial Panel will promptly hear the other party's or parties' position on the objection, determine the matter, make an appropriate order, and notify the parties of the Chair of the Judicial Panel's decision.
26. If one or more members of a Tribunal or Appeal Tribunal is/are unable or unwilling, for whatever reason, to hear a matter then the Chair of the Judicial Panel may, in the Chair of the Judicial Panel's absolute discretion:
  - 26.1 appoint a replacement(s);
  - 26.2 appoint a new Tribunal or Appeal Tribunal; or
  - 26.3 where applicable and if appropriate, allow the remaining member(s) to hear the matter.
27. Employees of the LTA may be engaged to provide administrative support to the Chair of the Judicial Panel, Tribunals (including the Chairs of the Tribunals) and/or Appeal Tribunals (including the Chairs of the Appeal Tribunals) and, at their/its request, to send notifications and other communications from any of them (on their/its behalf), to the parties to the proceedings.
28. In exceptional circumstances and at the sole discretion of the Disciplinary Officer (or, in any case arising under the Safeguarding Regulations, the Head of Safeguarding), the LTA may, before a case has been finally determined by a Tribunal (or, if an appeal has been made, before the case has been finally determined by an Appeal Tribunal):

- 28.1 request that Sport Resolutions (UK) appoint a Tribunal or Appeal Tribunal (from Judicial Panel members or other impartial persons, as appropriate); and/or
- 28.2 administer the first instance case or appeal otherwise in accordance with the provisions of this Code.

## **PROCEDURE BEFORE A TRIBUNAL OR APPEAL TRIBUNAL (INCLUDING POWER TO REGULATE OWN PROCEDURE)**

29. A disciplinary case will follow the procedure set out in the Disciplinary Regulations, a safeguarding case will follow the procedure set out in the Safeguarding Regulations, and a case involving an appeal against a decision of the LTA under the LTA Regulatory Documents will follow the procedure set out in the Registration Appeal Regulations.
30. Provided that each party is given the opportunity to state their case in full and to challenge or respond to all evidence offered against that party, each Tribunal or Appeal Tribunal has the power to regulate its own procedure, including the power:
  - 30.1 to extend or vary any time limit set out in this Code;
  - 30.2 to make appropriate directions (in advance of the hearing and/or at the start of or during the hearing) with respect to the conduct of proceedings before it, provided always that no directions may be issued that override or conflict with any express provisions of this Code;
  - 30.3 to expedite, adjourn or postpone proceedings as it sees fit;
  - 30.4 to consolidate a matter with any other matter (and/or order concurrent hearings) where the proceedings arise out of the same incident or set of facts, or where there is a clear link between separate incidents;
  - 30.5 if necessary or appropriate, to appoint expert(s) to provide specialist advice (including legal advice) to the Tribunal or Appeal Tribunal itself, and in such case:
    - (a) such experts will not sit as members of the Tribunal or Appeal Tribunal; and
    - (b) (subject to paragraph 34 of the Safeguarding Regulations) the costs of such expert(s) will be regarded as Costs of the Proceedings;
  - 30.6 (subject to paragraphs 29 and 30 of the Safeguarding Regulations) to direct that the case be determined on the papers (i.e. without an in-person hearing), or in whole or part in-person or by video or audio conference call;
  - 30.7 to order a Participant to appear at any hearing, including as a witness;
  - 30.8 to proceed in the absence of a party at a hearing before the Tribunal or Appeal Tribunal, provided that the Tribunal or Appeal Tribunal is satisfied that the party received notice of the hearing (and in such circumstances the Tribunal or Appeal Tribunal will have discretion, where good cause is shown, to consider written submissions by or on behalf of such party and/or to adjourn the proceedings to a date when the party is able to attend);
  - 30.9 (with or without warning and for good cause) to exclude any person from any hearing, or impose any other restriction on the participation of any person; and

30.10 if necessary or appropriate, at the request of the Disciplinary Officer or the Head of Safeguarding, or at its own instigation or otherwise, to amend the charge.

31. For the avoidance of doubt, neither the Judicial Panel, nor a Tribunal or Appeal Tribunal, has the power or authority to impose any substantive (as opposed to procedural) obligation, requirement or sanction on anyone other than the Participant before it and so it does not have such power or authority in relation to the LTA, except with the consent of the LTA (or of the Disciplinary Officer or the Head of Safeguarding on behalf of the LTA).
32. The Chair of the Tribunal or Chair of the Appeal Tribunal will be entitled to determine pre-hearing procedural or evidential issues or disputes without recourse to other members of the Tribunal or Appeal Tribunal, provided always that no such determination may be made that overrides or conflicts with any express provisions of this Code.
33. Each party is entitled (as directed by the Tribunal or Appeal Tribunal) to make submissions, provide evidence, call witnesses and question the other party's witnesses (except that, if a witness is a Protected Individual or the Chair of the Tribunal or the Chair of the Appeal Tribunal so decides (whether before or during the course of the hearing), such questioning must be done by a Legally Qualified representative or through the Chair of the Tribunal or the Chair of the Appeal Tribunal and otherwise the provisions of paragraphs 38 to 42 of this Part A will apply). A charged Participant will not be permitted, under any circumstances, directly to question any Protected Individual. For the avoidance of any doubt, it is the responsibility of the party calling a witness (whom they wish to support their case) to liaise with the proposed witness in question in order to (a) obtain that person's agreement to be a witness, to attend any hearing and to provide evidence, and (b) ensure that the witness is aware of the arrangements for any hearing and that the witness attends.
34. All proceedings will be conducted in English and all evidence provided, whether in written form or orally, must be in English (or officially and independently translated into English at the expense of the party relying on it).
35. An application to, or other correspondence for the attention of, the Chair of the Judicial Panel or a Tribunal (including the Chairs of the Tribunals) or Appeal Tribunal (including the Chairs of the Appeal Tribunals) must be sent to the Disciplinary Officer or Head of Safeguarding or designated LTA administrator for the matter (as appropriate), who will forward the application or correspondence to the intended recipient.
36. Each hearing before a Tribunal or Appeal Tribunal will be held in private. The public and media will have no right to attend.
37. If the Chair of the Tribunal or Chair of the Appeal Tribunal (as appropriate) so orders, or the Disciplinary Officer or Head of Safeguarding (as appropriate) so decides, an audio (but not audio-visual) recording of the hearing may be made by the LTA (and, if necessary and appropriate, transcribed), and the costs thereof (if any) will be Costs of the Proceedings. A Participant is prohibited from recording, attempting to record or permitting to be recorded (by any person other than the LTA), which prohibition includes audio, audio-visual, visual, photographic and any other form of recording, any hearing or proceedings whether in whole or in part(s) and whether in live, moving or still form. Any breach of this prohibition will constitute Misconduct.

*NOTE: No minutes of any hearing before a Tribunal or an Appeal Tribunal will be taken: the written decision of the Tribunal or Appeal Tribunal (as appropriate) will be the appropriate record.*

## **PARTICIPATION OF A PROTECTED INDIVIDUAL IN PROCEEDINGS**

38. The Chair of the Tribunal or Chair of the Appeal Tribunal (as applicable) will, in advance of the hearing, determine and confirm to the parties the manner in which the evidence of any Protected Individual is given (if any), bearing in mind:
  - 38.1 the objective of achieving a fair hearing;
  - 38.2 any possible detriment to the welfare of a Protected Individual from giving evidence; and
  - 38.3 the possible advantages that the evidence will bring to determine the truth of the matters at hand.
39. The Tribunal or the Appeal Tribunal (as applicable) will have special regard to and always take into account the risk of harm that giving evidence may do to Protected Individuals and how to minimise that harm. The possibility of the Protected Individual giving answers to questions on an occasion distinct from the hearing will be considered.
40. In having regard to the above risk of possible harm, the Tribunal or Appeal Tribunal will have regard to the following considerations:
  - 40.1 the Protected Individual's wishes and feelings, particularly the Protected Individual's willingness to give evidence (an unwilling Protected Individual should rarely, if ever, be obliged to give evidence), and the wishes and views of any parent or carer of the Protected Individual;
  - 40.2 the Protected Individual's characteristics, needs and abilities, including the Protected Individual's maturity, vulnerability, level of understanding, capacity and competence;
  - 40.3 the quality and importance of the Protected Individual's evidence;
  - 40.4 the issues that need to be determined, and the nature and gravity of those issues;
  - 40.5 the source of any allegations, and whether the case depends on the Protected Individual's allegations alone;
  - 40.6 the quality and reliability of the existing evidence;
  - 40.7 the level of support the Protected Individual has available to them;
  - 40.8 the length of time since the events in question;
  - 40.9 the nature of any challenge a party wishes to make;
  - 40.10 the right to challenge evidence;
  - 40.11 whether justice can be done without further questioning of the Protected Individual;
  - 40.12 the risk of delay to the proceedings and the effect of such delay on the Protected Individual and/or the charged Participant;
  - 40.13 whether the Protected Individual has given evidence in another forum, the manner in which such evidence was given and the availability of that evidence; and
  - 40.14 any other matter that the Tribunal or Appeal Tribunal (as applicable) considers relevant.

41. If the Tribunal or Appeal Tribunal (as applicable) determines that a Protected Individual should give evidence at a Tribunal or an Appeal Tribunal hearing and be questioned, the Tribunal or Appeal Tribunal (as applicable) will take appropriate steps to improve the quality of the Protected Individual's evidence and minimise the risk of harm to the Protected Individual. A charged Participant will not be permitted, under any circumstances, directly to question any Protected Individual.
42. At the earliest opportunity and in any event before the hearing at which the Protected Individual's evidence is taken, the following matters must be considered:
  - 42.1 if 'live' questioning is appropriate, the need for and use of a registered intermediary or other communication specialist to facilitate the communication of others with the Protected Individual or relay questions directly;
  - 42.2 the use of other 'special measures', such as live video link and screens;
  - 42.3 advance approval by the Tribunal or Appeal Tribunal (as applicable) of any questions proposed to be put to the Protected Individual;
  - 42.4 the need for 'ground rules' to be discussed ahead of time by the Tribunal or Appeal Tribunal (as applicable), the parties, and any intermediary, about the questioning of a Protected Individual;
  - 42.5 the need for breaks in the Protected Individual's evidence;
  - 42.6 the involvement and identity of a supporter for the Protected Individual;
  - 42.7 the length of any interview recording, the best time for the Protected Individual and Tribunal or Appeal Tribunal (as applicable) to view it (consideration will be given to the fact that the best time for the Protected Individual might not be when the recording is viewed by the Tribunal or Appeal Tribunal);
  - 42.8 admissions of as much of the Protected Individual's evidence as possible in advance, e.g., as to locations, dates, times, relating to any fact in dispute;
  - 42.9 except in exceptional circumstances, agreement as to (a) the proper form and limit of questioning, and (b) the identity of the questioner;
  - 42.10a familiarisation visit by the Protected Individual to any venue at which a hearing will be held with a demonstration of special measures, so that the Protected Individual can make an informed decision about their use; and
  - 42.11 any other steps that the Tribunal or Appeal Tribunal (as applicable) considers relevant.

## **DEVIATION FROM CODE OR NO CODE PROVISION**

43. A deviation from any provision of this Code (whether by the LTA, the Disciplinary Officer, an LTA employee involved in the administration of proceedings in accordance with this Code, a Tribunal or Appeal Tribunal, and/or a member of a Tribunal or Appeal Tribunal) and/or any irregularity, omission, technicality or other defect in the procedures followed by such persons will not invalidate any finding, procedure or decision unless it is shown to render the proceedings unreliable or to prejudice seriously and irredeemably the position of the Participant involved.
44. Where an issue arises that is not expressly addressed in this Code, the interpretation and application referred to in paragraph 8 of this Part A will take precedence over any strict legal

or technical interpretation or application that may otherwise be proposed. In the event of any provision of this Code being determined to be void, unlawful and/or unenforceable, the remaining provisions of this Code will remain in full force and effect, with any modifications as may be necessary to give effect to them.

45. In the event that a particular incident takes place for which there is no provision in this Code, the Disciplinary Officer or Head of Safeguarding (as appropriate) may either refer the matter to a Tribunal, an Appeal Tribunal or the Chair of the Judicial Panel, or take such other action that they consider appropriate in the circumstances. If the Disciplinary Officer or Head of Safeguarding (as appropriate) refers the matter to a Tribunal, an Appeal Tribunal or the Chair of the Judicial Panel, it/they will deal with the matter in accordance with general principles of natural justice and fairness.

## **REPRESENTATION**

46. Each party is entitled to be represented (at that party's own cost) throughout the investigation, charging (or equivalent) process, proceedings and/or at the hearing by legal and/or other representatives (although a representative may not also act as a witness in the proceedings and/or at the hearing, except in respect of purely administrative matters), declaring that:

46.1 Except with the express permission of the Tribunal or Appeal Tribunal, only one representative may represent and speak on behalf of a charged Participant at a hearing before any Tribunal or Appeal Tribunal.

46.2 A charged Participant may, in addition to their/its representative, have present at the hearing one supporter, who will not be permitted to participate in the hearing.

46.3 Where a Protected Individual is involved in proceedings, the Protected Individual may (in addition to any representative, if the Protected Individual is otherwise entitled to and has one) have present at the hearing one supporter who will not be permitted to participate in the hearing (see paragraph 42.6 of this Part A).

46.4 For the avoidance of any doubt, the LTA will (and may) not be obliged to provide or pay for representation (legal or otherwise) for any other party.

## **FAILURE TO COMPLY WITH DIRECTIONS**

47. If a party has failed or refused to act in accordance with the directions applicable to the proceedings, the Tribunal or Appeal Tribunal will, as a preliminary issue at the hearing, give that party the opportunity to make submissions in relation to that failure or refusal.

48. The Tribunal or Appeal Tribunal will determine the consequences of that failure or refusal, which may include:

48.1 a fine;

48.2 an order relating to costs;

48.3 a refusal to allow evidence to be given, presented or considered and/or submissions made; and/or

48.4 an order that a charge be dismissed or a defence or submission struck out.



## EVIDENCE AND DISCLOSURE

49. Evidence not submitted by an applicable deadline will not ordinarily be accepted for consideration by the Tribunal or Appeal Tribunal unless the Tribunal or Appeal Tribunal is satisfied that there was a reasonable excuse for the failure to meet the deadline.
50. Each Tribunal or Appeal Tribunal has the power:
- 50.1 to determine whether and in what form to receive evidence from witnesses, including any reasonable adjustments required in order to allow them to do so. In particular, if evidence is to be given by a Protected Individual, the Tribunal or Appeal Tribunal will bear in mind the provisions of paragraph 33 and paragraphs 38 to 42 of this Part A;
  - 50.2 to ask questions directly of any party or witness to any proceeding before the Tribunal or Appeal Tribunal (and if necessary recall any witness for this purpose);
  - 50.3 to receive such evidence as it considers relevant and to attach such weight to that evidence as it sees fit in all the circumstances (i.e. it will not be bound to apply formal rules of evidence and will not be bound by any enactment or rule of law relating to the admissibility of evidence in proceedings before a court of law);
  - 50.4 to accept any facts established by a decision of a court, arbitral tribunal or professional disciplinary tribunal of competent jurisdiction, that is not the subject of a pending appeal, as irrebuttable evidence against the party to whom the decision relates, unless that party establishes to the satisfaction of the Tribunal or Appeal Tribunal that the decision violated the principles of natural justice;
  - 50.5 to accept any admitted facts established by a police caution, reprimand, final warning, or community resolution as irrebuttable evidence against the party to whom it relates;
  - 50.6 to draw an adverse inference against any person who:
    - (a) refuses or fails to comply with a request for information or documentation made by the LTA, a Tribunal, or an Appeal Tribunal, in accordance with any relevant provision of this Code;
    - (b) refuses or fails to provide any necessary consent, approval or authorisation for the release of information or a record from an appropriate body or authority (including law enforcement agencies, statutory bodies and local authorities) to the LTA as requested by the LTA;
    - (c) refuses or fails to appear at a hearing following a request made a reasonable time in advance; and/or
    - (d) refuses or fails to answer one or more question(s) during interview and/or at any hearing.
51. During proceedings before an Appeal Tribunal:
- 51.1 the appellant may not, without the express written consent of the Appeal Tribunal, advance any ground of challenge that was not specified in the notice of appeal filed in accordance with paragraph 62 of this Part A; and
  - 51.2 the Appeal Tribunal will not consider evidence not offered at first instance unless the party offering the evidence shows that it was not, on reasonable enquiry, available at the time of the first instance proceedings.

51.A. For the avoidance of doubt (and without prejudice to paragraphs 50 to 54 of the Safeguarding Regulations):

51.A.1. should the LTA obtain documentation or information during the course of any investigation (or otherwise hold any documentation or information) that is not relevant and/or not material to the allegations made against the particular Participant, the LTA will not be obliged to disclose it;

51.A.2. the LTA has no duty to seek out any documentation, information or other potential evidence (including CCTV) which may assist the case of a Participant (against whom allegations have been made);

51.A.3. (notwithstanding and without prejudice to paragraph 51.A.2. and in exceptional circumstances only after having made a request to the LTA which has been refused) a charged Participant may apply to the relevant Tribunal (if appointed) or the Chair of the Judicial Panel with specific details of identified documentation, information or other potential evidence which the charged Participant is able to demonstrate (to the satisfaction of the Tribunal, if appointed, or the Chair of the Judicial Panel, in each case on the balance of probabilities):

- (i) exists, including who holds it;
- (ii) would be likely materially to assist the charged Participant's case in relation to the charges set out in the notice of charge;
- (iii) is not possible to be obtained directly by the charged Participant and, where applicable, the charged Participant demonstrates that they have taken reasonable steps to obtain it;
- (iv) would be capable of (and likely to be) provided to the LTA (at no cost to the LTA) should the LTA request it and the LTA has not previously made any request for same (whether or not any response to such request has been received by the LTA); AND
- (v) that there are exceptional circumstances in the particular case which support the granting of a direction for the LTA to make a request for the identified documentation, information or other potential evidence.

Prior to considering any such application, the Tribunal (if appointed) or the Chair of the Judicial Panel will allow the LTA to submit written representations and/or to be heard on the application.

## **BURDEN AND STANDARD OF PROOF**

52. The burden will be on the Disciplinary Officer to prove the Misconduct charge, or the Head of Safeguarding to prove the relevant Prohibited Conduct, on the balance of probabilities. In making any decision or determination on any matter, the Tribunal or Appeal Tribunal will require to be satisfied on the balance of probabilities.

53. For any party that seeks to rebut a presumption or establish specified facts or circumstances, the burden will be on that party to prove that rebuttal or the existence of those facts and circumstances on the balance of probabilities.

54. On appeal:
- 54.1 In any case of Misconduct, if an appeal is heard *de novo*, the burden will be on the Disciplinary Officer to prove the Misconduct charge on the balance of probabilities;
  - 54.2 In any safeguarding case, if an appeal is heard *de novo*, the burden will be on the Head of Safeguarding to prove the Prohibited Conduct on the balance of probabilities;
  - 54.3 If an appeal is not heard *de novo*, the burden will be on the appellant to prove the decision being challenged:
    - (a) was in error based on one or more of the grounds referred to in paragraph 63 of this Part A (but subject always to paragraph 51 of this Part A); and
    - (b) should be overturned or varied.

## DECISIONS

55. Decision-making:
- 55.1 The deliberations of a Tribunal or Appeal Tribunal will be in private.
  - 55.2 The decision of a Tribunal or Appeal Tribunal will be made by simple majority.
  - 55.3 Where a Tribunal or Appeal Tribunal has an even number of members and the members are unable to come to a unanimous or majority decision, the Chair of the Tribunal or Chair of the Appeal Tribunal will have a casting vote.
  - 55.4 No member of a Tribunal or Appeal Tribunal may abstain from a decision (or part of a decision).
56. Ordinarily within 14 days after the conclusion of the hearing, the Tribunal or Appeal Tribunal will provide to the parties its written decision, which will ordinarily contain:
- 56.1 details of the charge(s) and/or allegation(s) considered, and whether it/they are admitted or denied;
  - 56.2 a summary of the relevant evidence heard;
  - 56.3 the findings made by the Tribunal or Appeal Tribunal;
  - 56.4 the Tribunal or Appeal Tribunal's decision whether or not to uphold the charge/appeal;
  - 56.5 the sanction and/or other order (if any) imposed;
  - 56.6 the reasons for the Tribunal or Appeal Tribunal's decision to uphold or dismiss the charge/appeal; and
  - 56.7 if applicable, the reasons for the Tribunal or Appeal Tribunal's decision to impose a sanction and/or other order.
57. The Chair of the Tribunal or the Chair of the Appeal Tribunal will send the decision to the parties subject to the proceedings and, unless stated otherwise or unless the Tribunal or Appeal Tribunal's decision was provided orally at the hearing and so has already taken effect, it will take effect immediately.

