

# Disciplinary Regulations

## 1. Aims and Jurisdiction

- 1.1. The England & Wales Cricket Board (ECB) is committed to maintaining the highest standards of behaviour and conduct in the game of cricket. The ECB Premier Leagues, (the Leagues), including the Saracens Hertfordshire Premier Cricket League, (the League), which operate within the jurisdiction of the ECB, share this commitment and take it very seriously.
- 1.2. These ECB Premier League Disciplinary Regulations, incorporating the Code of Conduct and Spirit of Cricket, (as set out in paragraph 2 below), have been adopted by the Leagues and are intended to provide guidance and ensure uniformity in dealing with any alleged breach of the Code of Conduct.
- 1.3. The Disciplinary Regulations shall be complied with by all those who participate in the Leagues, including players, clubs, club officials, club members, the Leagues, representatives of the Leagues, umpires, and any other person or body who is from time- to-time engaged in cricket-related activities under the auspices of the Leagues, (Participants). (For the purposes of paragraph 2 below, 'players' shall be deemed to include other Participants if the context of an alleged breach of the Code of Conduct so requires.)
- 1.4. Subject to the mutual recognition provisions, (in paragraph 9 below), the League shall be responsible for the enforcement and administration of the Disciplinary Regulations in relation to Participants registered with the League and/or participating in cricket-related activities under its auspices. All Participants, by virtue of their registration with the League, (whether directly or via a club), and/or participation in cricket-related activities under the auspices of the League, agree to be bound by the Disciplinary Regulations.
- 1.5. The Disciplinary Regulations and Procedures as set out in this section of the SHPCL Handbook take precedence over any Club / Participant procedures.
- 1.6. All Participants are required to cooperate with the League with regards to discipline. Without prejudice to the generality of this requirement, every club shall take all reasonable steps to ensure the proper conduct of its Participants in accordance with the Disciplinary Regulations and shall not act in any way, which is prejudicial or detrimental to the interests or reputation of the League(s) or the game of cricket.
- 1.7. There is nothing in the Disciplinary Regulations preventing or discouraging clubs from applying additional or stronger penalties with regards to breaches of the Code of Conduct beyond those set out in the Disciplinary Regulations, whether or not penalties may apply under the Disciplinary Regulations. To this end, it is important that clubs have their own code of conduct and disciplinary procedures in place.
- 1.8. At all times it is to be remembered that the core aim of the Disciplinary Regulations is to maintain the highest standards of behaviour and conduct in the game of cricket. The procedures detailed in the Disciplinary Regulations are intended to be fair, straightforward and proportionate to the needs of the Leagues and Participants, respecting fundamental principles of natural justice and fairness but recognising that those involved with the procedures will not typically be, and do not need to be, legally qualified. Where the principles of natural justice and fairness are not infringed, minor practical or technical points will not serve to invalidate the procedure or any decisions or findings under the Disciplinary Regulations.
- 1.9. In the event that any incident or other matter occurs which is not provided for by the Disciplinary Regulations, (whether it relates to conduct, jurisdiction, procedure or penalty), then the Chairman of the League's Discipline Committee or his nominated deputy, (Discipline Chairman), or the League's Disciplinary/Appeal Panel may take such action as considered appropriate in the circumstances, taking into account the specific circumstances and the principles of natural justice and fairness.
- 1.10. 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 - the right to a fair hearing and the rule against bias.
- 1.10.1 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.

- 1.10.2 The rule against bias is defined as 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.
- 1.11. In the event that any alleged breach of the Code of Conduct falls under any other relevant ECB regulations, (as may from time-to-time be in force), such as the ECB Safeguarding Complaints Welfare and Disciplinary Procedure, or is subject to investigation by the police or other public authority, (or analogous body), or is subject to any other legal/regulatory process, the Discipline Chairman or the League's Disciplinary/Appeal Panel may temporarily suspend the procedure under the Disciplinary Regulations.

