



**IN THE MATTER OF PROCEEDINGS BROUGHT UNDER THE ENGLAND AND
WALES CRICKET BOARD DISCIPLINARY PROCEDURE REGULATIONS IN
RELATION TO AN ALLEGED BREACH OF THE PITCH REGULATIONS**

Before:

Jamas Hodiola KC (Chair)

Paul Horton

Dr Jason Haynes

BETWEEN:

CRICKET REGULATOR

and

SOMERSET COUNTY CRICKET CLUB

DISCIPLINARY TRIBUNAL DECISION

EXECUTIVE SUMMARY

1. The Tribunal found the charge proved. The Tribunal imposed a sanction of 8 penalty points, with 4 of those points to have immediate effect in the 2025 County Championship season and the remaining 4 points to be suspended until close of play on the last day of the 2027 season.

INTRODUCTION

2. The allegation related to the Division 1 County Championship fixture between Somerset County Cricket Club (“**the Club**”) and Durham County Cricket Club (“**Durham**”), scheduled to take place at the Club’s ground at Taunton between 22-25 July 2025. The pitch was re-used, having originally been used in the Club’s County Championship fixture against Sussex on 16-18 May 2025.
3. The match against Durham concluded within two days, with Somerset winning by 5 wickets. In total, 157.2 overs were bowled in the match. The Match Referee, Simon Hinks, concluded the pitch was “Below Average”, meaning that the pitch was therefore Substandard within the meaning of the Pitch Regulations. The matter was referred to the Cricket Regulator (“**the Regulator**”), which conducted an investigation culminating in a single charge against the Club.
4. In addition to the original Hearing Bundle, the Club filed i-Hawk evidence and relevant match footage in support of its case, as well as Match Referee reports relating to recent fixtures against Nottingham CCC, Sussex CCC, Essex CCC and Worcester CCC. The Regulator filed a witness statement from Dr Aaron Briggs addressing the unsuitability of using i-Hawk data in pitch assessments. Neither party wished to question any of the witnesses, and agreed that the issues should be resolved by submissions alone. We agreed with that approach.
5. The Cricket Regulator was represented by Hannah Kent, Senior Associate at Onside Law, with Angus Hetherington observing from the Regulator. The Club was represented by Marco Floreale, Partner at Wollens. Jamie Cox, the Club’s CEO, and Andy Hurry, the Club’s Director of Cricket, also attended the hearing and addressed the Tribunal.
6. The Hearing was conducted remotely and in private. The Tribunal had read the Hearing Bundle in advance, as well as the additional material provided by the parties

when filing their Skeleton Arguments. In addition, the Tribunal had viewed the match footage and i-Hawk evidence submitted by the Club.

7. There were no objections to the constitution of the Tribunal, nor were any preliminary matters raised by the parties.
8. We wish to thank both parties for their helpful and focused submissions, and commend the obvious care with which they had each prepared and presented their respective cases. In particular, the Tribunal was impressed by the Club's measured approach throughout the investigation and the hearing. The Tribunal is aware that these proceedings can be stressful for all concerned, but the exemplary way the Club has conducted itself throughout is a credit to all involved.

THE CHARGE

9. The Club was charged as follows:

It is alleged that during the Division 1 County Championship fixture between Somerset CCC and Durham CCC between 22 and 23 July 2025, Somerset CCC prepared a Substandard Pitch, which was rated "Below Average", in breach of Regulation 7.1 of the Pitch Regulations.

10. The Club denied this charge.

REGULATORY FRAMEWORK

11. The Pitch Regulations apply to all Counties participating in the County Championship. Regulation 4.1 of the Pitch Regulations requires that Counties must prepare pitches to provide "*an even contest between bat and ball, and must allow all disciplines in the game to flourish*". In all cases, pitches will be judged on how they play, and not on whether they are dry or what colour they are.
12. Regulation 4.2 provides criteria by which the quality of the pitch is to be adjudged as follows (we have highlighted the relevant sections in bold):



