



## MALTA GOLF ASSOCIATION AMATEUR STATUS PROCEDURES

### 1. Introduction

- 1.1 The Malta Golf Association has adopted the ensuing document to be able to decide on issues relating with Rules of Amateur Status as determined by the R&A Rules Limited and the United States Golf Association.
- 1.2 Terms in italics shall bear the meanings given to them as follows:
  - 1.2.1 *MGA* means the Malta Golf Association.
  - 1.2.2 *Club* means a club affiliated to the *MGA*.
  - 1.2.3 *Member* means a member/player of a *Club* irrespective of membership category.
  - 1.2.4 *Amateur Rules* means the Rules of Amateur Status as determined by the R&A Rules Limited and the United States Golf Association.

### 2. Amateur Status

- 2.1 The governing body for the Rules of Amateur Status in Malta is the *MGA*. The *MGA* recognises the R&A Rules Limited as the ruling authority for determining the *Amateur Rules*. The enforcement, reinstatement and appeals paragraphs contained in Appendices 1-4, of this document, reproduce the procedures of the Amateur Status Committee of the R&A who is responsible for similar matters in Great Britain and Ireland.
- 2.2 The *Amateur Rules* establish the framework under which amateur golf is played, covering matters such as prizes, expenses, giving instruction and advertising.
- 2.3 Under Rule 8 of the *Amateur Rules*, it is the responsibility of the *MGA* to investigate possible breaches of the *Amateur Rules* by a *member* and, where necessary, to take appropriate action. Appropriate action could, for example, be the removal of the *member's* Amateur Status, or requesting that the *member* discontinue the behaviour in question. The enforcement procedure is laid out in Appendix 1.
- 2.4 The *MGA* has the sole authority in Malta to reinstate a person to Amateur Status, prescribe a waiting period necessary for reinstatement or to deny reinstatement, subject to an appeal. Each application is considered on its own merits with consideration normally given to the principles outlined in Rule 9 of the *Amateur*

*Status*. The reinstatement procedure is laid out in Appendix 2 whilst the reinstatement application form is set out in Appendix 3.

- 2.5 A *member* affected by a decision of the *MGA* or its appointed committee has the right to appeal the decision. The procedure for such an appeal is laid out in Appendix 4.
- 2.6 Cases of possible breaches of the *Amateur Rules* shall be considered by one or all of the following Committees according to the necessities of the particular case:
  - 2.6.1 The Sub-Committee of the full Amateur Status Committee (the *Sub-Committee*) comprising of a representative member from the *MGA* Executive Council and a representative member of the *Club* (normally the *Club's* Captain)
  - 2.6.2 The full Amateur Status Committee (the *Committee*) comprising of the *MGA* Executive Council and the appointed representative of the *Club* (normally the *Club's* Captain). The appointed representative will have a right of vote on the *Committee*.
  - 2.6.3 The Appeals Committee (the *Appeals Committee*) comprising of three impartial and suitable members nominated to the task by the *MGA* Executive Council. The appointed members must be independent of the *MGA* Executive Council and must not have been involved in the process of the *Sub-Committee's* or *Committee's* hearings.

APPENDIX 1  
**AMATEUR STATUS - ENFORCEMENT PROCEDURES**

**1. General**

- 1.1 In order to deal with routine or straightforward cases regarding enforcement of the *Amateur Rules* as efficiently as possible, these shall be considered, in the first instance, by the *Sub-Committee*.
- 1.2 The decisions taken must reach unanimous agreement.

**2. Receipt of Information and Initial Consideration by *Sub-Committee***

- 2.1 On receipt of information relating to a possible breach of the *Amateur Rules*, the *Sub-Committee* shall review the case within a reasonable timescale and determine whether there is sufficient information to suggest there may have been a breach of the *Amateur Rules*.
- 2.2 In the event that there is sufficient evidence to suggest there may have been a breach of the *Amateur Rules*, the *Sub-Committee* shall write to the *member* concerned and inform him of the information which has been passed to the *Sub-Committee* and ask him for further information, comments or representations within 14 days of the date of the *Sub-Committee's* letter or, within such other reasonable timescale as agreed between the *member* and the *Sub-Committee*.
- 2.3 Where the information regarding a possible breach of the *Amateur Rules* has been provided to the *Sub-Committee* by the *member* himself as opposed to a third party then the *Sub-Committee* has the discretion to come to a decision under paragraph 2.4 below without asking the *member* for further information, comments and representations.
- 2.4 Upon receiving further information, comments or representations from the *member*, the *Sub-Committee* shall, in accordance with Rules 8-1 and 8-2 of the *Amateur Rules* either:
  - 2.4.1 Determine that there has been a breach of the *Amateur Rules* and that the *member* has to accordingly forfeit his Amateur Status with immediate effect;
  - 2.4.2 Determine that the *member* shall be entitled to retain his Amateur Status only if he refrains or desists immediately from such actions as specified by the *Sub-Committee* in writing; or
  - 2.4.3 Determine that there is insufficient evidence as to a breach of the *Amateur Rules* and no further action should be taken.
- 2.5 Where requested to do so by one or more members of the *Sub-Committee*, and prior to any determination being made under paragraph 2.4 above, the *Sub-Committee*

