

## **DISCIPLINARY PROCEDURE REGULATIONS**



**England and Wales Cricket Board, Lord's Cricket Ground  
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England**

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1. **DEFINITIONS**

For the purposes of these Regulations:

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

**Appeal Panel** means, in relation to any appeal against a decision of a Disciplinary Tribunal, the panel appointed pursuant to Regulation 11.4 below to deal with that appeal.

**Appeal Panel Chair** means, in relation to any Appeal Panel, a legally qualified member of the Cricket Discipline Panel who is appointed as chair of that Appeal Panel pursuant to Regulation 11.4 below. The Chair of the Cricket Discipline Panel may appoint themselves as the Appeal Panel Chair.

**Appeal Wing Members** has the meaning given to it in Regulation 11.4 below.

**Applicable Regulations** means the following ECB rules and/or regulations, or any successor thereof, as in force and amended from time to time:

- (a) these Regulations;
- (b) Agent Regulations;
- (c) Anti-Discrimination Regulations;
- (d) Boys' Academy Registration Regulations;
- (e) Boys' EPP Regulations;
- (f) Clothing and Equipment Regulations;
- (g) Competitive County Cricket Registration Regulations;
- (h) Concussion Replacement Regulations;
- (i) Covid Replacement Regulations;
- (j) Cricket Event Regulations;
- (k) Finance Regulations;
- (l) Girls' Academy Registration Regulations;
- (m) Girls' EPP Regulations;
- (n) Head Protector Regulations;
- (o) Pitch Regulations;
- (p) Players' and Match Officials' Area Regulations;
- (q) Player Gender Eligibility Regulations;
- (r) Professional Conduct Regulations;
- (s) Professional County Cricket Competition Regulations

- (t) Recreational Drugs Policy;
- (u) Team Salary Payment Regulations;
- (v) The Hundred Men's Player Selection Regulations;
- (w) The Hundred Women's Player Selection Regulations;
- (x) Tier 1 Registration Regulations;
- (y) Tier 2 Registration Regulations; and
- (z) Women's Tier 1, Tier 2 and T20 County Cup Competition Regulations.

**Caution Notice** means a written notice served on a Respondent by the Cricket Regulator which sets out the specific Regulation(s) that the Respondent is alleged to have breached and a summary of any supporting information that the Director of the Cricket Regulator has relied on in determining that they consider, on the balance of probabilities, that the Respondent has breached the Applicable Regulations.

**Chair of the Cricket Discipline Panel** means the independent chair of the Cricket Discipline Panel from time to time or their authorised deputy.

**Charge** means a charge brought by the Cricket Regulator against a Respondent in respect of an alleged breach (or breaches) of the Applicable Regulations.

**Charge Letter** means the written notice served on a Respondent by the Cricket Regulator which sets out, among other things, the Charge(s) issued against them and which commences disciplinary proceedings against the Respondent under these Regulations.

**Coach** means any individual appointed as a cricket coach, coaching assistant or Director of Cricket, whether paid or unpaid, employed or otherwise engaged by a Professional Cricket Organisation.

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

**Competitive County Cricket** has the meaning given to it in the ECB's Competitive County Cricket Registration Regulations.

**Cricket Discipline Panel** means the panel of individuals responsible for adjudicating on regulatory disciplinary on behalf of the ECB.

**Cricket Organisation** means:

- (a) any Professional County Club;
- (b) any Hundred Team;
- (c) the MCC;
- (d) the NCCA;
- (e) any Recreational Cricket Board; and
- (f) any National County.

**Cricket Organisation Official** means any trustee, director, chair, lead officer or chief executive (or equivalent of such categories of individual), as applicable, of a Cricket Organisation.

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

**Cricket Regulatory Board** means the non-executive group with oversight of the Cricket Regulator.

**Cricketer** means:

- (a) a Registered Cricketer;
- (b) a Second XI Cricketer;
- (c) a cricketer who has an England Contract;
- (d) a cricketer who plays for a Professional County Club and who has, in the period in which these Regulations apply, been involved in any Match;
- (e) a cricketer who plays in the Women's County Cup; or
- (f) a cricketer who plays for England and who has, in the period in which these Regulations apply, been involved in any England Match.

**Director of the Cricket Regulator** means the Director of the Cricket Regulator from time to time or their authorised deputy.

**Disciplinary Tribunal** means the panel appointed pursuant to Regulation 8.1 below to deal with a particular disciplinary case.

**Disciplinary Tribunal Secretariat** means Sport Resolutions (UK) Limited, or such other individual or entity as appointed by the ECB from time to time, which has been appointed to provide secretariat services to the Cricket Discipline Panel.

**Disciplinary Hearing** means the panel hearing or hearings at which a Disciplinary Tribunal deals with a particular disciplinary case to determine liability and/or the applicable sanction.

**Disciplinary Tribunal Chair** means, in relation to any Disciplinary Tribunal, a legally qualified member of the Cricket Discipline Panel who is appointed as chair of that Disciplinary Tribunal pursuant to Regulation 8.1 below.

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

**Effective Date** means 1 April 2025.

**England Contract** means an England central contract, development contract, skills contract or secondment agreement (or any equivalent contracts introduced by the ECB from time to time) pursuant to which a male or female cricketer is employed by the ECB to play cricket for England.

**England Match** means a match played by any of the following cricket teams representing England:

- (a) Men's senior team;

- (b) Women's senior team;
- (c) Men's Lions team;
- (d) England Women A;
- (e) Men's U19 team; and
- (f) England Women U19.

