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WORLD BREEDING FEDERATION FOR SPORT HORSES

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# ***DISCIPLINARY CODE***

*APPROVED BY THE GENERAL ASSEMBLY ON*

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General Assembly October 24, 1999

**WBFSH Disciplinary CODE**

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Article 1. Disciplinary law

1. The WBFSH shall administer Disciplinary justice on the basis of this code.
2. This code shall apply to all the members of and contributors to the WBFSH. The members and associates shall herein be referred to as 'the organization'.
3. This code shall be adopted and amended by the General Assembly.
4. Any references to 'Committee' in this code shall be understood to mean the Disciplinary Committee or Board of Appeal, unless explicitly stated otherwise.
5. Any references to the 'organization concerned' in this code shall be understood to mean the organization that has been reported, that is punished by the Disciplinary Committee or that has lodged an appeal against a ruling handed down by the Disciplinary Committee.
6. On request, the organizations, including the organization concerned, shall be required to lend all the assistance and furnish all the information a Committee may deem necessary for the evaluation or hearing of a case.
7. The Disciplinary Committee and, on appeal, the Board of Appeal shall be the only bodies authorized to impose a penalty referred to in this code on an organization.
8. The timely receipt of the documents referred to in this code shall be decided on the basis of the post date on the envelope or, when a document is submitted, the date of submission, as evidenced by the receipt issued.

Article 2. Disciplinary Committee and Board of Appeal

1. Every Committee shall consist of a chairperson, a secretary and a member, as well as two deputy members.
2. The General Assembly shall appoint the members of a Committee for a period of two years.

3. The chairperson and secretary shall be appointed to office. The other members shall divide their duties in mutual consultation.
4. Appointed members shall take up their duties on the day following their appointment. Their Committee membership shall last up to and including the day on which their two-year period of membership lapses, unless they are immediately reappointed. If a member is not reappointed but involved in a case on the day that his or her period of membership lapses, he or she shall continue until the date on which a ruling is handed down in respect of the said case.
5. The Board shall fill vacancies as soon as possible.
6. Committee membership cannot be combined with membership of the Board or an organization. A member of the Disciplinary Committee may not simultaneously hold a position on the Board of Appeal nor, after resigning as member of the Disciplinary Committee, immediately become involved as a member of the Board of Appeal in the hearing of a case in respect of which he or she assisted in passing a ruling as a member of the Disciplinary Committee.
7. The secretariat of the Disciplinary Committee and the Board of Appeal shall be established at the office of the Koninklijk Warmbloed Paardenstamboek Nederland (KWPN: Royal Dutch Warmblood Studbook), the Netherlands.
8. The Disciplinary Committee and Board of Appeal are WBFSH bodies.

Article 3. Tasks and powers

1. The Disciplinary Committee shall handle violations in the first instance.
2. The Board of Appeal shall handle the appeal that the organization concerned has lodged against a ruling by the Disciplinary Committee.
3. The Committee shall assess the charge to establish whether a violation was committed. If the Committee handles a case and reaches the conclusion that another violation was committed than the one reported, it may impose a penalty for that other violation, provided that the organization concerned is first given an opportunity to conduct a defence against the said violation.
4. The Committee may request any WBFSH member, body or Committee to answer questions in writing or, at the hearing, verbally.
5. The members of a Committee may not partake in the proceedings of a case if they themselves are or were involved in the said case or have an interest in it.

Article 4. Violation

1. A violation as referred to in this code is any act or omission that:
  - a. is in contravention of a provision of the articles of association or regulations of the WBFSH, including this code;
  - b. is in contravention of a resolution by a constituent body, including implementing orders by the Board;
  - c. harms the interests of the WBFSH, including acts that are in contravention of objectives of the WBFSH as laid down in the articles of associations;
  - d. causes an organization to behave towards another organization, a constituent body or Committee in a manner other than required by the standards of reasonableness and fairness.

