

SPORTS LAW

SECOND EDITION

Michael Beloff, Tim Kerr,
Marie Demetriou and
Rupert Beloff

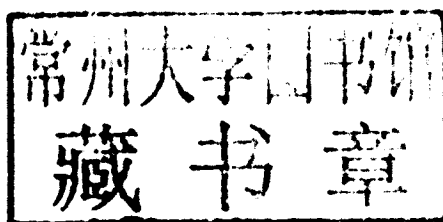


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PUBLISHING

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OXFORD AND PORTLAND, OREGON

Published in the United Kingdom by Hart Publishing Ltd
16C Worcester Place, Oxford, OX1 2JW
Telephone: +44 (0)1865 517530
Fax: +44 (0)1865 510710
E-mail: mail@hartpub.co.uk
Website: <http://www.hartpub.co.uk>

Published in North America (US and Canada) by
Hart Publishing
c/o International Specialized Book Services
920 NE 58th Avenue, Suite 300
Portland, OR 97213-3786
USA
Tel: +1 503 287 3093 or toll-free: (1) 800 944 6190
Fax: +1 503 280 8832
E-mail: orders@isbs.com
Website: <http://www.isbs.com>

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The first edition of this book was published in 1999.

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British Library Cataloguing in Publication Data
Data Available

ISBN: 978-1-84113-367-6

Typeset by Compuscript Ltd, Shannon
Printed and bound in Great Britain by
TJ International Ltd, Padstow, Cornwall



For Judith
MB

For Nicola
TK

For Neil
MD

For Laura-Jane
RJB

FOREWORD

For those of us involved in the administration of sport, the need for expert legal advice is a reality, even if a regrettable one. It is therefore a cause for celebration that the four authors of this book were inspired by the return of the Olympic Games to London this year to produce a second edition of *Sports Law* no fewer than 13 years after the first. Michael Beloff QC was Ethics Commissioner for the London bid itself and ensured that the bid team which I led avoided the traps set in the complex bidding rules. He is also someone whom I have known for more than 20 years as a dedicated presence at international athletic events; and it is obvious that his co-authors share his genuine interest in sport as well as his acknowledged legal expertise. The book does not simply seek to set out the substance of the law in the areas it covers, although that it certainly does. It seeks to articulate the principles that underlie what they see as a subject in its own right and not just an amalgamation of other legal subjects. I commend it to everyone who has to administer sport as well as to those who have to advise the administrators or argue cases in the field on whatever side. It is a gold medal book.

Lord Coe KBE

A handwritten signature in black ink, appearing to read 'Lord Coe'.

FOREWORD FROM THE FIRST EDITION

Though I am not qualified in any way, I feel sure that there is a great need for this book. Since my own sporting days there has been an astonishing and alarming escalation of legal cases. Sport, essentially simple in nature, is increasingly threatened with issues of professionalism, sponsorship, serious injury, illegal drug use, and much more. These problems affect the essential fairness of sport, and without fairness sport is nothing. Anyone interested in sport must welcome the clarification provided by this comprehensive legal analysis. It is my fervent wish that all the legal problems of sport should be speedily settled with a maximum of good sense and justice.

Sir Roger Bannister
Oxford
August 1999

PREFACE

In the 13 years since the first edition of this book was published in 1999, 'sports law' has become a widely used expression uttered without apology, embarrassment or equivocation. It has, if not come of age, at least reached adolescence. Few now dispute the existence of sports law as a discrete branch of the law.

Regulatory instruments, case law and commentary have proliferated to the point where it is no longer practicable or sensible to cite all the relevant materials. Therefore, while in this second edition we have updated the law, we have not departed from our essential mission: to set out the main principles in a way that is intellectually rigorous, conceptually sound, as simple as possible and of practical use to all with an interest or involvement in sport, lawyers and non-lawyers alike.

