

# **Cricket Association of Nepal**

## **CODE OF CONDUCT FOR PLAYERS AND PLAYER SUPPORT PERSONNEL**

**Effective from 1<sup>st</sup> August 2024**

## CODE OF CONDUCT FOR PLAYERS AND PLAYER SUPPORT PERSONNEL

Cricket Association of Nepal (CAN) is the national federation responsible for the governance of the sport of cricket and the Code of Conduct for Players and Player Support Personnel (the “Code of Conduct”) is adopted and implemented as part of CAN’s continuing efforts to maintain the public image, popularity and integrity of cricket by providing: (a) an effective means to deter any participant 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 Players and Player Support Personnel are automatically bound by and required to comply with all of the provisions of the Code of Conduct. Accordingly, by their participation in the case of a Player or involvement in any way in the sport of cricket in Nepal or in any other country, such Players or Player 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 *Match Referee* or *Judicial Commissioner* under the Code of Conduct to hear and determine charges brought (and any appeals in relation thereto) pursuant to the Code of Conduct; and
  - 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 *Match Referee* or *Judicial Commissioner*.
- 1.2. It is acknowledged that Players and Player Support Personnel may also be subject to other rules of Province or District Associations and/or any *Franchise Team* (including, but not limited to, individual teams establishing their own internal rules for behaviour) that govern discipline and/or conduct, and that the same conduct of such Players and/or Player Support Personnel may implicate not only the Code of Conduct but also such other rules that may apply. For the avoidance of any doubt, Players and Player Support Personnel acknowledge and agree that: (a) the Code of Conduct is not intended to limit the responsibilities of any Player or Player 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 *Match Referee* or *Judicial Commissioner* to determine matters properly arising pursuant to the Code of Conduct.
- 1.3. Where it is alleged that a Player or Player Support Personnel has breached an undertaking given in accepting an invitation to represent CAN or a Province or District Association (including a Franchise League Team) or to officiate, or that a Player or Player Support Personnel has breached a contract with, or letter of invitation from, CAN or any Province or District Association, proceedings under this Code of Conduct will not preclude or limit CAN or any Province or District Association (including a Franchise League Team), or any other party to such contract, letter of invitation or agreement, from taking legal or other action against any Player or Player Support Personnel who may have committed a breach thereof.)
- 1.4. Without prejudice to Article 1.1, CAN and the Province or District Associations (including the Franchise League Teams) shall be responsible for promoting Code of Conduct awareness and education amongst all Players and Player Support Personnel.
- 1.5. For the avoidance of doubt, where a representative side of a National or State Cricket Federation participates in an international tour match against a Province or District Association representative team, Franchise League team or CAN invitational team, for the purposes of their participation in such an international tour match: enquired
  - 1.5.1. all players and player support personnel representing the National Cricket Federation’s representative side are automatically bound by, required to comply with, and shall submit themselves to the jurisdiction of the ICC Code of Conduct; and
  - 1.5.2. all Players or Player Support Personnel representing domestic or invitational team shall be bound by, required to comply with, and shall submit themselves to the jurisdiction of this Code of Conduct.
- 1.6. It is hereby agreed that in the event of conflict of rules or responsibilities of the Players or Player Support Personnel between the ICC Code of Conduct and this Code of Conduct, the ICC Code of Conduct shall prevail.

## 2. Article 2 - Code of Conduct Offences

The Preamble to the Laws of Cricket sets out the Spirit of Cricket as follows:

### “Preamble – The Spirit of Cricket

Cricket owes much of its appeal and enjoyment to the fact that it should be played not only according to the Laws, but also within the Spirit of Cricket.

The major responsibility for ensuring fair play rests with the captains, but extends to all players, umpires and, especially in junior cricket, teachers, coaches and parents.

Respect is central to the Spirit of Cricket.

Respect your captain, team-mates, opponents and the authority of the umpires.

Play hard and play fair.

Accept the umpire’s decision.

Create a positive atmosphere by your own conduct, and encourage others to do likewise. Show self-discipline, even when things go against you.

Congratulate the opposition on their successes, and enjoy those of your own team. Thank the officials and your opposition at the end of the match, whatever the result.

Cricket is an exciting game that encourages leadership, friendship and teamwork, which brings together people from different nationalities, cultures and religions, especially when played within the Spirit of Cricket.”

**The conduct described in Articles 2.1 to 2.23 amounts to conduct which breaches the Spirit of Cricket and therefore, if committed by a Player or Player Support Personnel, shall amount to an offence by such Player or Player Support Personnel under the Code of Conduct.**

**NOTE:** 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.

**NOTE:** For the purposes of the Code of Conduct, the phrase on the field of play “during a Match” should be interpreted broadly to cover all conduct which takes place at the ground on the day of a 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 at the ground on the day of the Match, for example in the changing rooms, or during any of the intervals in the Match and will be deemed to have occurred “On Field” for the purposes of this Code of Conduct).

**NOTE:** For the avoidance of doubt, in circumstances where a Player or Player Support Personnel is involved in an off-field incident which may warrant action under this Code of Conduct and the ICC Code of Conduct or any code of conduct or disciplinary rules of the Player or Player Support Personnel’s National Cricket Federation (if not CAN), CAN will consult with the ICC or relevant National Cricket Federation in order to determine what the most appropriate course of action against the Player or Player Support Personnel should be.

2.1	<b>Excessive appealing during a Match</b>
<i>Note:</i>	<i>For the purpose of Article 2.1, ‘excessive’ may include (a) repeated appealing of the same decision; (b) repeated appealing of different decisions when the bowler/fielder knows the batter is not out with the intention of placing the Umpire under pressure; (c) charging or advancing towards the Umpire in an aggressive manner when appealing; or (d) celebrating a dismissal without appealing to the Umpire when a decision is required. It is not intended to prevent loud or enthusiastic appealing.</i>
Level 1	✓
Level 2	Not applicable
Level 3	Not applicable
Level 4	Not applicable

<b>2.2</b>	<b>Abuse of cricket equipment or clothing, ground equipment or fixtures and fittings during a Match.</b>
Note:	<i>Article 2.2 includes any action(s) outside the course of normal cricket actions, such as hitting or kicking the wickets and any action(s) which deliberately (i.e. intentionally), recklessly or negligently (in either case even if accidental) results in damage to the advertising boards, boundary fences, dressing room doors, mirrors, windows and other fixtures and fittings. For example, this offence may be committed, without limitation, when a Player swings his/her bat vigorously in frustration and causes damage to an advertising board.</i>
Level 1	✓
Level 2	Not applicable
Level 3	Not applicable
Level 4	Not applicable
<b>2.3</b>	<b>Use of an audible obscenity during a Match.</b>
Note:	<i>Article 2.3 covers the use of words commonly known and understood to be offensive, obscene and/or profane (in any language) and which can be heard by the spectators and/or the viewing public whether by way of the stump-microphone or otherwise. This conduct may include, for example, swearing in frustration at one's own play or fortune.</i>
Level 1	✓
Level 2	Not applicable
Level 3	Not applicable
Level 4	Not applicable
<b>2.4</b>	<b>Disobeying an Umpire's instruction during a Match</b>
Note:	<i>Article 2.4 includes any repeated failure to comply with the instruction or directive of an Umpire during a Match.</i>
Level 1	✓
Level 2	Not applicable
Level 3	Not applicable
Level 4	Not applicable
<b>2.5</b>	<b>Using language, actions or gestures which disparage or which could provoke an aggressive reaction from a batter upon his/her dismissal during a Match.</b>
Note:	<i>Article 2.5 includes any language, action or gesture used by a Player and directed towards a batter upon his/her dismissal which has the potential to provoke an aggressive reaction from the dismissed batter, whether or not any reaction results, or which could be considered to disparage or demean the dismissed batter, regardless of whether the batter him/herself feels disparaged or demeaned (in other words, a 'send-off'). Without limitation, Article 2.5 includes: (a) excessive celebration directed at and in close proximity to the dismissed batter; (b) verbally abusing the dismissed batter; and (c) pointing or gesturing towards the pavilion.  <i>Nothing in this Article 2.5 is, however, intended to stop Players celebrating, in an appropriate fashion, the dismissal of the opposing team's batter.</i></i>
Level 1	✓
Level 2	Not applicable
Level 3	Not applicable
Level 4	Not applicable
<b>2.6</b>	<b>Using a gesture that is obscene, offensive or insulting during a Match.</b>

Note:	<p>Article 2.6 includes, without limitation, obscene gestures which are not directed at another person.</p> <p>When assessing the seriousness of the breach, the following factors (without limitation) shall be taken into account: (i) the context of the particular situation; and (ii) whether the gesture is likely to: (a) be regarded as obscene; (b) give offence; or (c) insult another person.</p> <p>This offence is not intended to cover any use of 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 Anti-Racism Code and must be dealt with according to the procedures set out therein.</p>
Level 1	✓
Level 2	Not applicable
Level 3	Not applicable
Level 4	Not applicable
<b>2.7</b>	<b>Public criticism of, or inappropriate comment in relation to CAN, the ACC, the ICC an incident occurring in a Match or any Player, Player Support Personnel, Match Official or team participating in any Match, irrespective of when such criticism or inappropriate comment is made.</b>
Note:	<p>Without limitation, Players and Player Support Personnel will breach Article 2.7 if they publicly criticize the CAN, the ACC, the ICC, the Match Officials or denigrate a Player or team against which they have played in relation to incidents which occurred in a Match.</p> <p>When assessing the seriousness of the breach, without limitation, the context within which the comments have been made and the gravity of the offending comments must be taken into account.</p> <p>For the avoidance of doubt, any posting by a Player or Player Support Personnel of comments on a social media platform (including, without limitation, Facebook, Instagram, Twitter, YouTube and LinkedIn) shall be deemed to be 'public' for the purposes of this offence. Consequently, a Player or Player Support Personnel may breach Article 2.7 where they criticise or make an inappropriate comment in relation to an incident occurring in a Match or any Player, Player Support Personnel, Match Official or team participating in any Match in any posting they make on a social media platform.</p>
Level 1	✓
Level 2	✓
Level 3	Not applicable
Level 4	Not applicable
<b>2.8</b>	<b>Showing dissent at an Umpire's decision during a Match.</b>
Note:	<p>Without limitation, Article 2.8 includes: (a) excessive, obvious disappointment with an Umpire's decision; (b) an obvious delay in resuming play or leaving the wicket; (c) shaking the head; (d) pointing or looking at the inside edge when given out lbw; (e) pointing to the pad or rubbing the shoulder when caught behind; (f) snatching the cap from the Umpire; (g) requesting a referral to the TV Umpire (other than in the context of a legitimate request for a referral as may be permitted in such Match); and (h) arguing or entering into a prolonged discussion with the Umpire about his/her decision.</p> <p>This offence is not intended to punish a batter showing his/her instinctive disappointment at his/her dismissal.</p> <p>When assessing the seriousness of the breach, the following factors (without limitation) should be considered: (i) whether the conduct contains an element of anger or abuse which is directed at the Umpire or the Umpire's decision; (ii) whether there is excessive delay in resuming play or leaving the wicket; or (iii) whether there is persistent re-reference to the incident over time.</p> <p>It shall not be a defence to any charge brought under this Article to show that the Umpire might have, or in fact did, get any decision wrong.</p>
Level 1	✓
Level 2	✓
Level 3	Not applicable

