



Cricket  
Discipline  
Panel

IN THE MATTER OF PROCEEDINGS BROUGHT UNDER THE ENGLAND AND WALES  
CRICKET BOARD DISCIPLINARY PROCEDURE REGULATIONS 2026 IN RELATION TO AN  
ALLEGED BREACH OF THE PITCH REGULATIONS 2026

Before:

Jamas Hodiala KC (Chair)

Dr Seema Patel

Dr Jason Haynes

**BETWEEN:**

**CRICKET REGULATOR**

and

**LANCASHIRE COUNTY CRICKET CLUB**

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**DISCIPLINARY TRIBUNAL DECISION**

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**EXECUTIVE SUMMARY**

1. The Tribunal unanimously found the charge not proved.

**INTRODUCTION**

2. The allegation related to the Division 2 County Championship fixture between Lancashire County Cricket Club (“**the Club**”) and Middlesex County Cricket Club (“**Middlesex**”), which took place at the Club’s ground at Emirates Old Trafford, Manchester between 8-10 May 2026.



3. The match was rain-affected on Day 2 and concluded within three days, with Middlesex winning by 6 wickets. The Club lost the toss and batted first, being bowled out for 201. Middlesex was then bowled out for 169. The Club was bowled out for 84 in its second innings and Middlesex reached 117-4 to win the game.
4. The Match Referee, Ian Ramage, noted there was very good carry and bounce (with a few deliveries demonstrating uneven bounce), but that there was regular seam movement from both teams at both ends of the ground across all three days of the match. He therefore concluded the pitch was “Below Average” on the basis of this seam movement, 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 the single charge against the Club.
5. The Club fully co-operated with the Regulator’s investigation. It provided detailed evidence of its pitch preparations relating to fixtures against Middlesex CCC (the incident fixture, commencing on 8 May 2026), Derbyshire CCC (commencing on 10 April 2026), Middlesex CCC (commencing on 15 September 2025), Glamorgan CCC (commencing on 29 July 2025) and Derbyshire CCC (commencing on 16 May 2025). This information was relevant for reasons that will become obvious in our Determination. In addition, the Club provided the following evidence for each of these matches: the pitch numbers, the match referee’s assessment of grass covering, the grass length, the total duration of use of the heavy roller, a total of five Clegg hammer readings for each pitch from various locations, moisture readings from each pitch and the match referee’s rating of the pitch, the match referee’s scores regarding their assessment of unevenness of bounce, carry and bounce, the seam movement for each playing day and the overall pitch rating.



6. The Regulator filed an initial report from Andy MacKay, the Pitch and Grounds Advisor appointed by the ECB, along with a supplemental report. In addition to his interview with the Regulator, the Club filed a witness statement from David Shortt, Head Groundsman. The Tribunal heard evidence from both witnesses.
7. The Cricket Regulator was represented by Angus Hetherington. The Club was represented by counsel, Max Shepherd, instructed by Tom Cox from Gowling WLG. Mark Chilton (Director of Cricket Performance at the Club) and Matthew Merchant (Grounds Manager at the Club) attended and observed the proceedings.
8. 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.
9. There were no objections to the constitution of the Tribunal, nor were any preliminary matters raised by the parties.
10. In the absence of the witnesses, the Tribunal invited representations on its preference for having both witnesses present during the evidence of the other, given the issues. No objections were raised and the witnesses were thereafter admitted to the Hearing throughout its duration.
11. The Tribunal wishes to express its gratitude to the witnesses for the measured, realistic and professional nature of their evidence, and to both parties for their helpful and focused oral and written submissions.

## THE CHARGE

12. The Club was charged as follows:

*It is alleged that during the Division 2 County Championship fixture between Lancashire CCC and Middlesex County Cricket Club ('MCCC') between [8 and 10] May 2026, Lancashire CCC prepared a Substandard Pitch, which was rated "Below Average", in breach of Regulation 7.1 of the Pitch Regulations.*

13. The dates of the charge provided to the Tribunal incorrectly stated that the Match took place between 6 – 8 May, and we have amended the dates for the purpose of this Determination.
14. The Club denied this charge.

## REGULATORY FRAMEWORK

15. 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.
16. Regulation 4.2 provides criteria by which the quality of the pitch is to be adjudged. For the purpose of this charge, a pitch is deemed Below Average (and therefore Substandard) if there is, at most, regular seam movement on more than just the first day of a County Championship Match.



