



**THE MATTER OF PROCEEDINGS BROUGHT UNDER THE ENGLAND AND WALES  
CRICKET BOARD DISCIPLINARY PROCEDURE REGULATIONS FOR BREACH OF THE  
PITCH REGULATIONS**

Before:

Mark Milliken-Smith KC (Chair)  
Manjinder Nagra  
Paul Horton

**BETWEEN:**

**CRICKET REGULATOR**

**and**

**HAMPSHIRE COUNTY CRICKET CLUB**

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**DECISION OF THE DISCIPLINARY TRIBUNAL**

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**INTRODUCTION**

**The Charge**

1. This matter arises out of a Division 1 County Championship fixture between Hampshire County Cricket Club ('HCCC') and Sussex County Cricket Club ('SCCC') between 23<sup>rd</sup> and 25<sup>th</sup> May 2025 at the Utilita Bowl, Southampton.
2. On 3<sup>rd</sup> June 2025 the Cricket Regulator ('CR') issued a Charge Letter to HCCC stating that:

*"....during the Division 1 County Championship fixture between Hampshire CCC and Sussex CCC between 23 and 25 May 2025, Hampshire CCC prepared a Substandard Pitch, which was rated "Below Average", in breach of Regulation 7 of the Pitch Regulations".*

3. Thus, it was said, HCCC were in breach of Regulation 7.1 of the Pitch Regulations, which reads as follows:

*“A County or Hundred Team must not prepare a Substandard Pitch. A County or Hundred Team that prepares a Substandard Pitch will be in breach of these Pitch Regulations unless they can demonstrate that they sought, acting reasonably, to prepare the best quality Pitch that they could for the Match they were staging.”*

4. Following the match, the Match Referee completed a pitch report rating the pitch as *“Below Average”* in respect of the unevenness of the bounce and assessment of turn. In accordance with Regulation 4.3 of the Pitch Regulations, fulfilment of the lowest criteria will determine the overall rating for the pitch. The pitch was therefore rated as *“Below Average”*.
5. As the pitch was rated *“Below Average”*, the matter was referred to the CR in accordance with Regulation 7.2 of the Pitch Regulations. The CR investigated this matter and sought evidence from those persons it considered necessary, pursuant to Regulation 7.3 of the Pitch Regulations. After consideration of that evidence the CR averred that HCCC had breached Regulation 7.1 of the Pitch Regulations by preparing a Substandard Pitch for the Match. Consequently, said the CR, in accordance with Regulation 7.6 of the Pitch Regulations, the burden was on HCCC to show that (a) the pitch was not a Substandard Pitch and/or (b) that HCCC sought, acting reasonably, to prepare the best quality pitch that it could for the match that was being staged.
6. On 17<sup>th</sup> June 2025 HCCC formally responded to the Charge. HCCC admitted that the pitch used for the fixture was *“Below Average”* and thus sub-standard. However, the Club denied the Charge contending that it had, acting reasonably, prepared the best quality pitch that it could for the match.

#### **The Hearing and the Tribunal’s approach to the Charge**

7. The Hearing was conducted on 2<sup>nd</sup> September 2025, with all parties attending online.
8. Given HCCC’s admission that the pitch was sub-standard and in accordance with Regulation 7.6 of the Pitch Regulations, this Disciplinary Tribunal must determine, upon a consideration of all the evidence before it, whether HCCC has satisfied it, on the

balance of probabilities, that it *“sought, acting reasonably, to prepare the best quality pitch that it could for the match that was being staged”*.

9. As both parties agreed, the Tribunal approach must apply an objective test in making its assessment as to whether HCCC acted reasonably, taking into account all the evidence before it.

### **THE RELEVANT EVIDENCE BEFORE THE DISCIPLINARY TRIBUNAL**

10. With that primary issue in mind, the Tribunal turns to consider the evidence presented to it by each party. Two witnesses were required to give live evidence, Andy Mackay called by CR, and Simon Lee called by HCCC. Each was cross-examined.

