



**MINUTES OF THE MEETING OF THE EBU LAWS & ETHICS COMMITTEE
HELD AT BAKER TILLY OFFICES, RUSSELL SQUARE, LONDON
ON TUESDAY 12TH APRIL 2011**

Present:	Jeremy Dhondy (JD)	Chairman and Elected Member
	Mike Amos (MA)	Elected Member
	Max Bavin (MB)	Chief Tournament Director
	David Burn (DB)	Co-opted
	Barry Capal (BC)	EBU General Manager
	Frances Hinden (FH)	Vice Chairman and Elected Member
	Martin Pool (MP)	Elected Member
	Tim Rees (TR)	Elected Member
	David Stevenson (DS)	Elected Member
	Grattan Endicott (GE)	Vice-President
	Gerard Faulkner (GF)	Vice-President
	Gordon Rainsford (GR)	Co-opted. Assistant Chief TD.
	John Pain (JP)	Secretary

1	Apologies for Absence	Sally Bugden (SB)	EBU Chairman
		Andrew Petrie (AP)	EBU Vice Chairman
		Neil Morley (NM)	Elected Member

2

2.1/2 Minutes of the previous meeting

The minutes of the meeting of January 26th 2011 were approved and signed. There were no matters of accuracy.

2.3 Matters arising

2.3.1. BB@B – schedule of misdemeanours

FH introduced a paper outlining a suggested schedule of offences in three areas:

1. Interfering with the smooth running of the event
2. Not conforming to the Laws or Regulations
3. Behaviour

She said that the aim was to be consistent in administering penalties and that a tariff was desirable. She invited comments from the Committee to be received by Easter Monday after which she would revise the draft with a view to it being promulgated in time for August 1st.

NM had suggested that penalties be awarded in Victory Pointed events in such a way that other competitors could easily identify scores that had been the subject of a penalty such as x.3 or x.7.

However it would not be identifiable in Match Pointed Pairs events. The committee were not in favour of such a move.

MP said that guidance was needed on when to issue a penalty that was greater than the minimum. FH was thanked for her introductory work in this matter.

2.3.2 Transcripts of disciplinary hearings

SB had sought the advice from Honorary Counsel, who had concluded that it was not necessary to take transcripts of disciplinary hearings.

2.3.3 Revised regulations for the National Events organised by affiliated clubs.

MB said that under instruction the Board revised regulations about visitors for national events organised at club level (National Pairs heats, Simultaneous Pairs) would be introduced for the next competition season. A revised statement will appear in the diary. He acknowledged that the downside was that there may be occasions when a member will not be able to play in an event because the club refuses the visitor admittance and there is no other local heat.

The revised wording is Appendix A.

2.3.4 Players loss of eligibility after a tournament has started

MB acknowledged that some of the EBU conditions of contest needing redrafting in cases where a member lost his/her eligibility to compete. Examples were

- a) suspended by a club during the course of the NICKO
- b) leaving or being expelled from a University during the course of the Portland Bowl
- c) death or serious incapacity during a knock out event.

A paper by MB suggesting rewording was accepted by the Committee. The changes would take effect when the next new Conditions of Contest were produced.

The revised wording is Appendix B.

2.3.5 Appeals procedures in matches played privately

MB produced a paper detailing some changes to the regulations regarding the appeals procedure in matches played privately. The current regulations had failed to work satisfactorily in some recent events. He preferred the Gold Cup regulations. The change was approved by the Committee and will take effect from the next Knock Out competition to commence (The Hubert Phillips).

The revised wording is Appendix C.

2.3.6 Other matters arising

DS asked why changes to the method of producing the Appeals Booklet had been made in his absence from the previous meeting and he was surprised he had not been consulted about it. JD said the committee had decided it was time for a change, no 2009 book had appeared and that FH and NM had volunteered to take on areas of responsibility.

(5.3) Appeals in the Premier League

Heather Dhondy (Chair Selection Committee) had responded that her preferred method for conducting appeals at the Premier League was have a phone referee for the most part, but to have an On Site referee for the final day.

3 Appeals to the National Authority

None this time

4 **Disciplinary Cases**

4.1 **Wroxall**

The secretary reported that the matter was ongoing and that the Club had not completed its own procedures. Consequently the Laws and Ethics committee would take no action at this stage.

