

**THE SCOTTISH KARATE GOVERNING BODY**  
**DISCIPLINARY RULES AND PROCEDURES**

**1 Introduction and General Principles**

The purpose of these Disciplinary Rules and Procedures (“the Disciplinary Rules”) is to ensure justice in disciplinary proceedings and to provide a framework within which decisions can be made in a fair, consistent, independent and expeditious manner. It is the policy of the SKGB to ensure that any disciplinary matters are dealt with fairly and that steps are taken to establish the facts.

**2 Definitions and Interpretation**

In these Disciplinary Rules the following terms shall have the following meanings:-

“Articles” means the articles of association of the SKGB from time to time in force;

“Board” means the board of directors from time to time of the SKGB;

“Chair” shall mean the chair of the DC appointed in accordance with these Rules;

“DC” means the Disciplinary Committee appointed in terms of Clause 3;

“EKF” means the European Karate Federation;

“Full Member” means a member of the SKGB appointed to full membership in accordance with the Articles;

“Investigator” means a person appointed by the Chair in accordance with Clause 5;

“Member” means any member of the SKGB (including any Full Member);

“Director” means any person appointed as such under and in terms of the Articles;

“Person” means a Member or any member, director, official, employee, contractor, worker, agent, volunteer or representative of a Member or/ of a club affiliated to a Member and any other person involved in or connected to the sport of karate in Scotland;

“Rules” means these Disciplinary Rules and any other rules, bye laws or regulations issued or adopted by the SKGB including their Codes of Conduct or any other rules binding on any Member or Person under the auspices of the SKGB;

“SKGB” means The Scottish Karate Governing Body, a company incorporated in Scotland (Company Number SC 270068) and having its registered office at 193 Bath Street, Glasgow, G2 4HU; and

“WKF” means the World Karate Federation.

### 3 **Formation of the Disciplinary Committee**

3.1 The DC shall be headed by a Chair who shall be appointed by the Board and who shall not be a Director. The position of the Chair shall be held for an initial period of three years provided that the Board shall be entitled to remove the Chair after a period of one year. At the end of the initial three year period the Board shall be entitled to re-appoint the Chair for such further period as deemed appropriate in the opinion of the Board. The Chair shall preside over all disciplinary cases in terms of these Disciplinary Rules.

3.2 The DC shall consist, in addition to the Chair, of up to four and not less than two appropriately qualified and/ or experienced individuals. The members of the DC other than the Chair will be appointed by the Board for an initial period of three years provided that the Board shall be entitled to remove any member of the DC after a period of one year. At the end of the initial three year period the Board shall be entitled to re-appoint any member of the DC for such further period as deemed appropriate in the opinion of the Board. The individuals so appointed shall not be Directors or any person who is a family member of or has a legal or business link to any Director. There must be one Member or representative of a Member appointed to sit on the DC at any given time but not more than one Member or representative of a Member shall sit on the DC at any time. The Chair of

the DC may ask each Member to supply a list of persons competent in judicial and/or sporting matters to be considered for appointment to the DC.

- 3.3 The Chair of the DC manages the DC and shall sit on the DC. The Chair's responsibility is to control the development and regularity of the procedures and to take appropriate measures to ensure the fair operation of all disciplinary and appeals processes relating to the SKGB.
- 3.4 The Chair shall appoint one of the members of the DC as the secretary of the DC.

#### 4 **Competence of the Disciplinary Committee**

- 4.1 The DC may act:-
- 4.1.1 as an appeal body in the event of a suspension or expulsion of a Member or Person from the SKGB or from any competition or event by the Board or in relation to any other dispute arising between a Member or Person and the SKGB; and/or
- 4.1.2 in the event of any breach of the Rules by any Member or Person; and/or
- 4.1.3 in any disciplinary matter which relates to the affairs of the SKGB or of the sport of karate in Scotland on the request of the Board (notwithstanding that such matter has not previously been adjudicated upon by the Board) or on request of a third party (including any Member or Person).
- 4.2 For the avoidance of doubt the DC shall not act in relation to any policy matters that have been determined by the Board in relation to the Company that are not disciplinary matters and shall not act in relation to any employment matters relating to the Company.
- 4.3 In the case of a request for the DC to act from a third party (including a Member or Person) the third party must notify the Board in writing of the request for the DC to act, the Board shall notify the DC (within a reasonable period) and the Chair will decide upon the acceptability of the request at his entire discretion.

