



Benoni Northern's Cricket Club

Cnr Brodigan & O'Reilly Merry Street, Rynfield, Benoni, 1501

Disciplinary Code

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BNCC – Benoni Northern's Cricket Club

ECU – Easterns Cricket Union



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I. Preamble

1. Benoni Northerns Cricket Club ("BNCC") is an independent and voluntary association of persons established for the broad goal of playing cricket and as such is affiliated to the Easterns Cricket Union and Cricket South Africa.
2. BNCC has the obligation and right to establish, regulate and enforce its own Code of Honour and Disciplinary Code. The Code of Honour is to be read together with the Disciplinary Code.
3. In accordance with section 33 of the Constitution of the Republic of South Africa Act 108 of 1996 all those subject to the Codes have the right to expect disciplinary action that is lawful, reasonable, procedurally fair and the right to expect to be provided with written reasons where rights have been adversely affected by administrative action.
4. This Code also seeks to regulate the conduct of persons under the age of eighteen (18) years old ("minors") within the junior and senior ranks of BNCC. The following aspects of South African law are relevant to children:
 - a. Section 17 of the Children Act Children's Act No 38 of 2005 defines the age of majority as eighteen (18) years old with effect from 1 July 2007.
 - b. Section 28 (2) of the Constitution of the Republic of South Act 108 of 1996 provides that a child's best interests are of paramount importance in every matter concerning the child.
5. In dealing with disciplinary matters that affect minors, BNCC undertakes to be mindful of the broader South African law context in dealing with children. To this end, a special dispensation and procedure is set out in this Code to regulate the discipline of minors within the junior and senior ranks of BNCC.

II. Persons subject to the Code

(To whom this code is applicable)

1. Amateur players of BNCC.
2. Club professionals of BNCC.
3. Contracted players from the Eastern Cricket Union ("ECU")
4. Executive member of BNCC.
5. Any persons representing BNCC.
6. Any parent, guardian or person *in loco parentis* of a member.

III. Relationship between the BNCC Disciplinary Code ("BNCC DC Code) and the Easterns Cricket Union Disciplinary Code ("ECU DC Code")

1. An offender convicted in terms of the BNCC DC Code will not have the right to appeal to Easterns Cricket Union because the EC DC Code does not allow for such an appeal.
2. In the event that an alleged incident involving any of the persons described in paragraph ii above, is the subject of a disciplinary hearing conducted by the ECU, BNCC reserves the right to investigate the matter and/or hold its own internal disciplinary enquiry within seven (7) days of the finding of the ECU, whether or not the alleged offender is found guilty.



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3. To this end, BNCC reserves the right to instruct its Disciplinary Chairman or any designated official to attend at the ECU hearing for the purpose of noting and reporting on the evidence, findings, reasons that underlie the findings and sanction.
4. The decision to conduct an internal disciplinary hearing will be at the sole discretion of the BNCC Committee.
5. In the event that BNCC elects not to hold its own internal disciplinary hearing where the offender has been convicted by the ECU, BNCC reserves the right to note the conviction as a previous conviction for the purposes of determining a suitable sanction at any later disciplinary hearing related to any future incident that occurs within two (2) calendar seasons of the ECU finding.

IV. Sections

- A. Offences and Sanctions
- B. Reporting procedure
- C. Disciplinary hearing procedure
- D. Appeals procedure
- E. Juniors, Colts and Minors

Part A - Offences and Sanctions

Mandatory Policy Based Considerations

In considering an appropriate sanction, the disciplinary committee must have regard to the following mandatory policy considerations in arriving at a fair and balanced sanction:

1. A progressive series of discipline aimed at corrective action. In practical terms therefore, first offenders should seldom receive the maximum sentence in terms of the Code unless the circumstances of the incident and seriousness of the offence justifies imposition of the maximum penalty.
2. The purpose of the sanction must be aimed at achieving:
 - 2.1. Deterrence of other would-be offenders from committing the same or similar offence.
 - 2.2. Prevention of the offender from re-offending.
 - 2.3. Exacting a measure of retribution on behalf of the complainant.
 - 2.4. Blending the sanction with a measure of mercy.
 - 2.5. Emphasising the aim of restoring harmony between the complainant and the offender.
3. Ensuring that the following interests are given due weight:
 - 3.1. The personal circumstances of the offender.
 - 3.2. The particular circumstances of the offence.
 - 3.3. The interests of BNCC and its members at large.

