

CHERWELL CRICKET LEAGUE – DISCIPLINARY & CONDUCT REGULATIONS 2023.

These regulations follow the guidelines set out in the ECB Recreational Conduct Regulations 2023 and cover both on-field and off-field offences.

Cricketers will be subject to on-field conduct obligations mirroring the Laws of Cricket and other participants present at matches (e.g. coaches, officials and representatives of other cricket organisations acting in an official capacity at the match) will be subject to more limited on-field conduct obligations.

All participants will be subject to off-field conduct obligations which either relate to their participation in recreational cricket or occur outside their direct participation but are of a sufficiently serious nature to justify disciplinary action being taken in relation to recreational cricket.

CONDUCT OBLIGATIONS - On and around the field of play

Players and club officials shall not make any public or media comment which is detrimental to the League, clubs, umpires, fellow players or the game in general. In this instance, media shall include press, radio, television, external websites, Cherwell League website including Match and Captain's reports, club websites, social networking sites and club match programmes.

1. Any cricketer shall be in breach of these RCR, at the relevant level of offence detailed below, if they do not conduct themselves fairly and properly on and around the field of play and otherwise in accordance with the Laws of Cricket or the Spirit of Cricket. Such conduct which will result in a breach of these RCR shall include any misconduct of a cricketer on any match day as specified in Law 42 of the Laws of Cricket, or Law 4.1 Responsibility of captains ...namely:

LEVEL 1

- (a)** wilfully mistreating any part of the cricket ground or any 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)** advancing towards an umpire in an aggressive manner when appealing; and/or
- (g)** any other misconduct, the nature of which is, in the opinion of the umpires, equivalent to a Level 1 offence;

or

LEVEL 2

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

Or

LEVEL 3

- (m)** intimidating an umpire by language or gesture; and/or
- (n)** threatening to assault a cricketer or any other person except an umpire;

or

LEVEL 4

- (o)** threatening to assault an umpire;
- (p)** making inappropriate and deliberate and/or dangerous physical contact with an umpire;
- (q)** physically assaulting a cricketer or any other person; and/or
- (r)** committing any other act of violence

2. A cricketer shall also be in breach of these RCR on and around the field of play if they:

- (a)** commit any breach of Law 41 of the Laws of Cricket (Unfair Play); or
- (b)** act in a manner contrary to the ECB's Anti-Discrimination Code; or
- (c)** conduct themselves in a manner or act in a manner which is improper, or which may be prejudicial to the interests of cricket, or which may bring the ECB, the game of cricket or any cricketer or group of cricketers into disrepute.

3. Any coach, match official or Club Official shall be in breach of these RCR if they fail to conduct themselves fairly and properly at any part of the cricket ground on any match day. Conduct which is not fair and proper and will therefore result in a breach of these RCR shall be reported either to the umpire, in which case the umpire may make a Disciplinary Report or direct the individual to make the report to the Disciplinary Officer directly by way of Written Complaint (for example, if the On-Field Breach relates to a match official). If there is no umpire appointed to a particular match, individuals can report On-Field Breaches to a captain or Club Official who can then make a Disciplinary Report on their behalf.

- (a)** making inappropriate and deliberate and/or dangerous physical contact with, threatening to assault, physically assaulting or committing any act of violence towards any other Participant (including an umpire) or any member of the public;
- (b)** showing dissent at an umpire's decision by language or gesture, advancing towards an umpire in an aggressive manner when appealing or intimidating an umpire by language or gesture;
- (c)** using language that, in the circumstances, is obscene, offensive, insulting or seriously insulting;
- (d)** making an obscene or seriously insulting gesture;
- (e)** conducting themselves in a manner or acting in a manner which is improper, or which may be prejudicial to the interests of cricket, or which may bring the ECB, the game of cricket or any cricketer or group of cricketers into disrepute; and/or
- (f)** acting in a manner contrary to the ECB's Anti-Discrimination Code.

