

# The Anti-Doping Rules of the England and Wales Cricket Board (2009)



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# THE ANTI-DOPING RULES OF THE ENGLAND AND WALES CRICKET BOARD (2009)

## INTRODUCTION

The England and Wales Cricket Board (the “*National Cricket Federation*”) has adopted these anti-doping rules (the “*Rules*”) to impose clear prohibitions and controls in the sport of cricket in accordance with the mandatory provisions of the *World Anti-Doping Code*, as part of the *National Cricket Federation’s* continuing efforts to: (a) maintain the integrity of the sport of cricket; (b) protect the rights and health of all participants in the sport of cricket; and (c) keep the sport of cricket free from doping.

Unless otherwise indicated, references to Articles and Appendices are to articles and appendices of the *Rules*. Words in italicised text in the *Rules* are defined terms. Their definitions are set out in Appendix 1.

## ARTICLE 1 SCOPE AND APPLICATION

1.1 The *Rules* shall apply to:

- 1.1.1. all *Cricketers* and *Cricketer Support Personnel* who are members: (a) of the *National Cricket Federation* and/or (b) of organisations that are members or affiliates or licensees of the *National Cricket Federation* (including any clubs, teams, associations or leagues who are members, affiliates or licensees of the *National Cricket Federation*);
- 1.1.2. all *Cricketers* and *Cricketer Support Personnel* participating in *Matches* and other activities organised, convened or authorised by the *National Cricket Federation* or by any of its members or affiliates or licensees (including any clubs, teams, associations or leagues), wherever held; and
- 1.1.3. any other *Cricketer* or *Cricketer Support Personnel* who, by virtue of a contractual arrangement or otherwise, is subject to the jurisdiction of the *National Cricket Federation* for purposes of anti-doping;

whether or not such *Cricketer* or *Cricket Support Personnel* is a citizen of or resident in England and Wales.

1.2 To be a member of the *National Cricket Federation* and/or of an organisation that is a member or affiliate or licensee of the *National Cricket Federation*, or to be otherwise eligible to participate (in the case of a *Cricketer*) or assist any participating *Cricketer* (in the case of *Cricketer Support Personnel*) in any *Match* or other activity organised, convened or authorised by the *National Cricket Federation* or any of its members or affiliates or licensees, a *Cricketer* or *Cricketer Support Personnel* must agree to be bound by and to comply with the *Rules*. Accordingly, by becoming such a member or by so participating or assisting, a *Cricketer* and/or *Cricketer Support Personnel* (as applicable) shall be deemed to have agreed:

- 1.2.1 to be bound by and to comply strictly with the *Rules* (without prejudice to any other anti-doping rules applicable to him/her), including making him/herself available upon request for *Testing* at all times, whether *In-Competition* or *Out-of-Competition*;
- 1.2.2 to submit to the authority of the *National Cricket Federation* and/or of the *NADO* (as the *National Cricket Federation* and the *NADO* may agree between themselves) to apply, police and enforce the *Rules*;
- 1.2.3 to provide all requested assistance to the *National Cricket Federation* and/or the *NADO* (as applicable) in the application, policing and enforcement of the

*Rules*, including (without limitation) cooperating fully with any investigation, results management exercise, and/or proceedings being conducted pursuant to the *Rules* in relation to any potential anti-doping rule violation(s);

- 1.2.4 to submit to the exclusive jurisdiction of any *Anti-Doping Tribunal* convened under the *Rules* to hear and determine charges brought by the *National Cricket Federation* or *NADO* (as applicable) and related issues arising under the *Rules*;
  - 1.2.5 to submit to the exclusive jurisdiction of any *Appeal Panel* and/or *CAS* panel convened under the *Rules* to hear and determine appeals made pursuant to the *Rules*; and
  - 1.2.6 further to Article 18.6, not to bring any proceedings in any court or other forum that are inconsistent with the foregoing submission to the jurisdiction of the *Anti-Doping Tribunal*, the *Appeal Tribunal* and *CAS*.
- 1.3 It is acknowledged that certain *Cricketers* and *Cricketer Support Personnel* may also be subject to the anti-doping rules of other *Anti-Doping Organisations*, including (in the case of *International-Level Cricketers*) the ICC Anti-Doping Code (2009) (the "**ICC Code**"), and that the same conduct of such *Cricketers* and *Cricketer Support Personnel* may implicate not only these rules but also such other anti-doping rules, including the *ICC Code*. The *Rules* are not intended to limit the responsibilities of any *Cricketers* and *Cricketer Support Personnel* under the *ICC Code* (or any other anti-doping rules). The jurisdictional and other issues arising when the same conduct implicates the *Rules* and the *ICC Code* shall be resolved in favour of the *ICC Code*. The jurisdictional and other issues arising when the same conduct implicates the *Rules* and any other anti-doping rules shall be resolved in accordance with the *World Anti-Doping Code*.
- 1.4 It is the personal responsibility of each *Cricketer* (which may not be delegated to any other *Person*):
- 1.4.1 to acquaint him/herself, and to ensure that each *Person* (including medical personnel) from whom he/she takes advice is acquainted, with all of the requirements of the *Rules*, including (without limitation) being aware of what constitutes an anti-doping rule violation and what substances and methods are on the *Prohibited List*; and
  - 1.4.2 to comply with the *Rules* in all respects, including:
    - 1.4.2.1 taking full responsibility for what he/she ingests and uses;
    - 1.4.2.2 ensuring that any medical treatment he/she receives does not infringe the *Rules*;
    - 1.4.2.3 making him/herself available for *Testing* at all times, whether *In-Competition* or *Out-of-Competition*;
    - 1.4.2.4 when included in a *National Registered Testing Pool*, providing accurate and up-to-date whereabouts information for purposes of *Out-of-Competition Testing*; and
    - 1.4.2.5 cooperating fully with any investigation into a potential anti-doping rule violation under the *Rules*.
- 1.5 It is also the sole responsibility of each *Cricketer* to ensure that the *National Cricket Federation* is able to communicate with him/her efficiently and reliably in relation to matters arising under the *Rules*. To that end, each *Cricketer* shall be deemed to be

contactable at the postal address and telephone number that he/she has specified on any *Doping Control* form that he/she completes in relation to *Testing* under the *Rules* and it shall be the *Cricketer's* responsibility to complete such contact details (the "***Cricketer's Nominated Address***") as necessary to ensure that he/she is contactable at the *Cricketer's Nominated Address*. Any notice sent by the *National Cricket Federation* to a *Cricketer* at the *Cricketer's Nominated Address* shall be deemed to have been received by the *Cricketer* within five (5) days of the date of delivery to the *Cricketer's Nominated Address*.

- 1.6 A *Cricketer* shall continue to be bound by and required to comply with the *Rules* unless and until the *Cricketer* is deemed under the rules applicable to him/her to have retired from the sport of cricket, and the *National Cricket Federation* shall continue to have jurisdiction over him/her under the *Rules* thereafter in respect of matters taking place prior to that point.
- 1.7 A *Cricketer* who retires in accordance with Article 1.6 at a time when he/she is in the *National Registered Testing Pool* may not resume competing in the sport unless he/she has made him/herself available for unannounced *Out-of-Competition Testing* by notifying the *National Cricket Federation* of his/her intent to return and by making him/herself available for *Testing*, including (if requested) by complying with the whereabouts requirements of Article 11 of the *International Standard for Testing*, for a period of at least three months prior to his/her desired return to competition.
- 1.8 Any coach, trainer, manager, agent, team staff, official, medical, paramedical personnel, parent or any other *Person* working with, treating or assisting a *Cricketer* ("***Cricketer Support Personnel***") shall also be bound by and shall be required to comply with all of the provisions of the *Rules*.
- 1.9 It is the personal responsibility of each *Cricket Support Personnel* (which may not be delegated to any other *Person*):
  - 1.9.1 to acquaint him/herself with all of the provisions of the *Rules*, including (without limitation) being aware of what constitutes an anti-doping rule violation and what substances and methods are on the *Prohibited List*;
  - 1.9.2 to comply with the *Rules* in all respects;
  - 1.9.3 to cooperate fully with the *Testing of Cricketers*;
  - 1.9.4 to cooperate fully with any investigation into a potential anti-doping rule violation under the *Rules*; and
  - 1.9.5 to use his/her influence on *Cricketer* values and behaviour in order to foster positive attitudes towards anti-doping in the sport of cricket.
- 1.10 Without prejudice to Articles 1.1 to 1.9, the *National Cricket Federation* shall be responsible for promoting anti-doping education in the sport of cricket.

## **ARTICLE 2 ANTI-DOPING RULE VIOLATIONS**

Doping is defined as the occurrence of one or more of the following anti-doping rule violations:

- 2.1 **The presence of a *Prohibited Substance* or its *Metabolites* or *Markers* in a *Cricketer's Sample*.**
  - 2.1.1 It is each *Cricketer's* personal duty to ensure that no *Prohibited Substance* enters his/her body. A *Cricketer* is responsible for any *Prohibited Substance* or its *Metabolites* or *Markers* found to be present in his/her *Sample*. Accordingly, it is not necessary that intent, fault, negligence or knowing *Use* on the *Cricketer's* part be demonstrated in order to establish an anti-doping

rule violation under Article 2.1; nor is the *Cricketer's* lack of intent, fault, negligence or knowledge a valid defence to a charge that an anti-doping rule violation has been committed under Article 2.1.

**2.1.2** Sufficient proof of an anti-doping rule violation under Article 2.1 is established by either of the following (unless the *Cricketer* establishes that such presence is consistent with a therapeutic use exemption granted in accordance with Article 4.4): (a) the presence of a *Prohibited Substance* or its *Metabolites* or *Markers* in the *Cricketer's* A *Sample*, where the *Cricketer* waives analysis of the B *Sample* and the B *Sample* is not analysed; or (b) where the *Cricketer's* B *Sample* is analysed and the analysis of the *Cricketer's* B *Sample* confirms the presence of the *Prohibited Substance* or its *Metabolites* or *Markers* found in the *Cricketer's* A *Sample*.

**2.1.3** Excepting those substances for which a quantitative reporting threshold is specifically identified in the *Prohibited List*, the presence of any quantity of a *Prohibited Substance* or its *Metabolites* or *Markers* in a *Cricketer's* *Sample* shall constitute an anti-doping rule violation under Article 2.1.

**2.1.4** As an exception to the general rule of Article 2.1, the *Prohibited List* or *International Standards* may establish special criteria for the evaluation of *Prohibited Substances* that can also be produced endogenously.

**2.2** ***Use or Attempted Use by a Cricketer of a Prohibited Substance or a Prohibited Method, unless the Cricketer establishes that the Use or Attempted Use is consistent with a therapeutic use exemption granted in accordance with Article 4.4.***

**2.2.1** It is each *Cricketer's* personal duty to ensure that no *Prohibited Substance* enters his/her body. Accordingly, it is not necessary that intent, fault, negligence or knowing *Use* on the *Cricketer's* part be demonstrated in order to establish an anti-doping rule violation of *Use* under Article 2.2; nor is the *Cricketer's* lack of intent, fault, negligence or knowledge a valid defence to a charge that an anti-doping rule violation of *Use* has been committed under Article 2.2.

**2.2.2** The success or failure of the *Use* or *Attempted Use* of a *Prohibited Substance* or *Prohibited Method* is not material. For an anti-doping rule violation to be committed, it is sufficient that the *Cricketer* *Used* or *Attempted* to *Use* a *Prohibited Substance* or *Prohibited Method*.

**2.2.3** For the avoidance of doubt, whereas *Use* of certain substances is prohibited at all times, *Use* of other substances is only prohibited *Out-of-Competition*. (See Article 5.3.1.2). Therefore, a *Cricketer's* *Use* of a substance *Out-Of-Competition* that is not prohibited *Out-of-Competition* shall not constitute an anti-doping rule violation under Article 2.2. However, the presence of a *Prohibited Substance* or its *Metabolites* or *Markers* in a *Sample* collected *In-Competition* is a violation of Article 2.1, regardless of when that substance might have been administered.

**2.3** ***Refusing or failing without compelling justification to submit to Sample collection after notification as authorised in the Rules or under the World Anti-Doping Code, or otherwise evading Sample collection.***

**2.4** ***For a Cricketer in the National Registered Testing Pool, failure to comply with the requirements regarding Cricketer availability for Out-of-Competition Testing set out in the International Standard for Testing.***

**2.4.1** Such non-compliance includes a failure to file whereabouts information in accordance with Article 11.3 of the *International Standard for Testing* (a

*"Filing Failure"*) and/or a failure to be available for *Testing* at the declared whereabouts in accordance with Article 11.4 of the *International Standard for Testing* (a *"Missed Test"*).

**2.4.2** In accordance with Article 2.4 of the *World Anti-Doping Code*, any combination of three *Filing Failures* and/or *Missed Tests* committed within an eighteen-month period, as declared by the *National Cricket Federation* or any other *Anti-Doping Organisation* with jurisdiction over the *Cricketer*, shall constitute an anti-doping rule violation under this Article 2.4.

**2.5** ***Tampering or Attempted Tampering with any part of Doping Control.***

**2.6** ***Possession of Prohibited Substances and/or Prohibited Methods.***

**2.6.1** *Possession* by a *Cricketer In-Competition* of any *Prohibited Method* or any *Prohibited Substance*, or *Possession* by a *Cricketer Out-of-Competition* of any *Prohibited Method* or any *Prohibited Substance* which is prohibited in *Out-of-Competition Testing*, unless the *Cricketer* establishes that the *Possession* is pursuant to a therapeutic use exemption granted in accordance with Article 4.4 or other acceptable justification.

**2.6.2** *Possession* by a *Cricketer Support Personnel In-Competition* of any *Prohibited Method* or any *Prohibited Substance*, or *Possession* by *Cricketer Support Personnel Out-of-Competition* of any *Prohibited Method* or any *Prohibited Substance* which is prohibited *Out-of-Competition*, in connection with a *Cricketer*, *Match* or training, unless the *Cricketer Support Personnel* establishes that the *Possession* is consistent with a therapeutic use exemption granted to a *Cricketer* in accordance with Article 4.4 or other acceptable justification.

**2.7** ***Trafficking or Attempted Trafficking in any Prohibited Substance or Prohibited Method.***

**2.8** ***Administration or Attempted administration to any Cricketer In-Competition of any Prohibited Method or Prohibited Substance, or administration or Attempted administration to any Cricketer Out-of-Competition of any Prohibited Method or Prohibited Substance that is prohibited Out-of-Competition, unless the Cricketer or Cricketer Support Personnel establishes that the administration or Attempted administration was consistent with a therapeutic use exemption granted in accordance with Article 4.4; or assisting, encouraging, aiding, abetting, covering up or any other type of complicity involving an anti-doping rule violation or any Attempted anti-doping rule violation.***

## **ARTICLE 3 PROOF OF DOPING**

**3.1** ***Burdens and Standards of Proof***

**3.1.1** The *National Cricket Federation* or *NADO* (as applicable) shall have the burden of establishing that an anti-doping rule violation has occurred. The standard of proof shall be whether the *National Cricket Federation* or *NADO* (as applicable) has established the commission of the alleged anti-doping rule violation to the comfortable satisfaction of the *Anti-Doping Tribunal*, bearing in mind the seriousness of the allegation that is made. This standard of proof in all cases is greater than a mere balance of probability but less than proof beyond a reasonable doubt.

**3.1.2** Where the *Rules* places the burden of proof upon the *Cricketer* or other *Person* alleged to have committed an anti-doping rule violation to rebut a presumption or establish specified facts or circumstances, the standard of proof shall be by a balance of probability, except where the *Rules* specifically provides (in Articles

10.4.2 and 10.6) that the *Cricketer* or other *Person* must satisfy a higher burden of proof.

### **3.2 Methods of Establishing Facts and Presumptions**

The *Anti-Doping Tribunal* shall not be bound by judicial rules governing the admissibility of evidence. Instead, facts relating to an anti-doping rule violation may be established by any reliable means, including admissions. The following rules of proof shall be applicable at the hearing:

- 3.2.1** WADA-accredited laboratories are presumed to have conducted *Sample analysis* and custodial procedures in accordance with the *International Standard for Laboratories*. The *Cricketer* or other *Person* who is asserted to have committed an anti-doping rule violation may rebut this presumption by establishing that a departure from the *International Standard for Laboratories* occurred that could reasonably have caused the *Adverse Analytical Finding*. In such an event, the *National Cricket Federation* or *NADO* (as applicable) shall have the burden to establish that such departure did not cause the *Adverse Analytical Finding*.
- 3.2.2** Departures from any other *International Standard* or other anti-doping rule or policy that did not cause an *Adverse Analytical Finding* or other anti-doping rule violation shall not invalidate such results. If the *Cricketer* or other *Person* who is asserted to have committed an anti-doping rule violation establishes that a departure from an *International Standard* or other anti-doping rule or policy occurred that could reasonably have caused the *Adverse Analytical Finding* or other anti-doping rule violation charged, then the *National Cricket Federation* or *NADO* (as applicable) shall have the burden to establish that such a departure did not cause the *Adverse Analytical Finding* or other factual basis for the anti-doping rule violation asserted.
- 3.2.3** The facts established by a decision of a court or professional disciplinary tribunal of competent jurisdiction which is not the subject of a pending appeal shall be irrebuttable evidence against the *Cricketer* or other *Person* to whom the decision pertained of those facts, unless the *Cricketer* or other *Person* establishes that the decision violated principles of natural justice.
- 3.2.4** The *Anti-Doping Tribunal* may draw an inference adverse to the *Cricketer* or other *Person* who is asserted to have committed an anti-doping rule violation based on his/her refusal, after a request made in a reasonable time in advance of the hearing, to appear at the hearing (either in person or telephonically as directed by the *Anti-Doping Tribunal*) and to answer questions from the *National Cricket Federation* or the members of the *Anti-Doping Tribunal*.

