

ASFGB DOPING CONTROL RULES & PROTOCOLS



DOPING CONTROL RULES

JULY 2004

(incorporating revised WADA List 2004)

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INTRODUCTION

Preface

- 1.1 Amateur Swimming Federation of Great Britain Limited (a company limited by guarantee with registered number 4092510) (“ASFGB”) is a member federation of the Federation Internationale de Natation (“FINA”) the international federation and body responsible under the World Anti-Doping Agency Code (“the Code”) for regulating doping control in all the disciplines of the sport of swimming (namely speed swimming, open water swimming, diving, masters swimming, synchronised swimming and water polo) and its members are the Amateur Swimming Association - including the Isle of Man and the Channel Islands - (“ASA”), the Scottish Amateur Swimming Association (“SASA”) and the Welsh Amateur Swimming Association (“WASA”)
- 1.2 ASFGB shall within its jurisdiction be the body responsible for regulating maintaining and enforcing doping control in all the said disciplines of the sport of swimming (namely speed swimming, open water swimming, diving, masters swimming, synchronised swimming and water polo).
- 1.3 The purpose of the doping control programme of ASFGB, of which these Rules and Protocols form part, is to protect the health and rights of individuals through education and controlled doping tests. ASFGB considers doping to be contrary to the ethics of sport and in furtherance of the objectives of FINA the world governing body for the sport of swimming one of the objectives of ASFGB is to provide drug free sport.
- 1.4 The FINA Extraordinary Congress in Barcelona (ESP) on 11 July 2003 decided to accept the Code and revised FINA Doping Control Rules with effect from 11 September 2003. These Doping Control Rules are adopted and implemented in conformance with ASFGB’s responsibilities to FINA under the FINA Doping Control Rules, and are in furtherance of FINA's continuing efforts to eradicate doping in the aquatic sports.

1.5 Doping Control Rules, like Competition rules, are sport rules governing the conditions under which sport is played. Competitors accept these rules as a condition of participation. Doping Control Rules are not intended to be subject to or limited by the requirements and legal standards applicable to criminal proceedings or employment matters. The policies and minimum standards set forth in the Code and implemented in the FINA Doping Control Rules and in these Doping Control Rules represent the consensus of a broad spectrum of stakeholders with an interest in fair sport and should be respected by all courts and adjudicating bodies.

Fundamental Rationale for the Code, FINA's Doping Control Rules and these ASFGB Doping Control Rules

Doping Control programs seek to preserve what is intrinsically valuable about sport. This intrinsic value is often referred to as "the spirit of sport"; it is the essence of Sport; it is how we play true. The spirit of sport is the celebration of the human spirit, body and mind, and is characterized by the following values:

- Ethics, fair play and honesty
- Health
- Excellence in performance
- Character and education
- Fun and joy
- Teamwork
- Dedication and commitment
- Respect for rules and laws
- Respect for self and other participants
- Courage
- Community and solidarity

Doping is fundamentally contrary to the spirit of sport

Scope and Jurisdiction

These Doping Control Rules (“these Rules”) shall apply to each Participant in the activities of ASFGB by virtue of the Participant's membership, accreditation, or participation in ASFGB’s programmes, or its Competitions.

These Rules shall apply to all Doping Controls over which ASFGB has jurisdiction.

In addition to these Rules all FINA Rules, including FINA Doping Control Rules, shall be deemed as incorporated into and shall be directly applicable to and shall be followed by Competitors, Competitor Support Personnel, coaches, physicians, team leaders, and club and other members and persons under the jurisdiction of ASFGB and ASFGB by being a Member of FINA, agrees that it shall:

- a) report all Doping Control results undertaken or arranged by ASFGB to FINA in accordance with FINA Doping Control Rule DC 14.
- b) allow FINA to conduct Doping Control at ASFGB’s Championships and any other Competition within its jurisdiction; and
- c) allow FINA to conduct unannounced Testing on any Competitor under ASFGB’s jurisdiction.

All Competitors shall submit to Doping Control carried out by FINA or ASFGB In Competition, Out-of-Competition, announced or unannounced. The Competitor shall submit to Doping Control whenever requested by any duly authorised official.

Any person registered with ASFGB as an athlete with a disability participating in any event or activity in any of the disciplines of the sport of swimming under the jurisdiction of ASFGB (or any person assisting such a person) shall whilst so participating be subject to these Rules subject to such modifications and amendments as ASFGB may approve and publish from time to time. In addition any person registered

with ASFGB as an athlete with a disability shall be subject to unannounced out of competition testing in accordingly with these Rules

1. INTERPRETATION OF ASFGB DOPING CONTROL RULES

1.1 These Rules are implemented in furtherance of the Code to which UK Sport (the United Kingdom National Anti-Doping Organisation) and the British Olympic Association (the United Kingdom National Olympic Committee) are signatories shall be interpreted as an independent and autonomous text in accordance with the Code and the decisions of the Court of Arbitration for Sport relating to the Code and not by reference to existing law or statutes.

1.2 The headings used for these Rules are for convenience only and shall not be deemed part of the substance of these Rules or to affect in any way the language of the provisions to which they refer.

1.3 The INTRODUCTION and the APPENDIX I DEFINITIONS shall be considered integral parts of these Rules.

1.4 These Rules have been adopted in compliance with the applicable provisions of the Code. These Rules shall be interpreted in a manner that is consistent with applicable provisions of the Code. The comments annotating various provisions of the Code may, where applicable, assist in the understanding and interpretation of these Rules.

1.5 Words importing the masculine shall include the feminine and vice versa words of the singular shall include the plural and vice versa. The headings in these Rules shall not affect their interpretation.

1.6 These Rules are governed by the Laws of England and Wales

2. DEFINITION OF DOPING

2.1 Doping is defined as the occurrence of one or more of the Doping Control rule violations set forth in Rules 3.1 – 3.8 inclusive below

3. DOPING CONTROL RULE OFFENCES

The following constitute doping offences:

3.1 The presence of a Prohibited Substance or its Metabolites or Markers in a Competitor's bodily Specimen. Accordingly:

3.1.1 It is each Competitor's personal duty to ensure that no Prohibited Substance enters his body. Competitors are responsible for any Prohibited Substance or its Metabolites or Markers found to be present in their bodily Specimens. Accordingly, it is not necessary that intent, fault, negligence or knowing Use on the Competitor's part be demonstrated in order to establish a doping control offence under this Rule 3.1

3.1.2 Excepting those substances for which a quantitative reporting threshold is specifically identified in the Prohibited List, the detected presence of any quantity of a Prohibited Substance or its Metabolites or Markers in a Competitor's Sample shall constitute a doping control offence.

3.1.3 As an exception to the general rule of Rule 3.1 the Prohibited List may establish special criteria for the evaluation of Prohibited Substances that can also be produced endogenously.

3.2 The Use or Attempted Use of a Prohibited Substance or a Prohibited Method.

3.2.1 The success or failure of the Use of a Prohibited Substance Prohibited Method is not material to the commission of a doping offence It is

sufficient that the Prohibited Substance or Prohibited Method was Used or Attempted to be Used for a doping offence to be committed.

