

# **UK NATIONAL ANTI-DOPING POLICY**

(Version 1.0, 14 December 2009)

## **Introduction**

The UK Government and the Devolved Administrations condemn doping in sport and are committed to the pursuit of clean sport. They consider that this objective is best pursued through a partnership between government and the sports movement (in line with that represented on a global level by the World Anti-Doping Agency, or “WADA”), and through the harmonisation of anti-doping rules using the framework provided by the World Anti-Doping Code (the “Code”). Accordingly, by ratifying the UNESCO International Convention Against Doping in Sport (the “UNESCO Convention”), the UK Parliament has formally committed the UK Government as well as the Devolved Administrations to the pursuit of doping-free sport based on the principles set out in the Code.

Acting with the guidance of the UK’s National Anti-Doping Organisation (the new non-departmental public body known as “UK Anti-Doping”, which has succeeded the Drug-Free Sport Directorate of UK Sport in this role) and with the support of UK Sport and each of the four Home Country Sports Councils, the UK Government and the Devolved Administrations have sought to satisfy the requirements of the UNESCO Convention by adopting the anti-doping policy framework set out in this document (the “UK National Anti-Doping Policy”, or “Policy”). The purpose of the UK National Anti-Doping Policy is to set out the policy objectives and requirements of the UK Government and the Devolved Administrations in the field of doping in sport, and to identify the roles and responsibilities of each of UK Anti-Doping, the Sports Councils, and the national governing bodies of sport in the UK (i.e., any sports organisation that serves as the ruling body for a sport or for an event involving one or more sports) (“NGBs”), as well as of the National Anti-Doping Panel, in delivering on and/or otherwise supporting those objectives and requirements.

This UK National Anti-Doping Policy will come into force on 14 December 2009, and may be amended as required from time to time (following due consultation about any material amendments with the sports movement and other relevant parties) to ensure it properly reflects governmental policy objectives and requirements in the field of doping in sport.

Terms used in this Policy that begin with capital letters but are not defined in this Policy are used as defined in the Code or an International Standard issued by WADA.

## 1. THE OBJECTIVES OF THE UK NATIONAL ANTI-DOPING POLICY

- 1.1 Doping in sport is cheating. It is fundamentally contrary to the spirit of sport, endangers the health of Athletes and of those who emulate and aspire to become Athletes, and undermines the otherwise positive impact of sport in society. Accordingly, the UK Government and the Devolved Administrations regard the elimination of doping in sport as an important public policy objective.
- 1.2 Eliminating doping in sport requires a commitment to harmonised anti-doping rules, and to consistent, transparent and accountable management of results and sanctioning of Athletes and Athlete Support Personnel who commit anti-doping rule violations. It also requires a concerted and coordinated effort and partnership between the government and the sports movement to develop effective means of policing and enforcing the anti-doping rules.
- 1.3 WADA represents that public-private partnership at a global level, and the World Anti-Doping Code provides the framework for the adoption of clear and consistent anti-doping rules across all sports and all nations, around the world. That is why the UK Parliament has made a formal legal commitment, through its ratification of the UNESCO Convention, that the UK Government and the Devolved Administrations will work with sport, under the auspices of WADA and the Code, to eradicate doping in sport. This includes a commitment to adopt appropriate measures to implement the principles of the Code, as well as additional measures complementary to the Code, on a national level within the UK, along with specific commitments:
  - 1.3.1 to adopt and/or encourage the sports movement to adopt Code-compliant measures to prevent the use and possession of Prohibited Substances and Prohibited Methods by Athletes (unless based on a Therapeutic Use Exemption);
  - 1.3.2 to adopt and/or encourage the sports movement and other competent bodies to adopt Code-compliant measures to sanction Athlete Support Personnel who commit anti-doping rule violations or other offences connected with doping in sport;
  - 1.3.3 where appropriate, to encourage and facilitate the implementation by sports bodies and anti-doping organisations of testing programmes that are consistent with the principles of the Code, including both In-Competition testing and No Advance Notice Out-of-Competition testing;
  - 1.3.4 to encourage competent bodies to develop and implement appropriate codes of conduct relating to doping in sport that are consistent with the Code;

- 1.3.5 to encourage all of its public services and agencies to share information with Anti-Doping Organisations that would be useful in the fight against doping, where such sharing is not legally prohibited;
  - 1.3.6 where appropriate, to withhold financial or other sports-related support from Athletes or Athlete Support Personnel during any suspension imposed on them on account of an anti-doping rule violation;
  - 1.3.7 where appropriate, to withhold some or all financial or other sports-related support from any sports body not in compliance with the Code or applicable anti-doping rules adopted pursuant to the Code;
  - 1.3.8 to bring all other governmental involvement in anti-doping in sport into harmony with the Code; and
  - 1.3.9 generally to support the mission of WADA in the international fight against doping.
- 1.4 This Policy has been issued by the Secretary of State for Culture, Media and Sport, together with his counterparts in the Devolved Administrations, as part of the effort to satisfy the requirements of the UNESCO Convention.

## 2. THE ROLES AND RESPONSIBILITIES OF UK ANTI-DOPING

As the UK Government's policy advisor in relation to the fight against doping in sport, and as the National Anti-Doping Organisation for the United Kingdom, UK Anti-Doping shall have the following roles and responsibilities:

### 2.1 Code/UNESCO Convention

UK Anti-Doping will comply with the Code and will discharge in the UK the responsibilities that the Code confers on National Anti-Doping Organisations, including:

- 2.1.1 adopting and implementing Code-compliant anti-doping rules and policies, including effective operational policies and procedures for the collection of Samples, for the administration of applications for Therapeutic Use Exemptions ("TUEs"), and for the collection and use of whereabouts information;
- 2.1.2 cooperating with other Anti-Doping Organisations and other public agencies and services active in the fight against doping, including by developing protocols for the sharing of anti-doping intelligence;
- 2.1.3 pursuing diligently all potential anti-doping rule violations within its jurisdiction, including investigating whether Athlete Support Personnel or other persons may have been involved in cases of doping by Athletes;
- 2.1.4 ensuring that appropriate mechanisms exist for withholding public funding and/or publicly-funded services from Athletes or Athlete Support Personnel who commit anti-doping rule violations and/or from NGBs who fail to comply with the requirements of this Policy; and
- 2.1.5 promoting anti-doping research and education.

### 2.2 Influencing International Anti-Doping Policy

- 2.2.1 UK Anti-Doping will act as the main policy advisor to the UK Government in relation to the fight against doping in sport, keeping it abreast of all relevant developments on a national and international level.
- 2.2.2 UK Anti-Doping will act as custodian of this Policy, managing its operation on a day-to-day basis, and making recommendations for its amendment and/or supplementation as required from time to time to reflect best practice.
- 2.2.3 UK Anti-Doping will cooperate with WADA and other relevant Anti-Doping Organisations in the coordination and implementation worldwide of a high quality and efficient anti-doping effort for sport.

2.2.4 UK Anti-Doping will conduct international advocacy for doping-free sport, including leading on the development of anti-doping standards worldwide and ensuring that the views of the UK Government on all important anti-doping issues are heard and taken properly into account.

### 2.3 UK Anti-Doping Rules

2.3.1 UK Anti-Doping will publish and maintain a set of UK Anti-Doping Rules, implementing the requirements of the Code on a national level within the UK, for adoption by NGBs in accordance with paragraph 4.2.2 of this Policy.

2.3.2 UK Anti-Doping will also publish and maintain the operational policies and procedures required for the effective implementation of the UK Anti-Doping Rules (in the UK Anti-Doping Procedures Guide for Sport or successor document(s)), including procedures for Athletes to apply for TUEs. UK Anti-Doping will accept applications for TUEs (including retrospective applications, as appropriate) from:

- a. any Athlete in the National Registered Testing Pool;
- b. any Athlete in a Domestic Pool (as defined in paragraph 4.4.2 of this Policy);
- c. any Athlete under an NGB's jurisdiction who is not in either pool but who has been required to provide a Sample by UK Anti-Doping; and
- d. any Athlete who falls into any other category of Athletes from whom UK Anti-Doping has specifically agreed to accept TUE applications (and UK Anti-Doping shall consider all requests for such agreement in good faith, having due regard to the competing demands on its resources).

