

# RFU REGULATIONS

## **RFU REGULATION 20 - ANTI-DOPING**

### **INTRODUCTION**

#### **20.1 RFU Position on Doping**

The RFU condemns doping. It is harmful to the health of Players, totally contrary to the core values 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 World Rugby and is subject to the UK National Anti-Doping Policy, and as such is required to implement Anti-Doping Regulations within England Rugby that are in conformity with the World Rugby Anti-Doping Regulations and the UK Anti-Doping Rules issued by UK Anti-Doping ("UKAD").

### **WORLD RUGBY AND UK ANTI-DOPING REGULATIONS**

#### **20.3 World Rugby Regulation 21 and the UK Anti-Doping Rules**

- 20.3.1 World Rugby has adopted the World Anti-Doping Code 2021 ("the Code") and implemented Code compliant Anti-Doping Regulations, known as World Rugby Regulation 21.
- 20.3.2 World Rugby has also incorporated Doping Control Procedural Guidelines ("the Guidelines") and the World Anti-Doping Agency ("WADA") Prohibited List (as amended from time to time) into World Rugby Regulation 21 as Schedules 1 and 2 respectively.
- 20.3.3 UKAD has also adopted the Code and implemented Code-compliant anti-doping regulations, namely the UK Anti-Doping Rules.
- 20.3.4 World Rugby Regulation 21, the Guidelines, the UK Anti-Doping Rules, and the WADA Prohibited List may be amended from time to time. It is the responsibility of all Players, Player Support Personnel and other Persons under the jurisdiction of the RFU to ensure they are aware of the most current versions.

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#### **20.4 Definitions**

All words and definitions contained in World Rugby Regulation 21 and/or the UK Anti-Doping Rules shall have the same meaning in the RFU Anti-Doping

Regulations. Other terms shall be as defined in the Code or WADA International Standards.

## **20.5 Incorporation of World Rugby Regulation 21 and the UK Anti-Doping Rules**

- 20.5.1 The RFU hereby adopts World Rugby Regulation 21 (including the appendices and schedules) in its entirety into its own Anti-Doping Regulations (i.e., this RFU Regulation 20), to apply to all Anti-Doping Activities (including Testing, investigations, and Results Management) carried out by World Rugby or any Delegated Third Party of World Rugby in respect of Persons who are under the RFU's jurisdiction.
- 20.5.2 The RFU hereby also adopts the UK Anti-Doping Rules in their entirety into these Anti-Doping Regulations (i.e., this RFU Regulation 20), to apply to all Anti-Doping Activities (including Testing, investigations, and Results Management) carried out by UKAD or any Delegated Third Party of UKAD in respect of Persons who are under the RFU's jurisdiction.
- 20.5.3 World Rugby Regulation 21, the Guidelines, the UK Anti-Doping Rules, and the current WADA Prohibited List are available on [www.worldrugby.org](http://www.worldrugby.org), [www.ukad.org.uk/](http://www.ukad.org.uk/), [www.englandrugby.com](http://www.englandrugby.com) and on request from the RFU Anti-Doping & Illicit Drugs Programme Manager.
- 20.5.3 In the event that World Rugby Anti-Doping Regulations or the UK Anti-Doping Rules conflict with RFU Anti-Doping Regulations, the World Rugby Anti-Doping Regulations or the UK Anti-Doping Rules (as applicable) will prevail.

## **20.6 Authority to Regulate**

- 20.6.1 The RFU Anti-Doping Regulations, including World Rugby Regulation 21 and the UK Anti-Doping Rules, shall apply to and shall bind all Players, Player Support Personnel and other persons under the jurisdiction of the RFU. For the purposes of these RFU Anti-Doping Regulations, the definition of Player is not limited to National-Level or International-Level Players and extends to anyone playing under the jurisdiction of the RFU (and references in the UK Anti-Doping Rules to 'Athletes' shall be deemed for purposes of these RFU Anti-Doping Regulations to be to Players as so defined).
- 20.6.2 All Players, Player Support Personnel and other Persons under the jurisdiction of the RFU, shall comply with the RFU Anti-Doping Regulations, including World Rugby Regulation 21 and the UK Anti-Doping Rules, in order to be eligible to participate or assist in any event or activity organised or authorised by or held under the authority of the RFU. Accordingly, by so participating or assisting, a Player, Player Support Personnel or other Person shall be deemed to have agreed:
  - (i) to be bound by and to comply strictly with these RFU Anti-Doping Regulations, including by making themselves available for In Competition and Out of Competition Doping Control on a No Advance Notice basis or

otherwise;

