

THE KNOWLEDGE

WWW.CORKERBINNING.COM

SUMMER OF SPORT EDITION

Referee Abuse and the Limits of Tolerance: When Misconduct Becomes Criminal

Edward Grange

The Independent Football Regulator – Shining the Floodlights on the Beautiful Game

Joseph Hume

F1 Track Limits: Crossing the Sporting Line

Claire Cross

CORKERBINNING ^{CB}

07
2026

CONTENTS

- 4 **Referee Abuse and the Limits of Tolerance: When Misconduct Becomes Criminal**
Edward Grange
- 14 **The Independent Football Regulator – Shining the Floodlights on the Beautiful Game**
Joseph Hume
- 20 **F1 Track Limits: Crossing the Sporting Line**
Claire Cross
- 28 **Ofcom's World Cup Intervention and the Implications for Professional Sport**
Danielle Reece-Greenhalgh

WELCOME



Danielle Reece-Greenhalgh

Partner and Editor



Edward Grange

Partner and Editor

Welcome to the Summer 2026 Issue of The Knowledge

In a year where World Cup fever is almost as high as recent temperatures in the UK, we are delighted to bring you this special Summer of Sport edition of The Knowledge.

Kicking off the action, Edward Grange examines the limits of tolerance for abuse towards referees, particularly in the grassroots game. Where is the line between heated banter and criminal conduct? And how should the FA be expected to handle conduct towards referees which, in any other context, would result in police intervention?

Senior Associate Joseph Hume gets stuck into the Football Governance Act 2025, and considers whether the Independent Football Regulator will be able to step up to the mark and be a game changer when it comes to implementing checks and balances on footballing finances.

Emerging for the second half is Claire Cross, who moves us away from the world of football and races through the technical and regulatory challenges currently facing Formula 1. In a sport dominated by fine margins and technical analysis, does the world's most popular motorsport need reform to eliminate subjectivity in its stewarding and decision making?

And as we head into stoppage time, Danielle Reece-Greenhalgh takes a look at how Ofcom is blowing the final whistle on the online abuse of professional athletes. With increased powers via the Online Safety Act 2023, the regulator is intending to pile the pressure onto technology companies to identify and mitigate risks arising from illegal content, including harassment, threats and hate offences.

We hope you will enjoy the ensuing commentary that follows more than our desperate attempt to insert sporting puns into this guest editorial.

Referee Abuse and the Limits of Tolerance: When Misconduct Becomes Criminal

Edward Grange
Partner



“Match officials are entitled to, and should, be treated with respect by all participants. The incessant abuse and haranguing of match officials is unacceptable. It besmirches the sport and is inexcusable. Behaviour of this kind seems generally to be tolerated in football, often by match officials themselves. In our judgement, it should not be.”

Christopher Quinlan QC – The Football Association v Darren Drysdale, March 2021

In November 2025, a non-league match in England was abandoned after a female referee was subjected to sexist abuse. The incident did not involve physical violence. It was not reported to the police. But it was sufficient to bring the game to a halt. Whilst it may be tempting to treat such moments as isolated, they are part of a broader pattern in which abuse directed at match officials, particularly at the grassroots level, has become commonplace and deemed “part of the game”.

Football has always had its disputes. Since the game's codification in the nineteenth century, there has been tension between those who play and those who enforce. Early matches were often self-policed. Captains of teams would appeal decisions to one another; the idea of a neutral arbiter was not yet fully embedded.

The introduction of referees (initially as off-field figures called upon to resolve disagreements between the captains) was itself a response to the need for authority. As the game formalised, so too did the role of the referee. By the late 1800s, the

referee had moved onto the pitch and assumed a central function: to apply the Laws of the Game in real time, decisively and without appeal.

That role has always attracted dissent. Players have always disagreed. Spectators have always shouted. But historically, there was a boundary: an acceptance (however reluctant) that the referee's authority was final.

Over time, however, that understanding has been eroded to the point of almost non-recognition.

A game under strain

There is a quiet crisis unfolding in English football. It is not about VAR or fixture congestion. It is about referees, specifically, the increasing levels of abuse directed at them, particularly in the grassroots game.

The figures are now well rehearsed. The overwhelming majority of grassroots referees report verbal abuse; a significant minority report physical misconduct. In a single season, the Football Association (“FA”) has recorded more than 1,000 threats against match officials, hundreds of incidents involving physical contact, and close to 100 cases of assault or attempted assault. Nearly every grassroots referee in England has experienced some form of abuse. These are not isolated incidents. They describe a culture. And match officials are leaving the game in their droves as a result.

I see it weekly. Alongside my work as a criminal lawyer, I referee at FA Level 5. This season alone, I have issued 15 cautions for dissent across 20

"Where dissent is constant and tolerated, escalation to more serious misconduct – abuse, intimidation, contact and assault – becomes far more likely."

matches. It is not a problem of rare extremes, but rather everyday behaviour. It is the rhythm of the modern grassroots game, too often excused as mere "passion" or "part of the game".

