



IN THE COUNTY COURT AT
CENTRAL LONDON

Case No: GL02CL909

Thomas More Building
Royal Courts of Justice
Strand
London, WC2A 2LL

Date: 21st March 2025

Before :

HIS HONOUR JUDGE HOLMES

Between :

MS RINA ROHILLA

Claimant

-and-

- (1) CHRIS HOLT**
- (2) DIANA KYLE**
- (3) ALAN MILTON**
- (4) ANN COTTIS**
- (5) STEPHEN FOWLER**
- (6) NICHOLAS CARDOZA**
- (7) SOPHIE WARNER**
- (8) LUKE EDGCUMBE**
- (9) EDWIN ALFORD**
- (10) PIP SMITHAM**

**(sued on behalf of themselves and all other members of the General Management
Committee of Royal Mid-Surrey Golf Club as at 30th September 2019)**

- (11) MICHAEL HOLE**
- (12) BEVERLEY MAYES**
- (13) WILLIAM PATEY**
- (14) NICOLE HERGARTEN-TUCKER**
- (15) CARL RUTHERFORD**

**(sued on behalf of themselves and all other members of the
Royal Mid-Surrey Golf Club except Rina Rohilla) Defendants**

Mr Joshua Crow (instructed by **Lee & Thompson LLP**) for the **Claimant**
Mr Paul Nicholls K.C. (instructed by **Shakespeare Martineau LLP**) for the **Defendants**

Hearing date: 3rd to 5th February 2025

JUDGMENT

His Honour Judge Holmes:

1. Old Deer Park was the hunting ground of kings. It was the park adjoining Elizabeth I's Richmond Palace and the site of George III's observatory. The majority of it is now home to the Royal Mid-Surrey Golf Club. The Club was formed at the close of the Victorian era and was granted the distinction "Royal" by George V. The future Edward VIII was Captain of the Club when Prince of Wales.
2. Even within the most venerable of clubs, trouble can develop. Rina Rohilla joined the Club in 2003, but she was not a popular member. The captains kept a file on her. It was thought by some that she was not an easy person to arrange a fixture with, was over-competitive, and engaged in gamesmanship. There were rumours about her handicap. Tongues wagged.
3. The Harare 125 Bowl is a competition played on the Thursday of the Club's Autumn Meeting weekend. It was played using the Stableford scoring method. This allowed the player's handicap to be taken into account and awarded points dependent on the gross score against the handicap adjusted par.
4. In 2019, the Harare 125 Bowl was played on 12th September. Ms Rohilla played her round with Eva Haupt and Sophie Warner. The three ladies swapped their scorecards such that Ms Haupt kept score for Ms Rohilla, Ms Warner kept that of Ms Haupt, and Ms Rohilla was responsible for Ms Warner. They also marked their own score on the card they held. Ms Haupt had a reputation of not being the most accurate of markers. On completion of a round, the player has to sign their card to accept that it is an accurate record of their score.
5. As they came off the course, Ms Rohilla says that she was told by some of the ladies sitting on the terrace that the leading score was in the 40s. After they finished their round, the ladies sat under a tree next to the putting green to sign their cards. The three ladies went through Ms Warner's card first, then Ms Haupt's, and finally Ms Rohilla's. Ms Rohilla was not convinced that her Stableford score for the back nine holes was correct. The ladies were keeping the Stableford score as well as the gross score as they went round the course. They did not need to do so, the computer would convert the gross score to the Stableford score for them, but the players were naturally curious to know how they were getting on. Time was short: Ms Haupt had to get to a work event in town, and Ms Rohilla had to make some business calls. The ladies performed a hole-by-hole analysis of the back nine holes of Ms Rohilla's round. All agreed that Ms Haupt had incorrectly given Ms Rohilla an extra Stableford point on the

seventeenth hole. Ms Haupt had also given Ms Rohilla a four on the fifteenth hole, when Ms Rohilla said she had scored a five. Given the errors found on the back nine, one would have thought that time should have been found to check the front nine. They did not. Ms Rohilla accepted the Stableford score for the front nine holes and so with time being short, matters were left. It was an unfortunate omission.

6. Having signed their cards they were required to enter their scores into a computer in the clubhouse. This was located in the pro shop. Ms Rohilla remained under the tree whilst she made her work calls. Ms Haupt and Ms Warner proceeded to the pro shop. After her calls, Ms Rohilla did the same. By this stage Ms Haupt had left for town. Ms Rohilla inputted the scores and then asked Dean Rodgers, the assistant Pro what the winning score was. He said it was 44 and asked for Ms Rohilla's card. Ms Rohilla says that Mr Rodgers immediately challenged her about the score on the third and sixth holes. He said the gross score had been changed from a six to a five on each of those holes. Ms Rohilla denied having done so.
7. Ms Warner was still in the pro shop, or had returned to it, and said that Ms Rohilla had only achieved fourteen Stableford points on the front nine holes, not the sixteen Stableford points that the gross scores inputted by Ms Rohilla resulted in. Ms Warner produced her card on which Ms Rohilla had noted her own score which showed a six on the third and sixth holes, as opposed to the fives which Ms Rohilla had signed for on her own card. Ms Warner also had Ms Haupt's card which she produced at this point. Ms Warner had been marking this card and she had recorded all three players' scores. Ms Rohilla at this stage, on her evidence, said that if Ms Warner had noted that, then she must be right that she scored six on each of the two holes.
8. Ms Rohilla was an experienced golfer who would have been aware of the consequences of signing for an incorrect score. She says she asked Mr Rodgers whether it was a 'no return' or a disqualification. Mr Rodgers said it was very serious and would need to be reported.
9. Ms Rohilla offered Mr Rodgers an additional card that she had completed for her own subsequent reference. This was not accepted. The card subsequently could not be found by Ms Rohilla. Ms Rohilla says that she also asked Mr Rodgers to check what had happened with Ms Haupt.
10. Ms Rohilla says that she did not leave matters there. Once she had got home and spoken to her partner, Barry Monks – a fellow golfer and member of the Club – she says that she went through her shots with him and concluded that she had in

fact taken six on each of the two disputed holes. She then tried to ring the ladies' captain, Diana Kyle, to tell her what had happened. Ms Kyle denies having received any missed calls. But in any event the two did not manage to speak. Next, Ms Rohilla contacted the ladies' vice-captain, Beverley Mayes. Ms Rohilla told her what had occurred and accepted that she had signed, unwittingly, for the wrong score and would therefore have to be disqualified. She denied changing her card deliberately to cheat. Ms Mayes said she would need to speak to Ben Hunter, the competition secretary.

11. Ms Mayes wrote an email on the morning of 13th September which recorded her recollection of the discussion with Mr Hunter. It read as follows:

“I received a call at 18.50 last night (Thur 12 Sept) from Rina Rohilla(RR). I was on my way to the cinema so we spoke for 10 minutes only.

“She said she was ringing me because she couldn't get hold of Di [Kyle] and wanted to let me know about an incident that had happened after she'd played in the stableford that afternoon.

“She said that Eva Haupt had marked her card and they checked the back 9 stableford points because Eva had thought RR got 23 points, when in fact she only got 21 points. They altered the stableford points which Eva had incorrectly calculated

“She said they didn't have time to check the scores for the front 9 holes of RR's card because Eva was in a hurry to go. RR signed the card which was for 37 points (= 16 + 21)and then had to take a phone call, so didn't go in immediately to put in her scores.”

12. Twenty-three minutes later, Ms Mayes added these thoughts in an email entitled, “MY SPECULATION”,

“I suspect Rina knew very well she'd only got 14 stableford points on the front 9, which was why she was happy to accept Eva's miscalculated 16 points and sign for them.

“However, when she “took her phone call” she then realized that she'd need to alter some of the front 9 scores to make them tally to 16 stableford points.”

13. That evening, Ms Rohilla also made contact with Ms Haupt and explained what had occurred. She says that Ms Haupt apologised and said it was her fault and

that she would ring the pro shop in the morning and explain what had happened. Ms Haupt said that she recalled that Ms Rohilla had 16 Stableford points on the front nine holes, and therefore she must have scored fives. In a text exchange between the two ladies, Ms Rohilla says, “Thank you so much for your support. Can you please phone Ben [Hunter] in the morning to confirm the score 16/21, so he knows that I haven’t changed anything?” The reply is, “Hi Rina, these are the scores which I have noted on your card. I am happy to confirm them to Ben and the Pro Shop tomorrow. I am very sorry for my mistake and the trouble this has caused. I will ring the office tomorrow. Goodnight. Eva.”

14. Ms Rohilla spoke to Mr Hunter the following morning. There are some relatively minor disagreements about what was said, but nothing of any consequence to this case. In an email to Mr Hunter on 13th September, Ms Rohilla wrote, “Later when I got home I went thru all my shots on the front nine and realised that my score was 14 points on the front nine and not 16 points. I therefore accept I have signed a card for the wrong score. Dean accused me of changing the score, I did not as Eva will confirm that she made it 16 points on the front nine.”
15. There was a meeting at the Club on 13th September between Ms Mayes, Ms Kyle, Luke Edgcumbe (the Club’s General Manager, a position formerly known as Secretary) and Mr Hunter. In her statement, Ms Mayes writes this, “The overall view of those present was that [Ms Rohilla] had a case to answer and so Di Kyle then emailed the rest of the [Captains’ Committee] to that effect and to seek their views as to whether to suspend [Ms Rohilla] from playing further in the Autumn Competition.” It was put to her in cross-examination that this was an understatement of her view and Ms Mayes agreed that it was. She thought by this stage that Ms Rohilla had cheated. She then tried to retreat from that answer and say that Ms Rohilla had a case to answer.
16. Mr Crow, Counsel for Ms Rohilla, asked whether they were all convinced that she had cheated and Ms Mayes replied, “Well, I guess I was.” Ms Mayes was asked why she had written in her statement that they thought she had a case to answer. She was also asked whether she had written that because she was trying to give a better impression. Ms Mayes said she didn’t know; it was a long time ago. The answer was not convincing.
17. Ms Haupt also emailed Mr Hunter on 13th September in the following terms:

“After finishing the 18th hole, Rina [Rohilla], Sophie [Warner] and I compared and signed cards. I was marking Rina’s card and communicated the aggregates to her, which I made 16 on the front and 22 on the back. Rina agreed to the outgoing score and we did not compare scores on the

individual holes. She corrected me for the back nine, which according to her were 21 points. We went one by one by through the scores for the back nine, and I corrected my mistake, and amended the total. Rina had to make an urgent phone call so stayed behind whilst Sophie and I went to the pro shop to input our cards. I had a work event back in the city so rushed to the locker room to change and left the club without interacting further with Rina— she was still on the phone when I left the club.

“I was also asked to recall the scores on the 3rd and 6th holes. I played the third hole horribly ending up in a blob so have to confess to be too taken by my poor play to be able to recall Sophie’s or Rina’s scores. I recall them having nice long drives and complaining about the pin position. On the 6th hole, I recall being able to have a water break and check the work phone whilst Rina was getting out of a bunker and Sophie fetched her ball from the right side of the green. Rina and I lined up whilst Sophie went for the green. This means that Rina was four out of the bunker but I cannot with confidence state whether she one putted or two putted.

“I can only apologise for not checking the front nine scores hole by hole with the player. Please let me know if you need any further clarification.”

18. This email was sent after Ms Haupt had been copied into an email from Ms Warner setting out her recollection of the two holes. Ms Mayes saw Ms Haupt on the evening of 13th September at the Club. Ms Mayes wrote this email after the discussion:

“I saw Eva tonight at RMS [the Club], with Pat Cunningham [a member of the Captains’ Committee].

“She can remember altering a score on the back 9 but CAN’T remember if she did so on the front 9.

“She told me after Pat had gone that Rina had called her last night to ask her what she’d said in the Pro Shop when she put her own card in to cause the furore. Eva obviously feels very nervous that she’s done the wrong thing. I don’t think we’ll get a categorical answer from her on this which is what we need for a clean cut expulsion.

“My own personal thoughts are that she should get a written warning on this so that we have an official record of this incident and that she’s told that any other misdemeanours will mean she’s out.

“Let me know what Eva says when she replies , but Rina has obviously got to her.”

19. Ms Mayes said in oral evidence that she thought that Ms Rohilla had intimidated Ms Haupt. This was not something she had said in her witness statement. Later on that same day, Ms Mayes replied to Ms Kyle saying,

“I’ve spoken to Graham [Frazer (a member of the Captains’ Committee)] and Michael [Hole (men’s vice-captain)] who have both said that we need cast iron evidence, which Eva is unable to supply. They did agree that we need to give her a formal written warning (yellow card) and that she should be told that any further misdemeanours would be a red card.”

20. Ms Kyle was asked in oral evidence whether this was a common reaction amongst the Captains’ Committee members. She replied, “not from the men, because they don’t know her.” She was asked if it was from the ladies and she replied, “I can’t remember.” In my view she was not being truthful in that response.

21. Ms Kyle sent an email on 13th September to the members of the Captains’ Committee discussing what action should be taken about Ms Rohilla competing in the weekend competitions. She adds this, “I have to say that the four of us are convinced that Rina cheated but she will contest this and we need to have a solid case. Dean [Rodgers] and Sophie [Warner] could provide affidavit evidence. Eva ‘s recollection of the round is not as clear as we would like.”

22. Mr Edgcumbe was involved in these early emails. He agreed in oral evidence that his state of mind by 13th September was that Ms Rohilla had cheated.

23. Ms Mayes sends an email to Ms Kyle on 14th September which says,

“I’ve spoken to Eva to say not to have any contact with Rina. Apparently Rina called her at work yesterday, as well as on Thursday night.

“I’ve sent a copy of Rina’s card to Eva to see if she recalls altering the 3rd & 6th holes.

“She said she’s 90% certain that Rina got a 6 on the 6th, which is what Sophie also says. The card has an “amended” 5 on it.”

24. It is quite clear by now that there was a concerted effort to ensure that Ms Rohilla could not speak to people on the Captains’ Committee or the General Management Committee (GMC). Ms Mayes wrote an email to Marcella

Anselmetti [a member of the Captains' Committee] with the subject, "Re: Rina-please don't speak to her. She's trying to call all people on the CC and GMC". Ms Mayes accepted in cross-examination that they had closed ranks.

25. Meanwhile, Ms Rohilla sent an email to Ms Haupt in these terms,

"I was suspended from playing in any competitions today. It's possible that I may be kicked out of the club.

"Sophie and pro shop are saying that I changed the scores on my card. On 2 of the holes where you had put 6's I changed them to 5. I did not. I believe it was hole 3 and 6. If you had put 6 then surely you would have given me 1 point as these were par 4's with a shot. But you gave me 2 points hence the 16 points total and not 14.

"Can you please confirm that the card we both signed had 5's, with 16 points on front 9 and 21 points on the back 9 making a total of 37. We have both accepted this was wrong and I have accepted a disqualification for signing for the wrong score. This has all become very serious for a game of golf which is supposed to be fun. I would really appreciate your help.

"I am around tomorrow if you need to discuss."

26. Ms Kyle said that she thought the email was aggressive. She said she thought it was aggressive because it did not contain an apology from Ms Rohilla. That seems rather doubtful to me.

27. After she had seen further emails discussing the shots taken, Ms Haupt wrote this to Ms Mayes on 14th September:

"Thank you for the call earlier. I have just received sms from Rina requesting a call – I will follow your advice and will not communicate with her until further guidance.

"I had a look at the card, and see that the corrections on holes 3 and 6 are not in my handwriting. I do not recall using the eraser on the card – you can see that to make a correction on the 15 I have written over the score.

"I am sorry I was too taken with my game to recall Rina's score for the 3rd. However, with a 99 percent confidence, I can recall that she was in a bunker short of the green followed by 2 puts which would have been a score of 6 and not 5. I would have written the score as a 6 and see that this

has been changed with a stronger, more angular handwriting. Neither the 5 nor the 2 (very angular) are written in my handwriting, which is easy to see if you look at my handwriting on the rest of the card. I would like to reiterate that I have not made these changes on the card.”

28. When this email was sent to Chris Holt (the Chair of the Club, and the Chair of the GMC) by Ms Mayes, Mr Holt commented in an email dated 16th September, “Looks very conclusive”. In cross-examination he was asked about this and he said, “I had decided that there was, yes, conclusive evidence. Scores had been changed, (inaudible) Eva Haupt had not changed them, yes.” He also said, on the same point that he was “trying” to keep an open mind prior to the meeting on 25th September.
29. Others were just as convinced. On the evening of 16th September Ms Mayes replies saying, “Think this is conclusive “evidence”. Early the following morning, Michael Hole (men’s vice-captain) writes, “RR is guilty.” Ms Mayes accepted that by this stage she had not met Ms Rohilla, nor had Mr Holt or Mr Hole.
30. Ms Rohilla was due to tee-off in another of the weekend matches on Saturday, 14th September, at 11.50am. She arrived at the Club shortly before her tee-time. She was met by Ms Kyle and ushered into a room with her and Mr Hunter to be informed that she was suspended from playing in any competition. Ms Kyle told her that there were statements from each playing partner and the two assistant pros, Mr Rodgers and Peter Stanford. After that Ms Rohilla contacted Mr Hunter and Mr Holt. Mr Holt said that he did not want to speak about it, it was a matter for the Captains’ Committee – the committee in the Club which dealt primarily with golfing matters.
31. Ms Kyle wrote this email on 14th September

“To the Captains’ Committee,

“I interviewed Rina today in the presence of Ben , before she had checked in to today’s Autumn meeting. I told her that she had been disqualified from Thursday’s competition for signing an incorrect card and this Rina acknowledged. I then told her that we had taken statements from her two playing partners (Sophie and Eva) and the two professionals (Dean and Peter) who were in the shop when Rina was inputting her scores on the computer.