Level 4	Not applicable
<b>2.9</b>	<b>Throwing a ball (or any other item of cricket equipment including, without limitation, a bat, a helmet or a water bottle) at or near a <i>Player, Player Support Personnel, Umpire, Match Referee</i> or any other third person in an inappropriate and/or dangerous manner during a <i>Match</i>.</b>
Note:	<p><i>This offence will not prohibit a fielder or bowler from returning the ball to the stumps in the normal fashion, or from throwing the ball at the stumps or to a teammate when attempting a run out.</i></p> <p><i>When assessing the seriousness of the offence, the following factors (without limitation) shall be taken into account: (i) the context of the particular situation, including, without limitation, whether the action was deliberate, reckless, negligent, and/or avoidable; (ii) whether the ball/object struck the other person; (iii) the speed at which the ball/object was thrown; and (iv) the distance from which the ball/object was thrown.</i></p>
Level 1	✓
Level 2	✓
Level 3	Not applicable
Level 4	Not applicable
<b>2.10</b>	<p><b>Any of the following conduct which constitutes ‘unfair play’ under Law 41 of the <i>Laws of Cricket and Clause 41 of The Three/Two Days, One Day and T20 Playing Conditions</i>:</b></p> <p><b>2.10.1 deliberate attempt to distract striker.</b>  <b>2.10.2 deliberate distraction, deception or obstruction of batter</b>  <b>2.10.3 bowling of dangerous and unfair short pitched deliveries.</b>  <b>2.10.4 bowling of dangerous and unfair non-pitching deliveries.</b>  <b>2.10.5 bowling of deliberate non-pitching deliveries.</b>  <b>2.10.6 bowling of deliberate front foot no balls.</b>  <b>2.10.7 time wasting by any Player or team.</b>  <b>2.10.8 fielder causing deliberate or avoidable damage to the pitch.</b>  <b>2.10.9 bowler running on protected area.</b>  <b>2.10.10 batter causing deliberate or avoidable damage to the pitch.</b>  <b>2.10.11 striker in the protected area.</b>  <b>2.10.12 batter stealing a run.</b>  <b>2.10.13 unfair actions not covered elsewhere in clause 41 of <i>Playing Conditions</i>.</b></p>
Note:	<p><i>The offence supplements and does not replace the <i>Playing Conditions</i> clauses 41.4 to 41.19.</i></p> <p><i>When assessing the seriousness of the offence, the following factors (without limitation) shall be taken into account: (i) the context of the particular situation, including, without limitation and where relevant, whether the action was deliberate, reckless, negligent, and/or avoidable; (ii) the potential of the action to injure an opponent; and (iii) the degree of advantage offered by the ‘unfair play’.</i></p>
Level 1	✓
Level 2	✓
Level 3	Not applicable
Level 4	Not applicable
<b>2.11</b>	<b>Any attempt to manipulate a <i>Match</i> for inappropriate strategic or tactical reasons.</b>

Note:	<p>Article 2.11 is intended to prevent the manipulation of Matches for inappropriate strategic or tactical reasons (such as when a team deliberately loses a pool Match in an Event in order to affect the standings of other teams in that Event). It might also apply to the inappropriate manipulation of a net run rate or accumulation of bonus points or otherwise.</p> <p>Article 2.11 is not intended to cover any corrupt or fraudulent acts (including any use of inside information and/or related betting activity). Such conduct is prohibited under the Anti-Corruption Code and must be dealt with according to the procedures set out therein.</p> <p>The Team Captain of any team guilty of such conduct shall be held responsible (and subject to sanction) for any offence found to have been committed under this Article.</p>
Level 1	Not applicable
Level 2	✓
Level 3	Not applicable
Level 4	Not applicable
<b>2.12</b>	<b>Inappropriate physical contact with a Player, Player Support Personnel, Umpire, Match Referee or any other person (including a spectator) during a Match.</b>
Note:	<p>Any form of inappropriate physical contact is prohibited in cricket. Without limitation, Players will breach this regulation if they deliberately, recklessly and/or negligently walk or run into or shoulder another Player or Umpire.</p> <p>When assessing the seriousness of the breach, the following factors (without limitation) shall be taken into account: (i) the context of the particular situation, including, without limitation, whether the contact was deliberate (i.e. intentional), reckless, negligent, and/or avoidable; (ii) the force of the contact; (iii) any resulting injury to the person with whom contact was made; and (iv) the person with whom contact was made.</p>
Level 1	✓ (Level 1 is available only in the case of contact with Players, Player Support Personnel or any other person).
Level 2	✓ (Level 2 is available only in the case of contact with Players, Player Support Personnel or any other person).
Level 3	✓ (Level 3 is available only in the case of contact with Umpires and Match Referees.)
Level 4	✓ (Level 4 is available only in the case of contact with Umpires and Match Referees.)
<b>2.13</b>	<b>Personal abuse of a Player, Player Support Personnel, Umpire or Match Referee during a Match.</b>
Note:	<p>Article 2.13 is intended to cover a Player or Player Support Personnel directing language of a personal, insulting, obscene and/or offensive nature at any Player, Player Support Personnel, Umpire or Match Referee during a Match. It is also intended to cover language of a personal, insulting, obscene and/or offensive nature relating to a family member of the Player, Player Support Personnel, Umpire or Match Referee at whom it is directed.</p> <p>When considering the seriousness of the breach, the following factors (without limitation) shall be considered: (i) whether such language was excessive and/or orchestrated; and (ii) the person at whom the language was directed, i.e. whether they were a Player, Player Support Personnel, Umpire, Match Referee or other person.</p> <p>This offence is not intended to cover any use of language that is 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 Anti-Racism Code and must be dealt with according to the procedures set out therein.</p>
Level 1	Not applicable
Level 2	✓ (Level 2 is not available in the case of personal abuse of an Umpire or Match Referee).
Level 3	✓ (Level 3 is available in all cases)
Level 4	Not applicable
<b>2.14</b>	<b>Changing the condition of the ball in breach of clause 41.3 of the <i>Playing Conditions</i>.</b>

Note:	<p><i>This offence supplements and does not replace Playing Conditions clause 41.3.</i></p> <p><i>Any action(s) likely to alter the condition of the ball which are not specifically permitted under clause 41.3.2 may be regarded as 'unfair'. The following actions shall, therefore, not be permitted (this list of actions is not exhaustive but included for illustrative purposes): (a) deliberately throwing the ball into the ground for the purpose of roughening it up; (b) applying any artificial substance to the ball; and applying any non-artificial substance for any purpose other than to polish the ball; (c) lifting or otherwise interfering with any of the seams of the ball; and (d) scratching the surface of the ball with finger or thumb nails or any implement.</i></p> <p><i>The Umpires shall use their judgment to apply the principle that actions taken to maintain or enhance the condition of the ball, provided no artificial substances are used, shall be permitted. Any actions taken with the purpose of damaging the condition of the ball or accelerating the deterioration of the condition of the ball shall not be permitted.</i></p>
Level 1	Not applicable
Level 2	Not applicable
Level 3	✓
Level 4	Not applicable
<b>2.15</b>	<b>Attempting to gain an unfair advantage during a Match</b>
Note:	<p><i>Article 2.15 is intended to cover any attempts to cheat or gain an unfair advantage during a Match (other than conduct prohibited under Articles 2.11 or 2.14 of the Code of Conduct or the Anti-Corruption Code). It includes, without limitation: (a) deliberate attempts to deceive an Umpire (for example by claiming a catch when the Player concerned knew that he/she had not caught the ball cleanly); (b) any attempts by a Player on the field of play to seek assistance from any person off the field of play in order to decide whether to request a referral to the TV Umpire; or (c) taking a foreign object onto the field whose most likely reason for being there is to change the condition of the ball.</i></p> <p><i>When assessing the seriousness of the breach, consideration should be given to whether the conduct was deliberate, reckless and/or negligent on the part of the relevant Player or Player Support Personnel.</i></p>
Level 1	Not applicable
Level 2	Not applicable
Level 3	✓
Level 4	Not applicable
<b>2.16</b>	<b>Intimidation of an Umpire or Match Referee whether by language or conduct (including gestures) during a Match.</b>
Note:	<p><i>Article 2.16 is intended to cover any form of intimidation of an Umpire or Match Referee. It includes, without limitation: (a) any form of continual verbal or physical harassment; (b) any form of intentional behavior that would cause the person at whom it is directed to fear injury or harm; and (c) attempts to impede or block movement.</i></p>
Level 1	Not applicable
Level 2	Not applicable
Level 3	✓
Level 4	Not applicable
<b>2.17</b>	<b>Threat of assault on another Player, Player Support Personnel, Umpire or Match Referee or any other person (including a Spectator) during a Match.</b>
Note:	<p><i>Without limitation, Players or Player Support Personnel will breach this Article 2.17 if they do or say anything which would cause the Player, Player Support Personnel, Umpire, Match Referee or other person to whom such action was directed to fear harmful or offensive contact, for example and without limitation, threatening to hit the relevant individual while at the same time raising a fist, or threatening to physically harm another Player's family.</i></p>
Level 1	Not applicable
Level 2	Not applicable



