

## **CRICKET DISCIPLINE COMMISSION REGULATIONS 2024**



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England**

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## GUIDELINES

1. These guidelines are issued to help explain the policy and procedure of the Cricket Discipline Commission (**CDC**) and do not replace the CDC Regulations which should be read carefully by all those falling under the jurisdiction of the ECB. These guidelines do not form part of the CDC Regulations and are not binding on the ECB. It should also be noted that the procedures set out in the CDC Regulations do not apply to any corruption or doping matters which instead fall to be dealt with pursuant to the provisions of the ECB Anti-Corruption Code and the ECB Anti-Doping Rules respectively.
2. The general aim of the CDC Regulations is to provide an efficient, speedy and fair system of dealing with alleged breaches of the ECB's Rules and Regulations. They provide for complaints to be dealt with as soon as reasonably practicable and are intended to meet the requirements of all competitions. It is in everyone's interests that complaints are dealt with speedily.
3. Captains (whether appointed or acting) are reminded that provision exists for them to be held responsible under the Professional Conduct Regulations for the misbehaviour of a cricketer or cricketers on their team(s). Repeated infringements by one or more cricketer(s) on a team they are captaining, whether in the same or different matches, are likely to result in the captain facing separate disciplinary charges, as well as the direct offender(s) and also the Team as a whole facing disciplinary proceedings. As such, where a Team faces a charge for accumulated fixed penalty breaches and the same individual was captain for the matches in which those accumulated fixed penalty breaches occurred, that captain may also face a charge for the fixed penalty breaches accumulated by their Team.
4. The procedures under the CDC Regulations are designed to be flexible so as to meet the requirements of all competitions. Both the summary procedure under Regulation 5 and the Disciplinary Hearings and Appeal Hearings under Regulations 7 and 10 are intended to meet the needs of all current competitions. If a Disciplinary Panel is required to determine a complaint, it will be convened quickly and, save for a hearing on a Twenty20 Finals Day, the expectation is that any appeal against its decision will be determined before the next stage of the competition in which the matter giving rise to the complaint occurred.
5. The summary procedure under Regulation 5 permits complaints to be dealt with without a hearing if the case is of moderate seriousness and the CDC Chair (or their authorised deputy) believes there may be a willingness on the part of the "Respondent" to admit the matter. Cricketers should note that if they are approached under this procedure, they have the right to consult the PCA who will always be prepared to give help and advice at short notice. Apart from the benefit of speedy resolution, the sanctions available under the summary procedure are less than if the matter proceeds to a Disciplinary Hearing.
6. A Disciplinary Hearing will normally be chaired by a member of the CDC with legal experience and must take place as soon as is reasonably practicable (see Regulation 7.4). In any case against a cricketer, the Disciplinary Panel may sit at a place and at a time that will permit the attendance of that cricketer, notwithstanding that they are involved in a match (e.g., Cricketer X of Gloucestershire may be required to attend a Disciplinary Hearing held at Bristol at 7.30 p.m. on Friday night if involved in a Gloucestershire home game that day). The size of the CDC permits flexibility in the arrangements which it is able to make.
7. A Respondent is entitled to attend a Disciplinary Hearing with a legal representative but only in the most exceptional case will a hearing date be adjourned to enable the Respondent to obtain legal representation. However, a Respondent may be accompanied at the hearing by

an individual of the Respondent's choice or a representative, which may where the Respondent is a cricketer be a representative of the Respondent's Team, and cricketers should note that the PCA will be prepared to advise and assist with finding a suitable representative if asked to do so.

8. The Disciplinary Panel's powers of sanction are greater than those available under the summary procedure level (see Regulation 8).
9. Any appeal is to an Appeal Panel (see Regulation 10) and, although a Respondent does have the right to legal representation at Appeal Hearings, it is expected that time limits will be rigorously enforced and hearings held promptly so as to avoid delay and unnecessary speculation.
10. In the event of any inconsistency between this guidance and the Regulations, the Regulations shall take precedence. The guidance is not intended to, and does not, qualify the Regulations in any way.

