



# **CRICKET SCOTLAND**

## **CODE OF DISCIPLINARY PROCEDURE**

### **CHAPTER 1**

#### **PRELIMINARY**

##### **1.1 Establishment of the Panel and of the Appeals Panel**

- (1) There is hereby established a body to be known as the Cricket Scotland Discipline Panel (referred to in these Rules as “the Panel”).
- (2) Cricket Scotland delegates to the Panel the functions of hearing and determining all complaints that a person subject to these Rules has been guilty of cricketing misconduct in Scotland.
- (3) There is also hereby established a body to be known as the Cricket Scotland Discipline Appeals Panel (referred to in these Rules as “the Appeals Panel”).
- (4) But neither the Panel nor the Appeals Panel has any functions (except as provided in Rule 8.8) in relation to a complaint that is otherwise subject to the jurisdiction of—
  - (a) the England and Wales Cricket Board, or
  - (b) the International Cricket Council.

##### **1.2 Cricketing misconduct**

- (1) For the purposes of these Rules, “cricketing misconduct” means—
  - (a) an offence under the Code of Conduct;
  - (b) any other conduct connected with the game of cricket that is detrimental to its best interests.
- (2) But cricketing misconduct does not include conduct of an employee of CSL in the course of his employment.

### **1.3 Persons subject to the Code**

The following persons are subject to these Rules—

- (a) a member of Cricket Scotland;
- (b) a club that is a member of a league or association that is itself a member of Cricket Scotland;
- (c) an individual who is a member of a club, league or association that is itself a member of Cricket Scotland;
- (d) an individual who is a member of a club mentioned in subparagraph (b).

### **1.4 Objective of these Rules**

- (1) The objective of these Rules is to ensure that justice is achieved in the hearing and determination of all complaints in relation to which the Panel and the Appeals Panel has functions under these Rules.
- (2) For the purposes of paragraph (1), “ensuring that justice is achieved” includes ensuring that cases are dealt with, so far as practicable, in a manner that is—
  - (a) fair,
  - (b) consistent with the manner in which other relevant cases are dealt with,
  - (c) efficient, and
  - (d) speedy.
- (3) Whenever any action or decision is taken under these Rules, the person taking it must do so with a view to giving effect to the objective set out in paragraph (1).

## **CHAPTER 2**

### **THE PANEL AND THE APPEALS PANEL**

#### **2.1 Membership of the Panel and the Appeals Panel**

- (1) Before the start of each cricket season, the Board must appoint—
  - (a) the Chairman of the Panel, and
  - (b) at least nine other members of the Panel,

for the purposes of dealing with complaints of misconduct during the season under Chapters 3 and 4 of this Code.

- (2) Before the start of each cricket season, the Board must appoint—
  - (a) the Chairman of the Appeals Panel, and
  - (b) other members of the Appeals Panel,for the purposes of dealing with appeals under Chapters 5 and 6 of this Code.
- (3) Each member of the Panel and the Appeals Panel must be an eligible individual.
- (4) In addition, the Chairman of the Panel and the Appeals Panel must be a qualified lawyer.
- (5) For the purpose of paragraph (3), an individual is an “eligible individual” if he has, in the opinion of the Board, an appropriate level of experience and knowledge of the game of cricket.
- (6) If at any time a vacancy in the membership of the Panel or the Appeals Panel arises (by reason of resignation, death or any other cause) the Board must appoint an eligible individual to fill the vacancy.
- (7) The Panel and the Appeals Panel should, where possible, have different Chairmen but otherwise the members of the Panel may sit as members of the Appeals Panel and vice versa and the Chairman of the Panel may sit as an ordinary member of the Appeals Panel and the Chairman of the Appeals Panel may sit as an ordinary member of the Panel.
- (8) The Chairman of the Panel (or the Appeals Panel, as the case may be) may appoint an *ad hoc* member or members to determine any complaint (or appeal, as the case may be) if it is impractical for any reason to constitute a Panel (or Appeals Panel, as the case may be) from those appointed in accordance with this rule provided that (a) the person so appointed is an eligible individual, and (b) the *ad hoc* member shall not be entitled to sit as chairman of the Panel.

## **2.2 Remuneration and expenses of Panel and Appeals Panel members**

The Board may make such provision as it thinks fit for a member of the Panel and the Appeals Panel—

- (a) to be paid a fee;
- (b) to be reimbursed for out-of-pocket expenses.