## **2. Code of Conduct and Spirit of Cricket**

### **2.1. Code of Conduct**

- 2.1.1. Captains are responsible at all times for ensuring that play is conducted within the Spirit of Cricket, (as set out in paragraph 2.2), as well as within the Laws.
- 2.1.2. Players must always 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.
- 2.1.3. Players shall not intimidate, assault, attempt to intimidate or assault an umpire, another Participant or a spectator.
- 2.1.4. Players shall not use crude and/or abusive language, (known as "sledging"), nor make offensive gestures or hand signals, nor deliberately distract an opponent.
- 2.1.5. Players shall not use language or gestures that offend, insult, humiliate, intimidate, threaten, disparage or vilify another person on the basis of that person's, (or that person's perceived), age, race, religion, sexual orientation, colour, descent or national or ethnic origin.
- 2.1.6. Players shall not use or in any way be concerned in the use or distribution of illegal drugs or other criminal activity.
- 2.1.7. Participants shall not make any public or media comment, which is prejudicial or detrimental to the interests or reputation of other Participants or the game of cricket in general. In this instance, media shall include, (but not necessarily be limited to), press, radio, television, external websites, club websites, social networking sites and club match programmes. Nothing in this provision shall prevent any comment which constitutes honest opinion with regard to cricketing matters and which is made in a fair and respectful manner.
- 2.1.8. Participants shall not publicly disclose or comment upon any alleged breach of this Code of Conduct.
- 2.1.9. Participants shall not act in any manner, which is against the Spirit of Cricket, otherwise improper, or prejudicial or detrimental to the interests or reputation of the League(s) or the game of cricket.

### **2.2. 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.

- 2.2.1. There are two Laws which place the responsibility for a team's conduct firmly on the captain:

#### **Responsibility of Captains:**

Captains are always responsible for ensuring that play is conducted within the Spirit of the Game as well as within the Laws.

Captains are always responsible for their 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.

- 2.2.2. 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, and it is the responsibility of the captain to act where required.

- 2.2.3. 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
- 2.2.4. The Spirit of Cricket involves RESPECT for:
- Your opponents
  - Your own captain and team
  - The role of the umpires
  - The game's traditional values
- 2.2.5. It is against the Spirit of Cricket:
- 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:
    - Appeal knowing the batsman is not out;
    - Advance towards an umpire in an aggressive manner when appealing; and
    - 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.
- 2.2.6. Violence - there is no place for any act of violence on the field of play.
- 2.2.7. 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.
- 2.3. Failure to comply with the provisions of the Code of Conduct may lead to disciplinary action, irrespective of a proven breach being related to a match not under the jurisdiction of the League.

### **3. Breaches and Reporting**

- 3.1. Any Participant in breach of the Code of Conduct shall be liable to penalties in the manner prescribed in the Disciplinary Regulations.
- 3.2. A breach of the Code of Conduct will normally be categorised as Level 1, 2, 3 or 4, as set out in Appendix 1.
- 3.3. **Reporting of Breaches by umpires**
- 3.3.1. In all instances of any perceived Level 1, 2, 3 or 4 breach, the umpire(s) should complete a formal disciplinary report. The player and his captain should be advised accordingly.
- 3.3.2. Any alleged breach of the Code of Conduct subject to a report by an umpire should be notified by telephone or email by the umpire to the Discipline Chairman within 24 hours of the end of the match. The written report should be sent, preferably by email, using the standard discipline form, to the Discipline Chairman at [discipline@hertsleague.co.uk](mailto:discipline@hertsleague.co.uk) and be received within 72 hours of the end of the match.
- 3.4. **Reporting of Breaches by Participants**
- 3.4.1. Any allegation of a breach of the Code of Conduct by a Participant made against another Participant, which arises from an incident during the course of a match or on the field of play should be reported by a team's captain to the umpire(s).
- 3.4.2. Any allegation of a breach of the Code of Conduct by a Participant made against another Participant which does not arise from an incident during the course of a match or on the field of play should, ideally, be notified to the Discipline Chairman promptly after the incident giving rise to the allegation. Subject to any direction from the Discipline Chairman, a written report should be produced, which should enable the Discipline Chairman to understand:
- i. The background to the alleged incident,
  - ii. Why a breach of the Code of Conduct is alleged and
  - iii. The Level of breach alleged.

Where possible, notifications and reports should be submitted to the Discipline Chairman by a club secretary or directly through [playcricket.com](http://playcricket.com), (or in such other manner as may be directed by the Discipline Chairman).

