

Sport & the Law

Both sport and law have courts: places where battles are staged, under the watching eye of an independent judge bound by a set of rules.

But the relationship goes much deeper than that.

And as the eyes of the world fall upon the UK, the highest court in the land has worked with the British Association for Sport and the Law, De Montfort University's Faculty of Business and Law and its International Centre for Sports History and Culture to explore other aspects of the relationship between the two spheres.

In this exhibition we look at how legal systems have been used to support greater professionalism. We also reflect on issues of diversity and equality, and show how the law has helped both create and resolve different disputes in sporting history.

As the UK celebrates an incredible summer of sport, we hope this exhibition will inspire and inform those with a foot in either or both types of court to understand more about the contribution made by the other towards a healthy, peaceful society.

Supported by:



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Free foundations

The modern Olympics were based on Baron Pierre de Coubertin's belief in the importance of amateur values: sportsmanship, fair play and opposition to payments to athletes. Its first rules stated that:

"I. An amateur in athletics is to be considered as any person who has never participated in a competition open to all-comers, or competed for a cash prize or a sum of money from whatever source, in particular entry to the grounds – or with professionals – and who has never at any time of his life been a paid teacher or instructor of physical education. ...

"VI. The tendency of every sport without exception must be towards pure amateurism, with no motive existing in any sport to justify cash prizes."

(IOC Bulletin No. 1, July 1894)

Professional athletes were therefore not allowed to compete in the Olympics.



Alfred Hajos, winner of the 100m and 1200m freestyle at the Athens 1896 Olympics.

1896

First modern Olympic Games, comprising of 43 events played by 241 competitors, held in **Athens**.

1904

St. Louis

1900

Paris

1908

London

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First steps towards relaxation

Amateurism remained controversial in the 1920-30s. In 1934 the IOC relaxed the rules slightly.

Perhaps realising the damage that the controversy was causing, Baron de Coubertin softened his stance:

'I ask only one thing: loyalty to sport. It is the sportsman's spirit that interests me and not respect of that ridiculous English concept that allows only lone millionaires to dedicate themselves to sport without being tied to an out-of-date dogma'.

(L'Auto, 4 September 1936)

In 1946 the IOC even discussed a Swedish proposal to abolish the distinction between amateurs and professionals. At this time, it was a step too far and was overwhelmingly rejected.



Baron Pierre de Coubertin, President of the International Olympic Council and founder of the Modern Olympic Games.



The 1912 British women's 4x100m relay gold medalists, showing (left-right) Bella Moore, Jennie Fletcher, Clara Jarvis (?), Annie Speirs, Irene Steer. Note the home-made Union Flag badges, which the swimmers had to arrange to be affixed to their costumes.



1912

Stockholm: First time women's swimming was included in the Games (16 years before athletics for women).

1914-18

World War I

1921

Football Association bans women's football from Association and League grounds.

1920

Antwerp: by this time, the Games consisted of more than 150 events and 2,500 competitors. Introduction of Olympic rings and flag.

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A new age of competition

In 1952 the American Avery Brundage became president of the IOC. He was a firm supporter of amateurism and resisted any moves to professionalism. But the new presence of the Soviet Union at the Olympics intensified competition and the desire to win for international prestige.

At this time all Olympic competitors had to declare that they were amateurs:

'I, the undersigned, declare on my honour that I am an amateur according to the rules of the International Federation governing my sport, that I have never knowingly transgressed such rules and that I have participated in sport solely for pleasure and for the physical, mental or social benefits I derive therefrom, that sport to me is nothing more than a recreation without material gain of any kind, direct or indirect, and that I am eligible in all respects for participation in the Olympic Games.'

But the television age was about to begin – and traditional ideas about sport begin to change.



This is the official photo finish of the 100m dash of the Summer Olympics in Helsinki, Finland, July 21, 1952.



1924

Paris Olympic Games; Olympic Law begins to be formalized through the drafting of the Olympic Charter; first Winter Olympics at Chamonix.

1922

Alice Milliat hosts a 'Women's Olympics' in Paris in protest at the lack of Olympic events for women.

1927

Reed v Seymour case focusing on a popular Kent cricket player, which established that proceeds from benefit matches are not taxable earnings for the player being celebrated.

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The end of amateurism?

