



# GENERAL CONDUCT REGULATIONS (GCR) FREQUENTLY ASKED QUESTIONS LAST UPDATED IN FEBRUARY 2023

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## DEFINED TERMS USED IN THIS DOCUMENT HAVE THE MEANINGS SET OUT IN THE GCR.

### Scope

#### Q1. Why do the GCR not apply to the recreational game as a whole?

- A. The GCR provide a single set of regulations to be applied at the top end of recreational cricket. On the basis of feedback received from within the recreational game, for the 2023 season the ECB has decided to introduce separate regulations for other cricket organisations within recreational cricket, the Recreational Cricket Regulations (the “RCR”). This decision was taken on the basis of concerns about implementing the GCR at lower levels of the recreational game, which is administered exclusively by volunteers, meaning that leagues do not necessarily currently have the systems and processes in place to implement the GCR in full. The RCR mirror the GCR in terms of offences, sanctions and principles, but contain simpler procedural requirements. However, the ECB considers that the GCR represent the most robust procedures for recreational cricket organisations to deal with disciplinary matters and although the GCR are only currently mandatory at the top level of the game, all recreational leagues are encouraged to adopt the GCR.

#### Q2. Which clubs are required to adopt the GCR?

- A. Clubs are not required to adopt the GCR in respect of their own disciplinary processes, unless they have accepted responsibility for particular types of cases from Relevant Cricket Organisations. However, they will be required to submit to disciplinary processes under the GCR which are carried out by Relevant Cricket Organisations and accept any sanctions imposed under those processes.

### Offences

#### Q3. When an umpire decides on the field about a Level 1 or Level 2 offence, how is this interpreted through the GCR?

- A. When an umpire decides there has been an on-field offence at Level 1 or Level 2, the umpire must complete a Disciplinary Report, make reasonable efforts to inform the individual (or their captain or a Club Official) before they leave the ground and submit the Disciplinary Report to the Disciplinary Officer of the Relevant Disciplinary Body. A template Disciplinary Report is included at Appendix 1 of the GCR. The Disciplinary Report should be completed and submitted irrespective of any immediate action the umpire may have taken on the field of play.

The Disciplinary Officer will then conduct any further investigation necessary to determine whether there is sufficient evidence to make a charge. Although this will depend on the level of detail provided in the Disciplinary Report, we would ordinarily expect the Disciplinary Officer to accept the determination of the umpire that there has been an on-field offence at Level 1 or Level 2. The Relevant Disciplinary Body may decide that on-field offences at Level 1 or Level 2 should be determined in accordance with the Summary Procedure, in which case it will be considered by an Adjudicator. If the Relevant Disciplinary Body does not wish to utilise the Summary Procedure for such cases, it will proceed to a Disciplinary Hearing.

**Q4. Why is the definition of Relevant Criminal Offence so broad?**

- A.** The purpose of the requirement to report a Relevant Criminal Offence is to ensure that any offence which could have safeguarding implications in respect of children or adults at risk is reported and can be subject to consideration by an appropriate person. As explained in the guidance notes to the GCR, Relevant Criminal Offences should be reported to the Club Safeguarding Officer and will only be escalated to the County Safeguarding Officer if the Club Safeguarding Officer considers that necessary.

Whilst the most obvious categories of offence which could have safeguarding implications are offences against a child or sexual offences, a number of other offences could give rise to transferable risk which may impact the suitability of an individual to come into contact with children via cricket - in particular given that cricket is an open age sport. The definition of Relevant Criminal Offence therefore includes additional categories of offence which the ECB Safeguarding Team consider may affect assessment of risk in relation to an individual.

**Q5. Is the offence of bringing the game into disrepute intended to stifle criticism of the ECB or other cricket organisations?**

- A.** This is not the purpose or intention of this provision. In the professional game, there is a separate offence of making statements which are prejudicial to the interests of the game of cricket but this has not been replicated in the GCR. "Bringing the game into disrepute" is a common offence in a sports disciplinary context and is generally used to capture conduct which does not fall neatly into the more specific disciplinary offences but which nevertheless lowers the reputation of the sport in the eyes of the public.

