

Tattersalls Committee: Adjudication Rules and Procedure

The Adjudication Rules and Procedure signed by the parties provides for Adjudication by the Tattersalls Committee ('the Committee'). Such Adjudication shall be conducted in accordance with the Rules set out below, or such amended Rules as may have been adopted by the Committee from time to time to take effect before the commencement of the Adjudication.

1) Request for or Notification of the Adjudication

- a. Any party or parties wishing to commence an Adjudication under these Rules (the 'Claimant') shall send to the secretary of the Committee a written Request for Adjudication, which shall include or be accompanied by:
 - i. The names of all the parties to the Adjudication together with a signed Declaration form;
 - ii. Copies of all documents in their possession relating to the dispute leading to the request for Adjudication;
 - iii. The agreement signed by the party must be in the form nominated by the Committee;
 - iv. A statement of the nature and circumstances leading to the request for Adjudication;
 - v. The prescribed fee set out from time to time by the Committee and forming part of the Rules. Currently, there is no fee.
- b. The Committee will adjudicate only on cases which are no more than twelve months old from the date when the Respondent first informed the Claimant that it was unable to resolve the dispute. This means that gambling operators will need to retain information and records relating to disputes for a minimum of 12 months. Failure to hold records and information may result in the dispute being resolved against the Respondent if the Claimant has records which cannot be challenged by the Respondent.

2) The Respondent

- a. The secretary from time to time of the Committee will check the request for Adjudication to ensure that it complies with the procedures.
- b. He will then notify the party or parties against whom the complaint is made (the 'Respondent') of the request for Adjudication inviting them to confirm whether or not they will agree to enter into the process.

- c. The application for Adjudication will be accepted if and when Respondent confirms their agreement by signing the model form of agreement already signed by the Claimant.
- d. The Committee will only adjudicate on cases involving gambling operators who, at the time the bet was placed, held a current Operating Licence issued by the Gambling Commission.

3) Appointment of the Committee

- a. On accepting the Request, the Chairman from time to time of the Committee will notify the members from time to time of such Committee to determine such dispute before the parties and will notify all members accordingly.
- b. The members who attend on the Adjudication will choose one of their members to act as Chairman, if the current Chairman cannot attend. In the event that there is not a unanimous decision over the appointment of a Chairman to deal with the Adjudication, the Chairman of the Committee being unable to attend, then a vote on the selection will be made and the majority decision shall prevail.
- c. All Committee members conducting an Adjudication under these Rules shall be and remain at all times wholly independent and impartial and shall not act for any party as advocate in any Adjudication before the Committee.

4) Communications between Parties and the Committee

- a. All communications between the parties and the Committee shall be through the secretary to the Committee;
- b. Where any party sends any communication, including any statement under Rule 6 below, to the secretary of the Committee, the secretary will send a copy to the other party and to members of the Committee;
- c. The addresses of all the parties for the purpose of all communications during the proceedings shall be those set out in the Request for Notification of Adjudication, or such other addresses as the parties shall later agree, or as any party concerned should at any time notify the secretary of the Committee and to all the other parties.

5) Jurisdiction and Procedure in the Adjudication

- a. The members of the Committee attending the Adjudication hearing shall have the jurisdiction and the powers to direct the procedure in the Adjudication necessary to ensure the just, expeditious, economical and final determination of the dispute as set out in Rules 6 and 7 below.
- b. The decision of the Committee shall be based on their interpretation of the evidence before them, using their experience, knowledge and judgement and with reference to the Rules of Betting,

the Respondent's Rules (if different from the Rules of Betting) and any amended Rules of the Committee from time to time in place which all parties are deemed to have read and understood.

c. The claimant may withdraw from the Adjudication process at any stage. In such circumstances, the Committee will immediately close the case and refrain from issuing a decision.

6) Submission of written statements

a. Within 28 days of the notification of the appointment of the Committee to hear the dispute, the Claimant shall send a Statement of Case setting out in sufficient detail the facts and contentions on which he relies and the financial relief that he claims. If the party is content that the documents supplied at the time of the request for Adjudication are sufficient, then he shall say so and confirm they will not file any further perfected case.

b. Within 14 days of the receipt of the Statement of Case, the Respondent shall send a Statement of Defence to the secretary of the Committee and the other party/parties stating in sufficient detail which of the facts and contentions in the Statement of Case he admits or denies and on what grounds and on what other facts and contentions he relies. If the Respondent has a Counterclaim, he shall set out such Counterclaim in his Statement of Defence as if it were a Statement of Case.

c. Within 14 days of receipt of the Statement of Defence, the Claimant may send a statement responding to all the points made or part of the points made by way of a Statement of Reply. Unless there is a Counterclaim, no further Statements shall be admitted other than at the sole discretion of the Committee.

d. Where there is a Counterclaim, the Claimant shall send a Statement of Defence within 14 days of its receipt, to which the Respondent may reply within a further 14 days of receipt. Once that process is complete, no further Statements shall be admitted other than at the sole discretion of the Committee.

e. All Statements of Case, Defence and Reply shall be accompanied by copies (or if they are especially voluminous by lists) of all essential documents on which the party/parties concerned rely and which have not previously been submitted by any party.

f. If the Betting Ring Manager has been involved in the dispute at any stage, s/he will be invited to submit a report to the Committee. Such report shall not be made available to the Claimant and Respondent until after the Statements of Case, Defence and Reply have been submitted.

g. After the submission of all statements, the Committee Members appointed will give directions for the further conduct of the Adjudication and its hearing.