3.3 The refusal or failure without compelling justification, to submit to sample collection after notification as authorized in these Rules or otherwise evading Sample collection.

3.4 Any violation of the requirements regarding Competitor availability for Out-of-Competition Testing including failure to provide required whereabouts information in contravention of Rule 6

3.5 The tampering, or attempting to tamper, with any part of Doping Control.

3.6 The possession of Prohibited Substances and Methods:

3.6.1 Possession by a Competitor at any time or place of a substance that is prohibited in Out-of-Competition Testing or a Prohibited Method unless the Competitor establishes that the Possession is pursuant to a therapeutic use exemption (TUE) granted in accordance with Rule 5 or other reasonably acceptable justification.

3.6.2 Possession of a Prohibited Substance that is prohibited in Out-of-Competition Testing or a Prohibited Method by Competitor Support Personnel in connection with a Competitor, Event or training, unless the Competitor Support Personnel establishes that the Possession is pursuant to a TUE granted to a Competitor in accordance with Rule 5 or other reasonably acceptable justification.

3.7 The trafficking in any Prohibited Substance or Prohibited Method.

3.8 The administration or Attempted administration of a Prohibited Substance or Prohibited Method to any Competitor, or assisting encouraging, aiding, abetting, covering up or any other type of complicity involving a Doping Control rule violation or any attempted violation.

4. PROOF OF DOPING

4.1 ASFGB shall have the burden of establishing that a doping offence has occurred. The standard of proof shall be whether ASFGB has established a doping offence to the comfortable satisfaction of the hearing body bearing in mind the seriousness of the allegation which 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. Where these Rules place the burden of proof upon the Competitor or other Person alleged to have committed a doping offence to rebut a presumption or establish specified facts or circumstances, the standard of proof shall be by a balance of probability.

4.2 Facts related to doping offences may be established by any reliable means, including admissions. An admission for the purposes of these Rules means a statement made in writing or orally but in a verifiable manner, by the person alleged to have committed a doping offence which acknowledges directly or indirectly a violation of these Rules. The following rules of proof shall be applicable in doping cases:

4.2.1 WADA-accredited laboratories are presumed to have conducted Sample analysis and custodial procedures in accordance with the International Standard for laboratory analysis. The Competitor may rebut this presumption by establishing that a departure from the International Standard occurred.

If the Competitor rebuts the preceding presumption by showing that a departure from the International Standard occurred, then ASFGB shall have the burden to establish that such departure did not cause the Adverse Analytical Finding.

4.2.2 Departures from the International Standard for Testing which did not cause an Adverse Analytical Finding or other anti-doping rule violation shall not invalidate such results. If the Competitor establishes that departures from the International Standard occurred during Testing then

ASFGB shall have the burden to establish that such departures did not cause the Adverse Analytical Finding or the factual basis for the doping offence

5 THE PROHIBITED LIST

5.1 These Rules incorporate the Prohibited List which is published and revised by WADA

5.2 Unless provided otherwise in the Prohibited List or a revision or by WADA or FINA, the Prohibited List and revisions shall go into effect under these Rules three months after publication of the Prohibited List by WADA without requiring any further action by ASFGB. The FINA Bureau may upon recommendation of the Doping Control Review Board (DCRB) recommend expansion of the Prohibited List by WADA particularly for the aquatic sports and any resultant addition to the Prohibited List shall from the date specified by FINA automatically apply to these Rules.

5.3 WADA's determination of the Prohibited Substances and Prohibited Methods that will be included on the Prohibited List shall be final and shall not be subject to challenge by a Competitor or other Person.

5.4 The FINA Executive, upon recommendation of the DCRB, may grant a Competitor a Therapeutic Use Exemption, (TUE), without violating these rules. Before such exemption can be granted, the Competitor must convince the DCRB and the Executive that the exemption is medically justified and will not create a competitive advantage. Requests for TUE's shall be evaluated in accordance with the International Standard For Therapeutic Use Exemptions The Executive may grant an exemption under such conditions as it deems appropriate to assure that no competitive advantage can be gained. Competitors included by FINA in its Registered Testing Pool and other Competitors prior to participating in any International Competition must obtain a TUE from FINA

5.5 An independent Therapeutic Use Exemption Committee (TUEC) established by UK Sport may grant a National level Competitor a TUE, without violating these

Rules. Before such exemption can be granted, the Competitor must convince the TUEC that the exemption is medically justified and will not create a competitive advantage. Requests for TUE's shall be evaluated in accordance with the International Standard For Therapeutic Use Exemptions. The TUEC may grant an exemption under such conditions as it deems appropriate to assure that no competitive advantage can be gained.

5.6 ASFGB shall promptly report to FINA the grant of any such TUE to a National level Competitor

5.7 WADA may review the granting or denial of any TUE

6. TESTING

6.1 Testing undertaken or arranged by ASFGB shall comply with the International Standard for Testing as more particularly provided below.

6.2 Sample collection procedures will be carried out by [independent sampling officers] appointed by UK NADO and operating under its direction in accordance with [the standard protocols for doping control set out in Appendix 2] below as the same may be revised from time to time. Any change by UK NADO to its procedures shall comply with the International Standard for Testing and shall have effect immediately without any further action by ASFGB. Upon being advised by UK NADO of any material change in the Protocols ASFGB shall publish revised Protocols in the Doping section of the official ASFGB website (www.britishswimming.org)

6.3 Submission to Doping Control

All Competitors shall submit in accordance with these Rules or other applicable regulations to In- and Out-of-Competition Doping Controls carried out in accordance with these Rules or other applicable regulations of FINA or any Continental Body recognised by FINA

6.4 Responsibility for Doping Control

- 6.4.1 ASFGB is entitled to carry out Doping Control in and out of Competition on any Competitor under the jurisdiction of ASFGB.
- 6.4.2 At all FINA Competitions, FINA shall be responsible for conducting Doping Control. All violations of the FINA Doping Control Rules and disputes regarding Doping control at FINA Competitions shall be heard by the FINA Doping Panel.
- 6.4.3 At every Competition conducted by either a Continental Body recognised by FINA or by a regional organisation consisting of Member Federations of FINA, the respective Continental Body or regional organisation shall be responsible for conducting Doping Control. Sanctions for violations of the FINA Doping Control Rules and for any other applicable Rules at such Competitions beyond Disqualifications from the Competitions or the results of the Competition shall be heard by the FINA Doping Panel.
- 6.4.4 At all other Competitions with the jurisdiction of ASFGB, ASFGB shall be responsible for conducting Doping Control. ASFGB shall apply procedures in accordance with the International Standard for Testing as provided in Rule 6.1 and 6.2 above
- 6.4.5 Where the conduct of Doping Control at a Competition results in a positive test on a Competitor who is not a member of a member association of ASFGB. ASFGB shall, as soon as possible, report the results of such test to the Member Federation which normally exercises jurisdiction over such Competitor, which will conduct the appropriate hearing procedures and impose the appropriate sanctions on the Competitor. ASFGB shall send a copy of its report of the positive test to FINA.