2.3.3 UK Anti-Doping will keep the UK Anti-Doping Rules and related operational policies and procedures under review to ensure that they are consistent with the Code and the International Standards and reflect best practice in anti-doping.

2.3.4 UK Anti-Doping will offer guidance to NGBs as to the process to be followed in order for an NGB to adopt the UK Anti-Doping Rules effectively and efficiently so as to apply to and govern the conduct of Athletes and Athlete Support Personnel who are subject to the NGB's jurisdiction.

2.3.5 As set out in section 4.2 of this Policy, in certain circumstances an NGB may adopt anti-doping rules other than the UK Anti-Doping Rules, provided that they comply with the Code and are consistent with this Policy. For the avoidance of doubt, references in this Policy to “**the UK Anti-Doping Rules**” refer to either (1) the UK Anti-Doping Rules published and maintained by UK Anti-Doping in accordance with paragraph 2.3.1 of this Policy; or (2) other anti-doping rules adopted by an NGB in accordance with section 4.2 of this Policy.

## 2.4 Anti-Doping Education and Research

In accordance with the requirements of Part Two of the Code and Part IV of the UNESCO Convention:

2.4.1 UK Anti-Doping will plan, implement, evaluate and monitor information and education programmes for doping-free sport, including programmes directed at young people, appropriate to their stage of development, in school and sports clubs, parents, adult athletes, sport officials, coaches, medical personnel, and the media.

2.4.2 UK Anti-Doping will promote and support active participation by NGBs, Athletes and Athlete Support Personnel in education programmes for doping-free sport.

2.4.3 UK Anti-Doping will cooperate with other stakeholders to coordinate efforts in anti-doping information and education in order to share experience and ensure the effectiveness of the education programmes in preventing doping in sport.

2.4.4 UK Anti-Doping will encourage and promote anti-doping research and take all reasonable measures to ensure that the results of such research are used to promote the anti-doping effort in a manner consistent with the principles of the Code.

2.4.5 UK Anti-Doping will work with WADA to coordinate anti-doping research. Subject to intellectual property rights, UK Anti-Doping will provide copies of anti-doping research results to WADA and, where appropriate, will share those results with other relevant persons.

## 2.5 Testing

2.5.1 UK Anti-Doping will develop a Test Distribution Plan and a National Registered Testing Pool for sport in the UK, consistent with the principles set out in the Code and the International Standard for Testing. UK Anti-Doping will give due consideration, in this context, to an NGB’s recommendations as to the quantity, type and spread of testing to be deployed in its sport, and as to how to select Athletes under its

jurisdiction for testing; provided however that UK Anti-Doping will make the final decision on such issues.

- 2.5.2 Without limiting the generality of paragraph 2.5.1, above, where UK Anti-Doping determines that Athletes from a particular sport should be included in the National Registered Testing Pool, UK Anti-Doping will consult with the relevant NGB in determining which Athletes under that NGB's jurisdiction should be included in the National Registered Testing Pool, and will take the NGB's comments into account in good faith; provided always that, in accordance with the International Standard for Testing, UK Anti-Doping will make the final decision on composition of the National Registered Testing Pool.
  - 2.5.3 UK Anti-Doping will conduct testing in accordance with its Test Distribution Plan free of charge (also known as "public interest testing") and/or for a fee, as agreed with the relevant NGB (also known as "contracted testing"). For the avoidance of doubt, no NGB will have the right to demand public interest testing for its sport. Instead, public interest testing will be at the discretion of UK Anti-Doping.
  - 2.5.4 UK Anti-Doping will enter into arrangements for testing with other Anti-Doping Organisations, as appropriate.
  - 2.5.5 UK Anti-Doping will make appropriate arrangements with the WADA-accredited laboratory at the Drug Control Centre, King's College, London, and/or other laboratories as necessary to enable the analysis of Samples collected by UK Anti-Doping in accordance with the Code and the International Standard for Laboratories.
- 2.6 Developing Other Anti-Doping Intelligence
- 2.6.1 UK Anti-Doping will put into place memoranda of understanding or similar arrangements as required with law enforcement and other public agencies and services to facilitate the sharing of anti-doping intelligence between such bodies and UK Anti-Doping.
  - 2.6.2 UK Anti-Doping will also put into place procedures to facilitate the provision of anti-doping intelligence to it by NGBs, Athletes, Athlete Support Personnel, and others.
  - 2.6.3 UK Anti-Doping will implement policies and procedures to ensure that all intelligence that it receives is handled safely and securely and in accordance with applicable legal requirements, is assessed for relevance and reliability, and (where appropriate) is properly investigated and followed up (and/or referred to other agencies as required).

- 2.6.4 UK Anti-Doping will apply the provisions of Code Article 10.5.3 (reduction of sanction in return for provision of Substantial Assistance in the discovery and/or establishing of anti-doping rule violations by others) as appropriate to assist in obtaining anti-doping intelligence from Athletes and Athlete Support Personnel.

## 2.7 Results Management

- 2.7.1 UK Anti-Doping will have the sole and exclusive right and responsibility to determine whether an Athlete or Athlete Support Personnel under the jurisdiction of an NGB has a case to answer for violation of the NGB's anti-doping rules.<sup>1</sup> UK Anti-Doping will discharge that function responsibly and in good faith, taking into account both (a) the likelihood of a charge of violation being upheld (including considering the strength of the evidence relied upon, as well as what the defence case may be, and how the defence case is likely to affect the case being answered); and (b) whether or not bringing the charge would further the objectives of this Policy. Its overriding duty will be to act always in the interests of justice and in furtherance of the objectives of the Policy, and not solely for the purpose of obtaining determinations adverse to Athletes and Athlete Support Personnel.
- 2.7.2 At an appropriate point in the results management process, and in any event before reaching a final determination as to whether there is a case to answer, UK Anti-Doping will consult with the relevant NGB, advising it (on a strictly confidential basis) of the factors (including the available evidence) on which UK Anti-Doping bases its view that there is or may be a case to answer. The NGB will be given a reasonable opportunity (taking into account the need for expedition in anti-doping cases generally, and/or any particular need for expedition in a specific case) to consider the information supplied by UK Anti-Doping, and to make any points that it believes should be taken into account by UK Anti-Doping in its assessment of the matter. Where any such points are made, UK Anti-Doping will take them into account in good faith in making its final determination as to whether there is a case to answer.
- 2.7.3 Any determination by UK Anti-Doping that an Athlete or Athlete Support Personnel has a case to answer for violation of the UK Anti-Doping Rules must be independently reviewed before it can be actioned. The nature and scope of such independent review (and therefore the expertise of the person(s) conducting that review) will depend on the nature and scope of the matter at hand, and in particular the specific anti-

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<sup>1</sup> This right and responsibility shall apply only to violations arising, or discovered, after the date that this Policy comes into effect. Unless otherwise agreed by UK Anti-Doping (in its absolute discretion), the NGB shall remain responsible for dealing (at its cost) with any violations arising and discovered prior to the date that the Policy comes into effect.

doping rule violation(s) alleged and the nature of the evidence supporting such allegations.

- 2.7.4 UK Anti-Doping must provide the independent reviewer(s) with any comments made by the NGB during the consultation referred to at paragraph 2.7.2 of this Policy, so that they may be taken fully into account as part of the independent review.

