



Cricket
Discipline
Panel

**IN 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)
Dr Seema Patel
Paul Horton

BETWEEN:

CRICKET REGULATOR (“CR”)

and

LEICESTERSHIRE COUNTY CRICKET CLUB (“LCCC”)

**AMENDED DECISION OF THE DISCIPLINARY TRIBUNAL
AS REGARDS SANCTION ONLY**

INTRODUCTION

1. The Tribunal delivered its Decision in respect of this matter to the parties on 15 September 2026. It was publicly announced online by the England and Wales Cricket Board (“ECB”) on 16 September 2026, with a link to the full Decision.
2. That Decision sets out the Tribunal’s factual findings in respect of the Charge brought by the CR against LCCC. Those factual findings stand, and they have formed no part of the circumstances which have given rise to this Amended



Decision, which relate solely to the issue of sanction. The Tribunal therefore does not repeat those findings herein but refers the parties back to that Decision for them.

3. It is not without note, given the discussion that follows, that after the original Decision was issued, the Chair of the Tribunal received an email from the CR at 15.49 on the 15 September 2026 asking: *“whether in the circumstances the Panel would consider reducing the appeal window under the powers of the Disciplinary Tribunal Chair at paragraph 11.2 of the Disciplinary Procedure Regulations such that any appeal can be dealt with prior to the conclusion of the County Championship season.”*

4. The Chair refused that application on the following bases:

“The power to exercise the discretion to expedite an appeal is specifically limited “to the requirements of a particular Match or England Match”. That criterion is not met by the Cricket Regulator’s application, which does not relate to “a particular Match” but to the wider integrity of the County Championship competition.

Thus, in my judgment, I have no power under paragraph 11.2 to grant this application.

Even if I am wrong about this, I would not have exercised my discretion in favour of the Cricket Regulator’s application given (a) the very short window which would be open to Leicestershire CCC to seek appropriate advice and to prepare any appeal and (b) should any disciplinary issues arise in the final round of matches (and even in the penultimate round) it is highly likely that they would be heard after the end of the County Championship season.”

5. This Tribunal issues a detailed Amended Decision upon this matter not only because of its significance to LCCC, but also because of its potential impact on the integrity of the disciplinary processes of the Cricket Discipline Panel.

CIRCUMSTANCES GIVING RISE TO THIS AMENDED DECISION

6. On 22 September 2026, at 12.09pm, a week after the delivery of the original Decision, Mr. Hetherington for the CR sent the following email to this Tribunal. It is set out in full both to provide proper context for what follows and also because such a course of action is, in the experience of this Tribunal, extremely unusual:

"I am writing further to the hearing regarding the above matter, and I would be grateful if this email could be passed to the Chair of the Panel. Leicestershire County Cricket Club are copied to this email.

The Cricket Regulator writes to disclose information that was not brought to the attention of the Panel during the proceedings involving Leicestershire County Cricket Club, that we consider should have been brought to their attention and which may be relevant to the Panel's determination on sanction. The Cricket Regulator makes this disclosure in the interests of transparency, fairness, and completeness.

Following the charge for a breach of the pitch regulations being upheld, the ECB applied playing condition 16.2.6 from the 2026 County Championship Playing Conditions resulting in a further 19-point deduction (the points gain by LCCC during the match in question).

During the hearing, this consequence was not highlighted to the Cricket Discipline Panel.

County Championship Playing Conditions

Playing condition 16.2.6 provides:

"In the event of a match being abandoned due to a pitch that has been rated unfit, or if the pitch is rated poor or below average and a Cricket Discipline Panel upholds a



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charge brought against the County, in each case in accordance with the ECB's Pitch Regulations, the home team shall be awarded 0 points and any First Innings Points already achieved shall be rescinded. The home team shall be credited with a loss and the away team a draw for tiebreaker purposes. Note that this does not preclude the matter being referred to the Cricket Regulator. For the avoidance of doubt, over-rate penalties shall apply."

