

BETWEEN:

JAMES RALPH

Appellant

and

SHROPSHIRE COUNTY CRICKET LEAGUE

Respondent

APPEAL HEARING DECISION and JUDGMENT

PURSUANT TO GENERAL CONDUCT REGULATIONS 2026 Reg 42

Outline and relevant background to appeal

1. The Appellant lodged a Notice of Appeal following a disciplinary adjudication by the Respondent arising from a SCCL Premier Division fixture between Quatt 1st XI v Ludlow 1st XI, which took place on 4 July 2026 at the Quatt Oval.
2. The relevant disciplinary adjudication against the Appellant was dated 14 July 2026. The Notice of Appeal from the Appellant was received within the relevant time limit of 7 days as set out in ECB's General Conduct Regulations ('GCR'), reg 41.
3. Following receipt of the Notice of Appeal, on 16 July 2026 the Respondent appointed Richard Barge as the designated independent Appeal Chair in accordance with GCR reg 42. The Chair considered the Notice of Appeal as part of the 'gateway' reg 42 procedure to establish whether there were sufficient grounds for the appeal for it to proceed to a full Appeal Panel for further argument and determination. The Chair was satisfied that there were sufficient grounds for an appeal and the reasoning for that was explained in a written judgment of 19 July 2026. Having allowed permission to appeal, two further members of the Appeal Panel were appointed, namely Ian Slater and Lee Pickford both of whom are SCCL Management Committee members but neither having had any prior involvement with the case. No objections were received from the Appellant as to the overall composition of the Appeal Panel pursuant to reg 50 within the designated time limit, or at all. Whilst all Appeal Panel members actively play cricket within the SCCL, we do not consider that we have any disqualifying conflicts of interest in this matter.
4. We have been provided by Liam O'Neill, the Respondent's Disciplinary Officer ('DO'), and Caroline Hulland (Quatt CC Secretary) with the following documents:
 - a. Charge Letter dated 6 July 2026.
 - b. Adjudication Letter dated 14 July 2026.
 - c. Appellant's signed (but undated) statement.
 - d. Appellant's witness statement in response to Charge Letter dated 10 July 2026.

- e. Appellant's Notice of Appeal dated 16 July 2026.
- f. An e mail dated 4 July 2026 from the SCCL panel appointed umpire, Ian Simmons.

The relevant facts and chronology

- 5. Prior to the commencement of the 2026 playing season, the SCCL invited all its participating clubs to sign a 'Pre-Season Declaration' form. The approval of, and signature upon, that form was required before teams from participating clubs were permitted to play within the SCCL competitions. The form stated that *"the club accepts it has a responsibility to comply with all ECB Regulations and Directives"* as well as compliance with all SCCL Rules and Policies etc. The form was signed by Quatt CC. By signing the form, Quatt CC (and by extension its members, including the Appellant) was bound by the operation of the 2026 General Conduct Regulations ('GCR').
- 6. On the afternoon of 4 July 2026, a SCCL Premier Division match took place at the home ground of Quatt CC, whose 1st XI was scheduled to play against Ludlow 1st XI. In accordance with SCCL's own rules (rule 6.1 as contained within the *RULEBOOK PLAYING DIRECTIVES & PLAYING CONDITIONS 2026* handbook provided to all clubs and umpires before the start of the 2026 playing season) independent, neutral standing umpires were provided for the fixture from the SCCL's qualified panel. For this game, Ian Simmons and Mike Jenkins were the appointed match officials.
- 7. A casual observer of the Play Cricket website would have seen that Quatt won the match with comparative ease by 95 runs, accumulating 265 for 5 in 50 overs, and then bowling Ludlow out for 170 in the 44th over. Sadly, that is not the whole story.
- 8. Following the fixture, the Respondent's DO received an e mail form from one of the match umpires, Ian Simmons, reporting the Appellant for his reaction to the dismissal of the Ludlow opening batsman, Nathan Engelbrecht.

