



***Boxing
South
Africa***

**DISCIPLINARY MATTERS
AND
THE DISCIPLINARY COMMITTEE**

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1. Interpretation

- 1.1. A word or expression that is defined in the Act and/or the Regulations bears the same meaning in these Rules as in the Act.
- 1.2. In these Rules,
 - 1.2.1. a reference to a section or regulations by number refers to the corresponding section of the Act or Regulations;
 - 1.2.2. a reference to a Rule by number refers to the corresponding item of these Rules; and
 - 1.2.3. a reference to a sub-rule or paragraph by number refers to the corresponding item of the Rule in which the reference appears.
- 1.3. In these Rules unless the context indicates otherwise,
 - 1.3.1. “**Act**” means the South African Boxing Act No. 11 of 2001 as amended;
 - 1.3.2. “**Agent**” means any Person to whom a certificate of registration issued in terms of the Act and/or Regulations;
 - 1.3.3. “**Boxer**” means any Person to whom a certificate of registration as such has been issued in terms the Act and/or Regulations;
 - 1.3.4. “**Boxing SA**” means the Boxing Commission contemplated the Act;
 - 1.3.5. “**Day**” means any Day of the week including weekends and public holidays provided that if the time limit for filing any document(s) falls on a weekend or public holiday, such document(s) shall be filed on the next business Day;
 - 1.3.6. “**Disciplinary Committee**” means the committee established by Boxing SA in terms of section 7 (1) (y) of the Act and in any particular instance the panel appointed to hear a matter in accordance with these Rules will constitute the Disciplinary Committee;
 - 1.3.7. “**Disciplinary Matters**” means alleged misconduct as dealt with in these Rules and includes any alleged infringement of any provision in the Act, Regulations, or Rules;

- 1.3.8. **“Arbitration Tribunal”** means the arbitral tribunal established and accredited to deal with appeals from decisions of the Disciplinary Committee and any non-disciplinary disputes and differences that may arise in the sport of boxing;
- 1.3.9. **“Fight”** means a contest between two Boxers sanctioned by Boxing SA;
- 1.3.10. **“Internal Dispute Resolution Mechanisms provided by Boxing SA”** means the Arbitration Tribunal and the Disciplinary Committee;
- 1.3.11. **“Licensee”** means any Person to whom a certificate of registration has been issued in terms of the Act and/or Regulations;
- 1.3.12. **“Manager”** means any Person to whom a certificate of registration as such has been issued in terms of the Act and/or Regulations;
- 1.3.13. **“Matchmaker”** means any Person to whom a certificate of registration as such has been issued in terms of the Act and/or Regulations;
- 1.3.14. **“Minister”** means the Minister of Sport and Recreation;
- 1.3.15. **“Official”** means any official as defined in the Act and/or Regulations and shall for the purposes of these Rules include Supervisory Officials as defined in the Regulations, Fight supervisors and Provincial Managers;
- 1.3.16. **“Person”** includes a natural or legal Person as well as a trust or partnership, excluding members of the Board of Boxing South Africa and employees of Boxing South Africa;
- 1.3.17. **“Promoter”** means any Person to whom a certificate of registration as a Promoter has been issued in terms of the Act and/or Regulations;
- 1.3.18. **“Regulations”** means the Boxing Regulations, 2004 as amended;
- 1.3.19. **“Rules”** means these Rules and any other Rules as may be issued by Boxing SA from time to time for the due and proper regulation or control of the sport of boxing;
- 1.3.20. **“Tournament”** means a Tournament as defined in the Act and/or Regulations;

1.3.21. “Trainer” means any Person to whom a certificate of registration as such has been issued in terms of the Act and/or Regulations.