The operation of Playing Condition 16.2.6 is automatic and mandatory following the upholding of a charge by a Cricket Discipline Panel. It gives rise to competition consequences which are separate from, and additional to, any sanction imposed under the Pitch Regulations.

Matter Not Before the Tribunal

During the hearing, neither party referred the Panel to the Playing Condition 16.2.6 and the Playing Condition appears not to have been considered in the Panel's written decision and sanction.

While the Tribunal was aware of, and specifically considered, the automatic points deduction contained within Regulation 7.7 of the Pitch Regulations, it does not appear to have been informed that its finding would also trigger the mandatory consequences set out in Playing Condition 16.2.6. It is not known, from the written judgement, if the panel considered the totality of the automatic deduction and the deduction imposed as a result of the proceedings.

Purpose of Disclosure:

The Cricket Regulator makes this disclosure in the interests of transparency, fairness and completeness.

This disclosure is made to advise the panel and LCCC in the furtherance of ensuring the process is fair to all parties



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The Chair of the Panel and LCCC may wish to consider whether any further procedural step is available or appropriate in the circumstances.

If there are any further queries regarding the above, the Cricket Regulator would be happy to assist in answering them.”

7. The Tribunal considered this email and directed that, as a matter of fairness, there should be an online hearing at the earliest opportunity with both parties present. In doing so it had in mind that any discussion of the matters raised must provide both parties with an equal and transparent opportunity to address them. Moreover, in setting that hearing for the evening of 23 September 2026, it was aware that the final round of County Championship matches began on 24 September 2026.
8. Given that the CR had previously sought to expedite any appeal hearing it is perhaps not unreasonable to infer that the matters raised within this latest email were only considered by the CR after the original hearing.
9. This Tribunal sets out in detail what followed as it is of the clear view that all who read this Amended Decision should understand both its reasoning and its wider concerns as to the fairness of the process.

THE CR's POSITION AS REGARDS SANCTION AT THE ORIGINAL HEARING

10. Within a 162-page bundle prepared by the CR for the Tribunal in advance of the original hearing on 12 September 2026 there was no reference by the CR to the County Championship Playing Conditions and specifically no reference at all to Playing Condition 16.2.6.
11. The CR enclosed within that bundle its Charge Letter sent to LCCC dated 1 September 2026 which referred to the sanctions it submitted were relevant to the Tribunal's consideration, namely the Pitch Regulations (specifically



Regulation 7.7) and the Disciplinary Procedure Regulations (“DPR”) (specifically Regulations 9.1 and 9.2.3).

12. At the original hearing the Chair of the Tribunal specifically invited both parties to set out what submissions, if any, they had as to sanction should there be an adverse finding to LCCC. Save in exceptional circumstances this is entirely normal practice to provide finality to both parties without the delay and expense which a second hearing might cause.
13. The CR stated that it had no submissions as to sanction save that there were “*no aggravating factors*”, a position reflected in paragraph 70 of the original Decision. LCCC also had no such submissions - in the Tribunal’s view, no criticism can nor should properly be laid at the door of LCCC in this regard, not least as the Club was not legally represented.
14. At the hearing on 23 September 2026, the CR confirmed that it had indeed made no reference whatsoever to Playing Condition 16.2.6 at the original hearing nor indeed at all before its email of 22 September 2026.

THE HEARING ON 23 SEPTEMBER 2026

15. As the Chair made plain at the outset, this online hearing was not an appeal and should not be considered as such. It had been convened solely to address the matters raised in the CR’s email. Both parties agreed with this approach.
16. In order to understand the contents and/or import of the CR’s email the Tribunal raised several questions arising from it.

How does the CR now say that Playing Condition 16.2.6 “may be relevant to the Panel’s determination on sanction”?

17. The CR submitted that it felt, “*retrospectively*”, that it was important to bring this to the Tribunal’s attention since it could have been relevant to the



Tribunal's consideration of natural justice, proportionality and fairness in terms of the overall sanctions imposed.

