

**EAST OF SCOTLAND CRICKET ASSOCIATION
CONSTITUTION
FEBRUARY 2024**



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REVISION HISTORY

REFERENCE	ADOPTED DATE	DESCRIPTION
2014.01	28/03/2014	Last recorded full constitutional update
2019.01	08/04/2019	Updated clause 12 for changes in disciplinary process
2021.01	10/05/2021	Updated clauses 3.1 and 12.2 and Appendix A added
2024.01	20/02/2024	Proposed amendments for 2024 AGM

CONSTITUTION CLAUSES

1. Name

- 1.1. The Association shall be called “The East of Scotland Cricket Association” (hereinafter referred to as “the Association”).

2. Objects

2.1. The objects of the Association shall be:

- a) to promote and encourage the game of cricket in the East of Scotland (hereinafter referred to as the “Region”) amongst players and spectators and to improve playing standards and conditions in the Region;
- b) to arrange and administer league and cup competitions;
- c) to facilitate the provision of coaching and education of coaches and officials (umpires, scorers, ground staff & administrators) within the Region for the benefit of all cricketers.

3. Affiliation to Cricket Scotland

- 3.1. The Association shall affiliate to Cricket Scotland and by its affiliation will ensure the pursuance of its objectives under the auspices of Cricket Scotland.

4. Membership

- 4.1. Ordinary membership of the Association shall be open to properly constituted cricket clubs which are affiliated to Cricket Scotland and are current members of Cricket Scotland (or have satisfied the General Committee that they have made application for membership to Cricket Scotland) and are within the areas of Edinburgh, East Lothian, Midlothian, West Lothian, Falkirk, Stirling, Clackmannan, Fife and Scottish Borders, notwithstanding the boundaries of the Region as defined in Cricket Scotland Constitution. Cricket clubs from outwith these areas may be admitted to membership of the Association if, after enquiry by the General Committee, it appears reasonable to do so.
- 4.2. Associate membership may be granted to individuals, schools or organisations within the Region as the General Committee shall determine from time to time.

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- 4.3. No application for membership will be refused on other than reasonable grounds. There will be no discrimination on grounds of race, sex or religious, political or other protected characteristic. No club within the Association shall discriminate, either in matters of membership or selection, on any of these grounds.
- 4.4. Any club which has been previously expelled from the Association may be readmitted to the Association if and only if a majority of members present at and voting at any General Meeting of the Association vote in favour of such readmission.
- 4.5. The General Committee may use its discretion to place any newly admitted club at a level within the League structure appropriate to the clubs probable playing standard.
- 4.6. Member clubs should be prepared to provide copies of their constitution, annual audited accounts and all policy documents to the General Committee as requested by the Association or Cricket Scotland.
- 4.7. Each year, member clubs shall be required to provide the Association with up to date names and contact details for club office bearers. As a minimum, this should include chair, secretary, treasurer and child protection officer (where applicable).

5. Subscriptions & Fees

- 5.1. The Association shall determine at its Annual General Meeting the annual subscription to be paid by members of the Association (whether ordinary or associate members).
- 5.2. The Association shall determine, and state to member clubs at its Annual General Meeting the fees for participation in competitions organised and administered by the Association. The Association at its Annual General Meeting shall have power to fix different levels of subscription for clubs with more than one team participating in any competitions organised and administered by the Association or for clubs who do not intend to participate in any such competitions.

6. Payment of Subscriptions and other dues

- 6.1. Association Annual subscription
 - a) The annual subscription shall be payable no later than 24 hours before the first Saturday of the East League season.
 - b) If a club has not paid their subscription by the first Saturday of the East League season, 5 points shall be deducted from the total points for each team that club was scheduled to field on that day in the East League.
 - c) If the subscription remains outstanding on the second Saturday of the East League season, a further 10 points will be deducted for each team that club was scheduled to field on that day, in the East League.
 - d) If any club has not paid their subscription by the third Saturday of the East League season, then all teams from the club in question will be expelled from all Association competitions for the season, and any previous results will be expunged.
 - e) In the event that any member (including Associate member) shall not have paid their subscription by 30th September in the year in which it became due, such member shall be deemed to have resigned from the Association and from all competitions organised or administered by the Association, and shall require to reapply for membership of the Association, to participate in said competitions.
- 6.2. Cricket Scotland Annual subscription

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- a) All member clubs shall be bound to pay the Cricket Scotland annual subscription upon the deadline date set by Cricket Scotland.
- b) If any club has not paid their subscription within one month of the deadline date communicated by Cricket Scotland, 5 points shall be deducted from the total points for each team that club was scheduled to field on that day in the East League.
- c) If any club has not paid their subscription within two months of the deadline date communicated by Cricket Scotland, then all teams from the club in question will be expelled from all Association competitions for the season, and any previous results will be expunged.
- d) In the event that any member (including Associate member) shall not have paid their Cricket Scotland subscription by 30th September in the year in which it became due, such member shall be deemed to have resigned from the Association and from all competitions organised or administered by the Association, and shall require to reapply for membership of the Association, to participate in said competitions.

