

The legal order covering public sports facilities in Catalonia

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The Spanish Constitution defines Spain as a State formed by Autonomous Communities with legal jurisdiction for their respective territories. Catalonia is an Autonomous Community to which basic jurisdiction has been transferred covering spheres such as sport, health, consumer affairs and the environment. In its turn, Spain is part of the European Union, which is governed by its own legislation.

These three sources of law – international (Europe), national (Spain) and autonomous (Catalonia) - legislate within the framework of their own jurisdictions, the result of which is a legal order that the layman finds hard to understand. In this article, the authors define the legal order covering public sports facilities in Catalonia. Familiarity with the legal order that applies to sports facilities fosters compliance with the corresponding regulations, thereby benefiting those responsible for the management of such facilities in the first instance, and their users in the second instance.

The planning stage of a sports facility is defined by autonomous regulations, which designate the phases of design (1), construction (2) and management (3). The three phases are affected to a varying extent by the legal order of the three sources of law, depending on the sphere in which it legislates.

The regulation that will govern sports facility phases will depend on the source in relation to: a) the scope of the source: international, national or autonomous; b) the juridical form: public or private; and c) the contents of the regulation: general (administration, urban planning and environment, facilities, health and society, work and consumer affairs, data, information and advertising), sectorial or technical (sport).

The author conducts an analysis of sources in relation to their scope (a), their juridical form (b) and the contents of the regulation (c), which regulate certain aspects of sports facilities in relation to the phases of design (1), construction (2) and management. In this way the legal order is defined of public sports facilities in Catalonia, consisting of 140 regulations.

Analysis of the legal order reveals several interesting implications to be highlighted: 1. For the design (1. 54 regulations) and construction (2. 24 regulations) phases, the legal order is the same, regardless of the type of sport facility, and the regulation is subject to the granting of permits or administrative licences in order for one phase to be completed and the following one begun. 2. For the management phase (3. 62 regulations), the legal order varies depending on the type of sports facility (the area of sports activity, open or closed sports facilities) and the type of practice (free or organised). In this phase, no kind of inspection is contemplated to verify whether or not regulations are complied with. Since this is the phase when direct contact is established with the user or client, it is the most sensitive phase in terms of the need for compliance with regulations.

This study marks an initial step in which the legal order governing public sports facilities in Catalonia is identified, paving the way for a subsequent study in which an analysis will be conducted of the degree of compliance with regulations in the management phase and, where this does not occur, an attempt will be made to identify the reasons for such incompliance and to design mechanisms by which to ensure that regulations are obeyed.

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