



**PROCEDURAL RULES  
GOVERNING PROCEEDINGS BEFORE  
AN INDEPENDENT TRIBUNAL  
CONVENED UNDER ITF RULES**

**Effective 1 JANUARY 2025**

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**PROCEDURAL RULES GOVERNING PROCEEDINGS  
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("IT PROCEDURAL RULES")**

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## **1 INTRODUCTION**

- 1.1 The ITF has contracted Sport Resolutions ([www.sportresolutions.co.uk](http://www.sportresolutions.co.uk)) to organise a panel of individuals with the necessary skills and experience (the **Independent Panel** or the **Panel**) from whom independent tribunals (each, an **Independent Tribunal**) may be formed to hear and determine particular matters. Sport Resolutions will act as secretariat to the Panel (working closely with the Panel member who is designated to act as Chair of the Panel – the **Panel Chair**) and to Independent Tribunals appointed from the Panel to hear and determine particular matters. The ITF will compensate Sport Resolutions for its work, and (through Sport Resolutions) will compensate the Panel members for the time they spend on particular matters. However, both Sport Resolutions and the Panel members shall be independent of the ITF, and shall carry out their responsibilities independently and impartially at all times.<sup>1</sup>
- 1.2 These rules (the **IT Procedural Rules**) are effective as from 1 January 2025 (the 'Effective Date'). Any matters referred to the Independent Tribunal on or after the Effective Date shall be conducted in accordance with the IT Procedural Rules as amended (unless the referral is a challenge or appeal against a decision of the ITF Internal Adjudication Panel ('IAP'), in which case the challenge or appeal shall follow the IT Procedural Rules in force at the time of the referral to the IAP). Any matters that have already been referred to the Independent Tribunal at the Effective Date will remain subject to the IT Procedural Rules in force at the time of the referral, unless both parties agree to the IT Procedural Rules applying as amended.
- 1.3 Where the ITF Constitution, the Tennis Anti-Doping Programme, the ITF Rules of Tennis, the ITF Davis Cup Regulations, the ITF Billie Jean King Cup Regulations, the ITF World Tennis Tour Regulations, the ITF Wheelchair Tennis Regulations, the ITF Wheelchair Tennis Classification Rules, the ITF World Tennis Tour Juniors Regulations, the ITF Junior Team Competition Regulations, the ITF World Tennis Tour Masters Regulations, the ITF Beach Tennis World Tour Regulations, the ITF Beach Tennis Junior Tour Regulations, the ITF Children Safeguarding Policy, the ITF Adult Safeguarding Policy, the ITF Safeguarding and Case Management Procedures, the IAP Procedural Rules, the Safeguarding Panel Procedural Rules or any other rules, regulations, code or policies of the ITF, as amended from time to time (together, the **ITF Rules**), confer jurisdiction on the Independent Tribunal to hear and determine a matter (whether as a first instance body, a body exercising supervisory jurisdiction, or an appeal body), then (save to the extent otherwise provided in the ITF Rules) the Independent Tribunal will hear and determine the matter in accordance with these IT Procedural Rules. The Independent Tribunal may also consider anything referred to it directly by the ITF Board.
- 1.4 These IT Procedural Rules, and proceedings before the Independent Tribunal generally, are governed by English law. The Independent Tribunal is intended to operate as an arbitral tribunal within the meaning of the Arbitration Act 1996. A person's consent to the ITF Rules conferring jurisdiction over a dispute on the Independent Tribunal constitutes an agreement to arbitrate such

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<sup>1</sup> If for any reason the ITF ceases to use Sport Resolutions to provide this service, then these IT Procedural Rules shall continue to apply with the replacement service provider standing in its place.

dispute before the Independent Tribunal in accordance with these IT Procedural Rules, and proceedings before the Independent Tribunal constitute arbitration proceedings with a seat or legal place in London, England, to which the Arbitration Act 1996 applies. Subject strictly thereto, and to the provisions of these IT Procedural Rules specifying how decisions of the Independent Tribunal may be appealed or otherwise challenged, the English courts shall have exclusive jurisdiction over disputes arising out of proceedings before the Independent Tribunal.

