

QMMF Disciplinary and Judicial Rules

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These QMMF Disciplinary and Judicial Rules will be enforced to all national competitions duly sanctioned by and organized under the authority of the QMMF. International competitions are subject to the relevant international regulations regularly approved by FIM and FIA respectively.

Updated version will be published from time to time on the QMMF website. It is the responsibility of any person, or group of persons, organizing a competition or taking part therein to be acquainted with these QMMF Judicial Rules and with all QMMF regulations and to submit themselves without reserve to the above and to the decisions of the QMMF bodies and to the consequences resulting therefrom.

CHAPTER I – DISCIPLINARY AND JUDICIAL CHAIRMAN

Art. 1.1 – QMMF appoints a Disciplinary and Judicial Chairman (the “**Chairman**”) whose function will be to supervise general administration of disciplinary instances in compliance with QMMF Judicial Rules, and to chair all hearings of the National Disciplinary Committee (**NDC**).

Art. 1.2 The Chairman may, upon request of the QMMF President, provide non binding interpretation of regulations and internal rules and advise whether disciplinary action should be taken by QMMF in respect of any breach of Regulations.

Art. 1.3 In the event that QMMF decides to take action, the Chairman will either prepare and present the case personally or arrange independent legal representation. The Chairman will personally represent or instruct someone on his behalf to represent QMMF on all other matters before the NDC where appropriate.

Art. 1.4 The Chairman will maintain the complete collection of all decisions handed down by the QMMF Stewards Panel and the NDC.

CHAPTER II – PENALTIES

Art. 2.1 Any QMMF Member, Promoter, Organizer, Official, Entrant, Competitor, Passenger, Driver, Mechanic or other Person committing a breach of QMMF Regulations or of any conditions attached to an organizing Permit, or of any instruction to Competitors, may be penalised by the Race Director, the QMMF Stewards Panel and/or by the NDC as set out in the relevant QMMF sporting regulations applicable to each National Championship.

Art. 2.2. The QMMF Stewards Panel and the NDC are empowered to decide cases brought before them for breaches of QMMF regulations and to impose any appropriate penalty in compliance with all applicable sporting rules, including QMMF Regulations, the present QMMF

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Disciplinary and Judicial Rules, FIM Sporting Code, FIM Championship Regulations, FIA International Sporting Code, and specific FIA Regulations, to decide any other conditions as it thinks fit and any order for costs.

Art. 2.3. Unless stated otherwise, offences or infringements are punishable, whether they were committed intentionally or negligently.

Art. 2.4 Every licence holder is deemed to agree that the QMMF has the right to publish details of any decision of the NDC, penalized persons, bodies, vehicles or makes of vehicle, and if it so desires, the reasons, therefore. Those individuals and bodies referred to have no right of action against the QMMF, or against any printer or publisher of the information, and may incur further exclusion if any such action is taken.

Art. 2.5 Protests to the QMMF Stewards Panel against a decision of the Race Director:

2.5.1 Any legal entity or any individual, rider, team, manufacturer, official affected by a penalty decision taken under QMMF authority by the Race Director, has the right to protest that decision to the QMMF Stewards Panel, provided such legal entity or individual justifies a direct and personal interest in that protest. There shall be no right of appeal against report of a Judge of Fact and other penalties as listed in the applicable QMMF championship Regulations.

2.5.2 Protests must be submitted in writing stating the grounds for the protest, must be signed by the party making the protest, and accompanied by a deposit fee of Qr 1500/- This deposit may only be returned if the protest is upheld, unless fairness requires otherwise.

Protests must be lodged with the Event Secretary, or the Race Director within 30 minutes from the time of the first communication of the decision to the competitor and / or of the publication of the final result of a race or event. If the party(ies) concerned are not present when the decision is announced, the protest must be lodged within 30 minutes of the posting of the decision on the official board.

Art. 2.6 Technical nonconformity case will be reported to the Race Director, who may decide a penalty in accordance with the applicable regulations. In case a dismantling is required, the case will be judged after the final race. Any penalty decided by the Race Director will be subject to protest in front of the QMMF Stewards Panel.

CHAPTER III - NATIONAL DISCIPLINARY COMMITTEE (NDC)

The NDC is entrusted with resolving the disputes brought before it, and to enforce QMMF Regulations. For each case coming before the NDC, the judging panel is composed of 3 members, including the Chairman, to be nominated by QMMF. The NDC acts totally independently from the other bodies of the QMMF and the members of the QMMF. Any member of the Courts involved in a particular case must disclose immediately any circumstance which might reasonably be regarded as potentially compromising his independence.

The NDC has two roles: first instance disciplinary body and appeal court.

