



# CRICKET DISCIPLINE COMMISSION REGULATIONS

## GUIDELINES

- 1 These guidelines are issued to help explain the policy and procedure of the Cricket Discipline Commission (“CDC”) and do not replace the CDC Regulations which should be read carefully by all those falling under the jurisdiction of the ECB. These guidelines do not form part of the CDC Regulations and are not binding on the ECB. It should also be noted that the procedures set out in the CDC Regulations do not apply to any corruption or doping matters which instead fall to be dealt with pursuant to the provisions of the ECB Anti-Corruption Code and the ECB Anti-Doping Rules respectively.
- 2 The general aim of the CDC Regulations is to provide an efficient, speedy and fair system of dealing with alleged breaches of the ECB’s Rules, Regulations and Directives. They provide for complaints to be dealt with as soon as reasonably practicable and are intended to meet the requirements of all competitions. It is in everyone’s interests that complaints are dealt with speedily.
- 3 Captains (whether appointed or acting) are reminded that provision exists for them to be held responsible under the CDC Regulations for the misbehaviour of a cricketer or cricketers on their team(s). Repeated infringements by one or more cricketer(s) on a team they are captaining, whether in the same or different matches, are likely to result in the captain facing separate disciplinary charges, as well as the direct offender(s) and also the Team as a whole facing disciplinary proceedings. As such, where a Team faces a charge for accumulated Fixed Penalty breaches and the same individual was captain for the matches in which those accumulated Fixed Penalty breaches occurred, that captain may also face a charge for the Fixed Penalty breaches accumulated by their Team.
- 4 The procedures under the CDC Regulations are designed to be flexible so as to meet the requirements of all competitions. Both the summary procedure under Regulation 5 and the Disciplinary Hearings and Appeal Hearings under Regulations 7 and 10 are intended to meet the needs of all current competitions. If a Disciplinary Panel is required to determine a complaint, it will be convened quickly and, save for a hearing on a Twenty20 Finals Day, the expectation is that any appeal against its decision will be determined before the next stage of the competition in which the matter giving rise to the complaint occurred.
- 5 The summary procedure under Regulation 5 permits complaints to be dealt with without a hearing if the case is of moderate seriousness and the CDC Chair (or their authorised deputy) believes there may be a willingness on the part of the “Respondent” to admit the matter. Cricketers should note that if they are approached under this procedure, they have the right to consult the PCA who will always be prepared to give help and advice at short notice. Apart from the benefit of speedy resolution, the sanctions available under the summary procedure are less than if the matter proceeds to a Disciplinary Hearing.
- 6 A Disciplinary Hearing will normally be chaired by a member of the CDC with legal experience and must take place as soon as is reasonably practicable (see Regulation 7.4). In any case against a cricketer, the Disciplinary Panel may sit at a place and at a time that will permit the attendance of that cricketer, notwithstanding that they are involved in a match (e.g.,



Cricketer X of Gloucestershire may be required to attend a Disciplinary Hearing held at Bristol at 7.30 p.m. on Friday night if involved in a Gloucestershire home game that day). The size of the CDC permits flexibility in the arrangements which it is able to make.

- 7 A Respondent is entitled to attend a Disciplinary Hearing with a legal representative but only in the most exceptional case will a hearing date be adjourned to enable the Respondent to obtain legal representation. However, a Respondent may be accompanied at the hearing by a friend or representative, which may where the Respondent is a cricketer be a representative of the Respondent's Team, and cricketers should note that the PCA will be prepared to advise and assist with finding a suitable representative if asked to do so.
- 8 The Disciplinary Panel's powers of sanction are greater than those available under the summary procedure level (see Regulation 8).
- 9 Any appeal is to an Appeal Panel (see Regulation 10) and, although a Respondent does have the right to legal representation at Appeal Hearings, it is expected that time limits will be rigorously enforced and hearings held promptly so as to avoid delay and unnecessary speculation.
- 10 In the event of any inconsistency between this guidance and the Regulations, the Regulations shall take precedence. The guidance is not intended to, and does not, qualify the Regulations in any way.

## 1 DEFINITIONS

In these Regulations, unless otherwise stated, the following expressions shall be taken to have the following meanings:

- 1.1 **"Adjudicator"** means, in relation to a particular Charge, the member of the CDC appointed to pursue the summary procedure under Regulation 5 below;
- 1.2 **"Anti-Doping Rules"** means the ECB's anti-doping rules in force from time to time;
- 1.3 **"Anti-Corruption Code"** means the ECB's anti-corruption code in force from time to time;
- 1.4 **"Appeal Panel"** means, in relation to any appeal against a decision of the Disciplinary Panel, the panel appointed pursuant to Regulation 10.5 below to deal with that appeal;
- 1.5 **"Appeal Panel Chair"** means, in relation to any Appeal Panel, the person appointed as Chair of that Appeal Panel pursuant to Regulation 10.5 below;
- 1.6 **"Appeal Hearing"** means, in relation to any appeal against a decision of the Disciplinary Panel, the hearing or hearings at which the Appeal Panel deals with that appeal;
- 1.7 **"Applicable Regulations"** means any of the ECB's rules, regulations or directives in force from time to time (except for the Anti-Doping Rules or the Anti-Corruption Code).

