

Article 106: Burden of Proof

1. The burden of proof regarding disciplinary infringements rests on BFA.
2. In the case of a doping offence, it is incumbent upon the suspect to produce the proof necessary to reduce or cancel a sanction. For sanctions to be reduced, the suspect must also prove how the prohibited substance entered his body.

SUBSECTION 4: REPRESENTATION AND ASSISTANCE

Article 107: [only]

1. The parties may arrange to have legal representation.
2. If they are not required to appear personally, they may be represented.
3. The parties are free to choose their own representation and legal representation.

Subsection 5: Language Used in Proceedings

Article 108: [only]

1. The language used in proceedings shall be the official language of BFA which is English; interpretation into the national language (Setswana) may be arranged in special circumstances; provided that judgements shall be written in English.
2. BFA may, if necessary, use the services of an interpreter.
3. Decisions are passed and written in English as the official language used by the Association.

SUBSECTION 6: NOTIFICATION OF DECISIONS

Article 109: Addressees

1. All of the parties are notified of the decisions.
2. Decisions and other documents intended for players, clubs and officials are addressed to the national league or regional football association concerned on condition that it forwards the documents to the parties concerned; provided that such decisions shall also be simultaneously

communicated to the General Secretary. In the event that the documents were not also or solely sent to the party concerned, these documents are considered to have been communicated properly to the ultimate addressee four days after communication of the documents to the national league or regional association (cf. Art. 97).

3. If an appeal has not been lodged by the specified deadline, doping decisions passed by the Disciplinary Committee shall be notified to the World Anti-Doping Agency (WADA). Doping decisions passed by the Appeal Committee shall be notified simultaneously to the parties and the World Anti-Doping Agency (WADA). FIFA will announce infringements of doping regulations within 30 days.

Article 110: Form: General Rule

1. Decisions communicated by telefax shall be legally binding. Alternatively, decisions may be communicated by registered letter, which shall also be legally binding.
2. The communication of decisions by electronic mail is not permitted.
3. In certain circumstances, the special provisions set out in Art. 111 may apply.

Article 111: Form: Special Cases

If justified by the circumstances, the parties may be informed solely of the outline of the decision. The reasoned decision shall then be sent within 30 days. The legal time limits do not begin until the reasoned decision has been delivered. A party may choose not to be sent a reasoned decision.

SUBSECTION 7: MISCELLANEOUS

Article 112: Obvious Errors

A body may rectify any mistakes in calculation or any other obvious errors at any time.

Article 113: Costs and Expenses

1. Costs and expenses shall be paid by the unsuccessful party.
2. If there is no unsuccessful party, they shall be borne by BFA.

3. If considered fair to do so, they may be split among several parties.
4. The body that rules on the substance of the matter decides how costs and expenses shall be allocated and the relevant amounts are stipulated by the Chairman. These rulings are not subject to appeal.
5. The Chairman may exceptionally decide to curtail or dispense with costs and expenses.

Article 114: Enforcement of Decisions

Decisions come into force as soon as they are communicated.

Article 115: Baseless Proceedings

Proceedings may be closed if:

- a) the parties reach an agreement;
- b) a party declares bankruptcy;
- c) they become baseless.

SECTION 2: DISCIPLINARY COMMITTEE

SUBSECTION 1: COMMENCEMENT OF PROCEEDINGS AND INVESTIGATION

Article 116: Commencement of Proceedings

1. Disciplinary infringements are prosecuted ex officio.
2. Any person or body may report conduct that he or it considers incompatible with the regulations of BFA or FIFA to the judicial bodies. Such complaints shall be made in writing.
3. Match officials are obliged to expose infringements which have come to their notice.

Article 117: Investigation

The Secretariat carries out the necessary preliminary investigation ex officio under the Chairman's guidance.

Article 118: Collaboration by the Parties

1. The parties are obliged to collaborate to establish the facts. In particular, they shall comply with requests for information from the judicial bodies.
2. Whenever deemed necessary, the Secretariat verifies the parties' versions of the facts.
3. If the parties are dilatory in responding, the Chairman of the judicial body may, after warning them, impose a fine of up to BWP 10,000.00.
4. If the parties fail to collaborate, especially if they ignore the stipulated time limits, the judicial bodies will reach a decision on the case using the file in their possession.