Given the terms of Playing Condition 16.2.6 how does the CR now say that a Tribunal can properly take this Condition into account when imposing sanction?

18. In its email of 22 September 2026 the CR had stated that *"The operation of Playing Condition 16.2.6 is automatic and mandatory following the upholding of a charge by a Cricket Discipline Panel. It gives rise to competition consequences which are separate from, and additional to, any sanction imposed under the Pitch Regulations."*
19. Given this clear submission in the email that (a) the operation of Playing Condition 16.2.6 can only follow a determination by a Cricket Discipline Panel, and (b) *"is separate from, and additional to, any sanction imposed under the Pitch Regulations"*, the CR was asked how a Disciplinary Tribunal could properly take this Playing Condition into account.
20. The CR submitted that Playing Condition 16.2.6 refers only to the upholding of the charge by a Tribunal and not to the sanction imposed by it. Notwithstanding the submission in the email of 22 September 2026 that this Playing Condition is separate from and in addition to any sanction imposed by a Disciplinary Tribunal, the CR contended at this hearing that a Pitch Regulation decision made by a Disciplinary Tribunal can involve a consideration of the automatic consequences of Playing Condition 16.2.6, and is capable of impacting a sanction imposed by a Tribunal under the Pitch Regulations.
21. The CR was therefore asked to provide its understanding of the purpose of the implementation of Playing Condition 16.2.6 for the 2026 season. The CR stated that its purpose was to *"neutralise the effect"* of the match in question. The Playing Conditions and the Pitch Regulations were designed to *"serve two distinct Regulatory purposes"*, the former looking at neutralising the effect



of a match impacted by a substandard pitch, and the latter focussed on the sanction to be imposed by a Disciplinary Tribunal where it has found a breach of the Pitch Regulations proved.

22. In light of this the CR was asked, bluntly, whether its understanding behind the implementation of Playing Condition 16.2.6 was at least in part because the ECB did not consider that recent sanctions imposed by the Cricket Discipline Panel for breaches of the Pitch Regulations were severe enough. After all, a Disciplinary Tribunal does have the power, if it sees fit, to alter the points awarded to a Club in the applicable match (DPR 9.2.3(c)), which is a similar sanction to that reflected in Playing Condition 16.2.6.
23. The CR accepted that that was a possible interpretation, but that the primary purpose was to, in effect, neutralise the match in question.
24. The CR accepted that a Cricket Discipline Panel has no jurisdiction or power to alter the automatic application of Playing Condition 16.2.6.

What “further procedural step” does the CR says is “available” to a Disciplinary Tribunal at this stage of the proceedings?

25. The CR, having consulted with the ECB legal team regarding the framework in this regard, submitted:
 - (i) The DPR are silent as to whether a decision of a Disciplinary Tribunal is final and binding – on the other hand those Regulations clearly state that a decision of an Appeal Panel is “*final and binding*” (paragraph 11.17 of the DPR);
 - (ii) From this it may be inferred that a Disciplinary Tribunal has a discretion to reopen a decision when natural justice demands, whereas an Appeal Panel does not;



- (iii) These disciplinary proceedings are arbitral in nature and thus governed by the Arbitration Act 1996 (Regulation 8.22 of the DPR);
- (iv) Section 58 of the Arbitration Act 1996 states that *“Unless otherwise agreed by the parties, an award made by the tribunal pursuant to an arbitration agreement is final and binding both on the parties and on any persons claiming through or under them”*;
- (v) Under the DPR, in respect of decisions of a Disciplinary Tribunal the absence of the words *“final and binding”* is an express agreement by the parties that they should not be so in accordance with section 58;
- (vi) Section 57(1) of the Arbitration Act 1996 states that *“The parties are free to agree on the powers of the tribunal to correct an award or make an additional award”*;
- (vii) In this case both parties agree that this Tribunal therefore has the power to correct or alter its sanction.

