INTRODUCTION

Welcome to the Resource Guide in Sport and the Law. Any contributions to develop and update this version are welcome, particularly from Further Education. This guide will cover sport and law and includes:

- Learning and teaching issues
- Delivery examples
- Journals
- A range of sources under sport and law teaching themes
- Annotated guide to Web sources
- About the author

A second Resource Guide will cover leisure and the law, research and people working in sport, leisure and law.

LEARNING AND TEACHING ISSUES

Sport and law is a very interesting and rewarding area to teach. It has great potential to engage students and practitioners in real life issues and to develop multi- and interdisciplinary work in both teaching and research. Subject Benchmark Statements for Unit 25 courses require all students to understand legal and ethical aspects of their sport or leisure environment. Who is teaching sport, leisure and law in the UK? We think this list includes:

- Solicitors
- Lawyers
- Academics
- Research Assistants and PhD Students
• Professional players
• Policy makers and practitioners
• Local Authority employees
• Agents, managers
• Health and safety inspectors
• Union representatives
• Staff developers
• Visiting Professors / Lecturers
• Campaign groups / activists

What are they teaching? The areas which are being taught in sport and law modules on law courses and on sports related courses in the UK are varied and appear to include, at undergraduate and postgraduate level:

• Negligence and sport
• Criminal assault / manslaughter on the sports field
• Violence, masculinity and consent in sport and leisure
• Risk management and risk assessment in the sport workplace
• Event management, risk and insurance
• Statutory regulation, health and safety in sport
• Employment relations and rights in sport
• European law, Bosman - implications for sport transfers etc.
• Dispute resolution and arbitration, court of arbitration for sport
• Natural justice principles and disciplinary processes
• Law commission consultation process on consent and offences against the person (including contact sports)
• Intellectual property and advertising
• Marketing and sponsorship rights
• Law of contract
• Environmental law and sporting activities
• Adventure tourism, risk, lawful sports and insurance issues
• Doping in sport - principles, rules, cases and harmonisation in international sport
• Disability rights - principles and cases, DDA 1995 and SENDA 2001.
• Gender, and sexual discrimination, harassment in sport
• Child protection in sport
• Race relations and race discrimination
• Popular culture and the law
• Sport and leisure disasters and the law

Debates in curriculum, learning teaching and assessment in the delivery of sport, leisure and the law can embrace a number of areas including:

• Which areas of sport, leisure and law can be developed in initial degrees and which are left to continuing professional development? Do different courses need different kinds of law content? Can / should it be taught generically?
• Of all the possible topics, which topics are most suitable and accessible to students on sport and leisure related courses?
• Where are the opportunities, in courses, to include stand-alone modules and make legal contributions to other modules?
• Can / should students on law courses and students on sports courses study on the same sport, leisure and law modules?
• Have we really considered the progression opportunities or transfer with credit between legal and non-legal courses?
• Will there ever be an undergraduate course in sport and law?
• Are there opportunities for multi- and interdisciplinary work, or links with other fields, for example with sociology, human resource management, event management, leadership, ethics, philosophy, popular culture etc?
• Can / should one module cover all aspects of law? What are the delivery issues around breadth and depth of content?
• What are the additional skills needed for studying law: the language, Latin, searching cases, IT skills, understanding precedents?
• How might the learning experiences in sport, leisure and law contribute to employability, and personal development profiles?
• How do we build up the confidence of students in an area which they can find very intimidating?
• How can we use their contextual experience and knowledge as participants, coaches, observers, leaders? What can they contribute to learning and teaching of law?
• What kinds of challenges are lecturers facing in delivering this area of the curriculum?

• Are there areas of support for staff, which need to be prioritised?

• How do we find a balance between generic law and cases, sport and leisure judged cases, incidents, issues and sport / leisure hypotheticals and exercises?

• Do we need a pool of assessment examples, which embrace principles, cases, hypotheticals, exercises, academic analysis?