- 1.5 Unless the context otherwise requires, words in these IT Procedural Rules denoting any one gender include all other genders, and words denoting the singular include the plural and *vice versa*.
- 1.6 The Board of Directors of the ITF may amend these IT Procedural Rules from time to time. Such amendments will come into effect on the date specified by the Board of Directors.

## **2 JURISDICTION AND COMPOSITION OF THE INDEPENDENT TRIBUNAL**

- 2.1 The Independent Tribunal has jurisdiction to hear and determine any matter referred to it in respect of which the ITF Rules give it jurisdiction.
- 2.2 Where a matter is referred under the ITF Rules to the Independent Tribunal, the Panel Chair (or their designee) will appoint one or three members of the Panel (as specified in the ITF Rules or otherwise as determined by the Panel Chair) to sit as the Independent Tribunal in that particular matter. One member shall be appointed to a Panel unless three members are required to comply with ITF Rules or the Panel Chair considers that three members are required to fairly determine a matter. Where three members are appointed, the Panel Chair (or their designee) will designate one of them (who should be legally qualified) to chair that Independent Tribunal (the **Tribunal Chair**). The Panel Chair may choose to appoint themselves to sit as the Tribunal Chair or as a member of an Independent Tribunal.
- 2.3 Each member of the Independent Tribunal must (a) have had no prior involvement with the matter in question; and (b) act independently and impartially at all times.
- 2.4 Upon being appointed to an Independent Tribunal, each member must provide a declaration to the parties (via Sport Resolutions), disclosing any facts or circumstances known to them that might call into question their impartiality or independence in the matter in the eyes of a well-informed and fair-minded observer. If any such facts or circumstances arise thereafter, the member must provide an updated declaration to the parties.
- 2.5 Any objection to a member of an Independent Tribunal must be made to the Panel Chair without delay, and in any event within 14 days of (a) receipt of the written declaration referred to in Article 2.4; or (b) learning by any other means (including any subsequent means) of the facts or circumstances giving rise to the objection. Failure to do so will constitute a waiver of that objection. The Panel Chair (or their designee) will rule on the objection.
- 2.6 If a member of an Independent Tribunal is unable, unwilling or unfit to hear the matter (whether because of an objection to their independence or impartiality or otherwise), the Panel Chair may, in their absolute discretion, either (a) appoint another Panel member to replace the member on the Tribunal; or (b) authorise the remaining Tribunal members to hear the matter alone.
- 2.7 The Panel Chair (or their designee) has the power, whether on the application of a party or of their own motion:

- 2.7.1 to order consolidation before the same Independent Tribunal of two or more separate proceedings, and/or to order that concurrent hearings be held in relation to such proceedings; and
- 2.7.2 to exercise any of the powers of the Independent Tribunal in relation to urgent matters that require a decision before an Independent Tribunal has been convened.
- 2.8 The mandate and authority of the Independent Tribunal in a particular matter will depend on the nature and scope of the matter in question. The Independent Tribunal will hear and determine the following types of matter on the following basis and in accordance with Articles 3-7 of these IT Procedural Rules:

**Hearing and determining breaches (first instance body)**

- 2.8.1 Where the Independent Tribunal is being asked to hear and determine an allegation that a rule or requirement of the ITF Rules has been breached, and (if so) to determine the appropriate sanction(s) for that breach.

**Appellate jurisdiction**

- 2.8.2 Where a decision comes before the Independent Tribunal by way of an express right of appeal under applicable ITF Rules, unless otherwise specified in the applicable ITF Rules, the Independent Tribunal will have full power to determine the matter *de novo*, as if it were deciding the matter as the first instance decision-maker. It will have all of the powers that the actual first instance decision-maker would have had under the applicable ITF Rules in relation to the facts as found by the Independent Tribunal on appeal. However where it sees fit, the Independent Tribunal may remit the matter to the first instance decision-maker for re-hearing even where it has heard the matter on a *de novo* basis.