shall refer the matter to the *Committee*. The *member* shall be informed in writing that the *Committee* will review his case and of a reasonable timescale for this.

- 2.6 The *MGA* shall inform the *member* in writing of the *Sub-Committee's* decision, and the reasons for it, within 28 days of receiving the *member's* further information, comments or representations, or of receiving information from the *member* under paragraph 2.3. The *member* shall also be informed at this time that he has the right to request in writing and within 14 days of the date of this letter, that his case be considered by the (full Amateur Status) *Committee*.
- 2.7 Pending review of the case by the *Committee*, any decision taken by the *Sub-Committee* shall remain in full effect.

### **3. Consideration by the (full Amateur Status) *Committee***

- 3.1 Upon receipt of the *member's* written request to have his case considered by the *Committee* under paragraph 2.5, or where consideration is to be undertaken by the *Committee* by operation of paragraph 2.6, the *Sub-Committee* shall pass all papers, including any further information, comments or representations received from the *member*, to the *Committee* as soon as practicable.
- 3.2 The *Committee* shall consider these papers and the circumstances of the case and may write to the *member* requesting further information, comments or representations in writing within 14 days of the date of the *Committee's* letter.
- 3.3 Following receipt of any further information, comments or representations from the *member*, or, where the *Committee* considers that it has sufficient information to determine the matter, it may either:
- 3.3.1 Determine that there has been a breach of the *Amateur Rules* and that the *member* has to accordingly forfeit his Amateur Status with immediate effect;
  - 3.3.2 Determine that the *member* shall be entitled to retain his Amateur Status only if he refrains or desists immediately from such actions as the *Committee* specifies in writing; or
  - 3.3.3 Determine that there is insufficient evidence as to a breach of the *Amateur Rules* and no further action should be taken.
- 3.4 In order to deal with cases as efficiently as possible, most cases will be considered on the papers only and the *Committee* will not meet the *member* in order to reach a decision. In such cases paragraph 3.5 will apply. If, however, it is considered necessary to meet in order to reach a decision on any particular case paragraph 3.5 does not apply and instead paragraphs 3.6 and 3.7 will apply to such a case.
- 3.5 Where the *Committee* reaches a decision without meeting the *member*, the *Committee* shall inform the *member* in writing of its decision, and the reasons for it

no later than 42 days after its receipt of the *member's* letter requesting a full review of his application under paragraph 2.5 above; or where the case is passed directly to the *Committee* under paragraph 2.6 above, then in whatever reasonable timescale that *Committee* has indicated in writing to the *member*. The *member* shall also be informed at this time of his right to appeal the decision of the *Committee* to the *Appeals Committee* in accordance with Appendix 4.

- 3.6 Where it is considered necessary to meet the *member* in order to reach a decision in relation to any particular case, cases will, where practicable, be allocated to the next available *Committee* meeting. The *Committee* usually meets only four times per year. Where a case reaches the *Committee*, whether referred under either paragraph 2.5 or 2.6, at least one month before the next meeting of the *Committee*, it will usually be practicable to hear the case at that sitting of the *Committee*. In other cases, in order to allow for the collection of further information and consideration of that information the case may need to be considered at a later meeting as decided by the *Committee*.
- 3.7 Following its consideration of a case under paragraph 3.6, the *Committee* shall inform the *member* in writing of its decision, and the reasons for it, no later than 28 days after the date of the meeting at which the case was considered. The *member* shall also be informed at this stage of his right to appeal the decision of the *Committee* to the *Appeals Committee* in accordance with Appendix 4.
- 3.8 Pending appeal of the decision of the *Committee* to the *Appeals Committee* the *Committee's* decision shall remain in full effect.

