

# The Cricket West Indies Anti-Doping Rules

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# THE CRICKET WEST INDIES ANTI-DOPING RULES

## INTRODUCTION

### Preface

Cricket West Indies (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* and the *ICC Code*, as part of the *National Cricket Federation’s* responsibilities as a member of the *ICC* and its 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. For the avoidance of doubt, these *Rules* reflect and support the Fundamental Rationale for the *World Anti-Doping Code*, as more particularly set out in the *World Anti-Doping Code*.

The *ICC* has promulgated the *ICC Code* in accordance with its responsibilities under the *World Anti-Doping Code*. The *Rules* contain sport rules governing the condition under which the sport is played at the national level within the *National Cricket Federation’s* jurisdiction. Aimed at enforcing anti-doping rules in a global and harmonized manner, they are distinct in nature from criminal and civil laws. They are not intended to be subject to or limited by any national requirements and legal standards applicable to criminal or civil proceedings, although they are intended to be applied in a manner which respects the principles of proportionality and human rights. When reviewing the facts and the law of a given case, all courts, arbitral tribunals and other adjudicating bodies should be aware of and respect the distinct nature of the *Rules*, which implement the *World Anti-Doping Code* and the *ICC Code*, and the fact that these rules represent the consensus of a broad spectrum of stakeholders around the world as to what is necessary to protect and ensure fair sport.

As provided in the *World Anti-Doping Code* and the *ICC Code*, the *ICC* is responsible for conducting all aspects of *Doping Control* within the sport of cricket. Any aspect of *Doping Control* or anti-doping *Education* may be delegated by the *ICC* to a *Delegated Third Party*, such as the *National Cricket Federation*, however the *ICC* shall require the *Delegated Third Party* to perform such aspects in compliance with the *World Anti-Doping Code*, *International Standards* and the *ICC Code*. Notwithstanding any such delegation, the *ICC* always remains fully responsible for ensuring that any delegated aspects are performed in compliance with the *World Anti-Doping Code*.

While the *ICC* has *Testing* authority over all *Matches*, the *ICC* will focus its *Testing* under the *ICC Code* on *International-Level Players*. The *ICC Code* provides that *Cricketers* participating at the national level are governed by the anti-doping rules of their *NADO* and the *National Cricket Federation* under whose jurisdiction they participate (including in relation to *TUEs* and appeals). For the purpose of the *ICC Code*, the *ICC* has delegated responsibility to conduct certain aspects of *Doping Control* and anti-doping *Education* in relation to *Cricketers* other than *International-Level Players* to its *National Cricket Federations*, who are considered a *Delegated Third Party* for that purpose. Pursuant to this delegation, it is the responsibility of the *National Cricket Federation* to collect *Samples* for *Doping Control* from *Cricketers* who fall within the jurisdiction of the *Rules* (as per Article 1.1), to initiate and direct *Out-of-Competition Testing* on its *Cricketers*<sup>1</sup>, conduct anti-doping *Education* programmes in accordance with the *International Standard for Education*, and to ensure that all national level *Testing* on its *Cricketers* and the *Results Management* for such tests comply with the *World Anti-Doping Code*, the *International Standards* and the *ICC Code*. These *Rules* have been adopted pursuant to this delegation. The *National Cricket Federation* acknowledges that, pursuant to the *World Anti-Doping Code*, the *ICC* remains fully responsible for ensuring that any of the aforementioned delegated aspects are performed in compliance with the *World Anti-Doping Code*.

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.

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<sup>1</sup> When *Testing* is conducted on *Cricketers* pursuant to these *Rules*, the *National Cricket Federation* shall use its *NADO* or other *Sample* collection authority to collect *Samples* in accordance with the *International Standard for Testing and Investigations*.

## ARTICLE 1 SCOPE AND APPLICATION

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

- 1.1.1. all *Cricketers* 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 *Cricketers* 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* or other *Person* is a citizen of or resident in the West Indies.

**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.

As set out above, these *Rules* apply solely to National-Level Players. International-Level Players 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 Players*) 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 Cricketers*;
  - 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 The *National Cricket Federation*, including its board members, directors, officers and specific employees, and *Delegated Third Parties* and their employees, shall also, as a condition of their participation or involvement in the sport, be bound by and required to comply with all of the provisions of the *Rules* in so far as they are involved in any aspect of *Doping Control*.
- 1.11 Without prejudice to Articles 1.1 to 1.10, 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 anti-doping rule violations set forth in Articles 2.1 through 2.11 of the *Rules*. The purpose of Article 2 is to specify the circumstances and

conduct which constitute anti-doping rule violations. Hearings in doping cases will proceed based on the assertion that one or more of these specific rules have been violated.

*Cricketers* or other *Persons* shall be responsible for knowing what constitutes an anti-doping rule violation and the substances and methods which have been included on the *Prohibited List*.

The following constitute 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 4.3): (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 A* or *B Sample* is split into two bottles and the analysis of the confirmation part of the split *Sample* confirms the presence of the *Prohibited Substance* or its *Metabolites* or *Markers* found in the first part of the split *Sample* or the *Cricketer* waives analysis of the confirmation part of the split *Sample*.

**2.1.3** Except in the case of those substances for which a *Decision Limit* is specifically identified in the *Prohibited List* or a *Technical Document*, the presence of any reported 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.

**2.1.4** As an exception to the general rule of Article 2.1, the *Prohibited List*, *International Standards* or *Technical Documents* may establish special criteria for reporting or the evaluation of certain *Prohibited Substances*.

**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 no *Prohibited Substance* enters his/her body and 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* was *Used* or *Attempted to be Used* for an anti-doping rule violation to be committed.

**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 refusing or failing to submit to Sample collection without compelling justification after notification by a duly authorised Person.**

**NOTE:** For example, it would be an anti-doping rule violation of "evading Sample collection" if it were established that a *Cricketer* was deliberately avoiding a *Doping Control* official to evade notification or Testing. A violation of "failing to submit to Sample collection" may be based on either intentional or negligent conduct of the *Cricketer*, while "evading" or "refusing" Sample collection contemplates intentional conduct by the *Cricketer*.

### **2.4 Whereabouts Failures by a Cricketer**

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 Results Management*) committed within a twelve-month period, whether declared by the *National Cricket Federation* or any other *Anti-Doping Organisation* with authority 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 Results Management*. A *Missed Test* constitutes a failure to be available for Testing at the declared whereabouts in accordance with the *International Standard for Results Management*.

### **2.5 Tampering or Attempted Tampering with any part of Doping Control by a Cricketer or other Person**

This Article prohibits intentional 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, offering or accepting a bribe to perform or fail to perform an act, preventing the collection of a *Sample*, affecting or making impossible the analysis of a *Sample*, falsifying documents submitted to an *Anti-Doping Organization* or *TUE* committee or hearing panel,



procuring false testimony from witnesses, committing any other fraudulent act upon the *Anti-Doping Organization* or hearing body to affect *Results Management* or the imposition of *Consequences*, and any other similar intentional interference or *Attempted* interference with any aspect of *Doping Control*.

**2.6 Possession of Prohibited Substances and/or Prohibited Methods.**

**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 4.3 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 4.3 or other acceptable justification.

**2.7 Trafficking or Attempted Trafficking in any Prohibited Substance or Prohibited Method by a Cricketer or other Person.**

**2.8 Administration or Attempted Administration by a Cricketer or other Person 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 4.3;**

**2.9 Complicity or Attempted Complicity by a Cricketer or other Person**

Assisting, encouraging, aiding, abetting, conspiring, covering up or any other type of intentional complicity or *Attempted* complicity involving an anti-doping rule violation or any *Attempted* anti-doping rule violation or violation of Article 10.13.1 by another *Person*.

**2.10 Prohibited Association by a Cricketer or other Person**

**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** To establish a violation of Article 2.10, an *Anti-Doping Organisation* must establish that the *Cricketer* or other *Person* knew of the *Cricketer Support Person's* disqualifying status.

**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 and/or that such association could not have been reasonably avoided.

**2.10.4** If the *National Cricket Federation* or other *Anti-Doping Organisation* with authority over the *Cricketer* or other *Person* becomes aware of any *Cricketer 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*.

**2.11 Acts by a *Player* or other *Person* to Discourage or Retaliate Against Reporting to Authorities.**

Where such conduct does not otherwise constitute a violation of Article 2.5:

**2.11.1** Any act which threatens or seeks to intimidate another *Person* with the intent of discouraging the *Person* from the good-faith reporting of information that relates to an alleged anti-doping rule violation or alleged non-compliance with the *Rules*, the *ICC Code* or the *World Anti-Doping Code* to the *National Cricket Federation*, the *ICC*, *WADA*, an *Anti-Doping Organisation*, law enforcement, regulatory or professional disciplinary body, hearing body or *Person* conducting an investigation for the *National Cricket Federation*, the *ICC*, *WADA* or an *Anti-Doping Organisation*.

**2.11.2** Retaliation against a *Cricketer* who, in good faith, has provided evidence or information that relates to an alleged anti-doping rule violation or alleged non-compliance with the *Rules*, the *ICC Code* or the *Code* to the *National Cricket Federation*, the *ICC* or *WADA*, an *Anti-Doping Organisation*, law enforcement, regulatory or professional disciplinary body, hearing body or *Person* conducting an investigation for the *National Cricket Federation*, the *ICC*, *WADA* or an *Anti-Doping Organisation*.

