# The Cricket Malawi's Anti-Doping Rules

**REVIEWED & ADOPTED 29TH JUNE 2020**

For information regarding the Cricket Malawi's Anti-Doping Rules, please contact:

CRICKET MALAWI,
C/o THE CRICKET ACADEMY LTD,
NW 175 OLD ZOMBA ROAD,
NYAMBADWE,
P.O.BOX 2190,
BLANTYRE,
PHONE: +265 8818 58378
EMAIL: info@cricketmalawi.org
thecricketacademy@cricketmalawi.org
WEBSITE: www.cricketmalawi.org

# TABLE OF CONTENTS


| | | |
|---|---|---|
| ARTICLE 1 | SCOPE AND APPLICATION | 3 |
| ARTICLE 2 | ANTI-DOPING RULE VIOLATIONS | 5 |
| ARTICLE 3 | PROOF OF DOPING | 7 |
| ARTICLE 4 | THE *PROHIBITED LIST* | 8 |
| ARTICLE 5 | *TESTING* | 12 |
| ARTICLE 6 | ANALYSIS OF *SAMPLES* | 16 |
| ARTICLE 7 | RESULTS MANAGEMENT | 17 |
| ARTICLE 8 | RIGHT TO A FAIR HEARING | 24 |
| ARTICLE 9 | AUTOMATIC *DISQUALIFICATION* OF INDIVIDUAL RESULTS | 27 |
| ARTICLE 10 | SANCTIONS ON INDIVIDUALS | 27 |
| ARTICLE 11 | *CONSEQUENCES* FOR TEAMS | 35 |
| ARTICLE 12 | INTENTIONALLY LEFT BLANK | 35 |
| ARTICLE 13 | APPEALS | 35 |
| ARTICLE 14 | PUBLIC DISCLOSURE AND CONFIDENTIALITY | 40 |
| ARTICLE 15 | RECOGNITION OF DECISIONS | 45 |
| ARTICLE 16 | STATUTE OF LIMITATIONS | 41 |
| ARTICLE 17 | STATISTICAL REPORTING | 41 |
| ARTICLE 18 | AMENDMENT AND INTERPRETATION OF THE *RULES* | 41 |
| APPENDIX 1 | DEFINITIONS | 43 |
| APPENDIX 2 | THE PROHIBITED LIST | 48 |
| APPENDIX 3 | THE *CRICKET TESTING PROTOCOLS* | 49 |

# THE *CRICKET MALAWI'S* ANTI-DOPING RULES

**INTRODUCTION**

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

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

**ARTICLE 1 SCOPE AND APPLICATION**

**1.1** The *Rules* shall apply to:

**1.1.1.** all *Cricketer*s and *Cricketer Support Persons* who are members: (a) of the *National Cricket Federation* and/or (b) of organisations that are members or affiliates or licensees of the *National Cricket Federation* (including any clubs, teams, associations or leagues who are members, affiliates or licensees of the *National Cricket Federation*);

**1.1.2.** all *Cricketer*s and *Cricketer Support Persons* participating in *Matches* and other activities organised, convened or authorised by the *National Cricket Federation* or by any of its members or affiliates or licensees (including any clubs, teams, associations or leagues), wherever held; and

**1.1.3.** any other *Cricketer* or *Cricketer Support Person* who, by virtue of a contractual arrangement or otherwise, is subject to the jurisdiction of the *National Cricket Federation* for purposes of anti-doping;

whether or not such *Cricketer* or *Cricketer Support Person* is a citizen of or resident in Malawi.

***NOTE:*** *For the purposes of the World Anti-Doping Code, any Cricketers falling within the scope of Article 1.1 above shall be considered National-Level Players.*

*These Rules apply solely to National-Level Players. International-Level Cricketers are governed by the ICC Code (including in relation to TUEs and appeals).*

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

**1.2.1** to be bound by and to comply strictly with the *Rules* (without prejudice to any other anti-doping rules applicable to him/her), including making him/herself available upon request for *Testing* at all times, whether *In-Competition* or *Out-of-Competition*;

**1.2.2** to submit to the authority of the *National Cricket Federation* and/or of the *NADO* (as the *National Cricket Federation* and the *NADO* may agree between themselves) to apply, police and enforce the *Rules*;

**1.2.3** to provide all requested assistance to the *National Cricket Federation* and/or the *NADO* (as applicable) in the application, policing and enforcement of the *Rules*, including (without limitation) cooperating fully with any investigation, results management exercise, and/or proceedings being conducted pursuant to the *Rules* in relation to any potential anti-doping rule violation(s);

**1.2.4** to submit to the exclusive jurisdiction of any *Anti-Doping Tribunal* convened under the *Rules* to hear and determine charges brought by the *National Cricket Federation* or *NADO* (as applicable) and related issues arising under the *Rules*;

**1.2.5** to submit to the exclusive jurisdiction of any *Appeal Panel* and/or *CAS* panel convened under the *Rules* to hear and determine appeals made pursuant to the *Rules*; and

**1.2.6** further to Article 18.6, not to bring any proceedings in any court or other forum that are inconsistent with the foregoing submission to the jurisdiction of the *Anti-Doping Tribunal*, the *Appeal Tribunal* and *CAS*.

**1.3** It is acknowledged that certain *Cricketers* and *Cricketer Support Persons* may also be subject to the anti-doping rules of other *Anti-Doping Organisations*, including (in the case of *International-Level Cricketer*s) the ICC Anti-Doping Code (the ***"ICC Code"***), and that the same conduct of such *Cricketers* and *Cricketer Support Persons* may implicate not only these rules but also such other anti-doping rules, including the *ICC Code*. The *Rules* are not intended to limit the responsibilities of any *Cricketers* and *Cricketer Support Persons* under the *ICC Code* (or any other anti-doping rules). The jurisdictional and other issues arising when the same conduct implicates the *Rules* and the *ICC Code* shall be resolved in favour of the *ICC Code*. The jurisdictional and other issues arising when the same conduct implicates the *Rules* and any other anti-doping rules shall be resolved in accordance with the *World Anti-Doping Code.*

**1.4** It is the personal responsibility of each *Cricketer* (which may not be delegated to any other *Person*):

**1.4.1** to acquaint him/herself, and to ensure that each *Person* (including medical personnel) from whom he/she takes advice is acquainted, with all of the requirements of the *Rules*, including (without limitation) being aware of what constitutes an anti-doping rule violation and what substances and methods are prohibited; and

**1.4.2** to comply with the *Rules* in all respects, including:

**1.4.2.1** taking full responsibility for what he/she ingests and uses;

**1.4.2.2** ensuring that any medical treatment he/she receives does not infringe the *Rules*;

**1.4.2.3** making him/herself available for *Testing* at all times, whether *In-Competition* or *Out-of-Competition*;

**1.4.2.4** when included in a *National Registered Testing Pool*, providing accurate and up-to-date whereabouts information for purposes of *Out-of-Competition Testing*;

**1.4.2.5** disclosing to the *National Cricket Federation* and his/her *NADO* any decision by a non-*Signatory* that he/she infringed the anti-doping rules of that non-*Signatory* within the previous 10 years; and

**1.4.2.6** cooperating fully with any investigation into a potential anti-doping rule violation under the *Rules*.

**1.5** It is also the sole responsibility of each *Cricketer* to ensure that the *National Cricket Federation* is able to communicate with him/her efficiently and reliably in relation to matters arising under the *Rules.* To that end, each *Cricketer* shall be deemed to be contactable at the postal address and telephone number that he/she has specified on any *Doping Control* form that he/she completes in relation to *Testing* under the *Rules* and it shall be the *Cricketer's* responsibility to complete such contact details (the ***"Cricketer's Nominated Address"***) as necessary to ensure that he/she is contactable at the *Cricketer's Nominated Address*. Any notice sent by the *National Cricket Federation* to a *Cricketer* at the *Cricketer's Nominated Address* shall be deemed to have been received by the *Cricketer* within five (5) days of the date of delivery to the *Cricketer's Nominated Address*.

**1.6** A *Cricketer* shall continue to be bound by and required to comply with the *Rules* unless and until the *Cricketer* is deemed under the rules applicable to him/her to have retired from the sport of cricket, and the *National Cricket Federation* shall continue to have jurisdiction over him/her under the *Rules* thereafter in respect of matters taking place prior to that point.

**1.7** A *Cricketer* who retires in accordance with Article 1.6 at a time when he/she is in the *National Registered Testing Pool* may not resume competing in the sport unless he/she notifies the *National Cricket Federation* and/or the *NADO* (as applicable) in writing and makes him/herself available for unannounced *Out-of-Competition Testing* in accordance with Article 5.6.

**1.8** Any coach, trainer, manager, agent, team staff, official, medical, paramedical personnel, physiotherapist, parent or any other *Person* working with, treating or assisting a *Cricketer* (***"Cricketer Support Person"***) shall also be bound by and shall be required to comply with all of the provisions of the *Rules*.

**1.9** It is the personal responsibility of each *Cricketer Support Person* (which may not be delegated to any other *Person*):

**1.9.1** to acquaint him/herself with all of the provisions of the *Rules*, including (without limitation) being aware of what constitutes an anti-doping rule violation and what substances and methods are prohibited;

**1.9.2** to comply with the *Rules* in all respects;

**1.9.3** to cooperate fully with the *Testing* of *Cricketer*s;

**1.9.4** to cooperate fully with any investigation into a potential anti-doping rule violation under the *Rules* or the rules of any other *Anti-Doping Organisation*, including the *ICC*;

**1.9.5** to use his/her influence on *Cricketer* values and behaviour in order to foster positive attitudes towards anti-doping in the sport of cricket;

**1.9.6** To disclose to his/her *National Cricket Federation* and *NADO* any decision by a non-*Signatory* finding that he/she infringed applicable anti-doping rules within the previous ten years; and

**1.9.7** not to *Use* or *Possess* any *Prohibited Substance* or *Prohibited Method* without valid justification.

**1.10** Without prejudice to Articles 1.1 to 1.9, the *National Cricket Federation* shall be

responsible for promoting anti-doping awareness and education in the sport of cricket.

## ARTICLE 2 ANTI-DOPING RULE VIOLATIONS

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

**2.1 The presence of a *Prohibited Substance* or its *Metabolites* or *Markers* in a *Cricketer*'s *Sample*.**

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

***NOTE:** It is not necessary that intent, Fault, negligence or knowledge on the Cricketer's part be demonstrated in order to establish an anti-doping rule violation under Article 2.1. Consequently, lack of intent, Fault, negligence or knowledge shall not be a defence to a charge that an anti-doping rule violation has been committed under Article 2.1.*

**2.1.2** Sufficient proof of an anti-doping rule violation under Article 2.1 is established by any of the following (unless the *Cricketer* establishes that such presence is consistent with a Therapeutic Use Exemption granted in accordance with Article 4.4): (a) the presence of a *Prohibited Substance* or its *Metabolites* or *Markers* in the *Cricketer*'s A *Sample*, where the *Cricketer* waives analysis of the B *Sample* and the B *Sample* is not analysed; (b) where the *Cricketer*'s B *Sample* is analysed and the analysis of the *Cricketer*'s B *Sample* confirms the presence of the *Prohibited Substance* or its *Metabolites* or *Markers* found in the *Cricketer's* A *Sample*; or (c) where the *Cricketer's* B *Sample* is split into two bottles and the analysis of the second bottle confirms the presence of the *Prohibited Substance* or its *Metabolites* or *Markers* found in the first bottle.

**2.1.3** Except in the case of those substances for which a quantitative reporting threshold is specifically identified in the *Prohibited List*, and subject to the special criteria established in the *Prohibited List* (and/or other *International Standards*) to distinguish between endogenous and exogenous production of certain substances, the presence of any quantity of a *Prohibited Substance* or its *Metabolites* or *Markers* in a *Cricketer*'s *Sample* shall constitute an anti-doping rule violation under Article 2.1.

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

**2.2.1** It is each *Cricketer*'s personal duty to ensure that he/she does not *Use* any *Prohibited Substance* or *Prohibited Method*. Accordingly, it is not necessary that intent, *Fault*, negligence or knowing *Use* on the *Cricketer's* part be demonstrated in order to establish an anti-doping rule violation of *Use* of a *Prohibited Substance* or *Prohibited Method* under Article 2.2.

***NOTE:** It is not necessary that intent, Fault, negligence or knowledge on the Cricketer's part be demonstrated in order to establish an anti-doping rule violation under Article 2.2. Consequently, lack of intent, Fault, negligence or knowledge shall not be a defence to a charge that an anti-doping rule violation of Use has been committed under Article 2.2.*

**2.2.2** Without prejudice to Article 2.2.1, it is necessary that intent on the *Cricketer's*

part be demonstrated in order to establish an anti-doping rule violation of *Attempted Use* under Article 2.2.

**2.2.3** The success or failure of the *Use* or *Attempted Use* of a *Prohibited Substance* or *Prohibited Method* is not material. For an anti-doping rule violation to be committed under Article 2.2, it is sufficient that the *Cricketer Used* or *Attempted* to *Use* a *Prohibited Substance* or *Prohibited Method*.

**2.2.4** Notwithstanding Article 2.2.3, however, a *Cricketer's Use* of a substance *Out-Of-Competition* that is not prohibited *Out-of-Competition* shall not constitute an anti-doping rule violation under Article 2.2. However, the presence of a *Prohibited Substance* or its *Metabolites* or *Markers* in a *Sample* collected *In-Competition* is a violation of Article 2.1, regardless of when that substance might have been administered.

**2.3 Evading *Sample* collection or (without compelling justification) refusing or failing to submit to *Sample* collection after notification as authorised in the *Rules* or under the *World Anti-Doping Code*.**

**2.4 Whereabouts Failures**

For a *Cricketer* in the *National Registered Testing Pool*, any combination of three *Filing Failures* and/or *Missed Tests* (as such terms are defined in the *International Standard* for Testing and Investigations) committed within a twelve-month period, whether declared by the *National Cricket Federation* or any other *Anti-Doping Organisation* with jurisdiction over the *Cricketer* (a "**Whereabouts Failure**"), shall constitute an anti-doping rule violation under this Article 2.4.

***NOTE:*** *A Filing Failure amounts to a failure to file whereabouts information in accordance with the International Standard for Testing and Investigations. A Missed Test constitutes a failure to be available for Testing at the declared whereabouts in accordance with the International Standard for Testing and Investigations.*

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

This Article prohibits conduct that subverts or *Attempts* to subvert the *Doping Control* process but which would not otherwise be included in the definition of *Prohibited Methods*. *Tampering* shall include, without limitation, intentionally interfering or attempting to interfere with a *Doping Control* official, providing fraudulent information to an *Anti-Doping Organisation* or intimidating or attempting to intimidate a potential witness.

