

THE AMUSEMENT DEVICE SAFETY COUNCIL

**THE AMUSEMENT DEVICE
INSPECTION PROCEDURES SCHEME**

**RULES
AND
STANDING ORDERS**

Rules: 21-07-2009: Version 003

Standing Order 001:21-07-2009 version 002

Complaints and disciplinary procedures for ADSC members

Standing Order 002: 21-07-2009 version 002

Complaints and disciplinary procedures for Registered Inspection Bodies

Standing Order 003: 21-07-2009 version 002

Procedures and conditions to be met by Registered Inspection Bodies

Approved at ADSC meeting
4th September 2009

1. NAME

- 1.1. The name is the Amusement Device Safety Council (ADSC).

2. OBJECTIVES OF THE ADSC

- 2.1. To promote and improve fairground and amusement park safety through rules and procedures relating to the inspection of amusement devices via a scheme managed by the ADSC, formed from representatives of each of the following associations. BACTA, BALPPA, SGGB, NAFLIC, SIRPS, ALES, ACES and the AIS, which associations might change from time to time as agreed by the ADSC.
- 2.2. To administer and manage the Amusement Device Inspection Procedure Scheme (ADIPS); the ADSC agreed scheme for the inspection of amusement devices to include Registration and Auditing of RIB's registered with ADIPS and to address complaints against Members and RIB's in accordance with Standing Orders from time to time.
- 2.3. To encourage, promote and develop safe practice within the Fairground and Amusement Park industry throughout the U.K.
- 2.4. To provide appropriate guidance and training for Registered Inspection Bodies (RIB's) and those in the fairground and amusement park industry.

3. POWERS

- 3.1. The ADSC shall have full power to do all things necessary or expedient for the accomplishment of all objectives specified in these rules including the power to purchase, hold, sell, mortgage, rent, lease or sub-lease lands of any tenure and to erect, lease sub-lease, pull down, repair, alter or otherwise deal with any building thereon.

4. FUNDING

- 4.1. The ADSC shall be funded by ADIPS Ltd. which is a limited company set up to manage the commercial and financial affairs only of the ADSC and the ADIPS Scheme.
- 4.2. ADIPS Ltd is responsible for:
- Managing the financial affairs of the ADSC
 - providing the ADSC with funds to enable them to carry out their responsibilities, under instruction of the ADSC
 - The day to day managing of the ADIPS DOC Bureau, again under instruction of the ADSC

5. MEMBERSHIP

- 5.1. Membership of the ADSC shall consist of Associations or similar not for profit organisations representing the interests of those directly operating within the Fairground and Amusement Parks industry or providing services considered by the existing Members as supporting, or related to the Fairground and Amusement Park industry.
- 5.2. Applications to join ADSC will be considered at a meeting of the ADSC and approved where application to join is carried by a vote carried by at least two thirds majority of those members present and entitled to vote.

6. CESSATION OF MEMBERSHIP

- 6.1. Membership is terminated:
- 6.1.1. By notice in writing to the General Manager
- 6.1.2. By ceasing to be a qualifying organisation under Rule 5;
- 6.1.3. By failing to comply with these rules after consideration in accordance with the complaints procedure referred to in Rule 9

7. REMOVAL FROM MEMBERSHIP FROM THE ADSC

- 7.1. The power to remove a Member Association from Membership of the ADSC is vested in Member Associations assembled in a properly convened meeting.
- 7.2. For the purpose of such a meeting five Member Associations shall form a quorum, such quorum not to include the Member under consideration.
- 7.3. No resolution for the exclusion of a Member from Membership shall be deemed to have been carried without a majority of at least two thirds of those Members present and entitled to vote.
- 7.4. No vote shall be taken until the Member has attended or been given the option of attending the meeting and been given the opportunity to state his defence. If the Member declines to attend the meeting a decision may be taken in their absence.

8. CONDITIONS OF ADSC MEMBERSHIP

- 8.1. Each qualifying organisation (see Rule 4) shall be entitled to delegate four representatives of their organisation to attend ADSC Meetings.
- 8.2. Each qualifying organisation shall be entitled to one vote on behalf of their organisation on all issues on which a vote is required, such vote being accepted as the consensus vote of the organisation.
- 8.3. All member organisations shall ensure and monitor that their Members agree to Comply with all elements of the ADIPS.
- 8.4. Failure by an ADSC Member to comply with the Conditions of Membership or with any decision passed by at least two thirds of the ADSC or acting in a manner considered to be detrimental to the ADSC may be subject to suspension or termination under the complaints procedure from the ADSC.

9. COMPLAINTS AGAINST THE ADSC

- 9.1. Any Member wishing to make a complaint that the ADSC has acted contrary to the provisions of any of the Rules or Standing Orders of the ADSC shall send details of the complaint in writing to the General Manager, or, if the General Manager is the subject to the complaint, to the Chairman.
- 9.2. The complaint shall be referred as soon as possible to the ADSC, which shall enquire into the complaint and, if it finds it to be justified take such remedial action as it may deem necessary.
- 9.3. The General Manager or, as the case may be, the Chairman, shall in due course inform the complainant in writing of the ADSC's conclusions.

10. COMPLAINTS AGAINST MEMBERS of the ADSC

- 10.1. Any investigation of or disciplinary proceedings relating to any complaint by any person whether or not a Member that a Member has directly or indirectly broken, evaded or violated any of the provisions contained in these Rules or Standing Orders for the time being in force, or has acted in a manner which might bring the fairground and amusement industry or the ADSC into disrepute or which is detrimental to the interest of the fairground and amusement industry or the ADSC shall be dealt with by such persons as are referred to in and in such manner as shall be prescribed as set out below and in the Standing Orders.
- 10.2. If following the decision of the ADSC in any proceedings relating to any complaint any undertaking required by the ADSC shall not be given within one calendar month after it has been demanded in writing by the General Manager the membership of the Member required to give the undertaking shall lapse.

11. COMPLAINTS against a Registered Inspection Body (RIB)

- 11.1. Any investigation of or disciplinary proceedings relating to any complaint by any person whether or not a Member that a RIB has directly or indirectly broken, evaded or violated any of the provisions contained in these Rules or Standing Orders for the time being in force, or has acted in a manner which might bring the fairground and amusement industry or the ADSC into disrepute or which is detrimental to the interest of the fairground and amusement industry or the ADSC shall be dealt with by such persons as are referred to in and in such manner as shall be prescribed as set out below and in the Standing Orders.

