

Discipline Regulations and Guidelines

Model Discipline Regulations

1. ECB Code of Conduct and Spirit of Cricket

1.1 Code of Conduct

1.1.1 The ECB is committed to maintaining the highest standards of behaviour and conduct. This Code of Conduct incorporates the Spirit of Cricket, as set out below. It applies to all matches played under the auspices of the ECB and may be applied to cricket in general.

1.1.2 The captains are responsible at all times for ensuring that play is conducted within the Spirit of Cricket as well as within the Laws.

1.1.3 Players and team officials must at all times accept the umpire's decision. Players must not show dissent at the umpire's decision or react in a provocative or disapproving manner towards another player or a spectator.

1.1.4 Players and team officials shall not intimidate, assault or attempt to intimidate or assault an umpire, another player or a spectator.

1.1.5 Players and team officials shall not use crude and/or abusive language (known as "sledging") nor make offensive gestures or hand signals nor deliberately distract an opponent.

1.1.6 Players and team officials shall not make racially abusive comments nor indulge in racially abusive actions against fellow players, officials, members and supporters. Clubs must operate an active open door membership policy whilst respecting player qualification regulations and welcome players/members irrespective of ethnic origin.

1.1.7 Players and team officials shall not use or in any way be concerned in the use or distribution of illegal drugs.

1.1.8 Clubs must take adequate steps to ensure the good behaviour of their members and supporters towards players and umpires. Any club found to be in breach of the ECB Code of Conduct may be expelled from ECB Competitions for the current and future seasons.

1.2 Spirit of Cricket

Cricket is a game that owes much of its unique appeal to the fact that it should be played not only within its Laws, but also within the Spirit of the Game. Any action which is seen to abuse this spirit causes injury to the game itself. The major responsibility for ensuring the spirit of fair play rests with the captains.

1.2.1 There are two Laws which place the responsibility for the team's conduct firmly on the captain.

Responsibility of Captains

The captains are responsible at all times for ensuring that play is conducted within the Spirit of the Game as well as within the Laws.

Player's Conduct

In the event of any player failing to comply with the instructions of an umpire, criticising his decision by word or action, showing dissent, or generally behaving in a

manner which might bring the game into disrepute, the umpire concerned shall in the first place report the matter to the other umpire and to the player's captain, requesting the latter to take action.

1.2.2 Fair and Unfair Play

According to the Laws the umpires are the sole judges of fair and unfair play. The umpires may intervene at any time, applying Law 42 (Players Conduct) when deemed appropriate, and it is the responsibility of the captain to take action where required.

1.2.3 The umpires are authorised to intervene in cases of:

- Time wasting
- Damaging the pitch
- Dangerous or unfair bowling
- Tampering with the ball
- Any other action that they consider to be unfair.

1.2.4 The Spirit of the Game involves RESPECT for:

- Your opponents
- Your own captain and team
- The role of the umpires
- The game's traditional values

1.2.5 It is against the Spirit of the Game:

- To dispute an umpire's decision by word, action or gesture
- To direct abusive language towards an opponent or umpire
- To indulge in cheating or any sharp practice, for instance
 - a) appeal knowing the batsman is not out
 - b) advance towards an umpire in an aggressive manner when appealing
 - c) seek to distract an opponent either verbally or by harassment with persistent clapping or unnecessary noise under the guise of enthusiasm and motivation of one's own side.

1.2.6 Violence

There is no place for any act of violence on the field of play.

1.2.7 Players

Captains and umpires together set the tone for the conduct of a cricket match. Every player is expected to make an important contribution to this.

1.3 Failure to comply with the provisions of Paragraph 1 may lead to disciplinary action, irrespective of an alleged breach being related to a match not under the jurisdiction of the League.

Regulations for Cricket Leagues

2 Aims and Jurisdiction

These regulations shall apply to any player who plays for any club at any level under the auspices of the ECB and are intended to provide assistance and uniformity to all Clubs and Leagues in dealing with any alleged breach of the ECB Code of Conduct and Spirit of Cricket (Paragraph 1).

