

FOOTBALL ASSOCIATION REGULATORY COMMISSION

In the matter of disciplinary proceedings brought pursuant to the Football Association Rules for the season 2019-2020

THE FOOTBALL ASSOCIATION - and - ERIC DIER

Commission: Christopher Quinlan QC, (Chairman) – Independent Judicial Panel Chairman
Stuart Ripley, Independent Football Panel Member
Tony Agana, Independent Football Panel Member

Paddy McCormack, Regulatory Commissions & Appeals Manager (Secretary)

Date: 3 July 2020

Appearances: *Football Association*

Yousif Elagab – Senior Regulatory Advocate

Thomas Courtney – Regulatory Legal Administrator – Observer

Player

Eric Dier

Jim Sturman QC – Mr Dier’s Counsel

Rebecca Caplehorn – Director of Football Operations, Tottenham Hotspur FC

Oliver Hunt – Onside Law – Observer

REASONS OF THE REGULATORY COMMISSION

A. INTRODUCTION

1. The Regulatory Commission (‘the Commission’) was appointed to hear and determine proceedings brought against Eric Dier (‘ED’).
2. Rule E3 (in part) provides as follows:

“(1) A Participant shall at all times act in the best interests of the game and shall not act in any manner which is improper or brings the game into disrepute or use any one, or any combination of, violent conduct, serious foul play, threatening, abusive, indecent or insulting words or behaviour.”

3. ED was charged with misconduct pursuant to FA Rule E3(1) in respect of an incident which occurred after the final whistle of the Tottenham Hotspur FC v Norwich City FC, fifth round FA Cup tie played at Tottenham Hotspur Stadium on 4 March 2020 ('the Match'). The FA's charge letter stated that ED's conduct during the Match had been 'improper and/or threatening'. ED partially admitted the charge accepting that his conduct had been improper but not that it had been threatening.
4. The case was heard on 3 July 2020. In light of Government's advice relating to travel and social distancing as a result of the coronavirus pandemic, both parties and the Commission agreed that the hearing should proceed as by way of video conferencing. That is what occurred. We are grateful to Mr Sturman QC and Mr Elagab for their considered submissions, which were helpful.
5. At the conclusion of the hearing we reserved our decision. This document constitutes our decision and the written reasons for it. We have considered the entirety of the materials that the parties put before us. If we do not explicitly refer to a particular point, document or submission, it should not be inferred that we have overlooked or ignored it; as we say, we have considered the entirety of the materials put before us.

B. BACKGROUND

6. ED is a high-profile professional footballer who currently plays for Tottenham Hotspur FC ('the Club'). At the end of the match he made his way to the area of the pitch in front of the stand where his brother and family usually sit. His younger brother, Patrick Dier ('PD') was in the stand twenty-five or so rows back from the pitch. He was sitting in the bottom tier of the stand, behind and to the left (as one faces it) of the area reserved for the substitutes and coaches.
7. After the final whistle, ED became aware of a spectator abusing him ('the spectator'). We were provided with nine different clips of footage of the incident: six 'ripped' from social

media ('ED1-6') and three provided by the Club ('TH1-3'). The spectator's conduct is captured clearly on TH1. There was no dispute that his abuse was aimed directly at ED.