Art. 3.1 First instance disciplinary for non sporting breaches

3.1.1 The NDC may determine infringements allegedly committed by the parties listed in Clause 2.1 above and /or by the following persons and organisations, whatever form they may take:

- a) executive officers, members of commissions and presidents of QMMF bodies;
- b) all persons who, in any way whatsoever, are called upon to participate, in one way or another, in the exercise of any duties of any nature whatsoever on behalf of the QMMF and/or within a body of the QMMF;
- c) officials, organisers, drivers, competitors and licence-holders;
- d) persons having access to premises hosting any event that is subject to the regulations and decisions of the QMMF;
- e) any person who is subject to or who has agreed to be bound by the regulations and decisions of the QMMF;
- f) any person who benefits, in any manner whatsoever, from an authorisation or approval issued on behalf of or by the QMMF, or who takes part in any manner whatsoever in a race, competition or other event organised, directly or indirectly, by the QMMF or subject to the regulations and decisions of the QMMF, and
- g) employees, representatives, agents and service providers of the persons listed above.

3.1.2. The NDC is the first level of jurisdiction of QMMF for non sporting issues, mainly if persons referred to in 3.1.1 above:

- a) have contravened the Statutes and Regulations of the QMMF, or
- b) have taken part in an international competition or a championship not authorized by QMMF or not governed by the FIA or FIM, or
- c) have pursued an objective contrary or opposed to those of QMMF, or
- d) without lawful excuse:
 - i) have refused or failed to apply a decision of QMMF, or
 - ii) by words, actions or writings have caused damage to the standing and/or reputation of, or loss to, QMMF, its bodies, its members or its executive officers, or
 - iii) have failed to cooperate in an investigation.

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3.1.3. Investigatory Hearings

If it appears to QMMF from a Steward's Report or otherwise that there may have been a serious breach of QMMF Regulations not directly linked to a sporting competition, QMMF at its discretion and no later than 60 days from the time the issue has come to the attention of QMMF, shall be entitled to refer the matter to the NDC. Upon such referral the NDC, after giving interested parties an opportunity to be heard, may make such order as it deems appropriate. If the NDC concludes that a breach of regulations may have occurred it may deal with the matter either forthwith or defer it to a later date and in either case may impose such a penalty, and any order for costs as it considers appropriate.

3.1.4. In circumstances where QMMF is satisfied that a new element in respect of the matter is discovered, QMMF may within 60 days refer the matter back to the NDC for further consideration and, if appropriate, the possible revision of their previous decision, notwithstanding that the matter has already been considered by the NDC.

3.1.5 QMMF may also refer an issue to the NDC notwithstanding the 60 days' time limit provided by 3.1.2 having expired provided that all parties concerned are agreed that an Investigatory Hearing is appropriate.

3.1.6. Exceptionally the NDC may consider an application by a party other than QMMF for the NDC to hold an Investigatory Hearing into an issue which QMMF has not itself referred to the NDC. If the NDC is fully satisfied that it would have been reasonable for such a referral to have been made then the NDC may, of its own volition, instigate an Investigatory Hearing.(C) Judicial

The NDC will consider the application by way of written submissions but the NDC has the authority to call an oral hearing should it consider it appropriate to do so and the parties (including QMMF) may be represented at such a hearing. Written submissions shall be exchanged and disclosed. The NDC may facilitate additional submissions as it sees fit.

3.1.7 Applications will only proceed to an Investigatory Hearing of the NDC where the NDC is fully satisfied that any reasonable tribunal properly advised would have considered it appropriate to refer the issue to the NDC and that the holding of an investigatory hearing would clearly be in the best interests of the sport.

For the avoidance of doubt it should be noted that an application under this Regulation 3.1.5 shall not in any way determine the substance of the issue itself which shall be reserved to any Investigatory Hearing.

Any decision to hold an Investigatory Hearing should not be taken by any party as any indication as to the possible findings and outcome of that hearing.

3.1.8 If an application is considered by the NDC to be frivolous or vexatious, the NDC may make an order for costs in favor of QMMF on an indemnity basis. The NDC may order the payment of costs against an individual party.

3.1.9 The NDC has discretion as to the procedure it adopts for the purposes of any Investigatory Hearing under this Clause 3.1.

3.1.10 The NDC, acting as a first instance disciplinary in accordance with this Clause 3.1, may decide to apply the following penalties:

- a) any of the penalties provided for in Clause 2.2 above,
- b) fines,
- c) bans on taking part or exercising a role, directly or indirectly, in competitions, events or championships organised directly or indirectly on behalf of or by the QMMF, or subject to the regulations and decisions of the QMMF,
- d) bans on exercising within the QMMF any duties whatsoever as an executive officer, or any duties of any nature whatsoever on behalf of the QMMF and/or within a body of the QMMF.

Subject to the principle of proportionality, the NDC shall take into account the gravity of the facts, the degree of culpability, and past and character of the person in order to determine the nature and severity of the sanction.

Art. 3.2 Appeal Court

Note: For all appeals against decisions taken within the framework of FIM or FIA sanctioned series or championships, only the relevant international disciplinary bodies of FIM or of FIA will be competent in accordance with the respective judicial processes in force adopted from to time by FIM or by FIA.

3.2.1. A right of Appeal to the NDC against a decision of the QMMF Stewards Panel can only be made:

- a) By a person or body who was a party in the proceedings in which the decision appealed against was made, and
- b) In accordance with the provisions 3.2.3.

