

Cricket Discipline Commission Regulations Guidelines

- 1** These Guidelines are issued to help in explaining the policy and procedure of the Commission and do not replace the Regulations which should be read carefully by all those falling under the jurisdiction of the ECB. These Guidelines do not form part of the Regulations and are not binding on the ECB.
- 2** The general aim of the Regulations is to provide an efficient, speedy and fair system of dealing with breaches of the ECB's Rules, Regulations and Directives. They provide for complaints to be dealt with as soon as reasonably practicable.
- 3** Captains (whether appointed or acting) are reminded that provision exists for them to be held responsible under the Regulations for the misbehaviour of a member or members of their teams. Repeated infringements by one or more members of the team whether in the same or different matches are likely to result in the Captain as well as the direct offender/s facing disciplinary proceedings.
- 4** The expectation is that Counties/England Team Managers will be the first enforcers of the Regulations and that most complaints will be dealt with speedily and fairly by them (see Regulation 2). In cases where they fail to take action, or where the action taken is regarded as insufficient, the matter will be brought to the Chairman of the Cricket Discipline Commission and further action may be initiated by him.

- 5** In the higher profile cases, the Commission is likely to be involved from the outset. Whilst not wishing to prejudice a fair hearing by undue haste, the Commission has approved Regulations which ensure that a complaint is not left in limbo for a length of time - we believe that it is in everyone's interest that complaints are dealt with speedily.
- 6** The Summary Procedure permits a case of moderate seriousness, where the Chairman believes there may be a willingness on the part of the 'accused' person to admit the matter, to seek to deal with it within a day or two and close the matter (see Regulation 4). Cricketers should note that, if they find themselves in the situation of being approached under this Procedure, they have the right to consult the Professional Cricketers' Association who would always be prepared to give help and advice at short notice. Apart from the benefit of speedy resolution, the accused cannot be ordered to pay more than a small sum in costs (if there be any incurred).
- 7** The Disciplinary Panel Hearing will normally be chaired by a lawyer member of the Commission and must take place within 21 days of the complaint being lodged (see Regulation 6). The Commission envisages that it will normally take place much sooner than that and that particularly to accommodate the case of a cricketer, the Panel may sit at a place and at a time that will permit the attendance of that cricketer, notwithstanding that he is involved in a match (e.g., Cricketer X of Gloucestershire may be required to attend a Panel held at Bristol at 7.30 p.m. on Friday night if involved in a

Gloucestershire home game that day). The size of the Panel will permit greater flexibility in the arrangements which it is able to make.

- 8** There will be no right of legal representation for an accused at a Disciplinary Panel Hearing (see Regulation 6.6). (This right is extended on Appeal to the Full Commission). However, an accused person may have a friend or representative with him and cricketers should note that their Association will be prepared to advise and assist with such representative if approached. Further, in the case of a cricketer, the player's County Secretary/Chief Executive may be present throughout as an observer if the cricketer consents (see Regulation 6.6). The Commission envisages that an accused who attends the hearing with a legal representative is unlikely to be refused the right of legal representation but it will be only in the most exceptional case that an adjournment of the hearing date will be permitted for the purpose of obtaining legal representation.
- 9** The Disciplinary Panel's powers of penalty are greater than those available at Summary Procedure level (see Regulation 7) but the Panel's ability to award costs is limited (see Regulation 7.2) to reflect the fact that the hearing will have taken place within a short time after the lodging of the complaint and that legal representatives probably will not have appeared on either side.
- 10** Any appeal will be to the full Commission sitting as an Appeal Panel (see Regulation 8) and although full legal representation will be permitted at such hearings, it is expected that time limits will be rigorously enforced and hearings held promptly so as to avoid delay and

unnecessary speculation. Note that the Appeal Panel has the power to award unlimited costs (see Regulation 8.7) that is to say, costs up to the full amount involved in bringing the case and convening and running the hearing.

Discipline Regulations

1 Jurisdiction

The Cricket Discipline Commission (CDC) shall have jurisdiction in disciplinary matters over:

- 1.1 All Members of the ECB (who shall be accountable, additionally, for the acts, omissions and statements of all those who are its paid or unpaid employees, agents, officers of committees or committee members);
- 1.2 All registered cricketers or Notified List Cricketers
- 1.3 Any cricketer (other than a member of an official visiting touring team) involved in any match, at any level, controlled by, or held under the auspices of, the ECB
- 1.4 All umpires contracted to the ECB or officiating at any match as defined at 1.3 above
- 1.5 All persons who are the paid or unpaid employees, agents, officers, selectors, observers or committee members of the ECB
- 1.6 Any other persons who have agreed in writing to be bound by any of the Rules, Regulations or Directives of the ECB for the time being in force
- 1.7 Any person falling into one or more of the aforementioned categories at the time of the occurrence of the matter forming the basis of the complaint.