	Unevenness	Seam Movement	Carry and/or Bounce	Turn
Very Good	At most, occasional unevenness of bounce at any stage of the Match	At most, occasional seam movement at all stages of the Match	Very good carry and/or bounce throughout the Match.	A little or moderate turn from the protected area on the first two days, AND wearing to considerable turn from the protected area on the third and fourth days of play OR Moderate turn from the protected area throughout the Match.
Good			Good carry and/or bounce throughout the Match.	Moderate turn from the protected area on the third or fourth playing days of the Match.
Above Average	At most, more than occasional unevenness of bounce on the third or fourth playing days of the Match.	At most, regular seam movement (at any stage) on only the first playing day of the Match	Lacking carry and/or bounce on the third or fourth playing days of the Match.	Little or no turn from the protected area throughout the Match OR Considerable turn from the protected area on the first or second playing



				days of the Match OR Excessive turn from the protected area on the third or fourth playing days of the Match
Below Average	At most, more than occasional unevenness of bounce on the first or second playing days of the Match.	At most, regular seam movement (at any stage) on the first AND second OR further playing days of the Match	Lacking carry and/or bounce on the first or second playing days of the Match.	Excessive turn from the protected area on the first or second playing days of the match.
Poor	Excessive unevenness of bounce for any bowler at any stage of the Match	Excessive seam movement at any stage of the Match		
Unfit	A Pitch is rated unfit only if it is dangerous			

13. Regulation 3.1 of the Pitch Regulations initially entrusts responsibility for assessing pitches to Match Referees. Fulfilment of the lowest criteria determines the overall rating for the pitch. When assessing a pitch, the Regulations require the Match Referee to consider the balance between bat and ball, take into account the type, nature and identity of the bowlers, and climactic conditions.



14. Regarding Excessive turn on a pitch, the Pitch Regulations define “excessive” as “*far too much*”, which expressly involves a qualitative assessment and a quantitative assessment of turn during the match.
15. Regulation 4.8 provides “*Assessment of turn is from the protected area. It is impossible to quantify the amount that a ball is ‘allowed’ to turn as bowlers will impart spin on the ball in differing amounts. Match referees must take into account the type, nature and identity of spin bowlers when assessing the amount of turn that the Pitch has demonstrated.*”
16. By the definitions section in the Pitch Regulations, a pitch assessed by the Match Referee as Below Average, Poor or Unfit is classified as Substandard. Regulation 7.6 provides the Club with a defence: once a pitch is assessed as Substandard by a Match Referee, and the Regulator decides to bring a charge, it nevertheless remains open to the Club to prove, if it can, that (a) the pitch was not in fact Substandard, or (b) that they sought, acting reasonably, to prepare the best quality pitch they could for the match they were staging. Considerations include:
 - 16.1. whether the Club is able to demonstrate that there were any circumstances relating to the preparation of the pitch that were beyond their control;
 - 16.2. whether the condition of the pitch was a direct result of any genuine and reasonable measures taken to improve its quality;
 - 16.3. covering, match scheduling and pitch preparation; and/or
 - 16.4. whether Regulation 6 was complied with (re-use of pitches), although regulation 6.1.2 expressly provides that re-using a pitch will not exonerate a County from charge or sanction.
17. The effect of the Regulations is to render the appearance of a pitch irrelevant to the primary question of whether the pitch is Substandard. However, once the Tribunal concludes that the pitch is Substandard its appearance (amongst other matters) may help to inform its assessment whether the Club has proved that, acting reasonably, it nevertheless sought to prepare the “best quality pitch” that it could. The Tribunal interpreted “best quality pitch” to refer to both the overarching requirement in

Regulation 4.1 for Clubs to prepare a pitch that provides an even contest between bat and ball and also to the criteria in Regulation 3.2, which are relevant to the Match Referee's pitch report.

18. The issues for the Tribunal were therefore:

18.1. Has the Club proved that the pitch was not Substandard?

18.2. If not, has the Club nevertheless proved that it sought, acting reasonably, to prepare the best quality Pitch it could for the match it was staging?

EVIDENCE

19. We have separated out the evidence going to the two issues for the Tribunal's consideration.

Substandard pitch

20. The Match Referee's report, produced by Simon Hinks, stated that there was "Occasional" uneven bounce on Day 1 and "More than occasional" uneven bounce on Day 2. He assessed turn as "Considerable" on Day 1 and "Excessive" on Day 2. Applying the criteria in Regulation 4.2 of the Pitch Regulations, this rendered the pitch Substandard. He commented in his Match Referee report after the game:

"One of the key objectives is to have an even contest between bat and ball and allow all disciplines to flourish. This was a match in which the ball dominated – regular seam movement on Day 1 made use of the grass in the middle of the pitch and with considerable and excessive spin from the protected area on Day 1 and 2."