Over the next two decades, the word 'amateur' finally disappeared from the IOC's rules. In 1983 the IOC agreed that athletes could earn money from competition, providing that it was paid to a trust fund.

The reappearance of tennis at the 1988 Seoul Games (it had last been played in 1924) saw fully professional athletes compete openly for the first time, one of whom, Steffi Graf, won the tennis gold medal.

After the Seoul games, the IOC decided that all professionals were eligible to compete in the games, subject to approval by each sport's international association. Today, the overwhelming majority of competitors are professionals.

The long evolution of Olympic rules on amateurism and professionalism was complete.

As today's IOC president Jacques Rogge argues: 'Amateurism as it existed was a hypocritical system. Only those rich by birth or other reasons could compete in sport. It was very hypocritical. We need the money to help the developing countries and help sport to progress. But . . . money is only a means; it should never be an end.'

Middlesex 'loves' Tennis

Tennis originated in the historic county of Middlesex – Henry VIII had courts built at Hampton Court between 1515 and 1520 – long before interest in modern tennis developed in the 1830s. In 1878, the All England Croquet Club held its first men's tennis tournament in Wimbledon, followed by the first women's in 1884.

Two women from Ealing won Olympic tennis singles titles: Charlotte (or "Chatty") Sterry (nee Cooper) was one of the first women to be an Olympian champion in the 1900 Olympics, the first time women were allowed to compete, winning the gold in both the women's singles and mixed doubles. Dorothea Lambert Chambers (nee Douglas) won a gold medal in the 1908 games.



Steffi Graf serves to Aranta Sanchez Vicario during the 1995 Wimbledon Final on Centre Court.

1932

Los Angeles: introduction of medal ceremonies.

1928

Amsterdam: women allowed to compete in athletics for the first time; introduction of the Olympic flame.

1936

Berlin: hosted by a Germany under Nazi rule. Jesse Owens, a black American, won four gold medals – pointedly undermining Nazi ideology on ethnic hierarchies.

Playing By The Rules

Compensation culture?

The amateur rules of the Olympic movement were based on British ideas of sportsmanship. But other countries allowed their athletes to receive compensation for wages lost due to competing in meetings.

Was an amateur someone who received no money at all? Or could one be an amateur and receive some financial support? The debate raged for many years within the IOC.

But there was a human cost.

The great American athlete Jim Thorpe won gold in the Pentathlon and Decathlon at the 1912 Stockholm Olympics. But the following year the IOC was informed that Thorpe had been playing professional baseball and stripped him of his medals.

It was only in 1982 that the IOC reinstated the medals to him.

Main image: Jim Thorpe getting off a kick at the peak of his career in 1911-1912.

Middlesex: Home of athletics

Some of the most important historic athletic clubs were based in Middlesex, such as the London Athletic Club, founded in 1863. Middlesex also had several famous cross-country running clubs such as The Highgate Harriers and The Finchley Harriers (both founded in 1879) and The Hampstead Harriers, founded in 1890.

