

The NoSCA Appeals sub-committee (the 'Panel') was convened to consider an appeal by Liam Ferguson (Huntly CC) to a decision made by the NoSCA Disciplinary Committee. The decision followed an initial complaint received by Chris Blake (Ross County CC) which occurred during a NoSCA Senior League match at Castle Park Huntly on 16th June 2018.

Having considered all the available evidence submitted to us, a report of our findings follows.

1. WAS THE INITIAL COMPLAINT COMPETENT?

Clause 7.3 of the [NoSCA Constitution](#) states that an '*incident may be raised by a Club or umpire(s) involved in the match in question*'. The complaint was received from Chris Blake and supported by Ross County Cricket Club. It was received within the time constraint laid down in Clause 7.3.

The original complaint was Competent.

2. WAS THE DISCIPLINARY COMMITTEE PROCESS HANDLED CORRECTLY?

The Disciplinary Committee comprised Mike Fox (Chair), Nigel Gerrard and Allan Duncan (co-opted members). Mike Fox took the Chair as the usual Chair, Chris Blake, was the Complainant. The process followed was in accordance with Section 7 of the NoSCA Constitution and as per previous NoSCA disciplinary cases.

3. WHAT IS THE BASIS OF MR FERGUSON'S APPEAL?

The appeal was forwarded by email and consisted of one email from Liam Ferguson and one from both Liam and his mother, Diane Ferguson. The Panel is unclear as to the exact grounds for appeal lodged by Liam Ferguson in his email. It has been taken as a general appeal.

'I am being accused of shouting abuse at Chris Blake which is not the case. I have a witness that yes I was on the veranda but can assure you I did not shout any abuse towards him'

The main thrust of the appeal appears to be centred around the volume of the comment Liam Ferguson (LF) made regarding Chris Blake (CB). Jim Lodge (Huntly CC Secretary) (JL) has stated that he was in conversation with LF on the Huntly pavilion veranda. LF said to JL that '*Chris Blake is a wank*' but that LF had not shouted it, however it is clear that the volume was sufficient for it to be heard by CB some 12-15 yards away.

LF does not refer to the comment in his appeal only that he did not 'shout' anything. That the comment was made is confirmed by JL and it was considered sufficiently serious for Huntly CC to commence their disciplinary process. Huntly CC confirms that they gave LF a three month ban from the Club. Following disciplinary action against LF, Huntly CC sent an email to Jerry Bishop and Mike Fox stating that '***Huntly CC would like to extend a full apology to CB and Ross County CC for any distress caused and will make every effort to ensure that such an incident is not repeated***'.

In summary the comment was made by LF and witnessed by JL and was sufficiently loud enough to be heard by CB. It would appear to be correct that the comment was not shouted but was nevertheless made. **In this matter the appeal is refused.**

LF states in his appeal '***I would like to make you aware that there was a previous incident at the 2015 Awards Dinner where Chris Blake verbally attacked me for no reason and was witnessed by other members at the table***'. This appears to be an attempt at mitigation by LF for his comment about CB. LF states that he feels that CB has a personal vendetta against him. That this alleged incident occurred nearly three years ago and that no complaint was

received by NoSCA about it, suggests that LF has not been able to let the alleged incident go and move on from it. This is more an attempt at justifying his comment rather than being grounds for appealing the disciplinary action taken. **In this matter the appeal is refused.**

4. THE CHARGE

The following charge was outlined to Mr Ferguson via a letter on 7th July 2018

Charge 1 – ‘Using language or gesture(s) that is seriously obscene, seriously offensive or of a seriously insulting nature to another player, umpire, referee, team official or spectator’ This is a breach of the Cricket Scotland Code of Conduct 2018. The offence is at Level 2

During play an audible shout of “Chris Blake is a wank” was shouted at me whilst I was fielding, by a non-playing member of Huntly CC thought to be Liam Ferguson.

5. PANEL FINDINGS

In reaching these findings, the Panel considered all the evidence available.

Charge 1 - Charge 1 – ‘Using language or gesture(s) that is seriously obscene, seriously offensive or of a seriously insulting nature to another player, umpire, referee, team official or (CS Code Level 2.5)

The panel finds that Liam Ferguson made the insulting comment about Chris Blake. This was confirmed by Jim Lodge of Huntly CC following that Club holding their own disciplinary investigation. Although there is some disagreement over the volume of the comment and whether it was made directly to Chris Blake it is clear that the comment was made and of sufficient volume to be heard by CB and to cause him serious offence.

Following an earlier complaint to the NoSCA committee during June 2018, LF was found to be in breach of the ‘NoSCA Guidelines of the Use of Internet and Social Media’ This offence resulted in a three week ban. LF was informed at that time that any further offence would automatically be escalated up to a Level 3 offence.

The NoSCA Disciplinary Panel decided that they would mirror the sanction applied by Huntly CC following their disciplinary investigation and decision and applied a ban to 1st October 2018..

Recommendation: It would appear from the various correspondence reviewed by the Appeal Panel that Liam Ferguson was not clear about what was happening regarding both the NoSCA and Huntly CC investigations and disciplinary processes. He did not respond to communications and did not attend all meetings held. It could well be the case that Liam was either confused by the process and that communication could have been better or that he was simply trying to avoid the situation by ignoring it. It would be as well to look at the disciplinary process with the aim of improving communication and understanding between all of the parties involved to ensure everyone involved is clear about what is happening.

In the opinion of the Panel, Mr Ferguson clearly breached the CS Code of Conduct 2018 he is thus guilty of the Level 2.5 charge.

6. WAS THE INITIAL PENALTY APPROPRIATE?

In the opinion of the Panel, the original decision made by the Disciplinary Committee was correct. This is a very serious matter which, were it to go unpunished would undermine the Code of Conduct and the Spirit of Cricket. Any actions which cause serious offence to an individual player, official or spectator cannot be allowed to go unpunished and lead to the real possibility of falling standards of conduct.

The penalty for a Level 2 offence laid out in the Code is '**a ban of not more than 5 weeks**'. However, the Code also states '**that commission of any Level 2 offence within 12 months of any previous offence may, at the discretion of the panel, be regarded, for the purposes of penalty only, as a Level 3 offence**'.

Given that Mr Ferguson has been found guilty of two separate Level 2 offences within the space of a few weeks, the penalty applied could be considered as a Level 3 offence, for which the penalty is '**a ban of not less than 5 weeks and not more than 12 months**'.

The ban applied is at the lower end of the penalty for a Level 3 offence. In the opinion of the Panel this is an appropriate ban which effectively runs to the end of the current season and mirrors that sanction applied by his own Club. We note that Mr Ferguson will have to attend a meeting with Huntly CC after the end of the three month period and prior to being allowed to play cricket for Huntly again.

7. DECISION

Mr Ferguson is banned from participating in all cricket until 1st October 2018.

Under Clause 7.4 of the NoSCA Constitution the decision of the Panel is final, and no further correspondence will be entered into in this matter.

Appeals Panel

Tina Macabhuinn – Vice President, NoSCA
Neil Cameron – NoSCA Junior Liaison Officer (& CS Area Participation Manager)
Colin Lavin- NoSCA Senior Match Secretary (Acting)