58. Any party may apply to the relevant Tribunal or Appeal Tribunal to clarify or remove any ambiguity in its decision regarding the nature, scope and extent of any part of any sanction imposed (but not, for the avoidance of doubt, regarding any other aspect of the decision). Such an application must be notified to the other parties, and the Tribunal or Appeal Tribunal will provide those other parties with an opportunity to comment on the application before determination of it.
59. If no appeal is filed in accordance with paragraphs 60 to 63 of this Part A, the decision of a Tribunal will be final and binding.

## APPEALS

60. Except where this Code expressly states that there is no right of appeal in respect of decisions in particular types of cases, the final substantive decision of a Disciplinary Tribunal or a Safeguarding Tribunal made under paragraph 56 of this Part A may be appealed by a charged Participant against whom the proceedings were taken in that case, or by LTA. Otherwise, there is no right of appeal against the decision of any Tribunal or Appeal Tribunal and such decision, once given, will be final and binding.

*NOTE: For the avoidance of doubt, if the Tribunal issues separate decisions dealing with liability (whether or not the Code was breached) and sanction (what the appropriate sanction will be for the breach), then the right of appeal is not triggered until the decision on sanction is issued.*

61. Unless otherwise stated in this Code, an appeal may be made against the whole of the decision or against a particular aspect or aspects of the decision. There will be no separate right of appeal from any decisions, directions, orders or determinations made in respect of preliminary or interim matters (other than by way of an appeal of the final, substantive decision in each case).
62. For an appeal to be valid, the appellant must, within 28 days after receipt of the written decision that is to be appealed, file a notice of appeal (on the notice of appeal form issued by the LTA from time to time) with the Chair of the Judicial Panel (where the appellant is not the Disciplinary Officer, c/o the Disciplinary Officer), signed by or on behalf of the appellant. To be valid the notice of appeal must:
  - 62.1 be accompanied by a copy of the decision being appealed;
  - 62.2 where the appellant is not the Disciplinary Officer, be accompanied by the Appeal Fee (or proof of payment of the Appeal Fee, if payment is made by bank transfer);
  - 62.3 specify the name, address and full contact details of the appellant and the other parties to the proceedings (and/or their authorised representatives); and
  - 62.4 specify the aspects of the decision being challenged on appeal, and (subject to paragraph 63 of this Part A) the grounds for such challenge.
63. An appeal against a decision of a Disciplinary Tribunal or a Safeguarding Tribunal may be made only on one or more of the following grounds:
  - 63.1 the decision of the Tribunal was based on an inaccurate representation of the facts or was a decision that could not reasonably have been reached by the Tribunal when faced with the evidence before it; and/or
  - 63.2 there was injustice because of a serious procedural or other irregularity in the proceedings before the Tribunal; and/or

- 63.3 significant and relevant new evidence has come to light that was not available, or could not have become available on the making of reasonable enquiries, before the conclusion of the Tribunal hearing; and/or
- 63.4 the sanction imposed by the Tribunal was grossly disproportionate to the seriousness of the Misconduct committed or (in a case arising under the Safeguarding Regulations) the risk management measure(s) imposed by the Tribunal were grossly disproportionate to the conduct or level of risk involved in the case.
64. A *de novo* hearing will take place in exceptional cases only. Where the appellant demonstrates to the Appeal Tribunal a compelling reason why the appeal ought to be heard *de novo*, or the parties agree that the appeal ought to be heard *de novo*, the appeal will take the form of a re-hearing *de novo* of the issues raised by the case. In all other cases, the appeal will not take the form of a *de novo* hearing but instead will be limited to a consideration of the relevant appeal ground(s).
65. Summary dismissal:
- 65.1 Within 28 days of receipt of the notice of appeal, the Disciplinary Officer or the Head of Safeguarding, as applicable, will provide a copy of the notice of appeal (and accompanying evidence, information and documentation as submitted by the appellant) to the Chair of the Judicial Panel, together with confirmation as to whether or not the LTA considers that all of the conditions set out at paragraph 62 of this Part A have been complied with.
- 65.2 If one or more of the conditions set out at paragraph 62 of this Part A are not complied with (including non-payment of the Appeal Fee), the appeal is invalid and will be summarily dismissed by the Chair of the Judicial Panel, unless the Chair of the Judicial Panel is satisfied that there was a reasonable excuse for the failure to comply with the conditions set out at paragraph 62 of this Part A.
- 65.3 On application by the Disciplinary Officer or the Head of Safeguarding (or at the Chair of the Judicial Panel's (or upon appointment of an Appeal Tribunal in respect of the appeal, the Chair of the Appeal Tribunal's) own instigation), the Chair of the Judicial Panel (or, if applicable, the Chair of the Appeal Tribunal) may strike out an appeal that has no realistic chance of success (including because the appeal, properly interpreted, is not made on any of the permitted grounds of appeal at paragraph 63 of this Part A).
- 65.4 If an appeal is dismissed or struck out in accordance with this paragraph 65, then the appellant will be notified accordingly by the Chair of the Judicial Panel (or, as applicable, the Chair of the Appeal Tribunal) and the decision being challenged will be deemed to be final and binding. There will be no right of appeal against the decision to dismiss or strike out.
- 65.5 If the appeal is not summarily dismissed or struck out in accordance with this paragraph 65, then both parties will be notified accordingly by the Chair of the Judicial Panel (or, as applicable, the Chair of the Appeal Tribunal).
66. If a valid appeal is made:
- 66.1 all fines, compensation or orders relating to costs (including any Costs Order) made by the Tribunal will be put on hold pending determination of the appeal (and if the Appeal Tribunal does not in its decision set aside or vary such fine, compensation or order relating to costs (including any Costs Order), the fine, compensation or costs will be payable within 30 days after the date of the Appeal Tribunal's decision); and

66.2 all other sanctions imposed by the Tribunal, including suspensions, will remain in full force and effect pending determination of the appeal (for the avoidance of doubt, if the sanction imposed by the Tribunal included a suspension and that has been served in full prior to the time that the appeal is heard, the appellant will be eligible to participate in the Tennis Activities from which they were suspended immediately after the expiry of the suspension even if such expiry is before the appeal has been heard).

## **CASES ARISING UNDER THE COMPETITION REGULATIONS**

67. The Disciplinary Officer and Disciplinary Tribunals have certain powers and authorities delegated to them in accordance with the Competition Regulations. A challenge brought under the Competition Regulations (including a challenge against the imposition of points for a code violation and/or the imposition of withdrawal points, but excluding a Misconduct case) that is not upheld by the Disciplinary Officer (as provided for in the Competition Regulations) will be determined:

67.1 by a Disciplinary Tribunal appointed in accordance with paragraphs 22 to 26 of this Part A; and

67.2 otherwise in accordance with Part A of this Code, except that:

(a) there will be no right of appeal from the Disciplinary Tribunal's decision; and

(b) the matter will be determined based only on written submissions (i.e. without an in-person hearing).

## **PUBLICATION, DISCLOSURE AND CONFIDENTIALITY**

68. Except only as expressly referred to in paragraphs 69, 70, 71 and 72 of this Part A:

68.1 unless and until a written decision (or summary of it) is published by the LTA (so as to be accessible to the public), all parties and Participants and other persons involved in the proceedings will treat the existence of such proceedings as confidential; and

68.2 all oral or written representations, submissions, evidence and documents made/provided during the course of any proceedings in accordance with this Code are confidential as between the LTA and the person(s) involved.

69. Prior to a hearing, the LTA:

69.1 is entitled to issue press releases and make comments (identifying, for example, the parties involved, the nature of the case, any provisional suspension imposed, as well as the time, date and venue for the hearing); and

69.2 will not ordinarily comment publicly on the specific facts of a pending case but will be entitled to do so, including in response to public comments attributed to a party or a party's representative(s) and that will be without prejudice to any other action that may be taken by the LTA, including in terms of paragraph 73 of this Part A.

70. Following a hearing, the LTA is entitled, at its discretion, to:

70.1 unless the relevant Tribunal or Appeal Tribunal expressly orders otherwise in respect of its particular written decision, publish (in the press, media, on a web site and/or in any other manner considered appropriate) the written decision of any Tribunal or Appeal

Tribunal (and/or a summary of it and/or of the sanction) after the relevant decision has been communicated to the parties; and

70.2 issue press releases and otherwise comment on the case.

71. At any time, the LTA is entitled, at its discretion, to disclose to the Board, the Council or third parties (including any relevant Member(s), Registered Organisation(s), complainant(s), other interested or affected persons, local authorities, other sports governing bodies, statutory bodies, the Disclosure and Barring Service, Disclosure Scotland, and law enforcement agencies) information and/or materials regarding provisional suspensions, investigations, proceedings, sanctions or other matters in terms of and/or in relation to the application of this Code (including a decision of a Tribunal and/or Appeal Tribunal) as necessary and/or appropriate, including in order to:

71.1 notify the third party of any such decision and/or sanction;

71.2 enforce any such decision and/or sanction;

71.3 protect the integrity of the Game; and/or

71.4 protect the safety and/or wellbeing of a Participant or other person.

72. The LTA will have the right to use and rely on any representations, submissions, evidence and documents that are provided to it during the course of an investigation or other proceedings in accordance with this Code for the purpose of carrying out its regulatory functions and monitoring and implementing compliance with this Code, the LTA Regulatory Documents and the LTA Governing Documents.

73. A breach by a Participant of the publication, disclosure and confidentiality obligations in this Part A will constitute Misconduct.

74. Each Member and Registered Organisation will (if so requested by the Disciplinary Officer, Head of Safeguarding or Anti-Doping Officer) send to the requester (or their nominee) a complete and certified list (as at a stated date and covering a stated period) of such details (including as to outcome or sanction) as are reasonably requested in respect of any Misconduct, Prohibited Conduct or equivalent matter reported to it (including any alleged discrimination and the form of discrimination alleged).

## **RECOGNITION OF SANCTIONS**

75. Each Member and Registered Organisation must comply with, recognise and enforce within its jurisdiction, all decisions made under and/or in accordance with this Code.

76. Without prejudice to paragraphs 69 to 72 of this Part A, if a sanction is imposed on a Participant by a Tribunal or Appeal Tribunal, the LTA will have the right to:

76.1 notify other sports governing bodies, event organisers and/or regulatory bodies of the existence and terms of that sanction; and

76.2 request recognition and/or application of that sanction within the jurisdiction of that entity.

77. If a sanction is imposed on a Participant or other person by a competent court, tribunal or disciplinary body (for example, by another sports governing body, statutory body or law enforcement agency), and the existence and terms of that sanction are notified to the LTA by a relevant entity, the LTA may (at its discretion):

- 77.1 recognise and/or apply that sanction within its jurisdiction; and
- 77.2 take all necessary action to render the sanction effective in relation to the Events and the Game within its jurisdiction.

## **PARALLEL OR OTHER PROCEEDINGS**

- 78. It is acknowledged that conduct prohibited under this Code may also amount to a criminal offence and/or a breach of other applicable laws or regulations. This Code is not intended to replace, but instead to supplement, such laws and regulations, and is therefore to be interpreted and applied without prejudice to the application of such laws and regulations.
- 79. For the avoidance of doubt, this Code is not intended to limit the responsibilities of a Participant under other laws and regulations, and nothing in such other laws and regulations will be capable of limiting a Participant's responsibilities under this Code.
- 80. Subject to a contrary order of any competent court or tribunal, the fact that a Participant is liable to face, or has pending, any other proceedings (whether criminal, civil, disciplinary or regulatory, or public or private in nature) in relation to the same matter will not prevent, restrict or limit the LTA (or the Disciplinary Officer, Head of Safeguarding or Anti-Doping Officer, as applicable) at its discretion from:
  - 80.1 commencing, conducting and/or concluding an investigation and/or any proceedings under this Code;
  - 80.2 seeking to impose or maintain a provisional suspension and/or any other interim measure; and/or
  - 80.3 putting an investigation and/or any proceedings before a Tribunal or Appeal Tribunal on hold, including until such time as it becomes aware that the other proceedings have been concluded and the result has been communicated to the LTA.
- 81. The LTA will not be bound by the decision of any court, tribunal or other person in deciding whether or not to investigate or bring proceedings before a Tribunal or Appeal Tribunal.
- 82. In any case where a Participant is sentenced to imprisonment or custody (in each case, other than on a suspended basis) and imprisoned or sent to custody following a criminal conviction:
  - 82.1 The Participant will be automatically and indefinitely suspended from participating in all aspects of the Game and in all Tennis Activities as from the time of the Participant's imprisonment or custody (which suspension will be without prejudice to any other suspension or sanction to which the Participant is subject pursuant to this Code, i.e. such other suspensions or sanctions will continue to apply separately).
  - 82.2 The Participant may, following release from prison or custody, apply in writing to the Disciplinary Officer to lift the suspension automatically imposed upon the Participant's imprisonment or custody. The Disciplinary Officer will (at their discretion) decide whether to consider the application themselves or to refer the application to the Head of Safeguarding for consideration in accordance with this paragraph 82.
  - 82.3 The Disciplinary Officer or the Head of Safeguarding (as applicable) may request further information from the Participant in respect of the Participant's application for the purposes of considering the application.
  - 82.4 In considering whether to lift the suspension, the Disciplinary Officer or the Head of Safeguarding (as applicable) will take into account (i) the harm or potential harm to the



Game, its integrity and/or the reputation of the LTA, its Members and Registered Organisations, an Event and/or a sponsor or other commercial partner of the LTA as a consequence of the offending and/or allowing the Participant to participate in the Game and/or Tennis Activities, and (ii) any other circumstances that might be relevant to the case at hand (including any investigation which is being or, following release, is to be carried out in relation to the applicant).

- 82.5 The Disciplinary Officer or Head of Safeguarding (as applicable) may (i) lift the suspension in full, (ii) lift the suspension on such terms and conditions (if any) as the Disciplinary Officer or Head of Safeguarding (as applicable) deems appropriate (which may include immediately replacing it with a provisional suspension in accordance with paragraphs 17 to 21 of the Disciplinary Regulations or paragraphs 16 to 21 of the Safeguarding Regulations), or (iii) decline to lift the suspension.
- 82.6 A Participant may appeal the decision of the Disciplinary Officer or the Head of Safeguarding (as applicable) to the Chair of the Judicial Panel. Any such appeal must be made in writing within 28 days after receipt of the decision of the Disciplinary Officer or Head of Safeguarding (as applicable) or, where the suspension is lifted and replaced with a provisional suspension under the Disciplinary Regulations or Safeguarding Regulations, the appeal provisions for provisional suspensions in the Disciplinary Regulations or Safeguarding Regulations (as applicable) will apply instead.
- 82.7 The Chair of the Judicial Panel will issue such directions as the Chair of the Judicial Panel considers appropriate to determine the appeal, which may (but need not) include referring the matter to be dealt with under the Disciplinary Regulations or the Safeguarding Regulations.
- 82.8 This paragraph 82 will apply to any person who either (a) is a Participant upon imprisonment or being sent to custody following a criminal conviction or (b) becomes (or seeks to become) a Participant following their release from prison or custody following a criminal conviction where that conviction was for any offence against another person (including any violent or sexual offence) or for any offence involving dishonesty or breach of trust.

## NOTICES

83. A notice or communication required to be given under this Code must be given in writing and sent by courier, registered or first class post, or email.
- 83.1 A notice or communication to the LTA (or the Disciplinary Officer, Head of Safeguarding or Anti-Doping Officer) will be treated as served when it is delivered to the office of the LTA's secretariat (National Tennis Centre, 100 Priory Lane, Roehampton, London, SW15 5JQ, marked for the attention of the Disciplinary Officer, Head of Safeguarding or Anti-Doping Officer) or to [LegalServicesTeam@lta.org.uk](mailto:LegalServicesTeam@lta.org.uk).
- 83.2 A notice or communication to a party other than the LTA (or the Disciplinary Officer, Head of Safeguarding or Anti-Doping Officer) will be treated as served by delivery to the party at the address/email address (as appropriate) last notified to the LTA or last used by that party to contact the LTA. For the avoidance of any doubt, the LTA will be entitled to rely upon the address/email address detailed on a Participant's LTA account record and use that for any communication to the relevant party. The onus is on a Participant to keep their address/email address details (and other details) up to date in their LTA account record.

### 83.3 Deemed receipt:

- (a) If sent by courier or by registered post, the notice or communication will be deemed to have been given on the second working day after it was sent.
- (b) If sent by first class post, the notice or communication will be deemed to have been given on the third working day after it was sent.
- (c) If sent by email, the notice or communication will be deemed to have been given at the time and date it was sent (unless it was sent after 5:00 pm (UK time) on a working day and before 9:00 am (UK time) on the next working day, or on a weekend or public holiday, in which case the notice or communication will be deemed to have been given at 9:00 am (UK time) on the next working day after it was sent).

83.4 Where the Participant who is to be investigated and/or charged under this Code is under the age of 18 years of age, or was under 18 years of age when the alleged incident(s) occurred, correspondence from the LTA may be copied to the Participant's parent or carer.

## **COSTS**

84. A Tribunal or Appeal Tribunal (as applicable) will have the discretion to order any party subject to the proceedings to pay some or all of the Costs of the Proceedings.
85. A Tribunal or Appeal Tribunal (as applicable) will not ordinarily make a Costs Order without first considering submissions from the parties on the question of costs.
86. A Tribunal or Appeal Tribunal (as applicable) may also make a Costs Order that some or all of such Costs of the Proceedings be paid by some other person(s) that is considered to have acted frivolously and/or in bad faith in the matter, provided that such other person(s) will first be given an opportunity to make submissions (which may be limited to written submissions) as to why such an order should not be made.
87. In exercising the discretion to make a Costs Order:
- 87.1 The Tribunal or Appeal Tribunal (as applicable) must have regard to the LTA's regulatory function and its obligations to bring/defend proceedings, for the good of the LTA and the Game, in accordance with the LTA Governing Documents, the LTA Regulatory Documents and this Code. A Costs Order will not ordinarily be made against the LTA simply because proceedings brought by, or any appeal submitted by, the LTA were not upheld.
- 87.2 The Tribunal or Appeal Tribunal (as applicable) will ordinarily make a Costs Order against the LTA only if it determines that the case was brought frivolously, improperly, dishonestly and/or in bad faith or if the allegation on which the proceedings were based was misconceived, without foundation or actuated by malice or some other improper motive.
88. In any case in which a Tribunal or Appeal Tribunal (as applicable) is asked to make a Costs Order (including any determination as to the specific sums payable), the Tribunal or Appeal Tribunal (as applicable) will be entitled to take into account the parties' conduct at all relevant times.

89. If the Tribunal or Appeal Tribunal (as applicable) does not make a Costs Order, and no other provision of this Code applies, then each of the parties to the proceedings will bear their/its own costs.

## **WAIVER**

90. Each Participant waives any and all claims that the Participant might have against (a) the Chair of the Judicial Panel and any and all individual members of any Tribunal and/or Appeal Tribunal involved at any stage of the proceedings or in hearing cases involving such Participant in any way, and (b) any and all LTA executive staff members involved in any matter and/or proceedings, whether for negligence, breach of contract or otherwise.

NOTE: Such waiver includes, for example, any claim for loss of earnings, or loss of financial or other benefits during any period of suspension (temporary or permanent, whether in name and/or effect) or provisional suspension.

## **DATA**

91. Each Participant acknowledges that the LTA will collect, process, disclose (including to third parties referred to in paragraphs 69 to 72 of this Part A) and use information (including personal information) on and about the Participant and the Participant's activities where it relates to conduct that breaches or potentially breaches any provision of this Code (or, in the safeguarding context, constitutes Prohibited Conduct).
92. Each Participant acknowledges that a full copy of the LTA's privacy policy, setting out full details of the LTA's data processing including Participants' data protection rights, can be found at <https://www.lta.org.uk/about-us/what-we-do/governance-and-structure/policies-and-rules/privacy-policy/>.

# PART B: DISCIPLINARY REGULATIONS

## INTRODUCTION

1. These Disciplinary Regulations explain what will constitute Misconduct and how cases of Misconduct will be dealt with, and should be read alongside the provisions of Part A and the definitions in Part G.
2. On-court or other misconduct in breach of the Competition Regulations will be dealt with by the relevant Official(s) in accordance with the Competition Regulations, but such conduct may also constitute Misconduct and trigger proceedings under these Disciplinary Regulations (see paragraph 5.1).
3. Each Participant:
  - 3.1 is responsible and accountable for their own conduct, and for the conduct of any Relevant Person in connection with the Game and also, where applicable, at Events;
  - 3.2 must conduct themselves, and must procure that any Relevant Person conducts themselves, at all times in accordance with the highest standards of disciplined and sporting behaviour and in the best interests of the Game; and
  - 3.3 must not commit, and must procure that any Relevant Person does not commit, any act(s) of Misconduct.

