CRICKET DISCIPLINE COMMISSION REGULATIONS

GUIDELINES

1 These guidelines are issued to help explain the policy and procedure of the Cricket Discipline Commission ("CDC") and do not replace the CDC Regulations which should be read carefully by all those falling under the jurisdiction of the ECB. These guidelines do not form part of the CDC Regulations and are not binding on the ECB. It should also be noted that the procedures set out in the CDC Regulations do not apply to any corruption or doping matters which instead fall to be dealt with pursuant to the provisions of the ECB Anti-Corruption Code and the ECB Anti-Doping Rules respectively.

2 The general aim of the CDC Regulations is to provide an efficient, speedy and fair system of dealing with alleged breaches of the ECB's Rules, Regulations and Directives. They provide for complaints to be dealt with as soon as reasonably practicable and are intended to meet the requirements of all competitions. It is in everyone's interests that complaints are dealt with speedily.

3 Captains (whether appointed or acting) are reminded that provision exists for them to be held responsible under the CDC Regulations for the misbehaviour of a member or members of their teams. Repeated infringements by one or more members of their team whether in the same or different matches are likely to result in the captain as well as the direct offender(s) facing disciplinary proceedings.

4 The procedures under the CDC Regulations are designed to be flexible so as to meet the requirements of all competitions. Both the summary procedure under Regulation 5 and the Disciplinary Panel Hearings and Appeal Panel Hearings under Regulations 7 and 10 are intended to meet the needs of all current competitions. If a Disciplinary Panel is required to determine a complaint, it will be convened quickly and, save for a hearing on a Twenty20 Finals Day, the expectation is that any appeal against its decision will be determined before the next stage of the competition in which the matter giving rise to the complaint occurred.

5 The summary procedure under Regulation 5 permits complaints to be dealt with without a hearing if the case is of moderate seriousness and the CDC Chairman (or their authorised deputy) believes there may be a willingness on the part of the "Accused" to admit the matter. Cricketers should note that if they are approached under this procedure, they have the right to consult the PCA who will always be prepared to give help and advice at short notice. Apart from the benefit of speedy resolution, the penalties available under the summary procedure are less than if the matter proceeds to a Disciplinary Panel Hearing.

6 A Disciplinary Panel Hearing will normally be chaired by a member of the CDC with legal experience and must take place as soon as is reasonably practicable (see Regulation 7.4). In any case against a cricketer, the Disciplinary Panel may sit at a place and at a time that will permit the attendance of that cricketer, notwithstanding that they are involved in a match (e.g., Cricketer X of Gloucestershire may be required to attend a Disciplinary Panel Hearing held at Bristol at 7.30 p.m. on Friday night if involved in a Gloucestershire home game that day). The size of the CDC permits flexibility in the arrangements which it is able to make.

7 The CDC envisages that an Accused who attends a Disciplinary Panel Hearing with a legal representative is unlikely to be refused legal representation but it will only be in the most exceptional case that a hearing date will be adjourned to enable the Accused to obtain legal representation. However, an Accused may be accompanied at the hearing by a friend or representative and cricketers should note that the PCA will be prepared to advise and assist with finding a suitable representative if asked to do so. Further, in the case of a cricketer, the player's Team Secretary/Chief Executive may be present throughout as an observer unless the cricketer objects (see Regulation 7.9).

8 The Disciplinary Panel's powers of penalty are greater than those available under the summary procedure level (see Regulation 8).

9 Any appeal is to an Appeal Panel (see Regulation 10) and, although an Accused does have the right to legal representation at Appeal Panel Hearings, it is expected that time limits will be rigorously enforced and hearings held promptly so as to avoid delay and unnecessary speculation.