SUBSECTION 2: ORAL STATEMENTS, DELIBERATIONS, DECISION

Article 119: Oral Statements, Principles

1. As a general rule, there are no oral statements and the Disciplinary Committee decides on the basis of the file.
2. At the request of one of the parties, the body may arrange for oral statements to be heard, to which all the parties shall be summoned.
3. Oral statements are always heard behind closed doors.

Article 120: Oral Statements, Procedure

1. The Chairman decides on the sequence of the oral statements.
2. Once the hearing of evidence has ended, the Chairman allows the person against whom proceedings are being conducted a final opportunity to speak.
3. The oral statements terminate with the parties' closing statement.

Article 121: Deliberations

1. The Disciplinary Committee deliberates behind closed doors.
2. If any oral statements have been heard, they will immediately be followed by deliberations.
3. Deliberations are conducted without interruption, unless there are exceptional circumstances.

4. The Chairman decides in which order the various questions will be submitted for deliberation.
5. The members present express their opinions in the order set out by the Chairman, who always speaks last.
6. The Committee Secretary has consultative powers only.

Article 122: Passing the Decision

1. Decisions are passed by a simple majority of the members present.
2. Every member present shall vote.
3. If votes are equal, the chair has the casting vote.

Article 123: Form and Contents of the Decision

1. The decision contains:
 - a) the composition of the committee;
 - b) the names of the parties;
 - c) a summary of the facts;
 - d) the legal reasons for the decision;
 - e) the provisions on which the decision was based;
 - f) the terms of the decision;
 - g) notice of the channels for appeal.
2. The decisions are signed by the Committee Secretary.

SUBSECTION 3: PROCEEDINGS BEFORE THE CHAIRMAN OF THE DISCIPLINARY COMMITTEE ACTING ALONE

Article 124: [only]

The rules governing the Disciplinary Committee apply in the same way whenever the Chairman decides alone.

SECTION 3: APPEAL COMMITTEE

Article 125: Contestable Decisions

An appeal may be lodged to the Appeal Committee against any decision passed by the Disciplinary Committee, unless the sanction pronounced is:

- a) a warning;
- b) a reprimand;
- c) a suspension for less than three matches or of up to two months;
- d) a fine of less than BWP 15,000.00 imposed on an association or a club or of less than BWP 7,500.00 in other cases.
- e) decisions passed in compliance with Art. 71 of this Code.

Article 126: Eligibility to Appeal

1. Anyone who is affected by a decision and has an interest justifying amendment or cancellation of the decision may submit it to the Appeal Committee.
2. Associations may appeal against decisions sanctioning their players, officials or members. They shall have the written agreement of the person concerned.

Article 127: Time Limit for Appeal

1. Any party intending to appeal must inform the BFA Appeal Committee of its intention to do so in writing within three days of notification of the decision.
2. Reasons for the appeal must then be given in writing within a further time limit of seven days. This seven-day period begins after the first deadline of three days has expired.
3. If this requirement has not been complied with, the appeal is not admitted.
4. The club, national league, or regional football association receiving the petition of appeal shall forward it immediately to the General Secretary of BFA.

Article 128: Grounds for Appeal

The appellant may object to inaccurate representation of the facts and/or wrong application of the law.

Article 129: Petition of Appeal

1. The appellant shall submit his petition of appeal in triplicate.
2. The petition shall include the claim as well as the reasons and means of proof and be signed by the appellant or his representative, subject to Art. 126 par. 2.

Article 130: Deposit

1. Anyone wishing to lodge an appeal shall transfer an appeal fee of BWP 3,000.00 to a designated BFA's bank account before expiry of the time limit of seven days to formalise the appeal.
2. If this requirement has not been complied with, the appeal is not admitted.
3. This amount will be reimbursed to the appellant if he wins the case. Costs and expenses payable by an appellant who loses the case are deducted from this amount. Any remaining amount is reimbursed to him. If the deposit is insufficient, the appellant will be ordered to pay the difference.
4. If the appeal is considered to be improper, costs and expenses shall be paid in addition to the deposit.