We have kept the basic structure of the first edition, for we believe it has stood the test of time. However, we have added fresh sections on the influence of the Olympic movement (in chapter one), a legal legacy of London 2012, and child protection (in chapter four), a sad reflection of a growing concern in the sports world.

Except where we have been able to record later developments, the law is stated as at 1 August 2012.

We are deeply indebted to the team at Hart Publishing for their valuable help and support, to the clerks and staff at Blackstone Chambers, Brick Court Chambers, 11 King's Bench Walk Chambers and No5 Chambers and, last but not least, to our long suffering families for their patience and tolerance during the writing of this second edition.

MB

TK

MD

RJB

London, September 2012

TABLE OF ABBREVIATIONS

AAD	appeals arbitration division (CAS)
AAF	adverse analytical finding (doping)
ABAE	Amateur Boxing Association of England
ACPO	Association of Chief Police Officers
ADO	anti-doping organisation
ADR	alternative dispute resolution
ATP	Association of Tennis Professionals
BBBC	British Boxing Board of Control
BJA	British Judo Association
BOA	British Olympic Association
CAS	Court of Arbitration for Sport
Cas Bull	Bulletin of the Court of Arbitration for Sport
CFI	Court of First Instance (now General Court of the European Union)
CFO	Comité Français d'Organisation de la Coupe du Monde de Football 1998
CJEU	Court of Justice of the European Communities
CRB	Criminal Records Bureau
DBS	Disclosure and Barring Service
DfES	Department for Education and Skills
DPA	Data Protection Act 1998
DTF	Danish Tennis Federation
EAT	Employment Appeal Tribunal
EBU	European Broadcasting Union
ECHR	European Convention on Human Rights
ECJ	European Court of Justice (see now CJEU)
ECommHR	European Commission of Human Rights
ECRC	enhanced criminal record certificate
EEA	European Economic Area
EU	European Union
FA	Football Association
FAPL	Football Association Premier League
FEI	Fédération Equestre Internationale
FIFA	Fédération Internationale de Football Association
FINA	Fédération Internationale de Natation
HRA	Human Rights Act 1998
IAAF	International Association of Athletics Federations, formerly International Amateur Athletic Federation

Table of Abbreviations

ICAS	International Council of Arbitration for Sport
ICC	International Cricket Council
IF	international federation
IOC	International Olympic Committee
IPC	International Paralympic Committee
ISA	Independent Safeguarding Authority
ISL	International Standard for Laboratories (doping)
ISLJ	International Sports Law Journal
ISLR	International Sports Law Review
ISU	International Skating Union
ITC	Independent Television Commission (predecessor of Ofcom)
ITF	International Tennis Federation
LTA	Lawn Tennis Association
MCC	Middlesex Cricket Club
NGB	national governing body
NOC	National Olympic Committee
OAD	ordinary arbitration division (CAS)
OC	Olympic Charter
OCOG	Organising Committee of the Olympic Games (national)
OM	Olympic Movement
PILS	(Swiss) Private International Law Statute of 18 December 1987
PoCA	Protection of Children Act
POVA	Protection of Vulnerable Adults
RFL	Rugby Football League
RFU	Rugby Football Union
SFT	Swiss Federal Tribunal
SGB	sports governing body
SLB	Sports Law Bulletin
SLJ	Sport and the Law Journal
SLR	Sports Law Reports
SRA	Squash Rackets Association, now known as England Squash and Racketball
SVGA	Safeguarding Vulnerable Groups Act 2006
SWD	Staff Working Document (European Commission)
TCCB	Test and County Cricket Board
TFEU	Treaty on the Functioning of the European Union
UEFA	Union des Associations Européennes de Football
USADA	US Anti-Doping Agency
USFA	United States Figure Skating Association
VBS	Vetting and Barring Scheme
WADA	World Anti-Doping Agency
WADC	World Anti-Doping Code
WBC	World Boxing Council
WPBSA	World Professional Billiards and Snooker Association
WRU	Welsh Rugby Union
WSLR	World Sports Law Report

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