



# **EUROPEAN CRICKET LEAGUE**

## **CODE OF CONDUCT FOR MATCH OFFICIALS AND MATCH OFFICIAL SUPPORT PERSONNEL**

\*As adapted from the the ICC Code of Conduct for Match Official and Match Official Support Personnel effective 1 November 2016

## **CODE OF CONDUCT FOR MATCH OFFICIALS AND MATCH OFFICIAL SUPPORT PERSONNEL**

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## Introduction

The *ECL* is responsible for the governance of the sport of cricket during the *ECL* and the Code of Conduct for *Match Officials* and *Match Official Support Personnel* (the “Code of Conduct”) is adopted and implemented as part of the *ECL*’s continuing efforts to maintain the public image, popularity and integrity of cricket by providing: (a) an effective means to deter any *Match Official* or *Match Official Support Personnel* from conducting themselves improperly on and off the ‘field-of-play’ or in a manner that is contrary to the ‘spirit of cricket’; and (b) a robust disciplinary procedure pursuant to which all matters of improper conduct can be dealt with fairly, with certainty and in an expeditious manner.

Unless otherwise indicated, references to articles and appendices are to articles and appendices of the Code of Conduct. Words in italicised text in the Code of Conduct are defined terms and their definitions are set out in appendix 1.

## Article 1 - Scope And Application

**1.1** all *Match Officials* and *Match Official Support Personnel* are automatically bound by and required to comply with all of the provisions of the Code of Conduct. accordingly, by their appointment to officiate in an *ECL Match*, such *Match Officials* and *Match Official Support Personnel* shall be deemed to have agreed:

**1.1.1** that it is their personal responsibility to familiarise themselves with all of the requirements of the Code of Conduct, including what conduct constitutes an offence under the Code of Conduct;

**1.1.2** to submit to the exclusive jurisdiction of any *Judicial Commissioner* or *Appeal Panel* convened under the Code of Conduct to hear and determine charges brought (and any appeals in relation thereto) pursuant to the Code of Conduct;

**1.1.3** not to bring any proceedings in any court or other forum that are inconsistent with the foregoing submission to the jurisdiction of the *Judicial Commissioner* or *Appeal Panel*;

**1.1.4** to be bound by and comply with the *PCT Code*; and

**1.1.5** to be bound by and comply with the *ECL Anti-Corruption Code for Participants*.

**1.2** all *Match Officials* and *Match Official Support Personnel* shall continue to be bound by and required to comply with the Code of Conduct until he/she has not officiated in an *ECL Match* for a period of twelve (12) months and the *ECL* shall continue to have jurisdiction over him/her under the Code of Conduct thereafter in respect of matters taking place prior to that point.

**1.3** It is acknowledged that certain *Match Officials* and *Match Official Support Personnel* may also be subject to other rules of the *ECL* and *National Cricket Federations* that govern discipline and/or conduct (including, without limitation, the *PCT Code* and the *ECL's* anti-Corruption Code for Participants and any domestic equivalent codes, breaches of which shall be dealt with under the relevant disciplinary provisions of such codes, not under this Code of Conduct), and that the same conduct of such *Match Officials* and *Match Official Support Personnel* may implicate not only the Code of Conduct but also such other rules that may apply. for the avoidance of any doubt, *Match Officials* and *Match Official Support Personnel* acknowledge and agree that:

- (a) the Code of Conduct is not intended to limit the responsibilities of any *Match Official* or *Match Official Support Personnel* under such other rules; and
- (b) nothing in such other rules shall be capable of removing, superseding or amending in any way the jurisdiction of the *Judicial Commissioner* or *Appeal Panel* to determine matters properly arising pursuant to the Code of Conduct.

## Article 2 - Code Of Conduct Offences

The conduct described in articles 2.1 – 2.4 below, if committed by a *Match Official* or *Match Official Support Personnel* at any time, whether during or in relation to an *ECL Match* or otherwise, shall amount to an offence by such *Match Official* or *Match Official Support Personnel* under the Code of Conduct.

**COMMENT:** Where considered helpful, guidance notes have been provided in text boxes beneath the description of a particular offence. Such notes are intended only to provide guidance as to the nature and examples of certain conduct that might be prohibited by a particular Article and should not be read as an exhaustive or limiting list of conduct prohibited by such Article.

For the purposes of the Code of Conduct, the phrase “during an *ECL Match*” should be interpreted broadly to cover all conduct which takes place at the ground on the day of an *ECL Match*, and not just conduct which takes place on the field of play. It will therefore include conduct which takes place off the field of play, for example in the changing rooms or during any of the intervals in the match.

### 2.1 Level 1 Offences:

**2.1.1** Conduct that is contrary to the spirit of the game.

**NOTE:** Article 2.1.1 is intended to cover all types of conduct of a minor nature that is contrary to the spirit of the game and which is not specifically and adequately covered by the specific offences set out elsewhere in this Code of Conduct. The spirit of the game may be defined by reference to the Preamble to the Laws of Cricket and involves respect for, amongst others, (a) the role of the umpires and (b) the game and its traditional values.

**2.1.2** Conduct that brings the game into disrepute.

**NOTE:** Article 2.1.2 is intended to cover all types of conduct of a minor nature that bring the game into disrepute and which is not specifically and adequately covered by the specific offences set out elsewhere in this Code of Conduct.

By way of example, Article 2.1.2 may (depending upon the seriousness and context of the breach) prohibit the following: (a) public acts of misconduct; and (b) unruly public behaviour.

**2.1.3** Public criticism of, or inappropriate comment (including via any social media platform such as, without limitation, facebook, Twitter, YouTube, Google+, Pinterest and LinkedIn):

**2.1.3.1** in relation to an incident occurring in an *ECL Match* or any *Player, Player Support Personnel, Match Official, Match Official Support Personnel* or a team participating in an *ECL Match*, whether or not the *Match Official* or *Match Official Support Personnel* is involved in the particular *ECL Match* and irrespective of when such criticism or inappropriate comment is made; or

**2.1.3.2** which may be considered detrimental to the game of cricket in general.

**NOTE:** When assessing the seriousness of the breach, the context within which the criticism and/or comment has been made must be taken into account.