2. DISCIPLINARY COMMITTEE : ESTABLISHMENT AND JURISDICTION

- 2.1. Boxing SA has established the Disciplinary Committee in accordance with section 7 (1) (y) (iii) of the Act in order to ensure the proper regulation of Disciplinary Matters in accordance with the objects of the Act.
- 2.2. Disciplinary Matters will be dealt with in each instance by a Disciplinary Committee panel drawn from the members of the Disciplinary Committee appointed by Boxing SA. Boxing SA will appoint sufficient members of the Disciplinary Committee to ensure that a panel can be constituted expeditiously in respect of Disciplinary Matters.
- 2.3. The Disciplinary Committee panel that will hear a matter will comprise at least three members drawn from the panel of Disciplinary Committee members and including:
 - 2.3.1. an independent chairperson qualified to practice law; and
 - 2.3.2. two other members.
- 2.4. The panel may appoint any person with specialist expertise to assist the panel as an assessor though he or she cannot vote.
- 2.5. Decisions of the Disciplinary Committee will be reached by majority vote of the members of the panel with the chairperson having a casting vote in the event of a tie.
- 2.6. The Disciplinary Committee will have the power to make rulings, findings, and hand down sanctions as may be necessary to give effect to the Act, Regulations, and/or Rules and these will be rulings, findings or sanctions of Boxing SA and/or will be implemented by Boxing SA and/or taken into account by Boxing SA when considering any application envisaged in the Act or Regulations..
- 2.7. Neither the legality of the Disciplinary Committee nor the validity of its findings will be affected by the absence of a member of the panel who had previously sat in the hearing provided it is presided over by the same chairperson and at least one (1) other member who has been present throughout the hearing.
- 2.8. The Disciplinary Committee will have jurisdiction over all participants in the sport of boxing including Trainers, Promoters, Managers, Officials, Boxers, Agents,

Licensees and any other Person or Persons bound or subject to the Act, Regulations, or Rules.

3. PRO-FORMA PROSECUTOR

- 3.1. Boxing SA will appoint a Pro-Forma Prosecutor.
- 3.2. The Pro-Forma Prosecutor will:
 - 3.2.1. act with the utmost integrity and be impartial at all times;
 - 3.2.2. declare any and all conflicts of interest that s/he may have or which may arise;
- 3.3. The Pro-Forma Prosecutor has the power and authority:
 - 3.3.1. in consultation with the Chief Executive Officer or any other person to whom such authority has been delegated by Boxing SA, to take decisions as to whether it is appropriate for Boxing SA to prosecute any alleged acts of misconduct;
 - 3.3.2. to sign and serve a summons on alleged offenders, prosecute any such proceedings before the Disciplinary Committee or resolve them on a basis provided for in these Rules in consultation with the Chief Executive Officer or any other person to whom such authority has been delegated by Boxing SA; and
 - 3.3.3. To represent Boxing SA in proceedings before the Disciplinary Committee and in any appeal or other proceedings which may follow.

4. MISCONDUCT

- 4.1. Misconduct is a breach or infringement of any of the following:
 - 4.1.1. The Act;
 - 4.1.2. The Regulations;
 - 4.1.3. The Rules;
 - 4.1.4. A valid order, requirement or instruction of Boxing SA;
 - 4.1.5. Any law of direct or indirect application to sport in South Africa whether common law or statute, including but not limited to, the Safety at Sports

and Recreational Events Act 2 of 2010; the National Sport and Recreation Act 110 of 1998; and/or the South African Institute for Drugs-Free Sport Act 14 of 1997.

- 4.2. Unless otherwise specified:-
- 4.2.1. A breach or an attempted breach of the provisions of the Act, Regulations, or the Rules or any valid order, requirement or instruction of Boxing SA, is misconduct;
- 4.2.2. Anyone who is a participant in a breach whether as an instigator or accomplice, may be charged with misconduct;
- 4.3. Without derogating from the generality of what constitutes an act of misconduct, the following are specifically declared to be acts of misconduct on the part of any Person or body falling under the jurisdiction of Boxing SA:
- 4.3.1. the failure to report any act of alleged misconduct to Boxing SA;
- 4.3.2. conduct that is unlawful and/or criminal in terms of the common law or statute that brings Boxing SA into disrepute;
- 4.3.3. the failure to attend a Disciplinary Committee hearing without a valid reason;
- 4.3.4. the failure to comply with rulings or sanctions handed down by the Disciplinary Committee;
- 4.3.5. referring disputes or differences that are not of a disciplinary nature but are between participants in the sport of boxing themselves or between participants and Boxing SA to Courts or administrative Tribunals without first exhausting the internal dispute resolution mechanisms established by Boxing SA; or
- 4.3.6. the commission of any act, the making of any statement or any conduct that can reasonably be considered to be improper, ungentlemanly, unethical, insulting or which is likely to bring boxing, a sponsor, Trainer, Promoter, Official, Manager, Boxer, Agent, Matchmaker, Licensee or Boxing SA into disrepute.
- 4.4. Where a statement is considered to be improper and is attributable to a Trainer, Promoter, Official, Manager, Boxer, Agent, Matchmaker or Licensee Boxing SA will

call on that Person to admit or deny having made the statement within five (5) Days of being requested to do so and:-

- 4.4.1. where the Person admits to making the statement, disciplinary action will be taken by Boxing SA.
- 4.4.2. where the Person denies having made the statement, he or she must confirm that denial at a press conference arranged by Boxing SA at the expense of that Person. Boxing SA will have discretion to prosecute the Person in circumstances where the denial is untruthful.
- 4.4.3. where the Trainer, Promoter, Official, Manager, Boxer, Agent, Matchmaker or Licensee fails to deny the statement, it will be presumed that the statement was made by that Trainer, Promoter, Official, Manager, Boxer, Agent, Matchmaker or Licensee and will be referred to the Disciplinary Committee.
- 4.4.4. It is not a defence to a charge in terms of this Rule to show that the statement was true or in the public interest unless that offender can demonstrate that the issue giving rise to the statement was raised with Boxing SA in writing and not dealt with.

