

14 The Welsh Premier League and the ‘Significant Risk’ to Match-Manipulation. Is a Specific Offence Required?

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Introduction

The issue of match-fixing is one of the biggest global threats the sports industry faces (Veuthey, 2014; Kihl, Skinner & Engelberg, 2017). The link between match-fixing, and wider criminal networks and corruption is well documented. This has drawn international attention from the likes of Interpol, Europol and the European Union. There exists no uniform definition of match-fixing (Katsarova, 2016). However, the concept of ‘manipulation’ provided by the Australian Sports and Recreation Ministers Council (2011) receives endorsement by the European Parliament (ibid), that being:

“Match-fixing involves the manipulation of an outcome or contingency by competitors, teams, sports agents, support staff, referees and officials and venue staff. Such conduct includes:

- i. the deliberate fixing of the result of a contest, or of an occurrence within the contest;
- ii. deliberate underperformance;
- iii. withdrawal (tanking);¹
- iiii. an official’s deliberate misapplication of the rules of the contest;
- v. interference with the play or playing surfaces by venue staff; and
- vi. abuse of insider information to support a bet placed by any of the above or placed by a gambler who has recruited such people to manipulate an outcome or contingency” (p.2).

Match-fixing can arise in two forms: betting-related match-fixing with the aim of achieving financial gain; or sports-related match-fixing which is motivated by the desire to qualify for a competition (Katsarova, 2016). This chapter focuses on the former and will use the terms match-fixing and match-manipulation interchangeably throughout.

Match-fixing is global. The abundance of academic literature and scholarly discussion from across the globe bears witness to this with discussion focussing on the nature and extent of match-fixing. There have been incidents in Korea (Brooks, Lee & Kim, 2012), Finland (Peurala, 2013), Malta (Aguilina & Chetcuti, 2014), Greece (Manoli & Antonopoulos, 2015), the Netherlands (Spapens & Olfers, 2015), Turkey (Yilmaz, Manoli & Antonopoulos, 2018) and Italy (Costa, 2018), to name a few. The response of the European Union has also garnered academic attention, particularly since the 2014 introduction of the Council of Europe Convention on the Manipulation of Sports Competitions (the Convention).²

What much of the academic discussion has revealed is that there exist vulnerabilities to match-manipulation that criminals seek to exploit. Therefore, one focus of this chapter will be to discuss these vulnerabilities in relation to match-fixing with particular focus to Wales and more specifically, the Welsh Premier League (WPL), an area that has been under-analysed in academic discussion. Secondly, it goes on to discuss various legal instruments that have been utilised of

¹ Tanking means to give up, lose intentionally or to not compete.

² For an excellent overview of this Convention, also referred to as the Macolin Convention, see; Serby (2015).

recent to convict match-manipulators within Welsh and English jurisdiction, before going on to consider whether a specific offence would be beneficial.

Football and Match-Manipulation

In 2016, online gambling accounted for 33% of all betting related activity within the UK (Gambling Commission, 2016). However, betting also has a more sinister side with illegal betting prevalent in sports related gambling, whether this be to launder money from various criminal enterprises or, to manipulate any aspect of a sporting event for economic gain (De Sanctis, 2014). Snooker, sumo wrestling, handball, tennis, cricket and boxing have all had cases of manipulation since the turn of the century (Villeneuve & Aquilina, 2016). The internet and the liberalisation of legal betting markets, coupled with developments in technology that allow bets to be staked with relative ease have arguably created a greater risk for the manipulation of sporting events (Forrest, McHale & McAuley, 2008). It is now easier to bet on sporting events from abroad (Perula, 2013), thus, illegal betting has become a transnational crime, and as Costa (2018) outlines, ‘globalisation has moved the centre of gravity of match-fixing’ to a global issue (p. 126).

According to the Norwegian Ministry of Culture (2015), one of the attractions of internet related betting and match-manipulation is the low risk of being caught because the money trail can cross several international borders. One ‘fixed’ game can involve as many as 50 persons spanning across ten different countries and legal jurisdictions (Europol, 2013). In 2013, Europol and authorities from 13 different countries uncovered what was described as ‘an extensive criminal network in football match-fixing which had generated over €8m in profits and €2m in corrupt payments’ to various stakeholders (ibid). Matches played in Asia, Africa, South and Central America were also deemed ‘suspicious’ (ibid).