**2.6 *Possession* of *Prohibited Substance*s and/or *Prohibited Method*s.**

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

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

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

**2.8 *Administration* or *Attempted Administration* to any *Cricketer In-Competition* of any *Prohibited Substance* or *Prohibited Method*, or *Administration* or *Attempted Administration* to any *Cricketer Out-of-Competition* of any *Prohibited Substance* or *Prohibited Method* that is prohibited *Out-of-Competition*, unless the *Cricketer* or *Cricketer Support Person* establishes that the *Administration* or *Attempted Administration* was consistent with a Therapeutic Use Exemption granted in accordance with Article 4.4;**

**2.9 Complicity: namely assisting, encouraging, aiding, abetting, conspiring, covering up or any other type of intentional complicity involving an anti-doping rule violation or any *Attempted* anti-doping rule violation or violation of Article 10.11.1 by another *Person*;**

**2.10 Prohibited Association**

**2.10.1** Association by a *Cricketer* or other *Person* subject to the authority of an *Anti-Doping Organisation* in a professional or sport-related capacity with any *Cricketer Support Person* who:

**2.10.1.1** (if subject to the authority of an *Anti-Doping Organisation*) is serving a period of *Ineligibility;* or

**2.10.1.2** (if not subject to the authority of an *Anti-Doping Organisation*, and where *Ineligibility* has not been addressed in a results management process pursuant to the *Rules* or the *World Anti-Doping Code*), has been convicted or found in a criminal, disciplinary or professional proceeding to have engaged in conduct which would have constituted a violation of anti-doping rules if *World Anti-Doping Code*-compliant rules had been applicable to such *Person.* The disqualifying status of such *Person* shall be in force for the longer of six years from the criminal, professional or disciplinary decision or the duration of the criminal, professional or disciplinary sanction imposed; or

**2.10.1.3** is serving as a front or intermediary for an individual described in Article 2.10.1.1 or 2.10.1.2.

**2.10.2** In order for this Article 2.10 to apply, it is necessary that (a) the *Cricketer* or other *Person* has previously been advised in writing by the *National Cricket Federation,* the *ICC* (in which case, the *ICC* shall copy such notice to the *National Cricket Federation*), any other *Anti-Doping Organisation* with jurisdiction over that *Cricketer* or other *Person* or *WADA*, of the *Cricketer Support Person's* disqualifying status and the potential *Consequences* of prohibited association, and (b) the *Cricketer* or other *Person* can reasonably avoid the association. The *National Cricket Federation* or other *Anti-Doping Organisation* with jurisdiction over the *Cricketer* or other *Person* shall also use reasonable efforts to advise the *Cricketer Support Person* who is the subject of the notice to the *Cricketer* or *Cricketer Support Person* that the *Cricketer Support Person* may, within 15 days, come forward to the *National Cricket Federation* or other *Anti-Doping Organisation* with jurisdiction over the *Cricketer* or other *Person* to explain that the criteria described in Articles 2.10.1.1 and 2.10.1.2 do not apply to him or her. For the avoidance of doubt, this Article applies even when the *Cricketer Support Person's* disqualifying conduct occurred prior to the Effective Date.

**2.10.3** The burden shall be on the *Cricketer* or other *Person* to establish that any association with the *Cricketer Support Person* described in Article 2.10.1.1 or 2.10.1.2 is not in a professional or sport-related capacity.

**2.10.4** If the *National Cricket Federation* or other *Anti-Doping Organisation* with jurisdiction over the *Cricketer* or other *Person* becomes aware of any *Cricket Support Person* who meets the criteria described in Article 2.10.1.1, 2.10.1.2 or 2.10.1.3 it shall submit that information to the *ICC*.

## ARTICLE 3 PROOF OF DOPING

### 3.1 Burdens and Standards of Proof

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

**3.1.2** Where the *Rules* place the burden of proof upon the *Cricketer* or other *Person* alleged to have committed an anti-doping rule violation to rebut a presumption or establish specified facts or circumstances, the standard of proof shall be by a balance of probability.

### 3.2 Methods of Establishing Facts and Presumptions

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

**3.2.1** Analytical methods or decision limits approved by *WADA* after consultation within the relevant scientific community and which have been the subject of peer review are presumed to be scientifically valid. Any *Cricketer* or other *Person* seeking to rebut this presumption of a scientific validity shall, as a condition precedent to any such challenge, first notify *WADA* of the challenge and the basis of the challenge. Where applicable, *CAS,* on its own initiative, may also inform *WADA* of any such challenge. At *WADA's* request, the *CAS* panel shall appoint an appropriate scientific expert to assist the panel in its evaluation of the challenge. Within 10 days of *WADA*'s receipt of such notice, and *WADA's* receipt of the *CAS* file, *WADA* shall also have the right to intervene as a party, appear amicus curiae or otherwise provide evidence in such proceeding.

**3.2.2** 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.

**3.2.3** *WADA*-accredited laboratories, and other laboratories approved by *WADA,* are presumed to have conducted *Sample* analysis and custodial procedures in accordance with the *International Standard* for Laboratories. The *Cricketer* or other *Person* who is asserted to have committed an anti-doping rule violation may rebut this presumption by establishing that a departure from the

*International Standard* for Laboratories occurred that could reasonably have caused the *Adverse Analytical Finding*. In such an event, the *National Cricket Federation* or *NADO* (as applicable) shall have the burden to establish that such departure did not cause the *Adverse Analytical Finding*.

**3.2.4** Departures from any other *International Standard* or other anti-doping rule or policy set forth in the *World Anti-Doping Code,* the *ICC Code* or the *Rules* that did not cause an *Adverse Analytical Finding* or other anti-doping rule violation shall not invalidate such evidence or results. If the *Cricketer* or other *Person* who is asserted to have committed an anti-doping rule violation establishes that a departure from an *International Standard* or other anti-doping rule or policy occurred that could reasonably have caused an anti-doping rule violation based on an *Adverse Analytical Finding* or other anti-doping rule violation, then the *National Cricket Federation* or *NADO* (as applicable) shall have the burden to establish that such a departure did not cause the *Adverse Analytical Finding* or other factual basis for the anti-doping rule violation asserted.

**3.2.5** The facts established by a decision of a court or professional disciplinary tribunal of competent jurisdiction which is not the subject of a pending appeal shall be irrebuttable evidence against the *Cricketer* or other *Person* to whom the decision pertained of those facts, unless the *Cricketer* or other *Person* establishes that the decision violated principles of natural justice.

**3.2.6** The *Anti-Doping Tribunal* may draw an inference adverse to the *Cricketer* or other *Person* who is asserted to have committed an anti-doping rule violation based on his/her refusal, after a request made in a reasonable time in advance of the hearing, to appear at the hearing (either in person, virtually or telephonically as directed by the *Anti-Doping Tribunal*) and to answer questions from the *National Cricket Federation* or the members of the *Anti-Doping Tribunal*.

## ARTICLE 4 THE *PROHIBITED LIST*

### 4.1 The *Prohibited List*

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

**4.1.1.1** The *Rules* incorporate and are based upon the *Prohibited List.* A copy of the current version of the *Prohibited List* is set out at Appendix 2.

**4.1.1.2** *WADA* may amend the *Prohibited List* as set out in Article 4.1 of the *World Anti-Doping Code*. Unless provided otherwise by *WADA*, amendments to the *Prohibited List* shall come into effect under the *Rules* automatically three months after publication of such amendments by *WADA* on its website, without requiring any further action by the *National Cricket Federation*. It is the responsibility of each *Cricketer* and *Cricketer Support Person* to be familiar with the most current version of the *Prohibited List*.

**4.1.2** *Specified Substances*

For purposes of the application of Article 10 of the *World Anti-Doping Code* and the *Rules*, all *Prohibited Substance*s shall be considered ***"Specified Substances"*** except: (a) substances in the class of anabolic agents and hormones; and (b) those stimulants and hormone antagonists and modulators so identified on the *Prohibited List*. The category of *Specified Substances* shall not include *Prohibited Methods.*

## 4.2 New Classes of *Prohibited Substances*

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

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

**4.3.1** The criteria for including substances and methods on the *Prohibited List* are set out in Article 4.3 of the *World Anti-Doping Code*. Such substances and methods may be included by general category (eg anabolic agents) or by specific reference to a particular substance or method. In accordance with Article 4.3.3 of the *World Anti-Doping Code*, *WADA's* determination of the substances and methods that will be included on the *Prohibited List*, and its classification of substances into categories on the *Prohibited List*, and the classification of a substance as prohibited at all times or *In-Competition* only, shall be final and not be subject to challenge by a *Cricketer* or other *Person* based on an argument that the substance or method was not a masking agent or did not have the potential to enhance performance, represent a health risk or violate the spirit of sport.

**4.3.2** Many of the substances on the *Prohibited List* may appear either alone or as part of a mixture within medications and/or supplements that may be available with or without a physician's prescription. Further, the *Prohibited List* encompasses substances that are not mentioned by name on the *Prohibited List* but are instead incorporated into the *Prohibited List* by category and/or by reference to 'substances with a similar chemical structure or similar biological effect(s)'. As a result, the fact that a particular substance does not appear by name on the *Prohibited List* does not mean that the substance is not a *Prohibited Substance.* It is the *Cricketer's* responsibility to determine the status of the substance. In this regard, *Cricketers* are reminded that, as set out in Article 2.1.1 of the *Rules*, they are strictly liable for any *Prohibited Substances* present in *Samples* collected from them. *Cricketers* must therefore ensure that *Prohibited Substances* do not enter or come to be present in their bodies and that *Prohibited Methods* are not *Used*.

## 4.4 Therapeutic Use Exemptions

**4.4.1** Scope and Effect of *TUEs*

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

**4.4.1.2** Subject only to the *International Standard* for Therapeutic Use Exemptions (which identifies limited circumstances in which a *TUE* may be granted retrospectively), the following *Cricketers* must obtain a *TUE* in accordance with Article 4.4.2 prior to *Use* or *Possession* or *Administration* of the *Prohibited Substance* or *Prohibited Method* in question:

(a) any *Cricketer* who has been designated for inclusion in the *National Registered Testing Pool*; and

(b) any other *Cricketer* specified from time to time by the *National Cricket Federation* and/or the *NADO* (as applicable).

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

(a) the *TUE Committee* may extend this deadline upon request by the *Cricketer* for good cause shown; and

(b) any such *TUE* application shall be resolved before any *Adverse Analytical Finding* or *Atypical Finding* relating to that *Cricketer's Sample* is referred to the *Review Board* under Article 7.2 or 7.3.

**4.4.2** Grant of a *TUE*

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

**4.4.2.2** Since *Cricketers* are subject to *Out-of-Competition Testing* requirements all year round, the application must be made as soon as possible after the relevant diagnosis, and, no less than thirty (30) days before he/she needs the approval (for instance before his/her participation in a *Match*).

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

**4.4.2.4** The *TUE Committee* will notify the *Cricketer*, the *National Cricket Federation*, the *NADO* and the *ICC* in writing of the grant or denial of the *Cricketer's* application for a *TUE*. Where the *Cricketer* is in the *National Registered Testing Pool*, a copy of the decision will also be sent to *WADA*. A *TUE* will be effective as of the date it is granted and will have a specified duration as decided on a case by case basis by the *TUE Committee*. It shall specify the dosage(s), frequency, route and duration of *Administration* of the *Prohibited Substance* or *Prohibited* Method in question that the *TUE Committee* is permitting, reflecting the clinical circumstances. It may also be granted subject to such conditions or restrictions as the *TUE Committee* sees fit.

**4.4.2.5** The application will be processed as quickly as reasonably practicable, but a *Cricketer* may not assume that his/her

application for a *TUE* (or for renewal of a *TUE*) will be granted by a particular time, or at all. Any *Use* or *Possession* or administration of a *Prohibited Substance* or *Prohibited Method* before an application has been granted shall be entirely at the *Cricketer's* own risk.

**4.4.2.6** Any *TUE* granted by the *TUE Committee* will be valid at national-level only. If a *Cricketer* subsequently becomes an *International-Level Cricketer* or competes in *ICC Events*, he/she must apply to the *ICC* for recognition of his/her *TUE* in accordance with the relevant procedure set out in the *ICC Code.*

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

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

(a) shall expire automatically at the end of any term for which it was granted, without the need for any further notice or other formality;

(b) may be cancelled by the *TUE Committee* if the *Cricketer* does not promptly comply with any requirements or conditions imposed by the *TUE Committee* upon grant of the *TUE*; or

(c) may be withdrawn by the *TUE Committee* if it is subsequently determined that the criteria for grant of a *TUE* are not in fact met.

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

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

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

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

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

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

(a) if the appeal rights set out at Article 4.4.4.1 have been exhausted, then at the request of an *International-Level Cricketer* or a *Cricketer* included in the *Registered Testing Pool* whose application for a *TUE* has been denied, *WADA* may reverse such denial if it determines that such denial did not comply with the *International Standard* for Therapeutic Use Exemptions, subject to the right of the *National Cricket Federation* and the *NADO* to appeal to CAS against WADA's decision, in accordance with Article 13.7.3; and

(b) on its own initiative, *WADA* may at any time reverse any grant of a *TUE* if it determines that such grant did not comply with the *International Standard* for Therapeutic Use Exemptions, subject to the right of the *Cricketer*, the *National Cricket Federation* and the *NADO* to appeal against *WADA's* decision, in accordance with Article 13.7.1.

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

**4.4.4.4** Until such time as the grant or denial of a *TUE* application made pursuant to the *Rules* has been reversed pursuant to Article 4.4.4. 1 or Article 4.4.4.2, such grant or denial shall remain in full force and effect.

## ARTICLE 5 *TESTING*

### 5.1 General principles

**5.1.1** Testing shall only be undertaken for anti-doping purposes, i.e. to obtain analytical evidence as to the *Cricketer's* compliance (or non-compliance) with the *Rules'* strict prohibition on the presence/*Use* of a *Prohibited Substance* or *Prohibited Method.* The *National Cricket Federation* shall be responsible for assisting the *NADO* to draw up and implement a test distribution plan for cricket played under its jurisdiction in accordance with Article 4 of the *International Standard* for Testing and Investigations. Where there is no *NADO*, or the *NADO* does not include sufficient *Testing* for cricket played under its jurisdiction in its test distribution plan, the *National Cricket Federation* shall be responsible for implementing such *Testing.* The *National Cricket Federation* will engage one or more third parties to conduct such *Testing* on its behalf. All such *Testing* shall be conducted in substantial conformity with the *International Standard* for Testing and Investigations and the *Cricket Testing Protocols.*

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

**5.1.3** For the avoidance of doubt, the *National Cricket Federation* may select *Cricketers* for *Target Testing* so long as such *Target Testing* is not used for any purpose other than legitimate *Doping Control* purposes.

**5.1.4** The *National Cricket Federation* acknowledges the jurisdiction that the *World Anti-Doping Code* confers on other *Anti-Doping Organisations* to test *Cricketers.* The *National Cricket Federation* shall recognise such *Testing* and the results thereof in accordance with Article 15 of the *World Anti-Doping Code*.

**5.1.5** The *National Cricket Federation* may authorise independent observers to observe *Testing* conducted on behalf of the *National Cricket Federation*.

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

**5.2.1** *Cricketers* shall be subject to *Testing* on behalf of the *National Cricket Federation* at *Matches*. The selection of the *Matches* at which *Testing* is to take place shall be determined by the *National Cricket Federation* and/or the *NADO* (as they may agree between themselves), and shall remain confidential except to those *Persons* with a reasonable need to know of such selection in order to facilitate such *Testing*.

**5.2.2** A *Cricketer* may be notified that he/she has been selected for *Testing* in connection with a *Match* in which he/she is participating at any time from 0600 local time on the first day of the *Match* in question until one hour after its completion or abandonment for whatever reason (including rain) irrespective of whether there has been any play whatsoever in the *Match* at the time of abandonment. Such periods (and only such periods) shall be deemed ***"In-Competition"*** periods for purposes of the *Rules*, so that, by way of example only:

**5.2.2.1** the entire duration of any *Match* lasting more than one day will be considered to be *In-Competition*;

**5.2.2.2** where a *Match* overflows into a 'reserve' day which has been set aside, then, for the purposes of the *Rules*, the *In-Competition* period shall continue until the completion of the *Match*;

**5.2.2.3** where a 'reserve' day has been set aside for a *Match,* but the *Match* concludes prior to the commencement of play on the 'reserve' day, then such 'reserve' day will not be considered to fall within the *In-Competition* period; and

**5.2.2.4** where any *Cricketer* is not selected as a member of a starting XI or as an officially designated substitute for a particular *Match*, then the duration of such *Match* will not be considered to fall within the *In-Competition* period relevant for that *Cricketer.*

**5.2.3** The actual timing of the *Testing* at a selected *Match*, and the selection of *Cricketers* to be tested at that *Match*, shall be at the discretion of the *National Cricket Federation* or the *NADO* (as applicable) and (where applicable) in compliance with paragraph 1 of the *Cricket Testing Protocols*, set out at Appendix 3.