Level 3	✓ (Level 3 is available in the case of threat of assault on anyone other than an <i>Umpire or Match Referee</i> )
Level 4	✓ (Level 4 is available in the case of threat of assault on <i>Umpires and Match Referees</i> only. Not available in the case of threat of assault on any <i>Player, Player Support Personnel</i> or other person)
<b>2.18</b>	<b>Physical assault of another <i>Player, Player Support Personnel, Umpire, Match Referee</i> or any other person (including a spectator) during a <i>Match</i></b>
Note:	<i>Without limitation, Players or Player Support Personnel will breach this Article 2.18 if they intentionally or recklessly cause the Player, Player Support Personnel, Umpire, Match Referee or the other person bodily harm or injury.</i>
Level 1	Not applicable
Level 2	Not applicable
Level 3	Not applicable
Level 4	✓
<b>2.19</b>	<b>Any act of violence on the field of play during a <i>Match</i></b>
Note:	<i>Without limitation, Players or Player Support Personnel will breach this Article 2.19 if they kick or punch or fight another Player, Player Support Personnel, Umpire, Match Referee or any other person (including a spectator).</i>
Level 1	Not applicable
Level 2	Not applicable
Level 3	Not applicable
Level 4	✓
<b>2.20</b>	<b>Conduct that is contrary to the spirit of the game</b>
Note:	<p><i>Article 2.20 is intended to cover all types of conduct 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.</i></p> <p><i>By way of example, Article 2.20 may (depending upon the seriousness and context of the breach) prohibit, without limitation, the following: (a) the use of an illegal bat or illegal wicket-keeping gloves; and (b) failure to comply with the provisions of clause 6.3 of the Playing Conditions.</i></p> <p><i>When assessing the seriousness of the offence, the context of the particular situation, and whether it was deliberate, reckless, negligent, avoidable and/or accidental, shall be considered. Further, the person lodging the Report shall determine where on the range of severity the conduct lays (with the range of severity starting at conduct of a minor nature (and hence a Level 1 offence) up to conduct of an extremely serious nature (and hence a Level 4 offence)).</i></p>
Level 1	✓
Level 2	✓
Level 3	✓
Level 4	✓
<b>2.21</b>	<b>Conduct that brings the game into disrepute</b>
Note:	<p><i>Article 2.21 is intended to cover all types of conduct 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, including Article 2.20.</i></p> <p><i>By way of example, Article 2.21 may (depending upon the seriousness and context of the breach) prohibit, without limitation, the following: (a) public acts of misconduct; (b) unruly public behaviour; and (c) inappropriate comments which are detrimental to the interests of the game.</i></p> <p><i>When assessing the seriousness of the offence, the context of the particular situation, and whether it was deliberate, reckless, negligent, avoidable and/or accidental, shall be considered. Further, the person lodging the Report shall determine where on the range of severity the conduct lays (with the range of severity starting at conduct of a minor nature (and hence a Level 1 offence) up to conduct of an extremely serious nature (and hence a Level 4 offence)).</i></p>
Level 1	✓
Level 2	✓
Level 3	✓

Level 4	✓
<b>2.22</b>	<b>Where the facts of the alleged incident are not adequately or clearly covered by an offence under Articles 2.1 to 2.21, conduct that either: (a) is contrary to the Spirit of Cricket; (b) is unbecoming of a representative or official; (c) is or could be harmful to the interests of cricket; or (d) does or could bring the game of cricket into disrepute</b>
Note:	<p><i>Article 2.22 is intended to be a 'catch-all' provision to cover all types of conduct that is not (and, because of its nature, cannot be) adequately covered by the specific offences set out in Articles 2.1 to 2.21.</i></p> <p><i>The Spirit of Cricket defined by reference to the Preamble to the Laws of Cricket and involves respect for (a) your opponents, (b) your captain and team, (c) the role of the match officials; and (d) the game and its traditional values.</i></p>
Level 1	✓ Applies, without limitation to on field use of illegal equipment during a Match (to the extent not covered by Article 2.5).
Level 2	✓ Applies, without limitation to: (a) On field: i. Use of illegal equipment during a Match (to the extent not covered by Article 2.5); and/or ii. Cheating during a match, including deliberate attempts to mislead the Umpire.  (b) Off field: i. Criminal conduct; ii. Public acts of misconduct; iii. Unruly public behaviours; and/or iv. Sexual misconduct.
Level 3	✓ Applies, without limitation to: (a) On field: i. Cheating during a match, including deliberate attempts to mislead the Umpire; and/or ii. Any conduct considered against the spirit in which the game of cricket should be played.  (b) Off field: i. Serious or repeated criminal conduct; ii. Serious or repeated public acts of misconduct; iii. Serious or repeated unruly public behaviours; and/or iv. Serious or repeated sexual misconduct.
Level 4	✓ Applies, without limitation to: (a) On field: i. Cheating during a match, including deliberate attempts to mislead the Umpire; and/or ii. Any conduct considered against the spirit in which the game of cricket should be played.  (b) Off field: i. Extremely serious or repeated criminal conduct; ii. Extremely serious or repeated public acts of misconduct; iii. Extremely serious or repeated unruly public behaviours; and/or iv. Extremely serious or repeated sexual misconduct.

### 2.23 Minimum Over Rate Offences:

Failure by a fielding team participating in a *Match* to meet the *Minimum Over Rate* requirements contained in Appendix 2 constitutes a **"Minimum Over Rate Offence"** under this *Code of Conduct* by each of the *Players* in that fielding team.

**NOTE:** *Subjective intent on behalf of the fielding team, or any member thereof, to waste time is not required. It is sufficient to establish that the Minimum Over Rate was not met. To avoid liability under this offence the fielding team would need to establish, on the balance of probabilities, that the shortfall was due to factors beyond their control and that the time allowances permitted by the Match Officials in calculating the required over rate were not sufficient. The presence or absence of subjective intent and the extent of the shortfall shall be relevant in relation to the issue of penalty.*

### 3. 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 by lodging a report in the manner described in Article 3.2, below (a “Report”):

- 3.1.1. an Umpire that officiated in the *Match* during which the alleged offence was committed;
- 3.1.2. The *Governing body* (or his/her designee) of either of the two Province or District *Cricket Association or Club* whose representative teams participated in the *Match* during or in relation to which the alleged offence was committed; representative teams participated in the *Match* during, or in relation to which, the alleged offence was committed, or his/her designee (provided that the identity of such designee is advised to the *CAN* by the *concerned Cricket Association* in advance of, or at least at the same time as, the *Report* is lodged).
- 3.1.3. *CAN*’s General Manager/Cricket Manager (or his/her designee);
- 3.1.4. Any Province or District Cricket Association’s or Club’s Governing Body in respect of which the relevant Player or Player Support Personnel is employed or contracted or retained.
- 3.1.5. Provided it is a *Level 4 Offence* that is alleged to have been committed (or a *Level 1 Offence, Level 2 Offence* or *Level 3 Offence* in relation to which the *Match Referee* was the victim of the alleged offence), the *Match Referee* that was appointed to officiate in the *Match* during which the alleged offence was committed. (For the avoidance of any doubt, the *Match Referee* is not entitled to lodge a *Report* in relation to an alleged *Level 1 Offence, Level 2 Offence* or *Level 3 Offence* unless he/she was the victim of the alleged offence).

3.2. All Reports must be completed on Form “Rep 1” (or such other form as may be made available for such purpose by the *CAN* from time to time). Prior to the start of each Match, the Province/District Cricket Association hosting such Match shall ensure that all officiating Umpires and Match Referees are provided with at least five (5) copies of the Form “Rep 1” and that a sufficient number of additional copies are available at the Match venue. *CAN* shall ensure that an electronic copy of the Form “Rep 1” is posted on its official website (currently [*Insert Website*]). All Reports must be signed and dated by the person lodging the Report as follows:

3.2.1. Where the Report is lodged by any of the individuals described in Article 3.1.1:

Level of Offence	On or Off-Field	Reporting Deadline	Report lodged with
Levels 1 & 2	On Field	24 hours from close of day’s play in the relevant Match	Match Referee
	Off-Field	48 hours after: (a) the commission of the alleged offence; or (b) the alleged offence was brought to his/her attention, save that the Report cannot be lodged more than 7 days after the conclusion of the relevant Match.	
Level 3	On or Off Field	48 hours after: (a) the commission of the alleged offence; or (b) the alleged offence was brought to his/her attention, save that the Report cannot be lodged more than 7 days after the conclusion of the relevant Match.	
Level 4	On or Off Field	7 days after the conclusion of the relevant Match	Head of Integrity

3.2.2. Where the Report is lodged by any of the individuals described in Article 3.1.2:

Level of Offence	On or Off-Field	Reporting Deadline	Report lodged with
Levels 1 & 2	On Field	48 hours from close of day’s play in the relevant Match	Match Referee
	Off-Field	96 hours after: (a) the commission of the alleged offence; or (b) the alleged offence was brought to his/her attention, save that the Report cannot be lodged more than 7 days after the conclusion of the relevant Match.	
Level 3	On or Off Field	96 hours after: (a) the commission of the alleged offence; or (b) the alleged offence was brought to his/her attention, save that the Report cannot be lodged more than 7 days after the conclusion of the relevant Match.	
Level 4	On or Off Field	7 days after conclusion of the relevant Match	Head of Integrity

3.2.3. Where the Report is lodged by the individual described in Article 3.1.3 and 3.1.4:

Level of Offence	On or Off-Field	Reporting Deadline	Report lodged with
Level 1, 2 & 3	On or Off Field	7 days after the alleged offence is brought to his/her attention.	Match Referee
Level 4	On or Off Field	7 days after the alleged offence is brought to his/her attention.	<b>Head of Integrity</b>

3.2.4. Where the Report is lodged by the Match Referee (pursuant to Article 3.1.4):

Level of Offence	On or Off-Field	Reporting Deadline	Report lodged with
Levels 1, 2 & 3	On or Off Field	48 hours after: (a) the commission of the alleged offence; or (b) the alleged offence was brought to his/her attention, save that the Report cannot be lodged more than 7 days after the conclusion of the relevant Match.	<b>Head of Integrity</b>
Level 4	On or Off Field	7 days after conclusion of the relevant Match	

**Note:** For the purposes of Articles 3.2.1 to 3.2.4 above, Reports should be lodged as soon as reasonably practicable. The time limits set out in the above tables constitute the latest time by which a Report can be lodged.

In all circumstances where a Report is to be lodged with the Match Referee if, for logistical reasons, it is impractical to lodge the Report with the Match Referee, it shall be lodged with the CAN's Cricket Operations Department within the same deadline.

3.3. Where it is alleged that a Player or Player Support Personnel has committed more than one offence under the Code of Conduct (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. Whereas, when an incident could fall within more than one offence under Article 2, a Report should be laid only in respect of the offence which most specifically covers the relevant and not both offences.

**NOTE:** For the avoidance of doubt, only one Report should be laid per offence. As such, where the incident in question could fall within more than one offence under Article 2, for example Article 2.7 (public criticism or inappropriate comment) and Article 2.21 (conduct that brings the game into disrepute) a Report should be laid only in respect of the offence which most specifically covers the relevant conduct (in the example above, Article 2.7) and not both offences.

#### 4. Article 4 – Notification Procedure

##### Level 1 Offences, Level 2 Offences, Level 3 Offences and Minimum Over Rate Offences:

- 4.1 Where a Match Referee receives a Report lodged under Articles 3.2.1, 3.2.2, 3.2.3 or Article 3.2 of Appendix 2 (in the case of Minimum Over Rate Offences), he/she must review the Report and determine whether the Player or Player Support Personnel named in the Report has a case to answer in relation to the offence identified in the Report. Where the Match Referee determines that there is a case to answer, he/she must promptly provide a copy of the Report, together with a completed Form “Not 1”, (such documents comprising the ‘Notice of Charge’), to the following individuals:
- 4.1.1 the Player or Player Support Personnel named in the Report, or, where appropriate in the case of an offence under either Article 2.11 (manipulating a Match), 2.14 (changing the condition of the ball), or 2.23 (failure to meet the Minimum Over Rate), the relevant Team Captain; and
  - 4.1.2 the Team Manager of the relevant Player or Player Support Personnel named in the Report.
- 4.2 Where the CAN's **Head of Integrity** receives a Report lodged under Article 3.2.4, he/she must review the Report and determine whether the Player or Player Support Personnel named in the Report has a case to answer in relation to the offence identified in the Report. Where the CAN's **Head of Integrity** determines that there is a case to answer, he/she must promptly provide a copy of the Report, together with a completed Form “Not 1” (such documents comprising the ‘Notice of Charge’), to the following individuals:
- 4.2.1 the Player or Player Support Personnel named in the Report, or, where appropriate in the case of an offence under either Article 2.11 (manipulating a Match), 2.14 (changing the condition of the ball), or 2.23 (failure to

meet the *Minimum Over Rate*), the relevant *Team Captain*; and

4.2.2 the *Team Manager* of the relevant *Player* or *Player Support Personnel* named in the Report.

