

**IN THE MATTER OF PROCEEDINGS BROUGHT UNDER THE ANTI-DOPING RULES OF  
THE WELSH RUGBY UNION**

Before:

Dr David Sharpe KC (Sole Arbitrator)

**BETWEEN:**

UK Anti-Doping

Anti-Doping Organisation

and

An Amateur Player

Respondent

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**DECISION OF THE DISCIPLINARY TRIBUNAL**

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**INTRODUCTION**

1. [REDACTED] was, until August 2021, registered as an amateur player with [REDACTED] [REDACTED], a club affiliated with the Welsh Rugby Union ('WRU') for whom he played for many years as a [REDACTED].
2. The WRU is the national governing body for the sport of rugby union in Wales. The WRU has adopted, as its own anti-doping rules, the 2021 UK Anti-Doping Rules ('ADR'), which are issued by and subject to updates made by UK Anti-Doping

(‘UKAD’), as necessary and in accordance with the World Anti-Doping Code (‘**the Code**’).

3. The National Anti-Doping Panel (‘**NADP**’) issued a reasoned decision dated 26 September 2023, which confirmed that [REDACTED] had committed an Anti-Doping Rule Violation (‘**ADRV**’) contrary to ADR Article 2.6. He received a two-year period of Ineligibility. [REDACTED] period of Ineligibility commenced on the date of the NADP’s decision (i.e. on 26 September 2023) and expired at 11:59pm on 25 September 2025.
4. On 28 July 2025, [REDACTED] (via his legal representative) admitted a violation of the prohibition against participation during his period of Ineligibility contrary to ADR Article 10.14.1 and acceded to the imposition of an additional nine (9) month period of Ineligibility, to commence from 26 September 2025.
5. The single issue to be determined is whether the details relating to the period of Ineligibility should be published or remain confidential.
6. UKAD was represented by Mr James Laing, and [REDACTED] was represented by Mr Alastair Campbell of the firm Level. I am extremely grateful to both legal representatives for their detailed written arguments. The Parties agreed that the hearing should take place without an oral hearing, but ‘on the papers,’ and each filed submissions by simultaneous exchange.

## **JURISDICTION**

7. [REDACTED] as a registered amateur player, and whilst serving a two-year period of Ineligibility, was at all material times subject to the ADR.
8. In accordance with Article 11.1 (and its associated comment) of the World Anti-Doping Code International Standard for Results Management (‘**ISRM**’), Results Management relating to a violation of the prohibition against participation during a period of Ineligibility shall, mutatis mutandis, comply with the principles of the ISRM.

9. UKAD, the National Anti-Doping Organisation for the UK therefore, has Results Management authority for this matter.
10. On 26 August 2025, pursuant to Article 5.1 of the 2021 Procedural Rules ('**Procedural Rules**') of the National Anti-Doping Panel ('**NADP**'), I was appointed as the Sole Arbitrator by the NADP President Ms Kate Gallafent KC to hear and determine charges brought against the Respondent under the ADR.

11. [REDACTED] has not challenged jurisdiction.

#### **APPLICABLE RULES**

12. ADR Article 7.1:

*"7.1 Incorporation of the International Standard for Results Management*

*These Rules incorporate the International Standard for Results Management, as amended from time to time (the "ISRM"). The ISRM is therefore binding on all Athlete and other Persons in the same way as the Rules are binding on them."*

13. ADR Article 8.5.1:

*"Where the hearing panel determines that an Anti-Doping Rule Violation has been committed, the decision may be Publicly Reported immediately. If the decision is not appealed, or is upheld on appeal, the decision (if not previously Publicly Reported) shall be Publicly Reported within twenty (20) days of the expiry of the deadline or the appeal decision (as applicable). However, this mandatory Public Reporting requirement shall not apply where the Athlete or other Person who has been found to have committed an Anti-Doping Rule Violation is a Protected Person, Minor or a Recreational Athlete. Any optional Public Reporting in a case involving a Protected Person, Minor or a Recreational Athlete shall be proportionate to the facts and circumstances of the case."*