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

**5.3.1 Ambit of *Out-of-Competition Testing***

**5.3.1.1** Any period outside of an *In-Competition* period shall be deemed an ***"Out-of-Competition"*** period for purposes of the *Rules*. Any *Testing* of a *Cricketer* outside of an *In-Competition* period shall therefore be considered *Out-of-Competition Testing* for the purposes of the *Rules*. Save in exceptional circumstances, such *Testing* shall be *No Advance Notice Testing*.

**5.3.1.2** Where a *Sample* is collected during *Out-of-Competition Testing*, there shall only be an anti-doping rule violation under Article 2.1 if analysis of the *Sample* establishes that a substance (or its *Markers* or *Metabolites*) that is prohibited in *Out-of-Competition Testing* - ie a substance that is listed in the section of the *Prohibited List* entitled "Substances and Methods Prohibited At All Times (In- and Out-of-Competition)" - is present in the *Sample*, or

if such analysis reveals evidence of *Use* of a *Prohibited Method*.

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

**5.3.2 Additional Obligations on *Cricketers* Included in the *International Registered Testing Pool*, *National Player Pool* and/or National *Registered Testing Pool***

**5.3.2.1** In addition to the general obligation on all *Cricketer*s to submit to *Testing* (including *Out-of-Competition Testing*) at any time and place:

(a) the *ICC* shall establish a pool of international cricketers (the ***"International Registered Testing Pool"***) who are required to provide up-to-date whereabouts information to the *ICC* and to make themselves available for *Testing* at such whereabouts in accordance with the *ICC Code*; and

(b) the *ICC* may, from time to time, establish further criteria identifying an additional pool of *Cricketers* to be known as the **"National Player Pool"** (or similar), who, together with the applicable member board, may be required to file and update certain additional whereabouts information in accordance with such filing requirements (and subject to the potential sanctions for non-compliance) that the ICC may determine appropriate.

(c) *NADO* may establish a pool of *Cricketer*s (the ***"National Registered Testing Pool"***) who shall be personally responsible for: (i) providing written notification to the *NADO* of his/her whereabouts in the next quarter, as specified in Article I.3 of the *International Standard* for Testing and Investigations; (ii) updating that whereabouts information as necessary, in accordance with Article I.3.5 of the *International Standard* for Testing and Investigations, so that it remains accurate and complete at all times; and (iii) making themselves available for *Testing* at such whereabouts, in accordance with Article I.4 of the *International Standard* for Testing and Investigations.

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

(a) the failure of a *Cricketer* in the *National Registered Testing Pool* to advise the *NADO* of his/her whereabouts shall be deemed a *Filing Failure* for purposes of the *Rules* where the conditions of Article I.3.6 of the *International Standard* for Testing and Investigations are met; and

(b) the failure of a *Cricketer* in the *National Registered Testing*

*Pool* to be available for *Testing* at his/her declared whereabouts shall be deemed a *Missed Test* for purposes of the *Rules* where the conditions of Article I.4.3 of the *International Standard* for Testing and Investigations are met.

**5.3.2.3** A *Cricketer* will be notified in writing of his/her inclusion in the *National Registered Testing Pool*. A *Cricketer* may be included in the *National Registered Testing Pool* notwithstanding that he/she is also included in the *ICC's National Player Pool* or the *ICC's International Registered Testing Pool*. In either case, in order to prevent duplication of filing requirements, the *NADO* will receive the *Cricketer*'s whereabouts filings and share them with the *ICC* and with other *Anti-Doping Organisations* with jurisdiction to test that *Cricketer* in accordance with Article I.2.3 of the *International Standard* for Testing and Investigations. In such circumstances, the *Cricketer* will only be required to file whereabouts information with the *NADO*.

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

(a) the *NADO* informs him/her in writing that he/she no longer satisfies the criteria for inclusion in the *National Registered Testing Pool*; or

(b) the *Cricketer* retires from his/her sport in accordance with Article 1.6.

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

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

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

**5.5 Liability for *Testing***

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

**5.6 Retired *Cricketers* Returning to Competition**

**5.6.1** If a *Cricketer* registered in the *National Registered Testing Pool* retires from cricket in accordance with Article 1.6 and then wishes to return to active participation in the sport, the *Cricketer* shall not compete in a *Match* until the *Cricketer* has made himself or herself available for *Testing* by giving six months prior written notice to his/her *National Cricket Federation* and *NADO. WADA*, in consultation with the *ICC* and the *Cricketer's NADO*, may grant an exemption to the six-month written notice period rule where the strict application of that rule would be manifestly unfair to the *Cricketer. WADA's* decision may be appealed pursuant to Article 13.

**5.6.1.1** Any competitive results obtained in violation of Article 5.6.1 shall be *Disqualified.*

**5.6.2** If a *Cricketer* retires from cricket while subject to a period of *Ineligibility* and then wishes to return to active participation in cricket, the *Cricketer* shall not compete in any Match until he/she has made himself or herself available for *Testing* by giving six months prior written notice (or notice equivalent to the period of *Ineligibility* remaining as of the date the *Cricketer* retired, if that period was longer than six months) to his/her *National Cricket Federation* and *NADO.*

## ARTICLE 6 ANALYSIS OF SAMPLES

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

### 6.1 Use of Accredited and Approved Laboratories

For the purposes of Article 2.1, *Samples* shall be sent for analysis only to *WADA*-accredited laboratories or laboratories otherwise approved by *WADA*. The choice of the *WADA*-accredited or *WADA*-approved laboratory used for the *Sample* analysis shall be determined exclusively by the *National Cricket Federation* and/or the *NADO* (as they may agree between themselves).

### 6.2 Purpose of Analysis of *Samples*

*Samples* shall be analysed:

**6.2.1** to detect *Prohibited Substances* and *Prohibited Methods* identified on the *Prohibited List* and other substances as may be directed by *WADA* pursuant to the Monitoring Program described in Article 4.5 of the *World Anti-Doping Code*; and/or

**6.2.2** to assist the *National Cricket Federation/NADO* in profiling relevant parameters in a *Cricketer*'s urine, blood or other matrix, including DNA or genomic profiling, for anti-doping purposes.

*Samples* may be collected and stored for future analysis.

### 6.3 Restrictions on Use of *Samples*

**6.3.1** All *Samples* provided by a *Cricketer* for the purposes of *Testing* under the *Rules* shall be the property of the *National Cricket Federation* or *NADO* (as they may agree between themselves), and the *National Cricket Federation* or *NADO* (as they may agree between themselves) shall be entitled to determine all matters regarding the analysis and disposal of such *Sample*s at all times in accordance with the *International Standards*.

**6.3.2** No *Sample* may be used for research without the *Cricketer's* written consent. A *Sample* used (with the *Cricketer*'s consent) for purposes other than as described in Article 6.2 shall have any means of identification removed so that it cannot be traced back to the *Cricketer* that provided it.

### 6.4 Standards for *Sample* Analysis and Reporting

**6.4.1** Laboratories shall analyse *Samples* and report results to the *National Cricket Federation* in conformity with the *World Anti-Doping Code* and the *International Standard* for Laboratories.

**6.4.2** The *National Cricket Federation* shall pay the costs of collection and analysis of *Samples* under the *Rules*.

**6.4.3** Any *Adverse Analytical Findings* reported by the laboratory shall be dealt with as set out in Article 7.2. Any *Atypical Findings* reported by the laboratory shall be dealt with as set out in Article 7.3.

### 6.5 Further Analysis of *Samples*

**6.5.1** Any *Sample* may be subject to further analysis at any time before both the A and the B *Sample* analytical results (or A *Sample* result where the B *Sample* analysis has been waived or will not be performed) have been communicated by the *National Cricket Federation* or *NADO* (as may be applicable) to the *Cricketer* as the asserted basis for an Article 2.1 anti-doping rule violation.

**6.5.2** *Samples* collected pursuant to the *Rules* may be stored and subjected to further analyses for the purposes described in Article 6.2 at any time exclusively at the direction of the *National Cricket Federation* or *WADA*. (Any *Sample* storage or further analyses initiated by *WADA* shall be at *WADA's* expense.) Further analysis of *Samples* shall conform with the requirements of the *International Standard* for Laboratories and the *International Standard* for Testing and Investigations.

## ARTICLE 7 RESULTS MANAGEMENT

### 7.1 Responsibility for Results Management

**7.1.1** Results management and the investigation of potential anti-doping rule violations shall proceed pursuant to the *Rules* where the conduct in question:

**7.1.1.1** was identified by *Testing* conducted pursuant to the *Rules* or otherwise arose in relation to the *Rules*; or

**7.1.1.2** was identified by *Testing* conducted pursuant to other applicable *Rules* (e.g. the *ICC Code*) or otherwise arose in relation to those other *Rules*, and the *Anti-Doping Organisation* that issued such *Rules* requests or it is otherwise appropriate in all of the circumstances for the *National Cricket Federation* to take jurisdiction over the matter.

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

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

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

**7.2.1.1** the *Adverse Analytical Finding* is consistent with an applicable *TUE* that has been granted or may be granted as provided in the *International Standard* for TUEs; and/or

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

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

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

**7.2.3.1** that the *Cricketer* (specifying his/her name, country and competitive level) has a case to answer under Article 2;

**7.2.3.2** details of the anti-doping rule violation(s) that the *Cricketer* is alleged to have committed, including details of the *Adverse Analytical Finding* (including whether it related to an *In-Competition* or *Out-of-Competition Test* and the date of *Sample Collection*) and a copy of the laboratory documentation package supporting such *Adverse Analytical Finding;*

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

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

(b) The *Notice of Charge* may specify that the analysis of the B *Sample* will go ahead in any event, or it may require the *Cricketer* to advise the *National Cricket Federation* by a specified deadline if he/she wants the B *Sample* analysis to go ahead. In the latter case, the *Notice of Charge* shall warn the *Cricketer* that, failing such request, the *Cricketer* will be deemed to have waived his/her right to analysis of the B *Sample* analysis, and to have accepted the accuracy of the *Adverse Analytical Finding* in respect of the A *Sample.*

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

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

**7.2.3.5** (where applicable) the matters relating to *Provisional Suspension* specified at Article 7.7; and

**7.2.3.6** the matters specified at Article 7.8.

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

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

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

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

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

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

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

**7.3.4** If the initial review of an *Atypical Finding* under Article 7.3.2 does not reveal that the *Atypical Finding* is consistent with an applicable *TUE* or a departure from the *International Standard* for Testing and Investigations or the *International Standard* for Laboratories that caused the *Atypical Finding*, the *National Cricket Federation* shall conduct any follow-up investigation that may be required by the *International Standards.* If, once that investigation is completed, the *Review Board* concludes that the *Atypical Finding* should be considered an *Adverse Analytical Finding*, the *National Cricket Federation* shall pursue the matter in accordance with Article 7.2.3. If not, it shall so inform the *Cricketer, WADA*, the *ICC* and the *Cricketer's National Anti-Doping Organisation* and (subject to the rights of appeal set out at Article 13) the matter shall not proceed any further.

**7.3.5** Pending the outcome of the investigation, the *National Cricket Federation* will keep the *Atypical Finding* confidential, unless one of the following circumstances exists:

**7.3.5.1** If the *National Cricket Federation* determines the B *Sample* should be analysed prior to the conclusion of its follow-up investigation, it may conduct the B *Sample* analysis after notifying the *Cricketer*, with such notice to include a description of the *Atypical Finding* and the information described in Article 7.2.3.3.

**7.3.5.2** If the *National Cricket Federation* receives a request from the *ICC*, the *National Cricket Federation* shall so identify any such *Cricketer* after first providing notice of the *Atypical Finding* to the *Cricketer.*

## 7.4 Results Management for Whereabouts Violations

**7.4.1** The *National Cricket Federation* shall have results management authority in relation to potential *Whereabouts Failures* by any *Cricketer* who files his/her whereabouts information with the *National Cricket Federation.*

**7.4.2** If a *Whereabouts Failure* by a *Cricketer* who is subject to the *National Cricket Federation's* results management authority is uncovered through an attempt to test the *Cricketer* by or on behalf of another *Anti-Doping Organisation* other than the *National Cricket Federation,* then the *National Cricket Federation* shall procure the requisite information and assistance from that other *Anti-Doping Organisation* pursuant to Article I.5.2 of the *International Standard* for Testing and Investigations, so that the *National Cricket Federation* may conduct its results management in respect of that *Whereabouts Failure* in accordance with Article 7.4.3. Upon request, the *Cricketer* shall assist the *National Cricket Federation* in obtaining such information and assistance.

**7.4.3** Results management in relation to potential *Whereabouts Failures* shall be conducted by the *National Cricket Federation* in accordance with Article I.5.2 of the *International Standard* for Testing and Investigations (with the administrative review, if any, carried out by the *Review Board*) in order to determine whether all of the requirements of Article I.3.6 of the *International Standard* for Testing and Investigations (in the case of a *Filing Failure*) or all of the requirements of Article I.4.3 of the *International Standard* for Testing and Investigations (in the case of a *Missed Test*) are met.

**7.4.4** Where a *Cricketer* who is subject to the *National Cricket Federation's* results

management authority in accordance with Article 7.4.1 is declared to have three *Whereabouts Failures* (i.e. any combination of *Filing Failures* and/or *Missed Tests* adding up to three) in any twelve-month period, then the matter shall be referred to the *Review Board* to determine, in accordance with Article I.5.4 of the *International Standard* for Testing and Investigations, whether the *Cricketer* has a case to answer under Article 2.4.

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

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

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

**7.4.5.3** (where applicable) the matters relating to *Provisional Suspension* specified at Article 7.7; and

**7.5.5.4** the matters specified at Article 7.8.

## 7.5 Investigations

**7.5.1** The *National Cricket Federation* or *NADO* may gather anti-doping intelligence and conduct investigations in accordance with the *World Anti-Doping Code* and the *International Standard* for Testing and Investigations into the activities of any *Cricketer* or *Cricketer Support Person* that the *National Cricket Federation* or *NADO* believes may have committed an anti-doping rule violation. Such intelligence gathering and investigations may be conducted in conjunction with, and/or information or intelligence obtained in such investigations may be shared with, other *Signatories* and/or other relevant authorities. The *National Cricket Federation/NADO* shall have discretion, where it deems appropriate, to stay its own investigation pending the outcome of investigations being conducted by other *Signatories* and/or other relevant authorities.

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

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

**7.5.3.1** The *Anti-Doping Manager* may make a written demand to a *Cricketer* or *Cricketer Support Person* (a *"**Demand**"*) to furnish to the *Anti-Doping Manager* any information regarding any suspected anti-doping rule violation, including, without limitation, a written statement setting forth the *Cricketer* or *Cricketer Support Person's* knowledge of facts and circumstances with respect to the suspected anti-doping rule violation. The *Cricketer* or *Cricketer Support Person* shall furnish such information within seven business days of the making of such *Demand*, or within such other time as may be set by the *Anti-*

*Doping Manager*. Any information furnished to the *Anti-Doping Manager* shall be kept confidential except when it becomes necessary to disclose such information in furtherance of the prosecution of an anti-doping rule violation, or when such information is reported to administrative, professional, or judicial authorities pursuant to an investigation or prosecution of non-sporting laws or regulations.