## MISCONDUCT

4. While it is not possible to draw up a definitive and exhaustive list of types of conduct that may amount to "**Misconduct**" under this Code, each of the following types of behaviour by a Participant is an example of (and constitutes) Misconduct under these Disciplinary Regulations:
  - 4.1 a breach of any LTA Code of Conduct;
  - 4.2 a breach of the Competition Regulations that the Disciplinary Officer considers, in the Disciplinary Officer's sole discretion, to be sufficiently serious to constitute Misconduct;
  - 4.3 a breach of the Anti-Corruption Regulations;
  - 4.4 a breach of the Safeguarding Regulations (only to the extent that the relevant incident(s) and/or conduct has not been sanctioned in accordance with the Safeguarding Regulations);
  - 4.5 a breach of the Anti-Doping Regulations (that is not an Anti-Doping Rule Violation), or a breach of a prohibition against participation and/or a period of ineligibility imposed in accordance with the Anti-Doping Regulations;
  - 4.6 a breach of the Coach Accreditation Regulations;
  - 4.7 a breach of the Official Licensing Regulations;
  - 4.8 a breach of the Venue Registration Regulations;
  - 4.9 a breach of the LTA Governing Documents;

- 4.10 refusal and/or failure to comply with the reasonable directions of the LTA or any Official, or to comply with an order of a Tribunal or Appeal Tribunal that the Participant appear, including as a witness, in accordance with paragraph 30.7 of Part A;
- 4.11 verbal, physical or emotional abuse of any kind, or other violent, threatening, intimidating, harassing or deliberately provocative behaviour, or behaviour which may reasonably be interpreted as intended to offend, insult, humiliate, ridicule or cause harm or fear;
- 4.12 commission of any act and/or the making of any statement (including any statement made online, on social networking platforms or on group chat or messaging applications or sites) that is unlawfully discriminatory by reason of age, disability, gender reassignment, marriage, civil partnership, pregnancy, maternity, race, religion, belief, sex or sexual orientation;
- 4.13 any conduct, behaviour, statement (including any statement made online, on social networking platforms or on group chat or messaging applications or sites) or practice, on or off the court, that:
- (a) is unsporting, including where it may relate to a lack of sporting ability or athletic potential or sporting classification (including wheelchair tennis sport class or sport class status); and/or
  - (b) is insulting, including where it may relate to socio-economic status; and/or
  - (c) is contrary to the integrity of, has an adverse effect on and/or is detrimental to the interests of the Game; and/or
  - (d) brings or has the potential to bring the Game, an Event, another Participant, the LTA and/or a sponsor or other commercial partner of the LTA into disrepute;
- 4.14 a breach of the terms of any suspension imposed by the LTA (including any suspension imposed by a Tribunal or Appeal Tribunal), or breach of any Tribunal or Appeal Tribunal sanctions and/or orders (including a failure to make payment of any fine due to the LTA); and
- 4.15 refusal or failure fully to cooperate with:
- (a) any investigation under this Code; and/or
  - (b) any process under this Code before a Tribunal or Appeal Tribunal.

5. For the avoidance of doubt:

- 5.1 proceedings may be brought against a Participant (and that Participant may be sanctioned) for Misconduct that also constitutes a breach of the Competition Regulations even if that conduct has been the subject of code violation or withdrawal points or otherwise dealt with by the relevant Official(s) in accordance with the Competition Regulations; and
- 5.2 the threshold for Misconduct might be met by multiple instances of the same or different conduct or behaviour that, taken alone, would not reach the threshold to constitute Misconduct but, when considered together, in the absolute discretion of the Disciplinary Officer, would constitute Misconduct.

## REPORTING

6. Each Participant should report to the Disciplinary Officer matters that may constitute Misconduct under these Disciplinary Regulations promptly after becoming aware of such matters.
7. A report under paragraph 6 of these Disciplinary Regulations should be made by the relevant Participant using the reporting form made available by the LTA (whether on its website or otherwise) from time to time.

## INVESTIGATION

8. Subject and without prejudice to paragraph 11 of Part A, the Disciplinary Officer will have full power and authority to consider and investigate all matters that constitute or are capable of constituting Misconduct, whether:
  - 8.1 following a report by a third party of possible Misconduct, which report should ordinarily be made promptly after the conduct in question occurred and in accordance with paragraph 7 of these Disciplinary Regulations;
  - 8.2 on the recommendation of the Board;
  - 8.3 on the recommendation of a Tribunal or Appeal Tribunal;
  - 8.4 at the Disciplinary Officer's own instigation; or
  - 8.5 otherwise prompted.
9. The Disciplinary Officer will have sole discretion to determine whether or not to investigate any matter.
10. In carrying out the Disciplinary Officer's functions under paragraph 8 of these Disciplinary Regulations, the Disciplinary Officer will be entitled to undertake such investigations as the Disciplinary Officer may deem appropriate, including:
  - 10.1 requiring the provision of information, documentation, written statements and/or answers, and other material that the Disciplinary Officer considers relevant; and/or
  - 10.2 requiring attendance at meetings to answer questions in person; and/or
  - 10.3 requiring the provision of relevant login details and passwords and otherwise the facilitation of access by (or on behalf of) the Disciplinary Officer to computers, telephones and/or other communication devices, betting accounts, computer records, telephone records, social media and email accounts; and
  - 10.4 in respect of investigations into any possible Anti-Corruption Offence, requiring the provision of relevant login details and passwords and otherwise the facilitation of access by (or on behalf of) the Disciplinary Officer to bank and building society accounts and similar.

## INVESTIGATION OUTCOMES

11. If a matter is brought to the attention of the Disciplinary Officer and/or the Disciplinary Officer investigates any matter, the Disciplinary Officer will have sole discretion to determine whether or not to take further action and, if so, what action to take, which might include:
  - 11.1 deciding no further action is required and, if appropriate, informing the subject of the report;
  - 11.2 rejecting a report because it does not fall within the authority of the LTA and/or, if appropriate, referring it to another relevant body (such as a Member or Registered Organisation);
  - 11.3 dismissing a report on the grounds that there is not enough evidence to warrant further action being taken and, if appropriate, informing the subject of the report;
  - 11.4 dismissing a report on the grounds that it is vexatious or malicious and, if appropriate, informing the subject of the report;
  - 11.5 referring a report to any authority deemed more appropriate in practice or in law to handle it, including local authorities, other sports governing bodies, statutory bodies and law enforcement agencies;
  - 11.6 referring the matter to be dealt with under the Safeguarding Regulations, Registration Appeal Regulations and/or Anti-Doping Regulations;
  - 11.7 dealing with a report informally by way of advice, information, warning or reprimand because it is not serious enough to warrant the issuing of a Misconduct charge;
  - 11.8 bringing a Misconduct charge if there is a case to answer; and/or
  - 11.9 taking any other action in accordance with this Code.
12. A decision of the Disciplinary Officer (including regarding whether or not to instigate an investigation and, if an investigation is instigated, whether or not to take any action or the nature of the action taken) will be final and will not be subject to appeal by any party.
13. The Disciplinary Officer will not notify or otherwise update or respond to:
  - 13.1 any person who reported a matter to the LTA;
  - 13.2 any person who is the subject of an investigation; or
  - 13.3 any third party,regarding any decisions taken, unless the Disciplinary Officer deems it necessary and/or appropriate.

## COOPERATION

14. Each Participant must, when so requested, cooperate fully and promptly with any investigation (and provide comprehensive, honest and accurate information and responses).

15. A failure or refusal by a Participant to cooperate with such investigations may itself constitute Misconduct under this Code, and will entitle the Disciplinary Officer (and, where relevant, any Tribunal or Appeal Tribunal) to draw adverse inferences from such failure or refusal.
16. It will not be a valid excuse for any Participant who has failed or refused to cooperate to rely on any privilege against self-incrimination. Any such privilege is deemed to have been waived by each Participant.

## **PROVISIONAL SUSPENSION**

17. If the matter is sufficiently serious and urgent, the Disciplinary Officer may, at any time, impose a provisional suspension on a Participant pending investigation or charge and determination of the matter.
  - 17.1 A Participant who is provisionally suspended will be suspended from participating in all aspects of the Game and/or in all Tennis Activities unless the Disciplinary Officer determines in writing to vary the breadth of the provisional suspension and/or to restrict it only to certain aspects and/or activities.
  - 17.2 The provisional suspension will be effective from the date that it is notified to the Participant (unless determined otherwise by the Disciplinary Officer and notified in writing to the Participant).
  - 17.3 The Disciplinary Officer will in their sole discretion periodically review the need for provisional suspension and maintain, vary or withdraw the provisional suspension accordingly.
18. A Participant who is provisionally suspended may apply to the Disciplinary Tribunal (or, if the Disciplinary Tribunal has not been appointed, to the Chair of the Judicial Panel) to lift or vary the provisional suspension on the basis that the matter is not sufficiently serious or urgent enough to justify the imposition of a provisional suspension.
  - 18.1 Such an application must be made in writing in a form specified by the LTA and submitted to the Disciplinary Officer.
  - 18.2 If the Disciplinary Officer does not (in their sole discretion) agree to lift or vary the provisional suspension in the terms requested by the Participant in question, the Disciplinary Officer will forward the application to the Disciplinary Tribunal (or Chair of the Judicial Panel).
  - 18.3 The Disciplinary Tribunal (or the Chair of the Judicial Panel) will promptly hear the LTA's position on the application, determine the application, make an appropriate order, and notify the parties of its decision (ordinarily all within 14 days from the date the application is made by the Participant).
  - 18.4 The Disciplinary Tribunal (or Chair of the Judicial Panel) may lift the provisional suspension, or impose an indefinite provisional suspension, or impose a limited period of provisional suspension defined by reference to dates or to the occurrence of some other event (for example, 28 days after judgment has been passed down in related criminal proceedings). The Disciplinary Tribunal (or Chair of the Judicial Panel) may also vary the provisional suspension.
  - 18.5 There will be no appeal from the Disciplinary Tribunal's (or the Chair of the Judicial Panel's) decision in relation to the provisional suspension.



19. Alternatively, a Participant may at any time notify the Disciplinary Officer in writing that that Participant accepts a voluntary provisional suspension pending determination of the matter.
20. No admission may be inferred, or other adverse inference drawn, from a Participant's failure to challenge a provisional suspension imposed under paragraph 17 of these Disciplinary Regulations or a party's acceptance of a voluntary provisional suspension under paragraph 19 of these Disciplinary Regulations.
21. A period of provisional suspension fully served (whether voluntarily or otherwise) will be credited against any period of suspension that may subsequently be imposed on the party.

## **CHARGE AND PRELIMINARY RESPONSE**

22. If, as a result of an investigation carried out under this Code, the Disciplinary Officer concludes that the Participant under investigation has a case to answer in respect of Misconduct, then the Disciplinary Officer will send a formal notice of disciplinary charge to that Participant. The notice of charge will ordinarily:
  - 22.1 set out the charge(s) against the Participant, including the provision(s) and/or regulation(s) alleged to have been breached and attach copies of the evidence, information and/or documentation to be relied on; and
  - 22.2 require a response from the Participant within 21 days (or within a shorter period in the sole discretion of the Disciplinary Officer).
23. The charged Participant must:
  - 23.1 admit the charge and (if a sanction is proposed by the LTA in the notice of charge) accept the proposed sanction, in which case the process at paragraph 25 of these Disciplinary Regulations will be followed; or
  - 23.2 admit the charge but:
    - (a) (if a sanction is proposed by the LTA in the notice of charge) not accept the sanction proposed by the LTA; and
    - (b) (whether or not any sanction is proposed by the LTA in the notice of charge) provide written submissions on the appropriate sanction for the Misconduct, including any aggravating and/or mitigating factors; and referring to (and attaching) any supporting evidence,  
  
in which case the matter will be forwarded to the Judicial Panel to determine the applicable sanction, in accordance with paragraphs 26 to 36 of these Disciplinary Regulations; or
  - 23.3 deny the charge (in whole or in part), and:
    - (a) provide written submissions setting out why the Misconduct charge(s) should not be upheld; and
    - (b) refer to (and attach) any and all supporting evidence, information and/or documentation that the charged Participant wishes to rely on, including a written witness statement from any fact or expert witness whom the charged Participant wishes to call to give evidence at the hearing,

in which case the matter will be forwarded to the Judicial Panel to determine the charge and (if the charge is upheld) the applicable sanction, in accordance with paragraphs 26 to 36 of these Disciplinary Regulations.

24. If the charged Participant fails or refuses to respond to the notice of charge by the stipulated deadline, or by any extended timeline that the Disciplinary Officer may, at the Disciplinary Officer's sole discretion, deem appropriate and has notified to the charged Participant, the Disciplinary Officer will presume the charge is admitted and that the charged Participant does not wish to make any submissions or provide any evidence, and forward the matter to the Chair of the Judicial Panel for a Disciplinary Tribunal to determine the charge and (if the charge is upheld) the applicable sanction, in accordance with paragraphs 26 to 36 of these Disciplinary Regulations.
25. Resolution of cases without a hearing:
  - 25.1 In the notice of charge, or at any other time prior to final determination of the charge by a Disciplinary Tribunal (or, if appealed, at any time prior to final determination of that appeal by a Disciplinary Appeal Tribunal), the LTA may invite the charged Participant to admit the Misconduct charged and agree to a specified sanction. Any invitation to a charged Participant to accept a proposed sanction may be issued by the Disciplinary Officer.
  - 25.2 If such an invitation is made, and is accepted by the charged Participant, a hearing before the Judicial Panel will not be required. Instead the LTA will promptly issue a written decision that records the agreement reached, including the applicable sanction.
  - 25.3 A charged Participant who agrees to resolve proceedings in accordance with this paragraph 25 of these Disciplinary Regulations will waive their right to appeal against or otherwise challenge any aspect of the decision, whether in terms of paragraph 37 of these Disciplinary Regulations or otherwise.

## **APPOINTMENT OF THE DISCIPLINARY TRIBUNAL**

26. The Chair of the Judicial Panel will, at the request of the Disciplinary Officer, appoint a Disciplinary Tribunal to hear the matter in accordance with paragraphs 22 to 26 of Part A. Each of the parties will have a right to object to the composition of the Disciplinary Tribunal in accordance with paragraph 25 of Part A.

## **PRE-HEARING PROCEDURE**

27. Notwithstanding the Disciplinary Tribunal's broad powers at paragraph 30 of Part A, ordinarily cases will proceed as follows:
  - 27.1 Where the Disciplinary Tribunal considers it appropriate to issue directions (at any time) in advance of the hearing, the Disciplinary Tribunal will send a written notice to the parties subject to the proceedings notifying the parties of any directions governing the conduct of the proceedings and/or requiring the provision of further submissions, information and/or documentation (which directions may be directed to only one party if appropriate and which directions either party may, if necessary, apply to the Disciplinary Tribunal to be varied at the discretion of the Disciplinary Tribunal).
  - 27.2 Within 14 days after the deadline for the response to the charge by the charged Participant in terms of paragraph 22.2 of these Disciplinary Regulations (whether or not any response from the charged Participant is received), the Disciplinary Officer will prepare and circulate to the members of the Disciplinary Tribunal and the charged

Participant an electronic hearing bundle (and, if printing facilities are (at the relevant time) readily available to the Disciplinary Officer and if directed by the Chair of the Disciplinary Tribunal to do so, a hard copy hearing bundle) containing a copy of:

- (a) the notice of charge and accompanying evidence, information and documentation sent to the charged Participant; and
- (b) all (if any) written submissions, evidence, information and documentation submitted by the charged Participant in response to the request as described in paragraph 23 of these Disciplinary Regulations.

27.3 Ordinarily within 14 days after receipt of the electronic hearing bundle, the Chair of the Disciplinary Tribunal will send a written notice to the parties subject to the proceedings:

- (a) notifying them of the date and time of the hearing, which will be no earlier than 21 days after the date of the notice; or
- (b) requesting available dates on which the parties are available for the hearing (and the Chair of the Disciplinary Tribunal will subsequently fix and notify the parties of the date and time of the hearing).

27.4 No later than seven days prior to the hearing, each party will notify the Chair of the Disciplinary Tribunal of the identity of the individuals who will attend the hearing (including any representative, legal or otherwise and any witness whom they wish to call to support their case), and the capacity in which those individuals will attend the hearing. Any individual whose attendance is not so notified will not be permitted to attend the hearing unless the Disciplinary Tribunal determines otherwise and there is a good reason why that individual's attendance could not have been notified by the deadline.

## **HEARING PROCEDURE**

28. Notwithstanding the Disciplinary Tribunal's broad powers at paragraph 30 of Part A, ordinarily hearings will proceed as follows:

28.1 the Chair of the Disciplinary Tribunal will introduce the attendees and outline the procedure to be followed, and address any preliminary issues (including any failure or refusal to comply with directions, in respect of which paragraphs 47 and 48 of Part A will apply);

28.2 if the charge(s) is/are not accepted:

- (a) the Disciplinary Officer (or their representative) will make submissions as to why the charge should be upheld, and may call witnesses (who may be questioned, subject to control by the Chair of the Disciplinary Tribunal and paragraph 33 of Part A and, if the witness is a Protected Individual, also subject to paragraphs 38 to 42 of Part A);
- (b) the charged Participant (or their representative) may make submissions as to why the charge should be dismissed, and may call witnesses (who may be questioned, subject to control by the Chair of the Disciplinary Tribunal and paragraph 33 of Part A and, if the witness is a Protected Individual, also subject to paragraphs 38 to 42 of Part A);
- (c) the Disciplinary Officer (or their representative) may make closing submissions;

- (d) the charged Participant (or their representative) may make closing submissions; and
- (e) the Chair of the Disciplinary Tribunal will adjourn the hearing (and the Disciplinary Tribunal will deliberate in private) and, once the Disciplinary Tribunal has determined whether or not the charge(s) should be upheld, the Chair of the Disciplinary Tribunal will resume the hearing and inform the parties of that decision – such resumption of the hearing may, at the discretion of the Chair of the Disciplinary Tribunal, be either later on the same day or on/at a later date and time as is notified to the parties to the proceedings in writing by the Chair of the Disciplinary Tribunal; and

28.3 if the charge(s) is/are upheld or the charge(s) has/have been admitted in accordance with paragraph 23.2 of these Disciplinary Regulations:

- (a) the Disciplinary Officer (or their representative) will make submissions as to what the appropriate sanction should be, and may call witnesses (who may be questioned, subject to control by the Chair of the Disciplinary Tribunal and paragraph 33 of Part A and, if the witness is a Protected Individual, also subject to paragraphs 38 to 42 of Part A);
- (b) the charged Participant (or their representative) may make submissions as to what the appropriate sanction should be, and may call witnesses (who may be questioned, subject to control by the Chair of the Disciplinary Tribunal and paragraph 33 of Part A and, if the witness is a Protected Individual, also subject to paragraphs 38 to 42 of Part A); and
- (c) the Chair of the Disciplinary Tribunal will either (i) adjourn the hearing to enable the Disciplinary Tribunal to deliberate in private before reconvening the hearing to issue its decision orally (with a written reasoned version of the decision to follow); or (ii) close the hearing to enable the Disciplinary Tribunal to deliberate in private before issuing its decision in writing at a later date.