### **2.3 Regulation of procedure under the Code**

(1) The Panel (including a Panel Committee, in relation to a particular complaint)–

(a) has power to regulate its own procedure;

(b) may waive any procedural requirement under these Rules.

(2) The Appeals Panel (including an Appeals Panel Committee, in relation to a particular appeal)–

(a) has power to regulate its own procedure;

(b) may waive any procedural requirement under these Rules.

## **CHAPTER 3**

### **INITIAL PROCEDURE**

#### **3.1 Right of complaint**

Any person, whether or not a member of Cricket Scotland, may make a complaint that a person subject to these Rules has been guilty of cricketing misconduct in Scotland.

#### **3.2 Formal requirements of a complaint**

(1) Any person who wishes to make a complaint must provide the necessary information in a communication –

(a) in written form, and

(b) addressed to the Disciplinary Officer.

(2) For the purposes of paragraph (1), the necessary information is –

(a) the date and place of the alleged cricketing misconduct;

(b) the name of the respondent;

(c) the name of any club of which the complainer believes the respondent is a member;

(d) the basis on which it is alleged that the respondent is subject to these Rules in accordance with Rule 1.3;

(e) full details of the alleged cricketing misconduct.

- (3) The complainer must, separately from the written complaint, provide the Disciplinary Officer with an address for notices under these Rules, including an e-mail address to which he is willing to receive notices, if applicable.
- (4) On receipt of the communication from the complainer, the Disciplinary Officer must draft a charge which must include all of the necessary information. In drafting the charge, the Disciplinary Officer may request further information from the complainer or from any other person.

### **3.3 Time-limit for complaints**

- (1) A complaint must be made within 7 days of the alleged cricketing misconduct.
- (2) A complaint is “made” when the necessary information has been communicated to the Disciplinary Officer by the complainer.
- (3) But if the Disciplinary Officer thinks that the circumstances of the complaint may be such as to make it equitable that a complaint not made within the period set out in paragraph (1) should nevertheless proceed, he must refer the matter to a member of the Panel.
- (4) The Disciplinary Officer must provide the member of the Panel with—
  - (a) a copy of the charge,
  - (b) a copy of any communication received from the complainer under Rule 3.2; and
  - (c) a summary of the circumstances which the Disciplinary Officer thinks may be such as to make it equitable that the complaint should proceed.
- (5) The member of the Panel must decide, on consideration of the documents provided to him under paragraph (4), whether the circumstances are such as to make it equitable that the complaint should proceed.
- (6) If the member of the Panel decides that the complaint should proceed, he must remit it to the Disciplinary Officer to proceed under Rule 3.4 as if the complaint had been made within the period set out in paragraph (1).
- (7) If the member of the Panel decides that the complaint should not proceed, the Disciplinary Officer must take no further action in relation to the complaint, although he may appeal the decision in accordance with Chapter 5.
- (8) The member of the Panel must provide written reasons for his decision to the Disciplinary Officer.

### **3.4 Investigation of complaints**

- (1) Once the necessary information has been provided and the charge has been drafted, the Disciplinary Officer must write to the respondent—
  - (a) notifying him that a complaint has been made against him;
  - (b) enclosing a copy of the charge, a copy of these Rules, and, where appropriate, a copy of the decision by the member of the Panel to allow the complaint to proceed out of time;
  - (c) asking him to provide an e-mail address to which he is willing to receive notices.
- (2) The Disciplinary Officer must then—
  - (a) request the Chairman of the Panel to designate the Administrative Officer in relation to the complaint; and
  - (b) proceed to investigate the complaint
- (3) In investigating a complaint, the Disciplinary Officer may—
  - (a) seek to obtain reports or statements from any person that he considers appropriate, and
  - (b) consider any other matter of fact that he considers relevant.
- (4) The Disciplinary Officer must complete his investigation into a complaint within a reasonable time after receiving the complaint.
- (5) When the Disciplinary Officer has completed his investigation into a complaint—
  - (a) if it appears to him that the complaint may be unfounded in fact or law, frivolous or vexatious, he must refer it to a member of the Panel for screening;
  - (b) if it appears to him that the charge should be amended then he may amend it in which case he must send a copy of the amended charge to the respondent and he must appoint the amended complaint to a hearing in accordance with Rule 3.7;
  - (c) in any other case, he must appoint the complaint to a hearing in accordance with Rule 3.7.
- (6) Upon referring a complaint for screening, the Disciplinary Officer must provide the member of the Panel with—
  - (a) a copy of the charge,

- (b) a copy of any communication received from the complainer under Rule 3.2; and
- (c) a summary of his investigation into the complaint.