For the purposes of this Article 2.11, retaliation, threatening and intimidation include an act taken against such *Person* either because the act lacks a good faith basis or is a disproportionate response.

## **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 *Hearing Panel*, 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, except as provided in Articles 3.2.2 and 3.2.3, the standard of proof shall be by a balance of probability.

## **3.2 Methods of Establishing Facts and Presumptions**

The *Hearing Panel* 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 challenge whether the conditions for such presumption have been met or 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, the *Hearing Panel* or *CAS*, on its own initiative, may also inform *WADA* of any such challenge. Within 10 days of *WADA*'s receipt of such notice, and *WADA*'s receipt of the case file, *WADA* shall also have the right to intervene as a party, appear amicus curiae or otherwise provide evidence in such proceeding. In cases before *CAS*, at *WADA*'s request, the *CAS* panel shall appoint an appropriate scientific expert to assist the panel in its evaluation of the challenge.
- 3.2.2** *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*.
- 3.2.3** 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* shall not invalidate analytical results or other evidence of an anti-doping rule violation and shall not constitute a defence to an anti-doping rule violation; provided, however, if the *Cricketer* or other *Person* establishes that a departure from one of the specific *International Standard* provisions listed below could reasonably have caused an anti-doping rule violation based on an *Adverse Analytical Finding* or *Whereabouts Failure*, 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 the *Whereabouts Failure*:
- (i) a departure from the *International Standard* for Testing and Investigations related to *Sample* collection or *Sample* handling which could reasonably have caused an anti-doping rule violation based on an *Adverse Analytical Finding*, in which case the *National Cricket Federation* shall have the burden to establish that such departure did not cause the *Adverse Analytical Finding*;

- (ii) a departure from the *International Standard for Results Management* or *International Standard for Testing and Investigations* related to an *Adverse Passport Finding* which could reasonably have caused an anti-doping rule violation, in which case the *National Cricket Federation* shall have the burden to establish that such departure did not cause the anti-doping rule violation;
- (iii) a departure from the *International Standard for Results Management* related to the requirement to provide notice to the *Cricketer* of the *B Sample* opening which could reasonably have caused an anti-doping rule violation based on an *Adverse Analytical Finding*, in which case the *National Cricket Federation* shall have the burden to establish that such departure did not cause the *Adverse Analytical Finding*;
- (iv) a departure from the *International Standard for Results Management* related to *Cricketer* notification which could reasonably have caused an anti-doping rule violation based on a *Whereabouts Failure*, in which case the *National Cricket Federation* shall have the burden to establish that such departure did not cause the *Whereabouts Failure*.

**3.2.4** 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.

**3.2.5** The *Hearing Panel* considering an alleged anti-doping rule violation 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 *Hearing Panel*) and to answer questions from the *National Cricket Federation* or the members of the *Hearing Panel*.

## **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* which is published and revised by *WADA* as described in Article 4.1 of the *World Anti-Doping Code*<sup>2</sup>.

**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*, the *Prohibited List* and any revisions to it 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 or Specific Methods**

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<sup>2</sup> A link to which can be found at Appendix 2.

For purposes of the application of Article 10 of the *World Anti-Doping Code* and the *Rules*, all *Prohibited Substances* shall be considered “**Specified Substances**” except as identified in the *Prohibited List*. No *Prohibited Methods* shall be a *Specific Method* unless it is specifically identified as a *Specified Method* on the *Prohibited List*.

#### 4.1.3 *Substances of Abuse*

For the purposes of the application of Article 10 of the *World Anti-Doping Code* and of the *Rules*, *Substances of Abuse* shall include those *Prohibited Substances* which are specifically identified as *Substances of Abuse* on the *Prohibited List* because they are frequently abused in society outside of the context of sport.

### 4.2 **WADA’s Determination of the *Prohibited List***

WADA’s determination of the *Prohibited Substances* and *Prohibited Methods* that will be included on the *Prohibited List*, the classification of a substance into categories on the *Prohibited List*, the classification of a substance or method as a *Specified Substance*, *Specified Method* or *Substance of Abuse* is final and shall not be subject to any challenge by a *Cricketer* or other *Person*, including, but not limited to, any challenge 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 **Therapeutic Use Exemptions**

#### 4.3.1 **Scope and Effect of TUEs**

4.3.1.1 *Cricketers* may be granted permission to *Use* one or more *Prohibited Substances* or *Prohibited Methods* for therapeutic reasons in the circumstances set out in the *International Standard* for Therapeutic Use Exemptions. *International-Level Players* shall apply to the *ICC* for a *TUE*. *Cricketers* who are not *International-Level Players* shall apply to their *NADO* for a *TUE*. If the *NADO* denies the application, the *Cricketer* may appeal exclusively to the national level appeal body set out in the *NADO’s* rules. 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.

4.3.1.2 Subject only to the *International Standard* for Therapeutic Use Exemptions (which identifies in Article 4.1 and 4.3 certain exceptional circumstances in which a *TUE* may be granted retrospectively), all *Cricketers* needing to *Use*, *Possess* or *Administer* one or more *Prohibited Substances* or *Prohibited Methods* for therapeutic reasons must obtain a *TUE* prior to such *Use* or *Possession* or *Administration*.

#### 4.3.2 **Grant of a TUE**

**4.3.2.1** A *Cricketer* requiring a *TUE* must apply to their *NADO's TUE Committee* in accordance with the *TUE* application process set out in the *NADO's* rules.

**4.3.2.2** Any *TUE* granted to a *National Level Player* will be valid at national level only. If a *Cricketer* subsequently becomes an *International-Level Player* 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*.

## **ARTICLE 5 TESTING AND INVESTIGATIONS**

### **5.1 General principles**

**5.1.1** *Testing* and investigations may be undertaken for any anti-doping purpose, including, without limitation, 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* and applicable *Technical Documents*. 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* and investigations 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 authority that the *World Anti-Doping Code* confers on other *Anti-Doping Organisations* including *WADA* 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 2359 local time on the day before the first day of the *Match* in question through to the completion of such *Match* and the *Sample* collection process related to such *Match*. 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* is abandoned for any reason (including rain) irrespective of whether there has been any play whatsoever in the *International Match*, the period of *In-Competition* shall be considered to have ended at the time of abandonment as declared by the Match Officials;

**5.2.2.3** 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*;

**5.2.2.4** 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

**5.2.2.5** 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).

### **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* or *Attempted 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 *Cricketers* 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 additional pools of *Cricketers* who are not included in the *International Registered Testing Pool* (to be known as the “***National Player Pool***” (or similar)), and/or *National Cricket Federations* (to be known as the “***National Cricket Federation Pool***” (or similar)) who 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 *Cricketers* (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 4.8.6.2 of the *International Standard for Testing and Investigations*; (ii) updating that whereabouts information as necessary, in accordance with Article 4.8.8.6 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 4.8.9.1 of the *International Standard for Testing and Investigations*.

**5.3.2.2** Subject to the *Results Management* provisions referenced at Article 7.4, and for the purpose of Article 2.4, the failure of a *Cricketer* in the *National Registered Testing Pool* to comply with the requirements of the *International Standard for Testing and Investigations* shall be deemed a *Filing Failure* (e.g. when the *Cricketer* fails to make an accurate and complete whereabouts filing that enables the *Cricketer* to be located for *Testing* at the times and locations set out in the whereabouts filing or to update that whereabouts filing where necessary to ensure that it remains accurate and complete) or *Missed Test* (where the *Cricketer* fails to be available for *Testing* at his/her declared whereabouts), as defined in Annex B of the *International Standard for Results Management*, where the conditions set forth in Annex B 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* through ADAMS. Whereabouts information shall be maintained in strict confidence at all times; it shall be used exclusively for the purpose of planning, co-ordinating or conducting *Doping Control*, providing information relevant to analytical results, to support an investigation into a potential anti-doping rule violation; or to support proceedings alleging an anti-doping rule violation; and shall be destroyed after it is no longer relevant for these purposes in accordance with the *International Standard for the Protection of Privacy and Personal Information*. 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 B 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 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* unless the *Cricketer* can establish that he/she could not have reasonably known that it was a *Match*.

5.6.2 If a *Cricketer* retires from cricket while subject to a period of *Ineligibility* the *Cricketer* must notify the *Anti-Doping Organisation* that imposed the period of *Ineligibility* in writing of such retirement. If the *Cricketer* 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

6.1.1. 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).

6.1.2. As provided in Article 3.2, facts related to anti-doping rule violations may be established by any reliable means. This would include, for example, reliable laboratory or other forensic testing conducted outside of *WADA*-accredited or approved laboratories.

### 6.2 Purpose of Analysis of *Samples* and data

*Samples* and related analytical data or *Doping Control* information 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.

### 6.3 Restrictions on Use of *Samples*

**6.3.1** All *Samples* and related analytical data or *Doping Control* information 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 *Samples* at all times in accordance with the *World Anti-Doping Code* and the *International Standards*.