## **SANCTION**

29. Where a Misconduct charge is upheld, the Disciplinary Tribunal will be entitled to impose any one or more of the following sanctions on the charged Participant as the Disciplinary Tribunal deems appropriate having regard to all of the circumstances of the case:

29.1 a caution, reprimand and/or warning as to future conduct;

29.2 a fine (payable within 30 days after the date the parties are notified of the Disciplinary Tribunal's decision, unless an alternative period is specified);

29.3 a compensation payment to any person affected by the Misconduct (payable within 30 days after the date the parties are notified of the Disciplinary Tribunal's decision, unless an alternative period is specified);

29.4 a suspension for a specified period for each aspect or activity (up to a lifetime) from participating in any one or more (including all) aspect(s) of the Game and/or in any one or more (including all) Tennis Activities; and, if appropriate, an order for review by the Disciplinary Tribunal of the suspension at defined periods or on occurrence of a particular event;

29.5 the imposition of conditions on an accreditation of a coach or on a licence of an Official, whether for a temporary period or permanently;

- 29.6 the revocation or removal of accreditation from a coach or of a licence from an Official, whether for a temporary period or permanently;
  - 29.7 the imposition of conditions, or revocation or removal of, registration from a Registered Organisation or an owner/operator of a club or other venue, whether for a temporary period or permanently;
  - 29.8 a suspension for a specified period (up to a lifetime) from standing for, or holding, office within the LTA (including as a member of the Board, as a Councillor or on any LTA committee or sub-committee) and/or within a Member or Registered Organisation;
  - 29.9 a recommendation to the Board, Council, Member(s) and/or Registered Organisation(s) that the charged Participant be removed from office within the LTA (including as a member of the Board, as a Councillor or on any LTA committee or sub-committee) and/or within a Member or Registered Organisation;
  - 29.10 the forfeiture of any prize money payable to a Player in relation to any one or more Events, which sanction will not be imposed unless specifically requested by the LTA;
  - 29.11 a suspension for a specified period, or termination (in whole or in part), of a Player's funding agreement and/or support from the LTA (including access to the National Tennis Centre) or other benefits available to the Player from the LTA, which sanction will not be imposed unless specifically requested by the LTA;
  - 29.12 a suspension for a specified period (up to a lifetime) of a Player's participation on an LTA programme, on a programme or pathway funded by the LTA (in whole or in part, whether directly or indirectly), in any squad or team, or as a representative of Great Britain, the Channel Islands and/or the Isle of Man, which sanction (in each case) will not be imposed unless specifically requested by the LTA;
  - 29.13 repayment (in whole or in part) of a grant provided by the LTA (or any of its group companies) to a Member or Registered Organisation, which sanction will not be imposed unless specifically requested by the LTA;
  - 29.14 a requirement to undertake appropriate training; and/or
  - 29.15 such other sanction as may be deemed by the Disciplinary Tribunal to be appropriate, and in respect of any Anti-Corruption Offence, the Disciplinary Tribunal will have regard to the sanctions and the guidance and relevant factors set out at paragraphs 12 to 16 of the Anti-Corruption Regulations.
30. When assessing the applicable suspension and/or other sanction, the Disciplinary Tribunal will select the appropriate period and/or other sanction based on the Misconduct and, in doing so, it may (in its sole discretion) take into account factors such as:
- 30.1 the seriousness of the Misconduct;
  - 30.2 the Participant's prior record (if any) in respect of matters covered by this Code (or any predecessor of it) – whether good or poor;
  - 30.3 the existence and timing of an acknowledgement of culpability/wrong-doing;
  - 30.4 the demonstration of genuine remorse by the Participant;

- 30.5 the Participant's youth and/or inexperience;
- 30.6 the impact or effect of the Misconduct on any other person;
- 30.7 the need for a deterrent and to seek to change the future behaviour of the Participant;  
and/or
- 30.8 any other factor(s) that the Disciplinary Tribunal considers relevant and appropriate.
31. If a suspension is imposed for more than one Misconduct charge, the Disciplinary Tribunal will have discretion to order that those periods of suspension run consecutively or concurrently, bearing in mind the need to impose a fair, meaningful and proportionate sanction.
32. Reduced sanction for substantial assistance:
- 32.1 This paragraph 32 will apply only in exceptional cases and where the relevant act(s) of Misconduct by others referred to in paragraph 32.2(a) of these Disciplinary Regulations are considered by the Disciplinary Tribunal to be of the utmost seriousness.
- 32.2 A Disciplinary Tribunal may decide, in its discretion, to reduce the sanction that would otherwise be imposed on a Participant for Misconduct where:
- (a) the Participant concerned provides the LTA with substantial information and/or assistance relating to act(s) of Misconduct by others; and
  - (b) that information and/or assistance results in (or – if the LTA decides not to pursue the matter(s) for whatever reason – would have resulted in) a charge of Misconduct being upheld against those others.
- 32.3 The scope of any such reduction will depend on the type and value of information and/or assistance that is provided to the LTA and the gravity of the Misconduct to which it relates.
- 32.4 Ordinarily, no reduction will be made unless the Disciplinary Tribunal is satisfied that the Participant concerned has fully cooperated with the LTA in respect of the matter (which might include providing written statements and presenting testimony at relevant hearings).
- 32.5 If necessary and/or appropriate, the Disciplinary Tribunal may delay the imposition of the sanction pending an assessment of the information and/or assistance provided and/or impose a sanction with a proviso that the sanction may be subsequently reduced on the assessment of the information and/or assistance provided.
33. Suspension of sanctions:
- 33.1 The Disciplinary Tribunal may order that all or part of any sanction be suspended for a specified period. A suspended sanction may be imposed in addition to any other sanction.
- 33.2 Subject to a relevant Disciplinary Tribunal ordering otherwise, if the Participant is charged with further Misconduct during that specified period and the further Misconduct charge is upheld:
- (a) the suspension of the sanction for the first Misconduct offence will be automatically revoked;

- (b) that previously-suspended sanction will be added to the sanction pronounced for further Misconduct; and
- (c) if both charges result in a period of suspension, those two periods will run consecutively, not concurrently.

34. In any event, unless the Disciplinary Tribunal in its absolute discretion orders otherwise, a party may not participate in any aspect of the Game and/or in any Tennis Activities until any fine, compensation payment and/or order relating to costs (including any Costs Order) imposed by the Disciplinary Tribunal has been paid in full.

## **COSTS**

35. The Disciplinary Tribunal will have the discretion to order any party subject to the proceedings to pay some or all of the Costs of the Proceedings in accordance with paragraphs 84 to 89 of Part A.

## **DECISION**

36. The Disciplinary Tribunal will make and issue its decision in accordance with paragraphs 55 to 57 of Part A.

## **APPEAL**

37. The final substantive written decision of a Disciplinary Tribunal in relation to any charge of Misconduct (whether or not upheld by the Disciplinary Tribunal) may be appealed by a charged Participant against whom the proceedings were taken in that case, or by LTA, all in accordance with paragraphs 60 to 63 of Part A.

## **APPOINTMENT OF THE DISCIPLINARY APPEAL TRIBUNAL**

38. If a valid appeal is made (being one which is not summarily dismissed in terms of paragraph 65 of Part A), the Chair of the Judicial Panel will, at the request of the Disciplinary Officer, appoint a Disciplinary Appeal Tribunal to hear the matter in accordance with paragraphs 22 to 26 of Part A. Each of the parties will have a right to object to the composition of the Disciplinary Appeal Tribunal in accordance with paragraph 25 of Part A.

## **PRE-APPEAL HEARING PROCEDURE**

39. Without prejudice to paragraph 64 of Part A, an appeal that is to be heard *de novo* will follow the same procedure as a first instance case.

40. Notwithstanding the Disciplinary Appeal Tribunal's broad powers at paragraph 30 of Part A, ordinarily appeals (that are not heard *de novo*) will proceed as follows:

40.1 Where the Disciplinary Appeal Tribunal considers it appropriate to issue directions (at any time) in advance of the appeal hearing, the Disciplinary Appeal Tribunal will send a written notice to the parties subject to the proceedings notifying the parties of any directions governing the conduct of the proceedings and/or requiring the provision of further submissions, information and/or documentation (which directions may be directed to one party only if appropriate and which directions either party may, if necessary, apply to the Disciplinary Appeal Tribunal to be varied at the discretion of the Disciplinary Appeal Tribunal).

40.2 Within 14 days after notification to the appellant of the appointment of the members of the Disciplinary Appeal Tribunal, the appellant will provide to the Disciplinary Appeal Tribunal and the respondent:

- (a) a written statement setting out the appellant's submissions on why the appeal should be upheld and any resulting implications (including on sanction and costs); and
- (b) any supporting evidence, information or documentation that the appellant wishes to rely upon, including a written witness statement from any fact or expert witness whom the appellant wishes to call to give evidence at the appeal hearing.

Should the appellant fail to provide the statement referred to in paragraph 40.2(a) of these Disciplinary Regulations, then the appeal will be deemed to have been withdrawn by the appellant as at the expiry of that 14 day period and the appeal process will be terminated, unless the Disciplinary Appeal Tribunal (at its sole discretion) grants an extension which may only be granted where the appellant (i) makes an application for an extension within the said 14 day period and (ii) demonstrates to the Disciplinary Appeal Tribunal good reason for it do so.

40.3 Within 14 days after the deadline set out at paragraph 40.2 of these Disciplinary Regulations (provided that the appeal has not been deemed withdrawn and terminated), the respondent will provide to the Disciplinary Appeal Tribunal and the appellant:

- (a) a written statement setting out respondent's submissions on the appeal and any resulting implications (including on sanction and costs); and
- (b) any supporting evidence, information or documentation that the respondent wishes to rely upon, including a written witness statement from any fact or expert witness whom the respondent wishes to call to give evidence at the appeal hearing.

40.4 Ordinarily within 14 days after the deadline set out at paragraph 40.3 of these Disciplinary Regulations, the Disciplinary Appeal Tribunal will send a written notice to the parties subject to the proceedings:

- (a) notifying them of the date and time of the appeal hearing, which will be no earlier than 21 days after the date of the notice; or
- (b) requesting available dates on which the parties are available for the appeal hearing (and the Chair of the Disciplinary Appeal Tribunal will subsequently fix and notify the parties of the date and time of the appeal hearing).

40.5 No later than 14 days prior to the appeal hearing, the Disciplinary Officer will prepare and circulate to the members of the Disciplinary Appeal Tribunal and the Participant an electronic hearing bundle (and, if printing facilities are (at the relevant time) readily available to the Disciplinary Officer and the Chair of the Disciplinary Appeal Tribunal directs the Disciplinary Officer to do so, a hard copy hearing bundle) containing a copy of:

- (a) the notice of appeal, together with the documentation that accompanied it;
- (b) the decision appealed against;
- (c) the hearing bundle provided to the Disciplinary Tribunal, together with any other written information or documentation provided to the Disciplinary Tribunal;



- (d) the statement and supporting evidence provided by the appellant (if any), in accordance with paragraph 40.2 of these Disciplinary Regulations; and
- (e) the statement and supporting evidence provided by the respondent (if any) to the appeal, in accordance with paragraph 40.3 of these Disciplinary Regulations.

40.6 No later than seven days prior to the appeal hearing, each party will notify the Chair of the Disciplinary Appeal Tribunal of the identity of the individuals who will attend the hearing (including any representative, legal or otherwise, and any witness whom they wish to call to support their case), and the capacity in which those individuals will attend the hearing. Any individual whose attendance is not so notified will not be permitted to attend the appeal hearing unless the Disciplinary Appeal Tribunal determines otherwise and there is a good reason why that individual's attendance could not have been notified by the deadline.

## **APPEAL HEARING PROCEDURE**

41. Notwithstanding the Disciplinary Appeal Tribunal's broad powers set out at paragraph 30 of Part A, ordinarily hearings will proceed as follows:

- 41.1 the Chair of the Disciplinary Appeal Tribunal will introduce the attendees and outline the procedure to be followed, and address any preliminary issues (including any failure or refusal to comply with directions, in respect of which paragraphs 47 and 48 of Part A will apply);
- 41.2 the appellant (or their representative) will make submissions as to why the appeal should be upheld and what the appropriate sanction is (if any), and may call witnesses (who may be questioned, subject to control by the Chair of the Disciplinary Appeal Tribunal and paragraph 33 of Part A and, if the witness is a Protected Individual, also subject to paragraphs 38 to 42 of Part A);
- 41.3 the respondent (or their representative) may make submissions as to why the appeal should be dismissed and what the appropriate sanction is (if any), and may call witnesses (who may be questioned, subject to control by the Chair of the Disciplinary Appeal Tribunal and paragraph 33 of Part A and, if the witness is a Protected Individual, also subject to paragraphs 38 to 42 of Part A);
- 41.4 the appellant (or their representative) may make closing submissions;
- 41.5 the respondent (or their representative) may make closing submissions; and
- 41.6 the Chair of the Disciplinary Appeal Tribunal will either (i) adjourn the hearing to enable the Disciplinary Appeal Tribunal to deliberate in private before reconvening the hearing to issue its decision orally (with a written reasoned version of the decision to follow); or (ii) close the hearing to enable the Disciplinary Appeal Tribunal to deliberate in private before issuing its decision in writing at a later date.

## **SANCTIONS, COSTS AND DECISION ON APPEAL**

42. The Disciplinary Appeal Tribunal may:

- 42.1 allow or dismiss the appeal (in whole or part);

- 42.2 exercise on appeal any power that the Disciplinary Tribunal could have exercised at first instance (and so, for example, uphold or amend the findings of the Disciplinary Tribunal, and/or reverse, amend, increase or decrease any sanction or Costs Order imposed by the Disciplinary Tribunal);
  - 42.3 impose any Costs Order or other order in respect of the appeal proceedings in terms of paragraph 43 of these Disciplinary Regulations;
  - 42.4 remit the matter for re-hearing by the Disciplinary Tribunal; and/or
  - 42.5 take any other step it considers appropriate.
- 43. The Disciplinary Appeal Tribunal will have the discretion to order any party subject to the appeal proceedings to pay some or all of the Costs of the Proceedings before them in accordance with paragraphs 84 to 89 of Part A.
  - 44. The Disciplinary Appeal Tribunal will make and issue its decision in accordance with paragraphs 55 to 57 of Part A.
  - 45. The decision of the Disciplinary Appeal Tribunal will be final and binding and not subject to further appeal.

# PART C: SAFEGUARDING REGULATIONS

## INTRODUCTION

1. The LTA is committed to ensuring the safety and welfare of Protected Individuals. The LTA expects all Participants to share this commitment and maintain appropriate standards and behaviour in their dealings with Protected Individuals.
2. These Safeguarding Regulations establish a framework through which the LTA may consider, investigate and address matters relating to the harm of, or the possibility of harm to, Protected Individuals, and the LTA's regulatory processes relating to such matters, and should be read alongside the provisions of Part A and the definitions in Part G.
3. The core purpose of these Safeguarding Regulations is to ensure the safety and welfare of Protected Individuals. The procedures detailed in these Safeguarding Regulations are intended to be fair, straightforward and tailored to the needs of the Game.
4. These Safeguarding Regulations are to be interpreted and applied by reference to their core purpose of ensuring the safety and welfare of Protected Individuals. Such interpretation and application will take precedence over any strict legal or technical interpretations that may otherwise be proposed. The LTA Safeguarding Policies published by the LTA from time to time may be referred to as interpretive aids.

## PROHIBITED CONDUCT

5. No Participant may:
  - 5.1 engage, or attempt or threaten to engage, in conduct that directly or indirectly harms the physical and/or mental welfare and/or safety of one or more Protected Individuals; or
  - 5.2 pose a risk of harm to the physical and/or mental welfare and/or safety of one or more Protected Individuals,

and any act or omission that would amount to a breach of this paragraph 5 of these Safeguarding Regulations will constitute "**Prohibited Conduct**".

### NOTE:

1. *'Harm' is not a narrow concept and can mean different things in different contexts - reference should be made to the explanations of abuse and neglect set out in the LTA Safeguarding Policies, which also set out examples of conduct that may result in harm.*
2. *It is not necessary for conduct to take place, or the risk of harm to arise, in the context of activities within the Game. For example, in the event that a Participant has at any time been convicted or cautioned for, or charged with, any offence that concerns harm to children or adults at risk (whether or not those individuals participate in the Game, and whether or not any conviction or caution has been 'spent'), that may form the basis of action under these Safeguarding Regulations as a result of that Participant posing a risk of harm.*
3. *The LTA recognises that, as in many activities, sexual relationships can develop within the Game. However, an adult in a position of trust – meaning where an adult employs, cares for, advises, mentors, supervises or coaches a Protected Individual – must not engage in inappropriate sexual activity with a Protected Individual whom they employ, care for, etc (including not grooming a Protected Individual for sexual activity when that person no longer qualifies as a Protected Individual). A sexual relationship between an adult in a position of trust and someone over whom the adult has (or had) a position of trust will often be a breach of trust and an abuse of the relevant adult's position. Inappropriate sexual relationships may result in an investigation or proceedings under these Safeguarding Regulations, whether or not the relationship results in the commission of a criminal offence.*

## REPORTING

6. Each Participant must report to the Head of Safeguarding any matters that may constitute Prohibited Conduct under these Safeguarding Regulations as soon as reasonably practicable after becoming aware of such matters.
7. A report under paragraph 6 of these Safeguarding Regulations should be made by the relevant Participant using the concern reporting form made available by the LTA (on its website or otherwise) from time to time.

## INVESTIGATION

8. Subject and without prejudice to paragraph 11 of Part A, the Head of Safeguarding will have full power and authority to consider and investigate all matters that constitute or are capable of constituting Prohibited Conduct, whether:
  - 8.1 following a report of possible Prohibited Conduct (whatever the source of such a report);
  - 8.2 on the recommendation of the Board;
  - 8.3 on the recommendation of a Tribunal or Appeal Tribunal;
  - 8.4 at the Head of Safeguarding's own instigation; or
  - 8.5 otherwise prompted.
9. The Head of Safeguarding will have sole discretion to determine whether or not to investigate any matter.
10. In carrying out the Head of Safeguarding's functions under paragraph 8 of these Safeguarding Regulations, the Head of Safeguarding will be entitled to undertake such investigations as the Head of Safeguarding may deem appropriate, including:
  - 10.1 requiring the provision of information, documentation, written statements and/or answers, and other material that the Head of Safeguarding considers relevant, and/or
  - 10.2 requiring attendance at meetings to answer questions in person, and/or
  - 10.3 requiring the provision of relevant login details and passwords and otherwise the facilitation of access by (or on behalf of) the Head of Safeguarding to computers, telephones and/or other communication devices, computer records, telephone records, social media and email accounts, and/or
  - 10.4 requiring submission to a risk assessment in such form, and conducted by such appropriately qualified person, as the Head of Safeguarding (at the Head of Safeguarding's discretion) considers appropriate (the cost of any such assessment will be borne by the Participant, unless the Head of Safeguarding considers in the circumstances of an individual case that it is more appropriate for the cost to be borne by the LTA).
11. In carrying out investigations under these Safeguarding Regulations, the Head of Safeguarding will have special regard to and will always take account of:

- 11.1 the risk of harm that may be caused to Protected Individuals as a consequence of the investigation, particularly those who might already have been subject to harm as a consequence of Prohibited Conduct; and
- 11.2 how to minimise that risk of harm, balanced against the need to ensure the proper conduct and effectiveness of the investigation.

## **INVESTIGATION OUTCOMES**

12. If a matter is brought to the attention of the Head of Safeguarding and/or the Head of Safeguarding investigates any matter, the Head of Safeguarding will have sole discretion to determine whether or not to take further action and, if so, what action to take, which might include:
  - 12.1 deciding no further action is required and, if appropriate, informing the subject of the report;
  - 12.2 rejecting a report because it does not fall within the authority of the LTA and/or, if appropriate, referring it to another relevant body (such as a Member or Registered Organisation);
  - 12.3 dismissing a report on the grounds that there is not enough evidence to warrant further action being taken and, if appropriate, informing the subject of the report;
  - 12.4 dismissing a report on the grounds that it is vexatious or malicious and, if appropriate, informing the subject of the report;
  - 12.5 referring a report to any authority deemed more appropriate in practice or in law to handle it, including local authorities, other sports governing bodies, statutory bodies and law enforcement agencies;
  - 12.6 referring the matter to be dealt with under the Disciplinary Regulations, Registration Appeal Regulations and/or Anti-Doping Regulations;
  - 12.7 dealing with a report informally by way of advice, information, warning or reprimand because it is not serious enough to warrant a charge of Prohibited Conduct;
  - 12.8 bringing a charge of Prohibited Conduct if there is a case to answer;
  - 12.9 entering into an Agreed Safeguarding Outcome in accordance with paragraph 27 of these Safeguarding Regulations; and/or
  - 12.10 taking any other action in accordance with this Code.

## **COOPERATION**

13. Each Participant must, when so requested, cooperate fully and promptly with any investigation (and provide comprehensive, honest and accurate information and responses).
14. A failure or refusal by a Participant to cooperate with such investigations may itself constitute Misconduct and/or Prohibited Conduct under this Code, and will entitle the Disciplinary Officer and/or the Head of Safeguarding (and, where relevant, any Tribunal or Appeal Tribunal) to draw adverse inferences from such failure or refusal.

15. It will not be a valid excuse for any Participant who has failed or refused to cooperate to rely on any privilege against self-incrimination: any such privilege is deemed to have been waived by each Participant.

## **PROVISIONAL SUSPENSION**

16. At any point in time where the Head of Safeguarding has reasonable cause or ground(s) to suspect that a Participant has engaged in Prohibited Conduct, the Head of Safeguarding may impose a provisional suspension on the Participant.
17. A provisional suspension will be imposed only in such cases where it is considered by the Head of Safeguarding to be reasonable and proportionate, taking into account the core purpose of these Safeguarding Regulations. Prior to imposing a provisional suspension, the Head of Safeguarding will consider the following matters (insofar as each might be relevant to the case at hand):
  - 17.1 whether any Protected Individual (or other person) is or may be at risk of harm;
  - 17.2 the prospect of any charge(s) made (or that might be made) under these Safeguarding Regulations being upheld;
  - 17.3 the seriousness of the conduct alleged to have been committed by the Participant and the risk of harm potentially presented by the Participant;
  - 17.4 whether a provisional suspension is necessary or desirable to allow the conduct of any investigation by the Head of Safeguarding, the police or any other relevant authority to proceed unimpeded; and
  - 17.5 any other circumstances that might be relevant to the case at hand.
18. If a provisional suspension is imposed on a Participant, the Participant will be promptly notified by the Head of Safeguarding. The provisional suspension will be effective from the date that it is notified to the Participant and that notification will:
  - 18.1 set out the reasons why the provisional suspension has been imposed, except to the extent it may be unlawful or impractical to do so for any reason, for example because of prejudice to an investigation or because of the risk of harm to any person;
  - 18.2 detail the scope of the provisional suspension, i.e. which aspect(s) of the Game and/or Tennis Activities the Participant is prohibited from undertaking, and the effect of any provisional suspension on any relevant accreditation or licence held by the Participant; and
  - 18.3 advise that the Participant may apply to have the provisional suspension lifted or varied.
19. The Head of Safeguarding will in their sole discretion periodically review the need for provisional suspension and maintain, vary or withdraw the provisional suspension accordingly.
20. A Participant subject to a provisional suspension may apply to have it lifted or varied.
  - 20.1 Such an application will be made in writing in a form specified by the LTA and submitted to the Head of Safeguarding.
  - 20.2 If the Head of Safeguarding does not (in their sole discretion) agree to lift or vary the provisional suspension in the terms requested by the Participant in question, then the Head of Safeguarding will provide to the Chair of the Judicial Panel (i) the Head of

Safeguarding's notification of the provisional suspension as provided to the Participant pursuant to paragraph 18 of these Safeguarding Regulations, (ii) the Participant's application to lift or vary the Participant's provisional suspension, and (iii) the Head of Safeguarding's response (if any) to the Participant's application. The Head of Safeguarding will provide any response to the Participant's application to the Participant before or at the same time as the response is provided to the Chair of the Judicial Panel.