• Can law contribute to reflective tasks relating to work experience or preparation for work experience? If so how?

• Are there issues of staff development, staff collaboration, building up staff trust and resourcing delivery across departments / faculties, or beyond university boundaries?

• Are there issues of costs / referencing styles of legal versus non-legal texts and conferences?

• Are 'module readers' being developed? If so what material is being selected? Which jurisdictions and cases should we cover?

• Can sport, leisure and law embrace internationalisation and cross-cultural capability?

• What kind of sport, leisure and law topics could be covered in undergraduate and postgraduate dissertations?

• What is being researched in UK and internationally? How can it enhance learning and teaching?

**Delivery Example**

‘An Innocent Abroad?’ a) Video analysis of the legal / managerial issues and b) role-playing in a 'mock' press conference, based on the Diane Modahl doping in sport case, [http://www.hlst.heacademy.ac.uk/resources/cases/case47.html](http://www.hlst.heacademy.ac.uk/resources/cases/case47.html).
**Books**

The following list covers world-wide sources. For initial reading on Anglo-Welsh legal principles, cases and issues I would recommend:


**J O U R N A L S**

*Sport and the Law Journal* (Journal of the British Association for Sport and Law)

*Sports Law Bulletin* (Anglia Sports Law Research Centre, APU)
http://web.apu.ac.uk/sportslaw/SLBCont.htm

*Sports Law, Administration and Practice*
http://www.informalaw.com/NASApp/cs/ContentServer?pagename=marlin/home&Marlin ViewType=MARKT_EFFORT&siteid=0&marketingid=20001124058

*International Sports Law Review*
http://iasl.org/modules.php?name=Sections&op=viewarticle&artid=14

http://www.sportslaw.nl/index.asp?c_nr=3&l2=

*Journal of Legal Aspects of Sport* (Journal of the SSLASPA) USA
http://law.marquette.edu/cgi-bin/site.pl?2130&pageID=1078

*Marquette Sports Law Review* (National Sports Law Institute, Milwaukee, WN., USA)
http://law.marquette.edu/cgi-bin/site.pl?2130&pageID=190

*ANZSLA Commentator* (Journal of ANZSLA)
http://www.users.bigpond.com/anzsla/anzsla_commentator_update.htm
Journals which often include sport / leisure and law articles or case reports:

Journal of Law and Society

Socio-Legal Studies

Solicitor’s Journal
http://www.lib.unb.ca/Texts/Solicitor/

New Law Journal
http://www.new-law-journal.co.uk/

Journal of Personal Injury Law
http://www.apil.com/jpil.htm

Professional Negligence

Entertainment Law
http://elr.lls.edu/

European Law Review

World Leisure Journal
http://www.worldleisure.org/about/publications/journal/journal_electronic.html

Managing Leisure
http://www.tandf.co.uk/journals/titles/13606719.asp
TheMED SOURCES

Sources are grouped in themes considered to be of interest to staff and students engaged in sport related courses and where support materials have been identified and regularly used with sports students. These themes are:

- Criminal assault / criminal liability and sport
- Doping in sport
- Negligence and sport
- Discrimination (gender, harassment, race, disability)
- Sociology and law-violence, masculinity and consent
- Natural justice, disciplinary processes, harmonisation, dispute resolution
- Risk management, health and safety in sport

Criminal assault / criminal law and sport


James, M (1996) More than just a Foul For the Record 5 Newsletter of the National Sport Law Institute 7(2).


**Doping in sport**


**Negligence in sport**


Rhim, A (1996) The Special Relationship between Student Athletes and Colleges: an analysis of a heightened duty of care for the injuries of student athletes For the Record 7(6), December / January, 4-5.


**Case Comments / Law Reports**

Football negligence, personal injuries in sports *Legal Executive* 1997 June, 38, 40.

Duty of Care, personal injury, sports standard of care and training *Sports Law Administration and Practice* 1996.

