

Abstract – Civil liability in sports

The purpose of my thesis is to make the readers acquainted with the complicated questions of the sportsmen' civil liability for sport injuries. With regard to the constantly growing sports commercialization and media promotion the increasing number of serious injuries incurred during sports activity will become more and more topical problem. The thesis is composed of seven chapters, the introductory ones dealing mostly with theoretical approaches to the given questions and the subsequent ones describing particular real cases.

The two introductory chapters focus on general and more specific theoretical approaches to the sportsmen' liability for sport injuries. Chapter three deals with the division of sports according to sport branches and levels (professional and amateur). It investigates also the problem of sports rules with emphasis on football which is the most popular sport in the world. Chapters four and five concentrate on the Czech and international judicature which has appeared in the area of civil (marginally in the criminal) liability of sportsmen for sport injuries. Chapter six examines a few finished and current cases and the last chapter outlines the future development of the questions of the sportsmen civil liability for sport injuries.

Generally we can say that the international legal theory and practice have been looking for a way for many years that would handle the problem of the sportsmen' liability for sport accidents in terms of law. Despite many interesting theories and useful conclusions that have arisen in this period there has not been set any general approach to the solution of sports and law intersection. With respect to the complexity and distinctness of each case of sport accident it is highly probable to be impossible.

It is apparent that a sportsman entering a sport activity accepts risk of some damage and so waives an injury in a legally relevant way. It concerns especially the acceptance of rules of the given sport whose observance should not imply the sportsman' legal liability in case of a sport injury.

Also the humble Czech judicature in the area of the civil liability of a sportsman for a sport injury, which is dealt with in chapter six, considers according to its conclusions the breaking of rules as one of the key factors for the occurrence of the sportsman' legal liability for injuring another sportsman.

Contrary to the practice of the courts in Germany or Austria, the Czech judicature has not solved the problem of petty violations of the sports law. The foreign practice has proven that even this minor breaking of rules which does not go beyond the limit of excessive

hardness and is proportional to the character of the given sport does not imply the occurrence of the civil liability of a sportsman who has committed the petty breach of rules. It can be assumed that a similar 'pioneering' case will appear at a Czech court as well.

When examining the problem of civil liability of sportsmen for sport injuries I have encountered different opinions on whether there should be any legal regulation of sports and if so, in what way. In my opinion the answer to the first question is trivial nowadays. The sports development has already reached such a level that it is impossible to go on ignoring it from the legal point of view. Therefore it is necessary to look for at least general limits which would specify which actions within a sports activity are considered as legally acceptable and in which cases legal claim caused by violation of legal obligations can occur. It would be interesting to follow further development of sports and law intersection, especially when it comes to the area of sportsmen' civil liability for sport injuries in which the number of cases is expected to rise.