



SASJ DISPUTE RESOLUTION PROCEDURE AND DISCIPLINARY CODE

1. **DEFINITIONS**

- 1.1 Any term in this document defined in the Constitution of South Africa Show Jumping (“**SASJ**”), as amended from time to time, shall have the same meaning as assigned therein unless inconsistent with or otherwise indicated by the context.
- 1.2 The following words and phrases that are used in this Code shall have the meaning as ascribed to them in below.
- 1.2.1 “**Accused**” means a Member or an individual subject to the jurisdiction of SASJ in respect of whom a Complaint has been received by the Judicial Body and against whom charges have been preferred and Disciplinary Proceedings have been initiated by the Judicial Body;
- 1.2.2 “**Chairperson**” means the chairperson of the Judicial Body or member of the Judicial Body acting as chairperson at a meeting of the Judicial Body or presiding over Disciplinary Proceedings initiated by the Judicial Body, where the chairperson is absent or for any reason unable to perform his or her functions;
- 1.2.3 “**Code**” means this Dispute Resolution Procedure and Disciplinary Code, as amended from time to time, and as adopted, in accordance with the requirements of the SASJ Constitution;
- 1.2.4 “**Complaint**” has the meaning ascribed to it in clause 7.1.3 below and which is referred to the Judicial Body by the Show Jumping Council to be resolved in terms of SASJ’s Constitution and the Disciplinary Code;
- 1.2.5 “**Constitution**” means the SASJ Constitution;
- 1.2.6 “**Dispute**” means any dispute contemplated to be resolved by the Judicial Body in terms of SASJ’s Constitution and the Dispute Resolution Procedure;
- 1.2.7 “**Disciplinary Code**” means the Disciplinary Code set out in Part C below;
- 1.2.8 “**Disciplinary Proceedings**” means the disciplinary proceedings initiated by the Judicial Body in terms of the Disciplinary Code upon receipt of a Complaint;
- 1.2.9 “**Dispute Resolution Procedure**” means the dispute resolution procedure set out in Part B below;

- 1.2.10 "**Judicial Body**" means the judicial body appointed by the Executive Committee of SASJ in terms of Clause 26 of the SASJ Constitution;
- 1.2.11 "**Member/s**" means a Member as contemplated in SASJ's Constitution, and shall specifically include, for the purpose of this document any Ordinary Member, Associate Member, Special Member, Club, Athlete, Honorary Life Member, Patron, Official, Administrator, Show Holding Body and Event Organiser (all as defined in the SASJ Constitution), and any other individual that may fall under the auspices of SASJ;
- 1.2.12 "**Referring Party**" means any Member who lodges a Complaint or Dispute with SASJ;
- 1.2.13 "**Respondent**" means a Member against whom a Dispute is lodged;
- 1.2.14 "**Rules**" means the rules as set out in this Code, as amended from time-to-time;
- 1.2.15 "**Rules and Regulations**" means the rules and regulations of SASJ, as amended from time-to-time, and in force, and shall specifically include those rules or regulations that may have been approved by the SASJ Exco, but not yet ratified by the Show Jumping Council;
- 1.2.16 "**SAEF**" means the South African Equestrian Federation;
- 1.2.17 "**SHOW JUMPING Council**" means the National Council of SASJ as constituted in terms of the SASJ Constitution;
- 1.2.18 "**the Act**" means the National Sport and Recreation Act, 1997 (Act No.18 of 1997), as amended from time to time and includes any regulation made in terms the Act.
- 1.3 Where a single gender is used in this document it shall be construed as to include both genders.
- 1.4 Words used in the singular shall include the word in plural form.
- 1.5 These Rules shall, wherever possible, be construed in conformity with the Constitution.
- 1.6 The headings to and any footnotes in these Rules shall be taken into account in the interpretation of these Rules.
- 1.7 All terms as defined in the Act, SASJ's Constitution, read together with the Constitutions of the SAEF and SASCOC, whether defined herein or not, shall, when used in this document, have the same meaning as ascribed to them in such relevant documents, and to the extent that there is any conflict then the meaning as ascribed in the SASJ Constitution shall be applicable.