**The Hundred** means the ECB's domestic men's and women's cricket competitions in a "100-ball" format.

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

**ICC** means the International Cricket Council.

**ICC Regulations** means the Regulations issued by the ICC as in force and amended from time to time.

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

- (a) Competitive County Cricket;
- (b) the Second XI Championship;
- (c) the Second XI T20;
- (d) Tier 1 Competitions;
- (e) Tier 2 Competitions;
- (f) the Women's County Cup;
- (g) The Hundred; and
- (h) any other domestic fixture which appears in an official ECB fixture list (including friendlies).

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

**Match Referee** means a match referee contracted to the ECB and who has, in the period in which these Regulations apply, been appointed to a Match.

**MCC** means Marylebone Cricket Club.

**National County** means any National County Cricket Club which plays in the competitions organised by the NCCA.

**National Cricket Federation** has the meaning given to it in the ICC Regulations.

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

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

**Professional County Club** means any of the clubs and/or companies from time to time listed in Schedule A to the ECB's articles of association and/or any county cricket club from time to

time playing in the County Championship and/or the Tier 1 Competitions and/or the Tier 2 Competitions.

**Professional Cricket Organisation** means:

- a) any Professional County Club;
- b) any Hundred Team; and
- c) the MCC.

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

**Recreational Disciplinary Suspension** means a suspension imposed by a disciplinary body in recreational cricket which has been correctly constituted in accordance with the applicable regulations, including any suspension imposed under the General Conduct Regulations for ECB Competitions, General Conduct Regulations or Recreational Conduct Regulations.

**Registered Agent** has the meaning given to it under the Agent Regulations.

**Registered Cricketer** means a cricketer registered (including any cricketer whose registration is suspended) in accordance with the following regulations, as in force and amended from time to time:

- a) the Competitive County Cricket Registration Regulations;
- b) the Tier 1 Registration Regulations;
- c) the Tier 2 Registration Regulations;
- d) the Men's Hundred Player Selection Regulations; or
- e) the Women's Hundred Player Selection Regulations.

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

**Second XI Cricketer** means any player who is not a Registered Cricketer who participates in the Second XI Championship or Second XI T20.

**Sole Arbitrator** means, in relation to a particular Charge, a legally qualified member of the Cricket Discipline Panel (with the right to practise) who has been appointed to preside over the (i) imposition of an interim suspension or (ii) Summary Procedure, in respect of a particular case. The Chair of the Cricket Discipline Panel may appoint themselves as the Sole Arbitrator.

**Tier 1 Competitions** means any women's domestic cricket competitions designated by the ECB as being a "Tier 1" competition, which, as at the Effective Date, includes the T20 Blast Women's and the One Day Cup Women's.

**Tier 2 Competitions** means any women's domestic cricket competitions designated by the ECB as being a "Tier 2" competition, which, as at the Effective Date, includes the T20 Blast Women's League 2 and the One Day Cup Women's League.

**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.

**Umpire** means an umpire contracted to the ECB and who has, in the period in which these Regulations apply, been appointed to a Match.

**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 England and Wales.

## **2. JURISDICTION**

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

2.1.1 Cricket Organisations;

2.1.2 Cricket Organisation Officials;

2.1.3 Cricketers;

2.1.4 Coaches;

2.1.5 Match Officials;

2.1.6 Registered Agents;

2.1.7 any director, chair or the chief executive of the ECB; and

2.1.8 persons falling into one of the aforementioned categories at the time of the occurrence of the matter forming the basis of the Charge.

2.2 Cricket Organisations can also be held accountable for, and are liable for, the acts, omissions and statements of all those who are its paid or unpaid employees, agents, officers of committees or committee members.

2.3 Cricket Organisations shall ensure that their contracts or terms of appointment and/or engagement with Cricket Organisation Officials include an obligation for such Cricket Organisation Officials to comply with the Applicable Regulations and submit to the jurisdiction of the ECB and the Cricket Regulator.

## **3. INVESTIGATION PROCEDURE**

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

### Investigation

3.2 The Cricket Regulator shall consider any referral and/or information (howsoever they have been made aware of such matter(s)) which relates to any alleged or potential breach of the Applicable Regulations by a Participant.

3.3 The Cricket Regulator (or any other investigating officer or team appointed by the Cricket Regulator for the purpose of the investigation) shall conduct any investigation required to determine whether it considers that there has been a breach of the Applicable Regulations.

- 3.4 In carrying out any investigation, the Cricket Regulator has the power to require any Participant, upon reasonable notice, to:
- 3.4.1 answer questions and/or provide information at a time and place determined by the Cricket Regulator; and
  - 3.4.2 provide to the Cricket Regulator documents, information or any other material of any nature which is in the possession or control of that person Participant or which the Participant has the power to obtain.
- 3.5 All Participants shall co-operate fully with, and shall in no way obstruct or delay, any investigation conducted by the Cricket Regulator under these Regulations, including by not complying with Regulation 12.
- 3.6 Any failure by a Participant to comply with any requirement under this Regulation 3 will constitute a breach of these Regulations and the Cricket Regulator may bring a Charge or such Charges as it sees fit.
- 3.7 The Cricket Regulator has the right (but no obligation) to suspend investigations temporarily under these Regulations to avoid prejudice to, and/or to give precedence to, investigations conducted by other relevant authorities/bodies into the same or related matters.