- 3.4.3. Save for exceptional circumstances, such reports shall not be accepted relating to any alleged breaches of the Code of Conduct which have been, or could have been, reported by an umpire pursuant to paragraph 3.3.2. The Discipline Chairman may contact an umpire for his observations/views on allegations/the content of any report or where there has been undue delay in making a notification or report.
- 3.4.4. Any complaint submitted under paragraph 3.4.2 must be made in good faith. The submission of a report which is trivial, vexatious, made for tactical reasons or otherwise improper, may itself be treated as a breach of the Code of Conduct under paragraph 2.1.9.

## **4. Procedure**

- 4.1. Clubs and Participants, should be made fully aware by the match umpires, (panel or otherwise), that they are being reported. Where possible, this reporting must be undertaken prior to the umpires leaving the ground, with Participants and Clubs being informed privately. Where the relevant Participant leaves the ground prior to being spoken to by the umpires, then the umpires must make every effort to speak to the Participants captain or a club official as soon as possible, prior to leaving the ground. A report must also be made to the Disciplinary Chairman within 24 hours, to be followed by a full written report within another further 48 hours. This report must contain sufficient detail to enable the disciplinary panel to fully understand what happened and, where relevant, why it happened. Late reports shall only be accepted by the Disciplinary Chairman upon reasonable grounds.
- 4.2. The Discipline Chairman shall, as soon as reasonably practicable following receipt of a report, inform the Secretary of the club concerned, (or other Participant as appropriate in the circumstances), that a report has been made. The Disciplinary Chairman shall confirm to the club and Participant the level of the alleged offence and advise as to the possible appropriate sanctions. As per 1.5 above, League Disciplinary Procedures take precedence over club internal procedures, though prompt action by the club may mitigate any penalties imposed.
- 4.3. Any Level 1 or Level 2 breach of the Code of Conduct should in the first instance be dealt with by the Participant's club, (in accordance with the guideline penalties detailed at paragraph 6 below), and the secretary of the club shall notify the Discipline Chairman within 48 hours of any proposed action taken by the club or any action in which it proposes to take.
- 4.4. Within 48 hours of having been notified by the secretary of the Participant club as to its action or proposed action, the Discipline Chairman shall consider the matter and resolve:
- i. To take no further action except to record the complaint and notify the club of his decision; or
  - ii. To endorse any action taken by the club and confirm that no further action is required.
  - iii. The Disciplinary chairman shall have the right to suspend such penalties as he feels appropriate, regarding the Participants history of behaviour or contriteness or
  - iv. To refer the matter for a full disciplinary hearing (Disciplinary Hearing).
  - v. Clubs or Participants may, at the discretion of the Disciplinary Committee be required to pay for expenses of a Disciplinary Hearing.
  - vi. Level 3 or 4 allegations shall automatically be subject to a Disciplinary Hearing.

## **5. Disciplinary Hearings**

- 5.1. At least seven days', but not more than fourteen days' notice in writing of the Disciplinary Hearing, to include the time and location, shall be given to the Participant, either directly or via the secretary of his club as appropriate. The notice shall specify the alleged breach(s) of the Code of Conduct and the Level(s) of the alleged breach(s) and attach a copy of the full written report of the umpires along with any other relevant documentation that has been received by the Discipline Chairman.
- 5.2. Where a charge against a player is referred to a Disciplinary Hearing, his captain and club may be charged separately under their responsibilities as set out in the Code of Conduct above.
- 5.3. Where a case which is referred for a Disciplinary Hearing, the Discipline Chairman shall convene the Disciplinary Hearing within 14 days of the decision to refer. Any delay may only be granted at the discretion of the Chairman of the Disciplinary Panel, appointed in accordance with paragraph 5.6.

