

Title:

**Analysing the Governance Structure of Domestic Sports Laws, and Development in  
Relation to the Judicial Scrutiny**

## Introduction

Sports law has no legal definition as mentioned by James (2017). Blackshaw (2016) suggested that sports law is more of a field of practise than a distinct body of law, yet there are some difficulties that arise only in the context of professional sports organisation. However, there is a lack of clarity regarding the proper definition of sports law. Foster (2012) suggested that as sports have become increasingly global, international sports federations have become the primary target of legal regulation<sup>1</sup>. These institutions exercise global sports administration and supervision. Constitutions and rulebooks are in place. They make choices that have major monetary and cultural ramifications and can have a significant impact on players' careers. They operate independently of national governments and are so referred to as "autonomous organisations. In terms of the governance, Geey (2016) argue that there are three main types of governance: systemic, organisational, and political<sup>2</sup>. Systemic governance places an emphasis on rivalry, collaboration, and mutual adjustment within the context of organizational, corporate, and/or policy systems. Organisational governance (sometimes called "corporate" governance) is concerned with the establishment of normative, ethically grounded principles of managerial conduct<sup>3</sup>. Political governance examines the ways in which authorities "steer" rather than directly control the actions of organizations using means such as legislation and incentive. The larger political, cultural, economic, and social context within which sports are performed is reflected in this rule. The Code for Sports Governance, developed by UK Sport and Sport England, discusses concerns regarding accountability, openness, and financial integrity in sports.

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<sup>1</sup>Foster, K. Is There a Global Sports Law? (2012). 10.1007/978-90-6704-829-3\_2.

<sup>2</sup>Geey, Daniel. "Football League Financial Fair Play: Domestic League Regulation." *Entertainment and Sports Law Journal (Coventry, England)* 10, no. 1 (2016): Entertainment and Sports Law Journal (Coventry, England), 2016, Vol.10 (1).

<sup>3</sup>Agafonova, Rusa. "International Skating Union versus European Commission: Is the European Sports Model under Threat?" *The International Sports Law Journal* 19, no. 1-2 (2019): 87-101.

It is a prerequisite for receiving public funding or competing legally in a sporting event<sup>4</sup>. To ensure that those who seek to assume control of a football club in England are qualified to do so, the FA, the Premier League, and the English Football League (EFL) have jointly instituted an Owners' and Directors' Test.

To minimise the negative effects of the law on sports governance, courts and legislators seek a middle ground between the organization's desire for independence and the need for the law to regulate the actions of organizations within its jurisdiction<sup>5</sup>. Apparent constraints on trade, such as salary caps and player drafts, may be upheld provided they serve a legitimate sports interest and are not unduly onerous. Corporate law governs sports organisations and the roles of their officers<sup>6</sup>.

### **The Governance of Sports and Regulations in England and Europe**

James (2017) argued that since sport is not formally defined in UK law, neither is sports law. The search for an explanation of sports law is a convoluted process. Some writers dismiss it as little more than a collection of disputed names and offshoots<sup>7</sup>. Some people say that the discussion on sports law is nothing more than an example of regular law being applied to unusual circumstances. There had been a disproportionate number of convictions where the constitutionality of boxing and prize fighting was probed, and a few prominent studies of the legally binding and financial difficulties, prior to the 1980s, when the law began to more consistently intervene in matters pertaining to sport.

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<sup>4</sup>Andrew Caiger)." *Entertainment and Sports Law Journal (Coventry, England)* 4, no. 2 (2016): Entertainment and Sports Law Journal (Coventry, England), 2016, Vol.4 (2).

<sup>5</sup>Blackshaw, Ian. "Introduction to International and European Sports Law." *The International Sports Law Journal*, no. 3-4 (2012): 66.

<sup>6</sup>De Dycker, Stéphanie. "Good Governance in Sport: Comparative Law Aspects." *The International Sports Law Journal* 19, no. 1-2 (2019): 116-28.