Types of Sanctions

1. The disciplinary committee must, as a rule, consider the imposition of suspending players from playing cricket during the regular league cricket season.
2. The disciplinary committee must, as a rule, consider the imposition of suspending a parent, guardian or person *in loco parentis* from attending their child/children or ward/s matches.



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3. To this end, the imposition of a sanction must be held in abeyance to coincide with the commencement of official league play in circumstances where an offender is found guilty during the off-season or towards the end of the regular cricket-playing season.
4. The committee is empowered to suspend the whole or a portion of a sanction during the regular league season on any lawful condition that it deems fit which must include, but is not limited to, an order that:
 - 4.1. The offender makes payment of a sum of money in lieu of any damage or loss suffered by the complainant, which forms the basis of the complaint.
 - 4.2. The offender issues a written apology to the complainant and/or BNCC and/or any other interested party with a vested interest in the outcome of the matter.
 - 4.3. The offender is not again found guilty of the same, similar or a different offence committed within a defined period of suspension during the current or future league seasons.
5. The committee is empowered to impose a fine not exceeding R3000 as an alternative to suspending an offender from play in appropriate circumstances. The maximum permissible fine will escalate each year in accordance with the Consumer Price Index.
6. In deserving circumstances, the committee may:
 - 6.1. Caution and discharge an offender in appropriate circumstances.
 - 6.2. Order that the offender issues a written apology to the complainant and/or BNCC and/or any other interested party with a vested interest in the outcome of the matter.
 - 6.3. Order that the offender attends mediation with the complainant under the supervision of an official of BNCC.
7. The disciplinary committee is not be permitted to suspend all or part of a sentence for a second or subsequent offence, which is committed during the period of suspension.
8. A sanction must not be suspended for longer than two (2) calendar cricket seasons.
9. The committee must guard against the effect of a cumulative sentence where an offender is charged with multiple offences or where the committee intends putting into operation a sanction that was initially suspended.

Offences and Maximum Penalties

1. A Notice to Appear at a disciplinary hearing must contain a description of the charge as contained in the table below.
2. A conviction will lapse after two (2) calendar cricket seasons for the purposes of determining a first, second, third or subsequent offender.
3. The Disciplinary tribunal is not permitted to exceed the maximum penalty permissible for a first, second or third offender as contained in the table below.

Wks = Weeks

No	Offence	1 st	2 nd	3 rd
1.	Verbal abuse any language	6 wks	12 wks	18 wks
2.	Physical assault	52 wks	Life	
3.	Threat of assault	6 wks	12 wks	18 wks
4.	Incitement of any person to physically assault	6 wks	12 wks	18 wks



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5.	Use of crude or abusive hand signals or gestures	6 wks	12 wks	18 wks
6.	Incitement of any person to verbally abuse	6 wks	12 wks	18 wks
7.	Engaging in public acts of misconduct or unruly public behaviour whilst representing Benoni Northern's Cricket Club	6 wks	12 wks	18 wks
8.	Uttering of any racial remark or a remark that could be interpreted as racial in a nature on or off the field of play in any language	8 wks	16 wks	24 wks
9.	Incitement of any person to utter a racial remark	8 wks	16 wks	24 wks
10.	Consuming of alcoholic beverages on the field of play whilst umpiring or playing	3 wks	6 wks	18 wks
11.	Consuming of alcoholic beverages off the Field of play whilst the match is still in progress by any player involved in the Match	3 wks	6 wks	18 wks
12.	Consuming of alcoholic beverages not purchased from the home Club. Or Consuming of alcoholic beverages at a Club where the consumption of such beverages is prohibited	3 wks	6 wks	18 wks
13.	The partaking of any physical sporting activity, for the scheduled duration of the Club match, after having withdrawn from such a match through injury	3 wks	6 wks	9 wks
14.	Withdrawal from a Club match, without valid reason, after having confirmed participation	3 wks	6 wks	9 wks
15.	Playing in a cricket match after having withdrawn from a representative match, for unacceptable reason	3 wks	6 wks	9 wks
16.	A captain of a team causing the abandonment of a match by refusing to continue play	6 wks	12 wks	18 wks
17.	Causing an unnecessary holding of a Disciplinary hearing which could be prevented if the party involved had known The playing regulations or the laws of Cricket	3 wks	6 wks	9 wks
18.	Giving false information at a disciplinary hearing	3 wks	6 wks	9 wks
19.	Abuse of cricket equipment on or off the field of play. Cricket equipment must be deemed personal or opposition equipment. Equipment need not to be damaged by such abuse	6 wks	12 wks	18 wks
20.	Theft of Benoni Northern's Club, Benoni Northern's Cricket Club, ECU or affiliates property	52	Life	
21.	Theft of property belonging to opposition Club or member	52	Life	



