

## Annex H - 1

### BEF SELECTION APPEAL RULES

#### Introduction

This document sets out the BEF's Selection Appeals Procedure ("the Procedure") applying to Selection Decisions taken under a BEF Member Body's Selection Policy in relation to international competitions other than the Olympic or Paralympic Games.

The right to appeal a selection decision must not be seen as an opportunity to dispute the opinion of the selector(s) where the selection procedure and selection criteria have been followed. In reaching their decision the selector(s) are acting as experts.

#### Who May Appeal

1. Any person who:
  - (i) is a Member;
  - (ii) is eligible for selection under the relevant BEF Member Body's Selection Policy; and
  - (iii) is directly affected by and dissatisfied with a Selection Decision made pursuant to that Selection Policy by the selectors of the BEF Member Body;

may Appeal the Selection Decision in accordance with this Procedure.

#### Interpretation

2. In these the following words or phrases shall bear the following meanings unless the context otherwise requires:

**"Appeal"** means an appeal brought under this Procedure;

**"Appellant"** means a Member who Appeals in accordance with this Procedure;

**"BEF"** means the British Equestrian Federation;

**"BEF Member Body"** means a member body of the BEF which is the governing body of an equestrian sporting discipline;

**"Chair"** means the Chair of the Panel appointed pursuant to Rule 12 of this Procedure;

**"Chief Executive"** means the Chief Executive of the BEF;

**“Day”** means any day and for the avoidance of doubt in this Procedure includes a Saturday, Sunday, or a bank holiday and “Days” shall be construed accordingly;

**“Hour”** means an hour of any Day, and “Hours” shall be construed accordingly;

**“Member”** means an individual member of a BEF Member Body;

**“Notice of Appeal”** means a notice complying with rule 10 of this Procedure;

**“Notification”** of a Selection Decision means whichever is the earlier of the date and time on which the Selection Decision was actually notified to the Appellant and the date and time on which the Selection Decision was announced;

**“Panel”** means an appeal panel appointed to hear an Appeal pursuant to rule 12 of this Procedure;

**“Reply”** means a reply made in compliance with rule 20 of this Procedure;

**“Respondent”** means the relevant BEF Member Body against whose Selection Decision the Appeal is made;

**“Selection Decision”** means a decision to nominate a rider/horse combination to the Team for selection as a member of the Team to represent Great Britain at the championships specified in the applicable Selection Policy;

**“Selection Policy”** means a selection policy of a BEF Member Body pursuant to which rider/horse combinations are selected as a member of the Team to represent Great Britain at the championships specified in the applicable Selection Policy;

**“Standard Directions”** means the directions set out in rules 20-21 of this Procedure.

3. Where any written notice or document is to be given or supplied to the BEF under this Procedure it must be either be sent by email, fax or delivered by hand to the BEF at Equestrian House, Abbey Park, Kenilworth, Warwickshire CV8 2 RH and marked for the attention of the BEF Chief Executive.
4. Where any written notice or document is to be given or supplied to any other person under this Procedure it must either be sent by email, fax or delivered by hand to the last known address of that person.
5. A document is deemed to be served as follows:
  - in the case of email at whichever is the earlier of the time and date of a reply or a read receipt;
  - in the case of a fax at whichever is the earlier of the time and date of a reply and the time and date of a fax transmission and receipt notice; and

- in the case of a by hand delivery at the time and date of signed receipt or acknowledgement by or on behalf of the relevant person.
6. References in this Procedure to a party's signing, filing or serving any document or taking any other procedural step include the signature, filing or service of that document or the taking of such other procedural step by the party's solicitor.
7. In computing the number of Hours within which anything under this Procedure is required to be done the Hour on which the period begins and the Hour upon or by which the thing is to be done shall not be included.

### **Grounds of Appeal**

8. An Appeal against a Selection Decision may only be brought on the grounds that:
- a) The procedures detailed in the relevant Selection Policy were not followed;
  - b) The Selection Decision was a decision which no rational body of selectors could reasonably have made.

### **Commencement of Appeal**

9. An Appeal shall be commenced by lodging a Notice of Appeal with the Chief Executive of the BEF within 48 hours of Notification of the Selection Decision. A copy of the Notice of Appeal must also be sent to the Chief Executive of the relevant BEF Member Body.
10. The Notice of Appeal must:
- Set out the grounds on which the Appeal is made and the remedy sought;
  - Provide full details of the basis of the Appeal;
  - Be accompanied by all relevant documentation which the Appellant wishes to rely on in support of the Appeal;
  - State whether the Appellant is seeking an oral hearing of the Appeal;
  - Be signed by the Appellant; and
  - Be accompanied by an appeal fee in the form of a cheque made out to the BEF or confirmation of a bank transfer to the BEF (details available on request) in the sum of £300. The fee will be held by the BEF until the Appeal is decided. If the Appeal is dismissed the fee will not be refunded. Otherwise the Panel may in its discretion order the other party to pay some or all of the fee.

11. The Respondent may on a confidential basis inform Members whose selection may be affected by a successful Appeal of the Notice of Appeal and such Members may request the permission of the Chair to be made a party to the Appeal in which event the Chair shall provide directions as to such Members participation in the Appeal.