## **ARTICLE 4 THE PROHIBITED LIST**

### **4.1 The Prohibited List**

#### **4.1.1 Prohibited Substances and Prohibited Methods**

**4.1.1.1** The *Rules* incorporate and are based upon the *Prohibited List*. A copy of the *Prohibited List* effective as of 1 January 2009 is set out at Appendix 2.

**4.1.1.2** WADA may amend the *Prohibited List* as set out in Article 4.1 of the *World Anti-Doping Code*. Unless provided otherwise by WADA, amendments to the *Prohibited List* shall come into effect under the *Rules* automatically three months after publication of

such amendments by WADA on its website, without requiring any further action by the *National Cricket Federation*. It is the responsibility of each *Cricketer* and *Cricketer Support Personnel* to be familiar with the most current version of the *Prohibited List*.

#### 4.1.2 Specified Substances

For purposes of the application of Article 10 (Sanctions on Individuals), all *Prohibited Substances* shall be “**Specified Substances**” except: (a) substances in the classes of anabolic agents or hormones; and (b) those stimulants and hormone antagonists and modulators so identified on the *Prohibited List*. *Prohibited Methods* shall not be *Specified Substances*.

#### 4.2 New Classes of Prohibited Substances

In the event WADA expands the *Prohibited List* by adding a new class of *Prohibited Substances* in accordance with Article 4.1 of the *World Anti-Doping Code*, WADA’s Executive Committee shall determine whether any or all *Prohibited Substances* within the new class of *Prohibited Substances* shall be considered *Specified Substances* within the meaning of Article 4.1.2.

#### 4.3 Criteria for Including Substances and Methods on the Prohibited List

4.3.1 The criteria for including substances and methods on the *Prohibited List* are set out in Article 4.3 of the *World Anti-Doping Code*. Such substances and methods may be included by general category (e.g. anabolic agents) or by specific reference to a particular substance or method. In accordance with Article 4.3.3 of the *World Anti-Doping Code*, WADA’s determination of the substances and methods that will be included on the *Prohibited List*, and its classification of substances into categories on the *Prohibited List*, shall be final and not be subject to challenge by a *Cricketer* or other *Person*.

4.3.2 Many of the substances on the *Prohibited List* may appear either alone or as part of a mixture within medications and/or supplements that may be available with or without a physician’s prescription. *Cricketers* are reminded that, as set out in Article 2.1.1 of the *Rules*, they are strictly liable for any *Prohibited Substances* present in *Samples* collected from them. *Cricketers* must ensure that *Prohibited Substances* do not enter or come to be present in their bodies and that *Prohibited Methods* are not *Used*.

#### 4.4 Therapeutic Use Exemptions

##### 4.4.1 Scope and Effect of TUEs

4.4.1.1 *Cricketers* may be granted permission to *Use* one or more *Prohibited Substances* or *Prohibited Methods* for therapeutic purposes in the circumstances set out in the *International Standard* for Therapeutic Use Exemptions. Where such permission (a Therapeutic Use Exemption, or “**TUE**”) has been granted, the presence in a *Sample* of a *Prohibited Substance* or its *Metabolites* or *Markers* (Article 2.1), *Use* or *Attempted Use* of a *Prohibited Substance* or a *Prohibited Method* (Article 2.2), *Possession* of *Prohibited Substances* or *Prohibited Methods* (Article 2.6) or administration or *Attempted* administration of a *Prohibited Substance* or *Prohibited Method* (Article 2.8) shall not amount to an anti-doping rule violation provided that such presence, *Use* or *Attempted Use*, *Possession*, or administration or *Attempted* administration is consistent with the provisions of the *TUE*.

**4.4.1.2** In accordance with Article 15.4 of the *World Anti-Doping Code*, any *TUE* granted to a *Cricketer* by or on behalf of a *Signatory* (including any *TUE* granted prior to the *Effective Date*) will be recognised under the *Rules* in accordance with the terms of the grant, provided that the grant is consistent with the *World Anti-Doping Code* and is within that *Signatory's* authority. Otherwise, however, a *Cricketer* who is required by Article 4.4.1.3 or Article 4.4.1.4 to obtain a *TUE* must apply to the *TUE Committee* in accordance with Article 4.4.2 to grant him/her the *TUE*.

**4.4.1.3** Subject only to Article 4.4.1.2 (which provides that a *TUE* granted by another *Signatory*, such as the *ICC*, may be recognised under the *Rules*) and Article 4.7 of the *International Standard for Therapeutic Use Exemptions* (which identifies limited circumstances in which a *TUE* may be granted retrospectively), the following *Cricketers* must obtain a *TUE* in accordance with Article 4.4.2 prior to *Use* or *Possession* or administration of the *Prohibited Substance* or *Prohibited Method* in question:

- (a) any *Cricketer* who has been designated for inclusion in the *National Registered Testing Pool*; and
- (b) any other *Cricketer* specified from time to time by the *National Cricket Federation* and/or the *NADO* (as applicable).

**4.4.1.4** If a *Cricketer* who is not in the *National Registered Testing Pool* and has not otherwise been required to obtain a *TUE* is tested pursuant to the *Rules*, and that *Cricketer* has been *Using* a *Prohibited Substance* or *Prohibited Method* for which he/she is entitled to a *TUE*, then he/she may make a retrospective application for a *TUE* to the *TUE Committee* no later than ten (10) working days after the test is completed; provided that:

- (a) the *TUE Committee* may extend this deadline upon request by the *Cricketer* for good cause shown; and
- (b) any such *TUE* application shall be resolved before any *Adverse Analytical Finding* or *Atypical Finding* relating to that *Cricketer's Sample* is referred to the *Review Board* under Article 7.2 or 7.3.

**4.4.1.5** A *Cricketer* may not apply to more than one *Anti-Doping Organisation* for a *TUE*. A *Cricketer* who applies for a *TUE* pursuant to the *ICC Code* or other anti-doping rules shall report the grant or denial of the application immediately to the *TUE Committee*, by sending it copies of the application and the decision.

#### **4.4.2** Grant of a *TUE*

**4.4.2.1** A *Cricketer* requiring a *TUE* must apply to the *TUE Committee* in accordance with the *TUE* application process set out in the *International Standard* for Therapeutic Use Exemptions.

**4.4.2.2** The *TUE Committee* will determine the *TUE* application in strict accordance with the criteria set out in the *International Standard* for Therapeutic Use Exemptions.

**4.4.2.3** The *TUE Committee* will notify the *Cricketer*, the *National Cricket Federation*, the *NADO* and the *ICC* in writing of the grant or denial

of the *Cricketer's* application for a *TUE*. Where the *Cricketer* is in the *National Registered Testing Pool*, a copy of the decision will also be sent to *WADA*. A *TUE* will be effective as of the date it is granted and will have a specified duration as decided on a case by case basis by the *TUE Committee*. It may also be granted subject to such conditions or restrictions as the *TUE Committee* sees fit.

**4.4.2.4** A *Cricketer* may not assume that his/her application for a *TUE* (or for renewal of a *TUE*) will be granted. Any *Use or Possession* or administration of a *Prohibited Substance* or *Prohibited Method* before an application has been granted shall be entirely at the *Cricketer's* own risk.

#### **4.4.3** Expiration or Cancellation of a *TUE*

**4.4.3.1** A *TUE* granted pursuant to the *Rules*:

- (a) shall expire automatically at the end of any term for which it was granted, without the need for any further notice or other formality;
- (b) may be cancelled by the *TUE Committee* if the *Cricketer* does not promptly comply with any requirements or conditions imposed by the *TUE Committee* upon grant of the *TUE*; or
- (c) may be withdrawn by the *TUE Committee* if it is subsequently determined that the criteria for grant of a *TUE* are not in fact met.

**4.4.3.2** A *Cricketer* who has been granted a *TUE* and who wishes to continue to *Use* the *Prohibited Substance* or *Prohibited Method* in question after the term for which the *TUE* has been granted must apply prior to the end of the term for renewal of the *TUE* in accordance with Article 4.4.2.

**4.4.3.3** Cancellation of a *TUE* pursuant to Article 4.4.3.1(b) or withdrawal of a *TUE* pursuant to Article 4.4.3.1(c) shall be made in writing and notified by the *TUE Committee* to the *Cricketer* with copies to the *National Cricket Federation*, the *NADO* and the *ICC*.

**4.4.3.4** In the event of an expiration, cancellation or withdrawal of the *TUE* pursuant to Article 4.4.3.1, the *Cricketer* shall not be subject to any *Consequences* based on his/her *Use or Possession* or administration of the *Prohibited Substance* or *Prohibited Method* in question in accordance with the *TUE* at any time prior to the effective date of expiry, cancellation or withdrawal of the *TUE*.

#### **4.4.4** Review of Decision Granting or Denying *TUE* Application or Revoking or Withdrawing *TUE*

**4.4.4.1** Where the *TUE Committee* denies a *Cricketer's* application for a *TUE*, or revokes or withdraws a *TUE* previously granted, the *Cricketer* may appeal against that decision to the *TUE Appeal Panel* in accordance with Article 13.7 on the ground that the decision does not comply with the *International Standard* for Therapeutic Use Exemptions. The *TUE Appeal Panel* will have discretion to determine the procedure to be followed on appeal.

**4.4.4.2** In accordance with Article 4.4 of the *World Anti-Doping Code*:

- (a) if the appeal rights set out at Article 4.4.4 have been exhausted, then at the request of a *Cricketer* whose application for a *TUE* has been denied, *WADA* may reverse such denial if it determines that such denial did not comply with the *International Standard* for Therapeutic Use Exemptions, subject to the right of the *National Cricket Federation* and the *NADO* to appeal to CAS against *WADA*'s decision, in accordance with Article 13.7.3; and
- (b) on its own initiative, *WADA* may at any time reverse any grant of a *TUE* if it determines that such grant did not comply with the *International Standard* for Therapeutic Use Exemptions, subject to the right of the *Cricketer*, the *National Cricket Federation* and the *NADO* to appeal against *WADA*'s decision, in accordance with Article 13.7.1.

**4.4.4.3** Other appeal rights in relation to *TUEs* are set out at Article 13.7.

**4.4.4.4** Until such time as the grant or denial of a *TUE* application made pursuant to the *Rules* has been reversed pursuant to Article 4.4.4.1 or Article 4.4.4.2, such grant or denial shall remain in full force and effect.

**4.4.5** *ATUEs*:

For the avoidance of any doubt, Abbreviated Therapeutic Use Exemptions ("*ATUEs*") delivered prior to the *Effective Date* shall be governed by the 2005 *International Standard* for Therapeutic Use Exemptions and shall remain valid after the *Effective Date*, until the earliest of:

**4.4.5.1** the date on which they are cancelled by the *TUE Committee* following review in accordance with Article 8.6 of the 2005 *International Standard* for *TUEs*;

**4.4.5.2** their expiry date as mentioned on the *ATUE*; or

**4.4.5.3** 31 December 2009.

**ARTICLE 5** *TESTING*

**5.1** *General principles*

**5.1.1** The *National Cricket Federation* shall be responsible for assisting the *NADO* to draw up and implement a test distribution plan for cricket played under its jurisdiction in accordance with Article 4 of the *International Standard* for *Testing*. Where there is no *NADO*, or the *NADO* does not include sufficient *Testing* for cricket played under its jurisdiction in its test distribution plan, the *National Cricket Federation* shall be responsible for implementing such *Testing*. The *National Cricket Federation* will engage one or more third parties to conduct such *Testing* on its behalf. All such *Testing* shall be conducted in substantial conformity with the *International Standard* for *Testing*.

**5.1.2** All *Cricketers* (including *Cricketers* serving a period of *Ineligibility* or a *Provisional Suspension*) must submit to *Testing* conducted on behalf of the *National Cricket Federation* upon request, at any time or place, with or without notice.

- 5.1.3 For the avoidance of doubt, the *National Cricket Federation* may select *Cricketers* for *Target Testing* so long as such *Target Testing* is not used for any purpose other than legitimate *Doping Control* purposes.
- 5.1.4 The *National Cricket Federation* acknowledges the jurisdiction that the *World Anti-Doping Code* confers on other *Anti-Doping Organisations* to test *Cricketers*. The *National Cricket Federation* shall recognise such *Testing* and the results thereof in accordance with Article 15.4 of the *World Anti-Doping Code*.
- 5.1.5 The *National Cricket Federation* may authorise independent observers to observe *Testing* conducted on behalf of the *National Cricket Federation*.

## 5.2 ***In-Competition Testing***

- 5.2.1 *Cricketers* shall be subject to *Testing* on behalf of the *National Cricket Federation* at *Matches*. The selection of the *Matches* at which *Testing* is to take place shall be determined by the *National Cricket Federation*, and shall remain confidential except to those *Persons* with a reasonable need to know of such selection in order to facilitate such *Testing*.
- 5.2.2 A *Cricketer* may be notified that he/she has been selected for *Testing* in connection with a *Match* in which he/she is participating at any time from 0600 local time on the first day of the *Match* in question until one hour after the completion of the *Match*. Such periods (and only such periods) shall be deemed "***In-Competition***" periods for purposes of the *Rules*, so that, by way of example only:
  - 5.2.2.1 the entire duration of any *Match* lasting more than one day will be considered to be *In-Competition*;
  - 5.2.2.2 where a *Match* overflows into a 'reserve' day which has been set aside, then, for the purposes of the *Rules*, the *In-Competition* period shall continue until the completion of the *Match*; and
  - 5.2.2.3 where a 'reserve' day has been set aside for a *Match*, but the *Match* concludes prior to the commencement of play on the 'reserve' day, then such 'reserve' day will not be considered to fall within the *In-Competition* period.
- 5.2.3 The actual timing of the *Testing* at a selected *Match*, and the selection of *Cricketers* to be tested at that *Match*, shall be at the discretion of the *National Cricket Federation* or the *NADO* (as applicable).

## 5.3 ***Out-of-Competition Testing***

- 5.3.1 ***Ambit of Out-of-Competition Testing***
  - 5.3.1.1 Any period outside of an *In-Competition* period shall be deemed an "***Out-of-Competition***" period for purposes of the *Rules*. Any *Testing* of a *Cricketer* outside of an *In-Competition* period shall therefore be considered *Out-of-Competition Testing* for the purposes of the *Rules*. Save in exceptional circumstances, such *Testing* shall be *No Advance Notice Testing*.
  - 5.3.1.2 Where a *Sample* is collected during *Out-of-Competition Testing*, there shall only be an anti-doping rule violation under Article 2.1 if a substance (or its *Markers* or *Metabolites*) that is prohibited in *Out-of-Competition Testing* - ie a substance that is listed in the section of the *Prohibited List* entitled "Substances and Methods

Prohibited At All Times (In- and Out-of-Competition)" - is present in the *Sample*.

**5.3.1.3** For the avoidance of doubt, a *Cricketer* may be selected for *Out-of-Competition Testing* at any time and place, whether or not he/she has been included in the *National Registered Testing Pool*. The timing of *Out-of-Competition Testing* and the selection of *Cricketers* to be tested shall be at the discretion of the *National Cricket Federation* and/or the *NADO* (as the *National Cricket Federation* and the *NADO* may determine from time to time). Decisions relating to timing and selection of *Cricketers* for *Out-of-Competition Testing* shall remain confidential except to those with a reasonable need to know of them in order to facilitate such *Testing*.

**5.3.2 Additional Obligations on Cricketers Included in the *National Registered Testing Pool***

**5.3.2.1** In addition to the general obligation on all *Cricketers* to submit to *Testing* (including *Out-of-Competition Testing*) at any time and place, in accordance with Article 11.2 of the *International Standard for Testing*:

- (a) the ICC shall establish a pool of international cricketers (the "***International Registered Testing Pool***") who are required to provide up-to-date whereabouts information to the ICC and to make themselves available for *Testing* at such whereabouts in accordance with the ICC Code; and
- (b) the NADO may establish a pool of *Cricketers* (the "***National Registered Testing Pool***") who shall be personally responsible for: (i) providing written notification to the NADO of his/her whereabouts in the next quarter, as specified in Article 11.3 of the *International Standard for Testing*; (ii) updating that whereabouts information as necessary, in accordance with Article 11.4.2 of the *International Standard for Testing*, so that it remains accurate and complete at all times; and (iii) making themselves available for *Testing* at such whereabouts, in accordance with Article 11.4 of the *International Standard for Testing*.

**5.3.2.2** Subject to the results management provisions referenced at Article 7.4:

- (a) the failure of a *Cricketer* in the *National Registered Testing Pool* to advise the *NADO* of his/her whereabouts shall be deemed a *Filing Failure* for purposes of the *Rules* where the conditions of Article 11.3.5 of the *International Standard for Testing* are met; and
- (b) the failure of a *Cricketer* in the *National Registered Testing Pool* to be available for *Testing* at his/her declared whereabouts shall be deemed a *Missed Test* for purposes of the *Rules* where the conditions of Article 11.4.3 of the *International Standard for Testing* are met.

**5.3.2.3** A *Cricketer* will be notified in writing of his/her inclusion in the *National Registered Testing Pool*. A *Cricketer* may be included in the *National Registered Testing Pool* notwithstanding that he/she is also included in the *International Registered Testing Pool*. In

that case, in order to prevent duplication of filing requirements, the ICC will receive the *Cricketer's* whereabouts filings and share them with the NADO and with other *Anti-Doping Organisations* with jurisdiction to test that *Cricketer* in accordance with Article 11.1.7(d) of the *International Standard for Testing*. In such circumstances, the *Cricketer* will only be required to file whereabouts information with the ICC.

**5.3.2.4** A *Cricketer* who has been included in the *National Registered Testing Pool* must continue to comply with the whereabouts requirements of the *International Standard for Testing* unless and until either:

- (a) the NADO informs him/her in writing that he/she no longer satisfies the criteria for inclusion in the *National Registered Testing Pool*; or
- (b) the *Cricketer* retires from his/her sport in accordance with Article 1.6.

#### **5.4 Testing of Minors**

**5.4.1** *Testing* of a *Cricketer* who is a *Minor* shall be conducted in accordance with Annex C of the *International Standard for Testing* (Modifications for *Cricketers* who are *Minors*).

