
**DECISION RESOLVING THE DISCIPLINARY PROCEEDINGS BROUGHT BY
UNITED KINGDOM ANTI-DOPING LTD AGAINST TERRY NEWTON FOR VIOLATION
OF THE 2009 ANTI-DOPING RULES OF THE RUGBY FOOTBALL LEAGUE**

1. Mr Newton's Commission of an Anti-Doping Rule Violation
 - 1.1 This matter arises under the 2009 Anti-Doping Rules (the '**Anti-Doping Rules**' or '**ADR**') set out at Section D3 of the Operational Rules of the Rugby Football League (the '**RFL**').
 - 1.2 As a contracted player for Wakefield RLFC, and a participant in competitions and other activities organised, convened, authorised or recognised by Wakefield RLFC and/or the RFL, Mr Terry Newton is subject to and bound to comply at all times with the RFL's Anti-Doping Rules. (See ADR Articles 1.2.1 and 1.2.2).
 - 1.3 On 24 November 2009, a blood sample was collected from Mr Newton under the RFL's Anti-Doping Rules by authorised doping control officers acting on behalf of UK Sport, the predecessor to United Kingdom Anti-Doping Ltd ('**UK Anti-Doping**') as the UK's National Anti-Doping Organisation,.
 - 1.4 The sample was analysed by the Drug Control Centre at King's College London, which is a laboratory accredited by the World Anti-Doping Agency ('**WADA**') in accordance with the procedures set out in WADA's International Standard for Laboratories. The laboratory detected the presence in the sample of human Growth Hormone ('**hGH**'), and determined (by applying the positivity criteria established by WADA) that the hGH was of exogenous origin (i.e., it was not naturally produced by the body but had been administered externally).¹ The laboratory therefore reported an Adverse Analytical Finding for hGH, which is a prohibited substance (category S2.2: Hormones and Related Substances) under WADA's 2009 List of Prohibited Substances.
 - 1.5 In accordance with Article 1.2.2 of the Anti-Doping Rules, the RFL and UK Anti-Doping agreed that UK Anti-Doping would take responsibility for managing this Adverse Analytical Finding. The finding was independently reviewed and it was determined that Mr Newton had a case to answer. Therefore on 16 February 2010 UK Anti-Doping sent Mr Newton formal notice that he was being charged with an anti-doping rule violation under Article 2.1 of the Anti-Doping Rules (presence of a Prohibited Substance in athlete's sample) and that he was provisionally suspended from competition or training pending resolution of the charge.
 - 1.6 By letter dated 18 February 2010 from his lawyers, Mr Newton admitted the presence of exogenous human Growth Hormone in the blood sample collected from him by UK Anti-Doping, and acceded to the consequences specified in UK Anti-Doping's notice of charge.
 - 1.7 Article 7.5.4 of the RFL's 2009 Anti-Doping Rules provides as follows:

In the event that the Participant admits the Anti-Doping Rule Violation(s) charged and accedes to the Consequences specified by the RMA ..., neither B Sample analysis nor a hearing is required. Instead, the RMA shall promptly issue a decision confirming

¹ Specifically, the laboratory calculated the ratios of recombinant human GH isoforms to pituitary human GH isoforms in the sample to be 2.80 (test kit 1) and 2.29 (test kit 2), each of which exceeds WADA's positivity criteria (2.23 for kit 1 and 2.08 for kit 2).

the commission of the Anti-Doping Rule Violation(s) and the imposition of the specified Consequences; shall send notice of the decision to the Participant and to each Interested Party, and shall publish the decision in accordance with Article 14.

1.8 Accordingly, this decision is hereby issued, formally confirming that Mr Newton has committed an anti-doping rule violation under Article 2.1 of the RFL's 2009 Anti-Doping Rules, in that a Prohibited Substance – exogenous human Growth Hormone – has been found to be present in a blood sample collected from him on 24 November 2009.

2. Consequences: Disqualification of Individual Results

2.1 ADR Article 10.8 provides that all individual results obtained since the date of commission of an anti-doping rule violation should be disqualified unless fairness requires otherwise.

2.2 Mr Newton has not argued that fairness requires otherwise in this case. Therefore, all of the individual results that he has obtained since 24 November 2009 are hereby disqualified.

3. Consequences: Imposition of a Period of Ineligibility

3.1 This is the first anti-doping rule violation that Mr. Newton has been found to have committed.

3.2 ADR Article 10.2 provides that the sanction for an ADR Article 2.1 anti-doping rule violation that is a first offence is a period of Ineligibility of two years. The Anti-Doping Rules include various provisions that might be relied upon to mitigate that sanction if certain specified conditions are satisfied (see ADR Article 10.5), but Mr Newton has confirmed through his lawyers that he does not seek to rely on any of those provisions in mitigation of his sanction but rather accepts the ADR Article 2.1 period of Ineligibility. Accordingly, a period of Ineligibility of two years is imposed on Mr Newton.

3.3 In accordance with ADR Article 10.9, that period of Ineligibility would usually run from today's date. However, Mr Newton's prompt admission of his offence upon receipt of the notice of charge triggers a discretion under ADR Article 10.9.2 to backdate the commencement of his period of Ineligibility to the date of sample collection, i.e., to 24 November 2009. That discretion is hereby exercised, so that his period of Ineligibility is deemed to have commenced on 24 November 2009, and therefore will end at midnight on 23 November 2011.

3.4 During this period of Ineligibility, Mr Newton's status shall be as set out at Article 10.10 of the RFL's 2009 Anti-Doping Rules, i.e., he remains subject to testing, but he is not entitled to play, coach or otherwise participate in any capacity in any event or competition or other activity (other than authorised anti-doping education or rehabilitation programmes) organised, convened, authorised or recognised by the RFL or by any body that is a member of, or affiliated to, or licensed by the RFL (including Wakefield RLFC). Furthermore, the RFL shall take all steps within its power to have such period of Ineligibility recognised and enforced by other relevant authorities.

4. Appeal and Publication

4.1 In accordance with ADR Article 7.5.4, a copy of this decision is being sent to Mr Newton, the RFL, the Rugby League International Federation, and WADA, each of whom has a right of appeal against this decision under ADR Article 13.

4.2 Also in accordance with ADR Article 7.5.4, this decision shall be published on UK Anti-Doping's website.

UK Anti-Doping

19 February 2010