

Law School Tutors Lecture Series



Sport and the Law

For

**THE FOUNDATION DEGREE
at the University of Glamorgan**

by

Corbett Haselgrove-Spurin

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Development Training Program**

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Sports Law

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Preface to First Edition

This book is nothing more nor less than a collation of the twelve weekly lecture notes provided by the author to students at the University of Glamorgan Law School studying Sports Law as part of the Foundation Degree.

The purpose of these lectures is to provide students with a set of study guidelines on Sport and the Law and provides me, as their lecturer with a starting point from which to draw out relevant issues concerning the subject during lectures. Such information as is provided is not intended to be in any way complete and exhaustive and is furnished simply to enable the writer to highlight and exemplify general principles of the aspects of law that relate to Sport. It is without apology that this guideline raises more questions than answers. It is not a text-book. This introductory lecture text should be used in conjunction with both a standard text-book and a cases and commentaries/materials or statute book.

Many aspects of law have an impact upon the way that sport is conducted in the United Kingdom, including employment law, criminal law, the laws of contract and tort. Each topic is sufficient for a full graduate law program. The aim of this program therefore is not to cover each of these areas of law in depth but rather to provide an insight into how law and sport interact at A-Level standard or thereabouts, thereby preparing students to undertake a full undergraduate degree program the following year.

The material contained herein has been developed by a number of people including, besides myself, Brian Dowrick, Karen Counsell and Gwyn Tovey.

I am solely responsible for the content of this series of lecture notes and whilst acknowledging the invaluable contribution made to this endeavour by others, all errors and omissions are mine, and mine alone.

C.H.Spurin, February 2003

SPORT AND THE LAW

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SPORT AND THE LAW

Module Title: Sport and the Law :Module : LROHO2

Module Team: Ruth Ryder, Law School : **Lecturer :** C.H.Spurin : **Credits:** 10

Pre-requisite(s): None Specified : **Co-requisite(s):** None specified

This module is a core component of the following Award : Foundation Certificate in Law [1]

Aims of the Module

To introduce the students to a selection of legal issues that are of importance in a sporting context.

Synopsis of Module Content

1. Players' rights. This section will look particularly at the European Court of Justice's decision in Case C-415/93, Jean Marc Bosman and the effect this has had on the soccer transfer system and also the composition of soccer teams in the European Union. It will look at other cases involving sport that have been decided under the free movement of workers provisions of Article 39 of the European Community Treaty.
2. Tort and the Law of Sport. This section will look particularly at the tort of negligence and sport. The growth of sporting negligence cases in recent years will be examined and the implications of this will be considered, particularly for the future of sport in education.
3. Criminal Law and the Law of Sport. This will examine issues such as legal liability for violence associated with football both on and off the pitch.
4. Remedies. This section will look at the legal resolution of disputes in sport.

Teaching Methods

This module will be delivered using a combination of interactive lectures and workshops totalling 2 hours per week. The workshops will provide a forum in which students will engage in a range of activities including role-play, discussion, problem solving and mootng. There will also be a significant use of Internet and other audio-visual sources. A particular focus of the module will be contemporary legal issues that affect sport being raised, for example, in the media.

Learning Outcomes : At the end of the module the students should be able to understand and apply basic legal rules and principles to a problem scenario that is based on sporting issues.

Assessment Requirements : To ensure that students demonstrate knowledge and understanding of the subject matter of this essentially practical module, formal assessment will be as follows:

One piece of written coursework of 1,500 words approximately. The coursework will be a problem scenario that raises legal issues in a sporting context.

Concise Indicative Reading List : Books (students are referred to the latest editions)

Beloff, M., Kerr, T. and Demetriou, M., Sports Law, Hart Publishing

Blanpain, R. and Inston, R., The Bosman Case: The End of the Transfer System? Sweet and Maxwell

Gardiner, S., Felix A., James, M., and Welsh, R. and O'Leary, J., Sports Law, Cavendish

Grayson, E., Sport and the Law, Butterworths

Griffith-Jones, D., Law and the Business of Sport, Butterworths

McArdle, D. From Boot Money to Bosman: Football, Society and the Law, Cavendish

Moore, C., Sports Law and Litigation, CLT Professional Publishing

O'Leary, J., Drugs and Doping in Sport Cavendish

Verow, R., Lawrence, C. and McCormick, P., Sport, Business and the Law, Jordans

Journals : New Law Journal : Student Law Review : Legal Executive Journal

Websites : <http://www.sportslawnews.com/>

http://www.sports.findlaw.com/sports_law/

<http://www.law.cornell.edu/topics/sports.html>

Key Skills delivered by this Module

Managing and developing self :

Working with and relating to others

Communication :

