

# FOOTBALL CASE LAW UPDATE 2026 WEBINAR

SPORTS LAW AT 39 ESSEX CHAMBERS



**Gary Hickenbottom**



**Thomas Horton**



**Spencer Turner**

# FOOTBALL CASE LAW UPDATE

Spencer Turner

THE FA V LUCAS PAQUETA, FA REGULATORY  
COMMISSION (CH. HIS HONOUR PHILLIP SYCAMORE CBE),  
28 OCTOBER 2025

- Four Rule E5 sport-fixing charges: alleged deliberate yellow cards in four PL matches (2022 to 2023).
- All four charges dismissed.
- Data “consistent with alternative explanations”.
- No betting related messages on either phone.
- Two Rule F3 charges for non-cooperation: proven.
- Sanction: Warning and reprimand; FA to pay 90% of the costs.
- “No comment” interviews carry Rule F3 risk.

# THE PREMIER LEAGUE V CHELSEA FC (SANCTION AGREEMENTS, DATED 16 MARCH 2026)

- Self-reported by Boehly/Clearlake ownership on takeover.
- Agreement 1: undisclosed third-party payments 2011 to 2018 (over £47.5m) under former ownership; breach of the utmost good faith duty (Rule B.15).
- Sanction: £10m fine (a PL record) and a one-year first-team transfer ban, suspended for two years.
- Agreement 2: Youth Development Rules (2019 to 2022): nine-month academy registration ban and £750,000 fine.
- No points deduction.

# THE PREMIER LEAGUE V CHELSEA FC (SANCTION AGREEMENTS, DATED 16 MARCH 2026)

- Counterfactual decisive: in no scenario would Chelsea have breached PSR, so no sporting sanction.
- Disclosure and good-faith breach decoupled from sporting advantage.
- Self-reporting and exceptional cooperation: proposed £20m fine halved; registration ban suspended.
- Successor liability: the club answerable for former-ownership conduct.
- Sanction Agreement route (Rules W.16 to W.18): admission plus agreed sanction.

THE PREMIER LEAGUE BOARD V LEICESTER CITY FOOTBALL CLUB,  
PREMIER LEAGUE COMMISSION (CH. JAMES DRAKE KC), 3 FEBRUARY 2026; AND  
THE BOARD OF THE FOOTBALL ASSOCIATION PREMIER LEAGUE LIMITED V LEICESTER CITY FOOTBALL CLUB LIMITED,  
PREMIER LEAGUE APPEAL BOARD (CH. LORD DYSON), 6 APRIL 2026.

- EFL P&S breach over the three years to 2023/24: overspend of £20.8m.
- Jurisdiction transferred to the PL on promotion (2024); Leicester's challenge rejected.
- Competition law arguments rejected: PSR legitimate and proportionate.
- Sanction: immediate six-point deduction.
- Promotion does not defeat jurisdiction: continuity between the EFL and PL regimes
- Sporting advantage presumed on a threshold breach
- Limited mitigation: business decisions, the consequences of a deduction and prior compliance do not count
- Appeal: Leicester (jurisdiction and level) and the PL (too lenient) both dismissed; six points upheld

# THE FA V MARCO SILVA, FA REGULATORY COMMISSION (CH. WILLIAM NORRIS KC), 22 APRIL 2026

- Rule E3: post-match comments on the referee (4 March 2026) implying bias and questioning integrity.
- Charge admitted.
- Sanction: one-match touchline ban and £90,000 fine; appeal partially upheld.
- Escalating tariff for repeat criticism of officials.
- Standard-penalty framework; the timing and sincerity of any apology affect mitigation.
- Appeal Board will not re-weigh sanction unless it is wrong in principle.

# BURNLEY V EVERTON, PREMIER LEAGUE COMMISSION (CH. DAVID PHILIPS KC FCIARB), 2 JUNE 2026

- Everton overspend of £19.5m (to 2021/22): 10-point deduction, reduced to six on appeal.
- Burnley relegated four points behind: but for the breach, Everton would have gone down.
- Award: about £26m plus £9.1m interest (11.81%), roughly £35.1m (claim £51.7m).
- Under appeal; stay of enforcement refused.

# BURNLEY V EVERTON, PREMIER LEAGUE COMMISSION (CH. DAVID PHILIPS KC FCIARB), 2 JUNE 2026

- Rule W51.5 compensation: available only on a proven breach.
- Causation by probabilistic modelling: “replay” the seasons on a practical and realistic counterfactual.
- Breach tied to the playing season, not the financial year-end (timing argument rejected).
- Opens rival-club claims: relegated or displaced clubs as claimants.
- Contrast Chelsea: no counterfactual breach, so no claim.