- 20.3 All applications in relation to provisional suspensions will be determined by the Chair of the Judicial Panel or a member of the Safeguarding Division appointed by the Chair of the Judicial Panel (in either case, acting alone). Further references in this paragraph 20 to the Chair of the Judicial Panel will be interpreted, where relevant, as reference to the appointed member of the Safeguarding Division.
- 20.4 Unless the Chair of the Judicial Panel considers the circumstances of the case to be exceptional, the determination of the Participant's application will be determined on the papers provided by the Head of Safeguarding to the Chair of the Judicial Panel pursuant to paragraph 20.2 of these Safeguarding Regulations. In exceptional cases, the Chair of the Judicial Panel may give such further directions as are necessary to determine the Participant's application. As one example of an exceptional case, where the Head of Safeguarding has withheld the reasons for the provisional suspension in accordance with paragraph 18.1 of these Safeguarding Regulations, further directions may include directions in respect of the exceptional material procedure under paragraphs 50 to 54 of these Safeguarding Regulations (if the Head of Safeguarding seeks to continue to withhold those reasons from the Participant).
- 20.5 A provisional suspension may only be lifted or varied if (or to the extent that) the terms of the provisional suspension are found by the Chair of the Judicial Panel to be unreasonable and/or disproportionate. A provisional suspension will otherwise remain in force pending the final determination of the matter.
- 20.6 In the event that the Chair of the Judicial Panel finds that the terms of the provisional suspension imposed are unreasonable and/or disproportionate, the Chair of the Judicial Panel may lift or vary the provisional suspension on such terms as the Chair of the Judicial Panel considers are reasonable and proportionate.
- 20.7 In the event that the Chair of the Judicial Panel upholds the provisional suspension, the Chair of the Judicial Panel may specify under which circumstances and/or after which date a further application (if any) to lift or vary the provisional suspension may be made by the Participant.
- 20.8 There will be no appeal against the decision of the Chair of the Judicial Panel in relation to the provisional suspension.
21. No admission may be inferred, or adverse inference drawn, from a Participant's failure to challenge a provisional suspension.

## **CHARGE AND RESPONSE**

22. If, as the result of an investigation carried out under these Safeguarding Regulations the Head of Safeguarding concludes that the Participant under investigation has a case to answer in respect of Prohibited Conduct, then the Head of Safeguarding will send a written notice of charge to that Participant. The notice of charge will ordinarily:
- 22.1 confirm that a charge is being issued against the Participant under these Safeguarding Regulations and that the matter may be referred to the Chair of the Judicial Panel for determination by a Safeguarding Tribunal;

- 22.2 subject to paragraphs 50 to 54 of these Safeguarding Regulations, refer to (and attach) any and all supporting evidence, information and/or documentation that the Head of Safeguarding wishes to rely on, including a written witness statement from any fact or expert witness upon which the Head of Safeguarding wishes to rely;
- 22.3 detail the terms and conditions of any provisional suspension (if different from, or not already imposed under, paragraph 16 of these Safeguarding Regulations);
- 22.4 set out the risk management measure(s) that the Head of Safeguarding considers appropriate if the charge is admitted or upheld; and
- 22.5 require the charged Participant's written response to the charge within 14 days (or, where circumstances so warrant, such shorter or longer period as may be specified by the Head of Safeguarding, at the Head of Safeguarding's discretion).
23. A charged Participant must:
- 23.1 admit the charge and accept the proposed risk management measure(s); or
- 23.2 admit the charge but:
- (a) not accept the risk management measure(s) proposed by the Head of Safeguarding; and
- (b) provide written submissions on the appropriate risk management measure(s) and refer to (and attach) any supporting evidence, information and/or documentation that the charged Participant wishes to rely on, including a written witness statement from any fact or expert witness upon which the charged Participant wishes to rely,
- in which case the risk management measure(s) will be determined by a Safeguarding Tribunal, in accordance with paragraphs 29 to 40 of these Safeguarding Regulations; or
- 23.3 deny the charge (in whole or in part), and:
- (a) provide written submissions setting out why the charges should not be upheld; and
- (b) refer to (and attach) any and all supporting evidence, information and/or documentation that the charged Participant wishes to rely on, including a written witness statement from any fact or expert witness upon which the charged Participant wishes to rely,
- in which case the matter will be forwarded to a Safeguarding Tribunal to determine the charge and (if the charge is upheld) the applicable risk management measure(s), in accordance with paragraphs 29 to 40 of these Safeguarding Regulations.
24. If a notice of charge is sent to a Participant who was under the age of 18 years when relevant conduct is alleged to have occurred, the Head of Safeguarding may send a copy of the notice of charge to the charged Participant's parent/carer.
25. Following receipt of a response to a notice of charge under paragraph 23 of these Safeguarding Regulations, where the charged Participant indicates that the Participant wants the matter to be determined by a Safeguarding Tribunal, the Head of Safeguarding will request that the Chair of the Judicial Panel convene a Safeguarding Tribunal to determine the matters set out in the notice of charge.



26. If the charged Participant fails or refuses to respond to the notice of charge by the stipulated deadline, or by any extended timeline that the Head of Safeguarding may, at the Head of Safeguarding's sole discretion, deem appropriate and has notified to the charged Participant, the Head of Safeguarding will presume the charge is admitted and that the charged Participant does not wish to make any submissions or provide any evidence, and forward the matter to the Chair of the Judicial Panel for a Safeguarding Tribunal to determine the charge and (if the charge is upheld) the applicable sanction, in accordance with paragraphs 29 to 40 of these Safeguarding Regulations.

## **AGREED SAFEGUARDING OUTCOMES**

27. Notwithstanding any of the other provisions of these Safeguarding Regulations, at any time prior to the commencement of deliberations by a Safeguarding Tribunal in respect of the alleged Prohibited Conduct for which the Participant is under investigation or which is referred to in the notice of charge, it will be open to a Participant under investigation or charged under these Safeguarding Regulations to admit that that Participant has engaged in Prohibited Conduct, in exchange for an agreement with the Head of Safeguarding on the appropriate risk management measure(s) to be imposed upon that Participant in order to avoid the need for a determination by a Safeguarding Tribunal.
- 27.1 Any such discussions between the Head of Safeguarding and the Participant will take place on a "without prejudice" basis and in such manner that they will not delay or in any other way interfere with an investigation or any proceedings.
- 27.2 Any resulting agreement will be evidenced in writing between the Head of Safeguarding and the Participant (in a form as directed by the Head of Safeguarding) and set out the risk management measure(s) imposed on the Participant ("**Agreed Safeguarding Outcome**").
- 27.3 In reaching the Agreed Safeguarding Outcome, the Head of Safeguarding will have due regard to the range of risk management measures set out at paragraph 35 of these Safeguarding Regulations, but the Head of Safeguarding may agree any risk management measure(s) appropriate to the case at hand.
- 27.4 If an Agreed Safeguarding Outcome is reached, determination by a Safeguarding Tribunal will not be required.
- 27.5 A Participant who agrees to resolve proceedings in accordance with this paragraph 27 of these Safeguarding Regulations will waive their right to appeal against or otherwise challenge any aspect of the Agreed Safeguarding Outcome, whether in terms of paragraphs 41 to 49 of these Safeguarding Regulations or otherwise.

## **APPOINTMENT OF THE SAFEGUARDING TRIBUNAL**

28. The Chair of the Judicial Panel will, at the request of the Head of Safeguarding, appoint a Safeguarding Tribunal to hear and/or determine the matter in accordance with paragraphs 22 to 26 of Part A. Each of the parties will have a right to object to the composition of the Safeguarding Tribunal in accordance with paragraph 25 of Part A.

## **PROCEDURE BEFORE A SAFEGUARDING TRIBUNAL**

29. The decisions of a Safeguarding Tribunal in respect of (a) whether or not a Participant has committed Prohibited Conduct, and (b) appropriate risk management measures (if any), will

ordinarily be reached, without the need for a hearing, on the basis of consideration by the Safeguarding Tribunal of the following material only:

- 29.1 the notice of charge issued in accordance with paragraph 22 of these Safeguarding Regulations, including its supporting evidence, information and/or documentation;
  - 29.2 the response (if any) submitted by the charged Participant in accordance with paragraph 23 of these Safeguarding Regulations, including its supporting evidence, information and/or documentation; and
  - 29.3 any other material that the Safeguarding Tribunal might request and receive from the Head of Safeguarding or the charged Participant, having considered the above material.
30. The Chair of the Safeguarding Tribunal may order that a hearing take place (a) for good cause shown by either the Head of Safeguarding or the charged Participant, or (b) on the Chair of the Safeguarding Tribunal's own initiative. In either case prior to making any such order, the Chair of the Safeguarding Tribunal will canvass submissions from the parties as to whether the Safeguarding Tribunal can fairly determine the matter without a hearing. In the event that the Chair of the Safeguarding Tribunal orders that a hearing is to take place, the Chair of the Safeguarding Tribunal will fix and notify the parties of the date and time of the hearing and paragraphs 31 to 34 of these Safeguarding Regulations will govern the conduct of the hearing.
31. Where it has been determined in accordance with paragraph 30 of these Safeguarding Regulations that a hearing is to take place and subject to the discretion of the Chair of the Safeguarding Tribunal to order otherwise for good cause shown by either party (or unless otherwise agreed between the parties), hearings before a Safeguarding Tribunal will be held in person at the National Tennis Centre, 100 Priory Lane, Roehampton, SW15 5JQ. Where good cause is shown by either party or agreement is reached to the contrary, hearings may be held at another location and the hearing may be conducted remotely or part remotely. Prior to any order being issued under this paragraph 31 of these Safeguarding Regulations on the basis of good cause shown, the Chair of the Safeguarding Tribunal must have canvassed submissions from both parties.
32. Where the Safeguarding Tribunal (or the Chair of the Safeguarding Tribunal) considers it appropriate to issue directions in accordance with paragraph 30.2 of Part A (at any time) in advance of the hearing, the Chair of the Safeguarding Tribunal will send a written notice to the parties subject to the proceedings notifying the parties of any directions governing the conduct of the proceedings and/or requiring the provision of further submissions, information and/or documentation (which directions may be directed to only one party if appropriate and which directions either party may, if necessary, apply to the Chair of the Safeguarding Tribunal to be varied at the discretion of the Safeguarding Tribunal).
33. The procedure to be followed at a hearing will be at the discretion of the Chair of the Safeguarding Tribunal, provided always that the hearing is conducted in a fair manner and in accordance with paragraph 30 of Part A. At the beginning of a hearing the Chair of the Safeguarding Tribunal will explain the order of the proceedings that the Safeguarding Tribunal proposes to adopt (to the extent such order has not been determined in advance of the hearing).
34. In all cases, the Chair of the Safeguarding Tribunal may, in respect of the issue(s) of (a) whether or not a charged Participant has committed Prohibited Conduct, and/or (b) appropriate risk management measures (if any), order that the charged Participant undertake a risk assessment in such form, and conducted by such appropriately qualified person, as the Chair of the Safeguarding Tribunal (at the Chair of the Safeguarding Tribunal's discretion) considers appropriate. The Chair of the Safeguarding Tribunal will issue such an order only exceptionally, where the Safeguarding Tribunal considers, having canvassed submissions from the parties

on the need for a risk assessment, that the conclusions of such a risk assessment are necessary in order fairly to determine the relevant issues. The charged Participant will bear the cost of such a risk assessment, unless the Chair of the Safeguarding Tribunal is satisfied (by means of appropriate evidence) that either the Participant does not have the means to bear such costs or it is otherwise wholly inappropriate for the Participant to bear the costs, in which case (following receipt of the Chair of the Safeguarding Tribunal's reasons) they will be borne by the LTA.

## **RISK MANAGEMENT MEASURES**

35. Where a Safeguarding Tribunal determines that a charged Participant has engaged in Prohibited Conduct, the Safeguarding Tribunal will be entitled to impose any one or more of the following risk management measures on the charged Participant as the Safeguarding Tribunal deems appropriate having regard to all the circumstances of the case:
  - 35.1 guidance as to future conduct;
  - 35.2 an order requiring the Participant to undertake specific training/education;
  - 35.3 a reprimand;
  - 35.4 a warning as to future conduct;
  - 35.5 an order requiring the Participant to be monitored in specific matters and/or for a specified period of time (up to and including indefinitely) by a specified person or entity (which monitoring may be ordered to be at the Participant's cost);
  - 35.6 the suspension of, revocation of, or the imposition of conditions on, any accreditation or licence held by the Participant, either temporarily or permanently;
  - 35.7 a period of suspension from certain (including all) aspects of and/or activities in the Game for an appropriate period of time (up to and including indefinitely);
  - 35.8 a period of suspension of such duration and on such terms and conditions as the Safeguarding Tribunal considers appropriate (up to and including an indefinite suspension from participation in all aspects of and/or activities in the Game); and/or
  - 35.9 make a recommendation to the Board, Council, Member(s) and/or Registered Organisation(s) that the charged Participant be removed from office within the LTA (including as a member of the Board, as a Councillor or on any LTA committee or sub-committee) and/or within a Member or Registered Organisation.
36. A Safeguarding Tribunal may choose to suspend all or part of any risk management measure it has imposed in accordance with paragraph 35 of these Safeguarding Regulations.
37. In determining the appropriate risk management measure(s), the Safeguarding Tribunal will take into account:
  - 37.1 the seriousness of the conduct and/or risk of harm;
  - 37.2 the context of the particular situation (including whether there is a pattern of inappropriate behaviour or misconduct and the age(s) of the individuals involved);
  - 37.3 whether the conduct in question was deliberate, reckless, and/or negligent;
  - 37.4 any continuing risk the Participant may pose; and

37.5 the enforceability of the risk management measure(s) in practical terms.

38. The Safeguarding Tribunal may also take into account any mitigating or aggravating factors it considers relevant and appropriate.

## **COSTS**

39. The Safeguarding Tribunal will have the discretion to order any party subject to the proceedings to pay some or all of the Costs of the Proceedings in accordance with paragraphs 84 to 89 of Part A.

## **DECISION**

40. The Safeguarding Tribunal will make and issue its decision in accordance with paragraphs 55 to 57 of Part A.

## **APPEAL**

41. The final substantive written decision of a Safeguarding Tribunal in relation to any charge under these Safeguarding Regulations (whether or not upheld by the Safeguarding Tribunal) may be appealed by a charged Participant against whom the proceedings were taken in that case, or by LTA, all in accordance with paragraphs 60 to 63 of Part A.

## **APPOINTMENT OF THE SAFEGUARDING APPEAL TRIBUNAL**

42. If a valid appeal is made (being one which is not summarily dismissed in accordance with paragraph 65 of Part A), the Chair of the Judicial Panel will appoint a Safeguarding Appeal Tribunal to hear the matter in accordance with paragraphs 22 to 26 of Part A. Each of the parties will have a right to object to the composition of the Safeguarding Appeal Tribunal in accordance with paragraph 25 of Part A.

## **PRE-APPEAL HEARING PROCEDURE**

43. Without prejudice to paragraph 64 of Part A, an appeal that is to be heard *de novo* will follow the same procedure as a first instance case.

44. Notwithstanding the Safeguarding Appeal Tribunal's broad powers set out at paragraph 30 of Part A, ordinarily appeals (that are not heard *de novo*) will proceed as follows:

44.1 Where the Safeguarding Appeal Tribunal considers it appropriate to issue directions (at any time) in advance of the appeal hearing, the Safeguarding Appeal Tribunal will send a written notice to the parties subject to the proceedings notifying the parties of any directions governing the conduct of the proceedings and/or requiring the provision of further submissions, information and/or documentation (which directions may be directed to one party only if appropriate and which directions either party may, if necessary, apply to the Safeguarding Appeal Tribunal to be varied at the discretion of the Safeguarding Appeal Tribunal).

44.2 Within 14 days after notification to the appellant of the appointment of the members of the Safeguarding Appeal Tribunal, the appellant will provide to the Safeguarding Appeal Tribunal and the respondent:

- (a) a written statement setting out the appellant's submissions on why the appeal should be upheld and any resulting implications (including on risk management measures and costs); and
- (b) any supporting evidence, information or documentation that the appellant wishes to rely upon, including a written witness statement from any fact or expert witness whom the appellant wishes to call to give evidence at the appeal hearing.

Should the appellant fail to provide the statement referred to in paragraph 44.2(a) of these Safeguarding Regulations, then the appeal will be deemed to have been withdrawn by the appellant as at the expiry of that 14 day period and the appeal process will be terminated, unless the Safeguarding Appeal Tribunal (at its sole discretion) grants an extension which may only be granted where the appellant (i) makes an application for an extension within the said 14 day period and (ii) demonstrates to the Safeguarding Appeal Tribunal good reason for it to do so.

44.3 Within 14 days after the deadline set out at paragraph 44.2 of these Safeguarding Regulations (provided that the appeal has not been deemed withdrawn and terminated), the respondent will provide to the Safeguarding Appeal Tribunal and the appellant:

- (a) a written statement setting out the respondent's submissions on the appeal and any resulting implications (including on risk management measures and costs); and
- (b) any supporting evidence, information or documentation that the respondent wishes to rely upon, including a written witness statement from any fact or expert witness whom the respondent wishes to call to give evidence at the appeal hearing.

44.4 Ordinarily within 14 days after the deadline set out at paragraph 44.3 of these Safeguarding Regulations, the Chair of the Safeguarding Appeal Tribunal will send a written notice to the parties subject to the proceedings:

- (a) notifying them of the date and time of the appeal hearing, which will be no earlier than 21 days after the date of the notice; or
- (b) requesting available dates on which the parties are available for the appeal hearing (the Chair of the Safeguarding Appeal Tribunal will subsequently fix and notify the parties of the date and time of the appeal hearing).

44.5 No later than 14 days prior to the appeal hearing, the Head of Safeguarding will prepare and circulate to the members of the Safeguarding Appeal Tribunal and the Participant an electronic hearing bundle (and, if printing facilities are (at the relevant time) readily available to the Head of Safeguarding and the Chair of the Safeguarding Appeal Tribunal directs the Head of Safeguarding to do so, a hard copy hearing bundle) containing a copy of:

- (a) the notice of appeal, together with the documentation that accompanied it;
- (b) the decision appealed against;
- (c) the written information or documentation provided to the Safeguarding Tribunal;
- (d) the statement and supporting evidence provided by the appellant (if any), in accordance with paragraph 44.2 of these Safeguarding Regulations; and

(e) the statement and supporting evidence provided by the respondent (if any), in accordance with paragraph 44.3 of these Safeguarding Regulations.

44.6 No later than seven days prior to the appeal hearing, each party will notify the Chair of the Safeguarding Appeal Tribunal of the identity of the individuals who will attend the hearing (including any representative, legal or otherwise, and any witness whom they wish to call to support their case), and the capacity in which those individuals will attend the hearing. Any individual whose attendance is not so notified will not be permitted to attend the appeal hearing unless the Safeguarding Appeal Tribunal determines otherwise and there is a good reason why that individual's attendance could not have been notified by the deadline.

## **APPEAL HEARING PROCEDURE**

45. Notwithstanding the Safeguarding Appeal Tribunal's broad powers at paragraph 30 of Part A, ordinary hearings will proceed as follows:

45.1 the Chair of the Safeguarding Appeal Tribunal will introduce the attendees and outline the procedure to be followed, and address any preliminary issues (including any failure or refusal to comply with directions, in respect of which paragraphs 47 and 48 of Part A will apply);

45.2 the appellant (or their representative) will make submissions as to why the appeal should be upheld and the appropriate risk management measure(s) (if any), and may call witnesses (who may be questioned, subject to control by the Chair of the Safeguarding Appeal Tribunal and paragraph 33 of Part A and, if the witness is a Protected Individual, also subject to paragraphs 38 to 42 of Part A);

45.3 the respondent (or their representative) may make submissions as to why the appeal should be dismissed and the appropriate risk management measure(s) (if any), and may call witnesses (who may be questioned, subject to control by the Chair of the Safeguarding Appeal Tribunal and paragraph 33 of Part A and, if the witness is a Protected Individual, also subject to paragraphs 38 to 42 of Part A);

45.4 the appellant (or their representative) will make closing submissions;

45.5 the respondent (or their representative) will make closing submissions; and

45.6 the Chair of the Safeguarding Appeal Tribunal will either (i) adjourn the hearing to enable the Safeguarding Appeal Tribunal to deliberate in private before reconvening the hearing to issue its decision orally (with a written reasoned version of the decision to follow); or (ii) close the hearing to enable the Safeguarding Appeal Tribunal to deliberate in private before issuing its decision in writing at a later date.