DISCIPLINE REGULATIONS

1 DEFINITIONS

In these Regulations, unless otherwise stated, the following expressions shall be taken to have the following meanings:

1.1 **"Accused"** means any person or body (whether or not incorporated) against whom a Complaint is made;

1.2 **"Anti-Doping Rules"** means the ECB's anti-doping rules from time to time in force;

1.3 **"Anti-Corruption Code"** means the ECB's anti-corruption code from time to time in force;

1.4 **"Appeal Panel"** means, in relation to any appeal against a decision of the Disciplinary Panel, the panel appointed pursuant to Regulation 10.5 below to deal with that appeal;

1.5 **"Appeal Panel Chairman"** means, in relation to any Appeal Panel, the person appointed as chairman of that Appeal Panel pursuant to Regulation 10.5 below;

1.6 **"Appeal Panel Hearing"** means, in relation to any appeal against a decision of the Disciplinary Panel, the hearing or hearings at which the Appeal Panel deals with that appeal;

1.7 **"CDC"** means the Cricket Discipline Commission;

1.8 **"CDC Chairman"** means the chairman from time to time of the CDC or their authorised Deputy;

1.9 **"CDC Regulations"** means these regulations and, save where the context requires otherwise, "Regulation" and "Regulations" shall be interpreted accordingly;

1.10 **"CLO"** means a Cricket Liaison Officer appointed to any Match;

1.11 **"Coach"** means any individual acting as a coach, coaching assistant or consultant or Director of Cricket, whether paid or unpaid, employed or otherwise engaged;

1.12 **"Coaching Activities"** means any involvement in any formal or informal coaching session, whether collective or individual, or presence during a Match on the playing area or in any dressing room, dug-out, umpires room or any other part of the venue for the Match where members of any Team, any umpires and/or CLOs are likely to be present or presence during a Match at any part of the venue for the Match;

1.13 **"Competition"** means any competition played under the control, jurisdiction or auspices of the ECB or with the agreement of the ECB;

1.14 **"Complaint"** means an alleged breach of any of the ECB's rules, regulations or directives from time to time in force (except for an alleged breach of the Anti-Doping Rules or the Anti-Corruption Code) which is notified to either the chief executive from time of the ECB and/or the CDC Chairman provided that such allegation is made by:

1.14.1 any Member;

1.14.2 an officer or employee of the ECB;

1.14.3 the chairman from time to time of any ECB committee or ECB sub-committee; and/or

1.14.4 any CDC member;

1.15 **"County Championship"** means the first class domestic county championship run by the ECB;

1.16 **"Disciplinary Panel"** means, in relation to any Complaint, the panel appointed pursuant to Regulation 7.3 below to deal with that Complaint;

1.17 **"Disciplinary Panel Hearing**" means, in relation to any Complaint, the panel hearing or hearings at which the Disciplinary Panel deals with that Complaint;

1.18 **"Disciplinary Panel Chairman"** means, in relation to any Disciplinary Panel, the person appointed as chairman of that Disciplinary Panel pursuant to Regulation 7.3 below;

1.19 **"ECB"** means England and Wales Cricket Board Limited;

1.20 **"First Class County Cricket Club"** means any of the clubs and/or companies from time to time listed in schedule B to the ECB's articles of association and/or any county cricket club from time to time playing in the County Championship;

1.21 **"Investigator"** means, in relation to a particular Complaint, the member of the CDC appointed to pursue the summary procedure under Regulation 5 below;

1.22 **"Kia Super League Team"** means any of the teams competing in the Kia Super League

1.23 **"Match"** means any match in any Competition together with (for the avoidance of doubt) all matches in First Class Cricket or Competitive Women's Cricket as defined in the Regulations Governing the Qualification and Registration of Cricketers or the Regulations Governing the Qualification and Registration of Cricketers for the Kia Super League from time to time in force;

1.24 **"MCC"** means Marylebone Cricket Club;

1.25 **"MCCA"** means the Minor Counties Cricket Association;

1.26 **"Member"** means:

1.26.1 any First Class County Cricket Club;

1.26.2 any Kia Super League Team

1.26.3 the MCC;

1.26.4 the MCCA;

1.26.5 any member of the MCCA; and

1.26.6 any other team, organisation, franchise or country taking part in an ECB recognised competition.

1.27 **"Minor County Cricket Club"** means any county cricket club member of the MCCA;

1.28 **"PCA"** means the Professional Cricketers' Association;

1.29 **"Prosecutor"** means the person presenting the Complaint to a Disciplinary Panel Hearing and/or responding to any appeal in relation to that Complaint (and, as the context permits, includes any lawyer to whom the Prosecutor may have delegated any of their duties under the CDC Regulations);

1.30 **"Recreational Discipline Panel"** means the correctly constituted discipline panel or committee of an ECB recognised Premier League or Division.

