

NORFOLK CRICKET BOARD

DISCIPLINARY COMMITTEE – PROCEDURE RULES

1. Application

1.1 These Rules apply to any disciplinary case falling to be dealt with by the Disciplinary Committee of the Norfolk Cricket Board (“the Committee” and “the NCB” respectively)). They apply to cases involving either individuals and clubs.

1.2 References to “person/club” mean whoever is the subject of an allegation in a particular case.

2. Disciplinary Hearing

2.1 In any case referred to the Committee at least 7 days written notice of the hearing and of the alleged offence(s) must be given to the player, or, in the case of a club, to its Secretary, together with the time and location of the hearing. The notification will include any relevant documentation.

2.2 The Chairman of the Committee (“the Chairman”) will convene a hearing as soon as is reasonably practicable and in any event within 21 days of the decision to hold the hearing.

2.3 The person/club will be entitled to attend the hearing, state their case (in the case of a club by the Secretary or other official), to be supported by a colleague and to call witnesses. There is no right to legal representation but this will normally be permitted provided it does not lead to a significant delay in holding the hearing. In the case of a minor it is recommended that he or she should be supported by an appropriate adult.

2.4 If the complaint is made by an umpire they should be available to give evidence at the hearing.

2.5 The Committee will consist of

- (a) a Chairman nominated by the NCB, who will be non-voting
- (b) a representative of the relevant participating competition in which the incident occurred
- (c) a representative of the Norfolk Cricket Officials Association
- (d) a player representative drawn by the Chairman from a panel established for this purpose.

2.6 No person can serve on the Committee who is connected with the person/club or their opponents at the time of the alleged offence or who is connected with a club which might directly benefit from any disciplinary action which may be taken. In the event that the Chairman is prevented from acting the NCB will appoint a substitute to fulfil the functions of the Chairman under these Rules.

2.7 In exceptional circumstances the Chairman of the Disciplinary Committee may impose an immediate ban pending the holding of the hearing.

3. Conduct of Hearing

3.1 The Chairman will open the hearing and introduce the parties. He will then briefly outline the procedure to be followed and specify the standard of proof to be applied (that is, on a balance of probabilities).

3.2 The Chairman will then specify the charges against the accused person and/or club.

3.3 Witnesses will not be present in the room at the outset but instead will be called individually to give their evidence at the appropriate time. Where possible a separate waiting area will be provided for each party. In the case of a minor called to give evidence it is recommended that he or she should be supported by an appropriate adult.

3.4 Where the complaint has been made by an umpire they will give their evidence. The Committee and the accused person/club may then question the umpire.

3.5 Witnesses who are to give evidence in support of the allegation will then be called individually and asked to give their evidence. After each witness has given their evidence they may be questioned by the Committee and player/club in turn.

3.6 Next, the accused person and/ or club will be asked to give their account. They may call witnesses. After each witness has given their evidence they may be questioned by the Committee.

3.7 Once witnesses have given their evidence they will leave the hearing unless the Chairman decides they may or should stay. They can take no further part in the hearing unless the Chairman agrees otherwise.

3.8 After the witnesses have given their evidence the Committee may question the accused person/club.

3.9 The Committee will then deliberate in private. Their decision will be by a majority vote.

3.10 The accused person/club will then be called back in and the Committee will give their decision as to whether or not the case is proved. If the case is found to be proved the accused person/club will be asked to give any mitigation which might affect the Committee's decision as to the penalty to be imposed, if there is any discretion in this area.

3.11 The Committee will consider the penalty in private.

- 3.12 The accused person/club will then be called back in and the Chairman will announce the penalty to be imposed. The accused person/club will be made aware of the Appeals Procedure and in particular the time for lodging an appeal.
- 3.13 The decision of the Committee and where relevant the penalty will be communicated to the accused person/club in writing within 21 days.
- 3.14 Subject to the right of appeal under paragraph 5 the Committee's decision is final and binding.
- 3.15 Nothing in these rules will prevent the Committee proceeding in the absence of the accused person /club if they reasonably consider that there is no good reason for that absence and are satisfied that adequate notice has been given of the hearing.

4 Penalties

- 4.1 If at the hearing the Committee finds the case proved it will have the power to impose one or more of the following penalties together with such order for costs as it considers appropriate:-

(a) in the case of a person

- (i) to require the person to submit appropriate letter(s) of apology within a specified time
- (ii) to record a reprimand and to give a warning as to future conduct
- (iii) to impose a fine
- (iv) (in the case of a player) to suspend the player for one or more matches or for a stated period of time
- (v) to deduct League points from the person's team
- (vi) to expel the player from any competition.

(b) in the case of a club

- (i) to require the club to submit appropriate letter(s) of apology within a specified time
- (ii) to record a reprimand and to give a warning as to future conduct
- (iii) to impose a fine
- (iv) to deduct League points from the club's team(s)
- (v) to relegate to any lower division of a League
- (vi) to expel the club or any of its teams from any competition or League.

- 4.2 The Committee may suspend the operation of any part, or all, of the penalty it imposes for such period and subject to such terms and conditions as it considers appropriate.

4.3 The Committee may in its discretion also determine that any decision to suspend a player or expel a player from a competition is to take effect immediately pending any appeal.

5. Appeals Process

5.1 A person or club has a right of appeal to the NCB's Appeals Committee. Notice of Appeal setting out the grounds of appeal must be given in writing to the NCB's Secretary within 7 days of the decisions of the Committee being given/announced under paragraphs 3.12 and 3.14. The Notice of Appeal must be accompanied by a fee of £50 which is returnable only in exceptional circumstances at the discretion of the Appeals Committee.

5.2 If Notice of Appeal is duly given then subject to paragraph 4.3 the penalty will not take effect pending the hearing of the Appeal, which will take place as soon as is reasonably practicable.

5.3 Appeals will be heard by a different committee. The composition of the Appeals Committee will be at the discretion of the NCB and will consist of at least 3 persons none of whom is connected with the person, the club or their opponents at the time of the alleged offence or who is connected with a club which might directly benefit from the outcome of the appeal.

5.4 An appeal against a verdict will take the form of a complete re-hearing.

5.5 An appeal against a penalty will be based on a report of the Disciplinary Committee hearing. The accused person/club will have the right to make representations to the Appeals Committee.

5.6 The accused person/club will have the same rights of attendance and representation and the ability to call witnesses as they did at the first hearing. The other rules set out in section 3 will also apply except to the extent that this section 5 provides for different arrangements.

5.7 The Appeals Committee may confirm, vary or reverse the decision of the Disciplinary Committee and has the power to increase the penalty and award costs of the appeal hearing.

5.8 Decisions of the Appeals Committee will be by majority vote of all its members.

5.9 The decision of the Appeals Committee will be communicated to the accused person/club in writing within 21 days.

5.10 Decisions of the Appeals Committee are final and binding.