From dissent to violence

"Dissent" is often treated as a technical infringement—a yellow card offence, a minor disciplinary issue – but in practice, it is the point at which the authority of a referee begins to erode.

In my own matches this season, dissent has taken familiar forms:

- Players shouting directly in my face: "That's a f***ing joke, ref" or, in one incident "you're f***ing useless";
- Persistent, loud questioning of decisions – not to seek to understand the decision made, but to undermine authority;
- Sarcastic applause after decisions;
- Players crowding and surrounding me following a decision;
- Managers leaving the technical area to challenge decisions aggressively;
- A steady stream of commentary: "you're useless", "you've lost the game" throughout ninety minutes.

Individually, these incidents may not cross the threshold into criminality. Collectively, however, they create an environment in which the referee's authority is constantly contested, diminished, and, at times, disregarded entirely.

Where dissent is constant and tolerated, escalation to more serious misconduct – abuse, intimidation, contact and assault – becomes far more likely. Once players feel entitled to challenge every decision loudly and publicly, the referee's authority becomes

negotiable and hence vulnerable.

The FA's response: discipline within the game

The FA has responded with increasing seriousness. Its disciplinary framework is structured, escalating, and in most instances effective. FA Rule E3.1 states: "A Participant shall at all times act in the best interests of the game and shall not act in any manner which is improper or brings the game into disrepute or use any one, or a combination of, violent conduct, serious foul play, threatening, abusive, indecent or insulting words or behaviour."

At the lower end of the spectrum of misconduct, dissent is addressed through cautions and temporary dismissals (sin bins) at the grassroots level. In my own experience, these are now routine rather than exceptional.

Where behaviour escalates, so too do sanctions. The FA categorises misconduct using defined charge types. Abusive or insulting language falls within what is commonly referred to as OFFINABUS – offensive, insulting or abusive language and/or behaviour. A proven OFFINABUS charge will typically result in a minimum two-match suspension, which may increase depending on the severity and aggravating features.

Aggravated misconduct, particularly involving discriminatory language, attracts significantly longer sanction, often six to ten matches, sometimes more. A recent example saw a non-league manager receive a nine-match ban for abusive remarks directed at a referee.

Threatening behaviour such as approaching the referee aggressively, crowding around the referee, or attempting to intimidate a match official can lead to long suspensions, particularly where it involves physical proximity or sustained conduct.

Where physical contact is involved, the FA's

"FA Rule E3.1 states: "A Participant shall at all times act in the best interests of the game and shall not act in any manner which is improper or brings the game into disrepute or use any one, or a combination of, violent conduct, serious foul play, threatening, abusive, indecent or insulting words or behaviour.""

"Although this is not a system that treats misconduct lightly, it has limits, as it is not necessarily a deterrent to those at the grassroots level and is reliant on referees (and other participants in football) reporting the misconduct."

approach becomes markedly more severe. The FA's sanction guidelines treat "physical contact with a match official" as a serious offence, with standard suspensions often starting at 84 to 112 days and increasing depending on the nature of the contact.

Once conduct is categorised as assault, bans extend for years. County FA decisions regularly impose suspensions of five to seven years for players who assault referees. In particularly serious cases where there is deliberate violence resulting in injury, sanctions can extend to ten years or more, and in extreme cases, individuals are removed from football permanently.

Although this is not a system that treats misconduct lightly, it has limits, as it is not necessarily a deterrent to those at the grassroots level and is reliant on referees (and other participants in football) reporting the misconduct.

The criminal law: a parallel framework

The same conduct that attracts FA sanctions often falls squarely within the criminal law.

Threatening or abusive language may constitute offences under the Public Order Act 1986. Any intentional physical contact, however slight, can amount to common assault. Repeated targeting of an individual online may constitute harassment or malicious communications. Where injury is caused, the offence escalates to assault occasioning actual bodily harm.

The contrast in practice

The divergence between these two systems is best illustrated by example. A player disputes a decision, approaches the referee aggressively, and pushes the referee. Within football, this is treated as physical contact with a match official. The likely outcome is a suspension of several months.

In legal terms, however, the position is

"The same conduct that attracts FA sanctions often falls squarely within the criminal law."

"When nearly every referee experiences abuse, and a significant proportion experience physical misconduct, the issue is not simply one of passions running high. Regrettably, football appears to have developed a cultural carve-out in which behaviour toward referees is treated differently from behaviour elsewhere (noticeably the absence of such behaviour against referees in other sports)."

straightforward: it is a common assault. But rarely will it be reported to police, let alone prosecuted if it is investigated.

Consider a more serious incident. A referee is assaulted and injured during a match. The FA will impose a multi-year ban: five, seven, perhaps even ten years. The individual may be removed from football for a substantial period. Outside football, however, the same conduct would almost certainly lead to prosecution for assault occasioning actual bodily harm.

There are plenty of examples of this occurring. In one widely reported case, an amateur player punched a referee, knocking him unconscious. The offender was prosecuted and received a suspended custodial sentence. In another case involving youth football, an adult entered the pitch and physically confronted a referee, leading to police involvement and subsequent criminal proceedings.