- 5.4. The Participant(s) who is/are subjects of the hearing shall be entitled:
- To offer, by way of one single submission, written statements ahead of the Disciplinary Hearing;
  - All evidence submitted must be factual, must not include hearsay, nor include evidence from anyone who was not actually present at the time of the alleged breach(s) of the Code of Conduct;
  - This single submission must be received by the Discipline Chairman at least seven full days prior to the date of the Discipline Hearing – statements not received at least seven full days prior to the date of the Discipline Hearing will not be accepted as evidence;
  - To attend the Disciplinary Hearing;
  - To state his/its case, (in the case of a club, by its secretary or other official);
  - To be legally represented or supported by a colleague – where a participant chooses to be legally represented, then such must be specifically disclosed to the Discipline Chairman a minimum of seven days in advance of the date of the Discipline Hearing – it should be noted there is no right to legal representation, however, the Discipline Chairman would normally allow such representation unless it is deemed by the Discipline Chairman as a “delaying tactic” on the part of the Participant;
  - To call witnesses;
- 5.5. Should any participant or other person involved in any way in the alleged breach of the Code of Conduct be under the age of 18 as at the August 31st previous to the alleged breach, then this person must be accompanied by an appropriate adult to any hearing. Such should also be advised to the County’s Welfare Officer, whose duty it is to submit a report to the ECB’s Safe Hands team.
- 5.6. If the Participant is to have representation present at the Disciplinary Hearing then the details of that representation must be given to the Discipline Chairman not less than 48 hours before the date of the hearing.
- 5.7. Disciplinary Panel / Hearing Procedure
- i. The Hearing shall be conducted by a Disciplinary Panel appointed by the Discipline Chairman and shall consist of not less than three persons and not more than five persons drawn from a list approved by the League’s Management Committee.
  - ii. None of the Disciplinary Panel should be connected with the Participant or any relevant opponent at the time of the alleged breach, or any Participant who might directly benefit from any disciplinary action.
  - iii. The Discipline Chairman shall appoint one of the Disciplinary Panel members to act as Chairman of the Disciplinary Panel, who shall 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.
  - iv. This may include whether or not the proceedings shall be voice recorded. Where any part of a hearing is voice recorded a copy of the recording will be made available, upon request, to the Participant / club.
  - v. The charges against the Participant will then be specified, whereupon the Participant should be asked to give his/their account and may call witnesses. The Panel may question the witnesses.
  - vi. Witnesses will be called individually and asked to give their evidence. The Panel may question the witnesses. The Participant, or their representative, may question the witnesses
  - vii. 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). In the case of a minor attending to give evidence on behalf of either party, he should be supported by an appropriate adult;
  - viii. 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
  - ix. If the complaint has been made by the umpires, they should be available to give evidence at the hearing;

- x. Unless specifically agreed in writing before the Hearing by the Discipline Chairman, where more than one Participant is cited for an offence during the same match / incident, then they must be interviewed separately by the panel.
  - xi. If during the Hearing proceedings, the panel determine that further action may be required against other Participants, than those Participants cited, then these Participants shall be reported to the Discipline Chairman who shall determine whether or not to take further action, in accordance with regulations 4.2 to 4.4.
  - xii. Once the Panel is satisfied it has heard all the witnesses and considered all the evidence submitted, the Panel should deliberate in private.
  - xiii. The Panel's decision should be by majority vote, with, where necessary, the Discipline Chairman shall have a casting vote.
  - xiv. The Participant 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 Participant should be asked to give any mitigation which might affect the Panel's decision as to sentence, whereupon the Discipline Panel, once again in private, should determine the sentence applicable.
  - xv. The accused person/club should be called back in and the Discipline Chairman should announce the penalties. The accused person/club should be made aware of the Appeals Process, particularly the time within which an appeal should be lodged.
  - xvi. The decision of the Disciplinary Panel and if appropriate the penalty should be communicated to the accused person/club in writing within 21 days.
  - xvii. Where the Participant is a minor, as in under the age of 18, it is recommended that he should be supported by the County Board/League Child Welfare Officer or other appropriate adult.
- 5.8. A Participant involved in disciplinary proceedings may be solely responsible for meeting any and all costs or expenses incurred, including the cost of any legal or other representation.
- 5.9 The Disciplinary Panel shall be responsible for the determination of awarding costs to the league for any expenses incurred by the league for a Hearing.
- 5.10. The standard of proof shall be on the balance of probabilities, which shall be defined as one party's case need only be more probable than the other. For the avoidance of doubt, where, in the opinion of the Disciplinary Panel, the evidence presented is evenly balanced, then the Panel shall find in favour of the Participant.

## **6. Penalty 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.

- 6.1. **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.
- 6.2. **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.

- 6.3. 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.
- 6.4. 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.
- 6.5. 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.

## 7. Penalties

7.1. If at a Disciplinary Hearing a breach of the Code of Conduct is proved, the Disciplinary Panel shall have the power to impose one or more of the following penalties, together with such order as to costs as it deems appropriate: In the case of a player:

- To require the player to submit appropriate letter(s) of apology within a specified time;
- To record a reprimand and to give a warning as to future conduct;
- To impose a fine, not to exceed £500;
- To suspend the player for one or more specified matches and/or for a stated period of time;
- To deduct League points from the player's team; and
- To expel the player from the League.

