



EQUESTRIAN  
AUSTRALIA

# **Disciplinary By-Laws**

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**Effective 20 September 2008**

# **EQUESTRIAN AUSTRALIA LIMITED**

ACN 077 455 755

FIRST PASSED PURSUANT TO THE CONSTITUTION OF  
THE COMPANY AT A MEETING OF DIRECTORS ON 12 JULY 1999

**Last amended: 24 May 2016**

*May 2023 - With the implementation of the Conduct & Disciplinary Policy the EA Disciplinary By Laws is repealed for all matters except for strict liability matters. This is also the case for the EA Appeals By Laws and associated documents, they are repealed other than if the Disciplinary By-Laws are used for Strict liability purposes.*

## **DISCIPLINARY BY-LAWS**

### **INTRODUCTION**

These By-Laws have been adopted by the Directors of the Equestrian Australia Limited ("EA") and apply primarily to events sanctioned by EA and its Branches. However, Tribunals established under these By-Laws shall also be empowered to deal with allegations of members of EA or a Branch committing offences under these By-Laws at any time during the term of their membership.

The By-Laws follow as closely as possible the rules laid down by the Fédération Equestre Internationale (FEI). However if matters arise which are not covered in these rules then the FEI regulations and rules apply. In the event of a conflict between these rules and the FEI regulations and rules, the FEI rules will prevail unless they have been specifically excluded.

It is the duty of a Tribunal established in accordance with these By-Laws, to make a fair decision in a sporting spirit while adhering as closely as possible to the intention of these rules.

### **INTERPRETATION**

1. Headings are inserted for convenience and do not affect the interpretation of those rules. The singular includes the plural and vice versa.

### **APPLICATION**

2. These By-Laws apply to:
  - (a) any equestrian competition, event or activity held in Australia by or on behalf of:-
    - (i) EA;
    - (ii) any member Branch of EA;
    - (iii) any organisation affiliated to EA or to a Branch, or affiliated to an organisation so affiliated; or
    - (iv) any other organisation, where the competition is expressed to be conducted subject to the rules of the FEI, of EA, or of a Branch,

unless it is expressly declared prior to the receipt of entries or conduct of such competition, event or activity, that these By-Laws are not applicable to or in relation to that competition, event or activity; and

- (b) all EA and EA Branch members at all times during the term of their membership.
3. These By-Laws are binding upon:
    - (a) persons appointed or elected to boards of directors, executives and/or committees (including sub-

committees) of EA, Branches or organisations affiliated with EA or a Branch;

(b) employees of EA, Branches or organisations affiliated with EA or a Branch;

- (c) officials appointed or elected by EA, Branches or organisations affiliated with EA or a Branch including coaches, team management personnel such as managers, veterinarians and medical support staff;
- (d) judges, stewards and other officials involved in the regulation of the sport appointed by EA, Branches or organisations affiliated to EA or a Branch;
- (e) coaches registered with EA under the National Coaching Accreditation Scheme ("NCAS");
- (f) EA, all Branches and organisations affiliated with EA or a Branch;
- (g) persons responsible for any horse entered for or competing in any competition set out in clause 2 above;
- (h) individuals who own, lease or otherwise control a horse which is entered in any competition set out in clause 2 above;
- (i) any other person or organisation, who or which is, a member of, or affiliated with EA, Branches or organisations affiliated with EA or a Branch, (including life members);
- (j) any other person or organisation (for example, a parent/guardian, spectator or sponsor) who or which agrees, in writing or otherwise (whether on a ticket, entry form, conditions of entry displayed at a venue etc) to be bound by these By-Laws.

## COMPLAINTS

4. Where a complaint is made, or EA or a Branch considers that:-
- (a) any person or organisation to whom these By-Laws apply (see clause 3 above) whether in a competition or elsewhere; or
  - (b) the person responsible for any horse entered for or competing in any competition to which these By-Laws apply, (in these By-Laws "person responsible" has the same meaning as provided by the FEI General Regulations),

has committed or may have committed a breach of these By-Laws, the matter will either:

- (i) be heard and dealt with by a Tribunal appointed for that purpose by the National Judicial Procedures Officer ("NJPO"), if appointed, or the CEO or Branch Manager; or
- (ii) if the matter relates to a strict liability offence (as identified in clause 19 below) be dealt with in accordance with clauses 20 - 23 of these By-Laws.