**2.1.4** Using language or a gesture that is obscene, offensive or insulting to a *Player, Player Support Personnel, other Match Official or Match Official Support Personnel* or any other third person (including a spectator) during an *ECL Match*.

**NOTE:** Article 2.1.4 includes (a) audibly swearing; and (b) obscene gestures whether or not directed at another person.

When assessing the seriousness of the breach, the context of the particular situation and whether the words or gesture are likely to:

(a) be regarded as obscene;

(b) give offence; or

(c) insult another person,

must be taken into account.

This offence is not intended to cover any use of language or gestures that are likely to offend another person on the basis of their race, religion, culture, colour, descent, national or ethnic origin. Such conduct is prohibited under the ICC Anti-Racism Code for Participants and must be dealt with in accordance with the procedures set out therein.

**2.1.5** abuse of any cricket equipment or clothing, ground equipment or fixtures and fittings during an *ECL Match*.

**2.1.6** failing to observe and comply at any time with the provisions of the *ECL's Match Officials Dress Code*, the *ECL's Clothing and Equipment Regulations* and/or any other additional dress codes in force for specific *ECL Events* during an *ECL Match* as such may be in force from time to time in force.

## **2.2 Level 2 Offences**

**2.2.1** Conduct that is contrary to the spirit of the game.

**NOTE:** Article 2.2.1 is intended to cover all types of conduct of a serious nature that is contrary to the spirit of the game and which is not specifically and adequately covered by the specific offences set out elsewhere in this Code of Conduct. The spirit of the game may be defined by reference to the Preamble to the Laws of Cricket and involves respect for, amongst others, (a) the role of the umpires and (b) the game and its traditional values.

See guidance note to Article 2.1.1 for examples of conduct that may (depending upon the seriousness and context of the breach) be prohibited under Article 2.2.1.

**2.2.2** Conduct that brings the game into disrepute.

**NOTE:** Article 2.2.2 is intended to cover all types of conduct of a serious nature that bring the game into disrepute and which is not specifically and adequately covered by the specific offences set out elsewhere in this Code of Conduct.

See guidance note to Article 2.1.2 for examples of conduct that may (depending upon the seriousness and context of the breach) be prohibited under Article 2.2.2.

**2.2.3** Serious public criticism of, or inappropriate comment (including via any social media platform such as, without limitation, facebook, Twitter, YouTube, Google+, Pinterest and LinkedIn):

**2.2.3.1** in relation to an incident occurring in an *ECL Match* or any *Player*, *Player Support Personnel*, *Match Official*, *Match Official Support Personnel* or a team participating in an *International Match*, whether or not the *Match Official* or *Match Official Support Personnel* is involved in the particular *ECL Match* and irrespective of when such criticism or inappropriate comment is made; or

**2.2.3.2** which may be considered detrimental to the game of cricket in general.

**NOTE:** When assessing the seriousness of the breach, the context within which the criticism and/or comment has been made must be taken into account.

**2.2.4** Using language or gesture(s) that is seriously obscene, seriously offensive or of a seriously insulting nature to a *Player*, *Player Support Personnel*, other *Match Official* or *Match Official Support Personnel* or any other third person (including a spectator) during an *ECL Match*.

**NOTE:** *When assessing the seriousness of the breach, the Judicial Commissioner or Appeal Panel shall be required to take into account the context of the particular situation and whether the words or gesture are likely to: (a) be regarded as seriously obscene; or (b) give serious offence; or (c) seriously insult another person.*

*This offence is not intended to cover any use of language or gestures that are likely to offend another person on the basis of their race, religion, gender, colour, descent, national or ethnic origin. Such conduct is prohibited under the ICC Anti-Racism Code for Participants.*

**2.2.5** Inappropriate and deliberate physical contact with a *Player*, *Player Support Personnel*, other *Match Official*, *Match Official Support Personnel* or any other person (including a spectator) in the course of play during an *ECL Match*.

**NOTE:** *Cricket is a non-contact sport and, as such, inappropriate physical contact will not be tolerated.*

**2.2.6** Inappropriate distraction or obstruction on the field of play during an *ECL Match*.

**2.2.7** disclosing or commenting upon any alleged breach of this Code of Conduct or the *ECL Code of Conduct for Players and Player Support Personnel* or any hearing, report or decision arising from such a breach unless such disclosure is required under the provisions of this Code of Conduct or the *ECL Code of Conduct for Players and Player Support Personnel*.

### **2.3 Level 3 Offences**

**2.3.1** Conduct that is contrary to the spirit of the game.

**NOTE:** *Article 2.3.1 is intended to cover all types of conduct of a very serious nature that is contrary to the spirit of the game and which is not specifically and adequately covered by the specific offences set out elsewhere in this Code of Conduct.*

*See guidance note to Article 2.1.1 for examples of conduct that may (depending upon the seriousness and context of the breach) be prohibited under Article 2.3.1.*

**2.3.2** Conduct that brings the game into disrepute.

**NOTE:** Article 2.3.2 is intended to cover all types of conduct of a very serious nature that bring the game into disrepute and which is not specifically and adequately covered by the specific offences set out elsewhere in this Code of Conduct.

See guidance note to Article 2.1.2 for examples of conduct that may (depending upon the seriousness and context of the breach) be prohibited under Article 2.3.2.

**2.3.3** Threat of assault on a *Player, Player Support Personnel, other Match Official, Match Official Support Personnel* or any other person (including a spectator) during an *ECL Match*.

## 2.4 Level 4 Offences

**2.4.1** Conduct that is contrary to the spirit of the game.

**NOTE:** Article 2.4.1 is intended to cover all types of conduct of an overwhelmingly serious nature that is contrary to the spirit of the game and which is not specifically and adequately covered by the specific offences set out elsewhere in this Code of Conduct.

See guidance note to Article 2.1.1 for examples of conduct which may (depending upon the seriousness and context of the breach) be prohibited under Article 2.4.1.

**2.4.2** Conduct that brings the game into disrepute.

**NOTE:** Article 2.4.2 is intended to cover all types of conduct of an overwhelmingly serious nature that bring the game into disrepute and which is not specifically and adequately covered by the specific offences set out elsewhere in this Code of Conduct.