Criminal gangs commonly target:

- Sporting clubs experiencing low turnovers or financial difficulties (Perula, 2013);
- Athletes who are poorly remunerated or at the end of their careers (Spapens and Olfers, 2015).

This is in contrast to those who participate in leagues such as the English Premier League (EPL), where players are well paid and very well protected (Spapens and Olfers, 2015). As outlined by Spapens and Olfers (2015) in their research in The Netherlands, ‘the combination of low salaries, clubs in financial trouble, and the availability of the games for betting makes the second football division the most vulnerable for gambling related match-fixing’ (p.352). Interpol (2013) state that this is because matches in lower or semi-amateur leagues are less likely to be monitored and players in these leagues can be compelled to participate in manipulation for what would be ‘small’ amounts of money to criminal gangs, but vast amounts to a player. For example, a goalkeeper in Korea’s K League was rewarded with \$100,000 for intentionally conceding 11 goals over the course of four matches (ibid).

Welsh Premier League: Financial Insecurity

Football is, according to The Culture, Welsh Language and Sport Committee (2007), the most popular sport in Wales. In June 2016 the Football Association of Wales (FAW) recorded an annual turnover of £21m: more than double than that of the previous year and was largely due to the success of the Welsh national team at the 2016 European Championships (FAW, 2016). In comparison, the English Football Association recorded a turnover of £370m: an increase of £52m

from their previous year, which makes the FAW turnover appear relatively modest (The Football Association, 2017).

Arguably, clubs in the Welsh Premier League (WPL) have, and do, struggle financially. In 2003, Barry Town, a team who had dominated the WPL since its formation in 1992 and famously defeated Portuguese giants FC Porto in a UEFA Champions League Qualifying match, entered administration (BBC, 2013). Shortly after, the club had been relegated from the WPL and the chairman refused to input any funds into the club following a row with the local Vale of Glamorgan Council from whom Barry Town rented their ground (Abbadonato, 2005). Indeed, the FAW adjudged grounds and overall infrastructure to be 'below standard' in 2012 (FAW, 2012). Despite the FAW investing up to £600,000 per annum to assist in upgrades, the local and national Government contributed nothing (ibid). This is in contrast to the Football Association of Ireland (FAI) which received over £110m from the Irish Government to invest in stadia upgrades (ibid).³

When compared to the riches of other leagues such as the EPL, annual turnover of WPL clubs is also somewhat miniscule. In 2015, it was reported in The Guardian that Newtown FC's Europa League first round qualifier would bring the club £200,000, the value of their usual yearly turnover (Doyle, 2015). When considering that some players in the EPL are earning a similar amount per week, the economic gulf between the two leagues becomes abundantly clear. Indeed, most players who ply their trade in the WPL are part-time, meaning they will have additional jobs away from football. The only team to have full-time status is 11-time WPL champions, The New Saints FC (ibid).

Thus, it is fair to say that the WPL does not share the same financial riches or security as some of its European neighbours. This is exacerbated by the lack of spectators attending WPL matches. This lack of spectators is 'one of the main challenges facing the WPL' and increases in numbers are necessary to ensure that clubs remain financially sustainable (National Assembly for Wales, 2012: para 87). A further threat to the financial sustainability of the WPL is criminality. A risk assessment carried out by the FAW outlined that football in Wales 'was at significant risk' of being targeted by match-fixers (FAW, 2014). The assessment further outlined that on average, up to £575,000 in bets are being made per match, per weekend, through 'regulated' betting operators (ibid). Thus, on an average weekend, nearly £3.5m worth of bets are staked on clubs involved in the WPL.

Allegations of Match Manipulation in Wales

Why Welsh football is at 'significant risk' is not disclosed by the FAW. The relatively modest turnovers of WPL clubs, which in turn means low wages, coupled also with the financial troubles some clubs have experienced, arguably makes the WPL an attractive venue for match-manipulation. In response to the risk assessment, the FAW carried out 'ambitious' educational workshops with its WPL personnel as well as re-iterating rules outlining that; i) no players are to bet on any games within Wales, ii) or, any games involving your own club in European competitions, and iii) all 'approaches' from a third party requesting the influence or 'fixing' of a game must be reported (ibid). Indeed, the European Commission believes such education is a 'key tool' and 'indispensable' in the fight against match manipulation (Syvasalami, 2014).