**5.4.2** A *Minor* may not participate in any cricket conducted under the jurisdiction of the *National Cricket Federation* unless a parent or guardian of that *Minor* has consented to *Testing* of the *Minor* in accordance with Article 5.4.1. For purposes of the *Rules*, such consent shall be deemed from the fact that the *Minor* has been permitted by his/her parent or guardian to participate in the sport. Confirmation in writing of such consent may be required to be provided at any time. Where the *Minor* is included in the *National Registered Testing Pool*, such consent must be confirmed upon notification of inclusion in the pool as a pre-condition to further participation in the sport. In addition, the rules of a particular *Competition* may require the provision of written consent pursuant to this Article 5.4 as a pre-condition to a *Minor's* participation in the *Competition*.

#### **5.5 Liability for Testing**

Although every reasonable effort will be made to avoid inconvenience to the *Cricketer* being tested, no liability shall arise on the part of the *National Cricket Federation* or any of its respective members, directors, officers, employees, agents or representatives for any inconvenience or loss arising on the part of the *Cricketer* as a result of such *Testing*.

### **ARTICLE 6 ANALYSIS OF SAMPLES**

*Samples* collected under the *Rules* shall be analysed in accordance with the following principles:

#### **6.1 Use of Approved Laboratories**

*Samples* shall be sent for analysis only to WADA-accredited laboratories or as otherwise approved by WADA. The choice of the WADA-accredited laboratory (or other laboratory or method approved by WADA) used for the *Sample* analysis shall be determined exclusively by the *National Cricket Federation*.

#### **6.2 Purpose of Collection and Analysis of Samples**

*Samples* shall be analysed:

- 6.2.1 to detect *Prohibited Substances* and *Prohibited Methods* identified on the *Prohibited List* and other substances as may be directed by WADA pursuant to the Monitoring Program described in Article 4.5 of the *World Anti-Doping Code*; and/or
- 6.2.2 to assist the *National Cricket Federation/NADO* in profiling relevant parameters in a *Cricketer's* urine, blood or other matrix, including DNA or genomic profiling, for anti-doping purposes.

### 6.3 Restrictions on Use of Samples

- 6.3.1 All *Samples* provided by a *Cricketer* for the purposes of *Doping Control* under the *Rules* shall be the property of the *National Cricket Federation*, and the *National Cricket Federation* shall be entitled to determine all matters regarding the analysis and disposal of such *Samples* at all times in accordance with the *International Standards*.
- 6.3.2 No *Sample* may be used for any purpose other than as described in Article 6.2 without the *Cricketer's* written consent. A *Sample* used (with the *Cricketer's* consent) for purposes other than as described in Article 6.2 shall have any means of identification removed so that it cannot be traced back to the *Cricketer* that provided it.

### 6.4 Standards for Sample Analysis and Reporting

- 6.4.1 Laboratories shall analyse *Samples* and report results to the *National Cricket Federation* in conformity with the *International Standard* for Laboratories.
- 6.4.2 The *National Cricket Federation* shall pay the costs of collection and analysis of *Samples* under the *Rules*.
- 6.4.3 Any *Adverse Analytical Findings* reported by the laboratory shall be dealt with as set out in Article 7.1. Any *Atypical Findings* reported by the laboratory shall be dealt with as set out in Article 7.2.

### 6.5 Retesting Samples

A *Sample* collected pursuant to the *Rules* may be reanalysed for the purposes described in Article 6.2 at any time exclusively at the direction of the *National Cricket Federation* or WADA. The circumstances and conditions for retesting *Samples* shall conform with the requirements of the *International Standard* for Laboratories.

## ARTICLE 7 RESULTS MANAGEMENT

### 7.1 Responsibility for Results Management

- 7.1.1 Results management and the investigation of potential anti-doping rule violations shall proceed pursuant to the *Rules* where the conduct in question:
  - 7.1.1.1 was identified by *Testing* conducted pursuant to the *Rules* or otherwise arose in relation to the *Rules*; or
  - 7.1.1.2 was identified by *Testing* conducted pursuant to other applicable *Rules* (e.g. the *ICC Code*) or otherwise arose in relation to those other *Rules*, and the *Anti-Doping Organisation* that issued such *Rules* requests or it is otherwise appropriate in all of the

circumstances for the *National Cricket Federation* to take jurisdiction over the matter.

- 7.1.2 Where responsibility for results management arises under the *Rules*, it shall be undertaken by the *National Cricket Federation* or the *NADO* (as they may agree between them), and references below to the *National Cricket Federation* shall be read accordingly.

## 7.2 Results Management for Tests Initiated by the *National Cricket Federation*

- 7.2.1 Upon receipt of an *Adverse Analytical Finding* in respect of an *A Sample*, the *National Cricket Federation* shall refer the matter to the *Review Board*, which shall conduct a review to determine whether:

7.2.1.1 the *Adverse Analytical Finding* is consistent with an applicable *TUE*; or

7.2.1.2 there is any apparent departure from the *International Standard for Testing or International Standard* for Laboratories that caused the *Adverse Analytical Finding*.

- 7.2.2 If the initial review of the *Adverse Analytical Finding* reveals that either: (a) the *Adverse Analytical Finding* is consistent with an applicable *TUE*; or (b) there has been an apparent departure from either the *International Standard for Testing or the International Standard* for Laboratories that caused the *Adverse Analytical Finding*, then the *National Cricket Federation* shall notify the *Cricketer*, the *ICC*, *WADA* and the *National Anti-Doping Organisation* of the *Cricketer* of that fact, and (subject to the rights of appeal set out in Article 13) the matter shall not proceed any further,

- 7.2.3 If the initial review of an *Adverse Analytical Finding* does not reveal that: (a) the *Adverse Analytical Finding* is consistent with an applicable *TUE*; or (b) there has been an apparent departure from the *International Standard for Testing or the International Standard* for Laboratories that caused the *Adverse Analytical Finding*, then the *Anti-Doping Manager* shall promptly send the *Cricketer* written notice (the “**Notice of Charge**”), copied to *WADA*, the *ICC* and his/her *National Anti-Doping Organisation*, of the following:

7.2.3.1 that the *Cricketer* has a case to answer under Article 2;

7.2.3.2 details of the anti-doping rule violation(s) that the *Cricketer* is alleged to have committed, including details of the *Adverse Analytical Finding* and a copy of the laboratory documentation package supporting such *Adverse Analytical Finding*;

7.2.3.3 of the *Cricketer's* rights in respect of the analysis of the *B Sample*:

(a) The *Cricketer* shall have the right: (i) to have the laboratory analyse the *B Sample* to confirm the *Adverse Analytical Finding* in respect of the *A Sample*; and (ii) to attend at the laboratory (personally and/or through a representative, but at his/her own cost) to witness the opening and analysis of the *B Sample*. The *National Cricket Federation* and the *ICC* may also be represented at the *B Sample* analysis.

(b) The *Notice of Charge* may specify that the analysis of the *B Sample* will go ahead in any event, or it may require the *Cricketer* to advise the *National Cricket Federation* by a specified deadline if he/she wants the *B Sample* analysis to go ahead. In the latter case, the *Notice of Charge* shall warn the

*Cricketer* that, failing such request, the *Cricketer* will be deemed to have waived his/her right to analysis of the B *Sample* analysis, and to have accepted the accuracy of the *Adverse Analytical Finding* in respect of the A *Sample*.

- (c) The *Notice of Charge* shall specify the scheduled date, time and place for the B *Sample* analysis (which shall be within the time period specified in the *International Standard* for Laboratories), if it is to go ahead. There shall be no right to an adjournment of the date scheduled for analysis of the B *Sample*. In the event that neither the *Cricketer* nor any representative of the *Cricketer* attends the B *Sample* analysis, the laboratory shall appoint an independent witness, in accordance with the *International Standard* for Laboratories, to verify that the B *Sample* container shows no signs of tampering and that the identifying numbers correspond to those on the collection documentation.

**7.2.3.4** the *Consequences* applicable under the *Rules* if it is established that the *Cricketer* has committed the anti-doping rule violation(s) charged (including identifying any discretion that may exist in relation to such *Consequences* under the *Rules*);

**7.2.3.5** (where applicable) the matters relating to *Provisional Suspension* specified at Article 7.6; and

**7.2.3.6** the matters specified at Article 7.7.

**7.2.4** If the B *Sample* is analysed and the *Adverse Analytical Finding* in respect of the A *Sample* is not confirmed, then (unless the *National Cricket Federation* charges the *Cricketer* with an anti-doping rule violation under Article 2.2) the entire test shall be considered negative and the *Cricketer*, WADA, the ICC and his/her *National Anti-Doping Organisation* shall be so informed. In such circumstances, the proceedings instituted against the *Cricketer* shall be discontinued, and any *Provisional Suspension* previously imposed shall be deemed vacated with immediate effect.

**7.2.5** If the analysis of the B *Sample* confirms the *Adverse Analytical Finding* in respect of the A *Sample* to the satisfaction of the *National Cricket Federation*, the findings shall be reported to the *Cricketer*, WADA, the ICC and his/her *National Anti-Doping Organisation*, and the matter shall proceed to a hearing in accordance with Article 8.

### **7.3 Results Management for Atypical Findings**

**7.3.1** As provided in the *International Standards*, in certain circumstances where a *Prohibited Substance* is detected in a *Sample* that may also be produced endogenously, laboratories are directed to report the presence of such substance as an *Atypical Finding* that should be investigated further.

**7.3.2** If a laboratory reports an *Atypical Finding* in respect of a *Sample* collected pursuant to the *Rules*, the *Review Board* shall conduct a review to determine whether: (a) the *Atypical Finding* is consistent with an applicable *TUE*; or (b) there is any apparent departure from the *International Standard* for Testing or *International Standard* for Laboratories that caused the *Atypical Finding*.

**7.3.3** If the initial review of an *Atypical Finding* under Article 7.3.2 reveals either: (a) that the *Atypical Finding* is consistent with an applicable *TUE*; or (b) that there is an apparent departure from the *International Standard* for Testing or *International Standard* for Laboratories that caused the *Atypical Finding*, the *National Cricket Federation* shall notify the *Cricketer*, WADA, the ICC and the

*Cricketer's National Anti-Doping Organisation* and (subject to the rights of appeal set out at Article 13) the matter shall not proceed any further.

- 7.3.4** If the initial review of an *Atypical Finding* under Article 7.3.2 does not reveal that the *Atypical Finding* is consistent with an applicable *TUE* or a departure from the *International Standard for Testing* or the *International Standard for Laboratories* that caused the *Atypical Finding*, the *National Cricket Federation* shall conduct the follow-up investigation required by the *International Standards*. If, once that investigation is completed, the *Review Board* concludes that the *Atypical Finding* should be considered an *Adverse Analytical Finding*, the *National Cricket Federation* shall pursue the matter in accordance with Article 7.2.3. If not, it shall so inform the *Cricketer*, *WADA*, the *ICC* and the *Cricketer's National Anti-Doping Organisation* and (subject to the rights of appeal set out at Article 13) the matter shall not proceed any further.
- 7.3.5** Pending the outcome of the investigation, the *National Cricket Federation* will keep the *Atypical Finding* confidential, unless one of the following circumstances exists:
- 7.3.5.1** If the *National Cricket Federation* determines the *B Sample* should be analysed prior to the conclusion of its follow-up investigation, it may conduct the *B Sample* analysis after notifying the *Cricketer*, with such notice to include a description of the *Atypical Finding* and the information described in Article 7.2.3.3.
- 7.3.5.2** If the *National Cricket Federation* receives a request from the *ICC*, the *National Cricket Federation* shall so identify any such *Cricketer* after first providing notice of the *Atypical Finding* to the *Cricketer*.

#### **7.4 Results Management for Whereabouts Violations**

- 7.4.1** Unless agreed to the contrary with the *ICC*, results management in respect of an apparent *Filing Failure* by a *Cricketer* in the *National Registered Testing Pool* shall be conducted by the *National Cricket Federation* in accordance with Article 11.6.2 of the *International Standard for Testing*.
- 7.4.2** Results management in respect of an apparent *Missed Test* by a *Cricketer* in the *National Registered Testing Pool* as a result of an attempt to test the *Cricketer* by or on behalf of the *National Cricket Federation* shall be conducted by the *National Cricket Federation* in accordance with Article 11.6.3 of the *International Standard for Testing* (with the administrative review, if any, carried out by the *Review Board*).
- 7.4.3** Results management in respect of an apparent *Missed Test* by a *Cricketer* as a result of an attempt to test the *Cricketer* by or on behalf of another *Anti-Doping Organisation* shall be conducted by that other *Anti-Doping Organisation* in accordance with Article 11.7.6(c) of the *International Standard for Testing*.
- 7.4.4** Where, in any eighteen-month period, a *Cricketer* in the *National Registered Testing Pool* is declared to have three *Filing Failures*, or three *Missed Tests*, or any combination of *Filing Failures* or *Missed Tests* adding up to three in total, whether under the *Rules* or under anti-doping rules of any other relevant *Anti-Doping Organisation*, then (save only where Article 11.6.5(a) of the *International Standard for Testing* provides otherwise) the matter shall be referred to the *Review Board* to determine, in accordance with Article 11.6.5 of the *International Standard for Testing*, whether the *Cricketer* has a case to answer under Article 2.4.

7.4.5 If the *Review Board* determines that the *Cricketer* has a case to answer under Article 2.4, the *Anti-Doping Manager* shall promptly send the *Cricketer* a written *Notice of Charge* (copied to *WADA*, the *ICC* and his/her *National Anti-Doping Organisation*), amended as appropriate to confirm the following:

7.4.5.1 that the *Cricketer* has a case to answer under Article 2.4;

7.4.5.2 details of facts upon which the case to answer is based, including details of the *Filing Failures* and/or *Missed Tests* alleged, and copies of any relevant documentation; and

7.4.5.3 (where applicable) the matters relating to *Provisional Suspension* specified at Article 7.6.

## 7.5 Investigations

7.5.1 The *National Cricket Federation* or *NADO* may conduct investigations in whatever manner it thinks fit into the activities of any *Cricketer* or *Cricketer Support Personnel* that the *National Cricket Federation* or *NADO* believes may have committed an anti-doping rule violation. Such investigations may be conducted in conjunction with, and/or information obtained in such investigations may be shared with, other *Signatories* and/or other relevant authorities. The *National Cricket Federation/NADO* shall have discretion, where it deems appropriate, to stay its own investigation pending the outcome of investigations being conducted by other *Signatories* and/or other relevant authorities.

7.5.2 In the event a *Cricketer* knows or suspects that any other *Cricketer* or *Cricketer Support Personnel* has committed an anti-doping rule violation, the *Cricketer* must report such knowledge or suspicion to the *Anti-Doping Manager* as soon as possible. A *Cricketer* shall have a continuing obligation to report any new knowledge or suspicion regarding any anti-doping rule violation to the *Anti-Doping Manager*, even if the *Cricketer's* prior knowledge or suspicion has already been reported.

7.5.3 *Cricketers* and *Cricketer Support Personnel* must cooperate fully with investigations conducted pursuant to this Article 7.5.

7.5.3.1 If the *Anti-Doping Manager* believes that a *Cricketer* or *Cricketer Support Personnel* may have committed an anti-doping rule violation, the *Anti-Doping Manager* may make a written demand to such *Cricketer* or *Cricketer Support Personnel* (a "**Demand**") to furnish to the *Anti-Doping Manager* any information regarding the alleged anti-doping rule violation, including, without limitation, a written statement setting forth the facts and circumstances with respect to the alleged anti-doping rule violation; provided that the *Review Board* has agreed with the *Anti-Doping Manager* that there is a good faith basis for the *Demand*. The *Cricketer* or *Cricketer Support Personnel* shall furnish such information within seven business days of the making of such *Demand*, or within such other time as may be set by the *Anti-Doping Manager*. Any information furnished to the *Anti-Doping Manager* shall be kept confidential except when it becomes necessary to disclose such information in furtherance of the prosecution of an anti-doping rule violation, or when such information is reported to administrative, professional, or judicial authorities pursuant to an investigation or prosecution of non-sporting laws or regulations.

7.5.3.2 Each *Cricketer* or *Cricketer Support Personnel* waives and forfeits all rights, defences and privileges provided by any law in any

jurisdiction to withhold information requested by the *Anti-Doping Manager*. If a *Cricketer* or *Cricketer Support Personnel* fails to produce such information, his/her eligibility to participate in *Matches* may be withdrawn, and he/she may be denied accreditation and access to *Matches*, pending compliance with the *Demand*.

- 7.5.4 Where any *Cricketer* or *Cricketer Support Personnel* fails to comply with any of the obligations set out in Articles 7.5.2 or 7.5.3, without prejudice to any other *Consequences* that may be imposed against him/her under the *Rules* in relation to any alleged anti-doping rule violation(s), the *National Cricket Federation* may impose such sanction on the *Cricketer* or *Cricketer Support Personnel* as it considers appropriate, having due regard to the circumstances of such failure.
- 7.5.5 Where, as the result of an investigation under this Article 7.5, the *National Cricket Federation* forms the view that an anti-doping rule violation may have been committed, the *National Cricket Federation* shall refer the matter to the *Review Board*, to determine whether there is a case to answer.
- 7.5.6 If the *Review Board* determines that the *Cricketer* or *Cricketer Support Personnel* has a case to answer under Article 2, the *Anti-Doping Manager* shall promptly send the *Cricketer* or *Cricketer Support Personnel* a written *Notice of Charge* (copied to WADA, the ICC and his/her *National Anti-Doping Organisation*), amended as appropriate to confirm the following:
- 7.5.6.1 that the *Cricketer* or *Cricketer Support Personnel* has a case to answer under Article 2 (specifying which particular anti-doping rule violation is alleged to have been committed);
  - 7.5.6.2 details of facts upon which the case to answer is based, including copies of any relevant documentation; and
  - 7.5.6.3 (where applicable) the matters relating to *Provisional Suspension* specified at Article 7.6.