8. Clip TH1 is 1m35 secs (01:35) long. The spectator was standing, with PD standing almost directly behind him, two rows back. At 0:25 the spectator is shown shouting and gesturing rudely with his right hand towards the pitch. There is no sound, but it is patently obvious he was shouting abuse. He continued, gesturing, including with his middle finger. The soundless footage is consistent with what PD said (in his witness statement) was occurring, namely he was calling ED a "*wanker*" and "*fucking cunt*". He also gestured aggressively towards ED¹.
9. At 01:18 PD moved forward one row and grabbed the collar or hood of the spectator's jacket. At that point another man 'engaged' with the spectator and PD, as if trying to push the former away. A fourth becomes involved before the spectator is free of the tussle by 01:32. It was at around this point that ED jumped into the stand and made his way over rows of seats towards them.
10. What happened next we analyse in greater detail below. However, in short it was ED entering the stand and his conduct thereafter that gave rise to these proceedings. Such proceedings would, ordinarily, have been subject to the Fast Track procedure, but in exercise of the Chairman's discretion (as Judicial Panel Chairman) under E: FAST-TRACK REGULATIONS Regulation 3, those provisions were disapplied.
11. ED was interviewed by police but not charged with any offence relating to his conduct. During his police interview, we were told ED was informed that the spectator had expressed remorse for his conduct during his own interview under caution. He also was said by police to have told them that he hadn't felt threatened by ED's behaviour during the incident.
12. On 19 March police confirmed that no further action would be taken against ED, his brother or the spectator.

¹ Statement, §3

13. ED was charged by letter dated 23 April 2020. By his Reply dated 22 May 2020 he partially admitted the charge and did not request an oral hearing.
14. ED's solicitor in the criminal proceedings, Ellen Peart, provided a witness statement in which she stated, *inter alia*, that she had been informed by an officer that the police decision document ('MG3') and the spectator's "statement" "*were likely to be very helpful*" to ED in these proceedings"². It was said that:
- a. the MG3 explained that the lack of threatening behaviour was one of the deciding factors in the decision to take no further action against ED; and
 - b. the spectator said in his "statement" that he was "*being an idiot*", was frustrated and annoyed with the result of the match and had not felt threatened by ED.
15. However, police refused to disclose voluntarily that statement or the MG3. Accordingly, a Right of Access Request ('ROAR') was made. At ED's request, the proceedings were adjourned for a considerable period of time waiting for the ROAR to be answered. Indeed, ED asked for the proceedings to be adjourned until 21 June 2020 to allow further time for the ROAR to be answered. The FA opposed that application.
16. The ROAR was expected to be answered by 11 June 2020. The Chairman acceded to ED's request in part and on terms. He considered it further at a Directions Hearing on 4 June. He directed:
- "...I am prepared to accede to the Preliminary Application to this extent only:*
1. *The hearing of this matter will not proceed before 12 June 2020.*
 2. *Those who act for Mr Dier must inform The FA and me in writing either (1) as soon as the ROAR has been determined, and the outcome thereof known or (2) on 11 June as to the progress of the ROAR, whichever is the sooner.*
 3. *If the ROAR has been determined on or before the 11 June, then these directions follow:*

² Statement, §6(i)

a. Mr Dier may within 48 hours of receipt of any material disclosed pursuant to the ROAR, submit further evidence and submissions, provided that such evidence and submissions are limited and relate to the disclosed material; and

b. The FA is permitted to submit any further representations in response within 48 hours of receipt thereof.

4. If the ROAR has not been determined on or before the 11 June I shall hold another Directions Hearing at the beginning of the week commencing 15 June 2020.

In acceding to the Preliminary Application to the extent I have, I make no determination as to the admissibility of any disclosed material, still less the weight, if any, to be afforded to it. Those remain live issues to be determined in due course, should any material be disclosed and then relied upon.”

17. The ROAR had not been answered by 16 June 2020 when the Chair conducted a further Directions Hearing.

18. Both The FA and ED were content for the matter to proceed on the papers. Having considered those papers and the footage, we declined to dispense with an oral hearing³.

19. The ROAR had not been answered by 3 July 2020. Mr Sturman indicated that he and ED were content to proceed without it being answered. They were content to rely on Ms Peart’s unchallenged witness statement, which Mr Sturman described as a practical solution and there was, he observed, no point in waiting any longer.