## **1 DEFINITIONS**

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

**Adjudicator** means, in relation to a particular Charge, the member of the CDC appointed to pursue the summary procedure under Regulation 5 below;

**Agent** has the meaning given to it under the Agent Regulations;

**Agent Regulations** means the ECB's Players' Agent Registration Regulations in force from time to time;

**Anti-Doping Rules** means the ECB's anti-doping rules in force from time to time;

**Anti-Corruption Code** means the ECB's anti-corruption code in force from time to time;

**Appeal Panel** means, in relation to any appeal against a decision of the Disciplinary Panel, the panel appointed pursuant to Regulation 10.5 below to deal with that appeal;

**Appeal Panel Chair** means, in relation to any Appeal Panel, a legally qualified member of the CDC who is appointed as chair of that Appeal Panel pursuant to Regulation 10.5 below;

**Appeal Hearing** means, in relation to any appeal against a decision of the Disciplinary Panel, the hearing or hearings at which the Appeal Panel deals with that appeal;

**Applicable Regulations** means any of the ECB's rules and regulations in force from time to time (except for the Anti-Doping Rules or the Anti-Corruption Code);

**Approved Cricket** means a Domestic Cricket Event as defined by the ICC in Regulation 32 of the ICC Regulations;

**CDC** means the Cricket Discipline Commission;

**CDC Chair** means the chair from time to time of the CDC or their authorised deputy;

**CDC Regulations** means these regulations and, save where the context requires otherwise, **Regulation** and **Regulations** shall be interpreted accordingly;

**Central Contract** means an England central contract entered into between the ECB and a male or female cricketer for such cricketer to play cricket for England;

**Charge** means the breach(es) of the Applicable Regulations in respect of which an individual or entity over which the CDC has jurisdiction in accordance with Regulation 2.1 has been charged;

**Charge Letter** means the written notice served on a Respondent by the Cricket Regulator which sets out the Charge issued against them and which serves to commence disciplinary proceedings. Where the Respondent is a cricketer or a Coach, it shall also be served on the Chief Executive of the cricketer or coach's Team (or, in the absence of such Chief Executive), on their authorised deputy);

**Coach** means any individual acting as a coach, coaching assistant or consultant or Director of Cricket, whether paid or unpaid, employed or otherwise engaged;

**Coaching Activities** means any involvement in any formal or informal coaching session, whether collective or individual, or presence at or around any Match;

**County Championship** means the first class domestic county championship run by the ECB;

**Cricket Regulator** means the body responsible for investigating and prosecuting breaches of the Applicable Regulations;

**Disciplinary Panel** means, in relation to any Charge, the panel appointed pursuant to Regulation 7.2 below to deal with that Charge;

**Disciplinary Hearing** means, in relation to any Charge, the panel hearing or hearings at which the Disciplinary Panel deals with that Charge;

**Disciplinary Panel Chair** means, in relation to any Disciplinary Panel, the person appointed as chair of that Disciplinary Panel pursuant to Regulation 7.2 below;

**Disciplinary Panel Secretariat** means the person appointed to act as a secretary to a Disciplinary Panel, or their nominee;

**ECB** means England and Wales Cricket Board Limited;

**ECB Board** means the ECB board of directors;

**Effective Date** means the date set out in Regulation 11.3 below;

**FCC Registration Regulations** means the ECB's Regulations Governing the Qualification and Registration of Cricketers in force from time to time;

**First-Class County Cricket Club** means any of the clubs and/or companies listed in schedule A to the ECB's articles of association and/or any county cricket club playing in the County Championship from time to time;

**First-Class Cricket** means First-Class or List A Cricket as recognised by the ICC and, at the discretion of the ECB, other Approved Cricket which is not recognised as First-Class or List A Cricket by the ICC, but which is played by teams which also play First-Class Cricket and/or List A cricket as recognised by the ICC (and for the purposes of this definition, teams playing First-Class Cricket shall include, without limitation and until further notice to the contrary, the teams which participate or have participated in either the BCCI approved IPL or the Cricket Australia approved “Big Bash” tournament or teams which play in any analogous Approved Cricket in any format of the game);

**Hundred Team** means, any of the teams from time to time playing in The Hundred and **Men’s Hundred Team** and **Women’s Hundred Team** mean the teams playing in the Men’s Hundred and Women’s Hundred respectively;

**ICC** means the International Cricket Council;

**ICC Regulations** means the ICC Regulations as amended from time to time;

**Match** means any cricket match or competition played in the Territory:

- (a) in First Class Cricket;
- (b) by first XI teams of First-Class County Cricket Clubs where such Match is not classified as First-Class Cricket;
- (c) in Regional Partner Competitions; and
- (d) in The Hundred.

**Match Official** means any Umpire or Match Referee;

**Match Referee** means a match referee contracted to the ECB and appointed to a Match;

**MCC** means Marylebone Cricket Club;

**Member** means:

- (a) any First-Class County Cricket Club;
- (b) any Regional Partner Team;
- (c) any Hundred Team;
- (d) the MCC; and
- (e) the NCCA.

