

1. NORTH WEST CRICKET UNION DISCIPLINARY REGULATIONS

Updated April 2022

1.1 JURISDICTION OF NORTH WEST CRICKET UNION

These Regulations replace all previous versions of the Disciplinary Regulation, they apply to all forms of cricket under the auspices of North West Cricket Union in respect of the following disciplinary matters:-

- a. Alleged breaches of the Code of Conduct (in Regulation 1.4) which occur on or off the field in connection with any of the following fixtures or competitions:
- b. Domestic fixtures, either official or unofficial, involving any North West Affiliated team;
- c. Domestic fixtures or competitions organised by North West Cricket Union.
- d. Competitions organised between teams from the North West Cricket Union, or sub-divisions thereof, under the auspices of North West Cricket Union;
- e. Any other fixture or competition in which it is agreed by the parties thereto that any disciplinary matters relating thereto shall be the responsibility of North West Cricket Union

1.2 DISCIPLINARY OFFENCES

Players and Team Officials

- a. Players and team officials shall conduct themselves in accordance with the Spirit of Cricket as well as within the Laws of Cricket and team captains are responsible for ensuring that these regulations, the Spirit of Cricket and the Laws of Cricket are adhered to.
- b. Players and team officials shall not engage in conduct which brings them or the game of cricket into disrepute
- c. Where the facts of, or the gravity or seriousness of, the alleged incident are not adequately or clearly covered by Level 1-4 Offences, the complainant may allege an offence under regulation 1.2.a or 1.2.b. The penalty for such an offence shall range from written reprimand to a suspension of up to ten matches, or in the case of particularly serious offences, a suspension ranging from three months to a lifetime ban.

1.3 OFFENCES

The four levels of offence that may be committed by a player and/or team official are set out below, together with the range of penalties that may be imposed in respect of any breach.

1.3.1 LEVEL ONE OFFENCES

The penalty for a Level 1 offence shall be a written reprimand and/or a one-match suspension.

- a. Wilfully mistreating any part of the cricket ground, equipment or implements used in the match
- b. Showing dissent at an Umpire's decision by word or action
- c. Using language that, in the circumstances, is obscene, offensive or insulting
- d. Making an obscene gesture
- e. Appealing excessively
- f. Any other misconduct, the nature of which is, in the opinion of the umpires, equivalent to a Level 1 offence
- g. Inappropriate comment in relation to, an incident occurring in a match or of any player, match official or team participating in a match, irrespective of when such criticism or inappropriate comment is made. This shall include criticism or comments made on any of the social media

1.3.2 LEVEL TWO OFFENCES

The penalty for a Level 2 offence is suspension for two or three matches, or a comparable period of time.

- a. Showing serious dissent at an Umpire's decision by word or action
- b. Making Inappropriate and deliberate physical contact with another player
- c. Throwing the ball at a player, umpire or another person in an inappropriate and dangerous manner
- d. Using language or gesture to another player, umpire, team official or spectator that, in the circumstances, is obscene or of a seriously insulting nature
- e. Any other misconduct, the nature of which is, in the opinion of the umpires, equivalent to a Level 2 offence
- f. Any attempt by a captain to manipulate the result of a match for reasons of league position, bonus points, net run rate, or otherwise.
- g. Commission of two Level 1 (where found guilty) offences within 12 months, (including offences arising from separate incidents in the same match)

1.3.3 LEVEL THREE OFFENCES

The penalty for a Level 3 offence is a suspension for a minimum of four and a maximum of nine matches or a comparable period of time, up to three months.

- a. Intimidating and umpire by language or gesture
- b. Threatening to assault a player or any other person except an umpire
- c. Commission of two Level 2 (where found guilty) offences within 12 months (including offences arising from separate incidents in the same match).

1.3.4 LEVEL FOUR OFFENCES

The penalty for a Level 4 offence is a suspension of a minimum of 10 matches or a comparable period of time, from three months up to a lifetime ban.