- 4.4 The DC is competent in disciplinary matters and these Disciplinary Rules shall apply to all Members and Persons. In accordance with Clause 4.1, the DC can give advice on any disciplinary incidents or matters of interest to the SKGB. In disciplinary matters, the goal of the DC is to adjudicate all disputes arising from regulations relating to the sporting and ethical behaviour of Members and Persons. The DC shall have power and competence to resolve all conflicts and disputes between Members, Members and Persons and all conflicts, disputes or matters arising between Members or Persons and the SKGB in all cases insofar as relevant to the sport of karate in Scotland and provided that the matter is a disciplinary matter.
- 4.5 The DC will deal with disciplinary matters other than where the WKF or EKF has jurisdiction in accordance with their respective rules. The jurisdiction of the DC will include, for example, disciplinary matters and behaviour at all opening and closing ceremonies, incorrect behaviour of Members or Persons inside or outside the competition area or any behaviour that is considered contrary to the ethics of karate or is likely to bring the sport of karate into disrepute.
- 4.6 The DC has the power to institute disciplinary penalties upon Members or Persons in the form of (without limitation) verbal or written warnings, reprimands, sanctions, penalties, suspensions or expulsions from participation in SKGB events or from membership of the SKGB itself as more fully set out in Clause 8.
- 4.7 The Chair, or any person appointed by the Chair, may survey any relevant competition (including the opening and closing ceremonies) and will present a written report to the Board and the DC on any incorrect or inappropriate attitude or conduct or misbehaviour arising during these competitions or ceremonies.

## 5 Investigations into a Disciplinary Matter

- 5.1 The Chair may appoint an Investigator, not being a member of the DC and who is not a member of the Board, to undertake a preliminary inquiry into the facts of the case in question and to provide a report to the Chair on the case, such report to be provided by the Investigator to the Chair within 60 days of request or such other period as the Chair may specify.

- 5.2 The DC or any Investigator appointed by the Chair under Clause 5.1 above can proceed with any investigation, interview or correspondence for the purpose of obtaining necessary information prior to taking any appropriate action in response to any request to act under Clause 4.1, on the receipt of a complaint from the Board, a Member or Person or any third party (whereupon the Chair shall determine the acceptability of the request at his entire discretion) or on its own initiative. The Board, all Members and all Persons shall provide all such information necessary and reasonably requested by the DC or any Investigator in order to enable it to carry out its functions. The purpose of an investigation is to establish a fair and balanced view of the facts relating to any disciplinary allegations. The Board, all Members and all Persons involved in the disciplinary matter must co-operate fully and promptly in any investigation. Following any investigation, if the DC considers that there are grounds for disciplinary action, the DC shall inform the Member or Person concerned in writing of the allegations against them, the basis for these allegations and its initial findings from its investigation.
- 5.3 In cases of certain gravity, the Chair of the DC may decide upon the provisional suspension from the SKGB and any event or competition of the SKGB of those concerned in a disciplinary matter until the case is heard by the DC. Once appointed the DC may decide whether to keep or to lift the suspension until the final decision by the DC. While suspended no Member or Person who is the subject of the disciplinary matter shall participate in any sporting activity related to karate (including competition or coaching) and, if requested by the Chair, shall not attend at any property of the Member concerned, the SKGB or any karate body.
- 5.4 In the case of a serious offence committed by any Person during a competition, the Chair or any member of the DC may impose an immediate suspension. The issue will be transmitted for determination by the DC as soon as possible thereafter in accordance with these Disciplinary Rules.
- 5.5 Once all investigations have been carried out by the DC or any Investigator the DC shall fix reasonable deadlines for the procedural stages of the matter which shall be issued for guidance only. Each person involved in the disciplinary matter shall be given a reasonable opportunity to make representations to the DC.