CONDUCT OBLIGATIONS - Captain/Team responsibility

4. If any cricketer commits two or more breaches of Regulation 1 or 2 (Conduct obligations on and around the field of play), which take place during or immediately before or after a match, when playing for the same Club in a season it shall automatically be a separate offence of failing to ensure that the relevant cricketers have complied with their obligations for each of:

- (a)** Any person who captained the team in each of the relevant match(es); and
- (b)** The Club the cricketer was playing for.

5. Clubs shall also be held responsible for disorderly behaviour at any part of the cricket ground on any match day by their members and spectators, unless they can show that:

- (a) they took adequate steps to ensure that their members and spectators behaved in an orderly fashion; and/or
- (b) they did not or could not control entry to that part of the cricket ground by the relevant spectators and it would therefore not be fair for them to be held responsible.

CONDUCT OBLIGATIONS - Off-field conduct

6. A Participant shall be in breach of these RCR if they commit any misconduct as set out below which either relates to their participation in Recreational Cricket and/or is of a sufficiently serious nature to justify disciplinary action being taken in relation to their participation in Recreational Cricket:

- (a) making an abusive, obscene, offensive or otherwise insulting comment or gesture (in any form) in relation to any other Participant or any other person including by the use of Social Media or websites
- (b) any act of violence towards another person;
- (c) engaging in behaviour that constitutes any form of abuse or harassment, whether physical, sexual, emotional, neglectful or bullying in nature;
- (d) any breach of the ECB's Anti-Discrimination Code;
- (e) making any adverse public statement or comment in any form and by any means about the performance and/or decision(s) of any match official(s), any other Participant or any other person in relation to any game, club or league.
- (f) failing to report to their Club, any Relevant Criminal Offence for which they have been subject to investigation and/or charged with;
- (g) conducting themselves in a manner, or doing or omitting to do anything which is or may be prejudicial to the best interests of cricket, or which may bring or does bring the game of cricket or the ECB into disrepute;
- (h) engaging in any corrupt conduct in relation to cricket, in particular:
 - (i) fixing the result, progress, conduct or any aspect of a match;
 - (ii) ensuring the occurrence of a particular incident in a match;
 - (iii) accepting a bribe to conduct the activities described in (a) or (b) above; or
 - (iv) receiving a custodial sentence for any of the activities described in (a)-(c) or
 - (v) failing to comply with any decisions or sanctions validly imposed on them following due process as prescribed by these RCR.

7. A Club shall be in breach of these Regulations if, at any time, it:

- (a) fails to take reasonable steps to ensure the good behaviour and conduct of their Participants for any breach of these Regulations; and/or
- (b) knowingly permits a cricketer, who is suspended as a result of a previous breach of these Regulations, to play in any match or competition; and/or
- (c) any of its Participants commit any serious, collective or repeated breaches of these Regulations; and/or
- (d) commits any breach of its obligations under the ECB Anti-Discrimination Code; and/or
- (e) fails to comply with any decision(s) and/or sanction(s) validly imposed on it or on any person within the organisation, which has arisen following due process as prescribed by these Regulations.

PROCESS

8. Umpires shall report any On-Field Breaches or Off-Field Breaches which occur on or around the field of play to the Cherwell Cricket League Umpires' Co-ordinator or his appointed deputy, within 24 hours, irrespective of any action the umpire may have taken on the field of play.

9. Other individuals can also report On-Field Breaches or Off-Field Breaches:

- (a) to the umpire, in which case the umpire shall report it to the Cherwell Cricket League;
- (b) to a captain or Club Official, if there is no umpire appointed to a particular match, who shall report it to the Cherwell Cricket League; or
- (c) to the Cherwell Cricket League directly.

10. A Relevant Disciplinary Body may become aware of, and may consider, a potential or alleged breach of these Regulations without an umpire or an independent individual having reported the matter to the Relevant Disciplinary Body.

