

ANTI-CORRUPTION CODE FOR PARTICIPANTS

PROCEDURAL RULES OF SRI LANKA CRICKET (Effective from 1st of June 2024)

Introduction

In circumstances where Sri Lanka Cricket (“SLC”) is the *Prosecuting Authority* under the ICC’s *Anti-Corruption Code* for Participants (the “Code”), this document sets out the procedural rules that will apply and will be followed by the SLC when carrying out its role under the Code. References to Code Articles are to Articles of the Code (unless otherwise stated) and words in italicized text shall have the meaning ascribed to them in Appendix 1 of the Code.

Procedural Rules

(a) Investigations and Notices of Charge

1. For the purposes of Code Article 4.6, in its role as the *Prosecuting Authority* SLC’s decision on whether a *Participant* has a case to answer and thus should receive a *Notice of Charge* will be exercised by SLC’s Chief Executive Officer (or his/her designee), having consulted in accordance with relevant SLC policy.
2. For the purposes of Code Article 4.7.1, SLC’s decision on whether or not to impose a *Provisional Suspension* on a *Participant* will be exercised by the SLC’s Executive Committee, having consulted in accordance with relevant SLC policy.
3. For the purposes of Code Articles 4.7.2 and 4.7.3, any application by a *Participant* to lift their *Provisional Suspension* will be heard and determined by SLC’s Anti-Corruption Tribunal or other nominee/s of SLC’s Executive Committee.
4. For the purposes of Code Articles 4.8.1, the responsibility for determining whether a *Participant’s* deadline for responding to the *Notice of Charge* can be extended lies with SLC’s Chief Executive Officer (or his/her designee).
5. For the purposes of Code Article 5, the disciplinary process for hearings falling within the jurisdiction of SLC as *Prosecuting Authority* is as set out below:

(b) The Disciplinary Procedure

5.1. Hearings under the *Anti-Corruption Code*

- 5.1.1. Where SLC alleges that a *Participant* has committed an offence under the *Anti-Corruption Code*, and the *Participant* submits the response required under Article 4.6.6 by the specified deadline, disputing the charge and/or the sanctions to be imposed for such offence under the *Anti-Corruption Code*, the matter shall be referred to SLC’s Anti-Corruption Tribunal. SLC’s Anti-Corruption Tribunal constitutes the Adjudicatory Body for the purposes of the Code.
- 5.1.2. SLC’s Anti-Corruption Tribunal shall be constituted of one or more persons who are either members of SLC’s Disciplinary Committee appointed in terms of SLC’s Constitution (“SLC’s Disciplinary Committee”) or other person/s as may be appointed by SLC’s Executive Committee for such purpose. The Chairman of SLC’s Anti-Corruption Tribunal shall be appointed by a majority decision of the

members of the Tribunal. For avoidance of doubt, where SLC's Anti-Corruption Tribunal consists of a sole adjudicator, such person shall be considered the Chairman of SLC's Anti-Corruption Tribunal for the purposes of the Code and these Procedural Rules of SLC. The appointed members of SLC's Anti-Corruption Tribunal shall be independent of the parties (including SLC) and shall have no prior involvement with the case. SLC may provide reasonable compensation and reimbursement of expenses to such members.