#### **4. CAUTION**

- 4.1 If, following an investigation carried out in accordance with Regulation 3, the Director of the Cricket Regulator determines that the Respondent has, on the balance of probabilities, breached the Applicable Regulations the Cricket Regulator may offer the Respondent the opportunity to accept the breach in exchange for a formal caution, in the form of a Caution Notice, in accordance with this Regulation 4.
- 4.2 A Caution Notice may be offered if the Director of the Cricket Regulator considers, in all the circumstances, that a formal caution is an appropriate method of disposal. Such circumstances may include, but are not limited to:
- 4.2.1 whilst recognising the seriousness of all breaches of the Applicable Regulations, the case is of no more than moderate seriousness;
  - 4.2.2 the case does not involve an allegation of discrimination;
  - 4.2.3 the case does not have significant aggravating factors including, but not limited to, the Respondent's prior disciplinary record;
  - 4.2.4 there is no evidence that the Respondent intended to breach the Applicable Regulations;
  - 4.2.5 if charged, the Cricket Regulator would propose the Summary Procedure; and/or
  - 4.2.6 a Caution Notice is a proportionate method of disposal.
- 4.3 In the circumstances described in Regulation 4.2, the Cricket Regulator will issue a Caution Notice to the Respondent and invite the Respondent to confirm whether they accept the Caution Notice. Accepting the Caution Notice will require the Respondent to accept that they have breached the Applicable Regulations.
- 4.4 If the Respondent accepts the Caution Notice:

- 4.4.1 the Cricket Regulator will not issue a Charge Letter or refer the matter to the Cricket Discipline Panel and the case will be considered to have been resolved; and
  - 4.4.2 the Caution Notice will remain on the Respondent's disciplinary record for three years. If the Respondent is charged with another breach of the Applicable Regulations within three years from the date of the Caution Notice, the Caution Notice will be put before any Sole Arbitrator or Disciplinary Tribunal appointed in respect of that subsequent Charge.
- 4.5 If, following acceptance of the Caution Notice in accordance with Regulation 4.4, the Cricket Regulator receives information which indicates that it has been misled or there has been material non-disclosure relevant to the matter the Director of the Cricket Regulator may (notwithstanding Regulations 4.1 to 4.4) determine that it is appropriate, in accordance with Regulation 5.1, to issue a Charge Letter.
- 4.6 If the Respondent does not accept the Caution Notice, the Cricket Regulator will, save for in exceptional circumstances, issue a Charge Letter in accordance with Regulation 5.1 and propose that the case proceed under the Summary Procedure (in accordance with Regulation 7).

## **5. CHARGE AND PRELIMINARY RESPONSE**

- 5.1 Following such investigation, the Cricket Regulator shall, as soon as reasonably practicable, decide whether to issue a Charge Letter and, if so, the Respondent shall be sent the Charge Letter with the following information:
- 5.1.1 confirmation that the Respondent has been charged;
  - 5.1.2 confirmation of the specific offence(s) that the Respondent is alleged to have committed;
  - 5.1.3 details of the alleged acts and/or omissions relied upon in support of the Charge, enclosing copies of documents or other materials referred to in the Charge Letter; and
  - 5.1.4 the range of applicable sanctions, by reference to the applicable range of sanctions set out at Regulations 7.3 and 9.
- 5.2 Where the Respondent is a Cricketer, a Coach or a Cricket Organisation Official, the Charge Letter shall also be served on the chief executive of the appropriate Cricket Organisation (or, in the absence of such chief executive, on their authorised deputy) unless the Cricket Regulator deems it appropriate not to do so.
- 5.3 Where applicable, the Cricket Regulator shall also set out in the Charge Letter whether the Cricket Regulator considers it would be appropriate for the case to proceed under the Summary Procedure in accordance with Regulation 6.1.
- 5.4 Subject to Regulation 5.5, the Respondent must respond to the Charge Letter within 10 Working Days and must:
- 5.4.1 admit the Charge(s) and agree to the range of sanction(s);
  - 5.4.2 admit the Charge(s) but not agree to the range of sanction(s) with written reasons; or

- 5.4.3 deny the Charge(s) with written reasons.
- 5.5 The timeframe for the Respondent to respond to the Charge Letter as set out in Regulation 5.4 may be altered:
  - 5.5.1 by the Cricket Regulator in their absolute discretion as set out in the Charge Letter; or
  - 5.5.2 if agreed between the Cricket Regulator and the Respondent.
- 5.6 If the Respondent fails to respond to the Charge Letter by the stipulated or agreed deadline, the Cricket Discipline Panel shall be entitled to proceed in the absence of the Respondent.

## **6. INTERIM SUSPENSION**

- 6.1 Where:
  - 6.1.1 the Respondent is a Cricketer, Coach or Match Official;
  - 6.1.2 has not already voluntarily withdrawn (or been withdrawn by the appropriate Cricket Organisation (as applicable)) from participation; and
  - 6.1.3 the Cricket Regulator considers the Charge to be of sufficient severity to require expedient action,

the Cricket Regulator will make an application for an interim suspension in accordance with this Regulation 6.
- 6.2 For the avoidance of doubt, the Cricket Regulator shall not have the ability to apply for an interim suspension where the Summary Procedure has been initiated or where the Cricket Regulator intends to propose the Summary Procedure.
- 6.3 The Cricket Regulator shall provide the individual and the Cricket Discipline Panel with its application for an interim suspension. The individual shall be entitled to provide representations in response to the application within three Working Days. Where the individual does not accept the interim suspension, the Chair of the Cricket Discipline Panel shall appoint a Sole Arbitrator to determine the application for an interim suspension at their sole discretion.
- 6.4 The application shall be determined by the Sole Arbitrator within no more than 3 Working Days of receipt of the application or the representations in response (if provided), with written reasons, to follow if required.
- 6.5 The Sole Arbitrator may impose an interim suspension which applies to the Respondent's participation in cricket prior to the case being determined in accordance with these Regulations. If the Respondent is a Cricketer or Coach, the interim suspension may apply to the Respondent's participation in a Match or England Match which is currently in progress.
- 6.6 There shall be no right of appeal against any determination under Regulation 6.5 but any written representations made by the parties under Regulation 6.3 may be taken into account by the Disciplinary Tribunal at the Disciplinary Hearing.
- 6.7 Where any action has been taken under Regulation 6.5, the Disciplinary Hearing should be convened as soon as reasonably practicable, and in any event, no later than 10 Working Days following the interim suspension being imposed unless the circumstances of the case dictate otherwise.