It is intended that any breach of Paragraph 1 should in the first instance be dealt with by the player's club who shall notify the Secretary of the League of the result of any action taken against its player.

3 Procedure

3.1 Any alleged breach of Paragraph 1 above shall be notified in writing (to be known as 'a Complaint') to the Secretary of the League and/or to the Chairman of the League or the Chairman of the League Disciplinary Committee.

3.1.1 In the case of a registered player being the subject of a Complaint the ECB National Participation Manager (Leagues & Competitions) to be advised immediately by telephone or email by the Secretary of the League and/or to the Chairman of the League or the Chairman of the League Disciplinary Committee.

3.2 Upon receipt of such complaint, and as soon as reasonably practicable, the Chairman of the League or of the League Disciplinary Committee shall consider the complaint and resolve either:

3.2.1 To take no action except to record the complaint and notify the club; or

3.2.2 To endorse the disciplinary action taken by the club; or

3.2.3 To refer the matter for a Disciplinary Hearing which shall be convened by the Chairman of the League or of the League Disciplinary Committee as soon as practicable.

4 Disciplinary Hearing

4.1 In any case which is referred for a Disciplinary Hearing, at least seven days' notice in writing of the hearing and of the offence(s) alleged shall be given to the player, or in the case of a club, its Secretary.

4.2 The Chairman of the League or of the League Disciplinary Committee shall convene a hearing as soon as is practicable and in any event within 21 days of the decision to refer. Any adjournments may be granted at the discretion of the Chairman of the Disciplinary Hearing.

4.3 The player and club shall be entitled to attend the hearing, state their case (in the case of a club by its Secretary or other official), to be supported by a colleague and to call witnesses.

4.4 The Hearing shall be conducted by the Disciplinary Committee of the League which shall consist of not less than three persons, none of whom shall be connected with the player, the club or their opponents at the time of the alleged breach.

5 Penalties

5.1 If at the hearing the Disciplinary Committee finds the alleged offence proved it shall have the power to impose one or more of the following penalties, together with such order as to costs as it deems appropriate:

5.2 In the case of a player:

5.2.1 To require the player to submit appropriate letter(s) of apology within a specified time.

5.2.2 To record a reprimand and to give a warning as to future conduct.

5.2.3 To impose a fine (Not to exceed £500).

5.2.4 To suspend the player for one or more specified matches or for a stated period of time, unless in the case of a registered player. In cases where a registered player is to be penalised the committee should carefully consider whether a time or match ban is most appropriate and in any case no more than five specified days or matches can be levied.

5.2.5 To deduct League points from the player's team.

5.2.6 To expel the player from the League.

5.3 In the case of a club:

- 5.3.1 To require the club to submit appropriate letter(s) of apology within a specified time.
- 5.3.2 To record a reprimand and to give a warning as to future conduct.
- 5.3.3 To impose a fine.
- 5.3.4 To deduct League points from the club's team(s)
- 5.3.5 To relegate to any lower division of the League.
- 5.3.6 To expel the club from any competition of the League.
- 5.3.7 To expel the club from the League.
- 5.4 The Disciplinary Committee shall have the power to suspend the operation of any part, or all, of the penalty it imposes for such period and subject to such terms and conditions it deems appropriate.
- 5.5 Decisions of the Disciplinary Committee (a finding that a complaint is proved or not proved or a decision on penalty) shall be by majority vote; where necessary the Panel Chairman shall have a casting vote.

In the case of a registered player the result of the hearing should be communicated within 24 hours in writing, preferably by email, to the ECB National Participation Manager (Leagues & Competitions), the PCA and County Cricket Club.

