TABLE OF CONTENTS

Preface		vii
Acknowledgements		xix
Table of Cases		xxvii
<i>Table of Statutes</i>		xli
Table of International Treaties		xlv
Table of Court of Arbitration for Sport Awards		xlvii
1. Introduction: What is Sports Law?	0	
	[4.04]	_
Introduction	[1.01]	1
Sport and the Law: A History	[1.05]	3
What is Sport?	[1.06]	4
Sport as a Diversion	[1.09]	7
Technology, Media and the Development of Sport	[1.12]	9
Socio-Political Aspects of Sport	[1.14]	11
Sport, Law and the Civilising Process	[1.16]	13
Sport and the Law or Sports Law?	[1.24]	20
Conclusion	[1.33]	26
2. Challenging Decisions of Sports Governing Bodies		
Introduction	[2.01]	28
Diane Modahl	[2.04]	29
The Popplewell Principle	[2.06]	31
The De Novo Cure	[2.08]	32
A Fair Decision	[2.11]	34
'Ambush' Injunctions	[2.16]	38
A Fair Go	[2.22]	44
The Presence of a Contract: Fact or Fiction?	[2.23]	45
The Aga Khan	[2.25]	47
The Alyisa Affair	[2.26]	48
Be My Royal	[2.27]	48
An Unnecessary Preclusion of Public Law?	[2.33]	52
Sport and Society	[2.34]	52
Comparable Jurisdictions	[2.36]	53
Datafin Parameters	[2.39]	56

Graham Bradley	[2.47]	61
Quasi-Public Law Approach in Private Law Claims	[2.50]	63
Inherent Supervisory Jurisdiction	[2.51]	64
Bradley: A Summary	[2.53]	66
Quasi-Public Sporting Authorities	[2.54]	68
Restraint of Trade	[2.56]	70
Conclusion	[2.62]	75
3. Arbitration and Alternative Dispute Resolution in Sport		
Introduction	[3.01]	77
Court of Arbitration for Sport	[3.03]	79
The Gundel Effect	[3.04]	80
Administrative Independence	[3.07]	83
Legal Recognition	[3.09]	84
	[3.12]	87
The Future of CAS	[3.13]	87
Practical Acceptance The Future of CAS CAS's Jurisdiction Lex Sportiva or Ludicrous Latin? A Permanent CAS? A UK Sports Tribunal Sport Resolutions UK Time to Get STUK?	[3.14]	88
Lex Sportiva or Ludicrous Latin?	[3.15]	89
A Permanent CAS?	[3.19]	92
A UK Sports Tribunal	[3.23]	95
Sport Resolutions UK	[3.24]	96
Time to Get STUK?	[3.26]	97
An Audit under Article 6 ECHR	[3.30]	101
Fairness and Article 6 ECHR. General Legal Principles	[3.31]	102
The Ten 'Commitments' of a Fair Sports Disciplinary Process	[3.35]	104
Conclusion	[3.36]	110
4. The Legal Regulation of Drugs in Sport		
Introduction	[4.01]	113
The World Anti-Doping Agency	[4.04]	114
WADA: A History	[4.05]	115
WADA: An Example of Global Administrative/Criminal Law?	[4.09]	117
WADA: Codification and Prohibition	[4.12]	120
Administrative and Legal Aspects of Doping Infractions	[4.14]	122
Definition of Doping	[4.15]	122
Strict Liability	[4.16]	123
Individual Unfairness versus the Collective Interest	[4.18]	124
Absolute (and overly) Strict Liability?	[4.19]	125
Modified Strict Liability	[4.21]	126
Burden of Proof	[4.24]	127
Standard of Proof	[4.25]	128
Presumed Fault/Flexibility of Sanction	[4.26]	129
Principle of Proportionality	[4.27]	130

Table of Contents		xxiii
Defending an Athlete on a Doping Charge	[4.28]	130
General Issues of Due Process	[4.29]	131
Therapeutic Use Exemption	[4.31]	132
Chain of Custody	[4.32]	133
Article 10 WADC	[4.34]	135
Article 10.4 WADC	[4.35]	136
Article 10.5 WADC	[4.36]	136
Whereabouts and Privacy	[4.39]	138
The Controlled Use of Drugs in Sport: A Philosophical	. ,	
Digression	[4.42]	140
Liberalism	[4.43]	140
Resource Implications	[4.45]	141
Blurred Ethical Line	[4.47]	143
Questionable Moral Basis	[4.50]	145
Paternalism	[4.53]	147
Health and the Well-Being of Athletes	[4.54]	148
Cheating and the Integrity of Sport	[4.58]	150
Soft Paternalism: Replacing Strict Liability with		
Safety Liability	[4.62]	153
Flaws in the Strict Approach to PEDs in Sport	[4.67]	157
Cost/Benefit Analysis	[4.68]	157
Diminishing Returns	[4.69]	158
Sport's Prohibition Era	[4.70]	159
Implementing Safety Liability not Strict Liability	[4.73]	161
Harm Reduction	[4.74]	161
Changing the Moral and Lthical Framework of		
the Debate on PEDs	[4.76]	162
How Might the Softly/Safety Liability Approach Work? Might the Softly/Safety Approach Work	[4.79]	163
Ever be Contemplated?	[4.81]	165
The Savulescu-Kayser Model: The Way Forward?	[4.85]	168
Conclusion	[4.89]	170
Conclusion	[4.07]	170
5. Criminal Violence in Sport		
Introduction	[5.01]	173
Criminal Liability for On-Field Violence	[5.03]	175
Implied Sporting Consent	[5.08]	179
No Licence for Thuggery: Rugby Union and The Criminal Law	[5.13]	183
The <i>Cey</i> Test: Ice Hockey and the Criminal Law	[5.22]	189
R v Barnes	[5.30]	194
Current Status of the Law of 'Sporting' Assault	[5.35]	197
Conclusion	[5.36]	197
Postscript: The Legality of Boxing	[5.38]	199