6.8 The Sole Arbitrator who makes a determination in accordance with this Regulation 6 shall be precluded from forming part of the Disciplinary Tribunal to determine the matter.

## **7. SUMMARY PROCEDURE**

7.1 The Cricket Regulator shall confirm in the Charge Letter (or otherwise in writing) whether it considers that it would be appropriate for the case to proceed under the Summary Procedure, taking into consideration whether the range of sanctions set out at Regulation 7.4 are sufficient in relation to the seriousness of the Charge(s).

7.2 Where:

7.2.1 the Cricket Regulator provides such confirmation as stipulated in Regulation 7.1; and

7.2.2 a Respondent admits to the Charge(s) and agrees to the range of sanctions specified in the Charge Letter,

the case shall be referred to the Chair of the Cricket Discipline Panel to determine, within no more than 5 Working Days, whether it is appropriate to initiate the Summary Procedure.

7.3 If the Chair of the Cricket Discipline Panel does not believe it is appropriate to initiate the Summary Procedure, the case shall be referred for a Disciplinary Hearing under Regulation 8. If the Chair of the Cricket Discipline Panel considers that it is appropriate to initiate the Summary Procedure, the Chair of the Cricket Discipline Panel will appoint a Sole Arbitrator to determine the applicable sanction under the Summary Procedure within the range specified in the Charge Letter and in accordance with Regulation 7.4.

7.4 A Sole Arbitrator may impose any one or more of the following sanctions under the Summary Procedure:

7.4.1 reprimand;

7.4.2 completion of any education/training programme/course (at the cost of the Respondent);

7.4.3 fine not to exceed £2,000;

7.4.4 suspension for a maximum of four scheduled playing days, which may include a specific Match(es) or England Match(es); and/or

7.4.5 alteration of the points awarded in respect of that Respondent's Match(es) up to a maximum points deduction of 1.5 times the maximum points available for one Match in a specified competition.

7.5 As soon as reasonably practicable, the Sole Arbitrator shall produce written reasons for their decision, including with regards to sanction where relevant, and share those written reasons with the parties. Any fine imposed shall be paid as directed by the Sole Arbitrator, including by any date specified by the Sole Arbitrator in their decision.

7.6 The Cricket Regulator shall publish the written reasons in accordance with Regulation 12.3.4.

7.7 Any sanction imposed by a Sole Arbitrator in accordance with Regulation 7.4 is final and binding and there shall be no right of appeal from such decision.

## 8. DISCIPLINARY HEARINGS – PROCEDURE

### 8.1 Where:

- 8.1.1 a Respondent denies the Charge(s) and/or does not agree to the proposed range of sanction(s) stipulated in the Charge Letter; or
- 8.1.2 a Respondent admits the Charge(s) and accepts the range of sanctions stipulated in the Charge Letter but the Chair of the Cricket Discipline Panel decides that the case shall not proceed under the Summary Procedure;

the Cricket Regulator shall refer the case to the Chair of the Cricket Discipline Panel to convene a Disciplinary Hearing.

- 8.2 The Chair of the Cricket Discipline Panel shall appoint a Disciplinary Tribunal Chair and two other members of the Cricket Discipline Panel to a Disciplinary Tribunal. In exceptional circumstances, the Chair of the Cricket Discipline Panel shall be permitted to appoint individuals who are not members of the Cricket Discipline Panel, but the Chair of the Cricket Discipline Panel considers would be suitable for the particular case, to a Disciplinary Tribunal.
- 8.3 In appropriate circumstances the Chair of the Cricket Discipline Panel may direct, having heard any relevant representations, that a Disciplinary Tribunal shall hear the cases of more than one Respondent in the same proceedings.
- 8.4 Any proposed member of the Disciplinary Tribunal should disclose any actual or potential conflicts of interests in the case to the Chair of the Cricket Discipline Panel before agreeing to be appointed to the Disciplinary Tribunal.
- 8.5 The Disciplinary Tribunal Secretariat shall promptly notify the parties about the membership of the Disciplinary Tribunal.
- 8.6 If any party has any objection(s) to the membership of the Disciplinary Tribunal on the basis of any alleged conflict of interest, they must immediately (and in any event within two Working Days of being informed of the membership of the Disciplinary Tribunal) notify the Chair of the Cricket Discipline Panel or, if the alleged conflict relates to the Chair of the Cricket Discipline Panel, an authorised deputy of the Chair of the Cricket Discipline Panel. The Chair of the Cricket Discipline Panel (or their authorised deputy) shall consider the alleged conflict and decide in their absolute discretion whether to replace the relevant member of the Disciplinary Tribunal (or, where relevant, the Disciplinary Tribunal Chair).