**7.5.3.2** Each *Cricketer* or *Cricketer Support Person* waives and forfeits any rights, defences and privileges provided by any law in any jurisdiction to withhold information requested by the *Anti-Doping Manager* in a *Demand*. If a *Cricketer* or *Cricketer Support Person* fails to produce such information, then, provided that the *Review Board* agrees with the *Anti-Doping Manager* that there is a good faith basis for the *Demand*, his/her eligibility to participate (or, in the case of a *Cricketer Support Person*) to assist in a *Cricketer's* participation) in *Matches* may be withdrawn, and he/she may be denied accreditation and access to *Matches*, pending compliance with the *Demand*.

**7.5.4** If a *Cricketer* or *Cricketer Support Person* subverts or *Attempts* to subvert the investigation procedure (e.g. by providing false, misleading or incomplete information, by failing to report a knowledge or suspicion pursuant to Article 7.5.2 and/or by destroying potential evidence) proceedings may be brought for a violation of Article 2.5 (*Tampering* or *Attempted Tampering*).

**7.5.5** Where, as the result of an investigation under this Article 7.5, the *National Cricket Federation* forms the view that an anti-doping rule violation may have been committed, the *National Cricket Federation* shall refer the matter to the *Review Board,* to determine whether there is a case to answer.

**7.5.6** If the *Review Board* determines that the *Cricketer* or *Cricketer Support Person* has a case to answer under Article 2, the *Anti-Doping Manager* shall promptly send the *Cricketer* or *Cricketer Support Person* a written *Notice of Charge* (copied to *WADA,* the *ICC* and his/her *National Anti-Doping Organisation* who shall all be kept up to date on the status of the case), amended as appropriate to confirm the following:

**7.5.6.1** that the *Cricketer* or *Cricketer Support Person* has a case to answer under Article 2 (specifying which particular anti-doping rule violation is alleged to have been committed);

**7.5.6.2** details of the facts upon which the case to answer is based, including copies of any relevant documentation;

**7.5.6.3** (where applicable) the matters relating to *Provisional Suspension* specified at Article 7.7; and

**7.5.6.4** the matters specified at Article 7.8.

### 7.6 Identification of Prior Anti-Doping Rule Violations

Before giving a *Cricketer* or other *Person* notice of an asserted anti-doping rule violation as provided above, the *National Cricket Federation* shall refer to *WADA Database* or other system approved by *WADA* and contact *WADA* and other relevant *Anti-Doping Organisations,* including the *ICC,* to determine whether the *Cricketer* or other *Person* has any prior anti-doping rule violations.

### 7.7 *Provisional Suspension*

**7.7.1** If analysis of a *Cricketer's Sample* results in an *Adverse Analytical Finding* for

a *Prohibited Substance* or *Prohibited Method* that is not a *Specified Substance*, and a review in accordance with Article 7.2.1 does not reveal an applicable *TUE* or departure from the *International Standard* for Testing and Investigat*ions* or the *International Standard* for Laboratories that caused the *Adverse Analytical Finding*, then the *National Cricket Federation* shall *Provisionally Suspend* the *Cricketer* pending the *Anti-Doping Tribunal's* determination of whether he/she has committed an anti-doping rule violation.

**7.7.2** In any case not covered by Article 7.7.1 (for example, if the analysis of an A *Sample* has resulted in an *Adverse Analytical Finding* for a *Prohibited Substance* that is a *Specified Substance* or a *Contaminated Product*), where the *National Cricket Federation* decides to take the matter forward as an apparent anti-doping rule violation in accordance with the provisions of this Article 7, the *National Cricket Federation* may *Provisionally Suspend* the *Cricketer* or other *Person* pending the *Anti-Doping Tribunal's* determination of whether he/she has committed an anti-doping rule violation. In circumstances where the *National Cricket Federation* decides not to impose a *Provisional Suspension,* the *Cricketer* shall be offered the opportunity to accept a voluntary *Provisional Suspension* pending the resolution of the matter. If the *Cricketer* wishes to accept the offer, the *Cricketer* must communicate such acceptance in writing to the *National Cricket Federation*.

**7.7.3** Where a *Provisional Suspension* is imposed, whether pursuant to Article 7.7.1 or Article 7.7.2, the *Cricketer* or other *Person* shall be given either: (a) an opportunity for a *Provisional Hearing* before imposition of the *Provisional Suspension* or on a timely basis after imposition of the *Provisional Suspension*; or (b) an opportunity for an expedited hearing in accordance with Article 8 on a timely basis after imposition of a *Provisional Suspension.* Where the *Cricketer* or other *Person* is given an opportunity to challenge the imposition of a *Provisional Suspension* at a *Provisional Hearing,* the only grounds of challenge (which it shall be his/her burden to establish) shall be the following:

**7.7.3.1** the charge(s) has/have no reasonable prospect of being upheld, e.g., because of a patent flaw in the case against him/her; or

**7.7.3.2** the *Cricketer* or other *Person* has a strong arguable case that he/she bears *No Fault or Negligence* for the anti-doping rule violation(s) charged, so that any period of *Ineligibility* that might otherwise be imposed for such a violation is likely to be completely eliminated by application of Article 10.4;

**7.7.3.3** the *Cricketer* is able to demonstrate to the *Provisional Hearing* that the anti-doping rule violation is likely to have involved a *Contaminated Product*; or

**7.7.3.4** some other facts exist that make it clearly unfair, in all of the circumstances, to impose a *Provisional Suspension* prior to a full hearing on the merits of the charge(s) against the *Cricketer* or other *Person*. This ground is to be construed narrowly, and applied only in truly exceptional circumstances. For example, the fact that the *Provisional Suspension* would prevent the *Cricketer* participating in a particular *Match* shall not qualify as exceptional circumstances for these purposes.

**7.7.4** If a *Provisional Suspension* is imposed based on an *Adverse Analytical Finding* in respect of an A *Sample*, and any subsequent analysis of the B *Sample* analysis does not confirm the A *Sample* analysis, then the *Cricketer* shall not be subject to any further *Provisional Suspension* on account of a violation of Article 2.1 (presence of a *Prohibited Substance* or its *Metabolites*

or *Markers).*

**7.7.5** During the period of any *Provisional Suspension,* a *Cricketer* or other *Person* may not play, coach or otherwise participate or be involved in any capacity in any *Match* or any other function, event or activity that is authorised, organised, sanctioned, recognised or supported in any way by the *National Cricket Federation* or by any body that is a member of, or affiliated to, or licensed by the *National Cricket Federation*. Without prejudice to the generality of the foregoing, the *Cricketer* or other *Person* may not be given accreditation for, or otherwise granted access to, any *Match* or any other function, event or activity to which access is controlled by the *National Cricket Federation* or by any body that is a member of, or affiliated to, or licensed by the *National Cricket Federation*, and any accreditation previously issued shall be withdrawn.

## 7.8 Responding to the *Notice of Charge*

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

**7.8.2** If the *Cricketer* or *Cricketer Support Person* fails to file a written request for a hearing before the *Anti-Doping Tribunal* in accordance with Article 7.8.1 by the deadline specified in that Article, then the *Cricketer* or *Cricketer Support Person* shall be deemed:

**7.8.2.1** to have waived his/her entitlement to a hearing;

**7.8.2.2** to have admitted that he/she has committed the anti-doping rule violation(s) specified in the *Notice of Charge*; and

**7.8.2.3** to have acceded to the *Consequences* specified in the *Notice of Charge*.

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

**7.8.3** Where the *Cricketer* or *Cricketer Support Person* does request a hearing in accordance with Article 7.8.1, the matter shall proceed to a hearing in accordance with Article 8.

## 7.9 Notification of Results Management Decisions

In all cases where the *National Cricket Federation* has asserted the commission of an anti-doping rule violation, withdrawn the assertion of an anti-doping rule violation, imposed a *Provisional Suspension*, or agreed with a *Cricketer* or other *Person* to the imposition of a sanction without a hearing, the *National Cricket Federation* shall give notice thereof as set forth in Article 14.2.1 of the *World Anti-Doping Code* to other *Anti-Doping Organisations* with a right to appeal under Article 13.2.1 of the *World Anti-Doping Code.*

### 7.10 Retirement from Sport

If a *Cricketer* or *Cricketer Support Person* retires while a results management process is underway, the *National Cricket Federation* retains jurisdiction to complete the results management process. If a *Cricketer* or *Cricketer Support Person* retires before any results management process has started, the *National Cricket Federation*, if it has results management jurisdiction over that *Cricketer* or *Cricketer Support Person,* has authority to conduct the results management process notwithstanding the retirement.

## ARTICLE 8 RIGHT TO A FAIR HEARING

### 8.1 Hearings under the *Rules*

**8.1.1** The *National Cricket Federation* shall appoint a standing panel consisting of a President (who shall be a lawyer) and other persons with experience and expertise in anti-doping (the ***"Anti-Doping Panel"***). Each panel member shall be independent of the *National Cricket Federation*.

**8.1.2** Where the *National Cricket Federation* alleges that a *Cricketer* or *Cricketer Support Person* has committed an anti-doping rule violation, and the *Cricketer* or *Cricketer Support Person* denies the allegation, and/or disputes the *Consequences* to be imposed for such violation under the *Rules*, then the case shall be referred to an *Anti-Doping Tribunal* for adjudication.

**8.1.3** In conjunction with the Anti-Doping Manager, the President of the *Anti-Doping Panel* shall appoint three members from the panel (which may include the President) to sit as the *Anti-Doping Tribunal* to hear each case. At least one appointed member of the *Anti-Doping Tribunal* shall be a lawyer, and shall sit as the Chairman of the *Anti-Doping Tribunal*.

**8.1.4** The Chairman of the *Anti-Doping Tribunal* shall convene a preliminary hearing with the *National Cricket Federation* and its legal representatives, and with the *Cricketer* or *Cricketer Support Person* and his/her legal representatives (if any). The preliminary hearing should take place as soon as possible by telephone conference call unless the Chairman determines otherwise. The non-participation of the *Cricketer* or *Cricketer Support Person* or his/her representatives at the preliminary hearing, after proper notice of the preliminary hearing has been provided, shall not prevent the Chairman of the *Anti-Doping Tribunal* from proceeding with the preliminary hearing, whether or not any written submissions are made on behalf of the *Cricketer* or *Cricketer Support Person*.

**8.1.5** The purpose of the preliminary hearing shall be to allow the Chairman to address any preliminary issues. In particular (but without limitation), the Chairman shall:

**8.1.5.1** determine the date(s) upon which the full hearing shall be held;

**8.1.5.2** establish dates reasonably in advance of the date of the full hearing at which:

(a) the *National Cricket Federation* shall submit an opening brief with argument on all issues that the *National Cricket Federation* wishes to raise at the hearing and a list of the witnesses that the *National Cricket Federation* intends to call at the hearing (and a summary of the subject areas of the witness's anticipated testimony), and enclosing copies of the

documents that the *National Cricket Federation* intends to introduce at the hearing;

(b) the *Cricketer* or *Cricketer Support Person* shall submit an answering brief, addressing the *National Cricket Federation*'s arguments and setting out arguments on the issues that he/she wishes to raise at the hearing, as well as a list of the witnesses that he/she intends to call at the hearing (and a summary of the subject areas of the witness's anticipated testimony), and enclosing copies of the documents that he/she intends to introduce at the hearing; and

(c) the *National Cricket Federation* may (at its discretion) submit a reply brief, responding to the answer brief of the *Cricketer* or *Cricketer Support Person* and listing any rebuttal witnesses or documents; and

**8.1.5.3** make such order as the Chairman shall deem appropriate in relation to the production of relevant documents and/or other materials between the parties; provided that (save for good cause shown) no documents and/or other materials shall be ordered to be produced in relation to any *Adverse Analytical Finding* beyond the documents that the *International Standard* for Laboratories requires to be included in the laboratory documentation pack.

**8.1.6** The *Cricketer* or *Cricketer Support Person* shall be required to raise at the preliminary hearing any legitimate objection that he/she may have to any of the members of the *Anti-Doping Tribunal* convened to hear his/her case. Any unjustified delay in raising any such objection shall constitute a waiver of the objection. If any objection is made, the Chairman of the *Anti-Doping Tribunal* shall rule on its legitimacy (or, if the objection relates to the Chairman, the President of the *Anti-Doping Panel* shall rule).

**8.1.7** If, because of a legitimate objection or for any other reason, a member of the *Anti-Doping Tribunal* is, or becomes, unwilling or unable to hear the case, then the Chairman of the *Anti-Doping Tribunal* may, at his/her absolute discretion:

**8.1.7.1** rule that a replacement member of the *Anti-Doping Tribunal* should be appointed (in which case the President of the *Anti-Doping Panel* shall appoint the replacement); or

**8.1.7.2** authorise the remaining members to hear the case on their own.

**8.1.8** Subject to the discretion of the Chairman of the *Anti-Doping Tribunal* to order otherwise for good cause shown by either party, or if otherwise agreed between the parties, hearings before the *Anti-Doping Tribunal* shall: (a) take place at a venue specified by the *National Cricket Federation*; and (b) be conducted on a confidential basis.

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

**8.1.10** Subject to Article 3.2.5, the *Cricketer* or *Cricketer Support Person* may choose not to appear in person at the hearing, but rather to provide a written submission for consideration by the *Anti-Doping Tribunal*, in which case the *Anti-Doping Tribunal* shall consider the submission in its deliberations.

However, the non-attendance of the *Cricketer* or *Cricketer Support Person* or his/her representative at the hearing, after proper notice of the hearing has been provided, shall not prevent the *Anti-Doping Tribunal* from proceeding with the hearing in his/her absence, whether or not any written submissions are made on his/her behalf.

**8.1.11** The procedure followed at the hearing shall be at the discretion of the Chairman of the *Anti-Doping Tribunal*, provided that the hearing is conducted in a fair manner with a reasonable opportunity for each party to present evidence (including the right to call and to question witnesses by telephone or video-conference where necessary), address the *Anti-Doping Tribunal* and present his/her case.

**8.1.12** Save where the Chairman orders otherwise for good cause shown by either party, the hearing shall be in English, and certified English translations shall be submitted of any non-English documents put before the *Anti-Doping Tribunal*. The cost of the translation shall be borne by the party offering the document(s).

**8.1.13** If required by the Chairman, the *National Cricket Federation* shall make arrangements to have the hearing recorded or transcribed (save for the private deliberations of the *Anti-Doping Tribunal*). If the *Cricketer* or *Cricketer Support Person* needs an interpreter, the *National Cricket Federation* shall also arrange for an interpreter to attend the hearing. Such costs of transcription and interpretation shall be paid by the *National Cricket Federation*, subject to any costs-shifting order that the *Anti-Doping Tribunal* may make further to Article 8.2.4.

**8.1.14** Each of the *ICC*, the *NADO* and *WADA* shall have the right to be kept apprised by *National Cricket Federation* of the status of the proceedings before the *Anti-Doping Tribunal*, as well as the right to attend hearings of the *Anti-Doping Tribunal* as an observer.