See guidance note to Article 2.1.2 for examples of conduct that may (depending upon the seriousness and context of the breach) be prohibited under Article 2.4.2.

**2.4.3** Physical assault of a *Player, Player Support Personnel, other Match Official, Match Official Support Personnel* or any other person (including a spectator) during an *ECL Match*.

**2.4.4** Using or in any way being concerned in the use or distribution of illegal drugs or any substances prohibited under the *ECL Anti-Doping Code* (including, for the avoidance of doubt, recreational drugs) whether In-Competition or out-of- Competition (as those terms are defined therein).

### Article 3 - Reporting An Alleged Offence Under The Code Of Conduct

**3.1** any one of the following individuals can report an alleged offence under the Code of Conduct by lodging a report in the manner described in article 3.2, below (a “**Report**”):

**3.1.1** where the alleged offence was committed by an *Umpire* or *Match Official Support Personnel* during an *ECL Match*, the *Match Referee* that was appointed to officiate in the *ECL Match* during which the alleged offence was committed;

**3.1.2** where the alleged offence was committed by a *Match Referee* during an *ECL Match*, any *Umpire* appointed to officiate in the *ECL Match* during which the alleged offence was committed; or

**3.1.3** the CEO (on his/her own account or on behalf of his/her players or player support personnel) of either of the two *National Cricket Federations* whose representative teams participated in the *ECL Match* during, or in relation to which, the alleged offence was committed; or

**3.1.4** the ECL’s Chief Executive Officer.

**3.2** All *Reports* must be submitted in writing to the *ECL*’s General Manager - Cricket (or such other *ECL* staff member as may be so designated by the *ECL*’s Chief Executive) as soon as reasonably practicable, and in any event no later than eighteen (18) hours after: (a) the commission of the alleged offence; or (b) the alleged offence was brought to the attention of the person lodging the *Report*. The *Report* must be signed and dated by the person lodging the *Report*, and a copy must be provided to the *ECL*’s *General Counsel*.

**3.3** There is no standard form that a *Report* must take. However, it must contain at least the following information:

**3.3.1** the name of the *Match Official* or *Match Official Support Personnel* alleged to have committed the offence;

**3.3.2** details of the *ECL Match* during, or in relation to, which the offence was alleged to have been committed (if applicable);

**3.3.3** details of the offence alleged to have been committed, including the date, time and location thereof, the specific offence (by reference to the relevant sub-article in article 2), a description of the incident and a list of any individuals who may have witnessed it; and

**3.3.4** the identity of the person making the *Report*.

**3.4** Where it is alleged that a *Match Official* or *Match Official Support Personnel* has committed more than one offence under the Code of Conduct during, or in relation to, an *ECL Match* (whether arising out of the same set of facts or otherwise), then a separate *Report* should be filed in accordance with this article 3 for each of the offences that are alleged to have been committed.

#### **Article 4 - Investigations And Notice Of Charge**

**4.1** following receipt of a *Report*, the *ECL's General Manager – Cricket* (in consultation with the *ECL's General Counsel*) must promptly conduct a review to determine whether the *Match Official* or *Match Official Support Personnel* named in the *Report* has a case to answer. as part of this review process, the *ECL's General Manager – Cricket* may conduct investigations into the activities of such *Match Official* or *Match Official Support Personnel* including issuing written demands to the *Match Official* or *Match Official Support Personnel* concerned, or any other person, requiring him/her to furnish him/her with any information that is reasonably related to the alleged offence.

**4.2** The *ECL's General Manager – Cricket* (in consultation with the *ECL's General Counsel*) may also initiate an investigation on his/her own behalf where he/she reasonably suspects that a *Match Official* or *Match Official Support Personnel* has committed an offence under the Code of Conduct.

**4.3** Where, following his/her review, the *ECL's General Manager – Cricket* determines that the *Report* does not reveal a case to answer, then the *ECL's General Manager - Cricket* shall notify the person who filed the *Report* of the fact, and the matter shall not proceed any further.

**4.4** Where, following his/her review, the *ECL's General Manager - Cricket* determines that there is a case to answer under article 2, then the *Match Official* or *Match Official Support Personnel* shall be sent written notice of the following, copied to the *ECL's General Counsel* and the *Match Official* or *Match Official Support Personnel's* relevant *National Cricket Federation* (the "Notice of Charge"):

**4.4.1** that the *Match Official* or *Match Official Support Personnel* has a case to answer under article 2;

**4.4.2** the specific offence(s) that the *Match Official* or *Match Official Support Personnel* is alleged to have committed;

**4.4.3** details of the alleged acts and/or omissions relied upon in support of the charge;

**4.4.4** the range of sanctions applicable under the Code of Conduct if it is established that the *Match Official* or *Match Official Support Personnel* has committed the offence(s) charged (which shall be

within the range specified in article 7.1);

**4.4.5** (where applicable) the matters relating to *Provisional Suspension* specified in article 4.5; and

**4.4.6** the matters related to responding to a *Notice of Charge* specified in article 4.6.

#### **4.5** Provisional Suspension

**4.5.1** Where the ECL's General Manager-Cricket decides to charge a *Match Official* or *Match Official Support Personnel* with an offence under the Code of Conduct, he/she (in consultation with the ECL's *General Counsel*) shall have the discretion, in circumstances where he/she considers that the integrity of the sport could otherwise be seriously undermined, to Provisionally Suspend the *Match Official* or *Match Official Support Personnel* pending the *Judicial Commissioner's* determination of whether he/she has committed an offence. any decision to Provisionally Suspend the *Match Official* or *Match Official Support Personnel* will be communicated to the *Match Official* or *Match Official Support Personnel* in writing, with a copy sent to the *Match Official* or *Match Official Support Personnel's* relevant National Cricket Federation and the ECL's Senior Manager - Umpires and Referees.