So far, there has been no proven scandal involving Welsh football. Nevertheless, some WPL fixtures have been subject to allegations of match-fixing. In 2014, Federbet, an international anti-match-fixing organisation based in Belgium released its annual report. In that report, Federbet

³ Although this money was also used to update rugby and Gaelic stadia.

(2014) alleged games between Port Talbot versus Carmarthen Town, and Bala Town versus Gap Connah's Quay had been 'fixed.' These claims were rebutted by the FAW and WPL who said both games had been 'spot checked' by officials (Devine, 2014). In 2016, Federbet (2016) again alleged that two WPL games had been 'fixed', this time between Airbus UK Broughton FC versus Haverfordwest County FC, and Aberystwyth Town versus The New Saints.

Federbet's claims, however, have been met with scepticism. The European Sports Security Association, an organisation that represent the integrity interests of many licensed betting operators questioned the legitimacy of Federbet, noting that 'no one within the European regulated betting industry is aware of who Federbet are or what they represent (...) they appear to be an organisation steeped in secrecy' (Gaming Intelligence, 2014). Indeed, no legal action was ever taken against the clubs identified by Federbet. However, Port Talbot FC was again implicated in 2016, this time following an investigation by the FAW into a 'shock' 5-0 defeat to already relegated Rhyl Town, a team who had not won in 17 matches (Wales News Service, 2018). The investigation revealed that a large amount of money was wagered despite odds of between 70/1 and 100/1 being offered for the 5-0 win (ibid). Eleven people, which included staff, players and associates that included a relative of a former professional footballer, were arrested by South Wales Police Economic Crime Unit for the common law offence of conspiracy to defraud.⁴ The House of Lords in *Scott v Metropolitan Commissioner* [1975] AC 819 defined this offence as:

"an agreement by two or more by dishonesty to deprive a person of something which is his or to which he is or would be or might be entitled and an agreement by two or more by dishonesty to injure some proprietary right of his, suffices to constitute the offence of conspiracy to defraud" (p. 840).

However, no person is yet to be charged in relation to this allegation. This is perhaps indicative of the complexity such investigations entail (BBC Wales, 2018). Indeed, convictions for match-manipulation in Wales and England are relatively rare (Serby, 2015). Nevertheless, and despite there being no specific criminal offence of match-fixing or match-manipulation within the legal framework, successful convictions have been recorded of recent, not only in football, but also cricket. The cases arising from cricket are equally applicable to football and this chapter now explores some of the legal provisions that have been utilised.

Legal Framework against Match-Manipulation in Wales and England

Gambling Act 2005

The Gambling Act 2005 was enacted to keep gambling 'crime free' (HC Deb, 1 November 2004). S 42 created a new offence of 'cheating at gambling,' detailing that 'a person commits an offence if s/he cheats at gambling or does anything to enable or assist another to cheat' (s.42(1)). Cheating can include deception or interference with a game to which gambling relates (s.42(3)). Given the wide range of activities to which this concept may apply,' the Supreme Court in *Ivey v Genting Casino (UK) Ltd t/a Crockfords* [2017] UKSC (at [38]) confirmed that s 42(3) does not 'exhaustively define' cheating. It is 'explanatory rather than definitive' and leaves open what is and what is not cheating. Moreover, *Ivey* confirmed that 'dishonesty' is not a necessary ingredient

⁴ Statutory conspiracy offences can be found in s 1 Criminal Law Act 1977. Although this Act abolished many common law conspiracy offences, it expressly preserved conspiracy to defraud at s 5(2).

of ‘cheating’ (para.48-51). Therefore, any attempt, whether unsuccessful or not, to manipulate any aspect of a football match would, in theory, constitute an offence under this legislation.

Although little-used since its enactment in 2007, the Act has had some success in terms of convictions, particularly in cricket. In the 2011 case of *R v Majeed and R v Westfield* [2012] EWCA Crim 1186, sports agent Mazhar Majeed was convicted for ‘conspiracy to cheat’ following his role in facilitating the manipulation of ‘no balls’ during a Test Match between Pakistan and England. The network extended to Pakistani cricketers Salman Butt, Mohammad Amir and Mohammad Asif, who were also convicted of ‘conspiracy to cheat’ and a second offence of ‘conspiracy to accept corrupt payments’ (*R v Amir and another* [2011] EWCA Crim 2914; *R v Mohammad Asif* [2013] EWCA Crim 1153).