#### **4. Grounds for Appeal**

- 4.1 An appeal of the decision of the *Committee* may be made by the *member* to the *Appeals Committee* within 14 days of the date of the *Committee's* decision letter.
- 4.2 An appeal may be made only on one or more of the following grounds:
  - 4.2.1 The *Committee's* decision was based on a misapplication of the *Amateur Rules*;
  - 4.2.2 The *Committee's* decision was not supported by the facts before it;
  - 4.2.3 The *Committee's* decision was procedurally flawed in a material way;
  - 4.2.4 The sanction imposed by the *Committee* was excessive.
- 4.3 Any appeal shall be carried out in accordance with Appendix 4.

**APPENDIX 2**  
**AMATEUR STATUS - REINSTATEMENT PROCEDURES**

**1. General**

- 1.1 In order to deal with routine or straightforward applications for reinstatement to Amateur Status in accordance with *Amateur Rules* as efficiently as possible, these shall be considered, in the first instance, by the *Sub-Committee*.
- 1.2 The decisions taken by the *Sub-Committee* must reach unanimous agreement.

**2. Receipt of Application and Initial Consideration by *Sub-Committee***

- 2.1 On receipt of an application for reinstatement to Amateur Status, the *Sub-Committee* shall review the application and either:
  - 2.1.1 Reinstatement immediately;
  - 2.1.2 Prescribe a period awaiting reinstatement, based on the guidelines contained in Rule 9-2b of the *Amateur Rules*;
  - 2.1.3 Deny reinstatement.
- 2.2 Where requested to do so by any member of the *Sub-Committee*, and prior to any determination being made under paragraph 2.1 above, the *Sub-Committee* shall refer the matter to the *Committee*. The *member* shall be informed in writing that the *Committee* will renew his application and of a reasonable timescale for this.
- 2.3 The *Sub-Committee* shall inform the *member* applying for reinstatement of its decision and the reasons for it, in writing no later than 28 days after receipt by the *Sub-Committee* of the *member's* application for reinstatement. The *member* shall also be informed at this time that he has the right to request in writing and within 14 days of the date of the *Sub-Committee's* letter that his application be considered by the *Committee*.
- 2.4 Pending review of the case by the *Committee*, any decision taken by the *Sub-Committee* shall remain in full effect.

**3. Consideration by the (full Amateur Status) *Committee***

- 3.1 Upon receipt of the *member's* written request to have his application considered by the *Committee* under paragraph 2.2, or where consideration is to be undertaken by the *Committee* by operation of paragraph 2.3, the *Sub-Committee* shall pass the application and all relevant papers to the *Committee* as soon as practicable.

- 3.2 The *Committee* shall consider these papers and the circumstances of the application and may write to the *member* requesting further information, comments or representations in writing within 14 days of the date of the *Committee's* letter.
- 3.3 Following receipt of any further information, comments or representations from the *member*, or, where the *Committee* considers that it has sufficient information to determine the matter, it may either:
- 3.3.1 Reinstate his Amateur Status immediately;
  - 3.3.2 Prescribe a period awaiting reinstatement, based on the guidelines contained in Rule 9-2b of the *Amateur Rules*;
  - 3.3.3 Deny reinstatement.
- 3.4 In order to deal with cases as efficiently as possible, most applications will be considered on the papers only and the *Committee* will not meet the *member* in order to reach a decision. In such cases paragraph 3.5 will apply. If, however, it is considered necessary to meet in order to reach a decision on any particular case paragraph 3.5 does not apply and instead paragraphs 3.6 and 3.7 will apply to such a case.
- 3.5 Where the *Committee* reaches a decision without meeting the *member*, the *Committee* shall inform the *member* in writing of its decision, and the reasons for it no later than 42 days after its receipt of the *member's* letter requesting a full review of his application under paragraph 2.2 above; or where the case is passed directly to the *Committee* under paragraph 2.3 above, then in whatever reasonable timescale that *Committee* has indicated in writing to the *member*. The *member* shall also be informed at this time of his right to appeal the decision of the *Committee* to the *Appeals Committee* in accordance with Appendix 4.
- 3.6 Where it is considered necessary to meet the *member* in order to reach a decision in relation to any particular case, cases will, where practicable, be allocated to the next available *Committee* meeting. The *Committee* usually meets only four times per year. Where a case reaches the *Committee*, whether referred under either paragraph 2.2 or 2.3, at least one month before the next meeting of the *Committee*, it will usually be practicable to hear the case at that sitting of the *Committee*. In other cases, in order to allow for the collection of further information and consideration of that information the case may need to be considered at a later meeting as decided by the *Committee*.
- 3.7 Following its consideration of a case under paragraph 3.6, the *Committee* shall inform the *member* in writing of its decision, and the reasons for it, no later than 28 days after the date of the meeting at which the case was considered. The *member* shall also be informed at this stage of his right to appeal the decision of the *Committee* to the *Appeals Committee* in accordance with Appendix 4.