3.2.2. A Right of Appeal does not exist for third parties.

3.2.3. The following are the only grounds for lodging an Appeal against the decision of the QMMF Stewards Panel:

- a) A gross miscarriage of justice has occurred
- b) The penalty is wholly inappropriate for the breach of regulations.

3.2.4. Notice of Intention to Appeal (3.2.5) and Confirmation of Appeal (3.2.6) must be lodged in accordance with these Rules.

3.2.5. Notice of Intention to Appeal.

A written Notice of Intention to Appeal against a decision of the QMMF Stewards Panel, accompanied by the full amount of the fee (see Part 3, Appendix 1) must be lodged with the QMMF Stewards Panel or the Race Director within 30 minutes of the time of the first communication of the decision (i.e the time the decision is communicated to the appellant by hands or the first time the decision is made public and /or published).

3.2.6. Confirmation of Appeal. Within ten days of the Notice of Intention, written Confirmation of the Appeal, signed by both the Appellant and the Entrant (if appropriate), must be submitted to the Secretariat of the NDC by email info@qmmf.com.qa This Confirmation must specify the Grounds of Appeal (3.2.3) and the arguments in support.

3.2.7. The Chairman of the NDC will assess within ten days as to whether the Appeal is considered to meet with either of the permitted grounds of Appeal (3.2.3). If the Appeal is considered not to comply or is withdrawn, it will lapse and the Appeal fee will be forfeited. If the Appeal is considered to meet either of the specified criteria, the Chairman will arrange for a hearing of the NDC to be convened.

3.2.8. In respect of all Appeals admitted to the NDC, the Appellant must, not later than ten clear days before the notified appeal hearing date, submit to the Chairman, a written submission. This written submission must:

- Identify all regulations involved
- Identity all Appellant's witnesses
- Specify the factual basis of the Appeal, including the evidence to be given in support of the Appellant.

3.2.9. Where an Appeal is in respect of an incident involving any other party in addition to the Appellant, the Chairman will forward a copy of the Appeal and this written submission to such other party who within 10 days must file his response.

There will be a period of at least fifteen days between the submission of the response and the hearing. When circumstances so require, the Chairman, after consultation with the parties, may reduce the time limits for the receipt and exchange of the grounds.

3.2.10. Effect of Giving Notice of Appeal. The lodging of an Appeal against a decision of the QMMF Stewards Panel will have no suspensive effect on any penalty that may have been applied or endorsed out of which the decision has arisen.

3.2.11. Time Limits

The NDC has authority to extend the time limits for admission of appeals in such circumstances as are considered, at its sole discretion, to be appropriate in the interests of justice.

3.2.12. Appeal Fee

The Appeal Fee for any intention of appeal before the NDC is QR 12'000/-

3.2.13. Decision and Hearing

a) Any party has the right to be represented by a counsel of its choice and at its own expense. Adequate notice of this intention must be given in order that this may also be notified to all other parties in the case. Failure to do so may result in the NDC upholding an objection to such representation.

If any of the parties duly convened do not appear, judgment can be rendered by default.

b) The hearing shall be conducted in one of the official languages of the QMMF.

Should one of the parties wish to use another language, it shall provide the necessary interpreters at its own costs. The appellant must be present or duly represented, failing which, the appeal will not be admissible and the costs shall be borne by the appellant.

Once the Chairman has opened the proceedings, he will invite the parties involved to state their respective cases without the witnesses being present.

c) Each party is responsible for the convening and appearance of its own witnesses, as well as their expenses unless decided otherwise by the NDC. The NDC may summon experts. The NDC hears the respective witnesses, knowledgeable persons, experts and third-parties. The parties shall have the right to question all the witnesses, knowledgeable persons, experts and third parties on their statements. Any member of the NDC may, at any time during the

hearing and with the Chairman's approval, question any of the parties involved, the witnesses and experts. Except upon special request in the event of exceptional circumstances, and at the discretion of the Chairman, third parties are not authorised to examine the witnesses, knowledgeable persons and experts of the other parties (main and third).

- d) The decision shall be taken by the simple majority of the members of the judging panel. The Chairman will have a casting vote in the event of a deadlock. Where necessary the Chairman may order that the hearing be conducted via videoconference or conference call or through any other means of communication using a telephone or electronic device. Decisions are in principle taken during meetings, but deliberation and voting by correspondence, e-mail, and the holding of meetings via videoconference or conference call are permissible in case of urgency or necessity.

3.2.14. Judgement on Appeal to the NDC

The NDC can decide that a penalty or other decision appealed against can be waived, varied or a fresh penalty imposed. However, it cannot order any competition to be re-run. NDC decisions shall be sent to all parties as soon as practicable and no later than 30 days after the date of the hearing of the NDC.

3.2.15. Costs In giving a decision, the NDC can award costs to cover its own expenses, together with those incurred by QMMF. These will exclude the expenses or defense fees incurred by the individual parties. Any costs incurred in bringing or responding to an action before the NDC must be borne by the party incurring the costs. Depending on the outcome of the case, the appeal deposit may be retained, without prejudice to the possible remaining amounts due with respect to the costs, or returned in part or in its entirety.