6.3. Where member clubs send representatives to any meeting called by the Association, or to any function promoted or hosted by the Association, then, clubs will be liable for the expenses of their members attending association events.

7. Participation in Competitions

- 7.1. Any member club or other clubs invited by the Association (unless otherwise disqualified by any other provision of this Constitution) shall be entitled to apply to participate in any competition organised and administered by the Association, if eligible to take part.
- 7.2. Any club which seeks to participate in league competition shall intimate in writing to the General Committee its intention to do so not later than 15th December in the year preceding the year of the intended participation in the competition. In the case of a club which has participated in any competition in any year, such club will be deemed to have given the requisite intimation of intention to participate in the same competition in the succeeding year unless intimation to the contrary is given by such club prior to 15th December.
- 7.3. Any club not yet in membership of the Association and otherwise qualified which applies for membership of the Association and to participate in any of its competitions shall apply for such membership and/or to participate in any competition by 15th December in the year prior to first participating. Such application shall be in writing to the General Committee.
- 7.4. Any club which seeks to participate in any cup competition shall intimate in writing to the General Committee its intention to do so no later than two weeks from communication of an invite to participate from the Association.

8. Office Bearers

- 8.1. The office bearers of the Association shall be elected annually at the Annual General Meeting of the Association and shall consist of:
 - a) President,
 - b) Vice-President,
 - c) Honorary Secretary and

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d) Honorary Treasurer.

- 8.2. The President and Vice-President shall not be entitled to hold office for more than three consecutive years, excepting where, through Special Resolution at the Annual General Meeting or Special General Meeting, members agree to extend the term. The extended term will be a maximum of one additional year and shall be carried only in the event that two-thirds of those members present, entitled to vote and voting, vote for such motion.
- 8.3. In addition, an Honorary Vice-President, or Honorary Vice-Presidents, having previously given distinguished service to the Association, may be elected.

9. General Committee

- 9.1. The General Committee shall be elected annually at the Annual General Meeting. It shall consist of the office bearers and:
- a) the Past President of the Association
 - b) Competitions Sub-Committee Lead
 - c) Development Sub-Committee Lead
 - d) Discipline Sub-Committee Lead
 - e) Women's & Girls' Sub-Committee Lead
 - f) Equality, Diversity & Inclusion (EDI) Sub-Committee Lead
 - g) Social Media & Communications Sub-Committee Lead
 - h) up to 2 additional members other than office bearers.
- 9.2. Office Bearers may be elected as a lead of a sub-committee.
- 9.3. No Office Bearer or member of the General Committee shall hold more than two roles as a lead of a sub-committee.
- 9.4. Sub-Committee Leads shall hold the Lead position for a maximum of five consecutive years. After completion of the term, a Sub-Committee Lead may still serve as part of the sub-committee, though not as the Lead. In exceptional circumstances, the General Committee may agree to extend the length of service by a further one year.
- 9.5. The Association shall also invite Non-Executive Advisors (NEAs) to participate within General Committee meetings. The number of NEAs shall be determined by the General Committee and communicated with member clubs at the Annual General Meeting. The NEAs can include:
- a) Sub-regional Associations
 - b) Sub-regional youth convenors
 - c) Match Officials Association

10. Sub-Committees

10.1. Competitions Sub-Committee

- a) The Competitions Sub-Committee Lead shall be elected annually at the Annual General Meeting, to be responsible for co-opting and leading the Competitions Sub-Committee. The Sub-Committee shall

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consist of the Competitions Sub-Committee Lead, and Divisional and Competition Representatives. There shall be one representative for each league and competition organised and administered by the Association. The representatives shall be members from clubs participating in all divisions and competitions of the East League in the forthcoming season. No member shall be allowed to be a Divisional Representative of a league, or contribute to decisions of a league, that contains the club they are a member of.

- b) Where adjudication on matters associated with any of the Region's competitions (such as a potential breach of completion rules) the following process should be undertaken:
 - i. The appropriate Divisional or Competition Representative should be notified of the matter by the club concerned within forty eight hours (where prior to a match) or within seventy two hours (after any matter taking place). It is acknowledged that there may be cases where it is impracticable to submit full details within 72 hours and in this case an initial intimation of a likely matter requiring adjudication should be made within 7 days.
 - ii. The Divisional or Competition Representative should obtain all necessary information from the club, and notify the Competitions Sub-Committee Lead of the matter. A review panel shall be convened, comprising of a minimum of three members of Competitions Sub-Committee, one of whom should be the Divisional or Competition Representative to whom the initial matter was reported.
 - iii. This panel shall review the information and decide whether further information is required to make a fully informed decision, including any information required from an opposition club or members thereof.
 - iv. Upon receipt of all necessary information, the panel shall review and make a decision on the matter. This can be undertaken over email or in person as is deemed necessary by the panel.
 - v. Upon conclusion of the panel's review, the Divisional or Competition Representative shall notify all concerned parties of the outcome, and sanctions applied, the steps the panel have taken to arrive at the decision and the process associated with any right of appeal.
- c) As and when required, a Competitions Appeals Sub-Committee shall be appointed by the Competitions Sub-Committee and shall consist of three members, who have not been involved in the decision being appealed, one of whom shall be the chair.