21. The Regulator also relied on Screenshot evidence for the Match Referee (exhibit DR/08), in which Mr Hinks contemporaneously recorded comments regarding the amount of bounce and turn throughout Day 1 and Day 2. In total, the Tribunal identified 17 recorded comments relating to the turn off the pitch, most of which



related to the protected area. Regarding unevenness, the Tribunal identified 7 recorded comments.

22. The match umpires, Ian Blackwell and Martin Saggers, both commented on the turn and bounce during Days 1 and 2. Mr Blackwell felt it was a *“‘Spin fest’ after the first innings”* and that there was turn from the Protected Area *“which you wouldn’t normally see in a championship match.”* He also commented that whilst lots of runs were scored on Day 1, that was against the fact that 22 wickets fell in a day. 88 overs were played on Day 1 and a wicket was lost every 4 overs. *“That is not normal for 4 day cricket”*. Mr Saggers observed there was *“more turn on Day 2 than on Day 1... It was turning off straight, so from the protected area, not just out of the foot-holes.”* In his view, *“the pitch clearly favoured spin bowlers, making it an uneven contest.”*
23. Although Mr Hinks had commented on unevenness of bounce in his statement to the Regulator (*“It was a bit uneven from the spinners, and to some extent from the seamers, and that increased as the game progressed into Day 2, where there were many more examples from the spinners”*), Mr Blackwell observed *“no issues with bounce when the seamers were bowling. With spin there was the occasional delivery that bounced a bit more than expected but not unusually so.”* Mr Saggers stated, *“With the seamers there were no issues. For the spinners nothing stayed low, and not a lot of uneven bounce generally.”*
24. The captains each provided very different perspectives:
 - 24.1. Lewis Gregory (Somerset captain) rated the pitch as “Above Average” and stated, *“I would not describe the amount or regularity of spin as excessive. I have played on those wickets and this was not one of them.”* He had no concerns regarding unevenness of bounce. He concluded that the fact the match finished inside two days was because of poor batting from both teams;
 - 24.2. Alex Lees (Durham Captain) rated the pitch as “Below Average” and stated *“The heavy roller... had no impact at the ends as it had been raked. It was like playing in a sandpit and with a big area for the spinner to hit... There was quite a lot of inconsistent bounce to spinners... Obviously, skill is*

involved but every ball Leach wanted to turn was turning excessively... It was not a fair contest between bat and ball... and it is one of the worst I have ever played on." Mr Lees stated there was "quite a lot of inconsistent bounce to spinners."

25. Equally, the coaches also provided very different analyses:

25.1. Jason Kerr (Somerset coach) stated, "*I had no concerns regarding uneven bounce to either spin or seam... It spun from the footholes as you would expect they would. A handful spun off the dry areas and off straight. But there was minimal spin from the protected area... It was the standard of cricket played and not the pitch that led to an early conclusion.*" He had no concerns about unevenness of bounce;

25.2. Graham Onions (Durham Coach) felt that some deliveries kept low "*but a lot from the spinners were really bouncing on Day 1 and it was impossible to play against for any length of time. It was similar on Day 2, possibly a bit more inconsistent.*" Regarding turn he said, "*It had been doctored to spin on Day 1... It was an absolute 'no brainer' to bat first... A 100% bat first as the pitch was always going to deteriorate... The context is that there was zero trust from any batters in the games to bat for any length of time because the pitch was doing all sorts. There were quite a lot of runs scored on Day 1 and we scraped to 150 because of the way we had to play... It was turning from the minute Jack Leach got the ball in his hand. He is an exceptionally good bowler, possibly the best in the country, but the pitch was aimed to purely suit spin and that is not fair... There was a clear and obvious example of a pitch which had been changed, doctored, scarified and it is almost like cheating. It was always going to spin from ball 1 and it was an unfair contest between bat and ball... [Somerset] had taken it too far. They wanted a pitch that spun to win home games. I recognise that, to challenge Surrey, they need to win at home, and spin is the obvious route. Jack Leach is arguably the best spinner in the country, and that is fundamentally why they did it.*"

26. Nick Pepper, the Club's Head Grounds Manager, was interviewed by the Regulator. He agreed that the spin on Day 1 was probably "*moderate to considerable*". Although

he agreed that the amount of turn increased on Day 2, he maintained that *“it was nothing excessive on Day 2... particularly from the Protected Area.”* Mr Pepper identified poor shot selection by the Durham batsmen as a significant factor when assessing the pitch performance.

