

## ENGLAND AND WALES CRICKET BOARD

### GENERAL CONDUCT REGULATIONS FOR RECREATIONAL CRICKET

#### INTRODUCTION

*The ECB currently has model Discipline Regulations and Guidelines for non-First-Class County cricket (the “MDR”). In practice, the MDR are template Regulations which have been adopted by specific leagues/cricket organisations but are not consistently adopted throughout recreational cricket and do not apply wholesale throughout the game. In practice, different clubs, leagues and County Cricket Boards have different disciplinary regulations in place which have been modified as the relevant cricket organisation considers appropriate for cases that it is required to deal with.*

*Even where the MDR have been adopted by cricket organisations, there is inconsistent application of the MDR throughout recreational cricket which leads to a broad range of approaches to the disciplinary process and outcomes and/or sanctions at the conclusion of the disciplinary process.*

*The purpose of the General Conduct Regulations (the “Regulations”) is therefore to set consistent standards of conduct and behaviour and provide a single set of regulations which can be applied consistently at the top end of recreational cricket, to ensure that disciplinary matters are dealt with in a fair, efficient and consistent manner by cricket organisations and to provide assistance to cricket organisations when establishing and running their disciplinary processes. The Regulations also contain sanction guidelines, which will ensure there is more consistency across recreational cricket. The intention is to roll out these Regulations more widely in the recreational game in the 2023 season. It is to the benefit of cricket as a whole that broadly the same process and sanctions will apply to a participant, whether they are based in the North East or the South West. Conducting a fair and transparent disciplinary process will also help to protect cricket organisations from legal or reputational damage.*

*The Regulations also cover a wider range of offences than the MDR, including both on-field offences and off-field offences (such as inappropriate comments on social media). As cricket organisations will be well aware, there has been (and will no doubt continue to be) an increase in cases involving off-field offences and the Regulations will help cricket organisations to navigate the disciplinary process when such complex issues arise. Some of the wording in the MDR is also outdated or unclear, which has been addressed in the Regulations.*

*We are aware that a number of cricket organisations have already established effective disciplinary panels or appeal panels, which are staffed by volunteers with legal experience and training. For the avoidance of doubt, the Regulations are not intended to displace those panels, who can still operate as disciplinary panels or appeal panels as defined under the Regulations. The purpose is to ensure that, wherever possible, consistent process and procedure is adopted by those panels across the country.*

*Although the Regulations may seem lengthy, this is in part because they are accompanied by template documents and guidance, which are designed to assist cricket organisations, and in part because they are intended to be a comprehensive reference guide for cricket organisations when conducting a disciplinary process. However, to assist cricket organisations in applying the Regulations, we have set out below a summary of the key points within the Regulations:*

- 1. For the 2022 season, the Regulations are applicable to County Cricket Boards and ECB Premier Leagues and it shall be mandatory for these cricket organisations to adopt the Regulations. Other cricket organisations in recreational cricket are also encouraged to implement the Regulations for the 2022 season, although this is not mandatory.*

2. *Although certain of the provisions are mandatory in full, the relevant cricket organisations can amend and/or supplement certain of the provisions. The provisions which can be amended and/or supplemented have been underlined in the document so that they can be easily identified.*
3. *Cricketers will be subject to on-field conduct obligations mirroring the Laws of Cricket and other participants present at matches (e.g. coaches, officials and representatives of other cricket organisations acting in an official capacity at the match) will be subject to more limited on-field conduct obligations (as is the case in the professional game).*
4. *Participants in recreational cricket will be subject to off-field conduct obligations which either relate to their participation in recreational cricket or occur outside their direct participation but are of a sufficiently serious nature to justify disciplinary action being taken in relation to recreational cricket (e.g. discriminatory comments being made on social media). There is reduced scope for bringing disciplinary action against representatives of cricket organisations, as opposed to cricketers, coaches and officials, given the role they play within cricket.*
5. *Cricket organisations must appoint a disciplinary officer, although this does not have to be the same (i.e. a single) individual for each case. Some cricket organisations may wish to appoint a group of individuals, which may also assist with resourcing issues and conflicts of interest but it must be clear who these individuals are so that any complaints can be directed to them.*
6. *Cricket organisations can adopt a more streamlined procedure for low-level offences, i.e. on-field offences at Level 1 and Level 2. This will involve a single disciplinary chair considering whether there has been a breach of the Regulations and, if so, what sanctions should be imposed.*
7. *Where the offence is more serious, the disciplinary officer will select a disciplinary panel to consider the matter at a hearing.*
8. *A disciplinary hearing must comply with relevant procedural rules, principles and considerations in order to ensure that there is a fair hearing and consistent administration of justice across the sport.*
9. *In appropriate circumstances, the chair may direct that the charge be considered by the disciplinary panel on the basis of written submissions only (i.e. without an in-person hearing), although a hearing shall be arranged if requested by the respondent.*
10. *The Regulations are accompanied by guidance to assist cricket organisations to administer the disciplinary process. The guidance appears in Appendix 4 and where there is specific guidance in respect of a particular Regulation, a note appears under the relevant Regulation.*

## **DEFINITIONS**

1. In these Regulations, the following expressions shall have the following meanings:

**“Appellant”** means an individual, Club or League which has issued an appeal to an Appeal Body in respect of a decision by a Disciplinary Chair or Disciplinary Panel.

**“Appeal Body”** has the meaning set out in Regulation 2.

**“Appeal Hearing”** means the hearing at which an appeal will be determined.

**“Appeal Panel”** means a panel of 3 people, unless otherwise agreed by the parties, appointed to deal with any appeal against a decision of a Disciplinary Chair or Disciplinary Panel in accordance with these Regulations.

**“Appeal Panel Chair”** means the appointed chair of an Appeal Panel.

**“Charge Letter”** means a letter or email outlining the charge (or charges) to a Respondent. The Charge Letter shall be in the form which appears at Appendix 2 or contain substantially the same categories of information as a minimum.

**“Club”** means a club which participates in Recreational Cricket and is affiliated to a County Cricket Board.

**“Club Official”** means any official of a Club, as listed on their website or official Club documentation, acting in an official capacity at a match.

**“County Cricket Board”** means a body designated as a County Cricket Board or County Club by the ECB which is responsible for the organisation of recreational cricketing activity and the development of cricket generally within a county and such other areas (if any) as may be agreed by the ECB.

**“Disciplinary Chair”** means an individual (or group of individuals) appointed by a Relevant Cricket Organisation to have responsibility for the Summary Procedure.

**“Disciplinary Officer”** means an individual (or group of individuals) appointed by a Relevant Cricket Organisation to have responsibility for the disciplinary process under these Regulations when that Relevant Cricket Organisation is acting as the Relevant Disciplinary Body and/or Appeal Body.

**“Disciplinary Panel”** means a panel of 3 people, unless otherwise agreed by the parties, appointed to deal with a disciplinary charge at a Hearing in accordance with these Regulations.

**“Disciplinary Panel Chair”** means the appointed chair of a Disciplinary Panel.

**“Disciplinary Report”** means a report prepared by an umpire (or captain or Club Official, as outlined in Regulation 6) detailing any alleged On-Field Breach. The Disciplinary Report shall be in the form which appears at Appendix 1 or contain substantially the same categories of information.

**“ECB”** means the England and Wales Cricket Board.

**“Effective Date”** means 1 April 2022.

**“First-Class County”** means a county the ECB has officially accorded first class status to, being those counties listed as first-class county clubs in the ECB’s Articles of Association from time to time.

**“Hearing”** means a hearing at which any charges against a Participant, Club and/or League are dealt with.

**“The Hundred”** means the ECB’s domestic cricket competition in a “100-ball” format.

**“Hundred Team”** means any of the teams playing in The Hundred from time to time.

**“League”** means the league or other organisation running a particular cricket competition which is affiliated to a County Cricket Board or the ECB.

**“Notice of Appeal”** means the document submitted to the Disciplinary Officer of the relevant Appeal Body to commence an appeal pursuant to Regulation 34.

**“Off-Field Breach”** means an alleged breach of Regulations 9-12.

*See Appendix 4, guidance note A for further information.*

**“On-Field Breach”** means an alleged breach of Regulations 4 and/or 5.

*See Appendix 4, guidance note A for further information.*

**“Participants”** means all individuals who are under the jurisdiction of a Relevant Cricket Organisation, including:

- (a) cricketers;
- (b) volunteers, officers, employees, contractors, and members of any Relevant Cricket Organisation;
- (c) match officials;
- (d) coaches; and
- (e) any other person under the jurisdiction of any Relevant Cricket Organisation.