6.5 Any Competitor establishing, equalling or breaking a World Record or European Record (“ Record”) shall submit to Doping Control following the race. When a relay team establishes breaks or equals a Record, all Competitors swimming the relay shall be tested. If no Doping Control is conducted at the Competition, Competitors shall submit to Doping Control no later than 24 hours after the race. No Record shall be recognised without a negative doping test certificate for all Prohibited Substances or Methods identified on the Prohibited List for which an analytical technique is available. It shall be the responsibility of any Competitor anticipating a possible Record to ensure that Doping Control is available.

6.6 Should a Competitor obtain a national record in a FINA Competition and not otherwise be selected for Doping Control, ASFGB may request FINA to conduct Doping Control on such Competitor upon payment of a fee reasonably determined by FINA.

6.7 Unannounced Testing by FINA

6.7.1 Unannounced Doping Control may be conducted by FINA at any time, including at the time or location of any Competition in every Member country. Preferably it shall be carried out without any advance notice to the Competitor or ASFGB. Every Competitor under the jurisdiction of ASFGB is obliged to undergo unannounced Doping Control as decided by FINA.

6.7.2 FINA shall keep a register of Competitors who are being subject to unannounced Doping Control. ASFGB shall have the obligation to submit the names, current places of living, addresses, training times and facilities, telephone numbers of Competitors requested by FINA, to enable FINA to conduct unannounced Testing

6.7.3 It shall be the obligation of each Competitor specifically identified by FINA for Out-of Competition Testing to keep FINA informed about where the Competitor can be met for unannounced Testing any time, by utilising the FINA Location Form. If the Competitor cannot be found for

unannounced Testing due to incorrect or insufficient information provided to FINA, ASFGB shall be obliged to pay expenses for the unsuccessful attempt of Testing. In such circumstances the competitor may be required to reimburse ASFGB for any sums ASFGB shall have paid to FINA in respect of such unsuccessful attempt of Testing where the provision of incorrect or insufficient information is the result of an act or omission of the Competitor

6.7.4 Unannounced testing conducted by FINA shall be subject to the FINA Doping Control Rules

6.8 Unannounced Testing by ASFGB

As part of its general unannounced Out-of-Competition testing programme ASFGB may from time to time maintain a register of elite athletes. Anyone appearing on such register will be notified. Upon receiving notification a competitor

6.8.1 Must keep the ASFGB informed of the addresses or location and contact telephone numbers where he may be contacted to undergo a doping test at any time; and

6.8.2 Should at all times carry with him a valid and conclusive form of identification.

However, for the avoidance of doubt, Competitors who do not appear on the register may also be the subject of unannounced Out-of-Competition testing though any such Competitors shall not be subject to the requirement of Rules 6.8.1 and 6.8.2 above

6.8 If ASFGB attempts to conduct unannounced Out-of-Competition testing on a person on the register of elite athletes but is twice unable to locate that person at the address (es) or location (s) provided to ASFGB for such purposes then ASFGB shall send written notice regarding the situation to such person and request more detailed information as to his schedule. If the person cannot be located thereafter for a doping test at any time during a

period of up to 12 (twelve) months from the first date that the person was unable to be located he shall be considered to have refused and/or failed to submit to a doping test. For each attempt the Doping Control Officer shall visit all locations during the times specified by the Competitor for that date and shall stay not less than two hours at each location. Notification shall be sent to the Competitor between each attempt which is to be counted as an unavailable test.

6.10 Co-ordination of Testing.

UK Sport shall promptly report completed tests through the WADA clearinghouse to avoid unnecessary duplication in Testing.

6.11 Retirement and Return to Competition

6.11.1 A Competitor who has been identified by ASFGB for inclusion in the ASFGB Registered Testing Pool shall continue to be subject to these Doping Control Rules, including the obligation to be available for unannounced Testing, unless and until the Competitor gives notice to ASFGB that he has retired.

6.11.2 A Competitor who has given notice of retirement to ASFGB may not resume competing unless he notifies ASFGB at least nine (9) months before he expects to return to Competition and is available for unannounced Out-of-Competition Testing, at any time during the period before actual return to Competition.

7 ANALYSIS OF SAMPLES

Doping control Samples shall be analysed in accordance with the following principles:

7.1 UK NADO shall send Doping Control Samples for analysis only to WADA-accredited laboratories or as otherwise approved by WADA. The choice of the WADA-

accredited laboratory (or other method approved by WADA) used for the Sample analysis shall be determined

7.2 Doping control Samples shall be analysed to detect Prohibited Substances and Prohibited Methods identified on the Prohibited List and other substances as may be directed by WADA pursuant to Article 4.5 (Monitoring Program) of the Code.

7.3 No sample may be used for any purpose other than the detection of substance (or classes of substances) or methods on the Prohibited List, or as otherwise identified by WADA pursuant to Article 4.5 (Monitoring Program) of the Code, without the Competitor's written consent.

7.4 Laboratories shall analyse Doping control Samples and report results in conformity with the International Standard for Laboratory Analysis.

7.5 There shall be no B Sample required for the analysis of blood.

7.6 All samples provided by a Competitor for the purposes of a doping test carried out on behalf of or arranged by ASFGB shall be the property of ASFGB

8. RESULTS MANAGEMENT

8.1 Upon receipt of an A Sample Adverse Analytical Finding, ASFGB shall appoint a Review Panel to conduct a review to determine whether: (a) an applicable TUE has been granted, or (b) based on the documentation submitted to ASFGB there is any apparent departure from the International Standards for Testing or laboratory analysis that undermines the validity of the Adverse Analytical Finding.

8.2 If the initial review under Rule 8.1 does not reveal an applicable TUE or departure that undermines the validity of the Adverse Analytical Finding, ASFGB shall promptly notify the Competitor of: (a) the Adverse Analytical Finding; (b) the Doping Control rule violated, or, in a case under Rule 7.3, a description of the additional investigation that will be conducted as to whether there is an Doping Control rule

violation; (c) the Competitor's right to promptly request the analysis of the B Sample or, failing such request, that the B Sample analysis may be deemed waived; (d) the right of the Competitor and/or the Competitor's representative to attend the B Sample opening and analysis if such analysis is requested; and (e) the Competitor's right to request copies of the A and B Sample laboratory documentation package which includes information as required by the International Standard for laboratory analysis.

8.3 UK NADO shall also conduct any follow-up investigation of apparent Doping Control rule violations as may be required by the Prohibited List or is otherwise necessary. Upon completion of such follow-up investigation, ASFGB shall promptly notify the Competitor regarding the results of the follow-up investigation and whether or not ASFGB asserts that a doping offence was committed

8.4 ASFGB shall promptly give the Competitor or other Person subject to sanction notice of the doping control rule which appears to have been violated, and the basis of the violation.

8.5 Arrangements shall be made for Testing the B Sample within twenty one (21) days of the request described in Rule 8.2

8.6 The B Sample shall be tested to ascertain whether that Sample discloses the presence of the same Prohibited Substance detected in the A Sample or suggests the same Prohibited Method, but a Competitor may accept the results of the test on the A Sample by so advising ASFGB within fourteen (14) days of receiving notification that the A Sample discloses the presence of a Prohibited Substance or the Use of a Prohibited Method. A Competitor who has accepted the results of the test on the A Sample is nevertheless entitled to a hearing before the ASFGB Doping Tribunal

8.7 A Competitor and/or his representative shall be allowed to be present at the analysis on the B Sample. Also a representative of ASFGB shall be allowed to be present.