10.2. Development Sub-Committee

- a) The Development Sub-Committee shall consist of the Development Sub-Committee Lead, all sub-regional youth convener NEAs and up to two other members of the General Committee or NEAs.
- b) The Sub-Committee's remit will include:-
 - i. Actively promoting all aspects of youth cricket within the Region.
 - ii. Organising or overseeing youth coaching within the Region in conjunction, as necessary, with other regional associations, Cricket Scotland or other approved bodies;
 - iii. Identifying the opportunities for development of best practice associated with all aspects of youth cricket. This shall include collating, reviewing and sharing best practice from/with other regional associations, Cricket Scotland or other approved bodies.

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- iv. Identifying the opportunities for improvement of training and playing facilities within the Region.

10.3. Disciplinary Sub-Committee

- a) The General Committee shall appoint a Disciplinary Sub-Committee of three people for the purposes of dealing with the process and procedures to deal with disciplinary matters arising from time to time.

The Chair of the Sub-Committee will be the Disciplinary Sub-Committee Lead.

- b) Their remit will include:-
 - i. Appointing appropriate persons to serve on panels to consider disciplinary matters – in writing or in hearings
 - ii. Appointing a Disciplinary Officer (DO) and a deputy to deal with the administration of complaints and hearings
 - iii. Setting out the process for dealing and complaint received
 - iv. Setting out the process for dealing with any appeals against disciplinary decisions.

The process will be set out in Appendix to the constitution.

- c) Any appeal against a decision of the Disciplinary Sub-Committee must be received by the Honorary Secretary or Disciplinary Officer within seven days of notification of the decision. Notification will be deemed to have taken place the day after the Disciplinary Officer has issued the decision. The appeal must detail the grounds of appeal with specific reference to the decision and include a £100 deposit, which will be returned to the appellant if the appeal is successful.
- d) As and when required, a Disciplinary Appeals Sub-Committee shall be appointed by the Disciplinary Sub-Committee and shall consist of three members, who have not been involved in the decision being appealed, one of whom shall be the chair.

10.4. Women's & Girls' (W&G) Sub-Committee Lead

- a) The Development Sub-Committee shall consist of the Development Sub-Committee lead and up to two other members of the General Committee or NEAs.
- b) The Sub-Committee's remit will include:-
 - i. Actively promoting all aspects of W&G's cricket within the Region.
 - ii. Organising or overseeing W&G's coaching within the Region in conjunction, as necessary, with other regional associations, Cricket Scotland or other approved bodies;
 - iii. Organising or overseeing matches for W&G's within the Region in conjunction, as necessary, with other regional associations, Cricket Scotland or other approved bodies;
 - iv. Identifying the opportunities for development of best practice associated with all aspects of W&G's cricket. This shall include collating, reviewing and sharing best practice from/with other regional associations, Cricket Scotland or other approved bodies.

10.5. Equality, Diversity & Inclusion (EDI) Sub-Committee Lead

- a) The EDI Sub-Committee shall consist of the EDI lead and up to three other members of the General Committee or NEAs.

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- b) The remit of the committee shall be to:
 - i. Lead the development, review and implementation of the Association's EDI strategy, and support their underpinning of the Cricket Scotland EDI policies.
 - ii. Research, define, instigate, implement, promote, monitor and review all strategy and policies for EDI in cricket in the Region.
 - iii. Ensure alignment with Association and CS's wider strategy through representation and consultation with members, other regional associations, Cricket Scotland or other approved bodies.
 - iv. Support member clubs and individuals to define their own strategy and policies for EDI, including signposting appropriate EDI-related training, awareness-raising and implementation within the Region.
 - v. In conjunction with Cricket Scotland and other approved bodies, review and monitor the impact of EDI initiatives through the analysis of quantitative and qualitative data.
 - vi. Generate reports and research that informs Regional priority setting and action planning.

10.6. Social Media & Communications (SM&C) Sub-Committee Lead

- a) The Social Media & Communications Sub-Committee shall consist of the SM&Cs lead and up to two other members of the General Committee or NEAs.
- b) The remit of the committee shall be to:
 - i. develop creative and engaging social media strategies in relation to all aspects of cricket in the Region.
 - ii. manage handling of all of the Association's social media channels
 - iii. make recommendations for improvements through engagement with the General Committee, Association members, other regional associations and Cricket Scotland.