### **3.5 Screening of complaints**

- (1) If a complaint is referred to a member of the Panel for screening, he must consider the documents provided to him under Rule 3.4(6).
- (2) If the member of the Panel considers that it is clear that the complaint is unfounded in fact or law, frivolous or vexatious, he must dismiss it.
- (3) In any other case, the member of the Panel must remit the complaint for the Disciplinary Officer to appoint it to a hearing in accordance with Rule 3.7.
- (4) If the member of the Panel dismisses a complaint, he must provide written reasons for his decision to the Disciplinary Officer, the complainer and the respondent.

### **3.6 Designation of the Administrative Officer**

- (1) Within a reasonable time of receiving a request from the Disciplinary Officer under Rule 3.4(2)(a), the Chairman of the Panel must designate one of the individuals appointed under Rule 8.2 to be the Administrative Officer in relation to the complaint.
- (2) In designating the Administrative Officer, the Chairman must seek to ensure that the Administrative Officer does not have a conflict in relation to the complaint.
- (3) For the purposes of paragraph (2) the Chairman must consult with the individual that he proposes to designate.

### **3.7 Appointment of a complaint to a hearing**

- (1) Where the Disciplinary Officer is required to appoint a complaint to a hearing he must—
  - (a) notify the respondent and the complainer accordingly, and
  - (b) request the Administrative Officer to fix a date and designate the members of the Panel who are to form the Panel Committee for the hearing.
- (2) Within a reasonable time of receiving the Disciplinary Officer's request, the Administrative Officer must notify the Disciplinary Officer, the respondent and the complainer of—
  - (a) the date of the hearing, which must be within 21 days of that request;

- (b) the venue of the hearing;
  - (c) the names of the members of the Panel Committee.
- (3) A Panel Committee must consist of 3 members of the Panel, including a qualified lawyer designated as its chairman.
- (4) In designating the members of a Panel Committee, the Administrative Officer must seek to ensure that no member has a conflict in relation to the complaint.
- (5) For the purposes of paragraph (4) the Administrative Officer must consult with each member that he proposes to designate and with the Chairman of the Panel.

## **CHAPTER 4**

### **HEARINGS**

#### **4.1 Written hearings**

- (1) This Rule applies where the cricketing misconduct alleged in a complaint is a Level 1 offence under the Code of Conduct and where the only penalty which could be imposed on the respondent is an official reprimand.
- (2) The respondent may waive his right to an oral hearing by giving notice to the Administrative Officer before the date of the hearing fixed in accordance with Rule 3.7.
- (3) Upon receipt of such a notice, the Administrative Officer must immediately notify—
- (a) the Disciplinary Officer, and
  - (b) each member of the Panel Committee.
- (4) Where the respondent waives his right to a hearing in this way the Panel Committee —
- (a) must proceed to determine whether the respondent has been guilty of cricketing misconduct without an oral hearing;
  - (b) may make its deliberations by a meeting or any other form of communication that it considers appropriate, including by letter, telephone or e-mail.
- (5) Where the Panel Committee makes its determination without an oral hearing under this Rule, the date of receipt of the respondent's notice under

paragraph (2) is, for the purposes of Rule 4.7, deemed to be the date of the close of the hearing.

## **4.2 Oral hearings**

- (1) In any case where—
  - (a) Rule 4.1 does not apply, or
  - (b) the respondent does not waive his right to an oral hearing,the Panel Committee must hold an oral hearing of the complaint.
- (2) At the oral hearing, the Disciplinary Officer must seek to put before the Panel Committee documentary and oral evidence sufficient to establish that the respondent has been guilty of cricketing misconduct.
- (3) The Disciplinary Officer may appoint another person to act on his behalf at the oral hearing.
- (4) At the oral hearing, the Panel Committee may—
  - (a) determine the procedure to be followed;
  - (b) postpone or adjourn the hearing;
  - (c) receive and consider such evidence as it thinks appropriate.
- (5) At the oral hearing, the parties may—
  - (a) lead the evidence of witnesses;
  - (b) refer to documents;
  - (c) make closing submissions.
- (6) The Panel Committee may allow the evidence of witnesses to be led over the telephone or by video conference facilities or in any other way.
- (7) The members of the Panel Committee may ask a witness any question that they think appropriate.
- (8) A witness whose evidence is led by or on behalf of the Disciplinary Officer may be cross-examined only—
  - (a) if the respondent is represented at the hearing, by the representative;
  - (b) if the respondent is not represented, through or with the permission of the chairman of the Panel Committee.