Article 131: Effects of Appeal

1. An appeal results in the case being reviewed by the Appeal Committee.
2. The appeal does not have a suspensive effect except with regard to orders to pay a sum of money.

Article 132: Sequence in Proceedings Leading up to the Decision

1. The sequence in proceedings is determined as described in this Code.
2. The decisions are signed by the Secretary.



3. Decisions may not be amended to the detriment of the party contesting them.

Article 133: Continuation of the Proceedings

1. The Appeal Committee rules, in principle, as a body in the last instance.
2. The right is reserved for an appeal to be made to the Court of Arbitration for Sport (CAS) as set out in Art. 135.

Article 134: Proceedings before the Chairman of the Appeal Committee acting Alone

The rules governing the Appeal Committee apply in the same way whenever the Chairman of the committee decides alone.

SECTION 4: COURT OF ARBITRATION FOR SPORT (CAS)

Article 135: [only]

The BFA Statutes stipulate which decisions passed by the judicial bodies of BFA may be taken before the Court of Arbitration for Sport.

SECTION 5: SPECIAL PROCEDURES

SUBSECTION 1: PROVISIONAL MEASURES

Article 136: General Rule

1. If an infringement appears to have been committed and a decision on the main issue cannot be taken early enough, the chairman of the judicial body may, in emergencies, provisionally pronounce, alter or revoke a sanction.
2. In similar circumstances, he may take other provisional measures at his discretion, especially to ensure compliance with a sanction already in force.
3. He will take action upon request or ex officio.

Article 137: Procedure

1. The Chairman shall make his decision based on the evidence available at the time.
2. He is not obliged to hear the parties.

Article 138: Decision

1. The Chairman delivers his decision immediately.
2. That decision may be implemented immediately.

Article 139: Duration

1. Provisional measures may not be valid for longer than 30 days.
2. This period may be extended only once by 20 days.
3. If a sanction has been pronounced provisionally, the duration shall be offset against any final sanction.

Article 140: Appeal

1. An appeal against a decision regarding provisional measures may be lodged before the Chairman of the Appeal Committee.
2. The time limit for lodging the appeal is two days commencing from the communication of the decision.
3. The petition of appeal shall be sent direct to FIFA by telefax within the same time limit.
4. The appeal shall not have a suspensive effect.

Article 141: Approval of Appeal

The appeal will be admitted if the facts stated in the contested decision are inaccurate or if the law has been violated.

SUBSECTION 2: DELIBERATIONS AND DECISION-TAKING WITHOUT MEETING

Article 142 [only]

1. If the circumstances so require, the Secretariat may arrange the deliberations and decision-taking to be conducted via telephone conference, videoconference or any other similar method.
2. Art. 119 par. 2 is, in this case, not applicable.
3. The Secretary takes minutes as if it were an ordinary meeting.

SUBSECTION 3: EXTENDING SANCTIONS TO HAVE WORLDWIDE EFFECT

Article 143: Request

1. If the infringement is serious, in particular doping (cf. Section 7 of the special part of this code), corruption (cf. Art. 62), manipulation of match results (cf. Art. 76), misconduct against match officials (cf. Art. 49), forgery (cf. Art. 61) or violation of the rules governing age limits (cf. Art. 75 a), national leagues, regional football associations, and other organising sports bodies shall request BFA to extend the sanctions they have imposed so as to have national or worldwide effect.
2. The request shall be submitted in writing and enclose a certified copy matching the decision. It shall show the name and address of the person who has been sanctioned and that of the club and the association concerned.
3. If the judicial bodies of FIFA discover that associations, confederations and other sports organisations have not requested a decision to be extended to have worldwide effect, even though it should have been, these bodies may themselves pass a decision.

Article 144: Conditions

The request for sanctions to be extended will be approved if:

- a) the person sanctioned has been cited properly;
- b) he has had the opportunity to state his case;
- c) the decision has been communicated properly;
- d) the decision complies with the regulations of FIFA;
- e) extending the sanction does not conflict with public order and accepted standards of behaviour.

