

### **Eubank v Watson**





# Standard sequence of engagement?





## Most dangerous sport?





## Most dangerous sport?





## **Sports injuries**



- Less than 200 fatalities per year
- 19m injuries per year
- £500m cost

## **Sports injuries**



- Liability
- Quantum
- Insurance issues

## Sports injuries





## Categories of potential Defendants

MPC

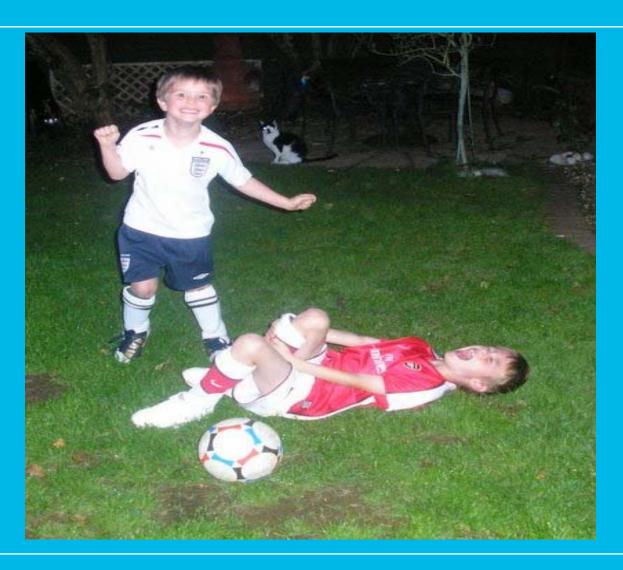
- Competitors
- Sports clubs
- Referees
- Governing bodies
- Owners/occupiers

## Categories of potential Defendants

- Event organisers
- Coaches and instructors
- Schools and local authorities
- Contractors
- Others

## Competitors





## Competitors



Reckless disregard?

#### Not:

- Mere carelessness
- Momentary lapse of skill
- Error of judgement

## Competitors



- Above the ball tackles
- Fast moving sport
- Spear tackles
- Pro v amateur?

## Clubs





#### Clubs



- Vicarious liability
- In the course of employment
- Contract of employment

## Referees





#### Referees



- Consistent failure to follow rules
- Not oversights or errors of judgement

## Governing bodies





**Reynolds Porter Chamberlain LLP** 

## Governing bodies



- British Boxing Board of Control
- Motor Sports Association
- Motorcycle Circuit Racing Control Board
- Essential element of control

## Occupiers and organisers





## Occupiers and organisers



- Desirable activities
- Social value
- Personal responsibility
- Compensation Act 2006
- Spectators

## Coaches, instructors & schools





## Coaches, instructors & schools



- Age & experience
- Reasonably careful parent

## **Defending claims**



- Thorough investigation
- Expert evidence
- Plead all possible defences
- Contributory negligence







- Pain & suffering
- Lost income
- Treatment costs



#### Ben Collett

- Top-end Championship club
- 60% chance of premiership for 1/3 career
- 15% discount injury & contingencies
- £4.5m award upheld on Appeal



- Loss of congenial employment
- Malice

#### Insurance issues



- Range of product availability
- Exclusion clauses