14. ADR Article 10.14.6:

*"If an Athlete or other Person violates the prohibition against participation set out in Article 10.14.1, any results they obtain during such participation shall be Disqualified, with all resulting consequences, including forfeiture of all medals, titles, points and prizes,*

*and a new period of Ineligibility equal in length to the original period of Ineligibility shall be added to the end of the original period of Ineligibility. The new period of Ineligibility may be adjusted based on the Athlete's or other Person's degree of Fault and other circumstances of the case (and so may include a reprimand and no period of Ineligibility). The determination of whether an Athlete or other Person has violated the prohibition against participation, and whether the new period of Ineligibility should be adjusted, shall be made by the Anti-Doping Organisation which brought the case that led to the initial period of Ineligibility. If the Athlete or other Person does not accept the new period of Ineligibility (or, if applicable, reprimand) proposed by the Anti-Doping Organisation, the matter shall proceed to a hearing in accordance with ISRM Article 11.1. The hearing panel's decision may be appealed pursuant to Article 13.*

*An Athlete or other Person who violates the prohibition against participation during a Provisional Suspension set out in Article 10.14.1 shall receive no credit for any period of Provisional Suspension served and any results they obtain during such participation shall be Disqualified, with all resulting consequences, including forfeiture of all medals, titles, points and prizes".*

15. ADR 10.15:

*"A mandatory Consequence in every case where an Anti-Doping Rule Violation has been committed shall be automatic publication, as provided in Articles 8.5 and 13.8".*

16. Article 11.7 of the NADP Rules:

*"Save as provided for within the ADR, proceedings under the NADP Rules are confidential".*

17. ISRM Article 4 lists the general principles of Results Management under the ISRM, which includes:

*"4.1 Confidentiality of Results Management*

*Save for disclosures, including Public Disclosure, that are required or permitted under Code Article 14 or this International Standard, all processes and procedures related to Results Management are confidential."*

18. ISRM Article 11.0 and 11.1:

*“11.0 Violation of the Prohibition Against Participation During Ineligibility;*

*11.1 In the event that an Athlete or other person is suspected to have violated the prohibition against participation during Ineligibility pursuant to Code Article 10.14, the Results Management relating to this potential violation shall comply with the principles of this International Standard mutatis mutandis.”*

*[Comment to Article 11.1: In particular, the Athlete or other Person shall receive a notification letter in accordance with Article 5.3.2 mutatis mutandis, a letter of charge in accordance with Article 7 mutatis mutandis and be afforded the right to a hearing as per Article 8.]”*

19. ADR Article 8.5.1:

*“8.5.1 Where the hearing panel determines that an Anti-Doping Rule Violation has been committed, the decision may be Publicly Reported immediately. If the decision is not appealed, or is upheld on appeal, the decision (if not previously Publicly Reported) shall be Publicly Reported within twenty (20) days of the expiry of the appeal deadline or the appeal decision (as applicable). However, this mandatory Public Reporting requirement shall not apply where the Athlete or other Person who has been found to have committed an Anti-Doping Rule Violation is a Protected Person, Minor or a Recreational Athlete. Any optional Public Reporting in a case involving a Protected Person, Minor or a Recreational Athlete shall be proportionate to the facts and circumstances of the case.”*

## RELEVANT FACTS

20. On 26 September 2023, a tribunal of the NADP (the ‘**Panel**’) issued its decision in the (previous) matter of UKAD v [REDACTED]. The Panel concluded that [REDACTED] had committed an ADRV of ‘Possession of a Prohibited Substance’ under ADR Article 2.6 and imposed a two (2) year period of Ineligibility (the ‘**Possession ADRV**’).
21. In determining when that period of Ineligibility should commence, the Panel noted that [REDACTED] had continued to act as [REDACTED] of [REDACTED], a member club of the WRU, while serving a Provisional Suspension in violation of ADR Article 10.14.1. The Panel concluded that [REDACTED] should not receive credit for any period of Provisional

Suspension served under ADR Article 10.13.2(a). The two (2) year period of Ineligibility was to be served from the date of its decision (i.e. from 26 September 2023).

