



2023 NORTH WEST CRICKET UNION DISCIPLINARY REGULATIONS

1. JURISDICTION OF NORTH WEST CRICKET UNION

These Regulations replace all previous versions of the Disciplinary Regulations and subsume the disciplinary procedures set out in the *Cricket Ireland Safeguarding Policy and Guidance for Cricket Clubs*. They apply to all forms of cricket under the auspices of North West Cricket Union and also in respect of the following disciplinary matters:

1.1 Any allegation of corruption (as defined in Article 2 of the ICC Anti-Corruption Code for Players and Player Support Personnel or as provided in Appendix 1 of the ICC Code of Conduct for Umpires) in connection with any form or level of cricket under the authority of Cricket Ireland or any Provincial Union;

1.2 Alleged breaches of the Code of Conduct (in Regulation 2: Disciplinary Offences) which occur on or off the field in connection with any of the following fixtures or competitions:

1.2.1 Fixtures organised by the North West Cricket Union as listed

- a. Longs Supervalu Premier League
- b. League 1, League 2, League 3, League 4
- c. Sports Hub NW Senior Cup
- d. Sammy Jeffrey Shield
- e. League 1, League 2, League 3, League 4 Cup Competitions
- f. Best Western White Horse T20 Cup (Both Group and Knock Out stages)
- g. NW Women's League Division 1 & 2
- h. NW Women's League Senior Cup 1 & 2

1.2.2 Fixtures organised by the North West Cricket Union involving internal friendly matches

1.3 Alleged breaches of the Codes of Conduct for Managers, Coaches, Selectors, Parents or Guardians, or Players set out in the *Cricket Ireland Safeguarding Policy and Guidance for Cricket Clubs*.

1.4 Any suspension for a period of time for a Level 3 or Level 4 offence imposed by Cricket Ireland shall apply also to Provincial Union competitions and visa-versa.

EXCEPT in the cases of Regulations 1.1, 1.2.1 and 1.2.2, where the matter (be it an alleged breach of the Code of Conduct or of corruption) occurs under the authority of another body whose authority North West Cricket Union has acknowledged shall apply to such matters.

Matters relating to Anti-Doping offences or employment contracts are not governed by these regulations.



2. DISCIPLINARY OFFENCES

(a) Offences by Players and Team Officials

2.1a Players and team officials shall conduct themselves in accordance with the Spirit of Cricket as well as within the Laws of Cricket.

2.1b Team captains are responsible for ensuring that these Regulations, the Spirit of Cricket and the Laws of Cricket are adhered to. (Law 41.1)

2.2 Players and team officials shall not engage in conduct, which brings them or, the game of cricket into disrepute.

2.3 Where the facts of, or the gravity or seriousness of, the alleged incident are not adequately or clearly covered by (2.4) Level 1-4 Offences, the complainant may allege an offence under Regulation 2.1 or 2.2. The penalty for such an offence shall range from written reprimand to a lifetime ban.

2.4 Level 1-4 Offences

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

2.4.1 Level 1 Offences

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

1.1	Wilfully mistreating any part of the cricket ground, equipment or implements used in the match.
1.2	Showing dissent at an umpire's decision by word or action .
1.3	Using language that, in the circumstances, is obscene, offensive or insulting.
1.4	Making an obscene gesture.
1.5	Appealing excessively.
1.6	Advancing towards an umpire in an aggressive manner when appealing.
1.7	Any other misconduct, the nature of which is, in the opinion of the umpires, equivalent to a Level 1 offence.
1.8	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.
1.9	Failure by a captain to ensure that these Regulations, the Spirit of Cricket and the Laws of Cricket are adhered to by his/her team in a match.



2.4.2 Level 2 Offences

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

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

2.4.3 Level 3 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.

3.1	Intimidating an umpire by language or gesture.
3.2	Threatening to assault a player or any other person except an umpire.
3.3	Commission of two Level 2 offences within 12 months (including offences arising from separate incidents in the same match).