## 7.6 *Provisional Suspension*

- 7.6.1 If analysis of an *A Sample* results in an *Adverse Analytical Finding* for a *Prohibited Substance* that is not a *Specified Substance*, and a review in accordance with Article 7.1.2 does not reveal an applicable *TUE* or departure from the *International Standard for Testing* or the *International Standard for Laboratories* that caused the *Adverse Analytical Finding*, then the *National Cricket Federation* shall *Provisionally Suspend* the *Cricketer* pending the *Anti-Doping Tribunal's* determination of whether he/she has committed an anti-doping rule violation.
- 7.6.2 In any case not covered by Article 7.6.1 (for example, if the analysis of an *A Sample* has resulted in an *Adverse Analytical Finding* for a *Prohibited Substance* that is a *Specified Substance*), where the *National Cricket Federation* decides to take the matter forward as an apparent anti-doping rule violation in accordance with the provisions of this Article 7, the *National Cricket Federation* may *Provisionally Suspend* the *Cricketer* or *Cricketer Support Personnel* pending the *Anti-Doping Tribunal's* determination of whether he/she has committed an anti-doping rule violation.
- 7.6.3 Where a *Provisional Suspension* is imposed, whether pursuant to Article 7.6.1 or Article 7.6.2, the *Cricketer* or *Cricketer Support Personnel* shall be given either: (a) an opportunity for a *Provisional Hearing* before imposition of the *Provisional Suspension* or on a timely basis after imposition of the *Provisional Suspension*; or (b) an opportunity for an expedited hearing in

accordance with Article 8 on a timely basis after imposition of a *Provisional Suspension*. Where the *Cricketer* or *Cricketer Support Personnel* is given an opportunity to challenge the imposition of a *Provisional Suspension* at a *Provisional Hearing*, the only grounds of challenge (which it shall be his/her burden to establish) shall be the following:

- 7.6.3.1** the charge(s) has/have no reasonable prospect of being upheld, e.g., because of a patent flaw in the case against him/her; or
  - 7.6.3.2** the *Cricketer* or *Cricketer Support Personnel* has a strong arguable case that he/she bears *No Fault or Negligence* for the anti-doping rule violation(s) charged, so that any period of *Ineligibility* that might otherwise be imposed for such a violation is likely to be completely eliminated by application of Article 10.5.1; or
  - 7.6.3.3** some other facts exist that make it clearly unfair, in all of the circumstances, to impose a *Provisional Suspension* prior to a full hearing on the merits of the charge(s) against the *Cricketer* or *Cricketer Support Personnel*. This ground is to be construed narrowly, and applied only in truly exceptional circumstances. For example, the fact that the *Provisional Suspension* would prevent the *Cricketer* participating in a particular *Match* shall not qualify as exceptional circumstances for these purposes.
- 7.6.4** If a *Provisional Suspension* is imposed based on an *Adverse Analytical Finding* in respect of an *A Sample*, and any subsequent analysis of the *B Sample* analysis does not confirm the *A Sample* analysis, then the *Cricketer* shall not be subject to any further *Provisional Suspension* on account of a violation of Article 2.1 (presence of a *Prohibited Substance* or its *Metabolites* or *Markers*).
- 7.6.5** During the period of any *Provisional Suspension*, a *Cricketer* or *Cricketer Support Personnel* may not play, coach or otherwise participate or be involved in any capacity in any *Match* or any other function, event or activity that is authorised, organised, sanctioned, recognised or supported in any way by the *National Cricket Federation* or by any body that is a member of, or affiliated to, or licensed by the *National Cricket Federation*. Without prejudice to the generality of the foregoing, the *Cricketer* or *Cricketer Support Personnel* may not be given accreditation for, or otherwise granted access to, any *Match* or any other function, event or activity to which access is controlled by the *National Cricket Federation* or by any body that is a member of, or affiliated to, or licensed by the *National Cricket Federation*, and any accreditation previously issued shall be withdrawn.

## **7.7 Responding to the Notice of Charge**

- 7.7.1** A *Notice of Charge* sent to a *Cricketer* in accordance with Article 7.2.3 or Article 7.4.5 or to a *Cricketer* or *Cricketer Support Personnel* in accordance with Article 7.5.6 shall also specify that, if the *Cricketer* or *Cricketer Support Personnel* wishes to exercise his/her right to a hearing before the *Anti-Doping Tribunal*, he/she must submit a written request for such a hearing so that it is received by the *Anti-Doping Manager* as soon as possible, but in any event within fourteen (14) days of the receipt by the *Cricketer* or *Cricketer Support Personnel* of the *Notice of Charge*. The request must also state how the *Cricketer* or *Cricketer Support Personnel* responds to the charge(s) and must explain (in summary form) the basis for such response.
- 7.7.2** If the *Cricketer* or *Cricketer Support Personnel* fails to file a written request for a hearing before the *Anti-Doping Tribunal* in accordance with Article 7.7.1 by the deadline specified in that Article, then the *Cricketer* or *Cricketer*

*Support Personnel* shall be deemed:

- 7.7.2.1 to have waived his/her entitlement to a hearing;
- 7.7.2.2 to have admitted that he/she has committed the anti-doping rule violation(s) specified in the *Notice of Charge*; and
- 7.7.2.3 to have acceded to the *Consequences* specified in the *Notice of Charge*.

In such circumstances, a hearing before the *Anti-Doping Tribunal* shall not be required. Instead, the *National Cricket Federation* shall promptly issue a public decision confirming the commission of the anti-doping rule violation(s) specified in the *Notice of Charge* and the imposition of the *Consequences* specified in the *Notice of Charge*.

- 7.7.3 Where the *Cricketer* or *Cricketer Support Personnel* does request a hearing in accordance with Article 7.7.1, the matter shall proceed to a hearing in accordance with Article 8.

## ARTICLE 8 RIGHT TO A FAIR HEARING

### 8.1 Hearings under the *Rules*

- 8.1.1 Where the *National Cricket Federation* alleges that a *Cricketer* or *Cricketer Support Personnel* has committed an anti-doping rule violation, and the *Cricketer* or *Cricketer Support Personnel* denies the allegation, and/or disputes the *Consequences* to be imposed for such violation under the *Rules*, then the case shall be referred to the National Anti-Doping Panel administered by Sport Resolutions (UK) (the "**Doping Hearing Panel**") for adjudication.
- 8.1.2 The President of the *Doping Hearing Panel* shall appoint three members from the *Doping Hearing Panel* (which may include the President) to sit as the *Anti-Doping Tribunal* to hear each case. Each *Doping Hearing Panel* member appointed to the *Anti-Doping Tribunal* shall be independent of the *National Cricket Federation*. At least one appointed member of the *Anti-Doping Tribunal* shall be a lawyer, and shall sit as the Chairman of the *Anti-Doping Tribunal*. The parties shall be advised of the identities of the appointed members of the *Anti-Doping Tribunal* and furnished with each appointed member's written declaration of independence.
- 8.1.3 The Chairman of the *Anti-Doping Tribunal* shall convene a preliminary hearing with the *National Cricket Federation* and its legal representatives, and with the *Cricketer* or *Cricketer Support Personnel* and his/her legal representatives (if any). The preliminary hearing should take place as soon as possible by telephone conference call unless the Chairman determines otherwise. The non-participation of the *Cricketer* or *Cricketer Support Personnel* or his/her representatives at the preliminary hearing, after proper notice of the preliminary hearing has been provided, shall not prevent the Chairman of the *Anti-Doping Tribunal* from proceeding with the preliminary hearing, whether or not any written submissions are made on behalf of the *Cricketer* or *Cricketer Support Personnel*.
- 8.1.4 The purpose of the preliminary hearing shall be to allow the Chairman to address any preliminary issues. In particular (but without limitation), the Chairman shall:
  - 8.1.4.1 determine the date(s) upon which the full hearing shall be held;

- 8.1.4.2** establish dates reasonably in advance of the date of the full hearing at which:
- (a) the *National Cricket Federation* shall submit an opening brief with argument on all issues that the *National Cricket Federation* wishes to raise at the hearing and a list of the witnesses that the *National Cricket Federation* intends to call at the hearing (and a summary of the subject areas of the witness's anticipated testimony), and enclosing copies of the exhibits that the *National Cricket Federation* intends to introduce at the hearing;
  - (b) the *Cricketer* or *Cricketer Support Personnel* shall submit an answering brief, addressing the *National Cricket Federation's* arguments and setting out argument on the issues that he/she wishes to raise at the hearing, as well as a list of the witnesses that he/she intends to call at the hearing (and a summary of the subject areas of the witness's anticipated testimony), and enclosing copies of the exhibits that he/she intends to introduce at the hearing; and
  - (c) the *National Cricket Federation* may (at its discretion) submit a reply brief, responding to the answer brief of the *Cricketer* or *Cricketer Support Personnel* and listing any rebuttal witnesses or exhibits; and
- 8.1.4.3** make such order as the Chairman shall deem appropriate in relation to the production of relevant documents and/or other materials between the parties; provided that (save for good cause shown) no documents and/or other materials shall be ordered to be produced in relation to any *Adverse Analytical Finding* beyond the documents that the *International Standard* for Laboratories requires to be included in the laboratory documentation pack.
- 8.1.5** The *Cricketer* or *Cricketer Support Personnel* shall be required to raise at the preliminary hearing any legitimate objection that he/she may have to any of the members of the *Anti-Doping Tribunal* convened to hear his/her case. Any unjustified delay in raising any such objection shall constitute a waiver of the objection. If any objection is made, the Chairman of the *Anti-Doping Tribunal* shall rule on its legitimacy (or, if the objection relates to the Chairman, the President of the *Doping Hearing Panel* shall rule).
- 8.1.6** If, because of a legitimate objection or for any other reason, a member of the *Anti-Doping Tribunal* is, or becomes, unwilling or unable to hear the case, then the Chairman of the *Anti-Doping Tribunal* may, at his/her absolute discretion:
- 8.1.6.2** rule that a replacement member of the *Anti-Doping Tribunal* should be appointed (in which case the President of the *Doping Hearing Panel* shall appoint the replacement); or
  - 8.1.6.3** authorise the remaining members to hear the case on their own.
- 8.1.7** Subject to the discretion of the Chairman of the *Anti-Doping Tribunal* to order otherwise for good cause shown by either party, or if otherwise agreed between the parties, hearings before the *Anti-Doping Tribunal* shall: (a) take place at a venue specified by the *National Cricket Federation*; and (b) be conducted on a confidential basis.
- 8.1.8** Each of the *National Cricket Federation* and the *Cricketer* or *Cricketer*

*Support Personnel* has the right to be present and to be heard at the hearing. Each of the *National Cricket Federation* and the *Cricketer* or *Cricketer Support Personnel* also has the right (at his/her or its own expense) to be represented at the hearing by legal counsel or any other representative of his/her or its own choosing.

- 8.1.9 Subject to Article 3.2.4, the *Cricketer* or *Cricketer Support Personnel* may choose not to appear in person at the hearing, but rather to provide a written submission for consideration by the *Anti-Doping Tribunal*, in which case the *Anti-Doping Tribunal* shall consider the submission in its deliberations. However, the non-attendance of the *Cricketer* or *Cricketer Support Personnel* or his/her representative at the hearing, after proper notice of the hearing has been provided, shall not prevent the *Anti-Doping Tribunal* from proceeding with the hearing in his/her absence, whether or not any written submissions are made on his/her behalf.
- 8.1.10 The procedure followed at the hearing shall be at the discretion of the Chairman of the *Anti-Doping Tribunal*, provided that the hearing is conducted in a fair manner with a reasonable opportunity for each party to present evidence (including the right to call and to question witnesses by telephone or video-conference where necessary), address the *Anti-Doping Tribunal* and present his/her case.
- 8.1.11 Save where the Chairman orders otherwise for good cause shown by either party, the hearing shall be in English, and certified English translations shall be submitted of any non-English documents put before the *Anti-Doping Tribunal*. The cost of the translation shall be borne by the party offering the document(s).
- 8.1.12 If required by the Chairman, the *National Cricket Federation* shall make arrangements to have the hearing recorded or transcribed (save for the private deliberations of the *Anti-Doping Tribunal*). If the *Cricketer* or *Cricketer Support Personnel* needs an interpreter, the *National Cricket Federation* shall also arrange for an interpreter to attend the hearing. Such costs of transcription and interpretation shall be paid by the *National Cricket Federation*, subject to any costs-shifting order that the *Anti-Doping Tribunal* may make further to Article 8.2.4.
- 8.1.13 Each of the *ICC*, the *NADO* and *WADA*, if not party to the appeal, shall have the right to be kept apprised by *National Cricket Federation* of the status of the proceedings before the *Anti-Doping Tribunal*, as well as the right to attend hearings of the *Anti-Doping Tribunal* as an observer.

## **8.2 Decisions of the *Anti-Doping Tribunal***

- 8.2.1 The *Anti-Doping Tribunal* shall announce its decision in writing, with reasons, as soon as possible after the conclusion of the hearing. That written decision will be sent without delay to the parties, *WADA*, the *ICC* and any other party that has a right, further to Article 13, to appeal the decision. The decision shall set out and explain:
  - 8.2.1.1 with reasons, the *Anti-Doping Tribunal's* findings as to whether any anti-doping rule violation(s) has/have been committed;
  - 8.2.1.2 with reasons, the *Anti-Doping Tribunal's* findings as to what *Consequences*, if any, are to be imposed;
  - 8.2.1.3 with reasons, the date that such *Consequences* shall come into force and effect pursuant to Article 10.9; and

**8.2.1.4** the rights of appeal applicable pursuant to Article 13.

- 8.2.2** Where possible, the *Anti-Doping Tribunal* shall have discretion to announce the substance of its decision to the parties prior to the issue of the written reasoned decision referred to in Article 8.2.1, in cases where a *Provisional Suspension* has been imposed or where it otherwise deems appropriate. For the avoidance of doubt, however: (a) the *Anti-Doping Tribunal* shall still be required to issue a written, reasoned decision in accordance with Article 8.2.1; and (b) the time to appeal pursuant to Article 13 shall not run until receipt of that written, reasoned decision.
- 8.2.3** The *National Cricket Federation* shall pay the costs of convening the *Anti-Doping Tribunal* and of staging the hearing, subject to any costs-shifting order that the *Anti-Doping Tribunal* may make further to Article 8.2.4.
- 8.2.4** The *Anti-Doping Tribunal* has the power to make a costs order against any party. Subject thereto, each party shall bear its own costs, legal, expert, hearing, and otherwise.
- 8.2.5** Subject only to the rights of appeal under Article 13, the *Anti-Doping Tribunal's* decision shall be the full, final and complete disposition of the case and will be binding on all parties.
- 8.2.6** If the decision is that an anti-doping rule violation has been committed, then: (a) the decision shall be publicly reported in full as soon as possible, and in any event within no more than twenty (20) days of its issue; and (b) after the decision is publicly reported, the *National Cricket Federation* may also publish such other parts of the proceedings before the *Anti-Doping Tribunal* as the *National Cricket Federation* thinks fit.
- 8.2.7** If the *Cricketer* or *Cricketer Support Personnel* is exonerated, then the decision shall not be published (save as set out in Article 14.2) and its confidentiality shall be strictly maintained by all parties.

## **ARTICLE 9 AUTOMATIC DISQUALIFICATION OF INDIVIDUAL RESULTS**

An anti-doping rule violation in connection with or arising out of an *In-Competition* test automatically leads to *Disqualification* of the individual results and performance statistics obtained by the *Cricketer* in the *Match* in question, with all resulting consequences, including forfeiture of any individual medals, individual ranking points, individual prizes obtained in that *Match* and the non-inclusion of his/her performance statistics in that *Match* towards any official individual averages and/or records.

## **ARTICLE 10 SANCTIONS ON INDIVIDUALS**

**10.1** Deliberately left blank

**10.2** **Imposition of a Period of *Ineligibility* for the Presence, Use or Attempted Use, or Possession of Prohibited Substances and Prohibited Methods**

The period of *Ineligibility* imposed for a violation of Article 2.1 (presence of *Prohibited Substance* or its *Metabolites* or *Markers* in a *Sample*), Article 2.2 (*Use or Attempted Use of Prohibited Substance or Prohibited Method*) or Article 2.6 (*Possession of Prohibited Substances and Methods*) that is the *Cricketer* or *Cricketer Support Personnel's* first offence shall be two years, unless the conditions for eliminating or reducing the period of *Ineligibility* (as provided in Articles 10.4 and 10.5) or the conditions for increasing the period of *Ineligibility* (as provided in Article 10.6) are met.

**10.3** **Imposition of a Period of *Ineligibility* for Other Anti-Doping Rule Violations**

The period of *Ineligibility* imposed for anti-doping rule violations other than under Article 10.2:

**10.3.1** For a violation of Article 2.3 (refusing or failing to submit to or otherwise evading *Sample* collection) or Article 2.5 (*Tampering* or *Attempting to Tamper* with *Doping Control*) that is the *Cricketer* or *Cricketer Support Personnel's* first offence, the period of *Ineligibility* imposed shall be two years, unless the conditions specified in Article 10.5 or in Article 10.6 are met.

**10.3.2** For a violation of Article 2.4 (*Filing Failures* and/or *Missed Tests*) that is the *Cricketer's* first offence, the period of *Ineligibility* imposed shall be at a minimum one year and at a maximum two years, depending upon the *Cricketer's* degree of fault.

**10.3.3** For a violation of Article 2.7 (*Trafficking* or *Attempted Trafficking*) or Article 2.8 (administration or *Attempted* administration of *Prohibited Substance* or *Prohibited Method*) that is the *Cricketer* or *Cricketer Support Personnel's* first offence, the period of *Ineligibility* imposed shall be a minimum of four years up to lifetime *Ineligibility* unless the conditions provided in Article 10.5 are met. Provided that:

**10.3.3.1** an anti-doping rule violation involving a *Minor* shall be considered a particularly serious violation and, if committed by a *Cricketer Support Personnel* in relation to violations other than those involving *Specified Substances*, shall result in lifetime *Ineligibility* for such *Cricketer Support Personnel*; and

**10.3.3.2** significant violations of Article 2.7 or 2.8 which also violate non-sporting laws or regulations shall be reported to the competent administrative, professional or judicial authorities.