2. A violation shall also be understood to mean any failure to duly fulfil obligations or enabling, encouraging, facilitating or assisting in a violation.
3. A violation is liable to punishment if it is due to wilful intent or negligence on the part of the organization concerned.
4. Evidence of the violation shall be deemed to have been provided if the facts and circumstances convince the Committee that the organization concerned has committed the violation. The Committee may also substantiate the evidence with documents, statements, photographs, TV or video shots, provided that the evidence is not based on a single document, a single statement or visual material alone.
5. Violations are also liable to punishment by the WBFSH if the same conduct has been or can be brought before the criminal or civil court of any country.

Article 5. Reporting violations

1. The Board and any organization may report a violation committed by an organization in writing to the Disciplinary Committee, thus instituting proceedings.
2. A charge shall state:
  - a. the name of the organization and the name and initials of the person who acted or failed to act on behalf of the organization;
  - b. the facts of the violation and related circumstances as accurately as possible;
  - c. the provision of the articles of association or regulations or the resolution alleged to have been infringed;
  - d. if possible, the names, initials and addresses of witnesses that can provide first-hand testimony about the violation.
3. The Board may require a form to be completed when a violation is reported.
4. The charge shall be the basis for the hearing of a case.
5. The Disciplinary Committee shall not consider a case if:
  - a. the charge is incomplete and/or the Committee's request to provide any missing information within the set term is not fulfilled;
  - b. the violation is reported anonymously;
  - c. the fact took place more than a year before the date it is reported, unless the informer explains to the Committee's satisfaction that it was unable to report the violation any sooner and did so as soon as possible.
6. Filing false charges shall constitute a violation of this code.

Article 6. The organization concerned

1. The Committee shall send the charge to the organization concerned within ten days of receipt.
2. The organization may conduct a written defence against the charge within one month. At the request of the organization concerned, the Committee may extend this term to a maximum of two months. Both terms shall be counted from the date the charge was sent to the organization.

3. The organization concerned may be represented by counsel. If the counsel is not an attorney-at-law, he or she shall submit a proxy from the organization. The counsel shall have the same rights and obligations as the organization concerned.
4. At the request of the organization concerned, the Committee may send any correspondence on the case to the organization's counsel.

Article 7. Oral proceedings

1. The organization concerned may request that the case be dealt with in oral proceedings. If the organization does not request this, the Committee may order that the case be handled in oral proceedings, if this is deemed expedient. If oral proceedings are not requested or ordered, the case shall be handled in writing.
2. The Disciplinary Committee shall be required to conduct oral proceedings, if it imposes a provisional penalty, as referred to in paragraph 6 of Article 10, or when the charge can lead to expulsion.
3. In the event of oral proceedings, the Committee shall set the date, hour and place of the hearing. The secretary shall summon the organization concerned by issuing a written notice at least ten days prior to the date of the hearing.
4. The secretary shall also summon other people with a written notice whose appearance the Committee may deem expedient.
5. Oral proceedings shall not take place in public. The Committee may decide otherwise, if it deems this necessary in the interests of the WBFSH. The organization concerned may not request a public hearing.

Article 8. Hearing

1. The Committee shall determine who is allowed to attend the hearing.
2. If the organization concerned does not appear at the hearing, the Committee shall check whether it was duly summoned. If not or if the Committee believes there are other grounds to postpone the hearing, it shall postpone the hearing to a date yet to be determined. The organization concerned shall notify the secretary thereof in writing.
3. If a witness or expert does not appear at the hearing, the Committee may decide to postpone the hearing or to deal with the case to the extent possible and continue the hearing on another date with the witness or expert that failed to appear.
4. The organization concerned and its counsel are allowed to attend the entire hearing.
5. The Committee may deny any person whose behaviour prompts such a decision further access to the hearing.
6. If necessary, the Committee shall question the organization concerned as well as any other persons to be heard. The organization concerned may request that additional questions be posed. This request shall be satisfied, unless the chairperson decides that these questions are irrelevant.
7. If the Committee believes that another violation may have been committed than the one reported, it shall notify the organization concerned thereof and give it an opportunity to conduct a defence against the new charge.

8. The secretary shall summarize the substance of the oral proceedings, which summary shall be signed by the chairperson and secretary of the Committee.