These examples demonstrate that the criminal law is available and, when used, produces a very different form of accountability, but they remain the exception rather than the rule.

A cultural carve-out

Part of the explanation lies in football culture. It is emotional and, at times, tribal. Decisions are made instantly, often contentiously, particularly if they involve a key match incident such as a penalty kick or sending off. There is a long-standing acceptance that players will react, that managers will protest, and that spectators will express their views. It is, after all, "part of the game".

But that excuse only goes so far. When nearly every referee experiences abuse, and a significant proportion experience physical misconduct, the issue is not simply one of passions running high. Regrettably, football appears to have developed

a cultural carve-out in which behaviour toward referees is treated differently from behaviour elsewhere (noticeably the absence of such behaviour against referees in other sports).

At the professional level, players surround referees and managers publicly criticise officials. At grassroots level, that behaviour is replicated often in more volatile form, but without the scrutiny of millions watching.

As such, the referee becomes a permissible target. Conduct does not cease to be criminal, however, simply because it occurs on a football pitch.

Drawing the line

The challenge is not to remove emotion from football – the game depends on it – but rather to identify the point at which behaviour ceases to be part of the game and becomes something else. At the lower end, for isolated dissent that goes no further, then the FA's disciplinary framework, involving sin bins, cautions, and suspensions, is appropriate.

At the upper end, where there are threats, intimidation and violence, the position is different. These are not merely breaches of discipline but criminal acts and must be treated as such.

Conclusion

As the FA itself has recognised, abuse of match officials has become "commonplace". The question is no longer whether the problem exists, but whether it is being confronted with the seriousness it demands.

The FA has responded with increasingly robust sanctions, and its disciplinary system is effective within its sphere. But the examples of misconduct, many of which referees encounter week in, week out, demonstrate a gap between sporting discipline and criminal accountability. When dissent becomes abuse, and abuse becomes intimidation,

"As the FA itself has recognised, abuse of match officials has become "commonplace". The question is no longer whether the problem exists, but whether it is being confronted with the seriousness it demands."

and intimidation becomes physical, the line into criminality is crossed long before it is acknowledged.

The law already caters for such instances of serious misconduct on the football field, but the question is whether we are willing to apply it. Otherwise, we are not just tolerating abuse but normalising it, and the game at grassroots level may have to go back to being adjudicated over by participants as it was 150 years ago.

THE KNOWLEDGE **FULL COMMENT**



Season Two Available Now

THE CORKER BINNING PODCAST

Full Comment from **The Knowledge**

Takes a look through a legal lens at stories in the news, as well as items that might not make the headlines, but deserve to be discussed, explored and given full comment.

Listen to the ***Full Comment*** podcast on the **Corker Binning website, Spotify or Apple Podcasts**

The Independent Football Regulator – Shining the Floodlights on the Beautiful Game

Joseph Hume
Senior Associate



The demise in the last decade of football clubs such as Bury, Derby County, and more recently Reading and Sheffield Wednesday, as a result of unsustainable finances and poor governance, finally handed the government the political impetus it needed to wade into the financial affairs of football in this country.

The Football Governance Act 2025 ("FGA 2025") received Royal Assent on 21 July 2025. With it, many (legal, not football) commentators rightly hailed its introduction as one of the most significant shifts in the regulation of English football in the history of the sport. It reignited a verve for preserving the sanctity of footballing heritage and century-old institutions within an ever-evolving, modern game, where previous attempts through Financial Fair Play and Profit and Sustainability Rules had struggled.

The purpose of the legislation was to establish a new supervisory body: the Independent Football Regulator ("IFR"). The IFR is designed to be an autonomous arbiter built to check the exponential growth of football's financial landscape in the last thirty years. Per its own website¹, its purpose is to provide governance and financial scaffolding to the sport in order to "protect and promote the sustainability of English football, for the benefit of the fans and the local communities that football clubs serve." Initial commentary on the new legislation has focused on the IFR's ability to ensure the financial hygiene of regulated clubs, its power to enforce standards against club owners and remove

bad actors, and generally to ensure that football clubs do not become the toys of wealthy individuals at the expense of the communities they represent.

A year on, understandably, the effects of this new legislation remain to be seen, not least because the IFR's full roll-out is not due until the beginning of the 2027/28 season. With the opening day of that season now 13 months away, the IFR and clubs around the country are undoubtedly preparing themselves for this brave new world of regulation. However, beneath the publicly stated objective lies a second, less discussed but potentially more troubling implication for football clubs. Whilst prohibition on changing your favourite team's colours or crest without permission has caught the headlines, the IFR's true power lies in its broad statutory power to obtain and share information.