# CONCLUSIONS

- Financial regulation maturing: enforcement (Leicester), settlement (Chelsea) and now compensation (Burnley).
- Counterfactual PSR analysis decisive across both Chelsea and Burnley.
- Discipline: a high bar for integrity charges (Paqueta); a firm tariff for criticising officials (Silva).
- From 2026/27, in-season squad-cost control replaces the three-year test.
- Advise early: model SCR and SSR headroom, and map compensation exposure.

# FOOTBALL CASE LAW UPDATE

Thomas Horton

# CAS 2024/A/10629 DEPORTIVO MALDONADO SAD V REAL SOCIEDAD DE FÚTBOL SAD; AND CAS 2024/A/10630 REAL SOCIEDAD DE FÚTBOL SAD V DEPORTIVO MALDONADO SAD

At para. 124, the Panel noted:

*'Turning to Clause 5 of the Transfer Agreement, the relevant provision clearly refers to "permanent transfers" and "definitive transfers" as triggering the Sell On Fee (Clauses 5.1 and 5.2 of the Transfer Agreement). The Parties, who were both assisted by legal professionals when negotiating and signing the Agreement, must be held fully aware of the highly relevant distinction in professional football between a temporary (loan) and a permanent transfer. The fact that Clause 5 of the Transfer Agreement expressly mentions permanent/definitive transfers only, paired with the Clause's unambiguous wording in this regard, leaves the Panel with no doubt that the Transfer Agreement does not entitle Maldonado to participate in fees for temporary transfers/loans regarding the Player (as well), and thus in the Loan Fee of EUR 1'161'600 (EUR 960'000 plus VAT) paid to Real Sociedad by Betis'.*

CAS 2024/A/10629 DEPORTIVO MALDONADO SAD V REAL SOCIEDAD DE FÚTBOL SAD; AND CAS 2024/A/10630 REAL SOCIEDAD DE FÚTBOL SAD V DEPORTIVO MALDONADO SAD

- Takeaway point: when drafting sell-on clauses and if a sell-on fee is sought in respect of all transfers of the player concerned, ensure that clear wording is used to identify that a sell-on fee is payable in the event of a permanent and temporary / loan transfer

# LISANDRO MARTINEZ V THE FA, FA REGULATORY COMMISSION (CH. STUART RIPLEY), 20 APRIL 2026

- Pulling of hair amounts to violent conduct under warranting a red card:
  - Law 12 of the Laws of the Game
  - Premier League and PGMO Competition Guidance Handbook identifies that ‘Clearly pulling the hair of an opponent with force’ amounts to violent conduct

# LISANDRO MARTINEZ V THE FA, FA REGULATORY COMMISSION (CH. STUART RIPLEY), 20 APRIL 2026

- LM brought a challenge against the decision on the basis of:
  - ‘*Wrongful dismissal*’, which requires a player to prove that the Referee ‘made an obvious error in dismissing the Player’ (Fast Track 4); and/or
  - That the standard penalty of a three-match ban was ‘*clearly excessive*’, which requires a player to prove that circumstances are ‘*truly exceptional*’ and that as a result of those truly exceptional circumstances the punishment would be ‘*clearly excessive*’ (Fast Track 5).

# LISANDRO MARTINEZ V THE FA, FA REGULATORY COMMISSION (CH. STUART RIPLEY), 20 APRIL 2026

- The video footage available identified that LM pulled DCL's hair, and the Regulatory Commission explained that *'it did not feel that it could be said with any confidence that the force exerted by LM on DCL's hair/scalp was negligible [...]'* (para. 20).
- In such circumstances, the Regulatory Commissions considered that the Referee's decision *'was not outside the parameters of reasonableness [...] to have interpreted the VAR footage in the way that he did and could not, therefore, be said to have made an obvious error in dismissing LM'* (para. 21).
- On the excessive punishment element, the Regulatory Commission noted that *'Incidents of hair pulling across both men's and women's football are not uncommon to the extent that they can be categorised as being 'truly exceptional'* (para. 27).