7) Meetings and Hearing

- a. The secretary to the Committee may at all times fix a date, time and place for meetings and hearings in the Adjudication, and will give all parties adequate notice of these, being not less than 14 days and no more than 90 days from receipt of the completed case file unless both parties agree otherwise.
- b. All meetings and hearings will be in private.
- c. Either party may be represented throughout the process and at any meeting or hearing by a legal or other professional practitioner.
- d. Alternatively, at its sole discretion, the Committee may allow either party at the hearing to be accompanied by a McKenzie Friend.
- e. At its sole discretion, the Committee may admit witnesses to the hearing.

8) The Decision

- a. Under normal circumstances, the Committee will make its decision on the day of the Adjudication hearing.
- b. The secretary to the Committee will notify the decision to the parties in writing within 14 days after the conclusion of the final Hearing.
- c. The decision will be by a simple majority of the Committee. Failing a majority, the Chairman shall have the casting vote.
- d. At its sole discretion, the Committee may hear an appeal against its decision where significant new evidence emerges that was not available at the initial hearing. Written notice of appeal must be received by the Committee within 40 days of the date recorded on the written confirmation of the decision. An appeal will be treated as a re-hearing of the case and will be concluded within 90 days of receipt of the written notice of appeal, with the outcome confirmed in writing to both parties within 14 days of the re-hearing.
- e. Under certain circumstances, the Committee may award compensation in respect of any distress, inconvenience, costs or reputational damage incurred by the Claimant during the Adjudication.

9) Compliance with the Adjudication

- a. The Adjudication decision by the Committee (if accepted by the Claimant) shall be binding on the Respondent for disputes which would otherwise be taken to the small claims court (currently disputes of not more than £10,000). For disputes involving a sum exceeding £10,000, the Adjudication procedure is not binding on either party.
- b. The losing party should pay the winning party within 14 days of Notification. Failing this, the winning party may without further notice take proceedings for breach of agreement.

c. If either party fails to comply with the Adjudication decision, s/he will be barred from using the Committee's Adjudication services in the future.

10) Grounds to refuse to deal with a dispute

- a. The Committee can refuse to deal with a dispute. It may do so only on one or more of the following grounds: -
- i. the Claimant has not attempted to contact the Respondent and resolve the matter directly with them, prior to submitting their complaint to the Committee;
 - ii. the dispute is frivolous or vexatious;
 - iii. the dispute is being, or has previously been considered by another ADR entity or by a court;
 - iv. the consumer has not submitted the complaint to the Committee within the time period specified by it, provided that such time period is not less than 12 months from the date upon which the Respondent has given notice to the Claimant that it is unable to resolve the complaint with the Claimant; or
 - v. dealing with such a type of dispute would seriously impair the effective operation of the Committee.
- b. If the Committee refuses to deal with a dispute, it will provide both parties with a reasoned explanation of the grounds for declining the dispute, within 21 days of receiving the completed case file.

11) Exclusion of Liability

- a. Neither the Committee nor those chosen from the Committee to sit as Adjudicators, nor the assistant or secretary to the Committee, shall be liable to any party for any act or omission, claim, damages, losses, expenses, costs or liabilities whatsoever (including, without limitation, any direct or indirect damages for loss of profits, business interruption or loss of information) in connection with any Adjudication conducted under these Adjudication Rules and Procedure.
- b. After the decision has been made, the Committee Members shall be under no obligation to make any statement to any person about any matter concerning the Adjudication, nor shall any party seek to make him or her a witness in any legal proceedings arising out of the Adjudication.

12) Confidentiality

- a. Both the Claimant and Respondent agree to maintain confidentiality in respect of their dealings with the Committee. Correspondence between the Committee and either party (which includes letters, emails, telephone calls and written depositions by either party) may not be reproduced without the explicit written consent of the Committee.

b. In signing this agreement, all parties agree that the Committee may on request provide details of the dispute to the Gambling Commission or any other Competent Authority.

c. The Committee reserves the right to inform the appropriate authorities if it reasonably considers that an offence, or attempted offence, has been committed by either party involved in the Adjudication.

d. The Committee will comply with the General Data Protection Regulations when processing and managing personal data.

AGREEMENT

THIS AGREEMENT is made between:

1) Name (insert name).....(Claimant)

and

2) Name (insert name).....(Respondent)

WHEREAS:

1. The parties are in dispute regarding (please insert brief nature of dispute)

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2. They have agreed that their dispute will be referred to Adjudication by the Committee.

3. They have read and understood:

a. The Adjudication Rules and Procedure under which the Committee operates;

b. The Rules of Betting,

Signed.....(Claimant)

Signed.....(Respondent)

Date.....