RFU REGULATION 20 – ANTI-DOPING PROVISIONS

SECTION 1 – INTRODUCTION

20.1 RFU Position on Doping

The RFU condemns doping. It is harmful to the health of players, totally contrary to the spirit of rugby and the RFU is committed to protecting all Players' fundamental right to participate in doping free rugby.

20.2 Role of the Union

The RFU is a Member Union of the IRB and as such is required to implement anti-doping regulations within England Rugby that are in conformity with the IRB anti-doping regulations.

SECTION 2 – IRB ANTI-DOPING REGULATIONS

20.3 IRB Regulation 21

20.3.1 The IRB has adopted the World Anti-Doping Code ('the Code') and implemented Code compliant anti-doping regulations, known as IRB Regulation 21.

20.3.2 The IRB has also incorporated Doping Control Procedural Guidelines ('the Guidelines') and the WADA Prohibited List (as amended from time to time) into IRB Regulation 21 as Schedule 1 and 2 respectively.

20.3.3 IRB Regulation 21, the Guidelines and the WADA Prohibited List may be amended from time to time. It is each Player's responsibility to ensure they are aware of the most current versions.

SECTION 3 – RFU ANTI-DOPING REGULATIONS

20.4 Definitions

20.4.1 All words and definitions contained in IRB Regulation 21 shall have the same meaning in the RFU Anti-Doping Regulations.

20.5 Incorporation of IRB Regulation 21

20.5.1 The RFU hereby adopts IRB Regulation 21 in its entirety as its own anti-doping regulations (as amended from time to time) with the additional regulations set out in this Section 3.

20.5.2 The RFU also hereby adopts the Guidelines as its own Doping Control Procedural Guidelines and the WADA Prohibited List (as amended from time to time). IRB Regulation 21, the Guidelines and the current WADA Prohibited List are available from the IRB website (**www.irb.com**), the RFU website (**www.rfu.com/antidoping**) or on request from the RFU Anti-Doping & Illicit Drugs Programme Manager.

20.5.3 In the event that the IRB adopts new Anti-Doping Regulations which conflict with these additional regulations, the new IRB Anti-Doping Regulations will prevail.

20.6 Authority to Regulate

20.6.1 These RFU Anti-Doping Regulations including IRB Regulation 21 shall apply to and shall bind all Players, Player Support Personnel and other persons under the jurisdiction of the RFU. All Players, Player Support Personnel and other persons under the jurisdiction of the RFU, shall comply with these Anti-Doping Regulations including IRB Regulation 21 and in order to be eligible to participate or assist any participant in any event or activity organised or authorised by or held under the authority of the RFU, shall comply with these Anti-Doping Regulations including IRB Regulation 21.

20.7 In-Competition and Out-of-Competition Doping Control

20.7.1 All Players under the jurisdiction of the RFU may be subject to In Competition and Out of Competition Doping Control by the RFU at any time, at any location and with No Advance Notice.

20.7.2 All Players under the jurisdiction of the RFU may also be subject to In Competition and Out of Competition Doping Control by the IRB, the World Anti-Doping Agency and any other authorised Anti-Doping Organisation.

20.7.3 All Players under the jurisdiction of the RFU may also be subject to Out of Competition Testing pursuant to the RFU's Illicit Drugs Policy which is available at **http://www.rfu.com/thegame/antidoping/illicitdrugs**. The RFU may test for Illicit Drugs regardless of whether or not a particular Illicit Drug is classified as being prohibited In Competition only on the Prohibited List.

20.8 Domestic Testing Pool

20.8.1 The RFU will identify a Domestic Testing Pool of rugby clubs who are required to provide timely and accurate club training information to the RFU for the purposes of locating domestic players for No Advance Notice Out of Competition testing. Such training information shall be provided to the RFU when requested in a format determined by the RFU and shall include dates, venues and times when training will take place. Clubs shall also communicate any changes to their training information to the RFU as and when necessary.