“I told Rina that after considering these statements the Captains’ Committee had come to the view that it appeared that the score card that she had submitted had been deliberately falsified . Consequently we had decided to suspend her immediately from all competitive golf pending a full enquiry. Rina then left the room without saying anything.

“Subsequently Rina contacted Ben to ask some questions about the suspension. In particular she wanted to know if she could come to the Club to practice or play in non competitive games. Rina has also phoned Eva, Chris Holt and some members of our committee. Having reviewed our Club Rules I believe that we , the Captains’ Committee, need to decide how this matter should be progressed and give our recommendation to GMC . The procedure to be followed is not as clear cut as I would like and we are , I think, in uncharted territory.

“So, I think we need to come to a decision as to whether Rina has indeed cheated . I think this decision can be made by the Captains’ Committee having reviewed all the evidence and having given Rina an opportunity to respond to the allegations. If we agree she has cheated then we can recommend to GMC what penalty is appropriate. Presumably the options would be a fixed term suspension from the Club or we boot her out. However, GMC has the final say in this according to the Rules.

“I don’t think any of us has experience of something like this and non of was there to witness Rina’s actions. I think we all have to take responsibility here . It is perhaps relevant to note that had Rina succeeded in submitting a score of 37 then she would have won the Silver division competition on Thursday.

“The next GMC meeting is 25th Sept and I think we need to present our decisions to that meeting. I am away next week. I am happy to conduct our discussions by email. If the rest of you want to meet then would be great .

“Let me know your views and please consult with Dean and Ben if you need more information.”

32. Edwin Alford, the men’s captain, sought to pass this onto the ladies’ captain and vice-captain. Ms Mayes thought, given the seriousness of the matter, it was something that needed to be dealt with more broadly. But she also added this, “In addition, Rina should be told by Luke that she is not to contact any Captains’ Committee or GMC members. She will have her opportunity to appear before

the GMC to answer to the allegations and give her view.” Mr Alford suggested that it should be sorted out between the three ladies that played that day. Ms Kyle was asked about this suggestion when she gave evidence. She said that she thought it would not be appropriate. When asked why, she suggested that it would have been impractical to get everyone together due to work commitments, at least before a decision needed to be taken on the question of Ms Rohilla playing over the weekend. It is unfortunate that Mr Alford’s sensible suggestion was not taken-up.

33. Mr Holt sent an email on 15th September in which he said that Ms Rohilla had called him wanting to give “her side of the story”. Mr Holt said, “I have refused to engage with her as it is still a matter for the [Captains’ Committee].”
34. There was a conference call on 16th September between Mr Holt and Mr Edgcumbe, Ms Kyle, Mr Alford, Mr Hole, Ms Mayes, and Matthew Paget (head professional). Ms Kyle, the ladies’ captain was away, so Mr Holt asked Ms Mayes, to put together a detailed file of the timeline, emails, conversations, meeting and statements from the relevant witnesses. He also asked Mr Edgcumbe to contact Ms Rohilla to arrange a meeting for Ms Mayes and Mr Edgcumbe.
35. Mr Holt said at this meeting that he wanted the Captains’ Committee to make a recommendation to the GMC once the evidence had been collated. He did this because, in his view, the Captains’ Committee was responsible for golfing matters. It was also Mr Holt who wanted the invitation summoning Ms Rohilla before the GMC to be sent out at this stage to ensure that the appropriate notice was given. He also asked Mr Edgcumbe to take advice from the Club’s solicitors on their position if the GMC decided to terminate Ms Rohilla’s membership. Prior to the meeting of the GMC, Mr Holt also spoke to Ms Haupt to hear for himself her account of what had taken place.
36. On 18th September, Ms Rohilla received an email from Mr Edgcumbe stating that she was accused of falsifying her scorecard and that she was to appear in front of the GMC on 25th September to answer the charge. Mr Edgcumbe wrote this:

“I hereby give you notice that you are required to attend the GMC meeting scheduled for Wednesday, 25th Sept 2019 @ 7:30pm. You may bring a witness along with you, should you wish to. The complaint against you being that you manufactured a situation allowing you to deliberately falsify your scorecard having left the course, with the card having been signed by yourself and the marker in question. The accusation specifically

centres on the amendment of the number of shots taken to hole-out on the 3rd and 6th holes – both originally marked and signed for as 6's for 1 point each, subsequently adjusted to 5's for 2 points each.”

37. Ms Rohilla accepted in cross-examination that the allegation was clear. Mr Edgcumbe also said this,

“Until such time that the matter has been concluded, I ask that you refrain from discussing the incident with any other Member of the Club, other than to secure a possible witness. Should you wish to engage with any Members ahead of either meeting please advise me of your intention in advance.”

38. Mr Holt almost accepted that the effect of Mr Edgcumbe's email of 18th September telling her not to discuss the matter with other members of the Club, other than to secure a possible witness, was meaningless to the extent that Ms Rohilla may have wanted to speak to Ms Haupt, but Ms Haupt had been instructed not to speak to Ms Rohilla. He was reluctant to actually state that, but the failure to dissent tells its own story.

39. There were emails between members of the Captains' Committee discussing what information Ms Rohilla should be provided with at the meeting on 19th September. The main one is from Ms Mayes who wrote:

“Just a few thoughts since we spoke this afternoon.....you mentioned letting Rina see the statements at tomorrow's meeting and the possibility of even taking copies of them home.

“I don't think we should do either.

“The purpose of the meeting is to ascertain Rina's explanation. Hence, she should be doing most of the talking.

“My view is that the only documents we should show her are the 2 cards (her own and Sophie's, which she marked). We should also decide in advance, how we'll conclude the meeting.... Ie say she is to assume she'll attend the GMC meeting unless she hears from us to the contrary/ say we have to discuss her “explanation” with the Captains' committee/ say that Luke & Bev will need to discuss her explanation further/ tell her her explanation appears unacceptable so she'll definitely have to appear in front of the GMC to explain further??

“Do we want to record the meeting (obviously alerting RR to the fact that we’re doing so)?

“Please can we agree these things in advance.”

40. In his evidence, when asked about the failure to show Ms Rohilla the evidence (other than the two cards) against her at this meeting, Mr Edgcumbe replied that this was because this was not a formal part of the process. In my view that is obviously not the case. He then said that the meeting was to get her side of the story, he said it was not necessary to provide her with the evidence for this purpose. It seems to me that there was a desire to keep Ms Rohilla in the dark about what Ms Haupt, and the other witnesses, were saying.
41. There were also discussions between Ms Mayes and Ms Kyle on this subject. Both agreeing that Ms Rohilla should only be shown the cards and nothing more. Ms Kyle said, when being asked about this in cross-examination, that after her disqualification the ball was in Ms Rohilla’s court to come up with the preliminary explanation. Ultimately Ms Kyle’s evidence was that after Ms Rohilla had been asked to provide an explanation, she should have been shown the documents the Club had. I agree, but that is not what happened. Ms Mayes was asked about the failure to show Ms Rohilla anything other than the scorecards at that meeting. She did not accept that that was unfair, she thought the focus was on the scorecards.

19TH SEPTEMBER MEETING

42. The meeting between Mr Edgcumbe, Ms Mayes and Ms Rohilla took place on 19th September. Mr Monks was also present. Ms Rohilla’s account of the meeting is that Mr Edgcumbe was looking for a confession rather than an explanation. Ms Rohilla says that she asked for copies of the statements that the Club had. Mr Edgcumbe told her that she would receive them when they were sent to the GMC. Mr Edgcumbe asked if she still had the second card that she had completed for her own records, and Ms Rohilla told him that she was unable to find it.
43. The area of dispute concerns whether Ms Rohilla said that she had scored fives rather than sixes on the two holes in question. Less than a few hours after the meeting, Mr Edgcumbe wrote this in an email:

“Rina denies rubbing out the 6’s on holes 3 and 6 and changing them to 5’s.

“Rina is now claiming that she did actually score 5 in both instances!

“Rina questions why Dean focused on holes 3 & 6 almost immediately, and questions, if there was any doubt, why neither Sophie nor Dean challenged her there and then.”

44. Mr Edgcumbe repeated the same point in an email on 22nd September, although in that email he added this, “As our meeting was not an investigation, I did not feel it appropriate to ask why she had previously admitted signing for an incorrect scorecard, if by scoring 5’s and she now claims the score was not incorrect.”
45. Ms Rohilla made a note of the meeting in which there is no reference to her saying that she scored fives rather than sixes on the two holes. It was suggested during the trial by Mr Crow that it was a contemporaneous note of the meeting. Ms Rohilla was not asked about it in evidence, so there is no actual evidence before me as to the date on which the document in the bundle was written, but I was subsequently told in email correspondence from counsel that it was written up by Ms Rohilla, about a month after the event, from handwritten notes that she had made at the time. The handwritten notes have not been disclosed and this document needs to be seen in that light.
46. It is, of course, possible that Mr Edgcumbe misunderstood what Ms Rohilla said, or that she did not express herself as well as she might have done. But I accept that that was Mr Edgcumbe’s understanding of what had been said in the meeting and is the most accurate account of the meeting that there is.

VARIOUS COMMUNICATIONS PRIOR TO THE GMC MEETING

47. After the meeting on 19th September, Mr Edgcumbe updated Mr Holt and Ms Kyle. “Rina denies rubbing out the 6’s on holes 3 and 6 and changing them to 5’s. Rina is now claiming that she did actually score 5 in both instances! Rina questions why Dean focused on holes 3 & 6 almost immediately, and questions, if there was any doubt, why neither Sophie nor Dean challenged her there and then.” He also notes that Ms Rohilla was saying that if she was expelled the professional body of chartered accountants might take action against her.
48. Mr Holt was asked about the position in his own mind on 19th September. There was this exchange:

“Q: No, I just want to ask that question, at this point. It doesn’t matter or – In a sense it doesn’t matter. In your mind, if Ms Rohilla could not provide an actual explanation for the change in her scores, did that make her guilty?”

“A: Well, you have to combine that with Eva saying that she didn’t change it. Yes, in my knowledge of golf, that would be – The only person – A I said in the GMC, you know, we had two different versions. Somebody’s lying. I’d already heard – We heard first hand from Eva that she did not change the scores by rubbing out but, yes, guilty. Not talking about punishment there, you know, the – the scores have been changed. Yes, I – I was moving to the conclusion that they could only have been changed by Rita.”

49. In an email on 20th September, Mr Holt asks for a recommendation from the Captain’s Committee. In response to Mr Edgcumbe’s email, others expressed their views about what Ms Rohilla had said to Mr Edgcumbe and Ms Mayes. Ms Mayes said in an email, “I think RR’s comments yesterday about losing her livelihood if she got expelled from RMS are fictitious. Professional bodies do not rescind membership as a result of being expelled from a sports club (bankruptcy (yes) and criminal record (yes))”.

50. Ms Kyle says,

“I have been on the Captains’ committee for 5 years. In that time we have had a “ file” on one member only, that is RR. Also I personally have received perhaps ten times as many complaints about the behaviour of RR as everyone else put together.

“Her gamesmanship , the terrible way In which she treats her opponents and how difficult it is to arrange matches with her and several other allegations (but no proof) about cheating. The VPAR misuse is just one allegation. She maintains her handicap at a very favourable level and put in a number of supplementary cards (all signed by Barry) to keep it that way.

“So the present issue is not an isolated incident , a moment of madness or whatever which I could forgive. There is a history and we should take this into account in my view.”

51. In her oral evidence Ms Kyle said the file never happened. It may not have been a physical file, but they were keeping tabs on her. Later she said it was a list of grievances. Ms Kyle said that she was past trying to imagine that Ms Rohilla did not have the history that she did by this point. She accepted that she did take account of these points when she voted on Ms Rohilla’s expulsion from the Club on 30th September.

52. Ms Mayes replies,

“I agree with everything you’ve said.

“I have no hesitation in recommending that she is expelled from the club.

“None of the ladies want to play with her. She is distracting when you do have to play with her because you have to “police” her play and put up with her gamesmanship. I also think she besmirches the reputation of RMS.”

53. Mr Edgcumbe adds his voice,

“I will make contact with some of my peers.

“No response from St George’s Hill; but I will try Moira again.

“I do not disagree with the sentiment concerning Rina; I am fully aware of her reputation. Her ‘traits/mannerisms/conduct’ are certainly not as we would want from a Member. However, she is not alone in this, we have several Members that are ‘challenging’ and for differing reasons Members choose not to play and consciously avoid their company. RR, is almost universally disliked tho!

“Many instances have been reported but at no point has anyone wished to register a formal complaint; so the Club has not addressed.

“For me, it is critical that any action taken by the GMC is based upon the allegation of cheating specific to last Thursday rather than historical issues.

“I will check with Dixon Ward on Monday with regard to the legal concern.”

54. In wholly unconvincing evidence, Mr Edgcumbe tried to maintain that the “we” in paragraph 3 of that email did not include him. His evidence was seeking to suggest that he did not have a personal dislike towards Ms Rohilla. I do not accept his evidence on this point. The whole context of the email made that abundantly clear.

55. Mr Alford took up the same line as Ms Kyle, “I can and do fully support Di’s comments that this has been going on for years and as a team I think it’s important to show the rest of the membership that we are on the case here. I have seen everything , discussed it with Graham and there is no doubt in our minds

that she has been cheating here.” It is quite clear that the ladies’ captain and vice-captain together with the men’s captain were in agreement.

56. In further emails exchanged between the same or a similar group of people, Ms Mayes says, “I happen to have been playing in a friendly match today with Eva. She reiterated that she had NOT altered the card on the front 9. She has received several emails and SMS messages from RR but has not responded.” She also wrote, “If the CC recommends expulsion the GMC must see it through. This is a clear cut case.”
57. In an interesting aside, not mentioned during the trial, Mr Alford followed up on one of Ms Rohilla’s suggestions that her professional position would be in question as a result of a finding of cheating by the Club, and found some support for the position that Ms Rohilla put forward.
58. On 22nd September, Mr Holt sent the following email to the group:

“1 Yes I still await a united recommendation from CC . If this issue is coming to the GMC ...and from what I have read , it is ...the choices for the GMC are either six month suspension or termination of membership

“2 The case for either recommendation needs to be detailed and supported by paperworkeg ..

- We believe the 2 scores in question were changed .This can clearly be seen on the card

- The marker has confirmed that she did not change the scores

So ...we have come to the conclusion that RR changed the scores to gain a competitive advantage over the field

- RR admitted to signing an incorrect card (I do not have a copy of this e mail ...what did she admit to ?) ...did she retract this in the interview ?
Etc etc

“3 Armed with this information I will present same to GMC helped by Di and Luke (understand Ed and Bev cannot be there) . I would like to think that GMC would support CC in their recommendation . That is why we need a clear recommendation with the appropriate support

“4 I agree with Luke’s e mail that we can only deal with this recent situation in coming to our recommendation . Although there might be a large file of mis demeanours on RR , I am not sure the Club have ever

spoken to her about these and “ put her on notice “ as it were . If we have , then I am happy we refer to this

“5 As far as any action we take jeopardising RRs career , I agree with Bev that RR has the choice to resign . We have a duty to our members to support the integrity of the game and in particular our competitions”

59. It was put to Mr Holt that his comment that he would “like to think the GMC would support the [Captain’s Committee] in their recommendation” suggested that he did not go into the meeting on 25th September with an open mind. Mr Holt responded by saying,

“I’m not sure if you can draw that conclusion. I think if you look at the minute of 25 September, I – I’m asking for the explanation and also going through in detail what our side of the story is and to look for that explanation. As I said in my witness statement there, we (inaudible) wanted some explanation. What I was desperately hoping for was [an explanation].”

60. Mr Alford was in the Far East at this point. There is an email from Mr Holt to Mr Alford on 22nd September asking for Mr Alford to dial into the GMC meeting at 7pm for the pre-discussion about Ms Rohilla, “so you can add your voice to the recommendation of [the Captains’ Committee]”. It was suggested in cross-examination to Mr Holt that this showed his desire for the GMC to follow the Captains’ Committee’s recommendation. Mr Holt accepted that he thought this would give, “greater substance to the recommendation of the Captains’ Committee. I can’t say that their recommendation wouldn’t have influenced the GMC. Why would I have – go otherwise, because they were in charge of golfing matters, but I think their contribution was very important.”