**6.3.2** No *Sample* or related analytical data or *Doping Control* information may be used for anti-doping research without the *Cricketer's* written consent. *Samples* and related analytical data or *Doping Control* information used (with the *Cricketer's* consent) for research shall have any means of identification removed so that it cannot be traced back to the *Cricketer* that provided it. Any research involving *Samples* and related analytical data or *Doping Control* information shall adhere to the principle set out in Article 19 of the *World Anti-Doping Code*.

#### **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 and Article 4.7 of the *International Standard* for *Testing* and Investigations.

Laboratories at their own initiative and expense may analyze *Samples* for *Prohibited Substances* or *Prohibited Methods* not included on the standard *Sample* analysis menu, or as requested by the *National Cricket Federation*, where it initiated and directed *Sample* collection. Results from any such analysis shall be reported to the *National Cricket Federation* and have the same validity and *Consequences* as any other analytical result.

**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** There shall be no limitation on the authority of a laboratory to conduct repeat or additional analysis on a *Sample* prior to the time that the *National Cricket Federation* or *NADO* (as may be applicable) notifies the *Cricketer* that the *Sample* is the basis for an Article 2.1 anti-doping rule violation charge. If, after such notification, the *National Cricket Federation* wishes to conduct additional analysis on that *Sample*, it may do so with the consent of the *Cricketer* or the *Anti-Doping Tribunal*.

**6.5.2** After a laboratory has reported a *Sample* as negative, or the *Sample* has not otherwise resulted in an anti-doping rule violation charge, it 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 other *Anti-Doping Organisation* with authority to test the *Cricketer* that wishes to conduct further analysis on a stored *Sample* may do so with the permission of the *Anti-Doping Organisation* that initiated and directed *Sample* collection or *WADA*, and shall be responsible for any follow-up *Results Management*. (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.

## **6.6 Split of A or B Sample**

Where the *National Cricket Federation*, the *ICC*, *WADA*, an *Anti-Doping Organization* with *Results Management* authority, and/or a *WADA*-accredited laboratory (with approval from *WADA* or the *Anti-Doping Organization* with *Results Management* authority) wishes to split an A or B *Sample* for the purpose of using the first part of the split *Sample* for an A *Sample* analysis and the second part of the split *Sample* for confirmation, then the procedures set forth in the *International Standard* for Laboratories shall be followed.

## **6.7 WADA's Right to Take Possession of Samples and Data**

*WADA* may, in its sole discretion at any time, with or without prior notice, take physical possession of any *Sample* and related analytical data or information in the possession of a laboratory or *Anti-Doping Organization*. Upon request by *WADA*, the laboratory or *Anti-Doping Organization* in possession of the *Sample* or data shall immediately grant access to and enable *WADA* to take physical possession of the *Sample* or data. If *WADA* has not provided prior notice to the laboratory or *Anti-Doping Organization* before taking possession of a *Sample* or data, it shall provide such notice to the laboratory and each *Anti-Doping Organization* whose *Samples* or data have been taken by *WADA* within a reasonable time after taking possession. After analysis and any investigation of a seized *Sample* or data, *WADA* may direct another *Anti-Doping Organization* with authority to test the *Athlete* to assume *Results Management* responsibility for the *Sample* or data if a potential anti-doping rule violation is discovered.

# **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* and the *International Standard* for *Results Management* 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*;

**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*; and/or

**7.2.1.3** it is apparent that the *Adverse Analytical Finding* was caused by an ingestion of the relevant *Prohibited Substance* through a permitted route.

**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*; (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*, and/or (c) it is apparent that the *Adverse Analytical Finding* was caused by an ingestion of the relevant *Prohibited Substance* through a permitted route 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*; (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*; and/or (c) it is apparent that the *Adverse Analytical Finding* was caused by an ingestion of the relevant *Prohibited Substance* through a permitted route, then the *Anti-Doping Manager* shall promptly send the *Cricketer* written notice (the “**Notification**”), 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) may have a case to answer under Article 2.1 and/or Article 2.2 and the applicable *Consequences*;

**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* (or the *Cricketer’s* right to request copies of the laboratory documentation package);

**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*; 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 *Notification* 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 *Notification* shall warn the *Cricketer* that, failing such

request, the *Cricketer* will be deemed to have irrevocably 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 *Notification* 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. 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 *Sample* collection documentation.

**7.2.3.4** The opportunity for the *Cricketer* to provide an explanation within a short period of time;

**7.2.3.5** the opportunity for the *Cricketer* to provide *Substantial Assistance* under the *Rules*, to admit the anti-doping rule violation and potentially benefit from a one year reduction in the period of *Ineligibility* under Article 10.8.1 or to seek to enter into a case resolution agreement under Article 10.8.2;

**7.2.3.6** 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*);

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

**7.2.3.8** the matters specified at Article 7.9; and

**7.2.3.9** any other matter as set out in the *International Standard* for *Results Management*.

**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 *Cricketer* shall be afforded the opportunity to supplement their explanations within a short deadline, 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*; (b) there is any apparent departure from the *International Standard* for Testing and Investigations or *International Standard* for Laboratories that caused the *Atypical Finding*; or (c) it is apparent that the ingestion of the *Prohibited Substance* was through a permitted route.
- 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*; (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*; or (c) it is apparent that the ingestion of the *Prohibited Substance* was through a permitted route, 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*, or it is apparent that the ingestion of the *Prohibited Substance* was through a permitted route, 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 brought forward as 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*.
- 7.3.5.3** If the *Atypical Finding* is, in the opinion of a qualified medical or expert personnel, likely to be connected to a serious pathology that requires urgent medical attention.

## **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 *Testing Authority* other than the *National Cricket Federation*, the other *Testing Authority* shall provide the *National Cricket Federation* with the *Unsuccessful Attempt Form* without delay and thereafter shall assist the *National Cricket Federation* as necessary in obtaining the necessary information, pursuant to Article B3.2(a) of the *International Standard for Results Management*, 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 Annex B of the *International Standard for Results Management* (with the administrative review, if any, carried out by the *Review Board*) in order to determine whether all of the requirements of Article B2.1 of the *International Standard for Results Management* (in the case of a *Filing Failure*) or all of the requirements of Article B2.4 of the *International Standard for Results Management* (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 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 *Notification* (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** 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*);
  - 7.4.5.4** the opportunity for the *Cricketer* to provide *Substantial Assistance* under the *Rules* or to seek to enter into a case resolution agreement under Article 10.8.2;
  - 7.4.5.5** (where applicable) the matters relating to *Provisional Suspension* specified at Article 7.7;
  - 7.5.5.6** the matters specified at Article 7.9; and
  - 7.5.5.7** any other matters as set out in the *International Standard for Results Management*.

## **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 other *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 other *Person* knows or suspects that any other *Cricketer* or other *Person* has committed an anti-doping rule violation, the *Cricketer* or other *Person* must report such knowledge or suspicion to the *Anti-Doping Manager* as soon as possible. A *Cricketer* or other *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 other *Person's* prior knowledge or suspicion has already been reported.
- 7.5.3** *Cricketers* and other *Persons* 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 other *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 other *Person's* knowledge of facts and circumstances with respect to the suspected anti-doping rule violation. The *Cricketer* or other *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 other *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 other *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, or in the case of another *Person*, his/her involvement) 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 other *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 other *Person* has a case to answer under Article 2, the *Anti-Doping Manager* shall promptly send the *Cricketer* or other *Person* a written *Notification* (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 other *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** 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*);

**7.5.6.4** the opportunity for the *Cricketer* to provide *Substantial Assistance* under the *Rules*, and, where applicable pursuant to the *Code*, to admit the anti-doping rule violation and potentially benefit from a one year reduction in the period of *Ineligibility* under Article 10.8.1 or to seek to enter into a case resolution agreement under Article 10.8.2;

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

**7.5.6.6** the matters specified at Article 7.9; and

**7.5.6.7** any other matters as set out in the *International Standard for Results Management*.

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

Before giving a *Cricketer* or other *Person* notice of a potential anti-doping rule violation as provided above, the *National Cricket Federation* shall refer to *ADAMS* 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* or *Specified Method*, 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 Investigations* or the *International Standard for Laboratories* that caused the *Adverse Analytical Finding*, or an ingestion of the relevant *Prohibited Substance* through a permitted route, 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.

A mandatory *Provisional Suspension* may be eliminated if: (i) the *Cricketer* demonstrates to the *Anti-Doping Tribunal* that the violation is likely to have involved a *Contaminated Product*, or (ii) the violation involves a *Substance of Abuse* and the *Cricketer* establishes entitlement to a reduced period of *Ineligibility* under Article 10.2.4.1.

The *Anti-Doping Tribunal's* decision not to eliminate a mandatory *Provisional Suspension* on account of the *Cricketer's* assertion regarding a *Contaminated Product* shall not be appealable.

- 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*, *Specified Method* or other anti-doping rule violation), 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. An optional *Provisional Suspension* may be lifted at the discretion of the *National Cricket Federation* at any time prior to the *Anti-Doping Tribunal's* decision under Article 8, unless provided otherwise in the *International Standard for Results Management*.

