

# MBGC Handicap Appeals Procedure

## 1. INTRODUCTION

- 1.1. This Handicap Appeal Procedure should be used by all Members, if they are dissatisfied with a handicapping decision made by MBGC
- 1.2. The Rules of Handicapping shall apply to this Procedure.
- 1.3. MBGC is an Affiliated Golf Club, within the meaning given in the Rules of Handicapping, with authorisation to implement and administer the Rules of Handicapping.
- 1.4. All MBGC Handicap adjustment decisions are made by the Handicap Committee (Captain, Competition Secretary & Club Secretary) In the event one of these individuals is unavailable a reserve member of the committee makes up the membership of 3 this reserve is either the Club president or the Vice Captain. Any considerations for handicap Adjustment are notified to the member concerned before a decision is confirmed which offers the member the opportunity to contribute to the decision making by inputting their perspective. All decisions made by the Handicap Committee are communicated by email before Handicap changes are made and will include an explanation of why the adjustments were made and what circumstances the Handicap Committee took into consideration in making their decision and what the changes made to members handicap index's are and when they will come into effect.

## 2. DEFINITIONS AND INTERPRETATION

- 2.1. The definitions set out in the Rules of Handicapping shall apply to this Procedure except in relation to the words listed at Rule 2.2 below.
- 2.2. The words and phrases listed in this Rule 2.2 shall have the following meanings:
  - 2.2.1. "**Affiliated Club**" shall mean any golf club which is affiliated to

England Golf and to a County Golf Union, Association or merged Organisation, and which, that is permitted to administer and manage the Handicap Index of those players who have designated it as their Home Club in accordance with the Rules of Handicapping.

- 2.2.2. "**Appeal Fee**" shall mean a fee payable by either a Member or an Affiliated Club to an Area Authority or to England Golf together with a Notice of Appeal in accordance with Rule 9.
- 2.2.3. "**Area Authority**" shall mean a County Golf Union, County Golf Association, or Merged Organisation (collectively, "County Bodies") which is a voting member of England Golf, and which has delegated responsibility for ensuring compliance with the Rules of Handicapping in relation to the County Body's Affiliated Clubs
- 2.2.4. "**Disciplinary Regulations**" shall mean the current England Golf Disciplinary Regulations and any accompanying guidance, appendices or practice directions.
- 2.2.5. "**England Golf**" shall mean The English Golf Union Limited, trading as England Golf, whose registered office is at The National Golf Centre, The Broadway, Woodhall Spa, Lincolnshire, LN10 6PU.
- 2.2.6. "**Handicap Committee**" shall mean the appointed handicap committee of an Affiliated Club, an Area Authority.
- 2.2.7. "**Handicap Decision**" shall mean any decision taken in respect of a WHS Index pursuant to Rule 7 of the Rules of Handicapping.
- 2.2.8. "**Member**" shall mean a person who has a contract providing membership of an Affiliated Club. For the purposes of this Procedure,
- 2.2.9. "**Notice of Appeal**" shall mean a written document compliant with the requirements set out in Rule 7 which is sent for the purpose of requesting an appeal of a Handicap Decision.

2.2.10. “**Rules of Handicapping**” shall mean the Rules of Handicapping published by The United States Golf Association and R&A Rules Limited as may be amended from time to time.

2.3. Any reference to a period of days or weeks, or any other timeframe, shall be construed as inclusive of the days on which the timeframe begins and ends.

### **3. AFFILIATED CLUB DECISIONS**

3.1. Affiliated Club Handicap Committees are ordinarily responsible for making Handicap Decisions in the first instance. Detailed records of all Handicap Decisions made and the reasons for those decisions should be kept.

3.2. The Affiliated Club must inform the Member of a Handicap Decision and give the Member details of any adjustments made and the reasons for such adjustments with reference to the Rules of Handicapping.

3.3. Upon receipt of a Handicap Decision, the Member shall have fourteen days beginning on the day on which they receive notice of the Handicap Decision in which to submit an appeal to the Area Authority.

3.4. If the Member disagrees with the Handicap Decision, it is recommended that they request to discuss the decision with the Affiliated Club informally prior to submitting a formal appeal to the Area Authority under this Procedure.

3.5. The Affiliated Club may amend or withdraw the Handicap Decision following informal discussions with the Member in accordance with Rule 3.4 above. However, the decision to amend or withdraw the Handicap Decision shall, itself, be considered a Handicap Decision which should be dealt with in accordance with this Procedure.

### **4. APPEALS TO AN AREA AUTHORITY**

4.1. Should a Member of an Affiliated Club wish to appeal the Handicap Decision, they may do so only on one or more of the grounds set out in Rule 6.

4.2. In order to request an appeal, a Member should send a Notice of Appeal to the Area Authority in accordance with Rule 7.

- 4.3. The Area Authority must, within a reasonable period, acknowledge receipt of the Notice of Appeal and confirm with both the Member and the Affiliated Club whether the appeal will be considered in an oral hearing or on paper. The Area Authority may also reject the appeal without a hearing if, in its reasonable opinion, the request to appeal is groundless or vexatious.
- 4.4. Following receipt of a Notice of Appeal, the Area Authority must, within 28 days of receipt of the Notice of Appeal, carry out a hearing and inform the Member and the Affiliated Club in writing of:
  - 4.4.1. Their decision whether to reject, uphold, or partially uphold the appeal and their reasoning for doing so;
  - 4.4.2. Any order being made, in accordance with Rule 8 regarding the Handicap Decision; and
  - 4.4.3. The parties' rights to appeal the decision to England Golf.