61. On the evening of 23rd September, Mr Edgcumbe sent the papers that would be considered at the GMC meeting. This was sent to the members of the GMC and Ms Rohilla. It consisted of a recommendation document and eight appendices. The recommendation document was not sent to Ms Rohilla.

62. Ms Rohilla responded the following morning asking for an extension. She was concerned that with her work commitments, that time would be short to prepare. Mr Edgcumbe said no. This refusal was made in consultation with Mr Holt who felt that delaying the meeting would mean it was difficult to get the GMC back together again, and he thought that if this was necessary then the Club could set out its position and evidence, and then another date could be fixed when everyone had their diaries with them, to allow Ms Rohilla to respond. This was

not communicated to Ms Rohilla. Ms Rohilla burnt the midnight oil to ensure she was ready.

63. The document which was not sent to Ms Rohilla was the recommendation of the Captains' Committee. It was as follows:

“23/09/19 Recommendation by Captains Committee for Expulsion of Rina Rohilla under Rule 11.1

“The Captains' Committee (CC)has referred the above to the General Management Committee (GMC) under Rule 11.1 and recommends that Rina Rohilla (RR) be expelled because we believe that she has altered 2 scores on her card, after the card had been signed by both player and marker, to give herself competitive advantage.

“The 2 scores in questions are on the 3rd & 6th holes. This can be seen on the card where two 6's (for 1 point) have been rubbed out and replaced by 5's (for 2 points)

“The marker (EH) confirms that she did not change these scores and that the amended 5's are not her handwriting (see Appendix 4- Part 2). In any event, there would be no circumstance that a marker would amend a player's score without discussing it, and this didn't happen.

“The card that RR marked for the 3rd player (SW) in the group shows that she got 6's on these holes.

“We have therefore concluded that RR changed these scores (after the card had been signed by both parties) because she believed that this would enable her to win the Autumn Meeting competition on 12 September 2019. The best score before the group went out was 34 stableford points and the altered card would give her 37 points (rather than her correct stableford score of 35 points).

“RR inputted the scores to give her 37 stableford points but later acknowledged by phone call at 6.50pm to BM that evening that she had signed for the wrong score. She has also stated this in her email of 13 September (Appendix 3) where she acknowledged that she should have had 14 points on the front 9, rather than the 16 points that she'd signed for. She was DQ'd from the competition for submitting an incorrect score. Prior to this, but immediately after inputting her scores, she had offered to NR her card in the Pro Shop when DR pointed out the anomaly (Appendix 6) , indicating that she was fully aware that she had only scored

14 points (ie that the scores for the 3rd and 6th holes were 6's). Her marker's scorecard also showed 14 points, had she fully completed it.

"Going back to the end of the round and before the cards were signed, the players agreed 16 points on the front 9 and had a discussion about whether the back 9 totalled 21 or 22 points (Appendix 3 & Appendix 4- Part 1)and therefore went through the individual scores. RR did not go into the Pro Shop immediately to input her scores after signing her card because she had a business phone call to make before 5.30pm. She therefore entered the Pro Shop several minutes later when neither of her playing partners was present.

"When DR challenged RR in the Pro Shop about her inputted scores she said she had another scorecard in her bag to support the inputted scores. She went out to get this and returned several minutes later. The relevant CCTV footage appears to suggest RR rewriting on this second card when she went to collect it. It also, (as reported in DR's email -Appendix 6) showed that the scores on the 3rd & 6th holes had been rubbed out and the 6's changed to 5's. If 5's were the correct score (which RR was saying) why did she offer to NR and also an hour later claim she'd submitted an incorrect score (in her phone call to BM- Appendix 8) with the consequence of being DQ'd. In fact, the second card with the same amended scores (which LE has since requested from RR), suggests even more conclusively that it was RR who changed these on her actual card.

"LE & BM met with RR on Wednesday 18 September to seek an explanation for the changes to the 3rd & 6th hole scores. RR denied changing the scores on her own card and then went on to claim that she'd got 5's on the two holes in question. LE asked RR to bring the second scorecard to the club for him to see. This has still not been received.

"Appendix 1. Rule 11.1

"Appendix 2. Photo of RR's card and the card she marked for SW

"Appendix 3. RR's email 13/09/19

"Appendix 4. Marker's (EH) email 13/09/19 and email 14/09/19

"Appendix 5. SW's email 12/09/19 and 13/09/19

"Appendix 6. DR's email 13/09/19

"Appendix 7. PS's email 13/09/19

"Appendix 8. BM's email 13/09/19

“Written by Mrs Bev Mayes on behalf of, and supported by, the Captains’ Committee.”

64. Mr Holt accepted that in retrospect, that this should have been provided to Ms Rohilla. In relation to the reference to CCTV, something of which Ms Rohilla was entirely ignorant, Mr Holt said, “We didn’t go down the CCTV route.” He accepted that Ms Rohilla was never told that there was any CCTV.
65. Mr Holt was also asked about the passage concerning the meeting on 18th September where, “RR denied changing the scores on her own card and then went on to claim that she’d got 5’s on the two holes in question.” It was suggested to Mr Holt that Ms Rohilla was unaware that this was the account of the meeting which was being given to the GMC.
66. Mr Holt was also asked about appendix 6 – Mr Rogers’ email of 13th September. The version of the email sent to the GMC and Ms Rohilla had this first paragraph:
- “Today’s group consisted of Eva Haupt, Sophie Warner and Rina Rohilla. Sophie and Eva came into the pro shop first and I helped enter their scores into the computer. Eva finished first and left the pro shop. Sophie raised a concern that she had just heard Rina say to Eva that she thought she had scored 37 points, but Sophie didn’t think that was right.”
67. The original version had the following three sentences at the end of that paragraph:
- “Sophie and I decided to input Rina’s score from the ‘Markers Score’ of Eva’s scorecard into the system to see how many points it came to and it amounted to 35 points. I then cancelled the scorecard on the computer and Sophie and I mutually agreed that we would ‘wait and see’ what Rina comes in with. Sophie left the pro shop.”
68. Mr Holt said that he was unaware of the change. He agreed that it should not have happened. Mr Edgcumbe denied knowledge of the change too, although he was taken to an email he received on 23rd September from Ms Mayes. The subject of that email was, “Appendix 6 (Dean’s email of 13/09/19)” and the text of the email was “Amended version”. He then said that he did not recall. This was less than convincing, but could have been true. Mr Nicholas Cardoza said that the alteration was inappropriate and completely wrong. Stephen Fowler (one of the members of the GMC) also agreed that it was wrong. After somewhat lengthy cross-examination on the point, Mr Fowler accepted that the Captains’

Committee recommendation document should have been provided to Ms Rohilla.

69. Ms Mayes when asked about this in cross-examination accepted that this was completely inappropriate and that it was not fair. When asked why she did it, Ms Mayes said this,

“I – I can’t—I don’t—I don’t know now. I think I thought at the time that it looked—it didn’t look—it didn’t look that good for what Sophie and Dean did but, having said that, without it, you don’t understand, then, why Dean could have honed in on those two scores, because it explains why he knew those scores were wrong.”

70. Ms Mayes also accepted that how Mr Rodgers alighted on those two holes so quickly was something that Ms Rohilla had wanted to rely upon in her defence. When asked why she had not referred to the editing of this email in her witness statement she said she had forgotten about it. That seems unlikely. Later in her evidence she said that she did it to secure a conviction. That is the logical conclusion as to why it was done.

71. Ms Mayes also sent this email to the same or similar group of people on 23rd September indicating that seven out of eight members of the Captains’ Committee now favoured expulsion. Angie Parry took the view that it was not for the Captains’ Committee to make a recommendation under the Club’s rules and therefore refused to do so.

72. On 24th September, in preparation for the meeting the following day, Mr Holt sent this email:

“Having read the various e mails it is clear that the CC supports the recommendation to expel Rina based on the unanimous conclusion that she has cheated

“Angie is quite right that this is ultimately a GMC decision . CC is “ only making a recommendation based on unanimous agreement that RR cheated . But that is a weighty recommendation

“That is why it is important to have the facts / evidence in front of us to present to the GMC .

“Luke , can you call me today so that we can agree process

“My suggested timetable ...

“1 I will advise GMC at the outset of the meeting that we have a disciplinary matter to consider that could lead to expulsion .The member concerned is RR and she will be coming in at 7:30

“I will propose that I go through the evidence at 7 pm

“2 When Rina comes in I will state to her that it is the unanimous conclusion of CC (and hopefully GMC) that she has cheated . Furthermore that she has been offered an opportunity to put her side of the story and has not come up with a credible explanation

“3 I will ask her if she has anything further to add

“4 We will not conclude what we are going to do until after she has left the room . She may confess / resign / stand firm in denial during her interview . Confession may change our stance

“Luke as far as I am aware only Pip and Ed are away . Having talked to Pip he is aware of the situation .But we need to somehow include him in any final decision

“Can you let me know when you can call”

73. Mr Holt was asked about this email and specifically the sentence which reads, “When Rina comes in I will state to her that it is the unanimous conclusion of CC (and hopefully GMC) that she has cheated.” He was asked if he hoped that the GMC would conclude that Ms Rohilla was guilty, he said he was hoping for that. He was asked if this was his hope before she entered the meeting and he said it was. He was asked if that was because he had already concluded she was guilty and he replied, “Yes, as I say in other correspondence, unless she came up with a plausible explanation of what the accusations were.”
74. Mr Edgumbe replied to the email which included the following:
- “In order for the process to be seen as fair, it is critical that the GMC ‘appear’ open minded, and that Rina is given the opportunity to present her version of events even if she only repeats the story already shared.
- “The GMC must allow RR to formally respond to the allegations. I say this only because your Point 3 suggests RR will be given the opportunity ‘to add anything further’, which procedurally could be challenged.”
75. Mr Edgumbe was asked about the word ‘appear’. Mr Edgumbe denied that this indicated that the GMC were not being open minded. I fear that I cannot accept

Mr Edgcumbe's evidence on this point. He could have written "it is critical that the GMC is open minded". He could have written the phrase without placing appear in inverted commas, but the fact that he did seems to me to make his intention and view clear.

76. On 25th September, Mr Holt sent an email to the same group in these terms:

"1 Only GMC members present in the room can vote . Our Rules re 11 :1 do not allow dial ins to vote (Note ... change the Rules!) . So Pip and Ed 's votes will not count

"2 Sophie has already declared she is conflicted and will not vote

"3 You and MH are / will be invited to the October and November GMCs . So MH will not be there tomorrow night . You were invited to GMC to add support to the CC recommendation because you stood in for Di In her absence and have provided exemplary leadership in this issue

"4 The plan is to meet at 4 pm to go through our strategy and share latest information .. feedback from our lawyers , feedback from Wisley who have recently been through a contested forced resignation and RR's latest request to defer the meeting (which has been denied) . The last bit I think is new information as it has only just happened . I

"know you cannot be there at 4 pm but look forward to seeing you at 7 pm if that still works for you"

77. Ms Mayes replied in these terms:

"Thanks for clarifying and I shall be there at 7pm for the briefing.

"Please give me a call if there's anything I need to immediately know following the 4pm meeting.

"What concerns me is that we only have 6 GMC members able to vote on the issue, of which we need 5 to satisfy the 3/4 hurdle (well, actually 4.5 which I assume means 5).

"Did RR say why she wanted the date moved?"

25TH SEPTEMBER MEETING OF THE GMC

78. There were ten members of the GMC at the time of these events: Mr Holt, Ms Kyle, Alan Milton, Ann Cottis, Mr Fowler, Mr Cardoza, Ms Warner, Mr Edgcumbe, Mr Alford, and Pip Smitham. Mr Alford and Mr Smitham were not

present on 25th September and took no part in the decision to expel Ms Rohilla. Ms Warner did not take part in the decision as it was felt that as one of the three-ball on 12th September she should not. Mr Edgcumbe appears to be a non-voting member, so whilst he took part in the discussions, he did not vote. The decision was therefore taken by six members, all of whom were present.

79. The meeting commenced at 5pm and the GMC transacted its normal business. At about 7pm discussion turned to Ms Rohilla. Ms Rohilla attended as she had been directed to at 7.30pm. Mr Monks accompanied her. Ms Warner was still in the room as Ms Rohilla and Mr Monks entered. She had been present at the first part of the meeting concerning Ms Rohilla. Ms Rohilla was surprised at her presence as Mr Edgcumbe had previously told her that Ms Warner would not be there. Ms Rohilla's evidence is that Mr Holt asked Ms Warner to leave. That is disputed, but nothing turns on it. Ms Rohilla felt that a discussion had been had and a decision made before she entered the room. She was certainly right about the first part and the impression given – particularly in relation to Ms Warner – was unfortunate.
80. Mr Holt said in his statement that it was his idea that Ms Warner should excuse herself from the GMC meeting when Ms Rohilla's case was being discussed. He was taken to an email in which Mr Edgcumbe had written, "Sophie told me when she and I met for the interiors update that she would excuse herself from any discussion re [Ms Rohilla] because, as you say, she felt conflicted. Don't quite get that!" Mr Holt said that at first he had not seen the problem, he had then thought about it and agreed that it was inappropriate. His evidence was rather less than convincing on this point.
81. In the discussion before Ms Rohilla's arrival, Mr Holt sets out various points, one of which was, "It was felt that [Ms Rohilla's] assertion that Eva Haupt must have changed the scores without consulting her was simply not credible". It was also noted that Ms Rohilla had changed her account of what had taken place. This was before the meeting. Mr Holt also says that:

"we should only [be] concerned with this one incident arising from the competition on 12 September 2019 and that no other factors should be brought into consideration or should influence any individual's decision. I felt compelled to do that because in the lead up to the meeting and in particular from reading some of the emails, there had been discussion on [Ms Rohilla's] previous "form" surrounding previous competitions at the Club. I emphasised that any of these previous incidents/ comments were irrelevant to the decision we would be making."

82. Mr Holt accepted that he set out the Club's case to the GMC in Ms Rohilla's absence. He accepted that Ms Warner was present for this, "to see if there was any factual inaccuracies." It does not seem to have occurred to him that Ms Rohilla might wish to correct any factual inaccuracies herself.
83. What was said at the meeting is beyond argument as a recording was being made and it has been transcribed. Mr Holt began by asking Ms Rohilla if she required more time to prepare and she said that she did not. Mr Holt introduces the topic in this way,

"I think you've seen the evidence that-- that we have seen and the Captains Committee have seen and, in our view, you know, there's a case to answer in terms of the cards being altered. It looks pretty clear to all of us that, you know, the card was altered – we've seen the reasons why – and we've concluded that that's the case, and that's the case to answer. And, so, I can go through in more detail, but I'd like to hear your explanation, if you like, as to why we might have come to the wrong conclusion. But based on the evidence that we've seen and, I have to say, what's been reported back to me, a sort of conflicting response from yourself in terms of, first of all, you know, let's say, "Yeah, you signed for the wrong score," and then, later, "No, I didn't," has added to the confusion. So, do you want to respond to that?"

84. Ms Rohilla responded by giving her account of what had taken place in the pro shop with Mr Rodgers and Ms Warner and how Mr Rodgers had confronted her about the scores. Her initial reaction had been that if the card showed fives, then she must have scored fives. She also reiterated that she had denied altering the scores. Under questioning from Mr Holt, Ms Rohilla accepted that on the card she was marking for Ms Warner, and on which she had recorded her own score as well, she had marked a six on the two holes which were in dispute. Ms Rohilla expressed herself in this way:

"What we didn't do when we checked our scores at the end-- I mean we, all three of us, sat down under the tree and checked our cards. Unfortunately, what I didn't do was (inaudible) the front nine, actually check the fine line but, you know, Eva said-- she originally said it was 38 or 39 points. We said, "It can't be," so we checked through the back nine and brought it down to 21 points. I think she had a score wrong in one of them and, you know, she said, "60 on the front and 21 on the back nine, 37." Sophie heard this – she was there when I did it – but didn't say anything at the time.

“Now, I hold my hand up that, you know, we should have checked the front nine as well, but it had taken four and a half hours or more; everyone wanted to get away; it had been a horribly long round. And I’m not making excuses but, you know, those were the circumstances and, you know, I just accepted what she said and, you know, signed the cards. I then had to-- I had 10 minutes to, really, make a phone call, where I had a problem in the shop with one of the suppliers, and I’ve got evidence of an email as to what I needed to deal with. So I made a call, and they went off to put their scores in.

“Now-- So, when Dean raised that this was the issue, I said, “Well, in that case, that-- obviously, it’s incorrect,” and I couldn’t remember what I actually had on those holes. I started thinking about it. I’m not good at remembering, going back. I know some people are-- like Barry would remember every shot he’s had on a hole. So, I said to Dean, “If Sophie’s saying it was a six, then it must have been a six, in which case I have signed an incorrect score.”

“You know, this is in a nutshell. There were other conversations. In which case, you know, what do I do? Is it a no return or is it a DQ? And I-- He says, “Well, this is very serious, you know, and I will have to report it.” I said, “Well, surely, if it’s a wrong card, wrong score, then it will be a DQ.” Now, how he knew that it was those two holes that were incorrect, I don’t know, and if you look at the card-- you know, had he really looked at the card properly, he would have seen that there were other discrepancies.”