In circumstances where the *National Cricket Federation* decides not to impose a *Provisional Suspension*, the *Cricketer* or other *Person* shall be offered the opportunity to accept a voluntary *Provisional Suspension* pending the resolution of the matter. If the *Cricketer* or other *Person* wishes to accept the offer, the *Cricketer* must communicate such acceptance in writing to the *National Cricket Federation* prior to the later of (i) the expiration of ten days from the report of the B Sample analysis (or waiver of the B Sample analysis) or ten days after notice of any other anti-doping rule violation; or (ii) the date on which the *Cricketer* first competes after such report or notification. Other *Persons* on their own initiative may voluntarily accept a *Provisional Suspension* if done so within ten days of notice of the anti-doping rule violation.

Upon such voluntary acceptance, the *Provisional Suspension* shall have the full effect and be treated in the same manner as if the *Provisional Suspension* had been imposed under Article 7.471 or 7.7.2; provided, however, at any time after voluntarily accepting a *Provisional Suspension*, the *Cricketer* or other *Person* may withdraw such acceptance, in which event the *Cricketer* or other *Person* shall not receive any credit for time previously served during the *Provisional Suspension*.

- 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*.
- 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*).

## **7.8 Notice of Charge**

- 7.8.1** If after receipt of the *Cricketer* or other *Person's* explanation sent in response to the *Notification* or the expiry of the deadline to provide such explanation, the *National Cricket Federation* remains satisfied that the *Cricketer* or other *Person* has committed an anti-doping rule violation, the *National Cricket Federation* shall promptly charge the *Cricketer* or other *Person* with the anti-doping rule violation(s) they are asserted to have breached (the "**Notice of Charge**"),

copied to the *Cricketer's NADO* and *WADA*. The *Notice of Charge* shall include the following:

- 7.8.1.1 the fact that the *Cricketer*, *Cricketer Support Person* or other *Person* has a case to answer under Article 2;
- 7.8.1.2 details of the anti-doping rule violation(s) that the *Cricketer*, *Cricketer Support Person*, or other *Person* is alleged to have committed, and a summary of the facts which are relied upon in support of the charge;
- 7.8.1.3 the *Consequences* applicable under the *Rules* if it is established that the *Cricketer* or other *Person* has committed the anti-doping rule violation(s) charged (including identifying any discretion that may exist in relation to such *Consequences* under the *Rules*);
- 7.8.1.4 the opportunity for the *Cricketer* or other *Person* to provide *Substantial Assistance* under the *Rules* to admit the anti-doping rule violation and potentially benefit from a one-year reduction in the period of *Ineligibility* under Article 10.8.1 or to seek to enter into a case resolution agreement under Article 10.8.2;
- 7.8.1.5 (where applicable) the matters relating to *Provisional Suspension* specified at Article 7.7;
- 7.8.1.6 the matters specified at Article 7.9; and
- 7.8.1.7 any other matters as set out in the *International Standard for Results Management*.

## 7.9 Responding to the *Notice of Charge*

- 7.9.1 A *Notice of Charge* sent to a *Cricketer* or other *Person* in accordance with Article 7.8 shall also specify that, if the *Cricketer* or other *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 other *Person* of the *Notice of Charge*. The request must also state how the *Cricketer* or other *Person* responds to the charge(s) and must explain (in summary form) the basis for such response.
- 7.9.2 If the *Cricketer* or other *Person* fails to file a written request for a hearing before the *Anti-Doping Tribunal* in accordance with Article 7.9.1 by the deadline specified in that Article, then the *Cricketer* or other *Person* shall be deemed:
  - 7.9.2.1 to have waived his/her entitlement to a hearing;
  - 7.9.2.2 to have admitted that he/she has committed the anti-doping rule violation(s) specified in the *Notice of Charge*; and
  - 7.9.2.3 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*.

**7.9.3** Where the *Cricketer* or *Cricketer Support Person* does request a hearing in accordance with Article 7.9.1, the matter shall proceed to a hearing in accordance with Article 8.

## **7.10 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*.

## **7.11 Retirement from Sport**

If a *Cricketer* or other *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 other *Person* retires before any *Results Management* process has started, the *National Cricket Federation*, if it has *Results Management* authority over that *Cricketer* or other *Person* at the time the *Cricketer* or other *Person* committed an anti-doping rule violation, 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*, free of any conflict of interest and shall be *Operationally Independent*.

**8.1.2** Where the *National Cricket Federation* alleges that a *Cricketer* or other *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 other *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 other *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 other *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 other *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 other *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 other *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 within seven days of the ground for challenge becoming known and, at the latest, the preliminary hearing. 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 other *Person* has the right to be present and to be heard at the hearing. Each of the *National Cricket Federation* and the *Cricketer* or other *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 other *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 other *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. The procedure shall follow the principles outlined in the *International Standard for Results Management*.
- 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 other *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** the jurisdictional basis and applicable rules;

- 8.2.1.2 a detailed factual background;
  - 8.2.1.3 with reasons, the *Anti-Doping Tribunal's* findings as to whether any anti-doping rule violation(s) has/have been committed;
  - 8.2.1.4 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;
  - 8.2.1.5 with reasons, the date that such *Consequences* shall come into force and effect pursuant to Article 10.12; and
  - 8.2.1.6 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 Disclosed*, 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 other *Person* is exonerated, then the decision shall not be published (save as set out in Article 14.5) and its confidentiality shall be strictly maintained by all parties.

### 8.3 Single Hearings before CAS

Anti-doping rule violations asserted against *Cricketers* and other *Persons* under these *Rules* may, with the consent of the *Cricketer* or other *Person*, the *National Cricket Federation*, the *ICC* and *WADA* be heard in a single hearing directly at *CAS*.

## 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, including, without limitation and where



possible, forfeiture of any individual medals or other prizes awarded.

## 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 other *Person's* first offence shall be as follows, unless the conditions for eliminating, reducing or suspending the period of *Ineligibility* (as provided in Articles 10.5, 10.6 and 10.7) are met.

10.2.1 The period of *Ineligibility*, subject to Article 10.2.4.1, shall be four years where:

- (a) the anti-doping rule violation does not involve a *Specified Substance* or *Specified Method*, 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* or *Specified Method* 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, subject to Article 10.2.4.1, 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 engage 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.

10.2.4 Notwithstanding any other provision in Article 10.2, where the anti-doping rule violation involves a *Substance of Abuse*:

10.2.4.1 If the *Cricketer* can establish that any ingestion or *Use* occurred *Out-of-Competition* and was unrelated to sport performance, then the period of *Ineligibility* shall be three (3) months *Ineligibility*.

In addition, the period of *Ineligibility* calculated under this Article 10.2.4.1 may be reduced to one (1) month if the *Athlete* or other *Person* satisfactorily completes a *Substance of Abuse* treatment program approved by the *National Cricket Federation*. The period of *Ineligibility* established in this Article 10.2.4.1 is not subject to any reduction based on any provision in Article 10.6.

**10.2.4.2** If the ingestion, *Use* or *Possession* occurred *In-Competition*, and the *Cricketer* can establish that the context of the ingestion, *Use* or *Possession* was unrelated to sport performance, then the ingestion, *Use* or *Possession* shall not be considered intentional for purposes of Article 10.2.1 and shall not provide a basis for a finding of *Aggravating Circumstances* under Article 10.4.

### **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 10.6 or 10.7:

**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 other *Person's* first offence, the period of *Ineligibility* imposed shall be four years, except: (i) 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; (ii) in all other cases, if the *Cricketer* or other *Person* can establish exceptional circumstances that justify a reduction of the period of *Ineligibility*, the period of *Ineligibility* shall be in a range from two (2) years to four (4) years depending on the *Cricketer* or other *Person's* degree of *Fault*; or (iii) in a case involving a *Protected Person* or *Recreational Athlete*, the period of *Ineligibility* shall be in a range between a maximum of two (2) years and, at a minimum, a reprimand and no period of *Ineligibility*, depending on the *Protected Person* or *Recreational Athlete's* degree of *Fault*.

**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 other *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 *Protected Person* 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 lifetime *Ineligibility*, 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.

**10.3.6** For violations of Article 2.11, the period of *Ineligibility* shall be a minimum of two (2) years, up to lifetime *Ineligibility*, depending on the seriousness of the violation by the *Cricketer* or other *Person*.

#### **10.4 Aggravating Circumstances which may Increase the Period of *Ineligibility***

If the *National Cricket Federation* establishes in an individual case involving an anti-doping rule violation other than violations under Article 2.7 (*Trafficking* or *Attempted Trafficking*), 2.8 (*Administration* or *Attempted Administration*), 2.9 (*Complicity* or *Attempted Complicity*) or 2.11 (*Acts by a Cricketer or Other Person to Discourage or Retaliate Against Reporting*) that *Aggravating Circumstances* are present which justify the imposition of a period of *Ineligibility* greater than the standard sanction, then the period of *Ineligibility* otherwise applicable shall be increased by an additional period of *Ineligibility* of up to two (2) years depending on the seriousness of the violation and the nature of the *Aggravating Circumstances*, unless the *Cricketer* or other *Person* can establish that he or she did not knowingly commit the anti-doping rule violation.

#### **10.5 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.

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

**10.6.1** Reduction of the Period of *Ineligibility* for *Specified Substances*, *Specified Methods* or *Contaminated Products*, or in the case of *Protected Persons* or *Recreational Athletes* for violations of Articles 2.1, 2.2 or 2.6.