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22.	Vandalizing of Benoni Northern's Cricket Club, Benoni Northern's Club or ECU Property	52	Life	
23.	Vandalizing property belonging to opposition Clubs or members	52	Life	
24.	Sexual harassment of any nature whilst Representing Benoni Northern's Cricket Club	52	Life	
25.	Failure to leave a meeting when requested to do so by the chairman of the meeting	3 wks	6 wks	9 wks
26.	A captain of a team who fails to control his players after having been requested to do so by an officially appointed umpire and a player is reported	6 wks	12 wks	18 wks
27.	Persons criticizing the Benoni Northern's Cricket Club, Benoni Northern's Cricket Committee, the ECU, their policies or its Directors or executives outside of the correct forums	6 wks	12 wks	18 wks
28.	Persons disputing an official umpires Decision or acting in a disapproving manner Either towards an umpire, his decision or generally	6 wks	12 wks	18 wks
29.	A person bringing the game of cricket, Benoni Northern's Club or the ECU into disrepute by way of his actions or statements	6 wks	12 wks	18 wks
30.	A player wearing any provincial clothing of any province in any Club fixture	3 wks	6 wks	9 wks
31.	A player making or receiving a telephone call on a mobile telephone on the field Whilst the match is in progress	6 wks	12 wks	18 wks
32.	Any person who fails to serve out any action imposed by the disciplinary Committee or appeals board	6 wks	12 wks	18 wks
33.	Any person failing to report for a match on specified date and time	2 wks	4 wks	8 wks
34.	Captain calls upon a player to play a game that has not been sanctioned by the selection committee	2 wks	4 wks	8 wks
35.	Players arriving for practice in incorrect attire. Correct attire will be white cricket shirts and dark shorts or longs.		2 wks	4 wks
36.	Unlawful entry to the cricket facilities while locked	2 wks	4 wks	8 wks
37.	Tear of cricket pitches wearing spikes when not authorised to be on the pitch	2 wks	4 wks	8 wks
38.	Wearing spiked shoes in the training nets on the carpet	R250	R500	



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The disciplinary committee may at its own discretion expel a member, should they believe that the member's actions and general behaviour are against the principles and ethos of Benoni Northerns Cricket Club which behaviour must be supported by a history and pattern of disciplinary offences of which the member have previously been found guilty of irrespective thereof that the previous convictions have occurred more than 2 (two) calendar cricket seasons ago or more than 2 (two) calendar cricket seasons between the commission of offences.

Part B - Reporting Procedure

1. The prescribed Incident Report form available for download on the BNCC website must be used for lodging a complaint.
2. Eligibility to lodge a report.
 - 2.1. Any of the persons enumerated in paragraph (ii) above may lodge a complaint in terms of this Code provided that they are in good standing with BNCC.
 - 2.2. The following persons who are not enumerated in paragraph (ii) above may also lodge a complaint in terms of this Code:
 - 2.2.1. An official umpire officiating in a match involving BNCC.
 - 2.2.2. An ECU director and/or ECU executive member.
 - 2.2.3. A registered ECU member, player or official from an opposing cricket club.
 - 2.2.4. Any executive member of the Benoni Northerns Sports Club ("BNSC")
 - 2.2.5. Any member, player, parent, guardian or person in loco parentis of a player or member of BNSC provided that the chairman of the relevant section counter signs the complainant form.
 - 2.2.6. The club manager of BNSC.
 - 2.2.7. Any party with a legitimate and vested interest in the outcome of the matter.

