

Case 36 – Match Fixing (1)

Key words

Match Fixing; Betting Rules; Betting Patterns; Passing of Information; Life Ban; Balance of Probabilities; Appeal; Sanction; Unfair; Independent; Impartial; Bias; Conflict; Preliminary Issue; Preliminary Hearing; Preliminary Decision

Summary

Player M appealed against the Decision of the World Professional Billiards & Snooker Association (WPBSA) Disciplinary Panel which found him guilty of breaching Rule 2.9 of the WPBSA's rules regarding the passing of information and match fixing, in respect of seven matches. A suspension of 12 years was imposed, and a contribution towards costs of £40,000 was ordered. Sport Resolutions convened an Independent Appeal Hearing Board in accordance with the rules and regulations of the WPBSA. The Appeal Board considered one part of Player M 's appeal separately as a preliminary issue; namely that Player M had not received a fair hearing by an independent tribunal because there had been bias. The Appeal Board found that there was no evidence of bias and the Disciplinary Board had by its conduct or conclusions not misdirected itself or otherwise reached an erroneous conclusion in relation to the sanction imposed upon Player M, and dismissed this part of the appeal.

Background Facts

Player M, a professional snooker player, was charged by the WPBSA with breaching Rule 2.9 of its rules regarding the passing of information and match fixing, in respect of seven matches at the Malta Cup 2008, the UK Championships 2008, the China Open 2009 and the World Championships 2009. The Disciplinary Panel found, on the balance of probabilities, that Player M was guilty of "agreeing

an arrangement... [and of] ...accepting or receiving or offering to receive... payment or... other... benefit... in connection with influencing the outcome or conduct of..." each of the seven matches in breach of Rule 2.9, and imposed upon Player M a suspension of 12 years and a contribution towards costs of £40,000.

Reasoning and Decision of the Tribunal

Player M appealed on five grounds. An Independent Appeal Hearing Board was convened to hear one part of Player M 's appeal as a preliminary issue; namely that he had not received a fair hearing by an independent tribunal because there had been bias. The Disciplinary Panel comprised of a sole arbitrator sitting alone. Player M argued that the Panel was not impartial as there was a link between the Panel Chair and the WPBSA Chairman at the time of Player M 's alleged breaches of the rules. The WPBSA Chairman was the Chairman of a football club that the Panel Chair had acted for in 2013 in his capacity as a barrister.

The Appeal Board found that it had to determine the following issues; i) whether the Panel Chair was biased; and ii) if so, whether Player M knew of the facts that gave rise to it and waived his right to object to the appointment. On the first issue, the Appeal Board found that there was no evidence that the Panel Chair was biased. On the second issue, the Appeal Board found that Player M was aware of the facts on which he based his appeal, namely that the Panel Chair had acted for the football club, and that his solicitors as his legal representatives were also aware of this fact. The Appeal Board therefore dismissed this ground of appeal, and allowed the Appellant to proceed with the balance of his appeal.

Learning points

Where an athlete or player appeals on the basis that there was bias in relation to the first instance decision, (s)he must be able to prove that there was actual bias, and that (s)he was not made aware of this at the time of proceedings. If an athlete is given full details of those nominated for a panel, his agreement will act as a waiver to any future objection, particularly in circumstances where he is legally represented and his lawyers were aware of the same facts.