20. The Club has opened its own internal disciplinary proceedings but adjourned them pending the outcome of these.

C. THE FA’s CASE

21. The FA written submissions dated 28 May 2020 (‘The FA’s Submissions’) carefully analysed the video footage.

³ Regulation 29, Disciplinary Regulations

22. In summary, The FA did not accept that ED's sole intention was to protect his brother. It submitted that viewed objectively his actions amounted to effectively chasing the spectator through the stands in such circumstances that it was, on the balance of probabilities, "clearly threatening"⁴. It submitted that his pursuit of the spectator "is likely to have been linked to the repeated abuse he received"⁵ from him.

23. On sanction Mr Elagab submitted that:

*"...the occurrence of a highly experienced player entering the stands and pursuing a civilian spectator in a threatening manner is conduct that behoves a sanction of at least an immediate 5 match suspension."*⁶

24. If he was sanctioned on the basis that his conduct was improper but not threatening, then:

*"...this matter is so serious...that the very minimum sanction that ought to be imposed on an 'improper basis' is an immediate 3 match suspension."*⁷

D. THE PLAYER'S CASE

25. ED's Reply was accompanied by:

- a. A letter from the Club dated 22 May 2020;
- b. Witness statements from ED, PD, Jeremy Dier (his father), Ellen Peart, all dated 22 May 2020;
- c. An unsolicited character reference from Gareth Southgate OBE, England manager; and
- d. Written submissions dated 22 May 2020 ('22 May Submissions').

⁴ §5-7

⁵ §15

⁶ §33

⁷ §30

26. In the 22 May submission⁸ he averred:

“In summary, Mr Dier accepts that his actions amount to a breach of FA Rule E3(1) on the basis that those actions were improper. However, Mr Dier denies that his actions were threatening. Mr Dier therefore admits the first aspect of the Charge in respect of improper conduct but denies the second part of the Charge in respect of threatening behaviour.”

27. His case was set out in full in his statement. It was supplemented by his oral evidence before us and Mr Sturman’s helpful submissions. He felt that he had played well during the match and had scored his penalty in the shoot-out. He noticed the spectator abusing him after the match. Like many professional footballers this was not a new experience for him. The two former professionals on the Commission have their own experiences of the hateful abuse players receive from so-called fans. If those who indulge in such conduct were given to thought, they may care to reflect on the effect such conduct has on the recipients, as well as on their friends and families who are often located in the stands and witness such conduct.

28. ED saw PD standing two rows behind the spectator. Looking up at PD, who was standing immediately behind the spectator, may have caused the latter to wrongly believe that ED was looking at him. They made eye contact. Seconds before PD grabbed him, the spectator spread his arms as if goading ED to confront him⁹.

29. ED saw his brother move towards the spectator. He saw the other two men move towards them. ED was concerned for his brother whom he believed was “in trouble”¹⁰:

“At that point, I instinctively jumped over the barrier and began climbing the rows of seats towards Patrick and the three men. All that was going through my mind was that I must protect Patrick. In hindsight I feel even more responsible for his safety. He had gone to the game to support me, and

⁸ §4

⁹ TH1, 01:16

¹⁰ §11

he had become upset by the personal abuse being yelled at me, and that had led him into this situation.”¹¹

30. He continued in his statement:

“13. As I climbed the steps, I wasn’t aware of any of the other supporters. I hadn’t really come very close to anyone as the stands had been emptying and I didn’t engage with anyone. My mind was just set on reaching Patrick. As I approached, the grappling between Patrick and the three men stopped, and I saw everyone move towards the exit.

14. In the confusion that followed, I also headed towards the exit. I had lost sight of Patrick but had assumed he was ahead of me. I finally saw him again near the exit, but I was stopped by other supporters and stewards. All I wanted was to be reunited with Patrick and remove him from the situation. I think that without context, what happens in front of the exit can be misinterpreted. There was at no point any altercation with any steward or fan, the stewards did not realise that Patrick was my brother and can be seen trying to prevent us from getting to each other. You can hear me on some of the video footage explaining that he is my brother and pleading that we be allowed to come together.”

