

**Disciplinary Code**  
**Adopted by Council on 19 October 2019**

**1 Interpretation**

1.1 In this Code:

“Administrative Disposition” means any one or more of the following:

- (a) a fine of up to the Maximum Amount;
- (b) suspension of one or more of the Credentials of the Respondent until the Respondent has completed a course of retraining or requalification specified by the Secretary General; or
- (c) an undertaking from the Respondent to refrain from specific activities on such conditions as the Secretary General may see fit;

“Affiliated Body” means any club, association, or other body affiliated to or under the control or direction of the NRA;

“Credential” means in relation to any Respondent, the NRA membership card, Shooter Certification Card, Range Conducting Officer card, Ranger Safety Officer card and any other card or credential issued to that Respondent by the NRA;

“Lawyer” means a person who:

- (a) is a solicitor of the Supreme Court of the United Kingdom, whether or not that person holds a practising certificate;
- (b) is a member of the Bar of England and Wales;
- (c) is a fellow of the Chartered Institute of Legal Executives; or
- (d) holds an equivalent qualification in any other jurisdiction.

“Maximum Amount” means £500 or such other amount as Council may determine from time to time;

“Notification Date” means the date on which the Secretary General is notified of an alleged breach of the Rules or becomes aware of an apparent breach of the Rules;

“Respondent” means any of the following in respect of which an allegation is made under these Rules:

- (a) any Affiliated Body and any director, manager, chairman, secretary, committee member or other officer of that Affiliated Body and any person purporting to act in any such capacity;
- (b) any person who was a member of the NRA at the time the breach of the Rules is alleged to have occurred;
- (c) any person who holds a Credential; and
- (d) any person in respect of conduct at any event at any place conducted under the auspices and rules of the NRA; and

“Rules” means Volumes 1 to 6 of the NRA Handbook and any further Volumes approved by Council, in each case as amended from time to time.

1.2 A reference to:

- (a) the "Secretary General" is to the Secretary General or to a delegate appointed by the Secretary General for the purposes of this Code; and
- (b) a "hearing" is to a meeting of a Disciplinary Committee or an Appeals Committee convened and held in accordance with this Code.

## **2 Formation of the Disciplinary Body**

- 2.1 The Disciplinary Body consists of six Lawyers and six non-Lawyers.
- 2.2 Each Lawyer shall be appointed by the General Council for a term of three years.
- 2.3 Each non-Lawyer shall:
  - (a) be appointed by General Council for a term of 3 years;
  - (b) be a member of General Council at the time of election; and
  - (c) remain a member of the Disciplinary Body even if that person ceases to be a member of General Council;
- 2.4 General Council may re-appoint any member of the Disciplinary Body except that:
  - (a) no non-Lawyer may serve more than two consecutive terms; and
  - (b) a person who has been removed in accordance with this Code may not be re-appointed without consent of Council.
- 2.5 The members of the Disciplinary Body must elect one of their members who is a Lawyer to act as Chairman of the Disciplinary Body by a simple majority established by electronic communication, telephone or post. The Secretary General must make a written record of that decision. That person shall serve as the Chairman of the Disciplinary Body for a term of 3 years and may be re-appointed without any limit on the number of subsequent terms.
- 2.6 The Chairman of the Disciplinary Body is a member of Council by virtue of holding that office. No other member of Council may be a member of the Disciplinary Body.
- 2.7 If the Chairman of the Disciplinary Body has a conflict of interest in relation to any matter that is the subject of this Code, the Chairman of the Disciplinary Body may nominate another member of the Disciplinary Body who is a Lawyer to carry out the functions of the Chairman of the Disciplinary Body in relation to that matter.
- 2.8 Each of Council and General Council may remove from office any member of the Disciplinary Body who is unable or unwilling to discharge the functions required of that person in relation to the Disciplinary Body.
- 2.9 Council may appoint any member of the Disciplinary Body who is a Lawyer as an interim Chairman of the Disciplinary Body pending an election of a new Chairman of the Disciplinary Body if the Chairman of the Disciplinary Body:
  - (a) becomes unwilling or unable to discharge the functions required of that person in relation to the Disciplinary Body; and
  - (b) is not replaced by the members of the Disciplinary Body within 30 days of becoming unable or unwilling to act.