<sup>7</sup>James, Mark. *Sports Law*. Third ed. Palgrave Law Masters. 2017.

Football administration is an intricate topic. The FA is responsible for regulating the sport of football in England. The FA is affiliated with both the international governing body for football (FIFA) and the regional confederation (UEFA) that operates under FIFA's aegis in Europe<sup>8</sup>. When it comes to international tournaments, FIFA is in charge, while UEFA oversees European tournaments like the European Championship for national associations and the European Champions League for clubs that have achieved achievement in their domestic leagues and cup competitions<sup>9</sup>. The FA oversees football at all levels in England. Junior and senior levels of both amateur and professional play are included. Although not all leagues in England are run by the FA, all English teams are members. Since football's governing structure can be conceptualised as a network arrangement, a model of network governance is necessary for its analysis. There is a structured hierarchy inside the league system<sup>10</sup>. There are 10 distinct tiers of the FA (including both the higher and lower levels of several lesser leagues). The FA runs the Premiership, the top league in the hierarchy, which currently has 20 teams. Each of the football league's following three divisions features 24 clubs, much like the previous two. The top four divisions were previously governed by the Football League until the top teams broke away to form the FA Premier League in 1992<sup>11</sup>. There is promotion and relegation at all levels of the football league system, including the Premier League, which is independently operated by the teams in the league under the supervision of the FA.

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<sup>8</sup>Birdsall-Strong, Lottie. "S01-3 Determining the Social and Economic Value of Football in England." *European Journal of Public Health* 32, no. Supplement\_2 (2022): European Journal of Public Health, 2022, Vol.32 (Supplement\_2).

<sup>9</sup>Baker, Rose D., and Ian G. McHale. "Time Varying Ratings in Association Football: The All-time Greatest Team Is." *Journal of the Royal Statistical Society. Series A, Statistics in Society* 178, no. 2 (2015): 481-92.

<sup>10</sup>Howie, Les, and Wayne Allison. "The English Football Association Charter for Quality: The Development of Junior and Youth Grassroots Football in England." *Soccer and Society* 17, no. 6 (2016): 800-09.

<sup>11</sup>Moore, Kevin. "Triumph in Austerity? The National Football Museum for England, 2008 to 2017." *Soccer and Society* 22, no. 6 (2021): 677-91.

Companies are welcome to start at the bottom of the organisational chart, but they are restricted from skipping levels. The league structure is transparent, allowing teams to rise and fall freely through promotion and relegation.<sup>12</sup>

The vast majority of Premier League and other football league clubs are publicly or privately owned businesses, with the stated mission of promoting football as both a sport and a lucrative industry. The interplay between these goals is intricate and has consequences for the management and finances of professional football teams.

Many significant international events, the Olympics in particular, rely on the ad hoc CAS to provide a rapid hearing and appeals framework. Its purpose is to render final decisions on all cases brought before it within 24 hours and often sits overnight to ensure as little disruption as possible to an ongoing tournament by providing prompt and legitimate responses to emerging disputes<sup>13</sup>. The ad hoc division operates under the same fundamental guidelines and processes as CAS under regular circumstances, albeit in a far more compressed time limit. Sochi 2014 had two eligibility conflicts, one appeal to an in-game decision, and one that was overturned for lack of jurisdiction, whereas London 2012 saw nine such cases heard by the ad hoc division. Ten hearings were held on the aftermath of the bans placed on Russian athletes, which dominated the activity of the ad hoc division at Rio 2016<sup>14</sup>.

The remaining eight involved appeals to in-game judgements, while another eight involved issues over eligibility or doping. In the heat of competition, the ad hoc division has had to deal with several unexpected conflicts, even though most of its tasks are the same as that generally handled by CAS. When a party's efforts before CAS fail to produce the desired results, they have little room to appeal CAS's rulings<sup>15</sup>.