Contributory Negligence, sports injuries, Scotland *Personal and Medical Injuries, Law Letters* 1990, 6(8). Case Comment.


Contributory Negligence: local authorities power and duties, personal injuries and safety in sports *Law Quarterly Review* 1986, 102, 11013. Case Comment.

Referee has duty of care to players *Smoldon v Whitworth and another* Mr J Curtis, 19 April, 1996 *The Times* Law Report, 23 April 1996.


A (a minor) v Leeds City Council 1999 2 March Leeds County Court *Sports Law Bulletin* 5, 6.

See the usual case law databases for an extensive range of cases, including sport and law, for example:

- Lawtel http://www.sweetandmaxwell.co.uk/online/lawtel.html
- Westlaw UK http://www.westlaw.co.uk/
- Lexis / Nexis http://www.lexisnexis.com/

**Discrimination, harassment, gender, race and disability issues in sport**


Masteralexis, L (1995) Sexual Harassment and Athletics For the Record 6(2), 4-8.


*Rape Crisis Centre v Sandy Brindley* (2000) Lord Clarke, Outer House, Court of Session, Edinburgh, 2 June (challenging decision of Home Secretary to allow Mike Tyson access to UK to compete in boxing match) *Sports Law Bulletin* 3(5), September / October, 4.


Vargyas, E J (1992) Title IX: The Effect on Women's Sports and Gender Equity *For the Record* 3(3), 4-6.


Sociology and law - violence, masculinity and consent


**Natural Justice, disciplinary processes, harmonisation, dispute resolution**


**Risk management and health and safety in sport**


Greenburg, M and Gray, J T (1992) To ensure Collegiate athletic department is run effectively, know your sports law *For the Record* Marquette University Sports Law Program, 3(1) February / March, 3-6.


**Overview or update of issues, incidents and cases in sport and law**

There are several individual writers and organisations providing very useful updates and commentaries on incidents, issues and cases in sport and law, drawing mainly on press sources and court reports. Here are some examples:


Duff, A (1995) Scottish Update *Sport and Law Journal* 3(2), 31-34. (Football, ice hockey, rugby.)


Duff, A (1997) Scottish Update Sport and Law Journal 5(2), 29-33. (Football, ice hockey, race relations.) See also Sport and Law Journal 'Case Reports'.


The All England Law Report Annual Review has a Sport and Law Annual report section of cases (by Edward Grayson).

For the Record National Sports Law Institute, Milwaukee, WN, USA. See NSLI web-site below.


ANZSLA website also does regular updates on news and issues in sport and law. See 'sport law shorts' and 'in the courts'.

The Society for the Study of Legal Aspects of Sport and Physical Activity (SSLASPA) also provides summaries (for members) of Court Cases under alphabetical themes including Amateur Disability Act (ADA), Constitutional Law, Criminal Law, Labour law, Tort Law, Worker's Compensation. This is part of the newsletter, for members (see website below).
ANNOTATED GUIDE TO WEB RESOURCES

International Sports Law Centre

Asser Institute, The Hague, Netherlands. Publishes the *International Sports Law Journal* under TMC Asser Press (email sportslaw@asser.nl). This centre co-hosts the International LLM / MA in Sport and Law with Griffith University, Brisbane, Australia. It also conducts and publishes collaborative international research on topics such as Legal Comparison and Harmonisation of Doping Rules 2001, often funded by the European Commission. (See references in ‘Doping in Sport’ theme above).

http://www.sportslaw.nl/

Griffith University Law School

This website has good links to ANZSLA, North American Sports Law, the Asser Institute, Netherlands and South African Sports law associations, as well as co-hosting with Asser Institute, the LLM / MA in International Sports Law. Main contact is Andy Gibson, e-mail A.Gibson@mailbox.gu.edu.au

http://www.gu.edu.au/school/law/

British Association for Sport and Law

This organisation has members worldwide and celebrated its tenth anniversary in 2002. There is a reduced membership fee for academics and a special rate for student members. The BASL regularly organises sport and law events / seminars, as well as the annual conference in October. The website has recently been set up and does not have much material on it, to date. The journal of the association is the *Journal of Sport and Law*, editor - Dr Ray Farrell, School of Law, Elizabeth Gaskell Campus, Hathersage Road, Manchester, M13 OJA.