Medical Considerations	[5.41]	200
Legal Considerations	[5.45]	202
Jurisprudential Considerations	[5.56]	207
What To do With Pro-Boxing?	[5.68]	214
6. Civil Liability in Sport		
Introduction	[6.01]	218
Torts and Sports Generally	[6.02]	219
Sporting Batteries	[6.04]	220
Sporting Negligence	[6.07]	223
The 'Sportsman's' Charter	[6.12]	226
Reasonable Care or Reckless Disregard?	[6.16]	229
The Reasonable Person of The Sporting World	[6.22]	232
The Decetion of County Deutinia and Linkility	[6.34]	238
Measure of Damage	[6.35]	239
Measure of Damage Vicarious Liability Liplawful Interference with Economic Relations	[6.43]	242
Unlawful Interference with Economic Relations	[6.47]	245
Extending Tortious Liability	[6.48]	246
Extending Tortious Liability Fact-Specific Control Devices	[6.56]	250
Control Devices	[6.57]	250
Social Utility	[6.59]	251
Conclusion	[6.61]	253
Conclusion	[0.01]	233
7. Sports-Related Contracts of Employment		
Introduction	[7.01]	257
A Contractual Web	[7.02]	258
Boxers: Trainers, Managers; Promoters; and		
Conflicts of Interest	[7.03]	258
Footballers: Sponsors; International Duties; Third		
Party Owners; and Agents	[7.05]	260
International Duties	[7.08]	262
Agents	[7.12]	265
What Do Football Agents Do?	[7.14]	266
How Does Football Regulate Agents?	[7.25]	272
Formation of and Capacity to Contract	[7.32]	276
Oral Contracts	[7.33]	276
Standard and Central Playing Contracts	[7.37]	279
Work Permits	[7.39]	281
Protection of Minors	[7.42]	283
Inducing or Procuring a Breach of Contract	[7.49]	287
Training Compensation	[7.52]	289
Child Trafficking?	[7.59]	292
Content and Termination of Contract	[7.63]	295
Content and Termination of Contract	[7.03]	2)3

Table of Contents		XXV
Duties and Obligations of Players	[7.65]	296
Duties and Obligations of Clubs	[7.69]	299
Remuneration	[7.70]	300
Image Rights	[7.73]	302
Breach and Termination of Contract by Club or Player	[7.76]	304
The 'Cause' of a Player's Premature Termination of Contract	[7.82]	308
Player-Led Causes of Termination	[7.83]	308
FIFA-mandated Causes of Termination	[7.85]	309
Webster v Matuzalem	[7.90]	312
Conclusion	[7.101]	319
8. Conclusion: Brussels or Boston? The Future of Sports Law		
Introduction	[8.01]	320
Bosman: Addressing the Past	[8,02]	321
n r 1n 1 1	[8.03]	322
Bosman: Legal Background Bosman: The Ruling The Basis of Bosman's Claim UEFA's Defence and the ECJ's Decision The Applicability of the Fundamental Freedom of Movement Transfer Rules, Obstacles to the Free Movement of Workers	[8.07]	324
The Basis of Bosman's Claim	[8.08]	325
UEFA's Defence and the ECJ's Decision	[8.10]	326
The Applicability of the Fundamental		
Freedom of Movement	[8.11]	326
Transfer Rules, Obstacles to the Free		
Movement of Workers	[8.15]	328
Foreign Player Quotas and the		
Free Movement of Workers	[8.20]	331
Bosman: The Immediate Afternath	[8.24]	333
Bosman: Directing The Present	[8.31]	337
The 'Widening' of EU Sports Law	[8.32]	338
The 'Deepening' of EU Sports Law	[8.34]	339
Free Movement and Nationality Post-Bosman	[8.35]	340
Freedom To Provide Services Post-Bosman	[8.37]	342
Competition Law and Sport Post-Bosman	[8.41]	344
Revenue-Generating Activities	[8.43]	346
Organisation of Sport	[8.46]	347
Bosman: Shaping the Future?	[8.50]	349
EU Law and the Specificity of Sport	[8.51]	350
The Case-By-Case Development of EU Sports Law	[8.54]	352
Conclusion	[8.58]	355
Index		364