5. ANTI-DOPING

- 5.1. All Persons under the jurisdiction of Boxing SA are obliged to comply with the anti-doping Rules promulgated by the South African Institute for Drug Free Sport and the World Anti-Doping Agency from time to time.
- 5.2. Sanctions imposed by SAIDS on a Trainer, Promoter, Manager, Official, Boxer, Agent, Matchmaker, Licensee or any other Person(s) – excluding members of the Board of Boxing SA and employees of Boxing SA – subject to the Act, Regulations, or the Rules will be automatically implemented by Boxing SA.
- 5.3. Any Trainer, Promoter, Manager, Official, Boxer, Agent, Matchmaker, Licensee or any other Person(s) – excluding members of the Board of Boxing SA and employees of Boxing SA – subject to the Act, Regulations, or the Rules will comply with any sanction imposed on that Person by SAIDS.

6. THE INSTITUTION OF DISCIPLINARY CHARGES AND THE PROVISION OF DOCUMENTS

- 6.1. Boxing SA may institute misconduct proceedings against Trainers, Promoters, Managers, Officials, Boxers, Agents, Matchmakers, Licensees or any other Person(s)– excluding members of the Board of Boxing SA and employees of Boxing SA – subject to the Act, the Regulations, or the Rules.
- 6.2. Although disciplinary decisions are taken by the Officials during Fights, Boxing SA may charge a Trainer, Promoter, Manager, Boxers, Agents, Matchmaker, Licensee or other Person(s) for serious infringements:
 - 6.2.1. which have escaped the Officials' attention;
 - 6.2.2. not sanctioned appropriately by the Officials;
- 6.3. In the event that Boxing SA institutes misconduct proceedings the Pro-Forma Prosecutor will cause a summons to be served on the alleged offender at least ten (10) Days before the hearing setting out the factual and regulatory basis for the charge.
- 6.4. The Pro Forma Prosecutor will attach to the summons any documents that Boxing SA contends are relevant to the charges; any Officials reports that will be relied upon; and will inform the alleged offender of any audio or video recordings that will be used at the hearing and how these can be accessed or viewed.
- 6.5. The alleged offender shall provide Boxing SA with all documents in his, her or its possession and which he, she or it contends to be relevant to the proceedings within five (5)days of receipt of the summons.
- 6.6. Save with the express consent of the Disciplinary Committee, no party may rely on or produce any document that has not been provided to the other party in terms of the provisions of this Rule.

7. TIME LIMITS FOR PROSECUTION

- 7.1. Infringements committed during a Fight or Tournament must be prosecuted within two (2) years;
- 7.2. Other infringements referred to in these Rules must be prosecuted within three (3) years.

- 7.3. Prosecution for corruption or anti-doping violations are not subject to a limitation period.
- 7.4. The limitation period runs as follows:
- 7.4.1. from the Day on which the alleged offender committed the infringement;
 - 7.4.2. if the infringement is recurrent, from the Day on which the most recent infringement was committed;
 - 7.4.3. if the infringement lasted a certain period, from the Day on which it ended.
- 7.5. The limitation period is interrupted if a summons has been delivered to the alleged offender before the time limit has expired.

8. PROCEDURE BEFORE THE DISCIPLINARY COMMITTEE

- 8.1. The Disciplinary Committee will deal with Disciplinary Matters that are referred to it fairly, in accordance with the principles of natural justice, and will be particularly mindful of the need for expeditious determination of disciplinary matters.
- 8.2. The Disciplinary Committee may permit the proceedings to be conducted using, or including the use of, electronic media such as video or audio conferencing facilities where these are readily available or can be obtained and where it would prevent delay, save cost, be convenient, and be in the interests of justice.
- 8.3. The Pro-Forma Prosecutor will prosecute misconduct matters on behalf of Boxing SA before the Disciplinary Committee. Alleged offender may be represented by any Person of their choice, including a legal practitioner.
- 8.4. The onus of proof in cases of alleged misconduct will rest on Boxing SA which it will have to discharge on a balance of probabilities.
- 8.5. In hearings before the Disciplinary Committee documents, Official's Reports, and/or audio or video recordings will be admitted into evidence without proof and the facts contained in Officials' reports will be presumed, unless the contrary is proved, to be accurate.
- 8.6. Where an alleged offender alleges that a document, Official's report, or audio or video recording is inaccurate or has been tampered with and the presence of the author or other proof of accuracy or validity is required at the hearing, the alleged

offender must advise Boxing SA in writing at least seventy two (72) hours prior to the hearing.