Playing By The Rules

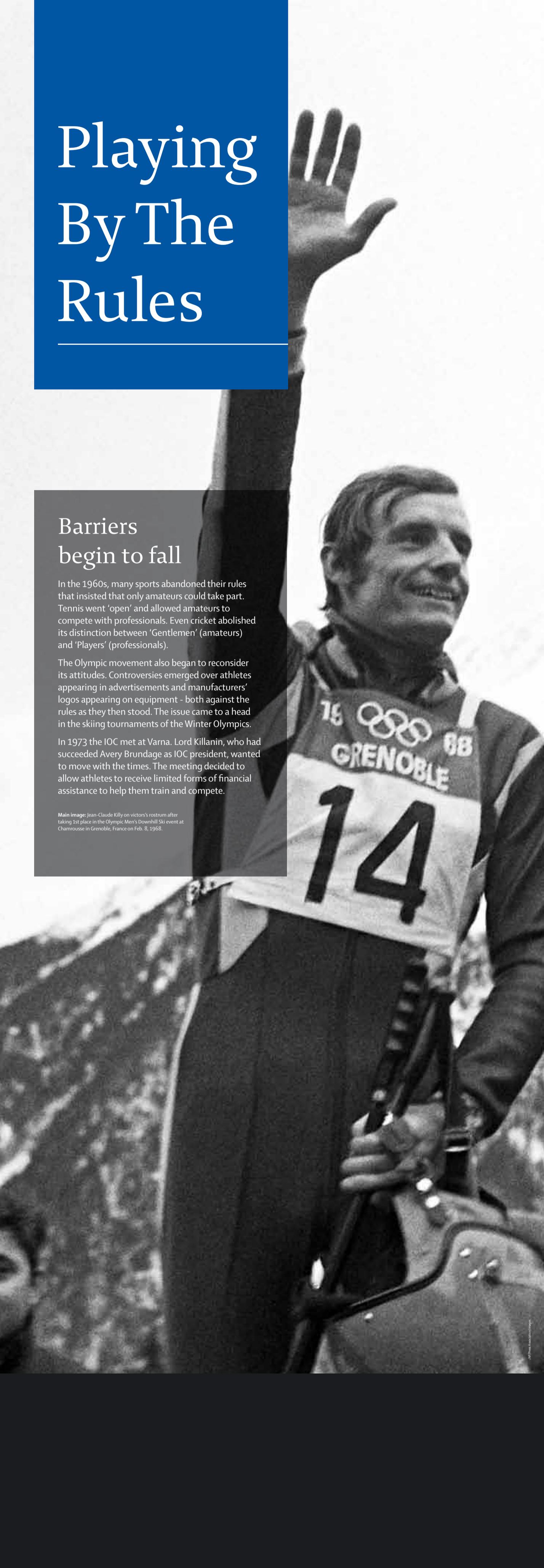
Barriers begin to fall

In the 1960s, many sports abandoned their rules that insisted that only amateurs could take part. Tennis went 'open' and allowed amateurs to compete with professionals. Even cricket abolished its distinction between 'Gentlemen' (amateurs) and 'Players' (professionals).

The Olympic movement also began to reconsider its attitudes. Controversies emerged over athletes appearing in advertisements and manufacturers' logos appearing on equipment - both against the rules as they then stood. The issue came to a head in the skiing tournaments of the Winter Olympics.

In 1973 the IOC met at Varna. Lord Killanin, who had succeeded Avery Brundage as IOC president, wanted to move with the times. The meeting decided to allow athletes to receive limited forms of financial assistance to help them train and compete.

Main image: Jean-Claude Killy on victors's rostrum after taking 1st place in the Olympic Men's Downhill Ski event at Chamrousse in Grenoble, France on Feb. 8, 1968.



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Footballers' Rights

In 1963 George Eastham took Newcastle United to court when it refused to transfer him to Arsenal. British clubs then operated the 'retain and transfer' system – even if a player could not agree a contract with his club, he was still the property of the club.

Eastham's lawyers argued that footballers should have the same rights as any other employee. The High Court agreed and found that the system to be "an unreasonable restraint of trade".

In 1990 Jean-Marc Bosman's contract with Belgian club RFC Liège expired. He wanted a transfer but no other club would pay Liège's transfer fee. He was left in limbo and went to the European Court of Justice. It found that soccer's transfer system unfairly restricted the free movement of workers and violated what is now Article 45 (1) of the Treaty on the Functioning of the European Union.

A new era had begun for Europe's soccer players.



Arsenal and England footballer George Eastham (right) with Cliff Lloyd, secretary of the Professional Footballers Association after judgement had been given.

1939 – 1945

World War II

1937

Physical Recreation and Training Act 1937, introduced in anticipation of the need for national fitness to fight in the coming World War II.

1948

London: Dutch mother-of-two Fanny Blankers-Koen is the star of the Games, winning four gold medals.

1948

The first Stoke Mandeville Games for injured former servicemen and women took place, with archery and wheelchair races.

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Boxing & Assault

In England, immunity from legal liability for injuries caused during an organised boxing match was partly established in the 1882 court case *R v Coney*.

The judges in this case decided that the spectators were guilty of aiding and abetting a criminal offence: the bare-knuckle prize fight was deemed a breach of the peace. Any bodily harm or serious bodily harm inflicted in the course of such a fight was still unlawful, even if the fighters consented to taking part.

However, since *R v Coney*, the law has by default distinguished between prize fights of unlimited duration and the arguably more tightly controlled art of boxing, or sparring with gloves. It is now generally accepted that by entering the ring, boxers give their consent to possible injury.

