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TX: 14.03.03 – PARALYSED RUGBY PLAYER WINS CASE AGAINST WELSH RUGBY UNION

PRESENTER: LIZ BARCLAY

BARCLAY

The Welsh Rugby Union has lost its appeal against a compensation claim made by a player left paralysed after a match. The ruling means the union may have to pay millions of pounds to the former player Richard Vowles. Its applying for permission to appeal to the House of Lords. But this is a landmark case for all sorts of sport in the UK and may force sports governing bodies to re-examine their rules and regulations. The impact on amateur sports in particular could be devastating.

Philip Griffiths is Richard Vowles' solicitor, he's from the law firm J. Peter Davies in Cardiff. Philip Griffiths I know you don't want to discuss the details of Richard Vowles particular case but why in cases like this would a governing body - in this case the Rugby Union - be held to be to blame?

GRIFFITHS

Well in this particular case we were talking of a particular rule, a rule that was in place and designed to protect players and in particular players in the front row. That rule wasn't applied as it should have been and as a result our client suffered a catastrophic injury.

BARCLAY

So in that case who should have made sure that the rule was applied?

GRIFFITHS

Well the referee. The referee is responsible for enforcing rules on the pitch and certain rules are put in place purely to minimise the risk of injury.

BARCLAY

So are we saying then that referees or umpires can be held to be negligent if they don't apply the rules rigidly for the safety and protection of the players?

GRIFFITHS

Yes, certainly in this particular case there was a specific rule in place, as I've said. It's not to say that in every single situation where a player is injured that a referee will be held responsible and the Court of Appeal made this quite clear. There's a very high threshold of liability to jump before you can establish liability against a referee.

BARCLAY

We're also joined by Barry Stewart-King, who is chair of the Association of Cricket Umpires and Scorers, chief executive of the Club Cricket Conference and an umpire himself. Barry Stewart-King, rugby and cricket, dangerous sports, most players must realise that they face a high chance of being injured in some way. Surely that's just one of the risks of the game?

STEWART-KING

Well you can argue that and maybe but there are - in the case of the umpires certainly we have a duty of care. Our problem in cricket particularly is that it's the only sport of the major sports which does not require its officials to be formally trained, qualified, graded and regularly reassessed.

BARCLAY

Well given it's a dangerous sport why on earth not?

STEWART-KING

That's a very good question, it's something the ACUS has been banging on about for a very long time, we think it's something that needs to be addressed. I mean, for example, the Elite Eight, the ICC Elite Eight none of them are trained qualified umpires and of the ECB first class list, that's the ones that stand the counties, only 16 out of 26 - sorry 16 out of 26 are not qualified, trained or regularly reassessed.

BARCLAY

But what you are saying is that there are umpires out there who are not trained and in a dangerous sport like this could find themselves sued.

STEWART-KING

Indeed. And it goes a bit further than that. We have a situation of course of player umpires who play on the village green and they say - Well I'll go out and do my 10 overs - they don't realise that they are very substantially at risk. I mean we have to carry, at the ACUS, all our members are covered up to £3 million on any one episode but it doesn't obviate the duty of care under the laws of cricket where if the conditions, for example, the umpires decide are dangerous then they could call a halt. But the particular importance to us in cricket is the wearing of helmets by junior players of course.

BARCLAY

But all of this puts sports governing bodies under a lot of pressure, what do you think the impact is likely to be?

STEWART-KING

Well I can say at first hand what the impact is because two days ago we were sitting down with the ECB at Lords discussing this very point and the sharing of indemnity, making it a form of agreement between parents and clubs so that the umpires, to some extent, are indemnified.

BARCLAY

But Philip Griffiths you've been saying you don't think that every player injured will necessarily sue but if a player does get injured due to negligence then - on someone else's part - then surely a claim is acceptable?

GRIFFITHS

Well yes I think that must be right. In the particular case I've been involved in we've had a catastrophic injury to a young man, his whole life has been affected by this, through no fault of his own, in this particular case we've been able to show that fault did lie somewhere and it must be right, in that situation, that his future is protected by compensation.

BARCLAY

The Welsh Rugby Union say that all their referees are insured but a case like this presumably will concentrate thoughts on safety throughout all sorts of other sports?

GRIFFITHS

Yes well I would very much hope that that would be the case and I've just heard from Barry Stewart-King that there's no training so far as cricket umpires is concerned and maybe something will come of that as a result of this case. But if I can say that there is protection in terms of the judgement for the - if you like - the volunteer umpires or referees. It's not a question of the same standard of care being applied to every single referee. The Court of Appeal made it clear that there's a big difference between a professional or semi-professional referee and somebody who volunteers. And it was said that it can't - it cannot reasonably be expected to show the skill of somebody who holds himself out as a referee and perhaps they won't even be so fully conversant with the rules of the game - that is to be expected.

BARCLAY

There I'm afraid we have to leave it. Actually Barry Stewart-King did say that a lot of umpires were trained not that all weren't trained. Barry Stewart-King from the Cricket Association and Philip Griffiths, solicitor, thank you.