11. Remit of the committees

- 11.1. The General Committee shall administer the whole affairs of the Association and shall appoint Sub-Committees to carry out any function delegated by the General Committee to the Sub-Committees. The General Committee shall delegate such of the General Committee's powers as may be required to enable the Sub-Committees to carry out the functions delegated to them.
- 11.2. Insofar as any act done by the General Committee or its Sub-Committees in pursuance of any power hereafter provided for shall be done in good faith, the General Committee or Sub-Committees and any member thereof shall be entitled to be indemnified by the Association in respect of any personal liability which any member of the General Committee or Sub-Committee may incur by the doing of any such act.
- 11.3. A General Committee meeting can be called by any of President, Vice-President, Honorary Secretary or Honorary Treasurer.
- 11.4. A quorum of the General Committee shall be four members, one of whom must be one of those mentioned in 11.3 above. A quorum for Competitions and Disciplinary Sub-Committee shall be three members, one of whom should be the Sub-Committee Lead, and a quorum for other Sub-Committees shall be two members, one of whom should be the Sub-Committee Lead.

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- 11.5. The Chair of the General Committee shall be the President, whom failing the Vice President, whom failing the members present and forming a quorum shall appoint a Chair for the purposes of that meeting. The Chair of Sub-Committees shall be the Lead, or if absent the members present and forming a quorum shall appoint a Chair for the purposes of that meeting.
- 11.6. In the event that the General Committee shall be equally divided on any matter, the Chair/Sub-Committee Lead shall have a second or casting vote, or may at their discretion refer the matter to a General Meeting of the Association. In the event that a Sub-Committee shall be equally divided on any matter, it shall be referred to the next meeting of the General Committee for a decision which will thereafter be implemented by the relevant Sub-Committee. In circumstances of urgency, the General Committee may reach decisions through email rather than by meeting.
- 11.7. Without prejudice to their general power to administer the whole affairs of the Association, the General Committee and its Sub-Committees are empowered:
- a) to interpret the Constitution of the Association;
 - b) to collect, manage and apply the finances of the Association for any purposes consistent with the objects of the Association;
 - c) to organise, administer and control competitions, including the league competition being administered in terms of the Association's rules (included as an appendix to this Constitution);
 - d) to arrange with others, representative matches between teams of any age representing the East Region (as defined in the Constitution of Cricket Scotland) and others and to arrange, if so advised, trial or other representative matches between teams of players of any age representing any sub-area of the East Region, any league administered by the Association or of any other representative nature whatsoever;
 - e) to select teams to participate in matches arranged in pursuance of the foregoing power and to delegate to others the power of selection of such teams, always subject to the regulations of Cricket Scotland in the matter of team selection in competitions organised or administered by Cricket Scotland;
 - f) to resolve disputes within member clubs of the Association, to consider complaints against player/official and/or member clubs by other member clubs or by any other body or person where circumstances are alleged which could, in the opinion of the Committee, constitute, if established to have occurred, conduct detrimental to the game of cricket within the Region, or to the objects of the Association or in breach of the Cricket Scotland Code of Conduct; to investigate and consider allegations by any member club or any other person of a breach, or breaches, of any rule, or rules, at any time in force for the administration and the conduct of any competition organised by the Association; to adjudicate in such manner as it shall consider appropriate in the circumstances upon any such complaint or allegation; and in the event that it shall find any such complaint or allegation to be well founded, to take such action against the offending player/official and or club as it shall consider appropriate in the circumstances, including any or all of the following:
 - i. Warning or reprimand to the player/official and/or club;
 - ii. Deduction of points from the offending club, but not exclusively deductions, as the rules for the competition may provide, in any match or matches where a breach of the rules is held to have occurred, or where conduct detrimental to the game of cricket within the Region is held to have occurred;
 - iii. Forfeiture of the match to the non-offending club in any competition;