20.8.2 Any club within the Domestic Testing Pool who fails to submit timely and accurate club training information as requested after receipt of one (1) formal written warning from the RFU to do so during the current season shall be fined £1,000 by the RFU. Any subsequent failure by the club to provide accurate and timely club training information during the current season shall result in a £2,000 fine by the RFU.

20.8.3 Any club within the Domestic Testing Pool whose squad are unavailable for testing (i.e. incurs a Squad No Show) through the provision of inaccurate club training information will receive one (1) formal written warning from the RFU to update their training information and shall be liable for the costs incurred by the RFU for the Squad No Show. Any subsequent Squad No Show incurred by the club during the current season shall result in a fine of £2,000 by the RFU.

20.9 National Registered Testing Pool ("NRTP")

NRTP Player Whereabouts Requirements

20.9.1 The RFU will assist United Kingdom Anti-Doping ("UKAD") to identify a NRTP of Players who must file a Whereabouts Filing with the RFU and UKAD for each quarter period via ADAMS that contains the information set out in IRB Regulation 21.10.9.

20.9.2 Pursuant to IRB Regulation 21.12.5 a Player identified for inclusion in the NRTP shall remain in the NRTP and continue to be subject to these provisions including the obligation to provide player whereabouts information and be available for individual Out of Competition testing unless the Player gives written notice to the RFU that they have retired or until they no longer satisfy the criteria for inclusion in the NRTP and have been provided with written notice by the RFU.

20.9.3 A Player in the NRTP who has given written notice of retirement to the RFU may not resume competing at International Match Level unless the Player notifies the RFU at least 6 months before the Player expects to return to competition and is available for Out of Competition testing at any time during the period before their actual return to competition.

20.9.4 A Player in the NRTP who has given written notice of retirement to the RFU may resume competing at a level within the Domestic Testing Pool upon notification to the RFU of their intention to return to competition.

Whereabouts Failures

20.9.5 Players in the NRTP who fail to provide complete and accurate quarterly player whereabouts information to UKAD may incur a Filing Failure and consequently a Whereabouts Failure. Such Filing Failure shall only be declared by UKAD as the NADO in accordance with IRB Regulations 21.10.18 and 21.10.26 (save that the functions of "the Board" as detailed in those Regulations shall be read for the purposes of this Regulation 20.9.5 as being those of UKAD).

20.9.6 Players in the NRTP who are unavailable for testing at their specified location during their nominated hour may incur a Missed Test and consequently a Whereabouts Failure. Where such testing is conducted by UKAD or its designee on the basis of the whereabouts information submitted to UKAD, a Missed Test shall be declared by UKAD in accordance with IRB Regulations 21.10.23 and 21.10.27 (save that the functions of "the Board" as detailed in those Regulations shall be read for the purposes of this Regulation 20.9.6 as being those of UKAD).

Consequences of Whereabouts Failures

20.9.7 Any Player in the NRTP and/or in the IRB International Registered Testing Pool (established pursuant to IRB Regulation 21.10.1) who commits a total of three (3) Whereabouts Failures (which may be any combination of Filing Failures and/or Missed Tests adding up to three (3) in total) within an 18 month period (irrespective of which Anti-Doping Organisation(s) has/have declared

the Whereabouts Failures in question) shall be considered to have committed an anti-doping rule violation in accordance with IRB Regulation 21.2.4. The applicable period of ineligibility pursuant to IRB Regulation 21.22.2 shall be at a minimum of 12 months and at a maximum of 2 years based on the Player's degree of fault.

20.9.8 It is recognised that a Player may be in both the NRTP and the IRB Testing Pool (established pursuant to IRB Regulation 21.10.2). In those circumstances Whereabouts Failures will only be counted by the body which has declared the Whereabouts Failure (that is, a Whereabouts Failure committed by a Player pursuant to his obligations as a member of the IRB Testing Pool shall not be regarded as a Whereabouts Failure pursuant to his obligations as a member of the NRTP, and vice versa). For the avoidance of doubt, this may mean that a Player has Whereabouts Failures in both Pools but which will not be aggregated.