## 2.8 Case Presentation

- 2.8.1 Subject to paragraph 2.8.5 of this Policy, UK Anti-Doping shall have the sole and exclusive right and responsibility:
- a. to charge an Athlete or an Athlete Support Personnel with violation of the UK Anti-Doping Rules;
  - b. to present that charge to a disciplinary tribunal for hearing and determination; and
  - c. to pursue or defend (as applicable) any application and/or appeal arising in relation to such proceedings.
- 2.8.2 In discharging these case presentation responsibilities, UK Anti-Doping will endeavour at all times to respect the duty of procedural fairness owed to Athletes and Athlete Support Personnel who have been charged with commission of anti-doping rule violations.
- 2.8.3 UK Anti-Doping will be responsible for the costs incurred in exercising its rights under paragraph 2.8.1 of this Policy, subject to any right set out in the UK Anti-Doping Rules, the NADP Procedural Rules and/or the CAS Code of Sports-related Arbitration to seek an order shifting some or all of the costs to the Athlete or Athlete Support Personnel or other party.
- 2.8.4 An NGB may reserve to itself in the UK Anti-Doping Rules (a) a right to attend all hearings, either in an observer capacity or (at its election) as a party to the proceedings (i.e., with a right to make submissions); and/or (b) a right to appeal against any decision made pursuant to those rules. Otherwise, UK Anti-Doping will keep the relevant NGB informed as to the status of any proceedings brought by UK Anti-Doping against Athletes or Athlete Support Personnel who are subject to the NGB's jurisdiction, including as required to enable the NGB to discharge any reporting duty it may owe to its international federation.
- 2.8.5 Where it considers it appropriate (for example, to minimise the burden on its limited anti-doping resources), UK Anti-Doping may agree terms with an Athlete or Athlete Support Personnel who has been charged with an anti-doping rule violation for disposition of the charge without a hearing.

Such disposition shall include confirmation of the commission of the anti-doping rule violation(s) charged and acceptance of the Consequences to be imposed under the UK Anti-Doping Rules. Before making any such agreement, UK Anti-Doping will consult with the relevant NGB; provided that such consultation will be without prejudice to any right reserved to the NGB under the UK Anti-Doping Rules to appeal against any disposition subsequently agreed by UK Anti-Doping with the Athlete or Athlete Support Personnel.

- 2.8.6 UK Anti-Doping may enter into a written agreement with an NGB on terms for the NGB to exercise some or all of the powers set out in paragraph 2.8.1 of this Policy. UK Anti-Doping will consider any requests for such agreement in good faith, and will not refuse to enter into such agreement where appropriate terms and conditions are accepted by the NGB that protect and promote the objectives of this Policy, including safeguards that ensure transparency and accountability on the part of the NGB; provided that UK Anti-Doping shall not in any event waive its right to be an observer or (at its election) a party to any disciplinary proceedings brought by an NGB pursuant to such an agreement, or its right of appeal against any decision made by the NGB or the disciplinary tribunal, in accordance with the UK Anti-Doping Rules.

## 2.9 Quality Assurance

- 2.9.1 UK Anti-Doping will abide by the general warranties given at Part 1 of **Appendix One** to this Policy.
- 2.9.2 UK Anti-Doping will administer applications for TUEs in compliance with the International Standard for Therapeutic Use Exemptions, and in accordance with the provisions of Part 2 of **Appendix One** to this Policy.
- 2.9.3 UK Anti-Doping will administer a whereabouts programme for Athletes who are included the National Registered Testing Pool in compliance with the International Standard for Testing, and in accordance with the provisions of Part 3 of **Appendix One** to this Policy, and taking into account the WADA Guidelines for Implementing an Effective Athlete Whereabouts Programme.
- 2.9.4 UK Anti-Doping will carry out testing in compliance with the International Standard for Testing, in accordance with the provisions of Part 4 of **Appendix One** to this Policy, and taking into account the WADA Guidelines for Urine Sample Collection and for Blood Sample Collection.

- 2.9.5 In accordance with paragraph 2.5.5 of this Policy, UK Anti-Doping will ensure that the analysis of any Samples that it collects is conducted in compliance with the International Standard for Laboratories.
- 2.9.6 UK Anti-Doping will carry out its results management responsibilities in accordance with the provisions of Part 5 of **Appendix One** to this Policy.
- 2.9.7 UK Anti-Doping will put in place appropriate policies and procedures to ensure that all items of anti-doping intelligence and data are handled in compliance with the International Standard for the Protection of Privacy and Personal Information, the Data Protection Act 1998, and all other applicable laws and regulations.
- 2.10 Confidentiality
- 2.10.1 UK Anti-Doping will put in place appropriate policies and procedures to respect and ensure the confidentiality of information as required by the Code and other applicable laws and regulations.
- 2.10.2 UK Anti-Doping will not comment publicly on the specific facts of any pending case (as opposed to general description of process and science) except in response to public comments attributed to the respondent Athlete or Athlete Support Personnel or his/her representatives.
- 2.11 Accountability
- 2.11.1 UK Anti-Doping will be accountable to the Department of Culture, Media & Sport.
- 2.11.2 UK Anti-Doping will be accountable to Parliament and to the Parliamentary Ombudsman through the Department of Culture, Media & Sport.
- 2.11.3 UK Anti-Doping will maintain ISO 9001-2008 certification, including submitting to annual inspection and auditing by the British Standards Institute.
- 2.11.4 UK Anti-Doping will make its staff members available to an NGB during working hours for consultation on any matter arising out of UK Anti-Doping's performance of the functions assigned to it under this Policy; and will ensure that any person or team undertaking doping control on behalf of UK Anti-Doping outside normal working hours has the contact details for a member of staff who may be contacted in case of emergency. In addition, UK Anti-Doping will make itself available for meetings with NGBs on at least an annual basis to discuss any matters of concern. Comments made by an NGB in relation to the Policy and its operation will be considered in good faith.

2.11.5 To the extent that an NGB is held liable to an Athlete or Athlete Support Personnel in damages and/or costs as a result of the fault of UK Anti-Doping in the discharge of its responsibilities under this Policy and/or the UK Anti-Doping Rules, then (provided the NGB has done everything reasonably possible to mitigate such damages and/or costs, has given UK Anti-Doping conduct of the matter, has given UK Anti-Doping all reasonable assistance in defending the matter, and has done nothing to prejudice that defence) UK Anti-Doping will indemnify the NGB in respect of the same.

2.12 Monitoring NGB Compliance with this Policy

2.12.1 It shall be UK Anti-Doping's responsibility to monitor compliance by NGBs with the requirements of this Policy.

2.12.2 Where UK Anti-Doping considers that an NGB has failed to comply with the requirements of this Policy, UK Anti-Doping will follow the process set out in **Appendix Two** to this Policy. No determination of non-compliance shall be effective, and no consequences may be applied for non-compliance, except in accordance with that process.

### 3. THE ANTI-DOPING ROLES AND RESPONSIBILITIES OF THE SPORTS COUNCILS

Each of UK Sport, Sport England, sportscotland, Sport Northern Ireland and the Sports Council for Wales (each, a “**Sports Council**”) has the following anti-doping roles and responsibilities:

- 3.1 The Sports Council will support and be an advocate for this Policy, so that it is applied uniformly across the United Kingdom.
- 3.2 The Sports Council will support UK Anti-Doping in its role as National Anti-Doping Organisation for the United Kingdom.
- 3.3 Where the Sports Council learns of information suggesting or relating in any way to an apparent anti-doping rule violation by an Athlete or Athlete Support Personnel, it will immediately report that information to UK Anti-Doping. Thereafter it will support and cooperate fully with UK Anti-Doping in its investigation of that information.
- 3.4 Non-compliance with the UK Anti-Doping Rules by an Athlete or Athlete Support Personnel:
  - 3.4.1 The Sports Council will make compliance with the UK Anti-Doping Rules a condition of eligibility for receipt of public funding and/or publicly funded benefits by an Athlete or Athlete Support Personnel. It will ensure that it has the power, under the terms of its grant of funding and/or other benefits, to sanction non-compliance appropriately, including (a) the power to withdraw public funding or other benefits from an Athlete or Athlete Support Personnel during any period of Ineligibility imposed on the Athlete or Athlete Support Personnel for an anti-doping rule violation; and (b) the power to claw back public funding received by the Athlete or Athlete Support Personnel during the period of non-compliance.
  - 3.4.2 Where an Athlete or Athlete Support Personnel who is a recipient of public funding and/or publicly-funded benefits from a Sports Council is charged with an anti-doping rule violation, upon receipt of notice to that effect (to be provided by UK Anti-Doping in accordance with the requirements of the UK Anti-Doping Rules) then (subject to any legal constraints) the Sports Council will suspend provision of such funding and/or benefits pending hearing and determination of the charge, and will take all necessary steps to ensure that such person does not receive such funding or benefits indirectly (i.e. by means of assistance or benefits provided by the Sports Council via an NGB, including but not limited to coaching internships or apprenticeships) pending final determination of the charge.

