

Case 37 – Match Fixing (2)

Further Appeal by Player M

Key words

Match Fixing; Betting Rules; Betting Patterns; Passing of Information; Life Ban; Balance of Probabilities; Appeal; Costs; Cross-Appeal; Sanction

Summary

Player M, a professional snooker player, appealed against the Decision of the World Professional Billiards & Snooker Association (WPBSA) Disciplinary Panel which found him guilty of breaching the WPBSA's rules against the passing of information and against match fixing, in respect of seven matches. A suspension of 12 years was imposed upon Player M, 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 found that there was no evidence that the Disciplinary Board had by its conduct or conclusions misdirected itself or otherwise reached an erroneous conclusion in relation to the sanction imposed upon Player M, and dismissed the appeal.

Background Facts

Player M, a professional snooker player was charged by the WPBSA with breaching the association's rules against 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

An Appeal Panel was convened to hear Player M 's appeal. Player M had initially appealed on the basis that he had not received a fair hearing by an independent tribunal because there had been bias. A separate Appeals Panel had considered and rejected this ground. Player M further appealed on the basis that there had been elements of unfairness in the procedure in that; i) police documents relevant to the hearing were not available to him; ii) hearsay evidence was admitted at the first instance hearing without assessment of the appropriate weight to be attached to it; iii) a reverse burden of proof was applied by the Disciplinary Panel; and iv) no transcript or record of the hearing was made. In addition, Player M argued that; i) the 12-year suspension was disproportionate to his misconduct; and ii) the costs order of £40,000 was excessive, unreasonable and disproportionate.

The WPBSA opposed Player M 's appeal. In response to Player M 's grounds of appeal, it argued that it had complied with the normal disclosure obligations of a party in civil proceedings. The WPBSA also argued that the sanction of 12 years imposed by the Disciplinary Panel was insufficient given the damage that Player M 's actions had caused to the sporting integrity of a contest, and the effect on participants, spectators and television audiences. The WPBSA therefore sought the following by way of cross-appeal; i) a life suspension instead of 12 years; ii) an increase to the £40,000 costs order.

The Appeal Panel found that there was no evidence that the Disciplinary Panel had by its conduct or conclusions misdirected itself or otherwise reached an erroneous conclusion in relation to the sanction imposed upon Player M, and dismissed Player M 's appeal and the cross-appeal of the WPBSA in relation to sanction. The Appeal Panel considered the WPBSA's costs schedule and ordered Player M to pay an increased amount of £75,000 towards the costs of the appeal.

Learning points

- If a National Governing Body's disciplinary rules limit the powers of an appeal panel to determining whether the initial decision was flawed, the appeal panel will be limited to consider whether the conduct or conclusions of the disciplinary panel were misdirected, or the conclusions reached erroneous. It will not be able to reconsider the evidence for analysis all over again.

