

DEVON CRICKET BOARD LIMITED BYE-LAWS

1. SCOPE

1.1 These bye-laws shall regulate the structure, administration and activities of the Devon Cricket Board Limited (**Company**).

2. RESOURCES

2.1 The board of directors (**Board**) shall ensure that whatever resources come under the control or influence of the Company are used effectively and efficiently in achieving the objects of the Company as set out in the Memorandum of Association.

3. COMPLIANCE

3.1 The Company shall at all times comply with all applicable laws and regulations including but not limited to the Data Protection Act 1998 and any legislation or regulation governing substance abuse and child welfare.

4. NON DISCRIMINATION

4.1 The Company shall at all times uphold and operate a policy of non discrimination in all matters relating to the carrying on of the business of the Company, the fulfilment of its objects under its Memorandum of Association and in the admission of its members.

4.2 Members shall be admitted in accordance with the Articles of Association of the Company. Membership shall be open to all irrespective of age, gender, disability, race, colour, creed, ethnic origin, social status and sexual orientation.

5. MEMBERSHIP APPOINTMENTS

5.1 The Company shall appoint an Honorary Legal Advisor, Cricket Development Manager and a County Welfare Officer. These appointments need not necessarily be made from within the Company membership. Each of these honorary appointments shall become members of the Company on appointment if they are not already a member.

6. MEETINGS OF THE BOARD

6.1 The business to be transacted at an annual general meeting (**AGM**) shall be specified in the notice calling the AGM and shall include: the receipt of a report on the membership of the Company for the next ensuing year; the election of Directors having regard to the principles of rotation set out in the Articles of Association; the co-option of Members to the Company; the appointment of the Appeals Committee; the receipt and approval of the Accounts of the Company for the preceding year; the approval of Affiliation Fees for the next following year.

6.2 The Board shall be empowered to invite such other persons as it deems appropriate to attend any AGM or general meeting of the Company. Such persons shall include a representative of the South West Women's Cricket Club Development Officer, the Honorary Secretary of the Devon League, the Regional Development Manager of the ECB, or such other officials as the board of directors deem appropriate.

7. AFFILIATION

7.1 Clubs and leagues and such other parties as the Company may agree (**Affiliates**) who participate in Devon Cricket shall be able to affiliate to the Company. Affiliation will allow or affiliate such Affiliates to access such benefits as the Company shall determine.

7.2 As at the date of adoption of these byelaws affiliation to the Company shall confer on the Affiliate the benefits set out in Annexure 1. An annual affiliation fee shall be paid by each Affiliate (**Affiliation Fee**). The Affiliation Fee shall be determined at the AGM of the Company for the relevant year and will remain fixed for that year.

8. DISCIPLINE

8.1 All members of the Company and all persons, clubs or organisation affiliated to such members and if different, all Affiliates, shall be expected to conduct themselves both on and off the field of play in such a way as to avoid bringing themselves, the Company, or the game of cricket into disrepute. The Company shall be empowered to investigate any complaints made by or against a member

of the Company or any person, club or organisation affiliated to such member or represented by such member or Affiliate. The parties involved in any complaint shall be given the right to attend and appear before the Board whose decision shall then be binding on all parties, subject only to the right of appeal to the Appeals Committee.

8.2 The Company shall be empowered to discipline any member of the Board, or to require such member to discipline any person, club or organisation affiliated to such member or Affiliate who fails to abide by the general requirements of good conduct. Any decision to discipline any party shall include the right to exclude any member from continued membership with the Company or in the case of any person, club or organisation affiliated to such member to require the relevant member of the Company to exclude the relevant party from continued affiliation with such member, or from continued affiliation to the Company but without otherwise limiting the power of sanction or penalty.

8.3 The Company shall be the final arbiter of all matters relating to the propriety of the conduct of its members and those persons, clubs and organisations affiliated to such members and Affiliates. All members shall be expected to establish their own disciplinary Codes consistent with those of the Company and of the ECB and to enforce them, but subject to a final right of appeal to the Appeals Committee of the Company. In any case where an appeal is made to the Board and is the subject of a hearing by the Appeals Committee the decision of that Committee shall be the final decision of the Company and no further appeal shall lie. By becoming a member of the Company or pursuing an appeal to the Appeals Committee, all parties shall be deemed to have accepted that the Company shall operate in this role and that the Company is empowered to expect, assert and enforce appropriate standards.

9. APPEALS COMMITTEE

9.1 The Company shall establish an Appeals Committee. This Committee shall meet when required and shall normally be chaired by the Honorary Legal Advisor unless he or she is not available. In that circumstance the Company shall appoint another suitable person to take the Chair of the Committee for that meeting. The

Appeals Committee shall if practicable be comprised of three Members of the Company. These committee members shall normally be appointed at the AGM. Additionally, if for the purposes of any specific appeal and for ensuring fairness to the parties involved the Company considers that an external independent Chairman or other member(s) should be appointed then the Company shall be empowered to make such an appointment for the purposes and to pay any costs thereby incurred by the Company. Otherwise all costs of any appeals shall be borne by the parties themselves. If exceptional costs are incurred by the Company in dealing with an appeal, the Appeals Committee shall have power to require, and may therefore order, either party to the appeal to pay those costs.

9.2 The Appeals Committee shall never include within its membership for the purposes of hearing any specific appeal any person who has had any earlier involvement whatever in respect of the matter which is the subject of that specific appeal.

9.3 The Appeals Committee shall be empowered to hear any appeal relating to matters arising within any member organisations which operate within the County of Devon which needs an independent hearing and adjudication. Those parties seeking such a hearing and adjudication shall first confirm their agreement to accept the outcome of that appeal as binding on all parties before any such hearing or appeal commences, and willingness to accept the potential consequences in relation to costs as are set out above.

9.4 The Appeals Committee shall establish formal written procedures for the conduct of any Hearings. This procedure shall have proper regard to all the principles of natural justice. A copy of the procedure shall be made available to all parties involved in any appeal hearing in advance.

9.5 The adjudication on any appeal shall be given only after a formal Hearing to which each party is invited and is given the opportunity to present their case. A minimum of fourteen days notice of the holding of any Hearing shall be given in writing to all parties. The written note of the procedures which will be followed by the Appeals Committee at the Hearing shall be issued to all parties with the

Notice of the Hearing, together with a description of the provisions in these by-laws. A written notice of the decision of the Appeals Committee shall be issued to all parties within fourteen days of the conclusion of the Hearing.

9.6 Where the Appeals Committee hears an appeal it shall have the power to:

- (a) allow the appeal (thereby overturning the decision appealed against and discharging the penalty originally imposed);
- (b) dismiss the appeal (thereby upholding the original decision against which the appeal was made);
- (c) dismiss the appeal in respect of the decision appealed against and impose whatever appropriate penalty it considers should be imposed (thereby either imposing a greater or lesser penalty than that originally imposed); or
- (d) add to any decision which it makes by making any appropriate comments or recommendations to either or both of the parties to the appeal under consideration for their consideration.

9.7 Any appeal to the Company shall only be valid if it is received in writing by the Honorary Secretary within 28 days of the event leading to the appeal, and to satisfy that requirement the following shall also be deposited within that same timescale, namely; such Appeal Form as the Company require to be completed stating the full grounds of the proposed appeal; any requisite deposit of fees, and copies of any documents to be relied upon in supporting the grounds of appeal.