### Pre-Hearing Procedure and Directions

- 8.7 Subject to the rules of natural justice (ensuring the process is consistent with a fair and just consideration of the Charge) and Regulation 8.9, the Disciplinary Tribunal shall determine its own procedure.
- 8.8 The Disciplinary Tribunal may order that a directions hearing be held which may be conducted by way of oral hearing, telephone or video conference or by written submissions. If satisfied that all matters are agreed prior to the time set for the directions hearing, the Disciplinary Tribunal may direct that no hearing take place and that the agreed directions shall stand as the decision of the Disciplinary Tribunal.
- 8.9 The Disciplinary Tribunal may give any directions considered necessary for the proper conduct of the proceedings, which may include (but not be limited to):

- 8.9.1 setting the date, time and place of the Disciplinary Hearing, including whether the Disciplinary Hearing shall be held in person or by video conference, subject to the requirement that the hearing shall take place as soon as reasonably practicable having regard to all the relevant circumstances;
- 8.9.2 specifying the dates by which parties must submit any written submissions, witness statements and/or skeleton arguments as required by the Disciplinary Tribunal, and in what form they are to be served;
- 8.9.3 ordering the production of relevant documents and/or other materials which are not privileged;
- 8.9.4 amending or dispensing with any of the procedural steps set out in these Regulations;
- 8.9.5 directing that issues be dealt with as preliminary issues, or at a preliminary hearing;
- 8.9.6 directing who is required to attend as a witness and whether they may give their oral evidence by video conference; and/or
- 8.9.7 determining any application (whether in person or on the papers) in relation to the Disciplinary Hearing, including but not limited to:
- (a) an application for adjournment or stay of the Disciplinary Hearing; or
  - (b) an application for any person who is subject to the Cricket Discipline Panel's jurisdiction to produce to the Disciplinary Tribunal and the parties any document (electronic or otherwise) or other item which is in the possession or control of that person and which may be relevant to the proceedings;
  - (c) an application seeking to challenge jurisdiction;
  - (d) an application for strike out;
  - (e) an application for summary judgment; and
  - (f) an application brought by an interested third party, including whether they have standing in the proceedings to bring any such application.
- 8.10 The Disciplinary Tribunal Secretariat shall promptly notify the parties about any directions given by the Disciplinary Tribunal.

#### Disciplinary Hearing

- 8.11 The Disciplinary Tribunal may sit at such times and in such places as it deems most convenient, having regard to all the relevant circumstances.
- 8.12 The Respondent has the right to be legally represented at the Disciplinary Hearing and/or to be accompanied during the Disciplinary Hearing by an individual of the Respondent's choice (including but not limited to a representative of the appropriate Cricket Organisation in respect of the Respondent).
- 8.13 At a Disciplinary Hearing, the Charge will be presented to the Disciplinary Tribunal by or on behalf of the Cricket Regulator. The burden of proof shall be on the Cricket Regulator and the standard of proof shall be the balance of probabilities.

- 8.14 The Disciplinary Tribunal has the right to require the attendance of the Respondent and any Participant.
- 8.15 The Disciplinary Tribunal has the right to stay proceedings if it considers it appropriate.
- 8.16 The Disciplinary Tribunal shall not be bound by rules governing the admissibility of evidence in judicial or other proceedings. Instead, facts may be established by any reliable means, including admissions, circumstantial evidence and hearsay (to the extent appropriate). Findings in criminal and civil proceedings are admissible and assumed to be correct, unless it is shown by clear and compelling evidence that this is not the case.
- 8.17 Subject to Regulation 8.7, the Cricket Regulator and the Respondent are permitted to call witnesses at the Disciplinary Hearing.
- 8.18 The Disciplinary Tribunal may draw such reasonable inferences as it deems proper from any failure by the Respondent, or any party, to:
- 8.18.1 attend a Disciplinary Hearing;
  - 8.18.2 answer any relevant questions at a Disciplinary Hearing; and/or
  - 8.18.3 produce any document or other item which has been required to be produced by the Disciplinary Tribunal Chair and/or the Disciplinary Tribunal.
- 8.19 For a Disciplinary Tribunal to be quorate, at least two members of the Disciplinary Tribunal must be present throughout the Disciplinary Hearing.

#### Decision

- 8.20 Any decision by a Disciplinary Tribunal (including any decision as to whether the Charges are upheld and, if so, what (if any) sanction(s) and/or costs to impose) shall be by a majority vote and in the event of a tie, the Disciplinary Tribunal Chair has a casting vote.
- 8.21 Proceedings before the Disciplinary Tribunal pursuant to this Regulation 8 shall be construed as being an arbitral process for the purposes of the Arbitration Act 1996, save that hearings may take place in public pursuant to Regulation 12.1 below.
- 8.22 As soon as reasonably practicable, the Disciplinary Tribunal shall produce written reasons for its findings, including with regards to sanction and/or costs where relevant, and share those written reasons with the parties. In urgent cases, the Disciplinary Tribunal may provide the parties with its decision, with written reasons for its findings to follow.
- 8.23 The Cricket Regulator shall publish the written reasons in accordance with Regulation 12.3.4.

### **9. DISCIPLINARY HEARINGS – SANCTIONS AND COSTS**

- 9.1 In any particular case, unless a specific sanction is envisaged in the Applicable Regulations in which case the terms of those regulations should prevail, a Disciplinary Tribunal may impose any one or more of the sanctions prescribed below:
- 9.1.1 reprimand;
  - 9.1.2 fine without limit; and

9.1.3 suspension from all or any specified cricketing activity (which could include recreational cricket) from a date that the Disciplinary Tribunal shall order, having regard to the specific roles and responsibilities of the Respondent.