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<sup>12</sup>Webb, Tom, Matt Dicks, Daniel J. Brown, and Jimmy O’Gorman. "An Exploration of Young Professional Football Players’ Perceptions of the Talent Development Process in England." *Sport Management Review* 23, no. 3 (2020): 536-47.

<sup>13</sup>James, Mark. *Sports Law*. Third ed. Palgrave Law Masters. 2017.

<sup>14</sup>James, Mark. *Sports Law*. Third ed. Palgrave Law Masters. 2017.

<sup>15</sup>James, Mark. *Sports Law*. Third ed. Palgrave Law Masters. 2017.

Matuzalam claimed in *Matuzalem v FIFA* decisions 4A.558/2011 of 27th March 2012 that the decisions of FIFA and CAS were illegal and against commonly held values because they prevented him from making a living as a professional football player and from earning enough money to pay some, if not all, of the compensation owed to FC Shaktar Donetsk.

The SFT decided that it was a serious invasion of his privacy rights and against public policy to hinder someone from working endlessly and effectively permanently from the chosen profession. The award could have been just as effectively implemented under the New York Convention on the Recognition and Enforcement of Arbitral Awards 1958, and the back was disproportionate given that Matuzalem would never be able to pay the compensation in full.

### **Domestic Sports Laws in the UK**

The dynamic between domestic and European courts on one side of the hand and athletic tribunals on the other has changed in recent years, in a way that is both subtle and significant. To meet contemporary requirements of procedural equity, natural justice, and due process, the framework of sporting justice was forced to inform its processes in many cases during the latter half of the 20th century after they were challenged in court for being antiquated and unfair. These tribunals have become increasingly competent in their operations as well as admired for their capacity to hear complicated legal cases as their jurisdiction has expanded. As a result, many cases that would have previously been addressed exclusively before one system are now being brought before the other system.

When Lord Denning made those remarks in *Enderby Town FC v The Football Association* [1971], the sports law structure was radically different from what it is today<sup>16</sup>. Now more than ever, these sporting tribunals hear the most nuanced legal arguments.

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<sup>16</sup>*Enderby Town Football Club Ltd v The Football Association Ltd* [1971]

At the highest levels of sports, it is also expected that the parties will be assisted by attorneys, with the expectation that those attorneys will be sports law specialists who will argue their clients' cases beforehand a panel comprised of sports law experts.

### **Domestic Sports Law Manifestation**

In addition, the rising internationalization and commercialization of sport have brought to light the interplay among the overlap of global, international standards. and European sports law, like the link between domestic as well as national sports law<sup>17</sup>. Sports law began to take on a transnational aspect when the rules, regulations, and standard procedures of ISF started influencing everything from the salaries of athletes to the safety of spectators travelling overseas to the capacity of clubs to maximize their earnings<sup>18</sup>.

There was no real separation of powers or any procedural safeguards when these domestic justice systems were first established. The primary function of these organizations was to impose suspensions from playing due to wrongdoing both on and off the field<sup>19</sup>. For the vast majority of the twentieth century, nobody questioned their ideas about self-regulation. On the rare occasions that cases did make it to court, the panel of judges showed little appetite for getting involved in what they saw as things that could and should be handled more quickly and effectively<sup>20</sup>. When compared with several other countries, the government of the United Kingdom takes a relatively hands-off approach to the governance of sports.

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<sup>17</sup>Lindholm, Johan. "A Legit Supreme Court of World Sports? The CAS(e) for Reform." *The International Sports Law Journal* 21, no. 1-2 (2021): 1-5.

<sup>18</sup>Nafziger, James A.R. "The Mutuality of National and International Identities in International Sports Law." *AJIL Unbound* 114 (2020): 368-73.

<sup>19</sup>Olatawura, Ola O. "Fundamental Doctrines of International Sports Law." *The International Sports Law Journal*, no. 3-4 (2008): 130.