All reductions under Article 10.6.1 are mutually exclusive and not cumulative.

##### **10.6.1.1 *Specified Substances* or *Specified Methods***

Where the anti-doping rule violation involves a *Specified Substance* (other than a *Substance of Abuse*) or *Specified Method*, 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*.

##### **10.6.1.2 *Contaminated Products***

In cases where the *Cricketer* or other *Person* can establish both *No Significant Fault or Negligence* and that the detected *Prohibited Substance* came from a *Contaminated Product* (other than a *Substance of Abuse*), 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*.

##### **10.6.1.3 *Protected Persons* or *Recreational Athletes***

Where the anti-doping rule violation not involving a *Substance of Abuse* is committed by a *Protected Person* or *Recreational Athlete*, and the *Protected Person* or *Recreational Athlete* 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 (2) years *Ineligibility*, depending on the *Protected Person* or *Recreational Athlete's* degree of *Fault*.

**10.6.2** If a *Cricketer* or other *Person* establishes in an individual case where Article 10.6.1 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 10.7, 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 article may be no less than eight years.

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

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

**10.7.1.1** 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 the *Consequences* (other than *Disqualification* and mandatory *Public Disclosure*) imposed in an individual case in which it has *Results Management* authority, 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 *Consequences* with the approval of the *ICC* and *WADA*.

**10.7.1.2** 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, non-compliance with the *World Anti-Doping Code* and/or sport integrity violations.

**10.7.1.3** No more than three-quarters of the otherwise applicable period of *Ineligibility* may be suspended under this Article 10.7.1. If the otherwise applicable period of *Ineligibility* is a lifetime, the non-suspended period under this Article must be no less than 8 years. For the purpose of this paragraph, the otherwise applicable period of *Ineligibility* shall not include any period of *Ineligibility* that could be added under Article 10.9.3.2 of the *Rules*.

**10.7.1.4** If so requested by a *Player* or other *Person* who seeks to provide *Substantial Assistance*, the *National Cricket Federation* shall

allow the *Player* or other *Person* to provide the information to it subject to a *Without Prejudice Agreement*.

**10.7.1.5** 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 *Consequences* 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 suspended *Consequences* or a decision not to reinstate suspended *Consequences* may be appealed by any *Person* entitled to appeal under Article 13.2.

**10.7.1.6** 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 or other violations of the *World Anti-Doping Code*, *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*, no mandatory *Public Disclosure* 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.

**10.7.1.7** 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 as provided in Article 14. 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.

#### **10.7.2** 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.

#### **10.7.3** 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 10.5, 10.6 or 10.7, before applying any reduction or suspension under Article 10.7, the

otherwise applicable period of *Ineligibility* shall be determined in accordance with Articles 10.2, 10.3, 10.5 and 10.6. If the *Cricketer* or other *Person* establishes entitlement to a reduction or suspension of the period of *Ineligibility* under Article 10.7, then the period of *Ineligibility* may be reduced or suspended, but not below one-quarter of the otherwise applicable period of *Ineligibility*.

## **10.8 Results Management Agreements**

### **10.8.1 One-Year Reduction for Certain Anti-Doping Rule Violations Based on Early Admission and Acceptance of Sanction**

Where a *Cricketer* or other *Person*, after being notified by the *National Cricket Federation* of a potential anti-doping rule violation that carries an asserted period of *Ineligibility* of four (4) or more years (including any period of *Ineligibility* asserted under Article 10.4), admits the violation and accepts the asserted period of *Ineligibility* no later than twenty (20) days after receiving notice of an anti-doping rule violation charge, the *Cricketer* or other *Person* may receive a one (1) year reduction in the period of *Ineligibility* asserted by the *National Cricket Federation*. Where the *Cricketer* or other *Person* receives the one-year reduction in the asserted period of *Ineligibility* under this Article 10.8.1, no further reduction in the asserted period of *Ineligibility* shall be allowed under any other Article.

### **10.8.2 Case Resolution Agreement**

Where the *Cricketer* or other *Person* admits an anti-doping rule violation after being confronted with the anti-doping rule violation by the *National Cricket Federation* and agrees to *Consequences* acceptable to the *National Cricket Federation*, the *ICC* and *WADA*, at their sole discretion, then: (a) the *Cricketer* or other *Person* may receive a reduction in the period of *Ineligibility* based on an assessment by the *National Cricket Federation*, the *ICC* and *WADA* of the application of Articles 10.1 through 10.7 to the asserted anti-doping rule violation, the seriousness of the violation, the *Cricketer* or other *Person's* degree of *Fault* and how promptly the *Cricketer* or other *Person* admitted the violation; and (b) the period of *Ineligibility* may start as early as the date of *Sample* collection or the date on which another anti-doping rule violation last occurred. In each case, however, where this Article is applied, the *Cricketer* or other *Person* shall serve at least one-half of the agreed-upon period of *Ineligibility* going forward from the earlier of the date the *Cricketer* or other *Person* accepted the imposition of a sanction or a *Provisional Suspension* which was subsequently respected by the *Cricketer* or other *Person*. The decision by the *National Cricket Federation*, *WADA* and the *ICC* to enter or not enter into a case resolution agreement, and the amount of the reduction to, and the starting date of, the period of *Ineligibility* are not matters for determination or review by a hearing body and are not subject to appeal under Article 13.

If so requested by a *Cricketer* or other *Person* who seeks to enter into a case resolution agreement under this Article, the *National Cricket Federation* shall allow the *Cricketer* or other *Person* to discuss an admission of the anti-doping rule violation with it subject to a *Without Prejudice Agreement*.

## 10.9 Multiple Violations

### 10.9.1 Second or Third Anti-Doping Rule Violations

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

(a) Six months;

(b) A period of *Ineligibility* in the range between:

(i) The sum of the period of *Ineligibility* imposed for the first anti-doping rule violation plus the period of *Ineligibility* otherwise applicable to the second anti-doping rule violation as if it were a first violation; and

(ii) Twice the period of *Ineligibility* otherwise applicable to the second anti-doping rule violation treated as if it were a first violation.

The period of *Ineligibility* within this range shall be determined based on the entirety of the circumstances and the *Cricketer* or other *Person's* degree of *Fault* with respect to the second violation. further reduced by the application of Article 10.7.

### 10.9.1.2 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 10.5 or 10.6 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*.

**10.9.1.3** The period of *Ineligibility* established in Articles 10.9.1.1 and 10.9.1.2 may then be further reduced by the application of Article 10.7.

**10.9.2** 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.

In addition, an anti-doping rule violation sanctioned under Article 10.2.4.1 shall not be considered a violation for the purposes of Article 10.9.

### 10.9.3 Additional Rules for Certain Potential Multiple Violations

**10.9.3.1** For purposes of imposing sanctions under Article 10.9, except as provided in Articles 10.9.3.2 and 10.9.3.3, an anti-doping rule violation will only be considered a second violation if the *National Cricket Federation* can establish that the *Cricketer* or other *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 including the application of *Aggravating Circumstances*. Results in all *Matches* dating back to the earlier anti-doping rule violation will be *Disqualified* as provided in Article 10.10.

**10.9.3.2** If the *National Cricket Federation* establishes that the *Cricketer* or other *Person* committed an additional anti-doping rule violation prior to notification, and that the additional violation occurred twelve (12) months or more before or after the first-noticed violation, then the period of *Ineligibility* for the additional violation shall be calculated as if the additional violation were a stand-alone first violation and this period of *Ineligibility* is served consecutively, rather than concurrently, with the period of *Ineligibility* imposed for the earlier-noticed violation. Where this Article 10.9.3.2 applies, the violations taken together shall constitute a single violation for the purposes of Article 10.9.1.

**10.9.3.3** If the *National Cricket Federation* establishes that a *Cricketer* or other *Person* committed a violation of Article 2.5 in connection with the *Doping Control* process for an underlying asserted anti-doping rule violation, the violation of Article 2.5 shall be treated as a stand-alone first violation and the period of *Ineligibility* for such violation shall be served consecutively, rather than concurrently, with the period of *Ineligibility*, if any, imposed for the underlying anti-doping rule violation. Where this Article 10.9.3.3 is applied, the violations taken together shall constitute a single violation for purposes of Article 10.9.1.

**10.9.3.4** If the *National Cricket Federation* establishes that a *Cricketer* or other *Person* has committed a second or third anti-doping rule violation during a period of *Ineligibility*, the periods of *Ineligibility* for the multiple violations shall run consecutively, rather than concurrently.

#### **10.9.4 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 10.9 if it took place within a period of ten years prior to the anti-doping rule violation under consideration.

#### **10.10 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 forfeiture of any individual medals or other prizes awarded.

<p><b>NOTE:</b> The lack of any evidence that the <i>Cricketer's</i> performance was enhanced during subsequent <i>Matches</i> shall not of itself be sufficient to trigger the <i>Anti-Doping Tribunal's</i> discretion under Article 10.10.</p>
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#### **10.11 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; and third if any forfeited prize money remains, the *National Cricket Federation* shall take reasonable measures to allocate and distribute this prize money to the *Cricketers* who would otherwise have been entitled to it had the forfeiting *Cricketer* not competed.