17. 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.
18. Regulation 4.1 requires Counties to 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 whether they are dry or what colour they are.
19. Regulation 4.3 provides that pitch ratings are determined by the lowest criteria. The Pitch Regulations recognise that even on the best pitches a delivery can exhibit “excessive” behaviour. In assessing the pitch rating, “how often” should be considered along with “how much”. Regarding seam movement, the Pitch Regulations recognise that a limited amount of seam movement may occur early in the match. This is acceptable but must not develop to a point where it would be described as “excessive”, or where the ball completely dominates the bat.
20. A County must not prepare a Substandard Pitch, as determined by the Match Referee. If they do so, they are in breach of the Pitch Regulations. However, 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 on the balance of probabilities, 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 (but are not confined to):



- 20.1. whether the Club is able to demonstrate that there were any circumstances relating to the preparation of the pitch that were beyond their control;
  - 20.2. whether the condition of the pitch was a direct result of any genuine and reasonable measures taken to improve its quality;
  - 20.3. covering, match scheduling and pitch preparation; and/or
  - 20.4. 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 (this consideration was irrelevant to the facts of this particular hearing as the incident pitch had not been re-used).
21. 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 they could for the match*”. The Tribunal interpreted the requirement for the “*best quality pitch*” to refer to the overarching requirement in Regulation 4.1 for Clubs to prepare a pitch that provides an even contest between bat and ball by reference to the criteria in Regulation 4.2.
22. The Club admitted that the pitch was Substandard. The sole issue for the Tribunal was therefore whether the Club had nevertheless proved that it had sought, acting reasonably, to prepare the best quality Pitch it could for the match it was staging.



## EVIDENCE

### *Ian Rammage – Match Referee*

23. The Hearing Bundle contained a report from the Match Referee dated 11 May 2026, who had no concerns about the adequacy of the pitch preparation following daily conversations with the Head Grounds Manager. He included photographs of the pitch with his report. He noted that the pitch was “*brown with a tinge of green on the first morning*”, that it had a uniform covering of grass along its entire length, that the grass covering was “*medium*” at the start of Day 1 and that the pitch appeared completely dry at the commencement of the match. The heavy roller was used by both teams but did not affect the pitch in any significant way. He also noted that 45 overs were lost on Day 2 to rain. Regarding the respective team’s scores, he did not feel that the first innings scores for both teams were unexpected. He noted that the Club’s second innings score of 84 was a lot less than expected but that “*some of the batting was not great*”. Owing to the regular seam movement throughout all three days, he “*would not describe it as a fair contest between bat and ball*”.
24. When asked whether there was anything else that was relevant to the pitch, he stated the following:

*“The approach from the Head Grounds Manager was laudable. He was trying to provide a balance between bat and ball. The problem is that he did not get it right, and hence there was a significant advantage in favour of the bowlers. I have been asked why the pitch played as it did. I am not an expert, and do not feel competent to be sure. I have seen pitches with longer grass play well and shorter cut grass do otherwise. I do not have sufficient experience at Old Trafford to comment whether the moisture*



*levels or the grass height was the significant factor in affording such a degree of regular seam.”*

25. In response to the question whether the Club had actively sought to prepare the best pitch it could for the match it was staging, Mr Rammage stated:

*“Yes. I believe there was a genuine attempt to produce a good cricket wicket, but in avoiding a batting friendly track they have inadvertently overcooked it in the opposite direction.”*

*Graham Lloyd – Match Umpire*

26. In his report dated 11 May 2026, Mr Lloyd similarly described the pitch as “*straw / white coloured with some live green grass*” with fairly uniform covering of grass along the entire length of the pitch, and a “*medium*” grass covering. He states that the pitch did not seem damp and would describe it as dry. He felt there were slightly more indentations than usual but not excessively so. The weather conditions suited the bowlers as it was cloudy for a large part of the time, the floodlights were on and there was over 3 hours lost to rain and weather conditions. There was regular seam movement on all three days of the match, with no spin bowled during the match at all.

27. He stated:

*“When I looked at the pitch at the outset I assumed we would be there for all 4 days. I did not see anything in it from a visual perspective that gave me significant cause for concern at the commencement of the match.”*

28. As to whether the Club had actively sought to prepare the best possible pitch for the match, he stated:



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*“It is hard for me to comment because I am unsure why the pitch behaved in the fashion it did.”*

#### *Naeem Ashraf – Match Umpire*

29. In his report dated 12 May 2026, Mr Ashraf described the pitch as normal with colourings of grey, green and brown. He described the pitch as “*mostly covered*” with grass, with “*a few odd patches as well*”. He described the grass covering as “*medium*”. There was no spin bowled throughout the match and the ball regularly seamed throughout all three days. He felt the ball was seaming and swinging but there were some poor shots played: “*Shot selection was occasionally bad, so part of the issue lay there, in addition to the ball seaming*”. He also stated:

*“I had no concerns when I initially saw the pitch. It looked like a good batting pitch.”*

#### *Captains and coaching staff*

30. We additionally had the views of James Anderson, the Club’s captain in a report dated 13 May 2026. He described how the pitch felt hard when he pressed it with his hand and his spikes went into the wicket, but not easily. The Club thought the pitch might seam in the first couple of hours and then be a good wicket to bat on. The Club played with two spinners and thought the pitch might turn later in the match. He commented that the grass was cut to 11mm, which he felt was “*fairly short*” for Old Trafford. Mr Anderson also recorded that the club was attempting to replicate the pitch used against Derbyshire as it wanted a fair contest between bat and ball. The pitch was prepared similarly to pitches previously rated well and he was therefore surprised by how it played.