85. Mr Holt puts to Ms Rohilla that he can see that there was a six on the card and it appears to have been rubbed out and replaced by a five. He says that is troubling “us”. Ms Rohilla replies in this way, “Well, I-- I would say that, you know, if you look at the card – I couldn’t see any changes – I would say it had a five on it, as far as I’m concerned. There were two fives. I have not changed it.” Mr Holt says that he can. Mr Monks chimes in and says that he could not see a change. Mr Holt persists that he can and that the Captains’ Committee could as well. Ms Rohilla then said, “The idea that I wanted to cheat is flabbergasting, because if I really wanted to cheat, would I have not changed the scores on that card, or the one I was marking for Sophie? Because, at some point, somebody was going to compare the two. How would I get away with changing those scores and not changing that one?”

86. There are discussions about errors which Ms Haupt had made, particularly with calculating the Stableford score. Ms Rohilla makes the point that if you were going to rub out the six to cheat, why would you not correct the Stableford score as well.
87. There follows a discussion about the handwriting. Ms Rohilla makes reference to an email from Ms Haupt in the evidence provided by the Club saying that she did not make the alteration. Ms Rohilla attempts to make a comparison with a five written on the tenth hole.
88. Ms Rohilla is then asked about her own score for the holes which she wrote on Ms Warner's card. During these exchanges, Ms Rohilla says that she thinks that Ms Haupt must have written a five for those holes. There was this exchange:

CHRIS HOLT: So, your score was correct? Six?

RINA ROHILLA: Six, yes.

CHRIS HOLT: And so, who changed-- And you think Eva put five?

RINA ROHILLA: Yes.

CHRIS HOLT: Ah, right, and then this six that's behind the five----

RINA ROHILLA: I don't know what that six is. I mean----

CHRIS HOLT: Do you-- do you-- You can't see this. You can't see that it's been changed.

RINA ROHILLA: No, I can see it, but I can't explain.

BARRY MONKS: On the blow-up, you can see it.

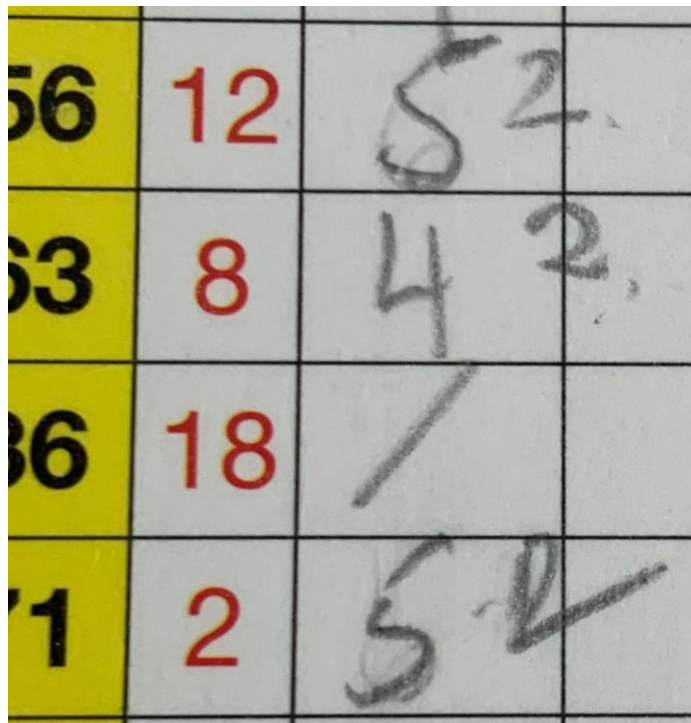
CHRIS HOLT: Yeah. So, you can see that it was a six and now it's a five?

RINA ROHILLA: Well----

89. The scorecard was shown to Ms Rohilla, although she had seen it before. Ms Rohilla's scorecard was completed as follows:

Bona Rohilla (12)															Date	Time							
Ladies Autumn Meeting (Hare 125 Bow) - Thursday Stableford Playing Handicap 13 Tea Time 11:00															Handicap	Strokes Rec'd							
															Handicap	Strokes Rec'd							
															Handicap	Strokes Rec'd							
Marker's Score	Hole	White Yards	Par	Yellow Yards	Stroke Index	Player A	Player B	Player C	W = + L = - H = 0 Points	Red Yards	Par	Stroke Index	Marker's Score	Hole	White Yards	Par	Yellow Yards	Stroke Index	Player A	Player B	Player C	W = + L = - H = 0 Points	Red Yards
4	1	225	3	183	10	42				175	3	11	5	10	442	4	397	5	52				380
6	2	531	5	512	6	71				502	5	1	3	11	153	3	140	17	41				133
1	3	370	4	356	12	52				342	4	7	6	12	458	4	440	1	44				439
1	4	373	4	363	8	42				357	4	5	5	13	318	4	309	15	42				295
4	5	147	3	136	18	/				131	3	15	7	14	523	5	490	13	53				475
5	6	406	4	371	2	54				339	4	3	6	15	458	4	430	3	53				421
6	7	344	4	335	14	52				320	4	9	1	16	209	3	198	11	42				191
3	8	188	3	188	16	33				181	3	18	5	17	423	4	404	7	61				399
5	9	429	4	391	4	53				378	5	17	5	18	405	4	391	9	43				325
16	OUT	3013	34	2835		16				2725	35		15	IN	3389	35	3199		21				3058
		White SSS 71		Yellow SSS 69										OUT	3013	34	2835		16				2725
													TOTAL	6402	69	6034							5783
Marker's Signature..... Eva Haupt															STABLEFORD POINTS OR PAR RESULT		Handicap						
Player's Signature..... M. M. P.															37		Nett						

90. The blown-up version of the scorecard was shown to both Ms Rohilla and Mr Monks. They accepted that they could see the six behind the five:



91. Ms Rohilla says that her position is that she scored a six and the errors were Ms Haupt's. But yet Ms Rohilla is still confused. A little later there is this discussion:

CHRIS HOLT: So, you accept originally there was a six there?

RINA ROHILLA: Yes.

BARRY MONKS: On the card----

CHRIS HOLT: You accept that?

RINA ROHILLA: No, I don't accept. I don't know.

CHRIS HOLT: Hang on. I think I've got Barry saying he accepts that this is----

RINA ROHILLA: No, we're looking at that and saying, but where's that come from? Who has blown that up?

CHRIS HOLT: It's a copy of this.

LUKE EDGCUMBE: Well, that was me.

RINA ROHILLA: You've done it, have you?

NICHOLAS CARDOZA: Just photocopied it from here.

LUKE EDGCUMBE: I took a photo on my phone of the original card and then blew it up and photocopied it, because if you scan the original scorecard, it is difficult to see.

92. Ms Kyle says to Ms Rohilla that she could not think of a scenario where you would write down a six on a card and change it to a five without a big discussion. Ms Rohilla then responds by saying, "I don't know, Diana. I don't know. I mean, she says they're not her fives." Ms Rohilla then reveals that she has obtained a report from a handwriting expert who says, "that those fives are similar to her—all the other fives on the card." Mr Holt asks if the Club can see the report. Ms Rohilla provides it.

93. Mr Holt was asked about the position on Ms Rohilla's consistency in her account as to whether she scored sixes or fives. In paragraph 28 of his statement, Mr Holt had said,

"I also pointed out that the Claimant had changed her story as to whether she had scored 6's or 5's on the two holes in question, noting that at the

outset she had admitted signing for an incorrect score, thereby accepting that she had scored 6's, and she suggested she should be disqualified. However, at the meeting with Luke and Bev some seven days later she had been insistent that she had scored 5's".

And then what Mr Holt said in 25th September meeting,

“And, so, I can go through in more detail, but I'd like to hear your explanation, if you like, as to why we might have come to the wrong conclusion. But based on the evidence that we've seen and, I have to say, what's been reported back to me, a sort of conflicting response from yourself in terms of, first of all, you know, let's say, “Yeah, you signed for the wrong score,” and then, later, “No, I didn't,” has added to the confusion. So, do you want to respond to that?”

94. It was put that it was clear from her answer that she was answering a different point, about what happened in the pro shop immediately afterwards, rather than the point that was being put, but this was not corrected or pursued.
95. Mr Holt was taken to a comment he made in the meeting when he said, “We're going to have to do some-- probably further investigation. Okay? Maybe some further discussions – probably with Eva – which we have not had.” Mr Holt had to accept that he had spoken to Ms Haupt. He suggested that he was referring to the GMC as a whole. His answer was unconvincing.
96. There was a point in the meeting where Ms Rohilla was seeking to raise a couple of points as to why she had not cheated. Mr Holt's response was not to engage but rather he says, “Well, as I say, we're sort of going round in circles here. This has been through the eyes of many, many people.”
97. Mr Holt was also asked about the conclusion of one of the handwriting experts that said, “From the copy there do not seem to be any obvious differences between the two number 5s compared to those in other columns, but even with the original document I doubt that a reliable opinion would be possible when based on such a small amount of writing.” It is fair to say that Mr Holt concentrated on the second half of the sentence, Mr Crow in his questions focused on the first half. The first half does suggest that Ms Haupt's suggestion that the 5s were not in her hand and were more angular, may not have been entirely reliable. That said the opinion was far from conclusive and it is difficult to criticise the GMC for failing to see this as strong evidence in support of Ms Rohilla's position. In cross-examination, however, Mr Holt did accept that it was relevant.

98. Mr Holt says that time will be required to consider it. He says this,

“We’re going to have to do some-- probably further investigation. Okay? Maybe some further discussions – probably with Eva – which we have not had. Okay? Because, dare I say it, somebody’s lying. Either Eva’s lying or you’re lying, and I don’t want to get into that. We’re a members club, but you’re putting us in that position, because-- Okay? So, you know, we’ll have to take this away, you know, and take a look at it, Rina, in terms of the additional evidence.”

99. Ms Rohilla provided the handwriting expert reports that she had obtained. The first was from Anthony Stockton. Mr Stockton sets out the tests which could be undertaken if the original card was available to him. He says this:

“When documents are altered, it is not often possible to determine who affected the alteration. This is because in the majority of cases of this nature the additional entry affords only a very small amount of writing for comparison. As such, in this case it would not be possible to determine who wrote the figures “5” as seen on the scorecard for holes 3 and 6.”

100. A different expert, Ms Briggs, said in an email,

“From the copy there do not seem to be any obvious differences between the number 5s compared to those in other columns, but even with the original document I doubt that a reliable opinion would be possible on the basis of such a small amount of writing. Presumably the card is written whilst standing/walking rather than sitting at a desk, so the writing may vary more than usual and could easily account for apparent differences both in letter design and pencil line appearance.”

She adds that the original would need to be examined by a suitably qualified expert.

101. Ms Rohilla took with her to the meeting a detailed document which set out her position. Of particular note in that document is that Ms Rohilla says that when she spoke to Ms Haupt the morning after the round, Ms Haupt said that the error was her mistake and that she did not remember the score on those holes. Ms Rohilla deals with how Ms Haupt’s memory appeared to improve after an email sent by Ms Warner to Mr Edgcumbe. Ms Rohilla also says that rather than improve from fourth to third in the competition, she would have been more concerned about her handicap being lowered before the weekend competition.

102. The document also included an analysis of the points being made in the statements provided by the Club. Ms Rohilla points out a number of errors in the way that Ms Haupt had completed the card. This includes where Ms Haupt had given Ms Rohilla a four on the back nine holes which Ms Rohilla corrected to a five. She says that had she wanted to cheat, she would have taken the four. A further point made was that she was aware that the score she was submitting was not the winning score as she had heard someone say that the leading score was a 40 or something. These documents were not considered in the meeting. Ms Rohilla was not asked to set out her defence or speak to them.
103. It is quite clear from Mr Holt's statement that Ms Rohilla had made a very poor impression on the GMC, and their clear view in advance of the meeting had not changed. This remained the same when he had had time to read the handwriting experts' opinions. That said, he then asked the members of the GMC, "to sleep on it and not to come to any conclusion until they had all read [Ms Rohilla's] defence statement and the forensic report."
104. Mr Holt was asked whether, in the meeting of 25th September, he discussed anything that might point towards Ms Rohilla's innocence, for example that she made a change on the back nine holes to her detriment whilst the scores were being checked after the round. He said he was focused on the two holes. He was asked whether the GMC discussed the fact that when first asked, Ms Haupt had been unable to remember whether she had changed the card. He said not. He was asked why the various points favouring Ms Rohilla had not been put forward and he said, "At that stage I was trying to make the—let's say, the Club's case okay?" He continued, "It depends on the question that she was asked. Yes, she did make some mistakes on the card, it was sloppy, but actually she was never asked the question by Rina, I don't believe, "Did you rub out the scores?" Okay? So, trying to put Rina's defence, if you like, before she came in, no, I didn't do that."

EVENTS BETWEEN 25TH AND 30TH SEPTEMBER

105. After the meeting on 25th September, Ms Kyle emailed Ms Mayes to let her know what had happened. She wrote this:

"Very briefly , Rina brazened it out, contradicted herself several times. Afterwards Chris did not take a vote, requested forensic evidence on handwriting. I think this was an excuse (and clever) because he was doubtful whether he (we) would get the required 5 votes. Steve and Nick are uncertain."

Eventually in cross-examination Ms Kyle accepted the obvious that by this stage she was wanting the GMC to expel Ms Rohilla.

106. It is quite clear that Ms Mayes was less than impressed by what had happened. On 26th September she wrote:

“I have not had chance to speak to Di in detail but have popped round to her house to collect RR’s “statement”, which is a load of waffle.

“Rina got 6’s on the two holes in question (as shown on her marker’s score), so this is not disputed. In what circumstance would Eva write a 6 down and then rub it out and write 5 without discussing it with RR.

“What do members of the GMC not understand in Eva’s statement of 14/09/20(unless they don’t believe it or had they not read all the papers properly before the meeting) :-

“I had a look at the card, and see that the corrections on holes 3 and 6 are not in my handwriting. I do not recall using the eraser on the card - you can see that to make a correction on the 15 I have written over the score.

“I am sorry I was too taken with my game to recall Rina’s score for the 3rd. However, with a 99 percent confidence, I can recall that she was in a bunker short of the green followed by 2 puts which would have been a score of 6 and not 5. I would have written the score as a 6 and see that this has been changed with a stronger, more angular handwriting. Neither the 5 nor the 2 (very angular) are written in my hand writing, which is easy to see if you look at my handwriting on the rest of the card. I would like to reiterate that I have not made these changes on the card.

“Please let me know if you need any further clarification.

“To be even handed, **I suggest that the GMC seek further clarification from Eva, as she’s offered (above) and ask her to appear before them.** This would be the only fair course of action and they would see what an honest straight forward person she is. What possible motive would she have for altering RR’s card?

“I’m in shock that the GMC members could not see that this was an episode of cheating.

“I think it’s important that I meet with Steve and Nick (or can I speak before the 6 GMC members and give my briefing), who I understand were unconvinced, to talk them through it. This was to have been the intention of my 7pm briefing. I now wish I’d come along.

“Please can you let me know the proposed plan of action and give to me call so I can fully understand how the meeting went.”

107. It must be remembered that Ms Mayes is not a member of the GMC, but yet she was expressing a very clear view which was adverse to Ms Rohilla. Mr Holt replied:

“I think you need to calm down .

“I purposefully decided not to go round the table last night after our discussions so I cannot confirm which way people might have voted . You only get once chance at that unlike the referendum

“After denying the charge I took Rina through the evidence and concluded to Rina that “someone “ was lying .

“We were then presented with a rather large file of papers that was Rina’s defence . She said they included evidence from a hand writing expert that she said concluded the scores were not changed ! I have not studied this evidence yet but will do today

“Natural justice requires that we go through those documents which we could not do during the meeting or immediately afterwards.

“I am back in Portugal but am in close liaison with Luke re strategy

“I know this is hugely tortuous but we have to be absolutely sure on process and evidence

“We will get there !”

108. Mr Holt denied that this showed that he wanted to make absolutely sure that he had enough votes to convict Ms Rohilla. The words of his email, and indeed that of Ms Kyle would suggest, however, that he wanted to make sure that the one chance he got would be successful. Mr Holt makes reference to natural justice, but equally says, “We will get there”. By this stage it is quite clear that Mr Holt was determined to secure the expulsion of Ms Rohilla. His denial of this in his oral evidence was untrue. It may also be that he realised the response of certain members of the Club if she was not expelled.

109. Ms Mayes was not done yet, she replied on 26th September:

“I care passionately about RMS and its reputation, and don’t intent to ever calm down about that.

“I do agree that it was right not to rush a decision last night. My main purpose in the last week or so (while the 2 captains and men’s vice have all been away) has been to drive this matter forward, ensuring that our Rules are followed and that due process takes place. This has been my objective and has taken a lot of hours (and sleepless nights!). Having spoken directly to both the parties involved, it’s very clear to me what happened. I rightly feel frustrated that this cannot be seen by others.