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- 11.2. If following the decision of the ADSC in any proceedings relating to any complaint any undertaking required by the ADSC shall not be given within one calendar month after it has been demanded in writing by the General Manager the registration of the RIB required to give the undertaking shall lapse if decided upon by the ADSC.
- 11.3. In the case of an emergency situation where there is deemed to be a serious risk to the safety of the public and others (to be determined by the General Manager at his discretion) an RIB may be suspended with immediate effect pending the outcome of an investigation.

12. MANAGEMENT, VOTING AND QUORUM

- 12.1. The management of the operational affairs of the ADSC is vested in the Amusement Device Safety Council comprising a Chairman of the meeting, and Members of the bodies as described in 5.1.
- 12.2. Each Association is entitled to one vote on behalf of that Association, such vote only eligible if present in person at a properly convened meeting. Proxy voting will not be permitted unless advised and authorised in writing to the Chairman in advance of the meeting.
- 12.3. Votes may be cast as: for or against or abstention.
- 12.4. By agreement of two thirds of those present and permitted to vote, Members of the ADSC for the time being may co-opt other bodies or individuals for tasks or to serve the ADSC.
 - 12.4.1. Co-option shall be ratified at no more than 12 month intervals.
- 12.5. Only duly eligible Association Members of the ADSC as under Rule 5 shall be entitled to vote at ADSC Meetings.
- 12.6. The ADSC shall meet as often as is necessary for the proper conduct of the affairs of the ADSC and five Member Associations represented in person shall constitute a quorum.
- 12.7. Member Associations are required to ensure that they attend at least two ADSC Meetings in each calendar year.
 - 12.7.1. Failure to meet this requirement will remove them from eligibility of remaining as Members unless unusual circumstances have prevented their attendance, such circumstances to be acceptable to at least two thirds majority of the Members of the ADSC.
- 12.8. All new Member representatives shall be approved by not less than two thirds majority of the Members present.

13. ELECTION OF CHAIRMAN

- 13.1. The Chairman will be appointed by a Ballot of the ADSC Members held at a properly convened meeting of the ADSC. The appointment of Chairman shall be confirmed by at least two thirds of the Members present and eligible to vote.
- 13.2. The appointment shall be for a minimum of two years after which period the incumbent may stand for re-election.
- 13.3. The ballot for Chairman will be by show of hands by Members of the ADSC or by secret ballot if any ADSC Member so requires.
- 13.4. In the event of a tie only, the Chairman of this meeting shall have a casting vote in addition to his original vote.
- 13.5. The role of the Chairman will be agreed by the ADSC from time to time and shall include oversight of all expenditure.

14. GENERAL MANAGER

- 14.1. The ADSC may appoint or remove a General Manager and other officers as it may think fit and shall have full power to determine the respective duties and powers of the persons so appointed and to fix their respective salaries or remuneration.

15. ADSC MEETINGS

- 15.1. The Meetings of the ADSC shall be held at such time and place within the United Kingdom as the ADSC may determine and not more than four months may elapse between any two successive ADSC Meetings.
- 15.2. Meetings called by the Chairman or General Manager which are in addition to annually scheduled meetings may be held by telephone conference call.
- 15.3. The normal meetings of the ADSC shall be chaired by the General Manager or by a person delegated by the General Manager in agreement with the Chairman.
- 15.4. Unless there is a case of emergency (to be determined by the General Manager in his discretion, but which includes evidence of any irregularity or fact which might impact upon the safety of the public) when the degree of notice required shall depend upon the facts, at least fourteen days' notice, in writing, shall be given to hold meetings.
 - 15.4.1. Notice under these Rules may be by e-mail, or facsimile, or post. All discussion papers and other information to be referred to at meetings shall be sent to Members of the ADSC by e-mail prior to each meeting taking place.
- 15.5. Out of pocket travel expenses will be reimbursed to ADSC Members for attendance at ADSC Meetings as follows:
 - 15.5.1. Costs for Standard Class Rail Fares and a mileage rate as decided upon by the ADSC for use of private cars shall be paid.
 - 15.5.2. Hotel accommodation expenses will only be reimbursed when previously sanctioned by the Chairman or General Manager.
 - 15.5.3. Such expenses for the General Manager will need to be approved by the Chairman.
 - 15.5.4. Expense claims are to be submitted to the General Manager on the prescribed form within two months of the meeting to which they apply.
 - 15.5.5. Any variation to this expenses policy shall be by prior agreement in writing by the General Manager or Chairman as applicable.

16. ANNUAL REPORT AND STATEMENT OF ACCOUNTS/CURRENT PROFIT AND LOSS ACCOUNTS

- 16.1. The General Manager shall lay a report before the Members of the property and funds of the ADSC and of receipts and expenditure for the previous calendar year ending 31st December duly certified by independent Accountants appointed by the ADIPS Ltd. Board.
 - 16.1.1. The report requires acceptance by at least two thirds of the ADSC after which it will be submitted to the Directors of ADIPS Ltd. for ratification.
 - 16.1.2. Such financial report shall be laid before and approved by the ADIPS Directors in General Meeting within three months of the year end.
- 16.2. At each and every Meeting of the ADSC the General Manager shall lay a current income and expenditure account with such additional explanatory notes as might be required for comment by the Members and the General Manager shall provide any additional information to the accounts as may be required.

17. EXTRAORDINARY MEETINGS

- 17.1. An Extraordinary Meeting of the ADSC may be convened at the behest of the Chairman or General Manager giving at least seven days' notice to all Members of the ADSC
 - 17.1.1. Non-receipt of such notice by any Member shall not invalidate the proceedings.
 - 17.1.2. In emergency cases, as decided by the Chairman or General Manager, there shall be no minimum notice required.

18. STANDING ORDERS

- 18.1. The ADSC shall have the power to make such Standing Orders as it may consider necessary for the good administration and running of the ADSC provided that no such Standing Orders shall conflict with any of the rules.

19. ALTERATION OF RULES

- 19.1. Any ADSC Member desirous of proposing any new rule, or any alteration to any existing rule, shall send a copy of such to the Chairman at least 10 working days before an ADSC Meeting.
- 19.1.1. The proposal shall be inserted in the notice convening such meeting, and if approved by at least two-thirds of ADSC Members eligible to vote being present and voting at the meeting, shall become operative on the date decided by the ADSC.

