

32. Disapproved Cricket

32.1 A cricket match will be deemed to be “**Disapproved Cricket**”, and the terms of section 32.4 will apply to it, if:

32.1.1 it has not been approved by the Member in whose territory it is played; or

32.1.2 it is the subject of a Disapproval Notice issued by the ICC pursuant to section 32.2.

For these purposes, “**Member**” means any member board recognised as such by the ICC from time to time.

***Explanatory note to section 32.1:** Like most sports, cricket depends for its effective organisation, administration and development on a pyramid regulatory structure, with Members exercising control over cricket in their respective territories, and the ICC addressing global issues where the Members consider that collective action is required. This pyramid structure (which may include the further devolution of regulatory power to member and affiliate organisations of Member boards, e.g., on a regional level) provides a framework that enables the uniform application and enforcement, through the Members, of appropriate regulations safeguarding the long-term integrity and health of the sport.*

Accordingly, it is the exclusive right and responsibility of each Member to retain control over cricket matches and events played within its territory, and therefore to determine whether or not a particular match played within its territory should be recognised or not. The key exception to this – based on the concern that outsiders looking to free-ride on the efforts of the Members for their own profit may seek to exploit the relative financial weakness of Associate and Affiliate Members – is that if a Full Member is not involved in the match in the territory of an Associate or Affiliate Member then the Members as a collective, acting through the ICC Executive Board, retain the right to intervene in such narrow circumstances to protect the integrity of the pyramid system of governance and regulation: see section 32.2.

Further to the above, each Member must establish a mechanism for approving matches to be held in its territory for purposes of this section 32.1. Such approval, if granted, shall amount solely to approval of the staging of the match within the Member’s jurisdiction for purposes of this section 32.1, and shall not amount to or be construed as approval by the Member of any of the safety or security or other arrangements for the match. Instead, those arrangements shall be the sole responsibility of the match organiser.

To avoid uncertainty as to the status of a match, a Member shall publish a list of all matches within its territory that have been approved for purposes of this section 32.1.

To minimise administrative burden, a Member may grant advance approval of categories of matches for purposes of section 32.1. For example, a Member may grant section 32.1 approval for all matches to be played in its territory (a) in specified competitions; (b) by specified teams; (c) below a specified level; and/or (d) that are approved by a regional or other body to whom it has delegated such approval authority.

If a match does not fall within a pre-approved category, then it is the responsibility of the match organiser to apply for and obtain section 32.1 approval for the match from the Member within whose territory the match is proposed to be played. If the match organiser does not do so, then the match shall be deemed to be Disapproved Cricket for

purposes of this section 32.1. Similarly, if the match organiser applies for section 32.1 approval and such approval is not granted by the Member within eight weeks, the application shall be deemed rejected and the match shall be deemed to be Disapproved Cricket for purposes of this section 32.1.

If a cricket match is not deemed to be Disapproved Cricket pursuant to this section 32.1, then the provisions set out in section 32.4 do not apply to it. Whether such cricket match is classified as “Official Cricket” for record-keeping purposes is determined by application of section 33 (Official Cricket).

32.2 A “**Disapproval Notice**” is a notice, decision or resolution issued by the ICC Executive Board, stating that a cricket match is disapproved for purposes of this section 32. A Disapproval Notice may only be issued by the ICC Executive Board in the following circumstances:

32.2.1 where the match is taking place in the territory of an Associate or Affiliate Member, and involves no team that is under the jurisdiction of a Full Member; or

32.2.2 where the match is taking place at a venue that is not within the territory of any Member.

32.3 In determining whether or not to grant approval for a match under section 32.1, Members shall act in accordance with their obligations as custodians of the sport, and shall comply with all applicable laws relating to the proper exercise of regulatory powers by a sports governing body. The ICC Executive Board shall do the same in determining whether or not to issue a Disapproval Notice under section 32.2.

***Explanatory note to section 32.3:** A Member must ensure that any decision to withhold section 32.1 approval for a match is made validly and appropriately, so as to enable the uniform application and enforcement of that decision. A Member may delegate the discretion conferred on it by section 32.1 to appropriate affiliate (e.g. regional) authorities within its jurisdiction as it sees fit, but the Member remains responsible for ensuring compliance with section 32.3.*

Subject to applicable laws, the following (non-exhaustive) list of factors can be considered relevant to a Member’s determination of whether or not to approve a match:

a. *The extent to which the match (and/or the event of which the match forms part) may be accommodated within the existing calendar of international and domestic events and matches in that Member’s territory without conflicting with or otherwise compromising (i) matches or events already in the calendar, and/or (ii) agreements to which the ICC and/or one or more Members is a party.*

A properly structured calendar, with coherent windows allowing the development in an orderly and balanced way of matches and events that are attractive to participants and spectators alike, is of paramount importance to the long-term future of the sport. Cricket, like any other sport, depends for its long-term growth on the ability of its stakeholders to make decisions and take actions in the best interests of the sport as a whole, including in relation to the exploitation of the limited fixture opportunities offered by a finite calendar. In

this context, the role of the Member is to balance the interests of all of the sport's stakeholders, including protecting the value of the existing forms of competition that have served the sport so well, while at the same time encouraging innovation and commercial entrepreneurship in the development of new forms of competition that will generate further interest in the sport.