The Charge/Charge Letter

- 9. The DO issued a Charge Letter dated 6 July 2026 against the Appellant.
- 10. The Charge Letter alleged two matters, namely a breach of **GCR reg 5, Level 1 (a)**. Reg 5 states that: ***"Any cricketer will be in breach of these Regulations, at the relevant level of offence detailed below, if they do not conduct themselves fairly and properly on and around the field of play and otherwise in accordance with the Laws of Cricket or the Spirit of Cricket. Such conduct which will result in a breach of these Regulations will include any misconduct of a cricketer on any match day as specified in Law 42 of the Laws of Cricket, namely...wilfully mistreating any part of the cricket ground or any equipment or implements used in the match;***
- 11. Secondly a further alleged breach of **GCR reg, Level 2 (d) using language or gesture to another cricketer, umpire, team official or spectator that, in the circumstances, is obscene or of a seriously insulting nature;**
- 12. The supporting facts as set out in the Charge Letter for the Appellant stated: "During the SCCL Premier Division match between Quatt 1st XI and Ludlow 1st XI on Saturday 4th July 2026 after taking a catch, you were asked by the umpire, Ian Simmons, several times to return the ball to him. You then kicked the ball in the opposite direction to the umpire; this is a breach under Regulation 5 Level 1(a). Further, when asked by the umpire, Ian Simmons,

why you kicked the ball away, you approached the umpire and swore at him telling him to “fuck off”; this is a breach under Regulation 5 Level 2(d).

13. The Charge Letter also referred to the evidence available in support of the charge being “The evidence relied on in this matter is the report (*sic*) supplied by one of the neutral SCCL Panel umpires on the day, Mr Ian Simmons. I have read the report in reaching my decision to charge you with the breaches.”.
14. An Adjudication Officer (‘AO’) was appointed in the Charge Letter, being Dave Ralphs (*no relation to the Appellant*) a committee member of the Respondent. No objection was raised by the Appellant as to the AO’s appointment based on any perceived conflict of interest.
15. The AO decided the procedure that was to be adopted in the case. GCR reg 21 provides two alternative routes for dealing with cases where a Charge Letter alleging breaches of the GCR has been issued. The choices for the DO/AO are narrowed to either the adoption of the ‘summary’ procedure (GCR regs 22-28) where an Adjudication Officer would determine the charges or, alternatively, the formation of a Disciplinary Panel who would hold a hearing at which the person charged could appear and hear the case against them, call their own witnesses and make submissions (GCR regs 29-39).
16. In the case of Appellant, because of the lower level/seriousness of the charges, the AO decided, on a preliminary basis, that the summary procedure would be adopted in the first instance.
17. The GCR provides that the decision as to procedure is for the DO/AO alone to make, although this is not an unguided or wholly subjective decision. GCR Appendix 4 paras 8 & 9 provide a framework and guidance to AO/DOs making the procedural decisions and when it may or may not be appropriate to adopt the summary procedure. Generally, for lower-level charges (Levels 1 and 2 or equivalent) the AO/DO may decide that convening a Disciplinary Panel to conduct a hearing would be disproportionate. For Level 3 and 4 charges where the sanctions may be significant for individuals and clubs, a hearing is mandated by para 8.1.
18. The actions of the AO in this instance as to procedure were sound, and entirely in line with the expectations within the GCR.
19. The Charge Letter also identified the timescales for the (summary) determination of the charge and invited a response from the Appellant no later than 4pm on 13 July 2026 as to either his acceptance of the charges, or alternatively his wish to contest the charges. If he accepted the charges, then there was also the opportunity to put forward relevant mitigation; he was also advised that credit would be given in relation to any sanction by the Appellant admitting the charges at the earliest opportunity.
20. On 10 July 2026, the Appellant (via Quatt CC) e mailed the DO denying both charges.

Adjudication

21. The AO then determined the charges and, in the case of the *proven* charge, applied a sanction against the Appellant. After considering all the evidence available to him, the AO wrote to the parties on 14 July 2026 with an Adjudication Letter to inform them that the Appellant, based upon the balance of probabilities, had been found to be in breach of the Level 1 (a) charge, but not guilty of the Level 2 (d) charge. Having been found to be in breach, the Appellant would be subject to a one-match ban, and that Quatt 1st XI would also

be subject to a 10-point deduction. The ban was informed by the GCR guideline penalties. The points deduction was not specifically explained.