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

**8.2.1** The *Anti-Doping Tribunal* shall announce its decision in writing, with reasons, as soon as possible after the conclusion of the hearing. That written decision will be sent without delay to the parties, *WADA*, the *ICC* and any other party that has a right, further to Article 13, to appeal the decision. The decision shall set out and explain:

**8.2.1.1** with reasons, the *Anti-Doping Tribunal's* findings as to whether any anti-doping rule violation(s) has/have been committed;

**8.2.1.2** with reasons, the *Anti-Doping Tribunal's* findings as to what *Consequences*, if any, are to be imposed including, if applicable, findings as to why the maximum potential sanction was not imposed;

**8.2.1.3** with reasons, the date that such *Consequences* shall come into force and effect pursuant to Article 10.10; and

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

**8.2.2** Where possible, the *Anti-Doping Tribunal* shall have discretion to announce the substance of its decision to the parties prior to the issue of the written reasoned decision referred to in Article 8.2.1, in cases where a *Provisional Suspension* has been imposed or where it otherwise deems appropriate. For the avoidance of doubt, however: (a) the *Anti-Doping Tribunal* shall still be required to issue a written, reasoned decision in accordance with Article

8.2.1; and (b) the time to appeal pursuant to Article 13 shall not run until receipt of that written, reasoned decision.

**8.2.3** The *National Cricket Federation* shall pay the costs of convening the *Anti-Doping Tribunal* and of staging the hearing, subject to any costs-shifting order that the *Anti-Doping Tribunal* may make further to Article 8.2.4.

**8.2.4** The *Anti-Doping Tribunal* has the power to make a costs order against any party. Subject thereto, each party shall bear its own costs, legal, expert, hearing, and otherwise. No recovery of costs may be considered a basis for reducing the period of *Ineligibility* or other sanction that would otherwise be applicable.

**8.2.5** Subject only to the rights of appeal under Article 13, the *Anti-Doping Tribunal's* decision shall be the full, final and complete disposition of the case and will be binding on all parties.

**8.2.6** If the decision is that an anti-doping rule violation has been committed, then: (a) the decision shall be *Publicly Reported* in full as soon as possible, and in any event within no more than twenty (20) days of its issue in accordance with Article 14.1; and (b) after the decision is *Publicly Reported*, the *National Cricket Federation* may also publish such other parts of the proceedings before the *Anti-Doping Tribunal* as the *National Cricket Federation* thinks fit.

**8.2.7** If the *Cricketer* or *Cricketer Support Person* is exonerated, then the decision shall not be published (save as set out in Article 14.2) and its confidentiality shall be strictly maintained by all parties.

### 8.3 Single Hearings before CAS

Anti-doping rule violations asserted under these *Rules* may, with the consent of the *Cricketer,* the *National Cricket Federation,* the *ICC, WADA* and any other body that would have a right to appeal a first instance decision to *CAS,* be heard directly at *CAS,* with no prior hearing before the *Anti-Doping Tribunal.*

### 8.4 Agreed Sanctions

Notwithstanding any of the other provisions of these *Rules,* it shall be open to a *Cricketer* or *Cricketer Support Person* charged with any anti-doping rule violation(s) to admit the violation(s) charged at any time, whether or not as part of an agreement with the *National Cricket Federation* on the sanction to be imposed for his/her violation(s), based on the range of sanctions set out in Article 10 for the violation(s) in question (including, in particular, Article 10.6.3). Any such discussions between the *National Cricket Federation* and the *Cricketer* or *Cricketer Support Person* on this point shall take place on a "without prejudice" basis and in such a manner that they shall not delay or in any way interfere with the proceedings. Any resulting agreement shall be evidenced in writing, signed by both the *Malawi Cricket Union's President* and the *Cricketer* or *Cricketer Support Person,* shall set out the sanction imposed on the *Cricketer* or *Cricketer Support Person* for his/her anti-doping rule violation(s), and shall include a waiver by the *Cricketer* or *Cricketer Support Person* of his/her right of appeal against the decision and the sanction (the "**Agreed Sanction**"). The *Agreed Sanction* will provide for the discontinuance of the proceedings on the terms thereof without the need for any further hearing. Instead, the *National Cricket Federation* shall promptly issue a public decision confirming the *Cricketer's* or *Cricketer Support Person's* admission of the anti-doping rule violation(s) charged and the imposition of the *Agreed Sanction*, including an explanation (if applicable) of any mitigating factors applied. Before publishing that decision, the *National Cricket Federation's Chief Executive Officer* will provide notice of it to the *ICC, WADA,* and the relevant *NADO*.

## ARTICLE 9 AUTOMATIC *DISQUALIFICATION* OF INDIVIDUAL RESULTS

An anti-doping rule violation in connection with or arising out of an *In-Competition* test automatically leads to *Disqualification* of the individual results obtained by the *Cricketer's* individual performance in the *Match* in question, with the following consequences: (a) forfeiture of any individual medals or other prizes awarded; and (b) forfeiture of any official ranking points achieved.

## ARTICLE 10 SANCTIONS ON INDIVIDUALS

**10.1** Deliberately left blank

### 10.2 Imposition of a Period of *Ineligibility* for the Presence, *Use* or *Attempted Use*, or *Possession* of a *Prohibited Substance* or *Prohibited Method*

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

**10.2.1** The period of *Ineligibility* shall be four years where:

**(a)** the anti-doping rule violation does not involve a *Specified Substance*, unless the *Cricketer* or other *Person* can establish that the anti-doping rule violation was not intentional;

**(b)** the anti-doping rule violation involves a *Specified Substance* and the *National Cricket Federation* establishes that the anti-doping rule violation was intentional;

**10.2.2** If Article 10.2.1 does not apply, the period of *Ineligibility* shall be two years.

**10.2.3** As used in Articles 10.2 and 10.3, the term "intentional" is meant to identify those *Cricketers* or other *Persons* who cheat. The term, therefore, requires that the *Cricketer* or other *Person* engaged in conduct which he or she knew constituted an anti-doping rule violation or knew that there was a significant risk that the conduct might constitute or result in an anti-doping rule violation and manifestly disregarded that risk. An anti-doping rule violation resulting from an *Adverse Analytical Finding* for a substance that is prohibited *In-Competition* only shall be rebuttably presumed to be not "intentional" if the substance is a *Specified Substance* and the *Cricketer* can establish that the *Prohibited Substance* was used *Out-of-Competition*. An anti-doping rule violation resulting from an *Adverse Analytical Finding* for a substance which is only prohibited *In-Competition* shall not be considered "intentional" if the substance is not a *Specified Substance* and the *Cricketer* can establish that the *Prohibited Substance* was *Used Out-of-Competition* in a context unrelated to sport performance.

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

The period of *Ineligibility* imposed for anti-doping rule violations other than under Article 10.2 shall be as follows, subject to the potential reduction or suspension pursuant to Articles 10.4, 10.5 or 10.6:

**10.3.1** For a violation of Article 2.3 (evading *Sample* collection or refusing or failing to submit to *Sample* collection) or Article 2.5 (*Tampering* or *Attempted Tampering* with *Doping Control*) that is the *Cricketer* or *Cricketer Support*

*Person's* first offence, the period of *Ineligibility* imposed shall be four years, unless in the case of failing to submit to *Sample* collection, the *Cricketer* can establish that the commission of the anti-doping rule violation was not intentional (as defined in Article 10.2.3), in which case the period of *Ineligibility* shall be two years.

**10.3.2** For a violation of Article 2.4 (*Whereabouts Failures*) that is the *Cricketer's* first offence, the period of *Ineligibility* imposed shall be two years subject to reduction down to a minimum of one (1) year depending on the *Cricketer*'s degree of *Fault*. The flexibility between two years and one year of *Ineligibility* in this Article is not available to *Cricketers* where a pattern of last-minute whereabouts changes or other conduct raises a serious suspicion that the *Cricketer* was trying to avoid being available for *Testing.*

**10.3.3** For a violation of Article 2.7 (*Trafficking* or *Attempted Trafficking*) or Article 2.8 (*Administration* or *Attempted Administration* of *Prohibited Substance* or *Prohibited Method*) that is the *Cricketer* or *Cricketer Support Person's* first offence, the period of *Ineligibility* imposed shall be a minimum of four years up to lifetime *Ineligibility* depending upon the seriousness of the violation. Provided that:

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

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

**10.3.4** For a violation of Article 2.9 (Complicity) that is the *Cricketer's* first offence, the period of *Ineligibility* imposed shall be a minimum of two years, up to a maximum of four years, depending on the seriousness of the violation.

**10.3.5** For a violation of Article 2.10 (Prohibited Association) that is the *Cricketer's* first offence, the period of *Ineligibility* imposed shall be two years, subject to reduction down to a minimum of one year depending on the *Cricketer* or other *Person's* degree of *Fault* and other circumstances of the case.

### 10.4 Elimination of the Period of *Ineligibility* where there is *No Fault or Negligence*

If a *Cricketer* or other *Person* establishes in an individual case that he/she bears *No Fault or Negligence* in respect of the anti-doping rule violation in question, then the otherwise applicable period of *Ineligibility* shall be eliminated.

### 10.5 Reduction of the Period of *Ineligibility* based on *No Significant Fault or Negligence*

**10.5.1** Reduction of the Period of *Ineligibility* for *Specified Substances* or *Contaminated Products* for violations of Articles 2.1, 2.2 or 2.6.

**10.5.1.1** *Specified Substances*

Where the anti-doping rule violation involves a *Specified Substance,* and the *Cricketer* or other *Person* can establish *No Significant Fault or Negligence,* then the period of *Ineligibility* shall be, at a minimum, a reprimand and no period of *Ineligibility* and, at a maximum, two years of *Ineligibility,* depending on the *Cricketer* or other *Person's* degree of *Fault.*

**10.5.1.2** *Contaminated Products*

In cases where the *Cricketer* or other *Person* can establish *No Significant Fault or Negligence* and that the detected *Prohibited Substance* came from a *Contaminated Product,* then the period of *Ineligibility* shall be, at a minimum, a reprimand and no period of *Ineligibility* and, at a maximum, two years of *Ineligibility,* depending on the *Cricketer* or other *Person's* degree of *Fault.*

**10.5.2** If a *Cricketer* or other *Person* establishes in an individual case where Article 10.5.1 is not applicable, that he/she bears *No Significant Fault or Negligence* in respect of the anti-doping rule violation in question, then, subject to the further reduction or elimination as provided in Article 10.6, the otherwise applicable period of *Ineligibility* may be reduced based on the *Cricketer* or other *Person's* degree of *Fault*, but the reduced period of *Ineligibility* may not be less than one-half of the period of *Ineligibility* otherwise applicable. If the otherwise applicable period of *Ineligibility* is a lifetime, the reduced period under this section may be no less than eight years.

**10.6 Elimination, Reduction or Suspension of the Period of *Ineligibility* or other *Consequences* for Reasons other than *Fault***

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

**10.6.1.1** The *National Cricket Federation* may, prior to a final appellate decision under Article 13 or the expiration of the time to appeal, suspend a part of a period of *Ineligibility* where the *Cricketer* or other *Person* has provided *Substantial Assistance* to the *National Cricket Federation* or other *Anti-Doping Organisation*, a criminal authority or a professional disciplinary body that results in: (i) the *National Cricket Federation* or other *Anti-Doping Organisation* discovering or bringing forward an anti-doping rule violation by another *Person;* or (ii) that results in a criminal or disciplinary body discovering or bringing forward a criminal offence or the breach of professional rules committed by another *Person* and the information provided by the *Person* providing *Substantial Assistance* is made available to the *Anti-Doping Organisation* with results management responsibility. After a final appellate decision under Article 13 or the expiration of the time to appeal, the *National Cricket Federation* may only suspend a part of the otherwise applicable period of *Ineligibility* with the approval of the *ICC* and *WADA*.

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

**10.6.1.3** No more than three-quarters of the otherwise applicable period of *Ineligibility* may be suspended under this Article 10.6.1. If the otherwise applicable period of *Ineligibility* is a lifetime, the non-suspended period under this Article must be no less than 8 years.

**10.6.1.4** If the *Cricketer* or other *Person* fails to continue to cooperate and to provide the complete and credible *Substantial Assistance* upon which a suspension of the period of *Ineligibility* was based, the *National Cricket Federation* or *Anti-Doping Tribunal* shall reinstate

the original period of *Ineligibility.* A decision by the *National Cricket Federation* or *Anti-Doping Tribunal* to reinstate a suspended period of *Ineligibility* or a decision not to reinstate a suspended period of *Ineligibility* may be appealed pursuant to Article 13.2.

**10.6.1.5** To further encourage *Cricketers* and other *Persons* to provide *Substantial Assistance* to *Anti-Doping Organisations,* at the request of the *National Cricket Federation* or at the request of the *Cricketer* or other *Person* who has, or has been asserted to have, committed an anti-doping rule violation, *WADA* may agree at any stage of the results management process, including after a final appellate decision under Article 13, to what it considers to be an appropriate suspension of the otherwise applicable period of *Ineligibility* and other *Consequences.* In exceptional circumstances, *WADA* may agree to suspensions of the period of *Ineligibility* and other *Consequences* for *Substantial Assistance* greater than those otherwise provided in this Article, or even no period of *Ineligibility,* and/or no return of prize money or payment of fines or costs. *WADA's* approval shall be subject to reinstatement of sanction, as otherwise provided in this Article. Notwithstanding Article 13, *WADA's* decisions in the context of this Article may not be appealed by any other *Anti-Doping Organisation.*

**10.6.1.6** If the *National Cricket Federation* suspends any part of an otherwise applicable sanction because of *Substantial Assistance,* then notice providing justification for the decision shall be provided to the other *Anti-Doping Organisations* with a right to appeal under Article 13.2.1. In unique circumstances where *WADA* determines that it would be in the best interests of anti-doping, *WADA* may authorise the *National Cricket Federation* to enter into appropriate confidentiality agreements limiting or delaying the disclosure of the *Substantial Assistance* agreement or the nature of *Substantial Assistance* being provided.

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

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

**10.6.3** Prompt Admission of an Anti-Doping Rule Violation after being Confronted with a Violation Sanctionable under Article 10.2.1 or 10.3.1.

A *Cricketer* or other *Person* potentially subject to a four year sanction under Article 10.2.1 or 10.3.1 (for evading or refusing *Sample Collection*, or *Tampering* with *Sample Collection*), by promptly admitting the asserted anti-doping rule violation after being confronted by the *National Cricket Federation*, and also upon the approval and at the discretion of both *WADA* and the *ICC*, may receive a reduction in the period of *Ineligibility* down to a minimum of two years, depending on the seriousness of the violation and the *Cricketer* or *Cricketer Support Person's* degree of *Fault.*

**10.6.4** Application of Multiple Grounds for Reduction of a Sanction

Where a *Cricketer* or other *Person* establishes entitlement to a reduction of suspension in sanction under more than one provision of Article 10.4, 10.5 or 10.6, before applying any reduction or suspension under Article 10.6, the otherwise applicable period of *Ineligibility* shall be determined in accordance with Articles 10.2, 10.3, 10.4 and 10.5. If the *Cricketer* or other *Person* establishes entitlement to a reduction or suspension of the period of *Ineligibility* under Article 10.6, then the period of *Ineligibility* may be reduced or suspended, but not below one-quarter of the otherwise applicable period of *Ineligibility*.

**10.7 Multiple Violations**

**10.7.1** Second Anti-Doping Rule Violation

For a second anti-doping rule violation, the period of Ineligibility shall be the greater of:

(a) Six months;

(b) One-half of the period of *Ineligibility* imposed for the first anti-doping rule violation without taking into account any reduction under Article 10.6; or

(c) Twice the period of *Ineligibility* otherwise applicable to the second anti-doping rule violation, without taking into account any reduction under Article 10.6

The period of *Ineligibility* established above may then be further reduced by the application of Article 10.6.

**10.7.2** Third Anti-Doping Rule Violation

A third anti-doping rule violation will always result in a lifetime period of *Ineligibility*, unless the third violation fulfils the conditions for elimination or reduction of the period of *Ineligibility* under Article 10.4 or 10.5 or involves a violation of Article 2.4 (*Whereabouts Failures*), in which case the period of *Ineligibility* imposed shall be from eight years to lifetime *Ineligibility*.