1.31 **"Registered Cricketer"** means a cricketer registered in accordance with the ECB's Regulations Governing the Qualification and Registration of Cricketers or the Regulations Governing the Qualification and Registration of Cricketers for the Kia Super League from time to time in force.

1.32 **"Team"** means a First Class County Club or Kia Super League Team.

2 JURISDICTION

2.1 In respect of any Complaint, the CDC shall have jurisdiction over all:

2.1.1 Members (who shall be accountable, additionally, for the acts, omissions and statements of all those who are its paid or unpaid employees, agents, officers of committees or committee members);

2.1.2 Registered Cricketers;

2.1.3 cricketers (other than members of an official visiting touring team) involved in any Match;

2.1.4 Coaches who are employed by any Member (whether paid or unpaid or as an independent contractor)

2.1.5 umpires contracted to the ECB or officiating at any Match;

2.1.6 CLOs contracted to the ECB or appointed to any Match;

2.1.7 agents who are registered in accordance with the ECB's Players' Agent Registration Regulations;

2.1.8 persons who are the paid or unpaid employees, agents, officers, selectors, observers or committee members of the ECB;

2.1.9 other persons who have agreed in writing to be bound by any of the rules, regulations or directives of the ECB for the time being in force; and

2.1.10 persons falling into one or more of the aforementioned categories at the time of the occurrence of the matter forming the basis of the Complaint.

2.2 Any Complaint which is notified to either the chief executive of the ECB and/or the CDC Chairman shall be dealt with subject to and in accordance with the Regulations as are in force at the date of the making of the Complaint, regardless of the date of the alleged breach(es) which are the subject of the Complaint.

3 FIRST INSTANCE ACTION

3.1 Subject only to the proviso that further action may be taken pursuant to Regulations 4 – 11 below, nothing contained in Regulations 4 – 11 below shall prejudice:

3.1.1 the right of a Member of the ECB to take appropriate disciplinary action against any person over whom it has jurisdiction; and/or

3.1.2 the right of any person nominated by the ECB at home or abroad to take appropriate immediate disciplinary action against any member of an England team or squad at any level.

4 COMPLAINTS PROCEDURE

4.1 This procedure shall apply to all or any breaches of the ECB's rules, regulations or directives, save where the relevant rules, regulations or directives expressly provide otherwise.

4.2 Any Complaint notified to the Chief Executive of the ECB from time to time shall be promptly referred to the CDC Chairman.

4.3 As soon as reasonably practicable after a Complaint has been either referred to the CDC Chairman pursuant to Regulation 4.2 above or notified directly to the CDC Chairman, the CDC Chairman shall consider the Complaint and decide to:

4.3.1 take no further action and report their reasons to the CDC; or

4.3.2 invite a Member to take its own disciplinary action and, if such invitation is declined or the action taken is considered insufficient, to consider the options under Regulations 4.3.3 and 4.3.4 below; or

4.3.3 initiate the summary procedure under Regulation 5 below; or

4.3.4 refer the matter for a Disciplinary Panel Hearing under Regulation 7 below.

4.4 Interim Suspension

4.4.1 Where the Accused is a cricketer or Coach, where the CDC Chairman has referred a Complaint for a Disciplinary Panel Hearing pursuant to Regulation 4.3.4 or Regulation 5.4, they shall consider the Complaint and decide whether the Complaint concerns a matter of sufficient severity to:

4.4.1.1 invite the cricketer's or Coach's Team to withdraw the cricketer or Coach from participation in any Match either in the Competition in which the incident occurred or in any Competition prior to the Disciplinary Panel Hearing in relation to the Complaint. If such invitation is declined then Regulation 4.4.1.2 shall apply.

4.4.1.2 impose an interim suspension on the cricketer or Coach from eligibility to play or participate in any Match(es) whatsoever, including a Match currently in progress, prior to the Disciplinary Panel Hearing in relation to the Complaint;

4.4.2 Where action has been taken under Regulation 4.4.1, the Disciplinary Panel shall take into account the effect of this action upon the Accused when imposing any penalty (in whatever form).

4.4.3 There shall be no appeal against any action under 4.4.1. but the cricketer and/or their Team may make written representations to the CDC Chairman requesting a review of the decision.