9.2 In addition to the general sanctions listed in Regulation 9.1, any one or more of the following specific sanctions can be imposed:

9.2.1 in respect of any Cricketer:

- (a) suspension of eligibility to play cricket in any Match(es) or for any fixed period;
- (b) suspension of eligibility for selection to play cricket for England in any England Match(es) or for any fixed period;
- (c) suspension (for any period) or termination of registration under the applicable registration regulations;
- (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) or England Match(es);
- (f) in circumstances where the Cricketer's breach has had a material impact on the result of the Match;
  - (i) variation of the outcome arising from the result of that Match when such Match formed part of a knock-out competition. The Disciplinary Tribunal shall also have the power to make an order in relation to the participation and/or progression of another Cricket Organisation not subject to the disciplinary proceedings; and/or
  - (ii) alteration of the points awarded to the relevant Cricket Organisation in respect of that Match (including in relation to future editions of a competition, where applicable); and
- (g) a fixed penalty as available under the ECB's Professional Conduct Regulations;

9.2.2 in respect of any Coach:

- (a) suspension of eligibility to participate in any Coaching Activities or in any Match(es) or for any fixed period;
- (b) suspension of eligibility to participate in any England programme, any England Match(es) or in any role for England for any fixed period; and/or
- (c) completion of any education/training programme/course (at the cost of the Coach);

9.2.3 in respect of any Cricket Organisation:

- (a) suspension of eligibility to participate in cricket in any Match(es) or for any fixed period, which shall specify which competition(s) it applies to;
- (b) variation of the outcome arising from the result of any Match(es) played by that Cricket Organisation when such Match formed part of a knock-out competition. The Disciplinary Tribunal has the power to make an order in relation to the participation and/or progression of another Cricket Organisation not subject to the disciplinary proceedings; and/or
- (c) alteration of the points awarded to any Cricket Organisation in respect of any Match(es) (including in relation to future editions of a competition, where applicable);

9.2.4 in the case of any Cricket Organisation Official:

- (a) suspension from all or any specified cricket activity from a date that the Disciplinary Tribunal shall order, permanently or for a fixed period;
- (b) completion of any education/training programme/course (at the cost of the Cricket Organisation Official); and/or
- (c) 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);

9.2.5 in respect of any director, chair or the chief executive of the ECB:

- (a) suspension from all or any specified cricket activity from a date that the Disciplinary Tribunal shall order, permanently or for a fixed period;
- (b) completion of any education/training programme/course (at the cost of the director or chief executive); and/or
- (c) 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);

9.2.6 in respect of any Match Official:

- (a) suspension (for any period) of eligibility to officiate in and/or be appointed to any Match(es);
- (b) completion of any education/training programme/course (at the cost of the Match Official); and/or
- (c) 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); and

9.2.7 in respect of any Registered Agent:

- (a) suspension or termination of the Registered Agent's registration with immediate effect;

- (b) imposition of such registration conditions on the Registered Agent as the Disciplinary Tribunal considers appropriate; and/or
  - (c) prescribing the period during which a Registered Agent shall not be permitted to re-register as a Registered Agent.
- 9.3 The Disciplinary Tribunal shall, when determining the level of sanction to impose upon a Respondent, take into account:
  - 9.3.1 any voluntary withdrawal or interim suspension imposed under Regulation 6 above, or any sanction imposed by the appropriate Cricket Organisation in respect of the Respondent;
  - 9.3.2 any relevant factors that it deems to aggravate the nature of the offence; and
  - 9.3.3 any relevant factors that it deems to mitigate the nature of the offence.
- 9.4 Where the outcome of a decision issued by the Disciplinary Tribunal directly affects another Cricket Organisation's participation and/or progress in a competition, that Cricket Organisation shall be entitled to make submissions to the Disciplinary Tribunal.
- 9.5 Unless otherwise stipulated by the Disciplinary Tribunal, where a Respondent receives a form of suspension, such suspension shall commence on the date that the decision imposing the suspension is communicated to the Respondent. A suspended Respondent shall remain subject to the Applicable Regulations during the period of suspension.
- 9.6 As part of its decision, the Disciplinary Tribunal may suspend the operation of all or 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.
- 9.7 The Disciplinary Tribunal may require the Respondent or the Cricket Regulator to pay the reasonable costs or expenses incurred by the other party in connection with the Disciplinary Hearing and/or the costs incurred by the Disciplinary Tribunal where such costs have been incurred due to unreasonable conduct on the part of the Respondent or the Cricket Regulator.
- 9.8 Any fine or costs order imposed shall be paid as directed by the Disciplinary Tribunal, including by any date specified by the Disciplinary Tribunal in its decision.
- 9.9 Where a Cricketer or Cricket Organisation received a sanction in respect of a season and/or competition and the circumstances mean that such sanction cannot be fully served (e.g. a disruption which materially affects the length of a season or format of a competition), the Cricket Regulator can apply to the Chair of the Cricket Discipline Panel to have the sanction reconsidered by a Disciplinary Tribunal in light of the changes to the season. The Chair of the Cricket Discipline Panel will convene a Disciplinary Tribunal (which, where practicable, shall be the same Disciplinary Tribunal 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. In the absence of any application from the Cricket Regulator, the sanction stipulated by the Disciplinary Tribunal shall stand, namely that the sanction shall not be extended or re-worded so as to take into account any change to the season and/or competition.
- 9.10 Subject to the overriding discretion of the Chair of the Cricket Discipline Panel, failure by any Cricketer, Coach or Match Official to pay any fine or costs order in full within 21 Working Days from the date specified in the written notice referred to in Regulations 7.5, 8.22 or 11.21 shall

result in the automatic suspension of that Cricketer's, Coach's or Match Official's eligibility to participate in any Match(es) or England Match(es). Such suspension shall begin on the day immediately after the end of the 21-day period and shall cease immediately upon the fine and/or costs order (as applicable) being paid in full.