*See Appendix 4, guidance note 1 for further information.*

**“Recreational Cricket”** means all cricket activities carried out under the jurisdiction of the ECB which are not carried out by: (i) the England Men’s or England Women’s teams; (ii) a First-Class County in relation to men’s professional cricket; (iii) a Regional Host; or (iv) any Hundred Team.

**“Referral”** means a Disciplinary Report or Written Complaint.

**“Regional Host”** means an organisation which has entered into an agreement with the ECB to operate as part of the Regional Structure.

**“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.

**“Relevant Cricket Organisations”** means County Cricket Boards and ECB Premier Leagues, who are required to adopt these Regulations, and any other cricket organisation which has voluntarily adopted these Regulations.

**“Relevant Criminal Offence”** means any offence against a child, any sexual offence, any violent offence, any drug offence, any public order offence, any offence with an aggravated element, any offence of cruelty against animals and any offence relating to integrity.

*See Appendix 4, guidance notes 12 and B for further information.*

**“Relevant Disciplinary Body”** has the meaning set out in Regulation 2.

**“Respondent”** means a Participant, Club or League which is the subject of a disciplinary charge.

**“Summary Procedure”** means the procedure to determine a disciplinary charge where a Hearing is not required, in accordance with Regulations 18-23.

**“Written Complaint”** means a complaint made by any person detailing an alleged breach of these Regulations at any time in writing.

## **SCOPE AND APPLICATION**

2. From the Effective Date:

- (a) all Relevant Cricket Organisations are bound by and must familiarise themselves with the requirements of these Regulations;
- (b) all Participants must comply with the disciplinary process set out in these Regulations in respect of any alleged breach of these Regulations by the Participant;

- (c) all Relevant Cricket Organisations must adopt these Regulations and implement the requirements of these Regulations in respect of the disciplinary processes they carry out. All Relevant Cricket Organisations must adopt these Regulations in their entirety, except that where a specific Regulation is underlined a Relevant Cricket Organisation may amend and/or supplement that Regulation, provided that any amendments:
- i. are not inconsistent with the mandatory provisions or overall purpose of these Regulations;
  - ii. are not inconsistent with the guidance in Appendix 4;
  - iii. are clearly reflected in the version of these Regulations that the Relevant Cricket Organisation adopts; and
  - iv. are clearly communicated to the Participants under their jurisdiction.
- (d) all Relevant Cricket Organisations must decide who has responsibility for conducting the disciplinary process (and that entity shall be the Relevant Disciplinary Body under these Regulations) and dealing with appeals (and that entity shall be the Appeal Body under these Regulations). A Relevant Cricket Organisation may delegate responsibility to an appropriate Club, League or County Cricket Board in relation to some, or all, categories of cases arising under these Regulations. However, in each case the Relevant Cricket Organisation must ensure that the Relevant Disciplinary Body and the Appeal Body comply with the requirements in relation to the disciplinary and/or appeals process as set out in these Regulations;
- (e) all Relevant Cricket Organisations must appoint a Disciplinary Officer, and ensure appropriate contact details are made available to allow other Disciplinary Officers to contact them; and
- (f) all Relevant Cricket Organisations must provide the ECB with any details requested in relation to any disciplinary matters it has carried out in accordance with these Regulations.

*See Appendix 4, guidance note 2 for further information.*

3. Any disciplinary sanctions imposed under these Regulations will be separate to any sanctions imposed under a Participant's employment contract or any action taken in accordance with a Club, League or County Cricket Board's terms of membership.

## **CONDUCT OBLIGATIONS**

### ***On and around the field of play***

4. Any cricketer shall be in breach of these Regulations, at the relevant level of offence detailed below, if they do not conduct themselves fairly and properly on and around the field of play and otherwise in accordance with the Laws of Cricket or the Spirit of Cricket. A cricketer shall be in breach of these Regulations if they commit any misconduct on any match day as specified in Law 42 of the Laws of Cricket, namely:

#### Level 1

- a. wilfully mistreating any part of the cricket ground or any equipment or implements used in the match;
- b. showing dissent at an umpire's decision by word or action;
- c. using language that, in the circumstances, is obscene, offensive or insulting;
- d. making an obscene gesture;
- e. appealing excessively;
- f. advancing towards an umpire in an aggressive manner when appealing; and/or

- g. any other misconduct, the nature of which is, in the opinion of the umpires, equivalent to a Level 1 offence; or

Level 2

- h. showing serious dissent at an umpire's decision by word or action;
- i. making inappropriate and deliberate physical contact with another cricketer;
- j. throwing the ball at a cricketer, umpire or another person in an inappropriate and dangerous manner;
- k. using language or gesture to another cricketer, umpire, team official or spectator that, in the circumstances, is obscene or of a seriously insulting nature; and/or
- l. any other misconduct, the nature of which is, in the opinion of the umpires, equivalent to a Level 2 offence; or

Level 3

- m. intimidating an umpire by language or gesture; and/or
- n. threatening to assault a cricketer or any other person except an umpire; or

Level 4

- o. threatening to assault an umpire;
- p. making inappropriate and deliberate and/or dangerous physical contact with an umpire;
- q. physically assaulting a cricketer or any other person; and/or
- r. committing any other act of violence

- 5. Any coach, match official or Club Official shall be in breach of these Regulations if they fail to conduct themselves fairly and properly on any part of the cricket ground on any match day. Conduct which is not fair and proper and will therefore result in a breach of these Regulations shall include, but not be limited to:

- a. making inappropriate and deliberate and/or dangerous physical contact with, threatening to assault, physically assaulting or committing any act of violence towards any other Participant (including an umpire) or any member of the public;
- b. showing dissent at an umpire's decision by language or gesture, advancing towards an umpire in an aggressive manner when appealing or intimidating an umpire by language or gesture;
- c. using language that, in the circumstances, is obscene, offensive, insulting or seriously insulting;
- d. making an obscene or seriously insulting gesture;
- e. conducting themselves in a manner or acting in a manner which is improper, or which may be prejudicial to the interests of cricket, or which may bring the ECB, the game of cricket or any cricketer or group of cricketers into disrepute; and/or
- f. acting in a manner contrary to the ECB's Anti-Discrimination Code.

*See Appendix 4, guidance notes 2 and A for further information.*

- 6. If an umpire considers that there has been an On-Field Breach, they must make reasonable efforts to inform the individual (or their captain or a Club Official) before they leave the ground and make a Disciplinary Report to the Disciplinary Officer of the Relevant Disciplinary Body.

This Disciplinary Report shall be made irrespective of any action the umpire may have taken on the field of play. Other individuals can also report On-Field Breaches either to the umpire, in which case the umpire will make a Disciplinary Report, or to the Disciplinary Officer directly by way of Written Complaint (for example, if the On-Field Breach relates to a match official). If there is no umpire appointed to a particular match, individuals can report On-Field Breaches to a captain or Club Official who can then make a Disciplinary Report on their behalf.

*See Appendix 4, guidance note 4 for further information.*

### **Captain/Team responsibility**

7. If any cricketer commits three or more breaches of Regulation 4 (Conduct obligations on and around the field of play), which take place during or immediately before or after a match, when playing for the same Club in a season it shall automatically be a separate offence of failing to ensure that the relevant cricketers have complied with their obligations for each of:
  - a. Any person who captained the team in each of the relevant match(es); and
  - b. The Club the cricketer was playing for.
  
8. Clubs shall also be held responsible for disorderly behaviour on any part of the cricket ground on any match day by their members and spectators, unless they can show that:
  - a. they took adequate steps to ensure that their members and spectators behaved in an orderly fashion; and/or
  - b. they did not or could not control entry to that part of the cricket ground by the relevant spectators and it would therefore not be fair for them to be held responsible.