6 Appeals Procedure

- 6.1 A player or club shall have the right of appeal to the Appeals Committee. Notice of Appeal setting out the grounds must be given in writing to the Secretary of the League within seven days of the decision of the Disciplinary Committee, together with a deposit of £ (to be set by the League).
- 6.2 If Notice of Appeal is given the penalty shall not take effect pending the hearing of the Appeal, which shall take place as soon as is practicable.
- 6.3 The Appeal shall be by way of re-hearing before a different Committee. The composition of the Committee shall be at the discretion of the Chairman of the League or of the League Disciplinary Committee and shall consist of not less than three persons, none of whom shall be connected with the player, the Club or their opponents at the time of the alleged breach. The player or club shall have the same rights of attendance and representation, and to call witnesses as they had before the Disciplinary Committee.
- 6.4 The Appeals Committee may confirm, vary or reverse the decision of the Disciplinary Committee and it shall have the power to increase the penalty and award costs of the Appeal hearing. Decisions of the Appeal Panel shall be by majority vote; where necessary, the Chairman shall have a casting vote.
- 6.5 The decision of the Appeals Committee or, if no appeal, of the Disciplinary Committee, shall be final and binding unless in the case of a registered player, where the player may appeal to the Chairman of the Cricket Discipline Commission who will consider the case under the Rules and Regulations of the ECB.

Regulations for Clubs

7 Internal Club Enquiry

- 7.1 The club of its own volition and without any need for the receipt of a written complaint or other prompting shall, where any alleged case of conduct which is not fair and proper occurs as stated in Paragraph 1 above, or otherwise as the club may think fit, forthwith convene an Internal Club Enquiry.
- 7.2 The purpose of the Internal Club Enquiry shall be to establish the facts and, where appropriate, to take the necessary disciplinary action so as to ensure that the

club does not fail properly to control or discipline its player or players and to ensure that the club acts in a manner designed to protect the good name of the club and of cricket generally.

7.3 Any player requested to attend such an Internal Club Enquiry, or any Appeal therefrom, shall be entitled to be accompanied at the Enquiry by a friend or other representative.

8 Penalties

8.1 If the Internal Club Enquiry finds the misconduct proved, the club shall have the following powers:

8.1.1 To require the player to write letter(s) of apology within a specified time

8.1.2 To record a reprimand and to give a warning as to future conduct.

8.1.3 To impose a fine.

8.1.4 To suspend the player's right to be considered for selection by the club to play in one or more matches.

8.1.5 To suspend the player's membership of the club for a period.

8.1.6 If the conduct constitutes gross misconduct the club shall have the power to terminate the player's membership forthwith.

8.2 The club for the same offence may, if it is thought fit, impose more than one of the above penalties.

9 Appeals Procedure

9.1 The player shall have the right to appeal to the President of the club or to the President's nominee for a review of the findings of the Internal Club Enquiry and of the penalty or penalties imposed.

9.2 The decision of the President or his nominee in all cases shall be final and binding.

Guidelines on the Conduct of Hearings and Appeals

These Guidelines do not replace or form part of the Model Discipline Regulations which should be read carefully by all those falling under their jurisdiction.

Natural Justice

The rules of natural justice are the minimum standards of fair decision-making imposed on persons or bodies acting in a judicial capacity. The standard of proof shall be on the balance of probabilities rather than the criminal standard of beyond reasonable doubt. The rules of natural justice consist of the following elements:

- (i) The right to a fair hearing
- (ii) The rule against bias.

1. The right to a fair hearing

The right to a fair hearing requires that an individual shall not be penalised by a decision affecting his rights or legitimate expectations unless he has been given prior notice of the case against him and a fair opportunity to answer the case against him and to produce his own case.

(a) Prior notice of the hearing

The accused person should be given adequate notice of the allegations against him and of the procedure to be followed so that he may be in a position to make representations on his own behalf, to appear at the hearing, to prepare his own case and to answer the case against him. The time and location of the hearing must also be properly notified to the reported person.

(b) Opportunity to be heard

The reported person has a right to attend the hearing and be allowed to present his case. If the Disciplinary Panel is satisfied that the reported person has been given adequate notice of the alleged breach and of the time and location of the hearing, they may allow the hearing to proceed if the reported person fails to attend. However, it may not be justifiable to proceed if the time or location fixed for the hearing is such that the person cannot reasonably be expected to attend. Within the Model Discipline Regulations it states that “at least seven days’ notice in writing of the hearing and of the offence(s) alleged shall be given to the player, or in the case of a club, its Secretary”.