Sanctions

22. Dealing with the points penalty in the first instance. On 31 January 2024 the SCCL amended its own rules ahead of the 2024 playing season. These amendments were circulated to all participating clubs and were spoken about at the pre-season Captains' Meeting on 16 April 2024 (at which Oswestry were present). The relevant rule change was: *"All players found in breach of disciplinary regulations shall no longer be liable for monetary penalties, but instead the following points will be deducted from their teams' totals. Level 1 = 5pts, Level 2 = 10pts, Level 3 = 15pts, Level 4 = 20pts. This is in addition to the playing suspensions laid out in the SCCL Disciplinary Regulations. If two or more players are reported in the same games, the points penalties will be combined. If the offence is for an off-the-field breach, then the DSC will determine which team within that club receives the penalty"*. Therefore, any proven individual player breaches would automatically result in points deductions. This was mandatory, without any discretion. The acceptance of a Level 1 breach by the Appellant meant the automatic imposition of a 10-point deduction for the 1st XI.
23. In the SCCL's handbook/rulebook for 2026, rule 26.6 provides that where a Level One offence is either admitted or established, then minimum points deductions should occur. There is no discretion regarding the minimum penalty. The only discretion in rule 26.6 is whether the points sanctions should *increase* from the minimum prescribed. For a Level One offence, the minimum points deduction was 10 points. That is what was applied in this instance.
24. The recommended penalties for each Level offence, dependant on whether it is a 1st or subsequent breach by that individual. In the case of the Appellant, as he had not had an existing breach in the preceding 24 months, it was treated as a 1st offence.
25. The preceding paragraph in GCR Appendix 3 provides the sanctions decision-maker with latitude to depart from the recommended sanction. Para 1 states: *"The table below sets out recommended sanctions to be applied on Respondents in respect of On-Field Breaches. However, the Adjudicator or Disciplinary Panel will not be limited to imposing the recommended sanctions and can impose greater or lesser sanctions as appropriate in the circumstances of the particular case"*. In this instance the AO declined to exercise the power to impose a greater or lesser sanction than the recommended one within the GCR.

Appeal

26. The Appellant's Notice of Appeal is against the finding of breach by the AO. It was submitted within 7 days from the Adjudication Letters and is in time (reg 40).
27. The basis of the appeal is that the Appellant did not 'wilfully' mistreat the ball by kicking it away immediately following the dismissal. He relies on a lack of premeditation, malice or intention to commit the offence; further he maintains that the ball was not damaged in the act and therefore this could not amount to mistreatment.
28. The appeal procedure is set out within the GCR regs 40-58 (not including the limited further right of appeal to the Cricket Regulator based on 'serious procedural irregularity' by the Appeal Panel) and the Appellant identifies the basis for the appeal (reg 41 a) namely that:

a. the Adjudicator or Disciplinary Panel came to a decision to which no reasonable body could have come,

31. Within the Notice of Appeal, there was no appeal against the sanctions applied to the Appellant under the GCR and Quatt CC under the SCCL's rules. However, we nonetheless consider ourselves as an Appeal Panel free to consider the question of sanctions if, given the totality of the circumstances of the case, they appear to be manifestly excessive.
32. The Chair had previously held that the Notice of Appeal contained "*sufficient grounds for an appeal*". This was a subjective assessment, but not an unprincipled one, nor a decision without the guardrails of wider authority. Appeals generally serve an important and necessary function. Approached properly, they deal with error corrections, promote consistency and the development of the rules and processes, and maintain the confidence of clubs and players alike.
33. Whilst the ground of appeal relied upon by the Appellant (no reasonable adjudicator could have reached that decision) is clearly a proper basis to appeal, the test of **sufficiency** goes beyond just whether a correct basis has been identified in the GCR.
34. The appropriate test for an Appeal Chair applying reg 42 is **whether there is a real (or realistic) prospect of success; or some other compelling reasons** were the appeal to proceed to a full appeal panel and a hearing. The Chair identified the basis of the test in his written judgment of 19 July 2026, and it does not require repetition here. The appeal was permitted to proceed to a full Appeal Panel hearing which was scheduled to take place on Monday 17 August 2026 at Wrekin College.

Appeal Panel Hearing

35. The Appellant was present in person at the hearing. He was accompanied by Quatt's Secretary, Caroline Hulland, Quatt's Chair, Howard Sanders and a Quatt CC player, Jed Edwards. Whilst the Appellant and Caroline had been expected, the others had not. We will return to that matter later in this judgment.
36. The Appeal Panel identified the relevant documents in the case as set out in para. 4 above. It was apparent that although the Appeal Panel had seen the e mail from Ian Simmons, neither the Appellant, nor Quatt CC had. The content of the (short) e mail was read to those present. Had there been anything *material* to the matters under consideration at the appeal within the e mail from Ian Simmons, it would have been appropriate to offer an adjournment of the hearing to allow the Appellant to consider the content more carefully and incorporate anything within it into further submissions. For the reasons we will set out below, the content was not material, and the Appellant's case suffered no prejudice at all in not having had sight of it before the hearing.
37. Having had the more serious Level 2 charge dismissed by the AO in July, we were concerned with the Level 1 breach relating to the wilful mistreatment of equipment/implements used in the match.
38. We heard oral submissions from both the Appellant and Caroline Hulland. Further comments and arguments were raised by Jed Edwards and Howard Sanders. Questions were put by all Appeal Panel members and answers provided. The Appellant and those supporting him were given every opportunity to make whatever submissions to the Panel they considered relevant and necessary.

