
The role of law in sport social media

Submitting author: Mr Francis Shennan
UCFB, Academic Department
Burnley, BB10 4BX
United Kingdom

All authors: Francis Shennan (corresp)

Type: Professional Practice
Category: 10: Sport Media and Journalism

Abstract

AIM OF ABSTRACT

To examine the efficacy of applying conventional media law to social media in a sport context, explore the value of the guidelines published by the Director of Public Prosecutions, and consider whether the sport context could justify exceptions to the general rules.

PRACTICE DESCRIPTION

None of the debates regarding the autonomy of sport, or the 'sports law' versus the 'sport and the law' theories, has suggested that sports regulatory bodies should assume any jurisdiction in areas of media law (James, 2013). Indeed sport bodies have turned to national law to protect their media law rights (Rolph 2012),

Where sports bodies have introduced their own regulations, they have tended to rely on national law in the form of copyright, contract or employment law (Hull, 2011).

CONTEXT DESCRIPTION AND ACTORS INVOLVED

Social media, including Facebook and Twitter, have given sports fans access to communication channels that allow them to disseminate news, information and opinions (Matthews and Anwar, 2013), including abusive, discriminatory and invasive content. These channels are theoretically as subject to UK and European media law as more traditional media (Rolph, 2013). For example, in the case of Cairns v Modi last year the court held that a tweet about a cricketer was held to be actionable even though read by only 65 people.

However, a number of incidents reveal social media are not as well regulated in practice. The identity of Ryan Giggs in relation to allegations

of adultery was revealed in breach of an anonymised injunction granted in the court case, *CTB v News Group Newspapers Ltd* in 2011. The Attorney-General, Dominic Grieve, warned in the same year that tweeters who breached injunctions in privacy cases risked punishment for contempt of court. The identity of a woman raped by a Wales and Sheffield footballer Ched Evans was revealed in 2012 in breach of restrictions under the Sexual Offences Amendment Act. Racist and sectarian abuse has been investigated and in some cases prosecuted by a number of police forces. Director of Public Prosecutions Keir Starmer was led to issue guidelines to prosecuting authorities in 2012 on when online comment should and should not be prosecuted.

IMPLICATIONS AND LEARNING

The DPP's guidelines suggest that, in spite of a strict application of the national law when social media cases in a sport context have come to court, some allowance for context may be made when prosecuting authorities are determining when and whether to take action. The question is whether the sport context alone will be among these determining factors.

References

1. Matthews, L and Anwar D, *Social Media and Sports Journalism: How is the rise of Twitter affecting football journalism*, in *Journalism: New Challenges*, ed Fowler-Watt, K & Allan, S, Bournemouth University, Centre Journalism & Communication Research
2. Rolph, D, *Defamation by Social Media*, Legal Studies Research Paper, No13/81, University of Sydney.
3. James, M. (2013), *Sports Law*, Palgrave Macmillan.
4. Rolph, D, *Playing Away From Home: Sportspeople, Privacy and the Law*, Legal Studies Research Paper, No12/74, University of Sydney.
5. Hull, M, *Sports Leagues' New Social Media Policies: Enforcement under Copyright Law and State Law*, *Columbia Journal of Law & the Arts*. 34:3, 478.