#### **10.4 Elimination or Reduction of the Period of *Ineligibility* for *Specified Substances* under Specific Circumstances**

**10.4.1** Where a *Cricketer* can establish how a *Specified Substance* entered his/her body or came into his/her *Possession* or a *Cricketer Support Personnel* can establish how a *Specified Substance* came into his/her *Possession* and, in each case, that such *Specified Substance* was not intended to enhance the *Cricketer's* sport performance or mask the *Use* of a performance-enhancing substance, the period of *Ineligibility* established in Article 10.2 shall be replaced (assuming it is a first offence) with, at a minimum, a reprimand and no period of *Ineligibility*, and at a maximum, a period of *Ineligibility* of two years.

**10.4.2** To qualify for any elimination or reduction under this Article, the *Cricketer* or *Cricketer Support Personnel* must produce corroborating evidence in addition to his/her word that establishes, to the comfortable satisfaction of the *Anti-Doping Tribunal*, the absence of an intent to enhance sport performance or mask the *Use* of a performance-enhancing substance. The degree of fault of the *Cricketer* or *Cricketer Support Personnel* shall be the criterion considered in assessing any reduction of the period of *Ineligibility*.

#### **10.5 Elimination or Reduction of Period of *Ineligibility* Based on Exceptional Circumstances**

##### **10.5.1 *No Fault or Negligence***

If a *Cricketer* or *Cricketer Support Personnel* establishes in an individual case that he/she bears *No Fault or Negligence* in respect of the anti-doping rule violation in question, the otherwise applicable period of *Ineligibility* shall be eliminated. When the anti-doping rule violation is under Article 2.1 (presence

of a *Prohibited Substance* or its *Metabolites* or *Markers*), the *Cricketer* must also establish how the *Prohibited Substance* entered his/her system in order to have the period of *Ineligibility* eliminated. In the event this Article is applied and the period of *Ineligibility* otherwise applicable is eliminated, the anti-doping rule violation shall not be considered a violation for the limited purpose of determining the period of *Ineligibility* for multiple violations under Article 10.7.

#### **10.5.2** *No Significant Fault or Negligence*

If a *Cricketer* or *Cricketer Support Personnel* establishes in an individual case that he/she bears *No Significant Fault or Negligence* in respect of the anti-doping rule violation in question, then the period of *Ineligibility* may be reduced, but the reduced period of *Ineligibility* may not be less than one-half of the period of *Ineligibility* otherwise applicable. If the otherwise applicable period of *Ineligibility* is a lifetime, the reduced period under this section may be no less than eight years. When the anti-doping rule violation is under Article 2.1 (presence of a *Prohibited Substance* or its *Metabolites* or *Markers*), the *Cricketer* must also establish how the *Prohibited Substance* entered his/her system in order to have the period of *Ineligibility* reduced.

#### **10.5.3** *Substantial Assistance in Discovering or Establishing Anti-Doping Rule Violations*

**10.5.3.1** In any individual case where a period of *Ineligibility* has been imposed, the *National Cricket Federation* or *Anti-Doping Tribunal* may suspend a part of that period of *Ineligibility* where the *Cricketer* or *Cricketer Support Personnel* has provided *Substantial Assistance* to the *National Cricket Federation* or other *Anti-Doping Organisation*, a criminal authority or a professional disciplinary body that results in the *National Cricket Federation* or other *Anti-Doping Organisation* discovering or establishing an anti-doping rule violation by another *Person* or that results in a criminal or disciplinary body discovering or establishing a criminal offence or the breach of professional rules by another *Person*; provided that if the decision to suspend a part of the period of *Ineligibility* is made after a final appellate decision under Article 13 or the expiration of time to appeal, then the approval of WADA and the ICC is required for such suspension.

**10.5.3.2** The extent to which the otherwise applicable period of *Ineligibility* may be suspended shall be based on the seriousness of the anti-doping rule violation committed by the *Cricketer* or *Cricketer Support Personnel* and the significance of the *Substantial Assistance* provided by the *Cricketer* or *Cricketer Support Personnel* to the effort to eliminate doping in sport.

**10.5.3.3** No more than three-quarters of the otherwise applicable period of *Ineligibility* may be suspended under this Article 10.5.3. If the otherwise applicable period of *Ineligibility* is a lifetime, the non-suspended period under this Article must be no less than 8 years.

**10.5.3.4** If the *National Cricket Federation* or *Anti-Doping Tribunal* suspends any part of the otherwise applicable period of *Ineligibility* under this Article, it shall promptly provide a written justification for its decision to WADA, the ICC and any other *Anti-Doping Organisation* having a right to appeal the decision.

**10.5.3.5** If the *National Cricket Federation* subsequently reinstates any part of the suspended period of *Ineligibility* because the *Cricketer* or

other *Cricketer Support Personnel* has failed to provide the *Substantial Assistance* that was anticipated, the *Cricketer* or *Cricketer Support Personnel* may appeal the reinstatement pursuant to Article 13.2.

#### **10.5.4 Admission of an Anti-Doping Rule Violation in the Absence of Other Evidence**

Where a *Cricketer* or *Cricketer Support Personnel* voluntarily admits the commission of an anti-doping rule violation before having received either: (a) notification of a *Sample* collection that could establish an anti-doping rule violation (in the case of an anti-doping rule violation under Article 2.1), or (b) notification of the anti-doping rule violation (in the case of any other anti-doping rule violation), and that admission is the only reliable evidence of the violation at the time of admission, then the otherwise applicable period of *Ineligibility* may be reduced, but not by more than half.

#### **10.5.5 Where a *Cricketer* or Other *Person* Establishes Entitlement to Reduction of Suspension in Sanction under More than One Provision of Article 10.5**

Before applying any reduction or suspension under Articles 10.5.2, 10.5.3 or 10.5.4, the otherwise applicable period of *Ineligibility* shall be determined in accordance with Articles 10.2, 10.3, 10.4 and 10.6. If the *Cricketer* or *Cricketer Support Personnel* establishes entitlement to a reduction or suspension of the period of *Ineligibility* under two or more of Articles 10.5.2, 10.5.3 or 10.5.4, then the period of *Ineligibility* may be reduced or suspended, but not below one-quarter of the otherwise applicable period of *Ineligibility*.

### **10.6 Aggravating Circumstances Which May Increase the Period of *Ineligibility***

**10.6.1** If the *National Cricket Federation* establishes in an individual case involving an anti-doping rule violation other than violations under Article 2.7 (*Trafficking or Attempted Trafficking*) and 2.8 (*Administration or Attempted Administration*) that aggravating circumstances are present that justify the imposition of a period of *Ineligibility* greater than the standard period, then the period of *Ineligibility* otherwise applicable shall be increased up to a maximum of four years, unless the *Cricketer* or *Cricketer Support Personnel* can prove to the comfortable satisfaction of the *Anti-Doping Tribunal* that he/she did not knowingly commit the anti-doping rule violation.

**10.6.2** A *Cricketer* or *Cricketer Support Personnel* can avoid the application of this Article by admitting the anti-doping rule violation promptly after being confronted with it by the *England and Wales Cricket Board*.

### **10.7 Multiple Violations**

#### **10.7.1 Second Anti-Doping Rule Violation**

For a second anti-doping rule violation, the period of *Ineligibility* shall be within the range set forth in the table below.<sup>1</sup>

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<sup>1</sup> The table is applied by locating the first anti-doping rule violation in the left-hand column and then moving across the table to the right to the column representing the anti-doping rule violation. By way of example, assume a *Cricketer* or *Cricketer Support Personnel* receives the standard period of *Ineligibility* for a first anti-doping rule violation under Article 10.2 and then commits a second anti-doping rule violation for which he/she receives a reduced sanction under Article 10.4. The table is used to determine the period of *Ineligibility* for the second anti-doping rule violation. The table is applied to this example by starting in the left-hand column and going down to the fourth row (which is "S" for standard sanction), then moving across the table to the first column (which is "RS" for reduced sanction for a Specified Substance), thus resulting in a 2-4 year range for the period of *Ineligibility* for the second anti-doping rule violation. The *Cricketer* or *Cricketer Support Personnel's* degree of fault shall be the criterion used in assessing a period of *Ineligibility* within the applicable range.

Second Violation	RS	FFMT	NSF	St	AS	TRA
First Violation						
<b>RS</b>	1-4	2-4	2-4	4-6	8-10	10-life
<b>FFMT</b>	1-4	4-8	4-8	6-8	10-life	life
<b>NSF</b>	1-4	4-8	4-8	6-8	10-life	life
<b>St</b>	2-4	6-8	6-8	8-life	life	life
<b>AS</b>	4-5	10-life	10-life	life	life	life
<b>TRA</b>	8-life	life	life	life	life	life

Definitions for purposes of the second anti-doping rule violation table:

**RS** (Reduced sanction for *Specified Substance* under Article 10.4): The anti-doping rule violation was or should be sanctioned by a reduced sanction under Article 10.4 because it involved a *Specified Substance* and the other conditions under Article 10.4 were met.

**FFMT** (*Filing Failures and/or Missed Tests*): The anti-doping rule violation was or should be sanctioned under Article 10.3.2 (*Filing Failures and/or Missed Tests*).

**NSF** (Reduced sanction for *No Significant Fault or Negligence*): The anti-doping rule violation was or should be sanctioned by a reduced sanction under Article 10.5.2 because *No Significant Fault or Negligence* under Article 10.5.2 was established by the *Cricketer or Cricketer Support Personnel*.

**St** (Standard sanction under Articles 10.2 or 10.3.1): The anti-doping rule violation was or should be sanctioned by the standard sanction of two years under Article 10.2 or 10.3.1.

**AS** (Aggravated sanction): The anti-doping rule violation was or should be sanctioned by an aggravated sanction under Article 10.6 because the *Anti-Doping Organisation* established the conditions set forth under Article 10.6.

**TRA** (*Trafficking or Attempted Trafficking and administration or Attempted administration*): The anti-doping rule violation was or should be sanctioned by a sanction under Article 10.3.3.

#### 10.7.2 Application of Articles 10.5.3 and 10.5.4 to Second Anti-Doping Rule Violation

Where a *Cricketer or Cricketer Support Personnel* who has committed a second anti-doping rule violation establishes an entitlement to suspension or reduction of a portion of the period of *Ineligibility* under Article 10.5.3 or Article 10.5.4, the *Anti-Doping Tribunal* shall first determine the otherwise applicable period of *Ineligibility* within the range established in the table in Article 10.7.1, and then shall apply the appropriate reduction or suspension, provided that the remaining period of *Ineligibility* after such reduction or suspension must be at least one-quarter of the otherwise applicable period of *Ineligibility*.

### 10.7.3 Third Anti-Doping Rule Violation

A third anti-doping rule violation will always result in a lifetime period of *Ineligibility*, unless the third violation fulfils the conditions for elimination or reduction of the period of *Ineligibility* under Article 10.4 or involves a violation of Article 2.4 (*Filing Failures* and/or *Missed Tests*), in which case the period of *Ineligibility* imposed shall be from eight years to life.

### 10.7.4 Additional Rules for Certain Potential Multiple Violations

**10.7.4.1** For purposes of imposing sanctions under Article 10.7, an anti-doping rule violation will only be considered a second violation if the *National Cricket Federation* can establish that the *Cricketer* or *Cricketer Support Personnel* committed the second anti-doping rule violation after he/she received notice pursuant to Article 7, or after the *National Cricket Federation* made reasonable efforts to give such notice, of the first anti-doping rule violation. If the *National Cricket Federation* cannot establish this, the violations shall be considered together as one single first violation for sanctioning purposes, and the sanction imposed shall be based on the violation that carries the more severe sanction. However, the occurrence of multiple violations may be considered as a factor in determining aggravating circumstances under Article 10.6.

**10.7.4.2** If, after the resolution of a first anti-doping rule violation, the *National Cricket Federation* discovers a second anti-doping rule violation by the *Cricketer* or *Cricketer Support Personnel* that occurred prior to notification of the first violation, then an additional sanction shall be imposed based on the sanction that could have been imposed if the two violations would have been adjudicated at the same time. Results in all *Matches* dating back to the earlier anti-doping rule violation will be *Disqualified* in accordance with Article 10.8. To avoid the possibility of a finding of aggravating circumstances under Article 10.6 on account of the earlier-in-time but later-discovered violation, the *Cricketer* or *Cricketer Support Personnel* must voluntarily admit the earlier anti-doping rule violation on a timely basis after notice of the violation for which he/she is first charged. The same rule shall also apply when the *National Cricket Federation* discovers facts involving another prior violation after the resolution of a second anti-doping rule violation.

### 10.7.5 Multiple Anti-Doping Rule Violations during an Eight-Year Period

Any prior anti-doping rule violation shall only be taken into account for purposes of Article 10.7 if it took place within a period of eight years prior to the anti-doping rule violation under consideration.

## 10.8 ***Disqualification of Individual Results Obtained in Matches Subsequent to Sample Collection or Commission of an Anti-Doping Rule Violation***

In addition to the automatic *Disqualification*, pursuant to Article 9, of the *Cricketer's* individual results in the *Match* which produced the *Adverse Analytical Finding*, all other competitive results obtained from the date that the *Sample* in question was collected (whether *In-Competition* or *Out-of-Competition*), or other anti-doping rule violation occurred, through to the commencement of any *Provisional Suspension* or *Ineligibility* period, shall (unless the *Anti-Doping Tribunal* determines that fairness requires otherwise) be *Disqualified* with all of the resulting consequences, including forfeiture of any individual medals, individual ranking points and individual prizes obtained in such *Matches* and the non-inclusion of the *Cricketer's* performance statistics in such *Matches* towards official individual averages and/or records. The

lack of any evidence that the *Cricketer's* performance was enhanced during subsequent *Matches* shall not of itself be sufficient to trigger the *Anti-Doping Tribunal's* discretion under Article 10.8.

## **10.9 Commencement of *Ineligibility* Period**

Except as provided below, the period of *Ineligibility* shall commence on the date that the decision imposing the period of *Ineligibility* is issued.

**10.9.1** Where there have been substantial delays in the hearing process or other aspects of *Doping Control* not attributable to the *Cricketer* or *Cricketer Support Personnel*, the period of *Ineligibility* may be deemed to have started at an earlier date, commencing as early as the date of last occurrence of the anti-doping rule violation (which, in the case of an Article 2.1 violation, would be on the date of *Sample* collection), taking into account any such period of delay.

**10.9.2** Where the *Cricketer* or *Cricketer Support Personnel* promptly (which means, in any event, before the *Cricketer* competes again) admits the anti-doping rule violation after being confronted with it by the *National Cricket Federation*, the period of *Ineligibility* subsequently imposed on him/her may be back-dated so that it is deemed to have commenced as far back as the date of last occurrence of the anti-doping rule violation (which, in the case of an Article 2.1 violation, would be on the date of *Sample* collection). However, this discretion to back-date is subject to the following limit: the *Cricketer* or *Cricketer Support Personnel* must actually serve at least one-half of the period of *Ineligibility*, i.e. the commencement date of that period of *Ineligibility* cannot be back-dated such that he/she actually serves less than one-half of that period.

**10.9.3** Any period of *Provisional Suspension* served by the *Cricketer* or *Cricketer Support Personnel* (whether imposed in accordance with Article 7.6 or voluntarily accepted by the *Cricketer* or *Cricketer Support Personnel*) shall be credited against the total period of *Ineligibility* to be served. To get credit for any period of voluntary *Provisional Suspension*, however, the *Cricketer* or *Cricketer Support Personnel* must have given written notice at the beginning of such period to the *National Cricket Federation*. No credit against a period of *Ineligibility* shall be given for any time period before the effective date of the *Provisional Suspension* or voluntary *Provisional Suspension*, regardless of the *Cricketer's* or *Cricketer Support Personnel's* status during such period.

## **10.10 Status During *Ineligibility***

### **10.10.1 Prohibition against Participation during *Ineligibility***

**10.10.1.1** No *Cricketer* or *Cricketer Support Personnel* who has been declared *Ineligible* may, during the period of *Ineligibility*, play, coach or otherwise participate or be involved in any capacity in: (a) a *Match* or any other function, event or activity (other than authorised anti-doping education or rehabilitation programs) authorised, organised, sanctioned, recognised or supported in any way by the *National Cricket Federation* or by any body that is a member of, or affiliated to, or licensed by the *National Cricket Federation*; or (b) any *Match* or any other function, event or activity authorised or organised by any professional league or any international or national level tournament/event organiser (whether or not the party authorising or organising the *Match* or event in question is a *Signatory*). Without prejudice to the generality of the foregoing, such *Cricketer* or *Cricketer Support Personnel* shall not be given accreditation for, or otherwise granted access to, any *Match*, function, event or activity

of the type referred to in this Article and any such accreditation previously issued shall be withdrawn. In addition, the *National Cricket Federation* shall take all steps within its power to have the period of *Ineligibility* recognised and enforced by all other *Signatories* pursuant to Article 15.4 of the *World Anti-Doping Code*.

**10.10.1.2** A *Cricketer* or *Cricketer Support Personnel* who is subject to a period of *Ineligibility* longer than four years may, after completing four years of the period of *Ineligibility*, participate in local sport events in a sport other than cricket, but only so long as the local sport event is not at a level that could otherwise qualify such *Cricketer* or *Cricketer Support Personnel* directly or indirectly to compete in (or accumulate points toward) a national championship or international tournament/event.

**10.10.1.3** A *Cricketer* or *Cricketer Support Personnel* who is subject to a period of *Ineligibility* shall remain subject to *Testing* during that period. If a *Cricketer* or *Cricketer Support Personnel* commits an anti-doping rule violation during a period of *Ineligibility* (including but not limited to an anti-doping rule violation under Article 2.1), this shall be treated as a separate anti-doping rule violation under the *Rules*.