22. The Panel concluded that its decision would be published, but with redactions applied to [REDACTED] name, any aspects pertaining to [REDACTED] mental and physical health, and to [REDACTED].
23. On 24 July 2024, whilst [REDACTED] was serving his two (2) year period of Ineligibility for the Possession ADRV, UKAD received information that he had continued to hold himself out as a Director of [REDACTED], contrary to ADR Article 10.14.1.
24. On 6 November 2024, UKAD sent a letter to [REDACTED] (the '**Demand Letter**'), informing him that it had reasonable cause to suspect that he may have violated the prohibition against participation during his period of Ineligibility contrary to ADR Article 10.14.1. In that letter, UKAD issued a Demand for [REDACTED] to attend a formal interview as part of its investigation.  
[REDACTED]
25. On 25 November 2024, [REDACTED], accompanied by his legal representative, participated in an interview with UKAD regarding the possible breach of his prohibition against participation under ADR Article 10.14.1.
26. On 25 April 2025, UKAD notified [REDACTED] that he was alleged to have violated the prohibition against participation during his period of Ineligibility contrary to ADR Article 10.14.1 (the '**Notice Letter**').
27. On 19 May 2025, [REDACTED] (via his legal representative) responded to the Notice Letter. [REDACTED] admitted the violation of ADR Article 10.14.1, asserted by UKAD, and set out his submissions in mitigation, including his position regarding his degree of Fault. [REDACTED] further stated that he "*does not agree that publication is necessary in this matter*".
28. On 22 July 2025, UKAD charged [REDACTED] with a violation of the prohibition against participation during his period of Ineligibility contrary to ADR Article 10.14.1 (the '**Charge Letter**'), in that:

- I. On 28 September 2023, he carried out an administrative activity on behalf of [REDACTED] by de-registering a player from the club; and
- II. On one or more occasions between 22 October 2023 and 24 July 2024, he held himself out to be a Director of [REDACTED] by sending administrative correspondence to the WRU on behalf of [REDACTED].

29. On 28 July 2025, [REDACTED] (via his legal representative) responded to the Charge Letter. [REDACTED] admitted the violation charged and acceded to the imposition of a nine (9) month period of Ineligibility to be added to the end of his original period of Ineligibility (the '**Participation Breach**'). However, [REDACTED] maintained his position that publication of the outcome of this matter is not necessary and therefore requested a hearing before the NADP to determine the issue of publication only.

30. UKAD submitted this matter to the NADP for determination as to whether the outcome of this matter should be published in accordance with ADR Article 8.5.

## **PARTIES SUBMISSIONS**

31. This section summarises the Parties' detailed written submissions (both initial and in reply to the other party's submissions) adduced during these proceedings. Although I have considered the entirety of the Parties' submissions, I refer here only to matters I consider necessary to explain my reasoning.

### A. UKAD

32. [REDACTED] was at all relevant times a Recreational Athlete. Therefore, publication of the outcome of this matter is optional. However, UKAD considers that full publication of this matter is clearly proportionate to the facts and circumstances of the case.

33. Publication of decisions that an ADRV (or other violation of the ADR) has been committed is integral to achieving the public interest objectives of the UK National Anti-Doping Policy. Eliminating doping in sport requires a commitment to harmonised anti-doping rules, and to consistent, transparent and accountable Results Management

and sanctioning of Athletes, Athlete Support Personnel, and other Persons who commit anti-doping rule violations. Publication serves to inform the sporting community and its participants as to who has engaged in doping practices and the relevant consequences they have faced, as well as avoiding any inadvertent prohibited association with an Athlete serving a period of Ineligibility.