# LISANDRO MARTINEZ V THE FA, FA REGULATORY COMMISSION (CH. STUART RIPLEY), 20 APRIL 2026

- If the video footage shows some force being used in the hair pull, then it is highly unlikely that a Wrongful Dismissal challenge will be successful. Accidental or negligible force may have provide some wriggle room.
- Considering the regular occurrence of hair pulling, it is highly unlikely that an Excessive Punishment challenge will be successful. (In men's football alone, in the 2025/26 season there have been incidents involving Dan Ballard of Sunderland and Michael Keane of Everton – the latter also failing in challenges under FT4 and FT5.)

# NOTTINGHAM FOREST FOOTBALL CLUB V THE FA, RULE K ARBITRATION (CH. KIM FRANKLIN KC), 14 AUGUST 2025

- NFFC successfully applied, by way of a Rule K arbitration, for, *inter alia*, the recusal of the chairperson of an FA Appeal Board, Graeme McPherson KC, set to hear NFFC's appeal against a decision imposing a fine of £125,000 against NFFC for a mass confrontation that occurred during NFFC's PL match against Chelsea FC on 6 October 2024.
- Mr McPherson KC's apparent bias stemmed from an earlier Regulatory Commission procedural decision where NFFC was again the club facing disciplinary charges from the FA. In that procedural decision, Mr McPherson KC had described a submission made by NFFC as '*somewhat hysterical*'

# NOTTINGHAM FOREST FOOTBALL CLUB V THE FA, RULE K ARBITRATION (CH. KIM FRANKLIN KC), 14 AUGUST 2025

- Paragraphs 45 and 62 provide summarise how such applications should be considered:

*'45. [...] The question to be answered is not whether the tribunal resolving the issue concludes that the person concerned is apparently biased: the tribunal has to consider whether a fair-minded and informed observer would conclude that there was a real possibility that the person concerned was biased'.*

*'62. [...] the test for apparent bias is not a particularly high one, partly because of the importance of justice being seen to be done, and partly because, while recusal is not pleasant for the (often blameless) person who is recused, it does not have any sort of direct effect on the parties' substantive rights (and is unlikely to have much indirect effect on those rights)'.*

# NOTTINGHAM FOREST FOOTBALL CLUB V THE FA, RULE K ARBITRATION (CH. KIM FRANKLIN KC), 14 AUGUST 2025

*'48. It seems clear to the Tribunal that it was inappropriate of the Commission to have characterised Para 31 as "somewhat hysterical". To describe an argument as "hysterical" is inherently highly pejorative, it plainly implies heavy criticism of the argument itself, and also of the way in which the argument has been expressed. It therefore carries with it serious disapproval of the party and its representatives who advanced the argument. The adverb "somewhat" does little, if anything, to dilute this point, as it mildly qualifies, but does not undermine, the adjective that follows [...]*

*50. [...] there can be no doubt but that the description of Para 31 as 'somewhat hysterical' can fairly be said to be, and would be seen by the notional fair-minded independent observer to be, an unjustified, inappropriate, and personal attack on the Club and its legal representatives'.*

# NOTTINGHAM FOREST FOOTBALL CLUB V THE FA, RULE K ARBITRATION (CH. KIM FRANKLIN KC), 14 AUGUST 2025

- Before NFFC made the Rule K application, NFFC applied to Mr McPherson KC as chairperson of the Appeal Board in the appeal of the Chelsea Decision for him to recuse himself, but which Mr McPherson KC dismissed (see paragraphs 28-34 of the Rule K arbitration panel's decision).
- FA Disciplinary Regulations, Part E, Fast Track 7: Appeals – Fast Track do not expressly provide a rule or procedure for challenging the appointment of an Appeal Board member and/or for procedural applications to be made to the chairperson of an Appeal Board in a Fast Track appeal (compare with FA Disciplinary Regulations, Part C, Appeals – Non-Fast Track, para. 14).

# NOTTINGHAM FOREST FOOTBALL CLUB V THE FA, RULE K ARBITRATION (CH. KIM FRANKLIN KC), 14 AUGUST 2025

Instead, and somewhat obliquely, FA Disciplinary Regulations, Part E, Fast Track 7: Appeals – Fast Track, para. 3 simply states:

*'A decision relating to a Preliminary Application made in a matter proceeding under a Fast Track shall be final and binding and there shall be no right of further challenge'.*

Confirmation of the availability to make a recusal application by way of a Rule K arbitration in the circumstances of this case is welcome, albeit convoluted. The FA should consider including express regulations that provide parties with the ability to apply for the recusal of an appointed panel member (including for the appeal against any decision dismissing such an application).