8.8 If the B Sample proves negative, the entire test shall be considered negative and the Competitor, shall be so informed.

8.9 If the B Sample proves positive and a Prohibited Substance or the Use of a Prohibited Method is identified, the findings shall be reported to the Competitor, and ASFGB for further action according to Rule 9

8.10 ASFGB upon the recommendation of the Review Panel may determine at any point after an Adverse Analytical Finding on an A Sample and before the final decision in a Doping control case that there is not sufficient scientific or factual basis to proceed further with the case against the Competitor involved.

8.11 ASFGB may Provisionally Suspend a Competitor prior to the opportunity for a full hearing based on an Adverse Analytical Finding from the Competitor's A Sample and either prior to or following the review described in Rule 8.1. If a Provisional Suspension is imposed, either the hearing in accordance with Rule 9 shall be advanced to a date, which avoids substantial prejudice to the Competitor, or the Competitor shall be given an opportunity for a Provisional Hearing before imposition of the Provisional Suspension or on a timely basis after imposition of the Provisional Suspension.

8.12 Results of all Doping Controls undertaken by or on behalf of ASFGB shall be reported to FINA within 14 days of the conclusion of the ASFGB results management process. Any apparent anti-doping rule violation by a Competitor who is not under the jurisdiction of ASFGB but who is subject to the jurisdiction of another Member Federation shall be promptly referred to that Member Federation for hearing and FINA notified accordingly

9. RIGHT TO A FAIR HEARING

9.1 ASFGB shall give the Competitor or other Person the opportunity for a hearing before the ASFGB Doping Tribunal as provided in this Rule 9 which respects the following principles:

- a timely hearing;
- fair and impartial hearing body;

- the right to be represented by counsel at the Person's own expense;
- the right to be fairly and timely informed of the asserted doping offence
- the right to respond to the asserted doping offence
- and resulting Consequences
- the right of each party to present evidence, including the right to call and question
- witnesses (subject to the hearing body's discretion to accept evidence by telephone or written submission);
- the Person's right to an interpreter at the hearing before the ASFGB Doping Tribunal with the ASFGB Doping Tribunal to determine the identity, and responsibility for the cost of the interpreter; and
- a timely, written, reasoned decision;

Hearings held in connection with Competitions or relating to the imposition (or possible imposition) of a Provisional Suspension may be conducted by an expedited process.

9.2 Hearings pursuant to this Rule 9 shall be conducted and completed expeditiously and save in exceptional circumstances will be opened within 30 days and completed within three months of the completion of the results management process described in Rule 8. Hearings held in connection with Competitions or relating to a Provisional Suspensions may be conducted by an expedited process. If the completion of the hearing is delayed beyond three months, ASFGB shall advise FINA and FINA may elect to bring the case directly before the FINA Doping Panel

9.3 ASFGB shall keep FINA fully apprised as to the status of pending cases and the results of all hearings.

9.4 FINA shall have the right to attend hearings of any ASFGB hearing body as an observer.

9.5 The Competitor or other Person may forego a hearing by acknowledging the commission of a doping offence of these Rules and accepting Consequences consistent with Rule 10 and 11 as proposed by ASFGB

9.6 Decisions of the ASFGB Doping Tribunal whether as the result of a hearing or the Competitor or other Person's acceptance of Consequences, may be appealed as provided in Rule 13.

9.7 Hearing decisions by the ASFGB Doping Tribunal shall not be subject to further administrative review at the national level except as provided in Rule 14 or required by applicable national law.

9.8 **Procedures for Hearings of the ASFGB Doping Panel**

9.8.1 In any case where: -

9.8.1.1 a Competitor who is the subject of a doping test admits that he has committed doping offence or accepts the results of the "A" sample analysis; or

9.8.1.2 a Competitor fails, within the time period specified in Rule 8.6 to confirm in writing that he wants the "B" sample analysed and is therefore deemed to accept the results of the "A" sample analysis; or

9.8.1.3 the result of a Competitor's "B" sample analysis indicates the presence of a prohibited substance or use of a prohibited method; or ASFGB otherwise believes any doping offence under these Rules may have been committed; or

9.8.1.4 ASFGB is notified of the results of a doping test carried out by a sporting body other than FINA (or its Member Federations and where such doping test was carried out on a person participating in any event or activity promoted or authorised by ASFGB or any of its

constituent associations (or any body directly or indirectly affiliated to those constituent associations)

ASFGB shall as soon as reasonably practicable appoint a ASFGB Doping Tribunal that shall ordinarily comprise of three individuals under the chairmanship of a legally qualified person who may be a practising solicitor or barrister.

9.8.2 The Chairman of the ASFGB Doping Tribunal or his designee shall arrange the time and place of the hearing which shall take place as soon as reasonably practicable. The ASFGB Doping Tribunal hearing shall normally be convened within thirty days of the completion of the results management process described in Rule 8. In order to allow time for the person concerned to prepare his case the hearing may be opened and adjourned at the discretion of the Chairman. The Chairman shall inform the parties (who shall be ASFGB and the person whom ASFGB believes may have committed a doping offence) directly giving them at least twenty one (21) days notice of the date, time and place of the hearing and the names of the Tribunal members. The parties shall have seven (7) days from receipt of this notification in which to lodge with the Chairman or his designee any objection to any Tribunal member(s) stating the grounds for the objection. The Chairman shall consider any objections made and if he deems it appropriate select a new Tribunal member or members. The parties shall be notified of the name(s) of the new member(s). The decision of the Chairman in respect of an objection shall be final. The parties will be required to confirm in writing whether they, with or without their representative(s), will attend the hearing.

9.8.3 The non attendance of a party or his representative(s) will not prevent the ASFGB Doping Tribunal from dealing with the matter in his absence although the Tribunal members may take into account the written representations of either party in arriving at any decision.

- 9.8.4 The procedure prior to and at a hearing shall be at the discretion of the Chairman the ASFGB Doping Tribunal will not be bound by judicial rules governing procedure or the admissibility of evidence. Each party will be given a reasonable opportunity to give and call evidence, address the Tribunal and present his case. At the hearing each party or his representative(s) shall have the right to state his case, to call witnesses, to give evidence personally, to cross-examine witnesses called by the other party and, finally, to summarise his or that party's case. The Chairman may require the parties to submit to the Tribunal and the other party in advance of the hearing an outline of the party's case, copies of any written evidence upon which the party seeks to rely and the identity of any persons the party proposes to call as witnesses. In addition to any FINA representative the Chairman may permit an independent person to attend the hearing as an observer.
- 9.8.5 After the hearing the Chairman of the ASFGB Doping Tribunal may inform the Parties orally of the decision of the ASFGB Doping Tribunal. The decision of the Judicial Tribunal shall be binding immediately upon notification to the parties. Within fourteen (14) days of the conclusion of the hearing the decision, together with the reasons for it shall be sent, in writing to the parties giving them details of their entitlement to appeal to the Chairman of the ASFGB Doping Appeals Tribunal. If the ASFGB Doping Tribunal does not hold that a doping offence has been committed subject to any appeal to the ASFGB Doping Appeals Tribunal any provisional suspension that may have been imposed shall be withdrawn immediately and no further action will be taken.
- 9.8.6 The ASFGB Doping Tribunal shall be entitled to impose penalties in accordance with Rules 10 and 11 and to make any such cost orders in relation to ASFGB Doping Tribunal proceedings as it deems fit. The decision of the ASFGB Doping Tribunal shall be published.