*See Appendix 4, guidance note C for further information.*

### **Off-field conduct**

9. A Participant shall be in breach of these Regulations if they commit any misconduct as set out below which either relates to their participation in Recreational Cricket and/or is of a sufficiently serious nature to justify disciplinary action being taken in relation to their participation in Recreational Cricket:
  - a. making an abusive, obscene, offensive or otherwise insulting comment or gesture (in any form) in relation to any other Participant or any other person;
  - b. any act of violence towards another person;
  - c. engaging in behaviour that constitutes any form of abuse or harassment, whether physical, sexual, emotional, neglectful or bullying in nature;
  - d. any breach of the ECB Anti-Discrimination Code;
  - e. making any adverse public statement or comment in any form and by any means about the performance and/or decision(s) of any match official(s);
  - f. failing to report to their Club, any Relevant Criminal Offence for which they have been subject to investigation and/or charged with;
  - g. conducting themselves in a manner, or doing or omitting to do anything which is or may be prejudicial to the best interests of cricket, or which may bring or does bring the game of cricket, any Participant, Club, League, County Cricket Board or the ECB, into disrepute;
  - h. any breach of Law 41; or

- i. failing to comply with any decisions or sanctions validly imposed on them following due process as prescribed by these Regulations.

*See Appendix 4, guidance notes 11 and A for further information.*

10. A Club shall be in breach of these Regulations if, at any time, it:

- a. fails to take reasonable steps to ensure the good behaviour and conduct of their Participants for any breach of these Regulations; and/or
- b. knowingly permits a cricketer, who is suspended as a result of a previous breach of these Regulations, to play in any match or competition; and/or
- c. any of its Participants commit any serious, collective or repeated breaches of these Regulations; and/or
- d. commits any breach of its obligations under the ECB Anti-Discrimination Code; and/or
- e. fails to comply with any decision(s) and/or sanction(s) validly imposed on it or on any person within the organisation, which has arisen following due process as prescribed by these Regulations.

11. A League shall be in breach of these Regulations if, at any time, it:

- a. commits any breach of its obligations under the ECB Anti-Discrimination Code; or
- b. fails to comply with any decision(s) and/or sanction(s) validly imposed on it or on any person within the organisation, which has arisen following due process as prescribed by these Regulations.

12. Participants are considered responsible for any relevant posts on their social media accounts and may be in breach of Regulations 9-11 for posting, repeating, commending or supporting posts or comments by others (e.g. 'retweeting' or 'liking') on social media.

*See Appendix 4, guidance notes 5 and A for further information.*

13. If an umpire considers that there has been an Off-Field Breach which occurs on or around the field of play at a match, they will make reasonable efforts to inform the individual (or their captain or a Club Official) before they leave the ground and make a Disciplinary Report to the Disciplinary Officer of the Relevant Disciplinary Body. Other individuals can also report an Off-Field Breach which occurs on or around the field of play at a match to the umpire, in which case the umpire will make a Disciplinary Report, or to the Disciplinary Officer directly (wherever the Off-Field Breach may have occurred) by way of a Written Complaint.

14. If the Relevant Disciplinary Body is aware that the Referral relates to a cricketer who is registered with a First-Class County, a Regional Host or a Hundred Team, the Disciplinary Officer must inform the ECB's Integrity Department by email to [integrity@ecb.co.uk](mailto:integrity@ecb.co.uk) that the Referral has been received and provide any further information in respect of the disciplinary process that is requested by the ECB.

## **DISCIPLINARY PROCESS**

15. Following receipt of a Referral, a Disciplinary Officer must consider whether there is sufficient information and/or grounds to charge the relevant Participant, Club or League with a breach



of these Regulations. If further information is required, the Disciplinary Officer shall conduct any further investigation that is necessary.

*See Appendix 4, guidance note 6 for further information.*

16. If there is sufficient information and/or grounds, the Disciplinary Officer will issue a Charge Letter to the Respondent or the Participant's Club to share with the Participant. If there is not, the Disciplinary Officer will inform the individual who submitted the Referral that no further action will be taken.
17. If the Disciplinary Officer decides that the matter does not require a Hearing, the Summary Procedure in Regulations 18-23 shall apply. If the Disciplinary Officer decides that the matter requires a Hearing, Regulations 24-33 shall apply.

*See Appendix 4, guidance notes 7 and D for further information.*

#### *Summary Procedure*

18. The Disciplinary Officer must provide the Charge Letter to the Disciplinary Chair and confirm to the Respondent (either in the Charge Letter or separately) the identity of the Disciplinary Chair.
19. If the Respondent objects to the Disciplinary Chair on the basis of a conflict of interest, the Disciplinary Officer must consider whether to appoint an alternative Disciplinary Chair to consider the conflict of interest and/or as the Disciplinary Chair in relation to the case.
20. The Disciplinary Chair will set the Respondent a reasonable timeframe to respond to the Charge Letter in writing, if they wish to, and provide any further information which may be relevant.
21. The Disciplinary Chair will consider the charge and determine whether, on the balance of probabilities, there has been a breach of these Regulations.
22. If the Disciplinary Chair decides that there has been a breach of these Regulations, they will impose a sanction in accordance with the sanction guidelines which appear in Appendix 3.
23. The Disciplinary Chair's decision will be communicated to the Respondent (and, where the Respondent is a Participant, the Participant's Club) in writing.

#### *Hearing*

24. The Disciplinary Officer will appoint a Disciplinary Panel Chair and a Disciplinary Panel and arrange a Hearing. The Disciplinary Officer will confirm to the Respondent (either in the Charge Letter or separately) the identity of the Disciplinary Panel members, where and when the Hearing shall take place and, if the Hearing will take place virtually rather than in person, by what means.

*See Appendix 4, guidance notes 6, 7 and 11 for further information.*

25. In appropriate circumstances, including if the Respondent is not contesting the charge or does not wish to attend a Hearing, the Disciplinary Panel Chair may direct that the charge be

considered by the Disciplinary Panel by way of written submissions only (i.e. without a Hearing) provided that a Hearing must be arranged if this is requested by the Respondent.

26. If the Respondent objects to any member of the Disciplinary Panel on the basis of a conflict of interest, it will be resolved by the Disciplinary Panel Chair unless the potential conflict has been raised in respect of the Disciplinary Panel Chair in which case the Disciplinary Officer will consider whether to appoint an alternative Disciplinary Panel Chair to consider the conflict of interest and/or be appointed to the Disciplinary Panel.
27. The Disciplinary Panel Chair will set the Respondent a reasonable timeframe to respond to the Charge Letter in writing and set any other directions for the exchange of information and/or evidence (which may include witness statements) that the Disciplinary Panel Chair considers appropriate.

*See Appendix 4, guidance note H for further information.*

28. In exceptional circumstances, the Disciplinary Panel Chair may suspend a Participant from participating in cricket until the Hearing has concluded. If so, the Disciplinary Panel Chair will give the Participant the opportunity to give written submissions on why it would not be appropriate to suspend the Participant and consider those submissions before making any decision. Any suspension which has been ordered will be taken into account by the Disciplinary Panel when considering what sanctions to impose in accordance with Regulation 31.

*See Appendix 4, guidance note I for further information.*

29. At the outset of any Hearing, the Disciplinary Panel Chair will confirm how the Disciplinary Panel would like the Hearing to proceed, and in particular how the case should be presented (and by whom). The Respondent will be entitled to provide oral submissions at the Hearing if they wish to do so.

*See Appendix 4, guidance note I for further information.*

30. At the end of any Hearing, the Disciplinary Panel will consider the charge (in private) and determine whether, on the balance of probabilities, there has been a breach of these Regulations. Any decision of the Disciplinary Panel will be taken by majority vote, with the Disciplinary Panel Chair having a casting vote in the event of a tie.

*See Appendix 4, guidance note 9 for further information.*

31. If the Disciplinary Panel decides that there has been a breach of these Regulations, it will impose a sanction in accordance with the sanction guidelines which appear in Appendix 3.
32. Unless the Disciplinary Panel directs otherwise, the parties will bear their own costs of preparing for and attending a Hearing.

*See Appendix 4, guidance note 10 for further information.*

33. Wherever possible, the Disciplinary Panel Chair will communicate the decision and any sanction to the parties verbally at the end of the Hearing. The Disciplinary Panel's decision will also be confirmed to the parties (and, where the Respondent is a Participant, the Participant's Club) in writing following the Hearing.

## APPEALS PROCESS

34. Any decision made by a Disciplinary Chair or a Disciplinary Panel may be appealed by the Respondent. In order to commence an appeal, the Appellant shall submit:
- (a) a Notice of Appeal; and
  - (b) a fee to cover the standard administrative costs of the Appeal Panel;
- to the Disciplinary Officer of the Appeal Body within 7 days of receipt of the decision in writing.