31. It is useful to interpose the footage here. TH1 shows the spectator breaking free of PD (about 01:31) and moving left to right towards the exit 103. He briefly puts his open palm up towards ED, as ED is advancing towards him (not shown on this footage). At the same time (01:33) the spectator puts his hand up towards ED. PD tried to grab the spectator again as he moved away. PD is held back.

32. Clip ED3, filmed from close to pitch level, shows ED enter the stands, and climbing over seats. At 00:16 the spectator is shown putting up both hands and waving to ED in a peace-making manner.

33. TH2 offers a widescreen view of the stand from the other side of the ground. ED walked (from right to left) towards the area of the stand where his brother was. As the melee involving PD is ongoing, ED then jogged forwards and jumped over the advertising

¹¹ §12

hoardings. He clambered over seats, making his way towards the melee. He was heading generally left as one looks at the screen. By the time the spectator broke free of the melee, (00:18) ED had moved a few rows up. At 00:19 the spectator raised his hand, as he walked left to right; ED was still clambering over seats, head down and said he did not see that gesture.

34. What happened thereafter is crucial. At 00:24 the spectator is shown moving along a row towards the exit. PD is seven or so rows below and across from him. At 00:25 - 00:26 the spectator put up both hands and waved them, palms out towards ED. He is quite obviously standing alone; PD nowhere near him. This is clearly an attempt by him to stop ED advancing towards him. ED looked and raised his right arm towards the spectator. As he did so, ED changed direction, turning to his right and in the direction of the spectator. This was the 'fork in the road' for ED: to his left, his (safe) brother, to his right the spectator, who was retreating. He went right.
35. Unsurprisingly, Mr Sturman saw the point and asked ED questions as about this. He said he was upset and angry but had not lost control. He wanted to speak to the spectator, to "*remonstrate with him*". He said he did not know where his brother was at that moment. He said he did not want to fight the spectator nor did he intend to threaten him, or anyone else.
36. The spectator headed for exit 103. He was now climbing over seats to make good his retreat. PD and others move across in his direction, as ED continued to climb over the seats, moving through supporters. At 01:33 one supporter tried to grab ED, to stop him. At 00:33 - 00:35 ED is shown walking at pace along a row towards exit 103.
37. At 00:37 the spectator turned back towards ED and shook both hands towards him, once more gesturing to ED to stop his advance. He didn't. ED told Mr Elagab and us, that the spectator twice apologised to him - at (about) 00:27 and 00:37.
38. ED continued in the direction of the spectator, through numerous supporters in the stands before being stopped by a number of men including security officers and stewards

just in front of exit 103. By this time the spectator had disappeared out of that exit. TH2 zooms on the commotion featuring ED just in front of the exit. He denied being in a struggle. In his statement he said the stewards were “*trying to protect me*”¹². He said the fans around him were supportive of him. In our view he was clearly being held back from going down the steps of that exit.

39. Clip ED4 is an 18 second clip filmed from the side of and close to the melee at the 103 exit. ED is gesturing towards someone and there are shouts of “*guys just back off*”. Another voice shouts, “*no, no, no [possibly] fighting*”¹³. A number of fans and stewards stopped ED from advancing down the exit and he was then ushered away, with PD. People were jostled and an elderly supporter was moved out of harm’s way.

40. ED accepted that he changed direction to pursue him and that he was “*going after*” the spectator. He agreed the spectator was trying to leave the stadium. We questioned him closely on why he went after the spectator. He was adamant that he had not lost control, was not intending to fight him or to threaten him. He said he wanted only to talk to him, to ask him why he had abused him and whether he thought that was all right. He did not accept that his conduct was objectively threatening. He told us that even when back in the changing room he still wanted to speak with the spectator and find out why he had behaved as he did.