**Q6. Why should a club be held responsible for serious, collective or repeated breaches of the GCR?**

- A.** Clubs are ultimately responsible for the conduct of their members and participants and have a responsibility to the sport to ensure that their conduct meets appropriate standards. Clubs will be informed about any sanctions imposed upon their participants and where this identifies particular behavioural issues, would be expected to take steps to improve behaviour within the club. The ECB therefore considers it appropriate for there to be a mechanism for clubs to be sanctioned if there are repeated breaches of the GCR by their participants. However, it will be a matter for the Relevant Disciplinary Body to determine whether it is appropriate to issue a charge against a club and the club can also respond to that charge setting out the steps it has taken to prevent breaches of the GCR and why it would not be reasonable in the circumstances for them to receive any significant sanction.

**Roles and responsibilities****Q7. We currently have a Disciplinary Committee, who consider each report and decide if there is a case to answer based on the evidence then agree the 'level' of sanction if a case is proven. Under the GCR could this Committee structure work?**

- A.** Under the GCR, a member of your current Disciplinary Committee could act as an Adjudicator (in respect of the Summary Procedure), or the Disciplinary Committee as a whole could act as the Disciplinary Panel. However, the Disciplinary Committee would be expected to comply with the procedural steps in the GCR, for example seeking a response from the individual charged and holding a Hearing in cases where the Summary Procedure is not adopted.

**Q8. Who prosecutes the case when the club play in a cross-border league or competition?**

- A.** The relevant league or competition will be responsible for the disciplinary process and the appropriate County Board(s) will be notified.

**Q9. Does the organisation that a Relevant Cricket Organisation delegates authority to have to accept responsibility for the disciplinary or appeal process?**

- A.** Yes, they would need to accept that responsibility and the Relevant Cricket Organisation would retain overall responsibility for ensuring that the process in the GCR is complied with.

**Q10. Is it fair (or appropriate) for one Disciplinary Officer to make decisions about whether to bring a charge under the GCR? What role should the Disciplinary Officer have in determining whether the charge is proven?**

- A.** In order to reduce the burden on one individual, Relevant Cricket Organisations can appoint multiple Disciplinary Officers if they have a sufficient number of people available to carry out this role. The role of a Disciplinary Officer is to decide whether to bring a charge and then take responsibility for the administrative side of the disciplinary process, whereas the role of an Adjudicator or Disciplinary Panel is to determine whether the charge is proven. The GCR provide for a single Disciplinary Officer to carry out that role in relation to a specific case to increase efficiency, particularly as the majority of disciplinary cases are at the lower end of offences and will be heavily reliant on the umpire's report. If the Relevant Cricket Organisation appoints multiple Disciplinary Officers, a Disciplinary Officer who has not been involved in the decision to charge may act as the Adjudicator or form part of the Disciplinary Panel if that is considered appropriate by the relevant organisation. However, the Disciplinary Officer who has taken the decision to charge should not then be involved in determining whether the charge is proven.

## Process under the GCR

**Q11. Can the template Disciplinary Report (at Appendix 1) be amended?**

- A.** The template Disciplinary Report is intended to contain the minimum relevant information in relation to the reporting of a disciplinary issue by an umpire. Relevant Cricket Organisations can however amend the template Disciplinary Report to provide additional information which it considers is appropriate. Additional pages may also be used if necessary.

**Q12. Is the template Charge Letter (in Appendix 2) applicable for all types of offences?**

- A.** Yes, the template Charge Letter is intended to be applicable for all types of offences, but it includes wording for both cases proceeding via the Summary Procedure and cases to be determined at a Hearing. For example, there is reference to the application of Regulation 19, which is wording that will only apply if the case is proceeding to Hearing. The template Charge Letter is intended to provide the minimum relevant information to a person who has been charged. Relevant Cricket Organisations can however amend the template Charge Letter to provide additional information which it considers is appropriate.

**Q13. Can we send an extract of the GCR as part of the Charge Letter as opposed to the full GCR?**

- A.** Yes, provided the extracts address all aspects of the disciplinary process which apply to the person charged.

