

# **ANNEX TO REGULATIONS GOVERNING THE QUALIFICATION AND REGISTRATION OF CRICKETERS PLAYER DEVELOPMENT COMPENSATION REGULATIONS**

(to be deemed to have taken effect from 1 October 2019)

Definitions used in the Regulations Governing the Qualification and Registration of Cricketers bear the same meaning in this Annex C.

## **DEFINITIONS**

**“Compensation Payment”** means a payment made by a New County to a Former County (through adjustments made by the ECB to the central payments it makes to the Former County and the New County) to reflect the costs incurred by the Former County in training and developing a Cricketer who transfers (other than pursuant to a loan under Regulation 12) from that Former County to become registered by that New County in accordance with the terms of this Annex C.

**“Former County”** means the First-Class County with whom a Cricketer was registered immediately prior to their registration by a New County in accordance with the terms of this Annex C.

**“New County”** means the new First-Class County with whom a Cricketer becomes registered in accordance with the terms of this Annex C.

**“Player Development Compensation Form”** means the ECB prescribed form to be submitted by the relevant Former County in accordance with this Annex C.

**“Qualifying Transfer”** has the meaning set out below.

**“Qualifying Transfer End Date”** means the date upon which (a) a Cricketer is registered with the ECB by the New County or (b) the contract between the Cricketer and the New County commences, whichever is the earliest.

**“Qualifying Transfer Start Date”** means the date upon which (a) a Cricketer ceases to be registered by the Former County; or (b) that Cricketer’s employment contract with the Former County is terminated by either party for any reason, whichever is the earliest.

## **QUALIFYING TRANSFER**

1. In the event that a Cricketer’s employment and/or registration moves from a Former County to a New County:
  - 1.1 at the expiry of that Cricketer’s contract with the Former County and in circumstances where the Former County has offered a new employment contract to that Cricketer on at least the same financial terms as their existing employment contract in terms of overall salary, bonuses and other benefits package; or

- 1.2 prior to the contractual expiry date of that Cricketer's contract with the Former County;

the New County shall make a Compensation Payment to the Former County where required by and in accordance with this Annex C, provided that the time period between the Qualifying Transfer Start Date and the Qualifying Transfer End Date is no longer than six months (a *Qualifying Transfer*).

## PROCEDURE

2. A Compensation Payment will only become payable under this Annex C if the Former County, following the Qualifying Transfer Start Date, applies to the ECB for a Compensation Payment by completing a Player Development Compensation Form, which sets out the necessary details of the Qualifying Transfer and the sum to which the Former County believes it is entitled by way of a Compensation Payment.
3. The Former County should complete and submit a softy copy of the Player Development Compensation Form to the ECB within six months of the Qualifying Transfer Start Date, copying in the Chief Executive of the New County, with the New County then having a period of 14 days in which it may provide its written response to the Player Development Compensation Form to the ECB and the Former County.
4. The ECB will then review the Player Development Compensation Form and the response of the New County (if any), as well as any relevant records that it holds, before calculating the Compensation Payment that is payable by the New County to the Former County and notifying that amount and the payment timeframes to both parties.
5. Subject to the appeal provisions of Regulation 11, the decision of the ECB should be considered final and binding upon the parties in accordance with Regulation 9.
6. Nothing in this Annex C shall prevent the Former County and the New County, in addition to any Compensation Payment that may be payable, agreeing a separate and additional payment in relation to the transfer of a Cricketer between them.

## COMPENSATION PAYMENT REGULATIONS

### 7. INTRODUCTION

- 7.1. The primary objective of these Compensation Payment Regulations, which takes effect without prejudice to the rights and obligations of relevant parties under the remainder of these Regulations, is to compensate First-Class Counties in a fair and proportionate manner for the training and development costs which they have incurred in relation to Cricketers who are the subject of a Qualifying Transfer, with the associated aim of encouraging all First-Class Counties to foster the development of young Cricketers.
- 7.2. The terms of these Compensation Payment Regulations have been agreed between the ECB, the Professional Cricketers Association and the First-Class Counties following extensive consultation.

- 7.3. These Compensation Payment Regulations shall be reviewed by the ECB, in consultation with the First-Class Counties and the Professional Cricketers Association, in advance of the 2022 cricket season and may be amended by the ECB following any such review and consultation process.
- 7.4. References in these Compensation Payment Regulations to a “year” shall refer to the period between 1 April in any given year and 31 March of the following year. References in these Compensation Payment Regulations to an age is a reference to the age of the relevant Cricketer on 1 April of the relevant year.