The IFR's wide-ranging powers

Information gathering

Part 7 of the Act grants the IFR authority, upon service of an "information notice", to require clubs, owners, officers and/or senior managers to provide "specified information" (i.e. the information as set out in the information notice) where the IFR considers it necessary for exercising its functions.² Given that the IFR's objectives include ensuring the financial soundness and resilience of English football as a whole³, the scope for the exercise of those powers is broad to say the least. Further, the legislation goes beyond many sector regulators by empowering the IFR not merely to request existing records, but to compel

"The Football Governance Act 2025 ("FGA 2025") received Royal Assent on 21 July 2025. With it, many (legal, not football) commentators rightly hailed its introduction as one of the most significant shifts in the regulation of English football in the history of the sport."

¹ <https://www.footballregulator.org.uk/>

² See section 65 of the Football Governance Act 2025

³ See section 6 of the Football Governance Act 2025

"The expectations of the FGA 2025 on clubs are not without teeth. A new criminal offence has been introduced, punishable by up to two years in custody, if a person destroys or conceals relevant information (i.e. information required to be provided to the IFR under the FGA 2025), or knowingly or recklessly provides to the IFR false or misleading information."

organisations to generate information, retain data they would not otherwise, and explain the whereabouts of missing material. If the IFR believes that a person or club are not producing information as required, section 75 and Schedule 9 affords it powers to publish a censure statement against the offending entity or person. In certain circumstances, failure to comply could even allow the IFR powers of entry in order to obtain relevant information.

The expectations of the FGA 2025 on clubs are not without teeth. A new criminal offence has been introduced⁴, punishable by up to two years in custody, if a person destroys or conceals relevant information (i.e. information required to be provided to the IFR under the FGA 2025), or knowingly or recklessly provides to the IFR false or misleading information.

Further, the IFR has the power to appoint an "Expert Reporter" to produce a report in relation to a regulated club on any matter where the IFR considers it necessary for the purpose of exercising its functions. The Expert Reporter holds similar powers of information gathering from the club to the IFR, with similar penalties for failure.

Information sharing

Such access becomes particularly significant when read together with Part 10 of the FGA 2025. Therein, section 86 creates an extensive gateway through which prosecutorial and investigative authorities such as His Majesty's Revenue and Customs ("HMRC"), the Serious Fraud Office ("SFO"), the National Crime Agency ("NCA"), and the Financial Conduct Authority ("FCA") may gain "back door" access to football clubs' financial and operational information.

This is a profound expansion not just of regulatory scrutiny into the world of football, but also State visibility into football finance, which will have significant repercussions. It creates an information highway with the potential for large volumes of material to find its way easily into the hand of prosecutorial agencies.

Typically, these agencies would only be able to obtain such information following the commencement of an investigation and thereafter through a production order or search warrant, both of which have to be justified and so ratified by a court. Now, material uncovered during routine regulatory reviews (not even during the course of an investigation into wrongdoing) may, and likely will, later be transmitted back to criminal investigators where appropriate. In effect, the IFR could become an intermediary cog within a larger surveillance and enforcement network. This is a genuine concern for football clubs that have for decades operated outside the direct gaze of such agencies.

A look ahead

The obvious rebuttal is that such features of a regulator are not new; information sharing between regulators and prosecutors exists across many industries and so describing this process as "back door" access is arguably overstating the position. Banks, financial services firms and large corporations are already subject to extensive regulatory reporting obligations, so what is the issue? The worry, however, comes from the previous circumstances and what has been allowed to fester within the game. Football occupies a unique cultural and historical position in England – but only relatively recently has it become a multi-billion-pound industry. The concern, therefore, is that the game's architecture is unable to manage this influx of wealth. This recent phenomenon has raised serious questions about financial propriety, and whether safeguards and oversight have lagged well behind.

Today, football clubs operate in an environment characterised by complex international financial arrangements: offshore ownership structures, image rights payments, multi-jurisdictional sponsorship agreements, transfer intermediaries, third-party financing, and opaque shareholder loans. These arrangements often sit close to areas of concern for agencies, particularly HMRC and the NCA. Indeed, the

⁴ See section 78 of the Football Governance Act 2025

"The relationship between football clubs and the State has fundamentally changed. The era in which clubs could rely primarily on internal sporting governance is ending. In its place emerges a model in which football has the floodlights shone firmly in its direction."

Home Office's National Risk Assessment of Money Laundering and Terrorist Financing Report of July 2025⁵ specifically highlighted football clubs and agents as a risk for criminal activity, including money laundering, bribery, fraud and other illicit activities.

Given some of the high-profile scandals to have hit football in recent years, the 2015 FIFA corruption scandal to name but one where several top executives were indicted by the US Department of Justice,⁶ such oversight should be welcomed. Football clubs are no longer merely community institutions; they are major commercial entities handling billions of pounds. If suspicious financial activity exists, there is a legitimate public interest in ensuring that authorities can identify and prosecute wrongdoing. From this perspective, enhanced transparency and inter-agency cooperation are necessary safeguards rather than covert state intrusion.