- 1.8 **“CDC”** means the Cricket Discipline Commission;
- 1.9 **“CDC Chair”** means the chair from time to time of the CDC or their authorised deputy;
- 1.10 **“CDC Regulations”** means these regulations and, save where the context requires otherwise, “Regulation” and “Regulations” shall be interpreted accordingly;
- 1.11 **“Charge”** means the breach (or breaches) of the Applicable Regulations in respect of which an individual or entity over which the CDC has jurisdiction in accordance with Regulation 2.1 has been charged;
- 1.12 **“Charge Letter”** means written notice served on a Respondent by the ECB which sets out the Charge issued against them and which serves to commence disciplinary proceedings. Where the Respondent is a cricketer or a Coach, it shall also be served on the Chief Executive of the cricketer or coach’s Team (or, in the absence of such Chief Executive), on their authorised deputy);
- 1.13 **“Coach”** means any individual acting as a coach, coaching assistant or consultant or Director of Cricket, whether paid or unpaid, employed or otherwise engaged;
- 1.14 **“Coaching Activities”** means any involvement in any formal or informal coaching session, whether collective or individual, or presence during a Match on the playing area or in any dressing room, dug-out, umpires room or any other part of the venue for the Match where members of any Team, any umpires and/or match referees are likely to be present at any part of the venue for the Match during the Match;
- 1.15 **“Competition”** means any competition played under the control, jurisdiction or auspices of the ECB or with the agreement of the ECB;
- 1.16 **“County Championship”** means the first class domestic county championship run by the ECB;
- 1.17 **“Disciplinary Panel”** means, in relation to any Charge, the panel appointed pursuant to Regulation 7.3 below to deal with that Charge;
- 1.18 **“Disciplinary Hearing”** means, in relation to any Charge, the panel hearing or hearings at which the Disciplinary Panel deals with that Charge;
- 1.19 **“Disciplinary Panel Chair”** means, in relation to any Disciplinary Panel, the person appointed as chair of that Disciplinary Panel pursuant to Regulation 7.3 below;
- 1.20 **“Disciplinary Panel Secretariat”** means the person appointed to act as a secretary to a Disciplinary Panel, or their nominee.
- 1.21 **“ECB”** means England and Wales Cricket Board Limited;



- 1.22 **“ECB Integrity Team ”** means the integrity department of the ECB;
- 1.23 **“FCC Registration Regulations”** means the Regulations Governing the Qualification and Registration of Cricketers;
- 1.24 **“First-Class County Cricket Club”** means any of the clubs and/or companies listed in schedule B to the ECB’s articles of association and/or any county cricket club playing in the County Championship from time to time;
- 1.25 **“The Hundred”** means the ECB’s domestic cricket competition in a “100-ball” format and **“Men’s Hundred”** and **“Women’s Hundred”** mean The Hundred games played by the Men’s Hundred Team and Women’s Hundred Team, respectively;
- 1.26 **“Hundred Team”** means, any of the teams from time to time playing in The Hundred and **“Men’s Hundred Team”** and **“Women’s Hundred Team”** mean the teams playing in the Men’s Hundred and Women’s Hundred respectively.
- 1.27 **“Match”** means any match in any Competition together with (for the avoidance of doubt) all matches in First Class Cricket or Competitive Women’s Cricket as defined in the FCC Registration Regulations or the Regional Host Registration Regulations from time to time in force;
- 1.28 **“Match Referee”** means a match referee contracted to the ECB and/or appointed to any Match;
- 1.29 **“MCC”** means Marylebone Cricket Club;
- 1.30 **“Member”** means:
- 1.25.1 any First-Class County Cricket Club;
  - 1.25.2 any Regional Host Team
  - 1.25.3 any Men’s Hundred Team or Women’s Hundred Team
  - 1.25.4 the MCC;
  - 1.25.5 the NCCA;
  - 1.25.6 any member of the NCCA; and
  - 1.25.7 any other team, organisation, franchise or country taking part in an ECB recognised competition.
- 1.31 **“NCCA”** means the National Counties Cricket Association;
- 1.32 **“National County Cricket Club”** means any county cricket club member of the NCCA;



1.33 “PCA” means the Professional Cricketers’ Association;

1.34 “Recreational Discipline Panel” means the correctly constituted discipline panel or committee for any cricket activities carried out under the jurisdiction of the ECB which are not carried out by: (i) First-Class County Clubs in relation to men’s professional cricket; (ii) Regional Host Teams within the Regional Structure; or (iii) any Hundred Teams as part of the Hundred;