4.4.4 At any time before the Disciplinary Panel Hearing the CDC Chairman or, once appointed, the Disciplinary Panel Chairman, or the Disciplinary Panel may revoke or amend any action taken under Regulation 4.4.1

4.4.5 Where any action has been taken under Regulation 4.4.1, the Disciplinary Panel Hearing should wherever possible be convened within 5 days of the Complaint being referred to the CDC Chairman. The Disciplinary Panel shall have the power to review the interim suspension and then adjourn further consideration of the Complaint.

5 SUMMARY PROCEDURE

5.1 Upon a decision being made under Regulation 4.3.3 above to initiate the summary procedure, the person who made this decision shall promptly appoint a member of the CDC as the Investigator. For the avoidance of doubt, the person who made the decision to initiate the summary procedure may appoint themself as the Investigator.

5.2 As soon as reasonably practicable after the decision to initiate the summary procedure, the Investigator shall speak to the Accused with a view to establishing whether the Accused:

5.2.1 admits the Complaint;

5.2.2 agrees the terms of any written statement of apology which the Investigator may consider appropriate;

5.2.3 agrees to publication of any such written apology if the Investigator considers that publication is desirable; and

5.2.4 agrees any penalty which the Investigator may consider appropriate (such penalty to include any costs which the Investigator considers appropriate).

5.3 In the event that the Accused admits the Complaint and agrees all matters under Regulations 5.2.2 – 5.2.4, no further action shall be taken under the CDC Regulations in respect of the Complaint.

5.4 In the event that the Accused:

5.4.1 declines to speak to the Investigator or fails to co-operate fully with the Investigator; or

5.4.2 does not admit the Complaint; or

5.4.3 does not agree the matters specified in Regulations 5.2.2 – 5.2.4 above;

then the Investigator shall refer the matter for a Disciplinary Panel Hearing under Regulation 7 below and in no circumstances shall they play any further part as a member of the Disciplinary Panel or Appeal Panel in relation to that Complaint.

6 SUMMARY PROCEDURE – PENALTIES AND COSTS

6.1 The penalties available under this summary procedure shall be any one or more of the following:

6.1.1 caution as to future conduct;

6.1.2 reprimand;

6.1.3 fine (not to exceed £2,000);

6.1.4 suspension for a maximum of 4 scheduled playing days of the right to participate in any Match(es);

6.1.5 alteration of the points awarded in respect of that Member's Match(es); and

6.1.6 a contribution to the costs and expenses incurred by the ECB in connection with the Complaint, limited to £250.

6.2 Any fine and/or costs order imposed pursuant to Regulation 6.1 above shall be paid as directed by the Investigator. Written notification of any such fine and/or costs order (as applicable) shall be sent to the Accused by or on behalf of the Investigator and such written notification shall specify the date by which full payment of the fine and/or costs order (as applicable) is required.

7 DISCIPLINARY PANEL HEARINGS – PROCEDURE

7.1 Upon a decision being made under Regulation 4.3.4 or Regulation 5.4 above to refer a Complaint for a Disciplinary Panel Hearing, the ECB shall promptly appoint a Prosecutor. The Prosecutor shall not be a member of the CDC, is likely to be an employee of the ECB and may delegate all relevant matters to a lawyer provided that such lawyer is not a member of the CDC. The burden of proof shall be on the Prosecutor and the standard of proof shall be the civil standard.

7.2 The Prosecutor shall:

7.2.1 if the Disciplinary Panel has not already provided notice, promptly notify the Accused that the Complaint has been referred for a Disciplinary Panel Hearing and, if the Accused is a cricketer or a Coach, shall promptly notify this development to the Chief Executive of the cricketer's or Coach's Team (or, in the absence of such chief executive, to their authorised deputy);

7.2.2 insofar as time permits, prepare any necessary papers for the Disciplinary Panel and the Accused; and

7.2.3 present the Complaint at the Disciplinary Panel Hearing.

7.3 The person who decided to refer the Complaint for a Disciplinary Panel Hearing under Regulation 4.3.4 or Regulation 5.4 above shall, as soon as reasonably practicable after making that decision, appoint a Disciplinary Panel comprising not fewer than 3 persons, [which may include themself]. They shall also appoint one of the members of the Disciplinary Panel as the Disciplinary Panel Chairman [and, if they so wish, may appoint themself as the Disciplinary Panel Chairman].