<sup>20</sup>Parrish, Richard. *Sports Law and Policy in the European Union*. European Policy Research Unit Series. Manchester: Manchester University Press, 2003.

National governing bodies in the United Kingdom are private organizations whose laws apply to all private organizations, including clubs and athletes<sup>21</sup>. Therefore, the state has been forced to define sports to further establish itself within the sporting culture.

There has also been a rise in the usage of specialist tribunals, which are increasingly being relied upon to settle sports-related issues before they reach the national or European courts<sup>22</sup>.

This can lead to a lack of legal certainty, as the courts won't have enough opportunities to shape national and EU law in ways that are conducive to both their broad application and the creation of any necessary derogations or exemptions for the efficient management of sports<sup>23</sup>.

As a result, we anticipate that the courts and specialized sports panels will evolve the law and applicable legal standards, opening the door to more significant issues in the future.

Therefore, the future development of sports law is highly dependent on the assessment of the association between its various sources. When contrasted with other countries, the United Kingdom's approach to athletic activities governance is non-interventionist<sup>24</sup>.

The United Kingdom's national governing bodies for sports set the regulations that all other private entities, such as individuals, clubs, and athletes, must follow. Sport has historically been seen as one of Parliament's less important realms of authority, therefore there has been no requirement for the state to define it<sup>25</sup>.

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<sup>21</sup>Serby, Tom. "The State of EU Sports Law: Lessons from UEFA's 'Financial Fair Play' Regulations." *The International Sports Law Journal* 16, no. 1-2 (2016): 37-51.

<sup>22</sup>Siekmann, Robert C. R. *Introduction to International and European Sports Law: Capita Selecta*. Asser International Sports Law Series. 2012.

<sup>23</sup>Van Maren, Oskar, Antoine Duval, Raffaele Poli, Ariel N. Reck, Daniel Geey, Christian Duve, and Florian Loibl. "Debating FIFA's TPO Ban: ASSER International Sports Law Blog Symposium." *The International Sports Law Journal* 15, no. 3-4 (2016): 233-52.

<sup>24</sup>Van Der Meij, Ronny-V. "Players' Agents and the Regulatory Framework on Corruption in International Sports Law." *The International Sports Law Journal*, no. 1-2 (2009): 43.

<sup>25</sup>Wax, Andreas. "Public International Sports Law - a "Forgotten" Discipline?" *The International Sports Law Journal*, no. 3-4 (2010): 25.



Domestic sports law, on the other hand, is when a sport's national governing body creates its own independent legal order to govern the behaviour of its members and players. It is what each sport's governing body (NGB) has worked out in terms of internal legislation and procedure.

Each NGB has a constitution written by its members or their representatives that lays out its authority and jurisdiction in cases involving anyone remotely associated with the sport<sup>26</sup>.

An executive or administration committee is responsible for carrying out the provisions of this constitution and exercising the organisation's other primary powers. Therefore, NGB has a direct role in the system to establish and manage their own roles that correspond to the legislative, executive, and judicial branches of a nation-state's judicial system<sup>27</sup>. System governance conducted by many NGBs has become more formalized, often taking on a shape that is quasi-judicial in both presentation and operation in response to challenges to the legitimacy of its rules, decision-making procedures, independence, and ultimately the decision handed down by them.

In the highest levels of numerous sports, players and clubs will have legal representation as a matter of course, and some NGBs even mandate that the chairs of their tribunals have a legal background. The employment appeal tribunal used the Keegan decision as precedent in a similar case (*McBride v. Falkirk Football and Athletic Club* UKEAT 0058\_10\_1076, for those keeping scores at home)<sup>28</sup>.

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<sup>26</sup>Niggli, Olivier. "Emile Vrijman's Paper Published in the 2007 1-2 Edition of the International Sports Law Journal." *The International Sports Law Journal*, no. 3-4 (2007): 12.