Boxing's immunity now extends to some martial arts, provided that they are officially recognised. These include karate, tae kwon do and ju-jitsu, but not the various forms of kickboxing.



American boxer "Gentleman Jim" Corbett, left, shaking hands with British boxer Jem Mace, before an exhibition match, somewhere in America.



1951

Bolton v Stone case, following injuries caused by a cricket ball hit for six out of the ground, which established that a defendant is not negligent if the damage was not a reasonably foreseeable consequence.

1952

Helsinki: held against a backdrop of cold war tensions, with the USSR's debut at the Games.

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Florence Nagle's Race for Equality

Women have always been involved in horse racing. Like Norah Wilmot and Auriole Sinclair, Florence Nagle was a top-class trainer who had begun a successful career in the 1930s.

But women were refused an official licence to train horses by the Jockey Club. Nagle and her contemporaries were forced to use a man as a 'front' for their work.

In 1966, after a fight that lasted two decades, the Court of Appeal ruled against the Jockey Club and in favour of Florence Nagle's right to be a trainer in her own right. 'If she is to carry on her trade without stooping to subterfuge then she has to have a licence', ruled Lord Denning.

Today, women trainers, jockeys and journalists are a common sight in horse racing.



Racehorse trainer and owner, Florence Nagle.

1956

Melbourne / Stockholm (for equestrian events)

1961

Football maximum wage abolished after Jimmy Hill, chairman of the Professional Footballers Association, threatened strike action.

1960

Rome: first mass-televised Games; and first Paralympics, involving 400 wheelchair-using athletes from 23 countries.

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Oscar Pistorius' blades of steel

South African Oscar Pistorius burst onto the scene in 2004 when – running on carbon fibre transtibial artificial limbs – he won the 200 metres for T44 (one leg amputated below the knee) runners at the Athens Paralympics in a world record time.

But his plans to compete with able-bodied athletes were frustrated in 2007 when the International Association of Athletics' Association (IAAF) banned the use of artificial devices. It claimed that Oscar's prosthetic legs gave him an unfair advantage over able-bodied runners.

He appealed to the Court of Arbitration for Sport. After examining the scientific evidence, it found that his artificial limbs did not give him an advantage over other athletes, freeing him to pursue his dream of competing in the London 2012 Games.

However, initially, this legal victory was not enough. Pistorius failed to qualify for the 400m individual event, narrowly missing the necessary competition times. But a change of heart by the South African athletics board means that he will now run in the 400m, the 4x400m relay and will seek to defend his three Paralympic titles.



South Africa's Oscar Pistorius during the IAAF World Championships 2011 400m Semi Final.

Adam Denny/PA/CS Sport

1964

Tokyo: Britain's first female track and field Olympic gold medals.

1964

Three Sheffield Wednesday players convicted of conspiracy to defraud after betting on their side to lose a 1962 match.

1968

Mexico

1972

Munich



A Level Playing Field?

Football and Foul Play

As early as 1878, in the case of *R v Bradshaw*, it was established that a foul tackle on the football field could be prosecuted for criminal assault.

However, in practice, this almost never happened. The most prominent case has been the 1994 Paul Elliot (Chelsea) v Dean Saunders (Liverpool) in which Elliot sued Saunders for damages after a tackle which ended his career. The case failed because the judge upheld the idea that Elliot had consented to possible injury by entering the field.

In contrast, in 1995 Duncan Ferguson, then playing for Rangers, was jailed for head-butting an opponent, the first time a professional footballer had been jailed for an assault on the pitch. This was contrasted with the Elliot case because the head-butt is clearly beyond the rules of football, whereas a foul tackle is not.

Main image: Duncan Ferguson, Rangers.



A Level Playing Field?

Jane Couch and Women's Boxing

Born in Fleetwood, Lancashire, Jane Couch became a professional boxer in the United States and in 1996 won the women's world welterweight title. But the British Boxing Board of Control (BBBC) refused to give her a boxing licence, meaning that she could not box in the UK.

In March 1998 she won a landmark legal victory when a tribunal ruled that the BBBC was guilty of sex discrimination. This opened the door for women's boxing to become officially recognised as a sport, in the same way as men's boxing.