2. **STRUCTURE OF THIS DISPUTE RESOLUTION PROCEDURE AND DISCIPLINARY CODE**

This procedure is made up of the following parts:

PART A ESTABLISHMENT, STRUCTURE AND POWERS OF THE JUDICIAL BODY

PART B DISPUTE RESOLUTION PROCEDURE

PART C DISCIPLINARY CODE

PART D PRESCRIBED FORMS

PART A – ESTABLISHMENT, STRUCTURE AND POWERS OF THE JUDICIAL BODY
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3. ESTABLISHMENT AND STATUS OF THE JUDICIAL BODY

3.1 The Judicial Body has been established pursuant to SASJ's Constitution, for the purpose of adjudicating all properly referred Disputes and implementing the Disciplinary Code and to, amongst others:

- 3.1.1 Assist SASJ with legal advice;
- 3.1.2 Handle Appeal, ethics and disciplinary matters;
- 3.1.3 Set up and continuously update a Disciplinary Code for both participants and office bearers and employees as appointed by Show Jumping Council;
- 3.1.4 Chair Disciplinary Proceedings when requested, and mediate, adjudicate and arbitrate upon legal and disciplinary matters.

7 JURISDICTION OF THE JUDICIAL BODY

7.1 The Judicial Body shall have all necessary jurisdiction:

- 7.1.1 over a Member(s) and individual athlete(s), officials, coaches and/or technical staff, in the Republic, wherever they may be, at any time, engaging in, or having been engaged in, any activity that falls under the jurisdiction of SASJ;
- 7.1.2 in respect of any Dispute or Complaint referred to it by the Show Jumping Council;
- 7.1.3 over any Complaint or allegation, in respect of Members and/or individuals over which/whom SASJ has jurisdiction and includes but is not limited to a breach of or failure to comply with:
 - 7.1.3.1 the SASJ Constitution, the Act or any other governing provisions, as amended from time-to-time;
 - 7.1.3.2 the rules and/or regulations and/or policies and/or codes of SASJ, as amended from time-to-time;
 - 7.1.3.3 directives of SASJ, as amended from time-to-time;
 - 7.1.3.4 the SASJ codes of conduct and/or any other applicable code of conduct in respect of equestrian sport that falls under the auspices of SASJ;
 - 7.1.3.5 an order or instruction of SASJ properly issued and communicated to the affected individual;
 - 7.1.3.6 a breach of any of the statutes or regulations of the FEI, the IOC or any other relevant national or international body;

- 7.1.3.7 any matter which may bring, or may be designed to bring, either SASJ, any of its officers, Members, employees or other associated individual or body, or equestrian sport into disrepute.
- 7.1.4 to condone the late delivery of any documents or referral of a Dispute or Complaint or any other non-compliance by a Member or referring party with the procedures set out in this Dispute Resolution Procedure and Disciplinary Code, and to make any appropriate order.
- 7.2 The jurisdiction of the Judicial body shall be subject only to the following:
 - 7.2.1 That the party referring a Dispute or Complaint must have first exhausted all available internal remedies, at all appropriate levels i.e. from the club level, through the provincial structures, as provided for in the constitution or regulations of the Member, which is applicable to such a party, and as may be applicable to such a Dispute or Complaint;
 - 7.2.2 Where the internal remedies of a Member applicable to the referring party have not been made available or are not reasonably accessible to the referring party, such a party may approach the Judicial Body directly in writing, and the Judicial Body shall have the necessary discretion to allow or to refuse to hear the dispute.
 - 7.2.3 The Judicial Body shall not have jurisdiction in respect of: -
 - 7.2.3.1 matters in respect of which the Referring Party has not complied with 7.2.1 above in exhausting internal remedies;
 - 7.2.3.2 any Dispute or Complaint that has been previously heard and/or decided and/or ruled upon by the Judicial Body.

8 COMPOSITION OF THE JUDICIAL BODY

- 8.1 The Judicial Body shall consist of three members, of which at least one must have a legal background.
- 8.2 Every member of the Judicial Body shall have one vote each at their meetings and hearings.
- 8.3 All hearings of the Judicial Body will be presided over by a Chairperson, and in the absence or recusal of the Chairperson, one of the members appointed by the Chairperson to represent him/her shall act as Chairperson.
- 8.4 The Judicial Body may appoint any independent person, with specific specialty, to sit in a hearing if that person may assist the process although that person, unless appointed as a member of the Judicial Body for the purpose of that particular matter, may not vote.