39. We do not propose to provide a verbatim record within this judgment of all of the remarks made but they can be broadly summarised as follows:
- a. It was accepted that the Appellant kicked the ball with his foot immediately upon taking a catch to dismiss the Ludlow batter.
 - b. The extent to which the ball was kicked (as to the force used and the distance/direction the ball travelled) was disputed by the Appellant.
 - c. The Appellant contended that the act of kicking the ball was one of relief/celebration.
 - d. The Appellant disputed that the act was carried out with intention, premeditation or maliciously. He conceded however that the kicking was not accidental and was therefore deliberate, albeit in the context of an instantaneous act of celebration.
 - e. It was common ground that it was irrelevant as to the words used between the Appellant and the umpire, Ian Simmons including whether the ball had been specifically requested to be returned to the umpire. Similarly, the use of foul language was not relevant to the Level 1 charge under appeal.
 - f. There was (according to Quatt CC) contrary evidence available to gainsay the account provided by Ian Simmons from the other standing umpire, Mike Jenkins. That 'evidence' was provided on a hearsay basis and that there was neither a written statement from Mike Jenkins, nor was he present at the Appeal Panel hearing.
 - g. The Appellant argued that *wilful* required either maliciousness and/or intent and that he lacked neither. Further, it was argued that because the ball was undamaged by the act of kicking it, this could not amount to *mistreatment* under GCR reg 5 Level 1 (a).
 - h. Kicking the ball was permitted in other parts of the match, e.g., a member of the fielding side is allowed to use their feet to field the ball whilst it is in play. Although not specifically argued, it could also apply to a batter preventing the ball from rolling onto the stumps after it had been hit.
 - i. Throwing a ball into the air in the act of celebration was generally acceptable behaviour, so was there a difference in kicking it away?
 - j. No attempt was made by the umpire, Ian Simmons, to notify the Appellant, the Quatt CC 1st XI team captain, or an official/committee member of Quatt CC that an on-field breach was alleged to have occurred and would be reported.
 - k. The Appellant and Quatt CC maintained that the appeal test had been made out i.e., no reasonable Adjudication Officer could have reached the conclusion that he did on the evidence available before him.
 - l. It is uncontroversial (and was not argued to the contrary) that a cricket ball is part of the equipment/implements used in a match.

Determination of the appeal

40. Our role as the Appeal Panel is to decide whether the appeal test referred to at para 28 above is satisfied.
41. The GCR allow for the adjudication of charges by either a single adjudicator (the AO) or by a Disciplinary Hearing Panel which would consist of 3 members (unless that number is varied by agreement of the parties). Whilst a Disciplinary Hearing Panel will have the opportunity of discussing the quality of the evidence before it, debating it and testing its reliability and deciding whether it meets the burden of proof for the charges, a single adjudicator naturally does not have the ability to discuss and debate. Nonetheless, the task in hand is exactly the same. Having adopted the summary procedure, the AO was required to consider whether, on the balance of probabilities, the evidence was sufficient to make out the charges against the Appellant.
42. The AO in the current case confirmed that he had read through the entirety of the documents which are referenced at para 4 above. There was no other material in his possession that he relied upon in reaching the adjudication decisions. He was not required to seek out further evidence from the Appellant or any relevant witnesses, although it was open for him to do so. This discretion is a natural function of the AO role.
43. As there was a single decision maker, we do not have the benefit of seeing any minutes or verbatim account of the discussion of the evidence and how it did, or did not, meet the charge(s) based on the requisite burden of proof. That might have proven illustrative to us when considering this appeal. We therefore must stand back from the AO's decision and decide whether he came to a decision which no reasonable person/body could have come to. We need to be very careful not to put ourselves in the position of this *particular* AO and whether we ourselves would have viewed the evidence differently. That is not the role of an Appeal Panel. We are not required to make primary findings on evidence, nor assess the credibility of witnesses. In effect, our function is not to ask ourselves the question "would we have reached the same decision as the AO did". In short, we are reviewing the decision, not substituting our own determination of the charges.
44. What then do we need to do? The test we must apply is one of 'reasonableness' or, in terms, whether the AO in this case reached decisions which fall outside those which a hypothetical *reasonable* AO would/could have made.
45. When reviewing decisions, appeal bodies such as this panel can be helpfully guided by how appeal courts approach the exercise of judicial review of administrative bodies. In the case of *Associated Provincial Picture Houses Ltd. v. Wednesbury Corp*, Lord Greene, M.R. held that when a statute gave discretion to an administrator to take a decision, the scope of judicial review would remain limited. He said that interference was not permissible unless one or the other following conditions were satisfied viz. the order was contrary to law, or irrelevant factors were considered, or relevant factors were not considered, or the decision was one that no reasonable person could have taken. The Court held in that case that in considering whether an authority has acted unreasonably, the court is only entitled to investigate the action of the authority with a view to seeing if it has taken into account any matters that ought not to be, or disregarded matters that ought to be taken into account. The Court cannot interfere as an appellate authority overriding the decisions of such authority but only