27. Poor batting was also identified by the Match Referee and Mr Blackwell during Durham’s first innings:

27.1. Mr Hinks observed: *“Neither team batted especially well. I think Durham would have been disappointed not to get closer to 250 in their first innings, as that may have been achievable. I am conscious that some poor shots were played, and it was a pitch that was doing enough to make it difficult for batters. The batters played aggressively (with a high scoring rate as a result) to try mitigate against getting a delivery, that in time, was likely to get you out. A very difficult pitch just to ‘sit in’.”;*

27.2. Mr Blackwell stated: *“I think Durham batting first had a pre-conceived mindset. Player comments to us pre-game would suggest that. They didn’t bat particularly well... Some shots played by the Durham batters were down to how they thought the pitch would play and not how it actually played.”.*

28. The Club provided sample footage of what it submitted to be poor batting, and also provided correlative match footage of relevant deliveries referred to in exhibit DR/08. With one exception, the Club disputed that any deliveries bounced excessively. It also disputed that any of the footage showed “excessive” turn. In addition, the Club relied on i-Hawk data for Days 1 and 2 of fixtures played at Taunton last season and this season, comparing the Average Spin Deviation from the available data for the Durham fixture with other matches. This data showed that the average spin deviation for Day 1 and Day 2 of the Durham fixture was comparable to that in other fixtures where the Match Referee had assessed the pitch as *“Above Average”* or *“Good”*.

29. In response to the i-Hawk evidence, the Regulator provided a witness statement from Dr Aaron Briggs, ECB Pitch Data Analysis Consultant. He explained the analytical value of Hawkeye and i-Hawk data when assessing pitch performance. In comparison to Hawkeye, he explained that i-Hawk only captures approximately two-

thirds of deliveries in a four-day fixture. He did confirm, however, that “*turn*” is captured in a similar fashion to Hawkeye. I-Hawk is primarily a scouting and feedback tool, rather than a pitch analysis tool. He explained that the problem with using i-Hawk is not only its limited data capture but also that average data metrics obscure context around the frequency and magnitude of unusual deliveries. He stated that 65.9% of the 952 deliveries in the relevant match were captured by i-Hawk, which means that 325 deliveries were not captured. He expressed the opinion that “*we are not in a position to utilise the current data to overrule the experience, expertise and added match context provided by the Match Referee group.*”

Sought to prepare the best quality pitch

30. Lewis Gregory explained in his statement to the Regulator that the Club has asked for the same wicket all year, as it wants everyone in the game for as long as possible. The wicket at Taunton can quickly go flat, resulting in a “run fest” dominated by the bat. He recognised that the wicket was re-used as the Club did not have any fresh surfaces on the square.
31. Mr Cox repeated the same issue during the hearing: the Club aspires to prepare Very Good wickets, which (under the Pitch Regulations) requires Moderate turn from the protected area on Days 1 and 2 and Considerable turn on Days 3 and 4. The Club wants fixtures that culminate in results, rather than high-scoring draws. He emphasised that a pitch is a living thing, and that if the pitch at Taunton is prepared using traditional methods, it does not turn. He referred to the Match Referee report for the Worcestershire CCC game, in which Dean Cosker rated the pitch “Above Average”, assessed there to be Little or No turn throughout all four days, and commented:

“First morning the pitch appeared a little scruffy and barer at both ends than in the middle of the pitch. Obvious signs that Somerset were trying to promote spin for later in the game. This never really materialised and spinners had to work very hard for their wickets and turn. This pitch did not break up and appeared to only turn from the wide foot holes for each LH and RH batters.”

32. Mr Hinks is familiar with the ongoing efforts by the Club to produce pitches that are conducive to spin. In his Match Referee's report for the match against Durham CCC he stated:

"I have been here several times in the last 4 years and the conversations are always that they are encouraging spin, a good thing within the guidelines. Previously I have assessed the spin as regular to considerable. However, on this occasion the pitch went from regular to considerable to excessive very quickly."

33. Mr Hinks' reference to spin being "a good thing within the guidelines" is an allusion to Regulation 4.2 of the Pitch Regulations, which identifies "a little or moderate" turn from the Protected Area on Days 1 and 2 and "considerable" turn from the Protected Area on Days 3 and 4 as indicative of a "Very Good" pitch.