9 CONFLICT OF INTEREST

- 9.1 Members of the Judicial Body must decline to participate in any hearing where their

participation will result in a conflict of interest or will raise serious doubts regarding their impartiality. This applies in the following cases (among others) where: -

- 9.1.1 the member(s) in question has a direct interest in the outcome of the matter;
 - 9.1.2 if he/she is associated with any of the parties;
 - 9.1.3 if he/she is the member of the party in respect of whom a Dispute has arisen or against whom a Complaint has been referred; and/or
 - 9.1.4 if he/she has already dealt with the matter under different circumstances.
- 9.2 Members who decline to participate in a hearing on any of the above grounds or any other ground not listed herein shall notify the Chairperson immediately.
- 9.3 Member(s) of the Judicial Body or parties involved in a dispute or Disciplinary Proceedings may also raise an objection to a member of the Judicial Body that they believe to be biased or whose participation will result in conflict of interest or will raise serious doubts regarding their impartiality.
- 9.4 The Chairperson shall decide on any such claim of bias, provided that, if the objection is raised against the Chairperson, the other members of the Judicial Body shall decide on the bias.
- 9.5 Proceedings that have involved someone whom the Chairperson has ordered not to participate will be considered null and void.

10 CONFIDENTIALITY

- 10.1 The members of the Judicial Body shall ensure that everything disclosed to them during the course of their duty remains confidential (facts of the case, contents of the deliberations and decisions taken).
- 10.2 Only the contents of those decisions already notified to the addressees may be made public.

11 REGULATORY FRAMEWORK AND POWERS OF THE JUDICIAL BODY

- 11.1 The Judicial Body will apply the Constitution of the Republic of South Africa, the Constitution, Rules and Regulations of SASJ and the SAEF and the peremptory prescripts of SASCOC, the FEI and the International Olympic Committee.
- 11.2 The Judicial Body shall be empowered to determine its own rules and procedures and make any decisions concerning its rules and procedures, to the extent that such rules and procedures are not already contained in this Code, provided only that such rules or procedures may not undermine or negate the intentions of the SASJ Constitution.
- 11.3 The proceedings of the Judicial Body shall not be open to the public, unless the Judicial Body orders otherwise.

- 11.4 The Judicial Body will observe the rules of natural justice, but will have discretion regarding admissibility of evidence notwithstanding an enactment or rule of law to the contrary, relating to the admissibility of evidence in proceedings before a court of law where such admission would be appropriate and not unduly unfair or prejudicial to one or more parties to the Dispute or Complaint.
- 11.5 The Judicial Body has all necessary authority, inherent powers and standing, in relation to any matter under its jurisdiction, including the power to determine its own jurisdiction.
- 11.6 For purposes of determining or deciding, or resolving a Dispute or Disciplinary Proceedings the Judicial Body may also:-
- 11.6.1 seek legal or other advice or assistance from any person or body; and/or
 - 11.6.2 order any Member to produce documents or information as may be relevant to the Dispute or Complaint in respect of which charges have been preferred; and/or
 - 11.6.3 order any Member to appear in person in respect of a Dispute or Disciplinary Proceedings where such an individual 's evidence may be relevant to the Dispute or Disciplinary Proceedings.

7 CALCULATION OF TIME PERIODS

For the purpose of calculating any period of time: -

- 7.1 a day means a business day;
- 7.2 the first day is excluded and the last day is included,
- 7.3 Saturdays, Sundays and Public Holidays shall be excluded.
- 7.4 An electronic mail proven by an automatic delivery notice to the known email address of either party, or a notice sent by hand, that has been sent to a party's last-known email address or domicile address or the address of that party's last-known representative will be deemed to be sufficient notice of the date, time and place of a hearing for the purposes of this rule.

8 FORM AND CONTENT OF THE DECISION

The decision or award of the Judicial Body shall contain: -

- 8.1 the composition of the Judicial Body;
- 8.2 the names of the parties;
- 8.3 a summary of the facts;
- 8.4 the legal reasons for the decision;
- 8.5 the terms of the decision; and
- 8.6 be signed by the chairperson.