20.10 Therapeutic Use Exemptions

20.10.1 Any Player seeking a Therapeutic Use Exemption (TUE) pursuant to IRB Regulation 21.5 shall submit their TUE request directly to the RFU.

20.10.2 Players must submit complete and accurate TUE requests to the RFU in accordance with the TUE forms and guidance notes available on the RFU website (www.rfu.com/antidoping) or on request from the RFU Anti-Doping & Illicit Drugs Programme Manager.

20.11 Discipline Process

20.11.1 This Regulation shall apply where an anti-doping rule violation may have been committed by a Player, Player Support Personnel or a person under the jurisdiction of the RFU.

20.11.2 The RFU Legal and Governance Director is entitled to implement any provisional suspension pursuant to IRB Regulation 21.19 and the Player, Player Support Personnel or other person alleged to have committed a breach of this Regulation 20 shall be notified accordingly. For the avoidance of doubt, this power may be exercised before any determination on case to answer is made pursuant to Regulation 20.11.3.

20.11.3 UKAD shall separately review any potential anti-doping rule violation and confirm whether the Player, Player Support Personnel or other person has a case to answer. The decision of UKAD shall be communicated to the person alleged to have committed the offence.

20.11.4 The RFU shall (if UKAD has determined that there is a case to answer), bring a charge in relation to any suspected or alleged breach of this Regulation 20. Where a charge is brought, an independent panel shall be appointed by the RFU Judicial Secretary to hear the case. The Player, Player Support Personnel or other person charged shall be sent a notification of the hearing. All hearings in such a case shall be carried out in accordance with the RFU disciplinary procedures set out in the RFU Regulation 19.

20.11.5 Nothing in this Regulation 20.11 shall prevent the RFU bringing a charge against a Player, Player Support Personnel or other person for breach of any other RFU Rule or Regulation.

20.12 Appeals

20.12.1 A decision listed at IRB Regulation 21.27.2 involving a National Level Player may be appealed by the Player or person involved, the RFU, the Tournament Organiser, the IRB, the World Anti-Doping Agency ("WADA") and the National Anti-Doping Organisation.

20.12.2 Any appeal or referral must be lodged with the RFU within 7 days from the date of notification of the Disciplinary Panel and must be in the prescribed form as set out in IRB Regulation 21.24.2.

20.12.3 If an appeal or referral is made in accordance with Regulation 20.12.2 above, an Appeal Panel shall be appointed in accordance with the RFU Regulation 19. All hearings of the Appeal Panel appointed in such a case shall be carried out in accordance with the RFU's disciplinary procedures. In addition, the Appeals Panel shall have all the powers and obligations as set out in IRB Regulation 21.25.

20.12.4 The decision of the RFU Disciplinary Panel shall remain in full force and effect until the decision of the Appeals Panel.

20.12.5 In the case of alleged breaches of Regulations 20.8.1 to 20.8.3 above, the RFU and the Club shall have the right to appeal any decision of the RFU Disciplinary Panel to an Appeal Panel within 14 days of the decision in accordance with RFU appeal procedures set out in RFU Regulation 19. Appeals may only be made in relation to disputes as to the facts of whether a breach has occurred and may not be brought in relation to the level of any fine imposed.

20.13 Appeals to Court of Arbitration for Sport ('CAS')

20.13.1 The ultimate appellate body for doping violations is the CAS. The procedure for appealing to CAS is set out in IRB Regulation 21.27.

20.14 General

20.14.1 A deviation or deviations from these Anti-Doping Regulations shall not invalidate any finding, decision or Adverse Analytical Finding unless such deviation or deviations are such as to cast material doubt on any finding, decision or Adverse Analytical Finding.

20.15 Prohibition on Private Testing for Illicit Drugs

The independent private testing/screening of Players for prohibited substances and/or Illicit Drugs (as defined in the Illicit Drugs Policy) by a Club or a Player (or by a third party with a Club and/or Player's knowledge) for whatever reason is prohibited.