34. Full publication of the outcome of this matter would help to ensure that [REDACTED] does not commit further violation of the ADR, as it would make clear to the rugby union community in [REDACTED] (and others) that he is strictly precluded from participating in Code-compliant sport for the duration of his new period of Ineligibility.
35. Full publication of the outcome of this matter would serve as an important deterrent in respect of future Recreational Athletes who, having benefitted from anonymisation (or anything else short of full Public Reporting), might be tempted to continue to engage in activities in breach of their period of Ineligibility.
36. The Possession ADRV decision was removed from UKAD's website on 26 September 2025 following the conclusion of [REDACTED] original two (2) year period of Ineligibility.
37. While UKAD agrees that a violation of the prohibition against participation during Ineligibility is not an ADRV, ISRM Article 11 has been overlooked and incorporated into the ADR in accordance with ADR Article 7.1. Applying ADR Article 8.5.1 mutatis mutandis (as required by ISRM Article 11.1), UKAD is entitled to Publicly Report a decision that a Recreational Athlete, such as [REDACTED], has committed a violation of the prohibition against participation during a period of Ineligibility, provided that such Public Reporting is proportionate to the facts and circumstances of the case.
38. Whilst a violation of the prohibition against participation during Ineligibility is not an ADRV, the ISRM – as incorporated into the ADR – specifically provide for the Results Management of such a violation to comply with the principles of the ISRM. This includes optional Public Reporting in a case involving a Minor, Protected Person, or Recreational Athlete, as permitted under ADR Article 8.5.1 (and Code Article 14).

39. Full publication of the decision in this matter (concerning the breach of a period of Ineligibility) would be proportionate to the facts and circumstances of this case, specifically:

- I. [REDACTED] has not provided any details as to the disproportionate impact of publication on him;
- II. The violation occurred while [REDACTED] held a position of power.

B. [REDACTED]

40. UKAD is not entitled to publish the outcome of this matter at all. ADR Article 8.5.1, which governs the Public Reporting of NADP decisions, makes clear that it applies to decisions by which a panel determines that an ADRV has been committed. That is a defined term which has a specific meaning: “[o]ne of the prohibited acts or omissions set out at Article 2” of the ADR.

41. Article 2 of the ADR sets out eleven ADRVs which does not include the prohibition on participation - rather, it is found in Article 10.14.1. Therefore, although breach of Article 10.14.1 is a breach of the ADR, it is not an ADRV and the publication provisions in Article 8.5.1 do not apply.

42. The consequences for a breach of Article 10.14.1 are set out in Article 10.14.6 and include disqualification, forfeiture of medals, titles, points and prizes, and a further period of Ineligibility. They do not include publication.

43. Article 11.7 of the NADP Rules states that “[s]ave as provided for within the ADR, proceedings under the NADP Rules are confidential”. That is the default position and, unless there is a specific basis for publication set out in the ADR or the NADP Rules (and ADR Article 8.5.1 does not provide such a basis).

44. NADP proceedings are expressly arbitral pursuant to NADP Article 1.3. The duty of confidentiality must apply save where there is an agreed exception in the ADR or the NADP Rules.

45. ADR 10.15 does not provide an independent basis for publication, but refers to Articles 8.5 and 13.8, which are not applicable.

46. To the extent that there is any ambiguity in the above provisions (which, on [REDACTED] case, there is not), Court of Arbitration for Sport ('CAS') jurisprudence is clear that the applicable rules must be construed contra proferentem.

47. In the event that the tribunal considers that Article 8.5.1 does apply, [REDACTED] is a Recreational Athlete and publication would, in the circumstances of this case, be disproportionate. Proportionality requires the striking of a balance between competing considerations. In [REDACTED] submission, any public reporting of the decision would likely have a disproportionate impact on him, particularly when weighed against UKAD's minimal interest in publication.