PART B – DISPUTE RESOLUTION PROCEDURE

9 REFERRAL OF DISPUTES, SERVING AND FILING DOCUMENTS

- 9.1 All Disputes shall be referred by a Member or individual over whom SASJ has jurisdiction (“the Referring Party”) to the Judicial Body , with a request that such dispute be handled in terms of this Code.
- 9.2 The Referring Party shall not refer a Dispute to SASJ without first having exhausted all available internal remedies, as provided for in that Member’s own constitution, or the constitution of the body or Member with which an individual has a dispute, as applicable, unless such Referring Party can demonstrate, as part of its referral to the Judicial Body, that the relevant internal remedies have not been made available or are not accessible to the Referring Party, in which event the Judicial Body shall have the discretion to allow or refuse to hear the dispute.
- 9.3 The referral of a Dispute by a Referring Party shall be submitted and/or sent by electronic mail or hand delivered to the Judicial Body, provided that it shall be the responsibility of the Referring Party to make telephonic enquiries with Judicial Body, alternatively SASJ, to ascertain that such referral has been received by the Judicial Body. It is to be noted that the preferred method of submission of any such referral is by way of electronic mail.
- 9.4 The Referring Party must set out in detail, the full facts on which the Dispute is based and refer to the alleged clause(s) of the Constitution, Rule and Regulations, Policies, Codes of Conduct, or any other basis on which the Dispute is founded.
- 9.5 No Disputes shall be considered by the Judicial Body unless the referral of such Dispute is accompanied by proof of payment into SASJ’s account, the details of which appear below, of a deposit of R2000.00 for the hearing of the Dispute. Should the Dispute be successful the deposit will be refunded. Should the Dispute be unsuccessful the deposit will be forfeited.

Bank:	Standard Bank
Account Name:	S A ShowJumping
Account No:	370 047 060
Branch Code:	012 342

- 9.6 The physical address, telephone number and e-mail address of the office of the Judicial Body are as follows:

Physical address: SASJ National Office, No 1 Dahlia Road, Kyalami Equestrian Park, Kyalami, Johannesburg - 081 018 2224

Email: SASJLegal@sashowjumping.co.za

- 9.7 Referrals and/or documents related thereto may only be filed with and/or submitted to the Judicial Body at the addresses listed in clause 14.6 above during the office hours of SASJ.
- 9.8 Office Hours of the SASJ are as follows; -
- Monday to Friday: times 08h00 to 16h00 excluding public holidays, or as determined by the SASJ and/or the Judicial Body.

- 9.9 The Judicial Body shall, upon receipt of the referral of a Dispute, stipulate the procedure to be followed by the Referring Party and any other party affected by the Dispute, which procedure shall be stipulated in writing, for purposes of ensuring that the Dispute shall be formulated in a manner that will expedite the hearing or adjudication thereof by the Judicial Body. Any such stipulation shall be in accordance with this Code and the SASJ Constitution, and shall adhere to the principles of natural justice.

10 HEARING OF DISPUTES

- 10.1 Any Dispute referred to the Judicial Body will be heard within a reasonable time, subject to compliance with the requirements of these Rules and any directives issued by the Judicial Body.
- 10.2 The Chairperson, in consultation with the Judicial Body, shall determine the procedure to be followed in the hearing of any Dispute(s) to the extent not already provided for in the Code.
- 10.3 The Judicial Body shall notify the parties of the date, time and place of the hearing.
- 10.4 The Judicial Body shall be entitled, at its own discretion and depending on the availability of the members of the Judicial Body for that particular hearing, to set the date, time and place of any hearing, and shall not be obliged to entertain any representations from the parties in respect thereof.
- 10.5 No person other than the Referring Party, its representative, the respondent, its representative or any person called as a witness to appear before the Judicial Body shall be entitled to attend a hearing, except with the express permission of the Judicial Body.

11 POSTPONEMENT OF A HEARING

- 11.1 A scheduled hearing may be postponed by the Judicial Body on written notice thereof to the parties at any time prior to the commencement of the hearing or on written application by a party, which application must be served on the Judicial Body and the other party at least 6 (six) days prior to the hearing, setting out substantive reasons for the postponement requested.
- 11.2 The Judicial Body must postpone a hearing without the parties appearing if all the parties to the Dispute agree in writing to the postponement and the written agreement for the postponement is received by the Judicial Body at least 6 (six) working days prior to the scheduled date of the hearing.
- 11.3 Any party opposing a postponement shall be entitled to make a written submission to the

Judicial Body opposing any such application, setting out its substantive reasons for opposing the postponement, which must be served on the Judicial Body and the applying party at least 4 (four) days prior to the scheduled date of the hearing.

- 11.4 After considering the representations of the parties in respect of any postponement, the Judicial Body shall enjoy the discretion as to whether or not to grant a postponement, which shall be conveyed to all the parties to the Dispute in writing.
- 11.5 In the event that the Judicial Body grants the postponement as requested, the notice of postponement must be delivered to all of the parties 2 (two) days before the date on which the hearing was scheduled.
- 11.6 The Notice of postponement must be in a prescribed format.⁵
- 11.7 If a party bringing an application for a postponement of a hearing fails to comply with the time periods referred to above, the hearing must take place on the scheduled date, unless the Judicial Body on good cause shown grants a postponement and conveys its decision to all parties to the Dispute.

