

**WORLD PROFESSIONAL BILLIARDS AND SNOOKER ASSOCIATION (WPBSA)**

- and -

**STEPHEN LEE**

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**Sanction and Costs**

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**Introduction**

1. The professional snooker player Stephen Lee has been found guilty of breach of Rule 2.9 of the WPBSA Members' Rules and Regulations 2005 and 2008 at seven matches at the Malta Cup 2008, The UK Championships 2008, the China Open 2009 and the World Championships 2009. That rule prohibits agreements in connection with influencing the outcome or conduct of a game or frame (or any part thereof) of snooker.
2. As set out in the Decision dated 16 September 2013, it is not established that Mr Lee deliberately lost a match when he could and should have won it. Rather it is established, on the balance of probabilities, that Mr Lee acted improperly in relation to matches that he either believed he would lose, or that he believed he would win sufficiently comfortably that he could drop the first frame. That is still a breach of Rule 2.9. I concluded that Mr Lee did not strike me as a cynical cheat, but rather as a weak man who under financial pressure, succumbed to the temptation to take improper steps that he may well have justified to himself as not really wrong, because the ultimate result of the match, win or lose, was the same.
3. At a hearing on 24 September 2013, sanction and costs were considered.

## Sanction

4. Rule 12 of the relevant Disciplinary Rules provides for a range of sanctions. Any sanction must fall within the range and be proportionate to all the circumstances of the case. At the time of the tournaments, there was no provision (as was later introduced) in the Members' Rules and Regulations or Disciplinary Rules that a finding of guilt of match-fixing should result in a life ban absent exceptional mitigating circumstances. No issue therefore arises as to how such a provision is to be approached.
5. The reason why such a provision has been subsequently introduced in the rules, and the reason why the WPBSA urges me to exercise my discretion under the former rules to impose a life ban, is that match fixing is a massive threat to sport. Sport depends on the competition being fair and on the result being uncertain to give it its attraction to participants, spectators and television audiences, and in turn to commercial partners. In the words of CAS in CAS 2010/A/2172 *Oriekhov v UEFA* 18 January 2011, "It is... essential... for sporting regulators to demonstrate zero tolerance against all kinds of corruption and to impose sanctions sufficient to serve as an effective deterrent to people who might otherwise be tempted through greed or fear to consider involvement in such criminal activities". In that case CAS on appeal upheld UEFA's imposition of a life ban on a match official.
6. The damage to the sporting integrity of a contest is clear if the end result is fixed. But there is also damage to the sporting integrity of a contest if even a part of it is not played honestly without affecting the end result. Participants, spectators and television audiences are entitled to see the entire contest played out with both sides trying their best. Furthermore, it may often not be possible to engage in such "spot-fixing" without at least the potential for the end result to be affected. There is something a little disquieting about the proposition that there must be severe sanctions to deter sportsmen from spot-fixing in order to protect the gambling industry, when without the gambling industry, there would be no spot-fixing. However what must be borne in mind is that for each bet won on the back of spot-fixing, there is a counterparty who has been wrongly deprived of money. With the growth of betting exchanges, those counterparties will often not be bookmakers.
7. It is therefore essential that sanction is indeed sufficient to deter others from match-fixing and spot-fixing. It does not follow however that only a life-time ban will operate as such a sufficient deterrent. And in any event, the sanction imposed must be proportionate to the circumstances of the particular case and the particular defendant. It is trite that a more effective deterrent is not justified if the punishment does not fit the crime.

8. Written submissions have been lodged on behalf of Mr Lee, and I have taken them all into account. Mr Lee has indicated his intention to appeal against the finding of guilt, and his submissions are of course based on that premise. I do not hold that in any way against Mr Lee when arriving at sanction.
9. I take into account in particular the following. These breaches occurred when Mr Lee was in a financially perilous state not entirely of his own making and was finding it difficult to obtain entry to enough tournaments. As a weak man in a vulnerable position he succumbed to temptation. I consider it unlikely that he was the prime mover or instigator of the activity. It seems to me likely that advantage was taken of him. The fixing has not been established to have altered the end results of matches, and it seems likely that this is how Mr Lee justified his actions to himself. While there was financial gain for Mr Lee, the amount of it is unclear. Mr Lee has been a professional for twenty years and these are his first offences, and he is generally of good character. What is more, the offences were limited in time to 2008/2009, and Mr Lee does not stand accused of further offences in the three or so years afterwards that he has been competing. Mr Lee has had the possibility of criminal proceedings, and these disciplinary proceedings, hanging over him for some considerable time. In the event no criminal proceedings were brought. Mr Lee has been suspended on an interim basis since 12 October 2012. Mr Lee is once again in a financially perilous state. Snooker has been the principal source of his income for many years.
10. On the other hand of course, others in a similar position do not succumb to temptation. The sport is consensually regulated by its members, and their attitude to corruption is best expressed in their subsequent alteration of the rules to make a life-ban the norm. The fixing occurred at several top events in the sport, over a sustained period, and is damaging to its reputation. While Mr Lee may not have been the prime mover or instigator, the gambling was undertaken through three separate groups, and it is unlikely that Mr Lee was simultaneously led astray by all three. Furthermore, Mr Lee as the man at the table played on any basis a central role, because without him the fixing could not have occurred. As to the suggestion that Mr Lee is of good character, and has not offended before or since, that simply reflects what any snooker player should be and how any snooker player should behave. The WPBSA is not responsible for the length of the criminal investigation. Mr Lee's finances may affect how monetary orders are enforced, but ought not to affect their imposition. Any ban only precludes Mr Lee from earning a living playing snooker under the WPBSA's rules.
11. I am not much assisted by the precedents in snooker, still less in other sports. Each decision turns on its own facts and what was proportionate in its circumstances. The previous sanctions in snooker are Francisco's ban of five years for bringing the sport into disrepute, Hann's ban of eight years for agreeing to

secure the outcome of matches and to involve another player, Higgins' short suspension for failing to report an approach, and Jogia's two years for discussing the likely outcome of a match. The WPBSA itself characterises these cases as involving smaller scale offending, and as not being binding. Sanctions in other sports are even harder to take guidance from, other than in relation to points of principle.

12. In all the circumstances, I do not regard a life-time ban as proportionate, or as necessary in order to deter. On the other hand, I do regard a ban of a lengthy period to be both necessary in order to deter and as proportionate in the circumstances of the case.
13. I have concluded that the appropriate sanction here is that Mr Lee serve a Suspension of twelve years under Rule 12.1(a) of the Disciplinary Rules.
14. That Suspension is to be calculated from 12 October 2012, when the interim suspension was imposed on Mr Lee. The WPBSA rightly accepted that credit should be given for the period already served.

#### **Costs**

15. Under Rule 14.1, I have a discretion to order that Mr Lee pay all or some of the costs of these proceedings. Rule 14.3 reiterates the importance of the regulatory function of the WPBSA, and requires that to be taken into account.
16. A costs schedule has been served by the WPBSA. Not surprisingly, the costs of investigation, preparation and hearing of a complex matter such as this have been considerable.
17. I order that Mr Lee should pay a contribution towards those costs of £40,000.

ADAM LEWIS QC

24 September 2013



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](mailto:resolve@sportresolutions.co.uk)  
Website: [www.sportresolutions.co.uk](http://www.sportresolutions.co.uk)

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