10 AUTOMATIC DISQUALIFICATION OF INDIVIDUAL RESULTS

A Doping Offence in connection with an In-Competition test automatically leads to Disqualification of the individual result obtained in that Event with all resulting consequences, including forfeiture of any medals, points and prize

11 SANCTIONS ON INDIVIDUALS

11.1 A doping offence occurring during or in connection with a Competition may lead to disqualification of all of the Competitor's individual results obtained in that Competition with all consequences, including forfeiture of all medals, points and prizes, except as provided in Rule 11.1.1

11.1.1 If the Competitor establishes that he bears no fault or negligence for the doping offence the Competitor's individual results in the other Events shall not be Disqualified unless the Competitor's results in Events other than the Event in which the doping offence occurred were likely to have been affected by the Competitor's doping offence

11.2 Except for the specified substances identified in Rule 11.3 the period of Ineligibility imposed for a violation of Rule 3.1 (presence of Prohibited Substance or its Metabolites or Markers), Rule 3.2 Use or Attempted Use of Prohibited Substance or Prohibited Method) and Rule 3.6 (Possession of Prohibited Substances and Methods) shall be:

First violation: Two (2) years' Ineligibility.

Second violation: Lifetime Ineligibility.

However, the Competitor or other Person shall have the opportunity in each case, before a period of Ineligibility is imposed, to establish the basis for eliminating or reducing this sanction as provided in Rule 11.5

11.3 The Prohibited List may identify specified substances which are particularly susceptible to unintentional doping control rules violations because of their general availability in medicinal products or which are less likely to be successfully abused as doping agents. Where a Competitor can establish that the Use of such a specified substance was not intended to enhance sport performance, the period of Ineligibility found in Rule 11.2 shall be replaced with the following:

First violation: At a minimum, a warning and reprimand and no period of Ineligibility from future Competitions, and at a maximum, one (1) year's Ineligibility.

Second violation: Two (2) years' Ineligibility.

Third violation: Lifetime Ineligibility.

However, the Competitor or other Person shall have the opportunity in each case, before a period of Ineligibility is imposed, to establish the basis for eliminating or reducing (in the case of a second or third violation) this sanction as provided in Rule 11.5

11.4 The period of Ineligibility for other anti-doping rule violations shall be:

11.4.1 For violations of Rule 3.2 (refusing or failing to submit to Sample collection) or Rule 3.5 (Tampering with Doping Control), the Ineligibility periods set forth in Rule 11.2 shall apply.

11.4.2 For violations of Rule 3.7(Trafficking) or Rule 3.8 (administration of Prohibited Substance or Prohibited Method), the period of Ineligibility imposed shall be a minimum of four (4) years up to lifetime Ineligibility. A doping offence involving a Minor shall be considered a particularly serious violation, and, if committed by Competitor Support Personnel for violations other than specified substances referenced in Rule 11.3 shall result in lifetime Ineligibility for such Competitor Support Personnel. In addition, violations of such Rules,

which also violate non-sporting laws and regulations, may be reported to the competent administrative, professional or judicial authorities.

- 11.4.3 For violations of Rule 3.4 (whereabouts violations or missed tests), the period of Ineligibility for the first violation shall be up to 2 years. Subsequent violations shall result in a period of Ineligibility of at least 2 years.

11.5 Elimination or Reduction of Period of Ineligibility based on Exceptional Circumstances.

- 11.5.1 If the Competitor establishes in an individual case involving an anti-doping rule violation under Rule 3.1 (presence of Prohibited Substance or its Metabolites or Markers) or Rule 3.2 that he bears No Fault or Negligence for the violation, the otherwise applicable period of Ineligibility shall be eliminated. When a Prohibited Substance or its Markers or Metabolites is detected in a Competitor's Specimen in violation of Rule 3.1 (presence of Prohibited Substance), the Competitor must also establish how the Prohibited Substance entered his system in order to have the period of Ineligibility eliminated. In the event this Rule 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 Rules 11.2, 11.3 and 11.6
- 11.5.2 This Rule 11.5.2 applies only to anti-doping rule violations involving Rule 3.1 (presence of Prohibited Substance or its Metabolites or Markers), Use of a Prohibited Substance or Prohibited Method under Rule 3.2 failing to submit to Sample collection under Rule 3.3 or administration of a Prohibited Substance or Prohibited Method under Rule 3.8. If a Competitor establishes in an individual case involving such violations that he bears No Significant Fault or Negligence, then the period of Ineligibility may be reduced, but the reduced period of

Ineligibility may not be less than one-half of the minimum 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 8 years. When a Prohibited Substance or its Markers or Metabolites is detected in a Competitor's Specimen in violation of Rule 3.1 (presence of Prohibited Substance), the Competitor must also establish how the Prohibited Substance entered his system in order to have the period of Ineligibility reduced.

- 11.5.3 ASFGB may also reduce the period of Ineligibility in an individual case where the Competitor has provided substantial assistance to ASFGB which results in ASFGB discovering or establishing an anti-doping rule violation by another Person involving Possession under Rule 3.6.2 (Possession by Competitor Support Personnel), Rule 3.7 (Trafficking), or Rule 3.8 (administration to a Competitor). The reduced period of Ineligibility may not, however, be less than one-half of the minimum period of Ineligibility otherwise applicable. If the otherwise applicable period of Ineligibility is a lifetime, the reduced period under this Rule may be no less than 8 years.

11.6 Rules for Certain Potential Multiple Violations

- 11.6.1 For purposes of imposing sanctions under Rule 11.2, Rule 11.3 and Rule 11.4 a second anti-doping rule violation may be considered for purposes of imposing sanctions only if ASFGB can establish that the Competitor or other Person committed the second anti-doping rule violation after the Competitor or other Person received notice, or after ASFGB made a reasonable attempt to give notice, of the first anti-doping rule violation; if ASFGB cannot establish this, the violations shall be considered as one single first violation, and the sanction imposed shall be based on the violation that carries the more severe sanction.

- 11.6.2 Where a Competitor, based on the same Doping control, is found to have committed an anti-doping rule violation involving both a specified substance under Rule 11.3 and another Prohibited Substance or Prohibited Method, the Competitor shall be considered to have committed a single anti-doping rule violation, but the sanction imposed shall be based on the Prohibited Substance or Prohibited Method that carries the most severe sanction.
- 11.6.3 Where a Competitor is found to have committed two separate anti-doping rule violations, one involving a specified substance governed by the sanctions set forth in Rule 11.3 (specified substances) and the other involving a Prohibited Substance or Prohibited Method governed by the sanctions set forth in Rule 11.2 or a violation governed by the sanctions in Rule 11.4.1 the period of Ineligibility imposed for the second offence shall be at a minimum two years' Ineligibility and at a maximum three years' Ineligibility. Any Competitor found to have committed a third anti-doping rule violation involving any combination of specified substances under Rule 11.2 and any other anti-doping rule violation under Rule 11.2 or Rule 11.4.1 shall receive a sanction of lifetime Ineligibility

11.7 In addition to the automatic Disqualification of the results in the Event which produced the positive Sample under Rule 10 (Automatic Disqualification of Individual Results), all other competitive results obtained from the date a positive Sample was collected (whether In-Competition or Out-of-Competition), or other doping violation occurred, through the commencement of any Provisional Suspension or Ineligibility period, shall, unless fairness requires otherwise, be Disqualified with all of the resulting consequences including forfeiture of any medals, points and prizes.

