

## **Abstract**

### **Prevention Duty in Sports Activities**

This rigorous thesis deals with the relation between prevention duty and sports activities, in which at least one of the subjects of the sports-legal relation is an athlete in the position of a potential lawbreaker or potential injured.

The aim of this thesis is to analyse questions related to a legal assessment of liability during sports activities via preventive duties listed in the Civil Code with emphasis on the standard of optimum care. The use of a method of observation, induction and deduction prevails in the work in addition to the analysis mentioned above. Fulfilment of the aim of the thesis is also supported by a method of description and explanation. A method of critical analysis and comparison is mainly used in case law.

The thesis is divided into four parts in terms of concept. First of all, a definition of general relations between sport and law is the subject of the first part of the thesis.

In the second part of the thesis dealing with the issue of preventive duty of athletes and other persons participating in sports activities, the conclusion that the general preventive duty is a very important rule for assessment of sports-legal cases is given. Its interpretation offers several application limits, of which the most important during sports activities is the limit of taking into account the circumstances of the case and the usages of private life. This limit is closely related to the so-called standard of care. Substantial conclusion in relation to the assessment of sport-legal cases can be seen also in the applicability of special preventive duties set out in the Civil Code (i.e. intervention and notification duties).

The third part of the thesis deals with issues related to the importance of the prevention duty for different types of legal liability or the importance of specific

circumstances affecting the assessment of the prevention duty during sports activities. The most important of them are sports rules or a sport performance level.

In the last part of the thesis dealing with the issue of preventive duty in case law, the importance of individual circumstances affecting the assessment of preventive duty during sports activities in Czech and foreign case law is analysed. Emphasis is placed on the specifics of individual sports. Finally, a unique summary of these circumstances is given.

**Keywords:** duty of care, standard of care, tort, unlawfulness, sport, damage during sport