**4.5.2** Where a full hearing under article 5 has not been convened within one (1) month of the imposition of a *Provisional Suspension*, the *Match Official* or *Match Official Support Personnel* shall be entitled to apply to the Chairman of the ECL *Code of Conduct Commission* (sitting alone) to lift the imposition of the *Provisional Suspension*. It shall be the burden of the ECL's General Manager-Cricket to establish that there remains a risk that the integrity of the sport could be seriously undermined if the *Provisional Suspension* was lifted. The Chairman of the ECL *Code of Conduct Commission* shall have discretion to determine such application as he considers appropriate (including whether to convene a hearing or, alternatively, to determine the matter (or any part thereof) by way of written submissions alone), provided that the *Match Official* or *Match Official Support Personnel* is afforded a fair and reasonable opportunity to present evidence, address the Chairman and present his/her case.

**4.5.3** No *Match Official* or *Match Official Support Personnel* who is the subject of any *Provisional Suspension* may, during the period of any *Provisional Suspension*, officiate or otherwise participate or be involved in any capacity in any ECL *Match* or any other kind of *Match*, function, event or activity that is authorised, organised, sanctioned, recognised or supported in any way by the ECL.

#### **4.6** Responding to a *Notice of Charge*

**4.6.1** The *Match Official* or *Match Official Support Personnel* must respond to the *Notice of Charge* in writing to the ECL's *General Manager – Cricket* within two (2) days (48 hours) of receipt of the *Notice of Charge* (or by such extended deadline as the ECL's *General Manager – Cricket* agrees) stating whether he/she accepts or disputes the charge(s) against him/her and/or the sanction proposed, and on what basis (in summary), and, where he/she disputes the charge and/or the sanction proposed, requesting a hearing before a *Judicial Commissioner* to have the charge and (if

appropriate) any sanction(s) determined.

**4.6.2** Unless exceptional circumstances exist, if the *Match Official* or *Match Official Support Personnel* fails to file such written response by that deadline then he/she will be deemed to have waived his/her entitlement to have a hearing on, or make written submissions and/or adduce evidence in relation to, the charge before a *Judicial Commissioner* and the *Judicial Commissioner* shall be entitled to consider the matter without affording any opportunity to the *Match Official* or *Match Official Support Personnel* to make written submissions and/or adduce evidence.

**4.6.3** Where the *Match Official* or *Match Official Support Personnel* does request a hearing in accordance with article 4.6.1, the matter shall proceed to a hearing in accordance with article 5.

## **Article 5 - The Disciplinary Procedure**

**5.1** Where a *Match Official* or *Match Official Support Personnel* is charged with committing an offence under the Code of Conduct, and the *Match Official* or *Match Official Support Personnel* denies the allegation, and/ or disputes the sanctions to be imposed for such offence, then the matter shall be referred to a *Judicial Commissioner* for adjudication in accordance with the procedure set down in either article 5.3 or 5.4 (as appropriate) and article 5.5.

**5.2** As soon as reasonably possible, but in any event no later than forty-eight (48) hours after (i) receipt of the *Match Official* or *Match Official Support Personnel's* response to the *Notice of Charge*, or (ii) where no response is received and unless exceptional circumstances exist, the expiry of the period set out in article 4.6.1 above, the *ECL's General Counsel* shall appoint one member from the *ECL's Code of Conduct Commission* to sit as the *Judicial Commissioner* to hear the case sitting alone. The appointed member shall be independent of the parties, have had no prior involvement with the case and shall not, where relevant and unless otherwise agreed between the parties, be from a country whose national team participated in the *ECL Match* (if any) during, or in relation to which, the alleged offence was committed, or be from the same country as the *Match Official* or *Match Official Support Personnel* who is the subject of the charge.

### **5.3 Level 1 Offences and Level 2 Offences**

**5.3.1** Subject to the discretion of the *Judicial Commissioner* to order otherwise for good cause shown by the *Match Official* or *Match Official Support Personnel*, the hearing will take place as soon as possible (and, unless exceptional circumstances exist or where the parties agree otherwise, at the latest within seven (7) days of receipt by the *Match Official* or *Match Official Support Personnel* of the *Notice of Charge*).

**5.3.2** The provisions of article 5.5 below shall apply.

## 5.4 Level 3 Offences and Level 4 Offences

**5.4.1** The *Judicial Commissioner* shall convene a preliminary hearing with the individual lodging the *Report* (the Complainant) and his/her legal representatives, together with the *Match Official* or *Match Official Support Personnel* and his/her legal representatives (if any). The preliminary hearing should take place as soon as possible by telephone conference call unless the *Judicial Commissioner* determines otherwise. The non-participation, without compelling justification, of the *Match Official* or *Match Official Support Personnel* or his/her representative at the preliminary hearing, after proper notice of the preliminary hearing has been provided, shall not prevent the *Judicial Commissioner* from proceeding with the preliminary hearing, whether or not any written submissions are made on behalf of the *Match Official* or *Match Official Support Personnel*. Where the initial *Report* was lodged by someone other than the individual described in article 3.1.4, the *ECL* will be notified and invited to participate in any such preliminary hearing convened by the *Judicial Commissioner* through its representative.

**5.4.2** The purpose of the preliminary hearing shall be to allow the *Judicial Commissioner* to address any preliminary issues that need to be resolved prior to the hearing date. In particular (but without limitation), the *Judicial Commissioner* shall:

**5.4.2.1** determine the date(s) upon which the full hearing shall be held. Save in exceptional circumstances or where the parties otherwise agree, the full hearing should take place no longer than twenty-eight (28) days after the receipt by the *Match Official* or *Match Official Support Personnel* of the *Notice of Charge*.

**5.4.2.2** establish dates reasonably in advance of the date of the full hearing by which:

- a) the Complainant shall submit an opening brief with argument on all issues that the Complainant wishes to raise at the hearing and a list of the witnesses that the Complainant intends to call at the hearing (and a summary of the subject areas of the witness's anticipated testimony), and enclosing copies of the exhibits that the Complainant intends to introduce at the hearing;
- b) the *Match Official* or *Match Official Support Personnel* shall submit an answering brief, addressing the Complainant's arguments and setting out argument on the issues that he/she wishes to raise at the hearing, as well as a list of the witnesses that he/she intends to call at the hearing (and a summary of the subject areas of the witness's anticipated testimony), and enclosing copies of the exhibits that he/she intends to introduce at the hearing; and
- c) the Complainant may (at its discretion) submit a reply brief, responding to the answering brief of the *Match Official* or *Match Official Support Personnel* and listing any rebuttal witnesses that the Complainant intends to call at the hearing (and a summary of the subject areas of the witness's anticipated testimony), and enclosing

copies of any other exhibits that the Complainant intends to introduce at the hearing;  
and

**5.4.2.3** make such order as the *Judicial Commissioner* shall deem appropriate in relation to the production of relevant documents and/or other materials between the parties.