*See Appendix 4, guidance notes 11 and K for further information.*

35. The Notice of Appeal must contain at least one of the following grounds of appeal:
- a. the decision of the Disciplinary Chair or Disciplinary Panel was against the weight of the evidence;
  - b. there was a serious procedural irregularity, which includes the Disciplinary Chair or Disciplinary Panel not following the procedure set out in these Regulations, in a way which significantly impacted the rights of the Appellant;
  - 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 decision of the Disciplinary Chair or Disciplinary Panel (including as to sanction) was irrational or unreasonable in the circumstances.
36. The Disciplinary Officer of the Appeal Body will determine whether the Notice of Appeal identifies sufficient grounds for an appeal and will notify the parties (and, where the Respondent is a Participant, the Participant's Club) and the Disciplinary Officer of the Relevant Disciplinary Body accordingly in writing. This decision of the Disciplinary Officer of the Appeal Body will be final.
37. If there are sufficient grounds for an appeal, the Disciplinary Officer will appoint an Appeal Panel Chair and an Appeal Panel and arrange an Appeal Hearing. No individual who was appointed as the Disciplinary Chair or as a member of the original Disciplinary Panel or who has otherwise been involved in the case shall be appointed to the Appeal Panel. The Disciplinary Officer will confirm to the Appellant the identity of the Appeal Panel members, where and when the Appeal Hearing shall take place and, if the Appeal Hearing will take place virtually rather than in person, by what means.

*See Appendix 4, guidance note 6 for further information.*

38. Unless otherwise determined by the Appeal Panel Chair, any sanction imposed by a Disciplinary Chair or Disciplinary Panel will not come into effect until the Appeal has been determined. If a Participant has been suspended from participating in cricket by a Disciplinary Panel and the Appeal Panel Chair considers that it may be appropriate for this sanction to be imposed before the Appeal has been determined, they will give the Participant the opportunity to give written submissions on why it would not be appropriate to suspend the Participant and consider those submissions before making any decision.

*See Appendix 4, guidance note I for further information.*

39. If the Respondent objects to any member of the Appeal Panel on the basis of a conflict of interest, it will be resolved by the Appeal Panel Chair unless the potential conflict has been raised in respect of the Appeal Panel Chair in which case the Disciplinary Officer will consider

whether to appoint an alternative Appeal Panel Chair to consider the conflict of interest and/or be appointed to the Appeal Panel.

40. The Appeal Panel Chair will set the Relevant Disciplinary Body a reasonable timeframe in which to respond to the Notice of Appeal in writing, if it so wishes, and set any other directions for the exchange of information and/or evidence that the Appeal Panel Chair considers appropriate.

*See Appendix 4, guidance note H for further information.*

41. Unless the appeal is brought under Regulation 35.c, the Appellant has no right to a complete rehearing of the case and the Appeal Panel will instead consider whether the grounds of appeal have been made out. If an appeal is brought under Regulation 35.c, if the Appeal Panel determines that the fresh evidence is admissible the Appeal Panel shall re-hear the case in full.
42. At the outset of the Appeal Hearing, the Appeal Panel Chair will confirm how the Appeal Panel would like the Appeal Hearing to proceed, and in particular how the case should be presented (and by whom). The parties will be entitled to provide oral submissions at the Hearing if they wish to do so.

*See Appendix 4, guidance note I for further information.*

43. At the end of the Appeal Hearing, the Appeal Panel will consider the Appeal (in private) and determine whether, on the balance of probabilities, the Appeal should be allowed (in whole or in part). Any decision of the Appeal Panel will be taken by majority vote, with the Appeal Panel Chair having a casting vote in the event of a tie.

*See Appendix 4, guidance note 11 for further information.*

44. If the Appeal is allowed (in whole or in part), the Appeal Panel may disapply the sanction imposed by the Disciplinary Chair or Disciplinary Panel or issue a new sanction in accordance with the sanctions guidelines in Appendix 3. If the Appeal is dismissed, the sanction imposed by the Disciplinary Chair or Disciplinary Panel will remain in place.
45. The Appeal Panel Chair will decide whether to make a costs order and whether the appeal fee will be refunded to the Appellant in the event of a successful appeal. Any costs ordered by the Appeal Panel will be limited to £250 (which shall be paid on top of the appeal fee referred to in Regulation 34).

*See Appendix 4, guidance notes 10 and K for further information.*

46. Wherever possible, the Appeal Panel Chair will communicate the decision and any sanction to the parties verbally at the end of the Hearing. The Appeal Panel's decision will also be confirmed to the parties (and, where a Participant is a party to the Appeal, the Participant's Club) in writing following the Hearing. Where the Appeals Body is a League, decisions of the Appeal Panel must also be provided to the Disciplinary Officer of the relevant County Cricket Board to which the League is affiliated.
47. Any decision of an Appeal Panel is final and binding and there is no further right of appeal.

## **APPLICABILITY OF PENALTIES**

48. Following the Effective Date and being given notice of any penalty imposed under these Regulations, all Participants and Relevant Cricket Organisations shall recognise, give effect to and fully enforce any sanction imposed by any Disciplinary Chair or Disciplinary Panel under these Regulations.
49. If the Relevant Disciplinary Body is aware that the Respondent participates in multiple leagues and/or competitions, including competitions run by a County Cricket Board and/or the ECB, the Disciplinary Officer of the Relevant Disciplinary Body must communicate any sanction imposed under these Regulations to the Disciplinary Officer of the relevant competition organiser(s).

#### **MISCELLANEOUS**

50. Where the incident(s) leading to any charge relating to conduct occurred when any other disciplinary regulations were in force, then:
  - (a) the offences which may be charged and the sanctions that may be applied shall be determined by the regulations that were in force at the time of the offence; and
  - (b) the process to be followed will be determined by the regulations that were in force when the complaint was first brought to the attention of the Relevant Disciplinary Body.
51. Each Participant (and any other person whose personal data are obtained) must be provided with a privacy notice from the Relevant Disciplinary Body that explains the collection, processing, disclosure and use of information relating to the particular individual and their activities in connection with these Regulations and particularly for the conduct of any applicable disciplinary procedures and any associated issuing and recognition of penalties. The Relevant Disciplinary Body's Privacy Notice will be provided to the Participant (and, if applicable, each other person whose personal data are obtained) either at the point each individual's personal data are obtained, or, if the personal data are not obtained from the individual themselves, when the relevant Participant is notified of any allegation made against them.

*See Appendix 4, guidance note 13 for further information.*

**Appendix 1**  
**Disciplinary Report Template**

*The Disciplinary Officer of the Relevant Disciplinary Body will use the information contained in this form, along with other conduct history and information it holds about the Participant, to determine what disciplinary action (if any) is to be taken. The Disciplinary Officer may pass it on to a Disciplinary Chair or Disciplinary Panel where necessary who may use it to assist in their disciplinary decisions.*

**Data protection.** *Each person whose personal data is to be recorded on this form should receive the Relevant Disciplinary Body's Privacy Notice attached to this form.*

	<b><i>To be completed by Umpire (and Participant(s) where relevant)</i></b>
<b>Competition/Match</b>	
<b>Venue</b>	
<b>Date</b>	
<b>Participant's Name</b>	
<b>Participant's Club</b>	
<b>Captain on the day</b>	
<b>Persons present</b>	
<b>Umpire(s) Name(s)</b>	
<b>Umpire's report of the incident</b>  <i>Please continue on separate sheet if necessary.</i>	
<b>Regulations breached</b>	
<b>Level of On-Field breach</b>	
<b>Any relevant comments that the Participant has made</b>	
<b>Date cricketer, captain or Club Official notified of the alleged breach</b>	

[ENCLOSE COPY OF PRIVACY NOTICE OF RELEVANT DISCIPLINARY BODY]

**Appendix 2**  
**Charge Letter Template**

[FULL NAME OF RESPONDENT (PERSON, CLUB OR LEAGUE)]  
[ADDRESS OF RESPONDENT]

[DATE OF LETTER]

Dear [INSERT NAME OF RESPONDENT]

**CHARGE LETTER**

You are charged with breaching the following provisions of the ECB's General Conduct Regulations, a full copy of which is enclosed with this letter together with the Disciplinary Body's Privacy Notice which explains how personal data in this matter will be used:

- (1) [LIST RELEVANT REGULATION(S) BREACHED]
- (2) [LIST RELEVANT REGULATION(S) BREACHED]

[IF INDIVIDUAL RESPONDENT] Please confirm which cricket leagues and/or competitions you participate in and in which county or counties.