31. Steven Croft, the Club's coach, provided a report dated 13 May 2026. He commented that Old Trafford has historically been a very good batting wicket and can be hard to force results on. He remarked "*We are therefore attempting to make the match a fairer contest between bat and ball and provide a bit more for the bowlers.*" Efforts were made to replicate the pitch used against Middlesex in the 2025 season as that was a good pitch, which had less rolling and more grass. That pitch was used as a blueprint. The Club did not ask for a "seam friendly" pitch but did ask the ground staff to prepare a pitch that gave bowlers a chance in a fair contest.
  
32. Leus Du Plooy, the Middlesex captain, described the pitch as "*patchy*" with heavy covering of grass in some areas but bare in others, but also "*slabby and hard*". He was going to bat first if he won the toss, but someone within the Middlesex setup suggested that the moisture levels may have been higher than on previous pitches on the same ground. He describes how the heavy roller seemed to exaggerate the seam movement and described the pitch as "*bouncy*".
  
33. Peter Fulton, the Middlesex coach, described the pitch as containing a lot of green grass in the middle of the wicket. The grass covering was not even, and in the areas where the ball was landing it was reasonably heavy. The views of players who have more experience of Old Trafford than he did felt that the pitch had more moisture in it than was traditionally the case at Old Trafford, but he did not feel that the ball was really indenting into the pitch or cupping more than would be expected. Middlesex felt that the pitch would be difficult to bat on and would get harder throughout the game. He felt that the seam movement did not make it a fair contest between bat and ball.

*David Shortt – Head Groundsman at Emirates Old Trafford*

34. Mr Shortt was interviewed by the Regulator as part of its investigation. He started as a groundsman in 2009 but became Head Groundsman at the start of 2026. In summary, he explained that he had endeavoured to produce a pitch that replicated that used in the Middlesex or Derbyshire games, which were well-rated by the Match Referees. He had used data from those pitch preparations and also used his own judgment to inform the pitch preparation for the incident pitch. The Club sought, acting reasonably, to prepare the best pitch it could for the match but to this day, the Club still does not know why the pitch behaved as it did. Given his role, we consider his evidence in more detail below under the heading of “Expert Evidence”.

### ***Expert evidence***

*Andy Mackay – ECB Pitch and Grounds Advisor*

35. The Regulator obtained an initial expert report from Andy Mackay dated 11 May 2026, with a supplemental report dated 22 May 2026. His opinion was prepared on the basis of examining the pitch on 11 May 2026 (what would have been Day 4 of the Match). The Tribunal observes at the outset that his report was prepared after a rain-affected match, which may not perfectly represent the condition of the pitch at the start of Day 1. Mr Mackay also very fairly accepted that his report was prepared with the benefit of hindsight.
36. He observed many light indentations caused by the ball ploughing into a soft surface at both ends. Most indentations measured 1mm deep with occasional ones measuring 2-3mm deep. He felt these indentations were most likely caused on Day 1 when the surface was at its softest and may have contributed



to seam movement later in the match. In his report, he stated that a good quality pitch should not indent at any stage of the match, although he accepted when questioned by Mr Shepherd that it's not unheard of for a properly prepared pitch to indent.

37. When he examined the pitch on his hands and knees, he noticed pockets of moisture which he could penetrate with his thumbnail. These pockets would have offered something for the seam to grip on. However, apart from these pockets, he was unable to find any areas where his needle probe could penetrate more than 2mm, which meant that the pitch was approaching "very hard" beneath any surface moisture under the grass canopy. Other than the dense grass covering and indentations, he felt the pitch looked typical for the venue.
  
38. He took a core sample and tested it with his fingernail. Rather than the expected visible change in colour from dark grey (moisture present) to light grey (dry) the core sample was evenly moist all the way to the surface. He was able to insert his thumbnail into the soil core along its entire length. The Tribunal had photographs of the core sample and accepted the evidence of his findings, but found these results slightly puzzling given the difficulty that Mr Mackay had previously described inserting his needle probe into the pitch more than 2mm and the Match Referee's report that the pitch looked dry before the start of the match. Mr Mackay also took Clegg Hammer readings to measure the hardness of the pitch, which broadly confirmed the data reported by the Club. Mr Mackay was surprised at the level of indentations he noted, given that the Clegg Hammer readings indicated a very hard pitch. He thought the indentations might be caused by pockets of moisture.