1.35 “Regional Host Competitions” means the 50-over tournament and the 20-over tournament played in the Regional Structure;

1.36 “Regional Host Registration Regulations” means the Regulations Governing the Qualification and Registration of Cricketers for the Regional Host Competitions;

1.37 “Regional Host Team” means a team playing in the Regional Host Competitions;

1.38 “Regional Structure” means the structure of Regional Host Teams and Academy Programmes administered by the Regional Hosts to provide players with high quality training environments and new, nationwide ECB competitions, with a view to developing the most talented female cricketers and providing the basis for sustained international success;

1.39 “Registered Cricketer” means a cricketer registered in accordance with: (i) FCC Registration Regulations; or (ii) the Regional Host Registration Regulations; or (iii) The Men’s Hundred Player Selection Regulations; or (iv) The Women’s Hundred Competition Player Selection Regulations, as in force and updated from time to time.

1.40 “Respondent” means any person or body (whether or not incorporated) against whom a Charge is issued;

1.41 “Team” means a First-Class County Club or Regional Host Team or Men’s Hundred Team or Women’s Hundred Team; and

1.42 “Umpire” means an umpire contracted to the ECB and/or appointed to any Match (and the plural shall be construed accordingly).

Any capitalised terms in these Regulations not defined above or otherwise herein shall have the meaning as set out in the ECB’s other rules, regulations, and directives.

## 2 JURISDICTION

2.1 The CDC shall have jurisdiction over all:

2.1.1 Members (who shall be accountable, additionally, for the acts, omissions and statements of all those who are its paid or unpaid employees, agents, officers of committees or committee members);



- 2.1.2 Registered Cricketers;
  - 2.1.3 cricketers (other than members of an official visiting touring team) involved in any Match;
  - 2.1.4 Coaches who are employed by any Member (whether paid or unpaid or as an independent contractor)
  - 2.1.5 Umpires;
  - 2.1.6 Match Referees;
  - 2.1.7 agents who are registered in accordance with the ECB's Agent Regulations;
  - 2.1.8 committee members of the ECB;
  - 2.1.9 other persons who have agreed in writing to be bound by any of the rules, regulations or directives of the ECB for the time being in force; and
  - 2.1.10 persons falling into one or more of the aforementioned categories at the time of the occurrence of the matter forming the basis of the Charge.
- 2.2** The ECB Integrity Team can consider any referral and/or information which relates to any alleged or potential breach of the Applicable Regulations by an individual or entity over which the Disciplinary Panel has jurisdiction in accordance with Regulation 2.1.
- 2.3 Any referral and/or information shall be dealt with subject to and in accordance with the process in the Regulations which are in force as at the date of the making of the Charge, regardless of the date of the alleged breach(es) which are the subject of the referral and/or information.
- 2.4 Any action taken in accordance with these Regulations shall be without prejudice to any separate disciplinary process to which the individual or entity is subject.

### **3 INVESTIGATION PROCEDURE**

- 3.1** This procedure shall apply to all or any breaches of the Applicable Regulations, save where the Applicable Regulations expressly provide otherwise.
- 3.2 The ECB Integrity Team may conduct any investigation required to determine whether it considers that there has been a breach of the Applicable Regulations. In carrying out such investigations, the ECB Integrity Team shall have the power to require of any individual or entity under the ECB's jurisdiction upon reasonable notice:
- 3.2.1 attendance to answer questions and provide information at a time and place determined by the ECB Integrity Team; and
  - 3.2.2 production to the ECB Integrity Team of documents, information or any other material of any nature held by the individual or entity or which the individual or entity has the power to obtain.



Any failure by an individual or entity to comply with any requirement under this Regulation 3.2 will constitute a breach of these Regulations and the ECB Integrity Team may bring a Charge as it sees fit.

**3.3** As soon as reasonably practicable following such investigation, the ECB Integrity Team shall decide whether to:

3.3.1 take no further action; or

3.3.2 invite a Member to take its own disciplinary action and, if such invitation is declined or the action taken is considered insufficient, to consider the options under Regulations 3.3.3 and 3.3.4 below; or

3.3.3 issue a Charge Letter and refer the case to the CDC Chair to consider initiating the summary procedure under Regulation 5 below; or

3.3.4 issue a Charge Letter and refer the matter for a Disciplinary Hearing under Regulation 7 below.