In 2007 Jane Couch's struggle was recognised when she was awarded an MBE. The following year women's boxing was accepted as an Olympic sport. It will be staged for the first time at the 2012 Games.

Main image: Britain's Jane Couch lands a right hand punch to the head of American Lucia Rijker, during Couch's points defeat at Junior Middleweight at the Staples Centre Arena in Los Angeles, 22nd June 2003.

**GYM-MASTER
BRISTOL**

Jane

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The Exhibition movement and early commercialization

After a bright start in Athens in 1896 backed by the Greek monarchy, subsequent Olympics – Paris in 1900 and St. Louis in 1904 – relied on the major trade and industry exhibitions with which they were associated.

Similarly, the Franco-British Exhibition of 1908 helped subsidise the London Games.

But as competitor and spectator numbers grew in both 1908 and in Stockholm in 1912, staging the Games became more and more expensive for host cities.



Italy's Pietri Dorando staggers across the line to win the marathon at the 1908 London Olympic Games.

Case studies

London 1908: national pride and the power of the underdog

The London Games in 1908 were a great success, despite a ferocious spat between the British and the Americans. The American amateur athletes had professional coaches. British officials 'unfairly' disqualified their man in the 400m semi final for interfering with a British runner, then the US refused to take part in the re-run. Brit Wyndham Hallswelle won by running on his own.

When Italian Dornado Pietri staggered into the White City and collapsed just before the marathon finish line, British officials helped him across it. The Americans complained – rightly – and he was disqualified. Johnny Haynes won the medal, though Pietri was awarded a silver gilt cup by Queen Alexandra. The urban myth that he was helped across the line by the author Conan Doyle somehow makes this very British story. Pietri made so much money as a 'winning loser' that he effectively became a full-time celebrity.

1908: memorable for Middlesex

The athletics stadium was built at Shepherd's Bush. Middlesex athletic clubs supplied a large proportion of the athletics team. In athletics Great Britain won seven out of twenty-seven events, the prize for the tug-of war going to a Middlesex team.

1976
Montreal

1978
Olympic Charter, codifying Olympic Law, finally compiled into a single document.

1977

Miller v Jackson case, where a County Durham couple complained of repeated damage to their property from stray cricket balls. The court found that there was a foreseeable risk of injury from the balls and that the club was guilty of negligence.

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The 1948 ‘Austerity’ Games are generally described as a success – but what do you think?

Sporting bureaucracy and the sporting public were happy enough, although it is worth noting that of the six most popular sports in Britain at the time (cricket, football, horseracing, greyhound racing, rugby and tennis), only football featured in the Olympics.

The press and radio had a great time describing it all to the world, and for the rest, the Games offered an indication that the war was over and things were slowly improving.

For

- Crowds were big and there was a modest profit of £30,000 – which didn’t happen again until Los Angeles 1984.
- Crowds not especially chauvinistic – commentators struck by enjoyment of the spectacle and how Wembley crowd stood for victory ceremonies.
- A minor triumph for government and armed services but also for a large scale voluntary effort put together in a country still suffering from the effects of the war.

Against

- For many it wasn’t festive enough, illustrated by the story of a man going to the opening ceremony on a bus up the Harrow Road. He saw a few flags, and a sign – ‘Welcome to the Olympic games. This road is a danger area’.
- There were complaints of monotonous food, slow and dirty trains, inadequate street lighting, the black market and the commemorative stamps were too big to lick!
- Unlike today’s ‘retail legacy’ people complained about the drabness of the British Sunday – with some continental commentators noting the lack of open air cafes on the Mall!



A general view of the opening ceremony of the 1948 Olympic Games at Wembley Stadium in London.



1980
Moscow

1981

IRC v McMullen found that a trust providing football facilities for young people should be considered ‘charitable’ in status.

1983

IOC accepted a proposal from the International Amateur Athletics Federation that participants should be recompensed for time spent competing.

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Television: a commercial blessing or curse?

The 'Rome formula'

Much changed after Avery Brundage, the IOC President since 1952, retired in 1972. The first formal IOC policy for distributing television revenue was agreed in 1966, in Rome. It provided that two thirds of the income would be retained by the local organising committee and the remainder shared between the IOC, International Sports Federations and the National Olympic Committees.