<sup>27</sup>Hessert, Björn. "The Exchange of Self-incriminating Information of Athletes between Sports Organisations and Law Enforcement." *The International Sports Law Journal* 22, no. 1 (2022): 5-16.

<sup>28</sup>*McBride v. Falkirk Football and Athletic Club* UKEAT 0058\_10\_1076

Most cases brought before sports tribunals involve the application of existing national legal norms to the dispute at hand, rather than the formulation of new law or legal principles; for example, tribunals may apply established methods of lawful and contractual interpretation, as well as the principles of natural justice, to ascertain the intent and application of an NGB's rules<sup>29</sup>.

### **Juridification of Merchandising and Sponsorship**

According to James's (2010) definition, juridification occurs when the legal system and attorneys move into a formerly privately governed area of life. To bridge the gap between the two extremes of self-regulation and government oversight in sports, Foster (2011) proposed the notion of juridification. It explains how the law can reshape a social field in its own image even when it does not physically invade that sector. Specialist sports commissions and appeals panels have become increasingly sophisticated and technical in their jurisprudence, marking one of the most significant recent advancements in sports law. The commercialization of sports has had profound effects on fans' engagement with the medium, as well as on players and the industry's bottom lines. The value of television broadcasting, merchandise sales, and sponsorship deals have all skyrocketed in recent years because of athletes' increasing efforts to capitalize off the field of play<sup>30</sup>.

Some of the world's best sportsmen and tournament organisers have benefited greatly from the theft of intellectual property since it has allowed them to fund commercial developments well beyond their wildest dreams<sup>31</sup>. Every major football team has multiple sponsors, and those companies are helping to boost each team's worth. The Premier League, for instance, is worth approximately \$9.5 billion.

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<sup>29</sup>Frischhut, M. (2022) *The Ethical Spirit of EU Values: Status Quo of the Union of Values and Future Direction of Travel*. Cham: Springer Nature.

<sup>30</sup>Anderson, Jack. "Editorial." *The International Sports Law Journal* 14, no. 3-4 (2014): 153-54.

<sup>31</sup>Agafonova, Rusa. "International Skating Union versus European Commission: Is the European Sports Model under Threat?" *The International Sports Law Journal* 19, no. 1-2 (2019): 87-101.

Fans, however, give these boosts by subscribing to many broadcast channels and strengthening their connection to the club and the sponsors who support them. Another significant source of revenue for many sports organizations has been the retail selling of team and sport-related merchandise<sup>32</sup>. Many sports, and their top players, can afford high salaries thanks to the rising popularity of related merchandise. Secondary markets have developed to supply fans with options for official branded products while primary owners of rights have sought to creatively utilize this new money stream. Sports teams and clubs are going to great lengths to safeguard the names and icons associated with them as brand equity grows in commercial value<sup>33</sup>.

A farm store in the village of Everton, Nottinghamshire, was blocked by Everton Football Club from using the name Everton. The court of appeal in *Hudson Bay Apparels Brands LLC v. Umbro International Ltd* (2010] EXCA Civ 949) reviewed numerous claims and counterclaims to determine whether the appellants had violated their licensing agreements with Umbro by producing and selling sportswear instead of leisure ware<sup>34</sup>. While another company has the exclusive right to sell on-field apparel, Hudson Bay was only granted a license to produce off-field apparel like polo tutors and pullovers.

But Hudson Bay was making gear just like what was being worn on the field. The Office of Fair Trading (OFT) started researching into the replica kit industry in the 1990s when it became apparent that all kits sold in the United Kingdom were priced identically irrespective of the team, manufacturer, or merchant selling them. More lawsuits involving Umbro marked a turning point in the company's probe of price-fixing and other concerted practices.

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<sup>32</sup>Andrew Caiger." *Entertainment and Sports Law Journal (Coventry, England)* 4, no. 2 (2016): Entertainment and Sports Law Journal (Coventry, England), 2016, Vol.4 (2).