20. NOTICES

- 20.1. All notices may be delivered either by hand, email and through the post addressed to ADSC Members at their last notified places of abode or business, and every such notice left or posted as aforesaid shall be deemed to have been duly delivered on the day of delivery by hand, email or, if sent by post, on the day next following the day of posting.

21. INTERPRETATION

- 21.1. In these rules words importing singular or plural shall include the plural and singular respectively.
- 21.2. In these rules words importing the masculine gender shall include the feminine.

22. CONSTRUCTION OF RULES

- 22.1. The Rules of the ADSC for the time being in force shall be binding upon its Members. Any questions which may arise concerning the construction of these Rules shall be determined by the Chairman assisted by at least two other eligible Members of the ADSC.

Complaints and disciplinary procedures for ADSC members

1. Definitions

1.1. In this Standing Order the Following expressions shall unless the context otherwise requires have the following meanings:

“the Complainant”	any person (whether or not a Member) making a Complaint
“the Complaint”	a complaint by any person, or by the ADSC, that a Member has directly or indirectly broken, evaded or violated any of the provisions contained in the Rules or Standing Orders for the time being in force or has acted in a manner which might bring the fairground and amusement park industry or the ADSC into disrepute or which is detrimental to the interests of the fairground and amusement park industry or the ADSC
“the Complaints Panel”	a committee constituted in accordance with paragraph 3 whose function is to hear Complaints and make recommendations in accordance with the provisions of this Standing Order.
“The Complaints Officer”	an individual nominated by the General Manager in accordance with paragraph 3 whose function it is to represent the interests of the Complainant (if the Complainant is not a Member) in relation to the Complaint
“the Hearing”	The meeting of the Complaints Panel at which the Complaint is to be considered
“the Parties”	(i) the Complainant or (in a case where the Complainant is not a Member) the Complaints Officer and (ii) the Respondent and “a Party” shall be construed accordingly
“the Respondent”	the Member against whom the Complaint is made

1.2. Words denoting the masculine gender shall include the feminine gender and the singular number shall include the plural and vice versa and references to persons shall include corporations.

1.3. Expressions defined in the Rules shall where the context admits bear the same meanings in this Standing Order.

1.4. Paragraph headings shall not affect the construction of this Standing Order.

1.5. References to paragraphs are to paragraphs of this Standing Order.

2. The Complaints Panel

2.1. The Complaints Panel shall comprise three representatives of Members selected by the General Manager none of whom have an interest in the particular complaint.

3. The Complaints Officer

3.1. Where the Complaint is made by a person who is not a member of the ADSC the General Manager shall nominate a person to represent the interests of the Complainant in relation to the Complaint. Should that person be unable for any reason to perform his duties hereunder in relation to the Complaint, then the General Manager shall as soon as possible nominate another person so to act. The person nominated under this paragraph whilst so acting is herein called “the Complaints Officer”.

4. The Complaint

4.1. The Complaint shall be made in writing, shall set out as fully as possible the grounds on which the Complaint is made and shall be forwarded to the General Manager at the principal address of the ADSC.

4.2. Within seven days of his receipt of the Complaint, the General Manager shall send a copy of the Complaint to the Respondent.

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- 4.3. If after consideration of the Complaint and further particulars supplied pursuant to paragraph 5.1.1 (if any) the General Manager decides that he is not satisfied that a prima facie case against the Respondent has been made out, according to the rules, then the Complaint will not proceed further and he shall notify the Complainant, the Complaints Officer (if any) and the Respondent accordingly in writing as soon as practicable and not later than fourteen days.

5. Conciliation

- 5.1. The General Manager shall, if he considers it appropriate, seek to effect a settlement of the matter by obtaining written undertakings from and acceptable to the Complainant and the Respondent.
- 5.1.1. The General Manager may require further particulars before seeking to effect a settlement pursuant to paragraph 5.1
- 5.1.2. The Complainant and the Respondent shall be required to act reasonably in considering any proposals put forward by the General Manager.
- 5.2. Within 28 days (or such shorter period as he considers appropriate) of his receipt of the Complaint, the General Manager shall notify the ADSC of the Complaint and of whether or not a settlement of the matter has been attempted or effected in accordance with paragraph 5.1 and shall at the same time send a copy of such notification to the Complainant and the Respondent.
- 5.3. A decision by the General Manager not to seek to effect a settlement shall not be construed against the Complainant and/or the Respondent. If the complaint involves the General Manager, the Chairman shall fulfil the role of the General Manager in this procedure.

6. Written Submissions

- 6.1. If the General Manager does not attempt or fails to effect a settlement of the matter in accordance with paragraph 5.1 then immediately following the notification to that effect to the ADSC referred to in paragraph 5.2 he shall forthwith
- 6.1.1. (If the Complainant is not a member of the ADSC) nominate the Complaints Officer and shall advise the Complainant and the Respondent in writing of such nomination
- 6.1.2. Send a copy of this Standing Order to each of the Parties
- 6.1.3. (If the General Manager considers the same to be necessary) by written request require the Complainant or (if a Complaints Officer shall have been nominated) the Complaints Officer to furnish in writing such further particulars of the Complaint as the General Manager thinks necessary
- 6.1.4. If the General Manager does not make a written request pursuant to paragraph 6.1.3 he shall notify the Parties in writing accordingly.
- 6.2. The Complainant or (as the case may be) Complaints Officer shall comply with any written request pursuant to paragraph 6.1.3 within 14 days (or such longer periods not exceeding 21 days in aggregate) as the General Manager may in writing agree) of service on him.
- 6.3. If after consideration of the Complaint and further particulars supplied pursuant to paragraph 6.1.3 (if any) the General Manager decides that a prima facie case has been made out against the Respondent then forthwith upon giving any notification pursuant to paragraph 6.1.4 or (as the case may be) within seven days of the expiry of the period referred to in paragraph 6.2 the General Manager shall write a letter to the Respondent enclosing a further copy of the Complaint and of further particulars thereof (if any) furnished pursuant to paragraph 6.1.3 and requesting the Respondent to submit in writing an Answer to the Complaint.
- 6.4. The Respondent shall provide a written Answer to the General Manager within 14 days (or such longer period as the General Manager may in writing agree) of his receipt of such a request as is mentioned in paragraph 6.3.
- 6.5. The General Manager shall as soon as practicable following his receipt of the Respondent's written answer or (if no such Answer is received within the period referred to in paragraph 6.4) following expiry of the period referred to in paragraph 6.4:-
- 6.5.1. Notify the Complainant of his decision that a prima facie case has been made out