## **5. APPEALS TO ENGLAND GOLF**

- 5.1. Handicap Decisions may be appealed to England Golf only in the following circumstances:
  - 5.1.1. Where a Member or an Affiliated Club wishes to appeal the outcome of an Area Authority appeal arising from a Handicap Decision at an Affiliated Club;
  - 5.1.2. Where an Area Authority has made a Handicap Decision in relation to a Member's Handicap Index in the first instance, and the Member wishes to appeal that Handicap Decision; or
- 5.2. England Golf will consider an appeal of a Handicap Decision only on one or more of the grounds set out in Rule 6.
- 5.3. In order to submit an appeal to England Golf, the party wishing to appeal must submit a Notice of Appeal in accordance with Rule 7 to England Golf and a copy to all other relevant parties.
- 5.4. A Notice of Appeal should specify whether the Handicap Decision relates to a golf club member and should be sent to England Golf either:
  - 5.4.1. By post to England Golf, The National Golf Centre, The Broadway,

Woodhall Spa, Lincolnshire, LN10 6PU FAO the Governance Team; or

5.4.2. By email to [WHS.Support@EnglandGolf.org](mailto:WHS.Support@EnglandGolf.org).

- 5.5. Upon receipt of a valid Notice of Appeal, England Golf shall acknowledge receipt of the Notice of Appeal and make an initial assessment as to whether the matter falls within the jurisdiction of England Golf and whether, in its view, there is a reasonable prospect of one or more grounds of appeal being made out.
- 5.6. If England Golf considers it is not appropriate to consider an appeal of a Handicap Decision, England Golf shall notify all parties of this in writing and arrange a refund of the Appeal Fee to the appropriate party where applicable.
- 5.7. If England Golf considers that there is a reasonable prospect of one or more grounds of appeal being made out, England Golf shall conduct appeal proceedings in accordance with the England Golf Disciplinary Regulations.
- 5.8. Where there is any conflict between the provisions of this Procedure and the England Golf Disciplinary Regulations, the provisions contained in this Procedure shall prevail.
- 5.9. The decision of England Golf shall be final and there shall be no further right of appeal from it.

## **6. GROUNDS OF APPEAL**

- 6.1. A Handicap Decision may only be appealed on one or more of the following grounds:
- 6.1.1. The Handicap Decision was made based on error of fact, or would not reasonably have been made by a competent handicap committee when faced with the evidence before it;
  - 6.1.2. Serious procedural or other irregularity in the decision-making process of the Handicap Committee;
  - 6.1.3. Significant and relevant new evidence has become available which was not available before the Handicap Decision was made and, if it had been available, may have caused the Handicap Committee or appellate body to reach a materially different decision;
  - 6.1.4. The Handicap Decision was manifestly unreasonable in the light of the facts before the Handicap Committee; and/or
  - 6.1.5. The Handicap Decision was inconsistent with or contrary to the Rules of Handicapping.

## **7. NOTICES OF APPEAL**

- 7.1. In order to be considered valid, a Notice of Appeal must:
- 7.1.1. State the date and the details of the Handicap Decision in respect of which the appeal is being submitted;
  - 7.1.2. State the ground(s) of appeal being relied upon in support of the appeal in accordance with Rule 6 above;
  - 7.1.3. Include a written description explaining why the Member is seeking to appeal the Handicap Decision;
  - 7.1.4. Include copies of all documentary evidence upon which the Member is seeking to rely;

- 7.1.5. State whether the Member considers it would be necessary to deal with the appeal by way of an in-person hearing rather than by way of an ordinary documentary appeal; and
- 7.1.6. Be accompanied by the Appeal Fee payable in accordance with Rule 9.

## **8. CONDUCT AND OUTCOMES OF AN APPEAL**

- 8.1. Appeals shall be conducted in accordance with the principles of natural justice and in accordance with the laws of England and Wales.
- 8.2. A panel considering an appeal may make any finding within their powers, including but not limited to the following:
  - 8.2.1. Rejecting the appeal and upholding the Handicap Decision;
  - 8.2.2. Remitting the Handicapping Decision to the Affiliated Club or Area Authority for review with guidance or instructions on following proper procedures and best practice;
  - 8.2.3. Substituting the Affiliated Club or Area Authority's Handicap Decision for a new Handicap Decision within the Rules of Handicapping; or
  - 8.2.4. Cancelling the Affiliated Club or Area Authority's Handicap Decision.
- 8.3. When considering the outcome of an appeal of a Handicap Decision, Area Authorities and England Golf shall have discretion to keep, or make whole or partial refunds of, the Appeal Fee. There is no automatic right to recover the Appeal Fee if an appeal is allowed.

## **9. APPEAL FEES**

- 9.1. There shall be a fee payable to the body who will be responsible for hearing an appeal of a Handicap Decision, which shall be no more than:
  - 9.1.1. £150.00 in respect of Area Authority appeals; or
  - 9.1.2. £250.00 in respect of England Golf appeals.



- 9.2. The Appeal Fee shall be payable by a method to be confirmed by the Area Authority or England Golf, which should ordinarily be by way of cheque or bank transfer.
- 9.3. England Golf's payment details are available on request by emailing: [Accounts@EnglandGolf.org](mailto:Accounts@EnglandGolf.org).
- 9.4. In order to ensure that any Appeal Fees are identifiable the word **APPEAL** must be used as a payment reference for bank transfers. Failure to do so may cause a delay in processing a payment or an appeal or may render the payment unidentifiable.