<sup>33</sup>De Dycker, Stéphanie. "Good Governance in Sport: Comparative Law Aspects." *The International Sports Law Journal* 19, no. 1-2 (2019): 116-28.

<sup>34</sup>*Hudson Bay Apparels Brands LLC v. Umbro International Ltd* (2010] EXCA Civ 949

## Ethical Dimension of Sports Law

Sports must be played with integrity. Performing is one of those activities where using drugs or other performance enhancers is forbidden. The athlete has the responsibility to prevent the ingestion of any banned substances, as stated in Art 2.2.2 of the Wada Code. By taking a "strict liability" perspective, we can be sure that the mere detection of a banned chemical in an athlete's sample constitutes an ADRV<sup>35</sup>. The investigating anti-doping agency need not prove intent, blame, negligence, or knowing usage with respect to the prohibited drug, nor that there was any purpose to cheat, to impose a maximum period of ineligibility for the use of a prohibited substance with the intent to clear.

The International Tennis Federation v. Gasquet, CAS 2009/A/1930/, emphasized the rarity of cases involving neither blame nor negligence<sup>36</sup>. After a night out with some acquaintances and friends, Gasquet returned an ADRV due to the presence of minute traces of cocaine.

National governing bodies (NGBs) receive their authority only from the consent of their present members to be bound by the NGB's regulations for the sport over which they have jurisdiction<sup>37</sup>. Therefore, for the NGB to function properly, there must be an agreement or relationship capable of creating a contract, binding every relevant party to adhere to the regulations of the NGB.

Litigation over the expulsion of professional athletes is an example of an agreement that might be deduced from the behaviour of the parties involved. The Modal case demonstrates that a governing body and a sportsperson can have a contractual relationship on three separate grounds<sup>38</sup>.

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<sup>35</sup>Serby, Tom. "The State of EU Sports Law: Lessons from UEFA's 'Financial Fair Play' Regulations." *The International Sports Law Journal* 16, no. 1-2 (2016): 37-51.

<sup>36</sup>The International Tennis Federation v. Gasquet, CAS 2009/A/1930

<sup>37</sup>Parrish, Richard. *Sports Law and Policy in the European Union*. European Policy Research Unit Series. Manchester: Manchester University Press, 2003.

<sup>38</sup>Lindholm, Johan. "A Legit Supreme Court of World Sports? The CAS(e) for Reform." *The International Sports Law Journal* 21, no. 1-2 (2021): 1-5.

On a Club basis, a series of contracts between various parties establishes the validity of an agreement between a sportsperson and the appropriate decision-making body. The first is the athlete's agreement with the club to abide by the NGB's regulations and disciplinary procedures, which is typically included in the athlete's membership or employment contract<sup>39</sup>. The club's membership agreement with NGB is the second. That means the club and its members must follow the rules and disciplinary processes established by the National Governing Body (NGB) and the applicable International Sports Federation (ISF).

The final agreement between NGB and ISF will take the form of membership and include a clause obligating NGB to enforce the regulations and disciplinary procedures run by the ISF. Like the Jones v. Welsh Rugby Union case, when the players' registration forms established a direct link with the NGB, Modal and BAF saw some changes<sup>40</sup>. However, on the presentation of relatively basic documentation, a contractual link can be established between the athlete, the club, the NGB, and the ISF.

### **Legal Status of Governing Bodies**

Association football in England, Jersey, Guernsey, and the Isle of Man is regulated by The Football Association (sometimes referred to simply as "The FA"). It is the oldest football organisation in the world, having been established in 1863, and it regulates both the amateur and professional levels of the sport within its borders<sup>41</sup>. Through its affiliated county football associations, the FA promotes all competitive football matches at the national level. The FA Cup is the most well-known of the several competitions it hosts. It also chooses the coaches for the national men's, women's, and youth football teams.