- 8.7. The proceedings will be conducted in English unless the alleged offender indicates that another official South African language is required and that an interpreter will be necessary and such indication must be made in writing to the Pro-Forma Prosecutor at least forty-eight (48) hours prior to the hearing.
- 8.8. Should an alleged offender or any party fail to be present at the hearing the Disciplinary Committee will continue with the hearing in the absence of such alleged offender or party, but may postpone the hearing in exceptional circumstances and/or may postpone the hearing and summarily suspend such alleged offender or party from participating in all boxing related activities until that party appears before it.
- 8.9. The Pro-Forma Prosecutor may:
 - 8.9.1. before the alleged offender pleads to a charge, withdraw that charge, in which event the alleged offender will not be entitled to a verdict of acquittal in respect of that charge;
 - 8.9.2. at any time after an alleged offender has pleaded to a charge, but before conviction, stop the prosecution in respect of that charge, in which event the Disciplinary Committee hearing the matter will acquit the alleged offender in respect of that charge;
- 8.10. Should the hearing continue, the Pro-Forma Prosecutor will read the charges and the alleged offender will then be asked by the chairperson of the Disciplinary Committee to plead.
- 8.11. If a summons is found to be defective the Disciplinary Committee may allow the Pro-Forma Prosecutor to amend it at the hearing so that the hearing may proceed.
- 8.12. Where the accused pleads "guilty" to the charges, the Disciplinary Committee will, if satisfied that the alleged offender is guilty of the offence to which he has pleaded "guilty", convict the alleged offender.
- 8.13. Where the alleged offender pleads "not guilty" the Disciplinary Committee may, in its discretion, ask the alleged offender whether s/he or it wishes to make a statement indicating the basis of his, her or its defence. Where the alleged offender does not make a statement or does so and it is not clear from the statement to what extent the alleged offender denies or admits the issues raised by the plea, the Disciplinary

Committee may question the alleged offender in order to establish which allegations in the charge are in dispute. The Disciplinary Committee may in its discretion, put any question to the alleged offender to clarify any matter raised under this provision, and will enquire from the alleged offender whether an allegation which is not placed in issue by the plea of "not guilty" may be recorded as an admission by the alleged offender of the allegation, and if the alleged offender so consents, such admission will be recorded and will be sufficient proof of such fact.

- 8.14. The reports of the various Officials, if applicable, will then be read out. The alleged offender will be asked if he admits the allegations in the reports. If the alleged offender admits the allegations in the reports, the Pro-Forma Prosecutor will at his or her discretion, decide whether s/he wishes to call the said Officials to amplify their reports. If the alleged offender disputes the allegations in the reports the Pro-Forma Prosecutor will call the Officials to give evidence. The cost of calling such Officials will be for the alleged offender's account save and except where the alleged offender has admitted the allegations in the Officials' reports or is found not guilty.
- 8.15. The alleged offender will be allowed to cross-examine every witness giving evidence on behalf of Boxing SA provided such questions are relevant to the matters in issue. At any time the chairperson of the Disciplinary Committee and through him, members of the Disciplinary Committee may question witnesses giving evidence.
- 8.16. The Pro-Forma Prosecutor may then call other witnesses in support of the charge(s). The alleged offender will have the right to ask questions of such other witnesses. Such other witnesses may also be questioned by the members of the Disciplinary Committee.
- 8.17. At the conclusion of such evidence, Boxing SA's case will be closed.
- 8.18. The alleged offender may then give evidence on his, her or its own behalf and in such event may be cross-examined and questioned by the Pro-Forma Prosecutor and the Disciplinary Committee.
- 8.19. The alleged offender may then call witnesses to each of whom questions may be put by the alleged offender, in which event they may be cross-examined or questioned by the Pro-Forma Prosecutor and the Disciplinary Committee.
- 8.20. At the conclusion of such evidence the alleged offender's case will be closed.