**10.7.3** An anti-doping rule violation for which a *Cricketer* or other *Person* has established *No Fault or Negligence* shall not be considered a prior violation for the purposes of this Article.

**10.7.4** Additional Rules for Certain Potential Multiple Violations

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

**10.7.4.2** If, after the imposition of a sanction for a first anti-doping rule violation, the *National Cricket Federation* discovers facts involving a second anti-doping rule violation by the *Cricketer* or other *Person* that occurred prior to notification of the first violation, then an additional sanction shall be imposed based on the sanction that could have been imposed if the two violations had been adjudicated at the same time. Results in all *Matches* dating back to the earlier anti-doping rule violation will be *Disqualified* in accordance with Article 10.8.

**10.7.5** Multiple Anti-Doping Rule Violations during a Ten-Year Period

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

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

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

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

### 10.9 Allocation of *Anti-Doping Tribunal/CAS* Cost Awards and Forfeited Prize Money

The priority for repaying *Anti-Doping Tribunal/CAS* cost awards and forfeited prize money shall be: first, payment of costs awarded by the *Anti-Doping Tribunal/CAS*; second, reimbursement of the expenses of the *National Cricket Federation* in relation to its results management in the case. For the avoidance of doubt, forfeited prize money will not be allocated to other *Cricketers.*

### 10.10 Commencement of *Ineligibility* Period

Except as provided below, the period of *Ineligibility* shall commence on the date that the decision imposing the period of *Ineligibility* is issued or, if the hearing is waived or there is no hearing, on the date the *Ineligibility* is accepted or otherwise upheld.

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

**10.10.2** Where the *Cricketer* or other *Person* promptly (which means, in any event, before the *Cricketer* competes again) admits the anti-doping rule violation after being confronted with it by the *National Cricket Federation*, the period of *Ineligibility* subsequently imposed on him/her may be back-dated so that it is

deemed to have commenced as far back as the date of last occurrence of the anti-doping rule violation (which, in the case of an Article 2.1 violation, would be on the date of *Sample* collection). However, this discretion to back-date is subject to the following limit: the *Cricketer* or *Cricketer Support Person* must actually serve at least one-half of the period of *Ineligibility* going forward from the date the *Cricketer* or other *Person* accepted the imposition of a sanction, the date of the hearing decision imposing a sanction, or the date the sanction is otherwise imposed. This Article shall not apply where the period of *Ineligibility* has already been reduced under Article 10.6.3.

**10.10.3** Any period of *Provisional Suspension* served by the *Cricketer* or other *Person* (whether imposed in accordance with Article 7.7 or voluntarily accepted by the *Cricketer* or *Cricketer Support Person*) shall be credited against the total period of *Ineligibility* that may be ultimately imposed. If a period of *Ineligibility* is served prior to a decision that is subsequently appealed, then the *Cricketer* or other *Person* shall receive a credit for such period of *Ineligibility* served against any period of *Ineligibility* which may ultimately be imposed on appeal. To get credit for any period of voluntary *Provisional Suspension*, however, the *Cricketer* or other *Person* must have given written notice of the acceptance of the *Provisional Suspension* at the beginning of such period to the *National Cricket Federation* and must have respected the *Provisional Suspension* in full. A copy of the *Cricketer* or other *Person's* voluntary acceptance of a *Provisional Suspension* shall be provided promptly to the *Cricketer* or other *Person's National Cricket Federation, NADO,* the *ICC* and *WADA*. No credit against a period of *Ineligibility* shall be given for any time period before the effective date of the *Provisional Suspension* or voluntary *Provisional Suspension*, regardless of the *Cricketer's* or other *Person's* status during such period.

### 10.11 Status During *Ineligibility*

**10.11.1** Prohibition against Participation during *Ineligibility*

**10.11.1.1** No *Cricketer* or other *Person* who has been declared *Ineligible* may, during the period of *Ineligibility*, play, coach or otherwise participate or be involved in any capacity in: (a) a *Match* or any other function, *Event* or activity (other than authorised anti-doping education or rehabilitation programs) authorised, organised, sanctioned, recognised or supported in any way by the *National Cricket Federation* or by any body that is a member of, or affiliated to, or licensed by the *National Cricket Federation*; (b) any *Match* or any other function, *Event* or activity authorised or organised by any professional league or any international or national level tournament/*Event* organisation (whether or not the party authorising or organising the *Match* or event in question is a *Signatory*, any club or other body that is a member of, or affiliated to, or licensed by, a *Signatory* or a *Signatory's* member organisation); (c) any elite or national-level sporting activity funded by a government agency; or (d) a *Competition* or activity (other than authorised anti-doping education or rehabilitation programmes) authorised or organised by any *Signatory, Signatory's* member organisation, or a club or other member organisation of a *Signatory's* member organisation. Without prejudice to the generality of the foregoing, such *Cricketer* or other *Person* shall not, during any period of *Ineligibility*, be given accreditation for, or otherwise granted access to, any *Match,* function, event or activity of the type referred to in this Article and any such accreditation previously issued shall be withdrawn. In addition, the *National Cricket Federation* shall take all steps within its power to have the period of *Ineligibility* recognised and enforced

by all other relevant parties, including all other *Signatories* pursuant to Article 15 of the *World Anti-Doping Code*.

**10.11.1.2** A *Cricketer* or other *Person* who is subject to a period of *Ineligibility* longer than four years may, after completing four years of the period of *Ineligibility*, participate as an athlete in local sport events not sanctioned or otherwise under the jurisdiction of a *Signatory* or member of a *Signatory*, but only so long as the local sport event is not at a level that could otherwise qualify such *Cricketer* or other *Person* directly or indirectly to compete in (or accumulate points toward) a national championship or international tournament/*Event* and does not involve the *Cricketer* or other *Person* working in any capacity with *Minors*.

**10.11.1.3** A *Cricketer* or other *Person* who is subject to a period of *Ineligibility* shall remain subject to *Testing* during that period and must provide whereabouts information upon request for that purpose. If a *Cricketer* or other *Person* commits an anti-doping rule violation during a period of *Ineligibility* (including but not limited to an anti-doping rule violation under Article 2.1), this shall be treated as a separate anti-doping rule violation under the *Rules*.

**10.11.2** Return to Training

As an exception to Article 10.11.1, a *Cricketer* may return to train with a team or to use the facilities of a club or other member organisation of a *Signatory's* member organisation during the shorter of: (i) the last two months of the *Cricketer's* period of *Ineligibility*; or (ii) the last one-quarter of the period of *Ineligibility* imposed.

**10.11.3** Violation of the Prohibition of Participation during *Ineligibility*

Where a *Cricketer* or other *Person* who has been declared *Ineligible* violates the prohibition against participation during such period of *Ineligibility*, a new period of *Ineligibility* shall be added to the end of the original period of *Ineligibility*. The new period of *Ineligibility* equal in length to the original period of *Ineligibility* may be adjusted based on the *Cricketer or* other *Person's* degree of *Fault* and other circumstances of the case. The determination of whether the prohibition against participation whilst *Ineligible* has been violated, and whether an adjustment is appropriate, shall be made by the *Anti-Doping Organisation* whose results management led to the imposition of the initial period of *Ineligibility*, and such decision shall be subject to appeal in accordance with Article 13. In any case, any results obtained by the *Cricketer* as a result of such participation shall be automatically *Disqualified* with all resulting consequences, including forfeiture of any individual medals, individual titles, individual ranking points and individual prizes obtained in that *Match* or other tournament/event and the non-inclusion of the *Cricketer's* performance statistics in that *Match* or other tournament/event towards individual averages and/or records.

Where a *Cricketer Support Person* or other *Person* assists a *Person* in violating the prohibition against participation during *Ineligibility,* the *National Cricket Federation* shall, where it has jurisdiction over that *Cricketer Support Person* or other *Person,* impose sanctions for a violation of Article 2.9 (Complicity) for such assistance.

**10.11.4** Withholding of Financial Support during *Ineligibility*

In addition, for any anti-doping rule violation not involving a reduced sanction as described in Articles 10.4 and 10.5, some or all sport-related financial support or other sport-related benefits received by the *Cricketer* or other *Person* may be

withheld by the *National Cricket Federation* and/or *NADO* responsible for such financial support or other benefits.

**10.12 Automatic Publication of Sanction**

In accordance with Article 14, a mandatory part of each sanction imposed under this Article 10 shall include automatic publication.

**10.13 Reinstatement *Testing***

**10.13.1** As a condition of reinstatement, a *Cricketer* who is subject to a period of *Ineligibility* must respect the conditions of Article 10.11.1.3, failing which, the *Cricketer* shall not be eligible for reinstatement until he/she has made him/herself available for *Testing* (by notifying the *National Cricket Federation* in writing) for a period of time equal to the period of *Ineligibility* remaining as at the date that he/she first stopped making him/herself available for *Testing* except that in the event that a *Cricketer* retires while subject to a period of *Ineligibility,* the conditions set out in Article 5.6 shall apply.

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

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

## ARTICLE 11 *CONSEQUENCES* FOR TEAMS

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

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

## ARTICLE 12 INTENTIONALLY LEFT BLANK

## ARTICLE 13 APPEALS

## 13.1 Decisions Subject to Appeal

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

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

**13.2.1** The following decisions -- a decision that an anti-doping rule violation was (or was not) committed, a decision imposing *Consequences* (or not imposing *Consequences*) for an anti-doping rule violation; a decision that a charge cannot go forward for procedural reasons (including, for example, because too much time has passed); a decision that the *National Cricket Federation* or a hearing panel lacks jurisdiction to rule on an alleged anti-doping rule violation or its *Consequences*; a decision not to pursue an *Adverse Analytical Finding* or an *Atypical Finding* as an anti-doping rule violation under Article 7.2 or 7.3; a decision not to bring a charge after an investigation under Article 7.5; (subject to Article 13.2.2) a decision to impose *a Provisional Suspension* as a result of a *Provisional Hearing*; the *National Cricket Federation's* failure to comply with Article 7.7 of the *Rules;* a decision to suspend, or not suspend, a period of *Ineligibility,* or to reinstate, or not reinstate, a suspended period of *Ineligibility* under Article 10.6.1; a decision by *WADA* not to grant an exception to the six months' notice requirement for a retired *Cricketer* to return to competition under Article 5.6.1; a decision by *WADA* assigning rights management authority under *World Anti-Doping Code* Article 7.1, may be appealed by any of the following parties exclusively as provided in this Article 13:

**13.2.1.1** the *Cricketer* or other *Person* who is the subject of the decision being appealed;

**13.2.1.2** the *National Cricket Federation*;

**13.2.1.3**. the *NADO*;

**13.2.1.4** the *National Anti-Doping Organisation*(s) of the *Person*'s country of residence, country of nationality, and country where he/she is licensed to participate in sport (if different from the *NADO*);

**13.2.1.5** the *ICC*;

**13.2.1.6** any other *Anti-Doping Organisation* under whose rules a sanction could have been imposed for the anti-doping rule violation in question; and

**13.2.1.7** *WADA*.

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

**13.2.2** The only *Person* who may appeal a decision to impose a *Provisional Suspension* is the *Cricketer* or *Cricketer Support Person* affected by the *Provisional Suspension*.

**13.2.3** Subject to Article 13.6, an appeal pursuant to Articles 13.2.1 or 13.2.2 shall be made as follows:

**13.2.3.1** In a case arising from participation in an *ICC Event* or involving an *International-Level Cricketer*, the appeal shall be made to *CAS*, following the procedures set out in *CAS*'s Code of Sports-related Arbitration (as amended by Article 13.9 of the *Rules*), save that the standard of review shall be as follows:

(a) The scope of review on appeal before *CAS* includes all issues relevant to the matter and is expressly not limited to the issues or scope of review before the initial decision maker; and

(b) in making its decision, *CAS* need not give deference to the discretion exercised by the body whose decision is being appealed.

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

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

**13.3.1** A party who wishes to appeal a decision pursuant to Article 13.2.1 to an *Appeal Panel* must lodge notice of the appeal with the President of the *Anti-Doping Panel* (c/o the *Anti-Doping Manager*), specifying the grounds of the appeal, within fourteen (14) days of the date of receipt of the reasoned decision of the *Anti-Doping Tribunal* that is being challenged on appeal.

**13.3.2** An appellant who was not a party to the proceedings that led to the decision being appealed shall have the right to a copy of the record of the proceedings that led to the decision. If such request is made, then the *National Cricket Federation* shall supply the record to such party as soon as reasonably practicable.

**13.3.3** The *Appeal Panel* shall hear and determine all issues arising from any matter which is appealed to it pursuant to the *Rules* in accordance with the following standard of review:

**13.3.3.1** Where required in order to do justice (e.g., to cure procedural errors), the appeal shall take the form of a rehearing *de novo,* i.e., the *Appeal Panel* shall hear the matter over again, from the beginning, without being bound in any way by the decision being appealed.

**13.3.3.2** In all other cases, the appeal shall not take the form of a *de novo* hearing. Instead the appellant shall be required to establish that the decision being appealed was made in error.

### 13.4 Convening an *Appeal Panel*

**13.4.1** Where a notice of appeal is filed in accordance with Article 13.3.1, the President of the *Anti-Doping Panel*, in conjunction with the *Anti-Doping Manager*, shall appoint three (3) members from the *Anti-Doping Panel* (which may include the President) to sit as the *Appeal Panel* to hear and determine the appeal. Each *Anti-Doping Panel* member appointed to the *Appeal Panel* shall be independent of the *National Cricket Federation* and shall not have sat as part of the first instance *Anti-Doping Tribunal*. At least one appointed member of the *Appeal Panel* shall be a lawyer, and shall sit as Chairman of the *Appeal Panel*.

**13.4.2** The parties to the appeal shall be advised of the identities of the appointed

members of the *Appeal Panel* and asked if they have any legitimate objection to any of those members hearing and determining the appeal. Any unjustified delay in raising any such objection shall constitute a waiver of the objection. If such objection is made, the Chairman of the *Appeal Panel* shall rule on its legitimacy (or, if the objection relates to the Chairman, the President of the *Anti-Doping Panel* shall rule).

**13.4.3** If, because of a legitimate objection or for any other reason, a member of the *Appeal Panel* appointed to hear a particular appeal is, or becomes, unwilling or unable to hear the appeal, then the Chairman of the *Appeal Panel* may, at his/her absolute discretion: (a) rule that a replacement member of the *Appeal Panel* should be appointed (in which case the President of the *Anti-Doping Panel* shall appoint the replacement); or (b) authorise the remaining members of the *Appeal Panel* to hear (or to continue to hear) the appeal on their own.

### 13.5 Proceedings before the *Appeal Panel*

**13.5.1** The provisions of Articles 8.1 and 8.2, applicable to proceedings before the *Anti-Doping Tribunal*, shall apply *mutatis mutandis* (ie with changes deemed to have been made as required to reflect the different context) to proceedings before the *Appeal Panel*.

**13.5.2** Appeal hearings pursuant to this Article 13 should be completed expeditiously. Save where all parties agree or fairness requires, the appeal hearing shall be commenced no later than forty (40) days after the date of the reasoned decision being appealed.

**13.5.3** Each of the *ICC*, the *NADO* and *WADA*, if not party to the appeal, shall have the right to be kept apprised by *National Cricket Federation* of the status of the appeal, as well as the right to attend hearings of the *Appeal Panel* as an observer.

