

**IN THE MATTER OF AN FA RULE K ARBITRATION**

**BETWEEN:**

NOTTINGHAM FOREST FOOTBALL CLUB

**Claimant**

-and-

THE FOOTBALL ASSOCIATION

**Respondent**

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**AWARD**

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Lord Neuberger of Abbotsbury

Edwin Glasgow CBE KC

Kim Franklin KC (Chair)

<p>For the Claimant Bryan Cave Leighton Paisner LLP London United Kingdom <a href="mailto:Irina.Tuca@bclplaw.com">Irina.Tuca@bclplaw.com</a></p> <p>Kate Grange KC 39 Essex Chambers</p>	<p>For the Respondent Northridge Law LLP <a href="mailto:James.norrey@northridgelaw.com">James.norrey@northridgelaw.com</a></p> <p>James Segan KC Daniel Cashman Blackstone Chambers</p>
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## INTRODUCTION

1. In this arbitration, the Claimant, Nottingham Forest Football Club ('the Club') seeks declarations and orders in respect of Mr Graeme McPherson KC, acting in his capacity as Chairperson of the Football Association's ('the FA') Appeal Board for proceedings ('the Chelsea Proceedings') following an incident involving the Club and Chelsea Football Club on 6 October 2024 ('the Chelsea Incident'). The arbitration is brought pursuant to Rule K of the FA's Rules.
2. The Club claims that Mr McPherson, should be recused from deciding the Chelsea Proceedings on the grounds of apparent bias. It relies on interactions with Mr McPherson in proceedings ('the Everton Proceedings') arising out of an incident following a match between the Club and Everton FC ('the Everton Incident').
3. The FA denies the Club's claim. It submits:

*'... there is no procedural unfairness, because the test for apparent bias is not met.'*<sup>1</sup>

## BACKGROUND

4. This arbitration arises out of the following background facts which are not in dispute.
5. On 21 April 2024, following a football match between the Club and Everton FC, which ended in a 2-0 defeat for the Club and involved three disputed penalty appeals, the Club posted on 'X' (formerly Twitter) ('the post-game tweet'):

*'Three extremely poor decisions – three penalties not given – which we simply cannot accept. We warned the PGMOL that the VAR is a Luton fan before the game but they didn't change him. Our patience has been tested multiple times NFFC will now consider its options.'*

6. The post-game tweet went viral and was viewed nearly 40 million times, engendering considerable attention.
7. On 3 May 2024, the FA commenced the Everton Proceedings and charged the Club with a breach of FA Rule E3.1. In the Charge it stated:

*'It is alleged that your comments posted to X... constitute improper conduct in that they imply bias and/or question the integrity of the Match*

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<sup>1</sup> Submissions para.1

*Officials and/or the Video Assistant Referee and/or bring the game into disrepute contrary to FA Rule E3.1'*

8. The Everton Proceedings were to be heard by an FA Regulatory Commission ('the Commission').
9. On 14 May 2024, the Club served its response to the Charge ('Defence') denying the charge, alternatively setting out its position on any sanction.
10. On 17 May 2024, the FA served reply submissions ('Reply') with evidence including a statement from Mr Attwell, the Video Assistant Referee, and submissions on sanctions. The FA submitted ('the sanctioning statement'):

*'4.37 Taking all of the circumstances into consideration, the FA is resolutely of the view that (in the event the charge is established) the sanction range for this unprecedented and misconduct ought to be an immediately payable financial penalty in excess of £1,000,000.'*
11. On 21 May 2024, the Club applied for disclosure ('the Disclosure Application') in relation to:
  - a. Mr Attwell's statement ('the SA Statement Application') including documents relevant to his appointment, and
  - b. The sanctioning statement ('the Sanctioning Statement Application') including past decisions relating to social media comments, where the sanction was in excess of £500,000.
12. On 27 May 2024, the Club applied to exclude evidence from the proceedings ('the Admissibility Application'). Both the Disclosure and the Admissibility Applications were referred to as 'the Preliminary Applications'.
13. The Club provided written submissions ('Admissibility Submissions') in support of the Preliminary Applications were drafted by counsel, Michael Rawlinson, and they included some bold text and underlining, and in them the Club argued for the exclusion of effectively the totality of the FA's Reply or alternatively the contention in the FA's Reply that the Club should have a fine in excess of £1m imposed inadmissible.
14. Paragraphs 18 to 23 of the Admissibility Submissions contained (often strongly worded and repetitive) allegations that the FA had intentionally and unfairly not included its case on the level of penalty in the Charge, but had held it back until the Reply, and this was said in paragraphs 24 to 27 to justify excluding effectively the whole Reply.
15. Paragraphs 28 to 31 of the Admissibility Submissions were directed to the narrower claim to exclude the FA's contention that the penalty should be a fine

in excess of £1m. In that connection, paragraphs 30 and 31 of the Admissibility Submissions included arguments as to the lack of sentencing guidelines and the consequential lack of consistency. They concluded:

*'31 ...It is both procedurally and substantively unfair. It gives the distinct impression that The FA can act almost capriciously and seek any or a higher penalty at random, without supporting material or precedent at any stage, after a denial and when and how they please – perhaps reflecting what, in reality, is their simple displeasure in a Participant seeking to dispute a high-profile charge.'*

16. On 10 June 2024, the Preliminary Applications were decided on the documents by the Commission with Mr McPherson as chairperson, sitting with Mr Simon Parry and Mr Bradley Pritchard. The Commission provided its written decision with reasons ('the Preliminary Decision').
17. The Preliminary Decision comprises 35 paragraphs over 12 pages. The Commission made the following orders on the Disclosure Application:
  - a. The disclosure by the FA of:
    - i. The declaration made by Mr Atwell in which he declared his support for Luton Town FC.
    - ii. Any written policy setting out how issues of actual or potential bias are to be addressed when appointing Match Officials.
  - b. Liberty to apply for any documents relating to the appointment of Mr Atwell.
  - c. Otherwise dismissing the SA Statement limb of the Disclosure Application.
  - d. No order on the Sanctioning Statement limb of the Club's Disclosure Application.
18. On the Admissibility Application, the Commission ordered that the SA Statement should not be provided unless the charge was proved. Otherwise, the application was dismissed.
19. The Preliminary Decision included paragraph 29:

*'We also reject the Club's somewhat hysterical submission that the manner in which the FA has acted 'gives the distinct impression that the FA can act almost capriciously and seek any or a higher penalty at random, without supporting material or precedent at any stage, after an*

*denial and when how they please’. That is not an accurate or fair characterisation of how the FA has acted as regards*

*a) The provision of materials with the Charge, and*

*b) The subsequent provision of the FA’s Reply and the Additional FA Documents following receipt of the Club’s Response.’*

The sentence quoted in that paragraph 29 is in paragraph 31 of the Admissibility Submission, and for simplicity we will refer to that sentence as ‘Para 31’.

20. On 27 June 2024, the Charge was heard by a Regulatory Commission, chaired by HH Clement Goldstone KC sitting with Abdul Iqbal KC and Stuart Ripley. By its decision dated 3 September 2024 it found the Charge proved.
21. On 27 September 2024, the same Commission conducted a virtual hearing to determine the appropriate sanction. Its decision (‘the Sanction Decision’) was dated 3 October 2024. It concluded that the appropriate sanction was a financial penalty of £750,000.
22. The Club appealed the Sanction Decision on 17 October 2024. On 22 October 2024 the Club was informed that Mr McPherson had been appointed to chair the appeal board and provided Mr McPherson’s disclosure of his previous role as Commission Chair for the Preliminary Applications. He said:

*‘I do not believe that that gives rise to any conflict or other reason why I should not sit on the Appeal Board, but I raise it for completeness.’*
23. On 23 October 2024, the Club submitted that Mr McPherson should not hear the appeal on the grounds of apparent bias arising from the Preliminary Applications Decision. It made two substantive submissions. The second related to the role of the Club’s leading counsel in previous Olympic Selection dispute, in which he cross- examined Mr McPherson. The first was as follows (‘Limb 1’):

*‘While Mr McPherson states that he does not consider that his sitting on the preliminary procedural applications raises any conflict, we respectfully disagree. Mr McPherson described one of the submissions made on behalf of the Club as, ‘somewhat hysterical’. That ground is to be advanced as part of the current appeal and to appoint Mr McPherson as Chair would create an impression of unfairness and pre-determination of the issue.’*

24. On 24 October 2024, the FA forwarded Mr McPherson’s response. He said:

*'I say at the outset that I will not in fact be chairing this appeal ... I regret that I am now not available to sit on either of the dates due to pre-existing professional commitments.*

*I do not propose to comment on Limb 1 of the Club's submission.'*

Mr McPherson went on to comment on Limb 2 to the effect that he had no recollection of the identities of any the advocates who appeared. Limb 2 is not relied upon in this Arbitration.