**Facts**

[It is alleged that on [DATE] at [PLACE/MATCH] you [INSERT BACKGROUND FACTS TO ALLEGATION(S)]]

**Evidence**

The evidence relied on in this matter is [INSERT DETAILS OF ANY EVIDENCE RELIED ON FOR THIS CHARGE].

***Procedure***

*In accordance with Regulation 24 of the ECB's General Conduct Regulations, I have appointed a Disciplinary Panel and Disciplinary Panel Chair as follows:*

*[INSERT NAME OF CHAIR] (Disciplinary Panel Chair)*  
*[INSERT NAME OF PANEL MEMBER]*  
*[INSERT NAME OF PANEL MEMBER]*

*If you object to any of the above Disciplinary Panel members on the basis of a conflict of interest, please notify me as soon as possible in writing, stating the reason(s) for your objection(s).*

*The Disciplinary Panel Chair will set you a timeframe by which to reply to this Charge Letter in writing and set any other directions for the exchange of information and/or evidence that the Disciplinary Panel Chair considers appropriate. You will be informed of the date, time, and place of the Hearing as soon as possible.*

*All parties to the Hearing will have the right to:*

- (a) be accompanied;*
- (b) have the complaint explained;*
- (c) see and hear the evidence being presented;*
- (d) present their account of the relevant conduct;*
- (e) represent themselves at the Hearing or arrange for a third party to act on their behalf; and/or*
- (f) ask for the Hearing to be rearranged and offer reasonable alternative date(s) if they are unable to attend on the date proposed.*

*The charge(s) detailed in this Charge Letter will be the only charges heard at the Hearing.*

OR

**Procedure**

*In accordance with Regulation 24 of the ECB's General Conduct Regulations, I will provide this Charge Letter to the Disciplinary Chair, [INSERT NAME OF CHAIR].*

*If you object to the Disciplinary Chair on the basis of a conflict of interest, please notify me as soon as possible in writing, stating the reason(s) for your objection(s).*

*The Disciplinary Chair will set you a timeframe by which to reply to this Charge Letter in writing, if you wish to do so, and to provide any other information that you consider relevant.*

*The Disciplinary Chair will then consider whether there has been a breach of the Regulations and, if so, what sanction should be applied.*

Your sincerely

[INSERT NAME OF DISCIPLINARY OFFICER AND RELEVANT CRICKET ORGANISATION]

Encl. [ENCLOSE COPY OF GCR AND PRIVACY NOTICE OF RELEVANT DISCIPLINARY BODY]



**Appendix 3**  
**Sanction Guidelines**

1. The table below sets out recommended sanctions to be applied on Participants in respect of On-Field Breaches. However, the Disciplinary Chair or Disciplinary Panel shall not be limited to imposing the recommended sanctions and can impose greater or lesser sanctions as appropriate in the circumstances of the particular case.
2. Unless the Disciplinary Chair or Disciplinary Panel stipulate otherwise, bans shall apply to all cricket, be effective immediately and remain on the Participant's record for 24 calendar months from the date of the breach.

Level of On-field breach	First On-Field breach	Second On-Field Breach (within 24 months)	Third On-Field Breach (within 24 months)
Level 1	1 match ban	2 match ban	3 match ban
Level 2	2 match ban	4 match ban	6 match ban
Level 3	6 match ban	8 match ban	10 match ban
Level 4	10 match ban	12 match ban	18 match ban

3. If Disciplinary Chairs or Disciplinary Panels prefer, they can stipulate that bans cover:
  - a. A specific time period, e.g. one week; and/or
  - b. A specific number of days of cricket.
4. The Disciplinary Chair or Disciplinary Panel shall take into account all aggravating and mitigating factors when determining the appropriate sanction. The Disciplinary Chair or Disciplinary Panel shall determine whether, and to what extent, to depart from the standard sanctions and/or to impose additional penalties as they deem fit, including (but not limited to) the following, which may be suspended (in full or in part):

**Participant**

- a. Caution or reprimand
- b. Letter of apology
- c. Fine of no more than £500
- d. Ban of a period of matches or weeks
- e. Expulsion of the cricketer from a League or competition

**Club or League**

- f. Caution or reprimand
- g. Letter of apology
- h. Fine of no more than £500
- i. Deduction of a Club's league points
- j. Expulsion of a Club from a League or competition
- k. Relegation to a lower division of a League.

*The sanctions described in paragraph 3(i)-3(k) above can only be imposed on a Club if this is consistent with the rules in place for the relevant League or competition.*

5. The Disciplinary Chair or Disciplinary Panel shall give consideration to the following aggravating and mitigating factors, as appropriate, to include but not limited to:

### **Aggravating factors**

- a. The ages of the Participant and any victim at the time of the offence, particularly where the victim was a minor and the Participant was not.
- b. The profile of the Participant, including whether they hold a position of responsibility within their Club (e.g. Club captain, Chair or member of senior management).
- c. Poor previous disciplinary record.
- d. Failure to cooperate with the Disciplinary Officer and/or Relevant Disciplinary Body.
- e. Any attempt to conceal the breach.
- f. The extent of any premeditation or planning.
- g. The level of harm and/or distress incurred.
- h. The public nature of the offence (such as commission of the offence in a public place, via broadcast media or a social media platform).
- i. Use of discriminatory language or conduct, or any other behaviour that breaches the ECB's Anti-Discrimination Code, whilst also carrying out a separate offence under the Regulations.

### **Mitigating factors**

- a. Good previous disciplinary record.
- b. The age of the Participant at the time of the offence.
- c. Admission at the earliest opportunity, where the factual conduct forming the basis of the charge would be capable of being disputed.
- d. Demonstration of genuine remorse.
- e. Co-operation with the Disciplinary Officer and/or Relevant Disciplinary Body.
- f. Inexperience of the Participant by reference to their age or background at the time of the offence.
- g. In respect of social media posts, the age of the post and the Participant's age at the time of the post.

## Appendix 4 Guidance

- A. Relevant Cricket Organisations can stipulate that additional categories of on-field and/or off-field behaviour will constitute an On-Field Breach or an Off-Field Breach in accordance with the version of these Regulations that they adopt. If so, the Regulations and definition of On-Field Breach and Off-Field Breach should be amended accordingly. For the avoidance of doubt, Relevant Cricket Organisations cannot exclude any of the categories of on-field or off-field behaviour which fall within the definition of On-Field Breach or Off-Field Breach in these Regulations.
- B. Relevant Cricket Organisations can stipulate that players under their jurisdiction are obliged to report additional categories of offence to them. If so, the definition of Relevant Criminal Offence should be amended accordingly.

### 1. Jurisdiction (Definitions)

1.1. When a definition or regulation refers to someone (or something) being “under the jurisdiction” of another body or organisation (for example, the definition of “*Participants*”), this means that the relationship between that person and other body is such that the body or organisation has official power to make decisions or judgments in respect of that person. For example, when a cricketer signs up to join and play for a cricket club, they agree to be bound by the rules and regulations of that cricket club and are therefore officially under that cricket club’s jurisdiction.

### 2. Anti-Discrimination Code

2.1. The ECB Anti-Discrimination Code can be found here: [https://resources.ecb.co.uk/ecb/document/2022/03/17/36918e2a-b649-489a-9295-ea3bb6b5d433/ECB\\_Anti-Discrimination\\_Code\\_2022\\_v5-1-.pdf](https://resources.ecb.co.uk/ecb/document/2022/03/17/36918e2a-b649-489a-9295-ea3bb6b5d433/ECB_Anti-Discrimination_Code_2022_v5-1-.pdf) and guidance on the ECB Anti-Discrimination Code can be found here: <https://resources.ecb.co.uk/ecb/document/2022/03/16/c383b2bf-20a1-49df-a62c-92f6591c790f/Anti-Discrimination-Code-Guidance-March-2022.pdf>.

### 3. Responsibility for disciplinary processes (Regulation 2)

3.1. Relevant Cricket Organisations may already have structures in place where there is an agreed division of responsibility between Clubs, Leagues and County Cricket Boards about which categories of case will be determined by which entity. Whilst the ECB would prefer for there to be consistency in this across the game, we appreciate that in many cases these systems are operating effectively and therefore are not seeking to disrupt this approach at this stage. However, in order for these Regulations to be effective it is crucial that there is consistency of process, procedure and approach to sanctions. Accordingly, Relevant Cricket Organisations who wish to retain that existing structure will not be in breach of these Regulations provided that whichever Club, League and/or County Cricket Board has jurisdiction over a particular category of cases complies with the requirements in relation to the disciplinary and/or appeals process as set out in these Regulations.