**Q14. What evidence must be provided to the individual charged?**

- A.** If the only evidence is the umpire's report, which will be the case for the majority of lower-level offences, this is all that needs to be provided. If the Disciplinary Officer has collated additional evidence, for example witness accounts which support or undermine the umpire's report (or written complaint), which will be provided to the Adjudicator or Disciplinary Panel when considering the charge then this should also be provided to the individual.

**Q15. It has been custom and practice in some Leagues once a report/referral has been received, for clubs to be advised of the expected sanction against an individual/s if on the balance of probability, they have breached the regulations. The club then either agrees to ban the player/s for the expected period or if they disagree then the League further consider the case and make a determination. Can this practice continue?**

**A.** The GCR have been introduced to ensure consistency and fairness of process in the recreational game. Accordingly, the current practice of “bargaining” between a club and a league (which notably does not involve the individual who is subject to the charge) will be not permitted under the process in the GCR. However, clubs would be expected to accept any sanction imposed by a league acting as the Relevant Disciplinary Body.

**Q16. If the club evades a disciplinary process so that it takes longer than a week, is the offending player allowed to play until it is resolved?**

**A.** As the disciplinary charge will be brought against the player themselves, it is their primary responsibility (i.e. not the responsibility of the club) to ensure that they respond to the charge in a timely manner and comply with any timetable set by the Disciplinary Panel Chair. In exceptional circumstances, the Disciplinary Panel Chair may suspend an individual from participating in cricket until the Hearing has concluded. If so, the individual must be given the opportunity to give written submissions on why it would not be appropriate for them to be suspended. As the allegation is unproven at this point, suspension pending a hearing is only likely to be appropriate in cases involving serious allegations where it would bring the game of cricket into disrepute for the individual to be allowed to participate in cricket while the disciplinary process is ongoing.

**Q17. Can a player or club be required to cover the costs at first instance hearings?**

**A.** Unless the Disciplinary Panel directs otherwise, the parties will bear their own costs of preparing for and attending a hearing. However, the Disciplinary Panel may choose to make a costs order in appropriate circumstances.

**Q18. How should we deal with a player or club who rejects a sanction which has been imposed using the Summary Procedure on the basis that they consider there to be a conflict of interest?**

**A.** When the Summary Procedure is adopted, the player or club will be informed in advance who the Adjudicator will be and will be given the opportunity to object to the Adjudicator on the basis of a conflict of interest in advance. If the player or club does not raise an objection in advance but seeks to do so after the Adjudicator has considered the case, the sanction should be imposed unless the Disciplinary Officer considers that there is a clear conflict of interest and good reason why this was not raised by the player or club in advance.

**Q19. On what basis can a club or player successfully argue that an individual has a conflict of interest and should not be involved in deciding their case?**

**A.** Broadly speaking, a conflict of interest arises when an individual finds themselves in a decision-making situation and their personal interests conflict with their official responsibilities in making that decision. This creates a risk that the individual’s judgment will be compromised. What will constitute a conflict of interest will depend on the specific circumstances of the case and the relationships between the Adjudicator, or member of the Disciplinary Panel, and the parties to the case. However, this may include the decision-maker having a close personal or family relationship with one of the parties (whether the respondent, the victim, a witness or an umpire) or having a professional or business interest or role within cricket which would be affected by the decision.

## Sanctions

### Q20. Can Relevant Cricket Organisations stipulate that fixed sanctions (not set out in the GCR) will be applicable to certain offences?

- A. The purpose of the GCR is to provide consistency in the disciplinary process across the recreational game. The GCR therefore stipulates standard sanctions to be imposed for on-field offences. These standard sanctions can only be departed from in specific cases where the Adjudicator or Disciplinary Panel has considered applicable aggravating and/or mitigating factors and considers that the standard sanctions set out in the Sanction Guidelines of the GCR would not be appropriate. However, Relevant Cricket Organisations cannot automatically fix sanctions for categories at a different level from those stipulated in the GCR.

### Q21. Do all suspensions need to be reported to the ECB and/or other Relevant Cricket Organisations?

- A. Please refer to the separate guidance which has been produced by the ECB regarding the reporting and applicability of sanctions imposed under the GCR.