2 First Instance Action

Nothing contained in Regulations 3-8 shall prejudice

- a) The right of a Member of the ECB to take appropriate disciplinary action against any person over whom it has jurisdiction.
- b) The right of any person nominated by ECB at home or abroad to take appropriate immediate disciplinary action against any member of an England team or squad at any level over whom he then has jurisdiction.

subject only to the right of the CDC to take further or additional action if it sees fit.

3 Complaints Procedure

This procedure shall apply to all or any breaches of the ECB's Rules, Regulations or Directives, save for those relating to the use or misuse of prohibited substances and/or the provisions for random drug testing relating thereto - for which procedure see Anti-Doping Rules.

- 3.1 Any alleged breach of the ECB's Rules, Regulations or Directives (to be known as 'a Complaint') may be notified to the Chief Executive of the ECB (or his nominated alternate) by any ECB Member, or by any Chairman of the ECB's Committees or Subcommittees, but the Chairman of the ECB, Chief Executive of the ECB or the Chairman of the CDC shall have the power to initiate a complaint of his own volition.
- 3.2 Any complaint so initiated must be referred to the Chairman (or in his absence a Deputy Chairman) of the CDC by the Chairman or Chief Executive of the ECB.

- 3.3 Upon receipt of such complaint, and as soon as reasonably practicable, the Chairman (or Deputy Chairman) of the CDC shall consider the complaint and resolve to take one of four courses of action:
- 3.3.1 To take no further action and report his reasons to the CDC
 - 3.3.2 To invite an ECB Member to take its own disciplinary action and where such invitation is declined, to then consider options 3.3.3 and 3.3.4
 - 3.3.3 To initiate the 'Summary Procedure' - see 4 hereafter.
 - 3.3.4 To refer the matter for a 'Disciplinary Panel Hearing' - see 6 hereafter.

4 Summary Procedure

In any case in which the Chairman initiates the Summary Procedure he may appoint himself or a Deputy Chairman ('the person appointed') to act

- 4.1 As soon as possible after the decision to initiate the Summary Procedure, the person appointed shall speak with the person or body against whom complaint has been made ('the accused') with a view to ascertaining:
 - 4.1.1 whether he admits the complaint
 - 4.1.2 whether a suitable written statement of apology (to be published as deemed necessary by the person appointed) can be agreed, and
 - 4.1.3 whether a penalty (to include costs where appropriate) can be agreed.

- 4.2 In the event that the accused admits the complaint and 4.1.2 and 4.1.3 are agreed, the matter is finalised accordingly.
- 4.3 In the event that any of the matters at 4.1 are not admitted or agreed, or the accused declines or makes it impossible for the person appointed to speak with him, then the person appointed shall refer the matter for a Disciplinary Panel Hearing and in no circumstances shall he play any further part as a member of the Disciplinary Panel or Appeal Panel in relation to that case.

5 Summary Procedure Penalties and Costs

The penalties available under this procedure shall be as follows:

- a) Caution as to future conduct.
- b) Reprimand.
- c) Fine - (not to exceed £2,000).
- d) Where appropriate, suspension for a maximum of five scheduled playing days.
- e) A combination of any of the above
- f) Alteration of the points awarded in respect of a Member's match or matches.

and in conjunction with any other penalty/ies, costs limited to £250.

- 5.1 Any fine and/or costs imposed shall be paid as directed by the person appointed.

6 Disciplinary Panel Hearing

In any case in which the Chairman of the CDC refers the matter for a Disciplinary Panel Hearing, the accused (and, in the case of a cricketer, his County Chief Executive) shall be notified of the fact forthwith.

- 6.1 At the time of referring the matter, the Chairman shall appoint a person from the CDC secretariat to act as prosecutor, to prepare the necessary paperwork for the Panel and the accused and to present the facts to the Panel or instruct and delegate the matter to a lawyer so to do in appropriate cases.
- 6.2 The Chairman, within three days of the decision to refer, shall appoint a Panel of three members of the CDC (or in exceptional cases, five members) which may include himself; and nominate a Chairman of the Panel. Where a cricketer is the accused, it shall be usual for a nominee of the Professional Cricketers' Association to be appointed as one of the Panel.
- 6.3 The Panel Chairman shall convene the Panel and in writing require the attendance of the accused at a hearing which he shall normally fix for a date not later than 21 days from the decision to refer and, thereafter, prior to the hearing date, he shall be responsible for determining any application for an adjournment of the hearing.
- 6.4 Prior to the hearing date, the Panel Chairman on the written application of the accused or the prosecutor, or of his own volition, may require in writing any person to produce to the Panel and/or to either party any book or document or other item in his possession relevant to the proceedings.