26. In his submissions Mr. Harris, on behalf of LCCC, confirmed that LCCC agreed with this position.

Submissions by the parties as to sanction

27. The Tribunal then invited the parties to address the issue of sanction given the approach which the CR had, for the first time in the email of 22 September 2026, now set out. The CR said that its submissions were incorporated in that e-mail and in the matters raised orally (which are set out above).

28. Mr. Harris submitted as follows:

- (i) The Tribunal is now, it would appear, able to take into account the impact of Playing Condition 16.2.6 when considering its sanction under the Pitch Regulations and the DPR;



- (ii) A total deduction of 27 points is too severe a sanction in all the circumstances;
- (iii) The Tribunal has no jurisdiction or power to reduce the points deduction of 19 points imposed by Playing Condition 16.2.6 – in this regard the “hands” of a Disciplinary Tribunal and any subsequent Appeal Panel “are tied”;
- (iv) Notwithstanding the clear guidance as to sanction set out in the Pitch Regulations, as a matter of overall fairness the Tribunal should conclude that there should be a “significant departure” from them;
- (v) A sanction of less than 19 points is plainly appropriate and thus the Tribunal should impose no immediate penalty point deduction.

ANALYSIS OF THE ISSUES RAISED BY THE CR's SUBMISSIONS AT THE HEARING

The relationship between the Pitch Regulations and the Playing Conditions

- 29. In the view of this Tribunal, it is plain by its wording that the ECB intended that Playing Condition 16.2.6 should be a standalone consequence should a charge brought against a County be upheld by a Cricket Discipline Panel, such as in this case. And it is equally clear, in the judgment of this Tribunal, that the ECB intended that this penalty should operate wholly independently of and consequentially to any such disciplinary process.
- 30. This Tribunal takes the following matters into account in coming to these conclusions:
 - (i) The fact that this punishment is inserted into the Playing Conditions rather than the Pitch Regulations or DPR is strong evidence that the ECB intended that no Disciplinary Tribunal or Appeal Panel should

have any ability to alter the application of this Condition – indeed both parties agree that neither this Tribunal nor any Appeal Panel have any such power;

- (ii) The wording of Playing Condition 16.2.6 makes it clear that the operation of it is both mandatory and automatically consequential upon the upholding of a charge by a Disciplinary Tribunal;
- (iii) Given that this Playing Condition gives rise to consequences within the County Championship over which no Disciplinary Tribunal or Appeal Panel is able to exercise power, these consequences are plainly intended by the ECB to be both separate from, and additional to, any sanction imposed under the Pitch Regulations;
- (iv) It is wholly artificial to suggest that the ECB intended that a Disciplinary Tribunal's determinations and sanctions are somehow distinguished by the reference within Playing Condition 16.2.6 to the "*upholding*" of a Charge;
- (v) If it had been the case that the ECB intended that a Disciplinary Panel should be able to take account of this Playing Condition when imposing its sanction under the Pitch Regulations it is reasonable to assume that it would have expressly said so rather than, in this Tribunal's view, expressly saying the contrary;
- (vi) When this Playing Condition was introduced for the first time this season (2026) it was widely regarded by commentators as "*draconian*" because it was, on its face, a wholly separate penalty to be automatically applied in addition to any sanction imposed upon a County by a Disciplinary Tribunal as a result of an adverse finding in disciplinary proceedings.



31. It is equally plain to this Tribunal that, at the time of the original hearing, the CR was of the clear view that the application of Playing Condition 16.2.6 was irrelevant to the Disciplinary Tribunal's consideration of this case since it had omitted any reference to it in both its written and oral submissions, and even when specifically asked by the Tribunal whether it wished to make any submissions on sanction.
32. Indeed, the first that this Tribunal heard of the CR's change of view was in its email dated 22 September 2026. This was notwithstanding the intervening application of the CR to reduce the usual time period in which LCCC might appeal – it can reasonably be inferred that the CR, when it made that application, considered that matters before the Disciplinary Tribunal were closed.
33. What caused the CR to alter its view perhaps matters not, although it is plain that there has been a significant backlash within the game at the total penalty, namely 27 points, which comprises the 8 points imposed by the Disciplinary Panel, and the additional 19 points imposed separately by the ECB applying Playing Condition 16.2.6.