- (ii) to submit to the authority of the RFU, UKAD, World Rugby or other Anti-Doping Organisation as appropriate, and to submit to the exclusive jurisdiction of the panels specified in RFU Regulation 19, 20 and/or World Rugby Regulation 21; and
- (iii) to have consented to the collection, processing, disclosure and use of their personal information (including for example whereabouts information, sample analysis results and information provided by a Person for any purpose under these RFU Anti-Doping Regulations) for the purpose of implementing these RFU Anti-Doping Regulations, provided that such use of personal information shall be in accordance with the provisions of the International Standard for the Protection of Privacy and Personal Information.

20.6.3 Player Support Personnel who are Using Prohibited Substances or Prohibited Methods without valid justification are prohibited from providing support to Players under the authority of World Rugby or the RFU. Breach of this prohibition may be treated as misconduct under the RFU's Discipline Regulations and/or Rules and sanctioned accordingly.

## **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 on a No Advance Notice basis by World Rugby, WADA, UKAD 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 <https://www.englandrugby.com/governance/anti-doping-and-illicit-drugs/illicit-drugs-programme>. The RFU may test for Illicit Drugs irrespective of whether or not a particular Illicit Drug is classified as being prohibited In Competition only on the Prohibited List.

## **20.8 RFU Testing Pool**

- 20.8.1 The RFU will maintain a Testing Pool of Clubs who are required to provide timely and accurate Club training information to the RFU for the purposes of 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 RFU Testing Pool who fails to submit timely and accurate Club training information as requested after receipt of a formal written

warning from the RFU 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 RFU 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 a formal written warning from the RFU to update their training information and shall be liable for the costs incurred by the RFU (or UKAD) 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.
- 20.8.4 In the case of alleged breaches of Regulations 20.8.1 to 20.8.3 above, the Club shall have the right to appeal any decision of the RFU to administratively impose a fine to an RFU Appeal Panel within 14 days of the notification of the written 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.

## **20.9 UKAD Domestic Testing Pool (“DTP”)**

### **DTP Player Whereabouts Requirements**

- 20.9.1 The RFU will assist UKAD in identifying a DTP of Players who must comply with such whereabouts requirements as will be notified to them by UKAD.
- 20.9.2 A Player identified for inclusion in the DTP shall remain in the DTP 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 and UKAD that they have retired or until they have been provided with written notice of their removal by UKAD.
- 20.9.3 Subject to UKAD Rule 1.4.4 (b), a Player in the DTP who has given written notice of retirement to the RFU and UKAD may not resume competing at a level within the RFU Testing Pool or at International Match Level unless the Player notifies the RFU and UKAD at least 6 months before the Player expects to return to competition and is available for Out of Competition testing throughout the period before their actual return to competition.

### **Consequences of DTP Whereabouts Failures**

- 20.9.4 Any Player in the DTP who fails three (3) times within any rolling 12 month period to comply with the whereabouts requirements notified to them by UKAD may be included by UKAD in the UK Anti-Doping National Registered Testing Pool (NRTP).

## **20.10 UKAD National Registered Testing Pool (“NRTP”)**

## **NRTP Player Whereabouts Requirements**

- 20.10.1 The RFU will assist UKAD in identifying a NRTP of Players who must provide whereabouts information via ADAMS and make themselves available for Testing at such whereabouts in accordance with Article 4.8 of the International Standard for Testing and Investigations.
- 20.10.2 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 and UKAD that they have retired or have been provided with written notice by UKAD that they have been removed from the NRTP.
- 20.10.3 Subject to UKAD Rule 1.4.4(a), a Player in the NRTP who has given written notice of retirement to the RFU and UKAD may not resume competing at a level within the RFU Testing Pool or at International Match Level unless the Player notifies the RFU and UKAD at least 6 months before the Player expects to return to competition and is available for Out of Competition testing throughout the period before their actual return to competition.

## **NRTP Whereabouts Failures**

- 20.10.5 Players in the NRTP who fail to provide complete and accurate Player whereabouts information to UKAD may incur a Filing Failure; Players who are unavailable for testing at their specified location during their nominated hour may incur a Missed Test. In either case the Player may consequently be in breach of Article 2.4 of the UK Anti-Doping Rules. Such Filing Failure or Missed Test shall only be declared by UKAD in accordance with World Rugby Regulation 21.7.1.4.