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- iv. Demotion from any division of the league to a lower division; and
- v. Suspension of a player/official and or member club for such period as the Committee shall deem appropriate from any league or competition.
- vi. Furthermore, where any club has been found to have committed persistent breaches of the rules for the administration of competitions organised by the Association, or in any way bringing the game into disrepute, the General Committee, having so found, shall be entitled to call a General Meeting and to propose at that General Meeting, due notice of such meeting and of such proposal having been given in terms of the succeeding provisions of the Constitution, that the offending club shall be expelled from the Association and the offending club may be so expelled if the proposal so to expel is carried by a simple majority of the members of the Association present, entitled to vote and voting at the said meeting. The offending club shall not be entitled to vote upon a motion proposing its expulsion. Any penalty imposed by the General Committee upon an offending club, shall be subject to the right of that club or of any person aggrieved thereby to appeal to Cricket Scotland in terms of the Cricket Scotland - Code of Disciplinary Procedure.
- g) to ensure that no player under suspension imposed by Cricket Scotland, or other Association affiliated with Cricket Scotland, plays in any Association fixture.
- h) All disciplinary proceedings against any player involved in Association's games will be based on the Cricket Scotland Code of Conduct for Players and Team Officials.
- i) to investigate, either on its own initiative, or following a complaint being made to the Disciplinary Sub-Committee by another club, any allegation that an official, player selected by a member club or a club member and participating in a competition organised and administered by the Association has committed a breach of the rules of the competition, or has conducted themselves in a manner inappropriate to the proper conduct of the game of cricket. If, after such enquiry as the Disciplinary Sub-Committee shall deem appropriate, it finds the allegation well founded, the Disciplinary Sub-Committee may require the member club concerned to take steps to prevent that official, member or player or any other player in the club from repeating or committing such a breach of the rules or such conduct; and in the event of such member club not complying with such a requirement to impose, after such further enquiry or other procedure as the Disciplinary Sub-Committee shall consider appropriate, such of the penalties as are provided in the preceding powers as in the opinion of the Disciplinary Sub-Committee the circumstances warrant.
- j) to co-opt any person to fill a vacancy on the General Committee or Sub-Committees until the succeeding Annual General Meeting and to invite any person to attend any meeting of the General Committee, or of any Sub-Committee, in an advisory capacity, without power to vote, to assist the General Committee or Sub-Committees.
- k) to admit associate members of the Association and to have the like powers in relation to them as they have in the case of ordinary members.
- l) to do any acts necessary for the carrying out of any of the foregoing powers, including the entering into on behalf of the Association such contracts binding upon the Association, as the Committees shall consider necessary for the proper conduct of the affairs of the Association.
- m) Where member clubs are involved in disputes, or make complaints against other member clubs, as described in Sections (g) and (i) above, then the Committee can only act where the matter has been

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brought to their attention within 72 hours of the date of the alleged incident in writing. A member club may only appeal against a decision made by a Committee within seven days of receiving notification of the initial decision. The Disciplinary sub Committee will issue their decision in writing to all parties involved and shall set out their reasons for their decision and any penalty that might be imposed.

12. General Meetings

- 12.1. The Annual General Meeting of the Association shall be held in each year after 30th November, and before 28th February of the following year.
- 12.2. The Honorary Secretary shall, as soon as practicable, (and in any event not less than 21 days before the date of an Annual General Meeting) give written notice of the date, place and time of the General Meeting to each member (including Associate members). The notice of the General Meeting shall contain intimation of the business to be transacted thereat including, in the case of the Annual General Meeting, nominations for Office Bearers, members of the General and Sub-Committees and Association representatives to Cricket Scotland for the ensuing year, and motions. Said notice shall state in the case of every nomination, item of business or motion by whom it is proposed and, if requisite, seconded. Motions proposed by the General Committee shall not require a seconder.
- 12.3. A Special General Meeting of the Association shall be held if convened by the President, in the event as provided for above when the General Committee shall be equally divided, by the General Committee, or on a requisition in writing signed by no less than four member clubs. In the event that a requisition is made, such requisition shall state the object for which the Special General Meeting is required to be held and shall contain a motion to be put to and voted upon at such a meeting.
- 12.4. The Honorary Secretary shall, upon a request from the President (in the circumstances herein provided for), the General Committee, or on receipt of the requisition, convene a Special General Meeting within one calendar month of such a request or requisition and shall give notice to each member club not later than 21 days before the date fixed for such Special General Meeting of the date, time and place of such meeting, and the business to be transacted then (including, if appropriate, notice of any motion to be put and voted upon at such meeting). No business other than that contained in the notice convening the meeting shall be transacted at any Special General Meeting.
- 12.5. A quorum at a General Meeting of the Association shall be one-third of the ordinary members of the Association entitled to vote.
- 12.6. The President of the Association, whom failing the Vice-President, whom failing a member of the General Committee elected or appointed by the members present at the meeting shall be the Chair of any General Meeting and shall have, in the event of an equality of voting on any motion put to the meeting, a casting vote.
- 12.7. Each member of the Association shall have one vote at any General Meeting of the Association. Voting shall be conducted either by a secret ballot or by each member intimating its vote through a representative present at the meeting upon being called to do so by the Chair, Honorary Secretary or their Deputy appointed by the General Committee as the meeting shall determine prior to the commencement of the vote. Associate members shall be entitled to vote only on matters relating solely to associate membership.
- 12.8. Any motion put to any General Meeting to amend this Constitution or the rules for the League competition organised by the Association printed as an appendix to this Constitution shall be carried only in the event that two-thirds of those members present, entitled to vote and voting, vote for such motion. Any other business of such a meeting shall be decided by a simple majority of those members present, entitled to vote and voting.

