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# SPORTS LAW IN SOUTH AFRICA

ANDRÉ M. LOUW



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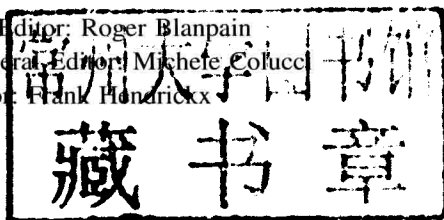
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## Sports Law in South Africa

**André M. Louw**

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Benita contributed to the section on Sport and Employment Law.

# List of Abbreviations

ACB	Australian Cricket Board
ACP	African, Caribbean & Pacific countries (signatories to the Cotonou Agreement, 2000)
ADR	Alternative Dispute Resolution
ASA/ASASA	Advertising Standards Authority of South Africa
BCCI	Board of Control for Cricket in India
BCEA	Basic Conditions of Employment Act, 75 of 1997
CAF	Confederation of African Football
CAS	Court of Arbitration for Sport
CCMA	Commission for Conciliation, Mediation and Arbitration
CIPRO	Companies and Intellectual Property Registration Office
CSA	Cricket South Africa (Pty) Ltd
EC	European Commission
EC Act	Electronic Communications Act, 36 of 2005
EC Treaty	European Community Treaty
ECB	England & Wales Cricket Board
ECJ	European Court of Justice
EEA	Employment Equity Act, 55 of 1998 (depending on context)
EEA	European Economic Area (depending on context)
EU	European Union
FIA	Federation Internationale de l'Automobile
FICA	Federation of International Cricketers' Associations
FIFA	Federation Internationale de Football Association
GCC	Global Cricket Corporation
IAAF	International Association of Athletics Federations
ICASA	Independent Communications Authority of South Africa
ICC	International Cricket Council
ICL	Indian Cricket League
IOC	International Olympic Committee
IPL	Indian Premier League (franchise cricket tournament)
IRB	International Rugby Board
ISGB	International Sports Governing Body
JSE	Johannesburg Stock Exchange
LRA	Labour Relations Act, 66 of 1995
NFD	National First Division (association football professional league)
NOCSA	National Olympic Committee of South Africa (replaced by SASCOC in 2004)

## List of Abbreviations

NZC	New Zealand Cricket
PAJA	Promotion of Administrative Justice Act, 3 of 2000
PCA	Professional Cricketers' Association (UK)
PEPUDA	Promotion of Equality and Prevention of Unfair Discrimination Act, 4 of 2000
PFA	Professional Footballers' Association (UK)
PSL	Premier Soccer League
RFU	Rugby Football Union (UK)
RWC	Rugby World Cup
SABC	South African Broadcasting Corporation
SACA	South African Cricketers' Association
SAFA	South African Football Association
SAFPU	South African Football Players' Union
SAIDS	South African Institute for Drug-free Sport
SAIIPL	South African Institute for Intellectual Property Law
SANZAR	South Africa New Zealand Australia Rugby Ltd
SAREO	South African Rugby Employers' Organisation
SARPA	South African Rugby Players' Association
SARU	South African Rugby Union (formerly South African Rugby Football Union)
SASC	South African Sports Commission (since replaced by SASCOC)
SASCOC	South African Sports Confederation and Olympic Committee (or the 'sports confederation')
SASRE	Safety at Sports and Recreational Events Bill, 2005
SLASA	Sports Law Association of South Africa (disbanded in 2008)
SRSA	Sport and Recreation South Africa (government department of sport)
UCBSA/UCB	United Cricket Board of South Africa
UK	United Kingdom
UNESCO	United Nations Educational Scientific and Cultural Organization
WADA	World Anti-doping Agency
Zadna	The .za Domain Names Authority (the organization that oversees all South African .za top-level domain (TLD) names on the internet)
ZAR	South African Rands (official currency – at the time of writing approximately ZAR 9 to the USD – source: South African Reserve Bank < <a href="http://www.reservebank.co.za">www.reservebank.co.za</a> >, 15 April 2009)
All SA	All South African Law Reports
BALR	Butterworths Arbitration Law Reports
BCLR	Butterworths Constitutional Law Reports
BLLR	Butterworths Labour Law Reports
CC	Constitutional Court
ILJ	Industrial Law Journal
LAC	Labour Appeal Court
LC	Labour Court
SCA	Supreme Court of Appeal

# Acknowledgements

This work has been difficult to write for a number of reasons.

First and foremost, my own shortcomings have undoubtedly protracted the writing process and affected the quality of the end product to a significant degree.

Second, academic and other commitments have necessitated a 'piecemeal' approach, and I was rarely in a position to spend significant amounts of time wholly devoted to working on this project, free from distraction. It is hoped that this monograph is a sufficiently cohesive whole, and that the reader will excuse any shortcomings in this respect.

Third, it is hoped that the reader will appreciate the inherent limitations in a work of this nature. The interaction of sport and the law in most jurisdictions, and also in South Africa, has in recent times increasingly become more and more extensive. Accordingly, I was faced with the task of having to include discussion of a vast range of issues relating to the areas where sport and the law intersect, but, in light of the nature of this type of work (which is aimed primarily at providing an overview for comparative purposes) and the inherent limitations in respect of the required length of such a work, I have had to gloss over many such issues and to limit discussion on others. I trust that I have sufficiently referred the reader to expert texts or alternative reference sources where needed.

Coupled with this last, I have by necessity had to include some discussion of a more general nature regarding certain aspects of South African law, which shows certain similarities with other jurisdictions but also, of course, significant differences. I trust that the reader will excuse the many instances of protracted description of certain aspects of the applicable law and legal system.

I would like to express my sincere appreciation to the editors and the publishers (and in particular Prof. Dr Frank Hendrickx), for their kind willingness to accommodate my various requests for extensions to the deadline for submission of the final draft of the manuscript.

It would not have been possible to complete this project without the assistance and cooperation of my friends and colleagues.

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I would like to express my sincere appreciation, ‘unofficially’ and ‘informally’, to the editors and contributors to the seminal work which I’ve so heavily referred to and relied on in this chapter, namely Adam Lewis and Jonathan Taylor’s *Sport: Law and Practice* (Butterworths LexisNexis, 2003), which I view to be the leading, most practically relevant and comprehensive sports law text available anywhere. I impatiently await the second edition. Aside from a distinct sense of envy at the number of contributors to that work, I am painfully aware that my own efforts at providing just a reasonably comprehensive overview of a single jurisdiction fall far short of the mark set in that work.

Finally, I would like to express my sincere gratitude and love to my parents and family (especially the little ones, Michael, Kaelin, Jonathan and Marné), and to my friends Ockie, Christoph, Dave, Willene, Hugo and Eloise, for their moral support and willingness to listen to my frequent and tedious gripes regarding deadlines and workloads for the duration of this project.

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