## **Consequences of NRTP Whereabouts Failures**

- 20.10.6 Any Player in the NRTP and/or in the World Rugby International Registered Testing Pool (established pursuant to World Rugby Regulation 21.5.5) 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 a 12 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 World Rugby Regulation 21.2.4/Article 2.4 of the UK Anti-Doping Rules. The applicable period of ineligibility pursuant to World Rugby Regulation 21.10.3.2/Article 10.3.2 of the UK Anti-Doping Rules shall be two years, subject to a reduction down to a minimum of one year, depending on the Player's degree of Fault. The flexibility between two (2) years and one (1) year of Ineligibility in this Regulation is not available to Players where a pattern of last-minute whereabouts changes or other conduct raises a serious suspicion that the Player was trying to avoid being available for Testing.
- 20.10.7 It is recognised that a Player may be in both the NRTP and the World Rugby Testing Pool (established pursuant to World Rugby Regulation 21.5.5.8, as

opposed to the World Rugby International Registered Testing Pool). 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 their obligations as a member of the World Rugby Testing Pool shall not automatically be regarded as a Whereabouts Failure pursuant to their obligations as a member of the NRTP, and vice versa). For the avoidance of doubt, a Player may have Whereabouts Failures in both Pools if they are declared separately by both of the bodies responsible for declaring them, but which will not be aggregated.

## **20.11 Therapeutic Use Exemptions**

20.11.1 Any Player who is not an International-Level Player who is seeking a Therapeutic Use Exemption (TUE) shall submit their TUE request directly to UKAD, and UKAD will handle the request in accordance with Article 4 of the UK Anti-Doping Rules. Any International Level Player must submit their TUE request directly to World Rugby, and World Rugby will handle the request in accordance with World Rugby Regulation 21.4.4. TUE requests will be evaluated in accordance with the International Standard for TUEs.

20.11.2 Players must submit complete and accurate TUE requests to UKAD in accordance with the TUE forms and guidance notes available on the UKAD website ([www.ukad.org.uk](http://www.ukad.org.uk)) or on request from the RFU Anti-Doping & Illicit Drugs Programme Manager.

## **20.12 Investigations**

20.12.1 Where a Player, Player Support Personnel or other Person knows or suspects that any other Player, Player Support Personnel or other Person has committed an Anti-Doping Rule Violation, they shall have an obligation to report such knowledge or suspicion to the RFU as soon as possible. They shall also have a continuing obligation to report any new knowledge or suspicion regarding any Anti-Doping Rule Violation to the RFU. Failure to comply with any of the foregoing without reasonable justification may be treated as misconduct under the RFU's Discipline Regulations and/or Rules and may be sanctioned accordingly.

20.12.2 World Rugby and/or UKAD or their respective Delegated Third Parties may conduct investigations in accordance with RFU Regulation 20.5.1 and 20.5.2 respectively. Players, Player Support Personnel and other Persons must cooperate fully with such investigations. Failure or refusal to do so without reasonable justification may be treated as Misconduct and sanctioned accordingly.

20.12.3 If the Player, Player Support Personnel or other Person subverts or attempts to subvert the investigation process (for example, but not limited to, providing false, misleading, inaccurate or incomplete information, and/or by destroying potential evidence), proceedings may be brought against them for Tampering or Attempted Tampering or Complicity, or (where such conduct does not amount to a violation of those Regulations) it may be treated as misconduct under the RFU's Discipline Regulations and/or Rules and sanctioned



accordingly.