- 3.4.3 If it is finally determined that no anti-doping rule violation has been committed, or if it is finally determined that a violation has been committed but no period of Ineligibility is imposed, then UK Anti-Doping will notify the Sports Council, and the Sports Council will remit any suspended payments to the Athlete or Athlete Support Personnel as soon as possible and will reinstate access for that person to any relevant services.
- 3.4.4 If it is finally determined that an anti-doping rule violation has been committed and a period of Ineligibility is imposed, then UK Anti-Doping will notify the Sports Council of that decision and the Sports Council:
- a. will retain the suspended payments referenced in paragraph 3.4.2 of this Policy; and
  - b. will exercise its contractual rights to obtain repayment from the Athlete or Athlete Support Personnel of all or part of any funding provided to him/her by the Sports Council, either directly or via NGB, during the period when the anti-doping rule violation was committed (save where the costs of doing so would outweigh the sums to be repaid).
- 3.5 Non-compliance with the UK National Anti-Doping Policy by an NGB:
- 3.5.1 The Sports Council will make compliance with this Policy a condition of eligibility for receipt of public funding and/or publicly funded benefits and services by an NGB. The Sports Council will ensure that it reserves the power, under the terms of its grant of such funding and/or benefits or services, to enforce that condition in accordance with paragraph 3.5.2.
- 3.5.2 In the event that an NGB is determined (following the process set out in **Appendix Two** of this Policy) to have failed to comply with the requirements of this Policy, and the consequences applied for such non-compliance implicate said funding or benefits or services, the Sports Council shall take all necessary steps to implement those consequences.

#### **4. THE ANTI-DOPING ROLES AND RESPONSIBILITIES OF THE NATIONAL GOVERNING BODIES OF SPORT IN THE UK**

Each national governing body with responsibility for the governance and regulation of sport in the UK, and any other sports organisation that serves as the ruling body for a sport or for an event involving one or more sports (each previously defined as an “NGB”), shall have the following anti-doping roles and responsibilities:

##### **4.1 Recognition of and support for the UK National Anti-Doping Policy and for UK Anti-Doping**

4.1.1 The NGB shall respect and promote the principles of this Policy, including recognising UK Anti-Doping as the National Anti-Doping Organisation for the United Kingdom and fully supporting the efforts of UK Anti-Doping in the fight against doping in sport.

4.1.2 The NGB will designate one staff member or other person to act as its Anti-Doping Officer, in charge of the NGB’s anti-doping functions and responsible for ensuring that it satisfies the requirements of this Policy, including liaising with UK Anti-Doping as required. The NGB will make the Anti-Doping Officer available to UK Anti-Doping as required in order to discuss the NGB’s responsibilities under this Policy.

##### **4.2 Adoption of Code-Compliant Anti-Doping Rules**

4.2.1 Each NGB shall adopt, bring into force and implement, as part of the rules and regulations applicable to Athletes and Athlete Support Personnel under its jurisdiction, anti-doping rules that UK Anti-Doping agrees are Code-compliant and consistent with this Policy. Any dispute as to whether the NGB’s anti-doping rules are Code-compliant will be referred to WADA, whose decision shall be final.

4.2.2 Save for good cause shown (such as the mandatory requirements of the international federation of which it is a member), an NGB shall satisfy the requirements of paragraph 4.2.1 by adopting as its own the UK Anti-Doping Rules issued by UK Anti-Doping (as amended from time to time); provided that UK Anti-Doping shall permit such Code-compliant amending and/or supplementary provisions to the UK Anti-Doping Rules as the NGB may establish are required in the specific context of its sport.

4.2.3 Where an NGB shows good cause why it cannot adopt as its own the UK Anti-Doping Rules issued by UK Anti-Doping, the NGB shall give UK Anti-Doping an adequate opportunity to review the anti-doping rules that it proposes to adopt instead, and prior to the adoption of those rules shall make such amendments to those rules as are required to comply with the Code and to be consistent with this Policy.

- 4.2.4 Each NGB shall provide UK Anti-Doping with a complete copy of its anti-doping rules, as well as of each update or amendment of those rules, upon adoption thereof, and/or such other evidence as may be sufficient to demonstrate compliance with the requirements of this section 4.2.
- 4.2.5 As noted in paragraph 2.3.5 of this Policy, references in this Policy to “**the UK Anti-Doping Rules**” refer to either (1) the UK Anti-Doping Rules published and maintained by UK Anti-Doping in accordance with paragraph 2.3.1 of this Policy; or (2) other anti-doping rules adopted by an NGB in accordance with this section 4.2 of the Policy.
- 4.2.6 It is acknowledged that (a) certain of the persons who are subject to the NGB's jurisdiction may also be subject to the anti-doping jurisdiction of other Anti-Doping Organisations, including the international federation of which the NGB is a member, and (b) the same conduct of such persons may implicate not only the UK Anti-Doping Rules but also the anti-doping rules of such other Anti-Doping Organisations. In such circumstances, the jurisdictional and other issues that arise shall be resolved in accordance with the Code.
- 4.2.7 Where NGBs within a particular sport allocate responsibility amongst themselves for compliance with this Policy (e.g., a British governing body takes responsibility for compliance with this Policy on behalf of the English, Scottish and Welsh NGBs for that sport), they shall put in place in their respective constitutions provisions binding on their Athletes and Athlete Support Personnel and satisfactory to UK Anti-Doping that give effect to that allocation of responsibility and ensure accountability at each level.

### 4.3 Education of Athletes and Athlete Support Personnel

Each NGB shall take all practical steps to educate its Athletes and Athlete Support Personnel on ethical values in sport and so that they are familiar with the principles of this Policy and the provisions of the UK Anti-Doping Rules, and in particular their own respective individual rights and responsibilities thereunder. This shall include (without limitation) reproducing the relevant provisions in the NGB's rulebook (if any) and posting them on the NGB's official website, alongside a link to the official website of UK Anti-Doping.

#### 4.4 TUEs

- 4.4.1 Where the rules of the international federation of which an NGB is a member create a Code-compliant mechanism for that NGB's Athletes to obtain TUEs from the international federation or its delegate, the NGB may direct such Athletes to use that mechanism. Otherwise, however, the NGB shall adopt and implement the procedures established by UK Anti-Doping for the grant of TUEs to Athletes under the NGB's jurisdiction.
- 4.4.2 After due consultation with the NGB, UK Anti-Doping may designate a category of Athletes under an NGB's jurisdiction (to be known as the "**Domestic Pool**") who, although not in a Registered Testing Pool, may also be required to obtain a TUE prior to use or possession of a Prohibited Substance or Prohibited Method. In that case, the NGB will cooperate with UK Anti-Doping in giving effect to that designation, including by notifying Athletes that they have been included in the Domestic Pool and of the consequences of that inclusion.
- 4.4.3 Where the NGB's anti-doping rules so permit, and subject to appropriate assurances from the NGB that the information will be handled confidentially and in accordance with all applicable legal requirements, UK Anti-Doping will make available to the NGB via ADAMS a copy of any TUE granted to an Athlete under that NGB's jurisdiction.
- 4.4.4 Each NGB shall cooperate fully with UK Anti-Doping in relation to the processing of TUE applications by Athletes falling within paragraph 2.3.2 of this Policy, including (without limitation):
- a. providing to UK Anti-Doping upon receipt by the NGB copies of any TUE applications made by Athletes under the NGB's jurisdiction to other Anti-Doping Organisations and of any decisions made by such other Anti-Doping Organisations in relation to such applications; and
  - b. treating in confidence all medical and other information of which its personnel become aware in relation to TUE applications made by Athletes under its jurisdiction, and such personnel shall, if so required by UK Anti-Doping, sign appropriate undertakings to that effect.
- 4.4.5 The NGB shall provide such support as UK Anti-Doping may reasonably require in relation to any appeal that UK Anti-Doping may make against a decision of WADA or the UK TUE Appeal Panel to reverse a decision made by the UK TUE Committee in relation to any TUE application made by an Athlete who is under the NGB's jurisdiction.