## **3 Investigations**

The Secretary General must investigate:

- (a) each alleged breach of the Rules; and
  - (b) any apparent breach of the Rules of which he becomes aware.
- 3.2 A person who wishes to make an allegation that there has been a breach of the Rules must send to the Secretary General:
    - (a) details of the alleged breach;

- (b) the name of the Respondent, or information sufficient to enable the Secretary General to identify the Respondent; and
  - (c) all supporting facts, information and materials available to the person making the allegation.
- 3.3 The Secretary General may appoint any person to provide assistance in the investigation of any allegation.
- 3.4 The Secretary General must within 14 days after the Notification Date:
- (a) if a person alleged that the Respondent has breached the Rules either:
    - (i) notify the person making the allegation that there is insufficient evidence to warrant an investigation into the allegation; or
    - (ii) notify the Respondent and the Chairman of the Disciplinary Body in writing of the allegation; or
  - (b) if the Secretary General became aware of an apparent breach of the Rules either:
    - (i) conclude that there is insufficient evidence to proceed; or
    - (ii) notify the Respondent and the Chairman of the Disciplinary Body in writing of the apparent breach of the Rules.
- 3.5 The Secretary General may with the consent of the Chairman of the Disciplinary Body do all or any of the following at the same time as, or at any time after, notifying the Respondent of the allegation or apparent breach of the Rules:
- (a) suspend the NRA membership of the Respondent, without prejudice to the rights of the Respondent to the benefit of any insurance provided in conjunction with the membership of the Respondent;
  - (b) require the Respondent to deliver to the Secretary General any one or more Credentials of that Respondent; and
  - (c) exclude the Respondent from Bisley Camp, until the matter is heard by a Disciplinary Committee.
- 3.6 If an allegation is made of a breach of the Rules or the Secretary General becomes aware of an apparent breach of the Rules in either case relating to the safe conduct of any range facility, the Secretary General may require the Respondent to deliver immediately to the Secretary General any one or more Credentials of that Respondent until the matter is heard by a Disciplinary Committee.

#### **4 Administrative Disposition**

- 4.1 The Secretary General may agree an Administrative Disposition with the Respondent in relation to any breach of the Rules if:
- (a) the Respondent admits the breach of the Rules and agrees to the Administrative Disposition;
  - (b) the Chairman of the Disciplinary Body considers that a hearing is not appropriate having regard to all the circumstances; and
  - (c) the Respondent has not been the subject of an adverse decision in respect of the same breach of the Rules in the three years before the breach occurred.

#### **5 Hearings**

- 5.1 The Secretary General must convene a Disciplinary Committee if the Secretary General:

- (a) concludes that there is substantive evidence of a breach of the Rules and there has been no Administrative Disposition of the matter;
  - (b) is directed to do so by the Chairman of the Disciplinary Body, in which case the Chairman of the Disciplinary Body will be deemed to have a conflict of interest in relation to that matter; or
  - (c) is requested to do so by the Respondent.
- 5.2 The Secretary General must:
- (a) prepare a summary of the results of the investigation of the alleged breach of the Rules and collate the evidence in relation to that alleged breach for the Disciplinary Committee, with assistance from such persons as the Secretary General may consider appropriate; and
  - (b) provide to the members of the Disciplinary Committee and the Respondent not later than fourteen days before the date of the hearing, or such shorter period as the Respondent and the Chairman of the Disciplinary Body may agree:
    - (i) that summary;
    - (ii) that evidence; and
    - (iii) the names of the person making the allegation and any witness who has provided evidence or will provide evidence at the hearing.
- 5.3 Each Disciplinary Committee consists of four or six members of the Disciplinary Body, with an equal number of Lawyers and non-Lawyers.
- 5.4 When selecting persons to serve on a Disciplinary Committee the Secretary General:
- (a) may consult the Chairman of the Disciplinary Body;
  - (b) must invite members of the Disciplinary Body in reverse order of the number of times they have served on a Disciplinary Committee, excluding members with a conflict of interest in relation to the matters that are the subject of the hearing; and
  - (c) must include the Chairman of the Disciplinary Body as a member of the Disciplinary Committee if the Chairman of the Disciplinary Body requests and has no conflict of interest in relation to the matters that are the subject of the hearing.
- 5.5 The chairman of a Disciplinary Committee is:
- (a) the Chairman of the Disciplinary Body, if he is a member of that Disciplinary Committee; or
  - (b) a Lawyer selected by the members of that Disciplinary Committee, in all other cases.
- 5.6 The chairman of a Disciplinary Committee has a casting vote in relation to any decision of that Disciplinary Committee.
- 5.7 No action may be taken in relation to an alleged breach of the Rules if the Secretary General has not convened a Disciplinary Committee to hear the allegation within six (6) months after the Secretary General notified the Respondent of the allegation or apparent breach of the Rules.
- 5.8 The Respondent may:
- (a) appear in person;
  - (b) be accompanied by another person;
  - (c) be represented by another person;

