



**DISCIPLINARY CODE**  
**2021/2022**

**BOTSWANA FOOTBALL  
LEAGUE**

**21 OCT 2021**

P.O.BOX 1396, GABORONE  
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# CONTENT

## CHAPTER 1: PROTESTS AND COMPLAINTS

1. PROTESTS
2. COMPLAINTS

## CHAPTER 2: DISCIPLINARY MATTERS

3. DISMISSALS
4. CAUTIONS
5. MISCONDUCT
6. JURISDICTION.
7. DISCIPLINARY COMMITTEES
8. SPECIFIC SANCTIONS
9. ANTI-DOPING
10. TIME LIMITS FOR PROSECUTION
11. THE INSTITUTION OF DISCIPLINARY CHARGES
12. PROCEDURE BEFORE THE DISCIPLINARY COMMITTEE
13. COMPLIANCE WITH PENALTIES OR ORDERS IMPOSED
14. DISCIPLINARY RULES AND URGENCY

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## CHAPTER 1: PROTESTS AND COMPLAINTS

### 1. PROTESTS

- 1.1 A Member Club may lodge a protest with the League against another Member Club in respect of any match in which they played each other under the auspices of the League.
- 1.2 A protest shall not be entertained if it relates to a decision of the referee or assistant referee made during the match as these decisions are final.
- 1.3 Where the protest relates to a Player who is alleged to be an ineligible player, the protesting Member Club shall lodge a written objection to the fielding of the player detailing the reasons for the objection, with the referee and the opposing captain in the presence of an assistant referee no later than thirty (30) minutes before the start of the match.
- 1.4 Where the protest concerns any other alleged contravention of the League Rules by a Member Club, Member Club Official, Player or Match Official in a particular match, the protest must:-
  - 1.4.1 be made to the referee and the opposing captain in the presence of an assistant referee;
  - 1.4.2 be made before the final whistle; and
  - 1.4.3 set out the reasons for the protest.
- 1.5 A detailed written protest ("the written protest") accompanied by a protest fee of ten thousand Pula (BWP10,000.00) plus value added tax must be lodged with the League within twenty four (24) hours of the match (excluding the day of the match itself, Saturdays, Sundays or public holidays).
- 1.6 The written protest must set out the reasons for the protest including the facts on which it is based and must refer to the Article or Rule allegedly contravened by the alleged offender.
- 1.7 The onus is on the protesting Member Club to ensure that the provisions of this Rule are complied with, failing which the protest shall not be entertained by the League.
- 1.8 If a protesting Member Club lodges a protest at the match but does not lodge a written protest within twenty four (24) the protesting Member Club shall automatically be fined five thousand Pula (BWP5, 000.00).
- 1.9 If a written protest is lodged but withdrawn by the protesting Member Club after the commencement of the hearing, then the protest fee shall be forfeited to the League.
- 1.10 Upon receipt of a valid written protest together with the protest fee, the League shall refer the matter to the Disciplinary Committee.
- 1.11 At the hearing, the protesting member shall prosecute and prove its case before the Disciplinary Committee.
- 1.12 The Disciplinary Committee shall dismiss the protest if it concludes that the provisions of this Rule have not been complied with, the protest is at face

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value frivolous or vexatious, or the protest does not disclose a prima facie case.

**1.13** Only the protesting Member Club shall have the right to appeal against the decision of the Disciplinary Committee not to entertain the protest or to dismiss the protest.

**1.14** If the Disciplinary Committee proceeds:-

**1.14.1** The Protesting Member shall state its case before the Disciplinary Committee.

**1.14.2** The alleged offender shall have all the rights afforded to parties charged with misconduct as contemplated in this League Rules;

**1.14.3** Either party may request the League to subpoena any party under its jurisdiction to give evidence or produce any book, paper or document at the hearing;

**1.14.4** The Disciplinary Committee may impose any sanction available to it in terms of the League Rules.

**1.15** The protesting Member Club, the alleged offender or the League may appeal to the BFA Appeals Committee against any decision of the Disciplinary Committee.

## **2. COMPLAINTS**

**2.1** Any Member Club, Member Club Official or Player ("the complainant") may lodge a complaint with the Chief Executive Officer of the League in respect of an alleged act of misconduct provided that:

**2.1.1** the complaint is lodged in writing, and accompanied by a complaint fee of two thousand five hundred Pula (BWP2, 500.00).