11. The Cherwell Cricket League must ensure that any disciplinary processes conducted under these RCR comply with the following requirements:

- (a) The Cherwell Cricket League shall appoint a Disciplinary Officer (or Disciplinary Officers) in respect of each case.
- (b) The Disciplinary Officer shall decide whether to charge the relevant Participant with a breach of these RCR, having conducted any further investigation they consider necessary.
- (c) The report(s) will be forwarded to the Secretary of the offending club for their and/or the Participant(s) response including any actions the offending club have or will be taking along with any comments, mitigations or views of the incident(s). The response(s) are to be returned to the Disciplinary Officer within 72 hours of receipt of the report(s).
- (d) The Disciplinary Officer shall appoint an individual (or group of individuals) to consider the charge
 - (i) on the basis of the written evidence only or
 - (ii) at a hearing.

In either case, the following principles must be complied with:

- (i) The Participant shall be informed who will be making the decision and given the opportunity to object to their appointment on the basis of any conflict of interest.
- (ii) If the charge will be considered at a hearing, the Participant shall be given the opportunity to attend and make representations to the decision-maker(s).
- (iii) The decision-maker(s) may seek further information about the charge from the Participant or the Disciplinary Officer (or any other third party they deem necessary, including the umpire or reporting party) before making a decision.
- (iv) In exceptional cases, the decision-maker(s) may suspend a Participant from participating in cricket until the case has been considered. Before doing so, the decision-maker(s) will consider whether that is appropriate in the circumstances of the case (including the seriousness of the alleged breach and whether the Participant is contesting the charge).
- (v) The decision-maker(s) will consider the charge and determine whether, on the balance of probabilities, there has been a breach of these RCR. A decision made by a group of individuals shall be made on the basis of a majority vote.
- (vi) If there has been a breach of these RCR, the decision-maker(s) will impose a sanction in accordance with the sanction guidelines which appear in Appendix 1.
- (vii) The decision, including any sanction, shall be clearly communicated to the Participant and the Participant's Club as soon as reasonably possible.

12. The Participant shall have the opportunity to appeal any decision. The Cherwell Cricket League must ensure that any appeal processes conducted under these RCR comply with the following requirements:

(a) Decisions may only be appealed on one of the following grounds:

- (i) For any Level 1 or Level 2 offence where the decision was made without a hearing, solely on the grounds of mistaken identity;
- (ii) the decision-maker(s) came to a decision to which no reasonable body could have come;

- (ii) there was a serious procedural irregularity, which includes the decision-maker(s) not following the principles set out in Regulation 11, which significantly impacted the Participant's rights and caused the decision to be unjust;
 - (iii) there is fresh evidence which could not be presented before the decision was made but is material to the decision; and/or
 - (iv) the sanction imposed was manifestly excessive.
 - (b) The Disciplinary Officer shall appoint an individual (or group of individuals) to consider the appeal;
 - (i) on the basis of the written evidence only or
 - (ii) at a hearing.
- No individual who has previously been involved with the case shall be appointed to consider the appeal.
- (c) The process for the appeal shall comply with RCR 11(d)(i)-(iv).
 - (d) The decision-maker(s) shall consider the appeal and determine whether, on the balance of probabilities, the appeal shall be allowed (in whole or in part). A decision made by a group of individuals shall be made on the basis of a majority vote.
 - (e) If the appeal is allowed, the decision-maker(s) shall decide whether to disapply the sanction previously imposed or issue a new sanction in accordance with the sanctions guidelines which appear in Appendix 1.
 - (f) The decision, including any sanction, shall be clearly communicated to the Participant and the Participant's Club as soon as reasonably possible.
 - (g) Any decision in respect of appeal is final and binding and there is no further right of appeal.

MISCELLANEOUS

- 13. The Cherwell Cricket League will immediately recognise, give effect to and fully enforce any penalties which have been imposed under these RCR or the GCR and which they have been notified about.**
- 14. If the Cherwell Cricket League is aware that a Participant participates in multiple leagues or competitions, the Disciplinary Officer must communicate any sanction imposed under these RCR to the relevant competition organiser(s).**
- 15. The Cherwell Cricket League will maintain a record of all disciplinary decisions and, where applicable, sanctions imposed.**

APPENDIX 1 Sanction Guidelines

1. The table below sets out recommended sanctions to be applied on Participants in respect of On-Field Breaches. However, the decisionmaker(s) shall not be limited to imposing the recommended sanctions and can impose greater or lesser sanctions as appropriate in the circumstances of the particular case. Any sanctions imposed may be suspended in full or part until the end of the following season. Any sanctions imposed will include a warning as to future conduct.