2.4.4 Level 4 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 to a lifetime ban.

4.1	Threatening to assault an umpire.
4.2	Making inappropriate and deliberate physical contact with an umpire.
4.3	Physically assaulting a player or any other person.
4.4	Committing any other act of violence.
4.5	Commission of two Level 3 offences within 12 months (including offences arising from separate incidents in the same match).

(b) Offences of corruption or under the Cricket Ireland Safeguarding Policy and Guidance for Cricket Clubs

2.5 Corruption The penalty for an offence of corruption (as provided for in Regulation 1.1) shall be as provided in the ICC Anti-Corruption Code for Players and Player Support Personnel or the ICC Code of Conduct for Umpires, as appropriate.

The timeframes provided in these Regulations (2.4) shall not be applicable in relation to allegations of corruption.

2.6 The duties and responsibilities of Managers, Coaches, Selectors, Parents or Guardians and Players are set out in the *Cricket Ireland Safeguarding Policy and Guidance for Cricket Clubs*. Breach of any of these duties or responsibilities shall constitute a disciplinary offence.

2.7 If the complaint involves suspected abuse or a criminal offence, it shall be passed to Cricket Ireland's Safeguarding Officer, who shall convene the Cricket Ireland Safeguarding Panel to consider the matter further including, if they so determine, reporting the matter to the statutory authorities – in any event the matter shall be removed from the jurisdiction of the Disciplinary Committee pending the outcome of any investigation and ensuing action by them.



2.8 The penalty for an offence under the *Cricket Ireland Safeguarding Policy and Guidance for Cricket Clubs* 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.

(c) Offences by Clubs

2.9 The following disciplinary offences may be committed by a club:

2.9.1 Failing adequately to control its players', or officials', behaviour.

2.9.2 Failing adequately to control its supporters' behaviour.

2.9.3 Failure of the club or its members to comply with their obligations under the *Cricket Ireland Safeguarding Policy and Guidance for Cricket Clubs*.

2.9.4 Failure of the club or its officials to manage criticism or comments made on any of the websites and/or social media accounts which are under the club's control.

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

- a written reprimand and warning as to 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 fine of up to £425 or €500.

3. DISCIPLINARY COMMITTEE, SECRETARIES AND APPEAL COMMISSIONERS

3.1 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 Chairperson and Vice-Chairperson.

3.2 The North West Cricket Union Cricket Operations & Administration Manager shall deal with administrative matters arising under these Regulations. In the event of the NWCUCOAM being unable to perform their function due to a conflict of interests a deputy shall be nominated

3.3. The quorum for the Disciplinary Committee shall be 3 persons

3.4. For the hearing of appeals the North West Cricket Union shall operate and administer an Independent Appeal Board

3.5. The Independent Appeal Board shall be made up of a minimum of three members

3.5 The quorum of the Independent Appeal Board shall be three

3.6 The Independent Appeal Board shall meet as and when necessary, it shall have no other role than to hear appeals

3.7 The North West Cricket Administrator shall act as convenor and secretary for the IAB in an ex-officio role



4. DISCIPLINARY PROCESS

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

The Complaint

(a) Complaints against Players and/or Team Officials or against clubs under Regulation 2.9 or 2.10

4.1 The statement setting out the alleged offence (“the Complaint”) shall be in writing and must be sent to the Secretary no later than seven days after the end of the match at which the alleged offence occurred. It may be sent by letter or email.

4.2 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 the match referee, or a duly authorised officer of the opposing club or of the Provincial Union in which the match took place. In the event that the offence occurs on any website and/or social media platform it shall be submitted within seven days of it coming to the attention of the complainant, who shall be asked to provide evidence to support this (photograph, screenshot etc).

4.3 Where the Umpires have decided, in the course of a match, to make a Complaint against a Player, they shall invite the Player and his/her captain to meet them after the end of the match to discuss the alleged offence. The Disciplinary Panel (or the Chairperson or Vice-Chairperson where an alleged Level 1 Offence is being dealt with under Regulation 4.4) may make an adverse inference where the Player or Captain has failed without good reason to attend such a meeting. In the event that the captain fails to attend he/she may be cited separately for a breach of the regulations.