11.8 The period of Ineligibility shall start on the date of the hearing decision providing for Ineligibility or, if the hearing is waived, on the date Ineligibility is accepted or otherwise imposed. Any period of Provisional Suspension (whether imposed or voluntarily accepted) shall be credited against the total period of Ineligibility to be served. Where required by fairness, such as delays in the hearing

process or other aspects of Doping control not attributable to the Competitor, the period of Ineligibility may start at an earlier date commencing as early as the date of Sample collection.

11.9 No Person who has been declared Ineligible may, during the period of Ineligibility, participate in any capacity in a Competition or activity (other than authorized anti-doping education or rehabilitation programs) authorized or organized by ASFGB or its member associations. In addition, for any doping control offence violation not involving specified substances described in Rule 11.3, some or all sport-related financial support or other sport-related benefits received by such Person may be withheld by ASFGB and UK NADO. A Person subject to a period of Ineligibility longer than four years may, after completing four years of the period of Ineligibility, participate in local sport competitions in a sport other than sports subject to the jurisdictions of FINA and its Member Federations, but only so long as the local sport competition is not at a level that could otherwise qualify such Person directly or indirectly to compete in (or accumulate points toward) a national championship or International Competition.

11.10 As a condition to regaining eligibility at the end of a specified period of Ineligibility, a Competitor must, during any period of Provisional Suspension or Ineligibility, make him or herself available for Out-of-Competition Testing by FINA, ASFGB and any other Anti-Doping Organisation having Testing jurisdiction, and must provide current and accurate whereabouts information as provided in Rule 6.4.4 If a Competitor subject to a period of Ineligibility retires from sport and is removed from Registered Testing Pools and later seeks reinstatement, the Competitor shall not be eligible for reinstatement until the Competitor has notified FINA and ASFGB and has been subject to Out-of-Competition Testing for a period of time equal to the longer of the period set forth in Rule 6.6.2 or the period of Ineligibility remaining as of the date the Competitor had retired. During such remaining period of Ineligibility, a minimum of three tests must be conducted by ASFGB with at least three months between each test. The results of such tests shall be reported to FINA. In addition, immediately prior to the end of the suspension period, a Competitor must undergo Testing by FINA for the Prohibited Substances and Methods for Out-of-Competition Testing. Once the period of a Competitor's suspension has expired, and the Competitor has fulfilled the

conditions of reinstatement, he will then become automatically re-eligible. No application by a Competitor or by ASFGB will then be necessary.

12. CONSEQUENCES TO TEAMS

12.1 Where any Anti-Doping Rule has been violated by a member of a relay team or a duet or team in synchronised swimming or in synchronised diving, the duet or team shall be disqualified from the Event.

12.2 A water polo team, in which more than one player has committed a violation of these rules in connection with a Competition other than a violation involving a specified substance under Rule 11.3 shall be Disqualified for the match(es) in the Competition in which those players took part, and the other team(s) shall be declared winner(s) with the score 5 – 0 unless the actual goal score was greater. Further sanctions in regard to the team may be decided by the ASFGB Doping Tribunal. Where more than one team member has been notified of a possible anti-doping rule violation under Rule 8 in connection with a Competition, the Team may also be subject to Target Testing for the Competition.

13 APPEALS

13.1 Decisions made under these Anti-Doping Rules may be appealed as set forth below in Rules 13.2 to 13.4 inclusive. Such decisions shall remain in effect while under appeal unless the appellate body orders otherwise. Before an appeal is commenced, any post-decision review provided in these Anti-Doping Rules must be exhausted

13.2 A decision that a doping offence was committed, a decision imposing consequences for a doping control offence, a decision that no doping control offence, was committed, a decision that ASFGB lacks jurisdiction to rule on an alleged doping offence or its Consequences, and a decision to impose a Provisional Suspension as a result of a Provisional Hearing or otherwise in violation of Rule 8.1.2 may be appealed exclusively as provided in this Rule 13.2

- 13.2.1 In cases involving International-Level Competitors, the decision may be appealed exclusively to the Court of Arbitration for Sport (“CAS“) in accordance with the provisions applicable before such court.
- 13.2.2 In cases involving Competitors that do not have a right to appeal under Rule 13.2.1 and Competitor Support Personnel and others subject to the jurisdiction of ASFGB there shall be a right of appeal to the ASFGB Doping Appeals Tribunal this being a procedure that respects the following principles: a timely hearing, a fair and impartial hearing body; the right to be represented by a counsel at the person’s expense; and a timely, written, reasoned decision. FINA’s rights to appeal from hearing decisions by ASFGB are set out in Rule 13.2.3 below
- 13.2.3 In cases under Rule 13.2.1 the following parties shall have the right to appeal to CAS: (a) the Competitor or other Person who is the subject of the decision being appealed; (b) the other party to the case in which the decision was rendered; (c) FINA and any other Anti-Doping Organisation under whose rules a sanction could have been imposed; (d) the International Olympic Committee, as applicable, where the decision may have an effect in relation to the Olympic Games, including decisions affecting eligibility for the Olympic Games; and (e) WADA. In cases under Rule 13.2.2 the parties having the right to appeal to the ASFGB Doping Appeals Tribunal be (a) the Competitor or other Person who is the subject of the decision being appealed; (b) the other party to the case in which the decision was rendered; (c) FINA; and (d) WADA. For cases under Rule 13.2.2, WADA and FINA shall also have the right to appeal to CAS with respect to the decision of the ASFGB Doping Appeals Tribunal

13.3 Appeals from Decisions Granting or Denying a TUE

Decisions by WADA reversing the grant or denial of a TUE may be appealed exclusively to CAS by the Competitor, FINA or the TUEC. Decisions to deny TUE’s and which are not reversed by WADA, may be appealed by International-Level

Competitors to CAS and by other Competitors to the ASFGB Doping Appeals Tribunal. If the ASFGB Doping Appeals Tribunal reverses the decision to deny a TUE that decision may be appealed to CAS by FINA , WADA or the TUEC.

13.4 APPEAL TO CAS

13.4.1 The deadline to file an appeal to CAS shall be twenty-one (21) days from the date of receipt of the decision by the appealing party. The above notwithstanding, the following shall apply in connection with appeals filed by a party entitled to appeal but which was not a party to the proceedings having lead to a decision subject to appeal:

13.4.1.1 Within a deadline of ten (10) days from receipt of the decision, such party shall have the right to request from the body having issued the decision a copy of the file on which such body relied.