41. In his statement he expanded upon the impact spectators’ abuse of players can have upon families generally and does have upon his family more specifically. He said this:

“At no point did I say or do anything in a threatening way. Had I reached the Supporter and the other two men at any time, my priority was to get to Patrick and get him away from the situation. Had I had the opportunity I would have also asked the Supporter why he was abusing me in that manner. I have never had any problem with strong criticism of me as a footballer from the stands and football is all about opinions; that is one of the reasons I love it so much. However, any kind of abuse which is personal and vitriolic I find unacceptable and would be unacceptable anywhere

¹² §15

¹³ It might also be ‘No, no, don’t fight’.

else, so I can't understand why it is allowed within a football stadium. I understand that he acknowledged and accepted responsibility for the incident in his police interview and regrets the abuse, which is why I have formally requested a copy and for it to be used in my evidence."¹⁴

42. ED said his behaviour was not threatening, nor was it intended to be¹⁵. He also told us of the difficult year he had last year for reasons he explained, and we accept.

43. In his statement PD said:

*"There was then a bit of confusion with the two other fans that he was with and one other fan that were all trying to separate us. Upon reflection, I don't believe they were aggressive or threatening towards me in any way, but I was probably expecting them to be so that gave me a bit of adrenaline. Therefore, when the Supporter then got away from me a little bit, I grabbed his collar again as I didn't yet feel completely satisfied that I had made my point and essentially just repeated the same message as before. I think it was at this point that I realised that he was completely submissive and yielding, and I therefore let him go."*¹⁶

44. He said the spectator then moved towards the exit, stopped and gestured towards him. PD said that having watched the footage he believed he was, in fact, trying to apologise. He has witnessed a lot of abuse of his brother from so-called fans but this was *"one of the more extreme cases"* and he said the fact his brother and the spectator were looking at each other made *"the abuse more personal and unpleasant than usual"*¹⁷.

45. We also considered the statement of ED's father, Jeremy Dier, which spoke of his and the family's experiences when attending matches.

46. The testimonial from Mr Southgate spoke in glowing terms of ED's maturity, leadership qualities and of his close family ties. He is popular with management and his fellow

¹⁴ §16

¹⁵ §24

¹⁶ Ibid., §5

¹⁷ Ibid, §8

professionals. Everything we saw from ED including the way he spoke supported Mr Southgate's opinion.

47. Mr Sturman invited us to find that the conduct was not threatening. He submitted that ED's behaviour did not threaten anyone. By way of example, he said the footage showed a number of fans filming events. He invited us to accept as true what the spectator told police, namely that he was not threatened. His leaving was consistent with his being embarrassed and not wanting the humiliation of a public confrontation.

48. On sanction, he invited us to have regard to all that we heard and read about ED including his presentation during stages of his evidence. He invited us not to impose a sporting sanction; but if one must be imposed then it should be no more than a one match suspension.

E. DETERMINATION

(1) Threatening

49. We must first determine the factual basis for sanctioning. In our judgement whether his conduct was threatening is material to sanction and, since it is in dispute, must first be determined.

50. The FA has the burden of proving on the balance of probabilities that ED's conduct was threatening. The parties agreed, as do we, that such requires an objective assessment of his behaviour. As the parties agreed, it is our objective determination of how the reasonable bystander would have perceived ED's conduct. In making that assessment we must consider all the relevant facts and circumstances, including context, when applying the 'reasonable bystander test'¹⁸. That includes the reaction of supporters and any view expressed by the spectator. The latter is relevant but not dispositive.

¹⁸ See *The FA v Suarez*, *The FA v Nicolas Anelka* and *The FA v Jose Mourinho (Appeal Board)*