as a judicial authority concerned to see whether it has contravened the law by acting in excess of its power.

46. What then is unreasonableness?

- a. First, unreasonableness concerns the balance of reasons *for* and *against* a particular decision. In *Tesco Stores v Environment Secretary*, Lord Keith said that “it is entirely for the decision maker to attribute to the relevant considerations such weight as he thinks fit, and the courts will not interfere unless he has acted unreasonably in the *Wednesbury* sense”.
- b. Second, unreasonableness is a high standard. That means it takes more than the balance of relevant reasons opposing a decision to make it unreasonable. It takes more than wrongness, in other words. Lord Hailsham expressed this thought when he said that “[n]ot every reasonable exercise of judgment is right, and not every mistaken exercise of judgment is unreasonable”.
- c. Third, unreasonableness review is neither an appeal nor a form of merits review. A decision is not unreasonable just because a court, based on its own assessment of the relevant reasons, considers it wrong. A court must not, in the guise of unreasonableness review, “substitute its, the judicial view, on the merits, for the authority’s view”.
- d. Fourthly, the other main contextual factor is the impact of the decision. A decision that impacts a fundamental right or interest is subject to “anxious scrutiny”, meaning that a court is “entitled to start from the premise” that the decision “requires to be justified” and that only an important justification will do.
- e. Fifth, unreasonableness is evidence dependent. The court’s task is to test the authority’s “conclusion against the evidence before [the authority]” and “ask whether the conclusion can ... be safely justified on the basis of that evidence”. One implication is that a decision is unreasonable if there is clearly no support for that decision in the evidence before the authority.
- f. Finally, there are indicia of unreasonableness, that is, features of decisions reliably associated with unreasonableness. There are at least four indicia:
 - (i) Oppressiveness. The fact that a decision imposes costs on an individual, disproportionate to its benefits, suggests unreasonableness.
 - (ii) Incoherence. That an authority adopted an end, but not the necessary means to that end, indicates unreasonableness.
 - (iii) Inconsistency. That a present decision is inconsistent with a prior decision also suggests that the present decision is unreasonable.
 - (iv) Lack of stated reasons. A decision can be unreasonable if it is not sufficiently explained.

47. In this case, the AO sits in the position of the primary decision-maker. We must decide whether any of the decisions as to the primary findings could be considered unreasonable when applying the above guidance.