Notwithstanding the eligibility to lodge a report, the Chairman of the Disciplinary Committee may order the investigation of any matter of a disciplinary nature which he deems fit to be within the best interests of BNCC.

3. The written complaint must be submitted to the dedicated email address discipline@bncricket.co.za within forty-eight (48) hours of the incident.
4. The Disciplinary Committee Chairman may condone the non-compliance with the forty-eight 48-hour rule upon good cause shown by the complainant.
5. In instances where the Disciplinary Committee chairman is of the opinion that the complaint, on face value, evidences a breach of the Disciplinary Code and/or Code of Honour, he may refer the complainant to the club captain or other appropriate official for the drafting of a charge and initiating of the complaint.
6. The disciplinary committee may at the instance of the Disciplinary Committee Chairman dispense with a formal disciplinary hearing with the aim of expediting the matter in the following circumstances:
 - 6.1. The offence is less serious.
 - 6.2. The offender has been notified of the complaint and has given a written indication that he intends to plead guilty to the charge.



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- 6.3. The offender has in writing accepted a written offer of a sanction suggested by the Disciplinary Committee Chairman in consultation with the relevant Club Chairman for the junior or senior section.
- 6.4. A description of the charge and sanction must be reduced to writing, kept on file by the Disciplinary Committee Chairman and promulgated to the BNCC cricket committee.
- 6.5. In instances where it is required that a formal disciplinary hearing be held, the club captain or other designated official appointed by the Disciplinary Committee Chairman must cause a notice to be sent to the alleged perpetrator containing details of the charge, date, time and venue of the disciplinary hearing.
- 6.6. This notice must be sent to the email address, which was used in registering as a player or member of BNCC.

Part C - Disciplinary hearing procedure

1. Disciplinary Tribunal

- 1.1. The Chairman of the Disciplinary Committee must appoint a disciplinary tribunal to preside over a disciplinary hearing.
- 1.2. The Chairman of the Disciplinary Committee has the discretion to select and co-opt any person to sit on the adjudicating tribunal whether or not such person is a member of BNCC provided that the person adds value to proceedings based on his expertise in disciplinary matters or any matter which forms the subject of the complaint.
- 1.3. The disciplinary tribunal must consist of a minimum of three (3) persons and a maximum of five (5) persons. One (1) of the members must act as Chairman and 1 (one) as secretary.
- 1.4. The proceedings must be recorded by an audio and/or visual device provided that the minutes of the secretary of the tribunal shall form the official record of the hearing.

2. The Hearing

- 2.1. All parties must be introduced to each other.
- 2.2. The tribunal is empowered to appoint an initiator who will act as evidence leader in advancing the case against the defendant.
- 2.3. The defendant must be informed of the charge, complaint or dispute, which initiated the hearing.
- 2.4. If the defendant is not present at the appointed date and time, the hearing must proceed in their absence unless the defendant has duly informed the disciplinary committee chairman of an acceptable reason for his absence in which event the hearing will be postponed for no longer than 3 working days or longer upon good cause shown at the discretion of the disciplinary tribunal.
- 2.5. Witnesses must be requested to leave the room.
- 2.6. The defendant must be allowed one (1) person to represent him at the hearing. Such a person must be a member of BNCC. The defendant will be asked to plead.
- 2.7. In the event that the defendant pleads guilty, it must not be necessary to call witnesses to testify about the merits of the charge unless the defendant or tribunal intends calling witnesses in mitigation or aggravation of the sanction.



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- 2.8. In the event that the defendant pleads not guilty, it must be necessary to call witnesses to testify concerning the merits of the charge. Should a key witness not be present at the time required for him to testify, the hearing may be postponed for no longer than 3 (three) calendar days at the behest of the chairman of the tribunal. The initiator or disciplinary committee members must question the witnesses.
- 2.9. The defendant and/or his representative must be allowed to cross examine witnesses.
- 2.10. Where the defendant is a minor, the minor's representative and/or the parent, guardian or person in loco parents will be allowed to participate in proceedings by also asking questions and advancing argument when called upon to do so by the tribunal.
- 2.11. The defendant may request witnesses to testify on his behalf. However, should a key witness not be present at the time required for him to testify, the hearing may be postponed for no longer than 3 (three) calendar days at the behest of the chairman of the tribunal.
- 2.12. The disciplinary committee or the defendant may recall witnesses to give further testimony to clear up uncertainties.
- 2.13. Once all witnesses have delivered their testimony, the defendant and initiator must have an opportunity to address the committee on the merits of the evidence.
- 2.14. The hearing may be adjourned to a later date or parties may be required to remain in attendance awaiting the findings of the tribunal.