51. In relation to the account the spectator gave police we accept the officer reported it accurately to ED's solicitor in the criminal proceedings (Ms Peart) who faithfully recorded that in her witness statement. We proceed on that basis. The weight to be given to it is a different matter.
52. Having given it careful thought, we did not accept that to genuinely or accurately reflect the spectator's state of mind. Firstly, it is inconsistent with the footage which shows him leaving quickly, once he saw ED advancing towards him. We agree he may have done so:
- a. out of embarrassment at his own shameful conduct; and/or
 - b. to avoid the humiliation of a public confrontation.
53. However, those states of mind do not exclude an additional or alternative and, for us, much more likely explanation: he was afraid. Namely, he felt threatened by ED's advance towards him. He may well have been concerned also about others advancing on him including PD. But the gestures and words to ED demonstrate that he also felt threatened by him. Abuse hurled from a safe distance is the cowardly equivalent of the offensive tweet cloaked in anonymity. As ED pointedly observed he has only ever been abused by spectators from the stands, on social media or from passing cars. This spectator, suddenly confronted by the potential consequences of his shameful actions, marshalled all the courage he could muster; and ran away.
54. Secondly, when being questioned by police, he had every reason to downplay the incident:
- a. to protect his own position; and/or
 - b. to minimise his own appalling conduct; and/or
 - c. to help ED, through loyalty to the Club and/or because he felt responsible for the situation, he and that player found themselves in.
55. There is now no dispute that at one stage, what we have called 'the fork in the road', ED determined to pursue the spectator, and then did so. That is what the footage demonstrably shows. He pursued him despite knowing that the spectator was apologising by his words and actions and that he no longer wanted to engage with ED. He denied to

us having lost control but the nature of any intended discussion with the spectator was hardly likely to be cordial. In any event it must have been clear to ED that the hitherto opinionated spectator no longer wished to discuss anything, least of all ED's playing or other merits.

56. We are quite satisfied on the balance of probabilities, that ED's conduct in (1) chasing the spectator through the well populated stand; (2) passing through supporters; (3) causing some to move out of his way; (4) over the distance; (5) for the time; and (6) in the manner he did, was objectively threatening. We appreciate some filmed the incident and others simply watched. But, that of itself does not prevent it being, when viewed objectively, threatening. His conduct caused or contributed to the spectator fleeing. It is also no doubt why a number of people held him back from exit 103 and stopped him from pursuing the fleeing spectator. ED's conduct may not have been threatening to those holding him back, but we are satisfied it was threatening towards the spectator, and also when viewed objectively.

(2) Sanction

57. There are no sanctioning guidelines nor other relevant cases which assist us. The well-known case of *Eric Cantona* is so much more serious as to provide no assistance. With respect, we are of the same view in respect of *Justin Carney* and *Junior S'au* 2016 Rugby League matters relied upon by ED. Similarly, the case of *Sergio Agüero*. The *Craig Bellamy*, *Jamie Carragher* and *Ian Walker* incidents are wholly different, concerning spectators who entered the playing enclosure. We note that Mr Sturman (candidly) accepted that they did not help either.

58. Therefore, we approach sanction by reference to established principles and to those in paragraphs 40-53 of the General Provisions of the Disciplinary Regulations ('General Provisions'). Firstly, we assess the seriousness of the 'offence'.

59. The gravamen of the offence is leaving the playing enclosure and entering the stands. The demarcation of the pitch and stands by advertising boards and walls, as well as being

overseen by stewards and police is designed to ensure the safety of players, non-playing staff and spectators alike. Whatever the provocation, there is no justification for a player entering the stands. Conduct such as ED's may lead to further disorder, crowd trouble and creates an obvious risk to his own and others' safety.

60. The aggravating factors are:
- a. The stand was heavily populated by spectators.
 - b. ED travelled an appreciable distance for a not insignificant period of time trying to reach the spectator - it was a determined and sustained attempt to get to the spectator.
 - c. He pursued the spectator after he had desisted and moved away.
 - d. He pursued the spectator when he knew he posed no threat to his brother.
 - e. ED's actions caused some pushing and shoving in the stands.
 - f. ED's actions resulted in a melee at the entrance of exit 103.
 - g. He is a high profile footballer, whose conduct was witnessed by many within the ground and countless others more widely.
61. Therefore, we profoundly disagree with ED's submissions that his conduct does not merit a sporting sanction at all or that at most a one match suspension would be a proportionate sanction for his misconduct. For the reasons we have set out in this document, ED's conduct was plainly so serious as to merit a sporting sanction and one significantly in excess of the suggested one match.
62. The FA submitted that, by way of comparison, had ED pursued an opponent player (off-the-ball) while on the field of play, for approximately a minute, in a similar manner, it would have been entirely reasonable for the match referee to shown him a red card. We do note that had he received a red card for a serious foul play or violent conduct he would receive an automatic three-match ban. An offence of 'using offensive, insulting or abusive language and/or gestures' results in suspension of two matches.