EFL V SOUTHAMPTON, EFL DISCIPLINARY COMMISSION (CH. HH PHILIP SYCAMORE CBE), 19 MAY 2026; EFL LEAGUE ARBITRATION PANEL (CH. SIR GARY HICKINBOTTOM), 1 JUNE 2026

**EFL Regulations, reg. 3.4:**

*'In all matters and transactions relating to the League each Club shall behave towards each other Club and the League with the utmost good faith [...].'*

**EFL Regulations, reg. 127:**

*'Prohibited Conduct – Observing Training Sessions*

*127.1 Without prejudice to the requirements of Regulation 3.4 [...], no Club shall directly or indirectly observe (or attempt to observe) another Club's training session in the period of 72 hours prior to any match scheduled to be played between those respective Clubs'.*

EFL V SOUTHAMPTON, EFL DISCIPLINARY COMMISSION (CH. HH PHILIP SYCAMORE CBE), 19 MAY 2026; EFL LEAGUE ARBITRATION PANEL (CH. SIR GARY HICKINBOTTOM), 1 JUNE 2026

- SFC charged with breaching those regulations for observing (by use of an intern and another individual) training sessions of:
  - Middlesbrough FC on 7 May 2026 (before EFL Championship Play-Off semi-final on 9 May 2026)
  - Oxford United FC on 23 December 2025 (before EFL Championship league match on 26 December 2025)
  - Ipswich Town FC on 28 April 2026 (before EFL Championship league match on 28 April 2026).
- SFC admitted those breaches.

EFL V SOUTHAMPTON, EFL DISCIPLINARY COMMISSION (CH. HH PHILIP SYCAMORE CBE), 19 MAY 2026; EFL LEAGUE ARBITRATION PANEL (CH. SIR GARY HICKINBOTTOM), 1 JUNE 2026

- SFC asserted that it gained no material sporting or competitive advantage from viewing their opponents' training sessions (see DC Decision, para. 24) and, also relying on other points, submitted that a sporting sanction would be disproportionate (DC Decision, para. 28).
- EFL submitted that a severe sporting sanction was appropriate, and that consideration should be given to the expulsion of SFC from the EFL Championship Play-Off final (which they ultimately qualified for) (DC Decision, para. 30).

EFL V SOUTHAMPTON, EFL DISCIPLINARY COMMISSION (CH. HH PHILIP SYCAMORE CBE), 19 MAY 2026; EFL LEAGUE ARBITRATION PANEL (CH. SIR GARY HICKINBOTTOM), 1 JUNE 2026

DC emphasised:

*'31. [...] Public confidence is paramount. We have concluded that there was, on the part of [SFC], a contrived and determined plan from the top down to gain a competitive advantage in competitions of real significance by deliberate attendance at opposition training grounds for the purpose of obtaining tactical and selection information. It involved far more than innocent activity and a particularly deplorable approach in its use of junior members of staff to conduct the clandestine observations at the direction of senior personnel. There was transmission and internal dissemination and analysis of footage and observations [...]*

EFL V SOUTHAMPTON, EFL DISCIPLINARY COMMISSION (CH. HH PHILIP SYCAMORE CBE), 19 MAY 2026; EFL LEAGUE ARBITRATION PANEL (CH. SIR GARY HICKINBOTTOM), 1 JUNE 2026

DC emphasised (continued):

*32. The Commission consider that the evidence demonstrates that the output of the observations fed into analysis conducted by the team, it was discussed with Mr Eckert and others and it was sought to so as to inform the strategy for the match [...] Such information could only be sought in order to factor it into strategy, whether the information confirms a strategy, is disregarded as unreliable or leads to a change of strategy does not, in our view alter the wrong which is committed when such information is sought. It is inherent in having information which your opponent would wish to keep private that you have a sporting advantage'.*

EFL V SOUTHAMPTON, EFL DISCIPLINARY COMMISSION (CH. HH PHILIP SYCAMORE CBE), 19 MAY 2026; EFL LEAGUE ARBITRATION PANEL (CH. SIR GARY HICKINBOTTOM), 1 JUNE 2026

Importantly, the DC also emphasised:

*'33. We agree with the parties that sporting advantage is different from sporting success. The result of the matches which follows the incidents is not, in our view, a guide as to whether there was any sporting advantage'.*

EFL V SOUTHAMPTON, EFL DISCIPLINARY COMMISSION (CH. HH PHILIP SYCAMORE CBE), 19 MAY 2026; EFL LEAGUE ARBITRATION PANEL (CH. SIR GARY HICKINBOTTOM), 1 JUNE 2026