5. A Tribunal hearing is to be convened by the Tribunal Chairman hearing but will not have a vote.

## COMPOSITION OF TRIBUNALS

6. The NJPO, if appointed, or the CEO will appoint a suitably qualified and experienced person to act as Tribunal Chairman (preferably selected from the EA list of legal practitioners) and also select the members of the Tribunal, on the basis outlined below, and may seek advice on the composition of any Tribunal from whomever he wishes.
7. A Tribunal must consist of not less than three and no more than five members. Where possible the Tribunal should include senior judges of the discipline in question and, if this causes difficulty, senior or qualified technical officials from any other discipline or if the matter is not related to a specific discipline, suitably qualified persons.
8. In relation to any disciplinary proceedings –
- (a) *arising out of a competition;*
    - (i) the Judge or any member of a Ground Jury officiating at the competition and/or event, or
    - (ii) the owner of a horse entered in the competition and/or event or
    - (iii) a competitor entered in the competition, or

- (iv) team officials or instructors of competitors entered in the competition and/or event, or
  - (v) an active competitor in the discipline; or
  - (vi) a member of the EA Board or the relevant Branch Board;
- (b) *in any circumstances,*
- (i) the immediate family of a person who is subject of the inquiry or who may be directly affected by the result of the proceedings; or
  - (ii) a member of the EA Board or the relevant Branch Board;
- may not serve as a member of the Tribunal dealing with those proceedings.

## **LODGING OF COMPLAINTS**

9. All complaints which the NJPO is requested to deal with can be made to the EA Chief Executive Officer (“CEO”) or the Branch Manager who on receipt of the complaint must affix a date stamp and sign the document and immediately inform the NJPO, if appointed, or the CEO.
10. Officials or other persons reporting a case of cruelty must provide the EA CEO or the Branch Manager with the contact details of any witnesses to the incident, together with any evidence including any written statements from witnesses.
11. Complaints reaching the CEO or a Branch Manager more than fourteen (14) days after the incident will not be considered.
12. In any matter referring to a prohibited substance, the incident will be deemed to be the receipt of the analysing authorities report by EA.
13. In the case of strict liability offences, the CEO of EA or a Branch Manager may take action against a person or organisation for an alleged breach of the strict liability offences set out in clause 19 in accordance with clause 20, notwithstanding that the alleged breach was not discovered by, or notified to, EA or a Branch within 14 days of the date of such breach.
14. The NJPC may decline to deal with any complaint which is not supported by evidence furnished by the complainant.

## **INVESTIGATIONS**

15. Where EA or a Branch believes that an offence may have been committed but no formal complaint has been made, EA or relevant Branch may investigate, or appoint a person to investigate, the alleged offence. If after the investigation EA or a Branch or the person appointed to investigate recommends that a formal complaint should be made, EA or relevant Branch or the person appointed by it may make a formal complaint. A complaint arising out of an investigation conducted under this clause should be made within 21 days of the date on which the alleged offence took place.

## **OFFENCES - GENERAL**

16. A person who:-
  - (a) attempts to commit; or
  - (b) is directly or indirectly concerned in the commission or attempted commission by any other person of any act or conduct contrary to these By-Laws,
 is guilty of a breach of these By-Laws.
17. An organisation which, or a person who –
  - (a) is guilty of any cruel, dishonest, corrupt, fraudulent, negligent or improper act, conduct or practice in connection with equestrian competition, or the riding, management or handling or registration of any horse, or any act detrimental to the proper control and regulation of equestrian competition or the registration of horses;