Lord Killanin (Ireland), Brundage's successor, adopted a 'hands-off' approach to the issue and many local organising committees exploited this by asking for an even greater share.

Media money

From 1983, then IOC President Juan Antonio Samaranch worked with Canada's Richard Pound to rationalize IOC control of television rights. By 1992, the IOC abandoned joint negotiation of television revenues with local organising committees in favour of complete control. Given that television revenue provided 90% of the IOC's operating budget, this was arguably long overdue.

Samaranch reasoned that professional athletes would drive up the value of the Olympic Games as television sports property. He also realised that by staggering the Winter and Summer Games every two years, he could offer the media a more steady and frequent spectacle. Media networks could saturate one festival at a time, rather than televising two mega-events the same year.



USA's Wilma Rudolph, Clarksville, Tenn., hits the tape to win the gold medal in the women's 4 x 100-meter relay at the 1960 Summer Olympics in Rome. Rudolph was the anchor for the U.S. team which combined for a time of 44.5.

1983

Law v National Greyhound Racing Club Ltd case, which established the principle that sports' governing bodies are not open to judicial review, as the relationship between such bodies and participants is primarily a matter of contract.

1988

Seoul

1984

Los Angeles: first female Olympic marathon. The Games were heavily sponsored by corporations for the first time.

1992

Barcelona

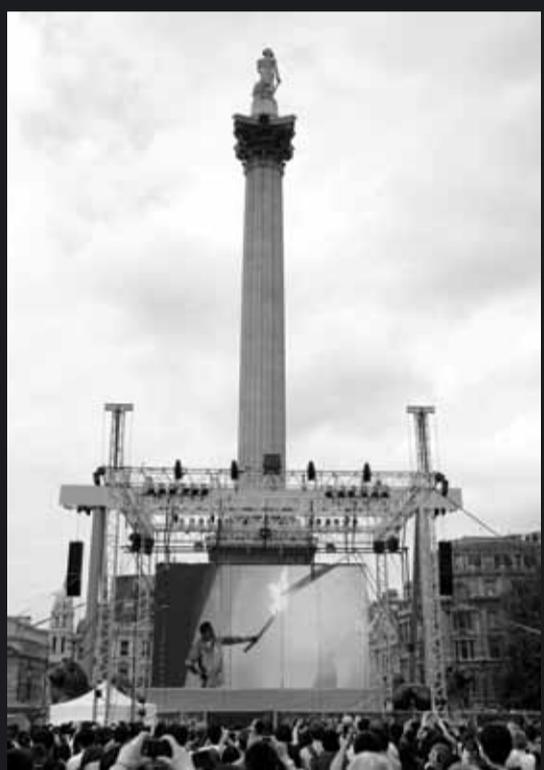
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Capitalising on the Olympic brand beyond television

Having been rescued from virtual insolvency in the 1970s, TOP (The Olympic Programme, now The Olympic Partner Programme), eliminated the Olympics' dependence on television revenues alone. Multi-nationals become exclusive partners, paying vast sums to use the Olympic rings, words and emblems in their promotions.

In addition to hospitality benefits, they are in turn promoted by the Olympic brand. By 2004, sponsorship deals were worth \$600 million to the IOC. Since then, the IOC has developed centralised corporate strategies to manage such large amounts, while host countries take steps to protect the Olympic brand against unauthorised commercial associations.

In the UK, for instance, specific legislation – the Olympic Symbol Etc (Protection) Act 1995 and the London Olympic Games And Paralympic Games Act 2006 – includes provision for criminal sanctions to beat potential 'ambushers'.



A large screen shows a live broadcast of the lighting of the Olympic flame in Beijing, China, which signifies the start of the 2008 Olympics, at Trafalgar Square in London, Friday Aug. 8, 2008, with Nelson's Column in background.

1995

Bosman: Belgian soccer international's landmark case paved the way for free movement of out-of-contract players, and thus the internationalisation of teams.

1995

Olympic Symbol (Protection) Act 1995, creation of exclusive property rights in relation to the use of the five-rings symbol and other trademarks throughout the UK.



1996

Atlanta: first Games with more than 10,000 competitors

Commercial Breaks

Restoring the Image of Olympism

The 1936 Berlin Olympics had been well organised, but fatally linked in the public mind with Nazism. The overwhelming priority for the IOC at the end of the Second World War was to restore the image of Olympism.