**Supervisory jurisdiction**

- 2.8.3 Where a decision is challenged before the Independent Tribunal exercising a supervisory jurisdiction in accordance with the applicable ITF Rules or a matter is referred to the Independent Tribunal under Article 1.3 and it does not fall to be considered under Articles 2.8.1 or 2.8.2 above, the Independent Tribunal will not decide the challenge based on whether it agrees with the decision on the merits but instead will only uphold the challenge if (and to the extent that) the party bringing the challenge satisfies it that:
- 2.8.3.1 the decision is irrational (i.e., it falls outside the range of what a reasonable decision-maker might decide), arbitrary or capricious;
- 2.8.3.2 the decision is based on an error of law (i.e., it is contrary to the ITF Rules, properly construed, or to applicable law); or
- 2.8.3.3 the procedure that was followed in reaching the decision was unfair.
- 2.8.4 In the event that the Independent Tribunal upholds a challenge brought under its Supervisory jurisdiction, ordinarily it shall remit the matter to the first instance decision-maker for reconsideration and clearly set out the Tribunal's reasons for upholding the challenge. In exceptional circumstances (only where either the parties agree or where it is in the interests of justice to do so), it may make any order or impose any sanction that it would be entitled to if it were hearing a matter under its appellate jurisdiction.

### 3. CONDUCT OF THE PROCEEDINGS

- 3.1 Save as otherwise specified in ITF Rules, to commence proceedings before the Independent Tribunal, the relevant party must send a written notice to the Panel Chair (c/o Sport Resolutions by email to [resolve@sportresolutions.com](mailto:resolve@sportresolutions.com)), containing or accompanied by the following:
- 3.1.1 contact details of the parties;
  - 3.1.2 a copy of the provision in the ITF Rules conferring jurisdiction on the Independent Tribunal to hear and determine the matter;
  - 3.1.3 a statement of the party's case;
  - 3.1.4 any proposals in relation to the conduct or venue of the proceedings, including whether the appellant is seeking an oral hearing, any interim relief and/or an expedited time-table; and
  - 3.1.5 confirmation that a copy of the written notice, together with all enclosures, is being served simultaneously on the other party/parties and on anyone else entitled to such notice under the applicable ITF Rules.
- 3.2 Where the proceedings before the Tribunal relate to a request for a review or appeal of a previous decision made under ITF Rules (under Articles 2.8.2 or 2.8.3 above), in addition to the above requirements (unless specified otherwise in the applicable ITF Rules):
- 3.2.1 the written notice must be sent to the Panel Chair and other parties no more than twenty-one (21) days after the date that the appealing/challenging party receives the decision in question;
  - 3.2.2 the written notice must provide a copy of that decision;
  - 3.2.3 the request may only be brought by the party subject to the underlying decision, any other party to the underlying proceedings or any other party with a right to appeal as specified under the ITF Rules; and
  - 3.2.4 the decision under appeal or review shall remain in full force and effect pending determination of the appeal or review by the Independent Tribunal, unless the Independent Tribunal orders otherwise.
- 3.3 The Independent Tribunal will determine the dispute in accordance with the applicable ITF Rules and these IT Procedural Rules, with English law applying subsidiarily. Where the applicable ITF Rules and these IT Procedural Rules conflict, the ITF Rules will prevail.
- 3.4 While the seat of all proceedings before an Independent Tribunal shall be London, England, and hearings before the Independent Tribunal shall also be held in London as a general rule, the Tribunal Chair may hold hearings elsewhere for good cause shown.
- 3.5 The proceedings shall be conducted in English. Any party wishing to rely on documents written in another language must provide certified English translations at its own cost.
- 3.6 The parties are entitled to be represented by legal counsel and/or any other representative(s) in all proceedings before an Independent Tribunal, at their own expense.