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- 12.9. Member clubs shall be entitled to send two persons to any General Meeting in addition to any persons who shall be members of the General Committee or Sub-Committees of the Association but, as herein before provided for, each member club shall have one vote only.
- 12.10. Any member club which wishes to nominate any person as an Office Bearer, or as a member of the General Committee or Sub-Committees, or which desires that an item of business be discussed and/or a motion be voted upon by the members at the Annual General Meeting, shall give written notice of such nomination, item of business, or motion to the Honorary Secretary, seconded in writing in the case of motions by another member club, no later than 30th November in each year.
- 12.11. Any member club may, not later than 14 days prior to the date fixed for the Annual General Meeting and 10 days prior to the date fixed for any other General Meeting propose, by written notice to the Honorary Secretary, make any amendment to any motion proposed either by the General Committee or any member club. Such amendment shall not require to be seconded other than at the Meeting. The Honorary Secretary shall forthwith and in any event no later than 10 days prior to the date fixed for the Annual General Meeting and 7 days prior to the date fixed for any other General Meeting give written notice to the members of any amendment so proposed.
- 12.12. The Chair of any General Meeting may allow at such meeting any member club then present (even though no prior notice of the same may have been given) to propose an alteration to any motion or amendment proposed in terms of the preceding provisions provided that such proposed alteration is, in the Chair's sole opinion, of a minor technical or textual nature and would not radically or fundamentally alter the motion or amendment proposed.
- 12.13. In the case of a motion which has been proposed in accordance with the preceding provisions and to which an amendment or alteration has also been proposed, the amendment or alteration to the motion shall be voted upon prior to the motion being put to the meeting. Similarly, any alteration to an amendment shall be voted on prior to the original amendment being put to the meeting. An amendment or alteration to a motion or to alter an amendment to a motion shall not require to be voted upon if accepted by the proposer of the original motion or amendment. Any amendment or alteration, notwithstanding that it is shall be an amendment to a motion which shall require a two-thirds majority, may be carried by a simple majority. Thereafter, the motion as proposed or as amended or as altered as the case may be, shall be voted upon by the meeting. The Chair of any General Meeting at which an amendment to a motion is proposed shall call for a seconder for such amendment at the meeting. Such seconder may be another member club, or in the case of an amendment proposed by a member club, the General Committee. In the event that an amendment does not obtain a seconder it shall fall and shall not be put to the vote. If there be more than one amendment or alteration proposed to any motion, the Chair shall decide the order in which they shall be put to the meeting.
- 12.14. Save as provided for in the foregoing provisions, no business (other than formal business) shall be transacted at the Annual General Meeting other than such discussion as the Chair at their sole discretion shall permit upon matters of interest to members.
- 12.15. In the event that more than one nomination is received for any position as an Office Bearer or as a member of the General Committee or Sub-Committees there shall be an election for that position by a secret ballot of those member clubs present and entitled to vote, and such position shall be filled by the person gaining the largest number of votes in a single ballot. Similarly, in any case where there are more nominations received than there are positions to fill, the required positions shall be filled by those persons gaining the largest number of votes in a ballot held as above.

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- 12.16. In the event that any difference arises at any General Meeting as to the interpretation of this Constitution, or of the rules for league competitions printed as an Appendix hereto, the same shall be determined by the Chair whose decision shall be final.
- 12.17. No General Meeting nor any business transacted at any such meeting shall be invalidated by the non-receipt of any notice thereof by any member.
- 12.18. In the foregoing, any reference to written notice shall be taken to include electronic forms of communication.

13. Finance

- 13.1. The Finances of the Association shall be managed by the Honorary Treasurer. The financial year of the Association shall be from 1 October until 30 September. The Honorary Treasurer shall maintain such accounts as the General Committee shall determine and shall for each financial year prepare annual accounts. Such accounts shall be audited annually prior to the Annual General Meeting by an Auditor appointed by the member clubs at the preceding Annual General Meeting. The annual accounts and the Auditor's Report thereon shall be (if practicable) sent by the Honorary Secretary to each member club prior to the Annual General Meeting and shall in any event be presented to the Annual General Meeting.

14. Dissolution

- 14.1. The Association may be dissolved in the event that two-thirds of the ordinary members so resolve at a Special General Meeting convened for the purpose of considering such dissolution. In that event the assets of the Association after the discharge of its whole liabilities will be paid over by the last Honorary Treasurer (who shall remain empowered by the members to settle the Association's liabilities) to Cricket Scotland to be applied by Cricket Scotland for the promotion of the game of cricket in the East of Scotland and none of such assets shall be distributed to the members of the Association

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APPENDIX A

ESCA DISCIPLINE PROCESS AND PROCEDURE

1. Introduction

This appendix sets out the process and procedure for dealing with complaints which may fall under the Cricket Scotland Code of Conduct.

The objective of this process is to ensure that complaints are dealt with as far as possible in a manner which is:

- Fair
- Consistent
- Efficient, and
- Speedy

The Discipline sub Committee and Discipline Panel in relation to a particular complaint:

- Has power to regulate its own procedure
- May waive any procedural requirements under this document

The Discipline Officer (DO) is responsible for managing the process and reporting the outcome and it should be clear who the designated person is.

2. Reports from Appointed Umpires

It is expected that all reports from Appointed Umpires, will be submitted in writing on a form – within seventy two hours of a game taking place on Who's The Umpire (WTU). There should be discretion to accept non -standard reports or ones submitted outside the normal deadline if circumstances warrant this, by exception. Appointed Umpires should also ensure that the captains and relevant player(s) are advised immediately after the conclusion of the match that a report will be made to the relevant body. The report will go to the relevant DO.