13.4.1.2 If such request is raised within the above deadline, then a new appeal deadline will run for the concerned party from the day the copy of the file is received.

13.4.2 In the event an appeal is filed before the CAS by a party, all other parties that may be affected by the decision in connection with the concerned case, shall have a right to join in the appeal proceedings.

13.5 Proceedings before the ASFGB Doping Appeals Tribunal

13.5.1 An Appellant must notify the Chairman of the ASFGB Doping Appeals Tribunal, who shall be a legally qualified person and who may be a practising solicitor or barrister, in writing within twenty-eight (28) days after the date of written notification of the decision of the Doping Tribunal stating the nature of the appeal and the grounds on which it is to be made. Pending the decision of the ASFGB Doping

Appeals Tribunal any suspension imposed on a person shall remain in force. The appellant must sign the appeal notification. Upon receipt of a signed notification of appeal and the fee of £100 the Chairman of ASFGB Doping Appeals Tribunal or his designee shall then as soon as reasonably practicable appoint an ASFGB Doping Appeals Tribunal which shall ordinarily comprise of three individuals under his chairmanship who shall not previously have been involved in the action.

13.5.2 If a party wishing to appeal fails to notify the Chairman of the ASFGB Doping Appeals Tribunal in writing and/or pay the requisite fee within the requisite twenty eight (28) day time period the decision of the ASFGB Doping Tribunal will stand.

13.5.3 The Chairman of the ASFGB Doping Appeals Tribunal shall arrange the time and place of the hearing which shall take place as soon as reasonably practicable. He shall inform the parties directly giving them at least twenty-one (21) days notice of the date, time and place of the hearing and the names of the Tribunal members. The parties shall have seven (7) days from receipt of this notification in which to lodge with the Chairman any objection to any Tribunal member(s) stating the grounds for the objection. The Chairman or designee shall consider any objections made and if he deems it appropriate select a new Tribunal member or members. The parties shall be notified of the name(s) of the new member(s). The decision of the Chairman in respect of an objection shall be final. The parties will be invited to submit any written representations they may wish to make and required to confirm in writing whether they, with or without their representatives, will attend the hearing.

13.5.4 The non-attendance of a party or his representative(s) will not the matter in his absence although the ASFGB Doping Appeals Tribunal members may take into account the written representations of either party in arriving at any decision.

- 13.5.5 The procedure prior to and at a hearing shall be at the discretion of the Chairman. The ASFGB Doping Appeals Tribunal will not be bound by Judicial Rules governing procedure or the admissibility of evidence. The Chairman shall determine the basis on which the Appeal will proceed. He may, in his discretion, rehear the whole or any part of the evidence given before the ASFGB Doping Tribunal, as he considers appropriate. The Chairman shall have full discretionary power to hear and receive further evidence. Each party will be given a reasonable opportunity to give and call evidence, address the Tribunal and present his case. At the hearing each party or his representative shall have the right to state his case, to call witnesses, to give evidence personally, to cross-examine witnesses called by the other party and, finally, to summarise his or that party's case. The Chairman may require the parties to submit to the Tribunal and the other party in advance of the hearing an outline of the party's case, copies of any written evidence upon which the party seeks to rely and the identity of any persons the party proposes to call as witnesses. The Chairman may permit an independent person to attend the hearing as observer.
- 13.5.6 The ASFGB Doping Appeals Tribunal shall have power:
- 13.5.6.1 to confirm any decision of the ASFGB Doping Tribunal, or to make such other order or determination as it may think fit which can include the imposition of further penalties in accordance with these Rules;
 - 13.5.6.2 to make any such cost orders in relation to the hearing as it deems fit.
- 13.5.7 After the hearing the Chairman of the ASFGB Doping Appeals Tribunal may inform the parties orally of the decision of the ASFGB Doping Appeals Tribunal. He shall in any event within fourteen (14) days of the conclusion of the hearing send the decision, together with

the reasons for it, in writing to the parties. There shall be no appeal against the decision of the ASFGB Doping Appeals Tribunal under these Rules. The decision of the ASFGB Doping Appeals Tribunal shall be published.

13.5.8 At any hearing under these Rules and Protocols whether before the ASFGB Doping Tribunal or the ASFGB Doping Appeals Tribunal

13.5.8.1 the hearing shall be in private and the parties may be legally represented;

13.5.8.2 no person shall be found to have committed a doping offence unless the decision of the Tribunal shall be unanimous; and

13.5.8.3 A minor may in addition to any representative also be accompanied by person(s) with parental responsibility.

14 INCORPORATION OF FINA RULES, REPORTING AND RECOGNITION

14.1 All FINA Rules including Anti-Doping Rules shall be deemed as incorporated into and shall be directly applicable to and shall be followed by Competitors, Competitor Support Personnel, coaches, physicians, team leaders, and club and Federation representatives under the jurisdiction of the ASFGB

14.2 ASFGB shall provide to FINA such reports as to the sporting performances of Competitors under the jurisdiction of ASFGB that FINA shall require from time to time

14.3 When ASFGB has received an Adverse Analytical finding on a Competitor under its jurisdiction it shall report the following information to FINA and WADA within fourteen (14) days of the process described in Rules 8.1.2 and 8.1.3 the Competitor's name, country, sport and discipline within the sport, whether the test was

In-Competition or Out-of-Competition, the date of Sample collection and the analytical result reported by the laboratory. ASFGB shall also regularly update FINA and WADA on the status and findings of any review or proceedings conducted pursuant to Rule 8 (Results Management), Rule 9 (Right to a Fair Hearing) or Rule 13 (Appeals), and, in any case in which the period of Ineligibility is eliminated under Rule 11.5.1 (No Fault or Negligence) or reduced under Rule 11.5.2 (No Significant Fault or Negligence), FINA and WADA shall be provided with a written reasoned decision explaining the basis for the elimination or reduction.

14.4 The identity of Competitors whose Samples have resulted in Adverse Analytical Findings, or Competitors or other Persons who were alleged to have committed any other doping offence shall not (subject to Rule 18.1 below) be publicly disclosed by FINA or ASFGB until the imposition of a Provisional Suspension or it has been determined in a hearing in accordance with Rule 9 that a doping offence has occurred, or such hearing has been waived, or the assertion of an anti-doping rule violation has not been timely challenged, ASFGB shall publicly report the disposition of the doping control matter.

15 RECOGNITION OF DECISIONS BY OTHER ORGANISATIONS

15.1 Subject to the right to appeal provided in Rule 13, the Testing, TUE's and hearing results or other final adjudications of any Signatory to the Code which are consistent with the Code and are within the Signatory's authority, shall be recognised and respected by ASFGB. ASFGB may recognize the same actions of other bodies which have not accepted the Code if the rules of those bodies are otherwise consistent with the Code.