- 3.7 The Independent Tribunal will have all powers necessary for, and incidental to, the discharge of its responsibilities under the applicable ITF Rules and these IT Procedural Rules, including (without limitation) the power, whether on the application of a party or of its own motion:
- 3.7.1 to rule on its own jurisdiction;
  - 3.7.2 to appoint an independent expert to assist or advise it on specific issues, with the costs of such expert to be borne as directed by the Independent Tribunal;
  - 3.7.3 to expedite or to adjourn, postpone or suspend its proceedings, upon such terms as it shall determine, where fairness so requires;
  - 3.7.4 to extend or abbreviate any time-limit set in the ITF Rules or these IT Procedural Rules, or by the Independent Tribunal itself, save for any limitations period or deadline for filing an appeal;
  - 3.7.5 to rule on whether an oral hearing is required in the interests of fairness, or whether the matter can be determined on the papers;
  - 3.7.6 to order any party to make any property, document or other thing in its possession or under its control available for inspection by the Independent Tribunal and/or any other party;
  - 3.7.7 to allow one or more third parties to intervene or be joined in the proceedings, to make all appropriate procedural directions in relation to such intervention or joinder, and thereafter to make a single final decision or separate decisions in respect of all parties;
  - 3.7.8 to order that certain preliminary and/or potentially dispositive questions (e.g. as to jurisdiction, or as to whether a condition precedent has been met) be heard and determined in advance of any other issues in the matter; and
  - 3.7.9 to award interim relief or other conservatory measures on a provisional basis and subject to final determination.
- 3.8 Any procedural rulings may be made by the Tribunal Chair alone, unless they prefer to have the full Independent Tribunal make the ruling in any particular instance.
- 3.9 As soon as practicable after the Independent Tribunal has been convened in a particular matter, the Tribunal Chair will issue directions to the parties in relation to the procedure and timetable to be followed in the proceedings. Where they deem it appropriate, they may hear from the parties (in person, or remotely by telephone, by video-conference, or in writing) prior to issuing such directions. In particular, the directions will:
- 3.9.1 address whether an oral hearing will be convened (whether in-person or remotely) or whether the matter will be determined on the papers;
  - 3.9.2 fix the date, time and venue of the hearing (if one is to be held);
  - 3.9.3 establish a schedule for the exchange of one or more rounds of written submissions and evidence in advance of the hearing, so that each party understands in advance of the hearing the case that it has to meet; and

- 3.9.4 make any appropriate order in relation to the disclosure of relevant documents and/or other materials in the possession or control of any party.

#### 4 HEARINGS

- 4.1 All hearings will be conducted on a private and confidential basis, save that the ITF may publish the decision and/or written reasons in accordance with Article 7.3 below. Where an oral hearing is convened (whether in-person or remotely), only the parties to the proceedings and their representatives, witnesses and experts shall be permitted to attend, as well as the representatives of any third party/parties permitted under these IT Procedural Rules or the applicable ITF Rules to attend in order to participate in and/or to observe the proceedings, unless agreed otherwise between the parties and the Tribunal Chair.
- 4.2 Oral hearings will be conducted remotely unless the parties agree to an in-person hearing or the Independent Tribunal decides that an in-person hearing is required in order for the process to be fair. The Independent Tribunal will have discretion as to whether to receive evidence from witnesses/experts in person (if an in-person hearing is being held) or remotely by telephone, by video conference, or in writing, and may question a witness/expert and control the questioning of a witness/expert by a party.
- 4.3 Any party who wishes or whose witness wishes to give oral evidence in another language must at their own cost bring, or request that the Tribunal provide, an independent translator to translate that evidence into English.
- 4.4 The procedure to be followed at the hearing will be at the discretion of the Tribunal Chair, provided always that the hearing must be conducted in a fair manner, with a reasonable opportunity provided for each party to present evidence (including the right to call and to question witnesses/experts), and present their case to the Independent Tribunal.
- 4.5 Where the subject matter of or facts relating to an allegation of breach of the ITF Rules against one or more Covered Persons is sufficiently linked (including, but not limited to, where offences are alleged to have been committed in the same match or where there is common evidence of the ITF or the charged Covered Persons) and the Independent Tribunal has accordingly exercised its power under Article 2.7.1 above to consolidate proceedings so that they are conducted together and the allegation(s) of breach may be determined at a joint hearing:
- 4.5.1 evidence adduced by or on behalf of a charged Covered Person shall be capable of constituting evidence against another charged Covered Persons (and the Independent Tribunal shall give appropriate weight to such evidence);
- 4.5.2 charged Covered Persons or their representatives shall be entitled to cross-examine other charged Covered Persons and their witnesses; and
- 4.5.3 the Independent Tribunal may hear evidence in any order and shall have complete discretion to take matters out of order for the timely, efficient and appropriate disposal of the proceedings.
- 4.6 Unless the Independent Tribunal decides to determine the matter on the papers, all parties should attend hearings (whether in person or remotely, as determined by the Independent Tribunal), along with any representative(s). The non-attendance of any party and/or its representative(s) at the hearing, after due notice has been given, will not prevent the Independent Tribunal from proceeding with the hearing in its absence, whether or not written submissions have been made by or on behalf of that party.