The UK Centre for Legal Education: The LTSN Subject Centre for Law

UKCLE is located at the University of Warwick and was established in January 2000. It aims to promote the development of learning and teaching in academic and vocational stages and builds on the work of two other projects - The National Centre for Legal Education (FDLT Phase 1; 1997-1999) and the Law Technology Centre (CTI Centre; 1989-1999). The UKCLE activities listed on the website are: events and roadshows; publications and UKCLE resource bank; support for research and development in legal education and academic networks in law and advice and support on academic and staff development. You can join the mailing list and request a 'roadshow' at your institution.

http://www.ukcle.ac.uk/index.html
Centre for Sport and Law, Canada.

A very well-developed website, clearly signposted, with useful downloadable articles and cases, particularly on doping, violence and risk in sport organisations. This is very accessible and is written by leading sports law academics, who work with both sports practitioners and students at Brock University, Canada. Main contact is Dr. Hilary Findlay.

http://www.sportlaw.ca/

Australia and New Zealand Sports Law Association (ANZSLA)

First Floor 353 Bunwood Road, Hawthorn, Victoria, Australia 3122. A very active sport and law organisation, with regular contributors to the Sport and Law Journal in the UK. It provides updates on court cases, issues and incidents in sport and law. See 'Sports Law Shorts' and 'In the Courts' by Brian Doyle of Turnbull Hill Lawyers and Andrew Gibson of Griffith University Law School, Brisbane, Australia. Past copies of the newsletter are available at A$ 15.00 per edition. ANZSLA provides a 'sports law referral service' as well as regional seminars and an annual conference. There are good links with the University of Melbourne library catalogue at http://www.cat.lib.unimel.edu.au

Home of the National Sports Law Institute

PO Box 1881, Milwaukee, Wisconsin, 53201-1881, Fax (414) 288-5818, e-mail munsli@mu.edu

This website address has been revised recently. This site and the access to references are very well established and developed. The NSLI publishes the Marquette Sports Law Review (n.b. spot law articles used to be published in the Marquette Law Journal). The NSLI also publishes 'For the Record' with updates and summaries of incidents, issues, cases, personalities in sport and law. It is very international and often provides overviews of themes covered in past issues. Past issues of the journal can be purchased ($15.00 an issue).

http://law.marquette.edu/cgi-bin/site.pl?2130&pageID=160

International Sport Lawyers Association (ISLA)

Located in Zurich, Switzerland, this organisation has strong links with the publishing houses CH Beck, Munich and Stampfli, Berne, who publish the sports law journal Sports and Law and SpuRt about sports law in Germany, Austria and Switzerland. There are
several sport and law texts advertised on the web-site. The majority of these are in German. See [http://www.spurt.de](http://www.spurt.de) [http://www.isla-int.com/](http://www.isla-int.com/)

**The Sports Ethics Institute**

Useful materials on doping, ethics and rights of athletes.


**Canadian Centre for Ethics in Sport**

Useful materials on doping, ethics and rights of athletes in relation to natural justice.

[http://www.cces.ca](http://www.cces.ca)

**Ethics in Sport Australian Sports Web Information**

[http://www.ausport.gov/info/ethics.htm](http://www.ausport.gov/info/ethics.htm)

**Australian Commission on Violence in Sport.**

Small range of materials on violence, policy and research


**Society for the Study of Legal Aspects of Sport and Physical Activity (SSLASPA).**

This organisation has a very well established annual conference, with a wide variety of contributions from both academics and practitioners. This event usually takes place in Spring (March) each year. Membership includes access to information on the annual conference, the newsletter and the *Journal of Legal Aspects of Sport*. Guidelines for manuscripts and deadlines are on the NSLI web site (editor, Professor Paul Anderson). See examples of conference abstracts - thirteenth Annual SSLASPA Sport, Physical Activity, Recreation and Law Conference. University of New Mexico, 8-11 March, 2000 in *Journal of Legal Aspects of Sport* 10(2), 85-110.