3.2. Relevant Cricket Organisations should consider, and clearly stipulate to all Participants:

(a) Whether offences at Level 1 and Level 2 should be determined by the same Relevant Disciplinary Body as offences at Level 3 and Level 4.

- (b) Whether On-Field Breaches should be determined by the same Relevant Disciplinary Body as Off-Field Breaches.
- (c) Who has jurisdiction in respect of each of cricketers, coaches, club officials and/or match officials.
- (d) Who has jurisdiction in respect of appeals.

#### **4. Disciplinary Reports and Written Complaints (Regulation 6)**

- 4.1. Disciplinary Reports and Written Complaints must only be submitted in good faith, i.e. with honest intentions and containing correct information (to the best of the individual's knowledge). The primary purpose of allowing Written Complaints to be submitted by individuals other than the umpire is to capture offences that an umpire's view but which would constitute an offence if the umpire had seen it.
- 4.2. Disciplinary Report and Written Complaints should include a description of the alleged breach including:
  - (a) any relevant background information;
  - (b) name of witnesses;
  - (c) who was involved;
  - (d) what the Participant(s) is/are alleged to have done;
  - (e) anything anyone said at the time (including admissions and/or apologies); and
  - (f) any information regarding any relevant evidence and the context of that evidence (for example, information about a recording of the match, which captured the alleged incident or photographs taken and, if so, whether the parties involved were aware of and consented to this video footage and/or photographs). We refer to the ECB Live Streaming Guidance, which can be found here: <https://resources.ecb.co.uk/ecb/document/2022/02/14/8f153276-1990-418c-ac19-360b382915e0/ECB-Live-Streaming-Guidance-September-2021-.pdf>.
- 4.3. Relevant Cricket Organisations may wish to stipulate in the version of these Regulations that they adopt, that there should be a deadline for Disciplinary Reports to be made.
- 4.4. Where an action (or inaction) is determined to be "prejudicial to the best interests of cricket" and therefore a breach of the Regulations, this means it is an act (or omission) not covered by any of the breaches listed specifically in Regulation 8 (a-i) but is an act (or omission) that a reasonable person would consider detrimental to the ethos, reputation and/or environment of the game. Examples of this may include 'running a book' on outcomes or having a sponsor that is banned through other advertising policies.

#### **C. Relevant Cricket Organisations can impose more rigorous conduct obligations for captains or Clubs if they wish. However, they cannot impose less rigorous conduct obligations for captains or Clubs than are set out in these Regulations.**

#### **5. Social Media (Regulation 12)**

- 5.1. Posting, repeating, commenting, or supporting posts or comments by others that breach the Regulations may itself constitute a breach of the Regulations. For example, liking or otherwise promoting or supporting a comment that breaches the ECB's Anti-Discrimination Code is likely to result in a breach of the Regulations not only for the person who posted the comment in the first place but also for any Participant who supports that post.

5.2. If a Participant is alleged to have breached Regulation 12 as a result of having liked or supported a discriminatory comment but claims that someone else logged into their social media account to submit that “like” (or other supportive comment/gesture), this will not necessarily prevent regulatory action being taken but should be taken into account by the Disciplinary Chair or Disciplinary Panel.

## **6. Responsibilities of a Disciplinary Officer (Regulations 15 and 36-37)**

6.1. Following receipt of a Referral, the Disciplinary Officer may conduct further investigation as they deem necessary to limit the chances of vexatious complaints and ensure there is a full understanding of the circumstances in which the complaint arose.

6.2. Once any additional investigation is carried out, if a Disciplinary Officer decides that there is sufficient information to charge the Participant, Club or League for an alleged breach of the Regulations, and the Disciplinary Officer determines it is right to do so having considered the information and evidence provided, the Charge Letter issued may include a charge for a different breach to that detailed in the Referral.

D. Relevant Cricket Organisations may decide that all cases should be determined at a Hearing and therefore disapply the Summary Procedure at Regulations 18-23. This should be clearly reflected in the version of the Regulations that the Relevant Cricket Organisation adopts.

## **7. Summary Procedure (Regulations 18-23)**

7.1. Relevant Cricket Organisations may decide that it is not necessary for lower-level offences to be determined by a Disciplinary Panel at a Hearing. By way of example, it may be appropriate for on-field offences at Level 1 and Level 2, or off-field offences which would constitute a Level 1 or Level 2 offence if they had been carried out on the field (e.g. dissent), to be determined using the Summary Procedure rather than at a Hearing. However, on-field offences at Level 3 and Level 4 and all other off-field offences should be determined by a Disciplinary Panel at a Hearing.

7.2. If a Relevant Cricket Organisation decides to adopt the Summary Procedure, it should adopt clear internal guidelines on the types of cases that should be determined at a Hearing and the types of cases that should be determined using the Summary Procedure. These guidelines should then be applied consistently to all cases the Relevant Cricket Organisation has to deal with.

## **8. Disciplinary Panel Hearing Process (Regulations 17 and 24-33)**

8.1. Reasonableness will depend on the circumstances of the case but, in most instances, it is reasonable to request a response to a Charge Letter within seven days.

8.2. Any Hearing should be arranged in a timely manner. As the matters brought under the Regulations will likely involve volunteers in most instances, this will likely differ for each matter. However, arranging a Hearing in a timely manner means allowing sufficient time for all the parties concerned to prepare adequately, taking account of their availability and other commitments but not scheduling a Hearing so far in advance that it causes unreasonable delay. There must still be efficient handling of all matters and determination within a timeframe that allows everyone concerned to recall the matter adequately.

8.3. It may be appropriate for Relevant Disciplinary Bodies to seek to ensure that they arrange a Hearing within 28 days of the Charge Letter. However, this timeframe may not be appropriate in all cases and a shorter timeframe may be considered more expedient in the interests of the case. A longer timeframe may also be considered in extremely complex cases.

8.4. The Disciplinary Panel Chair has the discretion to set a disciplinary timetable as they consider appropriate. This means they can administer the proceedings according to a timetable they deem fit for the matter at hand (albeit whilst ensuring compliance with the Regulations). The Chair should notify the parties, within a reasonable timescale in advance of the Hearing, of their expectations on all parties and provide the parties with the opportunity to:

- (a) share any documentation relevant to the case of either party in the proceedings, such as witness accounts;
- (b) submit any written witness accounts and/or any other evidence that relate to the charge(s) against the Participant, Club or League; and/or
- (c) prepare written submissions where the Panel considers the proceedings to be sufficiently sensitive or complex to require them.

8.5. Although it is a matter for the Chair to determine how to run the Hearing, most Hearings relating to a breach of the Regulations should be inquisitorial (taking on a fact-finding approach to get to the bottom of the situation as it is alleged) rather than adversarial and oppositional (which is the approach taken in criminal or civil proceedings). The Chair should make clear that the parties will have the opportunity to raise any matters they consider relevant to determining whether the Charge can be made out and allow for an appropriate length of Hearing to provide sufficient time for this.

8.6. All parties should be given information explaining that they will have the opportunity to put forward any observations, question the other party or parties, and/or make any submissions on the matter (including in relation to the other side's evidence).

8.7. The Chair and Panel should:

- (a) seek to ensure that witnesses are not present in the room being used for the Hearing until the time that they are required to give their evidence when they should be called into the room on an individual basis; and
- (b) ask each party, as part of their submissions, to outline any factors that the Panel should consider in determining an appropriate sanction in the event that the alleged breach is found to be proven, with reference to the ranges prescribed in Appendix 3 of the Regulations.

8.8. Relevant Disciplinary Bodies should seek to ensure that decisions are produced within 7 days of the respective Hearing.

E. Relevant Cricket Organisations may stipulate a set timeframe for the Respondent to respond to the Charge Letter, provided that the Disciplinary Panel Chair shall have the power to grant the Respondent additional time to respond to the Charge Letter in appropriate circumstances.

F. Relevant Cricket Organisations may stipulate how a Hearing will typically proceed, provided that the Disciplinary Panel Chair shall have the power to alter these directions in appropriate circumstances.