**4.3** The *Notice of Charge* shall specify that the *Player* or *Player Support Personnel* shall have the following three options:

4.3.1 he/she may admit the offence charged and accede to the proposed sanction specified in the *Notice of Charge* (which sanction shall be strictly at the *Match Referee's* discretion, but at all times within the appropriate range for the level of offence). In such circumstances, and provided that such admission has been received by the *Match Referee* prior to the commencement of the hearing at the time/place specified in the *Notice of Charge*, the hearing before the *Match Referee* shall not be required and no further action shall be taken, save that the *CAN* shall promptly issue a public statement confirming: (a) the commission of an offence under the *Code of Conduct*; and (b) the imposition of the applicable sanction specified in the *Notice of Charge*; or

4.3.2 he/she may admit the offence charged but dispute the proposed sanction specified in the *Notice of Charge*, in which case the matter shall proceed to a hearing in accordance with Article 5.1; or

4.3.3 he/she may deny the offence charged, in which case the matter shall proceed to a hearing in accordance with Article 5.1.

#### Level 4 Offences:

**4.4** Where the *Head of Integrity* receives a *Report* lodged under Articles 3.2.1., 3.2.2., 3.2.3 or 3.2.4, he/she must promptly conduct a review to determine whether the *Player* or *Player Support Personnel* named in the *Report* has a case to answer in relation to the specific type and/or level of offence identified in the *Report* (i.e. to determine, in the *CAN's* opinion, whether the specific type and level of offence noted in the *Report* is properly identified when reviewed against the conduct complained of).

**4.5** If the initial review of the *Report* reveals that there is no case to answer in relation to the specific type and/or level of offence, then the *Head of Integrity* shall notify the person who filed the *Report* of that fact, advising them of the reasons that such a determination has been made and, where applicable, providing guidance on which specific type and level of offence the *Head of Integrity* considers to be appropriate. Upon receipt of such a decision, the person who filed the *Report* shall, notwithstanding the provisions of Article 3.2, and having considered the *Head of Integrity's* guidance in good faith, within a period of twenty-four (24) hours from the time of notification by the *Head of Integrity*, notify the *Head of Integrity* whether they wish to:

(a) revise the specific type and/or level of the offence charged, in which case a revised *Report* must be lodged with the *CAN* within such twenty-four (24) hour period;

(b) proceed on the basis of the original *Report* lodged; or

(c) withdraw the *Report*

**4.6** If the initial review of the *Report* reveals that there is a case to answer, or a revised *Report* is lodged with the *CAN* pursuant to Article 4.5, then the *CAN* shall promptly provide a copy of the *Report*, together with a completed Form "Not 1" (such documents comprising the '**Notice of Charge**') to the following individuals.

4.6.1 the *Player* or *Player Support Personnel* named in the *Report*; and

4.6.2 the *Team Manager* of the relevant *Player* or *Player Support Personnel* named in the *Report*; and

4.6.3 the Governing Body of the Cricket Federation to which the relevant *Player* or *Player Support Personnel* is affiliated

**4.7** The *Notice of Charge* shall specify that the *Player* or *Player Support Personnel* shall have the following options:

4.7.1 he/she may admit the offence charged and accede to the proposed sanction specified in the *Notice of Charge* (which sanction shall be strictly at the *CAN's* discretion, but at all times within the appropriate range for the level of offence). In such circumstances, and provided that such admission has been received by the *CAN's* *Head of Integrity* prior to the commencement of the hearing at the time/place specified in the *Notice of Charge*, the hearing before the *Judicial Commissioner* shall not be required and no further action shall be taken, save that the *CAN* shall promptly issue a public statement confirming: (a) the commission of an offence under the *Code of Conduct*; and (b) the imposition of the applicable sanction specified in the *Notice of Charge*; or

- 4.7.2 he/she may admit the offence charged but dispute the proposed sanction specified in the *Notice of Charge*, in which case the matter shall proceed to a hearing in accordance with Article 5.2; or
- 4.7.3 he/she may deny the offence charged, in which case the matter shall proceed to a hearing in accordance with Article 5.2.

## 5. Article 5 – Disciplinary Procedure

**NOTE:** Where a Match Referee appointed to adjudicate any matter brought under this Code of Conduct is not physically present at the relevant Match (and therefore required to perform his/her duties remotely) or his/her appointment to that series of Matches has ended and thus he/she is no longer in the same location at the teams, then all hearings arising under Article 5.1 will be held by telephone conference or video conference (if available) and the provisions of Article 5.1 are to be interpreted accordingly.

### Level 1 Offences, Level 2 Offences, Level 3 Offences and Minimum Over Rate Offences:

- 5.1 Where a matter proceeds to a hearing under Article 4.3.2 or 4.3.3, then, subject to Article 5.7 below, the case shall be referred to the *Match Referee* for adjudication in accordance with the following procedure:
  - 5.1.1 In the case of *Level 1 Offences, Level 2 Offences, Level 3 Offences* or *Minimum Over Rate Offences*, subject to the discretion of the *Match Referee* to order otherwise for good cause shown by the *Player* or *Player Support Personnel*, the hearing will take place at the time specified in the *Notice of Charge* (which should take place as soon as practicable and, in the absence of exceptional circumstances, no more than thirty-six (36) hours after the receipt by the *Player* or *Player Support Personnel* of the *Notice of Charge*) and, subject to the note to Article 5, in the Province or District in which the alleged offence was committed. For the avoidance of doubt, nothing in this Article 5.1.1 prevents a hearing from being convened at a time during which the *Match* in relation to which the alleged offence took place, remains in progress.
  - 5.1.2 The procedure followed at the hearing shall be at the discretion of the *Match Referee*, provided that the hearing is conducted in a manner which offers the *Player* or *Player 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 *Match Referee* and present his/her case.
  - 5.1.3 The hearing before the *Match Referee* shall be in English or Nepali, and certified English translations shall be submitted of any non-English documents (if necessary) put before the *Match Referee*. The cost of the translation shall be borne by the party offering the document(s).
  - 5.1.4 Where video evidence of the alleged offence is available at the hearing before the *Match Referee*, 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.
  - 5.1.5 Unless exceptional circumstances apply, each of the following individuals must attend any hearing before the *Match Referee*: (a) the *Player* or *Player Support Personnel* who has been charged with the alleged offence; and (b) the person who lodged the *Report* (or, in the case of the *CAN's General Manager/Cricket Manager*, his/her representative/nominee). Where any such individual has a compelling justification for his/her non-attendance, then they shall be given the opportunity to participate in the hearing before the *Match Referee* by telephone or video conference (if available). Without prejudice to the *Player* or *Player Support Personnel's* ability to call and to question such witnesses as may be necessary and/or to be represented by such other person of his/her own choosing pursuant to Article 5.1.6, one of the *Team Captain, Team Vice-Captain* or *Team Manager* of the team that the *Player* or *Player Support Personnel* represents may also attend such a hearing to provide additional support and assistance to the *Player* or *Player Support Personnel*.
  - 5.1.6 Each of the individuals described in Article 5.1.5 (a) and (b) shall have the right (at his/her or its own expense) to be represented at the hearing before the *Match Referee* by such representative (including **legal counsel**) of his/her or its own choosing. Where the person lodging the *Report* is an *Umpire* that officiated in the *Match* in question or the *CAN's General Manager/Cricket Manager*, 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 *CAN*.
  - 5.1.7 The non-attendance of any *Player* or *Player Support Personnel* or his/her representative at the hearing, shall not prevent the *Match Referee* from proceeding with the hearing in his/her absence and issuing a ruling in relation to the offence charged.
  - 5.1.8 At the end of a hearing, where the *Match Referee* 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.

**5.1.9** Alternatively, at the end of a hearing:

**5.1.9.1** brought under Article 4.3.2:

(a) as soon as possible after the conclusion of the hearing (and, in any event, no later than twenty-four (24) hours thereafter), the *Match Referee* will confirm the *Player* or *Player Support Personnel's* admission that he/she had committed a *Code of Conduct* offence and announce the substance of his/her decision. Within five (5) days after the conclusion of the hearing, the *Match Referee* shall issue his/her written decision, 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.

**5.1.9.2** brought under Article 4.3.3 (or where the *Player* or *Player Support Personnel* has failed to respond in a timely fashion to the *Notice of Charge*):

- (a) the *Match Referee* 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 *Match Referee* determines that a *Code of Conduct* offence has been committed, the *Player* or *Player 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 twenty-four (24) hours thereafter), the *Match Referee* will announce the substance of his/her decision. Within five (5) days after the conclusion of the hearing, the *Match Referee* shall issue his/her written decision, 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.

**5.1.10** A copy of the written reasoned decision will be provided to the *Player* or *Player Support Personnel*, the Governing Body of the *Player* or *Player Support Personnel's Cricket Association* in respect of which the relevant *Player* or *Player Support Personnel* is employed, contracted or retained, the Head of Cricket Operations, the *Head of Integrity*, and the *CAN's Cricket Manager*.

**5.1.11** Subject only to the rights of appeal under Article 8, the *Match Referee's* decision shall be the full, final and complete disposition of the matter and will be binding on all parties.

#### Level 4 Offences:

**5.2** Where a matter proceeds to a hearing under Article 4.7.2 or 4.7.3, then the case shall be referred to a *Judicial Commissioner* for adjudication in accordance with the following procedure:

**5.2.1** As soon as reasonably possible, the *CAN* shall appoint one member from the *CAN'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, unless otherwise agreed between the parties, be from a Province/District participating in the *Match*, during, or in relation to which, the alleged offence was committed.