**NCCA** means the National Counties Cricket Association;

**National County Cricket Club** means any county cricket club member of the NCCA;

**Participant** means any individual or entity listed in Regulation 2.1;

**PCA** means the Professional Cricketers’ Association;

**Professional Conduct Regulations** means the ECB's Professional Conduct Regulations in force from time to time;

**Recreational Discipline Panel** means the correctly constituted discipline panel or committee for any cricket activities carried out under the jurisdiction of the ECB which are not carried out by: (i) the England Men's or England Women's teams, First-Class Counties; (ii) Regional Partners; or (iii) Hundred Teams;

**Regional Partner** means an organisation which has entered into an agreement with the ECB to operate as part of the Regional Structure, including operating a Regional Partner Team;

**Regional Partner Competitions** means the female 50-over tournament and the 20-over tournament played in the Regional Structure;

**Regional Partner Registration Regulations** means the ECB's Regulations Governing the Qualification and Registration of Cricketers for the Regional Partner Competitions in force from time to time;

**Regional Partner Team** means a team playing in the Regional Partner Competitions;

**Regional Structure** means the structure of Regional Partner Teams and academy programmes administered by the Regional Partners 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;

**Registered Cricketer** means a cricketer registered (including any cricketer whose registration is suspended) in accordance with:

- (a) the FCC Registration Regulations;
- (b) the Regional Partner Registration Regulations;
- (c) The Men's Hundred Player Selection Regulations; or
- (d) The Women's Hundred Player Selection Regulations;

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

**Team** means a First-Class County Club or Regional Partner Team or Men's Hundred Team or Women's Hundred Team;

**Territory** means England and Wales;

**The Hundred** means the ECB's domestic cricket competition in a "100-ball" format and **Men's Hundred** and **Women's Hundred** mean The Hundred games played by the Men's Hundred Team and Women's Hundred Team, respectively;

**The Men's Hundred Player Selection Regulations** means the ECB's Men's Player Selection Regulations for The Hundred in force from time to time;

**The Women's Hundred Player Selection Regulations** means the ECB's Women's Player Selection Regulations for The Hundred in force from time to time;

**Umpire** means an umpire contracted to the ECB and appointed to a Match; and

**Working Day** means a day that is not a Saturday or Sunday, Christmas Day, Good Friday or any day that is a bank holiday in the Territory.

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

## **2 JURISDICTION**

2.1 The CDC shall have jurisdiction over the following Participants, who shall be bound by the procedures set out in these Regulations:

- 2.1.1 Members (who shall be accountable, additionally, for the acts, omissions and statements of all those who are its paid or unpaid employees, agents, officers of committees or committee members);
- 2.1.2 Registered Cricketers;
- 2.1.3 cricketers with a Central Contract;
- 2.1.4 cricketers involved in any Match;
- 2.1.5 Coaches who are employed by any Member;
- 2.1.6 Match Officials;
- 2.1.7 Agents;
- 2.1.8 committee members of the ECB; and
- 2.1.9 persons falling into one or more of the aforementioned categories at the time of the occurrence of the matter forming the basis of the Charge.

2.2 The Cricket Regulator can consider any referral and/or information which relates to any alleged or potential breach of the Applicable Regulations by an individual or entity over which the Disciplinary Panel has jurisdiction in accordance with Regulation 2.1.

2.3 Any action taken in accordance with these Regulations shall be without prejudice to any separate disciplinary process to which the individual or entity is subject.

## **3 INVESTIGATION PROCEDURE**

3.1 This procedure shall apply to all or any potential breaches of the Applicable Regulations, save where the Applicable Regulations expressly provide otherwise.

3.2 The Cricket Regulator may conduct any investigation required to determine whether it considers that there has been a breach of the Applicable Regulations. In carrying out such investigations, the Cricket Regulator shall have the power to require of any individual or entity under the ECB's jurisdiction upon reasonable notice:

- 3.2.1 attendance to answer questions and provide information at a time and place determined by the Cricket Regulator; and



- 3.2.2 production to the Cricket Regulator of documents, information or any other material of any nature held by the individual or entity or which the individual or entity has the power to obtain.
- 3.3 All Participants shall co-operate fully with and shall in no way obstruct or delay any investigation conducted by (or on behalf of) the Cricket Regulator under these Regulations.
- 3.4 Any failure by an individual or entity to comply with any requirement under this Regulation 3 will constitute a breach of these Regulations and the Cricket Regulator may bring a Charge as it sees fit.
- 3.5 As soon as reasonably practicable following such investigation, the Cricket Regulator shall decide whether to:
  - 3.5.1 take no further action; or
  - 3.5.2 invite a Member to take its own disciplinary action and, if such invitation is declined or the action taken is considered insufficient, to consider the options under Regulations 3.5.3 and 3.5.4 below; or
  - 3.5.3 issue a Charge Letter and refer the case to the CDC Chair to consider initiating the summary procedure under Regulation 5 below; or
  - 3.5.4 issue a Charge Letter and refer the matter for a Disciplinary Hearing under Regulation 7 below,

and in each instance where a Charge Letter is issued, provide the CDC Chair with that Charge Letter and the Regulations relevant to the alleged breach.
- 3.6 The Cricket Regulator has the right (but no obligation) to suspend investigations temporarily under these Regulations to avoid prejudice to investigations conducted by other relevant authorities into the same or related matters.