3. Deliberations

- 3.1. The disciplinary tribunal must then consider all the evidence and reach a verdict.
- 3.2. The disciplinary tribunal must endeavour to reach a consensus as to the verdict in the case.
- 3.3. Should the disciplinary tribunal fail to reach a consensus, a majority verdict must be accepted and the minutes of the hearing must clearly state that consensus was not reached.

4. Findings

- 4.1. The defendant must be informed as to the findings of the disciplinary committee.
- 4.2. If the defendant is found guilty, he or she may present evidence in mitigation of sanction.
- 4.3. The initiator may present evidence in aggravation of sanction.
- 4.4. The defendant and initiator may be required to address the tribunal on their submissions of a suitable sanction.
- 4.5. The findings must clearly state the terms, duration of the sanction and the commencement and termination dates thereof.
- 4.6. If the defendant is found guilty and a fine is imposed, the findings must clearly state the due date for such a fine to be paid.
- 4.7. If the sanction is suspended, the suspension must be accompanied by the duration of the suspension and the terms on which the sanction remains suspended, failing which the suspended sentence may be put into operation.
- 4.8. The findings and sanction imposed must be kept on file with the Disciplinary Committee Chairman.



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Part D - Appeals procedure

1. Right to appeal

- 1.1. Any offender has the right to appeal against the finding and/or sanction of the Disciplinary tribunal within seven (7) days.
- 1.2. The appeal must be lodged with the BNCC Appeals Board on the prescribed Appeal Form available on the BNCC website and emailed to discipline@bncricket.co.za.
- 1.3. The Disciplinary Committee Chairman may condone the non-compliance with late lodgement of the Appeal on good cause shown by the appellant.
- 1.4. The operation of the decision being appealed against must be suspended pending the outcome of the appeal.

2. Requirements of an Appeal

- 2.1. The appeal must set out fully the grounds of the appeal in detail.
- 2.2. The appeal must not be withdrawn except by leave of the Benoni Northern's Cricket Club Committee or the appeals board.
- 2.3. All appeals must be heard as soon as practical and if possible within fourteen (14) days of the lodging of the appeal.

3. Appeals Board

- 3.1. The appeals board must consist of five (5) persons and must be appointed by Benoni Northern's Cricket Club committee and may include committee members (except the chairman)
- 3.2. Members of the disciplinary committee are excluded from being members of the appeals board. Further the members hearing the appeal must exclude any members of the Club or any person Affected by the appeal.
- 3.3. At an appeals board hearing a minimum of three (3) persons must hear the appeal.
- 3.4. One (1) of the members in 3.1 above must act as chairman and another must act as secretary.

4. The Appeals Hearing

- 4.1. The appeal must not be conducted as a re-hearing of the case. Fresh evidence must not be permitted except at the sole discretion of the Appeals Board.
- 4.2. The appeals board may consider the matter purely on the documentation submitted, or may allow oral presentation in support of the documentation.
- 4.3. The appeals board must have the power to adjourn the hearing wholly or in part, and having considered the contentions of the parties, must make one of the following decisions:
 - 4.3.1. To allow or dismiss the appeal.
 - 4.3.2. To alter the decision being appealed against.
 - 4.3.3. To reduce, increase or leave unaltered the penalty.

5. Findings

- 5.1. The appellant must be informed, in writing, as to the findings of the appeals board.



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- 5.2. The findings of the appeals board must constitute the final appeal and the decision of the appeals board will be final and binding on all parties.

Part E - Juniors, Colts and Minors

These provisions relate to persons who were minors at the time of the alleged commission of an offence.