#### **10.10.2** Violation of the Prohibition of Participation during *Ineligibility*

Where a *Cricketer* or *Cricketer Support Personnel* who has been declared *Ineligible* violates the prohibition against participation during such period of *Ineligibility*, the period of *Ineligibility* that was originally imposed shall start over again as of the date of such participation. The new period of *Ineligibility* may be reduced under Article 10.5.2 if the *Cricketer* or *Cricketer Support Personnel* establishes that he/she bears *No Significant Fault or Negligence* for such participation. The determination of whether the prohibition against participation whilst *Ineligible* has been violated, and whether a reduction under Article 10.5.2 is appropriate, shall be made by the *National Cricket Federation*, and such decision shall be subject to appeal in accordance with Article 13. In any case, any results obtained by the *Cricketer* as a result of such participation shall be automatically *Disqualified* with all resulting consequences, including forfeiture of any individual medals, individual titles, individual ranking points and individual prizes obtained in that *Match* or other tournament/event and the non-inclusion of the *Cricketer's* performance statistics in that *Match* or other tournament/event towards individual averages and/or records.

#### **10.10.3** Withholding of Financial Support during *Ineligibility*

In addition, for any anti-doping rule violation not involving a reduced sanction for *Specified Substances* as described in Article 10.4, some or all sport-related financial support or other sport-related benefits received by the *Cricketer* or *Cricketer Support Personnel* will be withheld by the *National Cricket Federation* and/or *NADO* responsible for such financial support or other benefits.

### **10.11** Reinstatement *Testing*

**10.11.1** As a condition to regaining eligibility at the end of a period of *Provisional Suspension* or *Ineligibility*, a *Cricketer* must make him/herself available for *Out-of-Competition Testing* by the *National Cricket Federation* and any other *Anti-Doping Organisation* (including the *ICC*) with jurisdiction to test him/her during that period of *Provisional Suspension* or *Ineligibility*, and must comply with the whereabouts requirements of the *International Standard* for *Testing* if requested by the *National Cricket Federation* for that purpose.

**10.11.2** If a *Cricketer* who is subject to a period of *Ineligibility* retires from sport and so is not available for *Testing*, and later seeks reinstatement, the *Cricketer* shall not be eligible for reinstatement until he/she has notified the *National Cricket Federation* of such request for reinstatement and has been available for *Testing* for a period of time equal to the period of *Ineligibility* remaining as at the date that he/she retired.

**10.11.3** During such remaining period of *Ineligibility*, a minimum of two (2) tests must be conducted on the *Cricketer* with at least three months between each test. The *National Cricket Federation* shall be responsible for conducting the necessary tests, but tests by any *Anti-Doping Organisation* may be used to satisfy the requirement. The results of such *Tests* shall be reported to the *ICC*. In addition, immediately prior to the end of the period of *Ineligibility*, upon request a *Cricketer* must undergo *Testing* by the *National Cricket Federation* for the *Prohibited Substances and Methods* that are prohibited in *Out-of-Competition Testing*.

**10.11.4** Once the period of *Ineligibility* has expired, and the *Cricketer* or *Cricketer Support Personnel* has fulfilled the conditions of reinstatement, then provided that the *Cricketer* or *Cricketer Support Personnel* has paid in full all amounts forfeited under the *Rules*, and has satisfied in full any award of costs made against him/her by any *Anti-Doping Tribunal* and/or by the *CAS* following any appeal made pursuant to Article 13, the *Cricketer* or *Cricketer Support Personnel* will become automatically re-eligible to compete and no application by the *Cricketer* or *Cricketer Support Personnel* or will be necessary.

## **ARTICLE 11 CONSEQUENCES FOR TEAMS**

**11.1** Where, in any period of twelve months, more than one member of a team has been notified of a possible anti-doping rule violation under Article 7, the *National Cricket Federation* shall conduct appropriate *Target Testing* of *Cricketers* in that team.

**11.2** Without limitation to Article 11.1, if more than two members of a team are found to have committed an anti-doping rule violation during a *Match* or *Competition*, this shall be treated as misconduct pursuant to the *National Cricket Federation's* disciplinary rules for which an appropriate sanction shall be imposed on the team as may be considered appropriate having due regard to the circumstances of such anti-doping rule violations (e.g., loss of points, *Disqualification* from the *Match* or *Competition*, or other sanction). For the avoidance of doubt, such sanction shall be in addition to any *Consequences* imposed upon the individual *Cricketer(s)* committing the anti-doping rule violation.

## **ARTICLE 12 INTENTIONALLY LEFT BLANK**

## **ARTICLE 13 APPEALS**

### **13.1 Decisions Subject to Appeal**

Decisions made under the *Rules* may be challenged solely by appeal as set out in this Article 13 (or as otherwise provided in the *Rules*). Such decisions shall remain in effect while under appeal unless the appellate body orders otherwise.

### **13.2 Appeals from Decisions Regarding Anti-Doping Rule Violations, Consequences, and Provisional Suspensions**

**13.2.1** The following decisions -- a decision that an anti-doping rule violation was (or was not) committed, a decision imposing *Consequences* (or not imposing

*Consequences*) for an anti-doping rule violation; a decision that a charge cannot go forward for procedural reasons (including, for example, because too much time has passed); a decision that the *National Cricket Federation* or a hearing panel lacks jurisdiction to deal with an alleged anti-doping rule violation; a decision not to pursue an *Adverse Analytical Finding* or an *Atypical Finding* as an anti-doping rule violation under Article 7.2 or 7.3; a decision not to bring a charge after an investigation under Article 7.5; a decision to suspend a period of Ineligibility in accordance with Article 10.5.3; a decision to reinstate a suspended period of Ineligibility in accordance with Article 10.5.3; a decision under Article 10.10.2 in relation to participation whilst *Ineligible*; and a decision to reduce a period of *Ineligibility* imposed under a predecessor version of the *Rules* in accordance with Article 18.5.3 -- may be appealed by any of the following parties exclusively as provided in this Article 13:

- 13.2.1.1 the *Cricketer* or *Cricketer Support Personnel* who is the subject of the decision being appealed;
- 13.2.1.2 the *National Cricket Federation*;
- 13.2.1.3 the *NADO*;
- 13.2.1.4 the *National Anti-Doping Organisation(s)* of the *Person's* country of residence, country of nationality, and country where he/she is licensed to participate in sport (if different from the *NADO*);
- 13.2.1.5 the *ICC*;
- 13.2.1.6 any other *Anti-Doping Organisation* under whose rules a sanction could have been imposed for the anti-doping rule violation in question; and
- 13.2.1.7 *WADA*.

In the absence of any such appeal, such decisions shall be final and binding on all of the above *Persons*.

- 13.2.2 The only *Person* who may appeal a decision to impose a *Provisional Suspension* is the *Cricketer* or *Cricketer Support Personnel* affected by the *Provisional Suspension*.
- 13.2.3 Subject to Article 13.6, an appeal pursuant to Articles 13.2.1 or 13.2.2 shall be made as follows:
  - 13.2.3.1 In a case arising from participation in an *ICC Event* or involving an *International-Level Cricketer*, the appeal shall be made to CAS, following the procedures set out in CAS's Code of Sports-related Arbitration (as amended by Article 13.9 of the *Rules*), save that the standard of review shall be as follows:
    - (a) Where required in order to do justice (e.g., to cure procedural errors), the appeal shall take the form of a rehearing *de novo*, i.e., CAS shall hear the matter over again, from the beginning, without being bound in any way by the decision being appealed.
    - (b) In all other cases, the appeal shall not take the form of a *de novo* hearing. Instead the appellant shall be required to establish that the decision being appealed was made in error; and

- 13.2.3.2** In all other cases, the appeal shall be made to the *Appeal Panel* in accordance with Article 13.3, subject to the right of certain parties to make a further appeal to CAS, in accordance with Article 13.5.4.

### **13.3 Filing an Appeal with the *Appeal Panel***

- 13.3.1** A party who wishes to appeal a decision pursuant to Article 13.2.1 to an *Appeal Panel* must lodge notice of the appeal with the President of the *Doping Hearing Panel*, specifying the grounds of the appeal, within fourteen (14) days of the date of receipt of the reasoned decision of the *Anti-Doping Tribunal* that is being challenged on appeal.
- 13.3.2** An appellant who was not a party to the proceedings that led to the decision being appealed shall have the right to a copy of the record of the proceedings that led to the decision. If such request is made, then *National Cricket Federation* shall supply the record to such party as soon as reasonably practicable.
- 13.3.3** The *Appeal Panel* shall hear and determine all issues arising from any matter which is appealed to it pursuant to the *Rules* in accordance with the following standard of review:
- 13.3.3.1** Where required in order to do justice (e.g., to cure procedural errors), the appeal shall take the form of a rehearing *de novo*, i.e., the *Appeal Panel* shall hear the matter over again, from the beginning, without being bound in any way by the decision being appealed.
- 13.3.3.2** In all other cases, the appeal shall not take the form of a *de novo* hearing. Instead the appellant shall be required to establish that the decision being appealed was made in error.

### **13.4 Convening an *Appeal Panel***

- 13.4.1** Where a notice of appeal is filed in accordance with Article 13.3.1, the President of the *Doping Hearing Panel* shall appoint three (3) members from the *Doping Hearing Panel* (which may include the President) to sit as the *Appeal Panel* to hear and determine the appeal. Each *Doping Hearing Panel* member appointed to the *Appeal Panel* shall be independent of the *National Cricket Federation* and shall not have sat as part of the first instance *Anti-Doping Tribunal*. At least one appointed member of the *Appeal Panel* shall be a lawyer, and shall sit as Chairman of the *Appeal Panel*.
- 13.4.2** The parties to the appeal shall be advised of the identities of the appointed members of the *Appeal Panel*, furnished with each appointed member's written declaration of independence and asked if they have any legitimate objection to any of those members hearing and determining the appeal. Any unjustified delay in raising any such objection shall constitute a waiver of the objection. If such objection is made, the Chairman of the *Appeal Panel* shall rule on its legitimacy (or, if the objection relates to the Chairman, the President of the *Doping Hearing Panel* shall rule).
- 13.4.3** If, because of a legitimate objection or for any other reason, a member of the *Appeal Panel* appointed to hear a particular appeal is, or becomes, unwilling or unable to hear the appeal, then the Chairman of the *Appeal Panel* may, at his/her absolute discretion: (a) rule that a replacement member of the *Doping Hearing Panel* should be appointed (in which case the President of the *Doping Hearing Panel* shall appoint the replacement); or (b) authorise the remaining members of the *Appeal Panel* to hear (or to continue to hear) the

appeal on their own.

### **13.5 Proceedings before the Appeal Panel**

- 13.5.1** The provisions of Articles 8.1 and 8.2, applicable to proceedings before the *Anti-Doping Tribunal*, shall apply *mutatis mutandis* (ie with changes deemed to have been made as required to reflect the different context) to proceedings before the *Appeal Panel*.
- 13.5.2** Appeal hearings pursuant to this Article 13 should be completed expeditiously. Save where all parties agree or fairness requires, the appeal hearing shall be commenced no later than forty (40) days after the date of the reasoned decision being appealed.
- 13.5.3** Each of the *ICC*, the *NADO* and *WADA*, if not party to the appeal, shall have the right to be kept apprised by *National Cricket Federation* of the status of the appeal, as well as the right to attend hearings of the *Appeal Panel* as an observer.
- 13.5.4** Decisions of the *Appeal Panel* may only be challenged by *WADA* or the *ICC*, by appeal to *CAS* in accordance with the provisions of Article 13.9. Subject thereto, such decisions shall be the full, final and complete disposition of the appeal and will be binding on all of the parties identified in Article 13.2.1.

### **13.6 Appeals by WADA or the ICC**

- 13.6.1** Notwithstanding any other provision of the *Rules*, where *WADA* or the *ICC* has a right of appeal under the *Rules* against a decision, and no other party has appealed against that decision, *WADA* or the *ICC* may appeal such decision directly to *CAS* without having first to exhaust any other remedy, including (without limitation) without having to appeal to an *Appeal Panel*.
- 13.6.2** Where *WADA* or the *ICC* considers that the *National Cricket Federation* has failed within a reasonable deadline to make a decision with respect to whether an anti-doping rule violation was committed, both *WADA* and the *ICC* shall have a right of appeal to *CAS* as if the *National Cricket Federation* had rendered a decision finding no anti-doping rule violation. If *CAS* determines that an anti-doping rule violation was committed and that *WADA* or the *ICC* acted reasonably in electing to appeal directly to *CAS*, then the reasonable costs of *WADA* or the *ICC* incurred in pursuing the appeal shall be reimbursed to *WADA* or the *ICC* by the *National Cricket Federation*.

### **13.7 Appeals from Decisions Granting or Denying a Therapeutic Use Exemption**

- 13.7.1** The *Cricketer*, the *National Cricket Federation* and/or the *NADO* may appeal a decision by the *TUE Committee* on the *Cricketer's TUE* application, in whole or in part, to the *TUE Appeal Panel*, on the ground that the decision does not comply with the *International Standard for Therapeutic Use Exemptions*. Alternatively, an *International-Level Cricketer* may appeal any such decision to *CAS* in accordance with Article 13.9. Where the *TUE Committee* fails to take action on a properly-submitted *TUE* application within a reasonable time, such failure may be considered a denial for purposes of the appeal rights set out in this Article 13.7.
- 13.7.2** If the *TUE Appeal Panel* upholds a *Cricketer's* appeal in whole or in part, the *National Cricket Federation*, the *NADO* and/or *WADA* may appeal that decision to *CAS* in accordance with Article 13.9.
- 13.7.3** Decisions by *WADA* reversing the grant or denial of a *TUE* further to Article 4.4.4 may be appealed exclusively to *CAS* by the *Cricketer*, the *National*

*Cricket Federation* or the *NADO*, in accordance with Article 13.9, or by the *ICC* in accordance with the *ICC Code*.

### **13.8 Time for Filing Appeals/Appeals Procedure**

**13.8.1** The time to file an appeal to the *Appeal Panel* or to *CAS* (as applicable) shall be twenty-one (21) days from the date of receipt of the written decision by the appealing party.

**13.8.2** Article 13.8.1 notwithstanding, the following shall apply in connection with appeals filed by a party that was not a party to the proceedings that led to the decision subject to appeal:

**13.8.2.1** Within ten (10) days from receipt of the written, reasoned decision, such party/ies shall have the right to request from the body that issued the decision a copy of the file on which such body relied.

**13.8.2.2** If such a request is made within the ten-day period, then the party making such request shall have twenty-one (21) days from receipt of the file to file an appeal.

**13.8.3** Articles 13.8.1 and 13.6.2 notwithstanding, the filing deadline for an appeal filed by *WADA* shall be the later of:

**13.8.3.1** Twenty-one (21) days after the last day on which any other party in the case could have appealed; and

**13.8.3.2** Twenty-one (21) days after *WADA's* receipt of a copy of the file on which the body that issued the decision relied.

**13.8.2** All parties with a right to appeal pursuant to this Article 13, if not joined as a party to the appeal, shall have the right to be kept apprised of the status and outcome (with reasons) of the appeal, as well as the right to attend appeal hearings as an observer.

**13.8.3** If the decision on appeal is that an anti-doping rule violation has been committed, then: (a) the decision shall be publicly reported in full as soon as possible, and in any event no more than twenty (20) days of its issue; and (b) after the decision is publicly reported, the *National Cricket Federation* may also publish such other parts of the proceedings before the *Appeal Panel* as the *National Cricket Federation* thinks fit.

**13.8.4** If the decision on appeal is that an anti-doping rule violation has not been committed, then the decision shall not be published (save as set out in Article 14.2) and its confidentiality shall be strictly maintained by all parties.

### **13.9 Appeals to CAS**

In all appeals to *CAS* pursuant to this Article 13:

**13.9.1** *CAS's* Code of Sports-related Arbitration shall apply, save as amended below.

**13.9.2** Any party filing an appeal shall be entitled to assistance from *CAS* to obtain all relevant information from the parties to the decision being appealed, and the information shall be provided if *CAS* so directs.

**13.9.3** Where required in order to do justice (for example to cure procedural errors at the first instance hearing), the appeals shall take the form of a re-hearing

*de novo* of the issues raised by the case. In all other cases such appeals shall not take the form of a *de novo* hearing but instead shall be limited to a consideration of whether the decision being appealed was erroneous.

- 13.9.4** The governing law shall be English law and the appeal shall be conducted in English, unless the parties agree otherwise.
- 13.9.5** The decision of CAS shall be final and binding on all parties, and no right of appeal shall lie from the CAS decision.

