

# Bradford Premier Cricket League – Conduct and Discipline Regulations

## CONDUCT OBLIGATIONS

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

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

#### **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.

#### **Level 3**

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

#### **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.
- r. committing any other act of violence

3. ***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.
4. 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.

#### ***Captain/Team responsibility***

5. 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).
  - b. The Club the cricketer was playing for.
6. 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.

## **Off-field conduct**

7. 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.
  - i. failing to comply with any decisions or sanctions validly imposed on them following due process as prescribed by these Regulations.
8. 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.
  - 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.
  - c. any of its Participants commit any serious, collective or repeated breaches of these Regulations.
  - d. commits any breach of its obligations under the ECB Anti-Discrimination Code.
  - 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.
9. 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.
10. Participants are considered responsible for any relevant posts on their social media accounts and may be in breach of Regulations 7-9 for posting, repeating, commending or supporting posts or comments by others (e.g. 'retweeting' or 'liking') on social media.
11. 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.
12. 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**

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.

- 13. 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.**
- 14. If the Disciplinary Officer decides that the matter does not require a Hearing, the Summary Procedure in Regulations 15-20 shall apply. If the Disciplinary Officer decides that the matter requires a Hearing, Regulations 21-30 shall apply.**

### **Summary Procedure (this applies to all initial Level 1 and 2 offences)**

15. 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.
16. 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.
17. 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.
18. The Disciplinary Chair will consider the charge and determine whether, on the balance of probabilities, there has been a breach of these Regulations.
19. 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.
20. 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 (this will apply to all Level 3 and 4 offences and repeat Level 1 or 2 offences)**

21. 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.
22. 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.
23. 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.
24. 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.
25. 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 28.
26. 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.
27. 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.
28. 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.
29. Unless the Disciplinary Panel directs otherwise, the parties will bear their own costs of preparing for and attending a Hearing.
30. 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

31. 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 must be sent to the Disciplinary Officer of the Appeal Body within seven days of receipt of the decision in writing; and
  - (b) a fee of £100 to be paid into the league bank account to cover the standard administrative costs of the Appeal Panel.
32. 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.
33. 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.
34. 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.
35. 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.
36. 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.
37. 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.
38. Unless the appeal is brought under Regulation 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 c, if the Appeal Panel determines that the fresh evidence is admissible the Appeal Panel shall re-hear the case in full.

39. 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.
40. 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.
41. 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.
42. 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 31).
43. 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.
44. Any decision of an Appeal Panel is final and binding and there is no further right of appeal.

#### **APPLICABILITY OF PENALTIES**

45. 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.
46. 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**

47. 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.
48. 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.

**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 21 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 15 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 week ban	2 week ban	3 week ban
Level 2	2 week ban	4 week ban	6 week ban
Level 3	6 week ban	8 week ban	10 week ban
Level 4	10 week	12 week ban	18 week 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

### **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 Error! Reference source not found.)**

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 4)**

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.

**A. 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 10)**

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 10 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 0 and 33-34)**

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.

- B. Relevant Cricket Organisations may decide that all cases should be determined at a Hearing and therefore disapply the Summary Procedure at Regulations 15-20. 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 14 and 24-30)**

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.

C. 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.

D. 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, 27 and 40)**

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 29 and 42)**

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 31-44)**

- 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 42.
- 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.
- E. 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.
- F. 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.
- G. 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.
- H. 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.
- I. An Appeal Body may stipulate a different limit for any award of costs.

## **12. Disclosure of Relevant Criminal Offences (Regulation 7)**

- 12.1. In instances where a participant discloses a Relevant Criminal Offence, in accordance with Regulation 7, 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 48)**

- 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](https://resources.ecb.co.uk/ecb/document/2021/11/16/40c88580-33f0-49b8-8962-96e6f2e650e1/AAR-Policy-Statement.pdf). 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.