On appeal, Majeed argued that any gambling which had occurred as a result of ‘the fix’ had taken place abroad, thus, falling out of jurisdiction of the Gambling Act 2005 (*R v Majeed and R v Westfield* at [26]). This submission, labelled as ‘remarkable’ by the Lord Chief Justice of England and Wales, failed on the basis that ‘the fix’ was organised in England and ‘the target’ was a match being played in England (ibid at [27]). The offence was committed at the moment ‘anything’ was done ‘for the purpose of enabling or assisting’ another to cheat at gambling, thus, completing the offence before a bet had even taken place (ibid). Notwithstanding, the Court of Appeal Criminal Division (CACD) did concede that:

“questions of territoriality might arise if it were ever to be the case that an individual or individuals who were living abroad and placed their bets abroad on the basis of the cheating which was organised and took place here were ever to be prosecuted in this jurisdiction. We need not address them. We are not dealing with the criminals abroad who took advantage of the cheating organised in this jurisdiction” (ibid at [28]).

Indeed, this outlines one of the difficulties in prosecuting what is the transnational nature of match-manipulation. Individuals who place bets in separate jurisdictions and financially benefit from a ‘fix’ made in Wales or England may never face prosecution. As outlined by the CACD, this may be for jurisdiction reasons, or as Lord outlines (albeit in the context of bribery), conducting transnational investigations is resource intensive, time-consuming and some countries are ‘notoriously difficult’ to work with (Lord, 2014).

Conspiracy (Criminal Law Act 1977)

There are two forms of conspiracy; common law conspiracy - although most of which were abolished by s 5(1) of the Criminal Law Act 1977 (CLA 1977) – or, statutory under s 1 CLA 1977. S 1(1) details that a conspiracy consists if two or more persons agree to pursue a course of conduct amounting to the commission of any offence. Clearly, an agreement between the conspirators is central to a conspiracy and has been defined in *R v Subhash Mehta* [2012] EWCA Crim 2824 as a ‘common unlawful or purpose design’ (at [36]). As indicated previously, Majeed’s co-defendants, Pakistani cricketers Salman Butt, Mohammad Amir and Mohammad Asif were also convicted for the offences of ‘conspiracy to cheat’ and ‘conspiracy to accept corrupt payments’ – that is, the payments offered by Majeed to bowl ‘no balls’ (*R v Amir and another*; *R v Mohammad Asif*). In a separate incident, Essex cricketer Mervyn Westfield was also convicted for ‘conspiracy to accept

corrupt payments’ for agreeing to ‘bowl in a manner that allowed the scoring of runs’ for financial gain (*R v Majeed and R v Westfield* at [5]).

The offence of conspiracy can also include an agreement made in the UK for an offence to be committed abroad. In essence, if an agreement is formed in Wales and England to fix any aspect of a football match outside of UK territory, then s 1A of the CLA 1977 could apply.⁵ There is also the potential for a prosecution if an agreement is made abroad to manipulate any aspect of a football match in Wales or England. *DPP v Doot* [1973] AC 807 (at 836) makes clear that if an overt act is done in furtherance of an agreement on Welsh or English soil, then the offence of conspiracy is indictable here. This principle was widened by The Privy Council in *Somchai Liangsiriprasert v Government of the United States of America* [1991] AC 225, holding that no overt act needed to be proved in Wales or England:

“The very act of the agreement is the criminal offence and so the conspirators can be prosecuted even if the conspiracy is abandoned. Overt acts are no more than evidence of the conspiracy; their commission is not a necessary ingredient of the offence” (at p.232).

This principle was followed in *R v Naiini* [1999] Cr App R 398, the CACD outlining that:

“In our view the courts of England and Wales do have such jurisdiction if the conspiracy wherever made is to do something here or to do something which may be done here, whether wholly or in part, even if no overt act pursuant to the conspiracy is done in England and Wales” (at p.416).

In *R v Majeed and R v Westfield*, it is clear that those who may have placed bets abroad knowing the game has been manipulated have financially gained from an illegal enterprise. However, whether a prosecution would be feasible for a conspiracy to cheat, or defraud, would require international co-operation in bringing the perpetrators to Welsh and English jurisdiction.