Complaints and disciplinary procedures for ADSC members

- 6.5.2. Nominate the members of the Complaints Panel (provided always no member shall be nominated if they have an interest in the complainant or Respondent)
- 6.5.3. Write a letter to each of the Members of the Complaints Panel (with a copy to each of the Parties) (a) notifying each of them of their nomination as a Member of the Complaints Panel to hear the Complaint and of the date (falling not less than 42 days after the date of the letter unless a shorter time is otherwise agreed by the General Manager or Chairman), time and venue for the Hearing and (b) enclosing a copy of the letter referred to in paragraph 6.3, its enclosures and written Answer being herein together referred to as "the Written Submissions").
- 6.6. The General Manager (failing whom the Chairman) shall inform the next following meeting of the ADSC of the Complaint and the General Manager's decision that a prima facie case has been made out against the Respondent.

7. List of Documents

- 7.1. Each of the Parties shall furnish to the other and to the General Manager at least 14 days before the day fixed for the Hearing, unless the Complaints Panel shall otherwise direct, a list of all documents to which he intends to refer at the Hearing.
- 7.2. Either Party may inspect the documents mentioned in the list furnished by the other Party. A copy of any document so mentioned shall, on application and payment of reasonable copying charges by the Party requiring it, be furnished to that Party by the other within three days after the receipt of such application. Any copying charges payable by the Complaints Officer shall be borne by the ADSC.

8. The Hearing

- 8.1. The Complainant, if not a member of the ADSC, shall not be entitled to attend the Hearing but shall be represented by the Complaints Officer unless otherwise agreed. The Complainant (if a member of the ADSC) and the Respondent may each represent himself or, if he so wishes may be represented by some other person who may, but need not be, another member of the ADSC.
- 8.2. The Hearing shall be in private. The General Manager or some person nominated by him shall be in attendance and will cause a note, either by shorthand writer and/or audio recording device, to be taken of the proceedings.
- 8.3. If either Party fails to appear at the Hearing the Complaints Panel may, if satisfied that such party has been served with notice of the Hearing, proceed to hear and determine the matter in his absence. Subject to paragraph 8.4, a Party attending the Hearing shall be given a reasonable opportunity to address the Complaints Panel.
- 8.4. Where in the opinion of the Complaints Panel no prima facie case is shown against the Respondent, the Complaints Panel may at any time during the Hearing dismiss the Complaint without requiring the Respondent to answer the allegations in the Complaint and without hearing the Complainant or (as the case may be) the Complaints Officer.
 - 8.4.1. The Complaints Panel may, in its discretion, either as to the whole case or as to any particular fact or facts, proceed and act upon evidence given by declaration under oath.
 - 8.4.2. Every statutory declaration upon which any Party proposes to rely shall be filed with the General Manager and a copy served upon the opposing Party not less than 21 days before the date set down for the Hearing.
 - 8.4.3. Any Party on whom a copy of such a declaration has been served may, by notice in writing, require the attendance at the hearing of the person who has made the said declaration. The said notice shall be served not less than 10 days before the date set down for the Hearing on the Party on whose behalf the said declaration has been filed.
 - 8.4.4. If any Party does not require the attendance at the Hearing of a person who has made such a declaration the Complaints Panel may treat the contents of the said declaration as admissible evidence.
 - 8.4.5. If the person who has made the said declaration has been required to attend in accordance with the provisions of paragraph 8.4.3 but does not attend the Hearing the onus shall be on the Party seeking to rely on the evidence of that person to show why the said declaration should be accepted in evidence.

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- 8.5. The Complaints Panel may of its own motion, or upon the application of any Party, adjourn or postpone the Hearing upon such terms as the Complaints Panel may think fit.
- 8.6. If upon the Hearing it shall appear to the Complaints Panel that the allegations in the Written Submission require to be amended or added to, the Complaints Panel may permit such amendment or addition, or if in the opinion of the Complaints Panel such amendment or addition shall be such as to take any Party by surprise, or prejudice the conduct of his case, the Complaints Panel shall grant an adjournment of the Hearing on such terms as the Complaints Panel shall think fit.

9. Findings and Recommendations

- 9.1. Upon conclusion of the Hearing the Complaints Panel may announce its finding or it may reserve its decision.
- 9.2. If the Complaints Panel find any of the allegations made against the Respondent to have been substantiated, they shall so inform the Respondent in accordance with paragraph 9.1 and the General Manager shall then refer the Complaints Panel to any previous disciplinary proceedings in the immediate preceding five years in which any allegation has been substantiated against him so that the Respondent may have the opportunity to speak in mitigation and, where appropriate, in respect of costs.
- 9.3. Upon the Hearing the Complaints Panel may recommend to the ADSC that the ADSC should pay or make a contribution to either or both Parties in connection with the proceedings (up to a maximum of £1,000) if having regard to all the circumstances of the case the Complaints Panel shall think fit.
- 9.4. If the Complaints Panel shall find any of the allegations made against the Respondent to have been substantiated then it shall recommend to the ADSC that:-
 - 9.4.1. the Respondent be censured either privately or publicly and/or
 - 9.4.2. the Respondent be expelled from the ADSC and/or
 - 9.4.3. the Respondent be required to give an undertaking to cease or remedy the breach, evasion, violation or conduct the subject of the Complaint.
- 9.5. Within seven days of the Complaints Panel's announcement of its findings or issue of its decision (as the case may be) the Complaints panel shall deliver to the Respondent the following, and advise the Respondent of their right of appeal
 - 9.5.1. a written statement of those findings or its decision and the grounds therefore
 - 9.5.2. the Complaints Panel's written recommendations (if any) as to costs pursuant to paragraph 9.3 and
 - 9.5.3. the Complaints Panel's written recommendations (if any) as to any penalty pursuant to paragraph 9.4 shall be submitted by the General Manager to the ADSC and copies thereof shall be sent to the Parties.
- 9.6. The Respondent shall have fourteen days from the announcement of the findings or issue of a decision in accordance with paragraph 9.5 to issue an appeal in writing in accordance with the Para 10. In the absence of such appeal the recommendations of the Complaints Panel will be implemented.
- 9.7. Subject to the provisions of this Standing Order, the Complaints Panel may regulate its own procedure.