Article 9. Witnesses and experts

1. The Committee shall be authorized to summon witnesses and experts. The Committee shall notify the organization concerned thereof in writing, stating names and fields of expertise.
2. The organization concerned may summon a maximum of three witnesses or experts to appear at a hearing and shall notify the secretary thereof in writing within seven days prior to the hearing, stating names and addresses. If any experts are summoned, their fields of expertise shall be specified. The organization concerned may summon more than three witnesses or experts only with prior permission from the Committee.
3. Members who are summoned to appear as a witness or expert shall be obligated to appear. Non-members, too, may be summoned to appear as a witness or expert.
4. Witnesses and experts may only be heard at the hearing. If a witness or expert cannot reasonably attend the hearing, he or she may - subject to the chairperson's permission - provide a written, personally signed statement, which shall be submitted for perusal to the organization concerned.
5. Witnesses and experts shall be required to tell the truth. The Committee may request them to sign a concise summary of their statement.

Article 10. Penalties to be imposed

1. Penalties that may be imposed shall include:
  - a. a reprimand;
  - b. a fine to a maximum of twice the annual membership fee of the organization concerned;
  - c. denial of entitlement to certain WBFSH services;
  - d. exclusion from participation in one or more WBFSH activities;
  - e. denial of the right to have one or more WBFSH duties carried out by an agent;
  - f. suspension;
  - g. expulsion (removal) as member of the WBFSH.
2. If the organization concerned has committed more than one violation, a penalty may be imposed for each violation. In such a case, the Committee may also impose a single penalty.
3. A reprimand, suspension and expulsion cannot be combined with another penalty, nor can they be imposed conditionally.
4. Penalties other than referred to in paragraph 3 may be imposed in whole or in part conditionally. The conditional portion of a penalty shall be subject to a two-year maximum.
5. If the organization concerned commits another violation within the term of the conditionally imposed penalty, the Committee may decide to convert the conditional portion into an unconditional penalty and to impose a penalty for the new violation.
6. If a violation severely infringes the legal order of the WBFSH, the Committee may impose a conditional penalty upon the organization concerned as soon as the violation has been reported and before a defence is conducted or oral proceedings have taken place. In that event, the defence term, as referred to in paragraph 2 of Article 6, shall remain applicable.

Article 11. Penalties

1. A reprimand may be imposed as a penalty, if the Committee believes that a simple reprimand will suffice.
2. A fine may be imposed as a penalty, if the violation has yielded the organization concerned a financial benefit or harmed the interests of the WBFSH or other organizations, or if the Committee deems a fine, whether or not in combination with another penalty, an appropriate penalty.
3. Denial of entitlement to certain services and/or exclusion from participation in WBFSH activities shall be imposed as a penalty for a certain duration and in respect of certain services and/or activities. The exclusion shall apply for a maximum period of two years.
4. Denial of the right to have an agent carry out one or more duties shall only be imposed as a penalty if the violation was committed by an agent of an organization in the performance of his or her duties. The said denial may pertain to those duties but also to other WBFSH duties to be determined by the Committee. The denial shall apply for a maximum period of two years.
5. Suspension shall be imposed as a penalty if the violation is so severe that a milder penalty would not suffice whereas expulsion would be too severe. Suspension may be imposed for a maximum of five years. During suspension, an agent of the organization concerned is not allowed to hold office nor exercise membership rights, request WBFSH services or participate in WBFSH activities, while its obligations related to membership shall remain in full force.
6. Expulsion shall be imposed as a penalty if the organization concerned has severely infringed the articles of association, regulations and resolutions by WBFSH bodies or severely harms the interests of the WBFSH or another organization to the extent that the violation justifies termination of membership.
7. The ruling shall state whether a penalty applies for a certain duration or to certain services, activities or duties.

Article 12. Ruling

1. A ruling by the Committee shall be based on a resolution passed by a simple majority. Each Committee member shall have one vote.
2. If the Disciplinary Committee believes that the organization concerned did not commit the violation reported nor any other violation, it shall acquit the organization concerned.
3. If the Disciplinary Committee believes that the organization concerned has committed the violation reported or another violation, it shall inform the organization concerned of the penalty that is to be imposed for the violation in question.
4. If the Board of Appeal believes that the Disciplinary Committee's ruling should be upheld, it shall confirm the ruling.
5. If the Board of Appeal believes that the Disciplinary Committee's ruling should not be upheld, it shall amend the ruling and determine whether the organization concerned is to be acquitted or what penalty is to be imposed on the organization concerned for what violation.
6. When determining the penalty and its severity, similar standards shall be applied to similar cases as much as possible.