## **9. Balance of Probabilities (Regulations 21, 30 and 43)**

9.1. Disciplinary Chair, Disciplinary Panels and Appeals Panels will determine matters on the “balance of probabilities”. This means that when the Panel is considering whether the alleged breach has been committed or not, they must be satisfied that it is “more likely than not” that the alleged breach took place, taking account of the evidence submitted and heard. Therefore, the Panel do not have to be absolutely sure that it took place but satisfied that it is more likely.

## **10. Costs (Regulations 32 and 45)**

10.1. For first instance decisions, the Disciplinary Panel may choose to make a costs order against the Relevant Disciplinary Body in instances where the alleged breach is found not to have been committed and/or the allegation is found to have been spurious or vexatious. In such instances, the Participant, Club or League against whom the Referral has been made may be reimbursed for reasonable costs as the Disciplinary Panel deem appropriate.

10.2. For appeals, the Appeal Panel may also choose to make a costs order in instances where the Appeal is successful or if it feels that one party has acted unreasonably by bringing the Appeal or in any way during the Appeal process.

10.3. All parties are encouraged to keep costs to a minimum and the Appeal Panel Chair will take any unreasonable incurring of cost by either party into account when determining whether to require one party to pay more of the additional costs.

## **11. Appeals (Regulation 34-47)**

11.1. If the Notice of Appeal or required administrative fee is not made within 7 days, the Appeal will not proceed unless there are reasons justifying otherwise, which shall be decided by the Appeal Panel Chair in their sole discretion. The appeal fee is requested to cover the administrative costs associated with holding a hearing and/or otherwise determining the matter. For example, there may be costs associated with the travel of the panel members or hiring a room for the day. If no administrative costs are incurred, the Appeals Body may choose to refund all or part of the fee in accordance with Regulation 45.

11.2. All procedural rules and principles that apply to Hearings at first instance also apply to appeals. The process and timing requirements for Disciplinary Panel Hearings (detailed in the Regulations and above at paragraph 8 of this guidance) will also apply to Appeal Panel Hearings.

G. An Appeal Body may stipulate an appropriate fee in respect of appeals. The maximum fee that would be considered appropriate is £150, but the Appeal Body may stipulate a lower figure. An Appeal Body may also stipulate a different timeframe for a Notice of Appeal to be filed.

H. An Appeal Body may stipulate a set timeframe for the Relevant Disciplinary Body to respond to the Notice of Appeal, if it chooses to do so, provided that the Appeal Panel Chair shall have the power to grant the Relevant Disciplinary Body additional time to respond to the Notice of Appeal in appropriate circumstances.

I. It may be appropriate for the Disciplinary Panel Chair to suspend a Participant from participating in cricket until the Hearing has concluded, or the Appeal Panel Chair to impose a sanction imposed by a Disciplinary Panel until an Appeal has concluded, where the allegations which have been made are serious, the sanctions imposed (or likely to be imposed) are severe

and it would potentially bring the sport into disrepute for the Participant to participate in cricket whilst the disciplinary process is ongoing.

- J. An Appeal Body may stipulate how an Appeal Hearing will typically proceed, provided that the Appeal Panel Chair shall have the power to alter these directions in appropriate circumstances.
- K. An Appeal Body may stipulate a different limit for any award of costs.

## **12. Disclosure of Relevant Criminal Offences (Regulation 9)**

- 12.1. In instances where a participant discloses a Relevant Criminal Offence, in accordance with Regulation 9, the Relevant Cricket Organisation receiving that disclosed information must abide by its duty of confidentiality and all applicable data protection laws.
- 12.2. Any Relevant Criminal Offence should be disclosed to the Club Safeguarding Officer in the first instance and, if that Club Safeguarding Officer has any concerns in relation to the handling of the matters disclosed, they should escalate it only to the County Safeguarding Officer. Such matters should only be disclosed beyond those two people and discussed at committee level in complex cases and only following discussion and agreement with the County Safeguarding Officer. The ECB's Safe Hands Training Course provides further information on this.
- 12.3. Full information about the relevant ECB contacts for referring any safeguarding concerns can be found here: <https://www.ecb.co.uk/about/policies-and-regulations/safeguarding/share-a-concern>.

## **13. Data Protection (Regulation 51)**

- 13.1. The UK GDPR and the Data Protection Act 2018 are the primary data protection legislation in the United Kingdom. All Relevant Cricket Organisations and Panels must comply with data protection law when processing personal data. Relevant Cricket Organisations may wish to obtain independent legal advice to ensure they meet their obligations.
- 13.2. The UK GDPR provides that, where personal data is obtained, the person or organisation receiving the personal data must provide transparent information (usually referred to as a 'privacy notice') to each individual whose personal data is received. If the data is not received directly from the individual (as may be the case following receipt of a Disciplinary Report or Written Complaint), the person or organisation receiving the personal data must provide the privacy notice within a reasonable period following receipt of the data and, in any event, within one month. What amounts to "reasonable" will depend on the circumstances, but as a general principle, the Relevant Disciplinary Body should take all steps to communicate with the data subject (about whom personal data is received in a Disciplinary Report or Written Complaint) as soon as is reasonably practicable, providing the privacy notice with the communication, to ensure compliance.
- 13.3. All Relevant Cricket Organisations will need to include appropriate references to the Regulations and its provisions in their respective privacy notices to ensure that they comply with transparency obligations in data protection law when collecting, processing and/or sharing personal data as a result of handling disciplinary matters. Independent legal advice should be sought on this point where necessary.



- 13.4. A template privacy notice, which can be adopted and amended as appropriate by Relevant Cricket Organisations, appears in Appendix 5.

#### **14. Children and Adults at Risk**

- 14.1. When handling proceedings involving an under-18 or an adult at risk who is a witness, alleged victim or alleged offender, the processes that are followed must pay due consideration to safeguarding and welfare issues and associated data protection laws. Full guidance from the ECB on disciplinary proceedings that involve under-18s can be found on the ECB's website: <https://www.ecb.co.uk/about/policies-and-regulations/safeguarding/kit-bag-resources/getting-started>. Guidance from the ECB on disciplinary proceedings that involve an adult at risk can be found in the Adults at Risk Policy on the ECB's website: <https://resources.ecb.co.uk/ecb/document/2021/11/16/40c88580-33f0-49b8-8962-96e6f2e650e1/AAR-Policy-Statement.pdf>.
- 14.2. Reasonable adjustments should be made for anyone with a disability.

**Appendix 5**  
**Template Privacy Notice**

## Cricket Organisation Privacy Notice Template and Guidance Notes

This Template privacy notice and Guidance Notes provide an outline of the key things your Cricket Organisation will need to set out to satisfy the transparency obligations in data protection law when obtaining personal data.

This is a summary guide to the ECB's suggested approach only. It is provided to you merely to give you an introduction to some of the things your Cricket Organisation should tell individuals when obtaining their personal data.

It does not include a full list of the things you have to do to satisfy the rules and should not be relied on as a substitute for specific legal, financial and/or other advice, which will vary according to your Cricket Organisation's commercial practices and use of personal data.

**The ECB is not liable for the actions taken as a result of this Template or Guidance Notes and you should take your own advice before making any decisions or acting on the content.**

## Privacy Notice | Recreational Cricket

[INSERT NAME OF CRICKET ORGANISATION]

This privacy notice explains how your personal data will be used and protected and your legal rights in respect of it.

[More information about this and details of how to exercise your rights can be found in our privacy policy at [state URL or other place at where this can be obtained]] [SEE GUIDANCE NOTE GN1]

### About us [SEE GUIDANCE NOTE GN2]

[insert full legal name of cricket organisation] ('us' or 'we' or 'our') is [explain what your organisation does in respect of cricket].