39. In his report, he commented that the Club was attempting to produce a surface which did not become too “flat” later in the game and was attempting to emulate the same type of pitch that they provided for the previous home Championship match against Derbyshire CCC, which was rated “Good” by the Match Referee. That pitch had been cut at 12mm, whereas this pitch had been cut at 11mm. He then went on to state:

*“Their rationale for this pitch fits with that narrative and however poor the execution, the intention appears well meant. [Mr Shortt and Mr Chilton] both noted that this pitch appeared to have done more than they were hoping, and for what it’s worth I sensed that they were genuinely disappointed by the outcome.”*

40. He went on to explain the central conclusion in his report:

*“Whilst Lancashire have been seeking for a way to encourage better balance between bat and ball later in the match and may well have set out to prepare the best surface they could; to experiment by leaving so much grass on for a County Championship match was not reasonable by any professional standards. The Lancashire groundstaff are skilled and experienced practitioners at one of the premier venues in the country. It was within their gift to control the density of grass and height of cut with prudence in mind, and whilst taking the previous game with Derbyshire as a model to take forwards makes good sense, experience and skilful practitioners know that each pitch and each preparation cycle must be judged on its own merits.”*

41. His supplemental report was prepared following the submission by the Club of pitch preparation data that was used to inform its preparation of the incident pitch against Middlesex. Mr Mackay felt that the Club’s approach of relying on the data was “neither reasonable nor sound thinking”. He expressed the view

that the Clegg Hammer test has limitations: it does not represent the angle of a cricket ball striking the pitch surface, it does not measure seam movement, its data must be heavily contextualised (for example, a pitch at Perth may start with a Clegg Hammer reading of 260-280 but would perform very differently to a UK pitch with similar Clegg Hammer readings).

42. He also commented that the ML3 Theta Probe Kit measures the top 60mm of soil moisture, which provides a simple, standard repeatable test to offer guidance about total moisture in the top 60mm of soil. However, this has limitations: the device cannot distinguish between an evenly wet soil profile or a pitch which is very dry at the surface and very moist below, the measurement is of the top 60mm of soil rather than the critical top 5mm. A theta probe is useful for making decisions about how suitable a soil is to begin rolling, but this data must be contextualised by physically probing moisture or examining a soil core. He felt the theta probe is useful for understanding how a pitch may dry to depth throughout the course of a match, but this needs to be contextualised by previous experience of pitches at the venue. Understanding the bulk density of the soil is crucial to interpreting the data.
43. The combination of grass height of cut and grass density and colour of grass (all of which Mr Mackay accepted were “*highly subjective*”) should be considered alongside data regarding moisture at the soil surface, as well as evenness of growth. There is a correlation between the height of the cut and seam movement; the longer the cut the more likely the ball is to seam, but it would be wrong to conclude that a longer cut will create more seam movement. The grass cut height needed to be contextualised with the density of the grass, the colour/liveness of the grass, the surface moisture and the weather forecast in order to err on the side of risk mitigation when making decisions about pitch preparation. The average cut height over 2024-2025 was 7mm but the range of

cut on “very good” pitches was much wider. In that regard, the Tribunal noted the pitch preparation data provided by the Club and the correlative Pitch Ratings, which we will come back to when looking at Mr Shortt’s evidence.

44. Overall, Mr Mackay maintained that it should have been apparent to a skilled practitioner that there was too much moisture close to the surface of the pitch, based on the presence of live, green, relatively turgid grass and grass that was dense in patches. There would almost certainly have been perceptible moisture under grass leaves, and the surface of the pitch would have been able to take a thumbnail in the more well-grassed areas. This should have given a Head Groundsman sufficient notice that the pitch might seam too much and to do something about it.
45. Mr McKay was questioned by Mr Shepherd about his experience. He explained he was initially a Groundsman at Sussex CCC in 2006, before being appointed as Head Groundsman in 2008. He remained in that post for 14 years until appointed as an Advisor to the ECB in 2020. He agreed that preparing pitches was a complex skill and that different ground managers have different ideas and described pitch preparation as an “*art supported by the science*”.
46. He agreed that the pitch was under the groundsman’s control until the coin toss, and thereafter there was little the groundsman can do. He hadn’t appreciated that the match was played under floodlights for the first two days. Nor did he know that there was 8 minutes of heavy rainfall on the pitch before the covers were put on, although he questioned how much of an impact that rainfall would cause.
47. Mr Shepherd took Mr Mackay to the pitch preparation data provided by the Club. This included detailed data for the following matches:



- 47.1. Middlesex – Pitch 15 (8 May 2026 – the incident pitch);
- 47.2. Derbyshire – Pitch 6 (10 April 2026);
- 47.3. Middlesex – Pitch 4 (15 September 2025);
- 47.4. Glamorgan – Pitch 14 (29 July 2025);
- 47.5. Derbyshire – Pitch 15 (16 May 2025).
48. Mr Mackay often saw clubs only using three Clegg Hammer readings, which he felt was unreasonable. However, the Tribunal noted that the Club took five such readings and he was not asked to comment on whether this was unreasonable. He stated that he personally took 25 Clegg Hammer readings when preparing a pitch, but the Tribunal had no basis to know whether this was his own personal practice or was considered reasonable practice.
49. Mr Mackay accepted that 20% - 30% moisture was potentially an acceptable range, although it was context-specific. He confirmed that he was surprised to see indentations with the Clegg Hammer readings provided for the pitch.
50. He concluded that the Club should have done things differently in this case: the grass height should have been reduced, and the Club should have raked or verticutted or brushed the grass to remove moisture.
51. The Tribunal noted from the data provided by the Club that it had brushed, power brushed and wire brushed the pitch during preparations. Given that other pitches at Old Trafford had been rated as “Above Average”, “Good” or “Very



Good” with similar preparations, but longer grass cut heights (12mm, 17mm, 14mm / 8mm and 17mm respectively), the Tribunal would have been assisted with a clearer understanding of why a groundsman who had used data from other pitch preparations to inform his preparation of the incident pitch (including directly comparable moisture content data and Clegg Hammer readings), and had decided to cut the grass shorter than those other pitches, should nevertheless have appreciated before Day 1 of the match that the grass needed to be cut still shorter.

52. Although Mr Mackay felt that this pitch was “*without question a long way over the line*” this was because there were indentations 2-3mm deep and the grass density was in places 100%. He felt there were “*some wrong decisions here*”, and it “*could have been dealt with better*”.
  
53. When questioned by the Tribunal, he stated that his assessment of the pockets of moisture was not a scientific test and was his own subjective opinion. He felt it was perfectly acceptable for the Club to use data from the preparation of other wickets, but not to rely exclusively on that data to predict seam movement. A holistic assessment was required. He confirmed that the 6 hours of pitch rolling was reasonable in all the circumstances. He agreed that he had prepared his report with the benefit of hindsight; his role was to try to establish why the pitch had behaved in the way it had done, and to understand what led to the decisions regarding pitch preparations.

*David Shortt – Head Groundsman at the Club*

54. Mr Shortt was interviewed by the Regulator and asked to provide his rationale for the pitch preparations. He explained that pre-season, the groundsmen were instructed to try and recreate the Middlesex wicket from 2025 as much as they



could, because it had provided a fair contest between bat and ball rather than allowing the bat to dominate. The Club was also happy with the Derbyshire pitch used on 10 April 2026 for the same reasons, so they tried to recreate the Middlesex and the Derbyshire pitch. These pitches were rated by the relevant Match Referees as “Very Good” and “Good” respectively. They had originally planned to use pitch 5, next to the pitch used for the Derbyshire game, but because there had been a lot of practice near that pitch, with footwear damage from the batters running up and down on it, they decided to change it to pitch 15 because that was the best one to use. Neither the Regulator nor Mr Mackay suggested this was an inappropriate decision.

55. Looking at the forecast, they took the view they could prepare the wicket in 16 days. Again, no criticism was made of that decision. The wicket was prepared in accordance with the data provided to the Regulator and the Tribunal. They rolled the pitch as they normally would. They were satisfied with the moisture readings (average of 25%) and the Clegg Hammer readings (average of 286). They were trying to recreate the readings from the Middlesex pitch (moisture 24.9% average and Clegg Hammer 243 average) and Derbyshire pitch (moisture 24.7% average and Clegg Hammer 251 average).
  
56. Regarding grass covering, the Middlesex pitch was medium coverage with the grass cut to 17mm and the Derbyshire pitch was uniform coverage and cut to 12mm. The grass covering for the incident pitch was medium coverage and 11mm grass height. They settled on 11mm because it looked right and the surface was dry. They were powerbrushing it and brushing it, and the pitch looked dry. The requirement for taking a core sample was abolished many years ago, which was why this was not done. The Club selected two spinners because they looked at the pitch and it looked dry. Based on their pitch preparations, they thought the



wicket would seam less than it had done for the Middlesex and Derbyshire matches.