**2.1.2** the complaint sets out the full facts on which it is based and refers to the Article or Rule allegedly contravened;

**2.1.3** the complaint is not made against the decision of the referee or assistant referee which decisions are final.

**2.2** If a complaint relates to the registration of a Player, the complaint must be lodged no later than forty (40) days after the date of the closure of the registration period during which that registration was made, or within forty (40) days of the date of registration if such registration took place outside a registration period.

**2.3** For all other complaints, the complaint must be lodged within forty (40) days of the date that the alleged misconduct took place.

**2.4** Notwithstanding the provisions of this Rule no complaint may be lodged more than five (5) days after the last league competition fixture of the applicable Division.

**BOTSWANA FOOTBALL  
LEAGUE**

**21 OCT 2021**

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- 2.5** The onus is on the complainant to ensure that the provisions of this Rule are complied with, failing which the complaint shall not be entertained by the League.
- 2.6** Upon receipt of a valid complaint together with the complaint fee, the League shall charge the offending party with committing the offence complained of.
- 2.7** At the hearing the complaint shall be tabled by the Prosecutor and thereafter the complainant shall be at the onus of conducting and proving its case.
- 2.8** The Disciplinary Committee shall dismiss the complaint if it concludes that the provisions of this Rule have not been complied with; the complaint is at face value frivolous or vexatious, or the complaint does not disclose a prima facie case.
- 2.9** Only the complainant shall have the right to appeal against the decision of the Disciplinary Committee not to entertain the complaint or to dismiss the complaint.
- 2.10** If the Disciplinary Committee proceeds:-
- 2.10.1** the charges set out in the complaint shall be heard by the Disciplinary Committee in accordance with the procedure applicable to disciplinary proceedings except that the as the complainant bears the onus of proving its case it shall have to prosecute the complaint;
  - 2.10.2** the alleged offender shall have all the rights afforded to parties charged with misconduct as contemplated in this League Rules;
  - 2.10.3** either party may request the League to subpoena any party under its jurisdiction to give evidence or produce any book, paper or document at the hearing.
  - 2.10.4** In the event of a finding of guilt the Disciplinary Committee may only impose one or more of the following sanctions:
    - 2.10.4.1** the imposition of a monetary Fine not exceeding thirty thousand Pula (BWP30, 000.00).
    - 2.10.4.2** the censure of the offending party concerned;
    - 2.10.4.3** the closure of a ground for a specified stated period;
    - 2.10.4.4** ordering the offending party to pay all expenses of and incidental to the consideration of the complaint matter;
    - 2.10.4.5** the suspension of a Player, Member Club Official or Member Club from all or any specific football activity for a specified period of time or a number of matches;
- 2.11** Only the complainant, the alleged offender or the League shall have the right of appeal to the BFA Appeals Committee against any decision of the BFL Disciplinary Committee.

## **CHAPTER 2: DISCIPLINARY MATTERS**

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### 3. DISMISSALS

- 3.1 A Player dismissed by the referee (i.e. "red carded" or sent off, including dismissal as a result of two (2) yellow cards given in the same match) will, for the first occasion in a Season, be suspended from participation in the next two (2) matches to be played by his team in any Competition under the auspices of the League.
- 3.2 For each subsequent occasion that a Player is dismissed during the same Season the period of suspension shall be increased by one (1) match from the suspension previously served.
- 3.3 Any period of suspension or part thereof which remains outstanding at the end of a Season must be served at the commencement of the next Season.
- 3.4 Any dismissal that occurs during a match stopped or abandoned before the end of regular time shall be maintained.
- 3.5 The League shall be responsible for keeping all records relating to dismissals and suspensions, and only the League's records shall be considered accurate and binding. These records shall be sent to Member Clubs after every match in which they participate and the League shall inform Member Clubs when a suspension falls due.
- 3.6 This Rule shall only be applicable to dismissals that occur in a match forming part of an official Competition of the League.
- 3.7 This Rule also applies to Member Club Officials who are dismissed by the referee. When under suspension Member Club Officials may not enter the perimeter demarcation or the tunnel.
- 3.8 Where a Player or Member Club Official transfers to a new Member Club during a period of suspension the suspension shall transfer concomitantly (alongside) to the new Member Club.
- 3.9 A Member Club may request a review in writing on the grounds of mistaken identity only. The review shall be to the BFA Referees' Review Committee.