- (9) The Administrative Officer is to act as clerk to the Panel Committee at the oral hearing.

#### **4.3 Preparations for an oral hearing**

- (1) No later than 7 days before the date of an oral hearing, the Disciplinary Officer must send to the respondent and the Administrative Officer the following—
  - (a) the charge;
  - (b) a list of any witnesses whose evidence he wishes to lead at the hearing;
  - (c) any document to which he wishes to refer at the hearing.
- (2) No later than 2 days before the date of the oral hearing, the respondent must send to the Disciplinary Officer and the Administrative Officer the following—
  - (a) a list of any witnesses whose evidence he wishes to lead at the hearing;
  - (b) any document to which he wishes to refer at the hearing;
  - (c) notice of the identity of any person who is to represent him at the hearing.
- (3) The Administrative Officer must, as soon as reasonably practicable, provide the members of the Panel Committee with all documents received under paragraph (1) or (2).
- (4) The Panel Committee may at any time before the oral hearing in its discretion hold a procedural hearing for the discussion of any procedural or other issues that it considers relevant.

#### **4.4 Representation of the respondent at oral hearings**

- (1) At an oral hearing of a complaint, the respondent may be represented by any person.
- (2) If he is under the age of 16, the respondent may also be accompanied by a parent or other adult supporter.

#### **4.5 Deliberations of Panel Committees**

- (1) The following provisions apply to the deliberations of a Panel Committee.
- (2) The deliberations, including on any procedural question, must be held in private.
- (3) The standard of proof required to determine any question of fact is the balance of probabilities.
- (4) All decisions must be taken by a majority vote.

- (5) No member may abstain from voting.
- (6) The chairman has a deliberative and not a casting vote.

#### **4.6 Penalties**

- (1) If the Panel Committee determines that the respondent has been guilty of cricketing misconduct which is an offence under the Code of Conduct, it may impose on him any penalty provided for that offence in the Code of Conduct.
- (2) If the Panel Committee determines that the respondent has been guilty of any other cricketing misconduct, it may impose the following penalties on him—
  - (a) an oral caution as to future conduct;
  - (b) a written reprimand;
  - (c) suspension from membership of Cricket Scotland, or of the club, league or association of which the respondent is a member, for a specific number of matches;
  - (d) expulsion from Cricket Scotland or the club, league or association of which the respondent is a member;
  - (e) any combination of the above.
- (3) If the Panel Committee imposes a penalty under paragraph (2)(d) or (e) in respect of a respondent who is not a member of Cricket Scotland—
  - (a) the Panel Committee must issue a direction to the relevant member requiring it to take such steps as may be necessary to enforce the relevant suspension or expulsion, and
  - (b) the relevant member must comply with that direction.
- (4) In paragraph (3), “the relevant member” means the club, league or association—
  - (a) of which the respondent is a member, and
  - (b) which is itself a member of Cricket Scotland.
- (5) In the case of a respondent subject to the Code by virtue of Rule 1.3(d), the relevant member’s duty under paragraph (3)(b) is to issue a direction to the club of which the individual member is a member to take such steps as may be necessary to enforce the relevant suspension or expulsion.

#### **4.7 Notification of disposal and publicity**

- (1) Where there is an oral hearing, at the close of the hearing the Panel Committee may, as it thinks appropriate—
  - (a) reserve its decision to be provided in writing; or
  - (b) advise the parties orally of its decision.
- (2) In all cases, the Panel Committee must, as soon as reasonably practicable and in any event not more than 14 days after the date of the close of the hearing, give notice of its determination of the complaint to—
  - (a) the respondent,
  - (b) the Disciplinary Officer, and
  - (c) the complainer.
- (3) The notice of the Panel Committee's determination of the complaint must give its reasons which must include a note of the facts which it found to be proved (and the reasons for so finding) and a note of the reasons for the final disposal of the complaint.
- (4) If the Panel Committee determines that the respondent has been guilty of cricketing misconduct, the Panel may publish, in such manner as it thinks appropriate—
  - (a) details of the cricketing misconduct,
  - (b) details of the penalty imposed, and
  - (c) the identity of the respondent.