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<sup>39</sup>Olatawura, Ola O. "Fundamental Doctrines of International Sports Law." *The International Sports Law Journal*, no. 3-4 (2008): 130.

<sup>40</sup>Siekmann, Robert C. R. *Introduction to International and European Sports Law: Capita Selecta*. Asser International Sports Law Series. 2012.

<sup>41</sup>Birdsall-Strong, Lottie. "S01-3 Determining the Social and Economic Value of Football in England." *European Journal of Public Health* 32, no. Supplement\_2 (2022): European Journal of Public Health, 2022, Vol.32 (Supplement\_2).

The FA is affiliated with both UEFA and FIFA and has a permanent representative on the IFAB, the body responsible for regulating the sport's rules and regulations. The Football Association was the first sports organisation to not have the word "English" in its name. Wembley Stadium in London is home to the FA's headquarters. For both the men's and women's Great Britain Olympic football teams, the FA is in charge due to its membership in the British Olympic Association. The Football Association represents every professional club in England. The Premier League's Board of Governors is not responsible for running the league on a day-to-day basis, but it does have the last say on who should serve as chairman and chief executive, as well as rule amendments. Self-governing but subject to FA sanctions, the English Football League comprises the three completely professional levels below the Premier League<sup>42</sup>.

Since the FA is the governing body of football in England, it is up to the FA to make decisions regarding the actual game play during Premier League matches. If a player commits a disciplinary infraction during a Premier League match, for instance, the FA is responsible for deciding on a punishment.

The FA will oversee administering and developing any new rules that are developed by FIFA, such as the potential introduction of goal-line technology, for Premier League matches. The FA does not manage the Premier League on a day-to-day basis, although it does have veto power over the selection of the league's chairman and chief executive, as well as rule modifications<sup>43</sup>. When players are called up by the FA to play for the England national team in a competitive or friendly international, the Premier League does not schedule any matches on that day so that the players can play for England.

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<sup>42</sup>Howie, Les, and Wayne Allison. "The English Football Association Charter for Quality: The Development of Junior and Youth Grassroots Football in England." *Soccer and Society* 17, no. 6 (2016): 800-09.

<sup>43</sup>Birdsall-Strong, Lottie. "S01-3 Determining the Social and Economic Value of Football in England." *European Journal of Public Health* 32, no. Supplement\_2 (2022): European Journal of Public Health, 2022, Vol.32 (Supplement\_2).

Maintaining mutual contentment between the FA and FAPL is an ongoing balancing act. Having a representative from FAPL on the FA board helps strike this delicate balance. This gives FAPL some power with the FA when the FA makes decisions that harm FAPL's financial interests. Furthermore, the FA may need to approve certain FAPL business decisions before they can be implemented.

## **Conclusion**

Legislators and judges have attempted to strike a balance between the organization's demand for autonomy (to run its operations in the best benefit of the sport) and the requirement for the law to govern the behaviour of organisations within its jurisdiction through its impact on sport governance. Although salary caps and player draughts appear to be anti-competitive at first glance, they will be upheld if they serve the sport's legitimate interests and are proportionate.

The lack of external regulation has a negative effect on issues of transparency, accountability, and standards of club governance, as noted by the Independent European Sports Review (Arnaut, 2006). As a result, there have been calls for governing organisations and leagues to ensure that appropriate regulatory controls are put into effect to safeguard the values of fiscal responsibility and transparency in football club. Accounting standards, the auditing process, safety and health standards, welfare of children, ethics, disability, employment policies, and the like are just some examples of the increased number of government rules and regs/codes to be adhered that apply to sports NGBs (NSOs) and partners in Europe. The system of governance that functions within a sports organisation that is adequate to satisfy its management and the legal constraints that are placed on an entity from external forces are intertwined in ways that can be difficult to understand. The courts and legislatures are the outside actors "steering" or regulating the internal operations of sports governing bodies.

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