### **The Evidence of the Match Officials**

11. Wayne Noon was the Match Referee. In his Report, following the match, he rated the pitch in relation to unevenness of bounce as *“more than occasional”* on Days 1, 2 and 3. This amounted to a *“Below Average”* pitch in accordance with the Regulations. He rated the pitch in relation to turn as *“excessive”* on Day 2. This too amounted to a *“Below Average”* pitch in accordance with the Regulations.
12. In addition to the above, in his Pro-Forma to the CR dated 27<sup>th</sup> May 2025, he stated the following:
  - (i) Unevenness of Bounce: *“....A lot of deliveries stayed down but a few went up as well. The batters never felt that they were in, and the problem occurred at both ends of the pitch”*
  - (ii) Turn: *“....There was a lot of spin.....It turned on Day 1 and did so excessively on Day 2. There were two very good wicket keepers playing in the match, but they were occasionally getting nowhere near the ball....”*
  - (iii) *“This was not a fair contest between bat and ball as the pitch significantly favoured the bowling team. Both sides were unhappy with the pitch, and Ben Brown stated that they had not got the pitch they wanted. I consider that the decision to mark as ‘below average’ was straightforward.”*

13. In his Pro-Forma to the CR dated 27<sup>th</sup> May 2025, Umpire Rob White stated as follows:
- (i) Unevenness of bounce: *“The unevenness increased as the match went on, and became extreme, but it was evident from Day 1. It was virtually every over, so fairly regular. There was uneven bounce from both ends of the pitch, with balls both keeping low and getting higher than would be expected”;*
  - (ii) Turn: *“There was considerable spin from Day 1, and when it spun it turned a long way.”*
14. In his Pro-Forma to the CR dated 28<sup>th</sup> May 2025, Umpire Tom Lungley stated as follows:
- (i) Unevenness of bounce: *“I would say that there were times when balls were keeping extremely low, and other times when the deliveries were getting high on the batter....The uneven bounce was not just the occasional delivery and lasted for all 3 days of the match, significantly assisting the bowling team”;*
  - (ii) Turn: *“There was a lot of turn from the spinners on all 3 days....but it appeared significant on all three days”;*
  - (iii) *“The uneven bounce and degree of spin meant that it was not a fair contest between bat and ball. It was not a pitch suitable for professional cricket.”*

### **The Evidence of the Captains**

15. Ben Brown was Captain of HCCC. In his Report following the match he rated the pitch as *“Below Average”* and stated: *“Really disappointed....Batting on it was a lottery.”*
16. In his Pro-Forma to the CR dated 27<sup>th</sup> May 2025, Mr. Brown stated as follows:
- (i) *“...We would back our bowling attack on a good pitch, which is why it was so disappointing. I was frustrated as we wanted a good wicket. We had the bowlers to win the match. The pitch turned it into a lottery, and Sussex took full advantage”;*
  - (ii) *“The pitch was not optimal given the time it took to complete the game...”;*



(iii) *"We caught up with the Head Grounds Manager, Simon Lee, well ahead of the match....We wanted a good batting wicket so that we could optimise batting points, but we also wanted a pitch that would bring our spinner, Liam Dawson into the game, when foot holes became a factor....I spoke to Simon a couple of days before the match, and he was confident that he could produce that kind of wicket..."*

17. John Simpson was the Captain of Sussex CCC. In his Report following the match he rated the pitch as *"Poor"* and stated: *"This was a poor pitch....It spun excessively...and had excessive unevenness."*

18. In his Pro-Forma to the CR, he stated that:

(i) Unevenness of bounce: *"...The bounce was consistently irregular..."*

(ii) Turn: *"The turn was excessive on all three days..."*

### **The Evidence of the Coaches**

19. Adrian Birrell is the Coach of HCCC. In his Pro-Forma to the CR dated 28<sup>th</sup> May 2025, he stated as follows:

(i) What type of pitch did you ask the Head Grounds Manager to prepare? *"We wanted a good cricket pitch that would wear over time....partly because we were looking for batting points as well";*

(ii) Turn: *"There was some turn on Day 1, but it increased on Day 2 and Day 3. Spinners got wickets....We thought it would spin through natural wear and tear as opposed to spinning from the outset....we had the option of playing Felix Organ as a second spinner (he is an off spinner) and we did not select him. We were not looking for a pitch that spinned excessively from Day 1";*

(iii) *"We did not intend to produce a bad pitch....I'm not saying it was a brilliant pitch, but part of the lack of runs was unrelated to the pitch."*

20. Paul Farbrace is the Coach of Sussex CCC. In his Pro-Forma to the CR dated 26<sup>th</sup> May 2025, he stated as follows:



- (i) Unevenness of bounce: *“The bounce was uneven. Some balls bounced excessively and some kept low...”*;
- (ii) Turn: *“Day 1 produced a lot of spin....I would describe it as excessive for Day 1, and it continued throughout the match....”*;
- (iii) *“I would agree with the pitch rating as below average;”*
- (iv) *“My assessment is that Hampshire will have tried to prepare a pitch where spin was a factor, and they are entitled to do so. Unfortunately, they got it horribly wrong as it was too dry at the start of the game....It was not in their interest to deliberately plan an uneven pitch, as they have excellent fast bowlers, and would have expected to win with their seam attack. This is not an example of a home side deliberately cheating....the pitch was set up for spin, and I saw a cloud of dust when the hover cover went off. But the pitch was too dry, and I note the fact that they decided to re-use a pitch not that long after using it before.”*

### **The Evidence pertaining to Pitch Preparation**

21. In the Tribunal's view, this evidence was central to the issue of reasonableness. It was to this issue that the two live witnesses were called to give evidence.

### **Andy Mackay – ECB Pitch and Grounds Advisor**

#### **Summary of Written Reports**

22. In this post for over 5 years, he was a groundsperson for some 25 years, most recently as Head Grounds Manager at Sussex CCC. He conducted a technical investigation of the pitch within 1 hour of the end of play on 25<sup>th</sup> May 2025.
23. In his view there were three observable features on this pitch that were the cause of a *“Below Average”* rating from the Match Referee, any one of which, in isolation, would be described as problematic to a high-quality surface:
- (i) The ball had indented the surface in many areas around a typical seamer's length;

- (ii) The surface of the pitch had crumbled under the passage of the ball around a typical seamer's length, otherwise known in cricket parlance as having "*gone through the top*"; and
- (iii) Excessive wear/erosion leading to a deterioration of the surface in the protected area around a typical spinner's length.

### Indentations

24. Indentations occur when the cricket ball ploughs into a surface which is too soft or plastic, thus presenting surface levels changes resulting in uneven bounce. In this case, the severity and frequency of the indentations was significant and correlate strongly with the Match Referee assessment of "*more than occasional unevenness of bounce*".
25. A cricket pitch may indent due to softness/plasticity caused by:
- (i) A lack of compaction in the soil, which may allow the ball to compact and 'plough' it during passage of the ball - compaction in a cricket pitch is caused by rolling;
  - (ii) A lack of stiffness in the soil caused by an excess of moisture in the upper 50mm of soil at the start of play - a pitch that appears visually "*dry*" at the surface may still indent due to plastic soil below;
  - (iii) A combination of both of the above.
26. The indenting in this pitch was caused by a lack of rolling and/or too much moisture in the upper soil profile. Looking at moisture in soil profile cores, it was likely a combination of the two.

### "Gone through the top"

27. This occurs due to lack of resilience or strength in the soil, which means that the passage of the ball tears or shears the soil. Crumbling on a pitch makes the bounce of the ball too unpredictable, resulting in balls rising sharply when the ball first goes through the top, or keeping very low if they strike an area that has already crumbled. In this case, the frequency of the crumbling of the surface on seamer's lengths was significant and



correlates strongly with the Match Referee assessment of “*more than occasional unevenness of bounce*”.

28. In this case, the ball may have gone through the top on this pitch due to:

- (i) A lack of compaction in the soil, which translates to lower soil strength and low shear resistance from the ball - this could be due to a paucity of rolling, rolling when the soil is too dry, or by the re-wetting and then drying of a surface without rolling which has already been compacted, causing the soil to swell or relax;
- (ii) Thin or rapidly diminishing grass cover contributing to the top going quicker due to the young age of some of the newer grass following re-use from 7 weeks earlier.

29. The ball going through the top was probably caused by one or both of these factors.

*Excessive wear or erosion leading to a deterioration of the surface in the protected area around a typical spinner's length*

30. Wear occurs due to the passage of play and is a normal part of the changing nature of a pitch during a multiday game. This is expected to be a gradually developing feature, not that a pitch should wear excessively so quickly on days 1 to 3. Such significant wear enables the ball to spin to an extent that gives the bowler too much advantage over the bat from the start of a match.

31. The amount of wear and deterioration on this pitch is highly unusual after only 7 sessions of play. In this case, the severity of the wear on the protected area was significant and correlates strongly with the Match Referee assessment of “*Considerable*” spin on day 1, “*Excessive*” spin on day 2 and “*Considerable*” spin on day 3.