## **4 INTERIM SUSPENSION**

4.1 Where the Respondent is a cricketer, Coach or Umpire and the ECB Integrity Team has referred a Charge to the CDC Chair, the ECB Integrity Team shall consider the Charge and decide whether it concerns a matter of sufficient severity to:

4.1.1 Invite the cricketer's or Coach's Team to withdraw the cricketer or Coach from participation in any Match either in the Competition in which the incident occurred (if the Competition is ongoing) or in any Competition prior to the case being determined under the summary procedure or the Disciplinary Hearing regarding the Charge. If such invitation is declined, Regulation 4.1.2 shall still apply; and/or

4.1.2 Apply to the CDC Chair for an interim suspension on the cricketer, Coach or Umpire from eligibility to play or participate in any Match(es) whatsoever, including a Match currently in progress, prior to the case being determined under the summary procedure or the Disciplinary Hearing regarding the Charge. The ECB Integrity Team shall notify the individual of its intention to apply for an interim suspension. The individual will be asked to provide any comments on such an application within a specified time. If the individual does not respond within the specified time or if the Integrity Team believe that it is still appropriate to apply for an interim suspension, the Integrity Team shall make the application to the CDC Chair. The CDC Chair shall convene a Disciplinary Panel (which may include themselves) to consider the interim suspension application (either in a meeting, by phone or over written correspondence).

4.2 Where action has been taken under Regulation 4.1, the Disciplinary Panel shall take into account the effect of this action upon the Respondent when imposing any sanction (in whatever form).

- 4.3 There shall be no appeal against any action under 4.1. but any written representations made by the cricketer or coach to the ECB Integrity Team under Regulation 4.1.2 shall be taken into account by the Disciplinary Panel.
- 4.4 At any time before the Disciplinary Hearing the CDC Chair or, once appointed, the Disciplinary Panel Chair, or the Disciplinary Panel may revoke or amend any action taken under Regulation 4.1.
- 4.5 Where any action has been taken under Regulation 4.1, the Disciplinary Hearing should wherever possible be convened within 5 days of the Charge being referred to the CDC Chair. The Disciplinary Panel shall have the power to review the interim suspension and then adjourn further consideration of the Charge.
- 4.6 Where a cricketer is subject to an interim suspension or withdrawal from participation under Regulation 4.1, any other Regulations of the ECB, the ICC, another ICC Member Country and/or is subject to any investigations or charges or sanctions by the ECB, the ICC, another ICC Member Country, police or another law enforcement body, the ECB may make an application to the CDC Chair under Regulation 4.7.
- 4.7 If they consider that it would be in the best interests of cricket generally, the ECB may seek an order preventing the cricketer from attending any official post-match ceremony or presentation taking place anywhere on the field of play or otherwise following the conclusion of a Match(es). The CDC Chair may grant such order, having given the cricketer, the relevant Team and the ECB the opportunity to make representations.

## **5 SUMMARY PROCEDURE**

- 5.1 Where the ECB Integrity Team refers a matter to the CDC Chair under Regulation 3.3, the CDC Chair considers it appropriate to initiate the summary procedure. If the CDC Chair does not believe it is appropriate to initiate the summary procedure the matter shall be referred for a Disciplinary Hearing under Regulation 7. If the CDC Chair considers that it is appropriate to initiate the summary procedure, the CDC Chair shall promptly appoint themselves or another member of the CDC as the Adjudicator.
- 5.2 As soon as reasonably practicable after the decision to initiate the summary procedure, the Adjudicator shall contact the Respondent to establish whether the Respondent:
- 5.2.1 admits the Charge;
  - 5.2.2 agrees to the matter proceeding by way of the summary procedure;
  - 5.2.3 agrees to publication of any decision and/or any written apology required by the Adjudicator, if the Adjudicator considers that publication is desirable; and
  - 5.2.4 agrees to accept any sanction which the Adjudicator may consider appropriate (such sanction to include any costs which the Adjudicator considers appropriate).

**5.3** In the event that the Respondent admits the Charge and agrees all matters under Regulations 5.2.2 - 5.2.4, no further action shall be taken under the CDC Regulations in respect of the Charge.

**5.4** In the event that the Respondent:

5.4.1 declines to speak to the Adjudicator or fails to co-operate fully with the Adjudicator; or

5.4.2 does not admit the Charge; or

5.4.3 does not agree the matters specified in Regulations 5.2.2 - 5.2.4 above;

then the Adjudicator shall refer the matter for a Disciplinary Hearing under Regulation 7 and in no circumstances shall the Adjudicator play any part as a member of the Disciplinary Panel or Appeal Panel in relation to that Charge should it proceed.

## **6 SUMMARY PROCEDURE - SANCTIONS AND COSTS**

**6.1** The Adjudicator may impose any one or more of the following sanctions under this summary procedure:

6.1.1 caution as to future conduct;

6.1.2 reprimand;

6.1.3 completion of any education/training programme/course (at the cost of the individual);

6.1.4 fine (not to exceed £2,000);

6.1.5 suspension for a maximum of 4 scheduled playing days of the right to participate in any Match(es);

6.1.6 alteration of the points awarded in respect of that Member's Match(es); and

6.1.7 a contribution to the costs and expenses incurred by the ECB in connection with the Charge, limited to £250.

