

---

## CONTENTS

---

<i>Foreword</i> .....	vii
<i>Foreword from the first edition</i> .....	ix
<i>Preface</i> .....	xi
<i>Table of Abbreviations</i> .....	xvii
<i>Table of Cases</i> .....	xix
<i>Table of Legislation and International Instruments</i> .....	xli
<b>1. The Nature of Sports Law.....</b>	<b>1</b>
An Introduction to the Subject .....	1
The Aim of this Book .....	7
The Development of Sports Law.....	10
Influence of the Olympic Movement.....	16
<b>2. Overview: Framework of the Law Relating to Sport .....</b>	<b>23</b>
The Legal Nature of Sporting Associations .....	23
Constitution of International, National and Local Sports Bodies .....	28
Governance in Sport: The Responsibilities of Governing Bodies .....	30
Interpretation of the Rules of Sporting Bodies .....	32
Rights and Obligations Created by Contract .....	35
Sport and the Criminal Law .....	43
The Law of Tort in Sport.....	44
Public Law Principles in Sport.....	45
Statute Law and Sport .....	46
Protection of Children in Sport .....	47
Application of European Union Law to Sport.....	48
European Convention on Human Rights .....	51
<b>3. Access to Sporting Competitions .....</b>	<b>55</b>
Introduction: Entry Criteria in Sport .....	55
The Duty of Fairness Owed by Sporting Bodies to Outsiders.....	57
Contractual Claims Asserting a Right to Participate.....	64
Restraint of Trade and the Right to Participate .....	71
Non-Contractual Claims Asserting a Right to Participate.....	78
EU Law and Access to Sporting Competitions; Competition Law and the Right to Participate.....	86
Applicable Provisions of EU Law .....	86
Selection Rules .....	88
The Organisation of Sport on a Territorial Basis.....	89

## *Contents*

Promotion Criteria .....	90
Common Ownership of Competing Clubs .....	90
Restrictions on the Organisation of New Competitions.....	91
<b>4. Players' Rights .....</b>	<b>93</b>
<b>Introduction: Relations between Players and Clubs Generally .....</b>	<b>93</b>
<b>Formation of the Player/Club Relationship .....</b>	<b>94</b>
The EU Free Movement Rules .....	94
Scope of Application .....	95
Substantive Application of Article 45 TFEU and the Other Free Movement Provisions.....	96
Transfer Rules .....	97
Application of the EU Free Movement Provisions to Transfer Rules .....	98
Articles 101 TFEU and the Chapter I Prohibition of the Competition Act 1998 .....	102
Restraint of Trade .....	104
Nationality-Related Restrictions.....	106
Contracts Involving Minors.....	108
<b>Content of the Player/Club Relationship.....</b>	<b>108</b>
Terms and Conditions of Work .....	109
Salary Caps.....	111
Discrimination.....	112
Common Law .....	113
The Equality Act 2010 .....	113
Examples of Discrimination: Cases in the Context of Sport .....	114
<b>Child Protection in Sport .....</b>	<b>115</b>
Chapter 1: The VBS .....	127
Chapter 2: Changes to the CRB Regime.....	128
Consequences .....	129
<b>5. The Regulation of Play .....</b>	<b>131</b>
<b>Introduction.....</b>	<b>131</b>
Prohibited Sports.....	134
<b>Organisation and Competition.....</b>	<b>135</b>
Introduction.....	135
Statute.....	136
<b>Tort and Sport.....</b>	<b>139</b>
Generally .....	139
Negligence .....	140
Duty of Participants to Each Other .....	140
Duty of Participants Towards Spectators .....	144
Duty of Participants to Passers-By .....	145
Duty of Referees .....	145
Duty of Coaches .....	146
Duty of Schools .....	147
Duty of Organisers and Promoters .....	148
Duty of Governing Bodies .....	150
Defences.....	151

## *Contents*

Nuisance.....	154
Assault .....	155
Damages.....	156
<b>Practical Issues Arising in Sporting Injury Claims.....</b>	<b>157</b>
The Criminal Law.....	158
<b>6. The Commercial Exploitation of Sport.....</b>	<b>162</b>
Introduction.....	162
Competition Law .....	162
Introduction.....	162
Article 101 TFEU .....	163
Article 102 TFEU .....	164
Application of the Competition Rules in the Sports Sector .....	165
The Specific Nature of Sport.....	165
Market Definition.....	166
Undertakings, Associations of Undertakings.....	166
Agreements, Decisions, Concurred Practices .....	168
Restrictions on Competition under Articles 101(1) and 102 TFEU.....	168
Effect on Inter-State Trade .....	169
Broadcasting .....	170
What are Broadcasting Rights? .....	170
How are Broadcasting Rights Regulated? .....	172
Statutory Regulation .....	172
Broadcasting and Competition Law .....	174
The Relevant Market in Sports Broadcasting Cases .....	174
Collective Selling .....	176
Collective Purchasing .....	178
Exclusivity .....	181
Ticketing Arrangements.....	183
Merchandise Sales.....	186
Sponsorship Agreements .....	187
<b>7. Disciplinary Proceedings in Sport .....</b>	<b>188</b>
Introduction.....	188
Specific Features .....	192
Subject Matter.....	192
Jurisdiction of Disciplinary Panels .....	196
Validity of Disciplinary Rules .....	198
Interpretation of Disciplinary Rules.....	203
Evidence and Proof.....	211
Standard of Proof .....	214
Procedural Fairness .....	218
The Right to a Fair Hearing .....	222
The Rule Against Bias.....	228
Conclusion .....	231
Penalties .....	232
Costs.....	241
Appeals.....	241

## *Contents*

The Practical Management of Disciplinary Issues.....	242
<b>Principles Applied in Disciplinary Proceedings before the CAS.....</b>	<b>247</b>
Disciplinary Cases Involving Alleged Doping.....	251
The World Anti-Doping Agency and the World Anti-Doping Code.....	252
<b>8. Remedies: The Resolution of Legal Disputes in Sport .....</b>	<b>257</b>
<b>Introduction.....</b>	<b>257</b>
<b>Court Proceedings .....</b>	<b>260</b>
Non-Availability of Judicial Review.....	260
<b>Private Law Claims .....</b>	<b>268</b>
Introduction.....	268
Contract Based and Non-Contract Based Private Law Claims .....	269
Remedies under the Human Rights Act 1998 .....	269
Forum and Multiplicity of Proceedings .....	270
Declarations.....	276
Injunctions.....	278
Damages.....	288
Company Law: Unfair Prejudice Petitions .....	291
<b>Jurisdiction, Choice of Law and Forum .....</b>	<b>292</b>
<b>Stay of Proceedings for Mediation.....</b>	<b>298</b>
<b>Stay of Proceedings for Arbitration.....</b>	<b>299</b>
<b>Arbitration in Sport .....</b>	<b>300</b>
Introduction.....	300
The Court of Arbitration for Sport.....	305
<b>The Future of Dispute Resolution in Sport .....</b>	<b>311</b>
<i>Bibliography.....</i>	314
<i>Index .....</i>	325