32. A cricket pitch may wear to this degree early in the match because of:

- (i) Thin or weak grass cover, which would otherwise protect the soil from wear and erosion;
- (ii) A weak and crumbly surface (as described at paras 27 to 29 above).



33. The amount of wear and deterioration was probably caused by one or both of these factors.

Opinion as regards pitch preparation

34. A decision at the pitch planning stage to reuse this pitch in a relatively short time span of around 7 weeks was not necessarily unreasonable. But insufficient pitch preparation of that reused pitch is likely to lead to the features demonstrated in this case. Although reusing a pitch within a relatively short time period does not necessarily mean that the pitch may not play well, it certainly increases the risk of it not doing so. The decision to re-use the pitch within a relatively short timescale was risky, even without the benefit of hindsight, and almost certainly contributed to both variable bounce and too much spin.
35. To see such an easily crumbled surface at a professional venue is highly unusual and may be explained by either or both of the following:
- (i) The pitch was under-prepared and received only one hour's rolling during preparation, which was insufficient to consolidate the surface sufficiently over the course of the drying stage;
  - (ii) A pitch that has been watered within a few days of the start of the match, after the soil had been compacted and dried - this causes the soil to swell, and if it is not rolled again whilst sufficient moisture is present then it loses some of its binding strength as a result and breaks up more readily.
36. This may or may not have been an intentional outcome, but the unusually low amount of rolling reported during preparation (one hour) is not a normal course of action and may not be considered reasonable. This was a demonstrably under-prepared pitch, which received only one hour's rolling and started the game without sufficient resilience in the surface.
37. HCCC did not set out to prepare a "*Below Average*" pitch, but rather a pitch that would tip the balance in favour of the bowlers without being rated "*Below Average*". He recognised that the schedule at the Utilita Bowl in 2025 is very busy and includes three international fixtures. He recognised that Simon Lee is an experienced and capable practitioner.

**Andy Mackay's oral evidence at the hearing (further to that set out in the Reports)**

38. In normal preparation the pitch would be watered so that it is plastic. Then it dries and is rolled while malleable in order to compact the air spaces formed by the water having evaporated. Resilience in the soil is created by rolling.
39. One hour's rolling is a long way short of normality, and not enough to give the soil sufficient resilience – it is an unreasonable amount of time for a Championship match on a pitch which hasn't been rolled for 6 or 7 weeks.
40. Comparing an 11-day turnaround before reusing a pitch and a 6 or 7 week turnaround is like comparing apples and pears. After 11 days a pitch will retain most of its compaction and does not require a huge amount of rolling to put compaction back in the surface – even then 2 hours would not be enough. In the Sussex match, after 6 or 7 weeks, the pitch had lost a lot of compaction in the soil. Therefore, the rolling necessary was the same as a fresh pitch on the square.
41. The whole pitch quality should not be dependent on one extra roll the day before a match. To leave it to one roll, given the vagaries of the weather, is completely imprudent and unreasonable. There should have been sufficient rolling beforehand and the last roll should make little difference.
42. The crux of the issue is the amount of rolling. The pitch behaved as it did because it was underprepared – the fact it was a reused pitch was a contributory factor.

**Simon Lee – Head Grounds Manager HCCC**

**Match Report**

43. It was a repaired pitch from 4<sup>th</sup> May 2025, and he would like to have watered it the day before the match but rain around prevented him doing so, so that he covered the pitch instead. 1 hour rolling went into preparing the pitch. The pitch was last watered 4 days before the match.