10. Appeals

- 10.1. Where a Member against whom a complaint has been made, is aggrieved by any findings of or any decision imposed by the ADSC as the case may be that member of the ADSC may appeal by giving notice in writing to the General Manager within fourteen days after having been notified of the finding or penalty.
- 10.2. The notice of appeal shall set out the grounds on which the appeal is based, and shall be forwarded to the General Manager at the principal address of the ADSC.
- 10.3. Upon receiving such notice of appeal, the General Manager shall place it before the ADSC at their next meeting, and the ADSC shall thereupon appoint an Appeal Board consisting of three members of

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the ADSC, none of whom where possible shall have taken part in the original adjudication or are otherwise connected with the Complainant or Respondent.

- 10.4. The names of the members of the Appeal Board shall be communicated forthwith by the General Manager by to both of the parties concerned in the earlier proceedings, both of whom shall have the right within seven days to lodge objections to the inclusion of any of the proposed members of the Appeal Board.
- 10.5. Should such objection be made the ADSC shall (acting fairly and impartially) appoint a substitute or substitutes to serve on the Appeal Board in place of the member or members objected to, and there shall be no further right of objection.
- 10.6. The members of the Appeal Board as finally constituted shall appoint one person as Chairman, and two members of the Appeal Board shall be a quorum.
- 10.7. The Appeal Board may make such arrangements as to procedure and otherwise with a view to determining the Appeal in a fair and impartial manner and hearing the appeal within 21 days of receipt of the notice of appeal, and call such evidence as they may deem necessary for the proper fair and impartial conduct of the appeal, and shall notify the Respondent and Complainant of the procedure and timetable within 7 days of their appointment.
- 10.8. The Appeal Board may confirm, vary or annul the original finding, and may vary or substitute any requirement that may have been imposed and substitute such other requirement as they may think appropriate.
- 10.9. The decision of the Appeal Board, which shall be binding, shall forthwith be communicated in writing to the parties concerned by the General Manager within 7 days of their decision being reached.

Complaints and disciplinary procedures for Registered Inspection Bodies

1. Definitions

- 1.1. In this Standing Order the Following expressions shall unless the context otherwise requires have the following meanings:

“the Complainant” “the Complaint”	any person (whether or not a Member) making a Complaint a complaint by any person, or by the ADSC, that an RIB has directly or indirectly broken, evaded or violated any of the provisions contained in the Standing Orders (and in particular Conditions to be met by RIB's) or the time being in force or has acted in a manner which might bring the fairground and amusement park industry or the ADSC into disrepute or which is detrimental to the interests of the industry or the ADSC
“the Complaints Panel”	a committee constituted in accordance with paragraph 2 whose function is to hear Complaints and make recommendations in accordance with the provisions of this Standing Order.
“The Complaints Officer”	an individual nominated by the General Manager in accordance with paragraph 3 whose function is to represent the interests of the Complainant (if the Complainant is not a Member) in relation to the Complaint
“the Hearing”	The meeting of the Complaints Panel at which the Complaint is to be considered
“the Parties”	(i) the Complainant or (in a case where the Complainant is not a Member) the Complaints Officer and (ii) the Respondent and “a Party” shall be construed accordingly
“the Respondent”	the RIB against whom the Complaint is made

- 1.2. Words denoting the masculine gender shall include the feminine gender and the singular number shall include the plural and vice versa and references to persons shall include corporations.
- 1.3. Expressions defined in the Rules shall where the context admits bear the same meanings in this Standing Order.
- 1.4. Paragraph headings shall not affect the construction of this Standing Order.
- 1.5. References to paragraphs are to paragraphs of this Standing Order.

2. The Complaints Panel

- 2.1. The Complaints Panel shall comprise at least three representatives of Members (one of whom shall be NAFLIC) selected by the ADSC none of whom have an interest in the particular complaint.

3. The Complaints Officer

- 3.1. Where the Complaint is made by a person who is not a member of the ADSC the General Manager shall nominate a person to represent the interests of the Complainant in relation to the Complaint.
- 3.2. Should that person be unable for any reason to perform his duties hereunder in relation to the Complaint, then the General Manager shall as soon as possible nominate another person so to act. The person nominated under this paragraph whilst so acting is herein called “the Complaints Officer”.

4. The Complaint

- 4.1. The Complaint shall be made in writing, shall set out as fully as possible the grounds on which the Complaint is made and shall be forwarded to the General Manager at the principal address of the ADSC
- 4.2. Within seven days of the receipt of the Complaint, at the ADIPS office, this shall be acknowledged to the Complainant.

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- 4.3. Within seven days of his receipt of the Complaint, the General Manager shall send a copy of the Complaint to the Respondent.
- 4.4. If after consideration of the Complaint and further particulars supplied pursuant to paragraph 5.1.1 (if any) the General Manager decides that he is not satisfied that a prima facie case against the Respondent has been made out, according to the rules, then the Complaint will not proceed further and he shall notify the Complainant, the Complaints Officer (if any) and the Respondent accordingly in writing as soon as practicable and not later than fourteen days.

5. Conciliation

- 5.1. The General Manager shall, if he considers it appropriate, seek to effect a settlement of the matter by obtaining written undertakings from and acceptable to the Complainant and the Respondent.
 - 5.1.1. The General Manager may require further particulars before seeking to effect a settlement pursuant to paragraph 5.1
 - 5.1.2. The Complainant and the Respondent shall be required to act reasonably in considering any proposals put forward by the General Manager.
- 5.2. Within 28 days (or such shorter period as he considers appropriate) of his receipt of the Complaint, the General Manager shall notify the ADSC of the Complaint and of whether or not a settlement of the matter has been attempted or effected in accordance with paragraph 5.1 and shall at the same time send a copy of such notification to the Complainant and the Respondent.
 - 5.2.1. A decision by the General Manager not to seek to effect a settlement shall not be construed against the Complainant and/or the Respondent.