Whether this amounts to prudent modern regulation or a "back door" route for prosecutorial access depends largely on perspective. To supporters, the system represents long-overdue accountability within an industry plagued by opacity and reckless financial behaviour. To critics, it risks transforming football regulation into a surveillance mechanism that erodes traditional safeguards between regulatory compliance and criminal investigation.

What is clear, however, is that the relationship between football clubs and the State has fundamentally changed. The era in which clubs could rely primarily on internal sporting governance is ending. In its place emerges a model in which football has the floodlights shone firmly in its direction.

"Whether this amounts to prudent modern regulation or a "back door" route for prosecutorial access depends largely on perspective. To supporters, the system represents long-overdue accountability within an industry plagued by opacity and reckless financial behaviour. To critics, it risks transforming football regulation into a surveillance mechanism that erodes traditional safeguards between regulatory compliance and criminal investigation."

⁵ https://assets.publishing.service.gov.uk/media/6877be59760bf6cedaf5bd4f/National_Risk_Assessment_of_Money_Laundering_and_Terrorist_Financing_2025_FINAL.pdf

⁶ <https://www.bbc.co.uk/news/world-europe-32897066>

F1 Track Limits: Crossing the Sporting Line

Claire Cross

Partner

Formula 1, the pinnacle of motorsport, is defined – on the surface at least – by speed, instinct, and engineering brilliance. Yet behind the 200mph overtakes, championship battles, personal rivalries and split-second decisions, lies a complex regulatory system governing every aspect of the sport. From car design and financial spending to driver conduct and race procedure, Formula 1 depends on strict oversight to maintain safety, fairness, and competitive balance. Controlled by the Fédération Internationale de l'Automobile ("FIA"), these regulations shape not only how races are run, but often who wins and loses. In a sport where championships – and the millions of dollars in prize money – can hinge on a single stewarding decision, governance has become just as important, and at times just as controversial, as the racing itself.

The regulatory and governance framework

Since Formula 1 began in 1950, the FIA has overseen three core areas of regulation: technical, financial, and sporting. Technical regulations govern how Formula 1 cars are designed and constructed, covering areas such as aerodynamics, power units, and safety systems. Financial regulations, most notably the cost cap introduced in 2021, aim to reduce spending disparities between teams and create a more financially sustainable championship. Sporting regulations, however, are arguably the most significant of all, as they govern the conduct of races themselves, from qualifying procedures and penalties to driver behaviour and stewarding decisions, ultimately shaping how fairness and competitive integrity are maintained throughout

the sport. They are designed to ensure that competition is conducted safely and consistently across every race weekend and focus on how the sport itself operates. Ultimately, their purpose is to create a level playing field in which victories are determined by performance rather than procedural advantage or dangerous conduct.

All three categories of regulations are enforced through a layered governance structure. Race stewards officiate during Grand Prix weekends, investigating incidents and issuing penalties where necessary. More serious disputes can be escalated to the International Tribunal or the International Court of Appeal, while major regulation changes are approved by the World Motor Sport Council ("WMSC"). Above all sits the FIA General Assembly, the organisation's highest governing authority.

Integrity – technical versus sporting infringements

Because Formula 1 operates within such a detailed regulatory framework, controversies often arise not from clear-cut cheating (the 2007 espionage controversy involving McLaren and Ferrari) but from disputes over how the rules should be interpreted and applied. Many modern disputes sit in the grey area between technical legality and sporting fairness, forcing the FIA to decide not only whether a rule has been broken, but what type of breach has occurred. This distinction is important because different categories of regulation carry different penalties and wider implications for the integrity of the championship.

One of the clearest examples of a technical

"In a sport where championships – and the millions of dollars in prize money – can hinge on a single stewarding decision, governance has become just as important, and at times just as controversial, as the racing itself."



infringement came during the 2020 Racing Point “pink Mercedes” controversy. Racing Point’s RP20 car bore a striking resemblance to the previous year’s Mercedes, prompting rival teams to question whether illegal copying had taken place. The FIA conducted an investigation focused specifically on the car’s brake ducts, which were classified as “listed parts” under the Technical Regulations. These components were required to be designed independently by each team.

Following its investigation, the FIA concluded that Racing Point had broken Appendix 6 of the 2020 Sporting Regulations when improperly using Mercedes design information to produce the brake ducts. As a result, the team received a €400,000 fine and a 15-point deduction in the Constructors’ Championship. Importantly, however, the FIA treated the matter solely as a technical infringement. There was no accusation of fraud or deliberate sporting manipulation. Instead, the governing body considered the issue to be a breach concerning the sourcing and design of a component during a transitional period of changing regulations.

The distinction mattered because the FIA did not believe Racing Point had intentionally attempted to undermine the integrity of the championship itself. Rather than framing the case as cheating in the traditional sense, the FIA approached it as a dispute over technical compliance within an evolving regulatory environment. The decision reached was that while Racing Point had legally obtained the design of the Mercedes brakes in 2019, by using that design in 2020 it had not designed that part itself per the regulations.

The 2022 cost cap breach involving Oracle Red Bull Racing – in which the FIA found that Red Bull had exceeded the 2021 budget cap by approximately \$1.8 million – was handled very differently, as it fell under the Financial rather than Technical Regulations.