#### **4 INTERIM SUSPENSION**

- 4.1 Where the Respondent is a cricketer, Coach or Umpire and the Cricket Regulator has referred a Charge to the CDC Chair, the Cricket Regulator shall consider the Charge and decide whether it concerns a matter of sufficient severity to:
  - 4.1.1 Invite the cricketer's or Coach's Team to withdraw the cricketer or Coach from participation in any Match prior to the case being determined under the summary procedure or the Disciplinary Hearing regarding the Charge. If such invitation is declined, Regulation 4.1.2 shall still apply; and/or
  - 4.1.2 Apply to the CDC Chair for an interim suspension on the cricketer, Coach or Umpire from eligibility to play or participate in any Match(es) whatsoever, including a Match currently in progress, prior to the case being determined under the summary procedure or the Disciplinary Hearing regarding the Charge. The Cricket Regulator shall notify the individual of its intention to apply for an interim suspension. The individual will be asked to provide any comments on such an application within a specified time. If the individual does not respond within the specified time or if the Cricket Regulator believes that it is still appropriate to apply for an interim suspension, the Cricket Regulator shall make the application to the CDC Chair. The

CDC Chair shall convene a Disciplinary Panel (which may include themselves) to consider the interim suspension application (either in a meeting, by phone or over written correspondence).

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

## **5 SUMMARY PROCEDURE**

- 5.1 Where the Cricket Regulator refers a matter to the CDC Chair under Regulation 3.5, the CDC Chair shall consider if it is appropriate to initiate the summary procedure. If the CDC Chair does not believe it is appropriate to initiate the summary procedure the matter shall be referred for a Disciplinary Hearing under Regulation 7. If the CDC Chair considers that it is appropriate to initiate the summary procedure, the CDC Chair shall promptly appoint themselves or another member of the CDC as the Adjudicator.
- 5.2 As soon as reasonably practicable after the decision to initiate the summary procedure, the Adjudicator shall contact the Respondent to establish whether the Respondent:
  - 5.2.1 admits the Charge;
  - 5.2.2 agrees to the matter proceeding by way of the summary procedure;
  - 5.2.3 agrees to publication of any decision and/or any written apology required by the Adjudicator, if the Adjudicator considers that publication is desirable; and

- 5.2.4 agrees to accept any sanction which the Adjudicator may consider appropriate (such sanction to include any costs which the Adjudicator considers appropriate).
- 5.3 In the event that the Respondent admits the Charge and agrees all matters under Regulations 5.2.2 - 5.2.4, the Adjudicator shall issue a decision and impose a sanction(s) in accordance with Regulation 6. The decision shall be published in full unless the Adjudicator determines that it is appropriate that they should only be published in part or not published at all.
- 5.4 In the event that the Respondent:
  - 5.4.1 declines to speak to the Adjudicator or fails to co-operate fully with the Adjudicator;
  - 5.4.2 does not admit the Charge; or
  - 5.4.3 does not agree the matters specified in Regulations 5.2.2 - 5.2.4 above,
 then the Adjudicator shall refer the matter for a Disciplinary Hearing under Regulation 7.

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

- 6.1 The Adjudicator may impose any one or more of the following sanctions under this summary procedure:
  - 6.1.1 caution as to future conduct;
  - 6.1.2 reprimand;
  - 6.1.3 completion of any education/training programme/course (at the cost of the individual);
  - 6.1.4 fine (not to exceed £2,000);
  - 6.1.5 suspension for a maximum of 4 scheduled playing days which may include a specific Match or Matches;
  - 6.1.6 alteration of the points awarded in respect of that Participant's Match(es) up to a maximum points deduction of 1.5 times the maximum points available for one Match in a specified competition; and
  - 6.1.7 a contribution to the costs and expenses incurred by the ECB in connection with the Charge, limited to £250.
- 6.2 Any fine and/or costs order imposed pursuant to Regulation 6.1 above shall be paid as directed by the Adjudicator. Written notification of any such fine and/or costs order (as applicable) shall be sent to the Respondent by or on behalf of the Adjudicator and such written notification shall specify the date by which full payment of the fine and/or costs order (as applicable) is required.