### 4. CAUTIONS

- 4.1 If a player accumulate two (2) consecutive cautions shall be suspended from participation in the next one (1) match to be played by his team in any competition under auspices of the league.
- 4.2 Any Player who accumulates four (4) cautions (i.e. "yellow cards") for the first occasion in a Season shall be suspended from participation in the next one (1) match to be played by his team in any Competition under the auspices of the League.
- 4.3 Any Player who accumulates an additional three (3) cautions (i.e. "yellow cards") in the same Season shall be suspended from participation in the next one (1) match to be played by his team in any Competition under the auspices of the League.

**BOTSWANA FOOTBALL  
LEAGUE**

**21 OCT 2021**

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- 4.4 Any Player who accumulates an additional three (3) cautions (i.e. "yellow cards") in the same Season shall be suspended from participation in the next three (3) matches to be played by his team in any Competition under the auspices of the League.
- 4.5 For each additional three (3) cautions received by the same Player in the same Season, the suspension shall be increased by one (1) match from the suspension previously served.
- 4.6 Where a Player receives a red card in a match any yellow cards received by the Player in such match shall not be counted for the purposes of this Rule.
- 4.7 Any caution that occurs during an abandoned match shall not be maintained unless specific provision is made therefore in terms of this League Rules.
- 4.8 Any period of suspension or part thereof, which remains outstanding at the end of a Season, must be served at the commencement of the next Season. Cautions accumulated during a Season shall not be carried to the next Season.
- 4.9 The League shall be responsible for keeping all records relating to cautions and suspensions, and only the League's records shall be considered accurate and binding. Such records shall be sent to Member Clubs after every match in which they participate and the League shall inform Member Clubs when a suspension falls due.
- 4.10 This Rule shall only be applicable to cautions that occur in a match forming part of a Competition of the League.
- 4.11 Where a Player transfers to a new Member Club during a period of suspension the counting of matches missed shall also transfer to the new Member Club from the time when the Player becomes eligible to play for the new Member Club.
- 4.12 Players who have accumulated cautions and are transferred to a new Member Club shall carry over such cautions to the new Member Club.
- 4.13 A Member Club may request a review in writing on the grounds of mistaken identity only. The review shall be to the BFA Referees' Review Committee.

## 5. MISCONDUCT

- 5.1 Misconduct is a breach or infringement of any of the following:
- 5.1.1 The Laws of the Game;
  - 5.1.2 The Compliance Manual of the League;
  - 5.1.3 The League Rules;
  - 5.1.4 The Statutes of FIFA;
  - 5.1.5 The Statutes of CAF;
  - 5.1.6 The Statutes of BFA;
  - 5.1.7 An order, requirement or instruction of the League.

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LEAGUE**

**21 OCT 2021**

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**5.2** Unless otherwise specified: -

**5.2.1** A breach or an attempted breach of the provisions of the League Rules, deliberate or otherwise, is misconduct;

**5.2.2** Anyone who is a participant in a breach whether as an instigator or accomplice, may be charged with misconduct;

**5.3** Without derogating from the generality of what constitutes an act of misconduct, the following are specifically declared to be acts of misconduct on the part of any person or body falling under the jurisdiction of the League:

**5.3.1** By the home Member Club if it fails to provide adequate security at its Home Venue or at any ground at which a home match is played. In this regard it shall be presumed, that a Member Club failed to provide adequate security where the spectators at this venue, irrespective of their affiliation, are responsible for improper conduct;

**5.3.2** Notwithstanding the provisions of Rule 54.3.1 above, the League has discretion to prosecute the visiting Member Club where its spectators are responsible for improper conduct;

**5.3.3** Improper conduct includes but is not limited to invading or attempting to invade the demarcated area, throwing or attempting to throw projectiles or bottles, damage or attempted damage to property, letting off or attempting to let off incendiary devices, displaying insulting or political slogans, uttering insulting words or sounds, smoking or contravening any statute, regulation or by-law;