### **20.13 Disciplinary Process**

- 20.13.1 This Regulation shall apply where an Anti-Doping Rule Violation may have been committed by a Player, Player Support Personnel or other Person under the jurisdiction of the RFU.
- 20.13.2 UKAD may impose a Provisional Suspension in accordance with Article 7.10 of the UK Anti-Doping Rules on the Player, Player Support Person or other Person who is subject to Results Management by UKAD, subject always to the right of that Player, Player Support Person or other Person to challenge the Provisional Suspension in accordance with Article 7.10.3 of the UK Anti-Doping Rules. Without prejudice thereto, the RFU Legal and Governance Director has the power to impose a provisional suspension pursuant to RFU Regulation 19.4.1 and the Player, Player Support Personnel or other Person alleged to have committed a breach of World Rugby Regulation 21 shall be notified accordingly. For the avoidance of doubt, these powers may be exercised before any determination on case to answer is made pursuant to Regulation 20.13.3.
- 20.13.3 UKAD shall review any potential Anti-Doping Rule Violation and confirm whether the Player, Player Support Personnel or other Person has a case to answer, in accordance with the UK Anti-Doping Rules. The decision of UKAD shall be communicated, via the RFU, to the Person alleged to have committed the Anti-Doping Rule Violation.
- 20.13.4 The RFU shall (if UKAD has determined there is a case to answer) bring a charge in relation to an alleged Anti-Doping Rule Violation and shall be responsible for presenting the case at first instance and on any appeal. Where a charge is brought, the RFU shall instruct the National Anti-Doping Panel (“NADP”) to appoint an independent Panel to hear the case. The Player, Player Support Personnel or other Person charged shall be sent a notification of the hearing, and UKAD shall have full observer rights at that hearing. Where RFU Regulation 20.5.1 applies, World Rugby Regulation 21 and the NADP Procedural Rules will govern the proceedings (in case of any inconsistency with any provision of World Rugby Regulation 21, World Rugby Regulation 21 shall prevail). Where RFU Regulation 20.5.2 applies, the UK Anti-Doping Rules and the NADP Procedural Rules will govern the proceedings (with references in those rules to UKAD being read to mean the RFU for such purposes).
- 20.13.5 Nothing in Regulation 20.13 shall prevent the RFU from bringing a charge against a Player, Player Support Personnel or other Person for breach of any other RFU Rule or Regulation.

### **20.14 Appeals to the NADP Appeal Panel**

- 20.14.1 In cases which do not arise from participation in an International Event and do not involve International Level Players, where a decision stipulated in World Rugby Regulation 21.13.2 has been made by an independent NADP

Panel constituted under RFU Regulation 20.13.3, any appeal shall be to the NADP Appeal Panel. The persons entitled to bring such an appeal are stipulated in World Rugby Regulation 21.13.2.3.2. Where such an appeal is brought, the RFU shall instruct the NADP to appoint an independent Appeal Panel to hear the case.

- 20.14.2 Appeals to the NADP Appeal Panel in accordance with RFU Regulation 20.14.1 shall be conducted in accordance with the NADP Procedural Rules (except if inconsistent with any provision of World Rugby Regulation 21, in which case the World Rugby Regulations shall prevail).

## **20.15 Appeals to the Court of Arbitration for Sport**

- 20.15.1 The ultimate appellate body in respect of any proceedings where an Anti-Doping Rule Violation may have been committed by a Player, Player Support Personnel or any other Person under the jurisdiction of the RFU is the Court of Arbitration for Sport (“CAS”).
- 20.15.2 In cases which arise from participation in an International Event or in cases involving International-Level Players, the first and exclusive appeal against a first-instance decision of the NADP constituted under RFU Regulation 20.13.4 shall be to CAS. The persons entitled to bring such an appeal are stipulated in World Rugby Regulation 21.13.2.3.1.
- 20.15.3 In cases which do not arise from participation in an International Event and do not involve International-Level Players, where an appeal decision has been made by an independent NADP Appeal Panel constituted under RFU Regulation 20.14.1, the following parties shall have the right to appeal to CAS: (a) WADA, (b) the International Olympic Committee or the International Paralympic Committee, as applicable, where the decision may have an effect in relation to the Olympic Games or Paralympic Games; and (c) World Rugby. In the event of such an appeal, then cross-appeals and other subsequent appeals shall be specifically permitted in accordance with World Rugby Regulation 21.13.2.4.
- 20.15.4 The time limits for filing an appeal to CAS are set out in World Rugby Regulation 21.13.6. Appeals to CAS under RFU Regulations 20.15.2 and 20.15.3 shall be conducted in accordance with the relevant provisions of the Code of Sports-related Arbitration.

## **20.16 General**

- 20.16.1 Any deviation from these Anti-Doping Regulations shall not invalidate any finding, decision or Adverse Analytical Finding unless such deviation(s) is such as to cast material doubt on any finding, decision or Adverse Analytical Finding.

## **20.17 Prohibition on Private Testing for Illicit Drugs**

- 20.17.1 The independent private testing/screening of Players for prohibited substances and/or Illicit Drugs (as defined in the RFU 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.