**13.5.4** Decisions of the *Appeal Panel* may only be challenged by *WADA* or the *ICC*, by appeal to *CAS* in accordance with the provisions of Article 13.9. Subject thereto, such decisions shall be the full, final and complete disposition of the appeal and will be binding on all of the parties identified in Article 13.2.1.

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

**13.6.1** Notwithstanding any other provision of the *Rules*, where *WADA* or the *ICC* has a right of appeal under the *Rules* against a decision, and no other party has appealed against that decision, *WADA* or the *ICC* may appeal such decision directly to *CAS* without having first to exhaust any other remedy, including (without limitation) without having to appeal to an *Appeal Panel*.

**13.6.2** Where *WADA* or the *ICC* considers that the *National Cricket Federation* has failed within a reasonable deadline to make a decision with respect to whether an anti-doping rule violation was committed, both *WADA* and the *ICC* shall have a right of appeal to *CAS* as if the *National Cricket Federation* had rendered a decision finding no anti-doping rule violation. If *CAS* determines that an anti-doping rule violation was committed and that *WADA* or the *ICC* acted reasonably in electing to appeal directly to *CAS*, then the reasonable costs of *WADA* or the *ICC* incurred in pursuing the appeal shall be reimbursed to *WADA* or the *ICC* by the *National Cricket Federation*.

### 13.7 Appeals Relating to *TUEs*

**13.7.1** The *Cricketer*, the *National Cricket Federation* and/or the *NADO* may appeal a decision by the *TUE Committee* on the *Cricketer*'s *TUE* application, in

whole or in part, to the *TUE Appeal Panel,* on the ground that the decision does not comply with the *International Standard* for Therapeutic Use Exemptions. Alternatively, an *International-Level Cricketer* may appeal any such decision to *CAS* in accordance with Article 13.9.

**13.7.2** If the *TUE Appeal Panel* upholds a *Cricketer*'s appeal in whole or in part, the *National Cricket Federation*, the *NADO* and/or WADA may appeal that decision to *CAS* in accordance with Article 13.9.

**13.7.3** Decisions by *WADA* reversing the grant or denial of a *TUE* further to Article 4.4.4 may be appealed exclusively to *CAS* by the *Cricketer*, the *National Cricket Federation* or the *NADO*, in accordance with Article 13.9, or by the *ICC* in accordance with the *ICC Code*.

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

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

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

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

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

**13.8.3** Articles 13.8.1 and 13.8.2 notwithstanding, the filing deadline for an appeal filed by *WADA* shall be the later of:

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

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

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

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

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

**13.9 Appeals to *CAS***

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

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

**13.9.2** Cross appeals and other subsequent appeals by any respondent named in cases brought to *CAS* under the *Rules* are specifically permitted. Any party with a right to appeal under this Article 13 must file a cross appeal or subsequent appeal at the latest with the party's answer.

**13.9.3** Any party entitled to appeal under this Article 13 may, within 15 days of receipt of the decision, request a copy of the full case file pertaining to that decision. Where such information is not forthcoming from the decision-making body upon request, any party filing an appeal shall be entitled to assistance from *CAS* to obtain all relevant information from the parties to the decision being appealed, and the information shall be provided if *CAS* so directs.

**13.9.4** The governing law shall be English law and the appeal shall be conducted in English, unless the parties agree otherwise.

**13.9.5** The decision of *CAS* shall be final and binding on all parties, and no right of appeal shall lie from the *CAS* decision. Subject to Article 14.1, the *CAS* decision shall be *Publicly Reported* by the *National Cricket Federation* within 20 days of receipt.

## ARTICLE 14 PUBLIC DISCLOSURE AND CONFIDENTIALITY

**14.1** Neither the *National Cricket Federation*, the *National Anti-Doping Organisation*, the *ICC* or *WADA* shall publicly identify *Cricketers* whose *Samples* have resulted in *Adverse Analytical Findings*, or *Cricketers* or other *Persons* who have been alleged to have violated other Articles of the *Rules*, until the *Cricketer* or other *Person* has been sent a *Notice of Charge* in accordance with Article 7. Once it is decided in a hearing in accordance with Article 8 or 13 that a violation of the *Rules* has been established, publication of that decision shall be determined in accordance with Articles 8.2.6, 8.2.7 and 13.9.5, save that where the *Cricketer* or other *Person* found to have committed an anti-doping rule violation is a *Minor, Public Reporting* of the decision will be optional and shall be proportionate to the facts and circumstances of the case. The *National Cricket Federation* shall also, within the time period for publication, send all first instance and appeal decisions to *WADA* and the *ICC*. Publication shall be accomplished at a minimum by placing the required information on the *National Cricket Federation's* website and leaving the information up for the longer of one month or the duration of any period of *Ineligibility.*

**14.2** In any case under the *Rules* where it is determined, after a hearing or appeal, that the *Cricketer* or other *Person* did not commit an anti-doping rule violation, the decision may be *Publicly Disclosed* only with the consent of the *Cricketer* or other *Person* who is the subject of the decision. The *National Cricket Federation* shall use reasonable efforts to obtain such consent, and if consent is obtained, shall publicly disclose the decision in its entirety or in such redacted form as the *Cricketer* or other *Person* may approve.

**14.3** The *National Cricket Federation* shall use its reasonable endeavours to ensure that persons under its control do not publicly identify *Cricketers* whose *Samples* have resulted in *Adverse Analytical Findings* or *Atypical Findings*, or *Cricketers* or other *Persons* who have a *Provisional Suspension* imposed on them, or are alleged to have committed an anti-doping rule violation under the *Rules*, unless and until the *Cricketer* or other *Person* has been sent a *Notice of Charge* in accordance with Article 7. However, the *National Cricket Federation* in its discretion may at any time disclose to other organisations such information as the *National Cricket Federation* may consider

necessary or appropriate to facilitate administration or enforcement of the *Rules*, provided that each organisation provides assurance satisfactory to the *National Cricket Federation* that the organisation will maintain all such information in confidence. The *National Cricket Federation,* nor any *National Cricket Federation* official, will not comment publicly on the specific facts of a pending case (as opposed to general description of process and science) except in response to public comments attributed to the *Cricketer* or *Cricketer Support Person* involved in the case or his/her representatives.

**14.4** Where the *ICC,* a *Cricketer* or other *Person's NADO* or *National Cricket Federation* receives information in respect of any proceedings conducted pursuant to Article 7, 8 or 13, they shall not disclose such information beyond those *Persons* with a need to know until the *National Cricket Federation* has made *Public Disclosure* in accordance with Article 14.1 above.

**14.5** All communications with a laboratory in relation to *Testing* carried out under the *Rules* must be conducted in such a way that the laboratory is not advised of the identity of the *Cricketer(s)* involved, save where required as part of the investigation of a potential case and/or the presentation of evidence to an *Anti-Doping Tribunal*.

**14.6** Details of all *Testing* carried out under the *Rules*, i.e. date of test, name of *Cricketer* tested, and whether the test was *In-Competition* or *Out-of-Competition,* shall, wherever possible, be entered onto the *WADA Database* as soon as possible after such tests have been conducted, and made available via that database to the *Cricketer, WADA* and other *Anti-Doping Organisations* that have jurisdiction to test *Cricketers*, so that duplication of anti-doping efforts may be avoided.

**14.7** Whereabouts information provided by a *Cricketer* pursuant to Article 5.3.2 shall be entered onto the *WADA Database* and/or otherwise shared with *WADA* and with other *Anti-Doping Organisations* with jurisdiction to test the *Cricketer*, on the basis that it shall be maintained in the strictest confidence at all times, it shall be used by *WADA* and other *Anti-Doping Organisations* only for *Doping Control* purposes, and it shall be destroyed when no longer relevant for such purposes.

**14.8** All *Cricketers* and *Cricketer Support Person* shall be deemed to have agreed, for purposes of applicable data protection and other laws and for all other purposes, to have consented to the collection, processing, disclosure and use of information relating to them, including personal information relating to them, in accordance with the provisions of the *International Standard* for the Protection of Privacy and otherwise as required to implement the *Rules*.

## ARTICLE 15 RECOGNITION OF DECISIONS

**15.1** The *Testing*, hearing results and other decisions (including *Provisional Suspension* decisions) made under the *ICC Code* or recognised by the *ICC* under Article 15 of the *ICC Code* shall be applicable worldwide and shall be recognised and respected by the *National Cricket Federation* and its member and affiliate and licensee organisations and all those subject to the *Rules* automatically upon notice of the same, without the need for further formality. The *National Cricket Federation* shall take all steps within its power to give full force and effect within its jurisdiction to such *Testing*, *TUEs*, hearing results and other decisions made or recognised under the *ICC Code.*

**15.2** The *Testing*, hearing results and other decisions (including *Provisional Suspension* decisions) made under the anti-doping rules of any other *Signatory* to the *World Anti-Doping Code* that are consistent with the *World Anti-Doping Code* and are within the *Signatory's* authority shall be applicable worldwide and shall be recognised and respected by the *National Cricket Federation* and its member and affiliate and licensee organisations and all those subject to the *Rules* automatically upon notice of the same, without the need for further formality.

**15.3** The *Testing*, hearing results and other decisions (including *Provisional Suspension* decisions) of any non-*Signatory* whose applicable rules are otherwise consistent with the *World Anti-Doping Code* shall also be recognised and respected by the *National Cricket Federation*, its member and affiliate and licensee organisations and all those subject to the *Rules* automatically upon notice of the same, without the need for any further formality.

## ARTICLE 16 STATUTE OF LIMITATIONS

No anti-doping rule violation proceeding may be commenced under the *Rules* against a *Cricketer* or other *Person* unless such *Cricketer* or other *Person* has been notified of the anti-doping rule violation as provided in Article 7, or notification has been reasonably attempted, within ten years from the date that the anti-doping rule violation is asserted to have occurred.

## ARTICLE 17 STATISTICAL REPORTING

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

## ARTICLE 18 AMENDMENT AND INTERPRETATION OF THE *RULES*

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

**18.2** The *Rules* shall be interpreted as an independent and autonomous text and not by reference to existing law or statutes of any *Signatory* or government.

**18.3** The headings used for the various Articles of the *Rules* are for the purpose of guidance only and shall not be deemed to be part of the substance of the *Rules* or to inform or affect in any way the language of the provisions to which they refer.

**18.4** The *Rules* have been adopted pursuant to the applicable provisions of the *World Anti-Doping Code* and shall be interpreted in a manner that is consistent with the *World Anti-Doping Code*. The comments annotating various provisions of the *World Anti-Doping Code* shall (if necessary) be used to assist in the understanding and interpretation of the *Rules*.

**18.5** The *Rules* shall come into full force and effect on 26th September 2019. They shall not apply retrospectively to matters pending before the *Effective Date*; provided, however, that:

**18.5.1** Any case pending prior to the *Effective Date*, or brought after the *Effective Date* but based on acts or omissions that occurred before the *Effective Date*, shall be governed by the anti-doping rules in force at the time of the anti-doping rule violation occurred, save that (i) Articles 10.7.5 and 16 of the *Rules* shall apply retroactively (unless in the case of Article 16, the statute of limitations under the predecessor version of the *Rules* has already expired by the Effective Date, in which case Article 16 shall not apply); and (ii) the *Anti-Doping Tribunal* may decide to apply other provisions from the *Rules* as well where doing so benefits the *Cricketer* or other *Person* alleged to have committed the anti-doping rule violation based on the principle of *lex mitior.*

**18.5.2** Subject always to Article 10.7.5, anti-doping rule violations committed under

rules in force prior to the *Effective Date* shall be taken into account as prior violations for purposes of determining sanctions under Article 10.7 and especially Article 10.7.5. If the sanction for the first offence was determined based on predecessor versions of the *Rules* then, for the purposes of Article 10.7.1, that sanction shall be disregarded and instead the sanction that would have been imposed for the first violation if rules complaint with the current version had applied will be used.

**18.6** Subject to Article 18.2, the *Rules* are governed by and shall be construed in accordance with English law (subject to the application of any mandatory provisions of the law of Malawi).

# APPENDIX 1 - DEFINITIONS

*Administration.* Providing, supplying, supervising, facilitating, or otherwise participating in the *Use* or *Attempted Use* by another *Person* of a *Prohibited Substance* or *Prohibited Method.* However, this definition shall not include the actions of bona fide medical personnel involving a *Prohibited Substance* or *Prohibited Method* used for genuine and legal therapeutic purposes or other acceptable justification and shall not include actions involving *Prohibited Substances* which are not prohibited in *Out-of-Competition Testing* unless the circumstances as a whole demonstrate that such *Prohibited Substances* are not intended for genuine and legal therapeutic purposes or are intended to enhance sport performance.

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

*Anti-Doping Manager*. An appointee of the *National Cricket Federation* with supervisory responsibilities in relation to the *Rules*, or his/her designee.

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

*Anti-Doping Panel*. As defined in Article 8.1.1.

*Anti-Doping Tribunal.* A panel of three persons (subject to Article 8.1.7) appointed by the *National Cricket Federation* consisting of a Chair (who shall be legally qualified), and other lawyers and/or a medical expert and/or a technical expert with experience in anti-doping, to perform the functions assigned to the *Anti-Doping Tribunal* under the *Rules*. Each member of the *Anti-Doping Tribunal* shall be independent of the *National Cricket Federation*, which may provide reasonable compensation and reimbursement of expenses to such members.

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

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

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

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

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

*Consequences of Anti-Doping Rule Violations ("Consequences")*. An anti-doping rule

violation may result in one or more of the following: (a) *Disqualification* means the *Cricketer's* individual results in a particular *Match* are invalidated, with all resulting consequences, including: (i) forfeiture of any individual medals or other prizes awarded; and (ii) forfeiture of any official ranking points achieved; (b) *Ineligibility* means the *Cricketer* or other *Person* is barred on account of an anti-doping rule violation for a specified period of time from participation in any *Competition* or other activity or funding as provided in Article 10.11.1.1 of the *Rules*; (c) *Provisional Suspension* means the *Cricketer* or other *Person* is temporarily barred from participating in the sport of cricket pending a decision on the allegation that he/she has committed an anti-doping rule violation; (d) *Financial Consequences* means a financial sanction imposed for an anti-doping rule violation or to recover costs associated with an anti-doping rule violation; and (e) *Public Disclosure* or *Public Reporting* means the dissemination or distribution of information to the general public or *Persons* beyond *Persons* entitled to earlier notification in accordance with Article 14.

*Contaminated Product.* A product that contains a *Prohibited Substance* that is not disclosed on the product label or in the information available in a reasonable Internet search.

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

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

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

*Demand*. As defined in Article 7.5.3.1.

*Disqualification*. See *Consequences*, above.

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

*Effective Date*. As defined in Article 18.5.

*Event.* A series of individual *Competitions* conducted together under one ruling body.

*Event Period.* For the purposes of the *World Anti-Doping Code,* the *Event Period* shall be deemed to start and end at the same time as the *In-Competition* period as set out in Article 5.2.2.

*Event Venue.* For the purposes of the *World Anti-Doping Code,* those venues so designated by the ruling body for the *Match* or *Event.*

*Fault.* *Fault* is any breach of duty or any lack of care appropriate to a particular situation. Factors to be taken into consideration in assessing a *Cricketer* or other *Person's* degree of *Fault* include, for example, the *Cricketer's* or other *Person's* experience, whether the *Cricketer* or other *Person* is a *Minor*, special considerations such as impairment, the degree of risk that should have been perceived by the *Cricketer* and the level of care and investigation exercised by the *Cricketer* in relation to what should have been the perceived level of risk. In assessing the *Cricketer* or other *Person's* degree of *Fault*, the circumstances considered must be specific and relevant to explain the *Cricketer's* or other *Person's* departure from the expected standard of behavior. Thus, for example, the fact that a *Cricketer* would lose the opportunity to earn large sums of money during a period of *Ineligibility,* or the fact that the *Cricketer* only has a short time left in his or her career, or the timing of the sporting calendar, would not be relevant factors to be considered in reducing the period of *Ineligibility* under Article 10.5.1 or 10.5.2.