**5.3.4** By a home Member Club if it fails to protect Match Officials against acts or attempted acts of violence, intimidation or any other form of abuse before, during or after a match at its Home Venue or any ground at which a home match is played;

**5.3.5** By a Member Club or its Member Club Officials or Players in the event of their insulting or assaulting Players, physically or verbally abusing other Member Club Officials, Match Officials or any other person at a match;

**5.3.6** By a Member Club, or its Member Club Official, or Players, should any of them commit or fail to take reasonable steps to prevent:

**5.3.6.1** any act having the effect, directly or indirectly, of causing the delay or disruption of a match;

**5.3.6.2** any corrupt, dishonest or unlawful practice in connection with a match or in connection with the affairs of the League;

**5.3.6.3** any act of unfair discrimination or harassment;

**5.3.6.4** any action which offends the dignity of a person through contemptuous, discriminatory or disparaging words or actions considered discriminatory;

**5.3.6.5** any act which incites others to hatred or violence;

**5.3.6.6** any provocation of the spectators during a match;



- 5.3.6.7** any act which insults someone in any way, especially by using offensive gestures or language, or by violating the principles of fair play or by behaving in an unsporting way;
    - 5.3.6.8** any act or threat of violence, intimidation or abuse of a Match Official;
  - 5.3.7** the failure to fulfill a fixture or match for which a date, time and venue has been fixed by the League;
  - 5.3.8** the giving, offering, promising or acceptance, whether directly or indirectly, of any inducement, reward or bribe, to anybody in relation to a match, the sport of football or the affairs of the League;
  - 5.3.9** the inducement of Players or Member Club Officials to breach a contract;
  - 5.3.10** the approach by a Member Club, Player, Coach, or Member Club Official, or any person subject to the provisions of this League Rules to seek recourse in a Court of Law, any administrative tribunal, BFA, CAF or FIFA on any issue that can be determined in terms of this League Rules before all procedures prescribed in these prescripts have first been exhausted;
  - 5.3.11** the failure to attend a Disciplinary Committee hearing without a valid reason; or
  - 5.3.12** the failure to report any act of alleged misconduct to the League;
  - 5.3.13** any act, statement or conduct considered insulting or which is likely to bring the game, a sponsor, Player, Member Club, Member Club Official, the League, BFA, CAF or FIFA into disrepute.
- 5.4** Where a statement is considered to be improper and is attributable to a Member Club Official or Player, the League shall call on that person to admit or deny having made the statement within five (5) days of being requested to do so.
  - 5.4.1** Where the person admits to making the statement, disciplinary action shall be taken by the League.
  - 5.4.2** Where the person denies having made the statement, he must confirm that denial at a press conference arranged by the League at the expense of that person. The League shall have discretion to prosecute the person in circumstances where the denial is untruthful.
  - 5.4.3** Where the Member Club Official or Player fails to deny the statement, it shall be presumed that the statement was made by that Member Club Official or Player and shall be referred to the Disciplinary Committee.
- 5.5** It is not a defense to a charge in terms of this Rule to show that the statement was true or in the public interest.

- 6.1 The League has the authority to take disciplinary measures in respect of any issues in any way connected to a Member Club, Member Club Officials or Players.
- 6.2 Although disciplinary decisions are taken by the referee during matches, the League may charge a Player or Member Club Official for:
  - 6.2.1 serious infringements which have escaped the Match Officials' attention;
  - 6.2.2 serious infringements not sanctioned appropriately by the Match Official;
  - 6.2.3 serious infringements justifying the extension of the duration of a match suspension incurred automatically by an expulsion.