## Appeals

### Q22. Who has responsibility for hearing appeals to cases?

- A. The GCR state that Relevant Cricket Organisations can decide who has responsibility for conducting the disciplinary process and dealing with appeals and may delegate responsibility in relation to some, or all, categories of cases arising under the GCR, provided that the relevant body complies with the requirements in relation to the disciplinary and/or appeals process as set out in the GCR.

### Q23. Can we use other Leagues to handle appeals especially in complex or cross border cases?

- A. Yes, provided the league adopts the process in the GCR an Appeal Panel can be selected from another League if it is helpful to have specific expertise and/or resource assistance. However, this approach should be clearly documented so that it is clear to participants who will hear an appeal.

### Q24. Does an appeal under the GCR conclude the matter, or is there any further right to appeal (to the ECB or otherwise)?

- A. Any decision of an Appeal Panel is final and binding and there is no further right of appeal.

## Support from and monitoring by the ECB

### Q25. What further support is ECB providing to Disciplinary Officers and Adjudicators prior to the start of the season?

- A. The ECB is producing resources to be shared with the network to support the roll-out of the GCR, including this FAQ document. Whilst the ECB is not able to give detailed advice in relation to individual cases, the ECB will also be available to assist with general queries that arise before or during the season. If your Disciplinary Officers and Adjudicators feel they would benefit from specific training, please provide guidance as to what training is required and the ECB will look to put in place appropriate additional support.

**Q26. How will ECB know that the GCR are being embedded and interpreted correctly during the season?**

- A. The ECB will be seeking feedback from the network throughout the season and conducting a high-level audit into how the GCR have been embedded and interpreted at the end of the 2023 season. A similar exercise was conducted in respect of the 2022 season, which has informed the approach to the GCR in the 2023 season.

**Miscellaneous****Q27. Can we expect more reports/referrals under the GCR?**

- A. The purpose of the GCR is not to generate more referrals but to ensure that a consistent process is followed when referrals are received. However, as the GCR address off-field offences (such as a breach of the ECB Anti-Discrimination Code) it is possible that your Relevant Cricket Organisation will receive more referrals under the GCR, although this was not generally found to be the case in respect of the 2022 season.

**Q28. Are County Cricket Boards required to ensure that clubs embed the GCR?**

- A. The County Partnership Agreement requires County Cricket Boards to ensure that each league and club which operates under its jurisdiction implements and enforces the GCR. However, as explained during the network implementation sessions, the ECB is adopting a phased roll-out of the GCR. Accordingly, County Cricket Boards are merely required to adopt the GCR in respect of their own disciplinary processes, ensure that Premier Leagues have adopted the GCR and ensure that other leagues have adopted the Recreational Conduct Regulations. Any participant in a County Cricket Board competition should also be made aware that the process in the GCR will apply in respect of any disciplinary process they are subject to. Where a County Cricket Board has delegated responsibility for particular types of cases to clubs, they must also ensure that those clubs adopt the process in the GCR.

**Q29. Should Relevant Cricket Organisations publish the amended version of the GCR which they adopt on their website in order to bring participants' attention to it?**

- A. Yes, the ECB recommends that Relevant Cricket Organisations publish the GCR on their website. We would also recommend, wherever possible, that those participating in competitions run by Relevant Cricket Organisations are provided with a copy of the GCR or that the relevant competition rules are amended to make specific reference to the GCR so that participants know what disciplinary process will apply.

**Q30. Will the ECB provide Relevant Cricket Organisations with a Word version of the GCR so that they can amend and/or supplement provisions of the GCR in the version of the GCR that they adopt?**

- A. A Word version has been included as part of the resources provided to Relevant Cricket Organisations.

**Q31. We would like to amend and/or supplement provisions of the GCR, as permitted by the document. What might the finalised version of the GCR that we adopt look like?**

- A. The ECB has adopted a version of the GCR for the purposes of disciplinary processes in ECB recreational cricket competitions. This version of the GCR has been included as part of the resources provided to Relevant Cricket Organisations to help provide clarity on what a finalised version of the GCR could look like.

