

**NATIONAL ANTI-DOPING PANEL
IN THE MATTER OF PROCEEDINGS BROUGHT UNDER THE ANTI-DOPING RULES OF THE
RUGBY FOOTBALL LEAGUE**

Before:

Tim Kerr QC (Chairman)
Professor Gordon McInnes (Specialist Member)
Dr Mike Irani (Specialist Member)

B E T W E E N:

UK Anti-Doping Limited

Applicant

- and -

Mr Ross Bevan

Respondent

DECISION OF THE ANTI-DOPING TRIBUNAL

Date of hearing: 12 May 2015

Date of decision: 27 May 2015

1. INTRODUCTION

1.1 This is the decision of the Anti-Doping Tribunal convened under Article 5.1 of the 2015 Procedural Rules of the National Anti-Doping Panel ("the Procedural Rules") and Article 8.1 of the UK Anti-Doping Rules dated 1 January 2015 ("the Anti-Doping Rules"),

adopted by the Rugby Football League (“the RFL”), to determine a charge brought against Mr Ross Bevan (“the Athlete” or “Mr Bevan”).

1.2 The hearing was convened to determine a charge arising from the alleged commission of an Anti-Doping Rule Violation in breach of Article 2.1 of the Anti-Doping Rules (Presence of a Prohibited Substance in an Athlete’s urine sample). The Athlete was charged by UK Anti-Doping Ltd (“UK Anti-Doping”), by a letter dated 26 February 2015. The hearing took place at the offices of Sport Resolutions (UK) in London on 12 May 2015.

1.3 The allegation is that drostanolone and a metabolite thereof were present in a urine sample provided by Mr Bevan out of competition on 9 February 2015. Drostanolone and its metabolites are Prohibited Substances both in and out of competition, under class S.1 in the World Anti-Doping Code 2015 Prohibited List (Exogenous Anabolic Androgenic Steroids).

1.4 At the hearing, the athlete was represented by Ms Gemma White of counsel, acting pro bono. UK Anti-Doping was represented by its solicitors, Ms Stacey Shevill and Mr Graham Arthur. The tribunal is grateful to the representatives for their helpful contributions, and especially to Ms White for agreeing to act for the Athlete pro bono.

1.5 This document is the reasoned decision of the tribunal, reached after consideration of the evidence and submissions made by the parties attending at the hearing and in writing. We indicate below our findings of fact, reasoning and conclusions.

2. THE FACTS

2.1 Mr Bevan is a 22 year old rugby player, currently registered with the RFL. He has played rugby from a very young age, with encouragement from his father, Mr Jason Bevan. He lives in Nelson, near Caerphilly in South Wales. From October 2010, he was registered as a youth player with the Welsh Rugby Union (“WRU”), first at Penalita Rugby Football Club and then at Nelson Rugby Football Club (“Nelson RFC”).

2.2 From 6 August 2012, when aged 19, he became registered with the WRU as a first team player for Nelson RFC. He remains registered with the WRU, whose anti-doping rules are the same as those of the RFL (and both sets of rules have since been amended in line with changes to the World Anti-Doping Code which took effect from 1 January 2015).

2.3 We have no evidence of Mr Bevan's rugby playing activities in 2012 or 2013. From about September 2013, he took up body building and began taking anabolic steroids known under the brand names Testomastron 400 and Tri Deca 300. He obtained them from a trainer at his local gym. These products contain drostanolone. He began a routine which included taking 2mg of Testmatron and 1mg Tri Deca 300, every other day. The doses were administered by injection into the buttocks.

2.4 Mr Bevan became interested in entering body building competitions, but did not do so. He was aware that what he was injecting were steroids. His doses were sometimes varied downwards for a while, and he believes he stopped taking the steroids for a month or so in about May or June 2014. The evidence of dosage is no more precise than that.

2.5 In December 2013, Mr Bevan and his father Jason Bevan purchased a house, which was in need of renovation. They obtained the keys to the house in January 2014. Both father and son began working on renovating the house. We accept that this took nearly all their free time. Both also had jobs. Mr Bevan's evidence was that he was too busy renovating the house to have time for rugby in 2014.

2.6 However, UK Anti-Doping obtained certain team sheets from 2014, and Mr Bevan did not dispute that they show he played for Nelson RFC, or attended matches as a substitute, on a number of occasions in 2014. He accepted that he was a member of the Nelson RFC squad that year. The team sheets show that he either played or was a substitute on seven occasions, in the period from 11 January to 19 September 2014.