We are the data controller for the purposes of data protection law and can be contacted as follows:

Mail	[insert address]
Email	[insert email address]
Phone	[insert phone number]
Website	[insert URL]

### The personal data we process [SEE GUIDANCE NOTE GN3]

We may process the following categories of personal data:

- [●]
- [●]
- [●]

### Where we get your personal data from [SEE GUIDANCE NOTE GN4]

### Automated decisions about you [SEE GUIDANCE NOTE GN5]

[We do not normally make any solely automated decisions about you]

[We may make the following automated decisions about you:

- [insert details]
- [insert details]

Our purposes for processing your personal data [SEE GUIDANCE NOTE GN6] and our legal basis for doing so [SEE GUIDANCE NOTE GN7]

	Purpose	Legal basis
1	[insert purpose]	[insert legal basis]
2	[insert purpose]	[insert legal basis]
3	[insert purpose]	[insert legal basis]
4	[insert purpose]	[insert legal basis]
5	[insert purpose]	[insert legal basis]

Who we may disclose your personal data to [SEE GUIDANCE NOTE GN8] and our legal basis for doing so [SEE GUIDANCE NOTE GN7]

	Who we may disclose to	Legal basis
1	[insert details]	[insert legal basis]
2	[insert details]	[insert legal basis]
3	[insert details]	[insert legal basis]
4	[insert details]	[insert legal basis]
5	[insert details]	[insert legal basis]

Where we will hold your personal data [SEE GUIDANCE NOTE GN9]

[insert details].

How long we will keep your personal data for [SEE GUIDANCE NOTE GN10]

[insert details].

## Your legal rights over your personal data and complaints

Where you have given your consent to any processing of personal data you have the right to withdraw that consent at any time. If you do, it will not affect the lawfulness of any processing for which we had consent prior to your withdrawing it.

You also have the right of access to your personal data and, in some cases, to require us to restrict, erase or rectify it or to object to our processing it, and the right of data portability.

To exercise your rights or if you have any concerns or complaints about how we are handling your personal data please, please contact us at [insert details]. You can also lodge a complaint at the Information Commissioner's Office (see [www.ico.gov.uk](http://www.ico.gov.uk)) for details.

## Guidance Notes

### General considerations and the law

The requirement for a privacy notice comes from Articles 13 and 14 of the UK GDPR. These Articles set out very specific information that you have to provide when you obtain personal data about an individual whether from the individual themselves or from somebody else. You also need to consider:

- the Data Protection Act 2018 which sets out variations to the UK GDPR and
- the Privacy and Electronic Communications (EC Directive) Regulations which deal with things like cookies and getting consent for direct marketing.

### GN1 (Introduction)

If you have a privacy policy (for example on your website) that provides more general information that may be relevant, you could include a link to it from the privacy notice. If you do not want to do this, delete the wording in yellow highlighting.

When making your decision on this - it is important you check whether your privacy policy is consistent with the privacy notice you are preparing. If it is not, you will need to either change your privacy policy or do not link to it from the privacy notice.

### GN2 (About us)

It is important that you specify the full legal entity name of your organisation. This is used by individuals to check the official Register of Fee Payers maintained by the Information Commissioner.

It is helpful to provide a short description of what your cricket organisation does for example, explaining that yours is a local cricket club based in Cheshire.

### GN3 (The personal data we process)

You will need to set out details of the categories of personal data you get about the individual. Examples include:

- Name (and any 'known as' name)
- Contact details (eg address, telephone number(s), email address(es))
- Club, team, County Cricket Board, League or other cricket organisation (*as applicable*)
- Role at club, team, County Cricket Board, League or other cricket organisation (*if applicable*)
- Age or date of birth
- Gender
- Nationality, ethnicity and other equity and inclusion questions (*if applicable*)
- Cricket skills and experience (*if applicable*)
- Fitness and condition (*if applicable*)
- Details of injuries (*if applicable*)
- Eligibility to play or participate (*if applicable*)
- Social media posts
- Each club / team / competition played for (*if applicable*)
- Match and training dates attended (*if applicable*)
- Details of any consents given or withheld (*if applicable*)
- Actions required / advised to be taken to protect the individual and others including use of protective equipment and whether the requirements / advice has been implemented (*if applicable*)
- Conduct
- Incidents involving the individual
- Grievances / concerns raised
- Evidence of grievances / concerns / incidents (including any video evidence)
- Comments of or statements given or submissions made by the individual
- Criminal offence(s) (*if applicable*)

- Breaches of General Conduct Regulations
- Breaches of ECB Anti-Discrimination Code
- Actions and decisions taken
- Information in match officials report(s)
- Sanctions and penalties imposed

There may be others and you will need to give some thought to this to ensure you mention all categories of personal data.

Also remember – if you get personal data about different types of individual (eg players, parents, coaches), you will need to show the differences. One way of doing this is to have a heading for each category of individual and then listing the different categories of data under each heading.

#### **GN4 (Where we get your personal data from)**

You will need to set out details of where you get personal data about the individual from. Examples include:

- the individual
- the ECB
- another Club, team, County Cricket Board, League or other cricket organisation (*as applicable*)
- Disciplinary officers / bodies / panels
- Statements/submissions in disciplinary matters
- Disparity Safety Panel
- Appeal bodies / panels
- Other participants, witnesses, spectators, complainants
- Social media
- Family members
- Umpires and other match officials
- Team captain
- Coaches and the management team
- Legal and other professional advisers
- Regulators

There may be others and you will need to give some thought to this to ensure you mention all categories of potential sources of the personal data

Also remember – if you get personal data about different types of individual, you will need to show the differences. One way of doing this is to have a heading for each category of individual and then listing the different sources under each heading.

#### **GN5 (Automated decisions about you)**

If you make any decisions about individuals that are wholly automated (eg you select players for a match solely using a computer algorithm) you will need to provide meaningful information about the logic involved as well as the envisaged consequences for the individual.

#### **GN6 (Our purposes for processing your personal data)**

You will need to set out details of where you get personal data about the individual from. Examples include:

- **Compliance.** Ensuring compliance with ECB regulations and policies including General Conduct Regulations, Disparity Policy and, where relevant, Anti-Corruption Code
- **Participant and spectator welfare.** Dealing with any safety concerns, incidents and complaints
- Disciplinary purposes. Administration for disciplinary purposes and regulatory enforcement
- **Safeguarding.**
- **Record keeping.** Includes maintaining ECB records for the ECB's cricket management programmes and maintaining statistics
- **Diversity monitoring.** Diversity monitoring and compliance (such as in respect of ethnicity, gender, race, age and disability) and providing equal opportunities

You will probably be able to think of many more purposes for which you will process personal data. The important thing is that you have to set all purposes in the privacy notice.

## **GN7 (legal basis)**

This point is a little more complicated to explain than the others so it is important that you read this Guidance Note very carefully.

The law sets out the potential legal bases for processing personal data. The options differ depending on the nature of the personal data.

Most personal data is 'ordinary' personal data but some categories are designated as 'special category data' or 'sensitive personal data'. Special category data includes things like medical information, race or ethnicity, sexual orientation. You can find a list of special category data in Article 9 of the UK GDPR.

There are many legal bases for processing personal data. Some examples that may be relevant are:

### **For ordinary personal data**

- Consent of the individual
- The processing is necessary for performing a contract to which the individual is subject
- The processing is necessary for compliance with a legal obligation to which the organisation is subject
- The processing is necessary for the purposes of the legitimate interests of the organisation (or someone else) and those interests are not overridden by the rights and freedoms of the individual (note if you rely on this legal basis – you must specify what your legitimate interest is)

### **For special category data**

- Explicit consent of the individual
- The processing is necessary to protect the vital interests of the individual
- The processing relates to personal data that are manifestly made public by the individual
- The processing is necessary for the establishment, exercise or defence of legal claims
- The processing is necessary to comply with the law or is necessary for the purposes of equality of opportunity
- The processing is necessary for the purposes of preventative or occupational medicine or the provision of health care
- The processing is necessary for measures to protect the integrity of sport or a sporting event and must be carried out without consent of the individual

There are many other legal bases and you should consult Articles 6 and 9 of the UK GDPR and Schedule 1 Part 2 of the Data Protection Act 2018 to see which ones apply.

## **GN8 (Who we may disclose your personal data to)**

You will need to specify who you will share personal data with. Where you can provide a name you should do so (for example, you may state that you share particular categories with the ECB) but you could list categories of recipient (for example, with leagues in which the player participates).

## **GN9 (Where we will hold your personal data)**

If the personal data are only processed in the UK you should state this. If the personal data may be processed elsewhere – you should specify where. Transferring data to some countries (especially those outside the European Economic Area or Switzerland) require additional measures to be put in place and you have to specify these in the privacy notice.

## **GN10 (How long we will keep your personal data for)**

There are rules for how long you can keep personal data for (generally – not for longer than necessary to achieve the purpose for which you received it).

It is a legal requirement for you to specify how long you will keep the personal data for in the privacy notice. If you do not have a specific retention date – you can explain the criteria you will use for disposing of the personal data.