## **7. DISCIPLINARY COMMITTEE**

- 7.1 There shall be a Disciplinary Committee appointed by the Board of Directors, which shall be a body responsible for the discipline of all members of the Botswana Football League  
COMPOSITION
- 7.2 The Disciplinary Committee shall consist of seven (7) members who shall comprise a Chairperson, Vice Chairperson and three (5) other Members.
- 7.3 Four (4) members of the Disciplinary Committee shall form a quorum.  
RESPONSIBILITY
- 7.4 The Disciplinary Committee shall exercise all powers conferred on it by this Constitution and such powers as may from time to time be prescribed in the Play Rules and Regulations or any statute or law to which the Association is subject.
- 7.5 Disciplinary Committee shall have the power to deal with any act of misconduct including contempt occurring before it and may impose penalties set out in this Constitution or in the Play Rules and Regulations or applicable law.
- 7.6 The Disciplinary Committee deals with all cases of alleged misconduct, protests and complaints.
- 7.7 In making its determinations the Disciplinary Committee shall be guided by the League Rules, the principles of fairness and equity, the developing jurisprudence of sports tribunals but shall not be bound by any laws relating to procedure or the admissibility of evidence in proceedings before a court of law.
- 7.8 The Disciplinary Committee may permit the proceedings to be conducted using, or including the use of, electronic media such as video or audio conferencing facilities where these are readily available or can be obtained and where it would prevent delay, save cost, be convenient, and be in the interests of justice.



- 7.9 The Disciplinary Committee may of its own accord or on the application of any party to the dispute, including the League, vary any patent error in an order made by it.
- 7.10 Only parties, their representatives and witnesses to the proceedings may attend the proceedings of a Disciplinary Committee.
- 7.11 The Prosecutor shall prosecute misconduct matters on the League's behalf before the Disciplinary Committee.
- 7.12 Parties may be represented by any person.
- 7.13 The onus of proof in cases of alleged misconduct shall rest on the League which it shall have to discharge on a balance of probabilities.
- 7.14 In hearings before the Disciplinary Committee there shall be a rebuttable presumption that audio or video recordings are what they purport to be and can be admitted into evidence without proof.
- 7.15 Facts contained in Match Officials' reports are presumed, unless the contrary is proved, to be accurate. Where a respondent alleges that a report is inaccurate and the presence of the author is required at the hearing, it must advise the League in writing forty-eight (48) hours prior to the hearing.
- 7.16 If there is any discrepancy in the reports of Match Officials, the referee, the assistant referee or fourth official's report shall be accepted in respect of incidents on the pitch and the match commissioner's report shall be accepted for incidents outside the perimeter demarcation.
- 7.17 The proceeding shall be conducted in English, however, should a party require an interpreter in any of the official Setswana & English languages, such request must be made in writing to the Prosecutor at least forty-eight (48) hours prior to the hearing.
- 7.18 If misconduct is proved, the Disciplinary Committee shall impose any one (1) or a combination of the following sanctions:

The following sanctions may be imposed on both natural and legal persons:

- 7.18.1 Warning
- 7.18.2 Reprimand
- 7.18.3 A monetary Fine on any terms decided on by the Disciplinary Committee with a maximum of:
- 7.18.3.1 a Maximum Onethousand Pula (BWP 1,000.00) for a Member Club;
- 7.18.3.2 a Maximum Two thousand Pula (BWP 2,000.00) for a Player or Member Club Official; and
- 7.18.4 Return of awards which include the benefits received, in particular sums of money or symbolic objects;

The following sanctions may only be imposed on natural persons:

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- 7.18.5 Caution;
- 7.18.6 Expulsion;
- 7.18.7 Match suspension;
  - 7.18.7.1 A Member Club Official who is suspended is banned from the dressing rooms and the area within the perimeter demarcation;
  - 7.18.7.2 The suspension is imposed in terms of matches, days or months and, otherwise specified in the Rules, may not exceed twenty-four (24) matches or twenty-four (24) months;
  - 7.18.7.3 If the suspension is to be served in terms of matches, only those matches actually played to completion count towards execution of the suspension;
  - 7.18.7.4 If a suspension is combined with a Fine, the suspension may be extended until the Fine has been paid in full;
- 7.18.8 A ban from dressing rooms or technical area;
- 7.18.9 A ban from entering one or more stadiums;
- 7.18.10 A ban on taking part in any football related activity.