4.2 **Abba**

The secretary reported that the hearing would be held on April 14th in London.

(Secretary's note: the hearing found that the case against the defendant had not been proved on the balance of probabilities)

4.3 **Chicago**

A complaint from a member and a counter complaint from the club had been referred to the County Committee to deal with. It was likely, however, that the county would be unable to deal with it. In that case three members of the EBU Disciplinary Panel would be asked to attend locally to resolve the matter. The County would be liable to pay the expenses of the Disciplinary Committee.

4.4 **Doors**

A member had appealed against a club's decision to ban him. The L&E had referred it back to the County Committee to deal with. The County Committee had accepted that it should deal with the matter.

4.5 **Complaint from an affiliated club**

A complaint had been received from an affiliated club over the behaviour of a visitor during the recent stratified simultaneous pairs. An apology had been received and the club considered the matter closed. The L&E closed the case and the papers were put to file.

5 **Technical Matters**

5.1 *Pass not being a pass*

The committee considered the following auction reported from the Year End Congress.

(W) 1NT – (N) 3♦ - (E) double – (S) pass

When the auction came back the West - 1NT bidder (thinking that the double was actually a pass card and that she was therefore in the pass out seat) started to pick up the bidding cards (without contributing a pass card to the auction). The player then realised that she was not in the pass-out seat but she considered her action was the equivalent of a pass and could not therefore be changed. The TD did let her change her call.

The Committee confirmed that in this case, since there had been no pass card and it was not in the pass out seat there had been no pass. The player could have still made a legal call.

It was acknowledged however that many players at all levels do not always complete the auction in the prescribed way (examples included touching a pass card already on the table, sweeping up the cards before any lead has been placed on the table). But it was confirmed that if a player acted in this way AND a lead had been faced then in accordance with Law 41C the play period had begun irrevocably.

MB suggested that the regulation applicable to events played with screens might be added to the bidding box regulations in the Orange Book to be applicable in all events:

'When a player acts in such a way as to indicate they have passed and an opening lead is faced they have passed. An action may be deemed by the TD to be a pass in the pass out seat (eg. General 'waft' of the hand, tapping cards already there, picking up the cards).'

5.2 Letter from Nick Doe

The Committee considered a letter from Nick Doe regarding the use of judgement in the case of a 'strong club' type hand with only 15 HCPs, which under current regulations could not be opened 1♣ as it failed to meet any of the criteria for a strong opening bid.

The Committee concluded that it had no wish to re-examine the criteria for 'Strong' opening bids. It was confirmed that the regulation would remain unchanged.

It was noted that in Level 5 events the Orange Book definition of 'strong' did not apply.

The secretary would write to Nick Doe advising him of the decision.

ACTION : JP

5.3 Revised wording for alerting of doubles in the 2011 Orange Book

The Committee considered correspondence from Robin Barker arising out of the minutes 26/1/11 2B (a). FH suggested an email discussion amongst the Committee to reach agreement on the final wording to go into the 2011 Orange Book.

ACTION: FH

5.4 Correction period for score queries in the last session of an event.

MA asked the Committee to consider the time limit in WB146.4.3 regarding the correction period for score queries in the final session of an event. It is currently '5pm on the second working day after the end of the congress or tournament'. He considered there was potential for difficulty as any correction made that late generates a new correction period.

MB said that there were more queries now that fuller details were being published on the website. However the mood of the meeting was to leave things as they were.

6. Applications for new permitted methods

Only one application was considered and it was confirmed the method was already permitted.

7. Reports from Tournament Directors

FH took the chair for the first TD report and then for the remainder of the meeting

11.010 – Appeal from a Portland Pairs heat

<p>♠ 5 ♥ AQ107532 ♦ 4 ♣ J652</p> <p>♠ AK9 ♠ Q8632 ♥ K6 ♥ 4 ♦ Q8 ♦ AKJ976 ♣ AK10974 ♣ 8</p> <p>♠ J1074 ♥ J98 ♦ 10532 ♣ Q3</p>	<p>Board 26 : Dealer East : All vulnerable</p> <p>Bidding not recorded – 6NT by W</p>
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N led the ♠5. West claimed 6 diamonds, 5 spades and 2 clubs. The result was disputed by NS. The TD ruled that when the fourth spade was played South would win and switch to a heart for the remainder of the tricks : 6NT – 3. EW thought they should score 11 tricks for one down.