48. As regards [REDACTED] interests, the NADP has already found that [REDACTED] name, any aspects pertaining to [REDACTED] mental and physical health and the Club's name should be redacted from the published decision". That was due to the disproportionate impact on [REDACTED] of the publication of sensitive personal information including references to his health, "heavy" alcohol misuse and other matters in the underlying decision.

49. [REDACTED] breaches of the prohibition on participation are minor and administrative in nature. There is no evidence that [REDACTED] has, during his period of Ineligibility, ever sought to play any role in sport beyond assisting with the administration of [REDACTED] [REDACTED].

50. These proceedings are, themselves, evidence that UKAD is able to enforce a period of Ineligibility despite [REDACTED] details not being in the public domain.

51. [REDACTED] is not a high-profile athlete who has been caught cheating. His original ADRV was unintentional and his subsequent breach of the prohibition on participation was administrative only, at the lowest end of the scale.

52. UKAD's "general public interest" argument simply restates the policy reasons behind the ADR's default position, namely mandatory publication of ADRV decisions where the Athlete in question is not a Recreational Athlete.

53. UKAD's third argument regarding deterrence to other Recreational Athletes is also flawed. It assumes, without basis, that there is a causal link between anonymisation and breaches of the prohibition on participation (both in this case and more generally).

54. [REDACTED] actions consisted of bilateral communications with the WRU, which was fully aware of [REDACTED] identity and the details of the Possession ADRV in any event, and which is to be made aware of the Participation Breach regardless of whether the decision is publicly reported.

55. The balancing exercise to be conducted weighs heavily in [REDACTED] favour. The original decision against him, which has been anonymised pursuant to an order of the NADP, remains available on the "*historical sanctions*" section UKAD's website.

## DISCUSSION

56. Two broad arguments are advanced and countered on behalf of [REDACTED] and UKAD respectively in their written submissions. The first is that the applicable rules do not provide for publishing of [REDACTED] violation of the period of Ineligibility and, the second is that publishing would not be proportionate within the facts and circumstances of the case. I will consider each assertion separately and in turn.

57. The first issue is whether the applicable rules permit publishing of [REDACTED] period of Ineligibility at all. [REDACTED] case is that ADR Article 8.5.1 specifically provides only for the publishing of findings relating to an ADRV. He then asserts that ADR Article 2 sets out eleven ADRVs which does not include the prohibition on participation, which is in fact found in ADR Article 10.14.1. Whilst he accepts that breach of Article 10.14.6 is a breach of the ADR, it is not an ADRV and the publication provisions in Article 8.5.1 do not apply. Although Article 10.14.6 sets out the various consequences for breach it does not include publication.

58. [REDACTED] further argues that the default position is that of confidentiality as per Article 11.7 of the NADP Rules. There must be a specific basis set out in the ADR or the NADP Rules for publication. He asserts that ADR Article 8.5.1 simply does not provide such a basis. A further submission is based upon the provision of NADP Article 1.3

that proceedings are expressly arbitral with an 'in-built' duty of confidentiality subject to agreed exceptions in the ADR or the NADP Rules. None of the exceptions set out in Article 11.7.1 of the NADP Rules apply and ADR Article 7.10.7 applies to Provisional Suspensions only. In addition, ADR Article 7.11.5 relates to disclosure of a charge prior to determination and ADR Article 13.8 relates to the publication of ADRV decisions on appeal. [REDACTED] argues that the rules are clear and that in any event should be argued contra proferentum relying upon the CAS decisions in CAS2013/A/3316 and CAS94/129.