12 REPRESENTATION BEFORE THE JUDICIAL BODY

All proceedings before the Judicial Body are, by their very nature, civil internal proceedings, and accordingly all parties to the matter: -

- 12.1 may appear in person; alternatively
- 12.2 where a party is a Member or an organisation affiliated to the SAEF, or a body (whether incorporated or founded in terms of a constitution) that party may be represented by a director, executive member, officer, office-bearer, committee member or official associated or affiliated in any capacity and duly appointed to represent such party, and such representative may be required to prove the nature of their association or affiliation with such party prior to enjoying any recognition in the proceedings of the hearing;
- 12.3 it being specifically recorded that no party to any such hearing shall be entitled to be represented or assisted by an external legal representative (whether a legal adviser, lawyer, attorney or advocate) where such legal representative is appointed thereto in terms of a mandate or power of attorney or other means, whether or not such legal representative shall be remunerated therefore or not.

13 SIGNING OF DOCUMENTS

- 13.1 Any document that a party must sign in terms of these rules may be signed by the party or by a person entitled, in terms these rules, to represent that party in the proceedings.
- 13.2 If proceedings are jointly instituted or opposed by more than one person or Member(s), documents must be signed by an individual who is mandated by the Member or individual concerned, to sign documents.
- 13.3 A name list in writing of the Members or individuals who have mandated the member to sign on their behalf must be attached to the Dispute Referral Form.

14 FAILURE OF A PARTY TO ATTEND HEARING OF THE JUDICIAL BODY

If either party fails to attend at any proceedings before the Judicial Body, the Judicial Body may dismiss the Dispute, continue with the proceedings in the absence of the such a party or adjourn the proceedings to a later date.

15 POWERS OF THE JUDICIAL BODY

15.1 Upon hearing of a Dispute the Judicial Body shall have such powers as have been delegated to it by the Show Jumping Council, including but not limited to the powers to-

15.1.1 warn or reprimand Members; and/or

15.1.2 Impose fines, suspend for a period of time, ban and/or implement any other disciplinary measures on its Members;

15.1.3 Terminate the membership of any Member or any individual affiliated through their respective National Sports Association or Member;

15.1.4 Dismiss a Dispute if it is vexatious, frivolous or does not set out a *prima facie* case or for any grounds as shall be appropriate in law; and/or

15.1.5 make any appropriative order including an order that a party pay the costs of the other party.

16 COMPLIANCE WITH THE DECISION IMPOSED BY THE JUDICIAL BODY

Any penalties, orders or awards imposed by the Judicial Body shall become effective (30) thirty days after the date on which any internal remedies available to a party/ies to have the penalties, orders or awards imposed by the Judicial Body overturned, reversed or set aside shall have been exhausted, or when the prescribed time limit to exercise the next available internal remedy shall have lapsed.

17 COMMUNICATING THE OUTCOME OF THE DISPUTE

Decisions, rulings or awards may be communicated by registered mail and shall be legally binding.

18 APPEAL

18.1 There shall be no internal appeal to any decisions of the Judicial Body. Any party aggrieved by a decision of the Judicial Body may refer the matter to the SAEF for determination.

PART C - DISCIPLINARY CODE

The Disciplinary Code is established to regulate any Disciplinary Proceedings that are initiated by the Judicial Body upon receipt of a Complaint.

19 INVESTIGATION OF COMPLAINTS AND NOTICE OF DISCIPLINARY PROCEEDINGS

19.1 Upon receipt of a Complaint by the Judicial Body it shall, subject to these Rules, have the power to appoint a *pro-forma* prosecutor and/or nominee on behalf of SASJ to:

- 19.1.1 Investigate the Complaint; and
- 19.1.2 Prefer charges against any Member or individual subject to the jurisdiction of SASJ; and
- 19.1.3 Initiate and conduct Disciplinary Proceedings against a Member or individual subject to the jurisdiction of SASJ; and
- 19.1.4 Represent SASJ in all Disciplinary Proceedings before the Judicial Body.