## **CHAPTER 5**

### **APPEALS FROM A DECISION OF THE PANEL**

#### **5.1 Appeal to Appeals Panel**

- (1) Any Respondent or Disciplinary Officer who is dissatisfied with a final disposal by the Panel under Rule 4.7 of this Code of a complaint and who wishes to subject that disposal to review by the Appeals Panel shall do so by appealing to the Appeals Panel in accordance with the provisions of this Chapter.
- (2) Any appeal shall be accompanied by a bond for £100 (one hundred GBP) in cash or as a cheque made payable to Cricket Scotland. This bond is designed to discourage trivial or frivolous appeals and is necessary to cover some of the

costs incurred by CS in handling any appeal. The bond will be fully refunded to the respondent in the case of an appeal being upheld.

- (3) An appeal to the Appeals Panel shall be on a point of law only.

## **5.2 Time Limits for Appeals and Seeking Leave to Appeal**

- (1) A final disposal may be appealed against without leave within 7 days after the date on which the Panel's reasons were notified to the Respondent or Disciplinary Officer in accordance with Rule 4.7.
- (2) A disposal other than a final disposal may not be appealed until the complaint has been finally disposed of by the Panel Committee.

## **5.3 Form of Appeal**

- (1) A Respondent or Disciplinary Officer who wishes to appeal against a final disposal shall do so by sending Grounds of Appeal to the Administrative Officer before the expiry of the time limit for marking the appeal and shall intimate copies to all other parties.
- (2) The Grounds of Appeal must include sufficient information to identify the decision appealed against, and shall consist of brief, specific, numbered propositions stating the grounds on which it is submitted that the appeal should be allowed and a party who has lodged Grounds of Appeal shall not be allowed to argue any ground which is not mentioned in those Grounds of Appeal unless it is given leave to do so.
- (3) At the same time as lodging Grounds of Appeal the appellant shall lodge the note of reasons given by the Panel in disposing of the complaint and any other documents necessary for proper consideration of the appeal and shall intimate copies to all other parties.
- (4) Any other party to the appeal who considers that any other document or documents is or are necessary for proper consideration of the appeal shall intimate copies of that document or those documents to the Administrative Officer and to the other parties within 7 days of the date on which the Grounds of Appeal were lodged.
- (5) The lodging of a document or documents by the other party in terms of paragraph (4) shall not preclude that party from objecting to the appeal on the grounds of competence under Rule 5.5.

## **5.4 Effect of Marking an Appeal**

- (1) The lodging of Grounds of Appeal shall have the effect of submitting to review by the Appeals Panel all decisions of the Panel (or a member of the Panel, as the case may be) in relation to the complaint whose disposal is being appealed.

- (2) Cricket Scotland will, at the beginning of each calendar year, establish a set of 4 (four) dates for appeal hearings and appoint a Chair, panellists and reserves for each hearing;
- (3) All Appeals Panel Committees must consist of a minimum of 3 members of the Appeals Panel, including a qualified lawyer designated as its chairman.
- (4) In designating the members of an Appeals Panel Committee, the Administrative Officer must seek to ensure that no member has a conflict in relation to the complaint or the appeal.
- (5) For the purposes of paragraph (4) the Administrative Officer must consult with each member that he proposes to designate and with the Chairman of the Appeals Panel.

### **5.5 Objections to the Competency of an Appeal**

- (1) Where an appeal has been marked then any other party may oppose the appeal on the grounds that it is incompetent.
- (2) Where the Administrative Officer considers that an appeal may be incompetent then, whether or not any other party has intimated objections to the appeal, he may refer the matter to a member of the Appeals Panel and that member of the Appeals Panel may make any of the orders mentioned in paragraph (4) of this sub-section.
- (3) Where the other party to the complaint considers that an appeal which has been marked is incompetent then that party may oppose the appeal on the ground that it is incompetent and the cause shall be put out for a hearing before an Appeals Panel Committee who may make either of orders (ii), (iii) or (iv) mentioned in paragraph (4) of this sub-section.
- (4) The orders mentioned in paragraphs (2) and (3) above are that the member of the Appeals Panel or the Appeals Panel Committee (as the case may be) may (i) ask for representations from the party who marked the appeal and from any other party, (ii) refuse the appeal on the ground that it is incompetent, (iii) direct that the appeal be heard as if the referral had not been made, or (iv) direct that the appeal be heard on such conditions as he thinks fit.

### **5.6 Order for a Hearing**

- (1) Within 5 days of receipt of the Grounds of Appeal, the Administrative Officer shall confirm to the respondent the date for the next Appeal panel meeting at which the appeal will be heard.
- (2) The dates for appeals hearings will be published so all players, clubs and officials in Scotland know in advance when appeals can be heard.

