

## **Browne Jacobson successfully appeal personal injury claim against Fulham Football Club**

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The judgment in [Fulham Football Club v Jordan Levi Jones](#) confirms that the test for civil liability in a competitive sports setting should be set very high.

“This is a really significant decision dealing with the circumstances in which a court may reach a finding of civil liability following an allegedly dangerous or reckless tackle in a competitive game of football. We are delighted that the judge found in Fulham’s favour on all four of our grounds of appeal and agreed that civil liability must be a rare finding in this arena”, said [Matthew Harpin](#), **a partner at law firm Browne Jacobson, who acted for Fulham Football Club.**

In handing down his judgment, Mr Justice Lane, held:

- The standard of civil liability is set at a materially higher level than a mere breach of the Rules of the Game of Association Football.
- It is absolutely vital for a judge considering a sports injury claim to consider the context and the realities of a fast-moving, competitive game of sports.
- The judge in the first case failed in his duty to give reasons for his decision to prefer the opinion of the claimant’s expert over that of the defendant’s expert.
- The finding that the Fulham player “could not be sure” what he might contact when deciding to make a challenge was not enough to meet the test for reckless or quasi-reckless behaviour in the context of professional football
- Courts must give some consideration to the reactions, if any, of the referee adjudicating the football match.

The incident occurred at a match on 10 December 2016 at Motspur Park, London between Fulham Football Club and Swansea City Football Club Under 18s.

Towards the end of the first half of the match, Jayden Harris tackled Jordan Jones which resulted in Mr Jones suffering an injury to his right ankle.

Jones issued a claim against Fulham Football Club, as the employers of Mr Harris, for being vicariously liable for his actions, on the grounds that the tackle amounted to negligence on the part of Mr Harris.

In delivering his judgment, the judge held that Fulham Football Club were vicariously liable for Mr Jones’ actions. The club appealed the decision on four grounds and were successful.

Browne Jacobson instructed **Luka Krsljanin, Blackstone Chambers**, to represent Fulham Football Club at the successful appeal.



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