The British Government backed the project for prestige and a boost for tourism, despite a desperate shortage of hard currency and raw materials. So the Games came to London a second time in austerity. By 1948, of course, the Americans were Britain's closest allies. The whole event cost less than three quarters of a million pounds.

Showcasing Britain

London 1948 presented to the world a very British flavour to events at Henley, Torbay and venues in and around the capital. Technological innovation was pivotal to the Games' success – from photo finishes to the BBC's growing reputation for outside broadcasts.

Televised or filmed Olympic events presented one of the first major post-war moments of national communion, though at this stage the idea of generating any revenue for the host country from selling television rights was only just emerging.

Main image: Argentina's Enrique Kistenmacher (432) leads from USA's Irving Mondschein (616) and Poland's Edward Adamczyk (445) as they splash around the track in the 1500m discipline at the 1948 Olympic Games, London.

Middlesex: Football's home county

Wembley stadium, which is in Middlesex, was the main athletics venue for the 1948 London Olympic Games. Known as the Home of Football, the original building was constructed in 1923 to celebrate the British Empire and it held its first cup final that year.

Commercial Breaks

Broadcasting billions and modern day sponsorship

Big money deals

In 1995, Dick Ebersol, NBC's President of Sports in the US, offered the IOC \$1.25 billion for the US rights to the 2000 Sydney and the 2002 Salt Lake City Games. Rather than 'going to the market' for each festival, this began package deals that provided considerable financial security of the Olympic movement.

This snowballed into the 'Sunset Project' and gave NBC US rights to 2004, 2006 and 2008 for \$2.3 billion. Criticisms of gigantism began and commentators asked who the games were for: athletes or big business?

Salt Lake City scandal

The critique was compounded by allegations that struck at the heart of the administration of the IOC, in 1998. Becoming a host city was now extremely lucrative, and several IOC members were proved to have accepted gifts and bribes in return for votes for certain cities.

One of the unforeseen benefits of extending the long-term package deals with television companies across the world was that when the scandal broke in 1998, television contracts were already in place – and IOC officials did not have to deal with the damage to the Olympic brand in television negotiations.

Main image: Italy's Gabriella Paruzzi on her way to a second placed finish in the Salt Lake City Winter Olympics Cross Country Skiing Women's 30km Classica. She later had her medal upgraded to gold because Russia's Larissa Lazutina was disqualified for use of a performance enhancing drug.

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A “World Court” for sport

The Court of Arbitration for Sport (CAS) is a unique institution – the only global international arbitration body that is dedicated exclusively to the resolution of sports disputes.

In 1981 the then IOC President, Juan Antonio Samaranch, came up with the concept of creating a specialised adjudicative body capable of settling sports related disputes that was quick, flexible and inexpensive.

On 30 June 1984 the IOC formally ratified CAS statutes, prepared by a working group chaired by South African judge, Keba Mbaye. Judge Mbaye not only brought CAS to fruition, but he served as its President until his death in January 2007.

Although CAS was established under the auspices of the IOC, it has been separate since 1994. The International Council of Arbitration for Sport is the body responsible for the Court’s administration and financing, and has the primary function of safeguarding its independence and the rights of the parties appearing before its panels.



Juan Antonio Samaranch, the former IOC president, speaking during the Madrid 2016 bid presentation during the 121st International Olympic Committee session.



1996

Mats Wilander and Karel Novacek lose their Court of Appeal case against a decision of the International Tennis Foundation’s anti-doping scheme, which was found to be consistent with both the Anti-Doping Convention 1989 and anti-competition provisions of the EC Treaty.

1997

Edwards v British Athletic Federation: The High Court similarly ruled that the International Amateur Athletics Federation’s anti-doping rules merely regulated sporting conduct and were not therefore subject to EC law.

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Case study

Andreea Raducan / International Olympic Committee (IOC), award of 28 September 2000

Andreea Raducan won gold in the Gymnastics Artistic Women's Individual Event at the Sydney Olympic Games in 2000. However this was not to stand, as she tested positive for pseudoephedrine.