## **7 DISCIPLINARY HEARINGS – PROCEDURE**

- 7.1 Upon a decision being made under Regulation 3.5 to refer a Charge for a Disciplinary Hearing, the Cricket Regulator shall:
- 7.1.1 issue a Charge Letter;
  - 7.1.2 prepare any necessary papers for the Disciplinary Panel and the Respondent; and
  - 7.1.3 present the Charge at the Disciplinary Hearing. The burden of proof shall be on the Cricket Regulator and the standard of proof shall be the balance of probabilities.
- 7.2 The CDC Chair shall appoint themselves or another member of the CDC to chair the Disciplinary Panel. The chair of the Disciplinary Panel shall select two other individuals to sit on the Disciplinary Panel.
- 7.3 If the Respondent is a cricketer or Coach, it shall be usual (but not mandatory) for the Disciplinary Panel to include one person from a list of suitable persons nominated by the PCA. Otherwise, the Disciplinary Panel shall comprise members of the CDC, with the exception that the person appointing the Disciplinary Panel shall, if they feel it appropriate, appoint one or more independent person(s) to be a member and/or Disciplinary Panel Chair. Any proposed member of the Disciplinary Panel should disclose any potential conflicts of interests in the case to the CDC Chair before agreeing to be appointed to the Disciplinary Panel.
- 7.4 The Disciplinary Panel Chair shall decide the time, date and place of the Disciplinary Hearing subject to the requirement that the hearing shall take place within 14 days from the date of the decision to refer the complaint for a Disciplinary Hearing or as soon as is reasonably practicable having regard to all the relevant circumstances.
- 7.5 The Disciplinary Panel Secretariat shall then, if the Disciplinary Panel has not already provided notice, promptly notify the Respondent about the membership of the Disciplinary Panel, the time, date and place of the Disciplinary Hearing and that the Respondent is required to attend the Disciplinary Hearing. If any party has any objections to the membership of the Disciplinary Panel on the basis of any alleged conflict of interest, they must immediately notify the Disciplinary Panel Chair (or, if the alleged conflict relates to the Disciplinary Panel Chair, the objecting party must notify either the CDC Chair or, if the CDC Chair is the Disciplinary Panel Chair then an authorised deputy of the CDC Chair). The relevant individual shall consider the alleged conflict and decide in their absolute discretion whether to amend the membership of the Disciplinary Panel.
- 7.6 The Disciplinary Panel Chair may, at any time before commencement of the Disciplinary Hearing, determine any application in relation to the Disciplinary Hearing, including but not limited to applications:
- 7.6.1 for an adjournment of the Disciplinary Hearing; or
  - 7.6.2 for the production to the Disciplinary Panel and/or to either the Respondent and/or the Cricket Regulator of any book, document or other item which may be relevant to the proceedings which is in the custody, possession or control of any person who is subject to the CDC's jurisdiction.
- 7.7 The Disciplinary Panel may sit at such times and in such places as it deems most convenient, having regard to all the relevant circumstances. The Disciplinary Panel may, where it deems

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

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

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

- 8.1 In any particular case, the Disciplinary Panel may impose any one or more of the sanctions prescribed below:
  - 8.1.1 caution as to future conduct;
  - 8.1.2 reprimand; and
  - 8.1.3 fine without limit.

8.2 In addition to the general sanctions listed in Regulation 8.1, any one or more of the following specific sanctions can be imposed:

8.2.1 in the case of any cricketer:

- (a) suspension of eligibility to play in any Match(es) or in any second XI county competition for any fixed period, to include continuation of any interim suspension or voluntary withdrawal under Regulation 4.1 above;
- (b) suspension of eligibility for selection to play for England in any Match(es) or for any fixed period;
- (c) suspension (for any period) or termination of registration under the FCC Registration Regulations, Regional Partner Registration Regulations, The Men's Hundred Player Selection Regulations or The Women's Hundred Player Selection Regulations (as applicable);
- (d) completion of any education/training programme/course (at the cost of the cricketer);
- (e) a ban on attendance at any official post-match ceremony or presentation taking place anywhere on the field of play or otherwise following the conclusion of a Match(es);
- (f) in circumstances where the cricketer's breach has had a material impact on the result of a Match:
  - (i) variation of the outcome arising from the result of that Match when such Match formed part of a knock-out competition. The CDC shall also have the power to make an order in relation to the participation and/or progression of another Member not subject to the disciplinary proceedings; and/or
  - (ii) alteration of the points awarded to the relevant Member in respect of that Match (including in relation to future editions of a competition, where applicable); and
- (g) a fixed penalty as available under Regulation 4 of the Professional Conduct Regulations;

8.2.2 in the case of any Coach:

- (a) suspension of eligibility to participate in any Coaching Activities or in any Match(es) or for any fixed period, to include continuation of any interim suspension or voluntary withdrawal under Regulation 4 above;
- (b) suspension of eligibility to participate in any England programme in any Match(es) or for any fixed period; and/or
- (c) completion of any education/training programme/course (at the cost of the Coach);