19.2 In cases where charges are preferred by SASJ against a Member or an individual subject to the jurisdiction of SASJ, consequent upon the receipt of a Complaint by the Judicial Body, and such a party ("the Accused") has been charged with any offence falling within the jurisdiction of the Judicial Body: -

- 19.2.1 The Judicial Body shall cause to be delivered to the Accused a Notice of Disciplinary Proceedings in the prescribed format no less than 15 (fifteen) days before the date of the hearing;
- 19.2.2 the Judicial Body may, in certain circumstances, suspend or extend the time periods for the delivery of a Notice of Disciplinary Proceedings for a reasonable time;
- 19.2.3 the Notice of Disciplinary Proceedings shall be signed by SASJ.

20 RIGHT TO SUSPEND

20.1 In any cases where the circumstances may warrant and/or where the Judicial Body has a reasonable apprehension that the Accused may be able to interfere with the investigation of the various charges to be put to the Accused, or in any other manner cause further harm (howsoever arising) to SASJ should they not be precluded from continuing with their activities, the Judicial Body shall be entitled to suspend the Accused from all activities which fall under the jurisdiction of the SASJ:

- 20.1.1 pending the finalisation of the charge sheet and/or
- 20.1.2 the outcome and/or

20.1.3 the finalisation of the Disciplinary Proceedings.

20.2 Any such suspension shall be notified to the Accused in writing, setting out the reasons for the suspension, and advising the Accused of the anticipated process that will follow, together with an indication of the time period for which such suspension shall be effective.

20.3 All notifications in respect of any such suspension shall only be communicated to affected or involved persons, to the extent only that it may be necessary to enforce the suspension.

21 THE CHARGE SHEET

21.1 Where charges are preferred by SASJ against a Member or an individual subject to the jurisdiction of SASJ, such charges shall be initiated by the Notice of Disciplinary Proceedings and formulated by way of a charge sheet which: -

21.1.1 shall contain a concise summary of the facts;

21.1.2 shall set out concisely the charge(s) preferred against the Accused;

21.1.3 shall set out the time and date for and the venue at which the hearing will take place; and

21.1.4 if deemed appropriate by SASJ, may set out a possible sanction that may be imposed flowing from the successful prosecution of such charge(s).

22 SANCTIONS OF THE JUDICIAL BODY

When a charge is proved to the satisfaction of the Judicial Body presiding over the Disciplinary Proceedings the following sanctions may be imposed pursuant to Article 8.18 of the SASJ Constitution:

22.1

22.1.1 A warning or reprimand; and/or

22.1.2 A fine; and/or

22.1.3 The suspension or banning of a Member or individual from participating in any championship or event; and/or

22.1.4 The suspension of a Member or individual for a period of time; and/or

22.1.5 The termination of membership of a Member and/or the banning of a Member or individual from SASJ; and/or

22.1.6 The implementation of any other disciplinary measures; or

22.1.7 Dismissal of the charge(s) if it is vexatious, frivolous or does not set out a *prima facie* case or for any grounds as shall be appropriate in law; and/or

22.1.8 Any other appropriate order, including any order as to the costs in respect of such hearing.

23 PROCEDURE BEFORE THE JUDICIAL BODY

23.1 The procedure as outlined hereunder shall be applicable in cases where SASJ prefers a charge(s) against a Member or an individual engaging in activities under the jurisdiction of SASJ, relating to the following:

23.1.1 the alleged infringement of the Constitution, the rules, Regulations, Codes of Conduct, directives, or resolutions of SASJ;

23.1.2 any act of misconduct;

23.1.3 improper practices;

23.1.4 misdemeanour;

23.1.5 acts of defiance; and/or

23.1.6 generally bringing the sport or SASJ into disrepute.

as contemplated in the SASJ Constitution.

23.2 The onus of proving the charge(s) shall lie with SASJ, which must prove the charge(s) on a balance of probabilities.

23.3 In Disciplinary Proceedings the Accused shall be entitled to be represented by a fellow Member of SASJ, which representative shall not be a legal representative (lawyer, attorney or advocate, where such legal representative is appointed thereto in terms of a mandate or power of attorney or other means, whether or not such legal representative shall be remunerated therefore or not) or a witness to the charge.

23.4 All the parties to the Disciplinary Proceedings shall be notified by the Judicial Body of the date, time and place of the hearing.

23.5 No party other than a party summoned or called as a witness to appear before the Judicial Body shall be entitled to attend a hearing except with permission of the Judicial Body.