63. For the reasons we have set out, this offence is more serious. Without mitigation on the facts as we find them, that is to say entering the stands and pursuing the spectator, this would merit at least a six match suspension.

64. However, we need to consider mitigation, which is not inconsiderable. ED did not accept the threatening element of the charge so he does not receive maximum credit which would have followed admission of the full charge. However, he did admit his conduct as improper and candidly accepted that he had pursued the spectator, for which he receives appropriate credit. In addition, there is mitigation in the following:

- a. We accept he was provoked by the spectator's personal abuse towards him. We agree with Mr Elagab who characterised that abuse as "*totally abhorrent*".
- b. Having questioned him closely, we accept:
 - i. that ED would not have entered the stands but for his genuine concern for his brother; and
 - ii. he did not intend to assault the spectator.
- c. In fact, no person was assaulted, or, so far as we know, injured in consequence.
- d. His apology, which we accept as genuine.
- e. He has no previous misconduct offence on his disciplinary record and has never been sent off.
- f. The impressive unsolicited testimonial from Mr Southgate. Further, ED struck us an intelligent, thoughtful and remorseful individual. We accept this was wholly out of character and will not be repeated.
- g. His other relevant personal circumstances.

65. We have balanced the competing factors and assessed all that we have read and heard. Balancing those matters and having regard to the facts and circumstances of the Player's conduct, we concluded that the appropriate and proportionate sporting sanction was a suspension of four matches. That is what we impose.

66. If we agreed with the FA on the length of any playing ban, Mr Sturman invited us to suspend up to three quarters of any such suspension. Paragraph 42 of the General Provisions provides;

“Save where any Rule or regulation expressly requires an immediate penalty to be imposed, and subject to paragraphs 43 to 45 below, the Regulatory Commission may order that a penalty imposed is suspended for a specified period or until a specified event and on such terms and conditions as it considers appropriate.”

67. Paragraph 43 limits the maximum to no more than three-quarters of the penalty and paragraphs 44 and 45 do not apply¹⁹. With respect we see no basis for or proper purpose in so doing. The conduct merits, in our judgement, an immediate four-match suspension. We are confident he will not repeat this conduct. Therefore, we can conceive of no relevant period, specified event or any terms or conditions for operation of a suspended sanction. It will not act as a deterrent for him or otherwise. A suspended suspension hanging over him will serve no purpose at all.

68. We were provided with details of his salary. In light thereof, we fine the Player £40,000, a sum which reflects his means, the mitigation we have identified and is arrived at adopting the standard methodology for computing fines in such cases. The sum is both appropriate and proportionate to his misconduct.

69. We also warn ED as to his future conduct.

70. There was an oral hearing of this matter because we asked for it. Therefore, we make no order for costs.

71. He has a right of appeal as provided by Disciplinary Regulations.

F. SUMMARY

72. For the reasons set out above we impose the following sanctions:

¹⁹ In summary, assistance to eliminate corruption.

- a. ED is immediately suspended from all domestic club football until such time as Tottenham Hotspur FC complete four First Team Competitive Matches in approved competitions.
- b. ED is fined the sum of £40,000.
- c. ED is warned as to his future conduct.



7 July 2020

Christopher Quinlan QC

Independent Judicial Panel Chairman

Signed by the Chairman on behalf of the Regulatory Commission