- 8.2.3 in the case of any Member:
- (a) suspension (for any period) of eligibility to participate in any Match(es);
  - (b) variation of the outcome arising from the result of any Match(es) played by that Member when such Match formed part of a knock-out competition. The Disciplinary Panel shall have the power to make an order in relation to the participation and/or progression of another Member not subject to the disciplinary proceedings; and/or
  - (c) alteration of the points awarded to any Member in respect of any Match(es) (including in relation to future editions of a competition, where applicable);
- 8.2.4 in the case of any Match Official, suspension (for any period) of eligibility to officiate in and/or be appointed to any Match(es);
- 8.2.5 in the case of any Agent:
- (a) to direct the ECB to cancel or suspend the Agent's registration with immediate effect;
  - (b) to direct the ECB to impose such registration conditions on the registered Agent as the CDC considers appropriate; and/or
  - (c) to prescribe the period during which an Agent shall not be permitted to re-register as an Agent.
- 8.2.6 in the case of any person within Regulation 2.1.8 above, suspension or removal from any ECB committee(s) or subcommittee(s).
- 8.3 The Disciplinary Panel shall, when determining the level of sanction to impose upon a Respondent cricketer, take into account the effect upon that cricketer of any interim suspension or voluntary withdrawal imposed under Regulation 4 above and any sanction which has already been imposed upon the cricketer by a Member or the cricketer's First-Class County Cricket Club, Regional Partner or Hundred Team.
- 8.4 Where the outcome of a decision issued by the Disciplinary Panel may directly affect a Member's participation and/or progress in a competition, that Member shall be entitled to make submissions to the Disciplinary Panel.
- 8.5 Where a Participant receives a form of suspension, subject to the specific terms of any decision issued by the Adjudicator, Disciplinary Panel or Appeal Panel (as applicable), such suspension shall not commence before the day the Respondent receives the decision imposing the suspension. A suspended Participant shall remain subject to the Applicable Regulations during the period of suspension.
- 8.6 The Disciplinary Panel may suspend the operation of all or any part of any sanction it imposes for such period and subject to such terms and conditions as it deems appropriate in all the circumstances of the case.
- 8.7 The Disciplinary Panel may require the Respondent or the Cricket Regulator to pay the reasonable costs or expenses incurred by the other party in connection with Disciplinary Hearing and also the costs incurred by the Disciplinary Panel.

- 8.8 Once the hearing has concluded and as soon as is reasonably practicable, the Disciplinary Panel shall send the Respondent written confirmation of any fine and/or costs order (as applicable) imposed by the Disciplinary Panel and such confirmation shall specify the date by which full payment of any such fine and/or costs order (as applicable) is required.
- 8.9 Where a cricketer is suspended from playing in any Match(es) under Regulation 8, the Disciplinary Panel Chair may, having given the cricketer, the relevant team and the Cricket Regulator the opportunity to make representations, and having regard to the best interests of cricket generally, make an order preventing the cricketer from attending any official post-match ceremony or presentation taking place anywhere on the field of play or otherwise following the conclusion of a Match(es).
- 8.10 Where a cricketer or Member received a sanction to be applied to the following season and the following season is curtailed and/or the format of the competition in which the sanction would apply is different to the season envisaged at the time the sanction was applied, either party to the initial Disciplinary Hearing can apply to the CDC Chair to have the sanction reconsidered by a Disciplinary Panel in light of the changes to the season. The CDC Chair will convene a Disciplinary Panel (which where practicable, shall be the Disciplinary Panel which imposed the sanction) to consider whether the sanction should be changed, and if so, how. Both parties will be given the opportunity to make submissions in respect of their position.

## **9 RECOGNITION OF SANCTIONS**

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

## **10 APPEALS PROCEDURE**

- 10.1 The Respondent or the Cricket Regulator may appeal against any decision of the Disciplinary Panel or Recreational Discipline Panel pursuant to the appeals procedure detailed in this Regulation 10 (such party then becoming the **Appellant**). The appeals procedure shall be construed as being an arbitral process for the purposes of the Arbitration Act 1996.
- 10.2 Any notice of appeal must be lodged within 14 days after the date of the decision against which the Appellant wishes to appeal unless, having regard to the requirements of a particular Match, the Disciplinary Panel Chair decides that the appeal should be expedited, in which case the Disciplinary Panel Chair shall stipulate the timeframe for lodging the notice of appeal and inform the parties accordingly.