**5.2.2** The *Judicial Commissioner* shall convene a preliminary hearing with the individual lodging the *Report* pursuant to Article 3.1 (the **Complainant**) and his/her *legal representatives* (if any), together with the *Player* or *Player 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 *Player* or *Player 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 *Player* or *Player Support Personnel*. Where the initial *Report* was lodged by someone other than the individual described in Article 3.1.3, the *CAN* will be notified and invited to participate in any such preliminary hearing convened by the **Judicial Commissioner** through its representative

- 5.2.3** 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:
- 5.2.3.1** 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 fourteen (14) days after the receipt by the *Player* or *Player Support Personnel* of the *Notice of Charge*.
- 5.2.3.2** 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 *Player* or *Player 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 answer brief of the *Player* or *Player 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
- 5.2.3.3** 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.
- 5.2.4** 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 in the Province/District in which the alleged offence was committed.
- 5.2.5** The procedure followed at the hearing shall be at the discretion of the **Judicial Commissioner**, provided that the hearing is conducted in a manner which offers the *Player* or *Player 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.
- 5.2.6** 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 *CAN* shall make arrangements to have the hearing recorded or transcribed. If requested by the *Player* or *Player Support Personnel*, the *CAN* shall also arrange for an interpreter to attend the hearing. Such costs of transcription and interpretation shall be paid by the *CAN*.
- 5.2.7** 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.
- 5.2.8** Unless exceptional circumstances apply, each of the following individuals must attend any hearing before the **Judicial Commissioner**: (a) the *Player* or *Player Support Personnel* who has been charged with the alleged offence; and (b) the *Complainant* (or, in the case of the *CAN's* *General Manager/Cricket Manager*, his/her representative/nominee). Where any such individual has a compelling justification for his/her non-attendance, then they shall be given the opportunity to participate in the hearing before the **Judicial Commissioner** by telephone or video conference (if available). In addition, a representative of the *CAN* shall be entitled to attend any such hearing. Without prejudice to the *Player* or *Player Support Personnel's* ability to call and to question



such witnesses as may be necessary and/or to be represented by such other person of his/her own choosing pursuant to Article 5.2.9, one of the *Team Captain*, *Team Vice-Captain* or *Team Manager* of the team that the *Player* or *Player Support Personnel* represents may also attend such hearing to provide additional support and assistance to the *Player* or *Player Support Personnel*.

**5.2.9** Each of the individuals described in Article 5.2.8(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 *Match* in question or the *CAN's General Manager/Cricket Manager*, then such person shall be entitled to be represented prior to, and during, the hearing (if he/she considers necessary) by a **Legal Adviser** appointed by CAN.

**5.2.10** The non-attendance of the *Player* or *Player 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.

**5.2.11** 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.

**5.2.12** Alternatively, at the end of a hearing:

**5.2.12.1** brought under Article 4.7.2:

- (a) 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 *Player* or *Player Support Personnel's* admission that he/she had committed a *Code of Conduct* offence and announce the substance of his/her decision. Within seven (7) days after conclusion of the hearing, the **Judicial Commissioner** shall announce his/her written decision, 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.

**5.2.12.2** brought under Article 4.7.3 (or where the *Player* or *Player 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 *Player* or *Player 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 the substance of his/her decision. Within seven (7) days after conclusion of the hearing, the **Judicial Commissioner** shall announce his/her written decision, 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.

**5.2.13** A copy of the written reasoned decision will be provided to the *Player* or *Player Support Personnel*, the Governing Body of the *Player* or *Player Support Personnel's Cricket Association*, the *Complainant* and the *CAN's Cricket Manager*.

**5.2.14** 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.

### **General Principles of Procedure**

**5.3** 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 *Player* or *Player 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 *CAN's General Manager/Cricket Manager*, his/her representative/nominee) in relation to the alleged offence are required to attend the hearing before the *Match Referee* or **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).

- 5.4 Where two or more *Players* or *Player 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, as follows:
- 5.4.1 any number of *Level 1 Offences* and/or *Level 2 Offences* and/or *Level 3 Offences* can all be determined by a *Match Referee* at the same hearing; and
  - 5.4.2 any number of *Level 4 Offences* can all be determined by a **Judicial Commissioner** at the same hearing; and
  - 5.4.3 a *Level 1 Offence* and/or *Level 2 Offence* and/or *Level 3 Offence* can be determined by a **Judicial Commissioner** at the same hearing as a *Level 4 Offence*; but
  - 5.4.4 a *Level 4 Offence* cannot be determined by a *Match Referee* at the same hearing as a *Level 1 Offence* or a *Level 2 Offence* or a *Level 3 Offence*, and separate proceedings should therefore be issued in relation to each alleged offence.
- 5.5 Where a *Player* or *Player Support Personnel* is alleged to have committed more than one breach of the *Code of Conduct* during, or in relation to the same *Match*, then all of the alleged offences may be dealt with at the same hearing, as follows:
- 5.5.1 any number of *Level 1 Offences* and/or *Level 2 Offences* and/or *Level 3 Offences* can all be determined by a *Match Referee* at the same hearing; and
  - 5.5.2 any number of *Level 4 Offences* can all be determined by a **Judicial Commissioner** at the same hearing; and
  - 5.5.3 a *Level 1 Offence* and/or *Level 2 Offence* and/or *Level 3 Offence* can be determined by a **Judicial Commissioner** at the same hearing as a *Level 4 Offence*; but
  - 5.5.4 a *Level 4 Offence* cannot be determined by a *Match Referee* at the same hearing as a *Level 1 Offence* or a *Level 2 Offence* or a *Level 3 Offence*, and separate proceedings should therefore be issued in relation to each alleged offence.
- 5.6 Any failure or refusal by any *Player* or *Player Support Personnel* to provide assistance to a *Match Referee* or **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 Article 2.20 of the *Code of Conduct*.
- 5.7 Where a *Match Referee* lodges a *Report* with the *Head of Integrity* pursuant to Article 3.2, and, pursuant to Article 4.2, the *Head of Integrity* determines that there is a case to answer, he/she shall appoint a member of the **CAN's Code of Conduct Commission** (who shall have had no prior involvement with the case and shall not, unless otherwise agreed between the parties, be from a Province/District participating in the *Match* during, or in relation to which, the alleged offence was committed) to hear the case as a replacement to the *Match Referee* and all of the remaining procedure will apply accordingly.
- 5.8 In addition to, and notwithstanding, Article 5.7 above, where a *Match Referee* 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 *Head of Integrity* shall have the discretion to appoint the *CAN's* such other referee as the *CAN* deems to be appropriate in all the circumstances. Where the *CAN's* such other referee is unwilling or unable to hear the case, a member of the **CAN's Code of Conduct Commission** (who shall have had no prior involvement with the case and shall not, unless otherwise agreed between the parties, be from a Province/District participating in the *Match* during, or in relation to which, the alleged offence was committed) as a replacement to the *Match Referee* and all of the remaining procedure will apply accordingly.
- 5.9 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 *Head of Integrity* shall have the discretion to appoint another member of the *CAN's Code of Conduct Commission* (who shall have had no prior involvement with the case and

shall not, unless otherwise agreed between the parties, be from a country/city/province/district participating in the *Match* during, or in relation to which, the alleged offence was committed) as a replacement to the **Judicial Commissioner** and all of the remaining procedure will apply accordingly.

**5.10** The CAN will issue a public announcement regarding any decision of the *Match Referee* or *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 *Cricket Association*) publicly confirming the date of the hearing, the offence that is alleged to have been committed and/or the name of the *Player* or *Player 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 *Match Referee* or **Judicial Commissioner** is comfortably satisfied, bearing in mind the seriousness of the allegation that is made, that the alleged offence has been committed. This standard of proof 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 a reasonable doubt (for the most serious offences).

**6.2** The *Match Referee* or **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 *Match Referee* or **Judicial Commissioner** may draw an inference adverse to the *Player* or *Player 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 *Match Referee* or **Judicial Commissioner**) and/or to answer any relevant questions.

**ARTICLE 7 SANCTIONS ON PLAYERS AND PLAYER SUPPORT PERSONNEL**

**COMMENT:** The aim of the sanctioning regime under this Code of Conduct is to (a) sanction those *Players* and *Player Support Personnel* found to have committed an offence under the Code of Conduct, and (b) to act as a deterrent to other *Players* and *Player Support Personnel* to deter them from conducting themselves improperly on and off the “field of play”. The CAN believes that the threat of a suspension is the strongest deterrent to bring about a change in behavior, hence the system of accumulated *Demerit Points* which is included in the Code of Conduct.

**7.1** Where a *Match Referee* or **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 *Player* or *Player Support Personnel*.

**7.2** In determining the appropriate sanction, the *Match Referee* or **Judicial Commissioner** shall take into account any factors that he/she deems relevant and appropriate to the mitigation or aggravation of the nature of the *Code of Conduct* offence before determining, in accordance with the table set out in Article 7.3 below, what the appropriate sanction(s) should be.

**7.3** In addition to sanctions imposed by a *Match Referee* or **Judicial Commissioner** under Article 7.2 above, *Demerit Points* will be imposed upon a *Player* or *Player Support Personnel* found to have committed an offence under the *Code of Conduct*. The number of *Demerit Points* imposed will be calculated by reference to the sanction imposed for the particular offences, as set out in the following table.

LEVEL OF OFFENCE	RANGE OF PERMISSIBLE SANCTIONS	CORRESPONDING DEMERIT POINTS	
Level 1	Warning and/or the imposition of a fine of up to 50% of the applicable <i>Match Fee</i> .	Warning or (0-25) % fine	1
		(26-50) % fine	2
Level 2	The imposition of a fine of between 50-100% of the applicable <i>Match Fee</i> or up to two (2) <i>Suspension Points</i> .	(50-100) % fine or 1 <i>Suspension Point</i>	3
		2 <i>Suspension Points</i>	4

Level 3	The imposition of between four (4) and twelve (12) <i>Suspension Points</i> .*	4-7 <i>Suspension Points</i>	5
		8-12 <i>Suspension Points</i>	6
Level 4	The imposition of twelve (12) <i>Suspension Points</i> or a suspension for a fixed period of time ranging between, at a minimum, the lesser of the equivalent of twelve (12) <i>Suspension Points</i> and one (1) year, up to a maximum of a lifetime's suspension.	12 <i>Suspension Points</i>	7
		Fixed period of suspension between 12 <i>Suspension Points</i> or one (1) year, and a lifetime suspension	8
<i>Minimum Over Rate Offences</i>	See specific sanctions described in the table at Article 4 of Appendix 2.	N/A	

*Note: Demerit Points will remain on a Player or Player Support Personnel's disciplinary record for a period of eighteen (18) months from their imposition following which they shall be immediately expunged.*

*Note: All these Demerit Points and Suspension Points shall apply only in domestic tournaments. This shall not accumulate with any ACC or ICC tournaments.*

\* **NOTE:** In all cases marked with a \*, the maximum 'actual' period of suspension shall be no more than one (1) year, irrespective of the number and/or the practical application of any *Suspension Points* that might be imposed.