The approach of the Disciplinary Tribunal as to sanction in its original Decision

34. Given all of the matters set out at paragraphs 29 to 33 above, it is clear that at the original hearing Playing Condition 16.2.6 was considered by the parties to be wholly irrelevant to this Disciplinary Tribunal's considerations. Accordingly, it can have been no surprise when this Panel also omitted any reference to it in its original Decision. After all that is consistent, in this Tribunal's view, with the clear intention of the ECB when it implemented this provision.
35. As the original Decision made plain, the Tribunal considered that the appropriate sanction included the immediate deduction of 8 points from this season's County Championship. In coming to this conclusion, the Tribunal at



all times had in mind that any sanction must be consistent, proportionate and fair. And to this end the Tribunal had taken into account the recent Decisions of the Cricket Discipline Panel in respect of breaches of the Pitch Regulations.

36. The Tribunal's potential applicable sanctions include, under Regulation 9.2.3(c), the power to alter the points awarded to LCCC arising out of the Match against Glamorgan. It had decided not to do so.

THE APPROACH OF THE TRIBUNAL TO SANCTION GIVEN THE CHANGE OF POSITION OF THE CR

37. The ECB oversees the professional domestic game. As part of its role the ECB is responsible for the game's governance and, accordingly, drafts and puts in place a wide range of regulations.
38. The CR is the body responsible for monitoring compliance with the game's regulations and for the enforcement of them.
39. The Cricket Discipline Panel is responsible for adjudicating on regulatory discipline. Pursuant to DPR 8.7, a Disciplinary Tribunal must apply the rules of natural justice in exercising its functions.
40. The CR's now stated position, understandably supported by LCCC, is that this Tribunal can properly take into account the impact of Playing Condition 16.2.6 when assessing the appropriate sanction to impose in accordance with its powers under the Pitch Regulations and the DPR.
41. Applying the rules of natural justice and reflecting the arbitral nature of these proceedings, the Tribunal accepts that it has power to issue an amended Decision given the striking change in the approach of the CR. In doing so it is prepared to accept the arguments of both the CR and LCCC for the reasons set out at paragraph 25 above, notwithstanding its views as to the ECB's



original intentions as regards the intended impact of Playing Condition 16.2.6. To do otherwise would be wholly unfair to LCCC.

42. In the Panel's original Decision, it imposed an immediate deduction of 8 points to LCCC in respect of the 2026 County Championship. For the reasons expressed in that Decision the Tribunal considered that to be the appropriate sanction in all the circumstances of the case, having carefully applied the principles of consistency, proportionality and fairness.
43. But the Tribunal's findings resulted in fact in an overall deduction of 27 points to LCCC, comprising the 8 points imposed by the Tribunal, and a further automatic deduction of 19 points imposed by the ECB pursuant to Playing Condition 16.2.6.
44. The Tribunal, in accordance with DPR 8.7, must take the rules of natural justice as its primary guide when considering the CR's fresh submissions as to the relationship between its own powers of sanction and Playing Condition 16.2.6.
45. Accordingly, this Tribunal is compelled to give effect to its clear view that 8 points is the appropriate deduction and no more. Accordingly, it will remove the immediate deduction of 8 points from its sanction.
46. Regrettably that is the limit of this Tribunal's powers given that, as both parties agree, it has no power to interfere in any way with the applicability of Playing Condition 16.2.6. If it had the power to do so, this Tribunal makes it plain that it would have reduced the points deduction to the 8 points it imposed in its original Decision.