Consistency of format and approach should make the process easier.

Reports from Appointed Umpires fall into two categories:

- a) Where the Appointed Umpires consider that a Level One offence has been committed during a match and the relevant on-field penalty applied.

Matters at Level One are the equivalent of a caution/yellow card and shall not be subject to a right to either a hearing or an appeal unless there are exceptional circumstances such as mistaken identity.

Except in such exceptional circumstances, the matter is concluded by the submission of the report and the role of the DO is essentially an administrative one as follows:

- Acknowledge the report to the umpires through WTU

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- Confirm to the player and their club that a Level One offence has been reported and this will be recorded on the player's record
- The communication issued should highlight the need for the player and their club to read the Code of Conduct to understand how penalty points work; confirm there is no right to a hearing or appeal save in exceptional circumstances and that the matter will be recorded by the Association and by Cricket Scotland.
- The DO should intimate the finding for record purposes to Cricket Scotland.

b) All other matters reported by Appointed Umpires.

The DO should take the following steps:

- Acknowledge the report to the Officials through WTU.
- Review the report and discuss the matter with the Discipline Sub-Committee Lead/ a member of the sub Committee and agree:
 - i. Whether a charge, or charges is/are warranted
 - ii. The Level and wording of the charge(s). This should be done as soon as possible and no later than seven days after the incident has arisen.

Should the proposed action be not to make a charge, or to make it at a different level from that of any on-field penalty imposed, this should be advised to the Head of Match Discipline at the Cricket Scotland Match Officials Association (CSMOA) with the reason for the decision.

Once the Level of charge and the charge have been determined by the Discipline Officer in conjunction with the Discipline Sub-Committee Lead/a member of the sub Committee the matter should be intimated to the player through their club. It shall be open to the DO to make non material changes to the complaint submitted. The player should be given seven days to respond. The report provided by the Officials should be included with the charge.

If the charge is at Level One, the proposed penalty should be included. For all other levels, the player should be advised to refer to the Code of Conduct in terms of the charge and the penalties that might be imposed. The player should be asked:

- i. Is the charge accepted and, if it is, does the individual wish to make any representations in writing in mitigation. This applies only to matters at Level Two and above. It should be made clear that if the matter is admitted, the Disciplinary Panel may take that into account when considering penalty.
- ii. If the charge is disputed the individual may make written representations in relation to matters and/or request a hearing in relation to a matter at Level Two, Three or Four. There is no hearing for a Level One matter.

Note that if the charge is Level 3 or Level 4, then the case shall be passed by the Association to Cricket Scotland, who will convene the Disciplinary Panel and conclude the disciplinary process in line with the CS Disciplinary process.

If the matter has been accepted by the player, a Panel of three can decide the matter without a hearing (by email) and the Chair of the Panel should write the decision and arrange for the DO to issue the decision setting out the charge, the facts that have been accepted, the penalty being imposed and the reasons for that. It should be made clear that any appeal may only be in respect of the penalty. This only applies to matters at Level Two and above.

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3. Reports from Players/Clubs/Third Parties.

Any complaint being made should be submitted on the relevant form on the Association's website and submitted no sooner than 24 hours and no later than 72 hours of the matter taking place/the complainer becoming aware of it – the latter part is important in terms of potential complaints about the use of social media. It is acknowledged that there may be cases where it is impracticable to submit full details within 72 hours and in this case an initial intimation of a likely complaint should be made with the formal complaint made within 7 days. The complaint submission should be submitted with sign off / approval from at least one office bearer from the club concerned.

It should be noted that this complaint process only applies to complaints relating to the conduct of individuals coming under the scope of the Code of Conduct. Any wider complaints about team or club behaviour which does not specify individuals will require to be dealt with under the relevant procedures set out in the constitution.

The DO should ensure that the report has been raised timeously and should acknowledge it. The DO shall then in conjunction with the Discipline Sub-Committee Lead/ a member of the Sub-Committee if appropriate decide on the charge and the Level of the charge and intimate if the matter is at Level Two or above.

If the matter is deemed to be Level One, before any formal written process the individuals should be contacted and asked if they wish to try and resolve the matter by discussing the matter within the next fourteen days – mediation/conciliation.

If matters are resolved the matter is closed.

If matters are not resolved then the Level One matter is put to the relevant individual(s) along with the proposed penalty and they are asked if they accept the charge or not. If they do they should be asked for any written representations in mitigation; if they do not accept the charge they should be asked for their written representations on why it is not accepted. A panel can then determine the matter by email. It should be made clear on intimation of the matter that because it is Level One there is no hearing and no right of appeal.

If the Discipline Officer deems the matter to be Level Two or above then the same process as used for complaints from Appointed Umpires at that Level should be used.