**5.4.3** The provisions of article 5.5 below shall apply.

## **5.5 All Offences**

**5.5.1** Subject to the discretion of the *Judicial Commissioner* to order otherwise for good cause shown by either party, or if otherwise agreed between the parties, hearings before the *Judicial Commissioner* shall take place at the ECL Event.

**5.5.2** The procedure followed at the hearing (including whether to convene a hearing in person or via telephone or video conference or, alternatively, to determine the matter (or any part thereof) by way of written submissions alone) shall be at the discretion of the *Judicial Commissioner*, provided that the hearing is conducted in a manner which offers the *Match Official* or *Match Official Support Personnel* a fair and reasonable opportunity to present evidence (including the right to call and to question witnesses by telephone or video-conference where necessary), address the *Judicial Commissioner* and present his/her case.

**5.5.3** The hearing before the *Judicial Commissioner* shall be in English, and certified English translations shall be submitted of any non-English documents put before the *Judicial Commissioner*. The cost of the translation shall be borne by the party offering the document(s). If required by the *Judicial Commissioner* (at his/her discretion), the *ECL* shall make arrangements to have the hearing recorded.

**5.5.4** Where video evidence of the alleged offence is available at the hearing before the *Judicial Commissioner*, then it may be relied upon by any party, provided that all other parties shall have the right to make such representations in relation to it that they may see fit.

**5.5.5** Unless exceptional circumstances apply, each of the following individuals must attend any hearing before the *Judicial Commissioner*:

- (a) the *Match Official* or *Match Official Support Personnel* who has been charged with the alleged offence;
- (b) the person who lodged the *Report* (or, in the case of the *ECL's Chief Executive Officer*, his/her representative/nominee); and
- (c) a representative of the *ECL's* Legal department. Where any such individual has a compelling justification for his/her non-attendance in person at the hearing, then they shall be given the

opportunity to participate in the hearing before the *Judicial Commissioner* by telephone or video conference (if available).

**5.5.6** Each of the individuals described in article 5.5.5(a) and (b) shall have the right (at his/her or its own expense) to be represented at the hearing before the *Judicial Commissioner* by such representative (including legal counsel) of his/her or its own choosing. Where the Complainant is an *Umpire* or *Match Referee* that officiated in the ECL *Match* in question or the *ECL's Chief Executive Officer*, then such person shall be entitled to be represented prior to, and during, the hearing (if he/she considers necessary) by a representative of the *ECL's* Legal department.

**5.5.7** The non-attendance of the *Match Official* or *Match Official Support Personnel* or his/her representative at the hearing, after proper notice of the hearing has been provided, shall not prevent the *Judicial Commissioner* from proceeding with the hearing in his/ her absence, whether or not any written submissions are made on his/her behalf.

**5.5.8** At the end of a hearing, where the *Judicial Commissioner* considers that further evidence is necessary or further time is required to consider the evidence that has been presented, he/she shall adjourn the hearing for an appropriate period of time and make such directions as may be necessary.

**5.5.9** alternatively, at the end of a hearing:

**5.5.9.1** where the hearing solely dealt with the issue of the appropriate sanction(s) to be imposed in light of the *Match Official* or *Match Official Support Personnel's* admission that he/she committed the offence with which he/she was charged: as soon as possible after the conclusion of the hearing (and, in any event, no later than forty-eight (48) hours thereafter), the *Judicial Commissioner* will confirm the *Match Official* or *Match Official Support Personnel's* admission that he/she had committed a Code of Conduct offence and announce his/her decision in writing, with reasons, setting out:

- (a) what sanctions, if any, are to be imposed (including any fine and/or period of suspension);
- (b) the date that any period of suspension shall come into force and effect; and
- (c) any rights of appeal that may exist pursuant to article 8.

**5.5.9.2** Where the hearing considered both the issue of whether an offence had been committed and, if so, the appropriate sanction(s) to be imposed (or where the *Match Official* or *Match Official Support Personnel* has failed to respond in a timely fashion to the *Notice of Charge*):

- a) the *Judicial Commissioner* shall adjourn the hearing (for a period of no less than ten (10) minutes and no more than twenty-four (24) hours), following which he/she will reconvene the hearing and verbally announce his/her finding as to whether a Code of Conduct offence has been committed;

b) where the *Judicial Commissioner* determines that a Code of Conduct offence has been committed, the *Match Official* or *Match Official Support Personnel* may request a short adjournment (of no more than thirty (30) minutes) to prepare any submissions that he/ she might wish to make in relation to the appropriate sanction that ought to be applied; and

c) as soon as possible after the conclusion of the hearing (and, in any event, no later than forty-eight (48) hours thereafter), the *Judicial Commissioner* will announce his/ her decision in writing, with reasons, setting out: (a) the finding as to whether a Code of Conduct offence had been committed; (b) what sanctions, if any, are to be imposed (including any fine and/or period of suspension); (c) the date that any period of suspension shall come into force and effect; and (d) any rights of appeal that may exist pursuant to article 8.

**5.5.10** The *Judicial Commissioner* shall have the discretion to announce the substance of his/her decision prior to the issue of the written reasoned decision referred to in article 5.5.9.

**5.5.11** The *Judicial Commissioner* shall have the power to order some or all of the costs of the disciplinary proceedings (including, where applicable, the costs of holding the hearing, the legal and/or travel/accommodation costs of the *Judicial Commissioner* and/ or any other relevant party) to be paid by one party if it considers that such party has acted spuriously, frivolously or otherwise in bad faith.