**Summary of interview with the CR**

44. He joined Somerset CCC in 2001 as junior groundsman, was head groundsman by 2010, and moved to HCCC as head groundsman in 2020. At HCCC he has 14 pitches for first-class cricket, which get used twice a season or more (e.g. for T20 games). At the ground there are 39 games of cricket, which is 60 days of cricket.
45. A 6-to-8-week turnaround on some pitches before reuse is not something that was completely out there. Because a pitch has been used once before, it will deteriorate. One needs to be mindful that it will deteriorate quicker than a fresh pitch. That is the main issue with using a used pitch.
46. The weather was generally pretty good in the build-up: there was a good even covering of grass on it, and there was no reason to think that it was going to turn out badly. There was no reason to think it was going to do what it did on day one, namely to go up and down more than anything else.
47. The day before the match he wanted to put a bit of water on it, to roll and seal it especially as it was a used pitch. But rain came in at two o'clock in the afternoon, so he had to cover it up. On the morning of the match, he tested the pitch: the moisture reading was at 27.7, within the range of other 4-day games at the ground this year. The Clegg reading was from 220-250, again similar readings to other pitches this season.
48. He started the pitch preparation process on 12<sup>th</sup> May cutting it for the first time. Then he flooded it down with hand watering to get water down to inches of depth, and then he covered it with a sheet to let the water soak in and to dry it out. He started the rolling process, for ten minutes, the following day. It was a slow process from 12<sup>th</sup> to 23<sup>rd</sup> May, cutting grass, brushing grass, trying to thin it out. There was no water added after the 20<sup>th</sup> when there was some rain. He undertook little and often rolling, building up the consolidation over the eleven days.
49. Especially on used pitches he was trying not to over-roll, because if he over-rolled it could kill all the pace. The day before he would have liked to have put a little bit of water on so he could then roll it and pack it down a little bit. But he did not have that opportunity, and then was worried on the match day as he could not water on the morning of the match, and didn't want to roll it on match day because, with a slightly dry surface, he did not want the roller to break up the ends or make the top surface a little bit loose. He felt safer leaving it than rolling it.

50. One of the things that HCCC has struggled with this year is pace going out of pitches. When a heavy roller is used, because pitches have been dry, the pace has got less and less through games.
51. He said there was spin on Days 1 and 2 because it was a reused pitch. There were some indentations on the pitch which surprised him as they had not really had any pitch indentations this year, and that was one of the reasons for the uneven bounce. When asked what else he could have done to make the pitch better, he said that if it was slightly drier and slightly harder, it would have probably helped, but it came back to that last bit of rolling which he was not able to do.

*Simon Lee's oral evidence at the hearing (further to that set out above)*

52. For the Durham game there had been an 11-day turnround – he had flooded it down and then rolled it for 2 hours. This match was 12 days' preparation: they had struggled to get results on previous pitches, they had a lack of carry, and he wanted to avert that to help the bowlers and batters, so he rolled it less but evenly over the days before the match.
53. He said he took the readings because *"I wanted to be sure because I did something slightly differently"*. Generally, we rolled for 2 hours but it led to benign surfaces, so *"I've changed things slightly to help the game"*. He agreed that one possible cause of the lack of compaction was because of less rolling, but *"I tried to produce the pitch in a different way, namely by drying it harder rather than rolling harder"*. The readings suggested no less compaction though, but obviously the outcome showed that there was not in fact the same level of compaction. *"I changed my pitch preparation technique for that match because I was trying to give life to the benign pitches we have had this year"*.
54. My two aims were to get first innings batting points and to get the pitch to spin as the game went on. More rolling would not necessarily reduce the amount of spin but would affect perhaps the time in the game when spin comes into it. *"I did change things up to get more pace and carry because it helps the batters"*.

*The relevance or otherwise to this case of data pertaining to other matches*

55. HCCC submitted evidence, primarily iHawk data, for the purpose of demonstrating that the match statistics of the instant fixture, and the findings of the Match Referee in terms of uneven bounce and excessive spin, were not particularly unusual in the 2025 County Championship. Thus, HCCC observed, since none of these matches had been referred to the CR, it seemed unfair that it alone should be brought before a Disciplinary Tribunal.
56. The Tribunal made clear that it was only concerned with the events of this match, and that what may or may not have happened in other matches was irrelevant to the issues in this case, not least as HCCC had admitted that the pitch in this match was sub-standard.

### **THE TRIBUNAL'S ANALYSIS OF THE EVIDENCE**

57. The Tribunal reminded itself of the test under Pitch Regulation 7.6 set out at paragraph 8 above. None of factors set out at 7.6.1 to 7.6.4 applied in this case, save perhaps 7.6.2 given the evidence of Mr. Lee. The Panel noted that this list of factors was not exhaustive. The central question in this case is whether, in his preparation of the pitch for this match, HCCC's Head Grounds Manager acted reasonably. The test which the Tribunal must apply is an objective one.
58. The starting point was the agreed evidence that this was a sub-standard pitch. And, without rehearsing the entirety of the accepted and compelling evidence of Mr. Mackay, and to an extent that of others, was that the pitch was sub-standard on three bases:
- (i) The ball had indented the surface in many areas around a typical seamer's length;
  - (ii) The surface of the pitch had crumbled under the passage of the ball around a typical seamer's length, otherwise known in cricket parlance as having "*gone through the top*"; and
  - (iii) There was excessive wear/erosion leading to a deterioration of the surface in the protected area around a typical spinner's length.
59. So why was the pitch sub-standard? The Tribunal concluded that the answer from the evidence was clear: it had not been rolled enough, and not least in the context of the reuse of a pitch after some 6 to 8 weeks. The cause of each of these three factors was,



