



**The Indian Golf Union,  
New Delhi, India**

## **Appeals Procedure and Rules Effective 1<sup>st</sup> January 2021**

### **1. General**

- 1.1. These procedures and rules apply to appeals arising in relation to the following decisions:
  - 1.1.1. Decisions taken by the Technical, Rules & Amateur Status Committee (TRASC) and/or its Amateur Status Subcommittee in terms of paragraph 3.3 of the Procedure for Enforcement of the Rules of Amateur Status; OR decisions based on the IGU Junior Code of Conduct OR Disciplinary Committee or any other Decision where an appeals process is available.
  - 1.1.2. Decisions taken by the TRASC and/or its Amateur Status Sub Committee in terms of paragraph 3.3 of the Procedure for Reinstatement of Amateur Status;
- 1.2. All appeals are to be made to the Appeals Committee which comprises, The President of the IGU and other Council Members (Committee Members List on the IGU Website) and should be notified by the Appellant in writing to the Hon Secretary of the IGU at the registered office of the IGU at New Delhi, within 42 days of the date of the letter communicating any written decision listed in paragraph 1.1, or in such other timescale as is agreed between the Appellant and the Appeals Committee.
- 1.3. The decisions referred to in paragraph 1.1 above may be appealed only on one or more of the following grounds:
  - 1.3.1. The relevant committee's decision was based on a misapplication of either the Rules of Amateur Status or the Rules of Golf;
  - 1.3.2. The relevant committee's decision was not supported by the facts before it;
  - 1.3.3. The relevant committee's decision was procedurally flawed in a material way;
  - 1.3.4. In relation to a decision taken by the Amateur Status Sub Committee regarding forfeiture of Amateur Status or imposing any period awaiting reinstatement to Amateur Status, that the sanction or period imposed was excessive.
- 1.4. In notifying his grounds of appeal in writing the Appellant should also set out his preliminary reasons for his appeal on these grounds.

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- 1.5. Any attempted appeal which falls out with the grounds set out in paragraph 1.3 or is made out with the timescale set out in paragraph 1.2 may not constitute a proper appeal under these rules and may not be considered by the Appeals Committee.

## **2. Receipt by the Appeals Committee**

- 2.1. On receiving a competent appeal in accordance with these rules, the Appeals Committee shall, within a reasonable time, write to the Appellant acknowledging receipt of the appeal, and confirming that the appeal shall be dealt with by way of written representations.
- 2.2. Notwithstanding paragraph 2.1 above, the Appeals Committee shall have the discretion to agree to an oral hearing of the appeal where the Appeals Committee considers, in all the circumstances that it would be in the interests of fairness to do so.
- 2.3. At this time the Appeals Committee shall also write to the committee responsible for the original decision and ask it to provide in writing, within 21 days of the date of Appeal's Committee's letter, details of the decision being appealed, full reasons for it, including a written statement setting out any grounds on which the appeal is opposed by the committee, if that is the case.
- 2.4. On receipt of the committee's written statement under paragraph 2.3, the Appeals Committee shall forward the committee's response to the Appellant.

## **3. Written Representations**

- 3.1. The Appellant shall have 21 days from the date of the Appeals Committee's letter enclosing the committee's written statement to submit full written representations on his appeal to the Appeals Committee.
- 3.2. Written representations should include:
  - 3.2.1. Any documentary evidence which the Appellant considers is relevant to support his grounds of appeal;
  - 3.2.2. Any further arguments in support of his appeal; and
  - 3.2.3. Any additional information which the Appellant thinks is relevant by way of background for the Appeals Committee.



#### **4. An Appeal Hearing**

- 4.1. If an appeal hearing is to be convened under paragraph 2.2 above, the Appeals Committee shall, within a reasonable period, fix the time and place of any hearing, giving the Appellant and the committee at least 21 days notice.
- 4.2. Except as provided for elsewhere in these rules, the Appeals Committee shall determine the procedure at the hearing.
- 4.3. The Appellant may give evidence in person or be represented by counsel, a solicitor or any other person, and may be entitled to call one or more relevant witnesses.
- 4.4. The Appeals Committee may hear from such counsel, solicitor or other person as the Appeals Committee considers appropriate, including any representative of the committee from which the appellant is appealing. At the Appeals Committee's discretion and in accordance with the rules of natural justice any such person may be entitled to call one or more relevant witnesses.
- 4.5. If the Appellant or any person appearing in accordance with paragraph 4.4 above fails to attend or be represented at a hearing of which they have been duly notified, and provided the Appeals Committee is satisfied that there is insufficient reason for such absence, then it may hear and determine the appeal in their absence or adjourn the hearing at its discretion.

#### **5. The Appeals Committee's Decision**

- 5.1. The Appeals Committee may take any one or more of the following actions:
  - 5.1.1. Confirm the decision of the committee;
  - 5.1.2. Quash the decision of the committee;
  - 5.1.3. Alter the decision of the committee;
  - 5.1.4. Substitute its own decision for that of the committee; or
  - 5.1.5. Remit the decision of the committee back to that committee to re-take in light of any comments made by the Appeals Committee.
- 5.2. The Appeals Committee shall inform the Appellant in writing of its decision, and the reasons for it, within 14 days of the completion of any oral hearing under paragraph 2.2 above, or within 28 days of receipt by the Appeals Committee of full written representations from the Appellant under paragraph 3.1 above.
- 5.3. The decision of the Appeals Committee shall be final.

Issued by  
Hon. Secretary,  
Indian Golf Union  
1<sup>st</sup> January, 2021