## **RISK MANAGEMENT MEASURES, COSTS AND DECISION ON APPEAL**

46. The Safeguarding Appeal Tribunal may:

46.1 allow or dismiss the appeal (in whole or part);

46.2 exercise on appeal any power that the Safeguarding Tribunal could have exercised at first instance (and so, for example, uphold or amend the findings of the Safeguarding Tribunal, and/or reverse, amend, increase or decrease any risk management measure or Costs Order imposed by the Safeguarding Tribunal);

- 46.3 impose any Costs Order or other order in respect of the appeal proceedings in terms of paragraph 47 of these Safeguarding Regulations;
- 46.4 remit the matter for re-hearing by the Safeguarding Tribunal; and/or
- 46.5 take any other step it considers appropriate.
47. The Safeguarding Appeal Tribunal will have the discretion to order any party subject to the appeal proceedings to pay some or all of the Costs of the Proceedings before them in accordance with paragraphs 84 to 89 of Part A.
48. The Safeguarding Appeal Tribunal will make and issue its decision in accordance with paragraphs 55 to 57 of Part A.
49. The decision of the Safeguarding Appeal Tribunal will be final and binding and not subject to further appeal.

## **EXCEPTIONAL MATERIAL**

50. In considering:
- 50.1 any provisional suspension application;
- 50.2 any charge brought under these Safeguarding Regulations; or
- 50.3 any appeal in respect of a decision of a Safeguarding Tribunal,
- the relevant decision-maker (i.e. the Chair of the Judicial Panel, the Safeguarding Tribunal and/or the Safeguarding Appeal Tribunal (as relevant)) may not in the ordinary course of events consider any information and/or evidence provided by either the Head of Safeguarding or the charged Participant that the other party has not seen and had a reasonable opportunity to respond to.
51. Exceptionally however, the Head of Safeguarding or charged Participant may make an application for permission to the relevant decision-maker to submit information and/or evidence that has not been sent to the other party where the Head of Safeguarding or charged Participant considers that such information and/or evidence should not be sent to the other party because revealing it (or the identity of, or anything which might reveal the identity of any individual named within such evidence) to the other party may create a risk of harm to any person and/or be unlawful.
52. Where either the Head of Safeguarding or the charged Participant makes an application for permission to submit exceptional material to any relevant decision-maker, the person making the application will provide reasonable advance notice to the other party, unless the person making the application considers that such written notice itself would create a risk of harm to any person and/or be unlawful. Any reply from the other party must be provided alongside any application.
53. The Chair of the Judicial Panel will appoint a suitably qualified member of the Safeguarding Division to determine any application brought under paragraph 51 of these Safeguarding Regulations (who will otherwise have no involvement in the case). The appointed member of the Safeguarding Division will issue such directions as the appointed member considers appropriate to determine the application, and the appointed member may allow or reject the application in whole or in part.

54. If the appointed member of the Safeguarding Division allows the evidence to be submitted to the relevant decision-maker but withheld from the other party, the appointed member will consider whether a redacted version of the evidence and/or a summary of the evidence should be provided to the other party as an alternative.



# PART D: REGISTRATION APPEAL REGULATIONS

## INTRODUCTION

1. These Registration Appeal Regulations form part of the Code and should be read alongside the provisions of Part A and the definitions in Part G of the Code.
2. The LTA is the governing body of the Game and, as such, operates and administers various regulatory matters through the LTA Regulatory Documents, including in relation to Coaches (through the Coach Accreditation Regulations), Officials (through the Official Licensing Regulations), and Registered Organisations (through the Venue Registration Regulations).
3. The purpose of these regulatory matters is to uphold standards in, the integrity of, and public confidence in both the Game and those persons and organisations involved in delivering a safe and enjoyable tennis experience.
4. These Registration Appeal Regulations **only** apply where the relevant LTA Regulatory Document expressly provides that a right of appeal to the Registration Appeal Tribunal is available and a Participant (who is entitled to exercise such a right of appeal in terms of the relevant LTA Regulatory Document) wishes to appeal a decision of the LTA made under that LTA Regulatory Document.

## NOTICE OF APPEAL

5. The provisions of paragraphs 54 and 60 to 66 of Part A do not apply to an appeal made under any LTA Regulatory Document.
6. In order to exercise a right of appeal in terms of an LTA Regulatory Document and for an appeal to be valid, the appellant must, within 28 days after receipt of the written decision of the LTA that is to be appealed, file a notice of appeal (on the notice of appeal form issued by the LTA from time to time) with the Chair of the Judicial Panel (where the appellant is not the Disciplinary Officer, c/o the Disciplinary Officer), signed by or on behalf of the appellant. To be valid the notice of appeal must:
  - 6.1 be accompanied by a copy of the decision being appealed;
  - 6.2 specify the name, address and full contact details of the appellant;
  - 6.3 specify the aspects of the decision being challenged on appeal, and (subject to paragraph 7 of these Registration Appeal Regulations) the grounds for such challenge;
  - 6.4 be accompanied by copies of all evidence, information and documentation previously provided to the LTA in respect of the decision being appealed.
7. An appeal against a decision of the LTA may be made only on one or more of the following grounds:
  - 7.1 the decision of the LTA was based on an inaccurate representation of the facts or was a decision that could not reasonably have been reached by the LTA when faced with the evidence before it; and/or
  - 7.2 there was injustice because of a serious procedural or other irregularity in the application of the eligibility criteria and/or process as set out in the relevant LTA Regulatory Document; and/or

- 7.3 significant and relevant new evidence has come to light that was not available, or could not have become available on the making of reasonable enquiries by the appellant, before the LTA reached its decision; and/or
- 7.4 the outcome reached by the LTA was grossly disproportionate to the conduct or level of risk involved in the case.
8. Summary dismissal:
- 8.1 Within 28 days of receipt of the notice of appeal, the Disciplinary Officer will provide a copy of the notice of appeal (and accompanying evidence, information and documentation as submitted by the appellant) to the Chair of the Judicial Panel, together with confirmation as to whether or not the LTA considers that all of the conditions set out at paragraph 6 of these Registration Appeal Regulations have been complied with.
- 8.2 If one or more of the conditions set out at paragraph 6 of these Registration Appeal Regulations are not complied with (including non-payment of the Appeal Fee), the appeal is invalid and will be summarily dismissed by the Chair of the Judicial Panel, unless the Chair of the Judicial Panel is satisfied that there was a reasonable excuse for the failure to comply with all of those conditions.
- 8.3 On application by the Disciplinary Officer or at the Chair of the Judicial Panel's (or, upon appointment of a Registration Appeal Tribunal in respect of the appeal, the Chair of the Registration Appeal Tribunal's) own instigation, the Chair of the Judicial Panel (or, if applicable, the Chair of the Registration Appeal Tribunal) may strike out an appeal that has no realistic chance of success (including because the appeal, properly interpreted, is not made on any of the permitted grounds of appeal at paragraph 7 of these Registration Appeal Regulations).
- 8.4 If an appeal is dismissed or struck out in accordance with in this paragraph 8, then the appellant will be notified accordingly by the Chair of the Judicial Panel (or, as applicable, the Chair of the Registration Appeal Tribunal) and the decision of the LTA being challenged will be deemed to be final and binding. There will be no right of appeal against a decision to dismiss or strike out an appeal.
9. For the avoidance of any doubt, even if a valid appeal is made, the decision of the LTA (including any suspension and/or conditions imposed) will remain in full force and effect pending determination of the appeal.

## **APPOINTMENT OF THE REGISTRATION APPEAL TRIBUNAL**

10. If a valid appeal is made (being one which is not summarily dismissed in terms of paragraph 8 of these Registration Appeal Regulations), then the Chair of the Judicial Panel will, at the request of the Disciplinary Officer, appoint a Registration Appeal Tribunal to hear the matter in accordance with paragraphs 22 to 26 of Part A. Each of the parties will have a right to object to the composition of the Registration Appeal Tribunal in accordance with paragraph 25 of Part A.

## **PRE-APPEAL HEARING PROCEDURE**

11. If a valid appeal is made (being one which is not summarily dismissed in terms of paragraph 8 of these Registration Appeal Regulations), then the appeal will be heard *de novo*.

12. Notwithstanding the Registration Appeal Tribunal's broad powers at paragraph 30 of Part A, ordinarily cases will proceed as follows:
  - 12.1 Where the Registration Appeal Tribunal considers it appropriate to issue directions (at any time) in advance of the hearing, the Registration Appeal Tribunal will send a written notice to the parties subject to the proceedings notifying the parties of any directions governing the conduct of the proceedings and/or requiring the provision of further submissions, information and/or documentation (which directions may be directed to only one party if appropriate and which directions either party may, if necessary, apply to the Registration Appeal Tribunal to be varied at the discretion of the Registration Appeal Tribunal).
  - 12.2 Within 21 days of notification of the appointment of the Registration Appeal Tribunal, the appellant may:
    - (a) provide written submissions setting out why the LTA's decision should not be upheld; and
    - (b) refer to (and attach) any and all supporting evidence, information and/or documentation that the appellant wishes to rely on, including a written witness statement from any fact or expert witness whom the appellant wishes to call to give evidence at the hearing.
  - 12.3 Within 28 days of notification of the appointment of the Registration Appeal Tribunal, the Disciplinary Officer will prepare and circulate to the members of the Registration Appeal Tribunal and the appellant an electronic hearing bundle (and, if printing facilities are (at the relevant time) readily available to the Disciplinary Officer and if directed by the Chair of the Registration Appeal Tribunal to do so, a hard copy hearing bundle) containing a copy of:
    - (a) the notice of appeal and the accompanying evidence, information and documentation (if any) submitted by the appellant in terms of paragraph 6 of these Registration Appeal Regulations;
    - (b) the written submissions and supporting evidence, information and documentation (if any) provided by the appellant in terms of, and within the period set out in, paragraph 12.2 of these Registration Appeal Regulations;
    - (c) the written submissions from the LTA (if any) setting out why the LTA's decision should be upheld; and
    - (d) the supporting evidence, information and/or documentation that the LTA wishes to rely on, including a written witness statement from any fact or expert witness whom the LTA wishes to call to give evidence at the hearing.
  - 12.4 Ordinarily within 14 days after receipt of the electronic hearing bundle, the Chair of the Registration Appeal Tribunal will send a written notice to the parties subject to the proceedings:
    - (a) notifying them of the date and time of the hearing, which will be no earlier than 21 days after the date of the notice; or
    - (b) requesting available dates on which the parties are available for the hearing (and the Chair of the Registration Appeal Tribunal will subsequently fix and notify the parties of the date and time of the hearing).

- 12.5 No later than seven days prior to the hearing, each party will notify the Chair of the Registration Appeal Tribunal of the identity of the individuals who will attend the hearing (including any representative, legal or otherwise, and any witness whom they wish to call to support their case), and the capacity in which those individuals will attend the hearing. Any individual whose attendance is not so notified will not be permitted to attend the hearing unless the Registration Appeal Tribunal determines otherwise and there is a good reason why that individual's attendance could not have been notified by the deadline.

## **HEARING PROCEDURE**

13. Notwithstanding the Registration Appeal Tribunal's broad powers at paragraph 30 of Part A, ordinarily hearings will proceed as follows:
- 13.1 the Chair of the Registration Appeal Tribunal will introduce the attendees and outline the procedure to be followed, and address any preliminary issues (including any failure or refusal to comply with directions, in respect of which paragraphs 47 and 48 of Part A will apply);
- 13.2 the appellant (or their representative) will make submissions as to why the appeal should be upheld and what the appropriate outcome is (if any), and may call witnesses (who may be questioned, subject to control by the Chair of the Registration Appeal Tribunal and paragraph 33 of Part A and, if the witness is a Protected Individual, also subject to paragraphs 38 to 42 of Part A);
- 13.3 the LTA (or its representative) may make submissions as to why the appeal should be dismissed and what the appropriate outcome is (if any), and may call witnesses (who may be questioned, subject to control by the Chair of the Registration Appeal Tribunal and paragraph 33 of Part A and, if the witness is a Protected Individual, also subject to paragraphs 38 to 42 of Part A);
- 13.4 the appellant (or their representative) may make closing submissions;
- 13.5 the LTA (or its representative) may make closing submissions; and
- 13.6 the Chair of the Registration Appeal Tribunal will either (i) adjourn the hearing to enable the Registration Appeal Tribunal to deliberate in private before reconvening the hearing to issue its decision orally (with a written reasoned version of the decision to follow); or (ii) close the hearing to enable the Registration Appeal Tribunal to deliberate in private before issuing its decision in writing at a later date.

## **BURDEN AND STANDARD OF PROOF**

14. In considering the appeal, the Registration Appeal Tribunal must have regard to the LTA's regulatory function and its obligations to uphold standards in, the integrity of, and public confidence in both the Game and those persons and organisations involved in delivering a safe and enjoyable tennis experience, for the good of the LTA and the Game.
15. The burden will be on the appellant to prove, on the balance of probabilities, that the decision being challenged:
- 15.1 was in error based on one or more of the grounds referred to in paragraph 7 of these Registration Appeal Regulations (but subject always to paragraph 51 of Part A but the reference in paragraph 51.1 to paragraph 62 of Part A will be substituted with a reference to paragraph 7 of these Registration Appeal Regulations); and

15.2 should be overturned or varied.

## **DECISION ON APPEAL**

16. The Registration Appeal Tribunal may:

16.1 allow or dismiss the appeal (in whole or in part);

16.2 exercise on appeal any power that the LTA could have exercised at first instance in terms of the relevant LTA Regulatory Document (and so, for example, reverse, amend, increase or decrease any sanction, restriction or condition imposed by the LTA);

16.3 impose any Costs Order or other order in respect of the appeal proceedings in terms of paragraph 17 of these Registration Appeal Regulations;

16.4 remit the matter for re-consideration by the LTA; and/or

16.5 take any other step it considers appropriate.

## **COSTS**

17. The Registration Appeal Tribunal will have the discretion to order any party subject to the proceedings to pay some or all of the Costs of the Proceedings in accordance with paragraphs 84 to 89 of Part A.

## **DECISION**

18. The Registration Appeal Tribunal will make and issue its decision in accordance with paragraphs 55 to 57 of Part A.

## **NO FURTHER RIGHT OF APPEAL**

19. The written decision of the Registration Appeal Tribunal will be final and binding on the parties.

# PART E: ANTI-DOPING REGULATIONS

## INTRODUCTION

1. These Anti-Doping Regulations form part of this Code.
2. Except where stated to the contrary or the context otherwise requires, the relevant provisions in Part A (general regulations) and Part G (definitions) of this Code apply to these Anti-Doping Regulations.
3. The purpose of these Anti-Doping Regulations is to maintain the integrity of the Game and to protect the health and rights of all players of the Game.
4. The effective date of these Anti-Doping Regulations is 1 January 2023 (“**ADR Effective Date**”).
5. All Participants must ensure that they are aware of (and must comply in full with) the most up-to-date versions of these Anti-Doping Regulations from time to time, including all codes, rules, documents and others referred to in, or incorporated into, them.

## BACKGROUND

6. The LTA is a member of the ITF. WADA adopts, publishes and implements the World Anti-Doping Code (as amended from time to time, the “**WAD Code**”). The ITF is a signatory to the WAD Code. The ITF adopts and implements a “Tennis Anti-Doping Programme” (as amended from time to time, the “**ITF Programme**”) pursuant to the mandatory provisions of the WAD Code, as part of the continuing efforts of the ITF (and others) to keep doping out of tennis.
7. As recognised by WADA and for the purposes of the ITF Programme, UKAD is the “National Anti-Doping Organisation” for the United Kingdom.
8. UKAD is responsible for ensuring sports bodies in the United Kingdom are compliant with the WAD Code through implementation and management of the “UK National Anti-Doping Policy”. UKAD is a non-departmental public body which is accountable to the United Kingdom Parliament.
9. UKAD adopts, publishes and implements the “UK Anti-Doping Rules” (as amended from time to time, the “**UKAD Rules**”) which are intended to implement the requirements of the WAD Code on a national basis within the United Kingdom.
10. The UKAD Rules may be adopted and incorporated into the rulebook of any national governing body in the United Kingdom, and may be amended and/or supplemented to reflect the specificities of its sport provided that the rules remain compliant with the WAD Code.
11. As the national governing body for, and with responsibility for the governance and regulation of, the Game in Great Britain, the Channel Islands and the Isle of Man, the LTA has various anti-doping roles and responsibilities under the “UK National Anti-Doping Policy”.

## ADOPTION OF THE UKAD RULES

12. The LTA hereby adopts, as its own Anti-Doping Regulations, the UKAD Rules in their entirety (including any international standards and other documents stated to be adopted and incorporated into them), subject only to the specific amendments and supplemental provisions set out in paragraphs 14 to 28 below.

13. The latest version of the UKAD Rules is available on the UKAD website ([www.ukad.org.uk](http://www.ukad.org.uk)).

## **SCOPE AND APPLICATION**

14. The following paragraphs 15 to 18 replace Articles 1.2.1 to 1.2.3 of the UKAD Rules in these Anti-Doping Regulations.
15. These Anti-Doping Regulations apply to all participants in (or in connection with) the Game, including:
  - 15.1 all Players (including International-Level Players, National Level Players and Recreational Players) and Player Support Persons who are members of the LTA and/or of the LTA's Members or Registered Organisations, or licensees of the LTA (including any clubs, teams, associations or leagues), or otherwise under the jurisdiction of the LTA;
  - 15.2 all Players (including International-Level Players, National Level Players and Recreational Players) and Player Support Persons entering or participating in such capacity in Events and/or other activities organised, convened, authorised or recognised by the LTA or any of its Members or Registered Organisations, or licensees of the LTA (including any clubs, teams, associations or leagues), wherever held;
  - 15.3 any other Player (including International-Level Players, National Level Players and Recreational Players) or Player Support Person or other person who, by virtue of a contractual arrangement or otherwise, is subject to the authority or jurisdiction of the LTA for purposes of anti-doping; and
  - 15.4 any other person over whom the LTA has authority;

in each case, whether or not such person is a citizen of or resident in Great Britain, the Channel Islands or the Isle of Man.
16. Each Participant will be bound by and must strictly comply in full with these Anti-Doping Regulations to the extent applicable to that person (and that being without prejudice to any other anti-doping programme or rules applicable to that person and with which that person must also comply (in addition), including the ITF Programme).
17. Each Participant will be deemed to have agreed:
  - 17.1 to submit to the authority of the LTA and UKAD to apply and enforce these Anti-Doping Regulations;
  - 17.2 to provide all requested assistance to the LTA and UKAD (as applicable) in the application and enforcement of these Anti-Doping Regulations, including cooperating fully with any investigation, results management exercise, and/or proceedings being conducted pursuant to these Anti-Doping Regulations in relation to any potential Anti-Doping Rule Violation(s);
  - 17.3 to submit to the exclusive jurisdiction of any NADP first instance tribunal convened under these Anti-Doping Regulations to hear and determine charges and related issues arising under these Anti-Doping Regulations;
  - 17.4 to submit to the exclusive jurisdiction of any NADP appeal tribunal and/or CAS panel convened under these Anti-Doping Regulations to hear and determine appeals made pursuant to these Anti-Doping Regulations;

- 17.5 not to bring any proceedings in any court or other forum that are inconsistent with the foregoing submission to the jurisdiction of the NADP first instance tribunal, the NADP appeal tribunal and CAS; and
- 17.6 that the provisions of paragraph 10 of the Disciplinary Regulations apply in these Anti-Doping Regulations with any such modifications as may be required in this context.
18. Certain Participants who are subject to the authority of the LTA may also be subject to the anti-doping rules of other Anti-Doping Organisations, including the ITF Programme, and the same conduct of such Participants may engage not only these Anti-Doping Regulations but also the rules of such other Anti-Doping Organisations. These Anti-Doping Regulations are not intended to limit the responsibilities of any Participant under such other rules, including the ITF Programme. The jurisdictional and other issues arising when the same conduct engages these Anti-Doping Regulations and such other rules (including the ITF Programme) will be resolved in accordance with the WAD Code.