2.7 Mr Bevan's evidence was that he never received any anti-doping education and was naïve about doping issues. He insisted that he never took steroids to enhance his sporting performance, only for body building purposes. In his written witness statement, he stated:

I did not have any anticipation that I would be playing rugby when I took the steroids. I fully understand my duty as a Player to take responsibility for what I ingest, but at the time I took the steroids I was not a Player and did not believe I needed to be concerned about what substances I consumed.

2.8 However, Mr Bevan played rugby union for Nelson RFC in 2014, while bound by its anti-doping rules, and was injecting steroids in the period during which he played for Nelson RFC. We do not accept his evidence that he was not a Player. If he felt no need to be concerned about what substances he consumed, he was wrong not to be concerned.

- 2.9 We accept that there came a time when Mr Bevan stopped taking the steroids. He estimated that this was in about late September or early October 2014. However, after considering all the evidence in this case, including expert evidence to which we shall return, we find on the balance of probabilities that he stopped taking the steroids later, probably in December 2014. This is consistent with the evidence of Jason Bevan, who noticed that his son was losing weight towards Christmas 2014.
- 2.10 Mr Bevan did not stop taking the steroids in late 2014 out of a concern that he might test positive if he played rugby and were subjected to doping control. He stopped taking them because he did not want to take them anymore. He was suffering from gynaecomastia (development of breasts), which is a common side effect of these steroids. He was aware they were the cause of this, and was taking other medication to counter the effect.
- 2.11 From 1 January 2015, the Anti-Doping Rules were substantially amended, in line with the new 2015 version of the World Anti-Doping Code, which came into effect on the same date. Mr Bevan was not, at that time, registered with the RFL. He was registered with the WRU as a consequence of being a squad member of Nelson RFC, the club for which he had played during 2014.
- 2.12 In January 2015, Mr Bevan was approached by the South Wales Scorpions ("the Scorpions"), an RFL club that competes in the Kingstone Press League 1. His father was relieved as he disapproved of his son doing body building and taking steroids, and wanted him to play rugby again. Mr Bevan started to train with Scorpions, two or three times a week in the evenings.
- 2.13 On Saturday 7 February 2015, Scorpions offered Mr Bevan a contract. He filled in and signed an application for registration with the RFL as a player. The same day (though the written contract is wrongly dated 7 January 2015), he signed a contract with Scorpions. We accept his evidence that he only briefly read through the paperwork before signing it, in the Scorpions' changing rooms.
- 2.14 He did not read the declaration at the foot of the application for registration, which stated that a player is bound by the "Operational Rules" of the RFL upon submission of a valid registration application. The "Operational Rules" include the Anti-Doping Rules. He did not seek, or receive from Scorpions or the RFL, any further information about anti-doping. However, he was asked by the team manager, Mr Neil Williams, if he had been taking steroids. He said he had not.

- 2.15 We accept his evidence that later that evening, after training, he performed some online research into the products he had been taking the previous year, to see if he could discover how quickly they would leave his system after he stopped taking them. We were referred to the addresses of some of the websites he consulted. We accept that he derived from that research estimated periods ranging from a few weeks to three or possibly four months over which the steroids he had been taking would be likely to leave his body.
- 2.16 Mr Bevan's application for registration was emailed to the RFL by the Scorpions at 5.30pm on Monday 9 February 2015. It is common ground that from that moment Mr Bevan became bound by the Anti-Doping Rules. As noted above, he was already subject to the same rules by reason of his continuing registration with the WRU, but in these proceedings he is charged under the rules of the RFL, not the WRU.
- 2.17 Mr Bevan then went to the gym, consumed a protein shake, and went to training with the Scorpions, which started at 7pm. UK Anti-Doping personnel were present. Mr Bevan was selected for doping control and attended the doping control station at 7.02pm. He did not declare the use of steroids on the doping control form, which required disclosure of medication or supplements taken in the preceding seven days. We accept that he had not taken any steroids during those seven days. He provided a urine sample.
- 2.18 Mr Bevan's A sample was analysed at the accredited laboratory at the Drug Control Centre, King's College, London. The analysis led to an Adverse Analytical Finding for drostanolone and metabolite. The test report was dated 23 February 2015. In consequence, Mr Bevan was found to have a case to answer for violation of Article 2.1 of the Anti-Doping Rules (presence of a Prohibited Substance in the Athlete's sample).