- a. Threatening to assault an umpire
- b. Making inappropriate and deliberate physical contact with an umpire
- c. Physically assaulting a player or any other person.
- d. Commission of two Level 3 offences within 12 months (where found guilty) offences within 12 months (including offences arising from separate incidents in the same match)

1.4 CODE OF ETHICS AND GOOD PRACTICE

1.4.1 The duties and responsibilities of Managers, Coaches, Selectors, Parents or Guardians and Players are set out in the *Code of Ethics and Good Practice*. Breach of any of these duties or responsibilities shall constitute a disciplinary offence.

1.4.2 If the complaint involves suspected abuse or a criminal offence, the Safeguarding Officer shall be consulted and, if they so determine, the matter shall be reported to the statutory authorities and removed from the jurisdiction of the Disciplinary Committee pending the outcome of any investigation and ensuing action by them. The Safeguarding Officer may, if he/she sees fit and after due consultation with the appropriate Statutory Agencies, suspend the person against whom the complaint has been made from involvement in cricket pending the outcome of this process.

1.4.3 The penalty for an offence under the *Code of Ethics and Good Practice* shall be one or more of the following:

- a written reprimand and warning as to future conduct;
- in the case of a Player or team captain, suspension from such matches or for such a period as may be specified;

- in the case of a Manager, Coach or Selector, suspension from that role for such a period as may be specified;
- in the case of a Parent or Guardian, suspension from attendance at matches and/or coaching sessions for such a period as may be specified.

1.4.4 CLUB OFFENCES

The following disciplinary offences may be committed by a club:

- Failing to adequately control its players' behaviour.
- Failing to adequately control its supporters' behaviour
- Failure of the club or its members to comply with their obligations under the Code of Ethics & Good Practice

The penalty of such an offence shall be any one or more of:

- A written reprimand and warning as to the clubs' future conduct
- A requirement to play specified North West Cricket Union fixtures away from home for such a period as may be specified
- Suspension from specified North West Cricket Union competitions for such a period as may be specified
- A deduction of points as specified
- A fine not exceeding £200

2. DISCIPLINARY COMMITTEE, SECRETARIES AND INDEPENDENT APPEAL BOARD

- The North West Cricket Union shall establish a Disciplinary Committee to which responsibility for disciplinary issues is allocated (with the exception of Level 1 Player Offences). It shall consist of at least 5 members, including a Chairman and Vice-Chairman.
- The North West Cricket Administrator shall act as Secretary to the Disciplinary Committee to deal with administrative matters arising under these Regulations
- The quorum for the Disciplinary Committee shall be three.
- The Disciplinary Committee shall deal with misconduct by players, club official and spectators, actions on or off the field of play may lead to disciplinary action. Clubs will be held responsible for the actions of their supporters.
- Offences shall be reported as set out in 6. Disciplinary Process below
- The penalties available to the Disciplinary Committee shall be;
 - A warning to the person and/or the clubs future conduct
 - A fine on the club not exceeding £200, if this fine relates to a player(s) actions it must be paid before the player(s) can play again, if the fine is for any other reason it must be paid within 28 days of the date of the invoice to the club
 - Suspension for a specific number of North West Cricket Union League and/or Cup matches, and/or deduction of league points or elimination from cup competitions where appropriate
 - Suspension for a specific period of time from North West Cricket Union League and/or Cup matches, including a life time ban
 - A Club may be fined £25 for each match a player is unable to play
- The Independent Appeal Board shall be made up of a minimum of three members
- The quorum of the Independent Appeal Board shall be three
- The Independent Appeal Board shall meet as an when necessary, it shall have no other role than to hear appeals
- The North West Cricket Administrator shall act as convenor and secretary for the IAB in an ex-officio role

3. DISCIPLINARY PROCESS

The person or club against whom a complaint (as defined below) is made shall be “the Respondent”

The Complaint

Complaints against Players and/or Team officials, or against clubs under Regulation 1.4.4

- 3.1 The statement setting out the alleged offence (“the Complaint”) shall be in writing and must be sent to the North West Cricket Administrator no later than three days after the end of the match at which the alleged offence occurred. It may be sent by letter (registered post), or email.
- 3.2 Where the alleged offence took place on the field of play or elsewhere within the sight and hearing of the Umpires, only the Umpires may make the Complaint. Where the alleged offence was not so witnessed by the Umpires, the Complaint may be made by a duly authorised officer of the opposing club in which the match took place, or by a duly authorised officer of the North West Cricket Union