**7.4** Where a *Match Referee* or *Judicial Commissioner* imposes a period of suspension on any *Player* or *Player Support Personnel*, then, unless such period is for a fixed period of time (for example, one year) then, any such period of suspension shall be referenced by *Suspension Points*, which shall carry the following weightings:

**7.4.1** a *Three (3) days Match* or any other *Match* of at least two (2) days in duration is given a weighting of two (2) *Suspension Points*;

**7.4.2** a *One Day Match* or *T20 Match* is given a weighting of one (1) *Suspension point*; and

**7.4.3** all other limited over *Matches of CAN/ Province/ District* are given a weighting of one (1) *Suspension Point*.

**7.5** Each time a *Player* or *Player Support Personnel* is found to have committed an offence under the *Code of Conduct* and a sanction is imposed by a *Match Referee* or *Judicial Commissioner*, corresponding *Demerit Points* as per the table in Article 7.3 above shall be added to the *Player* or *Player Support Personnel's* record and accumulated with any existing *Demerit Points* imposed on the *Player* or *Player Support Personnel* within the previous **eighteen (18) months**. The *CAN's Cricket Operations Department* will keep an accurate and up-to-date record of all *Demerit Points* imposed upon *Players* and *Player Support Personnel* and will carry out the process of accumulating *Demerit Points* each time a *Player* or *Player Support Personnel* is found to have committed an offence and sanctioned.

**7.6** Where a *Player* or *Player Support Personnel* accumulates a total of four or more *Demerit Points* as set out in the table below, these *Demerit Points* shall be converted into *Suspension Points* (at the point that the *Player* or *Player Support Personnel* first crosses the relevant threshold) as follows:

<b>Accumulated Demerit Points</b>	<b>Corresponding Suspension Points</b>
4-7	2
8-11	4
12-15	6
16 and above	8

**7.7** Notice of the amount of *Demerit Points* imposed and the accumulated total, together with any resulting *Suspension Points*, will be communicated by the *CAN's Cricket Operations Department*, as soon as is reasonably practicable, to the *Player* or *Player Support Personnel* at the same time as notice is provided to the *Governing Body of the Player or Player Support Personnel's Cricket Association* of the commission of the offence and resulting sanction. Any resulting *Suspension Points* imposed on the basis of accumulated *Demerit Points* shall be applied in accordance with the principles set down in Article 7.9 below and shall take effect immediately upon notice of the same to the *Player* or *Player Support Personnel*.

**7.8** Any *Suspension Points* imposed on a *Player* or *Player Support Personnel* through the accumulation of

Demerit Points will be applicable in addition to, and, for the avoidance of doubt, not in place of, any Suspension Points or period of suspension imposed by the Match Referee or **Judicial Commissioner** pursuant to Article 7.2 above. However, any such period of suspension shall run concurrently with any period of suspension imposed by the Match Referee or **Judicial Commissioner**.

**EXAMPLE OF THE APPLICATION OF DEMERIT POINTS:**

1. A Player commits a Level 1 offence and receives a fine of 50% from the Match Referee.
2. That Player will correspondingly receive two (2) Demerit Points in respect of that offence on his/her disciplinary record.
3. The same Player then commits a Level 2 offence three (3) months after the Level 1 offence was committed and is sanctioned with 2 Suspension Points by the Match Referee.
4. The Level 2 offence will equate to four (4) Demerit Points.
5. As the second offence took place within three (3) months of the first offence, the Demerit Points imposed in respect of the second offence are added to the Demerit Points imposed in respect of the first offence, meaning that the Player now has an accumulated total of six (6) Demerit Points.
6. Six (6) Demerit Points equate to a suspension equivalent to two (2) Suspension Points (i.e. 1 three/Two days Match or 2 ODs or 2 T20s). Such suspension will be served by the Player concurrently with the suspension imposed in respect of the Level 2 offence.
7. After completing his/her suspension, the Demerit Points remain on the Player's disciplinary record for a period of eighteen (18) months.
8. Three (3) months later, the Player commits another Level 2 offence and is sanctioned for that offence with a 100% fine.
9. A further three (3) Demerit Points will then be added to the Player's disciplinary record in respect of that offence, taking his/her accumulated total within eighteen (18) months to nine (9) Demerit Points.
10. Nine (9) Demerit Points equate to a suspension equivalent to four (4) Suspension Points (i.e. 2 three/two days Matches, 1 Three/Two days Match and 2 ODs/T20s or 4 ODs or 4 T20s). Such suspension will be served by the Player immediately upon notice of the same in accordance with Article 7.7.
11. After completing his/her suspension, the Demerit Points remain on the Player's disciplinary record for a period of eighteen (18) months.

**7.9** Where Suspension Points are imposed against a Player or Player Support Personnel (whether by a Match Referee or **Judicial Commissioner**, or through the accumulation of Demerit Points in accordance with Article 7.6 above), then such Suspension Points will be applied in accordance with the following principles:

- 7.9.1** the Match Referee, **Judicial Commissioner** or the CAN (as applicable) shall have regard to the Player's or Player Support Personnel's participation in the various formats of Matches of CAN over the previous eighteen (18) months in order to determine (to the best of his/her ability) which of the forthcoming Matches of CAN the Player is most likely to participate in or the Player Support Personnel is most likely to assist the participation of a Player in;
- 7.9.2** where necessary, the Match Referee or **Judicial Commissioner** shall be entitled to consult with the CAN in order to make a determination as to which of the forthcoming Matches of CAN the Player is most likely to participate in or the Player Support Personnel is most likely to assist the participation of a Player in;
- 7.9.3** In so far as is reasonably possible, the Match Referee, **Judicial Commissioner** or the CAN (as applicable) shall apply the Suspension Points to the subsequent Matches of CAN in which the Player is most likely to participate in or the Player Support Personnel is most likely to assist the participation of a Player in, on a chronological basis immediately following the announcement of the decision;
- 7.9.4** Where a Player or Player Support Personnel has his/her Suspension Points applied to a Match of CAN that is subsequently cancelled, postponed or otherwise abandoned prior to the actual day on which it is scheduled to take place, then such Suspension Points must be reallocated to the next subsequent Matches of CAN in which the Player is most likely to participate in or the Player Support Personnel is most likely to assist the participation of a Player in. Where a Match is cancelled, postponed or otherwise abandoned at any time on the actual day on which it is scheduled to take place, then the Suspension Points will remain allocated to that Match, irrespective of such cancellation, postponement or abandonment.

**EXAMPLES OF THE APPLICATION OF SUSPENSION POINTS:**

1. Where a Player's playing history suggests that he/she is most likely to represent his/her Cricket Association in three/two days Matches only, then the Suspension Points shall be applied to his/her future participation in three/two days Matches only, so that six (6) Suspension Points would be applied to the three (3) Three/Two days Matches immediately following the announcement of the decision, notwithstanding that the Cricket Association might be participating in intervening One Day Matches and/or Twenty20 Matches.
2. Where a Player's playing history suggests that he/she is likely to be selected to represent his/her Cricket Association in all formats of Matches, then the Suspension Points shall be applied to his/her future participation in all (Under CAN) Matches in the sequential order in which such Matches take place immediately following the announcement of the decision. The examples set out below, would apply to the following chronological list of potential playing fixtures;
  - Code of Conduct decision
  - One-Day Match - weighting 1 Suspension Point ("**Match A**")
  - One-Day Match - weighting 1 Suspension Point ("**Match B**")
  - Three/Two days Match - weighting 2 Suspension Point ("**Match C**")
  - Three/Two days Match weighting 2 Suspension Point ("**Match D**")
  - Twenty20 Match - weighting 1 Suspension Point ("**Match E**")
  - Twenty20 Match - weighting 1 Suspension Point ("**Match F**")
  - (a) One (1) Suspension Point would be applied to Match A;
  - (b) Two (2) Suspension Points would be applied to Matches A and B;
  - (c) Three (3) Suspension Points would be applied to Matches A, B and E;
  - (d) Four (4) Suspension Point would be applied to Match A, B and C;
  - (e) Five (5) Suspension Points would be applied to Matches A, B, C and E;
  - (f) Six (6) Suspension Points would be applied to Matches A, B, C and D;
  - (g) Seven (7) Suspension Points would be applied to Matches A, B, C, D and E;
  - (h) Eight (8) Suspension Points would be applied to Matches A, B, C, D, E and F.

**7.10 For the avoidance of any doubt:**

- 7.10.1** the Match Referee or **Judicial Commissioner** will have no jurisdiction to adjust, reverse or amend the results of any Match;
- 7.10.2** Where a Player or Player 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 a Match and sanctioned separately for each offence, then any sanctions should run cumulatively (and not concurrently);
- 7.10.3** Where a Player or Player Support Personnel is found guilty of committing two Code of Conduct offences in relation to the same incident or set of circumstances arising during a Match and sanctioned separately, then any sanctions imposed should run concurrently (and not cumulatively);
- 7.10.4** Nothing in this Code of Conduct shall permit plea bargaining in relation to any alleged offence committed under this Code of Conduct);
- 7.10.5** Where the Match Referee or **Judicial Commissioner** finds a Player or Player Support Personnel not guilty of the offence allegedly committed under the Code of Conduct, then it remains open to him/her, at his/her discretion, to find the Player or Player Support Personnel guilty of an offence of a lower level than that with which he/she has been charged. For example where a Player or Player Support Personnel has been charged with (but been found not guilty of) 'showing dissent at an Umpire's decision' (Article 2.8) at Level 2, the Match Referee may, instead, find the Player or Player Support Personnel guilty of the same offence at Level 1 and impose an appropriate sanction; and
- 7.10.6** Where a fine and/or costs award is imposed against a Player or Player Support Personnel, then such fine and/or costs award must be paid: (a) by the Player or Player Support Personnel (and not any other third party, including his/her Cricket Association); (b) to the Player or Player Support Personnel's Cricket Association (for onward transmission to the CAN) within one calendar month of receipt of the decision imposing the fine. However, the CAN will consider any request from any Player or Player Support Personnel to make the payment of such fines and/or costs over a prolonged period of time on the grounds of financial hardship. Should any fine and/or costs award (or agreed part- payment or instalment thereof) not be paid to the relevant Cricket Association within

such deadline or by the time of the next agreed payment date, the *Player* or *Player Support Personnel* may not play, coach or otherwise participate or be involved in any capacity in any *Match* until such payment has been satisfied in full.

- 7.11** Where a *Player* or *Player Support Personnel* has had *Suspension Points* imposed against him/her or has been suspended for a fixed period of time, he/she may not play, coach or otherwise participate or be involved in any capacity in the *Match(es)* of *CAN* which: (a) are covered by the application of his/her *Suspension Points* as determined in accordance with Article 7.9; or (b) take place during the fixed period of his/her suspension.

**NOTE:** For the avoidance of any doubt, a *Player* or (where relevant) *Player Support Personnel* who has had *Suspension Points* imposed against him/her or has been suspended for a fixed period of time shall not, during the *Matches* of *CAN* which are covered by his/her *Suspension Points* or the period of suspension:

- (a) be nominated as, or carry out any of the duties or responsibilities of, a substitute fielder; or
- (b) enter any part of the playing area (which shall include, for the avoidance of doubt, the field of play and the area between the boundary and perimeter boards) at any time, including during any scheduled or unscheduled breaks in play.