3.8 Pending appeal of the decision of the *Committee* to the *Appeals Committee* the *Committee's* decision shall remain in full effect.

#### **4. Grounds for Appeal**

4.1 An appeal of the decision of the *Committee* may be made by the *member* to the *Appeals Committee* within 14 days of the date of the *Committee's* decision letter.

4.2 An appeal may be made only on one or more of the following grounds:

4.2.1 The *Committee's* decision was based on a misapplication of the *Amateur Rules*;

4.2.2 The *Committee's* decision was not supported by the facts before it;

4.2.3 The *Committee's* decision was procedurally flawed in a material way;

4.2.4 The period awaiting reinstatement imposed by the *Committee* was excessive.

4.3 Any appeal shall be carried out in accordance with Appendix 4.

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**APPENDIX 3**  
**AMATEUR STATUS – REINSTATEMENT FORM**

**To the Secretary of the Malta Golf Association:**

*I, hereby make application for reinstatement to Amateur Status in support of which I give the following information:*

Name: .....

Address: .....

.....

.....

Telephone No: ..... Mobile No: .....

Date of Birth: ..... ID No: .....

Home Golf Club (if any): .....

1. Is this your first application for reinstatement?      Yes / No

2. Date at which you took up professional golf: .....

3. Date at which you ceased to take part in professional golf: .....

4. Clubs at which employed (*name of club, dates, name of employer, types of employment*):

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.....

5. Dates of membership of P.G.A./P.G.A.E.T./L.E.T./Challenge Tour/Other (please specify):

From: ..... To: .....

6. Details of tournament play whilst a professional golfer, including approximate number of tournaments played in, playing record and prize money:

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7. Present Occupation:

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8. Details of work carried out since ceasing to take part in professional golf:

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9. Details of golfing activities since ceasing to take part in professional golf:

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.....

10. Details of present ability as a golfer:

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.....

11. Unofficial Exact Handicap (if any): .....

12. Details of reason for delay in applying for Amateur Status if over six months since ceasing to be a professional golfer:

.....  
.....

13. Other comments you may wish to make in support of Application for Reinstatement to Amateur Status (*please continue on a separate sheet if necessary*):

.....  
.....

\* N.B. Please use additional sheets if necessary.

**CERTIFICATION OF APPLICANT’S INFORMATION**

I, ..... certify  
that I have not infringed the Rules of Amateur Status in any way whatsoever since (*date that  
you ceased to take part in professional golf*) .....

I further certify that all the information given in this application\* is true:

Date of application: .....

Signature: .....

**NOTES TO AMATEUR GOLFERS AWAITING REINSTATEMENT:**

Please refer to Rule 9 of the Rules of Amateur Status for information on reinstatement.

Particular attention is drawn to the following:

*Period awaiting reinstatement:*

Although the *Committee* reserves the right to extend or to shorten the period awaiting reinstatement, it is recommended that the following guidelines be applied:

Rule 9-2b(i) - Period of Breach Period Awaiting Reinstatement:

Under 5 years	1 year
5 years or more	2 years

*Number of Reinstatements:*

A player is not normally reinstated more than twice (Rule 9-2c)

*Status while awaiting reinstatement:*

During the period awaiting reinstatement an applicant for reinstatement must comply with the Rules as they apply to an Amateur Golfer. He/she is not eligible to enter competitions as an Amateur Golfer. However, he/she may enter competitions and win a prize solely among members of a Club where he/she is a member, subject to the approval of the Club; but, he/she may not represent such Club against other Clubs unless approved by the Clubs in the competition and/or the organising Committee (Rule 9-2e).

The complete Rules of Amateur Status are available from the *MGA* or from The R&A’s website ([www.randa.org](http://www.randa.org)).

\* *N.B. Please use additional sheets if necessary.*

**APPENDIX 4**  
**AMATEUR STATUS - APPEALS PROCEDURES**

**1. General**

1.1 These procedures and rules apply to appeals arising in relation to the following decisions:

1.1.1 Decisions taken in terms of paragraphs 2.4 and 3.3 of Appendix 1.

1.1.2 Decisions taken in terms of paragraphs 2.4 and 3.3 of Appendix 2.

1.2 All appeals are to the *Appeals Committee* and should be notified by the *member* in writing to the *MGA* within 21 days of the date of the letter communicating any written decision listed in paragraph 1.1 above, or in such other timescale as is agreed between the *member* and the *Appeals Committee*.