Unlike the Racing Point case, there was no suggestion that Red Bull’s car itself was illegal. Instead, the

controversy centred on competitive fairness. The cost cap exists to prevent wealthier teams from gaining disproportionate advantages through spending, meaning that financial compliance is directly linked to sporting integrity. In Formula 1, where races are frequently decided by tenths or even thousandths of a second, small increases in spending to enhance your car’s performance can be the difference between winning and losing.

The FIA concluded that although Red Bull’s breach was classified as “minor” under the regulations, the overspend still had the potential to produce a competitive advantage. Red Bull ultimately entered into an Accepted Breach Agreement, receiving a financial penalty and a reduction in wind tunnel testing time for the future development of its car, which would impact the performance and competitiveness against its rivals. Unlike the sanctions applied to Racing Point, which addressed an issue with car design, the penalties imposed on Red Bull were designed to offset any advantage gained through financial overspending and protect the competitive balance of the championship.

Applying the regulations consistently...

No modern Formula 1 controversy has generated more debate about sporting integrity than the 2021 Abu Dhabi Grand Prix. Entering the final race of the season, Lewis Hamilton and Max Verstappen were level on points in one of the most intense title battles in Formula 1 history. Hamilton appeared to be on course to secure a record eighth World Championship until a late-race crash by Nicholas Latifi triggered a safety car with only a few laps remaining.

At the centre of the controversy was FIA Race Director Michael Masi’s handling of the safety car restart. Under normal procedure, all lapped cars are allowed to unlap themselves before racing resumes. In Abu Dhabi, however, only the lapped cars positioned between Hamilton and Verstappen were permitted to

"Sporting integrity depends not simply on having regulations, but on those regulations being applied consistently, transparently, and without external pressure."

pass the safety car. This created a one-lap sprint to the finish with Verstappen on fresh tyres directly behind Hamilton, whose older tyres left him vulnerable.

Verstappen overtook Hamilton on the final lap to win both the race and the World Drivers' Championship. The decision immediately sparked outrage from the Mercedes-AMG Petronas Formula 1 Team, who argued that the FIA had failed to apply its own regulations consistently. Critics claimed that the governing body had prioritised an exciting finish over established procedure (had Masi followed the correct procedure, the race would have finished behind the safety car), fundamentally damaging the sporting integrity of the championship.

The controversy became one of the defining governance crises in modern Formula 1, raising questions about whether regulations could be selectively interpreted under pressure. The FIA later acknowledged that "human error" had contributed to the outcome and launched an internal investigation into race control procedures. Masi was subsequently removed from his role as Race Director, while new systems including rotating race directors and revised communication protocols were introduced for future seasons.

In making his decision to only allow lapped cars positioned between Hamilton and Verstappen, Masi had contravened the Safety Car Regulations that fall under the Sporting Regulations. The three breaches he made were: Article 48:12 Lapped Car Procedure; Article 48:12 Restart Procedure and – most damning for his career – Article 15:3 Misuse of Authority.

For many fans and teams, however, the damage to trust had already been done. The Abu Dhabi controversy demonstrated how a single stewarding or race control decision can shape not only a race result, but the legacy of an entire championship. More importantly, it highlighted the central issue at the heart of Formula 1 governance: sporting integrity depends not simply on

"Formula 1 increasingly relies on subjective steward interpretation rather than purely objective technical rules. In a sport where races and championships are often decided by the smallest of margins, inconsistent officiating can directly affect results and undermine confidence in the legitimacy of competition itself."

having regulations, but on those regulations being applied consistently, transparently, and without external pressure.

Criticisms of the 2025 and 2026 seasons

This issue became increasingly visible during the 2025 and 2026 seasons, where the FIA faced renewed criticism over inconsistent stewarding decisions and shifting interpretations of sporting regulations. One of the most controversial examples involved stricter rules surrounding driver conduct and language, which are governed by the International Sporting Code and the FIA's F1 Sporting Regulations. Ahead of the 2025 season, the FIA introduced harsher sanctions for misconduct, including swearing during official media appearances. The updated regulations allowed for penalties such as fines, points deductions, and even race bans for repeat offences.

The regulations quickly became controversial because many drivers believed the punishments were disproportionate and inconsistently enforced. The Grand Prix Drivers' Association argued that emotional comments made during high-pressure situations were being treated differently depending on the driver involved. Similar incidents often produced different punishments, creating uncertainty about where the boundaries of acceptable conduct actually existed.

At the same time, drivers including George Russell and Oscar Piastri openly criticised inconsistent stewarding during wheel-to-wheel racing incidents. Similar collisions involving forcing another driver off track or unsafe rejoins sometimes resulted in time penalties, while near-identical incidents elsewhere were dismissed as racing incidents with no further action.