**5.5.12** a copy of the written reasoned decision will be provided to the *Match Official* or *Match Official Support Personnel*, the CEO of the *Match Official* or *Match Official Support Personnel's National Cricket Federation*, the Complainant and the ECL's Senior Manager - *Umpires and Referees*.

**5.5.13** Subject only to the rights of appeal under article 8, the *Judicial Commissioner's* decision shall be the full, final and complete disposition of the matter and will be binding on all parties.

**5.6** Notwithstanding any of the other provisions of the Code of Conduct, at any time during the proceedings it shall be open to a *Match Official* or *Match Official Support Personnel* charged with breach(es) of the Code of Conduct to admit the breach(es) charged, whether or not in exchange for an agreement with the ECL on the appropriate sanction to be imposed upon him/her in order to avoid the need for a hearing before the *Judicial Commissioner*. any such discussions between the ECL and the *Match Official* or *Match Official Support Personnel* shall take place on a "without prejudice" basis and in such a manner that they shall not delay or in any way interfere with the proceedings. any resulting agreement shall be evidenced in writing, signed by both the ECL's *General Counsel* and the *Match Official* or *Match Official Support Personnel*, and shall set out the sanction imposed on the *Match Official* or *Match Official Support Personnel* for his/her breach of the Code of Conduct (the "**Agreed Sanction**"). In determining the *Agreed Sanction*, the ECL will have due regard to the

range of sanctions set out in article 7.1 for the offence(s) in question, but it shall not be bound to impose a sanction within that range where it reasonably considers (at its absolute discretion) that there is good reason to depart therefrom. Upon receipt of the *Agreed Sanction*, the *Judicial Commissioner* shall discontinue the proceedings on the terms thereof without the need for any further hearing. Instead, the *ECL* will issue a public announcement confirming the *Match Official* or *Match Official Support Personnel's* admission of the offence(s) charged and the imposition of the *Agreed Sanction*. Before making that public announcement, the *ECL* will provide notice of it to the *Match Official* or *Match Official Support Personnel's National Cricket Federation*.

### **General Principles of Procedure**

**5.7** Where a *Report* is filed by more than one of the individuals described in article 3.1 in relation to the same alleged offence under the Code of Conduct, then the *Match Official* or *Match Official Support Personnel* alleged to have committed the offence will only be served with one *Notice of Charge* in accordance with the procedures set out in article 4. However, all persons who filed a *Report* (or, in the case of the *ECL's Chief Executive Officer*, his/her representative/nominee) in relation to the alleged offence are required to attend the hearing before the *Judicial Commissioner* unless there is a compelling justification for his/her non-attendance, in which case they shall be given the opportunity to participate in the hearing by telephone or video conference (if available).

**5.8** Where two or more *Match Officials* or *Match Official Support Personnel* are alleged to have committed offences under the Code of Conduct, they may both be dealt with at the same hearing where the proceedings arise out of the same incident or set of facts, or where there is a clear link between separate incidents.

**5.9** Where a *Match Official* or *Match Official Support Personnel* is alleged to have committed more than one breach of the Code of Conduct during, or in relation to the same *ECL Match*, then all of the alleged offences may be dealt with at the same hearing.

**5.10** any failure or refusal by any *Match Official* or *Match Official Support Personnel* to provide assistance to the *ECL's General Manager – Cricket* during any investigations he conducts and/or a *Judicial Commissioner* in connection with any charge made pursuant to this Code of Conduct may constitute a separate offence (depending upon the seriousness and context of such failure or refusal) under articles 2.1.2, 2.2.2, 2.3.2 or 2.4.2 of the Code of Conduct.

**5.11** Where a *Judicial Commissioner* is, or becomes unwilling or unable to hear a case (for example, where he/she finds him/herself in a position of conflict), then the *ECL's General Counsel* shall have the discretion to appoint another member of the *ECL's Code of Conduct Commission* (who shall have had no prior involvement with the case and shall not, where relevant and unless otherwise agreed between the parties, be from a country whose national team participated in the *ECL Match* during, or in relation to which, the alleged offence was committed, or be from the same country as the *Match Official* or *Match Official Support Personnel*) as a

replacement to the *Judicial Commissioner* and all of the remaining procedure will apply accordingly.

**5.12** The *ECL* will issue a public announcement regarding any decision of the *Judicial Commissioner* made under the Code of Conduct, as soon as is reasonably practicable after the decision has been communicated to the parties. The public announcement of the decision may include details of the offences committed under the Code of Conduct and of the sanctions imposed, if any. Until such time as a public announcement is published, all parties and participants in the proceedings shall treat such proceedings as strictly confidential. For the avoidance of doubt, nothing in this article shall prevent any party (or any relevant *National Cricket Federation*) publicly confirming the date of the hearing, the offence that is alleged to have been committed and/or the name of the *Match Official* or *Match Official Support Personnel* charged.

### Article 6 - Standard Of Proof And Evidence

**6.1** Unless otherwise described herein, the standard of proof in all cases brought under the Code of Conduct shall be whether the *Judicial Commissioner* is comfortably satisfied that the alleged offence has been committed, bearing in mind the seriousness of the allegation that is made. This standard of proof in all cases shall be determined on a sliding scale from, at a minimum, a mere balance of probability (for the least serious offences) up to proof beyond reasonable doubt (for the most serious offences).

**6.2** The *Judicial Commissioner* shall not be bound by judicial rules governing the admissibility of evidence. Instead, facts relating to an offence committed under the Code of Conduct may be established by any reliable means, including admissions.

**6.3** The *Judicial Commissioner* may draw an inference adverse to the *Match Official* or *Match Official Support Personnel* who is asserted to have committed an offence under the Code of Conduct based on his/ her refusal, without compelling justification, after a request made in a reasonable time in advance of the hearing, to appear at the hearing (either in person or telephonically as directed by the *Judicial Commissioner*) and/or to answer any relevant questions.