57. The match itself was played under floodlights for the first two days, and it rained for 3 hours on Day 2, including a spell of hailstones. There was a period when the match continued through the rain for a bit. He didn't notice any unusual pitch indentation.

58. He was asked about his decision-making, and stated the following in interview:

*"In hindsight you always, 'Do this,' but I just feel like at the time we made the right call, and looking back at what I'd done to prepare the pitch, it was cut every day, it was brushed every day, rolled every day. It had push covers on to help it dry out. It was cut at I felt the right height at the right time. Looking back, I don't think I would have changed my decisions too much from what I did, if you know what I mean. I don't think, 'Oh, I should have done this then.' At the time I felt comfortable making those decisions, and it was the right decisions to... At that time. Hindsight's a wonderful thing, but at the time it felt like the right decisions to make, and to try and recreate that Middlesex and Derbyshire pitches, looking back at what I did then and what we're doing forwards. Yes, I don't think I'd do too much different, because, you know, the moisture was what we were aiming for, the Clegg was, if anything, a bit too high, it was a bit firmer than what we were aiming for. We were aiming for a 240-250 [Clegg Hammer readings] wicket, and we ended up with a 280, so yes, I don't think I'd change too much, to be honest."*

59. He emphasised that a pitch is a "living creation" and as a Head Groundsman you have to prepare a pitch that's best for 11am on Day 1, and that's what they aimed

for. They still don't know why the pitch behaved as it did, but it was exactly the same as the previous pitches they had prepared.

60. When questioned by Mr Hetherington, Mr Shortt confirmed that there was nothing unusual in the build-up to the preparation of the pitch, and the preparation went to plan. They cut the grass to 11mm height as they believed that was the best height to produce the wicket, but grass height *“is a small piece of the jigsaw”*. He stated that as a groundsman you can *“definitely use the data to help prepare a pitch compared to previous wickets, but it’s not the be- all-and-end-all. Data is a key point but you’ve got to use your judgment.”*
61. The fact that there was regular seam movement for the previous Derbyshire pitch on Day 1 was not too much of a concern. He felt that if there was 2-3% difference in moisture that wouldn't be a red flag but more of an amber flag. He stated that they have always taken 5 Clegg Hammer readings. He accepted that the probe is not the best tool to measure surface moisture, but you also use judgment as a groundsman – you have to use all the data together to help you prepare the best pitch.
62. He accepted there were pockets of grass that were 100% coverage, but the significance of that depended on the size of the area affected by 100% grass coverage. As he said, *“It’s grass not astroturf, it’s a living organism. That’s the nature of grass. If you’re worried about a particular area you can use a power brush or a wire brush but prior to the match I wasn’t concerned”*.
63. He agreed with Mr Mackay that once the match started, there was little the groundsman could do apart from maintain the pitch throughout the match, and that you can't always predict how a pitch will cope.

64. He maintained that he still doesn't know why the pitch behaved as it did. There had been pre-season renovations in September, and they weren't planning on using the pitch this early in the season, but it was the best pitch possible given that they could not realistically use pitch 5. They intended to create the best possible pitch for the match.
65. When questioned by the Tribunal, Mr Shortt stated that he was happy with 16 days preparation for the pitch and didn't think what happened was foreseeable. He felt he made the right calls and if he wasn't happy, he would have done things differently.

## **SUBMISSIONS**

### **The Regulator**

66. The Regulator submitted that the most relevant experts were the groundsmen on site preparing the wicket, but that the Club had failed to discharge the burden of proof. The pitch preparations had gone well, and no factors outside the Club's control had been identified. Mr Mackay considered that there were features that should reasonably have been picked up on, including conditions that led to unreasonable indentations, the fact the weather forecast was known, the use of the Hover cover, and the fact that seam movement on Day 1 of the previous Derbyshire game had raised an amber flag. He contended that maybe the outcome was more foreseeable than had been suggested. Regarding the applicable test, the Regulator submitted that "sought" connoted more than merely "intention" and had to take into account competence.
67. Regarding Sanction, the Regulator identified that the automatic sanction is 8 points but that the Tribunal may increase or decrease any points deduction to



take account of aggravating or mitigating factors. Regulation 9.6 of the Disciplinary Proceedings Regulations allowed the Tribunal to suspend the operation of all or part of any sanction for any period and on any terms and conditions it deemed appropriate in all the circumstances. Whatever sanction was imposed should not render the sanction devoid of practical consequences or undermining its deterrent purpose within the game.

68. It highlighted the following aggravating factors:

68.1. The pitch rating is some way short of the aim of creating the best quality pitch for the match the Club was hosting. The aim should have been to create a “Very Good” pitch.

