



## **General Amendments to the 2015 Irish Anti-Doping Rules**

1. Sport Ireland has reviewed and updated the Rules to :
  - a. amend the references to the “Irish Sport Council” to Sport Ireland as established under Section 7 of the Act.
  - b. refer to relevant powers and functions of Sport Ireland under the Act.
  - c. incorporate relevant comments from the Code and where necessary, to make minor changes to the comments to reflect the Irish position. The comments annotating the Code are used to interpret the Code and the Rules. Therefore, Sport Ireland proposes amending the Rules to include the comments to assist with the interpretation of these Rules. Reference to the mandatory provisions taken directly from the Code
  - d. make amendments to the definitions set out in Appendix 1 to the Rules, where necessary.

### **Application of the Rules to Athletes and Other Persons-Article 1.3**

2. Sport Ireland’s jurisdiction in respect of anti-doping is set out in the Act and the Code. Sport Ireland has made the proposed amendments to Article 1.3 to further clarify the extent of Sport Ireland’s anti-doping jurisdiction in respect of Athletes and other Persons to whom the Code and the Rules apply.

### **Article 2.5-Tampering or Attempted Tampering with any Part of Doping Control**

3. In footnote No.9 of the Rules, Sport Ireland has included the following comment from the Code which provides that:

*“Offensive conduct towards a Doping Control official or any other Person involved in Doping Control*

*which does not otherwise constitute Tampering shall be addressed in the rules of National Governing Bodies.”*

## **Testing and Investigation-Article 5**

4. The Rules incorporate the International Standard for Testing and Investigations and all Athletes and other Persons are deemed to accept these standards<sup>1</sup>.
5. A new Article 5.8.4.2 has been inserted in the Rules. This Article provides that Sport Ireland, in the course of its investigations and in accordance with the International Standards, where it considers it appropriate to do so, can make a written demand to an Athlete or other Person to furnish information, including documentation, that may evidence or lead to the discovery of evidence of an anti-doping rule violation. Further Sport Ireland may require an Athlete or other Person to attend an interview and/or provide a statement setting out the Athlete’s or other Persons’ knowledge of the relevant facts and circumstances.
6. The possible consequences for failing to comply with investigations under the Rules are set out in Articles 5.8.5 and 5.8.6.
7. Article 5.8.5 provides that if an Athlete or other Person fails or refuses to comply with an investigation, without acceptable justification, that Athlete or other Person may be referred to the National Governing Body for consideration under the applicable National Governing Body’s rules of conduct and the Athlete or other Person may be sanctioned accordingly.
8. Further, Article 5.8.6 provides that if an Athlete or other Person subverts or attempts to subvert the investigation process (e.g. by providing false misleading or incomplete information and/or by destroying potential evidence) proceedings may be brought against him or her for violation of Article 2.5 (Tampering or Attempted Tampering).
9. These proposed amendments to the Rules have been made by Sport Ireland to set out and further clarify Sport Ireland’s investigative powers under the Code, the International

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<sup>1</sup> Article 5.1 of the Rules

Standards, the Act and these Rules.

### **Results Management-Article 7**

10. Sport Ireland has the responsibility for results management and anti-doping rule violations. Results management and the investigation of potential anti-doping rule violations proceed under Article 7.1 of the Rules where (i) Sport Ireland has initiated and directed Sample collection or, (ii) if no Sample collection is involved, where Sport Ireland first provides notice to an Athlete or other Person of the alleged anti-doping rule violation and then pursues that alleged anti-doping rule violation.
11. Article 7.6 relates to the notification of Athletes or other Persons where Sport Ireland has determined that an Athlete or other Person has a case to answer in respect of an alleged anti-doping rule violation(s). Sport Ireland has amended the time periods for notification in Article 7.6 to 14 days from the date of the Notification, to the Athlete or other Person. This date will be evident on the Notification document to the Athlete or other Person. Previously, the time period in Article 7.6.1.5.2 was 10 days from receipt of the Notification by the Athlete or other Person, and was 14 days from receipt of the Notification by the Athlete or other Person in Article 7.6.1.6.
12. Sport Ireland has made the proposed changes to the time periods for notification as a means of simplifying the notification process to Athletes and other Persons of anti-doping rule violations.

### **Disciplinary Proceedings and Procedures (Article 8 and Appendix 2)**

13. Article 8 sets out Sport Ireland's disciplinary proceedings for the determination of alleged anti-doping rule violations.
14. Sport Ireland under Section 42(2)(h) of the Sport Ireland Act 2015 make the Irish Anti-Doping Rules which shall include, amongst other things, rules and arrangements relating to disciplinary procedures. Therefore, given the wording of this provision, we decided that it was better to incorporate the Panel Rules setting out the disciplinary procedures of the Irish Sport Anti-Doping Disciplinary Panel (the "Panel") into the Rules in Appendix 2 as

rules made under section 42 of the Act. In this regard, the provisions appointing the Panel and the Registrar from the Panel Rules have been moved to Article 8.1.