23.6 The *pro-forma* prosecutor conducting the prosecution may:

23.6.1 Before the Accused pleads guilty to a charge, withdraw the charge, in which event the Accused shall not be entitled to a verdict of acquittal in respect of that charge; and

23.6.2 at any time after an Accused has pleaded to a charge, but before conviction, stop the prosecution in respect of that charge, in which event the Judicial Body will acquit the Accused in respect of that charge(s).

23.7 The *pro-forma* prosecutor conducting a prosecution shall:

- 23.7.1 read out the charge sheet addressed to the Accused and the Accused will then be asked by the Judicial Body to plead "guilty" or "not guilty" to the charge(s);
- 23.7.2 a plea by the Accused that he/she has already been convicted or acquitted of the offence with which he/she is being charged may be pleaded together with a plea of "not guilty";

23.8 Where the Accused pleads guilty:

- 23.8.1 the Judicial Body shall, if satisfied that the Accused is guilty of the offence to which he has pleaded "guilty", convict the Accused on the Accused's plea of "guilty".
- 23.8.2 Nothing in this rule will prevent the *pro-forma* prosecutor from presenting evidence on any aspect of the charge, for the purposes of determining an appropriate sentence.

23.9 Where the Accused pleads not guilty:

- 23.9.1 the Judicial Body may, in its discretion, enquire from the Accused whether he/she wishes to make a statement indicating the basis of his/her defence;
- 23.9.2 and elects not to make a statement or does so, and it is not clear from the statement to what extent the Accused denies or admits the defences raised by his/her plea, the Judicial Body may question the Accused in order to establish which allegations in the charge are in dispute.
- 23.9.3 The Judicial Body may in its discretion, put any question to the Accused to clarify any matter raised under this provision, and will enquire from the Accused whether an allegation which is not placed in issue by the plea of "not guilty" may be recorded as an admission by the Accused of the allegation, and if the Accused so consents, such admission will be recorded and will be sufficient proof of such fact.
- 23.9.4 The *pro forma* prosecutor may then call witnesses in support of the charge/s, in which event they may be cross-examined by the Accused.
- 23.9.5 At the conclusion of such evidence, the prosecution's case will be closed.
- 23.9.6 The Accused shall have the right to apply for a discharge on the basis that *no prima facie* case has been made out by the *pro forma* prosecutor.
- 23.9.7 If the Judicial Body declines to grant a discharge, then the Accused may give evidence on his/her own behalf and may call witness(es) in support of his/her defence, in which event the Accused and such witnesses may be cross examined by the *pro forma* prosecutor.
- 23.9.8 At any time, the Judicial Body may question witnesses giving evidence on behalf of SASJ and/or the Accused.
- 23.9.9 At the conclusion of such evidence the Accused's case will be closed.

- 23.9.10 The Judicial Body may, if it thinks it is desirable, or on application by the *pro forma* prosecutor, or the Accused, allow further evidence to be led by either the *pro-forma* prosecutor or the Accused, or by both, after their cases are already closed.
- 23.9.11 “No evidence on any previous misconduct of the Accused will be admitted, unless it is an element of the current charge or relevant to put his/her character in issue.
- 23.9.12 After all evidence has been led, the *pro-forma* prosecutor will be allowed to address the Judicial Body on the evidence and the legal position, and this will be allowed irrespective of whether the Accused has led evidence or not.
- 23.9.13 Thereafter, the Accused will likewise be allowed to address the Judicial Body. The *pro-forma* prosecutor may reply on any issue which the Accused has raised in his/her address.
- 23.9.14 Upon the conclusion of the case, the Judicial Body will deliberate thereon. At the discretion of the Judicial Body, the hearing may be postponed to another date upon which the verdict will be delivered.
- 23.9.15 Once a decision has been reached the Judicial Body will notify the parties in writing of the verdict.
- 23.9.16 If the Accused is found “not guilty” the proceeding will be declared closed.
- 23.9.17 If the Accused is found “guilty” or the Accused has pleaded “guilty”, the *pro-forma* prosecutor will be entitled to address the Judicial Body regarding a suitable sentence to be imposed and the Accused will be entitled to address the Judicial Body in mitigation of sentence. At the request of either party, the proceedings may be postponed to a subsequent date to allow the parties to prepare their presentations in either mitigation or aggravation of sentence.
- 23.9.18 Having heard the submission of the parties, the Judicial Body will deliberate upon the most suitable sentence to be imposed.
- 23.9.19 Once a decision has been reached, the parties will be recalled and the Judicial Body will announce the sentence.
- 23.9.20 The Judicial Body shall make available to the parties a written record of the verdict and the sentence pronounced at the conclusion of the hearing, and in so doing shall provide the reasons therefore.
- 23.9.21 At the discretion of the Judicial Body and/or upon representation by either of the parties therefore, having heard the evidence led during the hearing of the matter, the Judicial Body may then advise the parties that it will communicate its verdict and/or receive submissions in mitigation or aggravation of sentence and/or deliver its sentence in writing to all of the parties by way of electronic mail, in order to facilitate the speedy and cost effective finalisation of the matter, in order to avoid

unnecessary costs occasioned by the holding of further in-person meetings.