LEVEL 1 OFFENCE

- 3.3 If the Complaint relates only to a Level 1 Offence by a player, the Chairman of the Disciplinary Committee shall deal with the matter on the basis of the documentation as follows, without a hearing;
 - 3.3.1 He/she shall provide a copy of the Complaint to the player and invite a written submission from him/her
 - 3.3.2 Any such submission shall be received not more than five days from the date that the player receives a copy of the Complaint.
 - 3.3.3 Having received the players written submission, or if none is forthcoming, the Chairman of the Disciplinary Committee shall reach a decision on the Complaint and advise the player in writing by email (or letter if necessary) of any penalty, and forward a copy to the North West Cricket Administrator and, if applicable, to the Honorary Secretary of the Respondents club
 - 3.3.4 There shall be no appeal from such a decision

3.4 Complaints under the Code of Ethics & Good Practice

- 6.4.1 The Complaint shall be in writing and must be sent to the Secretary no later than seven days after the end of the match, coaching session or tournament at which the alleged offence occurred. It may be sent by letter or email.
- 6.4.2 The following shall have authority to make a Complaint:
 - Against a Manager, Coach or Selector – Another Manager, Coach or Selector, or a Parent or Guardian, or a duly authorised officer of the opposing club (or of another National Board in the case of an international fixture or tournament).
 - Against a Parent or Guardian – A Manager, Coach or Selector, or another Parent or Guardian, or a duly authorised officer of the opposing club (or of another National Board in the case of an international fixture or tournament).
 - Against a Player – A Manager, Coach or Selector, or the Parent or Guardian of another Player, or a duly authorised officer of the opposing club (or of another National Board in the case of an international fixture or tournament).

The following shall apply to all offences, other than Level 1 offences by a player dealt with under Regulation 6.3;

- 3.5 An individual panel (“Disciplinary Panel”) comprised of a chairman, who shall be a member of the Disciplinary Committee, and at least two other members, shall be appointed by the Chairman of the Disciplinary Committee to adjudicate on the Complaint or Complaints

- 3.6 Each member shall have one vote. In the event of an equality of votes for any reason, the Chairman shall have a casting vote.
- 3.7 In appointing the Disciplinary Panel, the Chairman of the Disciplinary Committee shall, insofar as is practical, endeavour to ensure that no person is appointed who has a conflict of interest in relation to the Complaint of the Respondent.
- 3.8 The Disciplinary Panel shall have all the powers necessary for, and incidental to, the exercise of its functions and, subject to these Regulations, it shall have the power to regulate its procedures.
- 3.9 The hearing shall be held as soon as is reasonably practical and shall be confidential and held in private, unless the Disciplinary Panel decides otherwise.
- 3.10 The Disciplinary Panel may postpone or adjourn a hearing if appropriate, including to take any legal advice that it considers necessary, or if it considers it necessary to call evidence that was not otherwise available at the hearing
- 3.11 The respondent, or in the case of a club a duly authorised officer of the club, shall be invited by the Secretary to attend the hearing. He/she shall be sent a copy of the Complaint and notified in writing of:
- a. His/her entitlement to have the matter dealt with under Regulation 6.12
 - b. The place and time of the hearing
 - c. His/her entitlement to be accompanied to the hearing, at his/her own cost, by a supporter. The supporter may be a work colleague, fellow player, family member or friend (he/she is not entitled to be legally represented)
 - d. Where applicable, the requirement that any Respondent aged under 18 shall be accompanied at the at the hearing by a responsible adult (preferably his/her parent of guardian)
 - e. His/her entitlement to call witnesses to give evidence at the hearing. Where the Respondent is under 18, the notification shall be sent to his/her parent or guardian.
- 3.12 For all offences other than Level 1 Player Offences, a Respondent may admit to the offence in writing to the Secretary and submit in writing any statement that he/she wished to make as regards the appropriate penalty. In such circumstances, the Disciplinary Panel shall decide the penalty without the need for a hearing.
- 3.13 The Disciplinary Panel, at the request of the Respondent or on its own initiative, may require the Respondent and/or the person making the Complaint to supply it, within such time as it determines, with further particulars of the incidents(s) giving rise to the Complaint, including details of all witnesses whom the Respondent intends to call at any hearing together with details of the evidence to be given by those witnesses, and the Respondent and/or the person making the Complaint shall comply with that direction.
- 3.14 Any failure by a Respondent to comply with any requirement or direction of the Disciplinary Panel, including those requirements or directions to be complied with within a time period, shall not prevent the Disciplinary Panel from proceeding and such failure may be taken into consideration by the Disciplinary Panel when making its decision.
- 3.15 The Disciplinary Panel shall have the power to decide the admissibility, relevance and weight of any evidence and shall not be bound by any legal rules in relation to such matters. Facts may be established by any reliable means, including admissions.
- 3.16 The Respondents supporter may advise the Respondent during the hearing, may question witnesses and make representations on the Respondents behalf, and may seek procedural guidance from the Disciplinary Panel. He/she shall not answer questions on the Respondent's behalf.
- 3.17 Any failure by the Respondent or his/her supporter to attend a hearing after notification shall not prevent the Disciplinary Panel from proceeding with the hearing in his/her absence.