- (b) fails to adhere to, or breaches any provision of, the Codes of Conduct adopted by EA (and as amended from time to time) to which they are bound as a result of their registration as a nationally accredited coach or as a result of their appointment as an official;
- (c) falsely represents himself or herself as an EA Coach currently registered under the EA National Coaching Accreditation Scheme;
- (d) officiates at an event or competition that requires a higher level of accreditation than the member possesses;
- (e) fails to pay a fine imposed under these By-Laws within such time as the Tribunal determines;
- (f) fails to pay a fine imposed by the FEI within such time as the Judicial Committee determines or within 30 days of date of invoice if invoiced by EA on behalf of the FEI;
- (g) enters for competition or allows to compete any horse which is disqualified, or whose owner or rider is disqualified;
- (h) fails to give effect to an order of suspension;
- (i) competes under a false description or competes in an official or affiliated event on a horse that is not registered or whose registration or performance card is not correct;
- (j) contravenes, whether or not in a competition to which these By-Laws apply, the FEI General Regulations or the FEI Veterinary Regulations as to the use of prohibited substances in relation to competitors or horses. However, the FEI Veterinary Regulations (and the appendixes thereto) in their application to EA events (as distinct from FEI events) are to be modified to the following extent-
  - (i) the expression "Veterinary Delegate" is to be construed and interpreted as being a reference to any duly qualified veterinary surgeon who has been approved for the purpose by the NJPO from time to time;
  - (ii) Medication Control (swabbing) personnel are required to follow the instructions and guidelines issued from time to time under the Medication Control Policy and systems of EA;
  - (iii) in all other respects the provision of the FEI Veterinary Regulations should be complied with to the fullest extent that the circumstances reasonably permit, provided that strict observance and compliance therewith (as above amended) will only be required in circumstances where an injustice to a competitor may result. Whether such an injustice may result is to be determined by resolution of the Tribunal hearing the matter.
- (k) refuses or fails to produce at the specified time or to submit for identification, examination, measurement, test or other investigation any horse required so to be produced by or in consequence of these By-Laws or the rules or conditions of any competition, or attempts to prevent or interfere with any such investigation (in the By-Laws "rules or conditions of any competition" shall include the FEI rules for all Disciplines within EA);
- (l) disobeys or fails to comply with the lawful order of a judge or other person or organisation having official duties in relation to equestrian competition, or uses improper or insulting words or inappropriate behaviour to any event officials or the public;
- (m) registers, or causes to be registered, any horse, or causes any horse to be incorrectly graded or classified by way of any false or fraudulent document, statement or representation;
- (n) registers, or causes to be registered, any horse in a name other than that of the owner, unless documentary evidence satisfactory to the Registrar of a Branch shows that the owner consents to the registration;
- (o) being a member of EA or a Branch or of any organisation which is a member of EA or the Branch or is affiliated to such a member, and in that capacity having official duties in connection with any competition, refuses or fails to attend or give evidence or produce any document or other thing for the purpose of any disciplinary hearing under these By-Laws relating to that competition where requested by or on behalf of the Disciplinary Sub-Committee to do so;

- (p) being an Affiliated Member, conducts an event using officials who are not members of EA or who are not accredited to the level required for the event to have an official result;
- (q) conducts itself or himself in a manner which:
  - (i) is unbecoming of a member of EA or a Branch;
  - (ii) is prejudicial to the interests of EA or a Branch; or
  - (iii) has brought EA or a Branch into disrepute

commits a breach of these By-Laws.

18. Article 143 of the FEI General Regulations defines abuse as "an action or omission which causes or is likely to cause pain or unnecessary discomfort to a horse". For the purpose of these By-Laws a person will be taken to be guilty of a cruel practice if he is shown to:-

- (a) whip or beat a horse excessively;
- (b) subject a horse to any kind of electric shock device;
- (c) use spurs excessively or persistently;
- (d) jab the horse in the mouth with the bit or any other device;
- (e) compete using an exhausted, lame or injured horse;
- (f) "rap" a horse;
- (g) abnormally sensitise or desensitise any part of a horse;
- (h) leave a horse without adequate food, drink or exercise;
- (i) use any device or equipment which cause excessive pain to the horse upon knocking down an obstacle.
- (j) have done an act or series of actions which in the opinion of the Tribunal can clearly and without doubt be defined as cruelty.

#### **STRICT LIABILITY OFFENCES AND PENALTIES**

19. The following offences are considered Strict Liability Offences and are subject to the penalties set out below. For offences involving competitors or exhibitors, the penalties apply to both the competitor and the exhibitor, that is, where they are not the same, both receive the relevant penalty.

For the purposes of these By-Laws, a "**competitor**" is a person riding, driving, leading or otherwise presenting a horse in any EA or Branch competition, event or activity to which these By-Laws apply, and an "**exhibitor**" is an owner, lessee or representative of the owner or lessee of a horse entered in any EA or Branch competition, event or activity to which these By-Laws apply.