4.4 Level 1 Offence exception

If the Complaint relates only to a Level 1 Offence by a player, the Chairperson or Vice-Chairperson of the Disciplinary Committee shall deal with the matter on the basis of the documentation as follows, without a hearing:

4.4.1 They shall provide a copy of the Complaint to the player and invite a written submission from him/her.

4.4.2 Any such submission shall be received not more than five days from the date that the player receives a copy of the Complaint.

4.4.3 Having received the player’s written submission , or if none is forthcoming, the Chairperson or Vice-Chairperson shall reach a decision on the Complaint and advise the player in writing by letter or email of their decision and of any penalty, and forward a copy to the Honorary Secretary of the Respondent’s club

4.4.4 There shall be no appeal from such a decision.

(b) Complaints under the Cricket Ireland Safeguarding Policy and Guidance for Cricket Clubs

4.5 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.

4.6 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).

(c) Hearing

The following shall apply to all offences other than Level 1 offences by a player dealt with under Regulation 4.3.

4.7 An individual panel (“Disciplinary Panel”) comprised of a chairperson, who shall be a Disciplinary Committee member and two others who shall normally be Disciplinary Committee members, shall be appointed by the Chairperson or Vice-Chairperson of the Disciplinary Committee to adjudicate on the Complaint or Complaints. At least one member of any Disciplinary Panel shall have professional legal experience. Where the Disciplinary Panel determines that an offence reported as higher than Level 1 is more appropriately a Level 1 offence, the Chairperson of the Disciplinary Committee shall be entitled to apply Regulation 4.3 above, without the need to convene a hearing.

4.8 Each member shall have one vote. In the event of an equality of votes for any reason, the Chairperson shall have a casting vote.

4.9 In appointing the Disciplinary Panel, the Chairperson or Vice-Chairperson 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 or the Respondent.

4.10 The Disciplinary Panel shall have all 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.

4.11 The hearing shall be held as soon as reasonably practical and shall be confidential and held in private, unless the Disciplinary Panel decides otherwise.

4.12 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 available at the hearing.

4.13 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. They shall be sent a copy of the Complaint and notified in writing of:

- (i) their entitlement to have the matter dealt with under Regulation 4.14.
- (ii) the place and time of the hearing;
- (iii) their entitlement to be accompanied to the hearing, at their own cost, by a supporter. The supporter may be a work colleague, fellow player, family member or friend (they are not entitled to be legally represented);
- (iv) where applicable, the requirement that any Respondent aged under 18 shall be accompanied at the hearing by a responsible adult (preferably their parent or guardian); and
- (v) their entitlement to call witnesses to give evidence at the hearing.

Where the Respondent is aged under 18, the notification shall be sent to their parent or guardian.

4.14 For all offences other than Level 1 Offences, a Respondent may admit to the offence in writing to the Secretary and submit in writing any statement they wish to make as regards the appropriate penalty. In such circumstances, the Disciplinary Panel shall decide the penalty without the need for a hearing.

4.15 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 incident(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.



4.16 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.

4.17 The Disciplinary Panel shall have the power to decide on 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.

4.18 The Respondent's supporter may advise the Respondent during the hearing, may question witnesses and make representations on the respondent's behalf, and may seek procedural guidance from the Disciplinary Panel. They shall not answer questions on the Respondent's behalf.

4.19 Any failure by the Respondent or their supporter to attend a hearing after notification shall not prevent the Disciplinary Panel from proceeding with the hearing in their absence.

4.20 A minute shall be taken of all hearings by a Secretary or, in their absence, by another person appointed by the Disciplinary Panel.

5. THE DECISION AND PENALTY

5.1 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.

5.2 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).

5.3 After hearing the evidence the Disciplinary Panel shall, where appropriate, retire to consider its decision. The Chairperson 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.

5.4 After listening to any such submission/statement the Disciplinary Panel may retire to reach its decision on the penalty.