## **SPECIFIC AMENDMENTS AND SUPPLEMENTAL PROVISIONS**

19. The amendments and supplemental provisions set out in paragraphs 20 to 28 have been made (with the approval of UKAD) to reflect the specificities of the Game. For the purposes of these Anti-Doping Regulations, the UKAD Rules will be amended and supplemented by such provisions and will be interpreted and applied accordingly.
20. Subject to paragraphs 21 to 28 of these Anti-Doping Regulations, any capitalised term used in the UKAD Rules will have the meaning given to it in the UKAD Rules (including the appendix to them).
21. For the purposes of these Anti-Doping Regulations, any reference in the UKAD Rules to:
- 21.1 an “**Athlete**” will be read and interpreted as a reference to a Player, and the terms National Level Athlete, Recreational Athlete and Athlete Support Person will be construed accordingly.
- 21.2 the “**Code**” will be read and interpreted as a reference to the WAD Code.
- 21.3 the “**Effective Date**” will be read and interpreted as a reference to the ADR Effective Date.
- 21.4 an “**International-Level Athlete**” will be read and interpreted as a reference to an International-Level Player (as defined in paragraph 23.3 of these Anti-Doping Regulations).
- 21.5 “**NGB**” will be read and interpreted as a reference to the LTA.
22. For the purposes of these Anti-Doping Regulations, the following terms will have the meanings respectively given to them below (which will substitute and replace the existing definitions in the UKAD Rules):
- 22.1 **Competition:** has the meaning given to that term in the ITF Programme from time to time and, as at the ADR Effective Date, means a single race, match, game or other sport contest. In tennis specifically, any stand-alone competition held as part of an Event, such as a singles competition or a doubles or mixed doubles competition.
- 22.2 **In-Competition:** means the period(s) so described in Article 5.3.4.



- 22.3 **International Event:** has the meaning given to that term in the ITF Programme from time to time and, as at the ADR Effective Date, means an Event or Competition where the International Olympic Tribunal, the International Paralympic Tribunal, an international federation, a Major Event Organisation or another international sport organisation is the ruling body for the Event or appoints the technical officials for the Event. In respect of the ITF, an Event is an International Event if it is a Covered Event.
23. For the purposes of these Anti-Doping Regulations, the following terms will have the meanings respectively given to them below:
- 23.1 **ATP:** the Association of Tennis Professionals (and/or any successor entities), the governing body of the worldwide men's professional tennis circuits, and which is administered and governed by ATP Tour, Inc., a corporation registered in the United States of America.
- 23.2 **Covered Event(s):** has the meaning given to that term in the ITF Programme from time to time and, as at the ADR Effective Date, means the Grand Slam tournaments, Davis Cup, Billie Jean King Cup, Hopman Cup, the Olympic Tennis event, the Paralympic Tennis event, other IOC-recognised International Events, WTA tournaments and WTA Finals and WTA Elite Trophy, ATP Tour tournaments and ATP Finals, ATP Cup, Next Gen ATP Finals, ATP Challenger Tour tournaments, ITF World Tennis Tour events, ITF Juniors events, ITF World Tennis Masters Tour events, ITF Wheelchair events, and ITF Beach Tennis Tour events.
- 23.3 **International-Level Player:** has the meaning given to that term in the ITF Programme from time to time and, as at the ADR Effective Date, means any Player who enters or participates in more than one Covered Event (whether in qualifying or in main draw).
- 23.4 **Prize Money:** has the meaning given to that term in the ITF Programme from time to time (as applied to these Anti-Doping Regulations) and, as at the ADR Effective Date, means all of the consideration provided by the organiser of a Competition as a reward for performance in the Competition, whether monetary (i.e. cash) or non-monetary (e.g. a trophy, vehicle or other prize). Where the reward is attributable to performance as part of a team, the rules of the Competition may provide for how much of the reward is to be allocated to a Player for purposes of forfeiture under these Anti-Doping Regulations. Such rules will be without prejudice to the provisions of Article 9 with respect to doubles Prize Money. Any Prize Money forfeited must be repaid without deducting tax paid by or on behalf of the Player, unless the Player shows by means of independent and verifiable evidence that such tax has been paid and is not recoverable by the Player.
- 23.5 **WTA:** the Women's Tennis Association (and/or any successor entities), the governing body of the worldwide circuit of women's professional tennis events, and which is administered and governed by WTA Tour, Inc., a corporation registered in the United States of America.
24. **In-Competition Testing:** The following new (additional) Articles will be inserted into these Anti-Doping Regulations as Articles 5.3.4 and 5.3.5 (after the existing Article 5.3.3 of the UKAD Rules):
- 5.3.4 The following periods will be deemed "In-Competition Periods" and Samples collected during such a period will be deemed to have been collected "In-Competition" for the purposes of these Anti-Doping Regulations and the WAD Code:
- (a) from 11:59 p.m. local time on the day before the first match of the main draw (or of the qualifying draw, if the Player is participating in the qualifying draw) of the first Competition in which the Player is participating in an Event;

- (b) through to the end of the Player's last match (in any Competition) in the Event and the Sample collection process related to that match that is conducted pursuant to notification of Testing given to the Player no more than 60 minutes after the Player's last match (120 minutes if the Player's last match in the Event is the final match in the Competition in question); or
- (c) (where the Player is participating in the Event as a nominated member of a team) through to the end of the team's last match in the Event and the Sample collection process related to the team's last match in the Event that is conducted pursuant to notification of Testing given to the Player no more than 60 minutes after the team's last match in the Event (120 minutes if the team's last match in the Event is the final match in the Competition in question); or
- (d) (where the Player withdraws from the Event after the time noted at Article 5.3.4(a), whether before or after playing in any match at the Event) until the end of any Sample collection process conducted pursuant to notification of Testing given to the Player no more than 60 minutes after the Player has given notice of such withdrawal to the official at the Event specified in the Event rules. If so requested, the Player will remain at the Event venue for that 60-minute period to allow such notification to take place. If the Player's withdrawal is from a doubles Competition, their doubles partner must also submit to Testing at the same time if requested to do so and that Testing will also be In-Competition Testing.

5.3.5 If a Player withdraws or is defaulted from or 'no shows' at an Event after the time noted at Article 5.3.4(a), and the Player (and/or their doubles partner) cannot be given notification of Testing within 60 minutes of the Event official being advised of the withdrawal or default or 'no show' because the Player (and/or their doubles partner) is no longer at the Event venue, a Sample may be collected from the Player (and/or their doubles partner) subsequently, and any Sample collected pursuant to the notification of Testing given to the Player (and/or their doubles partner) within 12 hours of the time that the Player advised the Event official of their withdrawal or 'no show' will be deemed to have been collected In-Competition. The Player and/or their doubles partner (whichever of them could not be located) may be required to contribute to the cost of the subsequent Sample collection in an amount up to £5,000. In addition, consideration will be given to whether the Player and/or their doubles partner (whichever of them could not be located) should be charged with an Article 2.3 Anti-Doping Rule Violation (Evading, or refusing or failing to submit to, Sample Collection).

25. **Disqualification of results of doubles partner:** The following new (additional) Article will be inserted into these Anti-Doping Regulations as Article 9.3 (after the existing Article 9.2 of the UKAD Rules):

- 9.3 Where results obtained by a Player in a doubles Competition are Disqualified pursuant to Article 9.1 because of that Player's Anti-Doping Rule Violation in connection with or arising out of that doubles Competition, the result of the Player's doubles partner in that Competition will also be Disqualified, with all resulting Consequences, including forfeiture of all medals, titles, ranking points and Prize Money.
- 9.4 Where results obtained by a Player in a doubles Competition are Disqualified pursuant to Article 10.1 because of that Player's Anti-Doping Rule Violation in relation to another Competition at that Event, the result of the Player's doubles partner in that doubles Competition will also be Disqualified, with all resulting Consequences,

including forfeiture of all medals, titles, ranking points and Prize Money, unless the doubles partner establishes at a hearing, on the balance of probabilities:

- (a) that they were not implicated in the first Player's Anti-Doping Rule Violation; and
- (b) that the result in the doubles Competition was not likely to have been affected by the first Player's Anti-Doping Rule Violation.

9.5 Where results obtained by a Player in doubles Competition(s) in an Event played subsequent to the Competition that produced the positive Sample are Disqualified pursuant to Article 10.10 because of that Player's Anti-Doping Rule Violation, the result of the Player's doubles partner(s) in such subsequent Competition(s) will not be Disqualified unless the LTA or UKAD establishes, to the comfortable satisfaction of the NADP tribunal, that the doubles partner(s) was implicated in the first Player's Anti-Doping Rule Violation.

26. **Forfeited Prize Money:** The existing Article 10.11 of the UKAD Rules will be deemed to be deleted and replaced by the following:

10.11.1 If UKAD or the LTA recovers Prize Money forfeited as a result of an Anti-Doping Rule Violation, it will use it to defray the costs of operating the LTA's Anti-Doping Programme in terms of these Anti-Doping Regulations.

10.11.2 There will be no readjustment of medals, titles, or ranking points for any Player who lost to a Player subsequently found to have committed an Anti-Doping Rule Violation, except where provision is made for such readjustment in the regulations of the relevant Competition.

27. **Commencement of Consequences – forfeiture of ranking points:** The following new (additional) Article will be inserted into these Anti-Doping Regulations as Article 10.11.A (after the existing Article 10.11 and before the existing Article 10.12 of the UKAD Rules):

10.11A For purposes of forfeiture of ranking points, the decision will come into effect at midnight on the Sunday nearest to the date that the decision is issued.

28. These Anti-Doping Regulations are to be interpreted and applied by reference to the purposes set out at paragraph 3 of these Anti-Doping Regulations.

# PART F: ANTI-CORRUPTION REGULATIONS

## INTRODUCTION

1. The LTA has adopted these Anti-Corruption Regulations as the foundation for the fight against corruption in the Game within its jurisdiction. The purpose of these Anti-Corruption Regulations is to: (a) maintain the integrity of tennis; (b) protect against any efforts to impact improperly the results of any match; and (c) establish uniform rules and a consistent scheme of enforcement and sanctions applicable to all Events and the Game within the LTA's jurisdiction.
2. These Anti-Corruption Regulations are to be read alongside the provisions of Part A, the Disciplinary Regulations (in Part B), and the definitions in Part G, of this Code and are to be interpreted and applied by reference to the objectives and purposes set out at paragraph 1 of these Anti-Corruption Regulations (including where an issue arises that is not expressly addressed in these Anti-Corruption Regulations or the other applicable provisions of this Code).
3. In relation to the professional tennis matches and other tennis competitions identified in appendix 1 to the ITIA's "Tennis Anti-Corruption Program" (as such program is amended and/or updated from time to time), all Participants to which that program is stated to apply will be subject to that program in relation to the competitions covered by it. For all other matches and competitions (and for all other Participants), these Anti-Corruption Regulations will apply. For the avoidance of doubt, the same conduct of a Participant may engage not only these Anti-Corruption Regulations but also the rules or regulations of another body, which body may include the ITIA.

## ANTI-CORRUPTION OFFENCES

4. Commission of any of the following offences (each an "**Anti-Corruption Offence**") will constitute Misconduct in accordance with the Disciplinary Regulations:
  - 4.1 No Participant will, directly or indirectly, Bet on the outcome or any other aspect of any Event or any other competition of, or in relation to, the Game, tennis or padel tennis anywhere in the world, if any one or more of the following applies:
    - (a) the Participant has any Inside Information in relation to the match, event or competition (or the Players in it) in question;
    - (b) the Participant has been a Relevant Person for any Player in the match, event or competition in question within the period of 2 years prior to the match, event or competition on which the Participant wishes to Bet;
    - (c) the Participant is a Relevant Person in relation to any Official who is to be officiating in the match, event or competition in question on which the Participant wishes to Bet;
    - (d) the Participant endorses, is employed by, is sponsored by or is otherwise engaged by a company that directly offers and/or accepts Tennis Betting; and/or
    - (e) the Participant is a member of the Board or of the board of any subsidiary company of LTA and/or (without prejudice to the provisions of any contract of employment) is an employee of LTA.

- 4.2 No Participant will, directly or indirectly, facilitate, encourage and/or promote Tennis Betting<sup>1</sup>.
- 4.3 No Participant will, directly or indirectly, accept, offer, provide, seek or obtain any accreditation for an Event or any other competition of, or in relation to the Game, tennis or padel tennis: (a) for the purpose of facilitating a commission of an Anti-Corruption Offence; or (b) that leads, directly or indirectly, to the commission of an Anti-Corruption Offence, regardless whether any money or other Benefit is offered or discussed.
- 4.4 No Participant will, directly or indirectly, contrive the outcome, or any other aspect, of any Event or any other competition of, or in relation to the Game, tennis or padel tennis.
- 4.5 No Participant will, directly or indirectly, facilitate any Player not to use their best efforts in any Event or any other competition of, or in relation to the Game, tennis or padel tennis.
- 4.6 No Participant will, directly or indirectly, receive or accept any money or other Benefit on the basis of not giving their best efforts, and/or negatively influencing a Player's best efforts, in any Event or any other competition of, or in relation to the Game, tennis or padel tennis.
- 4.7 No Participant will, directly or indirectly, offer or provide any money or other Benefit to any other Participant with the intention of negatively influencing a Player's best efforts in any Event or any other competition of, or in relation to the Game, tennis or padel tennis.
- 4.8 No Participant will, directly or indirectly, provide any Inside Information (a) in exchange for money or any other Benefit, or (b) when the Participant knew or reasonably should have known that the Inside Information might be used for betting purposes, and appears to have been so used, regardless of whether the Participant provided it for that purpose or obtained or sought any benefit in return for the Inside Information.
- 4.9 No Participant will, directly or indirectly, accept any money or other Benefit for the provision of any Inside Information.
- 4.10 No Participant will, directly or indirectly, offer or provide any money or other Benefit to any other Participant for the provision of any Inside Information.
- 4.11 No Participant will, directly or indirectly, offer or provide any money or other Benefit to any Tournament Support Person in exchange for any information or benefit relating to an Event or any other competition of, or in relation to the Game, tennis or padel tennis.
- 4.12 No Participant will, directly or indirectly, offer, pay or accept any money or other Benefit for the provision of a wildcard to an Event or any other competition of, or in relation to the Game, tennis or padel tennis.
- 4.13 No Participant will make any misrepresentation to seek or obtain on behalf of any person at any Event (or any other competition of, or in relation to the Game, tennis or padel tennis) any registration or accreditation that allows access to areas such persons would not otherwise be permitted to access (for example, seeking accreditation for an individual to a "players only" area by falsely certifying that a person is the Participant's coach).

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<sup>1</sup> By way of example, Facilitation includes: display of live tennis betting odds on a Participant's website or social media; participating in an interview, podcast, writing articles for a publication and/or website in support of Tennis Betting; conducting appearances for, or otherwise participating in any promotion, endorsement and/or commercial advertisement of a Tennis Betting brand; and promoting a Tennis Betting brand to the general public through posts on a Participant's social media account.

4.14 No Participant will:

- 4.14.1. purposely delay or manipulate entry of score(s) or scoring data from an Event (or any other competition of, or in relation to the Game, tennis or padel tennis) for any reason; or
- 4.14.2. directly or indirectly, offer, provide or accept any money or other Benefit for the delay or manipulation of score(s) or scoring data from an Event (or any other competition of, or in relation to the Game, tennis or padel tennis).

4.15 No Participant will, directly or indirectly, attempt, agree, or conspire to commit any Anti-Corruption Offence.

4.16 No Participant will, directly or indirectly, solicit, facilitate or incite any other person to commit, attempt, agree or conspire to commit any Anti-Corruption Offence.

4.17 No Participant will collect for any of the following purposes and/or sell, purchase, publish and/or make repeated transmissions of the contemporaneous results of any aspect of an Event without the consent of the LTA or Event (or any other competition of, or in relation to the Game, tennis or padel tennis), either on site at an Event (or other competition of, or in relation to the Game, tennis or padel tennis) (“courtsiding”) or remotely during an Event (or other such competition) by scraping or scouting information from websites, data streams or other electronic sources of live scoring data.

4.18 No Participant will, in a professional or sport-related capacity, associate with any Related Person who:

- (a) is serving any period of ineligibility or suspension (whether provisional or otherwise) in terms of the ITIA’s “Tennis Anti-Corruption Program” and/or in terms of these Anti-Corruption Regulations; or
- (b) has been convicted or found in criminal, disciplinary or professional proceedings to have engaged in conduct that would have constituted an Anti-Corruption Offence if the ITIA’s “Tennis Anti-Corruption Program” and/or these Anti-Corruption Regulations had been applicable to such person. The disqualifying status of such person will be in force for the longer of two years from the criminal, disciplinary or professional decision or the duration of the criminal, disciplinary or professional sanction imposed; or
- (c) is serving as a front or intermediary for an individual described in paragraphs 4.18(a) or 4.18(b) of these Anti-Corruption Regulations.

In order to prove a breach of this paragraph 4.18, the LTA must establish that the Participant knew of the Related Person’s period of ineligibility, suspension or disqualified status as referred to above.

If the Participant establishes either:

- (d) that their association with a Related Person described in paragraphs 4.18(a) or 4.18(b) of these Anti-Corruption Regulations is not in a professional or sport-related capacity; or
- (e) that such association could not have been reasonably avoided,

that will be a complete defence to the charge that the Participant has breached paragraph 4.18 of these Anti-Corruption Regulations.

- 4.19 No Participant will breach or fail or refuse to comply with the reporting obligations set out in paragraphs 5, 6, 7 and 8 of these Anti-Corruption Regulations.
- 4.20 No Participant will breach or fail or refuse to comply with the obligation to cooperate set out in paragraph 9 of these Anti-Corruption Regulations.

## REPORTING OBLIGATIONS

5. If any Player:
  - 5.1 is approached by any person who requests the Player to: (a) influence the outcome or any other aspect of any Event (or other competition of, or in relation to the Game, tennis or padel tennis); or (b) provide Inside Information, that Player must report such incident to the LTA as soon as possible, even if no money or other Benefit is offered or discussed;
  - 5.2 knows or suspects that any other Participant or other individual has committed an Anti-Corruption Offence, that Player must report such knowledge or suspicion to the LTA as soon as possible; and/or
  - 5.3 knows or suspects that any Participant has been involved in conduct or an incident described in paragraph 7 of these Anti-Corruption Regulations, that Player must report such knowledge or suspicion to the LTA as soon as possible.
6. A Player must report any new knowledge or suspicion regarding any Anti-Corruption Offence, even if the Player's prior knowledge or suspicion has already been reported.
7. If any Participant (including any Related Person or Tournament Support Person):
  - 7.1 is approached by any person who requests that Participant (including any Related Person or Tournament Support Person) to: (a) influence or attempt to influence the outcome of any aspect of any Event (or other competition of, or in relation to the Game, tennis or padel tennis), or (b) provide Inside Information, that Participant (including any Related Person or Tournament Support Person) must report such incident to the LTA as soon as possible, even if no money or other Benefit is offered or discussed; and/or
  - 7.2 knows or suspects that any Participant or other individual has committed an Anti-Corruption Offence, that Participant (including any Related Person or Tournament Support Person) must report such knowledge or suspicion to the LTA as soon as possible.
8. Each Participant (including any Related Person or Tournament Support Person) must:
  - 8.1 report any new knowledge or suspicion regarding any Anti-Corruption Offence, even if the Participant's prior knowledge or suspicion has already been reported; and
  - 8.2 not dissuade or prevent (or seek to do so) any other Participant from complying with their reporting obligations.
9. Each Participant must fully comply with the duty to cooperate in terms of paragraphs 14, 15 and 16 of the Disciplinary Regulations.
10. For the avoidance of doubt:
  - 10.1 Each Player will be responsible for any Anti-Corruption Offence committed by any Participant if such Player either: (a) had knowledge of an Anti-Corruption Offence and

failed to report such knowledge in accordance with the reporting obligations at paragraphs 5, 6, 7 and 8 of these Anti-Corruption Regulations; or (b) assisted the commission of an Anti-Corruption Offence. In such event, the Disciplinary Tribunal and/or Disciplinary Appeal Tribunal will be entitled to impose sanctions on the Player to the same extent as if the Player had committed the Anti-Corruption Offence.

- 10.2 For an Anti-Corruption Offence to be committed, it is sufficient that an offer or solicitation was made, regardless of whether any money or other Benefit was actually paid or received.
- 10.3 Evidence of a Player's lack of efforts or poor performance during an Event (or other competition of, or in relation to the Game, tennis or padel tennis) may be offered to support allegations that a Participant committed an Anti-Corruption Offence, but the absence of such evidence will not preclude a Participant from being sanctioned for an Anti-Corruption Offence.
- 10.4 A valid defence may be made to a charge of an Anti-Corruption Offence if the person alleged to have committed the Anti-Corruption Offence: (a) promptly reports such conduct to the LTA; and (b) demonstrates that such conduct was the result of an honest and reasonable belief that there was a significant threat to that person's life or safety (or the life or safety of a member of that person's family).
- 10.5 Establishment of an Anti-Corruption Offence will not require: (a) proof of any of the purposes described in paragraph 1 of these Anti-Corruption Regulations; (b) proof of a corrupt motive, gambling or quid pro quo; or (c) identification of the Event (or other competition of, or in relation to the Game, tennis or padel tennis) to which an Anti-Corruption Offence pertains.