### Article 7 - Sanctions

**7.1** Where a *Judicial Commissioner* determines that an offence under the Code of Conduct has been committed, he/she will be required to impose an appropriate sanction on the *Match Official* or *Match Official Support Personnel* in accordance with the following table:

Level Of Offence	Range Of Permissible Sanctions
<b>Level 1</b>	Warning/reprimand
<b>Level 2</b>	A period of suspension of up to two (2) <i>Matches</i> .
<b>Level 3</b>	a suspension for a period of up to twelve (12) months during which period such <i>ECL Match Official</i> or <i>ECL Match Official Support Personnel</i> shall not officiate or otherwise participate in any <i>ECL Match</i> .
<b>Level 4</b>	a suspension for a period of up to a lifetime during which period such <i>ECL Match Official</i> or <i>ECL Match Official Support Personnel</i> shall not officiate or otherwise participate in any <i>ECL Match</i> .

**7.2** In deciding what sanction to impose on a *Match Official* or *Match Official Support Personnel* for a breach of the Code of Conduct, the *Judicial Commissioner* shall have regard to:

**7.2.1** the character of the *Match Official* or *Match Official Support Personnel*;

**7.2.2** the level at which the *Match Official* or *Match Official Support Personnel* is contracted to officiate and the level of remuneration that such appointment affords to him/her;

**7.2.3** the nature of the action on the part of the *Match Official* or *Match Official Support Personnel* giving rise to the breach of the Code of Conduct;

**7.2.4** any previous offences committed by the *Match Official* or *Match Official Support Personnel* under the Code of Conduct;

**7.2.5** any other circumstances of the case which may seem to the *Judicial Commissioner* relevant to the imposition of a sanction.

**7.3** for the avoidance of any doubt:

**7.3.1** the *Judicial Commissioner* will have no jurisdiction to adjust, reverse or amend the results of any *ECL Match*;

**7.3.2** where a *Match Official* or *Match Official Support Personnel* is found guilty of committing two separate Code of Conduct offences that do not relate to the same incident or set of circumstances

arising during an *ECL Match* and is sanctioned separately for each offence, then any sanctions should run cumulatively (and not concurrently);

**7.3.3** where a *Match Official* or *Match Official Support Personnel* is found guilty of committing two Code of Conduct offences in relation to the same incident or set of circumstances arising during an *ECL Match* and is sanctioned separately, then any sanctions imposed should run concurrently (and not cumulatively);

**7.3.4** if a *Judicial Commissioner* imposes a suspension on a *Match Official* or *Match Official Support Personnel*, that *Match Official* or *Match Official Support Personnel* shall not be permitted, during the period of such suspension, to officiate or otherwise participate or be involved in any capacity in any *ECL Match* or any other kind of *Match*, function, event or activity that is authorised, organised, sanctioned, recognised or supported in any way by the *ECL*.

## Article 8 - Appeals

**8.1** decisions made under the Code of Conduct by a *Judicial Commissioner* may be challenged solely by appeal as set out in this article 8. Such decision shall remain in effect while under appeal unless any properly convened *Appeal Panel* orders otherwise.

**8.2** The only parties who may appeal a decision shall be: (a) the *Match Official* or *Match Official Support Personnel* found guilty of the offence; and (b) the *ECL's Chief Executive Officer*.

**8.3** any notice to appeal under this article must be lodged with the *ECL's General Counsel* within seven (7) days of receipt of the written decision of the *Judicial Commissioner*. Thereafter, the following will apply:

**8.3.1** Within forty-eight (48) hours of receipt of a notice to appeal: (a) the *ECL's General Counsel* will appoint three members of the *ECL's Code of Conduct Commission* each of whom must (unless otherwise agreed between the parties) be from a country other than those participating in the relevant *ECL Match* and not be from the same country as the *Match Official* or *Match Official Support Personnel* to sit as the *Appeal Panel* to hear the appeal; and (b) the *Judicial Commissioner* will provide a written statement to the *ECL's General Counsel* setting out any relevant facts (to be copied to the *Match Official* or *Match Official Support Personnel*).

**8.3.2** The provisions of articles 5.5, 6 and 7, applicable to proceedings before the *Judicial Commissioner*, shall apply mutatis mutandis (ie with changes deemed to have been made as required to reflect the different context) to appeal hearings before the *Appeal Panel*.

**8.3.3** The *Appeal Panel* shall hear and determine all issues arising from any matter which is appealed to it pursuant to this article on a de novo basis, ie it shall hear the matter over again, from the beginning, without being bound in any way by the decision being appealed. for the avoidance of doubt, the *Appeal Panel* shall have the power to increase or decrease, amend or otherwise substitute a new decision on the appropriateness (or otherwise) of the sanction imposed at first instance, provided that any new sanction must be within the permitted range of sanctions set out in article 7.1.

**8.3.4** appeal hearings pursuant to this article 8 should be completed expeditiously. Save where all parties agree or fairness requires otherwise, the appeal hearing shall be commenced no later than thirty (30) days after the appointment of the *Appeal Panel*.

**8.3.5** The *Appeal Panel* shall have the power to order some or all of the costs of the appeal proceedings (including the costs of holding the hearing, any interpretation costs, the legal and/or travel/ accommodation costs of the *Appeal Panel* and/or any other relevant parties) to be paid by the appealing party if it considers that such party has acted, spuriously, frivolously or otherwise in bad faith.

**8.3.6** any decision made by the *Appeal Panel* under this article 8, shall be the full, final and complete disposition of the matter and will be binding on all parties.

#### **8.4 No appeal in relation to an accepted sanction**

**8.4.1** for the avoidance of doubt, where a *Match Official* or *Match Official Support Personnel* admits the offence charged and accedes to the proposed sanction specified in the *Notice of Charge* in accordance with article 4.6.1 or enters into an *Agreed Sanction* pursuant to article 5.6, the *Match Official* or *Match Official Support Personnel* waives his/her right to any appeal against the imposition of such a sanction.

### **Article 9 - Recognition Of Decisions**

**9.1** any hearing results or other final adjudications under the Code of Conduct shall be recognised and respected by the *ECL* and its *National Cricket Federations* automatically upon receipt of notice of the same, without the need for any further formality. Each of the *ECL* and its *National Cricket Federations* shall take all steps legally available to it to enforce and give effect to such decisions.

## Article 10 - Amendment And Interpretation Of The Code Of Conduct

**10.1** The Code of Conduct may be amended from time to time by the *ECL*, with such amendments coming into effect on the date specified by the *ECL*.