## **8. COMPENSATION PAYMENTS**

- 8.1. Compensation Payments are payable on all Qualifying Transfers, in accordance with the provisions of this Annex C, through adjustments made by the ECB to central payments that it makes to each of the two relevant First-Class Counties.
- 8.2. Upon a Qualifying Transfer coming into legal effect, subject to the other provisions of this regulation 8, a Compensation Payment shall become payable by the relevant New County to the relevant Former County which is equal to:
- 8.2.1. £6,000 for each year that the Cricketer was registered with the Former County or its academy between the ages of 15 and 22 inclusive; but less
- 8.2.2. £6,000 for each year that the Cricketer was registered with the Former County between the ages of 23 and 28 inclusive,
- provided that the Compensation Payment shall not exceed 50% of the total salary and financial value of any bonuses or other benefits paid to the Cricketer by the Former County in the final year of the Cricketer’s contract with the Former County.
- 8.3. For the purposes of calculating the Compensation Payment payable pursuant to clause 8.2 above:
- 8.3.1. a pro rata amount, calculated to the nearest full month, shall be applied for any year that a Cricketer was registered with the Former County which was not a full year; and
- 8.3.2. the time period that a Cricketer was registered with the Former County’s academy is to be included when calculating the Compensation Payment which is payable.
- 8.4. No Compensation Payment shall be payable unless:
- 8.4.1. the Cricketer was aged 28 or under as at 1st April in the year that the Qualifying Transfer comes into legal effect;
- 8.4.2. the Cricketer has been registered with the Former County (including being registered with its academy) for at least three years prior to the Qualifying Transfer coming into legal effect; and

- 8.4.3. the Former County has made a bona fide offer to the Cricketer, in the final year of their contract, to extend the Cricketer's contract with the Former County on no less favourable financial terms in terms of overall salary, bonus or other benefits package.
- 8.5. The Compensation Payment shall be reduced in the following circumstances where a Cricketer has had limited playing opportunities in the first team of the Former County:
- 8.5.1. where a Cricketer is aged 21 or 22 as at 1 April in the year that the Qualifying Transfer comes into legal effect, the Compensation Payment will be reduced by 40% if the Cricketer did not play in the starting eleven of at least 30% of the first team fixtures of the Former County for which the Cricketer was fit and available in their final season with the Former County; and
- 8.5.2. where a Cricketer is aged between 23 and 28 as at 1st April in the year that the Qualifying Transfer comes into legal effect, the Compensation Payment will be reduced by 50% if the Cricketer did not play in the starting eleven of at least 50% of the first team fixtures of the Former County for which the Cricketer was fit and available in their final season with the Former County.
- For the purpose of these Compensation Payment Regulations, **"fit and available"** means a Cricketer who was fit to play in the starting eleven, available to play in the team fixtures of their Former County and not subject to any kind of disciplinary or other suspension at the time that the relevant team selection was made by the Former County. This shall include but not be limited to the following:
- 8.5.3 A player who is not available for selection by the Former County due to their participation in any England programme is not 'available' to the Former County and shall therefore not be considered "fit and available" for the purposes of these Regulations.
- 8.5.4 A player who is on loan to another First-Class County is 'available' to the Former County and shall therefore be considered "fit and available" for the purposes of these Regulations.
- 8.6. The percentage of first team fixtures referred to in clause 8.5 above shall be calculated on the basis of participation by a Cricketer in the Competitions only, in accordance with a points system in which each match played by the Cricketer in a Competition equates to the number of points set out in the table below. The relevant percentage for the purposes of this clause 8.6 is calculated by taking the Cricketer's total points as a percentage of the total number of points they would have scored if they had played in every first team match in each Competition for which they were fit and available.

Competition	2021 Points
County Championship/Bob Willis Trophy	8

Competition	2021 Points
One Day Cup	3
T20 Blast	4

8.7. Any Compensation Payment payable pursuant to these Compensation Payment Regulations shall be paid by the New County to the Former County as follows:

8.7.1. where the Compensation Payment which is payable is £18,000 or less, the full amount shall be paid, via central ECB adjustment, in the season of the date of the Cricketer's registration with the New County;

8.7.2. where the Compensation Payment which is payable is between £18,001 and £36,000:

8.7.2.1. a first instalment of £18,000 shall be paid, via central ECB adjustment, in the season of the date of the Cricketer's registration with the New County; and

8.7.2.2. the balance shall be paid, via central ECB adjustment, in the season following the Cricketer's registration with the New County; and

8.7.3. where the Compensation Payment which is payable is between £36,001 and £48,000:

8.7.3.1. a first instalment of £18,000 shall be paid, via ECB central adjustment, in the season of the date of the Cricketer's registration with the New County;

8.7.3.2. a second instalment of £18,000 shall be paid, via ECB central adjustment, in the season following the Cricketer's registration with the New County; and

8.7.3.3. the balance shall be paid, via ECB central adjustment, in the second season following the Cricketer's registration with the New County.