69. The Regulator identified the following mitigating factors:

69.1. The Club’s co-operation with the investigation;

69.2. The Club’s acceptance that the pitch was Substandard;

69.3. The fact this was the Club’s first rating “Below Average” in 24 months;

69.4. Mr Mackay’s evidence that the Club may have had a positive intent to prepare a good wicket, but the execution fell short.

### **The Club**

70. The Club submitted that the applicable test focused on “intention”. The Club was genuinely disappointed with the pitch’s performance, but it had done everything in accordance with the relevant Regulations. He emphasised that the

measures identified by Mr Mackay had all been taken by the Club; it had verticut, it had monitored moisture levels and had brushed to remove moisture. It had checked hardness using Clegg Hammer readings. It had considered the colour and liveliness of the grass and its density. In all the circumstances, the pitch preparations had been sensible and appropriate. The groundsmen had acted reasonably. The test was not to produce the “perfect” pitch but to have intended to create the best possible pitch for the match having acted reasonably.

71. Regarding sanction, the Club also identified the automatic points deduction provided by the Regulations, and the Tribunal’s power to suspend the operation of any sanction in whole or in part. In light of the evidence, the Club submitted that any infraction, if found, was so small as to be de minimis and that no sanction would be appropriate in the circumstances. Alternatively, any sanction should be suspended for a short period.
72. The Club submitted there were no aggravating factors.
73. It submitted there were the following mitigating factors:
  - 73.1. The Club accepted at an early stage that the pitch was Substandard;
  - 73.2. This is the first pitch that has received a rating of Below Average, Poor or Unfit in the last 24 months.

## FINDINGS OF FACT

74. There is no suggestion by the Regulator or Mr Mackay that the Club deliberately sought to produce a Substandard pitch that would play in the manner it did. Having also carefully considered the evidence, we too are entirely satisfied that there was no such intention.
75. The role of the Tribunal is to apply the Pitch Regulations on the basis of the evidence presented at the hearing. The Club did not challenge the Match Referee's conclusion that the pitch was Substandard. The evidence from the participants in the match pointed one way: regardless of the weather conditions and the skill of the bowlers, the ball regularly seamed for both teams throughout the entirety of the match, meaning this was a Substandard pitch.
76. But the Pitch Regulations provide the Club with a defence to the charge where it proves on the balance of probabilities that it "*sought*", "*acting reasonably*", to prepare the "*best quality pitch*" for the match they were staging. The defence focuses not on the pitch's performance, but on different issues. We invited submissions from both parties on the correct approach to the defence. It is notable that the Regulations provide this as a defence to the charge, and not merely as mitigation of sanction. The Regulations do not view a Club as culpable simply because it produces a pitch that was in fact Substandard. A Club is only culpable if it did not seek, acting reasonably, to produce the best quality pitch for the match.
77. The Tribunal interpreted the requirement for the "*best quality pitch they could for the match*" to refer to the overarching requirement in Regulation 4.1 for Clubs to prepare a pitch that provides an even contest between bat and ball by reference to the criteria in Regulation 4.2. The Tribunal interpreted "*sought*" to



refer to the Club's intention to comply with these requirements. Taken together, that is a prospective test. Allowing for the subjective nature of pitch assessment, the fact that pitches are living things, and that pitch preparation is "*an art supported by the science*", the Tribunal concluded that Clubs must prove they intended to produce "Good" or "Very Good" pitches.

78. Next, the Tribunal interpreted "*acting reasonably*" to involve an assessment of the information that was known, or should reasonably have been known, by the Club when preparing the pitch and considering how, armed with that information, a reasonable competent groundsman could have prepared the pitch. If the pitch was prepared in accordance with a range of reasonable approaches, then the Club has acted reasonably. Expert evidence assists a Tribunal to understand the information that was, or ought to have been, known by the reasonable competent groundsman, and the range of reasonable opinions, practices and techniques that a reasonable competent groundsman would adopt in the preparation of the pitch as a result. In some circumstances, the range of reasonable approaches may be very narrow, whereas in others it may be broad. It depends on the issues involved. A Club will not have acted unreasonably simply because, with the benefit of hindsight, the pitch could have been prepared differently.
79. Although Regulations 7.6.1 to 7.6.4 set out factors that are relevant to the Tribunal's assessment of the defence, Regulation 7.6 makes clear that these specified factors are not exhaustive. Both parties agreed the Tribunal had a wide discretion regarding the factors it was entitled to take into consideration. There may be a variety of additional factors that are relevant in the circumstances of any particular case. But it is always a question for the Tribunal to decide in any given case what factors are relevant to its assessment.