Article 145: Procedure

1. The chairman makes his decision, in principle, without negotiations or hearing any of the parties, using only the file.
2. He may exceptionally decide to summon the parties concerned.

Article 146: Decision

1. The chairman is restricted to ascertaining that the conditions of Art. 144 have been fulfilled. He may not review the substance of the decision.
2. He either grants or refuses to grant the request to have the sanction extended.

Article 147: Effect

1. The sanction passed by the association or confederation requesting it to be extended has the same effect in each member association of FIFA as if the sanction had been passed by any one of them.
2. If a decision that has not come into force in a legal sense is extended to have worldwide effect, any decision regarding extension shall always be based on the content of the association's decision that is already applicable.

Article 148: Appeal

1. The provisions of Art. 126ff. shall apply, subject to par. 2 of this article, to any appeal lodged against a decision passed in accordance with Art. 146.
2. Any grounds for complaint may only refer to the terms set out in Art. 143 and 144. It is inadmissible to question the substance of the initial decision.

SUBSECTION 4: REVIEW

Article 149: [only]

1. A review may be requested after a legally binding decision has been passed if a party discovers facts or proof that would have resulted in a more favourable decision and that, even with due diligence, could not have been produced sooner.

2. A request for review shall be made within ten days of discovering the reasons for review.
3. The limitation period for submitting a request for review is one year after the enforcement of the decision.

FINAL TITLE

Article 150: Diverging Texts in the Disciplinary Code

1. The Code exists in the one official language of BFA which is English.
2. In the event of any discrepancy between the four texts, the English version is authoritative.

Article 151: Scope of the Code, Omissions, Custom, Doctrine and Jurisprudence

1. This code governs every subject to which the text or the meaning of its provisions refers.
2. If there are any omissions in this code, the judicial bodies will decide in accordance with the association's custom or, in the absence of custom, in accordance with rules they would lay down if they were acting as legislators.
3. During all their operations, the judicial bodies of FIFA draw on settlements already established by sports doctrine and jurisprudence.

Article 152: Associations' Disciplinary Codes

1. The national leagues and regional football associations are obliged to adapt their own provisions to comply with this Code for the purpose of harmonising disciplinary measures.
2. The national leagues and regional football associations shall, without exception, adhere and incorporate the following mandatory provisions of this code into their own guidelines and regulations in accordance with their internal rules: Art. 33 par. 6, Art. 42 par. 2, Art. 58, Art. 63-70, Art. 106 par. 2 and Art. 109 par. 3. Pursuant to Art. 152 par. 3, the national leagues and regional football associations do, however, have some freedom with regard to the fines stipulated in Art. 58 as may be guided by BFA Guidelines issued from time to time.
3. The national leagues and regional football associations shall also adhere to or incorporate the following provisions of this Code to

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achieve the objective of harmonising disciplinary measures but, in doing so, they are at liberty to choose the means and wording of the provisions: Art. 1-34, Art. 39-57, Art. 59-62, Art. 71-79, Art. 82-84, Art. 92-97, Art. 101-105, Art. 106 par. 1, Art. 107, Art. 109 par. 1 and 2, Art. 110-116, Art. 118, Art. 123, Art. 136-139, Art. 143-144, Art. 149 and Art. 151. The national leagues and regional football associations are obliged to ensure especially that the infringements mentioned in these provisions and the appropriate sanctions are strictly incorporated and that the general principles are adhered to.

4. It is not mandatory for the national leagues and regional football associations to incorporate the articles not listed under par. 2 and par. 3 of this article but it is advisable insofar as they are necessary.
5. Any club, national league, or regional football association that infringes this article shall be fined. In the event of more serious infringements, further sanctions may be pronounced in accordance with this Code, including exclusion from current or future competitions (cf. Art. 28).

Article 153: Adoption and Enforcement


1. The BFA Executive Committee adopted this code on 31 October 2016.
2. This Code comes into force on 1 November 2016.

Gaboronè, November 2016

Duly Signed for the BFA National Executive Committee


Maclean Letshwiti
PRESIDENT

27 | 01 | 2017
DATE


Susan Lawrence
ACTING SECRETARY GENERAL

27 | 01 | 2017
DATE