25. The appeal against the Sanctions Decision was decided on 27 February 2025, by an Appeal Board comprising Lord Dyson, Mr Christopher Stoner KC and Mr Lawrence Selby. It dismissed the appeal as to both liability and sanctions.
26. The Appeal Board commented that, in the absence of sanction guidelines, the Commission was faced with a difficult task. It said:

*'62. ... In these circumstances, any figure arrived at was likely to be criticised as being arbitrary.*

*.....*

*76. Finally, this appeal has highlighted the difficulties faced by a Commission in arriving at a reasonable and proportionate penalty in circumstances where the facts are wholly unprecedented. It is not surprising that, in such a case, the offending club complains that the penalty imposed is arbitrary or plucked out of the air. We invite the FA to give careful consideration to issuing sanction guidelines for different kinds of offending.'*

27. Meanwhile, on 6 October 2024, the Chelsea Incident occurred at a match between the Club and Chelsea FC, involving a mass confrontation between the two teams including players, substitutes and technical area staff. On 7 October 2024, the FA commenced the Chelsea Proceedings under Fast Track 2, charging both clubs with misconduct for a breach of FA Rule E20.1.
28. The Chelsea proceedings were heard on 17 October 2024 by a Regulatory Commission chaired by Mr Gareth Farrelly, sitting with Ms Alison Royston and Mr Matt Williams. The Commission gave its decision on 21 October 2024. It imposed a fine of £125,000 on the Club and £40,000 on Chelsea FC.
29. On 24 October 2024, the Club appealed the Commission's decision in the Chelsea proceedings on the grounds of procedural unfairness. The FA provided submission in response on 28 October 2024.
30. On 6 November 2024 the Club was notified that Mr McPherson was appointed to chair the Appeal Board in the Chelsea proceedings.

31. On 7 November 2024, the Club objected to the appointment of Mr McPherson. Its objections were based on specific concerns arising out of the Club's previous interactions with Mr McPherson, including:
- a. The finding in the Preliminary Applications Decision, at paragraph 29 that the Commission rejected *'the Club's somewhat hysterical submission that the manner in which the FA has acted gives the distinct impression that the FA can act almost capriciously and seek any or a higher penalty at random ...'*  
  
(*'the First Interaction'*)
  - b. When the Club subsequently objected to Mr McPherson chairing the appeal against the Sanctions Decision, he declined to comment on the reasons provided by the Club, despite apparently dismissing it.  
  
(*'the Second Interaction'*)
  - c. Mr McPherson's failure either to recuse himself, or provide a fully reasoned and neutral explanation for dismissing the Club's objection.
32. On 8 November 2024, the FA indicated that recusal was a matter for Mr McPherson and that it did not accept the grounds relied upon.
33. On 16 November 2024, Mr McPherson provided a written decision on the Club's application (*'the Recusal Decision'*). He concluded that the fair-minded observer would have no concerns arising out of the First Interaction. He said:
- '34 ...*
- a) I reject the suggestion that a fair-minded and informed observer would conclude from the First Interaction that I, or either of the other members of (the Commission) had 'animus towards the notion that a regulatory body might appear capricious in seeking disproportionate sanctions' or had in anyway pre-judged that substantive 'notion'. The First Interaction was not directed at that wide 'notion'. As the final sentence of paragraph 29 ... (and sub-paragraphs (a) and (b) to that final sentence) makes clear, the First Interaction*
- i) Was directed at the matter in which the Club's submission had been presented before the (Commission), and*
  - ii) Did no more than consider, for the limited purpose of determining the Admissibility Application, the particular matters relied upon by the Club.*



*The First (Interaction) did not address, and when read as a whole in the full context of the Earlier Decision could not reasonably be said to address the substance of what the Club describes as the ‘notion’ that a regulatory body might appear capricious in seeking disproportionate sanctions’.*

34. Mr McPherson further concluded that the Second Interaction would not lead a reasonable bystander to conclude there was a pre-disposition on his part to pre-judge issues against the Club. He said:

*’37. ... Any reasonable bystander would readily see that a consideration and determination of the Club’s October objection was pointless given that, for unrelated reasons, I would not be accepting the appointment to determine the Club’s appeal against the Second RC Decisions in any event. Indeed, I suspect that a reasonable bystander would have found it most odd indeed if, in such circumstances, I had considered and determined the merits of the Club’s objections when there was no conceivable practical benefit or purpose in me doing so.’*