## **5.7 Procedural Hearing**

- (1) The Appeals Panel Committee may at any time before the hearing of the appeal in its discretion hold a procedural hearing for the discussion of any procedural or other issues that it considers relevant to the appeal.

## **5.8 The Hearing and Disposal of the Appeal**

- (1) The appeal hearing must take the form of an oral hearing although this does not preclude the use of written submissions.
- (2) The deliberations of an Appeals Panel Committee, including any procedural questions which may arise, must be held in private.
- (3) All decisions of the Appeals Panel Committee must be taken by a majority vote, no member may abstain from voting, and the chairman has a deliberative and not a casting vote.
- (4) In disposing of an appeal the Appeals Panel Committee may make any order which is necessary in order to ensure that the objective of these Rules is achieved and in particular but without prejudice to the foregoing generality it may:
  - a. affirm the order of the Panel;
  - b. recall the order of the Panel and substitute any other order which would otherwise have been open to the Panel to impose;
  - c. recall the order of the Panel and remit to the Panel with an order for reconsideration on such grounds as to the Appeals Panel shall seem proper;
  - d. recall the order of the Panel and remit to a differently constituted Panel for reconsideration;
  - e. recall the order of the Panel and remit to the Panel with an order to consider additional evidence;
  - f. make any other order which in the opinion of the Appeals Panel Committee is necessary in order to ensure that the objective of these Rules is achieved.
- (5) In any event the decision of the Appeals Panel Committee must be given in writing with reasons within 14 days of the hearing of the appeal.

## CHAPTER 6

### APPEALS FROM DECISIONS OF DISTRICT DISCIPLINARY PANELS

#### 6.1 Appeal to Appeals Panel from Districts

- (1) Any District Cricket Association or other body may, by its own rules or constitution, elect to allow a right of appeal to the Appeals Panel from a decision of a disciplinary panel appointed under its own rules or constitution.
- (2) An appeal to the Appeals Panel shall be on a point of law only and shall only be competent once all rights of appeal under the District Cricket Association or other body's rules or constitution have been exhausted.

#### 6.2 Procedure to be followed in Appeals from Decisions of District Disciplinary Panels

- (1) A final disposal of a District Disciplinary Panel may be appealed against without leave within 7 days after the date on which the reasons for the decision which it is sought to be challenged were notified to the party wishing to challenge it.
- (2) The provisions of Chapter 5 of these Rules dealing with the form of appeal, the effect of marking an appeal, objections to competency of the appeal, order for a hearing, procedural hearing, set dates for panel hearings and the hearing and disposal of the appeal shall apply *mutatis mutandis* to appeals from District Cricket Associations with the following particular modifications:
  - a. the Grounds of Appeal shall be sent to the Administrative Officer at the address provided in Rule 8.9(5);
  - b. forthwith upon receipt of the Grounds of Appeal the Chairman of the Appeals Panel must designate one of the individuals appointed under Rule 8.2 to be the Disciplinary Officer in relation to the appeal; and
  - c. if the appeal is at the instance of the person who was in the equivalent position to the respondent in a complaint dealt with under Chapter 3, and the organisation from whose decision the appeal is made has no equivalent of a Disciplinary Officer, then the Administrative Officer shall liaise with that organisation to ensure that a contradictor is appointed.

## CHAPTER 7

### APPEAL TO SPORTS RESOLUTION (UK)

#### 7.1 Appeal to Sport Resolutions (UK)

- (1) The respondent or the Disciplinary Officer may appeal against an Appeal Panel Committee's determination of an appeal to a three-member tribunal of arbitrators appointed in accordance with the arbitration rules of Sport Resolutions (UK).
- (2) Any appeal under this Rule must be made within 14 days of receipt of the Appeal Panel Committee's decision under Rule 5.8 (or under Chapter 6, as the case may be).
- (3) If the respondent appeals, he must—
  - (a) give notice to the Disciplinary Officer and the Appeal Panel,
  - (b) provide a time estimate for the likely length of the appeal hearing, and
  - (c) forthwith on being notified by the Administrative Officer of the amount due, lodge a sum of money with the Administrative Officer to cover one half of the charges to be levied by Sport Resolutions (UK) in relation to the appeal.
- (4) If the Disciplinary Officer appeals, he must –
  - (a) give notice to the respondent and the Appeal Panel,
  - (b) provide a time estimate for the likely length of the appeal hearing, and
  - (c) lodge a sum of money with the Administrative Officer to cover the whole of the charges to be levied by Sports Resolution (UK) in relation to the appeal.
- (5) The appeal is to be conducted in accordance with the rules of Sport Resolutions (UK).
- (6) The decision of the arbitrators is final and binding on both the Disciplinary Officer and the respondent.
- (7) Any sums of money paid by the respondent or the Disciplinary Officer in terms of the provisions of this rule may ultimately be subject to a decision of Sports Resolutions (UK) as to the costs of the appeal.