- 10.3 For an appeal to be validly commenced by an Appellant, there must be received within the period permitted pursuant to Regulation 10.2 above for commencing such appeal:
- 10.3.1 a written notice of appeal, addressed to the Disciplinary Panel Chair, and copied to all other parties to the appeal, which records the Disciplinary Panel decision against which the appeal is made and the ground(s) (as set out in Regulation 10.3.3) on which the appeal is based; and
  - 10.3.2 cleared funds to the ECB (except in the case of an appeal brought by the ECB) in the sum of £500 (such funds to be applied in accordance with Regulation 10.17 below); and
  - 10.3.3 valid grounds of appeal, which must be particularised in writing, shall be as follows:
    - (a) the decision of the Disciplinary Panel or Recreational Discipline Panel was against the weight of the evidence;
    - (b) procedural irregularity (which may include a mistake of law);
    - (c) there is fresh evidence (in which case the notice of appeal must state why the evidence could not be presented at the original hearing); and/or
    - (d) the sanction imposed was manifestly excessive.
- 10.4 Upon an appeal being validly commenced, the Cricket Regulator shall promptly notify this fact to the CDC Chair or an authorised deputy who was not a member of the relevant Disciplinary Panel.
- 10.5 Upon the relevant CDC Chair or deputy to the Chair being notified that an appeal has been validly commenced, they shall appoint the Appeal Panel which shall comprise not fewer than 3 persons. No members of the Disciplinary Panel who considered the case at first instance shall be eligible for appointment to the Appeal Panel. Provided they were not a member of the Disciplinary Panel, the person appointing the Appeal Panel may appoint themselves as a member of the Appeal Panel and, if they so wish, as the Appeal Panel Chair. If the Respondent is a cricketer, it shall be usual (but not mandatory) for the Appeal Panel to include one person from a list of suitable persons nominated by the PCA. Otherwise, the Appeal Panel shall comprise members of the CDC, with the exception that the person appointing the Appeal Panel shall, if they feel it appropriate, appoint one or more independent person(s) to be a member and/or Chair of the Appeal Panel. The Appeal Panel shall not include any officer, employee or other representative of the ECB. Any proposed member of the Appeal Panel should disclose any potential conflicts of interests in the case before agreeing to be appointed to the Appeal Panel.
- 10.6 The Appeal Panel Chair shall decide the time, date and place of the Appeal Hearing subject to:
- 10.6.1 the requirement that the Appeal Hearing shall take place as soon as reasonably practicable having regard to all the relevant circumstances and the expectation that normally, the Appeal Hearing shall take place within 14 days from the date on which the appeal was commenced (or sooner, in the case of an appeal which has been expedited by the Disciplinary Panel Chair in accordance with Regulation 10.2);
  - 10.6.2 Regulation 10.7 below; and

- 10.6.3 the ability of the Appeal Panel to, where it deems appropriate, and having heard any representations in respect of it, hear the cases of more than one Respondent in the same proceedings.
- 10.7 In the event of any appeal against a decision made by a Disciplinary Panel between a semi-final and the final of any competition which are held on the same day, that appeal shall not be heard by the Appeal Panel until after the conclusion of that competition.
- 10.8 The Appeal Panel shall promptly notify the Respondent about the time, date and place of the Appeal Hearing and that the Respondent is required to attend the Appeal Hearing. If any party has any objections to the membership of the Appeal Panel on the basis of an any alleged conflict of interest they must immediately notify the Appeal Panel Chair (or, if the alleged conflict relates to the Appeal Panel Chair, the objecting party must notify either the CDC Chair or, if the CDC Chair is the Appeal Panel Chair then an authorised deputy of the CDC Chair). The relevant individual shall consider the alleged conflict and decide in their absolute discretion whether to amend the membership of the Appeal Panel.
- 10.9 On the application of the Cricket Regulator the Appeal Panel may in its discretion determine that funds to cover any costs order made by the Disciplinary Panel should in whole or part be lodged with an appropriate third party and/or ECB before the appeal may proceed, taking into account all the circumstances of the case and the ability of the Appellant reasonably to raise such sum.
- 10.10 The Appeal Panel shall deal with the appeal in any way it sees fit, consistent with a fair and just consideration of all grounds of appeal. For the avoidance of doubt:
- 10.10.1 The Appeal Panel shall consider whether the grounds of appeal have been made out. The Appellant shall have no right to a complete rehearing of the case, although the Appeal Panel may order such if it considers it appropriate to do so. In considering an appeal under Regulation 10.3.3(c), the Appeal Panel may exceptionally, if it considers it appropriate, remit the charge to the original Disciplinary Panel for reconsideration in the light of the fresh evidence.
- 10.10.2 The Appeal Panel shall have a complete discretion as to which, if any, oral evidence it requires to hear to determine the grounds of appeal.
- 10.10.3 The Appeal Panel shall be permitted to have regard to transcripts of evidence and/or submissions given before or made to the Disciplinary Panel as well as to any document admitted before that Panel or any ruling of that Panel.
- 10.11 The Appeal Panel may determine its own procedure and the Appeal Panel Chair and the Appeal Panel shall have the same rights and powers as were accorded to, respectively, the Disciplinary Panel Chair and the Disciplinary Panel.
- 10.12 The burden of proof shall be on the Appellant and the standard of proof shall be balance of probabilities.
- 10.13 The Respondent shall have the right to be legally represented at the Appeal Hearing. In addition, if the Respondent is a cricketer, the provisions of Regulation 7.9 above shall apply to the Appeal Hearing in the same way as they apply to the Disciplinary Hearing.
- 10.14 Subject to Regulation 10.10 the Respondent and the Cricket Regulator shall be permitted to call witnesses at the Appeal Hearing.