#### **THE COURSE OF THIS ARBITRATION**

35. On 3 December 2024, pursuant to Rule K1.4 of the FA Rules, the Club issued The Notice of Arbitration (‘NoA’) in this arbitration (“Arbitration”) seeking:
- a. A declaration that, as regards the Chelsea proceedings, Mr Graeme McPherson KC, is insufficiently independent and impartial on the grounds of apparent bias and should be recused from those proceedings.
  - b. A declaration that, in relation to any instances of alleged misconduct occurring during this football season (2024/25) and the next (2025/26), Mr Graeme McPherson KC, should not be appointed to sit as a member (or Chair) of any FA Regulatory Commission, FA Appeal Panel or, should it become relevant in the future, Governing Body Endorsement Exception Panel involving the Club, on the basis that he is insufficiently independent and impartial on the grounds of apparent bias.
  - c. An order quashing the decision on the Club’s recusal application in the Chelsea proceedings dated 16 November 2024.
  - d. An order that Mr Graeme McPherson KC should be removed from the FA Appeal Board in the Chelsea proceedings and should be replaced as Chair.
  - e. An order that Mr Graeme McPherson KC, should not be appointed to sit as a member (or Chair) of any FA Regulatory Commission, FA Appeal Panel or Governing Body Endorsement Exception Panel involving the Club in relation to events occurring in this football season (2024/25) and the next

(2025/26) on the basis that he is insufficiently independent and impartial on the grounds of apparent bias.

f. Costs.

36. In the NoA, the Club nominated Mr Edwin Glasgow KC as sole arbitrator or, in the alternative if the FA did not agree that the Arbitration should be conducted by a sole arbitrator, as the Club's appointed arbitrator.
37. In its Response to the NoA dated 17 December 2024, ('Response') the FA denied the Club's entitlement to any of the relief sought in the NoA and agreed on the appointment of a single arbitrator.
38. In the event, the tribunal appointed to determine this matter ('the Tribunal') consisted of Ms Kim Franklin KC as chair, and Mr Glasgow and Lord Neuberger of Abbotsbury as co-arbitrators.
39. The Club's Points of Claim were served (together with a statement from Mr Nicholas Randall KC) on 31 March 2025, seeking the relief set out in the NoA.
40. The FA's Points of Defence were served on 22 April 2025, seeking dismissal of the Arbitration.
41. A one-day hearing took place at the International Dispute Resolution Centre on 31 July 2025, at which the Club was represented by Ms Kate Grange KC, and the FA was represented by Mr James Segan KC and Mr Daniel Cashman.

## DISCUSSION

### *The law*

42. In summary terms, the Club's case is that Mr McPherson should not sit on panels entertaining charges against the Club, as he has demonstrated apparent bias against the Club as a result of characterising the Club's argument in the sentence quoted in paragraph 29 of the Preliminary Decision, taken from Para 31 of the Club's Admissibility Submissions as "*somewhat hysterical*".
43. The Club's case is reinforced by;
  - a. the fact that the Appeal Board, chaired by Lord Dyson, made observations which demonstrated that Para 31 was in fact well-founded, and
  - b. the way in which Mr McPherson subsequently dealt with the contention that he should not sit on panels considering disciplinary charges against the Club.
44. So far as the law on apparent bias is concerned, we were provided with an agreed bundle of no less than 25 authorities. The parties have helpfully agreed the test which we should apply in order to determine whether the claim of

apparent bias has been met in this case, and we agree with the way in which that test has been set out in both parties' submissions. Accordingly, it would serve no useful purpose if we were to review those authorities.

45. At least in this case, it is not necessary to look beyond what is widely accepted as the classic statement of the test, as taken from the leading decision in *Porter v McGill* [2002] 2 AC 357, which requires us to consider whether or not the circumstances, about which there is no material factual dispute here, would lead a fair-minded and informed observer to conclude there was a real possibility of bias. 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.
46. It should be added that we derive no assistance from three decisions cited on behalf of the FA in which tribunals had described arguments as "somewhat hysterical". In some circumstances, it may be a description of a line of argument, evidence or cross-examination which is at least arguably justified, and in the case of *F v M* [2021] EWFC 4, [94], necessary, in order to distinguish and analyse the evidence. In such cases the use of those words would be very unlikely indeed to have any hope of even founding a colourable case of apparent bias.
47. With that analysis of the law, we turn to the three factors which are said by the Club to justify its apparent bias claim.

