

**IN THE MATTER OF PROCEEDINGS BROUGHT  
UNDER THE BETTING RULES  
OF THE DARTS REGULATION AUTHORITY**



**BETWEEN:**

**DARTS REGULATION AUTHORITY (“DRA”)**

Governing body for Darts

**-and-**

**KYLE MCKINSTRY**

Respondent

---

**DECISION ON SANCTION  
OF  
THE DRA DISCIPLINARY COMMITTEE**

---

**INTRODUCTION**

1. The Disciplinary Committee (the Committee) of the Darts Regulation Authority (DRA) convened for a hearing (the Hearing) on 17 November 2020 to consider the sanction on Kyle McKinstry (McKinstry). This follows a disciplinary hearing on 17 October 2020.
2. The Hearing followed McKinstry’s plea of guilty on 17 October to a charge that he fixed the result of a match against David Evans on 30 April by contriving to lose the match 0:5 and that he passed information of his intention to do so to others who placed bets on this outcome. This is contrary to Section 2 of the DRA Betting Rules, which state:
  - 2.1 *It shall be a breach of these Rules for a Participant to do any of the following:*
    - 2.1.2 *Corruption: (i) to fix or contrive, or to be a party to any effort to fix or contrive, the result, score, progress, conduct or any other aspect of the Darts Event;*
    - 2.1.3 *Misuse of inside information: (i) to use for betting purposes, or to provide to any other person for such purposes, any information relating to the Darts Event that the Participant possesses by virtue of their position within the sport that is not in the public domain or readily accessible by the public.*

3. Following the 17 October hearing, McKinstry was found guilty by the Committee of a further charge (Charge Two); that he fixed his performance in a match against Wessel Nijman on 2 May by deliberately failing to score any 180 scores in the match and that he alerted others to his intention prior to the match, thus allowing them to place winning bets on this specific outcome. This is also contrary to Sections 2.1.2 and 2.1.3 of the DRA Betting Rules.
4. Also, following the 17 October hearing, McKinstry was also found guilty by the Committee of a further charge (Charge Three); that he did not co-operate with a DRA investigation by failing to provide his mobile phone billing as required and requested by the DRA. This is contrary to Section 4.5 of the DRA Rules:
  - 4.5 *Each Player or Registered Agent shall co-operate with the DRA in any investigation carried out by or on behalf of the DRA under the provisions of these Rules including (but not limited to):*  
...
    - 4.5.4 *Procuring and providing to the DRA upon its request any documents, information or any other material of any nature whatsoever not held by the Player or Registered Agent which the Player or Registered Agent has the power to obtain;*
    - 4.5.5 *Providing the DRA with access to all records relating to the alleged breach. This includes, but is not limited to; betting accounts, bank records, telephone records, internet service records, social media accounts, email and other records stored on phones, tablets, electronic devices, computer hard drives or otherwise. To facilitate this, the Player or Registered Agent will surrender any such devices for examination by the DRA or its representative.*

### **SANCTIONS HEARING**

5. The Committee considered carefully the written submissions received from the DRA and McKinstry. The DRA had supplied submissions on sanctions and costs dated 8 November 2020. McKinstry's submission was supplied on his behalf by the Professional Darts Players Association (PDPA) by means of an email dated 12 November 2020.
6. The Committee considered the mitigation put forward by McKinstry and in particular, his expressed regret at not assisting the investigation at an early stage, and his statement that his conduct was motivated by a desperate financial situation resulting in a momentary loss of judgment on his part. The Committee also noted the impact of any ban on his professional darts career.
7. In determining an appropriate sanction, the Committee was cognisant of the need to protect the integrity, image, and reputation of the sport of darts. In order to achieve this, it was considered that a sanction was required that:
  - be sufficient to prevent a corrupt participant engaging in the sport;
  - deterred others from engaging in such conduct;
  - demonstrated an intolerance of corruption by its investigation, discovery, and sanction; and
  - was proportionate to the seriousness of the breach and its circumstances.

8. The Committee considered that the breach admitted amounted to the most serious misconduct by a sportsman, striking at the heart of the ethos of competitive sport, and damaging the integrity and reputation of the sport. It was also done for personal gain.
9. Whilst the Committee noted that McKinstry had changed his plea on one Charge to one of guilty during this investigation, it did not consider that this amounted to an early plea and the level of any mitigation to his sanction was bound to reflect this.
10. Having reviewed the investigation and the 17 October hearing, the Committee was of the view that aspects of McKinstry's evidence were not credible. The Committee did not consider McKinstry's admissions to be either full or frank.
11. The Committee also took the view that, having communicated his decision to fix his match to others, there was ample time to change his mind and not implement his plan before playing. This indicated that his lapse in judgment was rather more than "momentary."
12. Whilst accepting McKinstry's position of losing his job on 30 April 2020, financial evidence obtained during the investigation did not support his claim of a desperate financial position.
13. The Committee also took the view that Charge Three amounted to a serious failure on the part of the player. The Committee is satisfied that McKinstry was aware of the method by which he could obtain the required material and that he had been given several opportunities over the course of six months to do so. The Committee considered that McKinstry's failure to provide the required information had significantly impeded the investigation, the subsequent hearing and the disposal of the case by the Committee: in so doing it had also added to the costs of the case.

[REDACTED]

[REDACTED]

## **DECISION**

15. The Committee considered that a lengthy ban was appropriate, whilst taking account of the mitigating submissions of McKinstry.
16. In relation to Charges One and Two, the Committee decided that an appropriate combined sanction in this case was to suspend Kyle McKinstry from the sport for a period of six and a half years from 18 August 2020 (the date of his suspension by the Chairman of the DRA pending formal proceedings) until midnight on 17 February 2027.<sup>1</sup>

---

<sup>1</sup> In deciding upon sanction, the Committee noted that in respect of Charge One where it had made no Findings on whether McKinstry had contacted any others apart from the one Craigavon Bettor (see paragraph 47 of the Revised Decision dated 6 November 2020) about the final result of the Evans match on 30 April 2020, it did consider on the premises of the finding in respect of Charge Two (the Nijman match on 2 May 2020) that on a balance of probabilities McKinstry had provided information to the Dungannon Bettors in relation to fixing elements of the Evans match namely the number of 180s to be scored intra that match.

17. In relation to Charge Three, the Committee decided that McKinstry should be suspended from the sport for a period of 18 months. This sanction to be consecutive upon the suspension relating to Charges One and Two and to be served in addition.
18. Therefore, the total period of suspension to be served is eight years, (six and half years plus 18 months) from 18 August 2020 until midnight on 17 August 2028.
19. Additionally, McKinstry was ordered to pay costs in the sum of £4,730.64. These costs to be paid by 31 December 2021.

#### **SUMMARY**

20. McKinstry found to have breached Section 2.1 of the DRA Betting Rules and Section 4.5 of the DRA Rules.
21. McKinstry suspended from playing or being in any darts activities until midnight on 17 August 2028.
22. Costs payable to the DRA in the sum of £4,730.64 by 31 December 2021.

**Tim Ollerenshaw, Chair**  
**Richard Gardner**  
**David Jones**

25 November 2020