This inconsistency created frustration between drivers, team management, media and fans because Formula 1 increasingly relies on subjective steward interpretation rather than purely objective technical rules. In a sport where races and championships are often decided by

the smallest of margins, inconsistent officiating can directly affect results and undermine confidence in the legitimacy of competition itself.

In response to mounting criticism, the FIA introduced revised stewarding guidance and updated driving standards for 2026, in an attempt to improve consistency and transparency. Yet the repeated need for reform demonstrates the ongoing challenge Formula 1 faces in balancing strict governance with fair and predictable decision-making. However, Ferrari's Charles Leclerc may disagree that anything has changed, after receiving a 20-second penalty for cutting three corners on the final lap of this year's Miami Grand Prix, incidents that cost him on track positions and only occurred due to damage sustained to his car in an earlier incident, which prevented his car from making the corner. The Monegasque driver would argue he was already penalised by his own mistake and didn't need the FIA to add further salt to his self-inflicted wound.

Ultimately, Formula 1 is governed not only by engineering excellence and driver talent, but by an extensive regulatory system designed to preserve fairness across every aspect of competition. Whether through technical regulations, financial controls, or sporting oversight, the FIA's role is to ensure that success is determined as fairly as possible. Yet the controversies of recent years highlight that maintaining sporting integrity is not simply a case of enforcing the rules, it is about applying them consistently, transparently, and in a way that preserves trust in the competition itself.

"The controversies of recent years highlight that maintaining sporting integrity is not simply a case of enforcing the rules, it is about applying them consistently, transparently, and in a way that preserves trust in the competition itself."

Ofcom's World Cup Intervention and the Implications for Professional Sport

Danielle Reece-Greenhalgh

Partner

For years, online abuse (particularly in football) has been treated as one of elite sport's unavoidable occupational hazards: ugly and difficult but ultimately incidental to performance. That assumption is becoming harder to sustain, and the UK's regulator Ofcom has begun to take pre-emptive action, not against the keyboard warriors but against the platforms that facilitate and enable to abuse to take place.

Ahead of the 2026 Men's FIFA World Cup, Ofcom issued a pointed warning: those working in sport must be protected from online abuse by the platforms that enable it.¹ As Oliver Griffiths, Ofcom's Group Director of Online Safety, observed: "Tech firms now have a legal duty to deal with illegal hate and abuse... we'll be holding them to account if they don't."

Ofcom's intervention signals a wider shift in how online abuse in elite sport should be understood, not simply as a welfare concern or reputational problem to be weathered by the individuals in the line of fire, but in appropriate cases as criminal conduct.

Issued in anticipation of escalating online hostility as the World Cup progresses, the guidance reflects

the operation of the Online Safety Act 2023 and the increasingly robust expectations placed upon platforms. Technology companies are now expected to identify and mitigate risks arising from illegal content on their services, including harassment, threatening communications and hate offences. Platforms must operate systems capable of removing illegal material, responding effectively to reports and reducing foreseeable harms.²

That focus matters. The response to online abuse directed at athletes has often been framed primarily through the language of psychological resilience, wellbeing and safeguarding. Clubs have developed broadly effective welfare systems, and the relevant governing bodies have introduced reporting mechanisms. Communications teams increasingly monitor reputational threats, and where the abuse is committed in person, match stoppages are now much more common due to the spectator abuse protocols laid down by FIFA, UEFA and the FA. Whether those protocols are consistently applied is debatable, but it is clear that disruption of the match experience and potential consequences for spectators and their teams forces the matter into the light. Where a person directing abuse from the stands is located, there is a clear pathway for the perpetrators(s) to be removed and potentially subjected to criminal investigation and prosecution.

Yet the legal dimensions of online abuse have proved harder to articulate and enforce. Ofcom's intervention suggests that distinction is becoming harder to maintain.

The concern that lies behind Ofcom's actions is not hypothetical. Following England's defeat in the final of UEFA Euro 2020, Bukayo Saka, Marcus Rashford and Jadon Sancho were subjected to sustained racist abuse online after missing penalties in the shootout. The hostility was immediate, widespread and international. Messages included racist epithets,

"Ofcom's intervention signals a wider shift in how online abuse in elite sport should be understood, not simply as a welfare concern or reputational problem to be weathered by the individuals in the line of fire, but in appropriate cases as criminal conduct."

¹ Ofcom, Keeping people who work in sport safe online during the World Cup (2026) <https://www.ofcom.org.uk/online-safety/online-abuse/keeping-people-who-work-in-sport-safe-online-during-the-world-cup>

² Ofcom, Illegal Harms Codes of Practice (2025)

"Since reforms introduced through the Online Safety Act 2023 ("OSA 2023"), the legal framework governing online communications has evolved. Threats of rape, violence or serious harm and racist abuse directed at athletes or the dissemination of false information about them or those associated with them are not simply examples of "online trolling"; they may amount to serious criminal offences."

targeted abuse and threatening content, prompting police investigations and renewed scrutiny of platform moderation.

The episode exposed more than football's long and continuing struggle with racism. It demonstrated the speed with which online hostility directed at elite athletes can escalate into conduct capable of engaging criminal law. Public and parliamentary condemnation followed quickly but accountability proved considerably more difficult.