- (a) **Competing in an Official competition on an unregistered horse:**  
First offence: A fine of \$100.00. Second offence: A fine of \$200.00. Third and subsequent offences: To be dealt with by a Tribunal which may impose a fine of up to \$500.00 and/or suspension of up to six (6) months.
- (b) **Competing in an Official competition or event on a horse whose registration and/or performance card is not current:**  
First offence: A fine of \$100.00. Second offence: A fine of \$200.00. Third and subsequent offences: To be dealt with by a Tribunal which may impose a fine of up to \$500.00 and/or suspension of up to six (6) months
- (c) **Competing in an Official competition or event with a horse outside the required age, grade or height:**  
First offence: A fine of \$200.00. Second offence: A fine of \$400.00. Third and subsequent offences: To be dealt with by a Tribunal which may impose a fine of up to \$500.00 and/or suspension of up to twelve (12) months

- (d) **Forging or falsifying a birth certificate or any part thereof for entry into an competition or event:**  
First offence: A fine of \$200.00. Second offence: A fine of \$400.00. Third and subsequent offences: To be dealt with by a Tribunal which may impose a fine of up to \$500.00 and/or suspension of up to six (6) months
  - (e) **Falsifying a performance record for entry into any competition or event**  
First offence: A fine of \$200.00. Second offence: A fine of \$400.00. Third and subsequent offences: To be dealt with by a Tribunal which may impose a fine of up to \$500.00 and/or suspension of up to six (6) months
  - (f) **Falsifying information on application for registration of a horse or for membership**  
First offence: A fine of \$200.00. Second offence: A fine of \$400.00. Third and subsequent offences: To be dealt with by a Tribunal which may impose a fine of up to \$500.00 and/or suspension of up to six (6) months
  - (g) **Entering a registered horse in official competition using an incorrect name or listing an incorrect owner**  
Each offence: A fine of \$100.00
  - (h) **Competing in an Official competition or event while the membership of exhibitors or of the rider is not current:**  
First offence: A fine of \$200.00. Second offence: A fine of \$400.00. Third and subsequent offences: To be dealt with by a Tribunal which may impose a fine of up to \$500.00 and/or suspension of up to six (6) months
  - (i) **Competing in an Official competition or event having failed to comply with the terms of any sanction applied under any FEI or EA disciplinary rule or by-law:**  
Each offence: suspension of membership for three (3) months
  - (j) **Competing in an Official competition or event while under suspension:**  
Each offence: Suspension of membership for twelve (12) months.
  - (k) **Failing to transfer ownership of a registered horse within 120 days of the sale:**  
Each offence carries a fine equivalent to twice the applicable transfer fee.
  - (l) **Falsely representing themselves as an EA NCAS-registered Coach:**  
First offence: A fine of \$200.00. Subsequent offences: To be dealt with by a Tribunal which may impose a fine of up to \$500.00 and/or suspension of up to six (6) months.
  - (m) **Failing to pay a fine imposed by EA or FEI or their tribunals within the required time frame:** Any member who is fined pursuant to these By-laws, by an EA disciplinary tribunal or the FEI Judicial Committee is required to comply with the conditions for the payment of the fine. Members who do not comply with the payment conditions will be deemed to be unfinancial from the date the payment was due and will thereby be prohibited from taking part in any EA competitions and be suspended from membership of EA squads until the fine is paid in full.
20. Where the CEO of EA or a Branch Manager is aware of any person or organisation bound by these By-Laws having allegedly committed any one or more of the offences set out in clause 19 above, then the CEO or the Branch Manager will within 14 days of the date on which the alleged offence was discovered by, or notified to EA or Branch send a notice to such person or organisation setting out the following:
- (a) the date of the alleged breach;
  - (b) the strict liability offence(s) that were allegedly committed;
  - (c) the penalty provided for; and
  - (d) the right of the accused person or organisation to seek a review of the charge and penalty by EA or (in the case of charges laid by Branches) by the Branch Disciplinary Tribunal in accordance with clause 21 below.
21. A person who, or organisation which, receives notification of a charge of a strict liability offence may, within ten (10) working days of the date of a notification received under clause 20, by notice in writing seek a review of the charge by EA or (in the case of charges laid by Branches) by the Branch. Every such notice shall be accompanied by a fee of \$250.00 which shall be refundable at the discretion of the Disciplinary Tribunal.