Prevention of Corruption Act 1906 and Bribery Act 2010

In addition, the ‘corrupt payment’ element of the offence in *Majeed* and *Westfield* invoked the now repealed Prevention of Corruption Act 1906.⁶ S 1(1) forbid any agent from ‘corruptly accepting or obtaining, or agreeing to accept and obtain, any gift or consideration to do any act in relation to his principal’s affairs or business.’⁷ In 1998, the Law Commission (1998) felt that the legislation surrounding corruption and the meaning of ‘corruptly’ was in an ‘unsatisfactory condition’ and that [it] be re-instated into a modern statute’ (at [4.15-4.18]). It was against this backdrop (amongst others) that the Bribery Act 2010 was enacted. Indeed, ‘conspiracy to commit bribery’ was successfully utilised of recent against a number of footballers and associates: footballs first successful match-manipulation conviction since the 1960’s.

The Bribery Act 2010 outlines that it is an offence to ‘promise or give a financial advantage to another person’ if the intention is to ‘induce or reward a person for performing improperly a relative function’ (s.1). Moreover, agreeing to accept, or accepting a bribe to perform a ‘relevant

⁵ Inserted by Criminal Justice (Terrorism and Conspiracy) Act 1988 s 5(1)

⁶ Repealed by the Bribery Act 2010

⁷ S 1(2) defines ‘agent’ as including any person employed by or acting for another; and ‘principal’ includes an employer.

function or activity improperly’ also constitutes an offence (s.2). A ‘relevant function’ can include any activity connected with a business or in the course of a person’s employment (s.3(2)). Thus, it is clearly applicable to football clubs and their personnel. In 2014, two footballers playing for Whitehawk FC⁸ and two businessmen were convicted of ‘conspiracy to commit bribery’ (Gambling Commission, 2014). The footballers falling foul of ‘agreeing to accept bribes’ and the businessmen for ‘inducing the footballers to improperly perform a relative function’ for financial gain.

However, bringing prosecutions under the Bribery Act 2010 can be intricate. As Alldridge (2012) commentates, if the case of *Majeed* was indicted under the 2010 Act, there are decisions a jury would need to consider relating to the meaning of ‘a relative function be performed improperly,’ namely that the ‘performance’ is in breach of a ‘relevant expectation.’ S 3(3) of the Bribery Act 2010 outlines that the individual is expected to perform in ‘good faith’ which in itself, can be tricky to consider. In *Majeed*, the player contracts were examined but ‘good faith’ was not contractually defined (at para [10-15]). Evidently foreseeing issues of this nature, the Law Commission (2008) felt confident of a jury’s ability to apply the ordinary meaning in such situations (at para [3.175]). For Alldridge (2012) however, the lack of clarity leaves a risk of unpredictability in jury decisions, adding to the ‘underlying problem’ that the Act was ‘enacted without a fully articulated, clear rationale for the crime of bribery’ (at p.967).

On the face of it, the criminal law is well stocked to secure convictions upon those who seek to manipulate football within Wales and England. Clearly, and evidenced by recent cases, conspiracy is a central component to allegations of match-manipulation for quite simply, it is an ‘agreement’ (to cheat/or commit bribery) that the prosecution is seeking to establish. The Gambling Act 2010 leaves open what constitutes ‘cheating’ and one need not to cheat *per se*. The act of doing anything in order to ‘enable or assist another person to cheat’ is sufficient and it is immaterial whether a person who cheats improves his chances of winning, or indeed wins anything (s.41(1) and s.42(2)).

Whilst the Bribery Act 2010 secured the first conviction of football related match-manipulation since the 1960’s, there is concern that it can be confusing for jury’s and create a lack of consistency in any decision making (Alldridge, 2010). Indeed, Alldridge asserts that the Gambling Act 2015 is best placed to secure convictions of this nature (at p.967). Nevertheless, there has been a recent suggestion that the legislative framework would benefit from a specific match-manipulation or match-fixing law. Therefore, the remainder of this chapter will briefly explore whether Wales and England would indeed benefit from a specific offence.

The need for a specific offence?

In his address at the 2015 Sports Resolution conference in his role as Chairman of the Cricket Discipline Commission for the England and Wales Cricket Board, Gerard Elias QC expressed that ‘it is very important that we have a criminal offence of match-fixing’ (Westbury, 2015). The rationale for such a suggestion was not because of flaws in the current framework, but that having offences fall under the various aforementioned statutes was somewhat confusing for the players and a named deterrent would be key:

⁸ A semi-professional club who at the time were playing in the English Conference South League

“Match-fixing people can understand. Spot-fixing people can understand. Players would understand a named offence instead of falling under the auspices of the Gambling Act [2005] and other such legislation” (ibid).