## **ARTICLE 14 PUBLIC DISCLOSURE AND CONFIDENTIALITY**

- 14.1** Neither the *National Cricket Federation*, the *National Anti-Doping Organisation*, the *ICC* or *WADA* shall publicly identify *Cricketers* whose *Samples* have resulted in *Adverse Analytical Findings*, or who have been alleged to have violated other Articles of the *Rules*, until it has been determined in a hearing in accordance with Article 8 that an anti-doping rule violation has occurred, or such hearing has been waived, or the assertion of an anti-doping rule violation has not been timely challenged. Once it is decided that a violation of the *Rules* has been established, publication of that decision shall be determined in accordance with Articles 8.2.6, 8.2.7, 13.8.3, 13.8.4 and 14.2. The *National Cricket Federation* shall also, within the time period for publication, send all first instance and appeal decisions to *WADA* and the *ICC*.
- 14.2** In any case under the *Rules* where it is determined, after a hearing or appeal, that the *Cricketer* or *Cricketer Support Personnel* did not commit an anti-doping rule violation, the decision may be disclosed publicly only with the consent of the *Cricketer* or *Cricketer Support Personnel* who is the subject of the decision. The *National Cricket Federation* shall use reasonable efforts to obtain such consent, and if consent is obtained, shall publicly disclose the decision in its entirety or in such redacted form as the *Cricketer* or *Cricketer Support Personnel* may approve.
- 14.3** The *National Cricket Federation* shall use its reasonable endeavours to ensure that persons under its control do not publicly identify *Cricketers* whose *Samples* have resulted in *Adverse Analytical Findings* or *Atypical Findings*, or who have a *Provisional Suspension* imposed on them, or are alleged to have committed an anti-doping rule violation under the *Rules*, unless and until an *Anti-Doping Tribunal* has determined that an anti-doping rule violation has been committed, and/or the anti-doping rule violation has been admitted. However, the *National Cricket Federation* in its discretion may at any time disclose to other organisations such information as the *National Cricket Federation* may consider necessary or appropriate to facilitate administration or enforcement of the *Rules*, provided that each organisation provides assurance satisfactory to the *National Cricket Federation* that the organisation will maintain all such information in confidence. The *National Cricket Federation* will not comment publicly on the specific facts of a pending case (as opposed to general description of process and science) except in response to public comments attributed to the *Cricketer* or *Cricketer Support Personnel* involved in the case or his/her representatives.
- 14.4** All communications with a laboratory in relation to *Testing* carried out under the *Rules* must be conducted in such a way that the laboratory is not advised of the identity of the *Cricketer(s)* involved, save where required as part of the investigation of a potential case and/or the presentation of evidence to an *Anti-Doping Tribunal*.
- 14.6** Details of all *Testing* carried out under the *Rules*, i.e. date of test, name of *Cricketer* tested, and whether the test was *In-Competition* or *Out-of-Competition*, shall be entered onto the *WADA Database*, and made available via that database to *WADA* and other *Anti-Doping Organisations* that have jurisdiction to test *Cricketers*, so that duplication of anti-doping efforts may be avoided.

- 14.7 Whereabouts information provided by a *Cricketer* pursuant to Article 5.3.2 shall be entered onto the *WADA Database* and/or otherwise shared with *WADA* and with other *Anti-Doping Organisations* with jurisdiction to test the *Cricketer*, on the basis that it shall be maintained in the strictest confidence at all times, it shall be used by *WADA* and other *Anti-Doping Organisations* only for *Doping Control* purposes, and it shall be destroyed when no longer relevant for such purposes.
- 14.8 All *Cricketers* and *Cricketer Support Personnel* shall be deemed to have agreed, for purposes of applicable data protection and other laws and for all other purposes, to have consented to the collection, processing, disclosure and use of information relating to them, including personal information relating to them, in accordance with the provisions of the *International Standard* for the Protection of Privacy, as required to implement the *Rules*.

## ARTICLE 15 RECOGNITION OF DECISIONS

- 15.1 The *Testing, TUEs*, hearing results and other decisions made under the *ICC Code* or recognised by the *ICC* under Article 15 of the *ICC Code* shall be recognised and respected by the *National Cricket Federation* and its member and affiliate and licensee organisations and all those subject to the *Rules* automatically upon notice of the same, without the need for further formality. The *National Cricket Federation* shall take all steps within its power to give full force and effect within its jurisdiction to such *Testing, TUEs*, hearing results and other decisions made or recognised under the *ICC Code*.
- 15.2 The *Testing, TUEs*, hearing results and other decisions made under the anti-doping rules of any other *Signatory* to the *World Anti-Doping Code* that are consistent with the *World Anti-Doping Code* and are within the *Signatory's* authority shall be recognised and respected by the *National Cricket Federation* and its member and affiliate and licensee organisations and all those subject to the *Rules* automatically upon notice of the same, without the need for further formality.
- 15.3 The *Testing, TUEs* and hearing results and other decisions of any non-*Signatory* whose applicable rules are otherwise consistent with the *World Anti-Doping Code* shall also be recognised and respected by the *National Cricket Federation*, its member and affiliate and licensee organisations and all those subject to the *Rules* automatically upon notice of the same, without the need for any further formality.

## ARTICLE 16 STATUTE OF LIMITATIONS

No action may be commenced under the *Rules* against a *Cricketer* or other *Person* for an anti-doping rule violation unless such action is commenced within eight years from the date that the anti-doping rule violation occurred.

## ARTICLE 17 STATISTICAL REPORTING

The *National Cricket Federation* shall report to the *ICC* at the end of every calendar year the results of all *Doping Controls* conducted under the *Rules*, sorted by *Cricketer* and identifying each date on which the *Cricketer* was tested, the entity conducting the test, and whether the test was *In-Competition* or *Out-of-Competition*. The *ICC* may periodically publish such data, save that (unless specifically agreed by the *National Cricket Federation* in question) the identity of the *Cricketers* tested shall not be published.

## ARTICLE 18 AMENDMENT AND INTERPRETATION OF THE RULES

- 18.1 The *Rules* may be amended from time to time by the *National Cricket Federation*. Such amendments shall come into effect on the date specified by the *National Cricket*

*Federation.*

- 18.2** The *Rules* shall be interpreted as an independent and autonomous text and not by reference to existing law or statutes of any *Signatory* or government.
- 18.3** The headings used for the various Articles of the *Rules* are for the purpose of guidance only and shall not be deemed to be part of the substance of the *Rules* or to inform or affect in any way the language of the provisions to which they refer.
- 18.4** The *Rules* have been adopted pursuant to the applicable provisions of the *World Anti-Doping Code* and shall be interpreted in a manner that is consistent with the *World Anti-Doping Code*. The comments annotating various provisions of the *World Anti-Doping Code* shall (if necessary) be used to assist in the understanding and interpretation of the *Rules*.
- 18.5** The *Rules* shall come into full force and effect on 1 January 2009 (the "**Effective Date**"). They shall not apply retrospectively to matters pending before the *Effective Date*; provided, however, that:
- 18.5.1** Any case pending prior to the *Effective Date*, or brought after the *Effective Date* but based on an anti-doping rule violation that occurred before the *Effective Date*, shall be governed by the anti-doping rules in force at the time of the anti-doping rule violation, subject to any application of the principle of *lex mitior* by the hearing panel determining the case.
- 18.5.2** Any Article 2.4 whereabouts violation (whether a *Filing Failure* or a *Missed Test*) declared under other applicable anti-doping rules prior to the *Effective Date* shall be carried forward and may be relied upon as one of the requisite elements of an anti-doping rule violation under Article 2.4 only to the extent permitted under such other anti-doping rules.
- 18.5.3** Where a period of *Ineligibility* imposed under a predecessor version of the *Rules* has not yet expired as of the *Effective Date*, the *Cricketer* or *Cricketer Support Personnel* who is *Ineligible* may apply to the *National Cricket Federation* to consider a reduction in the period of *Ineligibility* in light of the amendments to the *Rules* based on the *World Anti-Doping Code*. The *National Cricket Federation's* decision on such application is subject to appeal pursuant to Article 13. To be valid, such application must be made before the period of *Ineligibility* has expired.
- 18.5.4** Subject always to Article 10.7.5, anti-doping rule violations committed under rules in force prior to the *Effective Date* shall be taken into account as prior violations for purposes of determining sanctions under Article 10.7. A prior offence involving a substance defined under the *Rules*, for which a period of *Ineligibility* of less than two years was imposed, shall be considered a *Reduced Sanction* violation for purposes of Article 10.7.1.
- 18.6** Subject to Article 18.2, the *Rules* are governed by and shall be construed in accordance with English law. Strictly without prejudice to the arbitration provisions of Articles 8 and 13 of the *Rules*, disputes relating to the *Rules* shall be subject to the exclusive jurisdiction of the courts of England and Wales.



## APPENDIX 1 - DEFINITIONS

*Adverse Analytical Finding.* A report from a laboratory or other WADA-approved entity that, consistent with the International Standard for Laboratories and related Technical Documents, identifies in a *Sample* the presence of a *Prohibited Substance* or its *Metabolites* or *Markers* (including elevated quantities of endogenous substances) or evidence of the *Use of a Prohibited Method*.

*Anti-Doping Manager.* An appointee of the *National Cricket Federation* with supervisory responsibilities in relation to the *Rules*.

*Anti-Doping Organisation.* A *Signatory* that is responsible for adopting rules for initiating, implementing or enforcing any part of the *Doping Control* process. This includes, for example, the International Olympic Committee, the International Paralympic Committee, other *Major Event Organisations* that conduct *Testing* at their tournaments/events, *WADA*, International Federations such as the *ICC*, and *National Anti-Doping Organisations*.

*Anti-Doping Tribunal.* A panel of three persons (subject to Article 8.1.6) appointed in accordance with Article 8.1.2 consisting of a Chair (who shall be legally qualified), and other members of the Doping Hearing Panel to perform the functions assigned to the *Anti-Doping Tribunal* under the *Rules*.

*Appeal Panel.* A panel of three persons (subject to Article 13.4.3) appointed in accordance with Article 13.4, and consisting of a Chair (who shall be legally qualified), and other members of the Doping Hearing Panel to perform the functions assigned to the *Appeal Panel* under the *Rules*. Each member of the *Appeal Panel* shall be independent of the *National Cricket Federation*, which may provide reasonable compensation and reimbursement of expenses to such members.

*Attempt.* Purposely engaging in conduct that constitutes a substantial step in a course of conduct planned to culminate in the commission of an anti-doping rule violation. Provided, however, there shall be no anti-doping rule violation based solely on an *Attempt* to commit a violation if the *Person* renounces the *Attempt* prior to it being discovered by a third party not involved in the *Attempt*.

*Atypical Finding.* A report from a laboratory or other *WADA*-approved entity which requires further investigation as provided by the *International Standard* for Laboratories or related technical documents prior to the determination of an *Adverse Analytical Finding*.

*CAS.* The Court of Arbitration for Sport in Lausanne, Switzerland.

*Competition.* A series or combination of any number of individual *Matches* played as part of a league, knock-out or other tournament or event.

*Consequences.* An anti-doping rule violation may result in one or more of the following: (a) *Disqualification* means the *Cricketer's* results and performance statistics in a particular *Match* are invalidated, with all resulting consequences including forfeiture of any individual medals, individual ranking points and individual prizes obtained in that *Match* and the non-inclusion of his/ her performance statistics in such *Match* towards individual averages and/or records; (b) *Ineligibility* means the *Cricketer* or *Cricketer Support Personnel* is barred for a specified period of time from participation in the sport of cricket; and (c) *Provisional Suspension* means the *Cricketer* or *Cricketer Support Personnel* is temporarily barred from participating in the sport of cricket pending a decision on the allegation that he/she has committed an anti-doping rule violation.

*Cricketer.* Any *Person* who competes at any level in the sport under the jurisdiction of the *National Cricket Federation*; save that for purposes of Article 2.8, a *Cricketer* is any *Person* who participates at any level in any sport under the authority of any *Signatory*, government or other sports organisation accepting the *World Anti-Doping Code*.

*Cricketer's Nominated Address*. As defined in Article 1.5.

*Cricketer Support Personnel*. As defined in Article 1.8.

*Demand*. As defined in Article 7.5.3.1.

*Disqualification*. See *Consequences*, above.

*Doping Control*. All steps and processes from test distribution planning through to ultimate disposition of any appeal including all steps and processes in between such as provision of whereabouts information, sample collection and handling, laboratory analysis, *TUEs*, results management and hearings.

*Doping Hearing Panel*. As defined in Article 8.1.1.

*Effective Date*. As defined in Article 18.5.

*Filing Failure*. As defined in Article 2.4.

*ICC*. The International Cricket Council or its designee.

*ICC Code*. As defined in Article 1.3.

*ICC Events*. Each of the following: (a) the ICC Cricket World Cup; (b) the ICC World Twenty20; (c) the ICC Under 19 Cricket World Cup; (d) the ICC Women's World Cup; (e) the ICC Champions Trophy; (f) the ICC World Cup Qualifying Tournament; and (g) any other event organised or sanctioned by the *ICC* from time to time, provided that the *ICC* has given at least three months' notice to all teams participating in such event that it is to be deemed an *ICC Event* for the purposes of the *Rules*.

*In-Competition*. The period described in Article 5.2.2.

*Ineligibility*. See *Consequences*, above.

*International-Level Cricketer*. Any *Cricketer* designated by the *ICC* in accordance with the *ICC Code* as being within its *International Registered Testing Pool*.

*International Registered Testing Pool*. As defined in Article 5.3.2.1.

*International Standard*. A standard adopted by *WADA* in support of the *World Anti-Doping Code*, as revised from time to time, such revisions becoming effective in relation to the *Rules* on the date specified by *WADA*, without the need for any further action by the *National Cricket Federation*. Compliance with an *International Standard* (as opposed to another alternative standard, practice or procedure) shall be sufficient to conclude that the procedures addressed by the *International Standard* were performed properly. The *International Standards* shall include any technical documents issued pursuant to the *International Standard*.

*Major Event Organisations*. The continental associations of *National Olympic Committees* and other international multi-sport organisations that function as the ruling body for any continental, regional or other international event..

*Marker*. A compound, group of compounds or biological parameter(s) that indicates the presence and/or *Use* of a *Prohibited Substance* or *Prohibited Method*.

*Match*. A match between two cricket teams, of any format and duration, that is organised, convened or authorised by the *National Cricket Federation* or any of its members or affiliates or licensees.

*Metabolite*. Any substance produced by a biotransformation process.

Minor. A natural *Person* who has not reached the age of majority as established by the applicable laws of his/her country of residence.

Missed Test. As defined in Article 2.4.

National Anti-Doping Organisation or NADO. The entity(ies) designated by each country as possessing the primary authority and responsibility to adopt and implement anti-doping rules, direct the collection of *Samples*, the management of test results, and the conduct of hearings, all at the national level. This includes an entity which may be designated by multiple countries to serve as regional *Anti-Doping Organisation* for such countries. If this designation has not been made by the competent public authority(ies), the entity shall be the country's *National Olympic Committee* or its designee. The *National Anti-Doping Organisation* for England and Wales is *UK Sport*.

National Cricket Federation. The England and Wales Cricket Board, which is a member of and is recognised by the ICC as the entity governing the sport of cricket in England and Wales.

National Olympic Committee. The organisation recognised in each country by the International Olympic Committee. The term *National Olympic Committee* shall also include the National Sport Confederation in those countries where the National Sport Confederation assumes typical *National Olympic Committee* responsibilities in the anti-doping area.

National Registered Testing Pool. As defined in Article 5.3.2.1.

No Advance Notice. A *Doping Control* which takes place with no advance warning to the *Cricketer* and where the *Cricketer* is continuously chaperoned from the moment of notification through *Sample* provision.

No Fault or Negligence. The *Cricketer* or *Cricketer Support Personnel* establishing that he/she did not know or suspect, and could not reasonably have known or suspected even with the exercise of utmost caution, that he/she had *Used* or been administered the *Prohibited Substance* or *Prohibited Method*.

No Significant Fault or Negligence. The *Cricketer* or *Cricketer Support Personnel* or other *Person* establishing that his/her fault or negligence, when viewed in the totality of the circumstances and taking into account the criteria for *No Fault or Negligence*, was not significant in relationship to the anti-doping rule violation.

Notice of Charge. As defined in Article 7.2.4.

Out-of-Competition. The period(s) described in Article 5.3.1.1.

Person. A natural person or an organisation or other entity.

Possession. Actual, physical possession, or the constructive possession, provided, however, that if the *Person* does not have exclusive control over the *Prohibited Substance/Method* or the premises in which a *Prohibited Substance/Method* exists, constructive possession shall only be found if the *Person* knew about the presence of the *Prohibited Substance/Method* and intended to exercise control over it. Provided, however, there shall be no anti-doping rule violation based solely on *Possession* if, prior to receiving notification of any kind that the *Person* has committed an anti-doping rule violation, the *Person* has taken concrete action demonstrating that the *Person* never intended to have *Possession* and has renounced *Possession* by explicitly declaring it to an *Anti-Doping Organisation*. Notwithstanding anything to the contrary in this definition, the purchase (including by any electronic or other means) of a *Prohibited Substance* or *Prohibited Method* constitutes *Possession* by the *Person* who makes the purchase.

Prohibited List. The list identifying the *Prohibited Substances* and *Prohibited Methods*.

*Prohibited Method.* Any method so described on the *Prohibited List*.

*Prohibited Substance.* Any substance so described on the *Prohibited List*.

*Provisional Hearing.* For purposes of Article 7.6, an expedited abbreviated hearing occurring prior to a hearing under Article 8 that provides the *Cricketer* or *Cricketer Support Personnel* with notice and an opportunity to be heard in either written or oral form.

*Provisional Suspension.* See *Consequences*, above.

*Review Board.* A standing panel appointed by the *National Cricket Federation* or *NADO*, consisting of persons with medical, technical and/or legal experience in anti-doping, to perform the functions assigned to the *Review Board* in the *Rules*. Each member of the *Review Board* panel shall be independent of the *National Cricket Federation*, which may provide reasonable compensation and reimbursement of expenses to such members.

*Sample.* Any biological material collected for the purposes of *Doping Control*.

*Signatories.* Those entities signing the *World Anti-Doping Code* and agreeing to comply with the *World Anti-Doping Code*, including the International Olympic Committee, International federations, International Paralympic Committee, *National Olympic Committees*, National Paralympic Committees, *Major Event Organisations*, *National Anti-Doping Organisations*, and *WADA*.

*Specified Substances.* As defined in Article 4.1.2.

*Substantial Assistance.* For purposes of Article 10.5.3, a *Person* providing *Substantial Assistance* must: (a) fully disclose in a signed written statement all information that he/she possesses in relation to anti-doping rule violations; and (b) fully cooperate with the investigation and adjudication of any case related to that information, including, for example, presenting testimony at a hearing if requested to do so by the *National Cricket Federation*, an *Anti-Doping Organisation* or hearing panel. Further, the information provided must be credible and must comprise an important part of any case that is initiated or, if no case is initiated, must have provided a sufficient basis on which a case could have been brought.

