

Issued Decision

UK Anti-Doping and Jack Arnfield

Disciplinary Proceedings under the Anti-Doping Rules of the British Boxing Board of Control

This is an Issued Decision made by UK Anti-Doping Limited ('UKAD') pursuant to the Anti-Doping Rules ('ADR') of the British Boxing Board of Control ('BBBoC'). It concerns a violation of the ADR committed by Mr Jack Arnfield and records the applicable Consequences.

Capitalised terms used in this Decision shall have the meaning given to them in the ADR unless otherwise indicated.

Background and Facts

1. The BBBoC is the national governing body ('NGB') for the sport of professional boxing in the United Kingdom. UKAD is the National Anti-Doping Organisation for the United Kingdom. The BBBoC has adopted the UK Anti-Doping Rules as its own Anti-Doping Rules. At the material time in this matter, the governing ADR were the 2015 UK Anti-Doping Rules¹ (the '2015 ADR').
2. Mr Arnfield is a 33-year-old English professional boxer who has participated in 28 professional boxing fights (25 wins and 3 losses). At the material time, Mr Arnfield was licensed to compete in professional boxing by the BBBoC, and so was subject to and bound by the 2015 ADR.
3. In March 2021, UKAD became aware that Mr Arnfield had received a criminal conviction for a drug-related offence in 2018, namely the possession of a controlled drug of Class B (cannabis) with intent to supply, contrary to section 4(1) of the Misuse of Drugs Act 1971.

¹ Version 1.0, dated 1 January 2015.

4. Following discovery of Mr Arnfield's conviction, UKAD commenced an investigation and established the following facts:

- (a) Mr Arnfield was first granted a professional boxing licence by the BBBoC on 10 October 2007. His licence was subsequently withdrawn on 12 January 2011 due to non-payment of the applicable licence fees.
- (b) Mr Arnfield was granted a new professional boxing licence by the BBBoC on 1 March 2012. That licence was subsequently withdrawn on 11 June 2014 due to non-payment of the applicable licence fees.
- (c) Mr Arnfield was again granted a new professional boxing licence on 1 January 2015.
- (d) On 23 February 2018, Mr Arnfield appeared at Lancashire Magistrates' Court in relation to the criminal proceedings referenced above. The case was subsequently sent to the Crown Court.
- (e) On 15 April 2018, the BBBoC suspended Mr Arnfield's professional boxing licence due to the pending criminal proceedings.
- (f) On 31 May 2018, Mr Arnfield appeared at Preston Crown Court and pleaded guilty to (and so was convicted of) possession of a controlled drug of Class B (cannabis) with intent to supply, contrary to section 4(1) of the Misuse of Drugs Act 1971.
- (g) On 9 November 2018, at Preston Crown Court, Mr Arnfield received a 12-month prison sentence, suspended for 12 months, with a 250-hour unpaid work requirement.
- (h) On 18 November 2018, the BBBoC determined that the suspension of Mr Arnfield's professional boxing licence would remain in place until the end of his suspended sentence.
- (i) Mr Arnfield's licence was formally withdrawn on 8 May 2019 due to non-payment of the applicable licence fee.
- (j) On 19 May 2019, the BBBoC confirmed that it would not consider any application from Mr Arnfield for the renewal of his licence until he had completed the end of his suspended sentence and that Mr Arnfield would then be required to submit documentation from his probation officer confirming that all aspects of his sentence had been successfully completed.

- (k) On 15 December 2019, a letter from a probation officer confirmed that Mr Arnfield's sentence ended on 8 November 2019.
 - (l) On 8 January 2020, the BBBoC issued a new professional boxing licence to Mr Arnfield.
5. Cannabis was prohibited under class S8 (Cannabinoids) of the 2018 WADA Prohibited List and classified as a Specified Substance prohibited In-Competition only. The classification of cannabis remained the same under subsequent editions of the Prohibited List, including the 2022 WADA Prohibited List currently in force.
6. The selling or distributing (or possession for any such purpose) of a Prohibited Substance (including cannabis) by an Athlete to any third party at any time (i.e. whether In- or Out-of-Competition) constitutes an Anti-Doping Rule Violation ('ADRV') under 2015 ADR Article 2.7 (Trafficking). In particular:
- (a) 2015 ADR Article 2.7 provides that the following conduct constitutes an ADRV: *'Trafficking or Attempted Trafficking in any Prohibited Substance or Prohibited Method'*.
 - (b) 'Trafficking' is defined in the 2015 ADR as follows:

'Selling, giving, transporting, sending, delivering or distributing (or Possessing for any such purpose) a Prohibited Substance or Prohibited Method (either physically or by any electronic or other means) by an Athlete, Athlete Support Person or any other Person subject to the jurisdiction of an Anti-Doping Organisation 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 that such Prohibited Substances were not intended for genuine and legal therapeutic purposes or are intended to enhance sport performance'.
 - (c) 'Athlete' is defined in the 2015 ADR as *'[a]ny Person (including any Recreational Athlete) who competes at any level in the sport under the jurisdiction of the NGB'*. Mr Arnfield is an 'Athlete' because he competed at the professional level of boxing under the jurisdiction of the BBBoC, i.e. the NGB for the sport of professional boxing in the United Kingdom.