59. UKAD accepts that a violation of the period of Ineligibility is not an ADRV but argues that ADR Article 7.1 incorporates ISRM Article 11. Applying ADR Article 8.5.1 mutatis mutandis (as required by ISRM Article 11.1), UKAD asserts that it is entitled to Publicly Report a decision that a Recreational Athlete, such as [REDACTED], has committed a violation of the prohibition against participation during a period of Ineligibility, provided that such Public Reporting is proportionate to the facts and circumstances of the case.
60. Whilst ADR Article 7.1 does incorporate the ISRM into the ADR it is relevant to consider the purpose of the ISRM which at Article 1.0 is "*to set out the core responsibilities of Anti-Doping Organizations with respect to Results Management*". The definition of 'Results Management' and 'International Standard' are set out respectively within Article 3.1 ISRM as:

*"The process encompassing the timeframe between notification as per Article 5 of the International Standard for Results Management, or in certain cases (e.g., Atypical Finding, Athlete Biological Passport, Whereabouts Failure), such pre-notification steps expressly provided for in Article 5 of the International Standard for Results Management, through the charge until the final resolution of the matter, including the end of the hearing process at first instance or on appeal (if an appeal was lodged)."*

and

*"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. International Standards shall include any Technical Documents issued pursuant to the International Standard".*

61. Given these definitions and taking into account the purpose of the ISRM it seems to me that the effect of Article 11 being incorporated into the ADR is to provide the same safeguards and procedure to an athlete suspected of breaching a prohibition against participation during Ineligibility as would be available in any other anti-doping rule violation scenario. This is in keeping with the Comment to Article 11.1, which concentrates on procedural fairness. I do not consider that the ADR Article 8.5.1 is modified so as to effectively add in participation during Ineligibility as an ADRV and thereby permit publication of the decision. Article 11 ISRM does not alter the ADR to that extent. ADR Article 2 sets out eleven ADRVs which does not include the prohibition on participation during the period of Ineligibility. Therefore, UKAD is not permitted by the ADR to publish details of [REDACTED] violation of the period of Ineligibility or the sanction arising from this.

62. The above determination deals effectively with the relevant issue in this case. However, even if I had reached the alternate view, publication would not have been proportionate to the facts and circumstances of the case. The original decision against [REDACTED] was anonymised pursuant to an order of the NADP taking into account his mental and physical health – publishing the current proceedings may expose those issues. The breaches of the prohibition on participation are minor and administrative in nature with no evidence that he has, during his period of Ineligibility, ever sought to play any role in sport beyond assisting with administration. This limited involvement is reflected in the additional 9 months sanction imposed as a result of the index violation. [REDACTED] is not a high-profile athlete who has been caught cheating and his original ADRV was unintentional; rather he is an amateur rugby player at the conclusion of his active sporting life. The fact that [REDACTED] was successfully prosecuted for this breach of the period of Ineligibility illustrates that UKAD were able to monitor his compliance in the absence of details being in the public domain.

63. In reaching this decision on proportionality, I have carefully considered all of the relevant submissions provided by the Parties and undertaken a balancing exercise, setting the UKAD position against that espoused on behalf of [REDACTED].

## CONCLUSION

64. In summary, I have concluded that the details relating to the violation of the prohibition against participation during Ineligibility should not be published and should be kept confidential. The ADR does not provide for such publishing in contrast to cases involving ADRVs. In any event it would be disproportionate to allow the details of [REDACTED] [REDACTED] participation breach to be published taking account of the relevant facts and circumstances pertaining to his case.

## RIGHT OF APPEAL

65. In accordance with Article 13.5 of the NADP Procedural Rules any party who wishes to appeal must lodge a Notice of Appeal with the NADP Secretariat within 21 days of receipt of this decision.

66. [REDACTED] is not an international level athlete, and pursuant to ADR Article 13.4.2(b), the Appeal should be filed to the National Anti-Doping Panel, located at Sport Resolutions, 1 Paternoster Lane, London, EC4M 7BQ ([resolve@sportresolutions.com](mailto:resolve@sportresolutions.com)).



Dr David Sharpe KC  
Chair on behalf of the Panel  
London, UK  
7 November 2025

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