EW appealed. The TD arranged for the appeal to be heard on site by a single Referee rather than by Appeals Committee. (Other Portland Pairs heats had the use of a phone referee).

The referee ruled that the claim was deficient and that the TD had applied Law 70D1 correctly. His reasons were that West had not noticed the possible problem in spades at trick 1 and there is no reason why the player would be woken up. Play has ceased and there is no reason for West to wake up to the problem with the spade suit. The appeal has no merit and the deposit is forfeited.

There had been correspondence subsequently in which it was alleged by EW that they were unaware that the Referee was acting in an official capacity rather than just as a ‘cuddly’. They had expected an Appeals Committee to be arranged. The Referee confirmed that he had told the EW pair that he would be giving the ruling.

The Committee confirmed that a statement of intended tricks did not necessarily mean that was the line of play to be adopted.

The Committee thought the ruling was sensible – there is a line for it to go five off.

The Committee confirmed that it was not part of the law on claims to award weighted rulings under Law 12C1(c).

The Committee considered that the TD may not have explained to the pair concerned what ‘careless or inferior’ meant in the context of the law on contested claims.

The Committee considered that the explanation that it was to be handled by Referee rather than by Appeals Committee may not have been understood by the pair concerned.

Although this was not an appeal to national authority, the Committee voted by 4 - 1 that the deposit be returned.

FH would write to the East West Pair.

Action : FH

10.070 Autumn Congress Satellite Pairs Final

<p>♠ J74 ♥ Q1042 ♦ A9642 ♣ 4</p> <p>♠ K108653 ♠ A92 ♥ J5 ♥ A986 ♦ 3 ♦ J75 ♣ 10763 ♣ 852</p> <p>♠ Q ♥ K73 ♦ KQ108 ♣ AKQJ9</p>	<p>Board 1 : Dealer North : Love all</p> <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">West</th> <th style="text-align: left;">North</th> <th style="text-align: left;">East</th> <th style="text-align: left;">South</th> </tr> </thead> <tbody> <tr> <td></td> <td>Pass</td> <td>Pass</td> <td>1♣</td> </tr> <tr> <td>Pass</td> <td>1♦</td> <td>Pass</td> <td>3♠(1)</td> </tr> <tr> <td>Pass</td> <td>3NT(2)</td> <td>Pass</td> <td>4♦</td> </tr> <tr> <td>Pass</td> <td>5♦</td> <td>All Pass</td> <td></td> </tr> <tr> <td>1.</td> <td colspan="3">Not alerted</td> </tr> <tr> <td>2.</td> <td colspan="3">After agreed hesitation</td> </tr> </tbody> </table>	West	North	East	South		Pass	Pass	1♣	Pass	1♦	Pass	3♠(1)	Pass	3NT(2)	Pass	4♦	Pass	5♦	All Pass		1.	Not alerted			2.	After agreed hesitation		
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The TD was called at the end of the auction by EW to reserve rights. Facts were agreed. Table result 5♦=, +400

South has UI from two sources – the failure to alert 3♠ and North’s hesitation before bidding 3NT. There is a logical alternative to bidding 4♦ - particularly at pairs, which is to pass. The TD considered the play in 3NT and ruled the result 3NT – 3.

NS appealed. The Appeal Committee upheld the TDs ruling of 3NT -3.

L&E comment: whilst agreeing with the TD and AC on ruling it back to 3NT, the Committee felt that a weighted score for the number of tricks should have been considered.