48. There were short statements from both the umpire, Ian Simmons and the Appellant himself. Whilst there were some clear differences in the accounts provided by them both, there was consistency and conformity, especially around the kicking of the ball away by the Appellant after the catch had been taken and the ball had become 'dead'. Whilst who said what to whom and when may have been important and material to the Level 2 charge that the Appellant was cleared of by the AO, these matters do not impact at all on the Level 1 wilful mistreatment charge. A piece of equipment/implement used in the match (in this case, the match ball) was kicked away by the Appellant when it was dead, and not as part of the natural fielding of the ball.
49. In our view there was clearly material contained within that evidence that would point to the conclusion that the Appellant had breached the stated parts of the GCR, as contained within the Charge Letter. We cannot say therefore that the AO reached conclusions as to the charges against the Appellant that was 'unreasonable', either in the context of the guidance provided by appellate courts as set out above, or in the sense that no reasonable body could have reached those conclusions. **The appeals therefore fail on this ground.**
50. We then went on to consider the breadth of the appeal simply beyond the question of the reasonableness of the AO's earlier decision. Whilst there was no disagreement that the match ball was part of the equipment/implements used in the game, the first part of the Level 1 (a) offence within the GCR i.e., *wilful mistreatment* requires some analysis, especially in light of the submissions made on behalf of the Appellant.
51. As to the first part of the test i.e., were the Appellant's actions *wilful*, the primary contention of the Appellant is that he did not intend to mistreat the ball and had neither premeditation nor malice. The act of kicking the ball was in the context of relief/celebration and not because he was angered or that he had any antipathy with the umpire. We were not impressed or persuaded by the Appellant's oral submission to us that the ball was not really kicked away. He described almost the ball falling onto his foot rather than a positive act of kicking it. This was not credible, in the context of his earlier written statement which stated: ***"I kicked the ball in relief that I had actually caught it as just a few overs before that I had dropped an earlier catch in the same position. I wasn't trying to damage the ball, just in that moment of celebration and excitement I decided to kick it. I have no idea why. I did it just like you throw a ball up in celebration"***. Further, there was inconsistency in the Appellant's oral account when he went on to describe it as being similar to Andrew 'Freddie' Flintoff's kicking of the ball (presumably referencing his acts of celebration during the 2002 tours of New Zealand and India) The manner in which Flintoff celebrated catches at that time was forceful. In our judgement, the act as described to us by the Appellant at the hearing was an attempt to minimise his conduct. It is almost certain that relief/celebration and atoning for an earlier dropped catch would result in a much more forceful contact between foot and ball.
52. Does wilfulness require premeditation, malice or anger/antipathy? In our view, these are not essential prerequisites. Wilful in law certainly requires a *mens rea* i.e., a state of mind or positive or reckless intention. This intention can occur in a split second – it does not have to form further away from the act of kicking the ball. Whilst spontaneity and a split second 'heat of the moment' action can act as mitigation; it does not detract from the intention formed prior to the act taking place. A better juxtaposition would be between a deliberate or accidental action. The latter takes place without any intent; the former requires a decision to do something and then doing it. It could not be credibly said that releasing a cricket ball to

enable a player to kick it away is somehow accidental. There was deliberate intent by the Appellant to kick the ball and therefore the act was a wilful one.

53. As to the second part of the test i.e., *mistreatment*, there are two relevant considerations. Firstly, the Appellant contended that because the ball was undamaged by the act of kicking this meant that the ball had not been 'mistreated'. Secondly, because match balls are kicked in other contexts (fielding, batters protecting their wicket etc) during a match, kicking a ball in celebration (or presumably even in anger) cannot amount to mistreatment. We will deal with these in turn.
54. The *consequence* of the act i.e., is not a prerequisite to whether the ball was mistreated. We fully accept that there was no damage caused to the ball in this instance and indeed there are specific laws of the game (Law 41.3) that prohibit the illegal changing of a ball's condition. If the consequence of the act i.e., damage was required to be shown, it would have undoubtedly been expressly stated in GCR reg 5 Level 1 (a) that this was necessary. It does not. There are innumerable instances where damage cannot be shown but nonetheless the actions themselves are prohibited. A very simple example might be, hitting a person in the face leaving no marks or residual pain is still regarded as being contrary to law and thus illegal. In a cricketing context, other cases that have passed through the SCCL's disciplinary processes this very season where Level 1 (a) breaches have been found. A batter turning around on his dismissal and demolishing the stumps with his foot may not have caused any damage to the stumps, but this was still clearly mistreatment of the equipment/implements. Whilst this case is perhaps not as serious an example, the point about consequence/damage is easily equated.
55. The second limb of the mistreatment argument advanced on appeal was that kicking a ball *of itself* might not be mistreatment because a ball is sometimes kicked in other passages of play. There is an initial attraction to this argument; it is very true that the laws allow for the ball to be kicked either in the act of fielding (Law 28.2.1) or by a batter having hit the ball, then proceeds to kick the ball away to prevent it from hitting their wickets (Law 34.3). Both of these actions are lawful but, in each instance, the ball is 'live' and in play. Once a catch has been taken, the ball is 'dead' (Law 20.1.1.3) and no longer in play. In the case of the fielding side, this no longer provides a lawful basis for kicking a ball. We were reminded by the Appellant of the practice of certain bowlers who can skilfully perform so-called 'keepie-uppies' when the ball is hit back to them in their follow through. Again, that act can be properly differentiated because the ball is still 'live' and remains so until it is finally settled in the hands of the bowler (Law 20.1.1.1). The Appellant cannot therefore find any comfort in other examples where a ball might be kicked on the cricket field. A further argument may be that the ball suffers from 'mistreatment' naturally during an innings either by being subject to being hit or regular contact with often hard ground. Irrespective of the Laws regarding illegally altering the condition of the ball (which would detract from arguments centred around the premise that balls get mistreated anyway so what's the big deal), it is not a strawman fallacy to equate the mistreatment of a ball with other equipment used in a match. Wickets, for example, get routinely hit by balls, and on occasions with sufficient force to knock some or all of them out of the ground. Does this permit a disgruntled batter kicking those stumps out of the ground to argue that the same wickets suffered 'mistreatment' the over beforehand when the wicketkeeper clumsily demolished them in an attempted run out? The answer is plainly no.