1.3 The decisions referred to in paragraph 1.1 above may be appealed only on one or more of the following grounds:

1.3.1 The relevant committee's decision was based on a misapplication of either the Rules of Amateur Status or the Rules of Golf;

1.3.2 The relevant committee's decision was not supported by the facts before it;

1.3.3 The relevant committee's decision was procedurally flawed in a material way;

1.3.4 In relation to a decision taken by the *Committee* regarding forfeiture of Amateur Status or imposing any period awaiting reinstatement to Amateur Status, that the sanction or period imposed was excessive.

1.4 In notifying his grounds of appeal in writing the *member* should also set out his preliminary reasons for his appeal on these grounds.

1.5 Any attempted appeal which falls out with the grounds set out in paragraph 1.3 or is made out with the timescale set out in paragraph 1.2 may not constitute a proper appeal under these rules and may not be considered by the *Appeals Committee*.

**2. Receipt by the Appeals Committee**

2.1 On receiving a competent appeal in accordance with these rules, the *Appeals Committee* shall, within a reasonable time, write to the *member* acknowledging receipt of the appeal, and confirming that the appeal shall be dealt with by way of written representations.

- 2.2 Notwithstanding paragraph 2.1 above, the *Appeals Committee* shall have the discretion to agree to an oral hearing of the appeal where the *Appeals Committee* considers, in all the circumstances that it would be in the interests of fairness to do so.
- 2.3 At this time the *Appeals Committee* shall also write to the committee responsible for the original decision and ask it to provide in writing, within 21 days of the date of *Appeal's Committee's* letter, details of the decision being appealed, full reasons for it, including a written statement setting out any grounds on which the appeal is opposed by the committee, if that is the case.
- 2.4 On receipt of the committee's written statement under paragraph 2.3, the *Appeals Committee* shall forward the committee's response to the *member*.

### **3. Written Representations**

- 3.1 The *member* shall have 21 days from the date of the *Appeals Committee's* letter enclosing the committee's written statement to submit full written representations on his appeal to the *Appeals Committee*.
- 3.2 Written representations should include:
- 3.2.1 Any documentary evidence which the *member* considers is relevant to support his grounds of appeal;
- 3.2.2 Any further arguments in support of his appeal; and
- 3.2.3 Any additional information, which the *member* thinks, is relevant by way of background for the *Appeals Committee*.

### **4. An Appeal Hearing**

- 4.1 If an appeal hearing is to be convened under paragraph 2.2 above, the *Appeals Committee* shall, within a reasonable period, fix the time and place of any hearing, giving the *member* and the relevant committee at least 21 days notice.
- 4.2 Except as provided for elsewhere in these rules, the *Appeals Committee* shall determine the procedure at the hearing.
- 4.3 The *member* may give evidence in person or be represented by counsel, a solicitor or any other person, and may be entitled to call one or more relevant witnesses.
- 4.4 The *Appeals Committee* may hear from such counsel, solicitor or other person as the *Appeals Committee* considers appropriate, including any representative of the committee from which the *member* is appealing. At the *Appeals Committee's*

discretion and in accordance with the rules of natural justice any such person may be entitled to call one or more relevant witnesses.

- 4.5 If the *member* or any person appearing in accordance with paragraph 4.4 above fails to attend or be represented at a hearing of which they have been duly notified, and provided the *Appeals Committee* is satisfied that there is insufficient reason for such absence, then it may hear and determine the appeal in their absence or adjourn the hearing at its discretion.

## **5. The Appeals Committee's Decision**

- 5.1 The *Appeals Committee* may take any one or more of the following actions:
- 5.1.1 Confirm the decision of the *Committee*;
  - 5.1.2 Quash the decision of the *Committee*;
  - 5.1.3 Alter the decision of the *Committee*;
  - 5.1.4 Substitute its own decision for that of the *Committee*; or
  - 5.1.5 Remit the decision of the *Committee* back to that *Committee* to re-take in light of any comments made by the *Appeals Committee*.
- 5.2 The *Appeals Committee* shall inform the *member* in writing of its decision, and the reasons for it, within 14 days of the completion of any oral hearing under paragraph 2.2 above, or within 28 days of receipt by the *Appeals Committee* of full written representations from the *member* under paragraph 3.1 above.
- 5.3 The decision of the *Appeals Committee* shall be final.