**10.2** The headings used for the various articles of the Code of Conduct are for the purpose of guidance only and shall not be deemed to be part of the substance of the Code of Conduct or to inform or affect in any way the language of the provisions to which they refer.

**10.3** The Code of Conduct shall come into full force and effect on 1 March 2019 (the “**Effective Date**”). It shall not apply retrospectively to matters pending before the *Effective Date*; provided, however, that any case pending prior to the *Effective Date*, or brought after the *Effective Date* but based on an offence that is alleged to have occurred before the *Effective Date*, shall be governed by the predecessor version of the Code of Conduct in force at the time of the alleged offence, subject to any application of the principle of *lex mitior* by the hearing panel determining the case.

**10.4** If any article or provision of this Code of Conduct is held invalid, unenforceable or illegal for any reason, the Code of Conduct shall remain otherwise in full force apart from such article or provision which shall be deemed deleted insofar as it is invalid, unenforceable or illegal.

**10.5** The Code of Conduct is governed by and shall be construed in accordance with Swiss law. Strictly without prejudice to the arbitration provisions of articles 5 and 8 of the Code of Conduct, disputes relating to the Code of Conduct shall be subject to the exclusive jurisdiction of the Swiss courts.

## Appendix 1 - Definitions

**Agreed Sanction.** as defined in article 5.6.

**Appeal Panel.** a panel of three persons appointed by the *ECL* from the members of the *ECL Code of Conduct Commission* to perform the functions assigned to the *Appeal Panel* under the Code of Conduct. Each member of the *Appeal Panel* shall be independent of the *ECL*, which may provide reasonable compensation and reimbursement of expenses to such individual.

**Associate Member.** any *National Cricket Federation* with associate member status of the *ICC*.

**Effective Date.** as defined in article 10.3.

**ECL.** *The European Cricket League or its designee.*

**ECL Anti-Corruption Code for Participants.** The *ECL's* anti-Corruption Code for Participants, in force from time to time.

**ECL Anti-Doping Code.** The *ECL's* anti-doping Code, in force from time to time.

**ECL's Chief Executive Officer.** The person appointed by the *ECL* from time to time to act as the *ECL's* Chief Executive Officer (or his/her designee).

**ECL's Clothing and Equipment Regulations.** The *ECL's* Clothing and Equipment *Regulations*, in force from time to time.

**ECL Code of Conduct Commission.** an official committee of the *ECL* established, amongst other things, to provide independent enquiries, investigations and rulings in relation to matters brought to its attention pursuant to the Code of Conduct. Each member of the *ECL Code of Conduct Commission* shall be independent of the *ECL*, which may provide reasonable compensation and reimbursement of expenses to such members.

**ECL Code of Conduct for Players and Player Support Personnel.** The *ECL's* Code of Conduct for Players and Player Support Personnel, in force from time to time.

**ECL Events.** *An event/match organised by the European Cricket League.*

**ECL's General Manager – Cricket.** The person appointed by the *ECL* from time to time to act at the *ECL's* General Manager – Cricket (or his/her designee).

**ECL's General Counsel.** The person appointed by the *ECL* from time to time to act as the *ECL's General Counsel* (or his/her designee).

**ECL's Match Officials Dress Code.** The *ECL's Match Officials Dress Code*, in force from time to time.

**ECL's Senior Manager - Umpires and Referees.** The person appointed by the *ECL* from time to time to act as the *ECL's Senior Manager - Umpires and Referees* (or his/her designee).

**Full Member.** any *National Cricket Federation* with full member status of the *ICC*.

**ICC.** The International Cricket Council or its designee.

**ICC Anti-Racism Code for Participants.** The *ICC's anti-racism Code for Participants*, in force from time to time.

**Judicial Commissioner.** The independent person appointed by the *ECL* from the *ECL Code of Conduct Commission*, to perform the functions assigned to the *Judicial Commissioner* under the Code of Conduct.

**Match.** a cricket match of any format and duration in length played between representative teams (male or female) of two *National Cricket Federations* affiliated to the *ECL*.

**Match Official.** any Umpire or Match Referee.

**Match Official Support Personnel.** any technical officials (for example, and without limitation, any official with responsibility for operating the communication equipment for *Match Officials* during an *ECL Match*) or umpire coaches appointed (by the *ECL* or any other relevant party) to support the *Match Officials* in their appointments to any *ECL Match*.

**Match Referee.** The independent person appointed by the *ECL* (or any other relevant party) to carry out the function of the official match referee, tournament referee and/or remote referee for a designated *ECL Match*, whether such *Match Referee* carries out his/her functions remotely or otherwise.

**National Cricket Federation.** a national or regional entity which is a member of or is recognised by the *ICC* as the entity governing the sport of cricket in a country (or collective group of countries associated for cricket purposes).

**Notice of Charge.** as defined in article 4.4.

**PCT Code.** The agreed set of core values in force from time to time which all *Match Officials* and *Match Official Support Personnel* are required to operate in accordance with in pursuance of their duties as *Match Officials* and *Match Official Support Personnel*.

**Player.** any cricketer who is selected in any squad that is chosen to represent a *National Cricket Federation* in any *ECL Match* or series of *ECL Matches*.

**Player Support Personnel.** any coach, trainer, manager, selector, team official, doctor, physiotherapist or any other person employed by, representing or otherwise affiliated to a squad that is chosen to represent a *National Cricket Federation* in any *ECL Match* or series of *ECL Matches*.

**Provisional Suspension.** Means the *Match Official* or *Match Official Support Personnel* is temporarily barred from officiating or otherwise participating or being involved in any capacity in any *ECL Match* or any other kind of *Match*, function, event or activity that is authorised, organised, sanctioned, recognised or supported in any way by the *ECL* pending a decision on the allegation that he/she has committed an offence under the Code of Conduct, as set out more specifically in article 4.5.

**Report.** as defined in article 3.1.

**Umpire.** any umpire (including any on-field umpire, television umpire, third or fourth umpire) appointed (by the *ECL* or any other relevant party) to officiate in an *ECL Match*.