“I too, want natural justice which in my view, includes the GMC hearing from Eva (not least because at the moment, she is being accused of lying by RR) and me (who has been the common thread throughout).

“Please can this be arranged.

“It appears that we may also need a hand writing expert of our own- I understand from Michael that he has already emailed Luke about a contact he has.

“Having done all the donkey work, I expect to be consulted as part of this process going forward and not excluded, which is the implication.”

110. Mr Holt was not entirely impressed and he replied an hour later in these terms:

“Sorry Bev I do not appreciate your tone

“We are all passionate about the Club but that does not give us license to make unsubstantiated “ accusations “ / inferences

“And if course as Chair I am carefully following our Rules ; did Di tell you what happened at Wiskey as a result of the correct process not being followed ?

“I asked Di to debrief the CC and particularly you so I am not sure where this “ exclusion “ you are feeling is coming from ?

“I take that personally

“No one is saying that the cheating “cannot be seen by others “where is that coming from ? I am pleased that you agree that it was right not to make a decision last night

“Developments today

“1 Having now read the “ reports “ of Rina’s handwriting experts they are merely conjecture in my opinion . To do a proper forensic analysis would require the actual card and expenditure . They were making observations based on a facsimile card which was very unclear

“2 We talked a lot last night after meeting Varry and Rina about getting our own forensic expert because we were under the impression Rina had received a forensic report supporting her case that the scores had not been changed . Furthermore Michael Hole volunteered a mate who had these forensic skills . Turns out during the day that is not the case and as I have now read Rina’s “ forensic report “ (sic) I am happy to rely on our own conclusion (unanimous eyes) that the scores on 3 and 6 were changed

“3 Luke has already contacted Eva to meet with her

“Where I am now in the process is that I am sure that Eva will confirm to Luke what we know already ...that she did not change the score ... and that will be enough for me

“I will then bring the 6 members of GMC eligible to vote up to date with events post meeting and ask them to send their vote to Luke but saying that I will vote for expulsion as a “ guide “

“I will not do this until Monday giving Luke time to meet Eva and in the vain hope that Barry and Rina might come to their senses

“Nobody apart from the distribution knows my latest thinking which is a reaction to events today”

111. In his statement, Mr Holt described Ms Mayes emails as “inappropriate”. It is difficult to disagree.

112. Mr Cardoza sent a long email to Mr Edgcumbe on 27th September. The email included the following,

“I have also read through things and have the following observations at this point:

“If Eva had changed the score, either on the course or afterwards, in my mind she would have consulted Rina and the point of reference would have been what Rina had marked. I agree that while it was theoretically possible for her to change it unilaterally, there is no reason for her to do so. Given that Eva cannot clearly remember what Rina had scored on

those holes (only Sophie clearly says that Rina was in the cross bunker at 6th for 3 shots), it is likely that she would have consulted Rina or Sophie. Both points of reference would have been 6 shots. It is also possible that Rina wrote her own scores down incorrectly, but Sophie clearly remembers she took 6 at each hole. And Rina wrote it down clearly. So for me, she took 6 shots at each hole in question

“The front 9 is a mess:

“When the players came in, it is accepted that Eva originally thought Rina had either 37 or 38 points. With 21 or 22 on the back nine. The 16 on the front were not in question for the players. But if Eva had written 6 originally on the 3rd and 6th, she should have marked 1 point each and the scores added to 14 points. So I looked more closely. It looks like while the 6 was changed to a 5 on the 3rd, the 2 points has not changed, so this could have originally (incorrectly) been 6 for 2 pts. So a gross score of 6 originally correct but erased and replaced with a 5, but the points of 2 incorrect and left as is. But at the 6th, it clearly looks like the gross score of 6 has been erased and replaced and 1 point has been overwritten to 2

“Furthermore, with the changes, the points on the front nine add up to 17, not 16, notwithstanding that fact that (am I imagining it?), her score of 4 at the 4th should be for 3 points, not two?

“Am I also imagining it or were the false 3 points awarded on 8 originally 2 points. Not sure of the relevance, but I noticed it in the blow up

“With all this doubt over the front nine scores, it is amazing that they were not double checked before the score was submitted. On the balance of probabilities, I think most members would certainly have wanted to do that, even if the opponent had left

“Two things stand out for me in Dean’s statement:

“Rina was asked before she pressed submit and that 2 sources of information and confirmation (Sophie plus her own card) were available even though Eva had left. She could and should have asked for either if she was in any doubt. Yet she herself chose to submit. Ultimately the process of submission is a double check.

Rina took a long time entering the scores for whatever reason, so she was thinking carefully about what she entered. It is possible she forgot she had those two reference points and it is true that they were not offered to her, but it tends to be assumed that you have done your homework when physically signing the card. And, as I say below, Sophie did warn here that she thought 37 was not correct before she submitted, according to Dean

“Rina offering to NR is strange, as is trying to leaving with the card after submission, changing story etc. The smell test is not smelling good

“Overall, I can see lots of different handwriting. I think that is a red herring and I think we are being invited to focus on it precisely because it is inconclusive.

“The key for me is whether we think that:

“a) the gross scores and one stableford score appear to have been altered to be improved, especially in the context that the score could possibly count. One is more tolerant of laxity on a card with 15 pts;

“b) it is possible or feasible that Eva would have altered them, eraser or not, either during the round or after, without consulting either Sophie or Rina’s own card. Because if she had, both would have indicated 6s. If we do not think she would have and Rina was the only person with physical access to the card it leads to a conclusion

“c) Rina had ample opportunity to check the scores before submitting them, took enough time, was warned of a possible inaccuracy (according to Dean, Sophie told her that 37 wasn’t correct) but submitted regardless;

“d) she has either offended against the rules of the club under 11.1 (expulsion) or her conduct renders her unfit for membership under 11.1 (expulsion) or warrants suspension (11.3)”

113. It is quite clear that Mr Cardoza was the one member of the GMC who was actually trying to consider matters logically and fairly. He was doing so, however, in an environment where he was swimming against the tide.

114. Ms Kyle emailed Ms Cottis on 27th September saying,

“Luke and Chris are of the opinion that we have to make a decision on the basis of this matter alone. The reasoning is that no formal complaint has previously been made against Rina . We Captains’ Com have lots of issues that have been raised but Rina has not had a chance to respond to these except possibly in relation to the supplementary cards submitted .

“Nicki Fillingham told me yesterday that she has a very good friend at St George’s Hill who told Nicki that Rina was asked to leave because of a cheating issue (though they were all sworn to secrecy and Luke could not get any official information about this).

“I am worried that Nick and Steve will not agree with us but I am not sure.”

115. Ms Cottis replies, “Surely you can raises the Nicki F point...” This was, of course, not evidence that Ms Rohilla was aware of or had chance to comment on.

116. Ms Kyle also emailed Mr Holt something similar on 27th September,

“I think that you are handling this very well and I know that you are under pressure. As indeed I am because everyone seems to know about the issue and I have had lots of comments, none of which are favourable to RR. Some are getting very heated as you are aware.

“I appreciate that Luke has tried to get information about RR from St G Hill and failed as indeed Heather Ray and I did some years ago in relation to our Centenary Bowl team. Moira clearly knew something but would not say. However , yesterday Nicki Fillingham told me that she had a very good friend at St G Hill who had said that Rina was asked to leave because of a cheating matter. Those involved were all sworn to secrecy!

“Obviously this is gossip but I thought you should know.”

117. Ms Kyle accepted that she passed this information to Mr Holt in the hope that it would influence his decision.

118. Mr Milton also sent an email on 27th September which appeared to suggest he was still open to considering the possibility that Ms Rohilla might have a point. He wrote,

“I note that we are not going to subject the cards to forensics at this stage. It occurs to to wonder why RR appears to be happy for this to be done - what if her expert concluded that the two 5s were indeed her handwriting and not those of ..

“A high risk strategy on her part or is she so confident that she didn’t write them? Just a thought?”

119. Mr Holt and Mr Fowler exchanged emails. In his email of 29th September, Mr Fowler wrote this:

“First, there seems to be no guideline or precedent about when to use which sanction, so it would be good to rehearse our thinking on why this offence merits one as opposed to the other. Second, If this were a one-off incident from any other Member (without RR’s history), I suspect we might be looking at suspension coupled with a stern warning about future conduct. However, RR has some form - and maybe that’s what justifies expulsion in this case. The problem I have is that I’m not sure whether the “form” has ever been formally documented and presented to her (if so let’s share this!) - or whether it is rumour and scuttlebutt. If she has indeed been confronted over past misdemeanours, and warned accordingly, expulsion is the obvious answer. There is clearly a strength of feeling against RR - but we need to separate the rational argument from this sentiment, especially if this is going to end up in some nasty legal proceedings.”

120. Mr Holt replies in these terms:

“I was going to bring up the expulsion / suspension options tomorrow on the call

“You are right that it is entirely in our discretion

“I was certainly leaning toward suspension before she spoke at the meeting where she clearly lied (about not changing her score) and tried to blame another member for changing her score if it was changed

“She has shown no contrition nor tried to contact Luke to try to “ plea bargain “ . And she changed her story Agree with you that we are only dealing with this one offence . She was never confronted about any other misdemeanours

“I have mentioned this incident to a couple of mates on a no name basis out here and there response was unequivocal ... cheating means out .”

MEETING OF GMC ON 30TH SEPTEMBER

121. On the morning of 30th September, the six voting members of the GMC, together with Mr Edgcumbe and Mr Alford met remotely to consider their conclusions (the minutes are incorrectly dated 29th September). The meeting was led by Mr Holt and he set out his conclusions that, “with all probability said changes had been made after the score had been signed for by RR.” And that, “having invited RR to present her version of events to the GMC, she gave no credible answers that could explain the corrected scores, and indeed continued to blame Eva Haupt (marker of RR’s card) for the errors.”
122. Further opinions were offered, Mr Milton was of the opinion, “that RR were clearly brazen in her subsequent dealings with the Club but that it itself was not out of character for RR.” Ms Cottis notes that she was “not surprised by RR submission of a pseudo-scientific report; suggests someone with a brazen character fighting their corner; again, questioned why no request had been made for the original card to be forwarded to a 3rd party.”
123. The meeting voted unanimously that Ms Rohilla had cheated and that she should be expelled from the Club. On 30th September, Mr Edgcumbe emailed Ms Rohilla to say that the GMC had decided to expel her from membership with immediate effect because she had changed her score. An appeal was offered, but was not taken up. Ms Rohilla says that she did not think that the appeal would be considered fairly.
124. Mr Holt, in his evidence, got into rather a tangle about whether he voted first in the meeting on 30th September because he wanted to give a guide – which he accepted – and whether he wanted to influence others. By that stage there would be no difficulty in the chair of a meeting trying to secure a particular result: he had reviewed the evidence and considered it. However, his inability to accept that he was seeking to influence others was not enormously attractive.

OTHER MATTERS FROM THE EVIDENCE

125. I have set out above the events as they occurred chronologically. Not all of the evidence fits neatly into that timeline. I will briefly set out some further observations on the evidence from the various witnesses.

Ms Rohilla

126. In cross-examination, Ms Rohilla accepted that she did not know the six members of the GMC who were taking the decision particularly well, perhaps

with the exception of Ms Kyle. She said she had no reason to doubt their integrity. Ms Rohilla was also asked about various aspects of the procedure. She accepted that she did not at any stage say that she wished for Ms Haupt to be called before the GMC.

127. Other matters were covered in Ms Rohilla's witness statement and oral evidence. She gave evidence about her belief that she was treated less favourably than others. This was in relation to being selected for Club fixtures and also in the way she was not made welcome by a social group that played on a Wednesday evening, "the skinnies". It is said that Carrie Ward, who was ladies' captain in 2018, made comments back in 2005 that she would run things in a different way if she was to be ladies' captain. There was also evidence about an unfortunate incident when Ms Rohilla and Mr Monks won a competition and the prize was taken from them because there had been an error in another pair's handicap, which, when corrected, meant that they were successful. Ms Rohilla did not take the situation well. Another issue was when Ms Rohilla's handicap was reviewed. She did not agree with the timing of the review or the result. She exercised her right to appeal to the Ladies County Golf Association which rejected her appeal.
128. There were complaints about Ms Rohilla from other members. She was accused by another member of cheating in the Fry Cup in June 2018. Another member was complaining about Ms Rohilla's availability for matches in June 2018. Mr Edgcumbe makes this comment on that complaint, "I won't bore you with all the conjecture but Italia says she speaks on behalf of the ladies; but we know how dangerous that 'claim' is." In my view Mr Edgcumbe is guarding against any suggestion that all the lady members speak with one voice. It is clear that in the summer of 2018, Carrie Ward, and others were discussing whether to send a letter to Ms Rohilla about the complaints that were being received concerning her play. In the end the decision was taken that sending the letter would do more harm than good.

Mr Monks

129. Mr Monks is an extremely experienced golfer. He has been a member of the Club since 1988 and played off scratch for many years. He was on the Committee of the Club in the 1990s and chaired the Greens Committee. He and Ms Rohilla met at a wedding of two members of the Club held at the Gleneagles course in Scotland. He is her partner. His witness statement entirely supports Ms Rohilla's account of the events.
130. In cross-examination he did not accept that scores are only changed by discussion between player and marker. He said it happened on many occasions

including by him. If a marker had incorrectly recorded the score and realised his or her error, they would correct the score. What he added was that at the end of the round the player and marker would check the scores together and agree upon the score that was being signed for.

Mr Holt

131. Mr Holt is another experienced golfer having played for nearly 60 years. He has been a member of the Club since 1987 and was men's captain between 2009 and 2010. He was chairman between 2017 and 2022.
132. Mr Holt denied in cross-examination that he was aware of Ms Rohilla's reputation of being a difficult character. He said it was just anecdotal and came out during these events. He was asked about the event in 2016 when Ms Rohilla and Mr Monks had had a trophy removed from them when another pair claimed the wrong handicap had been used for them. Mr Holt at first said, "I think I was – I knew about this after the event at the time." It was clear from the emails that Mr Holt found out the following day when an email concerning the issue was forwarded by him to Mr Fowler. He wrote, "Confidentially .. please see below regarding Rules ! Different Rules but there are those put there !!!" Mr Holt did not recall what he meant by that. I agree that it is difficult to interpret.

Mr Edgcumbe

133. Mr Edgcumbe was the general manager of the Club and was heavily involved in the decision making. He gave evidence in his witness statement about his experience of Ms Rohilla as being "fairly bullish and competitive". He set out some of his experiences with her. He agreed in cross-examination that there were a group of ladies in the Club who strongly disliked her.
134. He was taken to some of the correspondence he had received in September 2018 about Ms Rohilla. He wrote to one member who had complained,

"I find Rina's approach/attitude to golf very uncomfortable, and certainly does not fit in with the friendly nature of the Club nor does it display what I like to think of as esprit d'cour. If I take Rina out of the equation, the Club has, for many a year been one that pursues a (very) relaxed/friendly nature; extending to how it manages confrontation/Member conduct - and I include deadlines in this."
135. When this passage was put to him, Mr Edgcumbe said that he disliked Ms Rohilla's behaviour rather than disliking her. I was not convinced by his answer.

136. Mr Edgcumbe was taken to an email from his assistant secretary, Moira Stafford, dated 1st October 2019 where she writes, “I am sorry I should have got back to you much sooner but I didn’t really find anything out about Rina”. It is quite clear that attempts were being made to find evidence that would be damaging to Ms Rohilla. Mr Edgcumbe said that he was trying to find out if there was any merit to the rumours which were circulating.
137. Mr Edgcumbe was asked whether he was pleased that she had lost her membership of the Club. He denied that he was. He was taken to an email he wrote on 6th October. It was in the context of a competition – the Fry Cup – which Ms Rohilla would still be entitled to compete in if her membership had not been terminated, and would still be eligible for if her membership were reinstated. He wrote this, “Ref the Fry, as the round does not have to be played until 27th Oct, I might suggest Jan needs to be prepared to play. Should RR appeal, and (god forbid) the Members find in her favour, she would be eligible to play.” The evidence that Mr Edgcumbe gave that he had no feeling one way or the other was evidence that I do not accept.

Ms Mayes

138. Ms Mayes accepted in her evidence that she had overstated the significance of the Harare 125 Bowl when she said it was a “highly prestigious and a very important one in the Club calendar.” She accepted the adjectives were overstating it.

Ms Cottis

139. Ms Cottis accepted that she was gossiping about the case before the GMC meeting and that it was a topic of conversation amongst the members. She accepted that prior to the GMC meeting she had concluded that there was a high probability that Ms Rohilla had cheated.
140. Ms Cottis gave evidence that she thought that Ms Rohilla was a very good golfer and would have known exactly how many Stableford points she had and she would have known how many she was signing for.

Mr Milton

141. Mr Milton seemed in his evidence to be unable to accept the possibility that Ms Rohilla might have been innocent. He described being appalled by her making the allegation that Ms Haupt must have changed the card. It again seemed to be an impossibility to him that Ms Haupt might have changed the card whilst on the round. The tenor of Mr Milton’s evidence was perhaps best encapsulated by his inability to even accept that the editing of the statement of Mr Rodgers by Ms Mayes was wrong. He said, “I don’t think it was unfair.”