Note that if the charge is Level 3 or Level 4, then the case shall be passed by the Association to Cricket Scotland, who will convene the Disciplinary Panel and conclude the disciplinary process in line with the CS Disciplinary process.

If the Discipline Officer deems the alleged offence to be at Level Four, or in exceptional cases at Level Three, then they may request that the individual be suspended from all forms of cricket regulated by the Association, pending the conclusion of the disciplinary process, for a maximum of 3 months. The request shall be made in writing to the Disciplinary Sub-Committee Lead, who shall convene a Disciplinary Panel to determine if it is appropriate to suspend the individual based on the evidence before it. The individual shall be informed by the Panel within 7 days of its decision. Any suspension can be appealed to the Disciplinary Appeals Sub-Committee using the same procedure as for final disciplinary decisions in terms of paragraph 5 below. Any period of formal suspension (both by the Association and individual clubs) can be taken into account by a Disciplinary Panel when determining the appropriate sanction for a disciplinary offence.

4. Hearings

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Where a hearing is to take place this should be arranged either in person or virtually, as soon as possible – within fourteen days of notification of the matter, unless there are exceptional circumstances. It is presumed that hearings will take place virtually, unless the Panel decides otherwise. The DO should arrange the Panel, taking account of any possible conflicts, and ensure they receive all relevant papers. It is the role of the DO to bring forward and to prove the case to the required level. Clarification should be sought from the player if they intend to bring any witnesses; the Chair of the Panel should consider whether any written or oral evidence from the umpires is necessary. Any statements from witnesses or officials must be received at least 48 hours before a hearing.

- i. The Chair/an agreed person should take a formal written minute of the hearing, which should include:
 - the charge and its level
 - the facts as determined by the Panel based on the evidence submitted
 - the decision of the Panel, giving reasons for their decision and the penalty imposed
- ii. The Chair of the Panel should sign off the agreement and it should be noted if the decision was unanimous or not.
- iii. The standard of proof shall be balance of probability.
- iv. The penalty must be within the range prescribed for the relevant charge and level as stated in the Code of Conduct.
- v. As part of the decision making process it shall be possible for the Panel to substitute a reduced Level and Charge, provided that this relates to similar conduct breach and to reach a decision based on that precedent if that is warranted having considered the evidence.
- vi. The Chair/an agreed person should intimate the decision and a note of reasons for the decision and confirm the rights to an appeal. The appeal is time limited in terms of the Association constitution (see Paragraph 12.1.1) and only applies to the person(s) charged with the code of conduct breach. Subject to any appeal the final decision should be recorded by the Association and intimated for record purposes to Cricket Scotland.
- vii. Any ban imposed following a decision of the Panel will commence from the next fixture regulated by the Association that the individual is eligible to play in. In the event that a ban extends to beyond the end of the cricket season, it will be suspended during the winter period and resume from the start of the next season.

5. Appeals

The Appeals sub Committee will be made up of three individuals (from the General Committee or external) who have not been involved in the original decision.

The Association Secretary/Administrator will run the process, not the Discipline Officer. If the Association Secretary is also the Discipline Officer an alternative person should be identified.

Appeals must be made in writing to a nominated party within the specified time limit following intimation of the original decision as set out in Paragraph 12.1.1 of the constitution, along with the relevant fee.

The ground(s) for appeal must be clearly stated, and whether the appeal is against the decision, the penalty or both. An appeal is not a fresh hearing, and can only be made on the basis that:

- i. The process has not been followed in a material way which has been prejudicial to the outcome
- ii. Fresh evidence has emerged which was not available to the original hearing
- iii. There has been demonstrable bias in the decision making

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- iv. No reasons, or inadequate reasons, for the decision have been provided
- v. The decision is one which no reasonable panel could have reached

The Appeals Sub-Committee will consider whether the grounds of appeal are competent and, if so, consider them.

The hearing will be held virtually unless the Sub Committee Chair otherwise decides, and will normally be held within 7 days of the Appeals sub Committee being formed for the appeal. The appellant will be entitled to attend the hearing in support of their case, and the sub Committee Chair may request any additional information or evidence in writing for proper consideration of the appeal.

The Appeals sub Committee may:

- Uphold the original decision(s)
- Substitute an alternative order which the original Panel would have been open to impose
- Remit the matter back to the original Panel, or a fresh Panel for reconsideration of it on such grounds as the Appeal Sub-committee advise.

The Chair/an agreed person should take a formal written minute of the hearing, which should include:

- the original decision
- the basis of the appeal
- the considerations of the Panel based on the evidence submitted
- the decision of the Panel, giving reasons for their decision and the penalty imposed

The Chair of the Panel should sign off agreement and it should be noted if the decision was unanimous or not.

The Appeals sub Committee will give their decision with reasons within 7 days of the hearing in all but exceptional circumstances and will advise if this is the case. The decision will be communicated to the appellant as soon as practicable.

There is no further right of appeal following the decision of the Appeals Panel.

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**APPENDIX B
ESCA LEAGUE RULES**