56. We therefore conclude that the appeal also fails on the construction of the term ‘wilful mistreatment’ as advanced by the Appellant.
57. Finally, does the fact that Ian Simmons failed to comply with GCR reg 8 have any bearing on the Appellants case? It would appear to us that from the evidence available, Ian Simmons did not discuss the proposed referral with either the player or a relevant member of Quatt CC on the day of the match. Reg 8 states that “*If an umpire considers that there has been an On-Field Breach, they must (i) make reasonable efforts to inform the individual (or their captain or a Club Official) before they leave the ground*” We find that this did not occur, and in our view, it should have taken place. Although the basis of appeal set out in reg 41 (b) i.e., *serious procedural irregularity* was available to the Appellant, this was not advanced within the Notice of Appeal of 16 July 2026. However, in any event, even if it had been we would not have concluded that the umpire’s failure to do so was sufficient to exonerate the Appellant from the breach because of serious procedural irregularity. We are reminded that reg 8 goes on to say “*...Disciplinary Report will be made irrespective of any action the umpire may have taken on the field of play*”. The umpire’s failure to adequately convey his intention to make a report does not detract from his ability/requirement to then do so. In this case also, the umpire notified the SCCL’s DO the same day as the match and the Appellant himself largely agreed with that account; so, the rationale for notifying on the day (which is to ensure that an *unknowing* player is aware that a breach has likely occurred) is lessened in the current instance. In future however, as a matter of good practice, standing panel umpires should make the reasonable efforts to convey what breach they believe has occurred and their intention to bring that to the attention of the SCCL’s DO.

Sanctions

58. Turning now to the sanctions applied by the AO in his letter of 14 July 2026 namely, that the Appellant should be banned for one match and that per the SCCL’s own rules, Quatt CC 1st XI should have a 10-point deduction for the established Level 1 breach. Whilst we note and accept that these sanctions were in line with the recommended entry point for player sanctions in Appendix 3 of the GCR and compliant with SCCL rule 26.6, we are the unanimous view that the severity of the sanctions do not adequately match the seriousness of the breach. Whilst the finding of the breach was sound (for the reasons we have set out above) it cannot be reasonably said that the actions of the Appellant were sufficiently serious to equate with the entry level sanction imposed, or that it would be proportionate in this instance for the Appellant’s club/teammates to suffer immediate detriment.
59. We are permitted to review the sanctions imposed by the AO and to determine whether they were manifestly excessive. In our view, they were. By analysing the aggravating and mitigating circumstances (as we are required to do on review as part of GCR Appendix 3) we have reached a different conclusion to that of the AO. Note that the following matters are all relevant to the appropriate *sanction* and should not be confused with being accepted as relevant to the *breach*. We accept that the act of kicking the ball away was instantaneous borne out of relief and in an act of celebration, without any premeditation, planning or malice. There was no damage caused to the ball. The Appellant has an unblemished, clean relevant disciplinary record and a good reputation within Shropshire cricket. He and his club

have been fully cooperative with the disciplinary process, have advanced their arguments in good faith and have been respectful to those involved in resolving these matters. There are no aggravating factors that we can establish, save for the fact that the Appellant did not admit the breach and pursued his denial of it to the extent of having to convene our Appeal Panel. This has been a drain on the volunteers involved in the process and could have been avoided through a mature reflection by the Appellant and his club of his actions on the day.