10.084 Year End Congress

<p>♠ 10 ♥ 10943 ♦ AQJ652 ♣ K3</p> <p>♠ J84 ♠ K97652 ♥ 5 ♥ A8 ♦ 1043 ♦ 87 ♣ QJ10852 ♣ A97</p> <p>♠ AQ3 ♥ KQJ762 ♦ K9 ♣ 64</p>	<p>Board 27 : Dealer South : Love all</p> <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;"><i>West</i></th> <th style="text-align: left;"><i>North</i></th> <th style="text-align: left;"><i>East</i></th> <th style="text-align: left;"><i>South</i></th> </tr> </thead> <tbody> <tr> <td></td> <td></td> <td></td> <td>1♥</td> </tr> <tr> <td>2♣</td> <td>3♠</td> <td>Pass(1)</td> <td>4♠</td> </tr> <tr> <td>Pass</td> <td>5♥</td> <td>Dbl</td> <td>All Pass</td> </tr> <tr> <td>1.</td> <td colspan="3">E asked about 3♠ - told natural and pre-emptive</td> </tr> </tbody> </table>	<i>West</i>	<i>North</i>	<i>East</i>	<i>South</i>				1♥	2♣	3♠	Pass(1)	4♠	Pass	5♥	Dbl	All Pass	1.	E asked about 3♠ - told natural and pre-emptive		
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Table result 5♥x=, +650

The TD found that the system card says splinters after 1♥ opening. N thought they played the same after an overcall, S thought they didn't. N has UI because of S's explanation. Without this NS are almost certain to reach 6♥ because N should take 4♠ as a cue bid. E will double. When E asks about 3♠ and then passes W has UI. The TD felt the lead of a small spade was using this UI and a natural club lead will take 5♥x off. The TD felt that EW had committed a 'serious error' and ruled under WB12.9.2. NS to receive 50% of 6♥x-1 and 50% of 6♥x – 2. EW to receive the balance of the NS score LESS the amount accredited to the Serious Error. This was not appealed but the L&E Committee considered the matter.

GE said the hand would feature in his papers for the next WBF discussion – whether a pair who was considered to have used UI but then obtained a poor score – were guilty of a serious error (L12C1b).

11.002 Appeal from a match played privately

The Committee considered an incident from the Seniors KO. During a match played privately (but in a club environment) a ruling had been requested. A TD was asked for a ruling, but because of pressure of other commitments felt only able to give a quick opinion, but he suggested other routes the players might take. The players agreed between themselves that the opinion constituted a ruling of first instance and then wanted to appeal.

An appeal was subsequently held by email correspondence; the ruling was confirmed but the deposit forfeited.

The Committee confirmed that it had been correct to keep the deposit for the frivolous appeal but were not sure whether the Conditions of Contest permitted an appeal – 'in a match played privately once captains agree a ruling that ends the matter'. It was confirmed that the referee could choose to hear such an appeal but was not obliged to.

11.005 Harrogate Spring Congress

The Committee was minded to reclassify a psyche provisionally classified as green by the TD to amber. The secretary was asked to write to the pair for their comments.

Action : JP

8 *Date of next meeting*

Wednesday September 21st 2011 at 1pm.

Meeting venue is Imperial Hotel, Fountain Room (Baker Tilly not available that day)..

The meeting closed at 4.45pm.

Appendix A – Paper by Max Bavin

National competitions organised by affiliated clubs

Under instruction from the Board, the following notice has already been placed in the 2011/12 Diary and will appear in August this year.

A similar statement will be made in the 2012 edition of the Licensing and Master Point Handbook.

NATIONAL COMPETITION ORGANISED BY AFFILIATED CLUBS

e.g. National Pairs, Simultaneous Pairs.

Whilst it is hoped that most clubs will welcome visitors (EBU members), they are under no obligation to do so, either due to reasons of space or as a matter of general policy. If wishing to visit a club, perhaps because your own club is not holding a heat, you must first contact the club directly in order to ascertain the situation.

It is therefore possible that some players might not be able to participate in these events unless they can persuade their own club or their County Association to organise a heat.

Please note that the above does not apply in relation to events such as the Portland Pairs or National Pairs Regional Finals, events organised directly by the EBU in premises which it hires (which may coincidentally be affiliated bridge clubs).

Appendix B – paper by Max Bavin

Player's loss of eligibility after the tournament has started

The following two situations have arisen recently, both in matches-played-privately type events.

- i) NICKO. A player has been banned/suspended from the club mid-season. Can he still continue to represent them in the NICKO?
- ii) Portland Bowl. A player has left/been expelled from the University mid-season. Can he still continue to represent them in the Portland Bowl?