6. Written Submissions

- 6.1. If the General Manager does not attempt or fails to effect a settlement of the matter in accordance with paragraph 5.1 then immediately following the notification to that effect to the ADSC referred to in paragraph 5.2 he shall forthwith
 - 6.1.1. (if the Complainant is not a member of the ADSC) nominate a Complaints Officer and shall advise the Complainant and the Respondent in writing of such nomination
 - 6.1.2. send a copy of this Standing Order to each of the Parties
 - 6.1.3. (if the General Manager considers the same to be necessary) by written request require the Complainant or (if a Complaints Officer shall have been nominated) the Complaints Officer to furnish in writing such further particulars of the Complaint as the General Manager thinks necessary
 - 6.1.4. if the General Manager does not make a written request pursuant to paragraph 6.1.3 he shall notify the Parties in writing accordingly.
- 6.2. The Complainant or (as the case may be) Complaints Officer shall comply with any written request pursuant to paragraph 6.1.3 within 14 days (or such longer periods not exceeding 21 days in aggregate) as the General Manager may in writing agree) of service on him.
- 6.3. If after consideration of the Complaint and further particulars supplied pursuant to paragraph 6.1.3 (if any) the General Manager decides that a prima facie case has been made out against the Respondent then forthwith upon giving any notification pursuant to paragraph 6.1.4 or (as the case may be) within seven days of the expiry of the period referred to in paragraph 6.2 the General Manager shall write a letter to the Respondent enclosing a further copy of the Complaint and of further particulars thereof (if any) furnished pursuant to paragraph 6.1.3 and requesting the Respondent to submit in writing an Answer to the Complaint.
- 6.4. The Respondent shall provide a written Answer to the General Manager within 14 days (or such longer period as the General Manager may in writing agree) of his receipt of such a request as is mentioned in paragraph 6.3.
- 6.5. The General Manager shall as soon as practicable following his receipt of the Respondent's written answer or (if no such Answer is received within the period referred to in paragraph 6.4) following expiry of the period referred to in paragraph 6.4:-
 - 6.5.1. notify the Complainant of his decision that a prima facie case has been made out

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- 6.5.2. nominate the members of the Complaints Panel from the Standing Panel (provided always no member of the Standing Panel shall be nominated if they have an interest in the complainant or Respondent)
 - 6.5.3. write a letter to each of the Members of the Complaints Panel (with a copy to each of the Parties) (a) notifying each of them of their nomination as a Member of the Complaints Panel to hear the Complaint and of the date (falling not less than 42 days after the date of the letter, unless a shorter time is otherwise agreed by the General Manager or Chairman), time and venue for the Hearing and (b) enclosing a copy of the letter referred to in paragraph 6.3, its enclosures and written Answer being herein together referred to as "the Written Submissions").
- 6.6. The General Manager (failing whom the Chairman) shall inform the next following meeting of the ADSC of the Complaint and the General Manager's decision that a prima facie case has been made out against the Respondent.

7. List of Documents

- 7.1. Each of the Parties shall furnish to the other and to the General Manager at least 14 days before the day fixed for the Hearing, unless the Complaints Panel shall otherwise direct, a list of all documents to which he intends to refer at the Hearing
- 7.2. Either Party may inspect the documents mentioned in the list furnished by the other Party. A copy of any document so mentioned shall, on application and payment of reasonable copying charges by the Party requiring it, be furnished to that Party by the other within three days after the receipt of such application. Any copying charges payable by the Complaints Officer shall be borne by the ADSC.

8. The Hearing

- 8.1. The Complainant, if not a member of the ADSC, shall not be entitled to attend the Hearing but shall be represented by the Complaints Officer.
 - 8.1.1. The Complainant (if a member of the ADSC) and the Respondent may each represent himself or, if he so wishes may be represented by some other person who may, but need not be, another member of the ADSC.
- 8.2. The Hearing shall be in private.
 - 8.2.1. The General Manager or some person nominated by him shall be in attendance and will cause a note, either by shorthand writer and/or audio recording device, to be taken of the proceedings.
- 8.3. If either Party fails to appear at the Hearing the Complaints Panel may, if satisfied that such party has been served with notice of the Hearing, proceed to hear and determine the matter in his absence.
 - 8.3.1. Subject to paragraph 8.4, a Party attending the Hearing shall be given a reasonable opportunity to address the Complaints Panel.
- 8.4. Where in the opinion of the Complaints Panel no prima facie case is shown against the Respondent, the Complaints Panel may at any time during the Hearing dismiss the Complaint without requiring the Respondent to answer the allegations in the Complaint and without hearing the Complainant or (as the case may be) the Complaints Officer.
- 8.5. The Complaints Panel may, in its discretion, either as to the whole case or as to any particular fact or facts, proceed and act upon evidence given by declaration under oath.
- 8.6. Every statutory declaration upon which any Party proposes to rely shall be filed with the General Manager and a copy served upon the opposing Party not less than 21 days before the date set down for the Hearing.
- 8.7. Any Party on whom a copy of such a declaration has been served may, by notice in writing, require the attendance at the hearing of the person who has made the said declaration. The said notice shall be served not less than 10 days before the date set down for the Hearing on the Party on whose behalf the said declaration has been filed.
- 8.8. If any Party does not require the attendance at the Hearing of a person who has made such a declaration the Complaints Panel may treat the contents of the said declaration as admissible evidence.

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- 8.9. If the person who has made the said declaration has been required to attend in accordance with the provisions of paragraph 8.4.3 but does not attend the Hearing the onus shall be on the Party seeking to rely on the evidence of that person to show why the said declaration should be accepted in evidence.
- 8.10. The Complaints Panel may of its own motion, or upon the application of any Party, adjourn or postpone the Hearing upon such terms as the Complaints Panel may think fit.
- 8.11. If upon the Hearing it shall appear to the Complaints Panel that the allegations in the Written Submission require to be amended or added to, the Complaints Panel may permit such amendment or addition, or if in the opinion of the Complaints Panel such amendment or addition shall be such as to take any Party by surprise, or prejudice the conduct of his case, the Complaints Panel shall grant an adjournment of the Hearing on such terms as the Complaints Panel shall think fit.