- (d) provide argument and evidence orally or in writing either in person or through a representative; and
  - (e) call witnesses and question any person giving evidence at the hearing either in person or through a representative.
- 5.9 A Disciplinary Committee may conduct a hearing in the absence of the Respondent if that Respondent:
- (a) refuses to attend; or
  - (b) is offered not less than three dates for a hearing, over a period of not less than three weeks, with the option of participating by electronic means, and the Respondent declines all of those dates.
- 5.10 A finding of fact by a Disciplinary Committee is final unless there is:
- (a) evidence that could not reasonably have been provided at the original hearing and which, if available at the original hearing, would have been reasonably likely to change the outcome; or
  - (b) an obvious error in a finding of fact that could reasonably be considered to have affected the outcome of the hearing.
- 5.11 The Secretary General bears the burden of proof in relation to any allegation of a breach of the Rules and the Disciplinary Committee must make its decision on the balance of probabilities.
- 5.12 Each person involved in any proceedings under this Code must keep confidential those proceedings, except as required by law.
- 5.13 All correspondence under this Code may be sent by email if the Respondent provides an email address for this purpose.

## **6 Appeals**

- 6.1 A Respondent may appeal the decision of a Disciplinary Committee by notifying the Secretary General. That notice must:
- (a) be received by the Secretary General within fourteen days after the date the decision of the Disciplinary Committee was given to the Respondent;
  - (b) state the grounds on which the Respondent wishes to appeal, which must be one or more of the grounds listed in paragraph 6.2; and
  - (c) state the evidence on which the Respondent intends to rely relating to the grounds of appeal.
- 6.2 The Respondent may only appeal on one or more of the following grounds:
- (a) procedural unfairness by the Disciplinary Committee in the conduct of the hearing that could reasonably be considered to have affected the outcome of the hearing;
  - (b) an obvious error in a finding of fact by the Disciplinary Committee that could reasonably be considered to have affected the outcome of the hearing;
  - (c) there is evidence that could not reasonably have been provided at the original hearing and which, if available at the original hearing, would have been reasonably likely to change the outcome; and
  - (d) the severity of the penalty.
- 6.3 Either:
- (a) the Secretary General must convene an Appeals Committee in relation to any appeal made in accordance with this Code; or

- (b) if the Chairman of the Disciplinary Body determines that it will not be possible to convene an Appeals Committee, the Chairman of the Disciplinary Body may request Council to instruct a barrister or solicitor of not less than 10 years' experience to hear the appeal,

and if the appeal has not been heard within three (3) months after the date the Secretary General received the notice of appeal, the decision of the Disciplinary Committee lapses and no further action may be taken.

6.4 Each Appeals Committee consists of four or six members of the Disciplinary Body, with an equal number of Lawyers and non-Lawyers. The Secretary General must select members of an Appeals Committee in the same way as a Disciplinary Committee except that:

- (a) no member of the Disciplinary Committee for the original hearing may be a member of the Appeals Committee hearing the appeal from that Disciplinary Committee;
- (b) no member of the Disciplinary Body with a conflict of interest in relation to the matters that are the subject of the hearing may be a member of that Appeals Committee; and
- (c) subject to paragraphs (a) and (b), the Chairman of the Disciplinary Body must be invited to be the chairman of the Appeals Committee.

6.5 The decision of a Disciplinary Committee in respect of which an appeal is made continues in force pending the outcome of the appeal unless:

- (a) the Respondent requests at the hearing that the decision is suspended pending an appeal; and
- (b) the Chairman of that Disciplinary Committee determines at the time the decision in respect of that hearing is made that it is appropriate to suspend that decision pending an appeal, if the Respondent appeals that decision.

6.6 An Appeals Committee may increase, decrease or cancel any penalty imposed by any Disciplinary Committee or impose a different penalty or impose one or more additional penalties.

6.7 An appeal is not a re-hearing of the matter and an Appeals Committee may only consider the grounds on which the appeal is made.

6.8 The decision of an Appeals Committee is final and binding.

6.9 The Appeals Committee is convened and operates in the same way as a Disciplinary Committee except as set out in this paragraph.