I am sure there are other situations which could arise, and other events they could relate to, but the NICKO, Garden Cities and Portland Bowl are the obvious cases where 'loss of eligibility' could arise.

There are two possible solutions:-

- a) If they were eligible when the tournament started, then they continue to be eligible until it finishes. This has the advantage of simplicity, but it doesn't feel right. The Club/University may simply not want, or even be embarrassed by, the player concerned to be representing them. Actually, in the case of suspension from a club, I think it should be up to the club to specify whether the suspension extends to the NICKO/Garden Cities.
- b) They simply become ineligible, and can therefore no longer participate. This feels right, but it could lead to the entire team being unable to continue if they were only a team-of-four and if it is too late to add additional players.

In fact, on a related subject, we don't actually have any specific clause about loss of a player through health or serious incapacity (I thought we did, but if we do I can't find it other than in the Premier League and Gold Cup regulations).

The Gold Cup regulation is as follows:-

2.4 Death or Serious Incapacity

In circumstances where a team is not normally permitted under these Regulations to add a player and when the team is reduced by the death or serious incapacity of one of its members, the Chairman of the BGB Core Committee in consultation with his colleagues – if the majority is of the opinion that the team is substantially handicapped because of this – may authorise that a substitute player take the place of the player who is not available for the remainder of the competition. In exercising this power, the said Officers may make conditions as to the player who may substitute.

My proposal is to add the following to the 'Matches-played-privately' regulations:-

* in the case of loss of eligibility, that player may no longer continue to represent the team.

* adding in the above Gold Cup clause (suitably amended) but also including 'loss of eligibility' i.e. 'Death, Serious Incapacity or Loss of Eligibility'. The replacement is on a one-for-one basis regardless of how many registered players the team had.

Appendix C – paper by Max Bavin
Rulings in matches played privately

Herein the relevant extract from current EBU regulations.

19. Rulings of the first instance in matches played privately

It can be exceedingly difficult to settle satisfactorily a question which requires a Director's ruling – as distinct from a reading and application of the law – in a match which is played privately. There should normally be two distinct conditions fulfilled before any such matter is deemed to have a basis on which to proceed:

- (a) The players who suggests that an irregularity may have occurred which could have damaged his side should normally have raised the question (as for example by reserving his rights) before the board is quitted; to avoid questions of doubt, the appropriate period for doing so should be deemed to terminate when he removes his cards from their slot at the commencement of the following board (unless the significant information does not come to light until afterwards; and see also section (c) above).*
- (b) He should confirm his wish to have a ruling before the players go to compare scores for that set of boards. (If after scoring the set he withdraws his request for a ruling it will not subsequently be renewable).*

Personally, I think this is much too extreme, even though the use of the word 'should' (as distinct from 'must') does allow some room for manoeuvre. I would find it quite reasonable that a player might want to discuss the matter with his team-mates before deciding whether or not to 'make a fuss'.

In this regard I much prefer the BGB Gold Cup regulations (possibly because I was instrumental in writing them!) which reads as follows:-

3.20 Calling for a Ruling

Problems often arise in matches played privately when there is a dispute that involves more than just the reading and application of the law. If you think an irregularity has occurred which has damaged your side, you should proceed as follows:

- (a) Raise the matter (by, say, reserving your rights) at the time, preferably before the board has finished, but certainly before you remove your cards from the next board.*
- (b) Confirm your wish to have a ruling before your opponents have left the table to score up that set of boards; if after scoring you withdraw your request, that is an end of the matter.*

A failure to take these steps puts you in the same position as a player in a public competition who fails to call the Tournament Director at the appropriate time.

You may still request a ruling as long as you do it within the protest period (up to when you have signed the final result sheet or within half an hour of scoring the set of boards in which the matter arose, whichever is earlier). However, the longer the time lapse, the more difficult it is to establish the facts and Directors, like Tournament Directors in public competitions, may be less inclined to find damage which the player did not appear to be aware of at the time. However the player who could not have known an irregularity had occurred will be in a stronger position than one who could or should have noticed it but did not mention it at the time.

I propose replacing our current section 19 with the above, save that 'within half an hour of scoring the boards in which the matter arose' should be replaced with 'prior to commencing the next set of boards', this being the general EBU protest time policy for teams matches played in stanzas.