Computing and IT

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SPORT AND THE LAW

Course Schedule

Week	Lecture	Workshop
One	OVERVIEW OF SPORT & LAW Contract / tort / criminal law	LECTURE
Two	LEGAL REGULATION OF SPORT AND SELF REGULATION POLITICS & LAW - ZIMBABWE	LECTURE
Three	CONTRACT LAW 1 Aspects of the law of contract and sport Advertising / Merchandising – Media – Sky TV	Legal System Sources of law / precedent Should sport be legally regulated ?
Four	CONTRACT LAW 2 THE EUROPEAN LEGAL SYSTEM	CONTRACT LAW 1 Advertising / Mechandising – Media - Sky etc
Five	CONTRACT LAW 3 European Law and Freedom of Movement Who owns Welsh Rugby – the clubs or the WRU ?	CONTRACT LAW 2 EUROPEAN LEGAL SYSTEM
Six	TORT 1 Negligence : Trespass DISTRIBUTE COURSEWORK	CONTRACT LAW 3 European Law and Freedom of Movement Who owns Welsh Rugby – the clubs or the WRU ?
Seven	TORT 2 Vicarious liability : Referees: Defences / consent.	TORT 1 Negligence : Trespass
Eight	TORT 3 Spectators and the law : Spectator safety	TORT 2 Vicarious liability : Defences / consent.
Nine	DISPUTE RESOLUTION – The role of the CI Arb & ADR	TORT 3 Spectators and the law : Spectator safety REMEDIES
Ten	CRIMINAL LAW 1 Violence on the pitch 1 Assault & battery Offences against the person	DISPUTE RESOLUTION – The role of the CI Arb & ADR
Eleven	CRIMINAL LAW 2 Violence off the pitch : Drugs	CRIMINAL LAW 1
Twelve	REMEDIES - public and private HAND IN COURSEWORK	CRIMINAL LAW 2

SPORT AND THE LAW

INTRODUCTION

This module aims to provide students with an overview of the legal aspects of sports in this country. This will be taught by means of a weekly one-hour lecture and a one-hour workshop.

Law is not boring. Law is interesting and can be fun. It is real and acts at a very personal and human level. Law is not simply for high-flying lawyers, judges and academics. The law applies to everyone in society. It is relevant to our everyday lives, be in work, rest or play.

Principal Textbooks

Sports Law and Litigation by Craig Moore, CLT Publishing
Sports Law 2nd ed by Simon Gardiner, Cavendish Publishing Ltd

CASEBOOKS.

CASEBOOK ON TORTS, 6th ED., Richard Kidner (Blackstones).

CASES & COMMENTARY ON TORT, Harvey and Marston, 1994, Pitman Publishing.

GENERAL READING MATERIALS

LEARNING LEGAL RULES, 4th ED, Holland & Webb (Blackstone Press).

TEXTBOOK ON TORTS, 7TH ED., 2000, Michael Jones, (Blackstone Press).

SPORT AND THE LAW, 2ND ED., 1994, Edward Grayson (Butterworths).

TEXTBOOK ON CRIMINAL LAW, 5TH ED, , Michael Allen (Blackstone Press).

TEXTBOOK ON ADMINISTRATIVE LAW 2ND ED 1997, Peter Leyland et al. (Blackstone Press)

SPORT AND THE LAW

Topical issues within Sport and the Law : weekly 10 minute closing debate.

1. “Guns are designed to kill and maim. They are not toys or fun items. All recreational shooting should be banned”.



2. “Riding horses and leading the hounds to hunt foxes is a form of upper class relaxation which has no place in today’s modern society. Above all it is not a civilised sport.”



3. “Boxing is a barbaric sport, the sole aim of which is to physically injure the opponent. This cannot be justified in a civilised society”.



4. “Sports grounds should be completely safe for players, sporting officials and spectators. If not, the organisers and owners of sporting events should be held to account for the consequences of their failure to ensure that the venue is safe for users.”



5. “Teams invest a great deal of money in developing the talent of their players and should therefore have an unfettered right to trade them for profit.”



6. “National teams and national league teams should not be allowed to use foreign players because it is not a genuine reflection of national talent. It is the equivalent of cheating.”



7. “Sport should promote healthy living, so tobacco advertising should never be allowed.”



SPORT AND THE LAW

8. "Professional sport is anathema to the amateur game and should be banned."



9. "Sporting injuries cost the NHS a fortune that has to be paid for by tax payers and so all physical sports should either be banned or the sporting patient should pay for treatment. In which case, like car insurance, sporting insurance, including third party cover, should be compulsory."



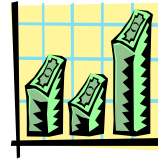
10. "Motoring sports are noisy, dangerous and pollute the atmosphere and so should be banned."



11. "Sports merchandising is a rip off which exploits the poor and vulnerable and should be banned."



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12. "Sport is elitist and in the interests of promoting a fair and equal society should not be permitted, particularly in schools since it contaminates young persons' minds. Furthermore, sport discriminates against physically disadvantaged persons and pygmies."



13. "Sport without law is sport without order."