at least in significant part, lack of compaction caused by paucity of rolling in the pitch preparation. This is plain, in respect of each basis, from the evidence of Mr. Mackay at paragraphs 24 to 33 above, which the Tribunal does not repeat here.

60. The nub of Mr. Mackay's evidence is set out at paragraphs 38 and 39 above.

- (i) *"38. One hour's rolling is a long way short of normality, and not enough to give the soil sufficient resilience – it is an unreasonable amount of time for a Championship match on a pitch which hasn't been rolled for 6 or 7 weeks";*
- (ii) *"39. Comparing an 11 day turnround before reusing a pitch and a 6/7 week turnround is like comparing apples and pears. After 11 days a pitch will retain most of its compaction and does not require a huge amount of rolling to put compaction back in the surface – even then 2 hours would not be enough. In the Sussex match, after 6/7 weeks, the pitch had lost a lot of compaction in the soil. Therefore the rolling necessary was the same as a fresh pitch on the square".*

61. The Tribunal readily accepts Mr. Mackay's evidence in his Report that Mr. Lee *"is an experienced and capable practitioner [who] often does things his own way and by his own formulas"*, and in his oral evidence that *"it is important to note that Simon does not follow a set path and does things his own way and gets very good results"*.

62. It is clear that Mr. Lee, by his own admission, was *"doing things his own way"* in respect of this match. *"My two aims were to get first innings batting points and to get the pitch to spin as the game went on. More rolling would not necessarily reduce the amount of spin, but would affect perhaps the time in the game when spin comes into game."* To achieve these aims:

- (i) He took the readings because *"I wanted to be sure because I did something slightly differently"*;
- (ii) Generally, they rolled for 2 hours but it led to benign surfaces, so *"I've changed things slightly to help the game"*;

- (iii) He agreed that one possible cause of the lack of compaction was because of less rolling, but *“I tried to produce the pitch in a different way, namely by drying it harder rather than rolling harder”*;
  - (iv) He accepted that the outcome showed there was not the appropriate level of compaction: *“I changed my pitch preparation technique for that match because I was trying to give life to the benign pitches we have had this year”*;
  - (v) *“I did change things up to get more pace and carry because it helps the batters”*.
63. Mr. Lee had, on his own admission, taken an unusual approach to the preparation of this reused pitch even for him. Indeed it is clear that he was concerned at the lack of rolling which had been employed upon it: as he said in his interview, on the day before he would have liked to have put a little bit of water on the pitch so he could then roll it and pack it down a little bit, but which rain prevented.
64. In the Tribunal’s judgment the ‘different’ approach taken by Mr. Lee, including minimal rolling, was simply too risky, and, as the outcome demonstrated, resulted in the preparation of a sub-standard pitch. For a reused pitch upon which a match had been played some 6-8 weeks previously there should, in the Tribunal’s view, have been significantly more preparation, including of course rolling, of the nature described by Mr. Mackay. To leave what Mr. Lee considered to be significant rolling time to the day before the match was also unreasonable.
65. The Tribunal finds that whilst Mr. Lee’s intentions may have been sound, his ‘different’ or ‘changed up’ methodology cannot, in all the circumstances of this reused pitch, objectively be considered to be reasonable. Accordingly, and for these reasons, HCCC have failed to discharge the burden upon them under Regulation 7.6 that it *“sought, acting reasonably, to prepare the best quality pitch that it could for the match that was being staged”*.

### **THE TRIBUNAL’S CONSIDERATION OF SANCTION**

66. Given this Decision, we turn to consider the sanction which must be imposed. Regulation 7.7 of the Pitch Regulations provides that, without prejudice to this Tribunal’s general powers of sanction, an automatic points deduction will apply. In the County

Championship, a pitch rating of “*Below Average*” carries an automatic points deduction of 8 points. The Tribunal may increase or reduce any points deduction to take account of any applicable mitigating and aggravating factors, with reference to Regulation 7.10 of the Pitch Regulations.