In addition, *Player Support Personnel* so sanctioned shall not be permitted to enter the players' dressing room (including the viewing areas) during any *Match* covered by his/her *Suspension Points* or the period of suspension. *Players* so sanctioned will, however, be permitted to enter the players' dressing room provided that the players' dressing room (or any part thereof) for the relevant *Match* is not within the player area described in (b) above (for example, no such *Player* shall be permitted access to an on-field 'dug-out').

Finally, any *Player* or *Player Support Personnel* so sanctioned shall not be prevented from attending any post-match ceremonies or presentations taking place anywhere on the field of play or otherwise following the conclusion of a *Match* covered by his/her *Suspension Points* or the period of suspension unless the suspension or *Suspension Points* have been imposed in respect of a *Level 3* or *Level 4 Offence* under this *Code of Conduct*. In such circumstances, the *Player* or *Player Support Personnel* shall not be permitted to attend such ceremonies or presentations.

- 7.12** Once any *Suspension Points* or fixed period of suspension has expired, the *Player* or *Player Support Personnel* will automatically become re-eligible to participate (in the case of a *Player*) or assist the participation (in the case of a *Player Support Personnel*) in *Matches* provided that he/she has paid, in full, all amounts forfeited under the *Code of Conduct*, including any fines, compensatory awards or award of costs that may have been imposed against him/her.

## ARTICLE 8 APPEALS

**NOTE:** For the avoidance of doubt, the right of appeal will be determined by reference to the level of offence which the decision of the *Match Referee* or *Judicial Commissioner* (as applicable) relates to, and not necessarily the *Level of offence* originally reported.

By way of example, a *Judicial Commissioner* may have been asked to determine a *Level 4 Offence*, but in coming to his/her decision, he/she has exercised the right afforded to him/her in Article 7.10.5 and found the *Player* or *Player Support Personnel* concerned not guilty of the *Level 4 Offence*, but guilty of a *Level 3 Offence*. In such circumstances, the right of appeal shall be determined on the basis of the *Level 3 Offence* and thus in accordance with Article 8.2.

In circumstances where the application of this note would lead to the same level of adjudicator hearing the appeal as heard the first instance case, then the relevant adjudicatory body shall be the higher body. By way of example, in the example listed above, an *Appeal Panel* would have the jurisdiction to hear the appeal against the *Level 3 Offence* even though technically under the *Code of Conduct* a *Judicial Commissioner* would hear the appeal, as the first instance hearing was held before a *Judicial Commissioner*. The terms of this Article 8 should therefore be construed accordingly.

### 8.1 Appeals from decisions in relation to a *Level 1 Offence*

- 8.1.1** Decisions made under the *Code of Conduct* by a *Match Referee* in relation to a *Level 1 Offence* shall be non-appealable and shall remain the full and final decision in relation to the matter.

### 8.2 Appeals from decisions in relation to: (a) a *Level 2* or *Level 3 Offence*; or (b) a *Minimum Over Rate Offence*

- 8.2.1** Decisions made under the *Code of Conduct* by a *Match Referee* in relation to: (a) a *Level 2* or *Level 3 Offence*; or (b) a *Minimum Over Rate Offence*, may be challenged solely by appeal as set out in this Article 8.2. Such decision shall remain in effect while under appeal unless any *Judicial Commissioner* properly convened to hear the appeal orders otherwise.

**8.2.2** The only parties who may appeal a decision of this nature shall be: (a) the *Player* or *Player Support Personnel* found guilty of the offence or, where appropriate in the case of an offence under either Article 2.11 (manipulation of a *Match*), 2.14 (changing the condition of the ball), or 2.23 (failure to meet the *Minimum Over Rate*), the relevant *Team Captain*; (b) the person who lodged the *Report* pursuant to Article 3.1; and (c) the *CAN's General Manager/Cricket Manager* (or his/her designee).

**8.2.3** Any notice to appeal under this Article must be lodged with the *Head of Integrity* within 48 hours of receipt of the written decision of the *Match Referee*. In all cases, a copy of such notice will also be provided to the Governing Body of the *Cricket Association* to which the *Player* or *Player Support Personnel* is affiliated and the person who lodged the *Report* pursuant to Article 3.1. Thereafter, the following will apply.

**8.2.3.1** Upon filing a *Notice of Appeal* pursuant to this Article 8.2, the party appealing the decision shall pay to the *CAN* an appeal fee of NRs 25,000 (the "**Appeal Fee**"). In circumstances where the appeal is successful (i.e. where either the sanction originally imposed is reduced, and/or the decision on guilt is overturned), the *Appeal Fee* shall be refunded to the appealing party.

**8.2.3.2** Within 48 hours of receipt of a notice to appeal:

(a) the *Head of Integrity* will appoint a member of the *CAN's Code of Conduct Commission* who is (unless otherwise agreed between the parties) from a province/district other than those participating in the *Match* during, or in relation to which, the alleged offence was committed, to act as *Judicial Commissioner* and hear the appeal sitting alone; and

(b) the *Match Referee* will provide a written statement to the *Head of Integrity* setting out any relevant facts (to be copied to the *Player* or *Player Support Personnel*).

**8.2.3.3** The provisions of Articles 5.1.2 to 5.1.11, applicable to proceedings before the *Match Referee*, shall apply *mutatis mutandis* (ie with changes deemed to have been made as required to reflect the different context) to appeal hearings before the *Judicial Commissioner*.

**8.2.3.4** The *Judicial Commissioner* shall hear and determine all issues arising from any matter which is appealed pursuant to this Article on a *de novo* basis (ie he/she 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 *Judicial Commissioner* 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 the table in Article 7.3 (or, where applicable, Article 4 of Appendix 2).

**8.2.3.5** Appeal hearings pursuant to this Article 8.2 should be completed expeditiously. Save where all parties agree or fairness requires otherwise, the appeal hearing shall be commenced no later than seven (7) days after the appointment of the member of the *Judicial Commissioner*. It shall be open to the *Judicial Commissioner*, in his/her discretion, to determine that the matter (or any part thereof) be dealt with by way of written submissions only.

**8.2.3.6** Any decision made by the *Judicial Commissioner* under this Article 8.2, shall be the full, final and complete disposition of the matter and will be binding on all parties.

### **8.3 Appeals from decisions in relation to a *Level 4 Offence***

**8.3.1** Decisions made under the *Code of Conduct* by a *Judicial Commissioner* in relation to a *Level 4 Offence* may be challenged solely by appeal as set out in this Article 8.3. Such decision shall remain in effect while under appeal unless any properly convened *Appeal Panel* orders otherwise.

**8.3.2** The only parties who may appeal a decision made in relation to a *Level 4 Offence* shall be:  
(a) the *Player* or *Player Support Personnel* found guilty of the offence; (b) the person who lodged the *Report* pursuant to Article 3.1; and (c) the *CAN's General Manager/Cricket Manager*.

**8.3.3** Any notice to appeal under this Article must be lodged with the *Head of Integrity* within seven (7) days of receipt of the written decision of the *Judicial Commissioner*. In all cases, a copy of such notice will also be provided to the Governing Body of the *Cricket Association* to which the *Player* or *Player Support Personnel* is affiliated. Thereafter, the following will apply:

**8.3.3.1** Upon filing a *Notice of Appeal* pursuant to this Article 8.3, the party appealing the decision shall pay to the *CAN* an *Appeal Fee*. In circumstances where the appeal is successful, the *Appeal Fee* shall be refunded to the appealing party.



- 8.3.3.2 Within seventy-two (72) hours of receipt of a notice to appeal: (a) the *Head of Integrity* will appoint three members of the **CAN's Code of Conduct Commission** each of whom are (unless otherwise agreed between the parties) from a province/district other than those participating in the relevant *Match* to sit as the **Appeal Panel** to hear the appeal; and (b) the **Judicial Commissioner** will provide a written statement to the *Head of Integrity* setting out any relevant facts (to be copied to the *Player* or *Player Support Personnel*).
- 8.3.3.3 The provisions of Articles 5.2.2 to 5.2.14, 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*.
- 8.3.3.4 Where required in order to do justice (for example to cure procedural errors at the first instance hearing), the appeal shall take the form of a re-hearing **de novo** (ie he/she shall hear the matter over again, from the beginning, without being bound) of the issues raised by the case. In all other cases, the appeal shall not take the form of a **de novo** (ie he/she shall hear the matter over again, from the beginning, without being bound) hearing but instead shall be limited to a consideration of whether the decision being appealed was erroneous.
- 8.3.3.5 Appeal hearings pursuant to this Article 8.3 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*. It shall be open to the **Appeal Panel**, in its discretion, to determine that the matter (or any part thereof) be dealt with by way of written submissions only.
- 8.3.3.6 Any decision made by the **Appeal Panel** under this Article 8.3, 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 *Player* or *Player Support Personnel* admits the offence charged and accedes to the proposed sanction specified in the *Notice of Charge* in accordance with the procedure described in Articles 4.23.1 or 4.7.1, the *Player* or *Player 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 *CAN* and its *Cricket Federations* automatically upon receipt of notice of the same, without the need for any further formality. Each of the *CAN* and its *Cricket Federations* shall take all steps legally available to it to enforce and give effect to such decisions.
- 9.2 It shall be a condition of membership of the *CAN* that all *Cricket Federations* shall comply with the *Code of Conduct*.

### ARTICLE 10 SANCTIONS AND COSTS ASSESSED AGAINST CRICKET FEDERATIONS

- 10.1 Where *Players* or *Player Support Personnel* representing one *Cricket Association* accumulate a combined total of fifteen (15) *Demerit Points* (which must arise from at least six (6) separate *Code of Conduct* offences) within a twelve (12) month period, that *Cricket Association* shall be deemed to have failed to ensure that their *Players* or *Player Support Personnel* uphold the Spirit of Cricket and consequently the *CAN* may, in its absolute discretion, impose a fine on the *Cricket Association* (up to a maximum of NRs 1,00,000).

### ARTICLE 11 AMENDMENT AND INTERPRETATION OF THE CODE OF CONDUCT

- 11.1 The *Code of Conduct* may be amended from time to time by the Executive Board of the *CAN*, with such amendments coming into effect on the date specified by the *CAN*.
- 11.2 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.
- 11.3 The *Code of Conduct* shall come into full force and effect on ..... (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* (being the principle of applying the more lenient sanction) by the hearing panel determining the case.

- 11.4** 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.
- 11.5** The *Code of Conduct* is governed by and shall be construed in accordance with applicable laws of Nepal. The decision of CAN under this code of conduct shall be full and final.

## APPENDIX 1 - DEFINITIONS

ACC: Asian Cricket Council or its designee.

Appeal Fee: As defined in Article 8.2.3.1.