22. Upon receipt of a notice under clause 21, the CEO or Branch Manager shall refer the matter to a Disciplinary Tribunal to be treated in the same manner as any other charge laid against a person or organisation in accordance with these By-Laws. Upon the hearing of any such matter the Disciplinary Tribunal may approve or reject, either in whole or in part the penalty imposed by the EA CEO or Branch Manager and may reduce or increase any fine or suspension as it considers appropriate.
23. If the charged person or organisation fails to request a review of the strict liability offence and penalty by writing to EA / Branch within ten (10) working days of notification, the penalty will automatically be invoked with no right of appeal.

#### **RIGHT TO BE HEARD AND HEARING**

24. With the exception of those offences set out in clause 19 above, no penalty can be imposed against any person or organisation for breach of these By-Laws unless such person or organisation has received reasonable notice of the day, time and place at which the matter is to be considered, details of the alleged breach(es), and has been given an opportunity to submit an explanation either oral or written or both, as to the circumstances giving rise to the allegation in respect of which the liability to the penalty arises, and to present their side of the case.
25. The notice provided to a charged person or organisation referred to in clause 24 above should include the following details:
  - (a) the date of the alleged breach;
  - (b) the rule or rules that were allegedly breached;
  - (c) the penalties provided for;
  - (d) that the person or organisation concerned can produce witnesses but cannot be represented by a person who is trained and / or qualified as a solicitor or barrister;
  - (e) that in the event of minors (persons under the age of 18 years) being charged they must be accompanied by a parent or guardian;
  - (f) that the charged person or organisation is required to advise the Tribunal seven days before the date of the hearing whether they will be appearing in person or will be submitting a written explanation; and
  - (g) that in the event that the charged person or organisation fails to appear in person or submit an explanation the Tribunal will determine the matter without the benefit of their case.
26. Where an organisation or person has been given the opportunity of submitting an explanation to a hearing, the Tribunal is not required to afford any further such opportunity but may do so if it so determines.
27. An explanation may be submitted to the Tribunal in writing, but a charged organisation or person is entitled to appear personally to call evidence and to put questions to any witness. In the case of an organisation, it may be represented by any officer of that body.
28. A person likely to be adversely affected by the decision of the Tribunal may, with leave of the Tribunal, be present, call evidence and put questions to witnesses at any hearing.
29. If any charged person (or representative of a charged organisation) fails to attend a Tribunal hearing without reasonable cause, the hearing may proceed and a determination made by the Tribunal in the absence of the charged person or organisation, provided that the Tribunal is satisfied that all notification procedures under these By-Laws have been carried out.
30. A charged person or organisation may apply to the NJPO to have a Tribunal hearing adjourned if there are compelling circumstances which warrant such steps being taken. This will be at the discretion of the NJPO and if the application is granted a new date shall be fixed.
31. The procedure at any Tribunal hearing shall follow (as closely as is practicable), the hearing procedure set out in the EA Tribunal Procedure and Protocol document, however no decision of a Tribunal shall be invalidated by an irregularity in the implementation of such procedures.

32. No solicitor or counsel will be heard on behalf of any organisation or person at any disciplinary proceedings. However, if the person concerned is a minor as defined under the respective discipline rules, a parent or guardian must be present as an observer and if necessary to assist the minor.
33. In relation to any inquiry or other disciplinary proceedings under these By-Laws, the members of the Tribunal must not take into account any unofficial advice or observations from persons who are not members of the Tribunal considering the matter, or anything they know beforehand of any organisation, owner, competitor, or horse unless the nature of such advice, observation or knowledge is openly disclosed during the proceedings.
34. (a) Where the Tribunal is satisfied that -
- (i) an allegation is proved, or
  - (ii) the evidence shows that an organisation or person is guilty of a breach of these By-Laws or conduct other than that originally alleged
- the Tribunal may impose a penalty in accordance with these By-Laws.
- (b) Where the Tribunal is satisfied that the evidence shows that the complaint has been frivolous or malicious the Tribunal may institute disciplinary procedures against the complainant.

#### **VETERINARY ADVICE**

35. Where necessary the Tribunal may seek veterinary advice, and must in all cases make proper inquiries as to any veterinary matter, and the reasonable costs of such advice or inquiries may be allocated amongst the parties to the matter at the discretion of the Tribunal.