*Filing Failure*. As defined in the *International Standard* for Testing and Investigations.

*Financial Consequences.* See *Consequences* above.

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

*ICC Code*. As defined in Article 1.3.

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

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

*Ineligibility*. See *Consequences,* above.

*International-Level Cricketer*. Any cricketer who participates or who has previously participated at any point in time (whether as a member of a starting XI or as an officially designated substitute) in an *International Match*, as that term is defined in the *ICC Code*.

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

*International Standard*. A standard adopted by *WADA* in support of the *World Anti-Doping Code*, as revised from time to time, such revisions becoming effective in relation to the *Rules* on the date specified by *WADA*, without the need for any further action by the *National Cricket Federation*. The *International Standards* shall include any technical documents issued pursuant to the *International Standard*.

*Major Event Organisations*. The continental associations of *National Olympic Committee*s 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 variable(s) that indicates the presence and/or *Use* of a *Prohibited Substance* or *Prohibited Method.*

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

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

*Minor*. A natural *Person* who has not reached the age of eighteen years.

*Missed Test*. As defined in the *International Standard* for Testing and Investigations.

*National Anti-Doping Organisation or NADO*. The entity(ies) designated by each country as possessing the primary authority and responsibility to adopt and implement anti-doping rules, direct the collection of *Samples*, the management of test results, and the conduct of hearings, all at the national level. If this designation has not been made by the competent public authority(ies), the entity shall be the country's *National Olympic Committee* or its designee. [The *National Anti-Doping Organisation* for Malawi is *Malawi Anti-Doping Organisation (MADO*]

*National Cricket Federation*. The Malawi Cricket Union, which is a member of and is recognised by the *ICC* as the entity governing the sport of cricket in Malawi.

*National Level Player.* As defined in Article 1.1.

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

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

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

*No Fault or Negligence*. The *Cricketer* or other *Person* establishing that he/she did not know or suspect, and could not reasonably have known or suspected even with the exercise of utmost caution, that he/she had *Used* or been administered the *Prohibited Substance* or *Prohibited Method* or otherwise violated an anti-doping rule. Except in the case of a *Minor,* for any violation of Article 2.1, the *Cricketer* must also establish how the *Prohibited Substance* entered his or her system.

*No Significant Fault or Negligence*. The *Cricketer* or other *Person* establishing that his/her *Fault* or negligence, when viewed in the totality of the circumstances and taking into account the criteria for *No Fault or Negligence*, was not significant in relationship to the anti-doping rule violation. Except in the case of a *Minor,* for any violation of Article 2.1, the *Cricketer* must also establish how the *Prohibited Substance* entered his or her system.

*Notice of Charge*. As defined in Article 7.2.3.

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

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

*Possession*. Actual, physical *Possession*, or the constructive *Possession* (which shall be found only if the *Person* has exclusive control or intends to exercise 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* never intended to have *Possession* and has renounced *Possession* by explicitly declaring it to an *Anti-Doping Organisation*. Notwithstanding anything to the contrary in this definition, the purchase (including by any electronic or other means) of a *Prohibited Substance* or *Prohibited Method* constitutes *Possession* by the *Person* who makes the purchase.

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

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

*Prohibited Substance*. Any substance, or class of substance,so described on the *Prohibited List*.

*Provisional Hearing*. For purposes of Article 7.7, an expedited abbreviated hearing occurring prior to a hearing under Article 8 that provides the *Cricketer* or other *Person* with notice and an opportunity to be heard in either written or oral form.

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

*Public Disclose* or *Publicly Report.* See *Consequences* above.

*Review Board.* A standing panel appointed by the *National Cricket Federation* or *NADO*, consisting of persons with medical, technical and/or legal experience in anti-doping, to perform the functions assigned to the *Review Board* in the *Rules*. Further persons may be co-opted onto the *Review Board* on a case-by-case basis, where there is a need for their specific expertise and/or experience. Each member of the *Review Board* panel shall be independent of the *National Cricket Federation*, which may provide reasonable compensation and reimbursement of expenses to such members.

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

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

*Specified Substances.* As defined in Article 4.1.2.

*Substantial Assistance.* For purposes of Article 10.6.1, a *Person* providing *Substantial Assistance* must: (a) fully disclose in a signed written statement all information that he/she possesses in relation to anti-doping rule violations; and (b) fully cooperate with the investigation and adjudication of any case related to that information, including, for example, presenting testimony at a hearing if requested to do so by the *National Cricket Federation*, an *Anti-Doping Organisation* or hearing panel. Further, the information provided must be credible and must comprise an important part of any case that is initiated or, if no case is initiated, must have provided a sufficient basis on which a case could have been brought.

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

*Target Testing*. Selection of specific *Cricketers* for *Testing* based on criteria set forth in the *International Standard* for Testing and Investigations.
*Testing*. The parts of the *Doping Control* process involving test distribution planning, *Sample* collection, *Sample* handling, and *Sample* transport to the laboratory.

*Trafficking*. Selling, giving, administering, transporting, sending, delivering or distributing (or *Possessing* for any such purpose) a *Prohibited Substance* or *Prohibited Method* (either physically or by any electronic or other means) by a *Cricketer* or 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 such *Prohibited Substances* were not intended for genuine and legal therapeutic purposes or are intended to enhance sport performance.

*TUE.* As defined in Article 4.4.1.

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

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

one of the physicians must have experience with the care and treatment of *Cricketers* with disabilities.

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

*WADA*. The World Anti-Doping Agency.

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

*Whereabouts Failures.* As defined in Article 2.4.

*World Anti-Doping Code*. The version of the World Anti-Doping Code issued by *WADA* and coming into force as from 1 January 2015.

# APPENDIX 2 – THE PROHIBITED LIST

At any given time, the current version of the *Prohibited List* is available on the anti-doping section of the *National Cricket Federation*'s website at the following address:

**www.malawicricket.org**

**IMPORTANT NOTE:** the *Prohibited List* is updated annually, with effect from 1 January each year. All *Cricketers* and *Cricketer Support Person* should therefore review the new *Prohibited List* (available on the *National Cricket Federation's* website) each year in the lead up to 1 January to ensure that anything they ingest or use, as well as any medical treatment they receive, does not give rise to an anti-doping rule violation under the *Rules*.

# APPENDIX 3 – THE CRICKET TESTING PROTOCOLS

## PREAMBLE

The following protocols are designed to supplement the *International Standard* for Testing and Investigations as necessary to reflect the specificities of cricket. They are not intended to amend or contradict the *International Standard* for Testing and Investigations. In the event of any conflict between these protocols and the *International Standard* for Testing and Investigations, the latter shall prevail.

In addition to the definitions set out in Appendix 1, for the purposes of this Appendix 3, the following definitions will also apply:

*Doping Control Officer (DCO)* means any official who has delegated responsibility for the on-site management of *Sample* collection at a *Match*.

*Lead DCO* means the *DCO* with overall responsibility for coordinating the on-site management of *Sample* collection at a *Match*.

*Match Referee* means the person officially appointed to fulfil the duties of a 'Match Referee' at any *Match*.

*NCF Representative* means the *Anti-Doping Manager* (or his/her appointed designee) or any other *National Cricket Federation* representative duly authorised to carry out the duties set out in this Appendix 3.

*Team Manager* means the manager of a cricket team participating in a *Match* (or his/her designated representative).

**1. The selection of *Cricketers* for *In-Competition Testing* (ISTI Article 4.4.1)**

**1.1** Pursuant to Article 5.1.1 of the *Rules* and Article 4 of the *International Standard* for Testing and Investigations, the *National Cricket Federation* shall be responsible for assisting the *NADO* to draw up a test distribution plan for domestic cricket played in the *National Cricket Federation's* jurisdiction. One element of that plan will be *In-Competition Testing* at *Matches*.

**1.2** At those *Matches* at which *In-Competition Testing* is selected to take place, the *Cricketers* that will be required to provide *Samples* for *Testing* will be selected at random in accordance with the following procedure:

**1.2.1** Prior to or during the commencement of any day's play in a *Match*, the *Match Referee* (or the *NCF Representative* where he/she is present) will convene a selection meeting in the doping control station or such other venue as he/she may deem appropriate.

**1.2.1.1** The following individuals must attend the selection meeting: (a) the *Match Referee* (or the *NCF Representative* where he/she is present); and (b) the *Team Manager* of each of the two teams participating in the *Match* (or any representative appointed by the *Team Manager* in circumstances when the *Team Manager* is unable to attend).

**1.2.1.2** In addition, the *Lead DCO* (where he/she is present at the time of the selection meeting) may attend the selection meeting.

**1.2.1.3** Unless otherwise agreed by the *Match Referee* (or the *NCF Representative*), no other individuals shall be present at the selection meeting.

**1.2.2** At the selection meeting, the *Match Referee* (or the *NCF Representative*) will provide a set of cards numbered one (1) to eleven (11) to each *Team Manager*.

**1.2.3** Each *Team Manager* will simultaneously place his/her cards face down on a flat surface so as only to expose the reverse side of the cards, which should be blank. He/she may then rearrange those cards until he/she is completely satisfied that they are randomly set out and do not contain any identifying marks or features.

**1.2.4** Once both *Team Managers* have confirmed that they are happy with the lay-out of their cards, they shall, in turn, and without revealing the numbers written on the face-down side of the cards, select two (2) cards from the opposite *Team Manager's* cards. Immediately upon selection of the opposition's cards, both *Team Managers* must, without revealing the numbers written on the face-down side of the cards, sign the reverse side of the two (2) cards that have been selected. The two (2) cards selected by each *Team Manager* will thereafter represent the two (2) *Cricketers* from the opposition team that are required to provide a *Sample* for *Testing* at the *Match*.

**1.2.5** Then, in turn, and without revealing the number written on the face-down side of the card, each *Team Manager* will select a third card from the remaining cards in the opposite *Team Manager's* selection. Immediately upon selection of the third card, both *Team Managers* must, without revealing the number written on the face-down side of the card, sign the reverse side of the third card, again, and mark it with the capital letter 'R'. The third card selected by each *Team Manager* will thereafter represent the additional *Cricketer* from each team that is to be the designated 'Reserve' *Cricketer* who may be notified and called upon to provide a *Sample* for *Testing* at the *Match* if either of the two *Cricketers* selected from the same team cannot be notified because of exceptional circumstances, such as where a selected *Cricketer* might have been taken to hospital during the *Match* and prior to notification of his/her selection for *Testing*.

**1.2.6** Once the random selection of the cards is complete, the *Match Referee* (or the *ICC Representative*) will then, without revealing the numbers written on the face-down sides of the cards, place the three (3) selected cards for each team (ie including the 'Reserve') into separate sealed envelopes and mark the name of the relevant team on each of the envelopes.

**1.2.7** If, at any point in the procedure detailed in paragraphs 1.2.2 – 1.2.6, above, the numbers of the selected cards are revealed (whether inadvertently or otherwise) to either of the *Team Managers*, the selection process will automatically become void and the *Match Referee* (or the *NCF Representative*) will require the entire process to be repeated.

**1.2.8** Once the selection process is complete, each envelope will be kept in the secure possession of the *Match Referee* (or the *NCF Representative*) until it is passed to the *Lead DCO* at the earliest opportunity. The *Lead DCO* should also obtain a copy of the official team sheet from the *Match Referee* at the earliest opportunity. The *Match Referee* should ensure that the official team sheet identifies the participating *Cricketers* with numbers 1 – 11. Where that is not the case (for example because it identifies them by shirt number, or where no numbering identification is provided), the *Match Referee* should allocate the numbers 1 – 11 (in consecutive order) to each of the participating *Cricketers* in each team, so that the *Cricketers* selected for *Testing* can be accurately identified.

**1.2.9** The *Lead DCO* shall determine when the envelope should be opened (such determination to be strictly at his/her discretion) and, once opened, he/she will then identify by comparing the numbers on the selected cards against the declared batting order numbers (and not the *Cricketers'* shirt numbers) on the official team sheet those *Cricketers* that have been selected for *Testing* at that *Match*.

**1.2.10** At the appropriate time, the *Lead DCO* will arrange for the nominated chaperones to notify those *Cricketers* that have been selected for *Testing*. Where, because of exceptional circumstances, one of the selected *Cricketers* cannot be notified, then the *Cricketer* from the same team as that of the *Cricketer* that has been selected but cannot be notified, whose number corresponds with the card marked 'R', will be selected for *Testing* instead and will be notified accordingly.

**1.2.11** The *Lead DCO* will retain the signed selection cards and team sheets in a secure location and permit either *Team Manager* to inspect them as soon as all of the selected *Cricketers* have been notified.

## 2. Collection of Samples (ISTI Article 6.3.3 and Annex G)

**2.1** Those persons authorised to be present during the *Sample* collection session at any *International Match* are:

**2.1.1** the *Lead DCO* and his/her assistants (including other *DCOs*);

**2.1.2** the persons identified at ISTI Article 6.3.3; and

**2.1.3** the *Anti-Doping Manager* and/or his/her designee(s).

**2.2** If a *Sample* collected from a *Cricketer* does not have a Suitable Specific Gravity for Analysis (as defined in the ISTI), the DCO shall inform the *Cricketer* that he/she is required to provide a further *Sample* or *Samples*, until a *Sample* that has a Suitable Specific Gravity for Analysis is provided. (See ISTI Annex G). To facilitate this, the *Cricketer* should fully void his/her bladder when providing a *Sample*, and shall remain under continuous observation until he/she is ready to provide another *Sample.* In the meantime, the *Cricketer* should avoid unnecessary hydration (drinking liquids).

## 3. Storage of *Samples* and documentation (ISTI Article 8.3)

**3.1** Storage of *Samples* prior to dispatch from collection site (ISTI Article 8.3.1):

**3.1.1** The *Lead DCO* is responsible for ensuring that all *Samples* are stored in a manner that protects their identity, integrity and security whilst at the collection site.

**3.1.2** The *Lead DCO* shall keep the *Samples* secured and under his/her control until they are passed to a third party (eg the laboratory, or a courier to take them to the laboratory). *Samples* must not be left unattended unless they are locked away in a refrigerator or cupboard, for example. In the absence of a secure area where the *Samples* may be left, the *Lead DCO* shall keep the *Samples* under his/her control. Access to *Samples* shall be restricted at all times to authorised personnel and a detailed record of where the *Samples* are stored and who has custody of them and/or is permitted access to the *Samples* shall be kept by the *Lead DCO*.

**3.1.3** Where possible, *Samples* shall be stored in a cool environment and warm conditions should be avoided. In the case of blood *Samples,* these should preferably be stored in a refrigerator or cool box. Variations in temperatures should not exceed 2-8 degrees Celsius. Any variations in temperature should be recorded by the *Lead DCO* who shall report the same to the *National Cricket Federation.*

**3.2** Secure handling of documentation for each *Sample* (ISTI Article 8.3.2):

**3.2.1** The *Lead DCO* is responsible for ensuring that the documentation for each *Sample* is securely handled after completion.

**3.2.2** Those parts of the *Sample* collection documentation that identify the *Cricketer* and can be used to identify which *Cricketer* provided a particular *Sample* shall be kept separately from the *Samples* themselves. Where a separate secure storage site is available at the collection site itself (lockable and/or accessible only by authorised personnel), the documentation may be stored there. Otherwise, it shall be kept by the *Lead DCO* and taken away from the site overnight.