34. Mr Hinks also provided a pro forma statement to the Regulator in which he stated:

"As is normal practice, I spoke to Nick Pepper, the Head Grounds Manager ahead of the match starting. He was happy with his preparation. He has had a reasonable summer and lead up to this match He was happy with the grass (re)growth on this pitch, except at the ends, i.e. getting this pitch back from having been used previously for the Sussex match at the beginning of the summer. The main discussion point is his/their (Somerset) concern that the pitches have the tendency to 'go too flat', particularly after the use of two sets of heavy rollers. They seek to encourage seam and spin and as such have use of heat lamps to further dry the ends. Nick stated that he had used the little ones ahead of this match. Their normal practice is therefore to look to keep more grass for their seamers and/or take more grass off for spin or, as in this case, a combination of both. It was evident that they had done a certain amount of work to about 7' at both ends to reduce the amount of grass. This has been normal practice for, at least, the last two seasons with the outcome being the ends having a thinner covering of grass than the middle of the pitch – which on

this occasion was cut to 10 mm. The appearance can be quite contrasting as a result.”

35. Nick Pepper has been a groundsman since 2017 and became head groundsman at the Club in November 2023. He explained when interviewed by the Regulator that *“the pitch preparation process [had] been no different for any other championship fixture”* with the ends being watered and raked. He probably rolled the pitch with the heavy roller for 4-6 hours as the pitch had already been prepared once this year for the Sussex game. The Clegg readings were around 270 – 280, which he was happy with. He watered and used a lighting rig at both ends of the pitch.
36. Mr Pepper explained that the pitches at Taunton tend to go flatter, especially with the option of four heavy rollers during the game. He expressed the view that the marking criteria do not allow the pitch to be marked higher than “Above Average” if a pitch offers minimal spin, which he felt was wrong *“as most UK loams do not break up unless cultural practices are applied to encourage it.”* It is a fine balance, and the goal is to produce results pitches in Championship cricket that lie in the Good or Very Good category. The Pitch Regulations only refer to spin from the protected area when assessing pitches; if spin from outside this area is to be considered for pitch assessment purposes, then it needs to be stated in the Pitch Regulations.
37. When asked by the Regulator whether the Club had actively sought to prepare the best pitch it could for the match it was staging, Mr Saggars commented, *“No, because it was too friendly to spin, and there was not a uniform covering of grass. It was noticeable that the ends were different, and the pitch clearly favoured spin bowlers, making it an uneven contest.”*

Expert evidence

38. The Regulator obtained an expert report from William Relf. This report included close-up photographs of the pitch surface, showing 2-3mm of loose soil on a spinner’s length and where raking and thinning of the dry area had taken place. He commented, *“I would not expect to see this amount of wear and surface deterioration after only five sessions of play.”* He observed that lines of raking from the 5ft markings to a

further 8ft up the pitch “*could clearly be seen*”, which was “*not standard practice in pitch preparation especially when the area was already lacking in grass cover.*” He also noted there was a big difference between the grass height from the centre of the pitch (9-10mm) and the spinner’s length (2-3mm). Clegg hammer readings taken after the match were 331/324/317, which showed that the pitch had hardened up over the two-day match.

39. Mr Relf concluded:

- 39.1. Although re-used, this probably represented the best pitch available at the time;
- 39.2. The ends had not fully recovered and lacked grass cover after the Sussex match;
- 39.3. Watering and the use of lamps created a surface that quickly deteriorated;
- 39.4. Raking and thinning the grass out further created more bare areas for the ball to burst through the pitch surface. He would describe the area as a crumbly surface;
- 39.5. The result was a pitch where the ends quickly broke up, creating a dusty pitted surface. Raking and thinning out the pitch ends on a pitch that was already sparse of grass cover resulted in a pitch that quickly deteriorated allowing the spinners to dominate early in the match;
- 39.6. There was no reason to do this other than to deliberately produce a pitch that offered extra assistance to spin bowling;
- 39.7. These actions would not be considered best practice during pitch preparations and whilst a degree of “home advantage” is expected, this was taking things too far. The pitch preparations did not represent either a high standard of grounds management or a reasonable attempt at producing the best pitch possible;
- 39.8. He concluded that the Club clearly set out to produce a pitch that would benefit spin bowling. Although this is a process that has been done before at Taunton, the difference on this occasion was that the pitch had been previously used. This resulted in the pitch breaking up too early in the match and offering too much spin.

