

# FREQUENTLY ASKED QUESTIONS

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SPORT DISPUTE  
SOLUTIONS IRELAND

## 1. What is SDSI?

Sport Dispute Solutions Ireland (“SDSI”) is an independent specialised dispute resolution service for Irish Sport offering both mediation and arbitration facilities. SDSI has been established by the Federation of Irish Sport (“the Federation”) in response to the increasing prevalence of sporting litigation and the recognition, as endorsed by the High Court, that the courts are not the appropriate forum for the resolution of such disputes.

The Federation recommends the rules of Sport Dispute Solutions Ireland to all national governing bodies of sport in Ireland and their members as a fair, inexpensive, and expeditious method of resolving disputes.

## 2. Who can apply to SDSI to resolve a dispute?

All national governing bodies of sport in Ireland and any of their members may apply to utilise SDSI’s dispute resolution facilities provided that (i) all dispute/grievance procedures of the governing body have been exhausted and the dispute remains unresolved and (ii) the governing body has signed up to or both parties consent to utilising the SDSI dispute resolution mechanism.

Any dispute arising in relation to a game or sport, including those occurring outside of National Governing Bodies, or any activity relating to that game or sport, may also be eligible to apply for SDSI’s dispute resolution service. All applications for arbitration will be reviewed for jurisdiction before being assigned an arbitrator.

## 3. What are the advantages of mediation/arbitration with SDSI over court proceedings?

Arbitration and Mediation offer the following advantages over court proceedings:

- Both are confidential unlike court proceedings which are conducted in public;
- Less expensive;
- Much quicker with response times to suit the nature of sporting disputes;
- Less formal than litigation;
- No requirement to engage legal advice or support;
- Less harmful to relationships than litigation;
- Less stressful for litigants.

In addition to the aforementioned advantages, sporting disputes brought to court may be put before a judge who has little or no knowledge of the specificity of sport. All SDSI arbitrators and mediators have an interest in or knowledge of sport. This specialised knowledge can only be of assistance in the resolution of sporting disputes.

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#### 4. What is the difference between mediation and arbitration?

Mediation is a confidential, facilitative, and voluntary process in which parties to a dispute, with the assistance of a mediator, attempt to reach a mutually acceptable agreement to resolve the dispute.

Because mediation is voluntary, a person cannot be required to use mediation to resolve their dispute. All of the parties must agree to use mediation to try to resolve the dispute.

Even when the parties have agreed to use mediation, it remains voluntary. The parties are free to decide at any time not to continue.

Only the parties decide if, when and how to resolve their dispute in mediation. The terms of any resolution agreement reached between the parties only becomes binding on them when set down in writing and signed by them. Once a settlement agreement is concluded and signed by the parties in mediation, it can be enforced like any other binding contract.

Arbitration is a means of dispute resolution whereby two disputing parties agree to submit their dispute to a neutral third party for determination.

An agreement of the parties to submit their disputes to arbitration is most commonly found in the form of an arbitration clause incorporated into rules governing the relationship between the parties (often contained within the constitution or rules of the sporting body involved). In arbitration, an independent arbitrator will hear details of a disagreement from the parties involved, consider all the facts involved, and give a final decision on the issue.

An arbitration is very similar to a court case although it is heard in private, and the outcome is confidential.

#### 5. Can the decision of the SDSI Arbitration Panel be appealed?

A decision of the SDSI Arbitration Panel may be appealed to the Court of Arbitration for Sport in Lausanne if the rules of the sporting organisation involved in the appeal allow for such an appeal. Otherwise, the decision handed down by the SDSI Arbitrator is final and binding. Where such an appeal is permissible, the appeal must be lodged within 21 days of the SDSI Arbitration Panel's decision.

#### 6. Are all disputes suitable for mediation?

All disputes save, those which involve the application of a penalty are suitable for mediation. This is because mediation generally centres on negotiation and in cases involving the imposition of a penalty the actual penalty does not tend to be negotiable if established that the incident resulting in the penalty occurred. Instead, such disputes therefore typically focus on whether or not the incident leading to the application of the penalty took place or not. Mediation is often used as a first step in resolving a dispute and can be followed by arbitration should an agreement not be reached.

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## 7. How long will mediation/arbitration take?

On average, a mediation/arbitration process will take approximately 6-8 weeks from initial notice to completion of decision, however, the SDSI process can be tailored depending on the needs of individuals involved. The Mediation process may be faster as it does not require a post hearing decision. Mediation meetings and arbitration hearings generally take place over one day.

SDSI does provide an urgent arbitration service where parties can provide evidence that any decision from such a case is time sensitive. This is most applicable in cases of selection/competition nature.

## 8. Do we need a lawyer?

Not necessarily. The SDSI process is designed to be used without the need for legal representation or support. However, it might be helpful depending on the complexity of the issues involved or if the dispute is particularly emotive. Should either party choose to engage a legal representative, they must bear the cost for such service.

## 9. How much does it cost?

It costs €150 (non refundable) to initiate a Mediation with SDSI under the SDSI Mediation Rules.

It costs €250 (non refundable) to file a Notice of Appeal under the SDSI Arbitration Rules.

The costs of the actual mediation/arbitration are as follows:

- €1,500 for a mediation split equally between both parties involved.
- €2,000 for a sole arbitrator hearing split equally between both parties
- €3,000 for a three-panel arbitration split equally between both parties

Any costs over and above the stated SDSI fees, such as legal advice, arising from taking part in an arbitration or mediation are born solely by the parties themselves.

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## 10. What is the process/how can I begin an arbitration or mediation?

A copy of the SDSI rules and all required forms and documentation can be found at [www.sportdisputesolutions.ie](http://www.sportdisputesolutions.ie)

In order to commence the process you will need to file the appropriate notice form, along with the deposit amount, to the SDSI registrar, setting out your request for arbitration/mediation.

SDSI will then review the submitted documentation alongside the governing rules of the organisation in question and the SDSI rules to determine whether the matter can be heard by an arbitrator or mediator.

It is important to note that SDSI cannot guarantee all requests will be suitable for the SDSI system. Examples of where a case might not be suitable for arbitration include:

- Where the organisation's rules set out precise circumstances for appeal/arbitration
- Where internal avenues may not have been exhausted by the parties
- Where anti-doping concerns arise
- Where the time period determined or defined by either set of rules has passed

Once reviewed by SDSI and confirmed to be eligible to move forward, further documentation will need to be filed in line with the SDSI rules including a statement of arbitration and a reply form.