5.5 The Disciplinary Panel may hear the Respondent's submissions 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.

5.6 In deciding the penalty, the Disciplinary Panel shall have regard to any prior disciplinary record of the Respondent.

5.7 The Chairperson 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 be confirmed in writing to the Respondent (in the case of a Respondent aged under 18, their parent or guardian) within seven days by letter or email, and a copy forwarded to the Chief Executive of Cricket Ireland and, where appropriate, to the Honorary Secretary of the Respondent's club and the Honorary Secretary of the Provincial Union in which the Respondent's club participates in club cricket.

5.8 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.

6. APPEAL PROCESS

6.1 A Respondent may appeal from the decision of the Disciplinary Panel as to the finding of liability, the penalty imposed or both, other than as provided in Regulation 4.4.

6.2 Notice of any appeal must be made in writing and sent to the NWCU Operations & Administration Manager by letter or email no later than seven days after receipt of the written decision of the Disciplinary Panel and:

6.2.1 must be accompanied by an administration fee of £85 or €100; and

6.2.2 must set out the legal or procedural grounds for the appeal.

6.3 The NWCU COAM shall, once an appeal has been received by him/her, appoint an Independent Appeals Board and forward to them details of the Complaint, any witness statements, the decision of the Disciplinary Panel and the minutes of the hearing.

6.4 If the any members of the Independent Appeals Board appointed to hear an appeal considers that they may have a conflict of interest they shall advise the NWCU COAM of this. The NWCU COAM shall then appoint another member to hear the appeal

6.5 The members of the IAB shall have all 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 hearing in accordance with Regulations 4.10-4.20, with such adjustments as the Appeal Board deems necessary in order to reflect the different context.

6.6 Appeals in respect of all offences other than Level 1 or 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 Appeal Board

6.7 The Appeal Board shall deal with appeals in respect of Level 1 and Level 2 Offences purely on the basis of the documentation and there shall be no hearing.

6.8 The Appeal Board shall give their decision within seven days of the hearing. If the Appeal Board considers that there are circumstances which require a period longer than seven days, they shall so advise the Respondent (in the case of a Respondent aged under 18, their parent or guardian) and inform the NWCU COAM

6.9 If the Appeal Board considers that they require further information, then they may request such information from whomever they need it. They may stipulate the time within which it must be forwarded to them and the time for the determination of the appeal shall be suspended.

6.10 The 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 or all of the fee.

6.11 On their determination of the appeal the Appeal Board shall give notice in writing of their decision to the Respondent (in the case of a Respondent aged under 18, their parent or guardian) by letter or email and forward a copy to the NWCU COAM and, where appropriate, the Honorary Secretary of the Respondent's club.

7. DISCIPLINARY ISSUES IF A TOURING TEAM IS ABROAD AND ALLEGED OFFENCE OCCURS



Disciplinary offences may arise when a NWCU international touring party is outside Ireland and it may be necessary to deal with such issues while on tour, in which case the process provided for above cannot be put into operation. Disciplinary offences may include failure to meet contractual obligations where the player is contracted to NWCU.

In such circumstances the following shall apply:

7.1 The disciplinary offence shall be heard by the Team Manager if they are of the view that matter is urgent. If the Team Manager considers himself/herself to have a conflict of interest, the person to take responsibility shall be the senior representative of NWCU present.

7.2 The person conducting the hearing shall conduct it broadly in accordance with the provisions set out herein, subject to such changes as they, in their sole discretion, determines to be necessary.

7.3 A right of Appeal exists in accordance with the provisions specified above but it may be that such an appeal may not be practical until the tour is over. This shall be determined by the Appeal Commissioner appointed to deal with the matter.

7.4 Where the player is contracted to Cricket Ireland, the range of penalties may be provided for in the contract.

7.5 Where the player is found to have committed the offence and if as a result of the penalty imposed, the Team Manager considers that the player should be required to return home because they will not be available to play at all or in a sufficient number of matches on the tour, the player may be required to return home at the earliest possible time.