2. The rule against bias

A person adjudicating on a dispute must have no pecuniary or proprietary interest in the outcome of the proceedings and must not reasonably be suspected, or show a real likelihood, of bias.

The rule against bias also provides that a party should not normally be judged by his accuser.

Conduct of Hearing

Within these Guidelines words importing the singular shall include the plural and vice versa, and those importing the male shall include the female, and vice versa.

1. A complaint is received by either the Chairman of the League or the Chairman of the League Disciplinary Committee who decides to refer the matter to a Disciplinary Hearing.

2. The Hearing is conducted by a minimum of three and a maximum of five persons (the Panel) appointed by either the Chairman of the League or the Chairman of the League Disciplinary Committee. No-one connected with the individual or the club, or their opponents, or a club which might directly benefit from any disciplinary action (e.g. by the deduction of points), should be a member of the Panel.

3. The accused person/club should be notified of the offence(s) alleged against him/them and the time and location of the hearing. The notification should be in writing, include all relevant documentation and give at least seven days’ notice.

4. The accused person is entitled to be supported by a colleague. There is no right to legal representation but the Panel would normally permit the accused person to be legally represented. However, the attendance or otherwise of the legal representative should not be used as a ‘delaying tactic’. In the case of a minor it is recommended that he should be supported by the County Board/League Child Welfare Officer or other appropriate adult.

5. If the complaint has been made by the umpires, they should be available to give evidence at the hearing.

6. Witnesses should not be present in the room at the outset but should be called in individually to give their evidence at the appropriate time. (Ideally, a separate waiting area should be provided for each party). It is recommended that in the case of

a minor attending to give evidence on behalf of either party he should be supported by an appropriate adult.

7. The Chairman should open the hearing and introduce all the parties. He should then briefly outline the procedure to be followed, specifying the standard of proof to be adopted.

8. The charges against the accused person/club should be specified.

9. Witnesses should be called individually and asked to give their evidence. The Panel may question the witnesses. The accused person (or representative)/club may question the witnesses.

10. The accused person/club should be asked to give his/their account and may call witnesses. The Panel may question the witnesses.

Once the witnesses have given their evidence and answered any questions, they should either leave the room or, with the permission of the Chairman, they may remain but should take no further part in the hearing.

11. The Panel may question the accused person/club.

12. The Panel should deliberate in private. The Panel's decision should be by majority vote; where necessary the Panel Chairman shall have a casting vote.

13. The accused person/club should be called back in and the Panel should give their decision as to whether the case is proved or not proved. If proved, the accused person/club should be asked to give any mitigation which might affect the Panel's decision as to sentence, if they have any discretion in this area.

14. The Panel should consider the sentence in private.

15. The accused person/club should be called back in and the Panel Chairman should announce the sentence. The accused person/club should be made aware of the Appeals Process, particularly the time within which an appeal should be lodged.

16. The decision of the Disciplinary Panel and if appropriate the penalty should be communicated to the accused person/club in writing within 21 days.

Appeals Process

1. Notice of appeal against the decision of the Disciplinary Panel, whether as to verdict or sentence, to be given in writing to the Secretary of the League within 7 days of the decision of the Panel (together with a deposit of £X (to be set by the League) if appropriate). The notice of appeal should record the decision or part of the decision against which the appeal is made and the grounds and basis of the appeal.

2. Any penalty imposed by the Disciplinary Panel should not take effect until the appeal has been heard.

3. The appeal must be heard by a different Panel from those who sat on the original Disciplinary Panel. The Appeal Panel must consist of not less than three people, none of whom should be connected with the individual or the club or their opponents, or a club which might directly benefit from any disciplinary action (e.g. by the deduction of points).

4. An appeal against the verdict should take the form of a complete re-hearing. The accused person or club shall have the same rights of attendance and representation and the ability to call witnesses as they did at the first hearing.