For the Charges in respect of observing MFC:

*'38. The integrity of the Play-Off competition was seriously violated, and the actions of [SFC] constituted a deliberate attempt to obtain an unfair advantage. For that reason, Charges 1 and 2 attract a much more serious sanction which in this case must result in expulsion from the Competition [...]'.*

EFL V SOUTHAMPTON, EFL DISCIPLINARY COMMISSION (CH. HH PHILIP SYCAMORE CBE), 19 MAY 2026; EFL LEAGUE ARBITRATION PANEL (CH. SIR GARY HICKINBOTTOM), 1 JUNE 2026

For the Charges in respect of observing ITFC and OUFC:

*'39. [...] we took a starting point of three points per incident. As indicated above, a sanction at this level achieves the aim of the rule since it effectively makes breach of Regulation 127 a zero-sum game. The six-point deduction was mitigated to four points to reflect the available mitigation [...].'*

EFL V SOUTHAMPTON, EFL DISCIPLINARY COMMISSION (CH. HH PHILIP SYCAMORE CBE), 19 MAY 2026; EFL LEAGUE ARBITRATION PANEL (CH. SIR GARY HICKINBOTTOM), 1 JUNE 2026

SFC failed in its appeal against the DC's decision, which argued, *inter alia*, that the sanction was excessive.

The LAP reminded itself of the purpose of imposing a sanction:

*'56. [...] any sanction should serve four purposes, namely (i) to punish the club for the breach, (ii) to vindicate other clubs which had not engaged in misconduct, (iii) to deter future breaches of the rules and (iv) to restore / preserve public confidence in the fairness of the EFL competition by, amongst other things, ensuring the competition is in fact fair'.*

EFL V SOUTHAMPTON, EFL DISCIPLINARY COMMISSION (CH. HH PHILIP SYCAMORE CBE), 19 MAY 2026; EFL LEAGUE ARBITRATION PANEL (CH. SIR GARY HICKINBOTTOM), 1 JUNE 2026

Focusing on SFC's ground of appeal that the sanction was excessive, SFC again argued that SFC derived no sporting advantage for any of the three incidents (LAP Decision, para. 60(i)). SFC relied on evidence from MFC's Head of Football which identified several possible advantages that SFC could have gained but which were not (LAP Decision, para. 64) and upon which:

*'65. In short, it was submitted, none of [MFC] HoF's identified matters showed any sporting advantage. It was further said that that conclusion was consistent with the analytical data, for example the attacking and defensive metrics for the first half of the first-leg match with [MFC] unequivocally showing that [SFC's] performance was very poor by any standard'.*

EFL V SOUTHAMPTON, EFL DISCIPLINARY COMMISSION (CH. HH PHILIP SYCAMORE CBE), 19 MAY 2026; EFL LEAGUE ARBITRATION PANEL (CH. SIR GARY HICKINBOTTOM), 1 JUNE 2026

The LAP rejected this ground of appeal. The LAP firstly set out a summary of SFC's conduct:

*'62. It is clear beyond any doubt that [SFC] intended to obtain a sporting advantage over their league rivals by cheating. It intended to obtain such an advantage by observing their opponents training shortly before a match with those rivals, because they intended to obtain information about formation, who was injured (and therefore would not play), the team selection and tactics. Information obtained from observed training as to what opponents are going to do in the forthcoming match (even if confirming formation, tactics etc which had been used in previous matches) is obviously a valuable analytical tool. Indeed, obtaining an unfair sporting advantage in that way was the whole purpose of the exercise'.*

EFL V SOUTHAMPTON, EFL DISCIPLINARY COMMISSION (CH. HH PHILIP SYCAMORE CBE), 19 MAY 2026; EFL LEAGUE ARBITRATION PANEL (CH. SIR GARY HICKINBOTTOM), 1 JUNE 2026

Further, the LAP identified a helpful leading observation:

*'66. [...] (i) The [DC] considered that "sporting advantage is different from sporting success" [...] That is clearly right. The proposition relied on by the Club [...] that "if a club has observed a rival's training session but lost the subsequent match by a significant margin anyway, as a matter of common sense the observation is highly likely not to have given rise to any or any material sporting advantage" is based on a non sequitur. No matter how badly a team perform, they might have performed worse: and [SFC] might have had even worse data metrics and even less success in the first leg match if they had not conducted the observation on its opponents that it did conduct. In any event, in the first leg of the Play-Off Semi-Final, [SFC] did not lose by a "significant margin" or lose at all: the match was drawn'.*