## 4.5 Testing

4.5.1 The NGB shall cooperate with UK Anti-Doping and support it in the finalisation of its Test Distribution Plan for sport in the UK, including (without limitation) upon request:

- a. providing UK Anti-Doping with a calendar of events taking place in the period to be covered by the Test Distribution Plan;
- b. providing UK Anti-Doping with information about the number of Athletes under the NGB's jurisdiction and the levels at which they compete; and
- c. sharing with UK Anti-Doping any information available to the NGB about testing being conducted on Athletes under the NGB's jurisdiction by other Anti-Doping Organisation(s).

4.5.2 The NGB shall cooperate with UK Anti-Doping and support it in the implementation of its Test Distribution Plan with respect to Athletes under the NGB's jurisdiction, including (without limitation):

- a. confirming in its anti-doping rules the right of UK Anti-Doping to test any Athlete under the NGB's jurisdiction at any time;
- b. assisting UK Anti-Doping as required in the implementation of its Test Distribution Plan, including (without limitation) providing access to Athletes under its jurisdiction, and such other logistical and other assistance as may be required to facilitate the conduct of In-Competition Testing and Out-of-Competition testing of such Athletes by UK Anti-Doping;
- c. assisting UK Anti-Doping as required in the implementation of its National Registered Testing Pool, including as regards notification and induction of Athletes who fall within the National Registered Testing Pool, and in the enforcement of such Athletes' obligations to provide personal details required for carrying out testing, to file whereabouts information with UK Anti-Doping, and to make themselves available at such whereabouts for Out-of-Competition testing; and
- d. ensuring that the details of testing to be conducted by UK Anti-Doping are not revealed in advance by NGB personnel other than to those who need to know such details in order for the testing to be implemented.

- 4.5.3 The NGB shall provide Independent Observers with access and appropriate accreditation to testing conducted at National Events, subject to reasonable advance notice.
- 4.5.4 UK Anti-Doping shall have the exclusive right to choose the WADA-accredited laboratory/ies at which analysis of Samples collected pursuant to the Test Distribution Plan shall be conducted. In exercising this right, UK Anti-Doping shall take into account in good faith any relevant factors brought to its attention by the NGB.
- 4.5.5 Having consulted with the NGB, UK Anti-Doping may make directions in relation to the analysis and disposal of Samples, including (without limitation) in relation to the re-analysis of Samples based on knowledge or information arising after the initial analysis of the Samples. The NGB shall comply with such directions.
- 4.5.6 In accordance with paragraph 2.5.3 of this Policy, UK Anti-Doping may agree terms for the provision of further testing services to any NGB or Anti-Doping Organisation on a contracted basis, whether or not UK Anti-Doping also conducts public interest testing on the Athletes under the jurisdiction of that NGB or Anti-Doping Organisation.
- 4.5.7 It shall not constitute non-compliance with this Policy for an NGB to contract with entities other than (or in addition to) UK Anti-Doping to collect Samples from Athletes on behalf of the NGB for testing in accordance with the World Anti-Doping Code, provided that (a) UK Anti-Doping is notified in advance of such testing; (b) such testing is conducted in accordance with the International Standard for Testing; (c) all Samples collected are analysed at a WADA-accredited laboratory in accordance with the International Standard for Laboratories; and (d) where UK Anti-Doping would be responsible, under this Policy, for managing the results of such testing, UK Anti-Doping must have agreed in advance to the testing. For the avoidance of doubt, this clause does not apply to testing for substances that are not prohibited under the Code; any such testing shall not be governed by this Policy.

4.6 Results Management:

- 4.6.1 In its anti-doping rules, the NGB shall recognise the sole and exclusive right of UK Anti-Doping to determine whether an Athlete or Athlete Support Personnel under the NGB's jurisdiction has a case to answer for violation of those rules, and shall take all necessary steps to give effect to that right.
- 4.6.2 Where the NGB learns of information suggesting or relating in any way to an apparent anti-doping rule violation by an Athlete or Athlete Support Personnel under its jurisdiction, it shall immediately report that

information in full to UK Anti-Doping. Thereafter it shall support and cooperate fully with UK Anti-Doping in its investigation of that information, including (without limitation) reporting any further information received on the same or any related subject. The NGB shall also provide the same support and cooperation for any investigation conducted by UK Anti-Doping into information obtained from any other source.

- 4.6.3 In accordance with paragraph 2.7.2 of this Policy, the NGB shall be entitled to be consulted by UK Anti-Doping before any final determination is made that there is a case to answer for violation of the UK Anti-Doping Rules, provided that circumstances may require that such consultation is undertaken on an expedited basis. The NGB shall maintain in the strictest confidence any and all information shared with it by UK Anti-Doping in this and any other aspect of its anti-doping functions and responsibilities.
- 4.6.4 Where it is determined (in accordance with section 2.7 of this Policy) that an Athlete or Athlete Support Personnel under the NGB's jurisdiction has a case to answer for violation of the UK Anti-Doping Rules, then (subject to any contrary agreement made in accordance with paragraph 2.8.6 of this Policy) the NGB shall recognise the sole and exclusive right of UK Anti-Doping to bring and pursue disciplinary charges against that Athlete or Athlete Support Personnel in respect of such violation(s).
- 4.6.5 UK Anti-Doping will provide the NGB with a copy of each and every notice that UK Anti-Doping issues, charging an Athlete or Athlete Support Personnel under the NGB's jurisdiction with a violation of the UK Anti-Doping Rules, and thereafter (where the NGB does not exercise its right to attend hearings) shall keep the NGB informed of the progress of the disciplinary proceedings. In particular, where the UK Anti-Doping Rules create a discretion as to the imposition of a Provisional Suspension, UK Anti-Doping will consult with the NGB, and take its comments into account in good faith, before exercising that discretion (provided always that circumstances may require that such consultation is undertaken on an expedited basis).
- 4.6.6 The NGB shall cooperate with UK Anti-Doping's pursuit of disciplinary charges against the Athlete or Athlete Support Personnel, including (without limitation) by recognising and giving effect to any period of Ineligibility imposed (whether provisionally prior to the final hearing or after a final hearing) and/or any Disqualification of results.
- 4.6.7 The NGB may provide information and other support (e.g., referral to suitable legal and/or other advisors) to an Athlete or Athlete Support Personnel who is charged with violation of the UK Anti-Doping Rules. However, the NGB (a) will not (whether while assisting the Athlete or

Athlete Support Personnel or otherwise) take any position or otherwise act in any way that undermines the integrity of the UK Anti-Doping Rules; and (b) shall not in any circumstances act as advocate for the Athlete or Athlete Support Personnel (provided that, for the avoidance of doubt, this is not intended to limit in any way the right of an NGB to be an advocate, on appeal, in support of the decision that is the subject of the appeal).

- 4.6.8 Where an issue is raised at or prior to the hearing that requires the input of the NGB, then UK Anti-Doping will so advise the NGB, and UK Anti-Doping and the NGB will consult and cooperate with each other in relation to the resolution of such issue.
- 4.6.9 In accordance with paragraph 2.8.3 of this Policy, an NGB may reserve to itself in its anti-doping rules a right to appeal against any decision made by UK Anti-Doping and/or a tribunal under those rules.

#### 4.7 Disciplinary Proceedings at First Instance and on Appeal

- 4.7.1 Subject to paragraph 4.7.2 of this Policy, the NGB shall recognise (a) the sole and exclusive jurisdiction of the National Anti-Doping Panel to hear and determine, in accordance with the NADP Procedural Rules (as amended from time to time), any charges brought against an Athlete or Athlete Support Personnel for violation of the UK Anti-Doping Rules, and (b) the sole and exclusive jurisdiction of the National Anti-Doping Panel (in the case of National-Level Athletes) or the Court of Arbitration for Sport (in the case of International-Level Athletes) to hear and determine appeals from decisions at first instance of NADP tribunals. The NGB shall take all necessary steps under its constitutional arrangements to give effect to that jurisdiction.
- 4.7.2 UK Anti-Doping may enter into a written agreement with an NGB, setting out the terms on which that NGB may refer (a) disciplinary proceedings against an Athlete or Athlete Support Personnel under the NGB's jurisdiction for violation of the UK Anti-Doping Rules, and/or (b) any appeal arising out of such proceedings, not to the National Anti-Doping Panel but rather to a tribunal established by the NGB in accordance with its rules. UK Anti-Doping will consider any requests for such agreement in good faith, and will not refuse to enter into such agreement where appropriate terms and conditions are accepted by the NGB; provided that UK Anti-Doping shall not in any event waive its right to be a party (or, at its election, an observer) to any disciplinary proceedings brought pursuant to such an agreement, or its right of appeal against any decision made by the disciplinary tribunal, in accordance with the UK Anti-Doping Rules.