## **10. RECOGNITION OF SANCTIONS**

- 10.1 Any disciplinary body which imposes a Recreational Disciplinary Suspension upon a Cricketer should notify the Cricket Regulator and the appropriate Cricket Organisation in respect of the Cricketer as soon as reasonably practicable.
- 10.2 A Recreational Disciplinary Suspension shall apply to a Cricketer's participation in any Match(es) and the Cricketer will be ineligible to participate in any Match(es) for the period stipulated in the Recreational Disciplinary Suspension.
- 10.3 Any Cricketer upon whom a Recreational Disciplinary Suspension has been imposed has the right to appeal the application of the Recreational Disciplinary Suspension to their participation in any Match(es) to an Appeal Panel, in addition to any rights of appeal in respect of the procedure by which the Recreational Disciplinary Suspension was imposed, and the provisions of Regulation 11 will apply. For the avoidance of doubt, the Appeal Panel has the power to make an order in respect of all cricket within England and Wales.
- 10.4 If a Cricketer also participates in Recreational Cricket, the Sole Arbitrator, Disciplinary Panel and/or Appeal Panel will stipulate whether (and if so, how) any sanction imposed in accordance with these Regulations applies to Recreational Cricket.

## **11. APPEALS PROCEDURE**

- 11.1 The Respondent or the Cricket Regulator may appeal against any decision of a Disciplinary Tribunal issued under Regulation 8 pursuant to the appeals procedure detailed in this Regulation 11 (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, save that hearings may take place in public pursuant to Regulation 12.1 below.

### Commencement of Appeal Process

- 11.2 Any notice of appeal must be lodged within 10 Working Days of the date of the decision against which the Appellant wishes to appeal unless, having regard to the requirements of a particular Match or England Match, the Disciplinary Tribunal Chair decides that any appeal should be expedited, in which case the Disciplinary Tribunal Chair shall stipulate the timeframe for lodging the notice of appeal and inform the parties accordingly.
- 11.3 For an appeal to be validly commenced by an Appellant, there must be received within the deadline stipulated in Regulation 11.2 above:
  - 11.3.1 a written notice of appeal, addressed to the Chair of the Cricket Discipline Panel, submitted to the Disciplinary Tribunal Secretariat, and copied to all other parties to the appeal, which records the Disciplinary Tribunal decision against which the appeal is made and the ground(s) (as set out in Regulation 11.3.3) on which the appeal is based;
  - 11.3.2 where the Appellant is a Respondent, evidence of funds sent to the ECB in the sum of £500 (such funds to be applied in accordance with Regulation 11.11 below); and

- 11.3.3 valid grounds of appeal, which must be particularised in writing, shall be that:
- (a) the Disciplinary Tribunal came to a decision to which no reasonable body could have come;
  - (b) the Disciplinary Tribunal made an error of law in reaching its decision;
  - (c) there was a significant procedural irregularity in the proceedings before the Disciplinary Tribunal;
  - (d) there is fresh evidence, which was not reasonably available to the Disciplinary Tribunal, which is significant to the matter(s) being determined and is now available; and/or
  - (e) the Disciplinary Tribunal imposed a sanction which was manifestly excessive or manifestly lenient.

#### Appointment of Appeal Panel

- 11.4 Upon an appeal being validly commenced, the Chair of the Cricket Discipline Panel shall (within 5 Working Days) appoint an Appeal Panel Chair and two other members of the Cricket Discipline Panel to an Appeal Panel (the “**Appeal Wing Members**”). In exceptional circumstances the Chair of the Cricket Discipline Panel shall be permitted to appoint individuals who are not members of the Cricket Discipline Panel, but who the Chair of the Cricket Discipline Panel considers would be suitable for the particular case, to an Appeal Panel. The Chair of the Cricket Discipline Panel shall ordinarily appoint two legally qualified members of the Cricket Discipline Panel as Appeal Wing Members but shall be permitted to appoint one or two non-legally qualified members of the Cricket Discipline Panel as Appeal Wing Members in appropriate circumstances. No members of the Disciplinary Tribunal who considered the case at first instance shall be eligible for appointment to the Appeal Panel.
- 11.5 Any proposed member of the Appeal Panel should disclose any actual or potential conflicts of interests in the case to the Chair of the Cricket Discipline Panel before agreeing to be appointed to the Appeal Panel.

#### Pre-Hearing Procedure and Directions

- 11.6 The Appeal Panel may determine its own procedure and the Appeal Panel Chair and the Appeal Panel has the same rights and powers as were accorded to, respectively, the Disciplinary Tribunal Chair and the Disciplinary Tribunal.
- 11.7 The Appeal Panel Chair shall decide the time, date and place of the Appeal Hearing subject to:
- 11.7.1 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 10 Working 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 Tribunal Chair in accordance with Regulation 11.2);
  - 11.7.2 Regulation 11.8 below; and

- 11.7.3 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.
- 11.8 In the event of any appeal against a decision made by a Disciplinary Tribunal 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.
- 11.9 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.
- 11.10 If any party has any objections to the membership of the Appeal Panel based on any alleged conflict of interest they must immediately (and within two Working Days at the latest) notify the Chair of the Cricket Discipline Panel or, if the alleged conflict relates to the Chair of the Cricket Discipline Panel, then an authorised deputy of the Chair of the Cricket Discipline Panel. The relevant individual shall consider the alleged conflict and decide in their absolute discretion whether to replace the relevant member of the Appeal Panel (and, where relevant the Appeal Panel Chair).
- 11.11 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 Tribunal 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 Respondent reasonably to raise such sum.
- 11.12 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:
- 11.12.1 the Appellant has no right to a hearing to reconsider the merits of the case afresh and the Appeal Panel shall instead consider whether the grounds of appeal have been made out;
- 11.12.2 the Appeal Panel has complete discretion as to which, if any, oral evidence it requires to hear to determine the grounds of appeal; and
- 11.12.3 the Appeal Panel shall be permitted to have regard to transcripts of evidence and/or submissions given before or made to the Disciplinary Tribunal as well as to any document(s) admitted before that Disciplinary Tribunal or any ruling of that Disciplinary Tribunal.

