



## **GIBRALTAR FOOTBALL ASSOCIATION (THE “GFA”)**

### **DECISION MAKING BODIES – PROCEDURAL RULES**

#### **ARTICLE 1** **DEADLINE / SUBMISSION OF DOCUMENTS**

The provisions of these Rules govern the proceedings for hearing cases before the two Decision-making Bodies (the “DMB”).

The serving of any procedural document must be done prior to the deadlines set by the Licensing Administration. Service will be deemed effected if received by the Licensing Manager prior to the end of the deadline date. The format of the document in question (electronic/original etc...) will be determined by the Licensing Manager and communicated to each applicant with ample time.

The deadlines for submission of documentation and/or application forms are set in the Core Process and must be met at all times.

#### **ARTICLE 2** **HEARING DATE**

The licence applicant has the right to be heard by the DMB.

The designation of the hearing place, time and date for the case is made by the Chairman of the DMB or by the Licensing Manager. The licence applicant is summoned in accordance with the provisions of Article 1 above, at least five (5) days prior to the hearing date. The aforementioned time limit may be accelerated by the Chairman of the DMB.

#### **ARTICLE 3** **GROUND OF RECUSAL**

Prior to the initiation of the session of the DMB, each member must sign a statement of confidentiality and independence. The members of the DMB may request their recusal or the licence applicant may request their recusal if:

- a) either themselves or any relative of theirs are members of the board of a club, shareholders of a club, or have any type of professional or contractual relation with a club (e.g. business partner, sponsor or any form of consultant);
- b) they have given cause of being biased, especially if they maintain a relationship of friendship, special relationship of duties or dependency, or controversy or animosity with any licence applicant.

The members of the DMB which have grounds for recusal are obliged to advise the Chairman of the DMB on this before commencing any session.

**ARTICLE 4**  
**CONFIRMATION OF INDEPENDENCE**

Declarations of Independence must be made prior to the commencement of any DMB session.

The Chairman or the Licensing Manager must request this confirmation from the members participating in the proceedings.

**ARTICLE 5**  
**EVIDENCE**

Evidence will consist of the Expert Reports, Application Forms and supporting documentation, any witnesses statements and any other documentation/information which the DMB in their discretion deem to be evidence.

**ARTICLE 6**  
**BURDEN OF PROOF**

1. It is for the Licence Applicant to prove the factual events necessary to support its claims.
2. The witnesses are presented by the Licence Applicants and examined before the DMB.
3. The factual events that are known to the DMB by other proceedings, are taken into consideration ex officio and without need of further evidence.

**ARTICLE 7**  
**PERSONAL ATTENDANCE OF (OR REPRESENTATIVES OF) THE LICENCE APPLICANT**

The DMB may, ex officio or following the petition of a licence applicant, order any and all things that may contribute to the investigation of the case, especially the personal attendance of the parties or the legal representatives thereof in the room, for the submission of questions and the provision of explanations pertaining to the case.

It is the right of the Applicant to be heard by the DMB. A Licence Applicant may be represented by a lawyer.

**ARTICLE 8**  
**WITNESSES UNDER OATH**

The DMB may either by its own initiative or following a petition of the licence applicant, decide to put witnesses under oath. At such a hearing, the DMB must inform the Applicant that he/she is subject to disciplinary sanctions in the event of false testimony.

**ARTICLE 9**  
**FREE JUDGMENT**

The DMB freely judges the evidence.

**ARTICLE 10**  
**SESSIONS OF THE DMB**

1. The official language during the session will be English;
2. The proceedings of the DMB are not public and held at a venue decided by the Licensing Manager if the offices of the GFA are not available. Licence applicants may attend the sessions, either through their representative or their legally appointed proxy if the DMB requests so.
3. During the proceedings Licence Applicants may be called to argue their submissions.
4. The deliberations for the judgment are secret.

**ARTICLE 11**  
**DISCUSSIONS/NEW CLAIMS**

1. During the discussion of a case, the DMB will only consider the documents and claims filed legally and promptly, namely those foreseen by the Club Licensing Regulations and these Rules, and within the deadlines designated by the Licensing Department.
2. The assessment report of the Licensing Manager which is based on the evaluation and audit reports of the criteria experts, is presented either orally or in writing. The licence applicant, if summoned, argues orally its claims.
3. The submission and evaluation of new claims (documentation, supporting documents, claims, etc.) during the discussion of the case, is expressly not permitted.