5. At an appeal against the sentence, the accused person or club shall have the same rights of attendance and representation as they did at the first hearing.

6. Decisions of the Appeal Panel shall be by majority vote with the Chairman having a casting vote where necessary. The decision of the Appeal Panel is final and binding.
7. The Appeal Panel can confirm the Disciplinary Panel's decision, vary it or reverse it. It has the power to increase the penalty and award costs.
8. The decision of the Appeal Panel and if appropriate the penalty should be communicated to the accused person/club in writing within 21 days.

Sentencing Guidelines – Recreational Game

The following are guidelines to sentencing policy which may be used by Disciplinary Panels in determining the appropriate sentence in any individual case. The guidelines provide a method of considering individual cases but are not a tariff and should not be considered as such. Only a Disciplinary Panel can decide on the penalty appropriate to any individual case.

Players' Behaviour

In the event of any player failing to comply with the instructions of an umpire, criticising his decision by word or action, showing dissent, or generally behaving in a manner which might bring the game into disrepute, the umpire concerned shall in the first place report the matter to the other umpire and to the player's captain, requesting the latter to take action.

Breaches of paragraph 1.2.5 of the Spirit of the Game should automatically be reported as soon as reasonably practicable by the umpires to the executive of the club concerned and to any Governing Body responsible for the match. Such breaches will be treated seriously and are likely to result in suspension.

Accumulated Bad Behaviour

Repeated infringements by an individual of the Spirit of the Game (where it is decided that each infringement in itself does not merit any immediate disciplinary action), should always result in a Disciplinary Hearing. Taking into account captains' responsibilities as set out in paragraph 1.1.2 of the Model Discipline Regulations, repeated infringements by a team are likely to result in the captain being held responsible for the conduct of his team (whether or not individual players are also identified for disciplinary action) and being called before a Disciplinary Hearing. The penalties available includes suspension. When issuing the penalty, the Disciplinary Panel may take account of instances of poor team discipline in previous years, particularly where the on-the-field captain is the same. Leagues shall ensure that captains understand their responsibility for the "on the field" behaviour of themselves and their team members.

If suspension is the penalty, this will normally take effect immediately.

Violence

There is no place for any act of violence on the field of play.

Proven cases of violent conduct against an official will inevitably result in a lengthy term of suspension.

Violence against a spectator or another player will also normally result in suspension, the length depending upon the circumstances.

If suspension is the penalty, this should take effect immediately.

Racial Abuse

Players and team officials must not make racially abusive comments nor indulge in racially abusive actions against fellow players, officials, members and supporters. Racially abusive comments or actions will normally result in suspension, the length depending upon the circumstances.

Drugs

It is ECB's policy that there should be no distinction drawn between 'performance enhancing' and 'recreational' drugs. Use or distribution of illegal drugs by players or team officials is a breach of the ECB Code of Conduct.

Appropriateness of Penalties

In all cases and for all offences, an admission of guilt will almost certainly result in a lesser sentence being imposed than if the matter is contested – credit being given for the admission. Plainly, the extent of the credit to be given will depend upon all the circumstances of the case, including how early the admission of guilt is made, but, save possibly in the most trivial of cases, it will not normally be such as to change the nature of the penalty or to bring about total suspension of the penalty.

Whatever penalties are applied should be applied with consistency. Fines are normally more appropriate for individual breaches of regulations or the Code of Conduct. Points penalties are normally more appropriate in the case of a Club or where a significant number of the team have contributed to the breach.

It is likely that cases of accumulated bad behaviour and cases of violent conduct will result in a suspension of at least four weeks. Suspensions of four weeks' duration should be reported by the League to their nominated County Board for national circulation. Players should understand that suspensions of this length will normally apply to all cricket played under the auspices of ECB.

Leagues should notify their nominated County Board of a four week suspension or above upon expiry of the seven day period within which notification of intent to appeal should be made or, in the case of an appeal, immediately upon conclusion of the appeal hearing. Leagues should notify the ECB National Participation Manager (Leagues & Competitions) within seven days of any disciplinary action taken against a registered player.