**6.2** Any fine and/or costs order imposed pursuant to Regulation 6.1 above shall be paid as directed by the Adjudicator. Written notification of any such fine and/or costs order (as applicable) shall be sent to the Respondent by or on behalf of the Adjudicator and such written notification shall specify the date by which full payment of the fine and/or costs order (as applicable) is required.

## **7 DISCIPLINARY HEARINGS - PROCEDURE**

**7.1** Upon a decision being made under Regulation 3.3 to refer a Charge for a Disciplinary Hearing, the ECB Integrity Team shall:

- 7.2.1 issue a Charge Letter;
- 7.2.2 prepare any necessary papers for the Disciplinary Panel and the Respondent; and
- 7.2.3 present the Charge at the Disciplinary Hearing. The burden of proof shall be on the ECB Integrity Team and the standard of proof shall be the civil standard.
- 7.3** The CDC Chair shall appoint themselves or another member of the CDC to chair the Disciplinary Panel. The chair of the Disciplinary Panel shall select two other individuals to sit on the Disciplinary Panel.
- If the Respondent is a cricketer or Coach, it shall be usual (but not mandatory) for the Disciplinary Panel to include one person from a list of suitable persons nominated by the PCA. Otherwise, the Disciplinary Panel shall comprise members of the CDC, with the exception that the person appointing the Disciplinary Panel shall, if they feel it appropriate, request that Sports Resolutions (UK) appoint one or more independent person(s) to be a member and/or Disciplinary Panel Chair. Any proposed member of the Disciplinary Panel should disclose any potential conflicts of interests in the case to the CDC Chair before agreeing to be appointed to the Disciplinary Panel.
- 7.4** The Disciplinary Panel Chair shall decide the time, date and place of the Disciplinary Hearing subject to the requirement that the hearing shall take place within 14 days from the date of the decision to refer the Complaint for a Disciplinary Hearing or as soon as is reasonably practicable having regard to all the relevant circumstances.
- 7.5** The Disciplinary Panel Secretariat shall then, if the Disciplinary Panel has not already provided notice, promptly notify the Respondent about the membership of the Disciplinary Panel, the time, date and place of the Disciplinary Hearing and that the Respondent is required to attend the Disciplinary Hearing. If any party has any objections to the membership of the Disciplinary Panel on the basis of any alleged conflict of interest, they must immediately notify the Disciplinary Panel Chair (or, if the alleged conflict relates to the Disciplinary Panel Chair, the objecting party must notify either the CDC Chair or, if the CDC Chair is the Disciplinary Panel Chair then an authorised deputy of the CDC Chair). The relevant individual shall consider the alleged conflict and decide in their absolute discretion whether to amend the membership of the Disciplinary Panel.
- 7.6** The Disciplinary Panel Chair may, at any time before commencement of the Disciplinary Hearing, determine any application in relation to the Disciplinary Hearing, including but not limited to applications:
- 7.6.1 for an adjournment of the Disciplinary Hearing; or
- 7.6.2 for the production to the Disciplinary Panel and/or to either the Respondent and/or the ECB Integrity Team of any book, document or other item which may be relevant to the proceedings which is in the custody, possession or control of any person who is subject to the CDC's jurisdiction.
- 7.7** The Disciplinary Panel may sit at such times and in such places as it deems most convenient, having regard to all the relevant circumstances. The Disciplinary Panel may,

where it deems appropriate, and having heard any representations in respect of it, hear the cases of more than one Respondent in the same proceedings.

- 7.8** The Respondent shall have the right to be legally represented at the Disciplinary Hearing and to be accompanied during the Disciplinary Hearing by a friend or individual of the Respondent's choice, including but not limited to a representative of the Respondent's Team where the Respondent is a cricketer or Coach.
- 7.9** Subject to following the rules of natural justice, ensuring the process is consistent with a fair and just consideration of the Charge, the Disciplinary Panel shall determine its own procedure. The Disciplinary Panel shall have the right to require the attendance of the Respondent and any person subject to the CDC's jurisdiction. The Disciplinary Panel shall also have the right to require the production of any document or other item which may be relevant to its proceedings and which is in the custody, possession or control of any person or body subject to the jurisdiction of the CDC. The Disciplinary Panel shall also have the right to stay proceedings.
- 7.10** The ECB Integrity Team and the Respondent shall be permitted to call witnesses at the Disciplinary Hearing.
- 7.11** The Disciplinary Panel may draw such reasonable inferences as it deems proper from any failure by the Respondent to attend any Disciplinary Hearing or from the choice by the Respondent to remain silent at any such hearing, or from any failure to produce any document or other item the production of which has been required by the Disciplinary Panel Chair and/or the Disciplinary Panel.
- 7.12** For a Disciplinary Panel to be quorate, at least 2 members of the Disciplinary Panel must be present throughout the Disciplinary Hearing.
- 7.13** Any decisions by a Disciplinary Panel (including any decision as to whether the Charge is upheld and, if so what (if any) sanction and/or costs to impose) shall be by a majority vote and in the event of a tie, the Disciplinary Panel Chair shall have a casting vote. Proceedings before the Disciplinary Panel pursuant to this Regulation 7 are not intended to be, nor should they be construed as being, arbitral for the purposes of the Arbitration Act 1996.
- 7.14** As soon as reasonably practicable, and usually within five working days of its decision, the Disciplinary Panel shall produce written reasons for its findings, including with regards to sanction where relevant, and share those written reasons with the parties. The written reasons shall be published in full unless the Disciplinary Panel determines for any reason that it is appropriate that they should only be published in part or not published at all.