3.18 A minute shall be taken of all hearings by a Secretary or, in his/her absence, another person appointed by the Disciplinary Panel.

4. THE DECISION AND PENALTY

- 4.1 For the avoidance of doubt, although a Complaint may categorise an offence as a Level 1 or other category of offence, a Disciplinary Panel shall not be bound by that categorisation and may decide that another category of offence, and therefore penalty, is appropriate.
- 4.2 The standard of proof shall be whether the Disciplinary Panel is comfortably satisfied, bearing in mind the seriousness of the allegation that is made, that the alleged offence has been committed. This standard of proof shall be determined on a sliding scale from a mere balance of probability (for the least serious offences) up to a very high probability (for the most serious offences).
- 4.3 After hearing the evidence the Disciplinary Panel shall, where appropriate, retire to consider its decision. The Chairman shall then give the Disciplinary Panel's decision orally to the Respondent. If that decision is that the Respondent is liable in respect of the Complaint, the Respondent shall be given the opportunity to make a submission/statement on the appropriate penalty.
- 4.4 After listening to any such submission/statement the Disciplinary Panel may retire to reach its decision on the penalty.
- 4.5 The Disciplinary Panel may hear the Respondent's submission on penalty prior to having reached its decision on the Complaint, where it would be unreasonable or impractical to hear the submission after reaching its decision on the Complaint.
- 4.6 In deciding the penalty, the Disciplinary Panel shall have regard to any prior disciplinary record of the Respondent.
- 4.7 The Chairman shall, where reasonably practical, give the decision orally at the hearing. It shall be effective immediately upon oral communication to the Respondent. The oral decision shall then be confirmed in writing to the Respondent (in the case of a Respondent aged under 18, to his/her parent or guardian) within due course by letter or email, and a copy forwarded to the North West Cricket Administrator and, where appropriate, to the Honorary Secretary of the Respondent's club
- 4.8 Any penalty imposed by the Disciplinary Panel or in the event of an appeal by the Independent Appeal Board, shall be binding on Cricket Ireland whose disciplinary decisions and penalties shall in turn be binding on the Union.
- 4.9 The decision of the Independent Appeal Board on appeal shall be final in all matters relating to the implementation of this code of procedure
- 4.10 Any player suspended by the Disciplinary Panel shall not be able to play in any of the Unions competitions or any of the leagues affiliated to the Union during the period of that suspension. The suspension shall be served using completed games at the level of the offence (E.g. A player banned for an offence at 1st team level for two games shall not be eligible for selection for any club cricket played by the club until two 1st team games have been completed.) Matches postponed or declared No Result shall not count as a game completed.