4.7 Where a matter is determined on the papers, these IT Procedural Rules shall apply *mutatis mutandis* (i.e., with any amendments deemed to have been made necessary to take account of the different context).

## **5 BURDEN AND STANDARD OF PROOF**

5.1 Unless otherwise specified in the applicable ITF Rules, the burden of proof shall be on the party asserting the claim or fact in issue, and the standard of proof to be met shall be the balance of probabilities.

## **6 EVIDENCE**

6.1 No formal rules as to admissibility of evidence shall apply. Facts may be established by any reliable means. It is for the Independent Tribunal to decide what weight to place on evidence that is put before it.

6.2 A person is bound by and may not dispute facts determined by a court or tribunal of competent jurisdiction in a decision in proceedings to which he was a party that is not the subject of a pending appeal.

6.3 Where a party declines or refuses to appear at a hearing or to answer questions, or appears at an oral hearing but refuses to answer a question, the Independent Tribunal may infer that the answer(s) would be adverse to that party.

## **7 DECISIONS**

7.1 The Independent Tribunal will make its decision by majority vote. No Tribunal member may abstain.

7.2 The Independent Tribunal will announce its decision to the parties in a written, reasoned decision, dated and signed by at least the Tribunal Chair, as soon as practicable after the hearing. A copy of the decision will also be sent to any other person/entity that has a right of appeal against the decision. Where a matter is urgent, the Independent Tribunal may first report the decision summarily, with written reasons to follow as soon as practicable thereafter.

7.3 Unless the ITF Rules provide otherwise, the ITF may publish the decision on the ITF's website and/or otherwise as it sees fit, but otherwise the proceedings shall be confidential and no Tribunal member, party, third party observer, witness, or other participant in the proceedings or recipient of the decision may disclose any facts or other information relating to the proceedings.

7.4 The Independent Tribunal may award such relief as it sees fit, including declaratory and/or injunctive relief, and/or a monetary award. Where, in relevant cases, the Tribunal decides that a breach of the ITF Rules has been established, then (subject to any specific provisions relating to sanctions set out in those rules) the Independent Tribunal may impose such sanctions as it deems appropriate (any of which may be suspended), including (without limitation):

7.4.1 a caution, reprimand and/or warning as to future conduct;

7.4.2 a fine (which, unless otherwise specified, shall be payable within 30 days);

7.4.3 a compensation payment;



- 7.4.4 an order that the Covered Person be made subject to such conditions or undertake such training or education as the Tribunal considers appropriate;
  - 7.4.5 disqualification of results, with all resulting consequences, including forfeiture of any related medals, titles, ranking points, and/or prize money;
  - 7.4.6 disqualification/expulsion from competitions and/or events, with all resulting consequences;
  - 7.4.7 Withholding of part or all payments otherwise due to be paid to the Covered Person (or their representative) by the ITF (or on behalf of the ITF);
  - 7.4.8 a specified period of ineligibility or suspension from participating in any aspect of tennis and/or in any activities organised, controlled, recognised and/or sanctioned by the ITF (up to and including a lifetime period of ineligibility), including revocation of existing entries;
  - 7.4.9 withdrawal of, or refusal to grant, access to or accreditation for any activities controlled and/or sanctioned by the ITF; and/or
  - 7.4.10 such other sanction(s) as the Tribunal deems appropriate.
- 7.5 Where the Independent Tribunal finds that an argument advanced by a party was frivolous or otherwise entirely without merit, the Independent Tribunal may award costs against that party. Otherwise, however, each of the parties will bear its own costs (legal, expert, and otherwise), and the ITF will bear the costs of convening the Independent Tribunal.
- 7.6 Decisions of Independent Tribunals shall be final and binding on all parties, and may not be challenged or appealed other than strictly as set out in Article 8 of these ITF Procedural Rules. All parties waive irrevocably any right to any other form of appeal, review or recourse by or in any court or judicial authority, insofar as such waiver may validly be made. For the avoidance of doubt, such a waiver extends to any rights that would otherwise arise under sections 45 or 69 of the Arbitration Act 1996.