When abuse becomes criminal

Repeated online communications directed at a player (or indeed any individual) may amount to harassment under the Protection from Harassment Act 1997. A "course of conduct" causing alarm or distress can arise quickly where communications are persistent, targeted and intimidating, but the distinction between unpleasant commentary and criminal harassment is frequently misunderstood. One hostile message following a poor performance is unlikely to justify criminal intervention. Hundreds of messages over several days, coordinated targeting, references to family members and attempts to evade blocking may alter the position significantly. More serious conduct may engage stalking offences, particularly where behaviour suggests fixation or attempts to monitor an athlete's movements, family life or private addresses.

Since reforms introduced through the Online Safety Act 2023 ("OSA 2023"), the legal framework governing online communications has evolved. Threats of rape, violence or serious harm and racist abuse directed at athletes or the dissemination of false information about them or those associated with them are not simply examples of "online trolling"; they may amount to serious criminal offences.

Section 181 operates to criminalise anyone who sends a message that "conveys a threat of death

or serious harm" where the intention was for an individual encountering that message to fear that the threat would be carried out, or was reckless as to whether an individual encountering the message would have the same fear. "Serious harm" is defined as an injury amounting to grievous bodily harm, rape, assault by penetration or serious financial loss. On conviction before the Crown Court, an individual found guilty of this offence can be sentenced to up to five years' imprisonment.

Section 178 criminalises the sending of false information. In order to be guilty of this offence, a person must have intended the message or information to cause "non-trivial psychological or physical harm to a likely audience." The offence is less serious than the threatening communications offence, but still carries a maximum sentence of 51 weeks' imprisonment.

None of this suggests that criminal law should be deployed indiscriminately. Freedom of expression remains fundamental, and disappointment or anger at the performance of elite athletes is inevitable. Public figures, including athletes, must tolerate robust criticism, hostility and commentary that they may perceive as unfair or unpleasant. However, the assumption that online abuse is simply "part of the game" risks obscuring the moment at which conduct crosses identifiable criminal thresholds.

In practice, the greatest challenge is often not the theoretical availability of criminal offences covering the relevant conduct, but recognition and appropriate enforcement of the same. Online abuse frequently sits within organisational silos. Welfare teams understandably focus on mental health, communications advisers assess reputational impact, and agents consider commercial consequences. Clubs may hesitate to escalate matters for fear of additional publicity, and may (accurately) consider

"The assumption that online abuse is simply "part of the game" risks obscuring the moment at which conduct crosses identifiable criminal thresholds."

“By the time specialist legal advice is obtained, opportunities to preserve evidence or assess escalation risk may already have narrowed.”

that they are better placed than the criminal justice system to protect their player.

By the time specialist legal advice is obtained, opportunities to preserve evidence or assess escalation risk may already have narrowed. Digital abuse rarely exists in isolation, and patterns emerge over time, but those patterns require careful and contemporaneous examination and analysis. Anonymous accounts, deleted material and jurisdictional complications remain common obstacles and many offenders operate from overseas.

Yet investigations also fail for avoidable reasons. Evidence preservation is often poor in the early stages, and often the first instinct of a target of online abuse is to simply block the offending accounts, leading to messages disappearing or becoming unavailable. The instinct to disengage is understandable, and welfare considerations may justify temporary removal from platforms, but early decisions carry evidential consequences. In some cases, whilst the athlete may need to be personally protected from online content, it may be possible for a third party to take over the relevant accounts and gather the relevant evidence for future reference.

Ofcom's intervention changes the conversation in at least three ways. Firstly, it reframes the expectations of platforms. Social media companies are no longer encouraged merely to behave responsibly; they are increasingly under legal obligations to address illegal content, and the political and regulatory pressure to do so is growing, particularly across the European Union and the UK.

Secondly, it reinforces the distinction between harmful content and unlawful conduct. The Online Safety Act does not criminalise unpleasant behaviour simply because it is offensive. Rather, it requires platforms to address content already recognised

as illegal, including threats, harassment and hate-related offending.

Thirdly, it encourages a timely assessment by the sports industry as to whether it is sufficiently prepared for the negative consequences of an event such as the World Cup. Most elite sporting environments are highly sophisticated in responding to physical safety, safeguarding and reputational crisis. Understanding criminal offences and processes may need to become a natural – albeit uncomfortable – part of that protection matrix.

“Most elite sporting environments are highly sophisticated in responding to physical safety, safeguarding and reputational crisis. Understanding criminal offences and processes may need to become a natural – albeit uncomfortable – part of that protection matrix.”

CORKERBINNING

CORKER BINNING
4TH FLOOR
1 ELY PLACE
LONDON EC1N 6RY
+44 (0)20 7353 6000 (24HR)
WWW.CORKERBINNING.COM

Please contact our Administrator, Lucy Leite, on ll@corkerbinning.com,
if you do not wish to receive further editions of The Knowledge