The following sanctions are only applicable to legal persons:

- 7.18.11 Playing a match without spectators;
- 7.18.12 Playing a match in a neutral venue;
- 7.18.13 A ban on playing in a particular stadium;
- 7.18.14 The annulment of the result of a match;
- 7.18.15 Expulsion from a competition or from the League;
- 7.18.16 Forfeit of a match:
  - 7.18.16.1 team sanctioned with a forfeit is considered to have lost the match by three (3) goals to nil (0);
  - 7.18.16.2 If the goal difference at the end of the match is greater than three (3), the result on the pitch is upheld;
- 7.18.17 Deduction of points;
- 7.18.18 Relegation to a lower division;
- 7.18.19 Replay of a match if it could not take place or could not be played in full for reasons other than force majeure.
- 7.19 Partial suspension of implementation of sanctions
  - 7.19.1 The Disciplinary Committee may only suspend a sanction wholly or partially in the following instances:
    - 7.19.1.1 a match suspension;
    - 7.19.1.2 a ban on access to dressing rooms or the technical area;
    - 7.19.1.3 a ban on taking part in any football-related activity;
    - 7.19.1.4 the obligation to play a match without spectators;
    - 7.19.1.5 the obligation to play a match on neutral ground; or
    - 7.19.1.6 a ban on playing in a certain stadium.

**BOTSWANA FOOTBALL  
LEAGUE**

**21 OCT 2021**

**P.O.BOX 1396, GABORONE  
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- 7.19.2** Partial suspension is only permissible if the duration of the sanction does not exceed six matches or six months.
- 7.19.3** The Disciplinary Committee may suspend a sanction for a period of between six months to two years.
- 7.19.4** If the party sanctioned with a suspended sentence commits another similar infringement during the period of the suspension, the suspension is automatically revoked and the suspended portion of the sanction is applied and is added to the sanction pronounced for the new infringement.
- 7.19.5** This Rule is not applicable in the case of violations of anti-doping rules.
- 7.20** The Prosecutor shall confirm all sanctions in writing.
- 7.21** Sanctions will, unless otherwise stated, be effective immediately on pronouncement by the Disciplinary Committee and are not dependent on the written confirmation by the Prosecutor.

## **8. SPECIFIC SANCTIONS**

- 8.1** Misconduct against persons other than a Match Official:
- 8.1.1** In addition to the automatic suspension which may have been incurred in accordance with these Rules, any person shall be charged by the League, and on a conviction will, besides a Fine, be suspended for:
- 8.1.1.1** at least two matches for assault;
- 8.1.1.2** at least six (6) matches for spitting at a person other than a Match Official.
- 8.2** Misconduct against a Match Official:
- 8.2.1** In addition to the automatic suspension which may have been incurred in accordance with these Rules, any person shall be charged by the League, and on a conviction will, besides a Fine, be suspended for:
- 8.2.1.1** at least four (4) matches for unsporting conduct towards a Match Official;
- 8.2.1.2** at least six (6) months for assaulting a Match Official;
- 8.2.1.3** at least twelve (12) months for spitting at a Match Official.
- 8.3** Involvement in a brawl may result in the alleged perpetrators being charged by the League, and on a conviction shall be suspended for at least six (6) matches:
- 8.3.1** Anyone who attempted to de-escalate the brawl will, in the discretion of the Prosecutor, not be charged.

**BOTSWANA FOOTBALL  
LEAGUE**

**21 OCT 2021**

**P.O. BOX 1396, GABORONE  
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- 8.3.2** If it is not possible to identify the perpetrator in a brawl, the League shall charge the Member Club or Member Clubs to which the aggressors belong.
- 8.4** Additional disciplinary measures may be imposed on a Member Club in the following circumstances:
- 8.4.1** where the referee cautions or expels at least five (5) Players of the same team during a match;
- 8.4.2** where a Player or Member Club Official from the same team threaten or harass Match Official or other person.
- 8.5** A Player or Member Club Official who publicly incites others to violence shall be sanctioned with match suspension for no less than twelve (12) months coupled with a Fine. In serious cases, in particular when the infringement is committed using the mass media (such as the press, radio, television, electronic or social media) or if it takes place on a match day in or around a stadium, the minimum Fine shall be P10, 000.
- 8.6** Any Player or Member Club Official who provokes the general public before, during or after a match shall be suspended for a minimum of two (2) matches coupled with a Fine.
- 9. ANTI-DOPING**
- 9.1** All persons under the jurisdiction of the League are obliged to comply with the anti-doping rules promulgated by the World Anti-Doping Agency.
- 10. TIME LIMITS FOR PROSECUTION**
- 10.1** Infringements committed during a match must be prosecuted within two (2) months while other infringements must be prosecuted within (1) year.
- 10.2** Prosecution for corruption is not subject to a limitation period.
- 10.3** The limitation period runs as follows:
- 10.3.1** from the day on which the perpetrator committed the infringement;
- 10.3.2** if the infringement is recurrent, from the day on which the most recent infringement was committed;
- 10.3.3** if the infringement lasted a certain period, from the day on which it ended.
- 10.4** The limitation period is interrupted if a summons has been delivered to the offender before the time limit has expired.
- 11. THE INSTITUTION OF DISCIPLINARY CHARGES**
- 11.1 PROSECUTOR**
- 11.1.1** The Panel of three (3) Prosecutors shall be appointed by the Board of Directors.