As for the reference to 'agreements to which the ICC and/or one or more Members is a party', it is common for a sport's commercial partners to require certain commitments to protect their respective investments in the sport. For example, a commercial partner investing significant sums in a Member or the ICC may require assurances that Members and/or the ICC will not thereafter establish (or permit the establishment of) competing events. Members ought not to put themselves or the ICC in breach of their respective commitments to those commercial partners, as this would threaten the generation of commercial income for distribution throughout the sport.

- b. The need to ensure a fair and equitable allocation of calendar space among different events and matches. To the extent that the calendar presents playing opportunities of varying commercial value, it is important to ensure that those opportunities are exploited fairly and equitably, for the benefit of the many rather than the few.*
- c. The extent to which the match/event will have any meaningful role in the promotion and development of the sport, or any other charitable or benevolent purpose.*
- d. The maintenance and promotion of the health and welfare of players, including by the prevention of overplaying (players must have adequate time to rest and recover, as well as train, between matches), and by ensuring the safety and suitability of the venue(s) intended to be used for the match or event in question.*
- e. Any other factor that the Member, as the custodian of the sport in its territory, considers to be relevant.*

32.4 A Member shall, to the greatest extent permitted by applicable law (as determined in the reasonable opinion of the Member):

32.4.1 not participate in any way in any form of Disapproved Cricket;

32.4.2 not release or permit any players, match officials, coaching or management staff contracted to the Member to participate in any way in any form of Disapproved Cricket;

32.4.3 prohibit the participation by organisations and individuals under its jurisdiction in any form of Disapproved Cricket;

***Explanatory note to section 32.4.3:** The categories of organisations and individuals that are under a Member's jurisdiction will vary from Member to Member. For example, some (but not all) Members exercise jurisdiction – by way of a licensing or registration mechanism – over player agents.*

- 32.4.4 prohibit organisations under its jurisdiction from releasing or permitting any players, match officials, coaching or management staff contracted to them to participate in any form of Disapproved Cricket;
- 32.4.5 impose appropriate disciplinary sanctions on any organisation or individual under its jurisdiction who breaches the foregoing prohibitions;
- 32.4.6 recognise and enforce within its own jurisdiction any sanction, restriction or exclusion imposed on a player or organisation by another Member for breach(es) of the foregoing prohibitions; and
- 32.4.7 make it a condition of eligibility to participate in cricket matches/events played under its jurisdiction that the individual or organisation in question has not participated in any form of Disapproved Cricket for a specified period.

Explanatory note to section 32.4: The integrity and efficacy of the pyramid structure of governance and regulation depends on Members respecting each other's territorial authority by declining to participate in (or to allow persons under their jurisdiction to participate in) matches or events taking place in another Member's territory that the Member has not approved for purposes of this section 32. Section 32.4 also reflects the consensus of the Members that those who benefit from the development activities of Members (e.g., players and other individuals who are identified by, and gain experience, expertise and status from those activities) owe duties of loyalty and solidarity commensurate to the benefits they have received. They breach that duty by taking steps that undermine the collective efforts of the Members, such as by participating in Disapproved Cricket. In such circumstances, Members are entitled to refuse to associate with such persons or to allow them to take further benefit from the collective enterprise.

It is not possible to specify fixed or minimum periods of exclusion or ineligibility that must be imposed in cases where section 32.4 prohibitions are breached. The facts and circumstances of each particular case will have to be taken into account, as well as the constraints of applicable law. However, considering the importance of solidarity among the ICC Members and their stakeholders and their Members to the long-term future of the sport, the need to protect the strength of their collective effort for the benefit of the sport as a whole, and the need to deter free-riding on their development efforts and other contributions, it is the view of the ICC and its Members that, other than in exceptional circumstances, a person who participates in Disapproved Cricket should not be selected or permitted to participate in official matches or events for a minimum of twelve months thereafter.

- 32.5 The ICC, following a proper disciplinary process, may impose disciplinary sanction(s) on any Member for breach of any part of this section 32.
- 32.6 This section 32 will come into force on 1 June 2009 (the '**Effective Date**') and will apply to all matches and events taking place after that date. However, no action will be taken under this section 32 against any Member, organisation or individual based on any binding commitment that was entered into prior to the Effective Date.

Explanatory note to section 32.6: Any action taken against an organisation or individual for commitments entered into prior to the Effective Date should be based on the regulations in effect as of that date.

32A Domestic Cricket Events

32A.1 For the purposes of this section 32A:

“Associate Member” means any Member recognised as such by the ICC from time to time.

“Domestic Cricket Event” means any cricket match, tournament, cup or league that is not Disapproved Cricket (as defined in section 32) and that does not qualify as International Cricket.

