

Constitutional Amendment

*The words in italics are information added by the CEO.*

Empowering the Disputes Committee to “meet” by e-mail resolution, rather than by a meeting, which would be both costly and time consuming.

18(h) In other cases the Chief Executive shall, as soon as reasonably convenient after receipt of the appellant's notice, arrange for a panel to discuss the dispute, **the precise forum to be at the discretion of the Chief Executive\***. Any of the parties concerned may insist on a formal hearing, but in such cases must pay a fee of £25.00 before the hearing is arranged. This fee shall be returnable if the claim of the party concerned is upheld. If a meeting is to be convened, the Chief executive shall give not less seven days notice of the meeting to the parties mentioned at (f). The failure of the parties to attend the meeting shall not affect the power of the panel to decide the dispute.

To become:

18(h) In other cases the Chief Executive shall, as soon as reasonably convenient after receipt of the appellant's notice, arrange for a panel to discuss the dispute by e-mail.

**\****This phrase was introduced a few years ago to provide just that kind of flexibility & in fact allows for other “meeting” options e.g. telephone conference to be used.*

The other change necessary to effect this:

- 18.i) The procedure to be adopted where a meeting of the panel is convened shall be as follows-
- 18.ii)

To become:

18(i) The procedure to be adopted shall be as follows-

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18(c) The following shall be eligible to serve on the Disputes Committee: All the officers of the Union, delegates to the general Meetings, with the power to co-opt thereto exercised by the Chief Executive.

To become:

18(c) The following shall be eligible to serve on the Disputes Committee: All the officers of the Union, delegates to the general Meetings, with the power to co-opt thereto exercised by the Chief Executive. Should a dispute in the Counties Championship arise, the Disputes Committee shall not be composed of people from either of the Counties whose teams are involved in the dispute.

This is simply to preserve the neutrality of a Committee, which may be formed.

*For information the whole of the existing rule 18 is reproduced below, your attention is particularly drawn to 18 (e) -*

*18. Disputes*

- (a) *Any dispute arising in connection with any competition or event organized by or conducted under the auspices of the Union shall in the first instance be referred to the officer appointed to run the said event or competition for a decision.*
- (b) *Any party (hereinafter called the appellant) feeling aggrieved by such a decision may appeal there from to the Disputes Committee of the Union. Such appeal shall be in writing.*
- (c) *The following shall be eligible to serve on the Disputes Committee: All the officers of the Union, delegates to the general Meetings, with the power to co-opt thereto exercised by the Chief Executive.*
- (d) *Any dispute shall be dealt with by a panel of the Disputes Committee which shall comprise an odd number of not less than 3 persons, who shall be selected by the Chief Executive.*
- (e) *None of the members of the panel dealing with the dispute shall have any interest therein. Without prejudice to the generality of the foregoing an interest shall be deemed to include membership of a club or county involved in the dispute or being an officer of the Union involved in the dispute. The parties to the dispute shall have the right to object to members of the panel.*
- (f) *The appellant shall within seven days of receipt of the decision of the Union Officer (which period may be extended in appropriate cases by the panel dealing with the dispute) give notice in writing of the full particulars of the dispute to the Chief Executive, and shall, at the same time, send copies to the Union's officer and to the other party to the dispute, who shall, in the case of a club or county dispute, be deemed to be the opposing captain.*
- (g) *Notwithstanding the above the Chief Executive has the power to convene a Disputes Committee immediately at events such as Congresses organized by The Union in order that a decision may be reached before such an event has ended.*
- (h) *In other cases the Chief Executive shall, as soon as reasonably convenient after receipt of the appellant's notice, arrange for a panel to discuss the dispute, the precise forum to be at the discretion of the Chief Executive. Any of the parties concerned may insist on a formal hearing, but in such cases must pay a fee of £25.00 before the hearing is arranged. This fee shall be returnable if the claim of the party concerned is upheld. If a meeting is to be convened, the Chief executive shall give not less seven days notice of the meeting to the parties mentioned at (f). The failure of the parties to attend the meeting shall not affect the power of the panel to decide the dispute.*
- (i) *The procedure to be adopted where a meeting of the panel is convened shall be as follows*
  - (i) *the Union's officer for the competition or event shall report on all matters within his knowledge affecting the dispute*
  - (ii) *the appellant shall present his/her case*
  - (iii) *the other party to the dispute shall present his/her case* (iv) *the appellant shall have the right of reply*
  - (v) *the panel shall consider the appeal in private and shall deliver its decision either verbally or in writing at a time to be appointed by it.*
  - (vi) *without prejudice to the generality of the above, either party shall have the right to deliver his submissions in writing and also the right to call witnesses*
- (j) *The dispute shall be decided in accordance with the current FIDE Laws of Chess and the Tournament rules of the British Chess Federation, unless otherwise provided for in this constitution, or the Union's competition rules.*
- (k) *There shall be no appeal from the decision of the panel on issues of fact but, with the consent of the panel, an appeal may be made to the English Chess Federation (and thence to FIDE) upon a question involving the Laws of Chess, provided that the appellant shall furnish the ECF or FIDE with a statement of facts prepared by the panel and shall pay all fees due to the ECF or FIDE in respect of such an appeal.*