- 5.1.3. The Chairman of SLC's Anti-Corruption Tribunal shall convene a preliminary hearing with SLC and its legal representatives (if any), together with the *Participant* and his/her legal representatives (if any). The preliminary hearing should take place as soon as possible by telephone conference call unless the Chairman of SLC's Anti-Corruption Tribunal determines otherwise. The non-participation of the *Participant* or his/her representative at the preliminary hearing, after proper notice of the preliminary hearing has been provided, shall not prevent the Chairman of SLC's Anti-Corruption Tribunal from proceeding with the preliminary hearing, whether or not any written submissions are made on behalf of the *Participant*.
- 5.1.4. The purpose of the preliminary hearing shall be to allow the Chairman of SLC's Anti-Corruption Tribunal to address any issues that need to be resolved prior to the hearing date. In particular (but without limitation), the Chairman of SLC's Anti-Corruption Tribunal shall:
 - 5.1.4.1. determine the date(s) upon which the full hearing shall be held. Save where the Chairman of SLC's Anti-Corruption Tribunal in his discretion orders otherwise, the full hearing should ordinarily take place no more than forty (40) days after the date of the preliminary hearing;
 - 5.1.4.2. establish dates reasonably in advance of the date of the full hearing by which:
 - (a) SLC on its own motion or through an appointed prosecutor, shall submit an opening brief with argument on all issues that SLC wishes to raise at the hearing and a written statement from each witness that SLC intends to call at the hearing, setting out his/her direct evidence, and enclosing copies of the documents that the SLC intends to rely on at the hearing;
 - (b) the *Participant* shall submit an answering brief, addressing the SLC's arguments and setting out argument on the issues that he/she wishes to raise at the hearing, as well as a written statement from each witness that he/she intends to call at the hearing, setting out that witness's direct evidence, and enclosing copies of the documents that he/she intends to rely on at the hearing; and
 - (c) SLC may (at its discretion) submit a reply brief, responding to the answer brief of the *Participant* and providing a witness statement from each rebuttal witness that SLC intends to call at the hearing, setting out his/her direct evidence, and enclosing copies of any further documents that SLC intends to rely on at the hearing; and
 - 5.1.4.3. order such consolidation with other case(s) as the Chairman of the SLC's Anti-Corruption Tribunal shall deem appropriate. For example, where two

or more *Participants* are alleged to have committed offences under the *Anti-Corruption Code*, they may both be dealt with at the same hearing where the proceedings arise out of the same incident or set of facts, or where there is a clear link between separate incidents; and

- 5.1.4.4. make such order as the Chairman of SLC's Anti-Corruption Tribunal shall deem appropriate (subject to any principles of applicable national law) in relation to the production of relevant documents and/or other materials between the parties.
- 5.1.5. The *Participant* shall be required to raise at the preliminary hearing any legitimate objection that he/she may have to any of the members of SLC's Anti-Corruption Tribunal convened to hear his/her case. Any unjustified delay in raising any such objection shall constitute a waiver of the objection. If any objection is made, the Chairman of SLC's Anti-Corruption Tribunal shall rule on its legitimacy (or, if the objection relates to the Chairman of the SLC's Anti-Corruption Tribunal, the Chairman of SLC's Disciplinary Committee and or Executive Committee of SLC shall rule on its legitimacy).
- 5.1.6. If, because of a legitimate objection or for any other reason, a member of SLC's Anti-Corruption Tribunal is, or becomes, unwilling or unable to hear the case, then the Chairman of SLC's Anti-Corruption Tribunal may, at his/her absolute discretion and with notice to the Executive Committee of SLC: (a) appoint a replacement member of SLC's Anti-Corruption Tribunal who shall either be from SLC's Disciplinary Committee or such other person nominated by SLC's Executive Committee; or (b) authorise the remaining member/s to hear the case on their own.
- 5.1.7. Subject to the discretion of the Chairman of SLC's Anti-Corruption Tribunal to order otherwise for good cause shown by either party (for example, and notwithstanding clause 5.1.8, where, having due regard to the seriousness of the alleged offence, the costs of attending any hearing are disproportionate to the *Participant's* means and therefore prohibit him/her from having a fair opportunity to present his/her case), or unless otherwise agreed between the parties, hearings before SLC's Anti-Corruption Tribunal shall (a) take place at the SLC's head office in Colombo, Sri Lanka; and (b) be conducted on a confidential basis.
- 5.1.8. Both SLC and the *Participant* shall have the right to be present and to be heard at the hearing and (at his/her or its own expense) to be represented at the hearing by legal counsel of his/her or its own choosing. Where there is compelling justification for the non-attendance by any party or representative at the hearing, then such party or representative shall be given the opportunity to participate in the hearing by telephone or video conference (if available).
- 5.1.9. Without prejudice to Code Article 3.2.2, the *Participant* may choose not to appear in person at the hearing, but instead may provide a written submission for consideration by SLC's Anti-Corruption Tribunal, in which case the SLC's Anti-Corruption Tribunal shall consider the submission in its deliberations. However, the non-attendance of the *Participant* or his/her representative at the hearing, without compelling justification, after proper notice of the hearing has been provided, shall not prevent the SLC's Anti-Corruption Tribunal from proceeding

with the hearing in his/her absence, whether or not any written submissions are made on his/her behalf.