- 6.5 The Panel may sit at such times and in such places as it deems most convenient in all the circumstances
- 6.6 The accused person has no right of legal representation at a Disciplinary Panel Hearing, but a friend or helper of his choice would always be permitted. Subject to agreement by the Cricketer, it shall be the right of a County Chief Executive to be present at the hearing of a complaint against a cricketer, as an observer. He shall not have the right to be present during the Panel's deliberations. It shall be in the discretion of the Panel to allow legal representation of the accused.
- 6.7 The Panel shall determine its own procedure and shall have the right to require the attendance of the accused and any person subject to the CDC's jurisdiction and the production of any document or other item relevant to its proceedings.
- 6.8 Either party may call witnesses at the hearing. The Panel may draw such inferences as it deems proper from any failure by an accused to attend any hearing or from the choice by an accused to remain silent at the hearing, or from any decision declining to produce any document or other item the subject of a production order by the Panel or its Chairman.
- 6.9 Decisions of the Panel (a finding that a complaint is proved or not proved, or a decision on penalty) shall be by majority vote; where necessary the Panel Chairman shall have a casting vote.

7 Disciplinary Panel Hearings - Penalties and Costs

7.1 The penalties available under this procedure shall be as follows:

- a) Caution as to future conduct.
- b) Reprimand.
- c) Fine without limit.
- d) And additionally in the case of a Cricketer:
 - Suspension from playing in any match or matches or for any fixed period
 - Suspension of eligibility for selection for England for any match or matches or for any fixed period
 - Suspension (for any period) or termination of Registration
 - The power to order a Cricketer to undertake a Target¹ DCT as provided for in Regulation 2.2 of the Anti-Doping Rules.
- e) And additionally in the case of a Member of the ECB:

Suspension (for any period) from any competition at any level for which the ECB is responsible. Variation of any result of the Member's matches and/or alteration of the points awarded in respect of it/them
- f) And additionally in the case of any umpire:

Suspension (for any period) from officiating at any level, or in any competition, or in any match or matches for which the ECB is responsible or dismissal by the ECB

- g) And additionally in the case of any persons falling within paragraph 1.5 above:

Suspension or removal from any Committee or sub-committee

Suspension or removal from any paid or unpaid post then held

- h) And where appropriate any combination of the above.

- 7.2 The Panel shall have the power to suspend the operation of any part or all of the penalty it imposes for such period and subject to such terms and conditions as it deems appropriate in all the circumstances of the case.

- 7.3 In any event, the Panel shall have the power to order the payment by any party of the costs and expenses of the ECB and/or any party (or any part of them) incurred in connection with the hearing limited to £1,000.

- 7.4 Any fine imposed or costs awarded shall be paid upon such terms and conditions as the Panel may determine.

8 Appeals Procedure

An accused person may lodge notice of Appeal in writing against any decision of a Disciplinary Panel by lodging with the Chief Executive of the ECB a Notice in prescribed form within 14 days of that decision.

- 8.1 To be in prescribed form, the Notice must record the decision or part of the decision against which the Appeal is made and the grounds and basis of the Appeal. The Notice must be accompanied by a deposit

of £250 which may be used as part of any costs awarded against the accused or returned to him in whole or in part after the appeal hearing at the discretion of the Appeal Panel.

- 8.2 The Chairman of the CDC shall fix a date for the Appeal hearing which shall be within 28 days of the lodging of the Notice.
- 8.3 The Appeal, which shall be by way of a complete re-hearing of those matters contested, shall be heard by the CDC (Appeal Panel) and shall comprise not less than five of those members of the CDC who did not constitute the Disciplinary Panel and where the accused is a cricketer, shall usually include a nominee of the Professional Cricketers' Association.
- 8.4 The Chairman of the CDC shall appoint a Chairman of the Appeal Panel and he and the Appeal Panel shall have the same rights and powers as were accorded to the Disciplinary Panel.
- 8.5 The Accused shall be permitted legal representation if he desires it.
- 8.6 Decisions of the Appeal Panel shall be by majority vote; where necessary, the Chairman of the Panel having a casting vote.
- 8.7 The Appeal Panel shall exercise the same powers in relation to penalty as were exercised by the Disciplinary Panel but the powers of the Appeal Panel to award costs shall be unlimited.
- 8.8 Any decision of the Disciplinary Panel shall stand pending determination of any appeal.