67. In accordance with Disciplinary Procedure Regulations 9.1 and 9.2.3, the Tribunal’s general powers of applicable sanctions, for this case, are as follows:

- (i) a reprimand;
- (ii) a fine without limit;
- (iii) suspension from all or any specified cricketing activity from a date that the Disciplinary Tribunal shall order;
- (iv) suspension of eligibility to participate in cricket in any Match(es) or for any fixed period; and
- (v) 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).

*Pitch Regulation 7.7*

68. The mandatory starting point is a points deduction of 8 points.

69. Under Regulation 7.10, the Tribunal considers the following to be mitigating factors which reduce the sanction:

- (i) HCCC’s early admission that the pitch was sub-standard; and
- (ii) HCCC’s full cooperation with the CR’s investigation.

70. The Tribunal then turned to the aggravating factors. The only, but not insignificant, factor which it considered to be applicable was that HCCC had previously received a rating of “*Below Average*” in the last 24 months. In a County Championship match between HCCC and Essex CCC held on 25<sup>th</sup> to 27<sup>th</sup> July 2023 at the then Ageas Bowl, the pitch was marked “*Below Average*” and referred to a Cricket Discipline Panel.





71. This Tribunal has determined, balancing the mitigating and aggravating factors, that the least points deduction it can impose is one of 8 points.
72. The CR invited the Tribunal to consider whether the aggravating factor contained within Pitch Regulation 7.10.4(b) was applicable in this case, namely whether HCCC had, in their preparation of the pitch, tried to achieve a particular result, such as a pitch that favoured seam or spin bowling.
73. In short, the Tribunal was not satisfied to the requisite standard that this was the case – it took into account and accepted in particular, but not limited to, the following evidence:
- (i) Paul Farbrace, the Sussex CCC Coach: *“My assessment is that Hampshire will have tried to prepare a pitch where spin was a factor, and they are entitled to do so. Unfortunately, they got it horribly wrong as it was too dry at the start of the game....It was not in their interest to deliberately plan an uneven pitch, as they have excellent fast bowlers, and would have expected to win with their seam attack. This is not an example of a home side deliberately cheating.....”*;
  - (ii) Adrian Birrell, the HCCC Coach: *“We wanted a good cricket pitch that would wear over time....We thought it would spin through natural wear and tear as opposed to spinning from the outset....we had the option of playing Felix Organ as a second spinner (he is an off spinner) and we did not select him. We were not looking for a pitch that spinned excessively from Day 1”*.

Disciplinary Procedure Regulations 9.1 and 9.2.3; the Tribunal’s general powers of sanction

74. This Tribunal agrees with the approach of the previous Panel who dealt with HCCC’s 2023 infraction. The preparation of the best quality pitch which provides an even contest between bat and ball and allows all disciplines of the game to flourish is of fundamental importance. Accordingly, the unreasonable failure to do must warrant a meaningful penalty. Equally, we have concluded that this was not an example of deliberate cheating as Mr. Farbrace described his view.
75. Given the seriousness of this matter, and not least because of HCCC’s similar transgression in 2023, there must be further sanction in this case. In imposing these

sanctions, the Tribunal is mindful of the potential financial impact of the points deduction from this season's competition.

76. The Tribunal has at all times had in mind that any sanction must be consistent, proportionate and fair.

### **SANCTIONS**

77. In relation to HCCC therefore, the Panel imposes the following sanction:

- (i) an 8-point deduction for the 2025 County Championship season effective immediately;
- (ii) a 24-point deduction (or equivalent 1 match maximum points deduction) for the 2026 County Championship suspended until the close of play on the last day of that season – if HCCC commits any further breach of the Pitch Regulations in relation to County Championship matches in the 2026 season, then it is highly likely that, at the discretion of the CDP, the suspended element of this sanction will be brought into operation, and may be in addition to any separate sanction imposed for that further breach;
- (iii) a Fine of £5,000 to be paid within 28 days of the date of release of this Decision.

### **COSTS**

78. Each party will bear its own costs of and occasioned by the hearing.

**Mark Milliken-Smith KC**  
**For and on behalf of the Disciplinary Tribunal**  
**London, UK**  
**10 September 2025**