3. THE PROCEEDINGS

- 3.1 The charge was brought by letter dated 26 February 2015. The Athlete was provisionally suspended with effect from the same date. On 9 March 2015, he emailed UK Anti-Doping as follows:

I would like to appeal this ban and explain the reason behind your findings. I admit to taking Anabolic Steroids in 2014. I was not playing rugby at the time, and working on Body Building.

I signed for the Scorpions Rugby League Team in February 2015, and had stopped taking the Anabolic Steroids for over 5 months. I researched the steroids and found numerous websites explaining that they would only be in my system for 3-4 months. Knowing what I know now, I would never of signed for the Scorpions. I was young and naïve and should of seeked medical advise [sic] instead of believing what was on the Internet.

I am appealing against this ban because I have in no way used Anabolic Steroids to enhance my performance, and have not taken them since starting back to play Rugby. I did not knowingly play Rugby with the anabolic steroids in my system, or use them intentionally... .

3.2 Mr Bevan applied to have his provisional suspension lifted. That application came before Mr Charles Flint QC on 11 March 2015. Mr Bevan failed to establish that there was no reasonable prospect of the charge being upheld. The provisional suspension therefore remained in place, and continues.

3.3 A telephone hearing was convened for the purpose of giving directions. It took place on 2 April 2015. A timetable for the provision of written evidence and argument was agreed and confirmed in a directions order dated 3 April 2015. The parties then produced their respective witness statements, documents and skeleton arguments.

3.4 At the hearing before us, we heard oral evidence from the Athlete, his father Mr Jason Bevan and Professor David Cowan, director of the Drug Control Centre at King's College London, where the Athlete's sample was analysed. We also had a written statement from Mr Nick Wojek, UK Anti-Doping's Head of Science and Medicine.

3.5 We also considered the documents in the bundle prepared for the hearing, and certain additional documents produced by UK Anti-Doping shortly before the hearing, which were admitted without objection from the Athlete, concerning his participation in 2014 as a squad member and occasional player for Nelson RFC.

4. **THE TRIBUNAL'S CONCLUSIONS, WITH REASONS**

4.1 Mr Bevan does not dispute that he was registered with the RFL and bound by the Anti-Doping Rules when tested, and that he had a Prohibited Substance in his system when he provided his urine sample on 9 February 2015. He therefore accepts that UK Anti-Doping has established the commission of the violation with which he is charged.

4.2 It is not disputed that by Article 10.2.1(a) the period of ineligibility is four years unless "the Athlete ... can establish [on the balance of probabilities; see Article 8.3.2] that the Anti-Doping Rule Violation was not intentional". By Article 10.2.3:

... the term 'intentional' is meant to identify those Athletes ... who cheat. The term, therefore, requires that the Athlete ... engaged in conduct which he or she knew constituted an Anti-Doping Rule Violation or knew that there was a significant risk that the conduct might constitute or result in an Anti-Doping Rule Violation and manifestly disregarded that risk.

- 4.3 We are satisfied that drostanolone entered Mr Bevan's system as a result of him injecting steroids in 2014. As noted above, we do not accept that he ceased taking steroids as early as the start of October 2014; more likely than not, he stopped taking them later, probably in December 2014. Professor Cowan accepted that the products taken by Mr Bevan, at the frequency and doses attested to by Mr Bevan, could have led to the positive test result as long as three months after the last ingestion, though four months afterwards was not likely, and five months highly unlikely.
- 4.4 On the basis of the evidence we have heard, the Athlete has satisfied us, on the balance of probabilities, that he last took steroids in 2014, not 2015, ie before the entry into force of the Anti-Doping Rules in their current form. It follows that the provision for a four year period of ineligibility now found in Article 10.2.1, and the test of intentionality as now explained and defined in Article 10.2.3, were not applicable when Mr Bevan last took steroids.
- 4.5 When he did so, he was liable (absent aggravating circumstances) to a two year ban under the rules of a different body, the WRU. This was subject to the possibility, then as now (though the provisions are differently worded now), of achieving a reduction or even elimination of the period of ineligibility if he could establish "No Fault or Negligence" or "No Significant Fault or Negligence".
- 4.6 Ms White, for the Athlete, pointed out that Mr Bevan did not become subject to the RFL's anti-doping regime until just over one and a half hours before he was tested; and that he had not been charged under the rules of the WRU, but under those of the RFL. It followed, she submitted, that at the time Mr Bevan took the steroids in 2014, he was not prohibited from doing so by the rules of the body by which he now stands charged. She likened the steroids he took to a "legal high".
- 4.7 Ms White accepted, however (in our view correctly) that when Mr Bevan became bound by the RFL's Anti-Doping Rules, shortly before being tested, the presence of drostanolone in his body meant that he was in violation of Article 2.1 of the Anti-Doping Rules, even though his ingestion of the steroids causing that violation had predated both the entry into force of the 2015 Anti-Doping Rules, and Mr Bevan's subjection to them.
- 4.8 Ms White went on to submit that Mr Bevan must plainly succeed in establishing that his conduct was "not intentional" in the sense of Article 10.2.1(a) and 10.2.3: he had not engaged in any "conduct" at all after becoming bound by the RFL's Anti-Doping Rules. All he had done was to misjudge the time it would take for the steroids to clear his