## 6 Proceedings of the Disciplinary Committee

- 6.1 In general the proceedings of the DC will be presented in writing and information exchanged between the parties may be through all media including fax and email. However the Chair of the DC may decide to call those concerned in any case in person before the DC and if this is the case the persons concerned will be given written notice of the date, time and place of the meeting of the DC and shall be afforded a reasonable opportunity to be heard at the hearing. The DC shall be entitled to call upon, receive and consider such evidence as it thinks appropriate. The DC may require the attendance at a hearing of any person. In any case where a person required by the DC to attend a hearing refuses or fails to attend, the DC may adjourn the hearing, proceed with the hearing in the absence of that person, allow or refuse to allow the evidence of that person or allow their evidence to be given in any other form. For the avoidance of doubt nothing in these Disciplinary Rules shall prevent the DC from determining the matter in question without the person concerned present.
- 6.2 At their own request and at their own expense those concerned will have the right to be heard by the DC alone or through a lawyer or a third party provided that they shall notify the DC at least 48 hours in advance of any hearing of the identity of any such lawyer or third party.
- 6.3 When the DC decides to have hearings these will not be public and only members of the DC and the parties concerned (together with their duly appointed representatives) shall be entitled to attend. The deliberations of the DC shall be held in private.
- 6.4 Where disciplinary proceedings are taken against more than one Person or Member as a result of an incident or incidents occurring at or in connection with the same competition or circumstances, any such proceedings may be heard together, where the Chair of the DC so determines, provided that there is no manifest prejudice to anyone against whom such proceedings are taken.
- 6.5 All minutes of any meeting of the DC will be signed by the Chair of the DC.

6.6 Notification of the outcome of the decision of the DC will be sent to those concerned in such manner that receipt can be proven, provided that it shall be considered sufficient that notification is sent to the Member or Person concerned at their last known address.

6.7 The DC meetings will be convened and called for by the Chair or upon request of any member of the DC, or the Board in either case by the provision of reasonable notice (such notice not being less than 7 days) to the members of the DC. Meetings of the DC shall be held at a location determined by the Chair and other members of the DC.

## **7 Voting of the Disciplinary Committee**

7.1 Decisions of the DC on any case shall be determined by a majority vote and if there is an equality of votes the Chair shall have a second and casting vote. If any member of the DC is unable to vote on any matter the Board shall use all reasonable endeavours to appoint an alternative member to the DC to vote on the matter in accordance with the terms of these Disciplinary Rules. The decisions of the DC are final.

7.2 The DC shall have due regard to natural justice at all times and the standard of proof in all questions for determination by the DC shall be proof on the balance of probabilities.

## **8 Sanctions of the Disciplinary Committee**

8.1 The disciplinary penalties open to the DC to impose include but are not limited to:

8.1.1 Warnings: a warning may be given by the DC for a minor act of misconduct where no other warnings have been given to the Member or Person in question. A warning may set out the nature of the misconduct, the change of behaviour required and (if possible) the likely outcome of further misconduct. A record of the warning will be retained by the SKGB and DC;