## **8 DISCIPLINARY HEARINGS - SANCTIONS AND COSTS**

- 8.1** In any particular case, the Disciplinary Panel may impose any one or more of the sanctions prescribed below:
- 8.1.1 caution as to future conduct;

- 8.1.2 reprimand;
- 8.1.3 fine without limit;
- 8.1.4 in addition in the case of any cricketer:
  - 8.1.4.1 suspension of eligibility to play in any Match(es) or for any fixed period, to include continuation of any interim suspension or voluntary withdrawal under Regulation 4.4 above;
  - 8.1.4.2 suspension of eligibility for selection to play for England in any Match(es) or for any fixed period;
  - 8.1.4.3 suspension (for any period) or termination of registration under the FCC Registration Regulations; and
  - 8.1.4.4 completion of any education/training programme/course (at the cost of the cricketer);
- 8.1.5 in addition in the case of any Coach:
  - 8.1.5.1 suspension of eligibility to participate in any Coaching Activities in any Match(es) or for any fixed period, to include continuation of any interim suspension or voluntary withdrawal under Regulation 4 above.
  - 8.1.5.2 suspension of eligibility to participate in any England programme in any Match(es) or for any fixed period; and/or
  - 8.1.5.3 completion of any education/training programme/course (at the cost of the Coach);
- 8.1.6 in addition in the case of any Member:
  - 8.1.6.1 suspension (for any period) of eligibility to participate in any Competition(s);
  - 8.1.6.2 variation of any result of any Match(es) played by that Member; and/or
  - 8.1.6.3 alteration of the points awarded to any Member in respect of any such Match(es) and/or Competition (including in relation to future editions of a Competition);
- 8.1.7 in addition in the case of any Umpire:
  - 8.1.7.1 suspension (for any period) of eligibility to officiate in any Match(es);
- 8.1.8 in addition in the case of any Match Referee:
  - 8.1.8.1 suspension (for any period) of eligibility to be appointed to any Match(es);
- 8.1.9 in addition in the case of any Agent:
  - 8.1.9.1 to direct the ECB to cancel or suspend the Agent's registration with immediate effect;



8.1.9.2 to direct the ECB to impose such registration conditions on the registered Agent as the CDC considers appropriate; and/or

8.1.9.2 to prescribe the period during which an Agent shall not be permitted to re-register as an Agent.

8.1.10 in addition in the case of any person within Regulation 2.1.8 above:

8.1.10.1 suspension or removal from any ECB committee(s) or subcommittee(s).

- 8.2** The Disciplinary Panel shall, when determining the level of sanction to impose upon a Respondent cricketer, take into account the effect upon that cricketer of any interim suspension or voluntary withdrawal imposed under Regulation 4 above and any sanction which has already been imposed upon the cricketer by a Member or the cricketer's First-Class County Cricket Club, Regional Host or Hundred Team.
- 8.3** The Disciplinary Panel may suspend the operation of all or any part of any sanction it imposes for such period and subject to such terms and conditions as it deems appropriate in all the circumstances of the case.
- 8.4** The Disciplinary Panel may require the Respondent or the ECB to pay the reasonable costs or expenses incurred by the other party in connection with Disciplinary Hearing and also the costs incurred by the Disciplinary Panel.
- 8.5** Once the hearing has concluded and as soon as is reasonably practicable, the Disciplinary Panel shall send the Respondent written confirmation of any fine and/or costs order (as applicable) imposed by the Disciplinary Panel and such confirmation shall specify the date by which full payment of any such fine and/or costs order (as applicable) is required.
- 8.6** Where a cricketer is suspended from playing in any Match(es) under Regulation 8, the Disciplinary Panel Chair may, having given the cricketer, the relevant team and the ECB the opportunity to make representations, and having regard to the best interests of cricket generally, make an order preventing the cricketer from attending any official post-match ceremony or presentation taking place anywhere on the field of play or otherwise following the conclusion of a Match(es).
- 8.7** Where a cricketer or Member received a sanction to be applied to the following season and the following season is curtailed and/or the format of the competition in which the sanction would apply is different to the season envisaged at the time the sanction was applied, either party to the initial Disciplinary Hearing can apply to the CDC Chair to have the sanction reconsidered by a Disciplinary Panel in light of the changes to the season. The CDC Chair will convene a Disciplinary Panel (which where practicable, shall be the Disciplinary Panel which imposed the sanction) to consider whether the sanction should be changed, and if so, how. Both parties will be given the opportunity to make submissions in respect of their position.