- 5.1.10. The procedure to be followed at the hearing (including whether to convene a hearing or, alternatively, to determine the matter (or any part thereof) by way of written submissions alone) shall be at the discretion of the Chairman of SLC's Anti-Corruption Tribunal provided that the hearing is conducted in a manner that affords the *Participant* a fair and reasonable opportunity to present evidence (including the right to call and to question witnesses by telephone or video-conference where necessary), address the SLC's Anti-Corruption Tribunal, and present his/her case.
- 5.1.11. Save where the Chairman of SLC's Anti-Corruption Tribunal orders otherwise for good cause shown by either party, the hearing shall be in English, evidence shall be given in English (with the cost of any necessary translation borne by the party offering the evidence subject to any cost-shifting order that SLC's Anti-Corruption Tribunal may make further to Article 5.2.4), and certified English translations shall be submitted of any non-English documents put before SLC's Anti-Corruption Tribunal (with the cost of the translation borne by the party offering the documents subject to any cost-shifting order that SLC's Anti-Corruption Tribunal may make further to Article 5.2.4). If required by the Chairman of SLC's Anti-Corruption Tribunal, SLC shall make arrangements to have the hearing recorded or transcribed (save for the private deliberations of SLC's Anti-Corruption Tribunal). The costs of such transcription shall be paid by SLC, subject to any costs-shifting order that SLC's Anti-Corruption Tribunal may make further to Article 5.2.4.
- 5.1.12. Notwithstanding any of the other provisions of this *Anti-Corruption Code*, at any time during the proceedings it shall be open to a *Participant* charged with breach(es) of the *Anti-Corruption Code* to admit the breach(es) charged, whether or not in exchange for an agreement with the SLC on the appropriate sanction to be imposed upon him/her in order to avoid the need for a hearing before SLC's Anti-Corruption Tribunal. Any such discussions between the SLC and the *Participant* shall take place on a "without prejudice" basis and in such a manner that they shall not delay or in any other way interfere with the proceedings. Any resulting agreement shall be evidenced in writing, signed by both the SLC's Chief Executive Officer and the *Participant*, and shall set out the sanction imposed on the *Participant* for his/her breach of the *Anti-Corruption Code* (the "**Agreed Sanction**"). In determining the Agreed Sanction SLC will have due regard to the range of sanctions set out in Article 6.2 for the offence(s) in question, but it shall not be bound to impose a sanction within that range where it reasonably considers (at its absolute discretion) that there is good reason to depart therefrom. Upon receipt of notice of the Agreed Sanction, SLC's Anti-Corruption Tribunal shall discontinue the proceedings on the terms thereof without the need for any further hearing. Instead SLC's Chief Executive Officer (or equivalent) shall promptly issue a public decision confirming the *Participant's* admission of the offence(s) charged and the imposition of the Agreed Sanction. Before issuing that public decision, SLC's Chief Executive Officer will provide notice of it to the *ICC* and, where applicable, to the *National Cricket Federation* to which the *Participant* is affiliated.