As a guideline only, the following penalties should be expected with regards to suspensions for matches:

**Level 1 - Minimum 2 Saturday League matches**

**Level 2 - Minimum 3 Saturday League matches**

**Level 3 - Minimum 4 Saturday League matches**

**Level 4 - A minimum of 10 weeks**

In the case of a club:

- To record a reprimand and to give a warning as to future conduct;
- To impose a fine;
- To deduct League points from the club's team;
- To expel the club from any competitions of the League; and
- To relegate to any lower division of the League or to a 'linked' league. (Linked leagues shall be defined annually in league handbooks).

In the case of any other Participant

- To require the Participant to submit appropriate letter(s) of apology within a specified time;
- To record a reprimand and to give a warning as to future conduct;
- To impose a fine, not to exceed £500;
- To suspend the Participant for one or more specified matches and/or for a stated period of time;
- To deduct League points from the Participant's team; and
- To expel the Participant from the League.

6.2. Panels may take the following factors into account when determining the penalties to be imposed:

- If the accused Participant has pleaded guilty;
- The Participant's previous disciplinary record;
- The position of the Participant (for example, if a player is a Captain);
- The conduct of the Participant subsequent to him/it being warned and told that he will be reported;
- In any case involving a player, the regularity with which the player plays cricket and at what level(s) of cricket he plays (for example, a fixed period suspension of two weeks is likely to have a more serious impact upon an ECB registered cricketer who plays regularly when compared to a purely recreational player who plays infrequently);
- Whether conduct occurred on or off the field of play (as a guideline only, conduct occurring off the field of play will typically, save where there are significant aggravating factors, be more

- appropriately dealt with by the imposition of a fine); and
  - Any other mitigating or aggravating factors relevant to the circumstances of the breach.
- 7.3. The Disciplinary Panel 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.
- 7.4. Where applicable, penalties may be carried over to apply in the following season.
- 7.5. Decisions of the Disciplinary Panel, (a finding that a complaint is proved or not proved or a decision on penalty), shall be by majority vote. If necessary the Disciplinary Panel Chairman shall have a casting vote.
- 7.6. In accordance with the Cricket Discipline Commission (CDC) Regulations, it is envisaged that in any case where a suspension is lawfully imposed upon an ECB registered cricketer by the Disciplinary Panel such a suspension shall be recognised by the CDC. ECB registered cricketers have a right of appeal to an Appeal Panel of the CDC and, in the event a suspension is imposed upon an ECB registered cricketer by the Disciplinary Panel, the Discipline Chairman shall, as soon as practicable, report the matter in writing to i) the ECB Head of Cricket Operations (First Class) and ii) the ECB Head of Non-First Class Cricket.

## **8. Appropriateness of Penalties**

- 8.1 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.
- 8.2 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.
- 8.3 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 will be reported by the SHPCL to the Hertfordshire Cricket Limited for national circulation. Players should understand that suspensions of this length will normally apply to all cricket played under the auspices of ECB.
- 8.4 The SHPCL will notify Hertfordshire Cricket Limited 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. The SHPCL will notify the ECB National Participation Manager (Leagues & Competitions) within seven days of any disciplinary action taken against a registered player.

## **9. Appeals**

- 9.1. Where a breach of the Code of Conduct has been proved at a Disciplinary Hearing, a Participant shall have the right of appeal.
- This right should only be exercised in good faith and upon reasonable grounds.
  - Where more than one Participant (e.g. a player and his club) appeals in relation to the same incident, they must do so separately.
- 9.2. 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, and must be submitted in writing to the Discipline Chairman within three days of the decision of the Disciplinary Panel being communicated to the Participant in writing, together with a deposit. The amount of the deposit shall be £250 for each Club and £100 for each other Participant exercising their right of appeal.
- 9.3. If a 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 and in any event within 14 days of receipt of notice of the appeal.
- 9.4. The appeal shall be by way of a complete new Hearing before an Appeal Panel (Appeal Hearing).
- The Appeal Panel shall be appointed by the Discipline Chairman and shall consist of not less than three persons and not more than five persons drawn from a list approved by the League's Management Committee.