## **10.12 Commencement of *Ineligibility* Period**

Where a *Player* is already serving a period of *Ineligibility* for an anti-doping rule violation, any new period of *Ineligibility* shall commence on the first day after the current period of *Ineligibility* has been served. Otherwise, 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.

### **10.12.1 Delays Not Attributable to the *Cricketer* or other *Person***

Where there have been substantial delays in the hearing process or other aspects of *Doping Control* and the *Cricketer* or other *Person* can establish that such delays are 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*.

### **10.12.2 Credit for *Provisional Suspension* or Period of *Ineligibility* Served**

**10.12.2.1** Any period of *Provisional Suspension* respected and served by the *Cricketer* or other *Person* (whether imposed in accordance with Article 7.7 or voluntarily accepted by the *Cricketer* or other *Person*) shall be credited against the total period of *Ineligibility* that may be ultimately imposed. If the *Cricketer* or other *Person* does not respect a *Provisional Suspension* (whether imposed in accordance with Article 7.7 or voluntarily accepted), then the *Cricketer* or other *Person* shall receive no credit for any period of *Provisional Suspension* served. If a period of *Ineligibility* is served pursuant 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.

**10.12.2.2** To get credit for any period of voluntary *Provisional Suspension* against any period of *Ineligibility* which may ultimately be imposed, 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*.

**10.12.2.3** 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.

**10.12.2.4** Where a period of *Ineligibility* is imposed upon a team pursuant to Article 11, unless fairness requires otherwise, the period of *Ineligibility* shall start on the date of the final hearing decision providing for *Ineligibility* or, if the hearing is waived, on the date *Ineligibility* is accepted or otherwise imposed. Any period of team *Provisional Suspension* (whether imposed or voluntarily accepted) shall be credited against the total period of *Ineligibility* to be served.

## **10.13 Status During *Ineligibility* and *Provisional Suspension***

### **10.13.1 Prohibition against Participation during *Ineligibility***

**10.13.1.1** No *Cricketer* or other *Person* who has been declared *Ineligible* or is subject to a *Provisional Suspension* may, during the period of *Ineligibility* or *Provisional Suspension*, 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* or *Provisional Suspension*, 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*.

**10.13.1.2** 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 *Protected Persons*.

**10.13.1.3** 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*.

#### **10.13.2 Return to Training**

As an exception to Article 10.13.1, a *Cricketer* may return to train with a team or to use the facilities of a club or other member organisation of the *National Cricket Federation*, the *ICC* or other *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.

#### **10.13.3 Violation of the Prohibition of Participation during *Ineligibility* or *Provisional Suspension***

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*, including a reprimand and no 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.

A *Cricketer* or other *Person* who violates the prohibition against participation during a *Provisional Suspension* described in Article 10.13.1 shall receive no credit for any period of *Provisional Suspension* served and the results of such participation shall be *Disqualified*.

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

#### **10.13.4 Withholding of Financial Support during *Ineligibility***

In addition, for any anti-doping rule violation not involving a reduced sanction as described in Articles 10.5 and 10.6, 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.

#### **10.14 Automatic Publication of Sanction**

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

### **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 bring forward an *Adverse Analytical Finding* or an *Atypical Finding* as an anti-doping rule violation under Article 7.2 or 7.3; a decision by the *National Cricket Federation* not to go forward with an anti-doping rule violation after an investigation in accordance with the *International Standard for Results Management*; (subject to Article 13.2.2) a decision to impose, or lift, 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 that the *National Cricket Federation* lacks authority to rule on an alleged anti-doping rule violation or its *Consequences*; a decision to suspend, or not suspend, *Consequences*, or to reinstate, or not reinstate, suspended *Consequences* under Article 10.7.1; failure to comply with *World Anti-Doping Code* Article 7.1.4 and 7.1.5; failure to comply with Article 10.8.1; 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 *Results Management* under *World Anti-Doping Code* Article 7.1; a decision under Article 10.13.3; and a decision under *World Anti-Doping Code* Article 27.3, 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 *Persons*.

**13.2.2** The only *Person* who may appeal a decision to impose a *Provisional Suspension* is the *Cricketer* or other *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 Player*, 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. Any party to the appeal may submit evidence, legal arguments and claims that were not raised in the first instance hearing so long as they arise from the same cause of action or same general facts or circumstances raised or addressed in the first instance hearing; 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.

**13.2.4** Duty to Notify

All parties to any *CAS* appeal must ensure that *WADA* and all other parties with a right to appeal have been given timely notice of the appeal.

**13.2.5** Cross Appeals and other Subsequent Appeals Allowed

Cross appeals and other subsequent appeals by any respondent named in cases brought to *CAS* under the *Code* 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.

### **13.3 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*, free of conflict of interest and shall be *Operationally Independent* 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 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***

*TUE* decisions may be appealed exclusively as provided in Article 4.3.

### **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. Where the appellant is a party other than the *National Cricket Federation*, to be a valid filing under this Article, a copy of the appeal must also be filed on the same day with the *National Cricket Federation*.

**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 fifteen (15) 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 fifteen-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.

**13.8.4** 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.

**13.8.5** The *National Cricket Federation* shall promptly provide the appeal decision to the *Cricketer* or other *Person* and to the other *Anti-Doping Organisations* that would be entitled to appeal under Article 13.2.1.

**13.8.6** 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.

**13.8.7** 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** Subject to the right under Swiss law to challenge the decision before the Swiss Federal Tribunal, 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 Disclosed* 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 *Notification* in accordance with Article 7.
- 14.2** No later than twenty (20) days after it has been determined in an appellate decision under Article 13, or an appeal has been waived, or a hearing in accordance with Article 8 has been waived, or the assertion of an anti-doping rule violation has not otherwise been timely challenged, or the matter has been resolved under Article 10.8, or a new period *Ineligibility*, or reprimand, has been imposed under Article 10.13.3, the *National Cricket Federation* must *Publicly Disclose* the disposition of the anti-doping rule violation, the name of the *Cricketer* or other *Person* committing the violation, the *Prohibited Substance* or *Prohibited Method* involved (if any) and the *Consequences* imposed. The *National Cricket Federation* must *Publicly Disclose* within twenty (20) days the results of appellate decisions concerning anti-doping rule violations, including the information described above, subject, at all times, to the extent permitted by applicable law. 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*.
- 14.3** After an anti-doping rule violation has been determined to have been committed in an appellate decision under Article 13.2.1 or such appeal has been waived, or in a hearing in accordance with Article 8 or where such hearing has been waived, or the assertion of an anti-doping rule violation has not otherwise been timely challenged, or the matter has been resolved under Article 10.8, the *National Cricket Federation* may make public such determination or decision and may comment publicly on the matter.
- 14.4** In circumstances where the *Cricketer* or other *Person* found to have committed an anti-doping rule violation is a *Minor*, a *Protected Person* or a *Recreational Athlete*, *Public Disclosure* of the decision will be optional and shall be proportionate to the facts and circumstances of the case.
- 14.5** 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 fact that the decision has been appealed may be *Publicly Disclosed*. However, the decision itself and the underlying facts may not be *Publicly Disclosed* except 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.
- 14.6** 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 *Notification* 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 other *Person* involved in the case or his/her representatives.

- 14.7** 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.
- 14.8** 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*.
- 14.69** 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 authority to test *Cricketers*, so that duplication of anti-doping efforts may be avoided.
- 14.10** Whereabouts information provided by a *Cricketer* pursuant to Article 5.3.2 shall be entered in *ADAMS* 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.
- 14.11** All *Cricketers* and other *Persons* 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 IMPLEMENTATION OF DECISIONS**

### **15.1 Automatic Binding Effect of Decisions by *Signatory Anti-Doping Organisations***

**15.1.1** A decision of an anti-doping rule violation made by a *Signatory Anti-Doping Organisation* (including the *ICC*), an appellate body (Article 13.2.2 of the *World Anti-Doping Code*) or *CAS* shall, after the parties to the proceeding are notified, automatically be binding beyond the parties to the proceeding upon the *National Cricket Federation*, its member and affiliate and licensee organisations and all those subject to the *Rules*, as well as every *Signatory* in every sport with the effects described below:

**15.1.1.1** A decision by any of the above-described bodies imposing a *Provisional Suspension* (after a *Provisional Hearing* has occurred or the *Cricketer* or other *Person* has either accepted the *Provisional Suspension* or has waived the right to a *Provisional Hearing*, expedited hearing or expedited appeal offered in accordance with Article 7.7.3) automatically prohibited the *Cricketer* or other *Person* from participation (as described in Article 10.13.1) in all sports within the authority of any *Signatory* during the *Provisional Suspension*.

**15.1.1.2** A decision by any of the above- described bodies imposing a period of *Ineligibility* (after a hearing has occurred or been waived) automatically prohibits the *Cricketer* or other *Person* from participation (as described in Article 10.13.1) in all sports within the authority of any *Signatory* for the period of *Ineligibility*.

**15.1.1.3** A decision by any of the above-described bodies accepting an anti-doping rule violation automatically binds all *Signatories*.

**15.1.1.4** A decision by any of the above-described bodies to *Disqualify* results under Article 10.10 for a specified period automatically *Disqualifies* all results obtained within the authority of any *Signatory* during the specified period.