*Tampering.* Altering for an improper purpose or in an improper way; bringing improper influence to bear; interfering improperly; obstructing, misleading or engaging in any fraudulent conduct to alter results or prevent normal procedures from occurring; or providing fraudulent information to an *Anti-Doping Organisation*.

*Target Testing.* Selection of *Cricketers* for *Testing* where specific *Cricketers* or groups of *Cricketers* are selected on a non-random basis for *Testing* at a specified time.

*Testing.* The parts of the *Doping Control* process involving test distribution planning, *Sample* collection, *Sample* handling, and *Sample* transport to the laboratory.

*Trafficking.* Selling, giving, administering, transporting, sending, delivering or distributing a *Prohibited Substance* or *Prohibited Method* (either physically or by any electronic or other means) by a *Cricketer* or *Cricketer Support Personnel* to any third party; provided, however, that this definition shall not include: (a) the actions of bona fide medical personnel involving a *Prohibited Substance* used for genuine and legal therapeutic purposes or other acceptable justification; or (b) actions involving *Prohibited Substances* which are not prohibited in *Out-of-Competition Testing* unless the circumstances as a whole demonstrate such *Prohibited Substances* were not intended for genuine and legal therapeutic purposes.

*TUE.* As defined in Article 4.4.1.

*TUE Appeal Panel.* A panel appointed by the *National Cricket Federation* or the *NADO* and composed of at least three physicians with experience in the care and treatment of *Cricketers* and sound knowledge of clinical and exercise medicine, to perform the functions assigned to

the *TUE Appeal Panel* under the *Rules*.

*TUE Committee*. A panel appointed by the *National Cricket Federation* or the *NADO* and composed of at least three physicians with experience in the care and treatment of *Cricketers* and a sound knowledge of clinical and exercise medicine, to perform the functions assigned to the *TUE Committee* under the *Rules*. In all cases involving a *Cricketer* with a disability, one of the physicians must have experience with the care and treatment of *Cricketers* with disabilities.

*Use*. The utilisation, application, ingestion, injection or consumption by any means whatsoever of any *Prohibited Substance* or *Prohibited Method*.

*WADA*. The World Anti-Doping Agency.

*WADA Database*. An on-line database, with a state-of-the-art security system, maintained by *WADA* for purposes of collating anti-doping information, currently known as the Anti-Doping Administration and Management System (ADAMS).

*World Anti-Doping Code*. The version of the World Anti-Doping Code issued by *WADA* and coming into force as from 1 January 2009.

## APPENDIX 2 – THE 2009 PROHIBITED LIST (VALID FROM 1 JANUARY 2009)

The use of any drug should be limited to medically justified indications.

All *Prohibited Substances* shall be considered as "Specified Substances" except Substances in classes S1, S2, S.4.4 and S6.a, and *Prohibited Methods* M1, M2 and M3.

### SUBSTANCES AND METHODS PROHIBITED AT ALL TIMES (IN- AND OUT-OF-COMPETITION)

#### PROHIBITED SUBSTANCES

##### S1. ANABOLIC AGENTS

Anabolic agents are prohibited.

##### 1. Anabolic Androgenic Steroids (AAS)

a. Exogenous\* AAS, including:

**1-androstendiol** (5\_-androst-1-ene-3\_,17\_-diol); **1-androstendione** (5\_-androst-1-ene-3,17-dione); **bolandiol** (19-norandrostenediol); **bolasterone**; **boldenone**; **boldione** (androsta-1,4-diene-3,17-dione); **calusterone**; **clostebol**; **danazol** (17\_-ethynyl-17\_-hydroxyandrost-4-eno[2,3-d]isoxazole); **dehydrochlormethyltestosterone** (4-chloro-17\_-hydroxy-17\_-methylandrosta-1,4-dien-3-one); **desoxymethyltestosterone** (17\_-methyl-5\_-androst-2-en-17\_-ol); **drostanolone**; **ethylestrenol** (19-nor-17\_-pregn-4-en-17-ol); **fluoxymesterone**; **formebolone**; **furazabol** (17\_-hydroxy-17\_-methyl-5\_-androstano[2,3-c]-furazan); **gestrinone**; **4-hydroxytestosterone** (4,17\_-dihydroxyandrost-4-en-3-one); **mestanolone**; **mesterolone**; **metenolone**; **methandienone** (17\_-hydroxy-17\_-methylandrosta-1,4-dien-3-one); **methandriol**; **methasterone** (2\_, 17\_-dimethyl-5\_-androstane-3-one-17\_-ol); **methyldienolone** (17\_-hydroxy-17\_-methyl-estra-4,9-dien-3-one); **methyl-1-testosterone** (17\_-hydroxy-17\_-methyl-5\_-androst-1-en-3-one); **methylnortestosterone** (17\_-hydroxy-17\_-methyl-estra-4-en-3-one); **methyltrienolone** (17\_-hydroxy-17\_-methyl-estra-4,9,11-trien-3-one); **methyltestosterone**; **mibolone**; **nandrolone**; **19-norandrostenedione** (estr-4-ene-3,17-dione); **norboletone**; **norclostebol**; **norethandrolone**; **oxabolone**; **oxandrolone**; **oxymesterone**; **oxymetholone**; **prostanazol** (17\_-hydroxy-5\_-androstano[3,2-c]pyrazole); **quinbolone**; **stanazolol**; **stenbolone**; **1-testosterone** (17\_-hydroxy-5\_-androst-1-en-3-one); **tetrahydrogestrinone** (18a-homopregna-4,9,11-trien-17\_-ol-3-one); **trenbolone** and other substances with a similar chemical structure or similar biological effect(s).

b. Endogenous\*\* AAS when administered exogenously:

**androstenediol** (androst-5-ene-3\_,17\_-diol); **androstenedione** (androst-4-ene-3,17-dione); **dihydrotestosterone** (17\_-hydroxy-5\_-androst-3-one); **prasterone** (dehydroepiandrosterone, DHEA); **testosterone** and the following metabolites and isomers:

**5\_-androstane-3\_,17\_-diol**; **5\_-androstane-3\_,17\_-diol**; **5\_-androstane-3\_,17\_-diol**; **5\_-androstane-3\_,17\_-diol**; **androst-4-ene-3\_,17\_-diol**; **androst-4-ene-3\_,17\_-diol**; **androst-4-ene-3\_,17\_-diol**; **androst-4-ene-3\_,17\_-diol**; **androst-5-ene-3\_,17\_-diol**; **androst-5-ene-3\_,17\_-diol**; **androst-5-ene-3\_,17\_-diol**; **androst-5-ene-3\_,17\_-diol**; **4-androstenediol** (androst-4-ene-3\_,17\_-diol); **5-androstenedione** (androst-5-ene-3,17-dione); **epi-dihydrotestosterone**; **epitestosterone**; **3\_-hydroxy-5\_-androst-17-one**; **3\_-**

**hydroxy-5\_-androstan-17-one; 19-norandrosterone; 19-noretiocholanolone.**

**[Comment to class S1.1b:**

*Where an anabolic androgenic steroid is capable of being produced endogenously, a Sample will be deemed to contain such Prohibited Substance and an Adverse Analytical Finding will be reported where the concentration of such Prohibited Substance or its metabolites or markers and/or any other relevant ratio(s) in the Cricketer's Sample so deviates from the range of values normally found in humans that it is unlikely to be consistent with normal endogenous production. A Sample shall not be deemed to contain a Prohibited Substance in any such case where a Cricketer proves that the concentration of the Prohibited Substance or its metabolites or markers and/or the relevant ratio(s) in the Athlete's Sample is attributable to a physiological or pathological condition.*

*In all cases, and at any concentration, the Cricketer's Sample will be deemed to contain a Prohibited Substance and the laboratory will report an Adverse Analytical Finding if, based on any reliable analytical method (e.g. IRMS), the laboratory can show that the Prohibited Substance is of exogenous origin. In such case, no further investigation is necessary.*

*When a value does not so deviate from the range of values normally found in humans and any reliable analytical method (e.g. IRMS) has not determined the exogenous origin of the substance, but if there are indications, such as a comparison to endogenous reference steroid profiles, of a possible Use of a Prohibited Substance, or when a laboratory has reported a T/E ratio greater than four (4) to one (1) and any reliable analytical method (e.g. IRMS) has not determined the exogenous origin of the substance, further investigation shall be conducted by the relevant Anti-Doping Organization by reviewing the results of any previous test(s) or by conducting subsequent test(s).*

*When such further investigation is required the result shall be reported by the laboratory as atypical and not as adverse. If a laboratory reports, using an additional reliable analytical method (e.g. IRMS), that the Prohibited Substance is of exogenous origin, no further investigation is necessary, and the Sample will be deemed to contain such Prohibited Substance. When an additional reliable analytical method (e.g. IRMS) has not been applied, and the minimum of three previous test results are not available, a longitudinal profile of the Cricketer shall be established by performing three no-advance notice tests in a period of three months by the relevant Anti-Doping Organization. The result that triggered this longitudinal study shall be reported as atypical. If the longitudinal profile of the Cricketer established by the subsequent tests is not physiologically normal, the result shall then be reported as an Adverse Analytical Finding.*

*In extremely rare individual cases, boldenone of endogenous origin can be consistently found at very low nanograms per milliliter (ng/mL) levels in urine. When such a very low concentration of boldenone is reported by a laboratory and the application of any reliable analytical method (e.g. IRMS) has not determined the exogenous origin of the substance, further investigation may be conducted by subsequent test(s).*

*For 19-norandrosterone, an Adverse Analytical Finding reported by a laboratory is considered to be scientific and valid proof of exogenous origin of the Prohibited Substance. In such case, no further investigation is necessary.*

*Should a Cricketer fail to cooperate in the investigations, the Cricketer's Sample shall be deemed to contain a Prohibited Substance.]*

**2. Other Anabolic Agents, including but not limited to:**

**Clenbuterol, selective androgen receptor modulators (SARMs), tibolone, zeranol, zilpaterol.**

*For purposes of this section:*

*“exogenous” refers to a substance which is not ordinarily capable of being produced by the body naturally.*

*“endogenous” refers to a substance which is capable of being produced by the body naturally.*

## **S2. HORMONES AND RELATED SUBSTANCES**

The following substances and their releasing factors, are prohibited:

1. **Erythropoiesis-Stimulating Agents** (e.g. erythropoietin (EPO), darbepoietin (dEPO), hematide);
2. **Growth Hormone (GH), Insulin-like Growth Factors** (e.g. IGF-1), **Mechano Growth Factors (MGFs)**;
3. **Chorionic Gonadotrophin (CG) and Luteinizing Hormone (LH)** in males;
4. **Insulins**;
5. **Corticotrophins**;

**and other substances with similar chemical structure or similar biological effect(s).**

### ***[Comment to class S2:***

*Unless the Cricketer can demonstrate that the concentration was due to a physiological or pathological condition, a Sample will be deemed to contain a Prohibited Substance (as listed above) where the concentration of the Prohibited Substance or its metabolites and/or relevant ratios or markers in the Cricketer’s Sample satisfies positivity criteria established by WADA or otherwise so exceeds the range of values normally found in humans that it is unlikely to be consistent with normal endogenous production.*

*If a laboratory reports, using a reliable analytical method, that the Prohibited Substance is of exogenous origin, the Sample will be deemed to contain a Prohibited Substance and shall be reported as an Adverse Analytical Finding.]*

## **S3. BETA-2 AGONISTS**

All beta-2 agonists including their D- and L-isomers are prohibited.

Therefore, formoterol, salbutamol, salmeterol and terbutaline when administered by inhalation also require a Therapeutic Use Exemption in accordance with the relevant section of the International Standard for Therapeutic Use Exemptions.

Despite the granting of a Therapeutic Use Exemption, the presence of salbutamol in urine in excess of 1000 ng/mL will be considered as an *Adverse Analytical Finding* unless the *Cricketer* proves, through a controlled pharmacokinetic study, that the abnormal result was the consequence of the use of a therapeutic dose of inhaled salbutamol.

## **S4. HORMONE ANTAGONISTS AND MODULATORS**

The following classes are prohibited:

1. **Aromatase inhibitors** including, but not limited to: **anastrozole, letrozole, aminoglutethimide, exemestane, formestane, testolactone.**

2. **Selective estrogen receptor modulators (SERMs)** including, but not limited to: **raloxifene, tamoxifen, toremifene.**
  
3. **Other anti-estrogenic substances** including, but not limited to: **clomiphene, cyclofenil, fulvestrant.**
  
4. **Agents modifying myostatin function(s)** including but not limited to: **myostatin inhibitors.**

## **S5. DIURETICS AND OTHER MASKING AGENTS**

Masking agents are prohibited. They include:

**Diuretics, probenecid, plasma expanders** (e.g. intravenous administration of **albumin, dextran, hydroxyethyl starch** and **mannitol**) and other substances with similar biological effect(s).

Diuretics include:

**Acetazolamide, amiloride, bumetanide, canrenone, chlorthalidone, etacrynic acid, furosemide, indapamide, metolazone, spironolactone, thiazides** (e.g. **bendroflumethiazide, chlorothiazide, hydrochlorothiazide, triamterene**, and other substances with a similar chemical structure or similar biological effect(s) (except **drosperinone** and **topical dorzolamine** and **brinzolamide**, which are not prohibited).

**[Comment to class S5:**

A Therapeutic Use Exemption is not valid if a *Cricketer's* urine contains a diuretic in association with threshold or sub-threshold levels of an exogenous *Prohibited Substance(s)*.]

## **PROHIBITED METHODS**

### **M1. ENHANCEMENT OF OXYGEN TRANSFER**

The following are prohibited:

1. Blood doping, including the use of autologous, homologous or heterologous blood or red blood cell products of any origin.
  
2. Artificially enhancing the uptake, transport or delivery of oxygen, including but not limited to perfluorochemicals, efaproxiral (RSR13) and modified haemoglobin products (e.g. haemoglobin-based blood substitutes, microencapsulated haemoglobin products).

### **M2. CHEMICAL AND PHYSICAL MANIPULATION**

1. *Tampering*, or attempting to tamper, in order to alter the integrity and validity of *Samples* collected during *Doping Controls* is prohibited. These include but are not limited to catheterisation, urine substitution and/or alteration.
  
2. Intravenous infusions are prohibited except in the management of surgical procedures, medical emergencies or clinical investigations.

### M3. GENE DOPING

The transfer of cells or genetic elements or the use of cells, genetic elements or pharmacological agents to modulating expression of endogenous genes having the capacity to enhance athletic performance, is prohibited.

Peroxisome Proliferator Activated Receptor \_ (PPAR\_) agonists (e.g. GW 1516) and PPAR\_-AMP-activated protein kinase (AMPK) axis agonists (e.g. AICAR) are prohibited.

## SUBSTANCES AND METHODS

### PROHIBITED IN-COMPETITION

In addition to the categories S1 to S5 and M1 to M3 defined above, the following categories are prohibited in competition:

### PROHIBITED SUBSTANCES

#### S6. STIMULANTS

All stimulants (including both their D- & L- optical isomers where relevant) are prohibited, except imidazole derivatives for topical use and those stimulants included in the 2009 Monitoring Program\*.

Stimulants include:

a: Non Specified Stimulants:

Adrafinil; amfepramone; amiphenazole; amphetamine; amphetaminil; benzphetamine; **benzylpiperazine**; bromantan; clobenzorex; **cocaine**; cropropamide; crotetamide; dimethylamphetamine; etilamphetamine; famprofazone; fencamine; fenetylline; fenfluramine; fenproporex; fufenorex; mefenorex; mephentermine; mesocarb; methamphetamine(D-); methylenedioxyamphetamine; methylenedioxymethamphetamine; p-methylamphetamine; modafinil; norfenfluramine; phendimetrazine; phenmetrazine; **phentermine**; 4-phenylpiracetam (carphedon); prolintane.

A stimulant not expressly listed in this section is a Specified Substance.

b: Specified Stimulants (examples):

Adrenaline\*\* ; cathine\*\*\* ; ephedrine\*\*\*\* ; etamivan; etilefrine; fenbutrazate; fencamfamin; heptaminol; isometheptene; levmetamphetamine; meclofenoxate; methylephedrine\*\*\*\*; methylphenidate; nikethamide; norfenefrine; octopamine; oxilofrine; parahydroxyamphetamine; pemoline; pentetrazol; phenpromethamine; propylhexedrine; selegiline; sibutramine; strychnine; tuaminoheptane and other substances with a similar chemical structure or similar biological effect(s).

\* The following substances included in the 2009 Monitoring Program (bupropion, caffeine, phenylephrine, phenylpropranolamine, piperadol, pseudoephedrine, synephrine) are not considered as *Prohibited Substances*.

\*\* **Adrenaline** associated with local anaesthetic agents or by local administration (e.g. nasal, ophthalmologic) is not prohibited.

\*\*\* **Cathine** is prohibited when its concentration in urine is greater than 5 micrograms per milliliter.

\*\*\*\* Each of **ephedrine** and **methylephedrine** is prohibited when its concentration in urine is greater than 10 micrograms per milliliter.

## **S7. NARCOTICS**

The following narcotics are prohibited:

**Buprenorphine, dextromoramide, diamorphine (heroin), fentanyl and its derivatives, hydromorphone, methadone, morphine, oxycodone, oxymorphone, pentazocine, pethidine.**

## **S8. CANNABINOIDS**

Cannabinoids (e.g. hashish, marijuana) are prohibited.

## **S9. GLUCOCORTICOSTEROIDS**

All glucocorticosteroids are prohibited when administered by oral, intravenous, intramuscular or rectal routes.

In accordance with the International Standard for Therapeutic Use Exemptions, a declaration of use must be completed by the *Cricketer* for glucocorticosteroids administered by intraarticular, periarticular, peritendinous, epidural, intradermal and inhalation routes, except as noted below.

Topical preparations when used for auricular, buccal, dermatological (including iontophoresis/phonophoresis), gingival, nasal, ophthalmic and perianal disorders are not prohibited and neither require a Therapeutic Use Exemption nor a declaration of use.