If the Accused is a cricketer or Coach, it shall be usual (but not mandatory) for the Disciplinary Panel to include one person from a list of suitable persons nominated by the PCA. Otherwise, the Disciplinary Panel shall comprise members of the CDC.

7.4 The Disciplinary Panel Chairman shall decide the time, date and place of the Disciplinary Panel Hearing subject to the requirement that the hearing shall take place as soon as reasonably practicable having regard to all the relevant circumstances and the expectation that normally, the Disciplinary Panel Hearing will take place within 14 days from the date of the decision to refer the Complaint for a Disciplinary Panel Hearing.

7.5 The Prosecutor shall then, if the Disciplinary Panel has not already provided notice, promptly notify the Accused about the time, date and place of the Disciplinary Panel Hearing and that the Accused is required to attend the Disciplinary Panel Hearing. Save in cases of particular urgency (when the Disciplinary Panel Chairman may dispense with this requirement), this notification shall be given in writing.

7.6 Thereafter, the Disciplinary Panel Chairman may, at any time before commencement of the Disciplinary Panel Hearing, determine any application in relation to the Disciplinary Panel Hearing. For example, the Disciplinary Panel Chairman may, at any time before commencement of the Disciplinary Panel Hearing, determine any application for adjournment of the Disciplinary Panel Hearing. By way of further example, the Disciplinary Panel Chairman may, at any time before commencement of the Disciplinary Panel Hearing (pursuant to a written or oral application by the Accused or the Prosecutor, or of their own volition) require, orally or in writing, any person who is subject to the CDC's jurisdiction to produce to the Disciplinary Panel and/or to either the Accused and/or the Prosecutor any book or document or other item which is in the custody, possession or control of that person and which may be relevant to the proceedings.

7.7 The Disciplinary Panel may sit at such times and in such places as it deems most convenient, having regard to all the relevant circumstances. The Disciplinary Panel may, where it deems appropriate, and having heard any representations in respect of it, hear the cases of more than one Accused in the same proceedings.

7.8 The Disciplinary Panel shall have discretion as to whether or not to allow the Accused to be legally represented at the Disciplinary Panel Hearing and therefore, for the avoidance of doubt, the Accused shall have no right to be legally represented at the Disciplinary Panel Hearing. However, the Accused shall have the right to be accompanied during the Disciplinary Panel Hearing by a friend or helper of the Accused's choice.

7.9 If the Accused is a cricketer or Coach, then unless the Accused objects, the Chief Executive of the Accused's Team or the Chairman of the Accused's Minor County Cricket Club (or any person authorised for this purpose by such Chief Executive or Chairman) shall be permitted to be present as an observer during the Disciplinary Panel Hearing save that such person shall not be permitted to be present during the Disciplinary Panel's deliberations.

7.10 Subject to following the rules of natural justice, the Disciplinary Panel shall determine its own procedure.

The Disciplinary Panel shall have the right to require the attendance of the Accused and any person subject to the CDC's jurisdiction. The Disciplinary Panel shall also have the right to require the production of any document or other item which may be relevant to its proceedings and which is in the custody, possession or control of any person or body subject to the jurisdiction of the CDC.

7.11 The Prosecutor and the Accused shall be permitted to call witnesses at the Disciplinary Panel Hearing.

7.12 The Disciplinary Panel may draw such reasonable inferences as it deems proper from any failure by the Accused to attend any Disciplinary Panel Hearing or from the choice by the Accused to remain silent at any such hearing, or from any failure to produce any document or other item the production of which has been required by the Disciplinary Panel Chairman and/or the Disciplinary Panel.

7.13 For a Disciplinary Panel to be quorate, at least 2 members of the Disciplinary Panel must be present throughout the Disciplinary Panel Hearing.

7.14 Any decisions by a Disciplinary Panel (including any decision as to whether the Complaint is substantiated and, if so what (if any) penalty and/or costs to impose) shall be by a majority vote and in the event of a tie, the Disciplinary Panel Chairman shall have a casting vote. Proceedings before the Disciplinary Panel pursuant to this Regulation 7 are not intended to be, nor should they be construed as being, arbitral for the purposes of the Arbitration Act 1996.

7.15 In the event that a complaint is found proved, as soon as reasonably practical, and usually within 48 hours of its decision, the Disciplinary Panel shall produce brief written reasons for its decision both in relation to conviction and sentence.