1. The Coach's Prerogative on Discipline

- 1.1. The team coach of any player under eighteen (18) years of age will have the sole prerogative to send the player off the field of play or practise during official league play, practise matches or official club practise should the coach be of the opinion that the player's conduct breaches the Code of Honour or Disciplinary Code in the event that the incident happened at or near the field of play of practise.
- 1.2. The duration for which the player stays off the field of play or practise will be determined by the coach, which discretion should be exercised with caution and within reason.
- 1.3. In the event that the coach detects a pattern of recurring behaviour, the matter must be escalated to the Disciplinary Committee in line with the reporting procedure contained in Part B of this Code.
- 1.4. In circumstances where a single incident of misbehaviour is deemed serious enough to warrant the attention of the Disciplinary Committee, any of the parties described in Part B paragraph 2 may lodge a complaint in the prescribed manner.

2. Powers of the Disciplinary Committee

- 2.1. The Disciplinary Committee Chairman in consultation with the Junior and Senior Club Chairman may elect to implement either one of the following measures aimed at corrective action as a result of the alleged breach of the Code of Honour or Disciplinary Code:
 - 2.1.1. Direct that the Junior Club Captain or any other designated official mediate the matter; or
 - 2.1.2. Direct that a formal Disciplinary Hearing be convened.
- 2.2. In the event that a mediation fails, the Disciplinary Committee Chairman may order that a formal disciplinary tribunal be convened to conduct a hearing.
- 2.3. The Disciplinary Committee must at all times endeavour to avoid subjecting a minor to the rigours of a formal disciplinary hearing, particularly, the club's under eight (8) year old and under ten (10) year old players, however, the Disciplinary Committee may order the convening of a disciplinary hearing where the allegation is sufficiently serious to justify the holding of same.

3. Mediation

- 3.1. A Notice to attend the mediation must be emailed to the parties concerned by the mediator stating the date, time, venue and issue/s to be discussed.
- 3.2. The email address used to register the minor on the BNCC website will be sufficient for the above purpose.
- 3.3. A parent, guardian or any person *in loco parentis* must be present at the mediation.
- 3.4. The mediator must allow all parties to be heard, aim to achieve a mutual understanding of the issues of concern and work towards a common solution.



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- 3.5. The mediator is empowered to:
 - 3.5.1. Make no finding as to the blameworthiness of either party, particularly, in circumstances where no misconduct has been shown.
 - 3.5.2. Find that a particular party or parties are blameworthy and make one or more of the following directives:
 - 3.5.2.1. That the offender issues a verbal or written apology to the aggrieved party on or before a certain date.
 - 3.5.2.2. That the offender and by implication, the parent, guardian or a person in loco parentis, makes financial restitution to the aggrieved party where the offender has caused deliberate damage or loss to the aggrieved party in his property.
 - 3.5.2.3. That the offender makes restitution of a specified object to the aggrieved party where the object concerned can be returned or restored.
 - 3.5.2.4. That the offender is required to associate with persons or peers who can contribute to the child's positive behaviour during matches and/or official practices consistent with 'a peer association order'.
 - 3.5.2.5. That the offender be placed under the guidance and supervision guidance of an appropriate mentor or peer during matches and/or official practices in order to monitor and guide the child's behaviour in accordance with 'a supervision and guidance order'.
 - 3.5.3. The mediator must report his findings to the Disciplinary Committee Chairman, Junior and Senior Club Chairman.
 - 3.5.4. The mediator may refer the matter to the Disciplinary Committee Chairman for consideration of convening a disciplinary tribunal where mediation fails or where the offender fails to comply with the terms of any directive issued by the mediator.

4. Disciplinary Hearing

- 4.1. The provisions relating to the holding of disciplinary hearings contained in Part C and D will apply.
- 4.2. A parent, guardian or any person *in loco parentis* must be present at the hearing.
- 4.3. The disciplinary tribunal is empowered to impose any sanction, which complies with the mandatory policy considerations and approach to sanction as contained in Part A and B.
- 4.4. The Disciplinary Committee may consider the imposition of the directives contained in paragraph 3.5.2 above.
- 4.5. In the event where the disciplinary tribunal considers that the only appropriate sanction is one of suspending the offender from playing cricket, the tribunal must consider this as a measure of last resort and a suspension from play for the shortest period possible.

By Order of the Disciplinary Committee as voted in at the Annual General Meeting of BNCC held on Wednesday 29 May 2019.