system. He did nothing of relevance between 5.30pm and providing his urine sample, about two hours later.

- 4.9 UK Anti-Doping, through Mr Arthur and Ms Shevill, submitted (in its skeleton argument at paragraph 51) that the period of ineligibility must be four years because Mr Bevan had failed to demonstrate the necessary absence of intent. He had advanced the implausible claim that he stopped taking steroids as early as September 2014; and absence of a proper explanation for the positive test result meant that the Athlete could not discharge the burden of proving that the violation was “not intentional” within Article 10.2.1(a).
- 4.10 We turn to our reasoning and conclusions on this issue. We have come to the conclusion that the Athlete has succeeded in discharging the onus on him of establishing on the balance of probabilities that the violation was not intentional. The starting point is to consider the wording of Article 10.2.3. We have to do this without the benefit of case law arising from these new provisions. Nor is there any relevant commentary beneath the corresponding provision in the 2015 World Anti-Doping Code.
- 4.11 The words of Article 10.2.3 refer to two types of “intentional” violation. The first is a case where the Athlete engages in conduct which he knows is a violation. The second is a case where he knows there is a significant risk of a violation and manifestly disregards that risk. Both species of “intentional” violation require that the Athlete has “engaged in conduct”. The Athlete either knows the “conduct” is a violation, or knows of a significant risk that it may constitute or result in a violation, and manifestly disregards that risk.
- 4.12 In a case where the violation consists of presence of a Prohibited Substance in the body, the “conduct” referred to must, in our judgment, be the conduct which causes the Prohibited Substance to be present in the Athlete’s body. The difficulty in the present case is that the “conduct” which led to the presence of drostanolone in Mr Bevan’s body was committed before the RFL’s rules applied to him, and indeed before they had entered into force.
- 4.13 It is therefore necessary to consider whether “conduct” falling within Article 10.2.3, on its true construction, can embrace conduct committed prior to its entry into force and at a time when the Athlete was not bound by the predecessor rules (though, as it happened in this case, he was bound by the identical predecessor rules of another sports body). Can Article 10.2.3 be applied retroactively to such conduct? Retroactive application of the 2015 Anti-Doping Rules is addressed in Article 1.6, to which, at our request, Ms White referred us at the hearing.

- 4.14 Article 1.6 provides that the Anti-Doping Rules “shall not apply retroactively to matters arising prior to the Effective Date [1 January 2015]”. However that is subject to the then following provisions. Article 1.6.1(a) makes clear that the new rules do not apply to violations committed before they entered into force, unless they benefit an Athlete through the doctrine of *lex mitior*. The remaining parts of Article 1.6.1 are not directly relevant and do not assist us.
- 4.15 It seems to us that Mr Bevan’s conduct in taking steroids in 2014 falls within the words “matters arising prior to the Effective Date” (1 January 2015) in the opening words of Article 1.6. It therefore cannot be “conduct” falling within the meaning of that word where it appears (twice) in Article 10.2.3, in which the Athlete must have engaged if his violation is to be “intentional” and thus he is identified as a “cheat”.
- 4.16 Furthermore, the “conduct” in Article 10.2.3 must be such that it will or may lead to “an Anti-Doping Rule Violation”. That term is defined in the Appendix as “One of the prohibited acts or omissions *set out at Article 2* [our emphasis]”. Article 2 of the 2015 Anti-Doping Rules was not in force, nor binding on Mr Bevan, when he took steroids in 2014. His conduct in 2014, viewed retrospectively in 2015, cannot sensibly be treated as liable to lead to breach of a future prohibition.
- 4.17 For completeness, we should add that we do not consider that Mr Bevan’s act of signing the contract with Scorpions and the application for registration can be “conduct” within Article 10.2.3. Those acts were what made him subject to the RFL’s Anti-Doping Rules. They were not conduct constituting a violation of those rules. It seems to us that one cannot sign up to rules and violate them by the very act of signing up to them.
- 4.18 It is just arguable that those acts could be treated as “conduct [which] might ... result in an Anti-Doping Rule Violation”, in the sense that the act of signing up to the Anti-Doping Rules with the Prohibited Substance still present in the Athlete’s body meant that there was a risk of an immediate violation by reason of the lingering presence of that substance. If that were right, we would have to consider whether Mr Bevan manifestly disregarded that risk at the time he signed for the Scorpions.
- 4.19 After reflection, we reject that construction; firstly, because it suffers from the defect just mentioned, that the act of signing up to the rules is also, impermissibly, the conduct that may lead to them being violated; secondly, because the word “conduct” in Article 10.2.3, in a “presence” case, is intended to denote the conduct which led to the presence in the body of the Prohibited Substance”; and thirdly, because the question of manifest