- The Discipline Chairman shall appoint one of the Appeal Panel members to act as Chairman of the Appeal Panel.
  - None of the Panel should have been part of the original Disciplinary Panel, be connected with the Participant or any relevant opponent at the time of the alleged breach, or any Participant who might directly benefit from any disciplinary action.
  - The Participant shall have the same rights of attendance and representation, and to call witnesses as they had before the Disciplinary Panel.
  - Should any participant or other person involved in any way in the alleged breach of the Code of Conduct be under the age of 18 as at the August 31st previous to the alleged breach, then this person must be accompanied by an appropriate adult to any hearing.
  - A member of the original Hearing Panel may be called as a witness if required to provide additional detail as to the reasoning behind the decision arrived at by the original Hearing Panel
- 9.5. If the Participant is to have representation present at the Hearing then details of that representation must be given to the Discipline Chairman not less than 7 days before the date of the hearing.
- 9.6. Non-attendance at the Appeal Hearing by a Participant in person without good and valid reason for such non-attendance will automatically result in forfeiture of their right of appeal.
- 9.7. The Appeals Panel may confirm, vary or reverse the decision of the Disciplinary Panel and it shall have the power to increase the penalty and award costs of the Appeal Hearing and forfeit the whole or part of the deposit. In reaching its decision, the Appeal Panel may have regard to whether the right of appeal was exercised in good faith and upon reasonable grounds. Decisions of the Appeal Panel shall be by majority vote. Where necessary, the Chairman shall have a casting vote.
- 9.8. All Appeals, Hearings will be voice recorded with an electronic version being made available to the Participant(s) upon their request.
- 9.9. The standard of proof shall be on the balance of probabilities, which shall be defined as one party's case need only be more probable than the other. For the avoidance of doubt, where, in the opinion of the Disciplinary Panel, the evidence presented is evenly balanced, then the Panel shall find in favour of the defendant.
- 9.10. The decision of the Appeals Panel shall be final and binding.

## **10. Non Payment of Fines**

- 10.1. Any financial fine levied must be paid to the treasurer of the League within 28 days of the club being notified of such fine.
- 10.2. Any financial fines still outstanding at the end of that 28 day period shall be increased by 100% of the original fine. At the end of that period the secretary or chairman of the offending club shall be notified to the effect that the fine is outstanding and given a reminder that if after a further period of 14 days from that reminder, the fine is still outstanding, a deduction of five points shall be made in regard to the team from which the fine arose (or, if the fine does not arise from a particular team, the club's first team).

## **11. Mutual Recognition of Penalties**

- 11.1 The League and clubs shall mutually recognise and give full effect to any penalty imposed by the Disciplinary and Appeal Panels of the Leagues (as defined at paragraph 1.1).
- 11.2 The League and clubs shall recognise and give effect to penalties imposed pursuant to any disciplinary or relevant regulations of all competitions under the auspices of County Cricket Boards, as defined and listed in the ECB's Articles of Association from time-to-time, and any other competitions as directed by the ECB from time-to-time (the Recognised Competitions).
- 11.3 The League and clubs shall mutually recognise and give full effect to any disciplinary penalty imposed by ECB recognised competitions.
- 11.4 For the purposes of this paragraph 9, a Participant may not play in matches under the auspices of the League whilst serving a suspension given by any other of the Leagues or a Recognised Competition. For the avoidance of doubt, in the event any other of the Leagues or a Recognised Competition suspends a player for a consecutive number of matches or for a period of time, that player may not play in any matches under the auspices of the League until that suspension has been served.
- 11.5 In order to give effect to the mutual recognition of penalties between the Leagues and Recognised

Competitions, the League may report and receive information in regard to penalties imposed upon Participants pursuant to the Disciplinary Regulations to and from the ECB and Recognised Competitions. Information will be shared about the penalties imposed on Participants on a 'need to-know' basis with such Participants and other persons/bodies as are necessary to give effect to the penalty.

## 12. Data Protection Consent

Each Participant shall be deemed to have agreed, for the purposes of the Data Protection Act 1998 and otherwise, that their personal data may be processed and disclosed in accordance with, and for the purposes of the implementation of the Disciplinary Regulations.