## 9 RECOGNITION OF SANCTIONS

- 9.1 Any suspension lawfully imposed upon a Registered Cricketer by a Recreational Discipline Panel shall be recognised by the CDC without the need for further formality and the cricketer will be ineligible to participate in any Match(es) in accordance with the effect of the suspension. If it is in any way unclear as to how such suspension applies to the Registered Cricketer in relation to matches in which they represent their Team, the sanction that applies shall be determined by the CDC Chair.
- 9.2 Any such suspension should be notified by the Recreational Discipline Panel or any other person to the ECB and to the cricketer's Team or National County Cricket Club as soon as reasonably practicable.
- 9.3 Any Registered Cricketer upon whom a suspension has been imposed by a Recreational Discipline Panel shall have the right of appeal to an Appeal Panel of the CDC and the provisions of Regulation 10 will apply. For the avoidance of doubt the powers of the Appeal Panel will relate to all cricket under the jurisdiction of the ECB.

## 10 APPEALS PROCEDURE

- 10.1 The Respondent or the ECB may appeal against any decision of the Disciplinary Panel or Recreational Discipline Panel pursuant to the appeals procedure detailed in this Regulation 10 (such party then becoming the "**Appellant**"). The appeals procedure shall be construed as being an arbitral process for the purposes of the Arbitration Act 1996.
- 10.2 Unless (having regard to the requirements of a particular Match or Competition) the Disciplinary Panel Chair has decided that a shorter period shall apply and the parties have been informed of this fact, any notice of appeal must be lodged within 14 days after the date of the decision against which the Appellant wishes to appeal.
- 10.3 For an appeal to be validly commenced by an Appellant, there must be received within the period permitted pursuant to Regulation 10.2 above for commencing such appeal:
- 10.3.1 a written notice of appeal, addressed to the Disciplinary Panel Chair, and copied to all other parties to the appeal, which records the Disciplinary Panel decision against which the appeal is made and the ground(s) (as set out in 10.3.3) on which the appeal is based; and
- 10.3.2 cleared funds to the ECB (except in the case of an appeal brought by the ECB) in the sum of £500 (such funds to be applied in accordance with Regulation 10.18 below).
- 10.3.3 Valid grounds of appeal, which must be particularised in writing, shall be as follows:
- a) the decision of the Disciplinary Panel or Recreational Discipline Panel was against the weight of the evidence;
  - b) procedural irregularity (which may include a mistake of law);

- c) there is fresh evidence (in which case the notice of appeal must state why the evidence could not be presented at the original hearing); and/or
- d) the sanction imposed was manifestly excessive.

**10.4** Upon an appeal being validly commenced, the ECB shall promptly notify this fact to the CDC Chair or an authorised deputy who was not a member of the relevant Disciplinary Panel.

**10.5** Upon the relevant CDC Chair or deputy to the Chair being notified that an appeal has been validly commenced, they shall appoint the Appeal Panel which shall comprise not fewer than 3 persons. No members of the Disciplinary Panel who considered the case at first instance shall be eligible for appointment to the Appeal Panel. Provided they were not a member of the Disciplinary Panel, the person appointing the Appeal Panel may appoint themselves as a member of the Appeal Panel and, if they so wish, as the Appeal Panel Chair. If the Respondent is a cricketer, it shall be usual (but not mandatory) for the Appeal Panel to include one person from a list of suitable persons nominated by the PCA. Otherwise, the Appeal Panel shall comprise members of the CDC, with the exception that the person appointing the Appeal Panel shall, if they feel it appropriate, request that Sports Resolutions (UK) appoint one or more independent person(s) to be a member and/or Chair of the Appeal Panel. The Appeal Panel shall not include any officer, employee or other representative of the ECB. Any proposed member of the Appeal Panel should disclose any potential conflicts of interests in the case before agreeing to be appointed to the Appeal Panel.

**10.6** The Appeal Panel Chair shall decide the time, date and place of the Appeal Hearing subject to:

10.6.1 the requirement that the Appeal Hearing shall take place as soon as reasonably practicable having regard to all the relevant circumstances and the expectation that normally, the Appeal Hearing shall take place within 14 days from the date on which the appeal was commenced; and

10.6.2 Regulation 10.7 below; and

10.6.3 the ability of the Appeal Panel to, where it deems appropriate, and having heard any representations in respect of it, hear the cases of more than one Respondent in the same proceedings.

**10.7** In the event of any appeal against a decision made by a Disciplinary Panel between a semi-final and the final of any T20 Competition, that appeal shall not be heard by the Appeal Panel until after the conclusion of that competition.