2. Unless the decision-maker(s) stipulate otherwise, bans shall apply to all cricket, be effective immediately and, for the purpose of totting up the number of breaches within a specified period, shall remain on the Participant's record for 5 playing seasons from the date of the breach.

| Level of On-field breach | First On-Field breach | Second On-Field Breach (Within 5 seasons) | Third On-Field Breach (Within 5 seasons) |
|--------------------------|-----------------------|---|--|
| Level 1 | 2 week/match ban | 4 week/match ban | 6 week/match ban |
| Level 2 | 3 week/match ban | 6 week/match ban | 8 week/match ban |
| Level 3 | 6 week/match ban | 8 week/match ban | 10 week/match ban |
| Level 4 | 10 match minimum ban | 18 match minimum ban | <i>sine die</i> match ban |

3. If decision-maker(s) prefer, they can stipulate that bans cover:

- (a) A specific time period, e.g. one week; and/or
- (b) A specific number of days of cricket.
- (c) A specific number of matches played by the Participant's club/team within the Cherwell Cricket League

4. The decision-maker(s) shall take into account all aggravating and mitigating factors when determining the appropriate sanction. The decision-maker(s) shall determine whether, and to what extent, to depart from the standard sanctions and/or to impose additional or lesser penalties as they deem fit, including (but not limited to) the following, which may be suspended (in full or in part):

- (a) Caution or reprimand
- (b) Letter of apology
- (c) Fine of no more than £500
- (d) Ban of a period of matches or weeks
- (e) Expulsion of the cricketer from a Relevant Cricket League or competition

5. The decision-maker(s) shall give consideration to the following aggravating and mitigating factors, as appropriate, to include but not limited to:

AGGRAVATING FACTORS

- (a) The ages of the Participant and any victim at the time of the offence, particularly where the victim was a minor and the Participant was not.
- (b) The profile of the Participant, including whether they hold a position of responsibility within their Club (e.g. Club captain, Chair or member of senior management).
- (c) Poor previous disciplinary record.
- (d) Failure to cooperate with the Disciplinary Officer and/or Relevant Disciplinary Body.
- (e) Any attempt to conceal the breach.
- (f) The extent of any premeditation or planning.
- (g) The level of harm and/or distress incurred.
- (h) The public nature of the offence (such as commission of the offence in a public place, via broadcast media or a social media platform).
- (i) Use of discriminatory language or conduct, or any other behaviour that breaches the ECB's Anti-Discrimination Code, whilst also carrying out a separate offence under the RCR.

MITIGATING FACTORS

- (a) Good previous disciplinary record.
- (b) The age of the Participant at the time of the offence.
- (c) Admission at the earliest opportunity, where the factual conduct forming the basis of the charge would be capable of being disputed.
- (d) Demonstration of genuine remorse.
- (e) Co-operation with the Disciplinary Officer and/or Relevant Cricket League.
- (f) Inexperience of the Participant by reference to their age or background at the time of the offence. (g) In respect of social media posts, the age of the post and the Participant's age at the time of the post.

Appendix 2 Disciplinary Report Template

The Disciplinary Officer of the Relevant Disciplinary Body will use the information contained in this form, along with other conduct history and information it holds about the Participant, to determine what disciplinary action (if any) is to be taken. The Disciplinary Officer may pass it on to a Disciplinary Chair or Disciplinary Panel where necessary who may use it to assist in their disciplinary decisions.

Cherwell Cricket League Umpires' Report Form

The completed report is subject to the CCL Discipline, Complaints & Appeals Procedure and should be with the Umpires' Secretary within 24 hours of the end of the CCL Match in which the incident occurred. This is a simplified form, so occasionally there will be a need to come back to you for more detail.