#### **PENALTIES**

36. If a charge is found to be proven, the Tribunal must determine what penalties are to be imposed. In making the determination the Tribunal shall take into account the guidelines for penalties prescribed by Article 169 of the FEI General Regulations adjusted to local conditions as set out in the schedule to these By-Laws.
37. Any fines imposed should be in accordance with the standard fines set by the FEI and contained in the Infringements to Rules and Penalties.
38. In addition to the penalties prescribed in Article 169 of the FEI General Regulations sub-paragraph 6.1, a competitor found guilty of competing on a horse which is found to have a Prohibited Substance (as defined in the FEI General Regulations or the EA anti-doping policies from time to time) on analysis must pay the cost to the Branch of the analysis within 30 days of the conviction. A competitor who is liable to make payment to the Branch under this By-Law is to be suspended from membership of the Branch until payment is made.
39. A disqualification, or any other penalty handed down by a Tribunal, may be expressed to have effect—
- (a) during or in relation to any competition and/or event;
  - (b) during or in relation to any period of time, or until a specified date or happening of a specified event; and
  - (c) so as to apply whether or not the ownership of the horse is changed.
40. A disqualification may be expressed to be retrospective and may include the forfeiture of any prize, award, grading, or classification, and unless the Tribunal otherwise orders, takes effect as from the time of the giving of the decision.
41. Penalties imposed by the Tribunal shall be notified to EA, all members, and to all Branches or other organisations likely to be affected thereby and shall be enforced by EA, all Branches and organisations affiliated to EA and/or a Branch throughout Australia.

#### **COSTS**

42. Subject to clause 38, and any direction of a Tribunal in accordance with clause 35, each person who or organisation which is a party to a disciplinary matter dealt with under these By-Laws shall be responsible for their own costs in relation to such matter.

## **APPEALS**

43. Appeals arising from decision of a Tribunal may only be made in accordance with the EA Appeal By-Laws. A person shall exercise his / her right of appeal under the EA By-Laws and have any appeal heard and determined in accordance with the same, before commencing any proceedings or becoming a party to any proceedings in a court of law.

## **NATURAL JUSTICE**

44. To the extent that the principles of natural justice are not included in the provisions set out in these By-Laws they are expressly excluded.

## **EXCLUSION OF LIABILITY - TRIBUNAL MEMBERS**

45. It is deemed to be a condition of all persons and organisations to which these By-Laws apply that no legal or financial responsibility will devolve on any members of a Tribunal in relation to or arising out of the consideration or determination of disciplinary proceedings or of the publication of the results of any such proceedings under this By-Law.