7. In the event of written proceedings, the Committee shall hand down a ruling as soon as possible. In the event of oral proceedings, the Committee shall hand down a ruling within fourteen days of the hearing, unless the Committee requires more time for the deliberations. In that event, the Committee shall hand down its ruling within one month of the hearing.
8. Every ruling shall be handed down in writing and sent to the organization concerned by registered letter with acknowledgment of receipt. The Board shall receive a copy thereof.
9. The Committee's ruling may be published in the official WBFSH bulletin, if so specified in the ruling.
10. If an appeal is not lodged in time, the rulings by the Board of Appeal and Disciplinary Committee shall be irrevocable and binding upon the organization concerned and all other WBFSH organizations.

Article 13. Appeal

1. With the exception of acquittal, an appeal may be lodged against any ruling by the Disciplinary Committee.
2. Only the organization concerned or its counsel may lodge an appeal. The term of appeal shall be one month, counting from the date of the ruling plus seven days to allow for dispatch.
3. Contrary to the provisions of paragraph 2, the Board may also lodge an appeal against any ruling by the Disciplinary Committee, even in the event of acquittal, should it deem this necessary in the interests of the WBFSH.
4. The appeal must be lodged with the secretary of the Board of Appeal by registered letter with acknowledgment of receipt.
5. The appeal must be substantiated in writing, stating the penalty against which the appeal is lodged and why. If desired, the organization concerned may first confine itself to merely lodging the appeal, provided that the Committee receives substantiating written information stating the grounds for the appeal within fourteen days of receipt of the appeal. The provisions of this paragraph shall also apply if the Board lodges an appeal.
6. If the appeal is received by another WBFSH body than the Board of Appeal, it shall be deemed to have been lodged in time.
7. The appeal shall only be dealt with upon receipt of the administration fee of EUR 250. This amount must be paid within the (extended) term of appeal by means of a transfer to the WBFSH bank account. The Committee may subsequently extend this term only once by two weeks. If payment is not made by then, the appeal shall be deemed not to have been lodged. No appeal may be lodged against this decision.
8. If the organization concerned is acquitted by the Board of Appeal, the administration fee shall be reimbursed.
9. The execution of a penalty during appeal proceedings shall be subject to the provisions of Article 14.

Article 14. Execution

1. The Board shall supervise the execution of penalties.



2. The organization concerned, other organizations and the WBFSH bodies shall be obligated to cooperate in the execution of a penalty. Failure to do so shall constitute a violation.
3. The execution of a penalty imposed by the Disciplinary Committee shall commence on the date that its ruling is handed down.
4. The lodging of an appeal shall not defer the execution of a penalty. Following a written request from the organization concerned, the Board of Appeal may defer the execution of a penalty during the appeal proceedings. The Board of Appeal shall rule upon this in writing, which ruling shall not be binding upon it when it hands down its final ruling.
5. With the exception of a reprimand, fine and expulsion, the Board may, in special cases, in response to a request substantiated in writing from the organization concerned, remit the remainder of a penalty after at least two-thirds of the penalty have been discharged. The Board may attach conditions to remission of the said remainder.
6. The Board may defer the execution of a penalty if new facts or circumstances arise that, had they been known to the Disciplinary Committee or Board of Appeal at the time of the proceedings, were sure to have led to acquittal or a much milder penalty. Such a request for reconsideration must be made in writing by the organization concerned, extensively substantiating the facts and circumstances. The Board may only consider such a request, if there are no possibilities for appeal at that time.
7. If the Board grants the request for reconsideration and defers execution of the penalty, the Board shall provide the Disciplinary Committee with the request, which shall consider the request as though it were a new charge. The Disciplinary Committee shall rule on the case once more, against which ruling the organization concerned or the Board may appeal.
8. A request for remission and for reconsideration can be made only once.