## **7 Proceedings**

7.1 A Disciplinary Committee may hold meetings and conduct hearings in person, by videoconference or other electronic means in which each attendee can communicate with each other attendee.

7.2 A Disciplinary Committee may reach its decision at the hearing or by circulating a written decision that has the same effect as if reached at the hearing. A Disciplinary Committee is not required to give reasons for its decision, but must state any finding of fact it has made.

7.3 A captain of a team from outside the United Kingdom may attend and speak in that capacity at a hearing in which the Respondent is a member of that team.

7.4 The Secretary General must nominate a person to act as secretary to each Disciplinary Committee. Any notes taken by that person are a summary only and not verbatim and shall not be provided to the Respondent.

7.5 No person may make any video recording of any proceedings. The secretary of each Disciplinary Committee must arrange for an audio recording of that hearing. No

other person at the hearing may have with them any device capable of audio or video recording. The Respondent and any person acting on behalf of the Respondent may listen to the audio recording of the hearing of that Respondent at the offices of the NRA during working hours upon giving reasonable notice but may not make a copy of that audio recording. The NRA is not required to provide any transcript of any audio recording. The NRA may destroy any audio recording no earlier than six months after:

- (a) the date the Disciplinary Committee announces its decision, if no appeal is made; and
- (b) the date the result of the appeal is announced, if an appeal is made.

7.6 The Secretary General must not participate in any deliberations or decision-making of any Disciplinary Committee or Appeals Committee.

7.7 Proceedings under this Code are independent of the power of the Chief Executive of the National Shooting Centre Limited to exercise any powers that such Chief Executive may have.

## **8 Records and Publication**

8.1 The Secretary General must maintain a register showing in respect of each hearing:

- (a) the name of the Respondent;
- (b) the names of the members of that Disciplinary Committee or Appeals Committee; and
- (c) the decision of that Disciplinary Committee or Appeals Committee including the penalty imposed on the Respondent.

8.2 The Secretary General must maintain a register showing in respect of each Administrative Disposition:

- (a) the breach of the Rules and the name of the Respondent; and
- (b) the terms of that Administrative Disposition.

8.3 The Secretary General may publish the decision of each Disciplinary Committee and each Appeals Committee in the NRA Journal, on the NRA website and on the notice board of the Secretary General and must do so if required by the Respondent. The Secretary General must not publish the decision of a Disciplinary Committee during the period of time available to the Respondent to appeal that decision and, if the Respondent appeals, before that appeal is heard.

8.4 The Secretary General must withhold the name of the Respondent from publication if:

- (a) the Respondent requests at the time of the hearing; and
- (b) the Chairman of the Disciplinary Committee or Appeals Committee agrees.

8.5 The Secretary General must notify the name of any person who is expelled from membership of the NRA to:

- (a) the Chief Executive of the National Shooting Centre Limited; and
- (b) to the extent required by law, the relevant chief officer of police.

8.6 The Secretary General must make such notifications as are required by law if a Disciplinary Committee or Appeals Committee decides that the Respondent has

committed an act, the occurrence of which must by law be notified to the police, local authority, statutory body or other entity.

## **9 Penalties**

- 9.1 If a Rule specifies a penalty for a breach of that Rule, a Disciplinary Committee or an Appeals Committee may impose that penalty or such lesser penalty as it may determine.
- 9.2 If a Rule does not specify a penalty for a breach of that Rule, a Disciplinary Committee or an Appeals Committee may impose any combination of the following penalties:
- (a) a fine of up to the Maximum Amount;
  - (b) expulsion from membership of the NRA;
  - (c) suspension of membership of the NRA for such time as it thinks fit;
  - (d) exclusion from Bisley Camp for such period as it thinks fit;
  - (e) revocation of any Credential;
  - (f) suspension of any Credential for such period and subject to the giving of such undertakings as may be considered appropriate;
  - (g) retraining or requalification to such extent as may be considered appropriate;
  - (h) forfeiture of every prize won in competition since the that breach occurred;
  - (i) forfeiture of all entrance fees paid in respect of any future competition;
  - (j) exclusion from future shooting competitions; and
  - (k) such lesser penalty as may be appropriate.
- 9.3 In determining the penalty to be imposed in respect of any breach of the Rules a Disciplinary Committee and an Appeals Committee must have regard to:
- (a) all the facts and circumstances of the matter including mitigating factors demonstrated by the Respondent;
  - (b) the principles of fairness and proportionality; and
  - (c) penalties previously imposed in relation to similar breaches of the Rules, recognising that no two cases will be exactly the same.