#### Appeal Hearing

- 11.13 The burden of proof shall be on the Appellant and the standard of proof shall be on the balance of probabilities.
- 11.14 The Respondent has the right to be legally represented at the Appeal Hearing. In addition, if the Respondent is a Cricketer, the provisions of Regulation 8.12 above shall apply to the Appeal Hearing in the same way as they apply to the Disciplinary Hearing.
- 11.15 Subject to Regulation 11.12, the Respondent and the Cricket Regulator shall be permitted to call witnesses at the Appeal Hearing.
- 11.16 For an Appeal Panel to be quorate, at least two members of the Appeal Panel must be present throughout the Appeal Hearing.

- 11.17 Subject to the provisions of sections 67 and 68 of the Arbitration Act 1996, the decision of the Appeal Panel shall be final and binding on the parties from the date that it is made, who shall be deemed to have waived irrevocably any right to appeal, review or recourse to a court of law, arbitral body or any other body of any nature.
- 11.18 Any decisions shall be by a majority vote. In the event of a tie, the Appeal Panel Chair has the casting vote.
- 11.19 The Appeal Panel has the same powers in relation to sanction and costs as were accorded to the Disciplinary Tribunal.
- 11.20 At the conclusion of the Appeal Hearing, the ECB may apply the £500 payment referred to in Regulation 11.3.2 above in or towards satisfaction of any outstanding liability the Respondent may have in respect of the ECB's and/or Disciplinary Tribunal's costs or expenses following an award in favour of the Cricket Regulator under Regulation 9.7 and/or 11.17 above. The ECB shall then promptly reimburse any balance remaining to the person or body who made the £500 payment. The Appeal Panel shall direct how any funds lodged under Regulation 11.11 shall be dispersed.

#### Decision

- 11.21 Once the Appeal 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 specify the date by which full payment of any fine and/or costs order (as applicable) is required. In urgent cases, the Appeal Panel may provide the parties with its decision, with written reasons for its findings to follow.
- 11.22 All decisions of the Disciplinary Tribunal shall stand pending determination by the Appeal Panel of any appeal against such decision(s).
- 11.23 The Cricket Regulator shall publish the decision of the Appeal Panel in accordance with Regulation 12.4.
- 11.24 Any fine or costs order imposed shall be paid as directed by the Disciplinary Tribunal, including by any date specified by the Disciplinary Tribunal in its decision.

## **12. CONFIDENTIALITY**

- 12.1 Any investigations, proceedings and hearings pursuant to these Regulations are confidential and shall take place in private, save that any Disciplinary Hearing or Appeal Hearing may take place in public where agreed by all parties and the Disciplinary Tribunal or Appeal Panel (as applicable), or ordered to be public pursuant to a decision of the Disciplinary Tribunal or Appeal Panel (as applicable).
- 12.2 Subject to Regulations 12.3 and 12.6 below, all oral or written representations, submissions, evidence and documents created in the course of any proceedings are confidential.
- 12.3 Notwithstanding Regulation 12.1 above, and subject to applicable law, unless there are exceptional or extenuating circumstances, to be determined at the sole discretion of the Director of the Cricket Regulator, the Cricket Regulator shall publish the following:
- 12.3.1 the name of any Participant that has been charged pursuant to these Regulations;

- 12.3.2 the Charge;
  - 12.3.3 whether the case will be dealt with under the Summary Procedure or heard by a Disciplinary Tribunal; and
  - 12.3.4 confirmation that the Cricket Regulator will provide no further comment until the case has concluded and a decision has been issued.
- 12.4 The Cricket Regulator shall publish all written decisions of Sole Arbitrators, Disciplinary Tribunals and Appeal Panels in full online and any Participants shall be deemed to have provided their full and irrevocable consent to such publication, unless the Sole Arbitrator, Cricket Discipline Panel or Appeal Panel (as applicable) determines for any reason that it is appropriate that the written reasons should be redacted, only be published in part or not published at all.
- 12.5 The ECB may also provide the ICC and, where applicable, the National Cricket Federation to which the Respondent is affiliated, with a full written copy of the findings and decisions of the Sole Arbitrator, Disciplinary Tribunal or Appeal Panel (as applicable) (including any sanctions imposed) after such decision is provided to the Respondent and has been published.
- 12.6 The ECB and/or Cricket Regulator may at any time during or subsequent to a disciplinary investigation or proceedings notify any person, Participant, UK Sport, UK Anti-Doping (UKAD), police force, employment tribunal or any other relevant authority/body of any details relating to the case as such authority may need to know for the proper exercise of the ECB's regulatory functions or where disclosure is required by virtue of any applicable law or governmental order, rule, regulation, direction or other legal duty.

### **13. AMENDMENT AND INTERPRETATION**

- 13.1 These Regulations may be amended from time to time by the ECB, with such amendments coming into effect on the date specified by the ECB.
- 13.2 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.
- 13.3 These Regulations shall come into full force and effect on the Effective Date and, subject to Regulation 13.5, these Regulations shall not apply retrospectively to cases pending before the Effective Date.
- 13.4 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.
- 13.5 Any case pending prior to the Effective Date, 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.
- 13.6 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.

- 13.7 These Regulations and any arbitration pursuant to them shall be governed by English law. The Disciplinary Tribunal and the Appeal Panel shall apply English law (both procedural and substantive) in determining any dispute referred to arbitration under the Regulations.
- 13.8 The seat of any arbitration under these Regulations shall be England and Wales and, unless otherwise agreed between the parties, the arbitration shall be conducted in the English language.