

National Anti-Doping Panel

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

Before:

Mr David Casement QC (Chair)

Between:

UK ANTI-DOPING LIMITED

and

CRAIG RUSSELL

CONSENT ORDER

WHEREAS:

- A. The Scottish Rugby Union ('SRU') is a Member Union of World Rugby. Pursuant to Part 21 of the SRU's Domestic Regulations, the SRU has adopted World Rugby Regulation 21 as its own anti-doping rules ('the ADR'). The ADR are supplemented by certain parts of the UK Anti-Doping Rules ('UK ADR').
- B. Craig Russell is a Player and member of the SRU and a participant in competitions and other activities organised, convened, authorised or recognised by the SRU. On 14 October 2017 Mr Russell participated in a Competition organised by the SRU, being a match between Gala Rugby Football Club and Edinburgh Academical Football Club. Mr Russell is therefore subject to and bound to comply with the ADR.
- C. On 14 October 2017 a Doping Control Officer ('DCO') collected a urine sample ('the Sample') from Mr Russell during an In-Competition test. The Sample was transported to the World Anti-Doping Agency ('WADA') accredited laboratory, the Drug Control Centre, King's College London ('the Laboratory') and analysed in accordance with the procedures set out in WADA's International Standard for Laboratories. Analysis of the Sample returned an Adverse Analytical Finding ('AAF') for clomiphene.
- D. Clomiphene is listed under section 4.3 of the WADA 2017 Prohibited List as an anti-estrogenic modulator. It is a Specified Substance that is prohibited at all times.
- E. Mr Russell does not have, nor has he ever held, a Therapeutic Use Exemption for the use of clomiphene.

- F. On 13 November 2017 UKAD charged Mr Russell with committing an Anti-Doping Rule Violation ('ADRV') pursuant to Article 21.2.1 of the ADR.
- G. On 22 November 2017 the NADP Secretariat confirmed receipt of an application by Mr Russell to lift his provisional suspension. In accordance with the NADP Rules, the NADP President appointed Mr David Casement QC to determine Mr Russell's interim application.
- H. On 28 November 2017, through his legal representative, Mr Russell advised the NADP Secretariat that he wished to withdraw his application to have his provisional suspension lifted and to proceed directly to a hearing before the NADP to determine the appropriate sanction.
- I. On 6 December 2017 Directions were issued by Mr Casement QC, the Chair of the NADP, listing the matter for a hearing on 26 February 2018.
- J. On 12 January 2018, Mr Russell confirmed that he accepted the charge and admitted the ADRV. Mr Russell withdrew from the arbitration proceedings and the parties have proposed resolution of the matter on the terms set out below, subject to the approval of the NADP.

NOW, THEREFORE, WITH THE CONSENT OF THE PARTIES, IT IS HEREBY ORDERED THAT:

- 1. Mr Russell has committed a violation of Article 21.2.1 of the ADR.
- 2. As a consequence:
 - 2.1 Mr Russell is ruled ineligible for a period of two years in accordance with Article 21.10.2.2 of the ADR.
 - 2.2 During the two-year period of Ineligibility:
 - 2.2.1 In accordance with Article 21.10.12.1 of the ADR, Mr Russell may not participate in any capacity in a Competition, Event or other activity (other than authorised anti-doping education or rehabilitation programmes) authorised or organised by World Rugby or any Member Union, Association or a Club, Rugby Body or other member organisation of World Rugby or any Association or Member Union, or in Competitions authorised or organised by any professional league or any international- or national-level Event organisation or any elite or national-level sporting activity funded by a governmental agency.
 - 2.2.2 If Mr Russell violates the prohibition against participation during his period of Ineligibility, the results of such participation shall be Disqualified and a new period of Ineligibility equal in length up to the original period of Ineligibility shall be added to the end of the original period of Ineligibility, in accordance with Article 21.10.12.3 of the ADR.
 - 2.2.3 In accordance with Article 21.10.12.1 of the ADR, Mr Russell will remain subject to and bound to comply with the ADR, including the obligation to submit to Testing under Article 21.5.2.2 of the ADR. If requested, he will provide information as to his whereabouts to facilitate such testing, in accordance with Article 21.5.7.4 of the ADR and Article 10.12.3 of the UK ADR.
- 3. Mr Russell has made a timely admission such that Article 21.10.11.2 of the ADR is capable of application. The period of Ineligibility is therefore deemed to have started from the date of Sample collection, i.e., from 14 October 2017. The period of Ineligibility will therefore expire at midnight on 13 October 2019.
- 4. Mr Russell may return to train with a team or to use the facilities of a club or other member organisation of the SRU or a Signatory's member organisation during the last two months of his period of Ineligibility (i.e. from midnight on 13 August 2019) pursuant to ADR Article 21.10.12.2.
- 5. Mr Russell has waived his right to a hearing and acceded to the consequences set out at paragraph 2 above. Subject to Article 21.13.2.1 of the ADR and Article 13.7.3 of the UK ADR, each of the Parties

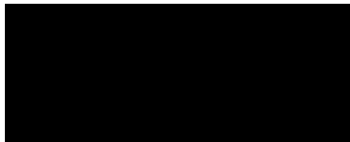
hereby waives its/his rights to appeal against or otherwise challenge this decision in any forum, whether pursuant to Article 21.13 of the ADR, Article 13 of the UK ADR or otherwise.

6. The disposition of these proceedings on the terms set out above will be publicly announced (including via the UKAD and Sport Resolutions websites), subject to any rights of appeal by each of WADA, World Rugby and the SRU.

AND IT IS NOTED:

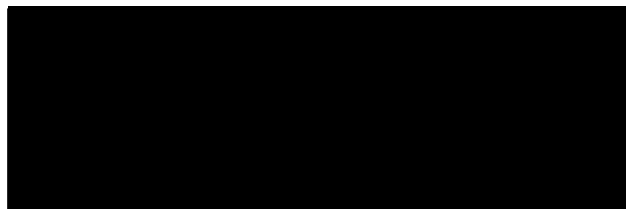
- A. That there shall be no order as to the costs of these proceedings.
B. That both Parties agree that they will not seek an order as to costs from the Other Party with respect to these proceedings.

ACKNOWLEDGED AND AGREED:



~~Stacey Cross~~ MATTHEW JOHNSON
For and on behalf of UK Anti-Doping Limited

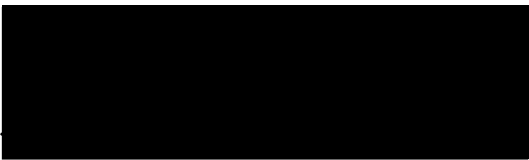
Date: 15 February 2018



Craig Russell

Date: 9TH FEBRUARY 2018

SO ORDERED:



Mr David Casement QC
Chairman, NADP Tribunal

Date: 21 February 2018