**CHAPTER 8**  
**MISCELLANEOUS**

**8.1 Disciplinary Officer**

- (1) The Board must appoint the Disciplinary Officer under these Rules.
- (2) In the case of a complaint in which the Disciplinary Officer is the respondent—
  - (a) the complaint must be made to the President of Cricket Scotland,
  - (b) the President must carry out all functions of the Disciplinary Officer under these Rules in relation to the complaint, and
  - (c) references in these Rules to the Disciplinary Officer must accordingly, for purposes of the complaint, be read as references to the President.
- (3) If the Disciplinary Officer has reason to believe that he may have a conflict in relation to a complaint, he must—
  - (a) delegate his functions under these Rules in relation to the complaint to another natural person who may or may not be an employee of CSL (other than one of the individuals appointed under Rule 8.2) or to an independent legal adviser, and
  - (b) within 3 days of his decision to make that delegation, give notice of it to both the respondent and the complainer.
- (4) If the Disciplinary Officer makes a delegation under paragraph (3)—
  - (a) the person to whom he delegates his functions must carry out all functions of the Disciplinary Officer under these Rules in relation to the complaint, and
  - (b) references in these Rules to the Disciplinary Officer must accordingly, for purposes of the complaint, be read as references to that person.
- (5) Any sum to be paid by the Disciplinary Officer under these Rules is to be paid from the funds of Cricket Scotland.

**8.2 Administrative Officers**

- (1) Before the start of each cricket season, the Board must appoint two individuals who are to be available to be designated as the Administrative Officer in relation to a complaint of cricketing misconduct during the season.
- (2) The individuals may be employees of CSL (other than the Disciplinary Officer).

- (3) If an individual appointed under paragraph (1) resigns, dies or otherwise becomes unavailable to be designated as Administrative Officer, the Board must appoint an individual in his place.
- (4) The Board may make such provision as it thinks fit for an individual designated as the Administrative Officer in relation to a complaint—
  - (a) to be paid a fee (unless the individual is an employee of CSL);
  - (b) to be reimbursed for out-of-pocket expenses.

### **8.3 Suspension of proceedings**

- (1) Paragraph (2) applies if, at any time before the final determination of a complaint, the Disciplinary Officer becomes aware that—
  - (a) a criminal investigation has been instituted in Scotland with regard to an offence arising from the circumstances that are the subject of the complaint, or
  - (b) proceedings for such an offence have been instituted in Scotland and not concluded.
- (2) The Disciplinary Officer must immediately—
  - (a) suspend the complaint, and
  - (b) give notice to the persons set out in paragraph (7).
- (3) During the period of a suspension, neither the Disciplinary Officer nor the Panel has any power to take any action in relation to the complaint.
- (4) The Disciplinary Officer must request the police force investigating the matter or the procurator fiscal, as the case may be, to keep him advised of the progress of the investigation or the proceedings.
- (5) Paragraph (6) applies if the Disciplinary Officer—
  - (a) receives formal notification from the police force investigating the matter or the procurator fiscal of the conclusion of the investigation or proceedings, or
  - (b) learns from any other reliable source of the conclusion of the investigation or proceedings.
- (6) The Disciplinary Officer must immediately—
  - (a) lift the suspension of the complaint, and
  - (b) give notice to the persons set out in paragraph (7).
- (7) The persons are—

- (a) the respondent;
- (b) the complainer;
- (c) if the complaint has been appointed to a hearing in accordance with Rule 3.7, the Administrative Officer.

#### **8.4 Conflicts**

- (1) For the purposes of these Rules, a person has a “conflict” in relation to a complaint if he has any interest in it such that his involvement in proceedings relating to it would be, or might appear to be, unfair.

#### **8.5 Multiple incidents**

- (1) If a complaint is made against more than one respondent as the result of an incident or related incidents, the Chairman of the Panel may decide that the complaints are to be determined together.
- (2) But the Chairman may not make such a decision if it would result in manifest prejudice to any respondent.