## **8 APPEALS FROM DECISIONS OF THE INDEPENDENT TRIBUNAL**

8.1 The following decisions of the Independent Tribunal may not be appealed:

- 8.1.1 A preliminary or procedural ruling pursuant to Article 3.7.8, or by the Independent Tribunal sitting as a first instance body, unless (i) it is dispositive (i.e., it amounts to a final resolution of the matter); or (ii) it is subsequently incorporated into a final decision.
- 8.1.2 Decisions of the Independent Tribunal exercising its supervisory jurisdiction or appellate jurisdiction shall be final and binding on all parties. Neither this Article 8 nor any other right of appeal shall apply to them. All parties waive irrevocably any right to any form of appeal, review or recourse by or in any court or judicial authority in respect of such decisions, insofar as such waiver may validly be made. For the avoidance of doubt, such a waiver extends to any rights that would otherwise arise under sections 45 or 69 of the Arbitration Act 1996.

8.2 Save as set out in Article 8.1 (or as specified elsewhere in these Rules or any other ITF Rules), a decision of the Independent Tribunal may be appealed by a party to the proceedings before the Independent Tribunal (and/or by any other person given a right of appeal under the ITF Rules) to the Court of Arbitration for Sport (the CAS) in accordance with this Article 8.

- 8.3 The deadline for filing an appeal to CAS shall be twenty-one (21) days from the date of receipt of the decision in question by the appealing party. The decision being appealed will remain in full force and effect pending determination of the appeal unless the CAS orders otherwise.
- 8.4 The CAS Code of Sports-related Arbitration will apply to the proceedings, which will be determined in accordance with the applicable ITF Rules, with English law applying subsidiarily. The language of the proceedings shall be English, and unless the parties agree otherwise the CAS Panel will be a three-person panel.
- 8.5 The CAS award resolving the appeal will be final and binding on all parties, and no party will have a right of appeal against that award. All parties waive irrevocably any right to any form of appeal, review or recourse by or in any court or judicial authority in respect of such award, insofar as such waiver may validly be made. For the avoidance of doubt, such a waiver extends to any rights that would otherwise arise under sections 45 or 69 of the Arbitration Act 1996 and to any rights of challenge arising under Swiss law that are capable of waiver.
- 8.6 The ITF may publish the CAS award on the ITF's website and/or otherwise as it sees fit, but otherwise the CAS proceedings shall be confidential and no CAS Panel member, party, third party observer, witness, or other participant in the proceedings or recipient of the decision may disclose any facts or other information relating to the proceedings.

## 9 MISCELLANEOUS

- 9.1 Any notice or other communication required to be given by a party pursuant to these IT Procedural Rules must be given in writing and must be sent by first class post or transmitted by email. If sent by first class post, the notice or other communication will be deemed to have been given on the first day (other than a Saturday or Sunday) on which banks are open for business in London (**a Working Day**) after the day it is sent. If transmitted by email before 5pm (London time) on a Working Day, the notice or other communication will be deemed to have been given on that Working Day. If transmitted by email on a non-Working Day, or at or after 5pm (London time) on a Working Day, the notice or other communication will be deemed to have been given on the next Working Day.
- 9.2 A party's last-known residence or place of business or email will be a valid address for the purpose of any notice or other communication unless notification of a change to such address has been communicated to all parties and to the Panel Chair or the Tribunal Chair.
- 9.3 Any period of time specified in these IT Procedural Rules will begin to run on the day following the day when a notice or other communication is given. Non-Working Days occurring during the period are included in calculating the running of that period, save that if the period, so calculated, ends on a non-Working Day, then it will be deemed to end on the next Working Day.
- 9.4 Where a matter arises that is not otherwise provided for in the applicable ITF Rules or in these IT Procedural Rules, the Panel Chair or (if an Independent Tribunal has been convened) the Tribunal Chair will resolve it as they see fit.
- 9.5 Any deviation from any provision of these IT Procedural Rules and/or any irregularity, omission, technicality or other defect in the procedures followed by the Panel Chair or by any Independent Tribunal will not invalidate any finding, procedure or decision (including but not limited to its enforceability or binding nature) unless it is shown to render the proceedings unreliable or to have caused a miscarriage of justice.

9.6 Neither the Panel Chair, nor the members of the Independent Tribunal, nor any expert appointed to assist an Independent Tribunal, will be liable to any party for any act or omission unless it is actuated by malice or bad faith.

Approved: 23 November 2024

Effective: 1 January 2025