- 10.15 For an Appeal Panel to be quorate, at least 2 members of the Appeal Panel must be present throughout the Appeal Hearing.
- 10.16 Any decisions by the Appeal Panel shall be final and binding on the appellant(s) and the Cricket Regulator and shall be by a majority vote. In the event of a tie, the Appeal Panel Chair shall have the casting vote.
- 10.17 The Appeal Panel shall have the same powers in relation to sanction and costs as were accorded to the Disciplinary Panel. For the avoidance of doubt, where the Appeal is from a decision of a Recreational Discipline Panel the Appeal Panel shall not be limited to the maximum sanctions contained in the ECB General Conduct Regulations or Recreational Conduct Regulations (as applicable) and the Appeal Panel will have the same powers in relation to sanction and costs as accorded to a Disciplinary Panel under Regulation 8.
- 10.18 At the conclusion of the Appeal Hearing, the ECB may apply the £500 payment referred to in Regulation 10.3.2 above in or towards satisfaction of any outstanding liability the Respondent may have in respect of the ECB's costs or expenses following an award in favour of the Cricket Regulator under Regulation 8.4.1 and/or 10.16 above. The ECB shall then promptly reimburse any balance remaining from the said £500 to the person or body who made the said £500 payment. The Appeal Panel shall direct how any funds lodged under Regulation 10.9 shall be dispersed.
- 10.19 Once the hearing has concluded and as soon as is reasonably practicable, the Appeal Panel shall produce written reasons for its findings including with regards to sanction and costs and share those written reasons with the parties to the appeal (and, where appropriate any other parties to the proceedings to which the appeal relates). The Appeal Panel shall therein specify the date by which full payment of any fine and/or costs (as applicable) is required.
- 10.20 The written reasons shall be published in full unless the Appeal Panel determines that it is appropriate that they should only be published in part or not published at all.
- 10.21 All decisions of the Disciplinary Panel or Recreational Discipline Panel shall stand pending determination by the Appeal Panel of any appeal against such decision(s).
- 10.22 Subject to the overriding discretion of the CDC Chair, failure by any cricketer, Coach or Match Official to pay any fine or costs order in full within 28 days from the date for full payment specified in the written notice referred to in Regulations 6.2, 8.8 or 10.18 above shall result in the automatic suspension of that cricketer's, Coach's or Match Official's eligibility to participate in any Match(es). Such suspension shall begin on the day immediately after the end of the said 28 day period and shall cease immediately upon the said fine and/or costs order (as applicable) being paid in full.

## **11 AMENDMENT AND INTERPRETATION**

- 11.1 These Regulations may be amended from time to time, with such amendments coming into effect on the date specified.
- 11.2 The headings used in these Regulations are for the purpose of guidance only and shall not be deemed to be part of the substance of these Regulations, or to inform or affect in any way the language of the provisions to which they refer.
- 11.3 These Regulations shall come into full force and effect on 28 March 2024 (the "**Effective Date**") and subject to Regulation 11.5, these Regulations shall not apply retrospectively to matters

which are subject to investigation or proceedings under a previous version of these Regulations before the Effective Date.

- 11.4 These Regulations shall not operate to disturb any decisions and/or sanctions previously made under previous versions of these Regulations or other relevant rules of ECB.
- 11.5 Any case which is subject to investigation or proceedings under a previous version of these Regulations, or brought after the Effective Date but based on acts or omissions that occurred before the Effective Date, shall be governed, as to applicable sanctions and offences, by the relevant previous version of these Regulations in force at the time of the alleged offence but shall be governed, as to procedure, by these Regulations.
- 11.6 If any provision of these Regulations is ruled to be invalid, unenforceable or illegal for any reason, it shall be deemed deleted, and the Regulations shall remain otherwise in full force and effect.
- 11.7 These Regulations and any case heard under them shall be governed by English law. The Disciplinary Panel and the Appeal Panel shall apply English law (both procedural and substantive) in determining any dispute under the Regulations.