7. On 25 January 2022, Mr Arnfield was interviewed by UKAD in relation to his conviction. Mr Arnfield confirmed the details of his conviction, acknowledging that he had been engaged in selling cannabis to third parties and that he knew his conduct in this regard was illegal, but that he had not appreciated that it constituted an ADRV. Mr Arnfield explained that he was found in possession of just less than one kilogram of cannabis, which he admitted to possessing to sell to third parties.
8. On 1 April 2022, UKAD sent Mr Arnfield a Notice Letter ('Notice'). The Notice confirmed the imposition of a Provisional Suspension and formally notified Mr Arnfield that he may have committed an ADRV pursuant to 2015 ADR Article 2.7.
9. On 4 April 2022, Mr Arnfield responded to the Notice, admitting the asserted ADRV and highlighting that he had previously accepted responsibility for his conduct in his interview with UKAD on 25 January 2022.
10. On 12 April 2022, UKAD sent Mr Arnfield a Charge Letter, formally charging him with the commission of an ADRV pursuant to 2015 ADR Article 2.7 on the basis that he Trafficked a Prohibited Substance (cannabis) on or before 22 February 2018. The Charge Letter also informed Mr Arnfield that the asserted period of Ineligibility for the ADRV is a minimum of four (4) years pursuant to 2015 ADR Article 10.3.3.

Admission and Consequences

11. On 15 April 2022, in his response to the Charge Letter, Mr Arnfield formally admitted that he had committed the ADRV charged (Trafficking) in violation of 2015 ADR Article 2.7 and did not dispute the period of Ineligibility asserted by UKAD.
12. The period of Ineligibility for Trafficking is set out in 2015 ADR Article 10.3.3: '*For an Anti-Doping Rule Violation under Article 2.7 [...] that is the Athlete's or other Person's first anti-doping offence, the period of Ineligibility shall be a minimum of four years up to lifetime Ineligibility, depending on the seriousness of the violation [...]*'. The minimum period of Ineligibility under the 2015 ADR is therefore four years.
13. UKAD considers that the appropriate period of Ineligibility in this matter under Article 10.3.3 is the minimum permitted under that Article, i.e., four (4) years, based on the following factors:
 - (a) **Mitigating factors:** (i) Mr Arnfield was not targeting or selling to or otherwise supplying Minors; (ii) Mr Arnfield was not targeting or selling to or otherwise supplying Athletes; (iii) Mr Arnfield was not taking advantage of, or relying upon, or otherwise using, his connections within the sport of boxing to sell

cannabis; and (iv) cannabis is a Specified Substance prohibited In-Competition only.

- (b) **Absence of aggravating factors:** (i) the ADRV did not involve multiple Prohibited Substances; (ii) the ADRV did not involve prohibited conduct over a significant period of time; (iii) Mr Arnfield did not commit multiple ADRVs; and (iv) Mr Arnfield was not in a position of responsibility and/or trust in relation to young Athletes or Athletes in general.

14. However, on 1 January 2021, the 2021 UK Anti-Doping Rules² (the '2021 ADR') came into effect, incorporating the amendments made to the 2021 World Anti-Doping Code. 2021 ADR Article 1.6.2(d) provides that any case that is pending as at 1 January 2021 based on an ADRV that allegedly occurred prior to that date (as is the case in this matter) will be governed by the substantive anti-doping rules in effect at the time the alleged ADRV occurred (i.e. the 2015 ADR), unless there is a *lex mitior* in the 2021 ADR in relation to Consequences³.
15. *Lex mitior* applies in respect of the applicable Consequences in this case because the 2021 ADR are more favourable to Mr Arnfield:

- (a) Like the 2015 ADR, the 2021 ADR stipulate that Trafficking is subject to a period of Ineligibility of a minimum of four (4) years up to lifetime Ineligibility.
- (b) However, unlike the 2015 ADR, 2021 ADR Article 10.8.1 allows for an automatic one (1) year reduction in the above period of Ineligibility based on early admission of the ADRV and acceptance of sanction:

10.8.1 One (1) year reduction for certain Anti-Doping Rule Violations based on early admission and acceptance of sanction:

Where UKAD sends an Athlete or other Person a Charge Letter for an Anti-Doping Rule Violation that carries an asserted period of Ineligibility of four (4) or more years (including any period of Ineligibility asserted under Article 10.4), if the Athlete or other Person admits the violation and accepts the asserted period of Ineligibility no later than twenty (20) days after receiving the Charge Letter, they shall receive a one (1) year reduction in the period of Ineligibility asserted by UKAD. Where the

² Version 1.0, in effect as from 1 January 2021.