- 8.1.2 Reprimands: a reprimand may be given in a case which is more serious than a minor act of misconduct or where previous warnings have been issued to the Member or Person concerned. The reprimand may set out the nature of the misconduct, the change of behaviour required and (if possible) the likely outcome of further misconduct. A record of the reprimand will be retained by the SKGB and the DC;
- 8.1.3 Sport Penalties: any such penalties shall be at the entire discretion of the DC to determine as appropriate in the circumstances and may include a temporary ban for any Member or Person from participation in competition, any course or Dan grades;
- 8.1.4 Financial Penalties: any such penalties shall be at the entire discretion of the DC to determine appropriate in the circumstances and may include a fine on any Person or Member;
- 8.1.5 Suspension: a Member or Person may be suspended from membership of the SKGB and/or from participation in competition, any course, Dan grades or any participation in the sport of karate in a case of serious misconduct or suspected serious misconduct or where in the opinion of the DC (in their entire discretion) the suspension of the Member or Person involved is required in order to secure the safety of any persons involved in karate or the integrity or good reputation of the sport of karate;
- 8.1.6 Expulsion: a Member or Person may be expelled from membership of the SKGB and/or from participation in competition, any course, Dan grades or any participation in the sport of karate where an investigation into the facts has been carried out by the DC or an Investigator and the Member or Person has been determined by the DC (in their sole discretion) to be guilty of serious misconduct or where in the opinion of the DC in their entire discretion, the expulsion of the Member or Person involved is required in order to secure the safety of any persons involved in karate or the integrity or good reputation of the sport of karate.



- 8.2 The DC can impose any such measures as it deems necessary on the Members or Persons involved in a disciplinary matter to ensure that the matter concerned is not repeated, the safety of those involved in karate is protected and that the integrity and good reputation of the sport of karate is maintained. The DC may impose more than one sanction in relation to a disciplinary matter.
- 8.3 When determining any sanctions the DC shall, without limitation, have regard to:
- 8.3.1 the seriousness, size and nature of the disciplinary matter;
  - 8.3.2 the extent to which the disciplinary matter was deliberate or reckless;
  - 8.3.3 the general compliance history of the Member or Person in question, and any specific history of the disciplinary matter in question; and
  - 8.3.4 the responsiveness and conduct of the Member or Person in relation to the disciplinary matter in question.

## 9 Conduct and Conflicts of Interest

- 9.1 The members of the DC have an obligation to be discreet and not disclose to any other party the outcome of their investigations other than as required under the terms of these Disciplinary Rules or as required in order to ensure that the disciplinary matter is adequately dealt with and sanctions are complied with.
- 9.2 The members of the DC cannot take part in any instance or case where members of their own federation, association or club, their family or persons having a legal or business link with them are involved. It is the responsibility of each member of the DC to withdraw from a case when a conflict of interest is apparent. In this instance the Board will appoint another member to the DC on a pro tem basis in accordance with the provisions of Clause 3.1. The Chair's decision on conflicts of interest shall be final and binding. Should the Chair have a conflict of interest and be obliged to withdraw, the Board will elect another member of the DC as Chair for the purposes of the case in question.

**10 Timescale**

The members of the DC will make every reasonable effort to resolve all matters in their hands within a reasonable time and in any case within a period of 6 months from the date upon which the matter is first notified to the Board.

**11 Amendments to these Disciplinary Rules**

Amendments to these Disciplinary Rules must be approved by the Board in accordance with the Articles.

**12 Costs**

The DC may impose in its rulings the payment of the DC's costs reasonably and properly incurred. When acting to resolve conflicts between Members or Persons it may rule that one or both parties should bear the costs and in what proportion.

These Rules should be read in conjunction with the Memorandum and Articles of Association of the SKGB and all other rules and regulations published by the SKGB.



**MCCLURE NAISMITH**

Solicitors

GLASGOW EDINBURGH LONDON

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CJM ALC 12956.1

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3 Ponton Street  
Edinburgh  
EH3 9QQ  
DX: ED135

Tel: 0131 228 4994  
Fax: 0131 228 4260

E-mail: [edinburgh@McClureNaismith.com](mailto:edinburgh@McClureNaismith.com)

292 St Vincent Street  
Glasgow  
G2 5TQ

DX: GW64

Tel: 0141 204 2700  
Fax: 0141 248 3998

E-mail: [glasgow@McClureNaismith.com](mailto:glasgow@McClureNaismith.com)

Equitable House  
47 King William Street  
London EC4R 9AF

DX: 764 CDE

Tel: 020 7929 3770  
Fax: 020 7929 3466

E-mail: [london@McClureNaismith.com](mailto:london@McClureNaismith.com)