It was argued that Raducan should not be penalised for the team doctor's mistake of prescribing a cold and flu tablet when the athlete had complained of a runny nose and headache. Raducan submitted that she held no responsibility for a violation of the doping rules since the pills were given to her by her team doctor, with whom she had a relationship of trust.

However, the panel rejected her appeal. The presence of a banned substance constituted an offence irrespective of whether or not the competitor intended to ingest the prohibited substance. This "strict liability" principle remains fundamental to anti doping rules.



Andreea Raducan, Romania.

© Tony Marshall/IOC Sport

2000
Sydney

2004

Athens: Kelly Holmes wins the 800m and 1500m double gold, the first woman ever to do so.

2001

Watson v British Boxing Board of Control: Michael Watson, who was seriously injured in a boxing match supervised by the British Boxing Board of Control, successfully sued the latter for negligence.

2005

London wins bid for 2012 Games.

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Case study

United States Olympic Committee v International Olympic Committee (LaShawn Merritt)

In this case the United States Olympic Committee brought an action on behalf of US athletes including LaShawn Merritt, to challenge the validity of Rule 45 of the Olympic Charter. It is informally known as the 'Osaka Rule' (as the IOC executive enacted the following rule in Osaka, Japan):

"Any person who has been sanctioned with a suspension of more than six months by any anti-doping organisation for any violation of any anti-doping regulations may not participate, in any capacity, in the next edition of the Games of the Olympiad and of the Olympic Winter Games following the date of expiry of such suspension".

"These Regulations apply to violations of any anti-doping regulations that are committed as of 1 July 2008. They are notified to all International Federations, to all National Olympic Committee and to all Organizing Committees for the Olympic Games".

Prior to the Court of Arbitration for Sport adjudicating on this matter, Rule 45 came under scrutiny before the American Arbitration Association (AAA)/ North American Court of Arbitration for Sport.

Here, the sprinter was found to be in violation of anti doping regulations after testing for the banned substance DHEA in a series of out of competition tests. However, the AAA held that as Mr Merritt had no intention to dope and inadvertently

used a banned substance, he would be eligible to compete at the London Olympic Games once his suspension came to an end on 27 July 2011.

The Court of Arbitration for Sport reaffirmed this position, declaring that the IOC's rule was invalid and unenforceable on various grounds. Primarily it was contrary to Article 23.2.2 of the World Anti-Doping Agency Code, which provides that Signatories (including the IOC) must implement the mandatory sections of the Code "without substantive change", and prohibits the inclusion of any additional provisions which change the effect of the Articles.

As a direct consequence (and provided that the Osaka rule survives further legal challenge), National Olympic Associations will be entitled to consider athletes who have served bans prior to the commencement of the 2012 Olympic Games.

2006

The Charities Act 2006 includes 'the advancement of amateur sport' in its list of purposes capable of being charitable for the public benefit.

2006

Meca-Medina & Majcen v Commission: European Court of Justice case which established that sporting organisational rules must comply with EU law.

2007

The European Commission White Paper on Sport, which set out how the EU would support various aspects of sport's organisation.

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Choosing the arbitrators

There are nearly 300 arbitrators registered with the Court, drawn from 87 countries, and chosen for their specialist knowledge of arbitration and sports law.

One of these is the Honourable Michael Beloff QC of Blackstone Chambers, London, who is also President of the British Association for Sport and Law (BASL).

To become a CAS arbitrator it is usually necessary to be nominated by the International Olympic Committee, or International Federation or National Olympic Committee. To sit on the adjudicating panel is more a matter of chance; each party to a dispute can choose one arbitrator.

The Chairman is selected by the two arbitrators chosen in first instance proceedings, but in appellate proceedings (i.e. appeals against a decision of a sporting regulator or club) the Chairman is chosen by the President of the Appeals Division.



Michael Beloff QC holds a special record for being the only person to arbitrate at four Olympic Games; Atlanta in 1996, Sydney in 2000, Athens in 2004 and Beijing in 2008.

2008

Beijing: Staged 302 different medal events for almost 11,000 competitors.



2009

Upon ratification of the Treaty on the Functioning of the European Union 2009, the EU Institutions acquired "soft competence" over promoting and advancing sport.

2012

London: 10,500 competitors will take part in more than 300 Olympic events, and 4,200 competitors will take part in more than 500 Paralympic events. Over 9 million tickets were available in total for the two Games.