EFL V SOUTHAMPTON, EFL DISCIPLINARY COMMISSION (CH. HH PHILIP SYCAMORE CBE), 19 MAY 2026; EFL LEAGUE ARBITRATION PANEL (CH. SIR GARY HICKINBOTTOM), 1 JUNE 2026

Further again, whilst noting that a sporting sanction is not inevitable, the LAP also highlighted:

*'68. [...] (ii) sanction may serve several purposes, only one of which is to restore/preserve public confidence in the fairness of the competition by ensuring that the competition is in fact fair. Public confidence in the integrity of the competition may be undermined by an attempt to gain an unfair sporting advantage or otherwise cheat, particularly if that goes unpunished; and, in any event, a legitimate purpose of a sanction is to punish the offending club or deter future misconduct by that club or another club engaged in the competition. It may properly be considered that nothing less than a sporting sanction will meet the needs of these other purposes, particularly that of deterrence'.*

EFL V SOUTHAMPTON, EFL DISCIPLINARY COMMISSION (CH. HH PHILIP SYCAMORE CBE), 19 MAY 2026; EFL LEAGUE ARBITRATION PANEL (CH. SIR GARY HICKINBOTTOM), 1 JUNE 2026

**Key points:**

- A sporting sanction is highly likely for such misconduct.
- A club charged with this misconduct could avoid a sporting sanction if it can demonstrate that it did not obtain a sporting advantage (e.g., if the information was not used and/or passed on at all), but it is imagined such an instance would be rare (and what's more, surprising).

# THE UEFA MCO REGIME

Gary Hickinbottom

# BACKGROUND

- MCO: a well-established business model
- Business advantages
- Sporting advantages
- Recognised risk to the integrity of a sporting competition

# UEFA MCO RULE

- 19 May 1998: UEFA introduce rule prohibiting associated clubs competing in same competition
- ENIC CAS challenge (AEK Athens and SK Slavia Prague): rejected
- ENIC EC complaint: rejected
- Recognised “conflict of interest potentially affecting the authenticity of results”
- So – MCO rule legitimate measure to preserve integrity of competition

# UEFA MCO 2025–26 RULE CHANGE

- Assessment Date
- For 2024-25 UCCs: 3 June 2024
- In October 2024, UEFA announced 1 March 2025 as Assessment Date for 2025-26 UCCs

# ARTICLE 5.01 OF THE UCC REGULATIONS

- **Assessment Date**
- **For 2024-25 UCCs: 3 June 2024**
- **In October 2024, UEFA announced 1 March 2025 as Assessment Date for 2025-26 UCCs**

# ARTICLE 5.01 OF THE UCC REGULATIONS

*“To ensure the integrity of the [UCC], the club must be able to prove that as at 1 March 2025 the below [MCO] criteria were met and the club must continue to comply with the below criteria from that date until the end of the competition season....”*

# CAS CASES

- Crystal Palace and Olympic Lyonnais (Europa League)
- Drogheda United FC and Silkeborg IF (Conference League)
- FK DAC AS and ETO FC Gyor (Conference League)

# CAS ISSUES

- Notice of the change
- Interpretation and guidance from ECA (now European Football Clubs)
- Pre-competition compliance/arbitrary Assessment Date
- Disproportionality

# CAS THEMES (1)

- Generally strict interpretation of the MOC rule
- Not disciplinary: but entry/admission criteria
- Consistency/predictability outweighed any perceived unfairness to individual clubs
- Not a sanction and no proportionality argument
- No near miss/discretion to allow post-1 March but pre-competition compliance

## CAS THEMES (2)

- Possibly ambivalent guidance from ECA no basis for any legitimate expectation
- Ignorance of the rules no excuse (but clubs knew in any event)
- Unimpressed by notice arguments: sufficient notice given by October 2024

Circular

# CONCLUSIONS

- For clubs in UCC, compliance with MCO rules from Assessment Date required
- Strict interpretation: no margin of error in any criteria including date
- Clubs which may qualify for a UCC need to review ownership/controllers to identify MCO prohibitions
- Need to review in good time to take steps to avoid prohibition if necessary

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# WIMBLEDON AT 39 ESSEX CHAMBERS

Thursday, 9th July • 3pm - 5pm



Join us for a screening of the Wimbledon semi-finals at 39 Essex Chambers.  
Enjoy an afternoon of catching up with sports law colleagues over strawberries and cream,  
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