SUBMISSIONS

The Regulator

40. The Regulator submitted that the Club had failed to discharge the burden of proof in relation to both issues. Both issues involve an objective test. It referred the Tribunal to the various comments by the Match Referee and the Umpires regarding turn and unevenness, recognising that Mr Hinks had explained that the Club, like other PCCs, recognise that there is a “*fine line*” between producing a pitch that encourages seam/spin and one that does too much. On this occasion, the Regulator drew the Tribunal’s attention to Mr Hinks’ comment that “*they missed the line, not necessarily deliberately*”, due to actively encouraging more spin. The Regulator submitted that i-Hawk evidence should not be used to assess pitches and relied on the conclusions in Mr Relf’s unchallenged expert report.
41. The Regulator expressly commended the Club for its attempts to improve pitches this season, but noted that the balance is a fine line that the Club had unfortunately missed on this occasion. It accepted that Counties are entitled to a degree of home advantage, and can legitimately attempt to produce turning pitches. The Regulator also accepted that groundsmen can use lamps and raking. But the pitch preparation on this occasion went too far. This was a re-used pitch but Mr Pepper produced this pitch in the same way that he always did, rather than attempting to produce the best possible pitch.
42. Regarding Sanction, the Regulator identified the following aggravating factors:
- 42.1. The Club won the match that the affected pitch was played on; and
- 42.2. The Club tried to achieve a particular result, in this case a pitch that favoured spin.
43. The Regulator identified the following mitigating factors:
- 43.1. The Club has fully cooperated with the Regulator’s investigation;

43.2. The Club was last deducted points for a Substandard pitch in November 2019. This is the first Substandard pitch rating in the last 24 months.

The Club

44. The Club submitted that it takes compliance with the Pitch Regulations very seriously and considered that the proceedings challenged its integrity. It wants to learn, and was very disappointed to read some of the accusations in the evidence. It has the utmost respect for Durham CCC. It has a number of high-scoring draws and noted that pitch preparation is not an exact science, because the pitch is a natural surface. The pitch must spin in order to be assessed as Very Good. It is in the process of changing the loam at the Club. If trials show that is successful, it may relay other pitches.
45. At worst, there was Occasional uneven bounce, rather than More than Occasional. This can be seen from the match footage provided, when compared with the Match Referee's comments in exhibit DR/08. There was disparity between the comments of the Match Referee and the Umpires regarding unevenness. The Club accepted that the pitch had been prepared to achieve turn, but denied this was to favour a home advantage. It wants the same wicket all year round, namely a good cricket wicket rather than a wicket that is dominated by the bat.
46. It accepted the current limitations of i-Hawk but referred to the fact that it provides useful information to players, coaches and groundsmen. In accepting that Dr Briggs is an expert in pitch preparation, it pointed out that he has not previously visited the ground nor was he present at the match. Nor does Mr Relf's report reflect the fact that pitches have to be prepared differently at Taunton if they are to turn; Mr Relf was not familiar with Mr Pepper's regime.
47. The assessment of turn is highly subjective, but in any event the amount of turn only resulted in one wicket – it did not seriously impact the match. If Taunton is prepared using traditional methods then it will not turn; the Club relied on Match Referee reports from other matches to demonstrate the problems with producing turning wickets at Taunton. The Club submitted that it had acted reasonably and done everything

possible to produce a competition between bat and ball, noting that Mr Pepper had modified his pitch preparations to reflect the fact the pitch had been previously used. The Groundsman's techniques had previously been successfully applied.

48. Poor batting from both sides is what caused the match to conclude within 2 days. Both teams had a pre-conceived approach to how the pitch would play, as shown by the match footage it had provided. The Club's decision to bowl first when it won the toss demonstrated that it thought the pitch would be fine. The Club rejected Mr Onion's allegation that the pitch preparation "*was almost like cheating*" but accepted that Mr Hinks was the Match Referee with the most experience of the Club's pitches and matches. Nevertheless, the Club did not accept that the match involved an unfair competition between bat and ball.
49. Regarding Sanction, the Club agreed with the Regulator's mitigating points. In addition, it submitted there was no intent by Mr Pepper to produce a Substandard pitch, and in all the circumstances it invited the Tribunal to suspend all or part of any points deduction, or to reduce the penalty points if they were to apply immediately.

FINDINGS OF FACT

50. All parties were aware there had been criticism of the appearance of the pitch on social media at the time of the fixture. The Club had understandably raised concerns about the impact of these comments on the fairness of the hearing. The Regulator disavowed any reliance on the comments or opinions of third parties, and the Tribunal wholeheartedly agreed with this approach. The role of the Regulator and the Tribunal is to apply the Pitch Regulations as drafted on the basis of the evidence presented at the hearing. We have already noted that under the Pitch Regulations, the appearance of a pitch is irrelevant to an assessment of its performance.