**15.1.2** The *National Cricket Federation*, its member and affiliate and licensee organisations and all those subject to the *Rules* shall recognize and implement a decision and its effects as required by Article 15.1.1, without any further action required, on the earlier of the date the *National Cricket Federation* receives actual notice of the decision or the date the decision is placed into *ADAMS*.

**15.1.3** A decision by an Anti-Doping Organisation, a national appellate body or CAS to suspend, or lift, *Consequences* shall be binding upon the *National Cricket Federation*, its member and affiliate and licensee organisations and all those subject to the *Rules* without any further action required, on the earlier of the date the *National Cricket Federation* receives actual notice of the decision or the date the decision is placed into *ADAMS*.

**15.1.4** Notwithstanding any provision in Article 15.1.1, however, a decision of an anti-doping rule violation by a *Major Event Organisation* made in an expedited process during an *Event* shall not be binding on the *National Cricket Federation*, its member and affiliate and licensee organisations and all those subject to the *Rules* unless the rules of the *Major Event Organisation* provide the *Cricketer* or other *Person* with an opportunity to appeal under non-expedited procedures.

## **15.2 Implementation of Other Decisions by Anti-Doping Organisations**

The *National Cricket Federation*, its member and affiliate and licensee organisations and all those subject to the *Rules* may decide to implement other anti-doping decisions rendered by *Anti-Doping Organizations* not described in Article 15.1.1 above, such as a *Provisional Suspension* prior to a *Provisional Hearing* or acceptance by the *Athlete* or other *Person*.

## **15.3 Implementation of Decisions by Body that is not a Signatory**

The *Testing*, hearing results and other decisions (including *Provisional Suspension* decisions) of any non-*Signatory* (including, without limitation, decisions of other *National Cricket Federations*) 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 receipt of notice of the same, without the need for any further formality. The *National Cricket Federation*, its member and affiliate and licensee organisations and all those subject to the *Rules* shall take all steps available to it to enforce and give effect to such decisions.

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

- 17.1 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*.
- 17.2 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.
- 17.3 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.
- 17.4 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* and are incorporated into the *Rules* by reference. In the event of a conflict between the *Rules* and the *ICC Code*, the *World Anti-Doping Code* and/or *International Standards*, the *World Anti-Doping Code* and/or *International Standards* shall, as applicable, prevail.
- 17.5 The *Rules* shall come into full force and effect on April 01, 2021 (the “**Effective Date**”). They shall not apply retrospectively to matters pending before the *Effective Date*; provided, however, that:
- 17.5.1 Anti-doping rule violations taking place prior to the *Effective Date* count as “first violations” or “second violations” for purposes of determining sanctions under Article 10 for violations taking place after the *Effective Date*.
- 17.5.2 Any anti-doping rule violation case which is pending as of the *Effective Date* and any anti-doping rule violation case brought after the *Effective Date* based on an anti-doping rule violation which occurred prior to the *Effective Date*, shall be governed by the substantive anti-doping rules in effect at the time the alleged anti-doping rule violation occurred, and not by the substantive anti-doping rules set out in the *Rules*, unless the panel hearing the case determines the principle of “lex mitior” appropriately applies under the circumstances of the case. For these purposes, the retrospective periods in which prior violations can be considered for purposes of multiple violations under Article 10.9.4 and the statute of limitations set forth in Article 16 are procedural rules, not substantive rules, and should be applied retroactively along with all of the other procedural rules in the *Rules* (provided, however, that Article 16 shall only be applied retroactively if the statute of limitations period has not already expired by the *Effective Date*).
- 17.5.3 Any Article 2.4 whereabouts failure (whether a filing failure or a missed test, as those terms are defined in the *International Standard for Results Management*) prior to the *Effective Date* shall be carried forward and may be relied upon, prior to expiry, in accordance with the *International Standard for Results Management*, but it shall be deemed to have expired twelve (12) months after it occurred.
- 17.5.4 With respect to cases where a final decision finding an anti-doping rule violation has been rendered prior to the *Effective Date*, but the *Cricketer* or other *Person* is still serving the period of *Ineligibility* as of the *Effective Date*, the *Cricketer* or other *Person* may apply to the *ICC* or other *Anti-Doping Organization* which had *Results Management* responsibility for the anti-doping rule violation to consider a reduction in the period of *Ineligibility* in light of the *Rules*. Such application must be made before the period of *Ineligibility* has expired. The decision rendered may be appealed pursuant to Article 13.2. The *Rules* shall have no application to any case where a final decision finding an anti-doping rule violation has been rendered and the

period of *Ineligibility* has expired.

- 17.5.5** For purposes of assessing the period of *Ineligibility* for a second violation under Article 10.9.1, where the sanction for the first violation was determined based on rules in force prior to the *Effective Date*, the period of *Ineligibility* which would have been assessed for that first violation had the *Rules* been applicable, shall be applied.
- 17.5.6** Changes to the *Prohibited List* and *Technical Documents* relating to substances or methods on the *Prohibited List* shall not, unless they specifically provide otherwise, be applied retroactively. As an exception, however, when a *Prohibited Substance* or a *Prohibited Method* has been removed from the *Prohibited List*, a *Cricketer* or other *Person* currently serving a period of *Ineligibility* on account of the formerly *Prohibited Substance* or *Prohibited Method* may apply to the *National Cricket Federation* or other *Anti-Doping Organization* which had *Results Management* responsibility for the anti-doping rule violation to consider a reduction in the period of *Ineligibility* in light of the removal of the substance or method from the *Prohibited List*.
- 17.6** Subject to Article 17.2, 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 Antigua and Barbuda).

## 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, that establishes 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*.

Aggravating Circumstances. Circumstances involving, or actions by, a *Cricketer* or other *Person* which may justify the imposition of a period of *Ineligibility* greater than the standard sanction. Such circumstances and actions shall include, but are not limited to: the *Cricketer* or other *Person* *Used* or *Possessed* multiple *Prohibited Substances* or *Prohibited Methods*, *Used* or *Possessed* a *Prohibited Substance* or *Prohibited Method* on multiple occasions or committed multiple other anti-doping rule violations; a normal individual would be likely to enjoy the performance-enhancing effects of the anti-doping rule violation(s) beyond the otherwise applicable period of *Ineligibility*; the *Cricketer* or *Person* engaged in deceptive or obstructive conduct to avoid the detection or adjudication of an anti-doping rule violation; or the *Cricketer* or other *Person* engaged in *Tampering* during *Results Management*. For the avoidance of doubt, the examples of circumstances and conduct described herein are not exclusive and other similar circumstances or conduct may also justify the imposition of a longer period of *Ineligibility*.

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. WADA or 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 *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. The *Anti-Doping Tribunal* shall be *Operationally Independent*.

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. The *Appeal Panel* shall be *Operationally Independent*.

Athlete. Any *Person* who competes in sport at the international level (as defined by each

International Federation) or the national level (as defined by each *National Anti-Doping Organization*). An *Anti-Doping Organization* has discretion to apply anti-doping rules to an *Athlete* who is neither an *International-Level Athlete* nor a *National-Level Athlete*, and thus to bring them within the definition of “*Athlete*”. In relation to *Athletes* who are neither *International-Level* nor *National-Level Athletes*, an *Anti-Doping Organization* may elect to: conduct limited *Testing* or no *Testing* at all; analyze *Samples* for less than the full menu of *Prohibited Substances*; require limited or no whereabouts information; or not require advance *TUEs*. However, if an Article 2.1, 2.3 or 2.5 anti-doping rule violation is committed by any *Athlete* over whom an *Anti-Doping Organization* has elected to exercise its authority to test and who competes below the international or national level, then the *Consequences* set forth in the *World Anti-Doping Code* must be applied. For purposes of Article 2.8 and Article 2.9 and for purposes of anti-doping information and *Education*, any *Person* who participates in sport under the authority of any *Signatory*, government, or other sports organization accepting the *World Anti-Doping Code* is an *Athlete*.

*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*. *Attempted* shall be construed accordingly.

*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 forfeiture of any individual medals or other prizes awarded; (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 or in any *Competition* or activity 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* 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.

*Cricket Testing Protocols*. The Cricket Testing Protocols developed by the *National Cricket Federation* to supplement the *International Standard* for *Testing* and Investigations, as they may be amended from time to time.

*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.

Decision Limit. The value of the result for a threshold substance in a *Sample*, above which an *Adverse Analytical Finding* shall be reported, as defined in the *International Standard for Laboratories*.

Delegated Third Party. Any *Person* to which the ICC delegates any aspect of *Doping Control* or anti-doping *Education* programs including, but not limited to, the *National Cricket Federation*, other *National Cricket Federations*, third parties or other *Anti-Doping Organizations* that conduct *Sample* collection or other *Doping Control* services or anti-doping *Educational* programs for the ICC, or individuals serving as independent contractors who perform *Doping Control* services for the ICC (e.g., non-employee *Doping Control* officers or chaperones). This definition does not include CAS.

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 and the enforcement of *Consequences* including all steps and processes in between including, but not limited to, *Testing*, investigations, whereabouts, *TUEs*, *Sample* collection and handling, laboratory analysis, *Results Management* and investigations or proceedings relating to violations of Article 10.13 (Status During *Ineligibility* or *Provisional Suspension*).

Education. The process of learning to instil values and develop behaviours that foster and protect the spirit of sport, and to prevent intentional and unintentional doping.