The Practical Consequences of this Amended Decision to LCCC

47. The practical consequence of the Tribunal's amended Decision to LCCC is to reduce the points deduction to one of 19 points, wholly imposed by Playing Condition 16.2.6.



48. The suspended points deduction and financial penalty will remain. The amended Sanctions are set out in totality below.

WIDER IMPLICATIONS OF THIS CASE?

49. This Tribunal is mindful that it should always be cautious before expressing a view about any particular Regulation: the responsibility for governance, as we have said, belongs to the ECB. However, where problems arise regarding the application of a Regulation from a disciplinary perspective, there is an obligation upon the Cricket Discipline Panel to address them.
50. This was the first case which has given rise to the application of the new Playing Condition 16.2.6. The difficulties in this case seem to have arisen, in the view of this Tribunal, due to a failure to fully understand the implications of the impact of this Playing Condition until it was almost too late.
51. The lack of clarity as to the relationship between the Pitch Regulations and Playing Condition 16.2.6 highlighted above does, the Tribunal respectfully suggests, require attention.
52. Moreover, there are now two separate provisions which provide “*automatic*” points deductions for the same regulatory breach. One is provided by Regulation 7.7 of the Pitch Regulations in respect of which the Cricket Discipline Panel has some discretion, and one under the Playing Conditions in respect of which it does not. This too perhaps requires attention.
53. Is it right that Playing Condition 16.2.6 should effectively have removed from the Cricket Discipline Panel its ability to impose a sanction in respect of a breach which it, and not the ECB, has found proved? If it is the case that the ECB wish the CDP to impose greater punishments than it has done hitherto, then perhaps the remedy is in an amendment of the Pitch Regulations or of



the DPR, thus retaining within the Cricket Discipline Panel the power to sanction for breaches in respect of which it has been the fact-finding arbiter.

54. As has been stated above, Regulation 9.2.3(c) gives a Disciplinary Tribunal the power to alter the points awarded to a Club arising out of a relevant match. This discretion is removed by Playing Condition 16.2.6. The danger of potentially compromising the independence of the Cricket Discipline Panel by removing its ability to impose a sanction which it considers appropriate, or not to do so, is perhaps self-evident.
55. There is a further unfortunate consequence to this confused state of affairs. Should the new position as set out by the CR at this second hearing continue to apply, then there may be some absurd results which remove the sort of consistency of approach which all parties to a disciplinary process, particularly the Counties and the Players, deserve.
56. For example, as here, the Tribunal has been compelled to reduce what would otherwise have been an 8 point immediate deduction, a sanction which it considers to be comprehensible in terms of approach when compared with similar recent cases before the Cricket Discipline Panel, to one of 0 points. Should LCCC have obtained 3 points in the match for example, then this Tribunal would have applied a 5 points immediate deduction to reach the same end; should it have obtained 6 points the Tribunal would have applied 2 points and so on. This is not an easily comprehensible and consistent methodology.
57. These observations are designed to assist all parties in protecting both the integrity of the game and the integrity of the disciplinary process.

SANCTIONS

58. Given the matters raised in this second hearing, the Panel amends the sanctions imposed upon LCCC so that they are as follows:



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- (i) an 8 point deduction for the 2027 County Championship suspended until the close of play on the last day of that season – if LCCC commits any further breach of the Pitch Regulations in relation to County Championship matches in the 2027 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;
- (ii) a Fine of £5,000 to be paid within 28 days of the date of release of this Decision.

COSTS

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

RIGHT OF APPEAL

- 60. Should any Party wish to Appeal they will have ten (10) working days to do so from the date on which these decisions are handed down, namely by close of business on Friday 9 October 2026.
- 61. The Parties are reminded that the Appeals Procedure is set out in Regulation 11 of the Disciplinary Procedure Regulations. Any application for an Appeal should be made to the Chair of the CDP.

Mark Milliken-Smith KC

For and on behalf of the Disciplinary Tribunal

London, UK

26 September 2026