

# Can injuries sustained on the sports field give rise to liability?

It has been clear for some time that a duty of care exists within a number of sporting relationships covering participants, organisers, fellow players, match officials and governing bodies.

Let's first of all deal with the question if liability arises against a player if he causes serious injury to another player.

Participation in certain sports, especially contact sports, carry an inherent risk of injury.

As long as the game is played within its rules, players are deemed to have consented to the risk of injury. If a player is injured under such circumstances, no legal consequences will follow.

But the law will find application if an injury is found to be the result of a deliberate transgression of the rules of the game

The main consideration when evaluating possible player liability for an injury caused in a contact sport, should therefore be whether the conduct is normal for the specific game being played.

Conduct which constitutes a flagrant contravention of the rules and which is aimed at causing serious injury (or accompanied by a full awareness that serious injury may be incurred), will be regarded as wrongful in law and subsequently attract legal liability for the resulting harm.

Not every injury that occurs as a result of transgressing a rule of the game will ensue legal liability. It only applies to cases where the infringement is serious and obvious enough to warrant legal action.

Injuries are sustained in the course of rule infringements, but it does not follow that that the offending player is automatically delictually liable.

The offending player must do more than that. The rule infringement must also be deliberate and flagrant. The player must know that the infringement will or might cause serious injury to

an opposing player.

If this is the case, it follows that the offending player has reconciled himself with the infringement of the laws of the game and is willing to accept the consequences.

The transgressing player can then be held legally liable.