4.7.3 Where it has been determined, at first instance or on appeal, that an anti-doping rule violation has been committed, the decision shall be disclosed publicly by the NGB and/or UK Anti-Doping, unless the person who is the subject of the decision has a right of appeal against the decision, in which case the decision shall not be disclosed (unless the applicable rules say otherwise) (a) until the deadline for appeal has passed and no appeal has been filed; or (b) if an appeal is filed, unless and until the decision that an anti-doping rule violation was committed is affirmed on appeal.

#### 4.8 Ineligible Athletes and Athlete Support Personnel

4.8.1 The NGB shall make compliance with all applicable anti-doping rules a condition of every contract it makes with, or licence or permission it grants to, an Athlete or Athlete Support Personnel (including, without limitation, licence or permission to make use of NGB facilities or services).

4.8.2 Where an Athlete or Athlete Support Personnel under its jurisdiction is Provisionally Suspended, the NGB will take all necessary steps in its power to recognise and give effect to that Provisional Suspension, including seeking recognition of the Provisional Suspension by other relevant bodies, and will procure that its members and affiliates do the same.

4.8.3 Where an Athlete or Athlete Support Personnel is found to have committed an anti-doping rule violation, the NGB will take all necessary steps in its power to recognise and give effect to the Disqualification of results, period of Ineligibility and/or other Consequences imposed on the Athlete or Athlete Support Personnel in relation to that anti-doping rule violation, including seeking recognition of the Ineligibility by other relevant bodies, and will procure that its members and affiliates do the same.

4.8.4 Where the NGB provides benefits or services to its Athletes or Athlete Support Personnel, the NGB will ensure that no Athlete or Athlete Support Personnel receives such benefits or services during any period of Provisional Suspension or Ineligibility.

#### 4.9 Related Misconduct

4.9.1 In the event that a person who is subject to the NGB's jurisdiction commits an act of misconduct that relates to anti-doping but does not amount to a violation of the UK Anti-Doping Rules, the NGB shall consider in good faith the bringing of disciplinary proceedings against that person for such misconduct, including consulting with UK Anti-Doping in relation thereto and taking its views into account in good faith.

4.9.2 Without prejudice to paragraph 4.9.1, where a person who is subject to the NGB's jurisdiction undermines or brings the UK's anti-doping efforts into disrepute by conduct other than an anti-doping rule violation, such as (by way of example but not by way of limitation) by using the services of a coach or other Athlete Support Personnel who has been finally determined to have committed an anti-doping rule violation for which a period of Ineligibility has been imposed, then if such person fails, upon demand, to end that conduct, the NGB shall consider in good faith the bringing of disciplinary proceedings against that person as appropriate under its rules of conduct (which will include provisions for that purpose), including consulting with UK Anti-Doping in relation thereto and taking its views into account in good faith.

#### 4.10 Consequences of Non-Compliance

4.10.1 Compliance with the requirements of this Policy shall be a condition of an NGB's eligibility for receipt of public funding and of publicly-funded benefits and services.

4.10.2 UK Anti-Doping will monitor compliance by each NGB with the requirements of this Policy. To facilitate such monitoring, the NGB must disclose to UK Anti-Doping in writing and without delay any facts or circumstances that might reasonably be considered to amount to non-compliance, together with any explanation or justification offered for such non-compliance. The NGB must also provide such further information as UK Anti-Doping may reasonably require in relation to such non-compliance. Without prejudice to the foregoing, the NGB must report to UK Anti-Doping on an annual basis as to the NGB's compliance with this Policy, including identifying any and all instances of non-compliance and providing any explanation or justification offered for such non-compliance.

4.10.3 Instances of non-compliance with the Policy, as well as the consequences of such non-compliance, shall be resolved exclusively by following the procedure set out at **Appendix Two** to this Policy.

4.10.4 It is acknowledged that the NGB is a member of and subject to the jurisdiction of the international federation for its sport, and that in such capacity the NGB is required to comply with the anti-doping obligations imposed upon it by that international federation (the "**IF Anti-Doping Obligations**"). To the extent that the NGB can demonstrate both (a) that its IF Anti-Doping Obligations conflict with the requirements of this Policy, and (b) that such IF Anti-Doping Obligations are compliant with the Code (as determined by WADA), then to that extent (and only to that extent) the NGB's non-compliance with the requirements of this Policy shall not be treated as a case of non-compliance for purposes of **Appendix Two**; provided that the NGB shall seek in good faith to facilitate a

dialogue between UK Anti-Doping and the international federation in question to explore ways of resolving the conflict between the IF Anti-Doping Obligations and the requirements of this Policy.

- 4.10.5 No waiver of any requirement of this Policy shall be effective unless made in a document signed by a duly authorised representative of UK Anti-Doping. Any such waiver shall be effective only as against the NGB(s) named in the document, and only as to the specific requirement(s) identified in the document.

**5. THE ANTI-DOPING ROLES AND RESPONSIBILITIES OF THE NATIONAL ANTI-DOPING PANEL**

- 5.1 The National Anti-Doping Panel consists of a panel of suitably qualified and experienced legal and lay members, administered by an independent secretariat.
- 5.2 The role and responsibility of the National Anti-Doping Panel shall be (in accordance with section 4.7 of this Policy) to make its President and/or one or more of its members (as set out in the NADP Procedural Rules) available to hear and determine charges brought against Athletes and/or Athlete Support Personnel alleging violation of the UK Anti-Doping Rules, as well as any related applications and/or appeals.
- 5.3 The National Anti-Doping Panel will hear and determine such charges, applications and/or appeals in accordance with the Code and the UK Anti-Doping Rules, and following best practice in relation to the conduct and resolution of disciplinary proceedings generally, including in particular (but without limitation) respecting the duty of procedural fairness owed to Athletes and Athlete Support Personnel charged with violating the UK Anti-Doping Rules.
- 5.4 The National Anti-Doping Panel is and shall remain at all times independent of UK Anti-Doping, the Sports Councils, NGBs, and all Athletes and Athlete Support Personnel. This independence is of fundamental importance to the Policy, providing comfort that the decisions of the National Anti-Doping Panel will be made with fairness, impartiality and integrity.
- 5.5 In accordance with paragraph 5.4 of this Policy, while the NADP Secretariat will put in place mechanisms for receiving and addressing comments received by any of UK Anti-Doping, the Sports Councils, NGBs, Athletes and/or Athlete Support Personnel in relation to the functions being discharged by the National Anti-Doping Panel, none of them shall have any right to intervene or take any part in the management or operation of the National Anti-Doping Panel, and none of them shall have any funding or contractual control over the National Anti-Doping Panel. Instead, the National Anti-Doping Panel shall provide its services, and receive its funding, pursuant to a contract with the Department of Culture, Media and Sport.