- 11.1.2 For administrative purposes, the *Prosecutors* shall report to the *Chief Executive Officer*.
  - 11.1.3 The *Prosecutors* shall otherwise be independent and:
    - 11.1.3.1 act with the utmost integrity and be impartial at all times;
    - 11.1.3.2 declare any and all conflicts of interest that he may have or which may arise.
  - 11.1.4 The *Prosecutors* have the sole power and authority (save where otherwise provided in the Rules) to:
    - 11.1.4.1 take decisions as to whether it is appropriate for the *League* to prosecute any alleged acts of misconduct
- 11.2 The Prosecutor shall cause a summons to be served on the alleged offender at least five (5) days before the hearing setting out the factual basis of the charge and the Rules allegedly infringed.
- 11.2.1 If an alleged offender, after receipt of a summons admits liability, the offender may engage in discussions with the Prosecutor in relation to a plea bargain arrangement.
  - 11.2.2 Any plea bargain arrangement agreed to between the parties shall be placed in writing before the Disciplinary Committee for approval in which event it shall not be necessary for the offender to appear before the Disciplinary Committee. If the plea bargain arrangement is acceptable to the Disciplinary Committee it shall be made an order. If the Disciplinary Committee does not approve the plea bargain arrangement a hearing shall take place.
  - 11.2.3 In the absence of an endorsement in the summons that the offender does not have to attend the disciplinary hearing or that an admission of guilt can be paid, the failure an offender or a witness, to attend a disciplinary hearing is an act of misconduct.

## 12. PROCEDURE BEFORE THE DISCIPLINARY COMMITTEE

- 12.1 Should any party fail to be present at the hearing the Disciplinary Committee may continue with the hearing in the absence of such party, or it may postpone the hearing, or it shall summarily suspend such party from participation in matches until that party appears before it.
- 12.2 The Prosecutor may:
  - 12.2.1 before the offender pleads to a charge, withdraw that charge, in which event the offender shall not be entitled to a verdict of acquittal in respect of that charge;
  - 12.2.2 at any time after an offender has pleaded to a charge, but before conviction, stop the prosecution in respect of that charge, in which

**BOTSWANA FOOTBALL  
LEAGUE**

21 OCT 2021

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event the Disciplinary Committee hearing the matter shall acquit the alleged offender in respect of that charge;

- 12.3 Should the hearing continue, the Prosecutor shall read the charges and the offender shall then be asked by the chairperson of the Disciplinary Committee to plead. A plea by the accused that he has already been convicted or acquitted of the offence with which he is being charged may be pleaded together with a plea of "not guilty".
- 12.4 If a summons is found to be defective the Disciplinary Committee may allow the Prosecutor to amend it at the hearing so that the hearing may proceed.
- 12.5 Where the accused pleads "guilty" to the charges, the Disciplinary Committee will, if satisfied that the accused is guilty of the offence to which he has pleaded "guilty", convict the accused.
- 12.6 Where the accused pleads "not guilty" the Disciplinary Committee may, in its discretion, ask the accused whether he wishes to make a statement indicating the basis of his defense. Where the accused does not make a statement or does so and it is not clear from the statement to what extent the accused denies or admits the issues raised by the plea, the Disciplinary Committee may question the accused in order to establish which allegations in the charge are in dispute. The Disciplinary Committee may in its discretion, put any question to the accused to clarify any matter raised under this provision, and shall enquire from the accused whether an allegation which is not placed in issue by the plea of "not guilty" may be recorded as an admission by the accused of the allegation, and if the accused so consents, such admission shall be recorded and shall be sufficient proof of such fact.
- 12.7 The reports of the various Match Officials, if applicable, shall then be read out. The alleged offender shall be asked if he admits the allegations in the reports. If the alleged offender admits the allegations in the reports, the Prosecutor shall at his discretion, decide whether he wishes to call the said Match Officials to amplify their reports. If the alleged offender disputes the allegations in the reports the Prosecutor shall call the Match Officials to give evidence. The cost of calling such officials shall be for the alleged offender's account save and except where the alleged offender has admitted the allegations in the Match Officials reports or is found not guilty, whereupon the cost shall be for the League's account.
- 12.8 The alleged offender shall be allowed to cross-examine every witness giving evidence on behalf of the League provided such question are relevant to the matters in issue. At any time the chairperson of the Disciplinary Committee and through him, members of the Disciplinary Committee may question witnesses giving evidence.
- 12.9 The Prosecutor may then call other witnesses in support of the charge/s. The alleged offender shall have the right to ask questions of such other witnesses.