disregard of the risk would have to be viewed, retroactively, as at a time before the rules became binding on the Athlete.

4.20 Mr Bevan has therefore satisfied us that he did not engage in either type of culpable “conduct” which is the touchstone of intentionality in Article 10.2.3. It follows that by Article 10.2.2 the period of ineligibility is (unless reduced or eliminated under Article 10.4 or 10.5.2) two years, not four years. We reach that conclusion without regret. It accords with the justice of the case. At the time Mr Bevan took steroids, two years was the standard period of ineligibility for doing so.

4.21 We turn next to the question whether Mr Bevan can succeed in achieving elimination of, or a reduction in, the two year period of ineligibility. This turns on the application of Articles 10.4 and 10.5.2 of the Anti-Doping Rules, which are modified versions of predecessor rules. Both refer to the concept of “Fault”, which is defined thus at some length in the Appendix to the Anti-Doping Rules:

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

4.22 Ms White challenged the proposition that acts done prior to 1 January 2015 could count as fault for the purposes of applying the tests of fault in Article 10.4 and 10.5.2. Although the point is not free from difficulty, we disagree. Our reasoning is, in brief, as follows.

4.23 Article 1.6(a) shows that a case may be “brought after the Effective Date [1 January 2015] but based on an anti-doping rule violation that occurred prior to the Effective Date”. Such cases are governed by the rules in force at the time of the violation. However, this is not a case brought after 1 January 2015 in respect of a violation that occurred before 1 January 2015; it is brought in respect of a violation that occurred on 9 February 2015, but caused by the taking of steroids in 2014.

4.24 It might therefore be argued that any fault on Mr Bevan’s part in taking those steroids falls within the words “matters arising prior to the Effective Date” in the opening words

of Article 1.6, and thus that any such fault is a matter to which the 2015 Anti-Doping Rules “shall not apply retroactively”. After reflection, we reject that construction and do not accept the submission of Ms White that fault on Mr Bevan’s part in taking steroids in 2014 is necessarily irrelevant to the application of Articles 10.4 and 10.5.2.

- 4.25 It seems to us artificial to treat such prior fault as irrelevant. It is more natural and just to construe Article 1.6 in the sense that the matter of Mr Bevan’s fault is something “arising” on 9 February 2015, when the Athlete provided a sample containing a Prohibited Substance; even though any fault on his part in allowing the substance to enter his system occurred earlier, before the Anti-Doping Rules entered into force and before they became binding on him.
- 4.26 Article 10.4 enables an Athlete to escape any period of ineligibility if he can show that he bears No Fault or Negligence for the violation. The expression “No Fault or Negligence” survives from the predecessor version of the Anti-Doping Rules, though the wording of the provisions has changed. The expression is defined in the Appendix, in terms similar to the previous formulation of the test.
- 4.27 The Athlete must establish how the Prohibited Substance entered his or her system, and that he did not know or suspect, and could not reasonably have known or suspected, even with the exercise of the utmost caution, that he had used or been administered with the Prohibited Substance or otherwise violated an anti-doping rule. The provisions are similar to their predecessors. In this case, Mr Bevan has shown how drostanolone entered his system. It was injected into his buttocks.
- 4.28 But he cannot come near to establishing that he bears No Fault or Negligence for the anti-doping violation. It is well established in case law, too well known to need citing, (and which remains relevant despite the recent changes to the Anti-Doping Rules and the equivalent provisions in the World Anti-Doping Code), and echoed in the commentary to the provision in that Code, that it is only in exceptional circumstances that an Athlete will be able to establish No Fault or Negligence. Manifestly, this is not such a case.
- 4.29 We therefore conclude that the Athlete cannot achieve the elimination of his period of ineligibility by invoking Article 10.4 of the Anti-Doping Rules. That leaves the possibility that he might be able to achieve a reduction of up to one half of the otherwise mandatory two year period of ineligibility by establishing No Significant Fault or Negligence, under Article 10.5.2 of the Anti-Doping Rules.