**10.8** The Appeal Panel shall promptly notify the Respondent about the time, date and place of the Appeal Hearing and that the Respondent is required to attend the Appeal Hearing. If any party has any objections to the membership of the Appeal Panel on the basis of an any alleged conflict of interest they must immediately notify the Appeal Panel Chair (or, if the alleged conflict relates to the Appeal Panel Chair, the objecting party must notify either the CDC Chair or, if the CDC Chair is the Appeal Panel Chair then an

authorised deputy of the CDC Chair). The relevant individual shall consider the alleged conflict and decide in their absolute discretion whether to amend the membership of the Appeal Panel.

- 10.10** On the application of the ECB the Appeal Panel may in its discretion determine that funds to cover any costs order made by the Disciplinary Panel should in whole or part be lodged with an appropriate third party and/or ECB before the appeal may proceed, taking into account all the circumstances of the case and the ability of the Appellant reasonably to raise such sum.
- 10.11** The Appeal Panel shall deal with the appeal in any way it sees fit, consistent with a fair and just consideration of all grounds of appeal. For the avoidance of doubt:
- 10.11.1 The Appeal Panel shall consider whether the grounds of appeal have been made out. The Appellant shall have no right to a complete rehearing of the case, although the Appeal Panel may order such if it considers it appropriate to do so. In considering an appeal under Regulation 10.3.3(c), the Appeal Panel may exceptionally, if it considers it appropriate, remit the charge to the original Disciplinary Panel for reconsideration in the light of the fresh evidence;
- 10.11.2 The Appeal Panel shall have a complete discretion as to which, if any, oral evidence it requires to hear to determine the grounds of appeal; and
- 10.11.3 The Appeal Panel shall be permitted to have regard to transcripts of evidence and/or submissions given before or made to the Disciplinary Panel as well as to any document admitted before that Panel or any ruling of that Panel.
- 10.12** The Appeal Panel may determine its own procedure and the Appeal Panel Chair and the Appeal Panel shall have the same rights and powers as were accorded to, respectively, the Disciplinary Panel Chair and the Disciplinary Panel.
- 10.13** The burden of proof shall be on the Appellant and the standard of proof shall be the civil standard.
- 10.14** The Respondent shall have the right to be legally represented at the Appeal Hearing. In addition, if the Respondent is a cricketer, the provisions of Regulation 7.9 above shall apply to the Appeal Hearing in the same way as they apply to the Disciplinary Hearing.
- 10.15** Subject to Regulation 10.11 the Respondent and the ECB Integrity Team shall be permitted to call witnesses at the Appeal Hearing.
- 10.16** For an Appeal Panel to be quorate, at least 2 members of the Appeal Panel must be present throughout the Appeal Hearing.
- 10.17** Any decisions by the Appeal Panel shall be final and binding on the appellant(s) and the ECB and shall be by a majority vote. In the event of a tie, the Appeal Panel Chair shall have the casting vote.
- 10.18** The Appeal Panel shall have the same powers in relation to sanction and costs as were accorded to the Disciplinary Panel. For the avoidance of doubt, where the Appeal is



from a decision of a Recreational Discipline Panel the Appeal Panel shall not be limited to the maximum sanctions contained in the ECB Model Discipline Guidelines and the Appeal Panel will have the same powers in relation to sanction and costs as accorded to a Disciplinary Panel under Regulation 8.

**10.19** At the conclusion of the Appeal Hearing, the ECB may apply the £500 payment referred to in Regulation 10.3.2 above in or towards satisfaction of any outstanding liability the Respondent may have in respect of the ECB's costs or expenses following an award in favour of the ECB under Regulation 8.4.1 and/or 10.17 above. The ECB shall then promptly reimburse any balance remaining from the said £500 to the person or body who made the said £500 payment. The Appeal Panel shall direct how any funds lodged under Regulation 10.10 shall be dispersed.

**10.20** Once the hearing has concluded and as soon as is reasonably practicable, the Appeal Panel shall send the Respondent written confirmation of any fine and/or costs order (as applicable) imposed by the Appeal Panel and such confirmation shall specify the date by which full payment of any such fine and/or costs order (as applicable) is required.

**10.21** All decisions of the Disciplinary Panel or Recreational Discipline Panel shall stand pending determination by the Appeal Panel of any appeal against such decision(s).

**11** Subject to the overriding discretion of the CDC Chair, failure by any cricketer to pay any fine or costs order in full within 28 days from the date for full payment specified in the written notice referred to in Regulations 6.2, 8.5 or 10.19 above shall result in the automatic suspension of that cricketer's or Coach's eligibility to participate in any Match(es). Such suspension shall begin on the day immediately after the end of the said 28 day period and shall cease immediately upon the said fine and/or costs order (as applicable) being paid in full.