

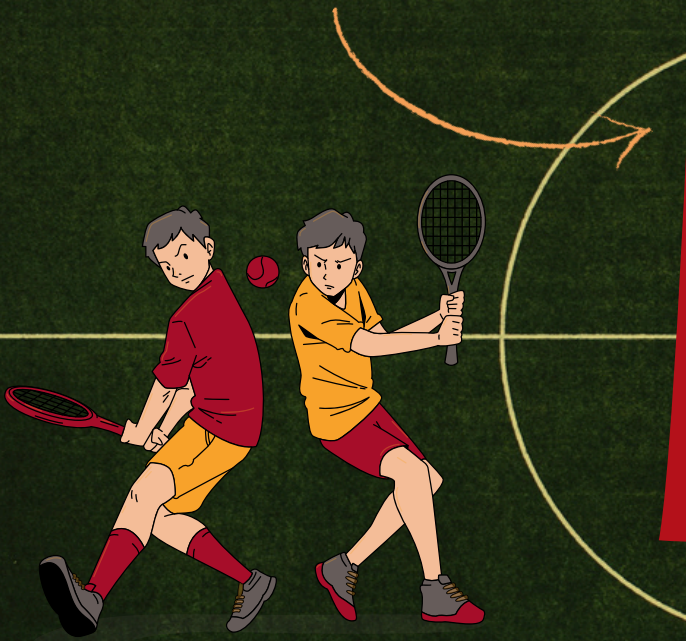
Sports and the Law

Sports often come with the risk of getting serious injuries, and sometimes that's just seen as part of the game! But at what point does injuring someone in sport go too far? Let's take a look at when an "on-the-ball" incident becomes an assault!



WHAT IS AN "ON-THE BALL" INCIDENT ?

An "on-the-ball" incident happens when a player is physically involved in playing the ball. For example, dribbling the ball, tackling for the ball, or actively competing to win the ball. If a serious injury occurs during this type of play, it is considered an "on-the-ball" incident.



WHEN DOES AN “ON-THE BALL” INCIDENT BECOME AN ASSAULT?

While playing or watching sports, you have most likely seen that rough play or physical contact are often natural parts of the game. Different sports have certain rules and exceptions regarding players' actions during the game. If a player seriously harms another and their actions are seen as reckless and intentional, then that goes beyond what is allowed during a game and could be seen as assault.

It is important to note that not every incident of foul play is a criminal offence. The incident must have caused serious harm and meet certain criteria, such as being seen as an offence that was “sufficiently grave.”

LET'S LOOK AT A REAL-LIFE EXAMPLE:

In 2010, an amateur football player, Chapman, purposely made a dangerous tackle while on-the-ball, causing his opponent to suffer a severe leg injury. Chapman's actions were seen in court as being “sufficiently grave.”

A legal term used to explain when a dangerous act goes beyond foul play and into a criminal offence.



PLAYING CULTURE:

Different sports have their own unique “playing culture,” which allows players to behave in ways that are not within the set of rules for that particular sport. For example, in contact sports such as GAA, pushing or shoving opponents would be seen as part of the “playing culture”. However, a game of golf would not allow for the same behaviour.



If a player, even in a contact sport, were to use extreme force to seriously injure another player while on-the-ball, this would not be part of the “playing culture,” but could be seen as an assault.

CONSENT IN SPORT:

Did you know that when you play a sport, you are giving your consent to the certain risks that are involved? When you play rugby, you are consenting to being tackled, but you are not giving your consent to be recklessly or intentionally injured in ways that are not part of the sport. Therefore, consent in sport is limited, and reckless play is not acceptable.



POSSIBLE “ON-THE-BALL” OFFENCES:

- Tackles that are dangerous or reckless such as high tackles.
- Collisions with another player using excessive force to win the ball.
- Using your forearm to strike a player when challenging for the ball.

Did you know?
Ireland does not have laws specific to sport assaults! These incidents fall under general assault laws.



WHAT DO THE COURTS CONSIDER?

If a player ends up in court due to an “on-the-ball” offence, the court will consider the following:

The type of sport -
Is it a physical contact sport?

The level of sport -
Is it amateur or professional?

The nature of the act -
Was the incident reckless?

The degree of force-
Was excessive force used?

The risk of injury -
Was serious harm caused?

State of mind-
Was the incident intentional?

AMATEUR VS PROFESSIONALS

Amateur and professional sports may follow the same rules, but they are sometimes treated differently by law. In professional sports, there are official disciplinary organisations that deal with serious incidents. Players whose actions go beyond the rules of the game or the sport's "playing cultures" can be punished with bans, suspensions, or fines, which are often seen as justice. However, if legal authorities believe a professional player has not received the correct punishment, they may still be dealt with in court. Unfortunately, amateur sports do not have the same systems. Therefore, serious incidents are more likely to be dealt with in court.



DID YOU KNOW?

To be found guilty of an "on-the-ball" offence at a professional level is extremely rare!