

## Sports Law and the Personal Injury Department

Playing sport brings with it risks of injury which the participants accept. However, all sportsmen and women are entitled to play on facilities which are safe and properly managed. In addition, the rules of the game are there not only to make sense of the sport, but also to protect the participants. Players are entitled to look to referees to enforce the rules to ensure their safety and they are also entitled to expect a standard of play by their fellow participants, which includes obeying the rules and not behaving in a criminal or reckless manner.

The Personal Injury Department at Russell-Cooke has been involved in a number of high profile and ground-breaking cases, including *Smoldon –v- Whitworth and Nolan (1997)*. This was the first time a Rugby League player sued a referee for negligence. The claim was successful on the grounds that the referee had negligently failed to enforce the laws of the game in relation to the scrum culminating in a catastrophic injury to Mr Smolden. The case was appealed and upheld in the Court of Appeal.

The case of *X –v- Dr Lurkins*, a boxing case, came before the Court at about the same time as the Michael Watson Appeal was due to be heard in the House of Lords. In *X –v- Lurkins*, the Claimant successfully argued that the Senior Medical Officer had failed to implement regulations introduced post-Watson to ensure that adequate resuscitation equipment was available and that there was a suitably qualified medical person available to use it. The Claimant in this case, like Watson, successfully argued that it was not the blow to the head which caused him brain damage, but the failure promptly to intubate and stabilise him at the ringside.

The Department has also been involved in a variety of other cases involving a whole range of sporting activities, covering tennis, karate and skiing.

For more information please contact:

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July 2008