5. APPEAL PROCESS

- 5.1 A Respondent may appeal from the decision of the Disciplinary Panel as to the finding of liability or the penalty imposed or both, other than as provided in Regulation 3.3

- 5.2 Any appeal must be made in writing and sent to the North West Administrator by letter (registered post) or email no later than three working days after receipt of the written decision of the Disciplinary Panel and
 - 5.2.1 Must be accompanied by an administration fee of £50;
 - 5.2.2 Must set out the legal and/or procedural grounds for the appeal
- 5.3 The North West Cricket Administrator shall, once an appeal has been received by him, inform the Independent Appeal Board and forward to them the details of the Complaint, any witness statements, the decision of the Disciplinary Panel and the minutes of the hearing along with the grounds for the appeal.
- 5.4 If any member of the Independent Appeal Board appointed to hear an appeal considers that they may have a conflict of interest then that person shall advise the North West Cricket Administrator of this. If necessary the Independent Appeal Board will have the ability to co-opt further members as required to form a quorum.
- 5.5 The Independent Appeal Board shall have all the powers necessary for, and incidental to, the exercise of their functions and, subject to these Regulations, they shall have the power to regulate the procedures of matters which come before them. They shall conduct the appeal in accordance with Regulations 3.8-3.18, with such adjustments as the Independent Appeal Board deems necessary in order to reflect the different context.
- 5.6 Appeals in respect of all offences, other than Level 2 Offences by a player, shall proceed by way of a *de novo* hearing (i.e. a fresh hearing of the evidence and/or submissions on penalty as may be applicable) by the Independent Appeal Board
- 5.7 The Independent Appeal Board shall deal with appeals in respect of Level 2 Player Offences purely on the documentation and there shall be no hearing
- 5.8 The Independent Appeal Board shall give their decision within seven days of the hearing. If the Independent Appeal Board considers that there are circumstances which require a period longer than seven days, they shall so advise the Respondent (in case of a Respondent aged under 18, his/her parent or guardian) and inform the North West Cricket Administrator
- 5.9 If the Independent Appeal Board consider that they require further information, then they may request such information from the person from whom they need it. They may stipulate the time within it must be forwarded to them and the time for the determination of the appeal shall be suspended.
- 5.10 The Independent Appeal Board may direct that the administration fee be returned if the appeal is successful or if they consider that there were valid grounds for the making of the appeal which justify the return of part of or all of the fee
- 5.11 On determination of the appeal the Independent Appeal Board shall give notice in writing of their decision to the Respondent (in the case of a Respondent aged under 18, his/her parent or guardian) by letter or email, and forward a copy to the North West Cricket Administrator and, where appropriate, the Honorary Secretary of the Respondents club
- 5.12 An appellant who has been suspended by the Disciplinary Panel will not be permitted to play until after the hearing of his appeal.

6. PROTESTS & APPEALS (IN RELATION TO GENERAL MATCH DAY ISSUES NOT INCLUDING DISCIPLINARY ISSUES)

- 6.1 Protests shall be dealt with in the first place by the COC, members whose clubs are involved shall be excluded from that part of the meeting
- 6.2 A quorum for protests shall be three members of the committee hearing the case
- 6.3 Any protest must be sent by email to the Director of the COC to arrive within three days after the match to which they apply (excluding Saturday, Sunday and Bank Holidays)

- 6.4 A copy of the protest must also be sent via email to the club who the protest is against, ideally to the club Secretary
- 6.5 The email must contain an outline of the specific grounds for the protest
- 6.6 Any appeal arising from a decision made by either the COC, BOC or Disciplinary Committee must be sent by registered post to the Union Administration Officer (or someone acting as his deputy) to arrive within seven days of notification of disciplinary action (excluding Saturdays, Sundays and Bank Holidays)
- 6.7 Letters of appeal must contain:-
 - a. An outline of the specific grounds for the appeal
 - b. A deposit of £50, this may be paid by cheque, cash or bank transfer. If payment has been made by bank transfer notification of this must be included in the letter of appeal
 - c. The £50 lodged as a deposit will only be refunded if the appeal is successful in causing the original decision to be overturned in full
- 6.8 Appeals resulting from action taken by the COC or Disciplinary Committee will be notified to the BOC.
- 6.9 Appeals will be heard by the Independent Appeal Board
- 6.10 Protests in regard to match results should be made to the Director of the COC in writing (email acceptable) and meet the stipulations in 6.3, 6.4 and 6.5
- 6.11 Protests in regard to player eligibility should be made to the Director of the COC in writing (email acceptable) and meet stipulations in 6.3, 6.4 and 6.5