8 DISCIPLINARY PANEL HEARINGS – PENALTIES AND COSTS

8.1 In any particular case, the Disciplinary Panel may impose any one or more of the penalties prescribed below:

8.1.1 caution as to future conduct;

8.1.2 reprimand;

8.1.3 fine without limit;

8.1.4 in addition in the case of any cricketer:

8.1.4.1 suspension of eligibility to play in any Match(es) or for any fixed period, to include continuation of any interim suspension or voluntary withdrawal under Regulation 4.4 above;

8.1.4.2 suspension of eligibility for selection to play for England in any Match(es) or for any fixed period;

8.1.4.3 suspension (for any period) or termination of registration under the Qualification and Registration Regulations; and

8.1.5 in addition in the case of any Coach:

8.1.5.1 suspension of eligibility to participate in any Coaching Activities in any Match(es) or for any fixed period, to include continuation of any interim suspension or voluntary withdrawal under Regulation 4.4 above.

8.1.5.2 suspension of eligibility to participate in any England programme in any Match(es) or for any fixed period;

8.1.6 in addition in the case of any Member:

8.1.6.1 suspension (for any period) of eligibility to participate in any Competition(s);

8.1.6.2 variation of any result of any Match(es) played by that Member; and/or

8.1.6.3 alteration of the points awarded to any Member in respect of any such Match(es);

8.1.7 in addition in the case of any umpire:

8.1.7.1 suspension (for any period) of eligibility to officiate in any Match(es);

8.1.8 in addition in the case of any CLO:

8.1.8.1 suspension (for any period) of eligibility to be appointed to any Match(es);

8.1.9 in addition in the case of any agent:

8.1.9.1 to direct the ECB to cancel or suspend the agent's registration with immediate effect; and/or

8.1.9.2 to direct the ECB to impose such registration conditions on the registered agent as the CDC considers appropriate;

8.1.10 in addition in the case of any person within Regulation 2.1.6 above:

8.1.10.1 suspension or removal from any ECB committee(s) or sub-committee(s); and

8.1.10.2 suspension or removal from any paid or unpaid ECB post then held by such person.

8.2 The Disciplinary Panel shall, when determining the level of penalty(ies) to impose upon an Accused cricketer, take into account the effect upon that cricketer of any interim suspension or voluntary withdrawal imposed under Regulation 4.4.1 above.

8.3 The Disciplinary Panel may suspend the operation of all or any part of any penalty it imposes for such period and subject to such terms and conditions as it deems appropriate in all the circumstances of the case.

8.4 The Disciplinary Panel may:

8.4.1 require the Accused to pay the reasonable costs or expenses incurred by the ECB in connection with Disciplinary Panel Hearing and also the costs incurred by the CDC Panel;

8.4.2 require the ECB to pay the reasonable costs or expenses incurred by the Accused in connection with the Disciplinary Panel Hearing and also the costs incurred by the CDC Panel; or

8.5 Once the hearing has concluded and as soon as is reasonably practicable, the Disciplinary Panel shall send the Accused written confirmation of any fine and/or costs order (as applicable) imposed by the Disciplinary Panel and such confirmation shall specify the date by which full payment of any such fine and/or costs order (as applicable) is required.

8.6 Where:

8.6.1 a cricketer is suspended from playing in any Match(es) under these Regulations, ECB Directive 3.5 or any other Regulations of the ECB, the ICC, another ICC Member Country; and/or

8.6.2 a cricketer is subject to an interim suspension or withdrawal from participation under Regulation 4.4, any other Regulations of the ECB, the ICC, another ICC Member Country; and/or

8.6.3 a cricketer is subject to any investigations or charges or penalties by the ECB, the ICC, another ICC Member Country, police or another law enforcement body;

the CDC Chairman or their authorised deputy or, if appointed, the Disciplinary Panel Chairman or Appeal Panel Chairman, may, having given the cricketer, their Member team and the ECB the opportunity to make representations, order that a cricketer shall not be permitted to attend any official post-match ceremony or presentation taking place anywhere on the field of play or otherwise following the conclusion of a Match(es) if they consider that it would be in the best interests of cricket generally.