#### *"Somewhat hysterical"*

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.
49. It also seems clear to the Tribunal that Para 31, although arguably (but far from unusually) rather rhetorically expressed, was sound. It was contending that, in the absence of:
  - a. any guidelines as to penalties and
  - b. any relevant decided awards on penalties, and

c. any contention as to the appropriate penalty in the Charge, the Club when preparing its Defence was entirely in the dark as to the FA's case as to the appropriate penalty, and the FA was free to "spring" its case on that issue after seeing what the Club had to say.

50. Accordingly, 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.

#### *The Appeal Board*

51. The Appeal Board's observations in paragraphs 62 and 76 go a very long way in supporting the notion that the Commission's characterisation of Para 31 was misconceived. Indeed, if one examines each phrase of Para 31, it is hard to see any phrase which is not supported by what the Appeal Board said.
52. The notional fair-minded, informed observer would thus know that the Appeal Board had a very different view of what was said in Para 31 from the Commission – and would therefore have no doubt that the description of Para 31 as "*somewhat hysterical*" was frankly misconceived.

#### *Mr McPherson's subsequent observations*

53. The Club relies on the facts that:
- a. When first challenged on this issue, Mr McPherson refused to deal with it – see paragraph 31b above;
  - b. The fact that, when he later dealt with the issue in the Recusal Decision, his explanation was unsatisfactory – see paragraphs 33 and 34 above.
54. As to Mr McPherson's initial failure to deal with the issue, the Tribunal considers that it has very little persuasive force. On the face of it, Mr McPherson was entirely justified in refusing to engage with the allegation of apparent bias, as it was raised as an objection to his sitting on a panel, on which, by the time he was considering the allegation, he was not in fact due to sit.
55. However, it is slightly curious that at the time there were two grounds for recusal which were raised against him, and he did seek to refute the other ground – see paragraph 24 above. Of itself, the curious fact that he dealt with the other allegation, but not the apparent bias allegation, cannot carry much weight to the substance of the apparent bias charge. However, if the notional far-minded and informed observer was concerned for other reasons about the apparent bias of Mr McPherson, he might conceivably regard this oddity as adding to any cause for concern.

56. Even if there is something in that point, the Tribunal considers that it is at best of very slight relevance to the issue which we have to decide, and accordingly we proceed on the basis that Mr McPherson's failure to deal with the issue when it was first raised has no relevance for present purposes.
57. The same is not true of the way in which Mr McPherson dealt with the issue in the subsequent recusal application. The essence of his explanation in the Recusal Decision, paragraph 34, was that the description "*somewhat hysterical*" was "*directed at the matter in which the Club's submission had been presented*" and did "*no more than consider, for the limited purpose of determining the Admissibility Application, the particular matters relied upon by the Club.*"
58. That explanation does not appear to recognise that the description was:
- a. limited to Para 31, and not directed to the contents of the Preliminary Application generally, and
  - b. referred to the argument itself and not just to the way in which it was presented.
59. It is fair to say that, earlier, in paragraphs 18 to 23 of the Admissibility Application the Club had repeatedly criticised the FA in strong terms for not setting out its case on sanctions until its Reply, and it may be that Mr McPherson was suggesting that it was those criticisms which were being described as "*somewhat hysterical*". But that is simply not a permissible reading of paragraph 29 of the Admissibility Decision, where the description plainly relates to Para 31 alone. For the same reason, we would reject the FA's suggestion that the description applied to the underlining and italicising in the Admissibility Application, which anyway runs into the difficulty that Mr McPherson raised no such suggestion in the Recusal Decision.
60. Accordingly, the fair-minded impartial observer would also take into account that, when given the opportunity to explain and/or justify the description "*somewhat hysterical*" as he saw fit, in the context of an allegation that it showed that he was biased against the Club, Mr McPherson came up with an explanation which does not, on analysis, really work. The lack of a satisfactory explanation could arguably have been understandable, as Mr McPherson might have said that the Admissibility Decision spoke for itself. But the fact that he chose to give an explanation which was unconvincing would, in the Tribunal's view, reinforce any concern which an observer might have about Mr McPherson's impartiality.