Given the, as Ryder and Harrison (2013) term it, ‘plethora’ of offences that exist to combat financial crime in general that can also be applied to match-manipulation (such as those described in this chapter), there is truth in Elias’s statement that what act or omission amounts to a criminal offence can lack in simplicity. The creation of a well-defined ‘one fits all’ offence would therefore bring about clarity whilst hopefully leading to a degree of consistency and the specific named deterrent Elias proposes.

Similar sentiments were shared by the New South Wales (Australia) Law Reform Commission (2011). ‘Widespread support’ was outlined for a ‘clear and easy to understand’ piece of legislation that would also serve to ‘raise the awareness of the proper boundaries of sporting activities and gambling’ and also, ‘function as a deterrent’ (at [2.11-2.12]). Following these recommendations, the Crimes Act 1900 (NSW) was amended to incorporate the offence of ‘knowingly or recklessly engaging in or facilitating conduct, whether by act or omission, that influences the betting outcome of an event with the intention of obtaining a financial advantage or causing a financial disadvantage’ (s.193H). Although ‘football’ or ‘sport’ is not explicitly mentioned, ‘event’ is defined as ‘any event (whether it takes place in this State or elsewhere) on which it is lawful to bet under a law of this State’ (ibid). This will naturally include events of a sporting nature.

The Bulgarian Criminal Code provides a more explicit offence of Crimes Against Sports (Ch 8). Article 307b criminalises anyone from using ‘force, fraud, threat or any other unlawful way to compel a person to manipulate the outcome of a sports competition.’ For those involved in the sporting event, ss 2 criminalises ‘anyone who accepts any benefit in order to manipulate the outcome of a sports competition’ (Art.307b). Thus, what the NSW and more specifically, the Bulgarian Criminal Code do is provide the named, unequivocal offence/s that Elias proposes and of course, the simpler named deterrent. Whether a similar named offence in Wales and England could have the deterrent effect of reducing or eradicating match-manipulation however, is another matter.

Van Rompuy (2013) argues that there is nothing to suggest that specific criminal legislation deters, stating:

“The introduction of specific criminal law provisions, as advocated by various stakeholders, would have little immediate bearing. If the commitment to criminalisation simply means putting sports fraud on the statute books, it is merely an exercise of gesture politics intended more to capture headlines than to deter misconduct” (p.70).

Seemingly, the concern for Van Rompuy is not only would a specific offence be a ‘seen to be doing something’ response by the legislature, it could also mean football governing bodies ‘shirk their responsibilities,’ for it is they who are best placed to investigate and bring any disciplinary action that might be necessary (ibid). For Carpenter (2012), the ultimate responsibility does indeed lie with the governing bodies but concedes that there is nothing more shaming for a sportspersons professional and personal integrity that being called a ‘criminal.’ Of course, one can be sufficiently labelled a ‘criminal’ without the need of a specific offence. Nevertheless, the concern is clear that whilst a specific offence may provide clarity and consistency, it could come at a cost of governing

bodies placing an over-reliance on the criminal law and resting on their laurels regarding their own due diligence and responsibilities in protecting the integrity to the game.

It is the 'manifold' harm to the integrity of the game in which Gokhale (2009) justifies the requirement for a specific offence. If spectators lose interest because they are not satisfied the game is fair, this will lead to lower ticket sales for clubs, in turn meaning broadcasters lose interest (ibid). A lack of interest can come at a heavy cost to football clubs and its personnel, particularly in football leagues such as the WPL where spectator and broadcaster participation are vital to a club's financial survival. A football club ceasing to exist for financial reasons (or indeed any reason) means at a minimum, a loss of jobs and livelihoods for its staff, consequently manifesting into the private lives of individuals and the wider community. Therefore, the need for a specific offence with greater clarity for sports personnel to understand, coupled with the potential harm match-manipulation can have on individuals and communities, may go some distance to justifying a specific offence. The argument of governing bodies 'shirking their responsibilities' by placing an over-reliance on the criminal law may hold some weight but this would certainly be a negligent path for a governing body such as the FAW to adopt.

