



SPORTS LEGAL UPDATE

Our sports team has a long-established record of advising sports-related organisations including lottery distributors, sports administrators, national governing bodies, sports clubs, charities and trusts.

We work with sports organisations across numerous disciplines including tennis, shooting, ice skating, taekwondo, golf and ice hockey and represent a number of disability and Paralympic organisations.

For further information on our expertise and experience, please [click here](#).



[Sam Murray-Hinde](#)
Partner

Jonnas Gutierrez v Newcastle United

The claim by Jonas Gutierrez brought against Newcastle United highlights the right of athletes to bring claims of discrimination in the Employment Tribunal. In 2016, in a 50 page judgment, Gutierrez won a claim for disability discrimination, after successfully arguing that he had been directly discriminated against because of his cancer diagnosis and that the club had failed to make reasonable adjustments in considering whether he had achieved the required number of starts to secure a contract extension. The outcome was no doubt surprising to some in the world of competitive sport.

Clubs and governing bodies should be aware of their obligations under the Equality Act 2010. Contractual arbitration clauses in athletes' contracts do not prevent discrimination claims being brought as parties cannot contract out of the protections under the Equality Act 2010, save in cases of settlement. Further, even where there is a contractual right to terminate a contract, this right is still subject to duties under the Equality Act 2010.

For more information on the information shared in this article please contact Samantha Murray-Hinde on 020 7400 6574 or [click here](#) to email Samantha.



[Chris Knight](#)
Partner

Extension to Charity Commission Powers

Sports charities should note there are two important new powers for the Charity Commission which have been coming into effect, both arising from the Charities (Protection and Social Investment) Act 2016.

First, the Commission has been granted a discretionary power allowing it to disqualify a person from acting as trustee and (if relevant) senior manager of a charity where certain criteria are met. Individuals may be liable for disqualification in a range of scenarios including where they are cautioned (but not convicted) for certain offences, or deemed by HMRC not to be a 'fit and proper person'. If the Commission is satisfied that such an individual is unfit to be a trustee, and the disqualification is desirable in the public interest to protect public trust and confidence, they may disqualify them for up to 15 years. A consultation on how the Commission should use this power ended on 22 August and the Commission will publish new guidance on these powers soon.

Second, the Commission has also been consulting (ending on 23 September) on the use of its new power to issue official warnings to charities when it considers there has been a breach of duty, governance failure or other mismanagement. This is a controversial development as such warnings will be in the public domain and not subject to appeal. Again, the Commission will publish guidance following the conclusion of consultation.

Strong governance is essential as we all know and awareness of these sort of developments is good evidence this is given high priority. If you have any concerns in this area, please contact Chris Knight on 01604 463103 or [click here](#) to email Chris.



[Christine Bowyer-Jones](#)
Partner

Parkour an officially recognised sport

The UK has become the first country in the world to officially recognise Parkour as a sport, after Parkour UK's application for recognition of the sport and to become the sport's National Governing Body was approved by the Home Country Sports Councils including Sport England, Sport Northern Ireland, sportscotland, Sport Wales and UK Sport.

Parkour, also known as Freerunning or Art du Deplacement, is the non-competitive physical discipline of training to move freely over and through any terrain using only the abilities of the body, principally through running, jumping, climbing and quadrupedal movement.

This recognition now means that Parkour UK and any affiliated groups or organisations can apply for lottery funding to help support the growth and development of the sport in each home nation.

As the National Governing Body, Parkour UK will provide governance and regulation of Parkour throughout the UK.

If you are a National Governing Body of Sport and require advice on funding, governance or any aspect of your organisation's activities,

please contact a member of our Sports team.

For more information on the information shared in this article please contact Christine Bowyer-Jones on 020 7400 5027 or [click here](#) to email Christine.



Strong governance and risk management are vital for any organisation. Experts from the charities and sports teams at Hewitson Moorhead and RSM UK will be exploring this at their forthcoming seminar.

For further information and to register your place, please [click here](#).

For more information on the information shared in this update please contact a member of our [sports team](#).



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