142. At the time of his email on 27th September, Mr Milton was at least thinking of points which might be in Ms Rohilla's favour. However, when asked about it in evidence he appeared to be saying that even if Ms Haupt had changed the card, it was for Ms Rohilla to check it was correct. When you sign for it, "is the moment when a player is deemed to have cheated." He also said that if the document examiner had concluded that it was Ms Haupt's writing that that would have been relevant to the degree of cheating.
143. Finally, Mr Milton gave evidence in his statement about when both he and Ms Rohilla had stood for election for the GMC at the same time. Mr Milton was successful. He says this, "Her demeanour towards me following the vote being announced was decidedly frosty. I would have expected any other member to have said congratulations, well done and been gracious about it, [Ms Rohilla] had not been. That aside, my wife had been the Ladies Captain and I had heard from her that [Ms Rohilla] had a reputation for gamesmanship." He denied, however, that these points influenced his conclusions in this matter. I found that assertion difficult to accept.

Ms Kyle

144. There was a strange part of Ms Kyle's evidence when she said that she tried to pretend that Ms Rohilla was a person of good repute and that she failed to do so. The clear interpretation of that was that Ms Kyle was unable to divorce her view that Ms Rohilla had behaved badly in the past from the decision that she needed to take on this issue.
145. In many ways it is irrelevant, but as an interesting insight into the view being taken by Ms Kyle, she says in paragraph 29 of her statement,
- "As best as I can recall I do not think I read the documentation we had been provided until the following day. Having done so, my initial thought was that for someone who the evening before the meeting had said they had not had time to prepare; the Claimant had prepared a considerable amount of documentation. Indeed, far more than the documentation that she had to review in advance of the meeting."
146. As Mr Crow put to her in cross-examination, the initial thought was not that there were some interesting points being made, or that she must have worked hard in the short amount of time available, but to doubt the request for more time. This is the antithesis of fair decision making. She was asked more generally whether she ever went through the points which Ms Rohilla was making and she said that she couldn't remember, she then said the GMC did not discuss them but that she went through them on her own, and then said she couldn't remember if the GMC

went through them. Finally she accepted that the GMC did not go through the document together.

Mr Cardoza

147. Mr Cardoza was an impressive witness who made appropriate concessions. He accepted that his recollection of 25th September meeting as set out in his statement did not accord with the transcript. He also gave evidence of his understanding of the evolution of marking scores on cards. As a junior he was taught that changes were made only with the player and marker initialling the change on the card. Whilst the initialling may have fallen away, he said the importance of informing your playing partner had not.
148. Mr Cardoza also said that he did not know Ms Haupt or her reputation as being a poor marker. He did however struggle to accept the proposition that the fact that Ms Haupt made a number of errors on the front nine holes might make it more likely that she rubbed out the two scores in question and made the change. He also accepted that it might have been better had Ms Rohilla been given the opportunity to ask questions of Ms Haupt about what had taken place.

Mr Fowler

149. Mr Fowler accepted that he had been influenced by the Captains' Committee recommendation as to guilt, but not as to sanction.

THE LAW

150. There was very little, if anything, between counsel as to the applicable law. In *Dawkins v. Antrobus* (1881) 17 Ch.D. 615, CA, a case which involved the expulsion of a Colonel Dawkins from the *Travellers' Club*, which must have been something of a *cause célèbre* in its day given the publication by one member of a document alleging dishonourable conduct by General Stephenson, a senior officer in one of the guards' regiments. The case was argued on behalf of the Club by the Attorney General, Sir Henry James, Q.C.
151. Sir George Jessel, M.R. set out the need for the Club to act reasonably and *boná fide* by which he said is meant that they "shall act with some cause, or, as the law phrases it, with reasonable and probable cause." (at pp. 622 to 623). His Lordship concludes with these words, at p. 625:

"He may have been, and probably was, a very unpopular member, otherwise he would not have been expelled at all, but besides that, one might expect at the hands of Englishmen, and especially English gentlemen, who are always lovers of fair play, that which would certainly entitle him to, and secure for him, the support of all those who were

impartial if they had thought it really was a case in which he was the aggrieved party and not the aggressor. Looking at the matter as a whole, I think the safer course for a Judge sitting alone is to say that the allegation of malice is not sufficiently made out, and therefore that the action should be dismissed.”

152. The matter went on appeal where James, L.J. concurred with the Master of the Rolls as to the need for the club to have acted *boná fide*. At page 628, his Lordship said,

“We have no right to sit as a Court of Appeal upon the decision of the members of a club duly assembled. All we have to consider is whether the notice was or was not given according to the proper rules, whether the meeting was properly convened, and whether the meeting, if properly convened, had come to the conclusion that this gentleman ought to be expelled, having before it the fact that the committee had, upon investigation of the matter, come to the conclusion, and expressed the opinion, that his conduct was such as to entitle them to call upon him to resign.”

153. On the following page, his Lordship continued,

“Unless we can say that their decision that such conduct would be injurious to the character and interests of the club was so manifestly absurd and so manifestly idle that it could only have been a false pretence to cover something else, and therefore was, in fact, fraudulently put forward for the purpose of giving effect to some preconceived notion of removing him without just cause—for which I can see no ground or foundation whatever—we have no right to sit in judgment on their decision.”

154. James, L.J. said that Colonel Dawkins had had notice of the meeting and had an opportunity to comment on the allegation being made against him and that as a result it was for the members to judge whether there were grounds for expulsion.

155. Brett, L.J. gave a judgment to the same effect. He said this at p. 630,

“The only question which a Court can properly consider is whether the members of the club, under such circumstances, have acted *ultra vires* or not, and it seems to me the only questions which a Court can properly entertain for that purpose are, whether anything has been done which is contrary to natural justice, although it is within the rules of a club—in

other words, whether the rules of the club are contrary to natural justice; secondly, whether a person who has not condoned the departure from them has been acted against contrary to the rules of the club; and thirdly, whether the decision of the club has been come to *bona fide* or not. Unless one of those charges can be made out by those who come before the Court, the Court has no power to interfere with what has been done. It seems to me the only question in the present case is upon the last matter, viz., whether what has been done is *bona fide*.

“The Court has no right, in my opinion, to consider whether what was done was right or not, or, even as a substantive question, whether what was decided was reasonable or not. The only question is, whether it was done *bona fide*. Now, it is true that an element, in considering whether a matter has been done in good faith, is the question whether what has been done is really beyond all reason. If that were so it would be evidence of want of good faith; but even where that exists, it is not a necessary conclusion that there has been want of good faith, for, even after having come to the conclusion that a decision was wholly unreasonable, one might be convinced aliunde that nevertheless there was no malice—that what was done was done in good faith. Therefore the mere proof that it was contrary to reason is no sufficient ground for the interference of the Court.”

156. Next we turn to the *Ladies’ Imperial Club* and a case brought against it by Mrs Young [1920] 2 K.B. 523, CA. The question was whether the executive committee meeting was properly called when the Duchess of Abercorn had not been given notice. Scrutton, L.J. summarised the position in this way, “I think it is desirable that it should be clearly understood that this Court is not a Court of Appeal from the decisions of committees of clubs, provided the committees are properly constituted and properly summoned, and deal with the matter in a way not contrary to the principles of natural justice.” (p. 535)
157. Perhaps the first of the modern cases is *Lee v. The Showman’s Guild of Great Britain* [1952] 2 Q.B. 329, C.A. There are factual differences: the travelling showman, having failed to pay a fine (levied for his occupation of the Noah’s Ark position at the Bradford Fair held in July 1949) was thereby expelled. The Bradford Fair was a closed shop, as were many others. By his expulsion from the guild, he was denied his ability to earn a living at any fairground in the United Kingdom controlled by the trade union.

158. Somervell, L.J. having reviewed various authorities, said the following at pp. 340 to 341,

“These cases, in my opinion, show that, even where the subject-matter is as it was in the medical cases, the courts will interfere if there is no evidence. In such a case the committee will have acted *ultra vires*. That, on the conclusion which I have already expressed, is sufficient to enable the plaintiff to hold the judgment which he obtained below.

“This is a difficult and important branch of the law. I am alive, I hope, to the important and necessary work done by domestic tribunals, normally with care, skill and fairness. I am also alive to the principle, reiterated more than once, that this court cannot be made a court of appeal from decisions of such tribunals. On the other hand, a power of expelling a member is a drastic power which in many cases, as here, may affect the plaintiff’s livelihood or reputation. There is, in my opinion, a distinction between cases where the decision challenged is under the rules based on the opinion of a committee on a matter which is primarily one of opinion, and those cases, such as the present, where the decision is, or should be, based primarily on the legal construction of words in a rule. The principles laid down in the former class of case are sufficient for the plaintiff here. I wish, however, to make it clear that, in my opinion, the principles laid down in those cases are not necessarily to be regarded as setting the limit to the jurisdiction of this court where the issue is one primarily of construction.”

159. Denning L.J. sets out his view of the limits on the review of decisions of a club at p. 342,

“Although the jurisdiction of a domestic tribunal is founded on contract, express or implied, nevertheless the parties are not free to make any contract they like. There are important limitations imposed by public policy. The tribunal must, for instance, observe the principles of natural justice. They must give the man notice of the charge and a reasonable opportunity of meeting it. Any stipulation to the contrary would be invalid. They cannot stipulate for a power to condemn a man unheard.”

160. His Lordship continues, at p. 343,

“The question in this case is: to what extent will the courts examine the decisions of domestic tribunals on points of law? This is a new question which is not to be solved by turning to the club cases. In the case of social

clubs, the rules usually empower the committee to expel a member who, in their opinion, has been guilty of conduct detrimental to the club; and this is a matter of opinion and nothing else. The courts have no wish to sit on appeal from their decisions on such a matter any more than from the decisions of a family conference. They have nothing to do with social rights or social duties. On any expulsion they will see that there is fair play. They will see that the man has notice of the charge and a reasonable opportunity of being heard. They will see that the committee observe the procedure laid down by the rules; but they will not otherwise interfere”.

161. Albeit in the very different context of the process by which the punitive element of mandatory life sentences for murder were set, Lord Mustill in *Regina v. Secretary of State for the Home Department, ex parte Doody* [1994] 1 A.C. 531, HL, at p.560F-G, dealt with the essentials of natural justice. What fairness requires will be dependent on the context of the decision. He dealt with decisions in a statutory context, which are of less relevance here, but then said,

“(2) The standards of fairness are not immutable. They may change with the passage of time, both in the general and in their application to decisions of a particular type. (3) The principles of fairness are not to be applied by rote identically in every situation. What fairness demands is dependent on the context of the decision, and this is to be taken into account in all its aspects... (5) Fairness will very often require that a person who may be adversely affected by the decision will have an opportunity to make representations on his own behalf either before the decision is taken with a view to producing a favourable result; or after it is taken, with a view to procuring its modification; or both. (6) Since the person affected usually cannot make worthwhile representations without knowing what factors may weigh against his interests fairness will very often require that he is informed of the gist of the case which he has to answer.”

162. In *Bradley v. The Jockey Club* [2005] EWCA Civ. 1056, the Court of Appeal adopted the analysis of Richards, J. at first instance where he said this, at para. 17,

“that brings me to the nature of the court’s supervisory jurisdiction over such a decision. The most important point, as it seems to me, is that it is *supervisory*. The function of the court is not to take the primary decision but to ensure that the primary decision-maker has operated within lawful limits. It is a review function, very similar to that of the court on judicial

review. Indeed, given the difficulties that sometimes arise in drawing the precise boundary between the two, I would consider it surprising and unsatisfactory if a private law claim in relation to the decision of a domestic body required the court to adopt a materially different approach from a judicial review claim in relation to the decision of a public body. In each case the essential concern should be with the lawfulness of the decision taken: whether the procedure was fair, whether there was any error of law, whether any exercise of judgment or discretion fell within the limits open to the decision maker, and so forth.”

163. The Supreme Court in *Braganza v. BP Shipping Ltd* [2015] UKSC 17, [2015] 1 W.L.R. 1661 said, at para. 28, that “there are signs, therefore, that the contractual implied term is drawing closer to the principles applicable in judicial review.” Baroness Hale continued, at para. 29,

“If it is part of a rational decision-making process to exclude extraneous considerations, it is in my view also part of a rational decision-making process to take into account those considerations which are obviously relevant to the decision in question. It is of the essence of “*Wednesbury* reasonableness” (or “*GCHQ* rationality”) review to consider the rationality of the decision-making process rather than to concentrate on the outcome. Concentrating on the outcome runs the risk that the court will substitute its own decision for that of the primary decision-maker.

164. As to the content of the term ‘natural justice’ Popplewell, J. in *Dymoke v. Association for Dance Movement Psychotherapy UK Ltd* [2019] EWHC 94 (QB) said, at paras. 55 to 57,

“55. Care needs to be taken as to what is meant by “natural justice”. In *Local Government Board v. Arlidge* [1915] A.C. 120 Hamilton, L.J. described the phrase “contrary to natural justice” as “an expression sadly lacking in precision”. It is commonly treated as having two central principles:

“(1) the principle encapsulated in the Latin tag *audi alteram partem*, namely that the decision maker should afford to a person adversely affected by the decision a reasonable opportunity to be heard (which will generally also require sufficient notice of the nature of the matters under consideration by the decision maker); and

“(2) the principle that the decision maker shall not be a judge in his own cause and will be free from bias.

“56. So for example in *Ridge v. Baldwin* [1964] A.C. 40, 132 Lord Hodson identified the three principle features of the requirement of natural justice as being the right to an unbiased decision maker, notice of the charges and a right to be heard in answer to the charges.

“57. However, the rules of natural justice involve requirements which are flexible and fact specific in their application. They will often, but not always, require a person adversely affected to have an opportunity to be heard, depending on the circumstances: see for example Ormerod, L.J. in *Norwest Holst Ltd v. Secretary of State for Trade & others* [1978] Ch. 201 at p. 226. This is in keeping with the duty being expressed simply as one to act fairly. Sir Robert Megarry V-C himself observed in *McInnes v. Onslow-Fane* [1978] 1 W.L.R. 1520 at p. 1530C-G that the expression “natural justice” is problematical for the reasons there explained, and that it will often be preferable to address the question as whether there is a duty to act fairly. This was how the implied term was characterised by Lord Woolf in *Wilander v. Tobin* [1997] 2 Lloyds Rep. 293 at pp. 299-300.”

165. Then at para. 63, his Lordship adds this, “It is also right to observe that what procedural fairness requires in practice may differ from body to body. A small voluntary organisation may not be expected to employ the more formal and elaborate procedures which are required of a larger and better resourced organisation.” In that case the court implied a term into the contract that the member “would be treated fairly in relation to her termination; and in particular that she would be informed of the complaints or concerns in sufficient detail to enable her to respond to them and would be given a reasonable opportunity to respond.” (see para. 65).

166. As to the terms to be implied into a contract, Choudhury, J. in *Haque v. Faradhi* [2023] EWHC 1135 (KB) held, at para. 134, that the power to terminate:

“(i) Must be exercised in good faith and not for any improper purpose;

“(ii) Must not be exercised capriciously, arbitrarily or irrationally;

“(iii) Must be exercised with regard to the rules of natural justice, including:

“a. giving notice of the gist of any allegations against a member

- “b. giving that member a fair opportunity to respond to them;
- “c. the right to an unbiased decision maker;
- “d. the right to a brief explanation as to the reason for termination.”

INJUNCTIVE REMEDY

167. Counsel did not agree about the scope of the court’s power to grant an injunction. I was referred to the case *Baird v. Wells* (1890) 44 Ch.D. 661, Stirling, J., which concerned the *Pelican Club*. The alleged ungentlemanly conduct was presence at a prize fight held between two pugilists in Bruges in Belgium after which, “it was alleged that certain unseemly proceedings occurred in which one of the officials of the club was, as alleged, implicated.” (p. 662).

168. At p. 675, Stirling, J. said this,

“In all the cases of this nature, in which up to the present time an injunction has been granted, the club has been one of the ordinary kind, *i.e.*, it has been possessed of property (such as a freehold or a leasehold house, furniture, books, pictures, and money at a bank), which was vested in trustees upon trust to permit the members for the time being to have the personal use and enjoyment of the club-house and effects in and about it. But the interest of the members is not confined to that purely personal right. The members might, if they all agreed, put an end to the club; and in that case they would be entitled, after the debts and liabilities of the club were satisfied, to have the assets divided among them. In the present case the club, as such, has no property.”

169. The point being made is that where the club is owned by a single person, in the case of the *Pelican Club*, that was a Mr Wells, an injunction is not available. Where the members own the club through the property being held on trust for the members, then due to their proprietary interest in the club’s property, an injunction is available.