- 8.21. The Disciplinary Committee may if it thinks it is desirable, or on application by Boxing SA or the alleged offender, allow further evidence to be led by either the Pro-Forma Prosecutor or the alleged offender, or by both, after their cases are already closed.
- 8.22. After all evidence has been led, the Pro-Forma Prosecutor will address the Disciplinary Committee on the evidence and the legal position. The alleged offender will then be afforded the same opportunity.
- 8.23. Upon the conclusion of this aspect of the case, the Disciplinary Committee will deliberate thereon in camera. Once a decision has been reached, the parties will be recalled and the chairperson will announce the verdict and give reasons.
- 8.24. If the accused is found "not guilty" the hearing will be declared closed.
- 8.25. If the accused is found "guilty", the Pro-Forma Prosecutor will be entitled to lead evidence and/or make representations regarding a suitable sanction to be imposed and the alleged offender will have the same rights and be afforded the same opportunity.
- 8.26. Thereupon, the Disciplinary Committee will deliberate in camera upon the sanction to be imposed. Once a decision has been reached, the parties will be recalled and the chairperson will announce the sanction and give reasons.

9. SANCTIONS AND ORDERS

- 9.1. In the event of a guilty finding The Disciplinary Committee may hand down the following, or a combination of the following, sanctions:-
 - 9.1.1. a warning;
 - 9.1.2. the suspension of a certificate, license, registration, or sanction;
 - 9.1.3. the cancellation of a certificate, license, registration, or sanction;
 - 9.1.4. a recommendation that criminal charges in terms of section 27 of the Act be laid against the offender;
 - 9.1.5. a suspended sanction;
 - 9.1.6. any other sanction permitted by the Act or Regulations;

- 9.1.7. as an alternative to the sanctions set out above, a monetary fine; provided that the monetary fine shall not exceed:-
- 9.1.7.1. in the case of a Trainer – Thirty Thousand Rand (R30,000.00).
 - 9.1.7.2. in the case of a Promoter – One Hundred Thousand Rand (R100,000.00).
 - 9.1.7.3. in the case of a Manager – Twenty Thousand Rand (R20,000.00).
 - 9.1.7.4. in the case of a Boxer – Twenty Thousand Rand (R20,000.00).
 - 9.1.7.5. in the case of an Agent – Fifty Thousand Rand (R 50,000.00).
 - 9.1.7.6. in the case of a Matchmaker – Fifty Thousand Rand (R50,000.00).
 - 9.1.7.7. any other Licensee – Twenty Thousand Rand (R20,000.00).
- 9.2. Boxing SA will confirm all sanctions in writing. Records of sanctions will be kept by Boxing SA and will be taken into account by Boxing SA when considering any application contemplated in the Act or Regulations.
- 9.3. The Disciplinary Committee has the power, upon the request of a party, to make an order of costs in respect of:-
- 9.3.1. in exceptional circumstances and where it has been proved that the prosecution was frivolous, disbursements incurred by an alleged offender or witness provided that the claim for such disbursements must be supported by original vouchers;
 - 9.3.2. the stipend or costs incurred by Boxing SA in relation to the Disciplinary Committee members in attendance;
 - 9.3.3. any other costs incurred by Boxing SA in relation to the hearing.
- 9.4. Sanctions and orders shall, unless otherwise stated, be effective immediately on pronouncement by the Disciplinary Committee and are not dependent on the written confirmation by Boxing SA.

- 9.5. The Disciplinary Committee may in exceptional circumstances, on application by an offender who has, in terms of these Rules and the Rules Regulating Proceedings before the Arbitration Tribunal, lodged an appeal against the order of the Disciplinary Committee, suspend the effectiveness of any order or sanction pending the outcome of the appeal made pursuant to these Rules
- 9.6. Unless otherwise specified, the Disciplinary Committee will increase the sanction to be imposed if an infringement has been repeated.

10. APPEALS AND REVIEWS

- 10.1. Any dispute or difference arising from the proceedings or decision of the Disciplinary Committee must be referred to the Arbitration Tribunal within ten (10) Days of the date upon which the decision is handed down.
- 10.2. The referral documents must be served upon Boxing SA within the period of ten (10) Days and the appeal prosecuted in accordance with the Rules Regulating Proceedings before the Arbitration Tribunal.

Approval	<ul style="list-style-type: none"> • First Approval: BSA Board on 6th December 2014. • Second Approval, Amendments: BSA Board on 25th April 2015.
Signature	 <hr/> <p>Ms Muditambi Ravele</p> <p>Chairperson: BSA Board</p> <p>Date: 30/04/2015</p>