

**IN THE MATTER OF AN APPEAL UNDER THE WORLD
PROFESSIONAL BILLIARDS & SNOOKER ASSOCIATION LIMITED
DISCIPLINARY RULES**

APPEALS COMMITTEE: NICHOLAS STEWART QC

3 JUNE 2014

BETWEEN:

STEPHEN LEE

Appellant

-and-

**WORLD PROFESSIONAL BILLIARDS & SNOOKER
ASSOCIATION LIMITED**

Respondent

DECISION ON COSTS OF APPEAL AND CROSS-APPEAL

1. This is my decision on costs following an oral hearing before me on Monday 12 May 2014 and my written decision (with reasons) dated 15 May 2014 on the appeal by the Appellant Mr Stephen Lee and the cross-appeal by the Respondent WPBSA.
2. A costs order has already been made on 12 March 2014 in relation to the issue of bias which was the Appellant's first ground of appeal in the Appellant's Notice of Appeal. I am therefore now dealing with the remaining costs of the appeal and the WPBSA cross-appeal.

3. I have a written Respondent's Submission on Costs accompanied by a Statement of Costs, both dated 20 May 2014, and an email dated 23 May 2014 from the Appellant containing his brief submissions on costs.
4. The Appellant has failed completely in his appeal and on the cross-appeal has only succeeded in resisting any increase in the period of suspension. If there were no issue about the Appellant's means to pay, it is clear to me that an order for costs of the appeal should be made against the Appellant in favour of the WPBSA.
5. The Appellant, however, makes the point that as a result of his suspension by the WPBSA since 12 October 2012 he has no money at all and will not be able to meet any order for costs. Realistically, it does appear that even the costs orders already made against him in these proceedings are likely to be well beyond his present means.
6. This Appeals Committee does have a wide discretion over costs. A question for me is whether:
 - (A) the Appellant's apparent lack of means should be reflected in the costs order I make now; or
 - (B) instead I should leave all difficulties about the Appellant's means to pay as something to be dealt with when it comes to the question of enforcement of costs orders by the WPBSA.
7. Course (B) was preferred by the Appeals Tribunal (Mr Edwin Glasgow QC and Mr Peter Stockwell) in making the Decision on Costs and Recusal on 12 March 2014. I also think it the better and more practical course, involving no unfairness to the Appellant whose serious misconduct has been the cause of all these proceedings.
8. The Respondent's costs of the second part of the appeal (i.e. excluding the costs of the bias issue on appeal) are shown in its Costs Schedule at £27,609.78 exclusive of VAT.
9. I take into account that the Appellant successfully resisted the Respondent's cross-appeal seeking a life suspension and that the period of suspension remained at the 12 years ordered by the Independent Disciplinary Hearing Board. That part of the cross-appeal added very little to the material submitted for the appeal or the time taken by the appeal hearing, particularly as the Appellant appealed against the length of the suspension.

10. My order is that in addition to costs orders already made against him the Appellant must pay the Respondent £20,000 towards its costs of this appeal.

11. Section 12.2 of the WPBSA Disciplinary Rules makes those costs payable within 28 days of notification.



Nicholas Stewart QC

Ely Place Chambers

30 Ely Place, London EC1N 6TD

nstewart@elyplace.com

3 June 2014



Sport Resolutions (UK)
1 Salisbury Square
London EC4Y 8AE

T: +44 (0)20 7036 1966
F: +44 (0)20 7936 2602

Email: resolve@sportresolutions.co.uk
Website: www.sportresolutions.co.uk

Sport Resolutions (UK) is the trading name of The Sports Dispute Resolution Panel Limited