³ As explained by the CAS Panel in IAAF v QAF & Balla, CAS 2018/A/5989, paragraph 152: 'the principle of *lex mitior* enables retroactive application of provisions insofar as "penalties" or "sanctions" are concerned, if the new law is more favourable than the provisions applicable under the principle *tempus regit actum*. The underlying idea is that it makes little sense to sanction the party concerned according to out-dated provisions, if the unanimous view now holds that the act in question carries a milder sanction'.

Athlete or other Person receives the one (1) year reduction in the asserted period of Ineligibility under this Article 10.8.1, no further reduction in the asserted period of Ineligibility shall be allowed under any other Article.

16. As noted above, Mr Arnfield formally accepted the ADRV charged on 15 April 2022 (i.e. within three days of receiving the Charge Letter) and did not dispute the period of Ineligibility asserted by UKAD.
17. Accordingly, applying the doctrine of *lex mitior*, Mr Arnfield is entitled to receive an automatic one (1) year reduction to the four (4) year period of Ineligibility imposed in accordance with 2021 ADR Article 10.8.1. He is therefore subject to a period of Ineligibility of three (3) years.
18. In relation to the commencement date for the period of Ineligibility:
 - (a) Pursuant to 2021 ADR Article 10.13, the period of Ineligibility ordinarily starts on the date Ineligibility is accepted or otherwise imposed.
 - (b) However, 2021 ADR Article 10.13.1 provides that the period of Ineligibility may be deemed to have started at an earlier date (commencing as far back as the date on which the ADRV last occurred) where there have been substantial delays in the hearing process or other aspects of Doping Control not attributable to the Athlete. The same provision existed in the 2015 World Anti-Doping Code.
 - (c) UKAD considers that there have been substantial delays in the pending process that are not attributable to Mr Arnfield. Mr Arnfield's professional boxing licence was suspended by the BBBoC from 15 April 2018 due to the then pending criminal proceedings. However, UKAD was not notified or otherwise aware at that time of the BBBoC's decision to suspend Mr Arnfield's licence or of Mr Arnfield's criminal conduct. Had UKAD been aware, it would have brought a charge against Mr Arnfield at that time and imposed a Provisional Suspension without delay. That Provisional Suspension would have counted against the period of Ineligibility now imposed, in accordance with 2015 ADR Article 10.11.3 (equivalent to 2021 ADR Article 10.13.2).
 - (d) Based on the very specific circumstances of this case, Mr Arnfield's period of Ineligibility is deemed to have commenced on 15 April 2018 pursuant to 2021 ADR Article 10.13.1.

19. As to Disqualification, 2021 ADR Article 10.13.1 states that '*[a]ll competitive results achieved during the period of Ineligibility, including retroactive Ineligibility, shall be Disqualified*'. Mr Arnfield has not participated in professional boxing since 17 February 2018. Consequently, there are no competitive results to disqualify pursuant to 2021 ADR Article 10.13.1. Nor are there any competitive results to disqualify under 2021 ADR Articles 9.1, 10.1, or 10.8.

Summary

20. For the reasons set out above, UKAD has issued this Decision in accordance with 2021 ADR Article 7.12.2 and records that:
- (a) Mr Arnfield has committed an ADRV pursuant to 2015 ADR Article 2.7;
 - (b) The applicable period of Ineligibility is four (4) years pursuant to 2015/2021 ADR Article 10.3.3, but due to *lex mitior* under the 2021 ADR, Mr Arnfield is entitled to receive an automatic reduction of one (1) year due to an early admission of the ADRV and acceptance of sanction (2021 ADR Articles 1.6.2(d) and 10.8.1), and therefore a period of Ineligibility of three (3) years is imposed;
 - (c) Mr Arnfield's period of Ineligibility is deemed to have commenced on 15 April 2018 pursuant to 2021 ADR Article 10.13.1, and is therefore deemed served as at the date of this Decision; and
 - (d) There are no competitive results to disqualify because Mr Arnfield has not participated in professional boxing since 17 February 2018.
21. Mr Arnfield, the BBBoC, and WADA have a right to appeal against this Decision or any part of it in accordance with 2021 ADR Article 13.4.
22. This Decision will be publicly announced via UKAD's website in accordance with 2021 ADR Articles 8.5.3 and 10.15.

25 October 2022