Match Details, Captains and Officials

| | | | | | |
|------------|--|------------|--|------------|--|
| Match Date | | Home Team | | Captain | |
| Division | | Away Team | | Captain | |
| Officials | | Umpire (1) | | Umpire (2) | |

Offender & Offence

Please enter brief details of each offence below giving the player's name and team and indicating what warnings were given.

Note: CCL will consider any shortcoming in control of team members related to this and to the Captain's responsibilities under The Spirit of Cricket; it is important, therefore, to record any failure to take appropriate action.

| Summary of Offender & Offence(s) | | | | | Warnings etc (Y/N) | | | |
|----------------------------------|---|-----------------------------|---|------------|--------------------|-----------|-----------|--|
| Team (H/A) | Name <i>Please state if under 18</i> | Level of offence 1 2 3 4 | Brief Description of Offence <i>eg Dissent</i> | Warning(s) | Repeated | Suspended | Pen. Runs | |
| | | | | | | | | |

Please give details, using a separate sheet if necessary

Colleague's Agreement

I confirm that my colleague agrees that a report should be made and has seen this report or agreed its content.

Yes/No* *Please delete as appropriate

| | | | | | |
|--------------|--|-------------------|--|-------|--|
| Submitted by | | email | | Phone | |
| Date | | Club (or 'Panel') | | | |

Once complete please email the form ([Ideally in PDF format](#)) to the Umpires' Secretary quinnd@hotmail.co.uk

DEFINITIONS

Appeal Body – means the body appointed by a Relevant Cricket League under Regulation 13 which is responsible for dealing with appeals.

Club – means a club which participates in a Relevant Cricket League.

Club Official – means any official of a Club, as listed on their website or official Club documentation, acting in an official capacity at a match.

County Cricket Board – means a body designated as a County Cricket Board or County Club by the ECB which is responsible for the organisation of recreational cricketing activity and the development of cricket generally within a county and such other areas (if any) as may be agreed by the ECB.

ECB – means the England and Wales Cricket Board.

ECB's Anti-Discrimination Code – means the ECB's anti-discrimination code in force from time to time which can be found on the following ECB webpage, along with guidance on the ECB's Anti-Discrimination Code: <https://www.ecb.co.uk/about/policies-and-regulations/regulations/non-firstclass-county>.

Effective Date – means 1 March 2023.

Disciplinary Officer – means an individual (who may be one of a group of individuals) appointed by a Relevant Cricket League to have responsibility for the disciplinary process under these Regulations when that Relevant Cricket League is acting as the Relevant Disciplinary Body and/or Appeal Body.

GCR – means the ECB's General Conduct Regulations in force from time to time.

Off-Field Breach – means an alleged breach of Regulations 8-9.

On-Field Breach – means an alleged breach of Regulations 3-5.

Participants – means all individuals who are under the jurisdiction of a Relevant Cricket League, including:

- (a) cricketers;
- (b) volunteers, officers, employees, contractors, and members of any Relevant Cricket Organisation;
- (c) match officials;
- (d) coaches; and
- (e) any other person under the jurisdiction of any Relevant Cricket Organisation.

Recreational Cricket – means all cricket activities carried out under the jurisdiction of the ECB which are not carried out by: (i) the England Men's or England Women's teams; (ii) a First-Class County in relation to men's professional cricket; (iii) a Regional Host; or (iv) any Hundred Team.

Relevant Cricket Leagues – means all leagues within Recreational Cricket (and within the jurisdiction of the ECB) which are not covered by the GCR.

Relevant Criminal Offence – means any offence against a child, any sexual offence, any violent offence, any drug offence, any public order offence, any offence with an aggravated element, any offence of cruelty against animals and any offence relating to integrity.

Relevant Disciplinary Body – means the body appointed by a Relevant Cricket League under Regulation 12 who is responsible for conducting disciplinary processes.