9 RECOGNITION OF PENALTIES

9.1 Any suspension lawfully imposed upon a registered cricketer by a Recreational Discipline Panel shall be recognised by the CDC without the need for further formality and the cricketer will be ineligible to participate in any Match(es) in accordance with the effect of the suspension. If it is in any way unclear as to how such suspension applies to the registered cricketer in relation to matches in which they represent their Team, the penalty that applies shall be determined by the CDC Chairman.

9.2 Any such suspension should be notified by the Recreational Discipline Panel or any other person to the ECB and to the cricketer's Team or Minor County Club as soon as reasonably practicable.

9.3 Any registered cricketer upon whom a suspension has been imposed by a Recreational Discipline Panel shall have the right of appeal to an Appeal Panel of the CDC and the provisions of Regulation 10 will apply. For the avoidance of doubt the powers of the Appeal Panel will relate to all cricket under the jurisdiction of the ECB.

10 APPEALS PROCEDURE

10.1 The Accused may appeal against any decision of the Disciplinary Panel or Recreational Discipline Panel pursuant to the appeals procedure detailed in this Regulation 10 which, for the avoidance of any doubt, is intended to be and shall be construed as being an arbitral process for the purposes of the Arbitration Act 1996.

10.2 Unless (having regard to the requirements of a particular Match or Competition) the Disciplinary Panel Chairman has decided that a shorter period shall apply and the Accused has been informed of this fact, any appeal must be commenced within 14 days after the date of the decision against which the Accused wishes to appeal.

10.3 For an appeal to be validly commenced, there must be received at the ECB's office at Lord's within the period permitted pursuant to Regulation 10.2 above for commencing such appeal:

10.3.1 a written notice of appeal, addressed to the Chief Executive of the ECB, which records the decision against which the appeal is made and the ground(s) (as set out in 10.3.3) on which the appeal is based; and

10.3.2 cleared funds in the sum of £500 (such funds to be applied in accordance with Regulation 10.18 below).

10.3.3 Valid grounds of appeal, which must be particularised in writing, shall be as follows:

a) the decision of the Disciplinary Panel or Recreational Discipline Panel was against the weight of the evidence

b) procedural irregularity (which may include a mistake of law)

c) fresh evidence (in which case the particulars must state why the evidence was not called at the original hearing)

d) the sanction imposed was manifestly excessive

10.4 Upon an appeal being validly commenced, the ECB shall promptly notify this fact to any CDC Chairman or Deputy Chairman who has not been a member of the relevant Disciplinary Panel and to such person as it wishes to instruct to act as Prosecutor in relation to this appeal (provided that no member of the CDC shall be eligible to act as Prosecutor). The burden of proof shall be on the Prosecutor and the standard of proof shall be the civil standard.

10.5 Upon the relevant CDC Chairman or Deputy Chairman being notified that an appeal has been validly commenced, they shall appoint the Appeal Panel which shall comprise not fewer than 3 persons. No members of the Disciplinary Panel shall be eligible for appointment to the Appeal Panel. Provided they were not a member of the Disciplinary Panel, the person appointing the Appeal Panel may appoint themself as a member of the Appeal Panel and, if they so wish, as the Appeal Panel Chairman. If the Accused is a cricketer, it shall be usual (but not mandatory) for the Appeal Panel to include one person from a list of suitable persons nominated by the PCA. Otherwise, the Appeal Panel shall comprise members of the CDC, with the exception that the person appointing the Appeal Panel shall, if they feel it appropriate, request that Sports Resolutions (UK) appoint one or more independent person(s) to be a member and/or Chairman of the Appeal Panel. The Appeal Panel shall not include any officer, employee or other representative of the ECB.

10.6 The Appeal Panel Chairman shall decide the time, date and place of the Appeal Panel Hearing subject to:

10.6.1 the requirement that the Appeal Panel Hearing shall take place as soon as reasonably practicable having regard to all the relevant circumstances and the expectation that normally, the Appeal Panel Hearing shall take place within 14 days from the date on which the appeal was commenced; and

10.6.2 Regulation 10.7 below; and

10.6.3 the ability of the Appeal Panel to, where it deems appropriate, and having heard any representations in respect of it, hear the cases of more than one Accused in the same proceedings.

10.7 In the event of any appeal against a decision made by a Disciplinary Panel between a semi-final and the final of any Twenty20 Competition, that appeal shall not be heard by the Appeal Panel until after the conclusion of that competition.