“Foreign Player” means a player who is not eligible to represent the National Representative Team of the Member under whose jurisdiction the Domestic Cricket Event in question is taking place.

“Future Tours Programme” means the programme defined at section 29 of the Operating Manual as agreed by the ICC Executive Board and amended from time to time by the ICC Chief Executives’ Committee.

“ICC Event” means any cricket event organised by or on behalf of the ICC from time to time.

“International Cricket” means any ICC Event or any match or event involving one or more National Representative Teams that is incorporated into the Future Tours Programme.

“Member” means any member board recognised as such by the ICC from time to time.

“National Representative Team” means a men’s cricket team selected to represent a country or group of countries, including at any age group from Under-19s up.

“No-Objection Certificate” means a document issued by the Relevant Member stating that the Relevant Member has no objection to a named Foreign Player participating in a named Domestic Cricket Event.

“Relevant Member” means the Member for whose National Representative Team the Foreign Player last played or (if he has not yet played for any National Representative Team) for whose National Representative Team he is eligible to play pursuant to section 35 of the Operating Manual.

Explanatory note to 32A1: If the Foreign Player is eligible to play for more than one National Representative Team but has not yet played for any of them, he must designate the Member of one of those National Representative Teams as the Relevant Member for purposes of this section 32A, and that will be the

Member from whom a No-Objection Certificate must be obtained to allow him to play in another Member's Domestic Cricket Event..

32A.2 Participation in any form of International Cricket shall always take priority over participation in any other form of cricket, and therefore the release of players to play in International Cricket shall be mandatory, save only that the release of players to play in the National Representative Team of an Associate Member shall only be mandatory for the following matches:

ICC Cricket World Cup matches
ICC Champions Trophy matches
ICC World Twenty20 matches
ICC U19 Cricket World Cup matches
ICC World Cup Qualifiers
ICC World Twenty20 Qualifiers
ICC U19 Cricket World Cup Qualifiers
ICC Intercontinental Cup matches
All one day internationals and Twenty20 internationals against Full Members

32A.3 Each Member shall ensure, to the greatest extent permitted by applicable law (as determined in the reasonable opinion of the Member), that no Foreign Player participates in any Domestic Cricket Event under the jurisdiction of the Member unless such Foreign Player holds a valid No-Objection Certificate from the Relevant Member.

***Explanatory note to section 32A.3:** For the avoidance of any doubt, the Relevant Member is the only body capable of granting a No-Objection Certificate for a Foreign Player pursuant to this article 32A. Accordingly, all such applications must be made directly to the Relevant Member and not to any other third party.*

32A.4 In determining whether to issue a No-Objection Certificate, Members shall act in accordance with their obligations as custodians of the sport, and shall comply with all applicable laws relating to the proper exercise of regulatory powers by a sports governing body.

***Explanatory note to section 32A.4:** The Member issuing a No-Objection Certificate must ensure it is issued validly and appropriately, so as to enable its uniform application and enforcement.*

The ICC and its Members recognise the overriding importance of international cricket as the lifeblood of the sport around the world. By providing a showcase for the sport to a wide international audience, by generating significant commercial revenues that can be invested in development work at every level throughout the sport, and by providing opportunities for Associate and Affiliate Members to improve their playing standards by competing against Full Members, international cricket plays a vital role in developing interest and participation in the sport both in established cricketing powers and in emerging nations, and therefore in broadening the competitive playing base and public interest in the sport that are vital to the long-term future health of the sport. International cricket therefore has primacy over domestic cricket. Accordingly, it must be a condition of participation in a domestic match/event that all participating players from overseas hold valid No-Objection Certificates for the match or event as issued by

their respective Members. A Member's right to object to the participation of its players in such an event extends beyond merely ensuring availability for International Matches to encompass issues relating to the player's form, fitness and upcoming international commitments (as well as other contractual obligations). It also extends to players who have recently retired from International Cricket, e.g. in the previous two years (in order to prevent players retiring from International Cricket simply in order to participate in a Domestic Cricket Event).

Accordingly, the following (non-exhaustive) factors can be considered relevant in determining whether or not to grant a No Objection Certificate:

- a. whether the Foreign Player has been, or is likely to be, selected to play for the Relevant Member's National Representative Team at or around the same time as the Domestic Cricket Event in question;*
- b. whether the Foreign Player's form, fitness and/or upcoming commitments to the Relevant Member's National Representative Team might be compromised by his participation in the Domestic Cricket Event in question;*
- c. whether the Foreign Player announced his retirement from playing for the Relevant Member's National Representative Team during the two years previous to the Domestic Cricket Event in question; and/or*
- d. whether participation by the Foreign Player in the Domestic Cricket Event will in any way compromise the ability of the Foreign Player to comply with any contractual obligations owed by that Foreign Player, including such obligations owed to the Relevant Member.*

32A.5 The ICC may require that specified Domestic Cricket Events are played subject to ICC-compliant codes of conduct, anti-corruption rules, and/or anti-doping rules. It shall be the responsibility of the Member within whose territory a specified Domestic Cricket Event is played to ensure compliance with that requirement.

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