9. Findings and Recommendations

- 9.1. Upon conclusion of the Hearing the Complaints Panel may announce its finding or it may reserve its decision.
- 9.2. If the Complaints Panel find any of the allegations made against the Respondent to have been substantiated, they shall so inform the Respondent *in accordance with paragraph 9.1* and the General Manager shall then refer the Complaints Panel to any previous disciplinary proceedings in the immediate preceding five years in which any allegation has been substantiated against him so that the Respondent may have the opportunity to speak in mitigation and, where appropriate, in respect of costs.
- 9.3. Upon the Hearing the Complaints Panel may recommend to the ADSC that the ADSC should pay or make a contribution to either or both Parties in connection with the proceedings (up to a maximum of £1,000) if having regard to all the circumstances of the case the Complaints Panel shall think fit.
- 9.4. If the Complaints Panel shall find any of the allegations made against the Respondent to have been substantiated then it shall recommend to the ADSC that:-
 - 9.4.1. the Respondent be censured either privately or publicly and/or
 - 9.4.2. the Respondent be suspended as an RIB and/or
 - 9.4.3. the Respondent be required to give an undertaking to cease or remedy the breach, evasion, violation or conduct the subject of the Complaint and/or
 - 9.4.4. the Respondent be required to be subjected to monitoring by an Officer of ADIPS and/or
 - 9.4.5. the Respondent be required to provide extra ongoing quality assurance documents or copies of inspection reports over and above those normally provided to ADIPS
 - 9.4.6. any other action that it so determines.
 - 9.4.7. Any recommendation above may be permanent or for a set period of time, or be deemed spent, after certain required actions have been carried out by the IB to the satisfaction of the Complaints Panel.
- 9.5. Within seven days of the Complaints Panel's announcement of its findings or issue of its decision (as the case may be) the Complaints Panel shall deliver to the Respondent the following, and advise the Respondent of their right of appeal
 - 9.5.1. a written statement of those findings *or its decision* and the grounds therefore
 - 9.5.2. the Complaints Panel's written recommendations (if any) as to costs pursuant to paragraph 9.3 and
 - 9.5.3. the Complaints Panel's written recommendations (if any) as any penalty pursuant to paragraph 9.4 shall be submitted by the General Manager to the ADSC and copies thereof shall be sent to the Parties.
- 9.6. The Respondent shall have fourteen days from the announcement of the findings or issue of a decision in accordance with paragraph 9.5 to issue an appeal in writing in accordance with the Para 10.
 - 9.6.1. In the absence of such appeal the recommendations of the Complaints panel will be implemented.

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9.7. Subject to the provisions of this Standing Order, the Complaints Panel may regulate its own procedure.

10. Appeals

- 10.1. Where an RIB against whom a complaint has been made, is aggrieved by any findings of or any decision imposed by the ADSC as the case may be that RIB may appeal by giving notice in writing to the General Manager within fourteen days after having been notified of the finding or penalty.
- 10.2. The notice of appeal shall set out the grounds on which the appeal is based, and shall be forwarded to the General Manager at the principal address of the ADSC.
- 10.3. Upon receiving such notice of appeal, the General Manager shall place it before the ADSC at their next meeting, and the ADSC shall thereupon appoint an Appeal Board consisting of three members of the ADSC, none of whom where possible shall have taken part in the original adjudication or are otherwise connected with the Complainant or Respondent.
- 10.4. The names of the members of the Appeal Board shall be communicated forthwith by the General Manager by to both of the parties concerned in the earlier proceedings, both of whom shall have the right within seven days to lodge objections to the inclusion of any of the proposed members of the Appeal Board.
 - 10.4.1. Should such objection be made the ADSC shall (acting fairly and impartially) appoint a substitute or substitutes to serve on the Appeal Board in place of the member or members objected to, and there shall be no further right of objection.
- 10.5. The members of the Appeal Board as finally constituted shall appoint one person as Chairman, and two members of the Appeal Board shall be a quorum.
- 10.6. The Appeal Board may make such arrangements as to procedure and otherwise with a view to determining the Appeal in a fair and impartial manner and hearing the appeal within 21 days of receipt of the notice of appeal, and call such evidence as they may deem necessary for the proper fair and impartial conduct of the appeal, and shall notify the Respondent and Complainant of the procedure and timetable within 7 days of their appointment.
- 10.7. The Appeal Board may confirm, vary or annul the original finding, and may vary or substitute any requirement that may have been imposed and substitute such other requirement as they may think appropriate.
- 10.8. The decision of the Appeal Board, which shall be binding, shall forthwith be communicated in writing to the parties concerned by the General Manager within 7 days of their decision being reached.
- 10.9. The Appeal Board may make recommendations with respect to costs which shall be binding upon the parties.

Procedures and conditions to be met by Registered Inspection Bodies

1. Definitions

In this Standing Order the following expressions shall unless the context otherwise requires have the following meanings:

1.1. ADSC

The Amusement Device Safety Council (ADSC) is formed from representatives of each of the following associations. BACTA, BALPPA, SGGB, NAFLIC, SIRPS, ALES, ACES and the AIS and such other associations as the ADSC agrees to allow to join

The ADSC is the body responsible for:

- Determining of policy of safety within the Amusement Park and Fairground Industry in the UK
- Promoting and improving safety within the Amusement Park and Fairground Industry.
- Determining the policy and procedures of the ADIPS scheme.

1.2. ADIPS Ltd

A limited company set up to manage the commercial and financial affairs only of the ADSC and the ADIPS Scheme.

ADIPS Ltd is responsible for:

- Managing the financial affairs of the ADSC
- providing the ADSC with funds to enable them to carry out their responsibilities, under instruction of the ADSC
- The day to day managing of the ADIPS DOC Bureau, again under instruction of the ADSC

ADIPS Ltd is not responsible for

- The operation and responsibilities of the ADSC

1.3. The Amusement Devices Inspection Procedures Scheme (ADIPS)

- The procedures by which Inspection Bodies should carry out their duties within Amusement Park and Fairground Industry in the UK, and the maintenance of the register of those Inspection Bodies and;
- The procedures relating to maintaining a database of Amusement devices and inspections thereof.
- The Amusement Devices Inspection Procedures Scheme (ADIPS) may be referred to as “the Scheme”.

2. In this document

- 2.1. Words denoting the masculine gender shall include the feminine gender and the singular number shall include the plural and vice versa and references to persons shall include corporations.
- 2.2. Expressions defined in the Rules shall where the context admits bear the same meanings in this Standing Order.
- 2.3. Paragraph headings shall not affect the construction of this Standing Order.
- 2.4. References to paragraphs are to paragraphs of this Standing Order.