Substandard pitch

51. Mr Hinks is very experienced and has been responsible for pitch assessments for matches hosted at Taunton more than any other Match Referee over the last four years. He had assessed turn as "Moderate" and assessed the pitch as "Good" for the

Club's match against Sussex CCC between 16-18 May 2025, so was able to recognise a difference in pitch performance during the Durham match. The Tribunal placed substantial weight on his independent opinion that turn during the match against Durham was Excessive, noting that there were numerous contemporaneous records in exhibit DR/08 to support this opinion. The Tribunal noted that his opinion was also supported by the evidence from the Umpires. Whilst it noted the evidence from the respective team captains and coaches, the Tribunal placed less weight on the competing opinions of these witnesses than those of the Match Referee and Umpires as inevitably they are less independent.

52. The Tribunal accepted the evidence from Dr Briggs regarding the limitations on the use of i-Hawk evidence to assess pitch performance. In particular, the Tribunal concluded that an assessment of Excessive turn cannot be definitively derived from average turn data, particularly where the dataset is significantly incomplete. The Tribunal agreed with his opinion that experienced Match Referees are far better placed to assess the multitude of factors that are relevant to the assessment of whether turn is Excessive for the purpose of the Pitch Regulations.
53. The Tribunal accepted the Club's submission that the unevenness of bounce was not a basis to conclude that the pitch was Substandard. There was conflicting evidence between the players, the Match Referee and the Umpires on this issue, and there were only 7 potential instances of uneven bounce throughout the match recorded by the Match Referee. This involved a fine judgment from the Match Referee and the Umpires, and there was not clear agreement between them. If this were the only consideration, the Tribunal considered that the Club had managed to discharge the burden of proof.
54. The Tribunal also accepted that poor batting from both sides may have partly contributed to the match concluding within 2 days, but did not believe that the match footage materially undermined the Match Referee's and Umpire's assessment of turn. The Tribunal cannot say, and does not need to determine, whether poor batting was as a result of player concerns that the match was being played on a Substandard pitch or for some other reason.

55. Although the Pitch Regulations necessarily require a subjective assessment of criteria to be made, the Tribunal concluded that the turn on Days 1 and 2 was Excessive within the meaning of the Pitch Regulations. The Club had failed to prove to the contrary, and that is sufficient for the Tribunal to conclude that the pitch was Substandard.

Sought to prepare the best quality pitch

56. The Tribunal recognises the Club's difficulties in preparing pitches at Taunton, and notes the Regulator's commendation for its efforts to improve pitches this season. Having considered all of the evidence, the Tribunal rejects any suggestion that the Club deliberately sought to produce a Substandard wicket that would play in the manner it ultimately did. Mr Pepper was clear throughout his interview that he prepared the pitch in the same way that he always has done, although he only rolled the pitch for 4-6 hours as it had been previously prepared. Other Match Referees have commented in their reports on the Club's efforts to prepare wickets that turn, despite failing to achieve that objective in other matches. The Tribunal noted that the Club won the toss and elected to field first against Durham, which is inconsistent with any expectation that the wicket would deteriorate to the extent that it did.
57. We accept the Club's submission that the Pitch Regulations require a pitch to turn before it will achieve a Very Good rating, and also accept that pitch preparation is not an exact science. On all the evidence, the Tribunal accepts that the Club legitimately attempted to produce a Very Good wicket for the match against Durham, although on this occasion it unfortunately missed the "*fine line*" with serious consequences.
58. The Pitch Regulations require the Club to prove that it sought, acting reasonably, to prepare the best quality pitch that it could for the match it was staging. That is an objective question. There were no circumstances beyond the Club's control, there was no attempt to improve the quality of the pitch (Mr Pepper was clear that he prepared it in the same way that he has with other pitches), there were no scheduling issues that impaired its ability to prepare the best quality pitch that it could for the match, and although it selected the best available pitch for re-use the Regulations make it clear that does not exonerate the Club. Mr Relf's unchallenged evidence is

clear: the pitch was deliberately prepared to offer extra assistance for spin bowling. Mr Gregory and Mr Kerr do not dispute that the Club had a preference for pitches that favoured spin bowlers during the match. Mr Relf also concludes that using the same pitch preparation processes on a re-used pitch resulted in the pitch breaking up too early and providing too much spin. The Club has therefore failed to prove that it sought, acting reasonably, to prepare the best quality pitch that it could for the match it was staging.