10.8 The Appeal Panel shall promptly notify the Accused about the time, date and place of the Appeal Panel Hearing and that the Accused is required to attend the Appeal Panel Hearing (and, save in cases of particular urgency when the Appeal Panel Chairman may dispense with this requirement, this notification shall be in writing);

10.9 The Prosecutor shall:

10.9.1 insofar as time permits, prepare any necessary papers for the Appeal Panel and for the Accused; and

10.9.2 attend the Appeal Panel Hearing in order to respond to the appeal.

10.10 On the application of the Prosecutor the Appeal Panel may in its discretion determine that funds to cover any costs order made by the Disciplinary Panel should in whole or part be lodged with an appropriate third party and/or ECB before the appeal may proceed, taking into account all the circumstances of the case and the ability of the appellant reasonably to raise such sum.

10.11 The Appeal Panel shall deal with the appeal in any way it sees fit, consistent with a fair and just consideration of all grounds of appeal.

10.11.1 For the avoidance of doubt:

a) The Appellant shall have no right to a complete rehearing of the case;

b) The Appeal Panel shall have a complete discretion as to which, if any, oral evidence it requires to hear to determine the grounds of appeal;

c) The Appeal Panel shall be permitted to have regard to transcripts of evidence and/or submissions given before or made to the Disciplinary Panel as well as to any document admitted before that Panel or any ruling of that Panel.

10.12 The Appeal Panel may determine its own procedure and the Appeal Panel Chairman and the Appeal Panel shall have the same rights and powers as were accorded to, respectively, the Disciplinary Panel Chairman and the Disciplinary Panel.

10.13 The Accused shall have the right to be legally represented at the Appeal Panel Hearing. In addition, if the Accused is a cricketer, the provisions of Regulation 7.9 above shall apply to the Appeal Panel Hearing in the same way as they apply to the Disciplinary Panel Hearing.

10.14 Subject to Regulation 10.11 the Accused and the Prosecutor shall be permitted to call witnesses at the Appeal Panel Hearing.

10.15 For an Appeal Panel to be quorate, at least 2 members of the Appeal Panel must be present throughout the Appeal Panel Hearing.

10.16 Any decisions by the Appeal Panel shall be final and binding on the appellant(s) and the ECB, and shall be by a majority vote. In the event of a tie, the Appeal Panel Chairman shall have the casting vote.

10.17 The Appeal Panel shall have the same powers in relation to penalty and costs as were accorded to the Disciplinary Panel. For the avoidance of doubt, where the Appeal is from a decision of a Recreational Discipline Panel the Appeal Panel shall not be limited to the maximum penalties contained in the ECB Model Discipline Guidelines and the Appeal Panel will have the same powers in relation to penalty and costs as accorded to a Disciplinary Panel under Regulation 8.

10.18 At the conclusion of the Appeal Panel Hearing, the ECB may apply the £500 payment referred to in Regulation 10.3.2 above in or towards satisfaction of any outstanding liability the Accused may have in respect of the ECB's costs or expenses following an award in favour of the ECB under Regulation 8.4.1 and/or 10.17 above. The ECB shall then promptly reimburse any balance remaining from the said £500 to the person or body who made the said £500 payment. The Appeal Panel shall direct how any funds lodged under Regulation 10.10 shall be dispersed.

10.19 Once the hearing has concluded and as soon as is reasonably practicable, the Appeal Panel shall send the Accused written confirmation of any fine and/or costs order (as applicable) imposed by the Appeal Panel and such confirmation shall specify the date by which full payment of any such fine and/or costs order (as applicable) is required.

10.20 All decisions of the Disciplinary Panel or Recreational Discipline Panel shall stand pending determination by the Appeal Panel of any appeal against such decision(s).

11 Subject to the overriding discretion of the CDC Chairman, failure by any cricketer to pay any fine or costs order in full within 28 days from the date for full payment specified in the written notice referred to in Regulations 6.2, 8.5 or 10.19 above shall result in the automatic suspension of that cricketer's or Coach's eligibility to participate in any Match(es). Such suspension shall begin on the day immediately after the end of the said 28 day period and shall cease immediately upon the said fine and/or costs order (as applicable) being paid in full.