3. Rules for inspections

- 3.1. RIB's shall, at all times, carry out their undertakings in accordance with the requirements of the Scheme, the HSE publication HSG175, and any Health and Safety legislation in force at that time.
- 3.2. RIB's shall at all times carry out their undertakings in a diligent and proper manner including RIB's taking sufficient time in carrying out their inspections to ensure that the inspection has been completed to a standard which is satisfactory in accordance with industry best practice as might be reasonably determined by ADSC.

Procedures and conditions to be met by Registered Inspection Bodies

- 3.3. RIB's shall not bring the scheme into disrepute and shall undertake not to do so.
- 3.4. RIB's shall be wholly responsible for the actions of their employees and for any sub-contractors employed by the RIB who are not individually registered with the scheme.

4. Processing Applications for Registration

- 4.1. Application shall be made according to the form set down by ADSC from time to time. The application will be scrutinised by a vetting panel set up by the ADSC. The vetting panel will comprise of:
 - 4.1.1. A person appointed by the ADSC who is independent of any amusement device user member association, and;
 - 4.1.2. A representative of each of the two largest member associations in terms of amusement devices, and;
 - 4.1.3. Another representative from any of the remaining associations, and;
 - 4.1.4. At least one representative of NAFLIC, only one of whom may vote.
- 4.2. The panel shall be chaired by one of the above panel members as decided upon by the ADSC, or failing a decision from the ADSC, by the panel itself.
- 4.3. The vetting panel shall not allow registration unless the IB produces documentary or reliable evidence that they comply with any relevant Requirements for Registration in force at that time.
- 4.4. A recorded vote shall take place, by a full panel as constituted above, for all applicants and should a majority negative vote be cast, the application shall be deemed to have failed.
- 4.5. Inspection Bodies who have successfully registered shall be termed Registered Inspection Bodies (RIB's)

5. Fees

- 5.1. Fees will be payable to ADIPS for registration. The amount of this fee shall be determined by the ADSC on an annual basis.
- 5.2. RIB's shall be required to re-register on an annual basis for each calendar year, the application and fee having been received prior to the expiration of the current registration. There will be a re-registration fee charged. The amount of this fee shall be determined by the ADSC.

6. Requirements of ADIPS and ADSC

- 6.1. RIB's shall carry out inspections in accordance with the following:
 - 6.1.1. Any relevant Requirements for Registration in force at that time.
 - 6.1.2. Standing Orders from time to time in a form of guidance from ADSC
 - 6.1.3. Technical bulletins
 - 6.1.4. ADIPS doc audit scheme
- 6.2. RIB's shall maintain a written quality file in line with any relevant Requirements for Registration in force at that time. This quality file shall be made available for inspection by the Compliance Officer, or a designated representative of the ADSC given reasonable notice.
- 6.3. ADIPS Reports and Documents issued by the (RIB) should use the prescribed ADIPS form.
- 6.4. All relevant ADIPS Documents (DOCs and others as required and advised from time to time) shall be copied to the ADIPS office no later than 28 days after the date on which they were issued to the controller.

7. RIB Audit Procedures

- 7.1. The ADSC shall maintain a set of audit procedures designed to ensure that RIB's carry out their undertakings in line with the requirements of the Scheme and Health and Safety legislation.
- 7.2. Audits shall be carried out under the procedures in place at the time of assessment, but shall include an assessment of the IBs quality file to ensure that it is in accordance with the applicable SQS.

Procedures and conditions to be met by Registered Inspection Bodies

- 7.3. A key part of the audit procedures shall be to monitor the time being taken to inspect the amusement devices under their remit.
- 7.4. RIB's shall be audited at regular intervals, or as required by the ADSC. Such audit may be undertaken by the Compliance Officer referred to below.

8. Compliance Officer

- 8.1. ADSC shall appoint, and ADIPS Ltd. shall fund, a compliance officer whose role is to support the system of quality assurance and audit procedures for the activities of RIB's.
- 8.2. The Compliance Officer shall, when required, visit and report on the compliance of RIB's with the required standards.
- 8.3. A key part of the Compliance Officers role when visiting RIB's, shall be to monitor the time being taken to inspect the amusement devices under their remit.
- 8.4. The Compliance Officer may request a RIB, or a ride controller in relation to any ADIPS reports, to provide,
 - 8.4.1. A copy of their quality file.
 - 8.4.2. Copies of any ADIPS reports of examinations carried out.
 - 8.4.3. An IB should be given reasonable notice of any such request.
- 8.5. The Compliance Officer shall monitor any enforcement procedures that might be initiated and support any such procedures as required.

9. Termination and Suspension of Registration

- 9.1. If a Registered Inspection Body's Registration Fee is not paid within 30 days after the due date the, ADIPS Office will issue a reminder.
 - 9.1.1. If the fee remains unpaid the RIB's name will be brought to the ADSC's attention for action.
 - 9.1.2. If nothing further is heard after 30 days of issuing a reminder the RIB may at the discretion of the ADSC be deemed to have not renewed its Registration under the Scheme.
- 9.2. Failure to comply with this requirement or with any other safety requirement which may be prescribed by at least two-thirds majority of the Members present and entitled to vote at a duly convened General Meeting of the ADSC may in the General Manager's discretion reasonably exercised result in the cessation of Registration under Rule 7.
- 9.3. In the case of an emergency (to be determined by the General Manager in his discretion, but which includes evidence of any irregularity or fact which might impact upon the safety of the public) an RIB may be suspended with immediate effect pending the outcome of a complaint.

10. Non compliance with the rules

- 10.1. If following a complaint being brought and being dealt with in accordance with the Standing Orders, it is held that an RIB has failed to comply with any requirements of the Scheme, a range of sanctions may be imposed by the ADSC
- 10.2. If the ADSC, after following a procedure from the Standing Orders, determine that the RIB has brought the scheme into disrepute; a range of sanctions may be imposed by the ADSC.
- 10.3. A complaint, under the ADIPS scheme, may be made against a RIB by:
 - 10.3.1. any person or Amusement Device controller who has employed them;
 - 10.3.2. another IB;
 - 10.3.3. a decision of the ADSC;
 - 10.3.4. officers of the ADIPS scheme;
 - 10.3.5. the Compliance Officer;
 - 10.3.6. a person employed by the Health and Safety Executive.

Procedures and conditions to be met by Registered Inspection Bodies

- 10.4. An RIB who has been sanctioned in any way may appeal against the decision in accordance with the appeals procedure set out in the Standing Orders.