Such other witnesses may also be questioned by the members of the Disciplinary Committee.

- 12.10 At the conclusion of such evidence, the League's case shall be closed.
- 12.11 The alleged offender may then give evidence on his or its own behalf and in such event may be questioned by the Prosecutor and the Disciplinary Committee.
- 12.12 The alleged offender may then call witnesses to each of whom questions may be put by the alleged offender, in which event they may be questioned by the Prosecutor and the Disciplinary Committee.
- 12.13 At the conclusion of such evidence the alleged offender's case shall be closed.
- 12.14 The Disciplinary Committee may if it thinks it is desirable, or on application by the League or the alleged offender, allow further evidence to be led by either the Prosecutor or the alleged offender, or by both, after their cases are already closed.
- 12.15 Save where otherwise provided for in the League Rules, no document shall be accepted in evidence unless the author thereof shall be present for the purposes of being questioned with regard thereto, unless the contents thereof are not disputed.
- 12.16 No evidence on any previous misconduct of the alleged offender shall be admitted, unless the alleged offender shall have put his or its character in issue.
- 12.17 After all evidence has been led, the Prosecutor shall be allowed to address the Disciplinary Committee on the evidence and the legal position, and this shall be allowed irrespective of whether the alleged offender has led evidence or not. The alleged offender shall then be afforded the same opportunity.
- 12.18 Upon the conclusion of this aspect of the case, the Disciplinary Committee shall deliberate thereon in camera. Once a decision has been reached, the parties shall be recalled and the chairperson shall announce the verdict.
- 12.19 If the accused is found "not guilty" the hearing shall be declared closed.
- 12.20 If the accused is found "guilty" or the accused has pleaded "guilty", the Prosecutor shall be entitled to lead evidence and/or make representations regarding a suitable sentence to be imposed and the alleged offender shall have the same rights and be afforded the same opportunity.
- 12.21 Thereupon, the Disciplinary Committee shall deliberate in camera upon the sentence to be imposed. Once a decision has been reached, the parties shall be recalled and the chairperson shall announce the sentence.

### 13. COMPLIANCE WITH PENALTIES OR ORDERS IMPOSED



- 13.1 Anyone who fails to pay the League a sum of money in full by the due date stipulated by the Disciplinary Committee shall automatically be sanctioned with a minimum Fine of Ten thousand Pula (BWP 10,000.00).
- 13.2 If the defaulting party is a Member Club, Player or a Member Club Official the Chief Executive Officer shall deduct the total outstanding amount from any moneys payable by the League to the Member Club.

**14. DISCIPLINARY RULES AND URGENCY**

- 14.1 If the Chief Executive Officer is of the opinion that the prosecution of a complaint, protest, disciplinary matter or appeal according to the prescribed time lines shall prejudice the League, he may escalate the relevant issue directly to arbitration as provided for in terms of the BFA Statutes.
- 14.2 Until an order as to cost is made by the Arbitrator, the cost of the arbitration in terms of this Rule shall be borne by the party lodging the dispute.

**THUS DONE AND SIGNED AT GABORONE ON THIS... 21<sup>ST</sup> DAY OF... OCTOBER 2021**



**MR. NICOLAS ZAKHEM**  
**CHAIRMAN**



**SOLOMON RAMOCHOTLHWANE**  
**CHIEF EXECUTIVE OFFICER**