5.2. Decisions of SLC's Anti-Corruption Tribunal

- 5.2.1. SLC's Anti-Corruption Tribunal shall announce its decision in writing, with reasons, as soon as possible after, and, in any event, within thirty (30) days of, the conclusion of the hearing. That written decision will set out and explain:
 - 5.2.1.1. with reasons, SLC's Anti-Corruption Tribunal's findings as to whether any offence(s) under the *Anti-Corruption Code* has/have been committed;
 - 5.2.1.2. with reasons, SLC's Anti-Corruption Tribunal's findings as to what sanctions, if any, are to be imposed (including any fine and/or period of *Ineligibility*);
 - 5.2.1.3. with reasons, the date that such period of *Ineligibility* shall commence pursuant to Code Article 6.4; and
 - 5.2.1.4. the rights of appeal described in Code Article 7.
- 5.2.2. SLC will provide *ICC* and where applicable, the *National Cricket Federation* to which the *Participant* is affiliated, with a full written copy of the findings and decisions of SLC's Anti-Corruption Tribunal (including any sanctions imposed by SLC's Anti-Corruption Tribunal) at the same time as such decision is provided to the *Participant* and prior to publicly announcing such decision.
- 5.2.3. SLC's Anti-Corruption Tribunal shall have discretion to announce the substance of its decision to the parties (and the *ICC*) prior to the issue of the written reasoned decision referred to in Article 5.2.1 in cases where a *Provisional Suspension* has been imposed or where it otherwise deems appropriate. For the avoidance of doubt, however: (a) SLC's Anti-Corruption Tribunal shall still be required to issue a written, reasoned decision in accordance with Article 5.2.1; and (b) the time to appeal pursuant to Code Article 7 shall not run until receipt of that written, reasoned decision. Notice of such decision will be provided by SLC to the *ICC* and where applicable, the *National Cricket Federation* to which the *Participant* is affiliated, without unnecessary delay following its announcement.
- 5.2.4. SLC's Anti-Corruption Tribunal has the power to make a costs order against any party to the hearing in respect of the costs of convening SLC's Anti-Corruption Tribunal and of staging the hearing and/or in respect of the costs (legal, expert, travel, accommodation, translation or otherwise) incurred by the parties in relation to the proceedings where it deems fit (for example, but without limitation, where it considers that such party has acted spuriously, frivolously or otherwise in bad faith). If it does not exercise that power, SLC shall pay the costs of convening SLC's Anti-Corruption Tribunal and of staging the hearing, and each party shall bear its own costs (legal, expert, travel, accommodation, translation or otherwise).
- 5.2.5. Subject only to the rights of appeal under Code Article 7, SLC's Anti-Corruption Tribunal's decision shall be the full, final and complete disposition of the matter and will be binding on all parties.

(c) Appeals

6. For the purposes of Code Article 7, the *Appeals Body* in cases where SLC is the *Prosecuting Authority* shall be the Appellate body appointed by the Executive Committee of SLC for such purpose which shall comprise of independent individuals (“SLC’s Appellate Body”).
7. In all appeals to SLC’s Appellate Body pursuant to Code Article 7:
 - 7.1. SLC’s Appellate Body shall conduct proceedings in accordance with Rules of Natural Justice .
 - 7.2. Where required in order to do justice (for example to cure procedural errors at the first instance hearing), the appeal shall take the form of a re-hearing *de novo* of the issues raised by the case. In all other cases, the appeal shall not take the form of a *de novo* hearing but instead shall be limited to a consideration of whether the decision being appealed was erroneous.
 - 7.3. The governing law shall be Sri Lankan Law and the appeal shall be conducted in English, unless the parties agree otherwise.
 - 7.4. The decision of SLC’s Appellate Body on the appeal shall be final and binding on all parties, and no right of appeal shall lie from SLC’s Appellate Body’s decision.

(d) General

8. SLC’s *Designated Anti-Corruption Official* shall at all times render his/her fullest cooperation and assistance to SLC, SLC’s Anti-Corruption Tribunal and SLC’s Appellate Body, in respect of disciplinary proceedings carried out under the *Anti-Corruption Code* and these Procedural Rules of Sri Lanka Cricket.
9. SLC shall be entitled to revise these Procedural Rules at any time by publishing such revised Procedural Rules on SLC’s Official Website, in which event such revised Procedural Rules shall prevail and govern the matters contained therein.
10. For avoidance of doubt, these Procedural Rules shall apply without prejudice to any applicable laws in Sri Lanka pertaining to matters governed by the *Anti-Corruption Code* and these Procedural Rules of SLC, including but not limited to the Sports Law No. 25 of 1973 (as amended) and Prevention of Offences Relating to Sports Act No. 24 of 2019 (as amended) of Sri Lanka.