**Q32. What changes have been made to the GCR for the 2023 season?**

- A.**
- A breach of Law 41 has been clarified to be an on-field rather than off-field offence (Regulation 5(a)).
  - A specific on-field offence has been introduced for a cricketer acting contrary to the ECB's Anti-Discrimination Code Regulation 5(b). Such conduct would previously have been a breach of the GCR, as use of discriminatory language or conduct (or any other behaviour that breaches the ECB's Anti-Discrimination Code) is an aggravating factor in respect of on-field conduct falling within the categories listed in Law 42 which would have captured any racist language, gestures or conduct which took place on-field. However, a specific offence has been introduced to capture this more clearly.
  - A specific on-field offence has been introduced for a cricketer acting in a way which may bring the ECB, cricket or any cricketers into disrepute (Regulation 5(c)). This was previously included as an off-field offence but has been introduced to capture misconduct falling outside the categories listed in Law 42.
  - A specific off-field offence has been introduced for a cricketer engaging in any corrupt conduct (Regulation 5(g)). Such conduct would previously have been a breach of the GCR, under the general off-field offence of bringing the game into disrepute, but a specific offence has been introduced to capture this more clearly.
  - The Disciplinary Chair has been renamed as the Adjudicator, in order to provide further clarity in relation to their role and how this differs from the role of the Disciplinary Officer and Disciplinary Panel.
  - The Adjudicator will have ultimate discretion as to whether a matter proceeds under the Summary Procedure (Regulation 19).
  - Where a Respondent is unable to attend a Hearing, the parties shall attempt to reschedule it (Regulations 26 and 39).
  - The grounds of appeal have been updated (Regulation 37).
  - The recommended sanctions for L2-L4 offences, for second and third breaches, have been increased (Appendix 3).
  - The Guidance at Appendix 4 has been updated.

**Data protection****Q33. Can we send an extract of the Privacy Notice as part of the Charge Letter as opposed to the whole of the Privacy Notice?**

- A.** No, the Privacy Notice should be included in full as an enclosure (or attachment if sent by email).

**Q34. Can the ECB provide Relevant Cricket Organisations with advice in relation to their Privacy Notices?**

- A.** The ECB has prepared a template Privacy Notice which County Cricket Boards and Premier Leagues can amend as applicable for their organisation. If a County Cricket Board or Premier League already has a Privacy Notice in place, it may instead choose to amend that Privacy Notice to refer to the collection and processing of personal data in relation to the disciplinary process (where necessary). However, as each organisation bears responsibility for complying with its own data protection responsibilities and may collect, store and use data in different ways, the ECB is not able to provide a one size fits all Privacy Notice or advise on the contents of specific Privacy Notices.



**Q35. The Disciplinary Report (at Appendix 1) refers to the Privacy Notice being provided to each person whose personal data is recorded on the form. Is this feasible?**

- A.** In the majority of cases, the only person whose personal data will be recorded on the form is the person charged. Where the Disciplinary Report contains the personal data of other people, in order to comply with data protection responsibilities they should also be provided with the Privacy Notice. It does not matter who serves the Privacy Notice or whether it is served in advance of the Disciplinary Report being completed, so the Relevant Disciplinary Body can choose to: (i) ask umpires to provide a copy of the Privacy Notice to each individual mentioned in the Disciplinary Report at the time it is completed; (ii) ask the Disciplinary Officer to serve the Privacy Notice on the relevant individuals within a month after the event; or (iii) serve the Privacy Notice on any relevant participants who are likely to be named in a Disciplinary Report before a disciplinary issue is raised (for example by providing it to players at the point of their registration with the relevant cricket organisation or for the competition). The latter approach may help to ease the administrative burden. However, in instances where a person's personal details are included in the form, and they haven't been provided with a copy of the Privacy Notice previously (for example if a spectator was a witness and wasn't aware of the Privacy Notice), they would need to be provided with a copy of the Privacy Notice at the time (or within a month after) to ensure compliance with the Relevant Disciplinary Body's data protection obligations.

**Q36. Will the ECB monitor who has received Privacy Notices?**

- A.** The ECB has provided guidance to assist cricket organisations in complying with their own data protection responsibilities but will not be monitoring who has sent and received Privacy Notices or seek to sanction cricket organisations who have not provided Privacy Notices to individuals whose personal data they are processing.