## **CONCLUSION ON APPARENT BIAS**

61. A tribunal called upon to resolve an allegation of apparent bias should not, of course, be too ready to hold that the allegation is made out, not least because it would encourage unmeritorious applications, and could lead to an undesirable degree of parties being too easily able to get rid of tribunal members they do not want.
62. However, 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).
63. Accordingly, the test for apparent bias is, as we have said, whether a fair-minded, informed observer would conclude that the relevant facts gave rise, not to the conclusion that the person concerned was biased, but to a real possibility that that person was biased.
64. Applying that test to the facts of the present case as relied on by the Club, the Tribunal has reached the conclusion that, while this is by no means a very strong, let alone a particularly culpable, case of apparent bias, it is a case where apparent bias has been made out. The combination of the three factors relied on by the Club and set out in summary form in paragraph 42 above, when analysed as in paragraphs 47 to 58 above, leads the Tribunal to conclude that a fair-minded informed person would consider that there was a real possibility that Mr McPherson was biased against the Club.
65. Once one has analysed the factors on which a claim for apparent bias is based (as in this case we have sought to do in paragraphs 42 to 59 above), the conclusion is almost instinctive or impressionistic, and any further elucidation actually involves little more than either repeating the analysis of the factors or trying to identify some purported reasons to retro-fit one's conclusion.

## **DECISION AND AWARD**

66. The Chelsea proceedings involve a disciplinary charge brought by the FA against the Club. It is true that the charge is of a different nature and under a different section of the FA Rules, and that it is proceeding under a different procedure from the Everton Proceedings. However, the Tribunal has no doubt that, having found that Mr McPherson suffers from apparent bias in relation to the Club, and that the bias arises out of disciplinary proceedings brought by the FA against the Club, he should not sit on the tribunal dealing with the Chelsea Proceedings.

67. The Club also seeks orders preventing Mr McPherson sitting on tribunals hearing any other cases involving the Club. We do not consider that any such order would be appropriate. While our decision may well in practice lead, for a time, to Mr McPherson not sitting on tribunals hearing cases involving the Club or being successfully challenged if he was appointed to sit on such cases, it is not right for this Tribunal to issue blanket orders in that connection. It would be an excessive exercise of jurisdiction – and unfair on Mr McPherson.

68. ACCORDINGLY, THE TRIBUNAL

A. GRANTS:

- a. A declaration that, as regards the Chelsea proceedings, Mr Graeme McPherson KC, is insufficiently independent and impartial on the grounds of apparent bias and should be recused from those proceedings.
- b. An order quashing the decision on the Club's recusal application in the Chelsea proceedings dated 16 November 2024.
- c. An order that Mr Graeme McPherson KC should be removed from the FA Appeal Board in the Chelsea proceedings and should be replaced as Chair.

B. REFUSES

- d. A declaration that, in relation to any instances of alleged misconduct occurring during this football season (2024/25) and the next (2025/26), Mr Graeme McPherson KC, should not be appointed to sit as a member (or Chair) of any FA Regulatory Commission, FA Appeal Panel or, should it become relevant in the future, Governing Body Endorsement Exception Panel involving the Club, on the basis that he is insufficiently independent and impartial on the grounds of apparent bias.
- e. An order that Mr Graeme McPherson KC, should not be appointed to sit as a member (or Chair) of any FA Regulatory Commission, FA Appeal Panel or Governing Body Endorsement Exception Panel involving the Club in relation to events occurring in this football season (2024/25) and the next (2025/26) on the basis that he is insufficiently independent and impartial on the grounds of apparent bias.

AND C. FURTHER ORDERS

- f. An order that the FA do pay:
- g. The Club's costs, to be agreed and, failing agreement, to be assessed on paper by the Arbitral Tribunal, and

- i. The Tribunal's costs, to be assessed pursuant to Rule K12 in the sum of £105,750 plus VAT including any sums paid by the Club on account of the Tribunal's costs.
- ii. Sports Resolution's costs.
- iii. The costs of the hearing including Opus 2's costs.
- h. In the event that the parties are unable to agree the quantum of the Club's costs, submissions limited to 5 pages may be made to the Arbitral Tribunal by 5<sup>th</sup> September 2025 and the Arbitral Tribunal will make its assessment as soon thereafter as may be reasonably practicable.

69. This Award is made pursuant to Rule K of the FA Rules.

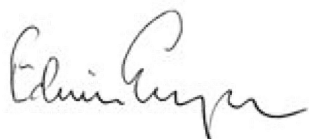
DATED 14 August 2025



**Ms Kim Franklin KC (Chair)**



**Lord Neuberger of Abbotsbury**



**Edwin Glasgow CBE KC**