Effective Date. As defined in Article 17.5.

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 *Protected Person*, 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 behaviour. 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 10.6.1 or 10.6.2.

Filing Failure. As defined in the *International Standard for Results Management*.

Financial Consequences. See *Consequences* above.

Hearing Panel. Any hearing panel appointed/established under the *Rules* to hear and determine an allegation that an anti-doping rule violation has been committed, or any appeal of such matter, including the *Anti-Doping Tribunal*, the *Appeal Panel* and any hearing panel appointed by CAS to hear appeals under Article 13.



ICC. The International Cricket Council or its designee.

ICC Code. As defined in Article 1.3.

ICC Events. Each of the following (in men's and women's cricket): (a) the ICC Cricket World Cup; (b) the ICC World Twenty20; (c) the ICC Under 19 Cricket World Cup; (d) the ICC World Cup Qualifying Tournament; (e) the ICC World Twenty20 Qualifying Tournament; and (f) 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 ICC Code and/or the Rules.

In-Competition. The period described in Article 5.2.2.

Ineligibility. See *Consequences*, above.

International Event. An Event or Competition where the International Olympic Committee, the International Paralympic Committee, an International Federation, a Major Event Organisation, or another international sport organisation is the ruling body for the Event or appoints the technical officials for the Event.

International-Level Athlete. Athletes who compete in sport at the international level, as defined by each International Federation, consistent with the International Standard for Testing and Investigations.

International-Level Player. 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. 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. The International Standards shall include any Technical Documents issued pursuant to the International Standard.

Major Event Organisations. The continental associations of National Olympic Committees and other international multi-sport organisations that function as the ruling body for any continental, regional or other international event.

Marker. A compound, group of compounds or biological 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.

Minimum Reporting Level. The estimated concentration of a Prohibited Substance or its Metabolite(s) or Marker(s) in a Sample below which WADA-accredited laboratories should not report that Sample as an Adverse Analytical Finding.

Minor. A natural Person who has not reached the age of eighteen (18) years.

Missed Test. As defined in the International Standard for Results Management.

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 the West Indies is The Caribbean Regional Anti-Doping Organisation (RADO) and the Jamaica Anti-Doping Commission (JADCO), as the circumstances may require.

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

*National Cricket Federation Pool*. As defined in Article 5.3.2.1.

*National-Level Athlete*. *Athletes* who compete in sport at the national level, as defined by each *National Anti-Doping Organization*, consistent with the *International Standard for Testing and Investigations*.

*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*. *Sample* collection 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 *Protected Person* or *Recreational Athlete*, 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 *Protected Person* or *Recreational Athlete*, 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 7.8.

*Notification*. As defined in Article 7.2.3.

*Operational Independence*: This means that (1) board members, staff members, commission members, consultants and officials of the *National Cricket Federation* with responsibility for *Results Management* or its affiliates (e.g., member federation or confederation), as well as any *Person* involved in the investigation and pre-adjudication of the matter cannot be appointed as members and/or clerks (to the extent that such clerk is involved in the deliberation process and/or drafting of any decision) of hearing panels of the *National Cricket Federation* with responsibility for *Results Management* and (2) hearing panels shall be in a position to conduct the hearing and decision-making process without interference from the *National Cricket Federation* or any third party. The objective is to ensure that members of the hearing panel or individuals otherwise involved in the decision of the hearing panel, are not involved in the investigation of, or decisions to proceed with, the case.

*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 substances, so described on the *Prohibited List*.

Protected Person. A *Cricketer* or other natural *Person* who at the time of the anti-doping rule violation: (i) has not reached the age of sixteen (16) years; (ii) has not reached the age of eighteen (18) years and is not included in any *Registered Testing Pool* and has never competed in any *International Event* in an open category; or (iii) for reasons other than age has been determined to lack legal capacity under applicable national legislation.

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.

Recreational Athlete. A natural *Person* who is so defined by the relevant *National Anti-Doping Organization*; provided, however, the term shall not include any *Person* who, within the five (5) years prior to committing any anti-doping rule violation, has been an *International-Level Athlete* (as defined by each International Federation consistent with the *International Standard for Testing and Investigations*) or *National-Level Athlete* (as defined by each *National Anti-Doping Organization* consistent with the *International Standard for Testing and Investigations*), has represented any country in an *International Event* in an open category or has been included within any *Registered Testing Pool* or other whereabouts information pool maintained by any International Federation or *National Anti-Doping Organization*.

Registered Testing Pool. The pool of highest-priority *Athletes* established separately at the international level by International Federations and at the national level by *National Anti-Doping Organizations*, who are subject to focused *In-Competition* and *Out-of-Competition Testing* as part of that International Federation's or *National Anti-Doping Organization's* test distribution plan and therefore are required to provide whereabouts information as provided in Article 5.3 and the *International Standard for Testing and Investigations*.

Results Management. The process encompassing the timeframe between notification as per Article 5 of the *International Standard for Results Management*, or in certain cases (e.g., *Atypical Finding*, whereabouts failure), such pre-notification steps expressly provided for in Article 5 of the *International Standard for Results Management*, through the charge until the

final resolution of the matter, including the end of the hearing process at first instance or on appeal (if an appeal was lodged).

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

*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 accepting the *World Anti-Doping Code* and agreeing to implement the *World Anti-Doping Code* as provided in Article 23 of the *World Anti-Doping Code*.

*Specified Method.* As defined in Article 4.1.2.

*Specified Substances.* As defined in Article 4.1.2.

*Substantial Assistance.* For purposes of Article 10.71, a *Person* providing *Substantial Assistance* must: (a) fully disclose in a signed written statement or recorded interview all information that he/she possesses in relation to anti-doping rule violations or other proceedings described in Article 10.7.1.1; and (b) fully cooperate with the investigation and adjudication of any case or matter 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 or proceeding that is initiated or, if no case or proceeding is initiated, must have provided a sufficient basis on which a case could have been brought.

*Tampering.* Intentional conduct which subverts the *Doping Control* process, but which would not otherwise be included in the definition of *Prohibited Methods*. *Tampering* shall include, without limitation, offering or accepting a bribe to perform or fail to perform an act, preventing the collection of a *Sample*, affecting or making impossible the analysis of a *Sample*, falsifying documents submitted to an *Anti-Doping Organization* or *TUE* committee or hearing panel, procuring false testimony from witnesses, committing any other fraudulent act upon the *Anti-Doping Organization* or hearing body to affect *Results Management* or the imposition of *Consequences*, and any other similar intentional interference or *Attempted* interference with any aspect of *Doping Control*.

*Target Testing.* Selection of specific *Cricketers* for *Testing* based on criteria set forth in the *International Standard* for Testing and Investigations.

*Technical Document.* A document adopted and published by *WADA* from time to time containing mandatory technical requirements on specific anti-doping topics as set forth in an *International Standard*.

*Testing.* The parts of the *Doping Control* process involving test distribution planning, *Sample* collection, *Sample* handling, and *Sample* transport to the laboratory.

*Testing Authority.* As defined in Article 3.5 of the *International Standard* for Testing and Investigations.

*Trafficking.* Selling, giving, transporting, sending, delivering or distributing (or *Possessing* for any such purpose) a *Prohibited Substance* or *Prohibited Method* (either physically or by any electronic or other means) by a *Cricketer*, *Cricket Support Person* or other *Person* subject to the authority 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 4.3.1.

Unsuccessful Attempt Form. As defined in Article 3.5 of the *International Standard for Testing and Investigations*.

Use. The utilisation, application, ingestion, injection or consumption by any means whatsoever of any *Prohibited Substance* or *Prohibited Method*. *Used* shall be construed accordingly.

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.

Without Prejudice Agreement. For purposes of Articles 10.7.1.4 and 10.8.2, a written agreement between an *Anti-Doping Organization* and an *Athlete/Player/Cricketer* or other *Person* that allows the *Athlete/Player/Cricketer* or other *Person* to provide information to the *Anti-Doping Organization* in a defined time-limited setting with the understanding that, if an agreement for *Substantial Assistance* or a case resolution agreement is not finalized, the information provided by the *Athlete/Player* or other *Person* in this particular setting may not be used by the *Anti-Doping Organization* against the *Athlete/Player/Cricketer* or other *Person* in any *Results Management* proceeding under the *Code*, and that the information provided by the *Anti-Doping Organization* in this particular setting may not be used by the *Athlete/Player/Cricketer* or other *Person* against the *Anti-Doping Organization* in any *Results Management* proceeding under the *Code*. Such an agreement shall not preclude the *Anti-Doping Organization*, *Athlete/Player/Cricketer* or other *Person* from using any information or evidence gathered from any source other than during the specific time-limited setting described in the agreement.

World Anti-Doping Code. The version of the World Anti-Doping Code issued by *WADA* and coming into force as from 1 January 2021.

## 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:

[https://www.wada-ama.org/sites/default/files/2022-09/2023list\\_en\\_final\\_9\\_september\\_2022.pdf](https://www.wada-ama.org/sites/default/files/2022-09/2023list_en_final_9_september_2022.pdf)

**IMPORTANT NOTE:** the *Prohibited List* is updated annually, with effect from 1 January each year. All *Cricketers* and other *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*.