[http://srlaweb.org/](http://srlaweb.org/)

**UK Sport**

This website includes very current updates on sport issues and policies. It has an extensive range of information on doping and ethics, news items and good links to other web sites such as WADA (World Anti-Doping Agency). It includes a recent report on
nandralone and has an information database on drugs in sport, where students / athletes can register and ask questions about doping in sport.

http://www.uksport.gov.uk

**World Anti-Doping Agency**

Located in Montreal, Canada, the themes of the website include ethics and education, research and science, standards and harmonisation, and employment. The recent high profile WADA conference in Copenhagen, 3-5 March, 2003, attended by 1000 people, resulted in all major sports federations and 80 governments approving the first World Anti-doping Code.

http://www.wada-ama.org/en/

**IEC Scientific Conference on 'The Limits of Sport-Doping 1999'**

Do not be misled by the title. This site has some very useful conference papers linked to doping in sport which are not scientific. These include Tarasti, L on legal and medical aspects of doping rules; Parry, S J on Ethics and Doping; Houlihan, B on policy and doping etc.

http://olympicstudies.uab.es/eng/index.asp

**Disability Discrimination Act 1995**


http://www.direct.gov.uk/DisabledPeople/DisabledPeopleArticles/fs/en?CONTENT_ID=10023362&chk=85yA9r

**World Leisure**


http://www.leisure.org
Centre for Studies in Crime and Social Justice

Edge Hill University College of Higher Education, St Helen's Road, Ormskirk, Lancs, UK. This centre established in 1985 has several groups involved in international research in critical criminology, including young people, power and justice, and a disaster research group. The latter recently completed an International Disaster Seminar Series on 'Disasters: Origins, Consequences and Responses’ funded by the ESRC (Economic and Social Research Council, UK). The website includes reports on this series as well as a disaster archive (including work on the 1989 Hillsborough football stadium disaster). The centre has a newsletter ‘Strange Ways’. See summaries of the disaster archives in 'Strange Ways' 5(2) December 2001, and 5(3) June 2002 - also available on the website.

http://www.edgehill.ac.uk/cscsj/

Cavendish Publishing

A ‘publisher’s web site’ which includes several sport and law texts and ‘law teacher’s links’, case updates, teaching manuals, legal research websites, e-books, news and the law. Other sport and law publishers include - Butterworths, Butterworths-Heinemann, Hart Publishing, Routledge, TMC Asser Press, Frank Cass, Marquette University Press.


It is also useful to check the web sites of BBC news and The Guardian, The Daily Telegraph, The Times, The Independent, The Observer. They regularly report and give access to summaries of cases and incidents on and off the sports field. The BBC news website, in particular, is useful for case summaries on the day or the day after a judgment in court. See http://news.bbc.co.uk
ABOUT THE AUTHOR

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Hazel Hartley is a Principal Lecturer in Learning, Teaching and Assessment, in the School of Leisure and Sports Studies, at Leeds Metropolitan University. She has worked with undergraduates, postgraduates and sport / leisure practitioners in socio-legal aspects of sport and leisure for over twenty years. Her particular teaching areas in law are negligence, natural justice and disciplinary processes, criminal assault, violence, masculinity and consent, safety and risk at sport/leisure events and the law relating to disasters. Hazel's long term research, and PhD in critical criminology, take a socio-legal approach to sport and leisure disasters. Hazel is an advisory board member for the International Sport Law Journal and International Sport Law Centre at the Asser Institute, in the Netherlands.