15.2 Where it is contended that the actions of the Signatory or other body were not in conformity with the Code ASFGB may decide to recognize the decision as final or it may decide to forward the matter to an ASFGB Doping Tribunal to hold a hearing in accordance with Rule 9

16. STATUTE OF LIMITATIONS

16.1 No action may be commenced under these Rules against a Competitor or other Person for a violation of these Rules unless such action is commenced within eight years from the date the violation occurred

17 LIMITATION OF LIABILITY

17.1 Save for costs which may be awarded by the ASFGB Doping Tribunal or ASFGB Doping Appeals Tribunal under these Rules, ASFGB (which expression shall include its members, officers, employees or agents and members of ASFGB and the officers, employees or agents of the members of ASFGB) shall not be liable for any person for any loss or damage (including indirect or consequential losses) that may result from lawful and proper activities undertaken by ASFGB under these Rules.

18 PUBLICATION OF RESULTS AND FINDINGS

18.1 Results of doping tests are normally confidential; however when it is clear that public knowledge of a positive test result exists ASFGB reserve the right to confirm on the details as appropriate subject to taking reasonable steps to liaise with the Competitor concerned in this regard prior to providing such confirmation

18.2 Any person within the jurisdiction of ASFGB consents to the use of the information regarding his contact details, past history and analytical data for all purposes envisaged by these Rules and Protocols and in particular to the passing and use of information to and by ASFGB, UK Sport, FINA and any Continental Body recognised by FINA, and WADA. Reasonable steps will be taken by ASFGB to ensure confidentiality and correct processing

19 GENERAL

19.1 ASFGB shall be entitled to conduct investigations in relation to matters arising out of or in connection with these Rules.

19.2 Any deviation from these Rules and Protocols shall not invalidate any finding, or decision unless that deviation raises a material doubt as to the reliability of the finding or decision.

19.3 ASFGB has the right to amend these Rules and Protocols from time to time.

19.4 If the Rules contain no provision for a particular incident or incidents then the matter may be referred by ASFGB to the ASFGB Doping Tribunal who shall deal with the matter in accordance with general principles of justice and fairness.

19.5 ASFGB may publish as they think fit reports of the proceedings, findings and penalties of the ASFGB Doping Tribunals and/or ASFGB Doping Appeals Tribunals.

19.6 All Notices and other communications required under these Rules should be in writing and shall in the case of notice to ASFGB (including the Chairman of the ASFGB Doping Tribunal and ASFGB Doping Appeals Tribunal), be addressed as follows:

ASFGB Head of Legal Affairs
Amateur Swimming Federation of Great Britain Limited
Harold Fern House
Derby Square
LOUGHBOROUGH
LE11 5AL

and in the case of notice to a person addressed to the last known home address notified to ASFGB.

APPENDIX 1

DEFINITIONS APPLICABLE TO DOPING CONTROL RULES

Adverse Analytical Finding

A report from a laboratory or other approved Testing entity that identifies in a Specimen 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 Organisation

A Signatory to the Code that is responsible for adopting rules for initiating, implementing or enforcing any part of the Doping control process.

Competitor

Any Person who participates in sport at the international level or national level.

Competitor Support Personnel

Any coach, trainer, manager, agent, team staff, official, medical or para-medical personnel working with or treating Competitors participating in or preparing for sports Competition.

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.

Code

The World Anti-Doping Code.

Competition

A series of individual Events conducted together under one ruling body. Also, the act of

participating in an Event.

Consequences of Anti-Doping Rules Violations

A Competitor's or other Person's violation of an anti-doping rule may result in one or more of the following: (a) Disqualification means the Competitor's results in a particular Competition or Event are invalidated, with all resulting consequences including forfeiture of any medals, points and prizes; (b) Ineligibility means the Competitor or other Person is barred for a specified period of time from participating in any Competition or other activity or funding as provided in Rule 11.9 and (c) Provisional Suspension means the Competitor or other Person is barred temporarily from participating in any Competition prior to the final decision at a hearing conducted under Rule 9 (Right to a Fair Hearing).

Disqualification

See Consequences of Anti-Doping Rules Violations above.

Doping control

The process including test distribution planning, Sample collection and handling, laboratory analysis, results management, hearings and appeals.

Event

A single race, match, game or singular athletic contest.

In-Competition

For purposes of differentiating between In-Competition and Out-of-Competition Testing, an In-Competition test is a test where a Competitor is selected for Testing in connection with a specific Competition.

Ineligibility

See Consequences of Anti-Doping Rules Violations above.

International Event

An Event where the International Olympic Committee, FINA, a Major Event

Organisation, or another international sport organisation is the ruling body for the Competition or appoints the technical officials for the Competition.

International-Level Competitor

Competitors designated by the FINA as being within its Registered Testing Pool.

International Standard.

A standard adopted by WADA in support of the Code. 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.

Major Event Organisations

This term refers to 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 parameters that indicates the Use of a Prohibited Substance or Prohibited Method.

Member Federation

A national or regional entity recognized by the FINA as the entity governing the FINA's sport in that nation or region.

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 or her country of residence.

National Anti-Doping Organisation

The entity(ies) designated by each country from time to time 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 and the expression “UK NADO” shall be read and construed as a reference to the United Kingdom National Anti-Doping Organisation (currently UK Sport).

National Level Competitor

Competitors designated by UK Sport as National Anti-Doping Organisation within the United Kingdom as being within its Registered Testing Pool

No Advance Notice

A Doping control which takes place with no advance warning to the Competitor and where the Competitor is continuously chaperoned from the moment of notification through Sample provision.

No Fault or Negligence

The Competitor’s establishing that he or she did not know or suspect, and could not reasonably have known or suspected even with the exercise of utmost caution, that he or she had Used or been administered the Prohibited Substance or Prohibited Method.

No Significant Fault or Negligence

The Competitor’s establishing that his or 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.

Out-of-Competition

Any Doping control which is not In-Competition.

Participant

Any Competitor or Competitor Support Personnel.

Person

A natural Person or an organisation or other entity.

Possession

The actual, physical possession, or the constructive possession (which shall be found only if the person has exclusive control over the Prohibited Substance/Method or the premises in which a Prohibited Substance/Method exists); 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 no longer intends to have Possession and has renounced the Person's previous Possession.

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 Rule 8.1.2 an expedited abbreviated hearing occurring prior to a hearing under Rule 9 (Right to a Fair Hearing) that provides the Competitor with notice and an opportunity to be heard in either written or oral form.

Provisional Suspension

See Consequences above.

Registered Testing Pool

The pool of Competitors, established by FINA, that is subject to both In-Competition

and Out-of-Competition Testing.

Review Panel

A panel comprised of independent person(s) who shall undertake a review of such facts and circumstances relating to the A sample test as they consider necessary to determine whether they believe a doping offence may be committed`.

Sample/Specimen

Any biological material collected for the purposes of Doping control.

Tampering

Altering for an improper purpose or in an improper way; bringing improper influence to bear; interfering improperly to alter results or prevent normal procedures from occurring.

Target Testing

Selection of Competitors for Testing where specific Competitors or groups of Competitors 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

To sell, give, administer, transport, send, deliver or distribute a Prohibited Substance or Prohibited Method to a Competitor either directly or through one or more third parties, but excluding the sale or distribution (by medical personnel or by Persons other than a Competitor's Support Personnel) of a Prohibited Substance for genuine and legal therapeutic purposes.

Use

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

WADA

The World Anti-Doping Agency

[APPENDIX 2

UK Sport Protocols Relating to Doping Control]