## Appendix One: Quality Assurance

### **Pt 1. Warranties**

UK Anti-Doping warrants to and for the benefit of the NGBs and the Sports Councils that:

- A1.1 as the National Anti-Doping Organisation for the United Kingdom, it has all of the necessary experience, capability and personnel to perform the functions assigned to it in the UK National Anti-Doping Policy and in the UK Anti-Doping Rules to the highest professional standards;
- A1.2 it will use staff who are sufficiently numerous, qualified and trained to perform the functions assigned to it in the UK National Anti-Doping Policy and in the UK Anti-Doping Rules in a timely and effective manner;
- A1.3 it will, and will procure that each UK Anti-Doping staff member (including for these purposes, without limitation, all Doping Control Officers, Blood Collection Officers, and chaperones) will, comply in all respects with all relevant laws and regulations that relate in any way to the functions assigned to it in the UK National Anti-Doping Policy and in the UK Anti-Doping Rules;
- A1.4 it will, and will procure that each UK Anti-Doping staff member (including for these purposes, without limitation, all Doping Control Officers, Blood Collection Officers, and chaperones), as well as any other director, officer, employee, agent and/or representative of UK Anti-Doping who may receive personal and/or confidential information, will:
  - A1.4.1 handle, store and process that information in accordance with the requirements of the World Anti-Doping Code, the relevant International Standards, and applicable law;
  - A1.4.2 use that information only for the purposes set out in the UK National Anti-Doping Policy and/or the UK Anti-Doping Rules; and
  - A1.4.3 not at any time disclose, comment on, or reveal any confidential information to any person or party save as authorised by the World Anti-Doping Code and/or the UK National Anti-Doping Policy or the UK Anti-Doping Rules, or as otherwise required by law;
- A1.5 it will conduct regular internal auditing of its performance of the functions assigned to it under the UK National Anti-Doping Policy and the UK Anti-Doping Rules; and
- A1.6 in accordance with paragraph 2.11.4 of the Policy, it will procure that its staff members are available to an NGB during working hours for consultation on any matter arising out of UK Anti-Doping's performance of the functions assigned to it under the UK National Anti-Doping Policy and the UK Anti-

Doping Rules; and that any person or team undertaking doping control outside normal working hours has the contact details for a member of staff who may be contacted in case of emergency.

**Pt 2. TUEs**

A1.7 UK Anti-Doping will establish and maintain a UK TUE Committee and UK TUE Appeal Panel, each with suitable experience and resources as necessary to fulfill the functions ascribed to such body under the UK Anti-Doping Rules.

A1.8 UK Anti-Doping will accept applications for TUEs from the Athletes identified in paragraph 2.3.2 of the Policy.

A1.9 Such TUE applications will be processed in accordance with the International Standard for TUEs, the relevant provisions of the UK Anti-Doping Procedures Guide for Sport, and the following provisions:

A1.9.1 On receipt of an application for a TUE, UK Anti-Doping will undertake an administrative review to confirm that the application falls within the scope of paragraph A1.8, above, has been completed fully and accurately, and is accompanied by sufficient medical information to process the application. UK Anti-Doping will use all reasonable endeavours to complete this administrative review within three (3) working days of receipt of the application.

A1.9.2 Applications passing this administrative review will be forwarded without delay to the UK TUE Committee. Improper and/or incomplete applications will be returned to the Athlete without approval, but with an explanation as to why the application is improper and/or incomplete, and with instructions that enable the Athlete to rectify and resubmit the application to UK Anti-Doping or another Anti-Doping Organisation (as applicable).

A1.9.3 UK Anti-Doping will procure that the UK TUE Committee uses all reasonable endeavours to complete its review of the TUE application so that UK Anti-Doping may notify the applicant Athlete of the UK TUE Committee's decision (Approved or Declined) within 7 (seven) working days of the Committee's receipt of the application. UK Anti-Doping will put a process in place to enable the identification and prioritisation of urgent applications.

A1.9.4 Where the application is approved, i.e., a TUE is granted, the UK TUE Committee will also specify in its decision the period for which the TUE is valid and any conditions of and/or restrictions on such approval.

A1.9.5 Where the application is declined, or is approved conditionally and/or with restrictions, the UK TUE Committee will provide written reasons for that decision.

A1.10 Pending receipt of the UK TUE Committee's decision on the Athlete's TUE application, any use of the Prohibited Substance or Prohibited Method that is the subject of the application is entirely at the Athlete's own risk.

A1.11 Where an appeal is made to the UK TUE Appeal Panel against a decision of the UK TUE Committee, UK Anti-Doping will procure that the UK TUE Appeal Panel rules on the appeal as soon as reasonably practicable. In normal circumstances, this would be within thirty (30) days of receipt of all relevant documentation. In urgent cases, UK Anti-Doping will procure that the UK TUE Appeal Panel uses all reasonable efforts to make its decision within ten (10) working days of receipt of the relevant documentation.

**Pt 3. Whereabouts**

A1.12 UK Anti-Doping will make available to each Athlete included in the National Registered Testing Pool:

A1.12.1 an induction process (either individually, or with other Athletes) in which the Athlete (a) is educated as to his/her responsibilities triggered by inclusion in the National Registered Testing Pool, and of the consequences of not complying with those responsibilities; and (b) is trained in how to use the online whereabouts filing system (ADAMS or any successor) to comply with those requirements. Wherever possible, that induction will be face-to-face; and

A1.12.2 refresher education/training courses as appropriate on some or all of these issues.

A1.13 UK Anti-Doping will employ a dedicated Athlete Support Officer to deal with *ad hoc* enquiries from Athletes in relation to compliance with their responsibilities as members of the National Registered Testing Pool.

**Pt 4. Sample Collection**

A1.14 Any testing carried out by UK Anti-Doping will be conducted in accordance with the International Standard for Testing and the UK Anti-Doping Procedures Guide for Sport.

A1.15 For each event at which Samples are to be collected (an "Event"), UK Anti-Doping will provide a Sample collection team consisting of an appropriate number of Doping Control Officers ("DCOs"), Blood Collection Officers (where applicable), and chaperones. It will also provide an adequate number of suitable personnel for each Out-of-Competition mission.

- A1.16 At each Event, it shall be the responsibility of the Event organiser to provide a Doping Control Station that is appropriate and sufficient for the successful operation of the drug-testing procedures; and the lead DCO in the Sample collection team shall liaise with the Event organiser to confirm that the facilities meet this standard.
- A1.17 At each Event, as well as at any Out-of-Competition mission conducted by UK Anti-Doping, UK Anti-Doping will provide all necessary documentation and equipment required to enable testing to be carried out, including (without limitation) all necessary Sample collection equipment and secure transit containers and all other necessary equipment for storing the Samples and transporting the Samples safely and securely to the laboratory.
- A1.18 At each Event, as well as at any Out-of-Competition mission conducted by UK Anti-Doping, the DCO and/or the chaperones will be responsible for the following:
- A1.18.1 the selection of Athletes for testing;
  - A1.18.2 the notification of Athletes selected for testing;
  - A1.18.3 (where applicable) the escorting of Athletes selected for testing to the Doping Control Station;
  - A1.18.4 the chaperoning of Athletes subsequent to notification and prior to Sample provision;
  - A1.18.5 the witnessing of Sample provision by Athletes selected for testing;
  - A1.18.6 Sample division and sealing and completion of all relevant forms and documentation;
  - A1.18.7 where required, completion of the partial Sample collection procedures;
  - A1.18.8 the maintenance and storage of the Samples in an appropriate, secure environment from the time of Sample provision by the Athlete until such time as the Samples are transported to the laboratory for analysis; and
  - A1.18.9 secure conveyance of Samples to the laboratory, pursuant to comprehensive chain of custody procedures.
- A1. 19 In accordance with paragraph 2.5.5 of the Policy, UK Anti-Doping will make appropriate arrangements with the WADA-accredited laboratory at the Drug Control Centre, King's College, London, and/or other laboratories (the "**Laboratory**") as necessary to enable the proper handling, storage and analysis

of Samples collected by UK Anti-Doping, all in accordance with the Code and the International Standard for Laboratories.