#### **8.6 Expenses**

- (1) In general, the Disciplinary Officer and the respondent must each bear their own expenses in relation to a complaint (including in relation to any appeal under Chapters 5 and 6).
- (2) But if there is an oral hearing, the Panel Committee or the Appeals Panel Committee may, if it thinks appropriate, make an award of expenses against either the Disciplinary Officer or the respondent.

#### **8.7 Publication of materials**

The Disciplinary Officer must ensure that the following documents are available on the website of Cricket Scotland at all times—

- (a) these Rules;
- (b) a copy of the Cricket Scotland Code of Conduct;
- (c) an up-to-date list of the members of the Panel;
- (d) an up-to-date list of the members of the Appeals Panel;
- (e) an up-to-date list of the individuals appointed under Rule 8.2 to be available for designation as Administrative Officer.

## **8.8 Enforcement of penalties imposed by other bodies**

- (1) This Rule applies where a body mentioned in paragraph (4) has taken and concluded disciplinary proceedings in relation to a person subject to these Rules.
- (2) The Panel may impose on the person any penalty that the body requests, provided that it is a penalty which a Panel Committee would have the power to impose under Rule 4.6.
- (3) For the purposes of any such penalty, the Panel has the same power to make a direction as a Panel Committee has under paragraphs (3) to (5) of Rule 4.6.
- (4) The bodies are—
  - (a) the England and Wales Cricket Board;
  - (b) the International Cricket Council.

## **8.9 Notices and timings**

- (1) Any notice required or authorised under these Rules must be in writing and may be given—
  - (a) by first-class post to the person's last known address, or
  - (b) if the person has provided an e-mail address to which he is willing to receive notices (including, in the case of the Disciplinary Officer, the Administrative Officer or the Panel, in this Rule), by e-mail to that address.
- (2) Unless it is proved otherwise, a notice is deemed to be received—
  - (a) if sent by first-class post, at the time at which it would be delivered in the ordinary course of post;
  - (b) if sent by e-mail, when it is sent.
- (3) When a provision of these Rules requires an action to be taken by or on a date, it must be taken by no later than 5:00 p.m. on that date.
- (4) The Disciplinary Officer's address for notices is—

Disciplinary Officer  
Cricket Scotland  
National Cricket Academy  
Ravelston  
Edinburgh  
EH4 3NT  
Please copy both DO's into initial correspondence

(5) The address for notices to the Administrative Officer or the Panel or the Appeals Panel is—

Administrative Officer  
Cricket Scotland Discipline Panel  
Cricket Scotland  
National Cricket Academy  
Ravelston  
Edinburgh  
EH4 3NT  
E-mail: ramsayallan@cricketscotland.com

## **8.11 Interpretation**

(1) In these Rules—

“the Administrative Officer”, in relation to a complaint, means the individual designated in accordance with Rule 3.6 (or Rule 6.2(2) as the case may be);

“the Appeals Panel Committee”, means the committee of members of the Appeals Panel designated for the hearing of an appeal under Chapter 5 or 6 of these Rules.

“the Board” means the board of directors of CSHL;

“the Code of Conduct” means Cricket Scotland’s Code of Conduct;

“the complainer”, in relation to a complaint, means the person making the complaint;

“conduct” includes any act, gesture, statement or utterance;

“the Disciplinary Officer” means the individual appointed in accordance with Rule 8.1;

“Panel Committee” means the committee of members of the Panel designated for the hearing of a complaint under Rule 3.7;

“person” includes a body of persons, corporate or unincorporate, including a voluntary association and the Panel or a Panel Committee;

“a member of Cricket Scotland” means a member of CSHL or any successor of CSHL;

a “qualified lawyer” means—

- (i) a Senator or retired Senator of the College of Justice,
- (ii) a sheriff or retired sheriff,

- (iii) a member or retired member of the Faculty of Advocates,
- (iv) a solicitor or retired solicitor, or
- (v) any other individual who the Board considers is appropriately qualified by virtue of his legal knowledge and experience, including experience as an academic;

“the respondent”, in relation to a complaint, means the person who is alleged to have been guilty of cricketing misconduct;

“CSHL” means Cricket Scotland Holdings Limited;

“CSL” means Cricket Scotland Limited;

“Sport Resolutions (UK)” means the Sports Dispute Resolution Panel Limited or any successor body providing an independent dispute resolution service for sport in the United Kingdom.

(2) In these Rules—

- a. words importing the masculine gender include the feminine;
- b. unless the contrary intention appears, words in the singular include the plural and words in the plural include the singular.

Signed: .....

April 2018