SANCTION

59. Regulation 7.7 of the Pitch Regulations provides that, without prejudice to the Tribunal's general powers of sanction, an automatic points deduction will apply. In the County Championship, an automatic points deduction of 8 points applies, although this may be increased or decreased to reflect aggravating and mitigating features set out in Regulation 7.10.
60. 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:
 - 60.1. a reprimand;
 - 60.2. a fine without limit;
 - 60.3. suspension from all or any specified cricketing activity from a date that the Disciplinary Tribunal shall order;
 - 60.4. suspension of eligibility to participate in cricket in any Match(es) or for any fixed period; and
 - 60.5. 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).
61. Regulation 9.6 of the Disciplinary Procedure Regulations authorises the Tribunal to 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.

62. The mandatory starting point in this case is an 8-point deduction. Under Regulation 7.10, the Tribunal considers the following to be mitigating factors which reduce the sanction:
- 62.1. The Club's co-operation with the investigation;
 - 62.2. This is the Club's first Substandard pitch assessment in the last 24 months;
 - 62.3. The voluntary steps the Club has already taken to trial alternative loam to improve its pitches.
63. The following aggravating factors apply:
- 63.1. The Club won the match that the affected pitch was played on.
64. Having carefully considered the evidence, the Tribunal was not satisfied to the requisite standard that the Club deliberately prepared the pitch in order to achieve a particular result. The evidence is that the Club's preparations resulted in a substandard pitch, yet the Club won the toss and elected to field first. This meant its second innings would take place on the worst of the pitch conditions. We find it an inherently unlikely proposition that the Club deliberately prepared a substandard pitch and then, having won the toss, exposed itself to the worst of the batting conditions. Rather, the Tribunal concluded that the pitch preparations were well-intentioned in order to try and legitimately favour spin bowling, but unreasonably went too far in the circumstances.
65. 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, an unreasonable failure to do must warrant a meaningful penalty. Equally, we have concluded that this was not an example of deliberate cheating. Balancing the mitigating and aggravating factors, the Tribunal has concluded that the least points deduction it can impose is one of 8 points.

66. Given the seriousness of this matter, but also reflecting our conclusion that the Club's long-standing efforts to generate turn on the pitch are well-known and were well-intentioned, the Tribunal has decided – in the exceptional circumstances of this case – to suspend 4 of those 8 penalty points for the next 24 months. The remaining 4 penalty points will take effect immediately.
67. The Tribunal has at all times had in mind that any sanction must be consistent, proportionate and fair. The Regulator did not invite the Tribunal to impose any non-sporting sanctions in this case, and we agree that it would be inappropriate to do so.
68. In relation to Somerset County Cricket Club, the Tribunal therefore imposes the following Sanction:
- 68.1. an 8-point deduction, with 4 of those points taking immediate effect for the 2025 County Championship season;
 - 68.2. the remaining 4 points shall be suspended until close of play on the last day of the 2027 season. If the Club commits any further breach of the Pitch Regulations in relation to County Championship matches before then, then it is highly likely that, at the discretion of the Cricket Discipline Panel considering that further breach, 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.

COSTS

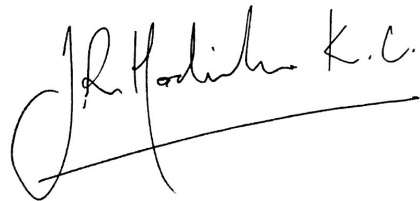
69. Each party will bear its own costs of and occasioned by the hearing.

PUBLICATION

70. This determination shall be published by the Regulator in accordance with Regulation 12.4 of the Disciplinary Procedure Regulations.

APPEAL

71. The Respondent or the Cricket Regulator may appeal against this decision pursuant to the appeals procedure detailed in Regulation 11 of the Disciplinary Procedure Regulations. Having regard to a particular match, namely the match between Somerset and Essex commencing on 24 September 2025 (being the final match of the Championship season for the Club) and the desirability for finality of this case before the end of the 2025 County Championship season, the Disciplinary Tribunal Chair hereby directs pursuant to Regulation 11.2 of the Disciplinary Procedure Regulations that any appeal should be expedited, with the notice of appeal lodged within 4 business days of this determination being delivered to the parties.



JAMAS HODIVALA KC

For and on behalf of the Disciplinary Tribunal

London, UK

18 September 2025