24 RIGHT OF APPEAL

24.1 There shall be no internal appeal to any verdict of the Judicial Body. Any party aggrieved by a verdict of the Judicial Body shall have a right of appeal to the SAEF.

PART E – PRESCRIBED FORMS

NOTICE OF REFERRAL OF A DISPUTE

1	Referring Party:				
	Contact Person:				
	Capacity/Designation:				
	Address:				
	Telephone:	Land:		Mobile:	
	Email:				
	Fax:				
2	Respondent/Other Party:				
	Contact Person:				
	Capacity/Designation:				
	Address:				
	Telephone:	Land:		Mobile:	
	Email:				
	Fax:				
3.	Nature of the Dispute: (Please provide sufficient details, if necessary, an attachment may be provided setting out the details)				

4.	Summary of the Facts: (Please provide sufficient details, if necessary, an attachment may be provided setting out the details)	
5.	Date dispute arose:	
6.	Place where dispute arose: (Please provide all details)	
7.	Details of internal dispute resolution procedures followed: (Please attach the records or minutes of the internal procedures followed)	
8	What outcome do you require?	

By my signature hereto, I confirm that I have followed and exhausted all internal grievance procedures available to me before referring the dispute to the Judicial Body. I further confirm that all of the information provided herein is true and correct to the best of my knowledge and belief.

Signature of the Referring Party _____

Signed at _____ on this _____
 (place) (date)

NOTICE OF DISCIPLINARY PROCEEDINGS IN TERMS OF THE DISCIPLINARY CODE

Date: _____

Time: _____

To: _____

You are hereby notified of Disciplinary Proceedings that have been initiated against you. A disciplinary hearing will be held on:

Date: _____

Time: _____

Venue: _____

Chairperson: _____

Members of the Judicial Body: _____

CHARGE(S)

Please note that the following charge(s) have been preferred against you:

Date: _____

Time: _____

Place: _____

Details:

1. Your rights in terms of the Disciplinary Code are, *inter alia*, that:
 - (a) You are entitled to be represented as per the Code, at your cost. Your representative shall not, however, be a lawyer, attorney or advocate, or a witness to the abovementioned alleged charge.
 - (b) You and your representative will be given the opportunity to challenge evidence against you, by cross-examining the witnesses and examining any documents pertaining to the matter.
 - (c) Kindly notify the Chairperson of the Judicial Body at least 2 (two) days before the hearing as to who your representative is, so that the arrangements can be made for his/her attendance. Failure to notify the Chairperson will be construed as a waiver of your right. No request for postponement will be entertained by your failure to notify the Chairperson of your representative.
 - (d) You or your representative will be entitled to put your case by presenting evidence yourself and by calling your own witnesses to testify at the hearing
 - (e) Failure by yourself to attend the hearing, either in person, or through a representative, shall in no way invalidate the proceedings and the proceedings will commence and proceed to finalisation in your absence.
 - (f) You are entitled to an interpreter at your cost.
 - (g) The Chairperson of the Judicial Body shall within 7 (seven) days of the date on which the Disciplinary Proceedings is completed, inform you of the Judicial Body's findings.
 - (h) The hearing will be recorded.
 - (i) Should you admit to the charge(s) before or during the disciplinary hearing, it shall be deemed that you are guilty of the charge(s).
 - (j) Should a verdict of guilty be arrived at by the Judicial Body, you will then be entitled to give evidence in mitigation of sentence, concerning your personal circumstances, length of service, previous disciplinary record. You are entitled to a reasonable opportunity to prepare your defence.

Yours faithfully

South African Show Jumping

I hereby certify that I have received a copy of this Notice of Disciplinary Proceedings and that I understand the charges against me, and I understand that the charges are of a serious nature.

Received by: _____

Signature: _____

Date: _____

Time: _____