**Pt 5. Results Management**

- A1.20 In relation to each Atypical Finding reported by the Laboratory, UK Anti-Doping will conduct the investigation and review required by Article 7.3 of the World Anti-Doping Code in an efficient and timely manner.
- A1.21 In relation to each Adverse Analytical Finding reported by the Laboratory, UK Anti-Doping will conduct the review required by Article 7.1 of the World Anti-Doping Code in an efficient and timely manner.
- A1.22 In relation to each other potential anti-doping rule violation that comes to the attention of UK Anti-Doping, UK Anti-Doping will conduct the investigation and review required by Article 7.4 of the World Anti-Doping Code in an efficient and timely manner.
- A1.23 In each case, UK Anti-Doping will be responsible for undertaking all necessary investigations, reviews and verification with the Laboratory and/or UK Anti-Doping personnel involved in the relevant procedures and/or third parties involved (as applicable), to ensure the strength and sufficiency of the available evidence, including (without limitation) the accuracy and authenticity of all results and documentation (as applicable). Before it is acted upon, any determination by UK Anti-Doping that there is a case to answer will be subject to (a) consultation with the NGB in accordance with paragraph 2.7.2 of the Policy; and (b) independent review in accordance with paragraph 2.7.3 of the Policy.
- A1.24 In each case, the determination of whether there is a case to answer will be completed as quickly as practicable, bearing in mind the need to balance (a) protection of the integrity of sport by removal of the Athlete or Athlete Support Personnel from participation in the sport wherever appropriate as quickly as possible, with (b) the responsibility not to charge an Athlete or Athlete Support Personnel with an anti-doping rule violation without a proper and adequate assessment of all relevant facts.
- A1.25 In the case of an Adverse Analytical Finding, UK Anti-Doping will use all reasonable endeavours to complete the review required by Article 7.1 of the World Anti-Doping Code within three (3) working days of receipt of the laboratory documentation package from the Laboratory.

**Pt 6. General**

The commitments set out in this Appendix One are made for the benefit of the NGBs and Sports Councils, and not for the benefit of any other party. They shall not be enforceable, by virtue of the Contracts (Rights of Third Parties) Act 1999 or otherwise, by any such other party.

## Appendix Two

### NGB Compliance with the UK National Anti-Doping Policy

#### **Monitoring Compliance**

- A2.1 Where UK Anti-Doping considers that an NGB has failed to comply with the requirements of the UK National Anti-Doping Policy, UK Anti-Doping shall send a written notice to the NGB, identifying the alleged failure(s) and requiring an explanation and/or (where the failure(s) can be remedied) a proposal for remedy of the failure(s). In the notice, UK Anti-Doping should also advise the NGB of the consequences (if any) that UK Anti-Doping considers to be warranted by the alleged failure(s).
- A2.2 Save in exceptional cases where a matter is particularly urgent and so a speedier response is required, the NGB shall have twenty (20) working days from receipt of the notice to respond, failing which it shall be deemed to have admitted the failure(s) alleged and to have accepted the consequences proposed, and such admission and acceptance shall be final and binding upon it. In any response, the NGB must:
- A2.2.1 deny or seek to justify or excuse the alleged failure(s), and set out with specificity the basis of such denial, justification or excuse; or
  - A2.2.2 admit the alleged failure(s) and (where the failure(s) can be remedied) make a proposal for remedy of the failure(s) within a specified time-period, for UK Anti-Doping's consideration. (If UK Anti-Doping accepts that proposal, then provided the NGB implements that proposal to UK Anti-Doping's satisfaction no further action shall be taken in respect of that/those failure(s)); and/or
  - A2.2.3 accept or dispute the appropriateness of the consequences (if any) proposed by UK Anti-Doping.
- A2.3 UK Anti-Doping shall advise the NGB in writing to what extent (if any) the NGB's denial of or explanation or justification for non-compliance is accepted, giving the reasons for that view (the "**Compliance Issue**"). To the extent the denial or explanation or justification offered by the NGB is not accepted, UK Anti-Doping shall also advise the NGB in writing of the consequences (if any) that UK Anti-Doping considers to be warranted, giving the reasons for that view (the "**Consequences Issue**").
- A2.4 Save in exceptional cases where a matter is particularly urgent and so a speedier response is required, the NGB shall have twenty (20) working days from receipt of the notice to dispute UK Anti-Doping's position on the Compliance Issue and/or the Consequences Issue. If the NGB does not dispute the Compliance

Issue by that deadline, it shall be deemed to have admitted the non-compliance alleged by UK Anti-Doping, which admission shall be final and binding upon it. If the NGB does not dispute the Consequences Issue by that deadline, it shall be deemed to have accepted the consequences proposed by UK Anti-Doping, which acceptance shall be final and binding upon it.

### **Referral to Arbitration**

A2.5 Where the NGB disputes the Compliance Issue and/or the Consequences Issue, UK Anti-Doping shall have the right to refer that dispute to arbitration by sending a written notice of such referral to the NGB and Sport Resolutions (UK). In that event, the dispute shall be resolved by a sole, independent and impartial arbitrator appointed by Sport Resolutions (UK) and acting in accordance with its Rules of Arbitration (Full Arbitration Procedure). Notice of the referral shall be sent to any Sports Council that funds the NGB. However, the only parties to the arbitration shall be UK Anti-Doping (claimant) and the NGB (respondent).

A2.6 The seat of the arbitration shall be London and any hearings shall be held in London. The arbitrator shall fix the procedure to be followed in accordance with Sport Resolution (UK)'s Rules of Arbitration (Full Arbitration Procedure), provided that each party (i.e., both UK Anti-Doping and the NGB) is given a full and fair opportunity to make its case and to respond to the case made against it.

A2.7 The arbitrator shall resolve the issue(s) referred to arbitration by reference to the following factors:

A2.7.1 Where the Compliance Issue is referred to arbitration, the issue for the arbitrator shall be to determine the nature and extent of the NGB's failure(s) to comply with this Policy (if any); provided, however, that where the issue referred requires a determination of whether or not the NGB has adopted Code-compliant rules, and/or of whether or not the IF Anti-Doping Obligations are Code-compliant, then in accordance with paragraph 4.2.1 or paragraph 4.10.3 of the Policy (as applicable) that issue shall be referred to WADA for determination, and shall only be determined by the arbitrator if WADA declines or fails to determine it.

A2.7.2 Where non-compliance is admitted by the NGB or determined by arbitration in accordance with paragraph A2.7.1, and the Consequences Issue has been referred to arbitration, the issue for the arbitrator shall be what consequences (if any) are proportionate to the non-compliance in issue, having regard to the objectives of this Policy and the nature and scope of the non-compliance in question (as well as the NGB's previous record as to compliance with the Policy); provided that if the Secretary of State for Culture, Media and Sport has issued any guidelines as to the exercise of discretion in relation to the consequences to be applied for non-compliance with the Policy

("Guidelines"), then the arbitrator shall also follow those Guidelines in resolving the Consequences Issue.

A2.8 Subject to any Guidelines, the consequences that the arbitrator may apply for failure to comply with the Policy include any (or any combination) of the following:

A2.8.1 a warning;

A2.8.2 a reprimand;

A2.8.3 withdrawal of some or all publicly-funded services or benefits currently provided directly or indirectly by UK Anti-Doping and/or any Sports Council(s);

A2.8.4 withdrawal of eligibility to receive publicly-funded services or benefits from or via UK Anti-Doping and/or any Sports Council or other source in the future, with conditions provided for the reinstatement of such eligibility;

A2.8.5 withdrawal (or withholding for a stated period, on terms to be determined by the arbitrator) of some or all public funding awarded but not yet paid to the NGB;

A2.8.6 requiring repayment of funding paid to the NGB during the period(s) of non-compliance;

A2.8.7 withdrawal of eligibility to receive public funding from any Sports Council or other source in the future, with conditions provided for the reinstatement of such eligibility; and/or

A2.8.8 such other consequences as are considered appropriate in all of the circumstances of the case;

provided that where appropriate some or all of the consequences may be applied on a suspended basis (i.e., to come into effect only if the NGB fails to comply with the Policy again within a specified period).

A2.9 The arbitrator shall also have the power to order either party to pay some or all of the costs incurred by the other party in connection with the arbitration.

A2.10 Other than as set out in sections 67 and 68 of the Arbitration Act 1996, the arbitrator's award on the issue(s) referred in accordance with paragraph A2.5 and as to costs (the "Award") shall be final and binding on the parties as from the date it is made, and the parties shall be deemed to have waived irrevocably any right to appeal or review or recourse to a court of law in respect of such Award.

A.2.11 The Award shall also be final and binding on any Sports Council and/or other body whose funding (and/or publicly-funded benefits or services) is implicated by the Award. Each of them shall take all necessary steps within their respective powers to give effect to the Award.