## **ENFORCEMENT**

11. Any potential breach of the Anti-Corruption Regulations will be investigated, and proceedings brought and determined in accordance with the Disciplinary Regulations, subject to the sanctions provisions at paragraph 12 to 16 of these Anti-Corruption Regulations.

## **SANCTIONS**

12. Where it is determined that a breach of the Anti-Corruption Regulations has been committed, the Disciplinary Tribunal or Disciplinary Appeal Tribunal may impose an appropriate sanction, which may include (individually in respect of each Participant involved):
  - 12.1 a fine of up to £200,000 plus an amount equal to the value of any winnings or other amounts received by the Participant in connection with any Anti-Corruption Offence;
  - 12.2 with respect to any Anti-Corruption Offence listed at paragraphs 4.3 to 4.17 or paragraph 4.19 of these Anti-Corruption Regulations, a suspension from playing, coaching, or accessing, attending or in any way receiving accreditation for any Event (or other competition of, or in relation to the Game, tennis or padel tennis), (ineligibility from participation) of up to a lifetime; and/or
  - 12.3 with respect to any other Anti-Corruption Offence, a suspension (ineligibility from participation) of up to three years.
13. A Participant who has been suspended will be permitted to receive accreditation or otherwise access an Event (or other competition of, or in relation to the Game, tennis or padel tennis) if



invited to do so by the LTA for the purpose of any authorised anti-gambling or anti-corruption education or rehabilitation programme organised and/or sanctioned by the LTA.

14. Any suspension must be a proportionate sanction in all the circumstances of the case, in particular, taking into account (i) the nature of the breach(es), (ii) the culpability of the Participant, (iii) the harm caused (or potential harm that could have been caused) to the Game (or tennis or padel tennis more generally), its integrity and/or the reputation of the LTA, its Members and Registered Organisations, an Event (or other competition of, or in relation to the Game, tennis or padel tennis) and/or a sponsor or other commercial partner of the LTA, (iv) the need to deter future breaches, and (v) any specific aggravating or mitigating factors;
15. In addition to the guidance on sanctions at paragraph 30 of the Disciplinary Regulations, when the Disciplinary Tribunal or Disciplinary Appeal Tribunal determines the appropriate sanction(s) for an Anti-Corruption Offence:

15.1 aggravating factors may include:

- (f) the age, experience and position of trust or authority of the Participant;
- (g) the Participant's previous disciplinary record, including in particular any previous breaches of the Anti-Corruption Regulations or any similar offences;
- (h) a lack of remorse on the part of the Participant (including, for example, refusing to participate in anti-corruption educational programmes);
- (i) a finding that the Participant received or expected to receive a significant Benefit as a result of the breach, or where the sums of money otherwise involved in the breach were substantial;
- (j) a finding that the Participant committed more than one breach of the Anti-Corruption Regulations;
- (k) a finding that the breach was part of a wider scheme involving other Participants; and
- (l) a finding that the breach affected or had the potential to affect the course or outcome of an Event; and

15.2 mitigating factors may include:

- (a) the youth or inexperience of the Participant, and/or a finding that the Participant was taken advantage of by a more senior or experienced Participant(s);
- (b) the Participant's good previous disciplinary record;
- (c) remorse on the part of the Participant (including, for example, agreeing to participate in anti-corruption educational programmes);
- (d) a finding that the Participant did not receive or expect to receive a significant Benefit as a result of the breach, or where the sums of money otherwise involved in the breach were not substantial;
- (e) a finding that the breach did not affect or have the potential to affect the course or outcome of an Event (or other competition of, or in relation to the Game, tennis or padel tennis);

- (f) the Participant's timely admission of guilt when confronted with the breach;
  - (g) the Participant's cooperative behaviour during the course of the investigation and/or the proceedings relating to the breach (for example, providing information requested on a timely and complete basis); and
  - (h) the Participant's provision to the LTA of truthful, accurate and complete information about potential breaches of the Anti-Corruption Regulations and/or other similar laws or regulations of which the Participant has knowledge, and full cooperation with any investigation and prosecution (whether by the LTA or another body, including a criminal or regulatory body) of such breaches, including by testifying at a hearing if required to do so.
16. For the avoidance of doubt, neither the Disciplinary Tribunal nor, if applicable, the Disciplinary Appeal Tribunal, that determines any breach of these Anti-Corruption Regulations will have any jurisdiction to adjust, reverse or amend the results of any Event or other match, competition or event. However, such matter may be referred to the LTA for consideration, or considered by the LTA at its own instigation, and the LTA will have the discretion to adjust, reverse or amend such results or to take such other remedial action as it considers appropriate.

## **MISCELLANEOUS**

17. No player who has been suspended or declared ineligible from participation in terms of this Code will, during the period of suspension or ineligibility, be credited with any ranking, rating or equivalent points for any Event (or other competition of, or in relation to the Game, tennis or padel tennis) played during that period.
18. If any Participant commits an Anti-Corruption Offence during any period of suspension or ineligibility, it will be treated as a separate Anti-Corruption Offence.
19. For the avoidance of doubt, a period of suspension or ineligibility under the Anti-Corruption Regulations will be held in abeyance during (and then run subsequent to) any period of suspension or ineligibility under the Anti-Doping Regulations.
20. Where a Player is found to have corrupted an Event (or other competition of, or in relation to the Game, tennis or padel tennis), they will forfeit any medals and titles obtained in that Event (or such other competition).

## PART G: DEFINITIONS

"**ADR Effective Date**" has the meaning given to that term in paragraph 4 of the Anti-Doping Regulations.

"**Adult at Risk**" means any person aged 18 or older and who is, or may be, vulnerable to or unable to protect themselves against harm or the risk of it (whether generally or a result of circumstances in which that person finds themselves at the relevant time).

"**Agreed Safeguarding Outcome**" has the meaning given to that term in paragraph 27.2 of the Safeguarding Regulations.

"**Anti-Corruption Offences**" means those anti-corruption offences set out at paragraph 4 of the Anti-Corruption Regulations.

"**Anti-Corruption Regulations**" means the anti-corruption regulations set out at Part F.

"**Anti-Doping Officer**" means the person appointed by the LTA from time to time as its anti-doping officer.

"**Anti-Doping Regulations**" means the anti-doping regulations set out at Part E.

"**Anti-Doping Rule Violation**" has the meaning given to that term in the UKAD Rules.

"**Appeal Fee**" means £200 (to be retained by the LTA in any event).

"**Appeal Tribunal**" has the meaning given to that term in paragraph 15 of Part A.

"**appellant**" means the party making an appeal, being the party who/which has submitted the notice of appeal in respect of a decision of a Tribunal (or, in relation to the LTA Regulatory Documents, a decision of the LTA).

"**Article**" means an article of the UKAD Rules.

"**ATP**" has the meaning given to it in paragraph 23 of the Anti-Doping Regulations.

"**Benefit**" means money, anything of value or the equivalent, such as bribes, gains, gifts and other advantages including winnings and/or potential winnings as a result of a Bet (other than prize money and/or payments to be made under endorsement, sponsorship or other contracts).

"**Bet**" means any arrangement involving a real money stake or financial risk (which includes hard and digital currencies) and/or any other form of financial speculation on the outcome of an unpredictable event; and which term will be construed accordingly when used as a verb.

"**Board**" means the board of directors of the LTA.

"**CAS**" means The Court of Arbitration for Sport in Lausanne, Switzerland.

"**Chair of the Appeal Tribunal**" means the person appointed by the Chair of the Judicial Panel in accordance with paragraph 23 of Part A to chair the relevant Appeal Tribunal.

"**Chair of the Disciplinary Appeal Tribunal**" means the person appointed by the Chair of the Judicial Panel in accordance with paragraph 23 of Part A to chair the relevant Disciplinary Appeal Tribunal.

**"Chair of the Disciplinary Tribunal"** means the person appointed by the Chair of the Judicial Panel in accordance with paragraph 23 of Part A to chair the relevant Disciplinary Tribunal.

**"Chair of the Judicial Panel"** means the person who holds the role of chair of the Judicial Panel with the skills and responsibilities set out in paragraph 17 of Part A (or that person's designee).

**"Chair of the Registration Appeal Tribunal"** means the person appointed by the Chair of the Judicial Panel in accordance with paragraph 23 of Part A to chair the relevant Registration Appeal Tribunal.

**"Chair of the Safeguarding Appeal Tribunal"** means the person appointed by the Chair of the Judicial Panel in accordance with paragraph 23 of Part A to chair the relevant Safeguarding Appeal Tribunal.

**"Chair of the Safeguarding Tribunal"** means the person appointed by the Chair of the Judicial Panel in accordance with paragraph 23 of Part A to chair the relevant Safeguarding Tribunal.

**"Chair of the Tribunal"** means the person appointed by the Chair of the Judicial Panel in accordance with paragraph 23 of Part A to chair the relevant Tribunal.

**"charged Participant"** means a person to whom a notice of charge has been sent / issued in terms of this Code.

**"Child"** means any person under the age of 18.

**"Coach Accreditation Regulations"** means the regulations issued by the LTA relating to the accreditation of coaches by the LTA, as amended from time to time.

**"Code"** means this LTA Disciplinary Code, as approved and adopted by the Board and as amended from time to time.

**"Tribunal"** has the meaning given to that term in paragraph 14 of Part A.

**"Competition"** has the meaning given to that term in paragraph 22 of the Anti-Doping Regulations.

**"Competition Regulations"** means the competition regulations of the LTA, as amended from time to time, including the Competition Code of Conduct (as defined therein).

**"Costs of the Proceedings"** means:

- (a) the costs of holding the hearing before the Tribunal and/or the Appeal Tribunal;
- (b) the legal and/or travel/accommodation costs and/or fees or charges of the members of the Tribunal and/or Appeal Tribunal;
- (c) the legal and/or travel/accommodation costs of any party subject to the proceedings; and
- (d) any other cost, fee and/or expense which is stated in the Code to be a Cost of the Proceedings.

**"Costs Order"** means an order by a Tribunal or Appeal Tribunal regarding the Costs of the Proceedings.

**"Council"** means the council of the LTA for the time, being constituted in accordance with the LTA Governing Documents.

**"Councillor"** means any person from time to time appointed as a member of the Council.

**"Covered Event"** has the meaning given to that term in paragraph 23 of the Anti-Doping Regulations.

"**de novo**" means that the relevant decision-making body has power to review the facts and the legal arguments of new as if no decision had been made at first instance.

"**Deputy President**" means the deputy president of the Council.

"**Deputy Chair of the Judicial Panel**" means the person who holds the role of deputy chair of the Judicial Panel with the skills and responsibilities set out in paragraph 19 of Part A (or that person's designee).

"**Disciplinary Appeal Tribunal**" has the meaning given to that term in paragraph 15.1 of Part A.

"**Disciplinary Tribunal**" has the meaning given to that term in paragraph 14.1 of Part A.

"**Disciplinary Division**" has the meaning given to that term in paragraph 13.1 of Part A.

"**Disciplinary Officer**" means the person appointed by the LTA from time to time as its disciplinary officer to act on its behalf regarding matters arising under this Code (other than the Safeguarding Regulations and the Anti-Doping Regulations).

"**Disciplinary Regulations**" means the disciplinary regulations set out at Part B.

"**Division**" means any one of the Disciplinary Division, the Registration Appeals Division and the Safeguarding Division of the Judicial Panel; and "**Divisions**" will be construed accordingly.

"**Effective Date**" has the meaning given to that term in the introduction to the Code.

"**Event**" means any match, competition or event controlled, sanctioned, recognised, authorised or organised by or otherwise taking place under the jurisdiction of the LTA, a Member or a Registered Organisation, or at any Registered Venue.

"**first instance**" refers to the situation where neither a Tribunal nor an Appeal Tribunal has heard the specific case in question previously and so it is the first time which that specific case is being put to a Tribunal in terms of the Code.

"**Game**" has the meaning given to that term in the LTA Governing Documents and, as at the Effective Date, includes tennis in Great Britain, the Channel Islands and the Isle of Man, including the games of lawn and padel tennis, derivative forms of them and virtual versions of certain Events.

"**Head of Safeguarding**" means the person appointed by the LTA from time to time to act on its behalf regarding matters arising under the Safeguarding Regulations.

"**In-Competition**" has the meaning given to that term in paragraph 22 of the Anti-Doping Regulations.

"**Independent**" means any person who (i) at the time of that person's appointment, (ii) at any time up to five years prior thereto and (iii) at any time between that person's date of appointment as a member of the Judicial Panel and the date of that person's retirement, resignation, removal or vacation from the Judicial Panel, will not:

- (a) be serving or have served as a member of the Board, as a Councillor or as part of the LTA's executive or leadership team;
- (b) be or have been an employee or officer of the LTA or a Member; or
- (c) hold or have held a professional relationship with the LTA that relates to the functions of the relevant Division(s) to which they are appointed.

"**Independent Board Member**" means an independent, non-executive director of the LTA.

**"Inside Information"** means information about the likely participation or likely performance of a Player in an Event, such as information relating to the Player's health and/or fitness to play as well as information concerning the weather, court conditions, status, outcome or any other aspect of an Event which is known by a Participant and is not information that has been published or is a matter of public record or can be readily acquired by an interested member of the public and/or information that has been disclosed according to the rules or regulations governing a particular Event.

**"International Event"** has the meaning given to that term in paragraph 22 of the Anti-Doping Regulations.

**"International-Level Player"** has the meaning given to that term in paragraph 23 of the Anti-Doping Regulations.

**"ITF"** means ITF Limited, trading as the International Tennis Federation, the world governing body for the Game.

**"ITF Programme"** has the meaning given to that term in paragraph 6 of the Anti-Doping Regulations.

**"ITIA"** means the International Tennis Integrity Agency.

**"Judicial Panel"** has the meaning given to that term in paragraph 13 of Part A.

**"Legally Qualified"** means a qualified solicitor registered with the Solicitors Regulation Authority or the Law Society of Scotland, or a barrister called to the Bar of England and Wales, or an advocate regulated by the Faculty of Advocates in Scotland (or the holder of an equivalent registration as a legal professional in another country).

**"Local Tennis Leagues"** means the tennis leagues operated by Local Tennis Leagues Limited, a company registered in England & Wales (company number 09008328) and owned and operated by the LTA.

**"LTA"** means Lawn Tennis Association Limited, a company limited by guarantee registered in England & Wales (company number 07459469).

**"LTA Code of Conduct"** means the code(s) of conduct issued by the LTA (or, where applicable, any member of its group) from time to time and with which any or all Participants are required to comply.

**"LTA Governing Documents"** means the articles of association of the LTA, the governing document described as the "Rules" of the LTA and any other document designated by the LTA (or, where applicable, any member of its group) as a governing document of the LTA from time to time.

**"LTA Regulatory Documents"** means the Coach Accreditation Regulations, the Official Licensing Regulations, the Venue Registration Regulations and any other regulations (or similar) designated by the LTA as an "LTA Regulatory Document";

**"LTA Safeguarding Policies"** means the policies and related documents published or issued by the LTA from time to time in relation to safeguarding or child protection matters, including the "LTA Safeguarding Policy" (<https://www.lta.org.uk/globalassets/about-lta/safeguarding/british-tennis-safeguarding-policy.pdf>) as updated from time to time.

**"Member"** means a member of the LTA (within the meaning given in section 112 of the Companies Act 2006), including a national, county or island association.

**"Misconduct"** has the meaning given to that term in paragraph 4 of the Disciplinary Regulations.

**"NADP"** has the meaning given to it in the UKAD Rules and, as at the ADR Effective Date, means the panel of arbitrators administered by Sport Resolutions (UK) or its successor to whom matters may be referred under Article 8 and Article 13 of the UKAD Rules.

**"National Level Player"** has the meaning given to the term "National-Level Athlete" in the UKAD Rules, subject to interpretation in accordance with paragraph 21.1 of the Anti-Doping Regulations.

**"Nomination Committee"** means the standing committee of the Board known as the "Nomination Committee".

**"Official"** means any person involved in organising and/or participating in the administration or running of an Event or match (including any referee, assistant referee, chair umpire, court supervisor, judge, match official, tournament official, competition organiser or team official).

**"Official Licensing Regulations"** means the regulations issued by the LTA relating to the licensing of officials by the LTA, as amended from time to time.

**"Part"** means, as applicable, one or more alphabetised parts of this Code.

**"Participant"** has the meaning given to that term in paragraph 2 of Part A.

**"party"** means (unless the context requires otherwise) a person that is involved in proceedings in accordance with this Code, for example before a Tribunal or Appeal Tribunal, and **"parties"** will be construed accordingly.

**"party subject to the proceedings"** means LTA or a charged Participant in the particular case.

**"Player"** means a person who plays or competes at any level in the Game (including in any Event), whether such person is registered with the LTA or not, and including any person participating in a Local Tennis League.

**"Player Support Person"** means any coach, trainer, manager, agent, representative, team staff, official, nutritionist, medical or paramedical personnel, any other person working with, treating or assisting a Player or any parent, guardian, carer, family member, relative or other associate or supporter of a Player.

**"President"** means the president of the Council.

**"Prize Money"** has the meaning given to that term in paragraph 23 of the Anti-Doping Regulations.

**"Prohibited Conduct"** has the meaning given to that term in paragraph 5 of The Safeguarding Regulations.

**"Protected Individual"** means any Child or Adult at Risk who is involved in the Game, whether as a Participant or otherwise.

**"Recreational Player"** has the meaning given to the term "Recreational Athlete" in the UKAD Rules, subject to interpretation in accordance with paragraph 21.1 of the Anti-Doping Regulations.

**"Registered Organisation"** means the owner or operator (as applicable) of a Registered Venue and registered as such by the LTA (or another member of its group) under and in terms of the Venue Registration Regulations.

**"Registered Venue"** means a venue (or other place where the Game is played) registered as such by the LTA (or another member of its Group) under and in terms of the Venue Registration Regulations.

**“Registration Appeal Tribunal”** has the meaning given to that term in paragraph 15.3 of Part A.

**"Registration Appeals Division"** has the meaning given to that term in paragraph 13.3 of Part A.

**"Registration Appeal Regulations"** means the regulations set out at Part D relating to appeals against decisions of the LTA under LTA Regulatory Documents.

**"Related Person"** means any coach, trainer, therapist, physician, management representative, agent, family member, tournament guest, business associate or other affiliate or associate of any Player, or any other person who receives accreditation at or otherwise attends an Event at the request of the Player or of any other Related Person.

**"Relevant Person"** means, as applicable, a Player Support Person or a Related Person.

**"respondent"** means the party to an appeal who/which did not submit the notice of appeal in respect of a decision of a Tribunal;

**"Safeguarding Appeal Tribunal"** has the meaning given to that term in paragraph 15.2 of Part A.

**"Safeguarding Tribunal"** has the meaning given to that term in paragraph 14.2 of Part A.

**"Safeguarding Division"** has the meaning given to that term in paragraph 13.2 of Part A.

**"Safeguarding Regulations"** means the safeguarding regulations set out at Part C.

**"Tennis Activities"** means activities controlled, sanctioned, recognised, authorised or organised by the LTA, any Member, any Registered Organisation or any other tennis governing body and/or playing, competing, training, coaching, selecting, officiating, attending, spectating, managing, advising, administrating, organising, delivering, hosting and/or promoting any part(s) of the Game.

**“Tennis Betting”** means placing a Bet in connection with the outcome or any other aspect of any Event or any other competition in, or in relation to, the Game, tennis or padel tennis; but “Tennis Betting” expressly excludes all of the following to the extent that they do not involve a Bet: fantasy sports; prize or prediction competitions; sweepstakes; console, computer, online, social, social media or mobile games or applications.

**"Tournament Support Person"** means any tournament director, official, owner, operator, employee, agent, contractor or any similarly situated person or any LTA employee providing services at any Event and any other person who receives accreditation at an Event at the request of any other Tournament Support Person.

**"Transitional Regulations"** means the transitional regulations set out at Part G.

**"UKAD"** means United Kingdom Anti-Doping Limited, a company limited by guarantee registered in England and Wales (company number 06990867) and the national anti-doping organisation for the United Kingdom.

**"UKAD Rules"** has the meaning given to that term in paragraph 9 of the Anti-Doping Regulations.

**“Venue Registration Regulations”** means the regulations (or similar) in respect of the registration of venues and the owners / operators of them, including any minimum safeguarding standards to be complied with, and that whether the regulations are specifically designated as “Venue Registration Regulations” or otherwise substantively deal with such registration and other matters.



**"Volunteer"** means any person providing assistance or support to the LTA or any Member or Registered Organisation from time to time otherwise than as an employee or officer, including but not limited to any person providing assistance at an Event.

**"WADA"** means the World Anti-Doping Agency.

**"WAD Code"** has the meaning given to it in paragraph 6 of the Anti-Doping Regulations.

**"WTA"** has the meaning given to it in paragraph 23 of the Anti-Doping Regulations.