Appeal Panel: A panel of three persons appointed by the *CAN Head of Integrity* from the members of the *CAN 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 *CAN*, which may provide reasonable compensation and reimbursement of expenses to such members.

CAN: Cricket Association of Nepal or its designee.

Complainant: As defined in Article 5.2.2.

Cricket A: A regional entity which is a member of or is recognised by the *CAN* as the entity governing the sport of cricket in a Province or District (or the clubs of the country associated for cricket purposes).

Demerit Points: Points which are accrued by a *Player* or *Player Support Personnel* pursuant to Article 7 each time he/she commits an offence under the *Code of Conduct*.

Effective Date: As defined in Article 11.3.

ICC: The International Cricket Council or its designee.

CAN's Cricket Manager: The person appointed by the *CAN* from time to time to act as the *CAN's Cricket Manager* (or his/her designee).

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

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

CAN Code of Conduct Commission: An official committee of the *CAN* established, amongst other things, to enquire into conduct which is prejudicial to the interests of the game of cricket. Each member of the *CAN Code of Conduct Commission* shall be independent of the *CAN*, which may provide reasonable compensation and reimbursement of expenses to such members.

CAN Code of Conduct for Match Officials and Match Official Support Personnel: The *CAN's* Code of Conduct for Match Officials and Match Official Support Personnel, in force from time to time.

CAN Events: Each of the following: (a) Men's One Day Nationals; (b) Men's Twenty20 Nationals; (c) Women's One Day Nationals ; (d) Women's Twenty20 Nationals; (e) U-19 Nationals; (f) PM Cup Men's National; (g) PM Cup Women's National; (h) Mayor's Cup Men's Cricket; (i) Mayor's Cup Women's Cricket; (j) Province Qualifying Tournaments; (k) District Qualifying Tournaments; (l) District Cricket Leagues; (m) Province Cricket League; (n) U-16 National; (o) Franchise Leagues organised or sanctioned by the *CAN*; (p) any Two Days or Three Days match organised or sanctioned by *CAN*; and (q) Any Cricket events organised or sanctioned by the *CAN* or Province or District.

Head of Integrity: The person appointed by the *CAN* from time to time to act as the *CAN's* Head of Integrity (or his/her designee).

International Tour Match: Any *Match* played between a representative team and any domestic, guest or invitational team.

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

Level 1 Offence: Any offence charged at Level 1.

Level 2 Offence: Any offence charged at Level 2.

Level 3 Offence: Any offence charged at Level 3.

Level 4 Offence: Any offence charged at Level 4.

Match: A cricket match of any format and duration in length played between representative teams (male or female) of two *Cricket Associations* affiliated to the *CAN*.

Match Fee: The designated match fee (which is to be used for the purposes of calculating sanctions in accordance with Article 7) as set by the *CAN* or the tournament committee.

Match Referee: The independent person appointed by the *CAN* (or any other relevant party) as the official match referee for a designated *Match*, whether such *Match Referee* carries out his/her functions remotely or otherwise. Where a *Match Referee* is not physically present at a particular *Match*, he/she may be assisted in the administrative performance of his/her duties under this *Code of Conduct* by any official 'Match Manager' who may be appointed to officiate at such *Match*.

Minimum Over Rate: As defined in Appendix 2 of this *Code of Conduct*.

Minimum Over Rate Offence: Any of the offences described in Articles 2.23.1 – 2.23.2.

Minor Over Rate Offence: As defined in Article 2.23.1.

Notice of Charge: As defined in Article 4.1, 4.2 and/or Article 4.6.

One Day International Match: As defined in the *ICC Classification of Official Cricket*.

Player: Any cricketer who is selected in any playing or touring team or squad that is chosen to represent a *Cricket Federation* in any domestic *Match* or series of *Matches*.

Player Support Personnel: Any coach (Batting, Bowling, Fielding), trainer, manager, selector, team official, doctor, physiotherapist, analyst or any other person employed by, representing or otherwise affiliated to a playing/touring team or squad that is chosen to represent a *Cricket Federation* in any domestic *Match* or series of *Matches*.

Playing Conditions: All *CAN's* Men's and Women's Three Days, Two Days, One Day, Twenty20 and any limited over Match Playing Conditions.

Report: As defined in Article 3.1.

Serious Over Rate Offence: As defined in Article 2.23.2.

Suspension Points: The weighting points used to determine the period of suspension imposed against any *Player* or *Player Support Personnel* pursuant to Article 7 of the *Code of Conduct*.

Team Captain or Vice-Captain: The official captain or vice-captain of any team participating in a *Match*.

Team Manager: The official manager of any team participating in a *Match*.

Umpire: Any umpire (including any third or fourth umpires) appointed to officiate in a *Match*.

## APPENDIX 2 – MINIMUM OVER RATE

### REQUIREMENTS, CALCULATION, REPORTING AND DISCIPLINARY PROCESS AND SANCTIONS

#### 1. **Minimum Over Rate**

The minimum over rate to be achieved by the fielding team in all *Matches* shall be as set out in the *Three Days/Two Days Match, ODs and T20s Playing Conditions* applicable to the relevant *Match* (the “**Minimum Over Rate**”).

#### 2. **Calculating the Actual Over Rate**

**2.1** The actual over rate will be calculated at the end of each *Match* by those *Umpires* appointed to officiate in such *Match*. In the case of *Three Days/Two Days Matches*, the actual over rate will be the average rate which is achieved by the fielding team across both of the batting team’s innings.

**2.2** In calculating the actual over rate for a *Match*, allowances will be given for the actual time lost as a result of any of the following:

**2.2.1** treatment given to a *Player* by an authorised medical personnel on the field of play;

**2.2.2** a *Player* being required to leave the field as a result of a serious injury;

**2.2.3** all TV *Umpire* referrals and consultations;

**2.2.4** time wasting by the batting side (which may, in addition, constitute a separate offence pursuant to Article 2.20 depending upon the context and seriousness of the incident); and

**2.2.5** all other circumstance that are beyond the control of the fielding team.

**2.3** In addition, the following time allowances will be given:

**2.3.1** in *Three Days/Two Days Matches*:

(a) 2 minutes per wicket taken, provided that such wicket results in the subsequent batter immediately commencing his/her innings. For the avoidance of any doubt, no time allowance will be given for the final wicket of an innings or where a wicket falls immediately prior to any interval; and

(b) 4 minutes per drinks break taken (one per session).

**2.3.2** in *Twenty20 Matches*:

(a) 1 minute for every 3 full overs that an innings is reduced by as a result of any delay and/or interruption in play.

**2.4** Further, the following exclusions and exemptions will be applied:

**2.4.1** in *Three Days/Two Days Matches*:

(a) if the fielding team bowls out the batting team in 40 overs or less in any particular innings and the *Minimum Over Rate* requirement for that innings has not been exceeded (taking into account all of the time allowances described in this Article 2), no account shall be taken of the actual over rate in that innings when calculating the actual over rate at the end of such match.

(b) if the fielding team bowls out the batting team twice but has not completed more than 60 overs in total across both of its completed fielding innings in doing so, no sanction will be imposed in respect of any breach of the *Minimum Over Rate*.

(c) if the fielding team has not completed more than 60 overs in total in the course of its two innings in a *Match*, no sanction will be imposed in respect of any breach of the *Minimum Over Rate*.

**2.4.2** In *One Day Matches* or *Twenty20 Matches*:

(a) if the fielding team bowls out the batting team within the time determined for that innings pursuant to the *One Day or T20 Playing Conditions* (as applicable), no sanction will be imposed in respect of any breach of the *Minimum Over Rate*.

### 3. Procedure

- 3.1** Where the actual over rate is calculated by the *Umpires* as being equal to or in excess of the *Minimum Over Rate*, no further action shall be taken.
- 3.2** Where the actual over rate is calculated by the *Umpires* as being less than the *Minimum Over Rate*, the following shall apply:
- 3.2.1** only the *Umpires* that officiated in the *that Match* during which the alleged offence was committed can report such an offence to the *Match Referee/Match Commissioner*, and such Report, which must be completed on Form “Rep 1” must be lodged with the *Match Referee/Match Manager* (or, where, for logistical reasons, it is impractical to lodge with the *Match Referee/Match Manager*, the *CAN Cricket Operations Department*) within 18 hours of the close of the day’s play in the relevant *Match* or prior to the start of the following day’s play, whichever is the sooner;
- 3.2.2** thereafter, the *Match Referee/Match Manager* shall promptly consult with the *Umpires* and shall be entitled, after such consultation, to make such amendments to the actual over rate calculation as he/she deems appropriate in the circumstances to reflect those circumstances that are beyond the control of the fielding team (including, but not limited to those set out in Article 2 of this Appendix 2).
- 3.2.3** where the *Match Referee/Match Manager* confirms that the *Minimum Over Rate* has not been achieved by the fielding side in any *Match*, this shall constitute an offence under Article 2.23.1 or 2.23.2 of the *Code of Conduct* and the *Match Referee* will promptly issue a *Notice of Charge* in accordance with Article 4.1 of the *Code of Conduct* (with the *Team Captain* being charged on behalf of all the *Players* in the fielding side as well as him/herself) and the matter will be thereafter be adjudicated by the *Match Referee/Match Manager* in accordance with the procedure set out in Article 5.

### 4. Applicable Sanctions for a *Minimum Over Rate Offence*

- 4.1** For the purposes of *Minimum Over Rate Offences* only, the table at Article 7.3 of the Code of Conduct shall be replaced with the following:

<b>BREACH</b>	<b>CHARGED</b>	<b>RANGE OF PERMISSIBLE SANCTIONS</b>
Over Rate Offence (Article 2.23)	<i>All 11 Players In the fielding team</i>	<b>10% Of Match Fee per over short of <i>Minimum Over Rate</i> (subject to maximum cap of 50% of <i>Match Fee</i>).</b>

- 4.2** For the avoidance of doubt, Demerit Points shall not be applied in respect of any *Minimum Over Rate Offence*.

### APPENDIX 3 – MATCH FEES

Unless otherwise agreed in advance of a Match, for the purposes of any sanctions that are to be applied pursuant to this Code of Conduct, the following designated Match Fees shall apply:

<b><u>Type of Matches</u></b>	<b><u>Designated Match Fee</u></b>
Any International Match, 3 days/2 days Match, Tour Match, Men's/Women's One Day Domestic Match, Men's/Women's Twenty20 Match	The amount determined by the CAN
All other Matches	The applicable Match Fee will be zero. Accordingly, while a Match Referee or Judicial Commissioner will have jurisdiction under this Code of Conduct to impose a financial sanction against any Player or Player Support Personnel for a breach of this Code of Conduct the effect of such sanction will be zero in a financial sense. However, the corresponding Demerit Points applicable to such a fine will be added to the relevant Player or Player Support Personnel's disciplinary record. Further, the remaining range of permissible sanctions (set out in the tables in Article 7.3 and Article 4 of Appendix 2) shall be available to the Match Referee and/or Judicial Commissioner in full.