170. In the *Showman’s Guild* case, Denning, L.J. touches upon the availability of an injunction. He said this, at p. 342,

“If a member is expelled by a committee in breach of contract, this court will grant a declaration that their action is *ultra vires*. It will also grant an injunction to prevent his expulsion if that is necessary to protect a proprietary right of his; or to protect him in his right to earn his livelihood: see *Amalgamated Society of Carpenters, etc. v. Braithwaite* [1922] A.C. 440; but it will not grant an injunction to give a member the right to enter

a social club, unless there are proprietary rights attached to it, because it is too personal to be specifically enforced: see *Baird v. Wells* (1890) 44 Ch.D. 661, 675-6. That is, I think, the only relevance of rights of property in this connexion. It goes to the form of remedy, not to the right.”

171. In my judgment, this case falls squarely into the category of cases where an injunction is available. The property of the Club was held on trust for the members. In the unlikely event that the Club dissolved, the assets of the Club would be divided between the members. The position has changed since these events (the Club has incorporated). However, the Club agreed – under threat on an injunction to prevent the incorporation – that no point would be taken on the basis of the subsequent incorporation. Whether an injunction is in fact granted, is a matter for discretion.

SUBMISSIONS

172. Mr Crow began by asserting that the process adopted by the Club was fundamentally flawed and that Ms Rohilla was not provided a fair opportunity to defend herself against the allegations made. Mr Crow emphasised that the burden was on the Club to provide clarity on the accusations, but they failed to do so adequately. He also said that there was a central issue held against her: that she was unable to provide a positive case on how the scorecard was changed, when providing a positive case is not always possible.
173. Mr Crow said that the court was required to consider natural justice, rationality, and good faith. Mr Crow emphasised that natural justice necessitates a fair process, including adequate notice of the allegations, an opportunity for a person to be heard, and the right to an impartial tribunal. He noted that rationality consists of two components: the decision-makers must consider all relevant matters and exclude irrelevant ones, as well as ensuring that no outrageous conclusions are reached. Furthermore, he argues that the decision must be made in good faith.
174. Mr Crow made several points demonstrating the unfair nature of the decision-making process. First, he highlighted that Ms Rohilla was not allowed to communicate with key individuals involved in the allegations, which severely limited her ability to present a positive defence. He also points out that during the initial meeting on 19th September, she was given insufficient information to adequately respond to the allegations against her.
175. Moreover, he stresses that no effort was made to gather the people involved together to clarify the events, which could have provided Ms Rohilla with the chance to defend herself more effectively. He argues that the failure to explain

the case against her and the lack of consideration of her defence (including those she set out in writing) are significant breaches of fairness. This included a failure by the GMC to go through the defence document prepared by Ms Rohilla.

176. Mr Crow emphasised that many in the GMC had already formed their opinions about Ms Rohilla's guilt before she was given a chance to explain herself. He cites Mr Edgcumbe's acknowledgment that the GMC was not approaching the case with an open mind and points out Ms Kyle's candid admission of her bias against Ms Rohilla. He said that this lack of impartiality undermines the integrity of the decision-making process.
177. Mr Crow also took aim at the Captains' Committee and said that it had effectively predetermined the guilt of Ms. Rohilla, leaving little room for the GMC to conduct an unbiased review. The Captains' Committee's findings were never shared with Ms Rohilla despite containing vital evidence that significantly impacted the GMC's decision without giving Ms Rohilla a chance to respond.
178. Mr Crow placed significant reliance on the editing of an email from Mr Rodgers, noting that the GMC was presented with altered information that misrepresented the situation and hindered Ms Rohilla's defence. He called it a lie. It was, he said, a blatant violation of fairness.
179. Mr Crow says that Ms Rohilla was not given proper notice of the allegations. He points out that the summons to the GMC was made before the Captains' Committee had completed its investigation and particularly before the members had spoken to her. The decision was rushed through for no good reason.
180. When addressing the issue of irrationality, Mr Crow referred to established legal principles that dictate that a decision-maker must consider all relevant facts and disregard irrelevant ones. He lists several points raised by Ms Rohilla during the GMC meeting that were either ignored or inadequately addressed. For instance, he mentioned the many errors in the scorecard made by Ms Haupt and whether that suggested that Ms Haupt was more likely to have made the critical changes: this was never fully analysed by the GMC. Mr Crow argues that the failure to consider these points demonstrates a flawed decision-making process that lacks rationality. He asserted that a reasonable decision-maker would have taken the time to explore Ms Rohilla's arguments. The failure to consider whether Ms Haupt may simply have made an honest mistake was, he said, irrational.
181. In relation to bad faith, Mr Crow said that certain individuals within the Club held a dislike for Ms Rohilla, which influenced their decision-making. He cites evidence from Mr Edgcumbe, who expressed a desire to remove Ms Rohilla from

the Club. Mr Milton took a dislike to her following an election to the GMC. Ms Kyle candidly accepted that she could not put her dislike from her mind. Mr Crow argues that this bias contributed to a process that was neither fair nor impartial. Mr Crow emphasised that he was not alleging conscious bias, but that there may have been a subconscious influence based on Ms Rohilla's race. He stresses that the treatment she received was not typical and should be viewed with scepticism. He offered no evidence to support that contention when pressed.

182. Mr Crow gave a list of matters which he says the GMC did not consider, they are summarised at paragraph 67 of his skeleton argument (a misnomer if ever there was one). They were (1) that Ms Haupt could have amended the card, (2) that Ms Rohilla corrected the back nine score against her own interests, (3) that the handwriting expert said that there was no substantive difference between the various fives on the card, (4) nobody actually saw Ms Rohilla change the card, (5) it made no sense to amend the gross score without amending the Stableford score as well, (6) the improving nature of Ms Haupt's memory, and (7) the speed with which Mr Rodgers alighted upon the scores on the third and sixth holes.
183. In terms of the allegations of cheating, Mr Crow argued that these claims should not stand, as Ms Rohilla provided credible evidence denying any wrongdoing. He emphasised that neither Ms Haupt nor Ms Warner were willing to testify in court, which weakens the Club's position. Mr Crow posits that the absence of these witnesses indicates a lack of substantive evidence against Ms Rohilla and suggests an adverse inference should be drawn from their non-appearance.
184. Mr Crow said that the position of bad faith was clear; there were many people in the Club who disliked Ms Rohilla and that polluted the decision making. He also said there was no credible evidence before the court that Ms Rohilla cheated. She had given sworn evidence that she had not, and this had not been contradicted.
185. Finally, Mr Crow addressed the legal implications of the case, arguing that the court should grant an injunction to reinstate Ms Rohilla's membership based on her proprietary rights as a member of the club. He makes reference to the various cases I have set out above and he says that these support the principle that members have property rights in clubs governed by trust principles. He asserts that the Club's decision to expel Ms Rohilla was void due to the breaches of contract and that her membership should be reinstated.
186. Mr Nicholls, K.C. for the Club said that there are three issues for the court to consider, (1) rationality, (2) natural justice, and (3) good faith. In relation to rationality he says that the starting point is that Ms Rohilla signed for a score which included two scores which were wrong. Those two scores appeared to

have been changed. Ultimately there was only one question, who changed the score? He says it is a rational decision to say that it was Ms Rohilla, as opposed to Ms Haupt who changed the score. The various members of the Club who gave evidence could see no reason as to why Ms Haupt would have made the change that is alleged. He emphasised that the GMC was bringing its golfing knowledge to bear.

187. On natural justice Mr Nicholls began by emphasising, as Lord Mustill said in *Doody*, that the requirements of natural justice vary according to the circumstances. He says that she was given notice of the meeting. She was sent the essential evidence against her. Mr Nicholls made the point that whatever the preconceived notions that Mr Holt and the other members of the GMC may have had, and whether he had a conversation with Ms Haupt or not, the members of the GMC thoroughly reviewed the case and actively sought Ms Haupt's explanation. In addition, he emphasised that on Ms Rohilla's case, two of the members of the committee were uncertain, which indicates that they were considering the matters properly. Mr Nicholls argued that the Captains' Committee's recommendations were not evidence in themselves but rather a process of referring the matter for further investigation. The essential evidence needed for Ms Rohilla to respond to the allegations was provided to her. The minutes of the meeting of 30th September were relied upon to show that the GMC did not place significant reliance on the Captains' Committee recommendation or on the CCTV.
188. Mr Nicholls noted that a significant portion of the argument revolves around the objections raised about Ms Haupt's absence during the proceedings. He reminded me that Ms Rohilla did not ask to have Ms Haupt present for cross-examination, suggesting that the absence did not hinder her ability to defend herself since she had access to written statements from Ms Haupt. If anything she had the advantage of being the only live witness before the GMC. He also said there was substance to the fear that Ms Haupt was feeling intimidated, or at least there was a concern that she was.
189. Mr Nicholls dealt with concerns about the amendment of evidence. He said it was the case that both Ms Rohilla and the GMC saw the same document. The excluded evidence was only how Mr Rodgers worked out what had taken place, but that does not for a moment question whether the scores were changed. Ultimately, Mr Nicholls says, this occurs because Ms Rohilla keys in sixes for the relevant holes and nothing else. His central point was to ask why it mattered. The highest it could have got would be to say that Ms Warner and Mr Rodgers could have prevented Ms Rohilla from cheating but decided not to.

190. On the issue of good faith, Mr Nicholls started from the position that he accepted that if the decision was taken because the GMC disliked Ms Rohilla then there would be an absence of good faith. Mr Nicholls emphasised that at the beginning of her cross-examination, Ms Rohilla accepted that she did not know five of the six members of the GMC who voted on her case. He also made the point that Mr Holt as chair of the GMC made it clear that the decision was to be taken on the basis of this allegation and nothing more. The evidence all pointed, he said, to these factors having not been taken into account.
191. Mr Nicholls went as far as to say that if five people came into the meeting with an open mind, then that was sufficient for the purposes of good faith and or natural justice.
192. Turning to remedy, Mr Nicholls made three points. (1) Even if the Club acted in breach of contract, it made no difference; the outcome would have been the same. (2) If there is to be remedy then the matter should be remitted to the GMC to remake the decision. He pointed to s.37 of the Senior Courts Act 1981 as to the wide scope of injunctions which are open to the court. (3) On any basis there should not be an injunction to reinstate membership. He argued that given the personal nature of club relationships it would be inappropriate to make such an order.

DISCUSSION

193. The authorities make it clear what my function is and, perhaps more importantly, what it is not. I am not sitting as an appeal court from the decision of the GMC. I am not determining whether they got the decision right. Even more so, I am not deciding what decision I would have reached on these facts. It is not for me to decide whether Ms Rohilla cheated in the Harare 125 Bowl competition.
194. It is my role to determine whether the Club acted in breach of contract in terminating Ms Rohilla's membership of the Club. Rule 11.1 is the express contractual term:

“The Committee shall have power to expel any Member who shall offend against the Rules of the Club or whose conduct shall in the opinion of the Committee render such person unfit for membership of the Club. Before any such Member is expelled the General Manager shall give such Member not less than 7 days written notice to attend a meeting of the Committee and shall inform him or her in such written notice of the complaints that have been made against them. No Member shall be expelled without first having an opportunity of appearing before the Committee and answering any complaints made against him or her and

then only if not less than three-quarters of the Committee then present vote in favour of his or her expulsion.”

195. In my judgment the Club complied with the express term in Rule 11.1. Notice was given seven days before the GMC meeting. The complaints were adequately set out. It cannot be said that Ms Rohilla went into the meeting of the GMC on 25th September not knowing what the general nature of the allegation was against her. Ms Rohilla did not say that she did.
196. There is no argument between counsel that the law implies a term that the contract must be exercised in good faith, for proper purposes and not in an arbitrary manner (see *Brodgen v. Investec Bank plc* [2014] EWHC 2785 (Comm), per Leggatt, J., and *Braganza*). Both counsel essentially looked at this as having three elements: rationality, natural justice, and good faith. I agree with that approach.
197. In my judgment there is no proper rationality challenge in this case. It is an extremely high threshold for Ms Rohilla to overcome. The following observations and conclusions assume a compliance with natural justice and good faith to which I will turn next. There can be no doubt that someone changed the scores. There were only two candidates: Ms Rohilla and Ms Haupt. They both denied doing so. The GMC therefore had a choice to make. There were arguments to be made on both sides, but concluding that one made the change rather than the other was not irrational. Once a conclusion was reached that Ms Rohilla made the change in circumstances where she denied doing so, and where she was going to obtain a benefit in terms of a better score, it could not be an irrational conclusion that she did so deliberately and thereby cheated. There are arguments advanced to show that she did not cheat. Those arguments, which have merit, do not show that a contrary view was irrational.
198. That conclusion is stronger still in relation to sanction. It could not be said that it was irrational for a Club which had concluded that a member had cheated, to expel that member. There may be circumstances in which a club might choose not to do so, but that is not the issue.

NATURAL JUSTICE

199. This case then turns on my analysis of natural justice and good faith. Natural justice and good faith overlap to a very considerable degree, and failings can often be analysed as either or both.
200. Natural justice requires a reasonable opportunity to be heard, which also requires a degree of prior knowledge as to the allegations to ensure that the opportunity

to be heard is real and not illusory. It also requires that the decision maker be free from bias.

201. It is essential to understand that some sort of quasi-judicial process where disclosure is given, statements are exchanged, and the principal witnesses are cross-examined before an impartial decision maker is not required by a club. There is an understandable temptation for lawyers to see things in those sorts of terms, but that is an error to be avoided.
202. This was a members club with around 1,400 members. It certainly had one paid employee in the form of its general manager. It no doubt had others in the form of green-keepers and catering staff. Those primarily involved were volunteers. They did have access to legal advice. The Club was also making a serious allegation against a member which had the potential to expel her from a Club where she was an active member and would have at least some reputational damage to her.
203. I have set out the various authorities that seek to express the content of the requirement of natural justice. There are several points that I take from these cases. First, what will be required is context specific. That includes the size and resources of the organisation. Secondly, what amounts to natural justice changes with the passage of time. Thirdly, it will often require that a person who may be adversely affected by the decision will have an opportunity to make representations on her own behalf before the decision is taken. Fourthly, the person must know what factors may weigh against her interest, such that she must know the gist of the case she has to answer (see *Doody* and *Haque*).
204. Whilst the contents of natural justice change with time, that is really a word of caution against taking every word and circumstance from the earlier cases as being the applicable modern standard for all purposes. *Haque* was a recent case on these points and I gratefully adopt the analysis and standard identified by Choudhury, J. in that case.
205. Lord Mustill's phrase in *Doody* that the person must know "what factors may weigh against his interest" is interesting in the way that it is expressed. It does not say that the person is entitled to see the evidence, or at least all of the evidence. It could perhaps be put a different way by combining the third and fourth points which I set out above: the need to know the points is to allow for the opportunity properly to make submissions. Unless you know the points being taken against you, it is impossible to have a proper opportunity to respond to them.

GOOD FAITH

206. Good faith looks at why a decision was taken. It is perhaps easier to illustrate than it is to define. If the Club had manufactured evidence to implicate Ms Rohilla, or the decision was taken because she was disliked, those would be decisions which were not taken in good faith.

THE VARIOUS NATURAL JUSTICE AND GOOD FAITH ISSUES

207. Various points have been raised that are relevant to either natural justice, good faith or both. It is necessary to take each in turn.

'The Club House Trap'

208. Mr Crow developed what he called the 'Club House Trap'. In essence it poses this question: how did Mr Rodgers know that the issue with the scorecard was on the third and sixth holes? It was common ground that when the ladies finished their rounds they sat and went through the cards. Ms Rohilla's card was the last to be considered. They looked at the back nine in detail, but not the front nine. The cards were signed and Ms Warner and Ms Haupt went to the pro shop to put their scores into the computer. Ms Rohilla refused the offer from the other two to input her scores on her behalf. Ms Rohilla stays under the tree to make her telephone calls.

209. Mr Rodgers' evidence was that Ms Warner said when she was in the pro shop, before Ms Rohilla came in, that Ms Warner had heard Ms Rohilla say to Ms Haupt that she had 37 Stableford points. Ms Warner did not think that this was right and therefore she and Mr Rodgers entered Ms Rohilla's score as Ms Warner had recorded it on her own card. This produced a Stableford score of 35 points. In Mr Rodgers' complete statement he says that he and Ms Warner agreed to wait and see what Ms Rohilla did. Whilst Ms Rohilla was inputting her scores (which took her some time), Ms Warner re-entered the shop and saw that the Stableford score on the screen was 37. Mr Rodgers says that when he got the two scorecards side-by-side it was evident that the discrepancies were on the third and sixth hole.

210. In my judgment there is nothing remarkable about this. It shows that Ms Warner was not convinced that Ms Rohilla had 37 points. Ms Warner could have said to Ms Rohilla, "are you sure?", and perhaps a friend would have done so. But Ms Rohilla's score was not strictly a matter for Ms Warner. How she came to have a view on Ms Rohilla's Stableford score is not answered. It was said in evidence that she was keeping a tally of all three players' scores. If she was, then she may also have had an idea what the Stableford scores were. It does not require, as Mr Crow suggests, that Ms Warner had seen the fives on the third and sixth holes on

Ms Rohilla's card and known they were wrong. There is no obvious merit in the suggestion that Mr Rodgers alighted upon those holes too quickly. Comparing 18 scores on two cards is not a time-consuming activity.