15. Article 8.6.1 has been changed to make it clear which references to the Irish Sport Anti-Doping Disciplinary Panel in the Rules, may, where the context requires, be applicable to the disciplinary panel of a National Governing Body.

#### Proceedings before the Irish Sport Anti-Doping Disciplinary Panel

16. The Irish Sport Anti-Doping Disciplinary Panel is appointed under Article 8 of the Rules. Article 8.2.3 confirms that the Irish Sport Anti-Disciplinary Panel has all of the powers necessary for, and incidental to the exercise of its functions under the Act, the Code, the Rules and the Arbitration Act 2010 or otherwise. Article 16.2 of the Rules provides that the Rules constitute an agreement to arbitrate and that proceedings under the Rules before the Irish Sport Anti-Doping Disciplinary Panel constitute an arbitration to which the Arbitration Act 2010 applies. It is proposed that Article 16.2 be amended to include reference to the fact that section 10 of the Arbitration Act 2010 applies to such proceedings. Section 10 of the Arbitration Act 2010 refers to the power of the High Court in arbitral proceedings to make certain Orders, which can include the making of Orders in relation to the compellability of witnesses and the discovery and production of documentation.

#### Irish Sport Anti-Doping Disciplinary Panel Disciplinary Procedures

17. Previously, the Irish Sport Anti-Doping Disciplinary Panel's procedures were contained in a separate document titled the *Irish Sport Anti-Doping Disciplinary Panel Rules*. It is proposed that this document will be incorporated into the Rules at Appendix 2 as the *Irish Sport Anti-Doping Disciplinary Panel's Disciplinary Procedures* (the "Disciplinary Procedures"). The changes shown in Appendix to the Rules are in comparison to the existing *Irish Sport Anti-Doping Disciplinary Panel Rules*.

18. The Disciplinary Procedures also contain the following proposed amendments:

- a. to redefine the role of secretary to the Panel to the role of Registrar.
- b. to provide for a system of call overs to be held at regular intervals as a means to

deal with procedural issues and to facilitate effective and efficient case management of cases referred to the Irish Sport Anti-Doping Disciplinary Panel.

- c. to increase the period for the issuing of decisions of the Irish Sport Anti-Doping Disciplinary Panel from 15 working days to 20 working days.

- 19. Sport Ireland has made these proposed amendments as a means of ensuring that cases are dealt with as effectively and efficiently as possible, and to ensure that the Irish Sport Anti-Doping Disciplinary Panel has the necessary support to perform its functions.

#### The Role of the Registrar and case management

- 20. The functions of the Registrar are set out in the Disciplinary Procedures and include assisting the Irish Sport Anti-Doping Disciplinary Panel with the case management of its cases to include the procedure and time-table to be followed. The Registrar can hold call overs to (i) issue directions as regards fixing the date, time and venue of the hearing, (ii) establishing a schedule for the exchange of written submissions and evidence and (iii) deal with applications for adjournments. The parties will be invited to attend such hearings. The Registrar may also assist the Irish Sport Anti-Doping Disciplinary Panel with the drafting of its decisions, but it is important to note that the Registrar has no role in the making of such decisions.

#### Time period for the written decisions of the Irish Sport Anti-Doping Disciplinary Panel

- 21. In relation to the decisions of the Irish Sport Anti-Doping Disciplinary Panel, it is proposed to increase the time period for the issuing of the written, reasoned decision from 15 working days to 20 working days. The written decisions issued by the Irish Sport Anti-Doping Disciplinary Panel are often complex and detailed. Therefore, it is proposed to amend the period to 20 days, in order to provide the Panel with a reasonable period of time, in which to consider and draft its written decisions.

### **Appendix 3-Examples of the Application of Article 10**

- 22. Sport Ireland proposes including at Appendix 3 to the Rules *Examples of the Application of Article 10*. This reproduces Appendix 2 of the Code and it is proposed to include this as an

Appendix to the Rules for ease of reference and to provide examples of how the Consequences set out in the Code and the Rules can be applied.

### ***Article 18.2***

23. In Article 18 some additional provisions have been included in relation to the interpretation of the Rules and the Code.

### ***Appendices***

24. In **Appendix 1**, inclusion of some new definitions in order to ensure consistency between the Rules and the Panel Rules in Appendix 2.

25. In **Appendix 2** inclusion of the Panel Rules, which are now named the Panel Procedures, as an Appendix. In accordance with the recommendation of the ADC at the meeting, we amended the Panel Rules to include reference to the fact that the Registrar will assist the Panel in drafting its decisions, while making it clear the Registrar will have no role in the decision making process. The period of issuing of written decisions has been extended from 15 working days to 20 working days.

26. **Appendix 3** - This contains the Appendix to the Code – *"Examples of the Application of Article 10."*

27. **Appendix 4** - This Appendix has been included to show the Revision History of the Rules.