## 13. Confidentiality

- 13.1 All disciplinary proceedings which take place under the Disciplinary Regulations shall be confidential and shall take place in private.
- 13.2 The Leagues and the ECB shall have the right to publish any written decision of a Disciplinary Panel or Appeal Panel, including (but not necessarily limited to) publication on their websites, and Participants shall be deemed to have consented to such publication.

## Appendix 1 – Breaches of Discipline

Certain conduct, whether on or off the field of play of play, amounting to a breach of the Laws of Cricket and/or the Spirit of Cricket has been categorised into 4 levels which are set out below:-

**Unacceptable conduct shall be determined as per MCC Law 42 as follows:-**

### Level 1 offences:

Any of the following actions by players shall constitute a Level 1 offence:

- wilfully mistreating any part of the cricket ground, equipment or implements used in the match
- showing dissent at an umpire's decision by word or action
- using language that, in the circumstances, is obscene, offensive or insulting
- making an obscene gesture
- appealing excessively
- advancing towards an umpire in an aggressive manner when appealing
- any other misconduct, the nature of which is, in the opinion of the umpires, equivalent to a Level 1 offence.

### Level 2 offences:

Any of the following actions by a player shall constitute a Level 2 offence:

- showing serious dissent at an umpire's decision by word or action
- making inappropriate and deliberate physical contact with another player
- throwing the ball at a player, umpire or another person in an inappropriate and dangerous manner
- using language or gesture to another player, umpire, team official or spectator that, in the circumstances, is obscene or of a seriously insulting nature
- or any other misconduct, the nature of which is, in the opinion of the umpires, equivalent to a Level 2 offence.

### Level 3 offences:

Either of the following actions by a player shall constitute a Level 3 offence:

- intimidating an umpire by language or gesture
- threatening to assault a player or any other person except an umpire. See Law 42.5.1.

### Level 4 offences:

Any of the following actions by a player shall constitute a Level 4 offence:

- threatening to assault an umpire
- making inappropriate and deliberate physical contact with an umpire
- physically assaulting a player or any other person
- committing any other act of violence.

## Appendix 1 – Breaches of Discipline (cont.)

In all cases the umpires together shall report the occurrence(s) as soon as possible after the match to the Executive of the offending player's team and to the Leagues Disciplinary Chairman, who shall take such further action as considered appropriate against the Captain, any other Participant concerned and, if appropriate the team or club (see section 4 above). The conduct listed in Level 1 to Level 4 above cannot be considered to be exhaustive.

Where any alleged breach falls outside the conduct above, whether on or off the field, the Discipline Chairman shall determine the appropriate Level with reference to the following factors:

- The level of harm caused, (or potentially caused), to the interests or reputation of the League(s) or the game of cricket in general;
- Whether any alleged language used or gesture made may offend, insult, humiliate, intimidate, threaten, disparage or vilify another person on the basis of that person's (or that person's perceived) age, race, religion, sexual orientation, colour, descent or national or ethnic origin;
- Whether it is alleged that any conduct was intended to cause physical harm to another person, or such harm was reasonably foreseeable;
- Whether it is alleged that any conduct was intended to cause distress to another person, or such distress was reasonably foreseeable;
- Whether it is alleged that any behaviour caused harm to a child, or such harm was reasonably foreseeable;
- The level of harm/distress the alleged conduct caused (or may have caused) to another person;
- Whether it is alleged that any conduct was criminal or otherwise unlawful;
- Any other factor relevant to the particular circumstances of the alleged conduct.

In determining the appropriate level, it is again to be remembered that the core aim of the Disciplinary Regulations is to maintain the highest standards of behaviour and conduct in the game of cricket.

The Level determined for an alleged breach of the Code of Conduct should be proportionate to achieve that core aim.

### Social media

1. For the avoidance of doubt, any postings online and/or on social media, (Twitter, Facebook or similar/equivalent platforms), also fall to be determined in accordance with the factors above. In relation to such cases, it should be noted: 1. Participants are to be considered responsible for any posting(s) on their social media account(s) which are caught by the factors detailed above, (the fact that a posting may have been made by someone else in the Participant's name will not necessarily prevent disciplinary action being taken);
2. Disciplinary action may result from repeating comments made on social media by others, (e.g. 'retweeting'), which are caught by the factors detailed above;
3. The deleting of any inappropriate content, whilst advisable, does not of itself prevent disciplinary action being taken.