**ARTICLE 12**  
**FILING DOCUMENTS**

All documents will be filed in accordance with the filing and archiving of documents procedure.

**ARTICLE 13**  
**GENUINENESS OF PRIVATE DOCUMENTATION AND SIGNATURE**

1. In the event that the originality of a private document is contested, this must be proven and presented by the challenger, unless it is so obviously altered that the DMB may readily and securely verify that it is not original.
2. If a private document is presented against someone, he must immediately state if he recognises the genuineness of the signature or not, otherwise the document shall be deemed as recognised.
3. If the genuineness of the signature is recognised or proven, it is deemed that the originality of the contents is verified, without prejudice to the contest thereof as forged. <sup>[1]</sup><sub>[SEP]</sub>

**ARTICLE 14**  
**DMB DECISIONS / TIME LIMITS FOR REQUESTS**

The decisions of the DMB are taken by absolute majority of present members. Time limits triggered when a decision is notified, begins on the day following notification. Weekends are included in the calculation.

**ARTICLE 15**  
**CONTENT OF THE DECISIONS**

The decision must be in writing and must :

1. Be addressed for the attention of the Licence Applicant;
2. Confirmation of application being granted or refused
3. If refused, the reasons for refusal;
4. The time limit for lodging the appeal (if applicable);
5. Signed by top management.

**ARTICLE 16**  
**EFFECTS OF THE DECISION**

The decision of the First Instance Licensing Body become final if the deadline for appeal passes idle.

**ARTICLE 17**  
**FILING OF DECISIONS AND OTHER INFORMATION**

The decision, the documents pertaining thereto and the complete and full file of each Licence Applicant are forwarded to the competent Licensing Department where they are filed in the records in accordance with the filing and archiving of documents procedure.

**ARTICLE 18**  
**COSTS/FEES**

There are no costs of proceedings for the FIB decision. In an Appeal, the administrative costs will be borne by the Appellant if the appeal is denied. The GFA will bear the administrative costs in the event of the Appeal being successful.

There is no procedural compensation (including costs of representation) awarded in proceedings before the DMB.

**ARTICLE 19**  
**GROUND FOR COMPLAINTS**

An appellant may cite :

1. a violation of law, including abuse of process;
2. a violation of statutory or regulatory provisions;
3. an inaccurate or incomplete establishment of the facts.

The decision of the First Instance Licensing Body may be challenged by the licence applicant or the Manager of the Licensing Department in writing within the set time limit and an appeal may be lodged

**ARTICLE 20**  
**APPEAL – CONTENT AND FORM OF PLEADING**

The pleading must be in writing, and must contain :-

- 1 The name and surname of the representatives of the licence applicant and their addresses;
- 2 The background of the dispute in a clear and structured manner;
- 3 The grounds for the appeal;
- 4 The claim;
- 5 All evidence and supporting documents;
- 6 Date and signature.

**ARTICLE 21**  
**TIME LIMIT FOR APPEAL**

The appeal against decisions taken by the First Instance Licensing Body may be lodged by the licence applicant or the Manager of the Licensing Department in accordance with Article 6(4) of the National Regulations. It may be filed or dispatched by all means to the Office of the GFA.

An appeal lodged on account of an alleged denial of justice or an unjustified delay may be lodged at any time.

**ARTICLE 22**  
**EFFECTS OF APPEAL**

The appeal against the decision granting or refusing a licence has no delaying effect

**ARTICLE 23**  
**DELIBERATION / HEARINGS**

Deliberations are held in secret; deliberation contains indication of members who took part in the decision and respect of quorum

The DMB must deliberate immediately after the hearing/meeting.

**ARTICLE 24**  
**SAFEGUARDING THE PRINCIPAL OF EQUAL TREATMENT**

Fundamental procedural rights are guaranteed to the parties, particularly the right to equal treatment and the right to a fair process (including by not limited to, the right to speak, the right to consult the case file, the right to have evidence adduced, the right to participate in the production off evidence and the right to a reasoned decision).

Signed by Mr Ivan Robba



Dated: 1<sup>st</sup> February 2021