

Playing by the rules? New book examines relationship between law and sport

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From match fixing, to doping allegations, to contract disputes, a new book by a Queen's University law expert analyses the relationship between modern sport and the law.

In the wake of well-publicised disputes, such as Wayne Rooney's contractual negotiations with Manchester United and the protracted sale of Liverpool FC, Modern Sports [Law](#) examines the relationship between law and sport.

Written by Dr Jack Anderson, a Senior Lecturer at Queen's School of Law, the book is one of the first of its kind to give an account of how the law influences the operation, administration and playing of modern professional sport.

Dr Anderson, who is from Limerick, said: "The relationship between law and sport is seen most clearly in professional sport where elite professional players, and particularly footballers, can earn huge sums over their relatively short playing careers.

"The current argument between Carlos Tevez and his employer, Manchester City, epitomizes much that is wrong with modern football but is, at the same time, an inevitable consequence of the European Court of Justice's decision in Bosman, which occurred exactly 15 years ago this month.

"Where such levels of money are at stake, individual players, officials

and clubs will go to great lengths and sometimes even to the courts, in an effort to protect their interests."

"But sports law is not just concerned with big business. Poorly insured amateur players who are injured by an opponent on the field of play have lately taken to seeking compensation in the courts for their injuries and a number of players have even faced [criminal prosecution](#) for unacceptably violent tackles. This year Northern Ireland witnessed the first sports-related criminal case of its kind where a GAA player, accused of assaulting an opponent on the field of play, successfully pleaded self-defence and was acquitted by a jury."

Modern Sports Law covers a number of topical debates in sport. It provides a legal analysis of the current 'strict liability' approach to doping in sport, observing that it is a battle that cannot be won – the cheaters will always remain ahead of the testers, especially now that some athletes are resorting to gene and hormone therapies that are virtually undetectable.

The book speculates that some recent anti-doping initiatives, such as the so-called 'whereabouts' rule, are likely to be struck down on privacy-related and human rights grounds. Somewhat controversially the book argues that some consideration should be given to the controlled use of performance enhancing drugs in sport.

It states that sports bodies at all levels are going to face increased levels of litigation from aggrieved participants and will have to provide greater levels of alternative dispute resolution, such as mediation and arbitration services, if they are to prevent costly court and insurance-related proceedings. Coaches, referees and sports bodies have all recently faced costly litigation for not upholding their duty of care towards players in their charge. A series of cases against rugby referees by players who suffered serious spinal injuries in scrums, led the rugby authorities to

change their scrum laws. Similar cases may arise now if the rugby authorities do not update their laws regarding the mandatory replacement of concussed players from the field of play.

The book also claims that the biggest threat to the integrity of modern professional sport comes from corruption in its various forms but mainly from gambling-related financial crime. Match fixing, spot fixing and the bribing of referees and players – all aggravated by the weak regulation of online betting exchanges – has seen a wide range of sports being targeted by crime syndicates, notably cricket but also football, snooker and tennis. How sport will deal with this threat is ultimately a matter of law and regulation.

Dr Anderson said: "This book shows that the law's influence can stretch from the local coach's responsibility for the children in his or her care on a Saturday morning, to a world governing body's duty to ensure proper corporate governance in its sport.

"Sport is a huge global industry. Major sports events are one of the few things that still capture a nation's imagination – whether it is London's plans for the 2012 Olympics or England's failed 2018 World Cup bid. Sports-related stories are now found on the front pages almost as often as the back, and many of them have a marked legal element – something that will become more and more prevalent in the years ahead."

Provided by Queen's University Belfast

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