The definition of 'cheating' contained within s 42 Gambling Act 2005 has also been cause of concern for some stakeholders. The Sports Integrity Panel (2010) (Parry Report) recommended that the definition of 'cheating' be reviewed (at [1.1]). On the back of the Parry Report and during the Second Reading of the Gambling (Licensing and Advertising) Bill, the question was asked by MP's as to whether the 'loosely defined' 'cheating' element would be 'amended' given that the conviction of Majeed required alternative legislation be used as 'cheating' did not cover the criminal behaviour (HC Deb 5 November 2013). Despite support from some MP's, the proposed amendments by Labour were defeated with the existing laws deemed sufficient (Wheeler, 2013).

Therefore, arguments from some against a specific offence fall on the notion that it is the overriding responsibility of governing bodies, and any specific offence could mean they place an over-reliance on the criminal law. For some MP's, the existing legal framework is enough to challenge on the field corruption and in credit to this point, convictions such as those outlined in this chapter have been secured. Nevertheless, the legal framework does lack clarity, in that it omits a uniform definition and offence in which sports personnel would be able to fully understand. Arguably, an offence similar to Bulgaria would make any educational programme aimed at sports personnel clearer and more accessible. Whether the wider harm caused by match-manipulation is persuasive enough for a specific offence to be considered is an argument that requires further attention. Clearly, in leagues such as the WPL, spectator and broadcaster interest is vital to its future. Any hint of corruption and the wider consequences to communities, staff and the club itself can be catastrophic. A specific offence may very well be symbolic in that it represents 'gesture politics,' but symbolic offences can still 'invite consideration' of the law and symbolise parliamentary commitment that match-manipulation will not be tolerated. (Gusfield, 1968; Dwyer, 1990). Indeed, 'capturing headlines', as Van Rompuy (2013) suggests, is not necessarily a negative thing for it may have a positive deterrent effect. Although Elias expresses the ease in which a specific offence could be drafted, the New South Wales Law Commission do note that legislation of this manner has to be meticulously defined in order to avoid over-criminalisation or, elements of haphazard 'finger pointing' given the nature of honest mistakes, tactical decisions or rule-breaking that form part and parcel of football and many other sporting contests. Indeed, any suspicion or accusation can be just as damaging to an individual as an actual scandal occurring (Carpenter, 2012).

Conclusion

The amount of money wagered on WPL games demonstrates that it is popular amongst internet gamblers. However, where this is legal gambling, illegal gambling is never far behind. The low wages, financial insecurities of some clubs and its lack of appeal to a wider community means the WPL is arguably vulnerable to match-manipulation. Indeed, allegations of match-manipulation have not dodged the WPL games. The FAW has recognised that a 'significant risk' exists and have responded accordingly with the implementation of educational programmes. Programmes that could of course, be clearer with the existence of clear and easy to understand legislation. Whether this will be enough to mitigate the alluring nature of the vast amounts of corrupt money that are offered to players however, remains to be seen.

As has been detailed in this chapter, of number of successful convictions have been recorded with 'conspiracy' under the Criminal Law Act 1977, 'cheating at gambling' stemming from the Gambling Act 2005 and 'bribery' contrary to the Bribery Act 2010. Conspiracy and cheating at gambling have transnational reach. Provided that 'a fix' involves any game played in Wales or England, or, if the 'fix' is arranged here for a match abroad, then offenders can face prosecution. The offence of bribery, however, poses some evidential difficulties. As Alltridge (2012) asserts, the Gambling Act 2005 is much better placed to tackle allegations of match-manipulation. Moreover, as 'cheating' is not explicitly defined within the Gambling Act 2005, it can potentially encapsulate a wide variety of behaviour whilst also capturing those that do anything to 'enable or assist another to cheat.' Nevertheless, attempting to outline the various legal frameworks to sports personnel as part of any educational programme can be difficult, and Elias is right to suggest that an easy to understand 'named offence' such as that implemented by New South Wales or Bulgaria would be beneficial. The wider harm caused by match-manipulation may add to the argument that a specific offence is justified, even if it were to be labelled as 'gesture politics' by some.

Any element of governing bodies 'shirking their responsibilities' if a specific offence was introduced would certainly be counter-productive. Welsh football is clearly vulnerable and needs protecting. The FAW do not have the financial credentials of other major leagues, the support of a global following or multi-million-pound television deals. Any assistance from the legislature in providing security to a threat that it is vulnerable too would surely be welcomed to protect the integrity of the game and the livelihoods of those who are involved in it.

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