

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

MARK KING

-v-

WPBSA

Judgment on Costs

1. Following on our judgment in relation to this appeal we set out here our judgment as to costs which follows receipt of written submissions on behalf of both the WPBSA and Mr King. Neither party has requested an oral hearing in relation to this matter and in those circumstances, as we had indicated we would, we considered the matter based solely on submissions advanced in writing. The appeal Panel re-convened to deliberate on this matter. The submissions we received, *inter alia*, advanced submissions as to jurisdiction, the extent of our discretion and how we should exercise it here, quantum and submissions as to Mr King's means.
2. Mr King advanced a number of grounds of appeal, each of which failed entirely. Whilst we make no criticism of his legal team to whom we express our gratitude for acting on a pro bono basis, this was a far reaching and complicated appeal but one which ultimately had little or no merit.
3. We note the submission of the WPBSA that the disciplinary process is paid for by the members of the WPBSA. We have taken that into account in deciding whether we should exercise our discretion to make an order for costs against Mr King or whether

the membership of the WPBSA should effectively bear the expense of paying for his unsuccessful appeal.

4. Given the very significant effect that the type of behaviour Mr King engaged in has on the reputation of the sport we think it was entirely reasonable for the WPBSA to instruct senior Counsel with suitable experience to represent its interests.
5. Mr King submits he should not be expected to pay the costs incurred by the WPBSA of appointing an appeal panel with appropriate experience, partly because he says, in some sports such panels give their time for no payment. Independent sports disciplinary panels play an increasingly important role in the proper and effective governance of sport. This case presented complex issues and required the consideration of very substantial factual and some legal matters. The case was, by agreement of all parties, listed for a period of two days to which all parties committed their time. In our experience it is by no means the position that disciplinary panels undertake such work for no fee. Given the responsibility imposed on the governing body to facilitate a proper and fair process it is entitled to pay for the services of its independent panels.
6. As in the case of *Stephen Lee v WPBSA*, if there were no issue about Mr King's means to pay, it is clear to us that an order for costs of the appeal should be made against Mr King in favour of the WPBSA in the full amount requested. There have been some submissions made as to the quantum of the figure and a request for us to disallow some parts of Counsel's fees. Save for one half an hour period which we have deducted from the overall figure there is no reason to suggest that any of the legal fees claimed were not properly incurred costs. We think in all the circumstances they were also reasonable. We have touched on the issue of the refresher claimed for the second day above. We do not think it would be appropriate or fair to disqualify somebody from receiving a fee for a days work for which they had wholly committed and were only released from the obligation to undertake at around 5pm the evening before.
7. Mr King submits that as a result of his suspension by the WPBSA, he has very limited means and would only be in a position to meet an order for costs if his family home were sold. This he submits would have consequences for his wife and children. We

have not received any further evidence of his means or evidence confirming the position relating to his house, beyond the broad written submissions of his Counsel and that confirmed by the original judgment in in this case. That said, we accept the findings of the original panel and proceed on the basis that Mr King has limited means.

8. Although not bound by the previous case of *Lee* we agree with the judgment and think it is preferable where appropriate, whilst considering the merits of each case on its own facts, to develop some consistency of approach as to how such costs decisions are reached. As in *Lee* we have a wide discretion over costs and the question for us is whether:

(A) the Appellant's apparent lack of means should be reflected in the costs order we make now; or

(B) instead should we 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.

9. We have concluded that Mr King should pay the costs of the WPBSA in full and that (B) above provides the more appropriate route in this case. That is not to say that in the appropriate case, depending on its own facts and merits, it would not be right for an appeal panel to exercise its direction to adjust the figure for costs, but we are not persuaded here that we should do so.
10. The order for costs is therefore in the sum of £45,503 and he will also remain liable for the costs order made at first instance.

Philip Evans – Chairman

23 June 2025