## SCHEDULE

**(Note: Please refer to current FEI Regulations, which may change from time to time, for updated provisions)**

### **FEI General Regulations** 23<sup>rd</sup> edition, 1 January 2009

#### **Article 169 -PENALTIES**

1. In deciding on the appropriate penalties to be imposed, the following factors shall be taken into consideration, together with any other relevant factors:
  - 1.1. Whether the action or omission resulted in an unfair advantage to the offender or a competitor;
  - 1.2. Whether the action or omission resulted in a material disadvantage to any other person or body involved;
  - 1.3. Whether the action or omission involved the maltreatment of horses;
  - 1.4. Whether the action or omission affected the dignity or integrity of any person involved in the sport;
  - 1.5. Whether the action or omission involved fraud, violence or abuse or similar criminal acts.
  - 1.6 Whether the action or omission was deemed to be deliberate.
2. An oral or written warning is appropriate in cases of minor violations or contraventions committed unintentionally and without significant consequences.
3. A fine is appropriate particularly in cases where the offender has acted negligently.
4. Disqualification is appropriate when it is specified in the Statutes, Regulations or Rules, or if the circumstances require an immediate action.
  - 4.1. Disqualification from a competition means that the competitor and horse or horses concerned - even should they change ownership -are removed from the list of starters and the classification and includes the forfeiture of prize money won in that particular competition.
  - 4.2. Disqualification from an event means that the competitor and horse or horses concerned - even should they change ownership - may take no further part in that event and it may include (in addition to what is mandated under paragraph 4.1.) the forfeiture of any prize money won in previous competitions at that event where this is provided for in the Statutes, Regulations or Rules.
5. A suspension, on such terms and subject to conditions as the Judicial Committee may impose, is appropriate in cases of intentional or very negligent violations or contravention. In certain cases suspension may be automatic under the Statutes, Regulations or Rules.
  - 5.1. Suspension must be for a stated period and during that period the person or body suspended may take no part in competitions or events as a competitor or Official or in the organisation of, or participation in, any event under the jurisdiction of the FEI or any event under the jurisdiction of an NFin accordance with Statutes Art. 062.
  - 5.2. In deciding when any suspension will commence, the appropriate body shall, in order to achieve a just penalty, have regard to the gravity of the offence.
6. Notwithstanding anything to the contrary indicated in paragraphs 3 to 5 above, the penalties listed below shall be imposed in the following cases:
  - 6.1. The finding on analysis of a Prohibited Substance as defined in Art. 145 (Medication Control, Anti-doping and Protection of Competitors) will entail the disqualification of the competitor from the event and the forfeiture of any prize money won by that competitor in that same event and may entail a suspension of one month to life and/or a fine of CHF 1,000.-to CHF 15,000.-.
  - 6.2. The finding on analysis of a Prohibited Substance as defined in Art. 146 (Medication Control and Protection of Horses) will entail the disqualification of the horse from the event and the forfeiture of any prize money won by that competitor on that horse in the same event. The competitor will be disqualified on that horse and may be disqualified altogether;
    - 6.2.1. The finding on analysis of a Prohibited Substance as defined in Art. 146 is presumed to be a deliberate attempt of the Person Responsible to affect the performance of the horse and will entail the suspension of the Person Responsible from 3 to 24 months. A fine of CHF 1,000.-to 15,000.- can also be imposed;
    - 6.2.2. If the Person Responsible can prove that it was not a deliberate attempt to affect the performance of the horse or that the findings are the results of legitimate treatment of the horse or of one or more parts of his body, the sanction may entail a fine up to CHF 15,000.- but a suspension from 1 to 3 months may also be imposed;
  - 6.3. Abuse of horses in any form (rapping, abnormal sensitisation or desensitisation of limbs, banned schooling methods etc.) shall entail a fine of CHF 1,000.- to 15,000.- and/or a suspension of 3 months to life;

- 6.4. Incorrect behaviour towards event Officials or any other party connected with the event (other rider, journalist, public etc.) shall entail a fine of CHF 200.- to 10,000.- and/or a suspension of 3 to 12 months;
- 6.5. Fraud of any kind, violence and other acts defined as criminal by the national law prevailing at the event shall entail a fine of CHF 1,000.-to 15,000.- and/or a suspension of one month to life.
- 7.1. In cases of offences mentioned in paragraphs 6.3 and 6.4 above and which are of a less serious nature, the President of the Ground Jury, the President of the Appeal Committee and the Chief Steward, instead of instituting the procedures foreseen in the legal system, may deliver to the Person Responsible a yellow warning card, either by hand or by any other suitable means. The acceptance of a warning card suspends any penalty until new offences take place.
- 7.2. The Person Responsible may or may not accept the warning card. If the PR does not accept a card which was delivered or presented during or after the event, the event officials may take any action within their capacities deemed necessary and shall report the case to the Secretary General for any further action deemed necessary. Should the same Person Responsible receive one more warning card at the same or any other international event within one year of the delivery of the first card, the case shall be submitted to the Judicial Committee.
8. Where a warning card has been accepted, the offence for which it was delivered shall be taken into consideration when deciding the penalty to be imposed for a similar offence committed within the next twenty-four months.
9. The penalty imposed in any given case can consist of a combination of fine, suspension and disqualification. The amount of a fine and the duration of a suspension shall be decided according to the guidelines mentioned in paragraph 6 above and to the circumstances of the case.
10. All fines imposed by anybody under the Legal System are due to the FEI. They must not be paid to the OC or any other body but must be paid to the FEI on receipt of a demand. Any person who has not paid a fine within 30 days of receiving a demand for payment will be automatically suspended until the fine is paid. If fines are inadvertently paid to the OC or any other person such fines shall be remitted to the FEI.
11. Decisions of the Judicial Committee may also impose on unsuccessful parties the payment of costs borne by the FEI for the judicial procedure in the amount of CHF 500.- to 7,500.-. In addition, a party may be ordered to pay further costs not exceeding CHF 10,000.- if the costs of the procedures borne by the FEI have been increased by conducting a hearing or by excessive prolongation of the procedures or other exceptional cause. In the interests of fairness, the cost to the FEI of any hearing which is held in conjunction with other hearings or with an administrative meeting of the Judicial Committee shall be separately calculated.