60. We have decided to vary the sanctions imposed by the AO. Justice is best served in this particular case through the suspension of the sanctions against both the Appellant and Quatt CC 1st XI. The circumstances are not serious enough for the *immediate* imposition of the AO's sanctions, but clearly for the established breach there must be punishment/consequences. Therefore, the sanctions originally imposed (1 match ban/10 point deduction) will remain in place, suspended for a period of 12 months through to 17 August 2027. Should the Appellant and/or Quatt CC 1st XI (or Quatt CC generally in relation to a reg 10 charge) be found to be in breach of any GCR offences that take place during the period of suspension, then the sanctions so suspended will be reactivated and applied, **in addition** to any sanctions that may be appropriate for the new breach(es). Such penalties will apply during the 2027 season. This not only reflects a just disposal of the current matter but serves as fair warning to the Appellant and his club about their behaviours during the next 12 months.
61. We have considered GCR reg 57 whereby an unsuccessful appeal could result in a costs order in addition to any existing sanctions. Whilst the appeal has been unsuccessful (as to breach) the case raised extremely arguable points in support of that appeal – hence why permission was given by the Chair as part of the reg 42 'gatekeeping' procedure – allowing these points to be argued fully and adjudicated upon. For that reason, we decline to impose any costs order penalties on the Appellant.
62. Finally, an objective Shropshire cricket player, official or administrator may regard this case as *ex nihilo* or "something out of nothing". We can only speculate as to whether this matter would have been charged **at all** as a Level 1 (a) offence had it not been accompanied by the more serious Level 2 matter, which was dismissed by the AO. Whilst we cannot look into the decision-making of the Respondent's Disciplinary Officer when making the charging decisions, it was undoubtedly proper to charge the Level 1 offence because for the reasons we have given, the breach was made out. Cricket equipment is required by the GCR (and as a matter of common sense) to be respected and not treated with casual disdain.

General matters

63. We need to comment on some other matters not directly linked to the appeal, but which are relevant to the orderly conduct of disciplinary proceedings. We preface this by saying that in most disciplinary cases there will invariably be matters which will distract from the essential focus of the process. However, with responsible actions and behaviours, this can be reduced to avoid damage to the wider disciplinary landscape.
64. Disciplinary cases should be treated as confidential by all protagonists and wider stakeholders in the local game. The temptation to widely discuss and debate decisions made by umpires, DOs, AOs, Disciplinary Panels and Appeal Panels is perhaps obvious. It's grist to the dressing room/bar mill. However, apart from a small handful of people in possession of all the relevant evidence and facts, opining on the fairness or appropriateness of any given

case is not constructive or useful. Whilst attempting to stop players talking about disciplinary cases might be an exercise in futility, there can be no excuse for officials and SCCL committee members doing likewise. They more than anyone either know better, or ought to know better, the damage that casual, uninformed talk can cause to the probity of disciplinary processes and to some of the individuals involved within them.

65. Appeal Panel or Disciplinary Panel hearings should be attended by those facing charges, a representative from their club and, if applicable, any permitted witnesses. They are not an opportunity for multiple representatives of the club to attend and participate. Whilst their views are usually perfectly valid, there is no reason why such views cannot be filtered through a sole club representative. It may be perceived by clubs to be advantageous to visibly show support for their member at such hearings. It can be safely said that Appeal/Disciplinary Panels are not swayed by the degree of support; they engage with the facts and the regulations. In future, requests for multiple attendees will be refused.
66. Finally, participants in the disciplinary process should be far more alive to actual or perceived conflicts of interest which, to a casual observer, may seem inappropriate. If an individual realises that they have conflicting duties and responsibilities, they should not only recuse themselves from involvement but also ensure that they do not participate 'behind the scenes' with the case as a whole. The disciplinary system needs to not only behave objectively and impartially but be *seen* to do so in order for individuals and clubs to have faith in it. This is for everyone's benefit and the good of the game.
67. We would ask that this judgment is published on the SCCL's website 11 as permitted by GCR Appendix 4 para 31. In recommending publication, via the Respondent's website, we have balanced carefully the privacy of the parties (and in particular, the Appellant) against the benefits to those involved in the SCCL in both playing and administrative capacities. The principal benefit is, in our view, a better understanding of the disciplinary process within cricket/SCCL and the function of an Appeal Panel when deciding an appeal against primary decisions by an Adjudication Officer or Disciplinary Panel. It is hoped that this greater understanding will assist all stakeholders within the SCCL to improve both on-field discipline and the disciplinary process generally. In this particular case it may also address the widespread 'chatter' that has flourished since the 4th July.

21 August 2026

Richard Barge (Appeal Chair)

Ian Slater

Lee Pickford