211. If this were a trial about whether Ms Rohilla cheated, these would be perfectly valid lines of cross-examination and submission. What they do not prove is that there were fives on Ms Rohilla's scorecard when she signed it. In short it does not prove that Ms Haupt must have changed the sixes to fives. And it certainly does not demonstrate an absence of good faith or natural justice on the part of the Club. The furthest it goes is that Ms Warner, who was a member of the GMC, and Mr Rodgers, one of the Club professionals, decided not to query the position with Ms Rohilla after she had signed her card but before she had entered the scores.

Personal Dislike of Ms Rohilla

212. There is no doubt that many in the Club disliked Ms Rohilla. This dislike went back some time before these events. A year before, Luke Edgcumbe wrote an email saying that he found Ms Rohilla's, "approach/attitude to golf very uncomfortable, and certainly does not fit in with the friendly nature of the Club". Mr Edgcumbe was seeking to obtain evidence from other clubs. He wrote that Ms Rohilla's traits/mannerisms/conduct were not what "we" would want from a member. That clearly included him. Despite being one of the people stating that the Club must focus on the specific allegation, he was not doing so. In so doing he was not acting in good faith: he was saying one thing and doing another. Mr Edgcumbe also sought to keep Ms Rohilla in the dark about what was being said against her when he met with her on 19th September.
213. On 20th September, Ms Kyle notes in an email that Ms Rohilla is the only member of the Club that the Captains' Committee had had cause to keep a file on in the previous five years. She speaks of the number of members who have complained, her reputation for being difficult and gamesmanship. She also notes that Ms Rohilla maintains a "very favourable" handicap thanks to cards signed by her partner, Mr Monks. The implication of that was clear. She states that there is a history of which account should be taken. Ms Kyle said that she could not put the history from her mind and accepted that she did take it into account when she voted on Ms Rohilla's expulsion from the Club. It is quite clear that Ms Kyle did not determine Ms Rohilla's guilt simply on the basis of the allegation concerning the cheating in the Harare 125 Bowl, but also on the basis of her own experience and on the allegations of others over the proceeding years. In my judgment she saw the allegation in September 2019 as an opportunity to rid the Club of a difficult member. Ms Kyle also accepted that she circulated the

information she had received from St George's Hill on 27th September to another member of the GMC in a clear attempt to influence the outcome of the vote. She was clearly biased against Ms Rohilla.

214. Although to a lesser degree, Mr Milton had a personal dislike of Ms Rohilla from when they stood against each other for election to the GMC. He had also heard about Ms Rohilla when his wife had been ladies' captain. He too did not come to the decision in an unbiased fashion. Mr Milton's dislike permeated into his decision making. This was shown by two matters. The first was his being appalled that Ms Rohilla was making an allegation against a fellow member that she changed the card, which if Ms Rohilla did not do it herself, was the only other rational explanation. This was not a fair and impartial reaction. Secondly, his inability to accept that Ms Mayes' editing Mr Rodgers' statement was wrong when every other witness accepted the obvious unfairness demonstrated his approach.
215. In my judgment there was a clear dislike of Ms Rohilla. This was taken into account by a number of people within the Club, both on the Captains' Committee, and more importantly on the GMC. Even those who might not have been aware, at least of the detail, were quickly informed of it. This enmity permeated into the decision-making process. There was a clear bias against her.

Predetermination

216. There were a significant number of occasions in the evidence when it was clear that those involved in investigating and or deciding on Ms Rohilla's case had formed a view of her guilt before there was a proper opportunity to investigate and consider Ms Rohilla's account. By the morning of 13th September, Ms Mayes was openly speculating that Ms Rohilla had cheated. Ms Mayes accepted that her assertion in an email on the same day that the "view of those present [at a meeting] was that the Claimant had a case to answer" was an under-statement. She accepted that by this stage she thought that Ms Rohilla had cheated. Mr Edgcumbe accepted that he was of the same view by this point. By the evening of 13th September, Ms Mayes was writing in an email about the evidence required for a 'clean cut expulsion'.
217. It was also being suggested by Ms Mayes that Ms Rohilla had 'got to' Ms Haupt. All Ms Rohilla had done was to speak to Ms Haupt and explained what had happened. The suggestion that Ms Rohilla had placed pressure on Ms Haupt was wholly unsupported by evidence and showed a clear prejudice against Ms Rohilla.

218. Ms Kyle was asked whether by 14th September, it was a common view amongst the Captains' Committee that Ms Rohilla had cheated and she said that it was "not from the men", the clear implication is that it was from the ladies. Ms Kyle's view was, if anything, stronger than that of Ms Mayes. In an email sent on 13th September, Ms Kyle said, "I have to say that the four of us are convinced that Rina cheated but she will contest this and we need to have a solid case." Ms Kyle was a member of the GMC and one of the decision makers.
219. Mr Holt saw Ms Haupt's email of 14th September saying that she did not change the scores. His comment in an email sent on 16th September was that this, "looks very conclusive". He also said in oral evidence that he was "trying" to keep an open mind ahead of the GMC meeting on 25th September. Ms Mayes said the email from Ms Haupt was "conclusive evidence". Mr Holt wrote in response to the same email, "RR is guilty".
220. On 21st September Ms Mayes wrote in an email, "If the CC recommends expulsion the GMC must see it through. This is a clear cut case."
221. Mr Holt was, by 22nd September, expecting a "united recommendation" from the Captains' Committee. It is clear from his language that he expects that to be adverse to Ms Rohilla. That is hardly surprising given the emails of the previous ten days. Mr Holt also says that he expects the GMC to support the Captains' Committee. He concludes by saying, "We have a duty to our members to support the integrity of the game and in particular our competitions". Again, his own view could not be clearer. Mr Holt was, however, adamant in his evidence that he was seeking an explanation from Ms Rohilla. It is difficult to imagine what she could have said.
222. Mr Holt's email the day before 25th September meeting does little to dispel the appearance that the outcome was pre-ordained. He states that he proposes to tell her the Captains' Committee think she is guilty and that she has not come up with a credible explanation and then ask whether she had anything further to add. Mr Holt said in evidence that he was hoping that the GMC would conclude that she was guilty. He then added, "unless she comes up with a plausible explanation." Again, what she could possibly have said, beyond making the confession that was clearly hoped for, is not clear.
223. Mr Edgcumbe then said that it was "critical that the GMC 'appear' open minded." The only explanation for placing the word appear in inverted commas was to emphasise that word. I did not accept Mr Edgcumbe's denial of that. The placing of appear in inverted commas was to emphasise appearance over what he knew to be the reality. It is abundantly clear that Ms Mayes, Ms Kyle, Mr

Holt and Mr Edgcumbe at the very least had formed their view by this stage. Three of those people were members of the GMC, including two of the six voting members.

224. Ms Mayes' outburst after 25th September meeting not only shows the strength of feeling about the decision being taken, but also that a non-member of the GMC was in direct contact with them and clearly trying to influence their thinking. She wanted to meet with the two members who were thought to be wavering. The only sensible reason for her wanting to do so was to persuade them to conclude that Ms Rohilla was guilty: something she was proposing to do in Ms Rohilla's absence and without affording her a similar opportunity.
225. The other issue to clearly emerge from the post-meeting emails is that Mr Holt did not call a vote because he was unsure that there would be a conviction. This was Ms Kyle's supposition, but it is confirmed by Mr Holt in an email. In fairness to him he does also reference the documents that Ms Rohilla handed in and that natural justice required the committee to consider them. But he does also conclude with the words, "we will get there!" Again, the clear inference is that Ms Rohilla will be found guilty and expelled. This showed that Mr Holt was quite prepared to manipulate the process to secure the desired outcome.
226. Ms Kyle showed her approach very clearly when her first thought on reading Ms Rohilla's defence document. Her thought was that Ms Rohilla had said she did not have time to prepare, but yet had produced a detailed document. The clear inference being that she had not been truthful in saying she did not have time to prepare. The contrary view that she must have worked hard at very short notice does not appear to have been considered. Ms Kyle said she could not remember going through the various points in the defence document, then that the GMC had not, and then that she had done so by herself.
227. The key people involved in investigating and a number of those voting on the GMC, had determined Ms Rohilla's guilt long before she had been provided with the opportunity to answer the allegations.

Failure to consider points made by Ms Rohilla

228. Ms Rohilla made a number of points which were not considered by the GMC. The totality of the evidence strongly supports the position that the GMC did not discuss the document which Ms Rohilla wrote and presented at the meeting on 25th September. Mr Holt, when asked about this said the focus was on the two holes. This was shown in the meeting on 25th September when Ms Rohilla tried to talk about something other than the two holes and Mr Holt said that they were going round in circles and brought it back to the scorecard. It would seem that

there was no desire to look at other issues which might assist with answering the main question of who made the change.

229. The substantial points being made were that Ms Rohilla had told Ms Haupt to change a gross score on the back nine holes against her own interest. She also made the point that she had marked the sixes on Ms Warner's card and it was obvious that at some stage someone would compare the scores. Much was made of the errors that Ms Haupt made on the card and the failure to correct or change the Stableford scores on the relevant holes. She also said that she knew the winning score was over 40 and therefore she would have been cheating for something other than to win the competition.
230. However, a failure to consider the points being advanced is a far harder argument for Ms Rohilla to make within the context of natural justice. The requirement is to be given an opportunity to be heard, not a requirement that her position is considered fully and adopted. What it perhaps does is support the proposition that minds were already made-up by this point, or that the decision makers were biased against her such that they were not prepared to consider exculpatory evidence, only search for that which implicated Ms Rohilla.

Access to Ms Haupt

231. The restriction on access to Ms Haupt was another area of unfairness to Ms Rohilla. It denied Ms Rohilla the opportunity to ask for Ms Haupt's assistance or to check why the story had been changed. The Club could have allowed controlled access – for example a member of the Captains' Committee could have been present. The Club said that Ms Rohilla could bring witnesses to the meeting, but she was denied that opportunity in any meaningful way given the prohibition on speaking to Ms Haupt. This was an impediment to Ms Rohilla. I cannot, however, conclude that in itself it was a breach of natural justice. The reason behind it was, in all probability, a distrust of Ms Rohilla born of the various views of her set out above.

Evidence Provided to Ms Rohilla and Editing

232. It was on the evening of 23rd September, about 48 hours before the meeting that the Captains' Committee's recommendation and appendices were circulated to the GMC. The appendices, without the recommendation, were sent to Ms Rohilla. In my judgment that was sufficient time for Ms Rohilla to prepare her defence. The proof of that is that she did so, providing a detailed document to the GMC.
233. What is more problematic is that the Captains' Committee's recommendation was not shared with Ms Rohilla. That only matters if it contained matters upon

which Ms Rohilla might be required to answer. There are two, possibly three, matters that the members of the GMC may have had in mind and therefore on which Ms Rohilla might have wished to comment. First, is the suggestion that 34 was the highest Stableford score when they went out, and that that somehow would have told her what the appropriate score was to beat. The evidence from Ms Rohilla was that this was a very early score and she was in the last group to go out. Secondly, there is reference to CCTV footage which is said to show Ms Rohilla rewriting a second card. Thirdly, the suggestion that at 19th September meeting, Ms Rohilla said that she had scored fives after all. Mr Holt accepted in retrospect that this should have been provided to Ms Rohilla. He was correct in that concession. The failure to do so resulted in the GMC having material prejudicial to Ms Rohilla upon which she was unable to make any representations: this was contrary to natural justice.

234. The other issue which arises out of all this is the editing of appendix 6. Three sentences were removed by Ms Mayes. She did this to avoid that evidence being before the GMC. She acknowledged in evidence that she thought this part of the evidence did not look good. She admitted that she had done it to help secure a conviction. She was passing off the email disclosed to Ms Rohilla as being the complete email – indeed the version disclosed still contained Mr Rodgers’ words, “Here’s the full statement”. Ms Mayes acted in bad faith. She was an officer of the Club (ladies’ vice-captain) acting on behalf of the Club when she did so.

Conduct of 25th September meeting

235. The only issue with the conduct of the meeting on 25th September which might amount to a breach of natural justice is that Ms Warner was part of the initial discussion, prior to Ms Rohilla arriving. The decision had been taken that Ms Warner, as one of the players on the round, should not take part in the decision of the GMC. It is unclear why, therefore, she was involved in any part of a GMC meeting on the issue. There is no proper explanation for this. The only sensible conclusion is that she was either going to provide additional evidence to the GMC which was not available to Ms Rohilla, or she was going to seek to express her view about what had happened. Neither is attractive.

CONCLUSIONS

236. In my judgment the finding that Ms Mayes acted in bad faith when she edited Mr Rodgers’ statement is sufficient to establish a breach of contract on behalf of the Club.

237. I also find that the Club acted in breach of natural justice. That is a finding which is based primarily on the failure to provide the conclusions of the Captains' Committee to Ms Rohilla, including as it did two if not three pieces of evidence which were prejudicial to her position and without offering her the opportunity to respond to those allegations.
238. In addition, the breach of natural justice is founded upon the obvious bias shown against Ms Rohilla by those responsible for investigating the allegation and some of those who took the decision. There was a clear desire to secure Ms Rohilla's expulsion from the Club because of the dislike for her felt by those involved. This was evidenced in the various emails and the failure to consider the arguments that she was seeking to advance in response. The process adopted was the antithesis of fair. At a very early stage minds were made up and, at least for some, the aim was to secure the expulsion of an unpopular member.
239. It is also quite clear that Mr Holt saw himself as both prosecutor and judge. I do have some sympathy for Mr Holt as he was under very considerable pressure from certain people within the Club to ensure that Ms Rohilla was excluded from membership come what may. Ms Mayes chief amongst them. He was not assisted by the absence of an independent process within the rules. But he quickly became part of the prosecution team and he had made up his mind of Ms Rohilla's guilt long before he heard her side of the incident.
240. I do not find the argument that some of the members of the GMC did not share this bias, and therefore the decision could stand, persuasive. Ms Rohilla was entitled to have the entire committee free from bias. But in any event, the atmosphere created and the clear desire by some to secure expulsion polluted the atmosphere even for those who did come to the GMC free of bias.
241. For the sake of completeness I should say that there is no evidence to support any suggestion that anyone in the Club was motivated in any way by Ms Rohilla's race.

DISPOSAL

242. In my judgment an injunction is a remedy which is available in this case for the reasons that I have already set out. It is also appropriate to grant an injunction. In my judgment it is the appropriate remedy where Ms Rohilla's membership has been terminated in breach of contract. As to the discretion to grant an injunction, I am persuaded that this is a large Club with a substantial membership. Ms Rohilla can choose whether she wishes to play with those who have been involved in the events set out in this judgment. Any discomfort felt by those members who have been involved against Ms Rohilla is of far less

significance, but in any event the Club is large enough that any ill-feeling should be capable of being put to one side or avoided. The fact that Ms Rohilla has been forced to litigation and relationships have been further strained should not be a reason why the Club should, in effect, succeed in avoiding an injunction by reliance on its own wrongdoing.

243. Mr Nicholls sought to argue that if I found breaches of contract that I could safely conclude that they would have made no difference. I am not so satisfied. I am not satisfied that Ms Rohilla cheated. I do not have the evidence from those involved that would allow me to reach that conclusion. I found Ms Rohilla to be an honest witness and I found no basis upon which I could have concluded that she was lying to me when she denied that she had changed the scores. A process which complied with the principles of natural justice and good faith may well have concluded either that Ms Rohilla did not cheat or that the allegation was not proved.
244. I propose to make a declaration and an injunction in the following terms, although I will hear counsel on this if the wording cannot be agreed:
- (1) The court declares that the expulsion of Ms Rina Rohilla from membership of the Royal Mid-Surrey Golf Club was in breach of contract.
 - (2) The members of the Royal Mid-Surrey Golf Club (and or any successor entity) must allow Ms Rina Rohilla to continue in membership of the said Club. Such membership to continue unless and until it is terminated by her resignation or in accordance with the rules of the said Club.
245. I am not satisfied that it is appropriate to make an order remitting the case to the GMC to reconsider. Whilst the court's power is very wide in determining the terms of an injunction to grant, I am not satisfied that it is appropriate for me to compel the Club to respond in a particular way to this judgment beyond reinstatement of membership. Whether it would be possible for the Club to consider the allegations in this case fairly after the passage of time and the litigation is not for me to say.
246. I award very limited damages to reflect injury to feelings in the sum of £1,000. It is impossible in a case such as this to reflect the loss suffered in monetary terms. I accept that she has been caused inconvenience and upset as a result of the actions of the Club. She is entitled to some modest compensation for that and in my judgment the sum I have set out is the appropriate measure. If Ms Rohilla suffered the loss of the benefit that she should have received in exchange for her membership fee, then that should also be returned on a pro-rata basis.

247. I ask that Counsel liaise to agree an order giving effect to this judgment and any necessary consequential orders. If necessary, the matter can be listed before me to resolve any matters which remain in dispute.