80. The central issue is whether the Club has proved on the balance of probabilities the defence contained in Regulation 7.6 of the Pitch Regulations. The Tribunal concluded that the Club had provided substantial evidence and had proved the defence. Although Mr Shortt was relatively new to the Head Groundsman's role in 2026, he had been a groundsman at the Club since 2009, Deputy Groundsman since 2019 and has variously been in charge of the outgrounds (preparing two or three wickets each year) and had also prepared pitches when the Head Groundsman was ill. Specifically, he discussed in his interview with the Regulator that he had previously taken on responsibility for producing the pitches used for three international T20 matches against Pakistan, three international One-Day matches and three domestic Club fixtures during Covid when the Head Groundsman was ill and also produced pitches at Old Trafford used in April, May, June and possibly into July last year whilst the Head Groundsman was indisposed. The Tribunal noted from the evidence that Mr Shortt was responsible for preparing pitches consistently rated by Match Referees as "Good". The Tribunal also concluded that he was very familiar with the conditions at Emirates Old Trafford. He was an experienced and competent groundsman.
81. The Tribunal accepted Mr Shortt's evidence that the Club was trying to emulate the pitches used for the Middlesex and Derbyshire games, and used data it held regarding grass coverage, grass length, duration of heavy rolling, five Clegg Hammer readings (with an average), three moisture percentage readings (with an average) and Pitch Ratings for these other pitches to inform its pitch preparation for the instant pitch. The grass was cut 6mm shorter than the pitch used for the previous Middlesex game (which was rated "Very Good") and 1mm shorter than the pitch used for the Derbyshire game (which was rated "Good"). The Tribunal agreed with Mr Macakay's view that to base pitch preparation solely on data would be unreasonable, but Mr Shortt made it clear in his evidence that

he used data and also his skilled judgment to inform his pitch preparation for the incident pitch. The Tribunal concluded that this was a reasonable approach – he had not simply been experimenting with pitch preparation techniques for which he had no reliable evidence but had used sensible evidence to inform his pitch preparation.

82. He, along with the Match Referee and Umpires and captains, thought that the pitch was hard and dry, although the Tribunal did note that some in Middlesex felt there was more moisture in the pitch than first appeared. The Tribunal placed some weight on the fact that the Club selected two spinners to play in the match, which would tend to suggest that those involved at the Club believed the wicket would play very differently to how it actually played. Given the rain and hail during the match, and the uncertain impact that may have had on the pitch conditions by the time it was inspected by Mr Mackay, the Tribunal felt that the pitch reports provided by the Match Referee, Umpires and captains, together with the clear evidence from Mr Shortt, most reliably represented the condition of the pitch at the start of the match.
83. The Tribunal accepted Mr Shortt’s evidence that the Club had sought to prepare the best wicket for the match that provided a fair competition between bat and ball. The Club had met pre-season to determine how it could reduce the bat’s recent dominance over the ball and sought, using sensible data, to emulate pitches rated as “Very Good” or “Good” which had historically achieved that fair balance. On the evidence, the grass height, the grass coverage, the moisture readings and Clegg Hammer readings, and the appearance of the pitch all appeared within narrow, but reasonable, ranges consistent with that intention. There was a sound evidence-based approach to that task, combined with the judgment of a skilled groundsman. The Tribunal noted that Mr Mackay was surprised by the pitch indentations given the Clegg Hammer readings.

84. Overall, the Tribunal concluded that the Club had acted reasonably when preparing the pitch, but this was one of those rare occasions when a pitch did not behave as reasonably foreseen. The Tribunal placed little weight on the factors identified at Regulation 7.6.1 to 7.6.4 because, on the facts of this case, they were of little relevance. This was not a case where the Club had sought to blame matters outside its control that had hampered its pitch preparations; this was a conscious effort by the Club to produce the best pitch possible for the match.
85. Finally, it was submitted by Mr Shepherd in his opening address that this was a case that should never have been brought by the Regulator. We wholly reject that submission. The Club did not submit that there was no case to answer, nor, given the burden of proof, would such a submission have been expected to succeed. This was plainly a Substandard pitch, and the Club bore the burden of proving the defence. Mr Mackay had provided a coherent report in support of the allegation. The Regulator was perfectly entitled to require the Tribunal to scrutinise all of the evidence. The Regulations confer upon the Regulator the discretion whether to bring proceedings, not on Clubs, Participants or the Tribunal.
86. In light of our Determination that the allegation was not proven, the Tribunal did not go on to consider the parties' submissions on the appropriate sanction.

## **COSTS**

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



Cricket  
Discipline  
Panel

## **PUBLICATION**

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

## **APPEAL**

89. 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 2026.

A handwritten signature in black ink, appearing to read 'J. Hodivala K.C.', with a long horizontal line extending from the end of the signature.

**JAMAS HODIVALA KC**

**For and on behalf of the Disciplinary Tribunal**

**London, UK**

**9 July 2026**