### **Appeal Panel**

12. The Chief Executive will appoint an Appeal Panel of three to hear the Appeal and nominate one of the Panel as Chair. The Chair shall be legally qualified. The Panel will be drawn from stewards of BEF as nominated by BEF Member Bodies and/or the Chief Executive, and approved by the BEF board, but will not include any person who is a member, or member of a committee, of the Respondent to the Appeal or is otherwise connected to the Respondent.
13. As soon as is reasonably practicable following the appointment of the Panel the Chief Executive will notify the parties of the members of the Panel.
14. Unless otherwise directed by the Panel the Selection Decision will remain in force pending the outcome of the Appeal.
15. If within 48 hours of the lodging of a Notice of Appeal pursuant to this Procedure the Appellant and the Respondent notify the Chief Executive and/or the Chair as the case may be that the parties have reached an agreement to settle the Appeal following a mediation process then the Appeal shall be stayed.

### **Directions**

16. The Chair may give directions in relation to the conduct or disposal of the Appeal at any time.
17. In the absence of any specific directions the Standard Directions set out in rules 20 -21 of this Procedure shall apply.
18. Where an Appellant fails to comply with the provisions of this Procedure, or any direction given by the Chair, the Appeal may be dismissed by the Panel without further consideration. Where a Respondent fails to comply with the provisions of this Procedure, or any direction given by the Chair, the Appeal may be allowed by the Panel without further consideration.
19. In order to deal with the matter expeditiously the Appeal shall proceed and be determined by means of written submissions unless either party applies to the Panel for an oral hearing in the course of the written submissions and/ or the Chair so directs.

## Standard Directions

20. Unless the parties are otherwise directed under the provisions of Rule 16 of this Procedure, the following Standard Directions shall apply:
- a) Within 48 Hours of receipt of the Notice of Appeal the Respondent shall submit to the BEF and serve on the Appellant a Reply which must
    - Provide full details of the basis on which it refutes the Appeal;
    - Be accompanied by all relevant documentation on which the Respondent wishes to rely in refuting the Appeal;
    - State whether the Appellant is seeking an oral hearing of the Appeal; and
    - Be signed by or on behalf of the chief executive of the Respondent.
  - b) Unless the Chair permits, the parties shall not submit further written material after the time limit for the submission of the Reply.
21. In the event that either party applies for, or the Chair directs, the Appeal to be dealt with by way of oral hearing and subject to any specific directions which the Chair shall give the following procedure shall apply to any oral hearing:
- a. The Chair shall fix the date, time and place of the oral hearing.
  - b. Unless the Chair orders otherwise the hearing shall be held in private. At the discretion of the Chair external independent observers from UK Sport may be permitted to attend.
  - c. Any party may choose to be legally represented at the hearing.
  - d. The parties must notify the BEF and the other party as soon as is practicable and in any event within any time limits set by the Chair of the identity of any witnesses they wish to call and the Chair may require that each party shall disclose the witness statement of any such witness both to the Panel and to the opposing party. The Chair shall decide whether such witness should be required to attend and give evidence at the hearing.
  - e. The oral hearing shall be conducted as follows:-
    - i) The Appellant shall give his or her evidence together with any witness evidence or witness statement relied upon following which the Respondent shall give its evidence together with any witness evidence or witness statement relied upon;
    - ii) Either party may cross examine the other and any witness called by them;

- iii) Following the giving of evidence the Appellant and then the Respondent shall summarise their respective cases.
- f. The non-attendance of a party at an oral hearing in respect of which that party has received notice shall not prevent the hearing being held in their absence.
- g. The Panel shall indicate whether they can reach their decision and finding on the day of the hearing.

### **Decision**

- 22. The Panel shall notify the parties and the Chief Executive of its decision in writing as soon as is reasonably practicable having regard to the requirement to resolve the appeal on an accelerated basis.
- 23. The Panel shall be entitled to:
  - i. Confirm the Selection Decision and reject the Appeal; or
  - ii. Rescind the Selection Decision and either:
    - a) remit the matter back to the BEF Member Body's selectors with a direction to make a new decision within a prescribed time scale; or
    - b) in the event that the Panel concludes that the BEF Member Body's selectors did not follow the procedures set out in the Selection Policy and that it is plain that if they had done so the Appellant would have been selected, direct that the BEF Member Body select the Appellant to the relevant Team.
- 24. The Panel has the power to order the unsuccessful party to pay the costs of the successful party; the amount may be agreed by the parties or determined by the Chair in default.
- 25. The Panel may make such directions as it considers fit regarding the contribution by parties to the administrative expenses of the BEF.
- 26. The decision of the Panel shall be final and binding on the parties.

### **Publicity**

- 27. Neither the Appellant nor the Respondent shall make any public comment on the subject matter of the Appeal prior to the determination of the Appeal by the Panel.
- 28. The Panel's decision and finding may be published by the BEF.

## **General**

29. The overriding objective of this Procedure is to enable the BEF to deal with selection appeals justly. This Procedure is intended to provide an accelerated procedure to enable a Selection Decision to be resolved as quickly as is reasonably possible to provide certainty to the Team having regard to the nature of and tight timetables applicable to selection to Teams to represent Great Britain. It is vital for Members requesting an Appeal and those responding to such an Appeal to appreciate that the outcome of the Appeal may have consequences affecting other Members and in the preparation for competition. Any delay therefore in commencing and processing the Appeal may ultimately prejudice the outcome of the Appeal. Accordingly dealing with an Appeal under this Procedure justly includes, in particular, ensuring that the Appeal is dealt with fairly and expeditiously.
  
30. In any unforeseen circumstances or in any situation which cannot be resolved by recourse to the provisions of this Procedure the issues shall be resolved by reference to the overriding objective and this Procedure.