- 4.30 That provision requires him to show that his "Fault" or negligence, viewed in the totality of the circumstances and taking into account the criteria for No Fault or Negligence, was not significant in relation to the Anti-Doping Rule Violation. Where he succeeds in meeting that test, the period of ineligibility "may be reduced based on the Athlete's ... degree of Fault", by up to one half, ie in this case by up to one year. Again, the Athlete must first establish how the Prohibited Substance entered his system. As already noted, he has done so in this case.
- 4.31 It remains to consider whether he can establish No Significant Fault or Negligence. The issue of No Fault or negligence has been considered in numerous cases before the Court of Arbitration for Sport ("CAS") and other arbitral tribunals. Ms White cited several of the CAS cases, in support of the proposition that the degree of fault must be measured by ascertaining the extent to which the Athlete fell short of the duty to keep his body free of Prohibited Substances.
- 4.32 We have borne in mind the cases cited, and others, as examples of factual situations in which athletes have succeeded, or not succeeded, in establishing No Significant Fault or Negligence. Those cases remain relevant despite the changes to the wording of the provisions in the 2015 Anti-Doping Rules. We have also kept in mind the extensive definition of "Fault" in the Appendix to the Anti-Doping Rules, including the examples given of relevant factors to be considered.
- 4.33 UK Anti-Doping submitted that there was significant fault here, in particular because Mr Bevan trusted cursory research on the internet, and did not consult authoritative sources of information and advice before taking the steroids in question. After being asked whether he had been taking steroids, he signed his contract with Scorpions and only then did rudimentary research online. Accordingly, submitted UK Anti-Doping, he was significantly at fault.
- 4.34 Ms White, for Mr Bevan, submitted that he should succeed in establishing No Significant Fault or Negligence: he was young and naïve, he had never received any anti-doping education; and he did not have a positive duty to conduct research until the advent of the new Anti-Doping Rules (see Article 1.3.1(d)). He had not had any intention to become a rugby player again at the time he was taking steroids; and he did conduct some internet research on the evening of Saturday 7 February 2015, which led him to the false belief that he would not have any Prohibited Substance in his system, if tested.
- 4.35 We have come to the clear conclusion that Mr Bevan was significantly at fault in this case and cannot have his period of ineligibility reduced under Article 10.5.2. He was

significantly at fault because he took steroids in 2014, while playing competitive rugby under the auspices of a body operating identical anti-doping rules, though not under the auspices of the RFL; he did no research at all when approached by the Scorpions even though, as we have found, he had only stopped taking steroids within the previous month or so; he conducted research only when it was too late, after he had already signed for the Scorpions; and the research he did, cursory and inadequate as it was, ought not to have reassured him that he would necessarily test negative for prohibited anabolic steroids, if he were tested.

4.36 We therefore reject Mr Bevan's contention that he is entitled to a reduction in the two year period of ineligibility. It remains to consider the correct start date for that period. We are clear that the correct date is 26 February 2015, when Mr Bevan was charged and provisionally suspended. He is entitled to credit in respect of the period during which he has been provisionally suspended. This is not a case where there has been significant delay, or where there is any other reason to start the period of ineligibility on a date earlier than the date on which provisional suspension was imposed.

5. **SUMMARY: THE TRIBUNAL'S DECISION**

5.1 Accordingly, for the reasons given above, the tribunal decides as follows:

- (1) The doping offence under Article 2.1 of the Anti-Doping Rules has been established.
- (2) The period of ineligibility is two years from 26 February 2015, expiring at midnight on 25 February 2017.

6. **RIGHTS OF APPEAL**

6.1 In accordance with Article 13.4 of the Anti-Doping Rules and Article 13 of the Procedural Rules, Mr Bevan and the other parties named in Article 13.4 of the Anti-Doping Rules have a right of appeal to an Appeal Tribunal of the National Anti-Doping Panel Appeal. In accordance with Article 13.7 of the Anti-Doping Rules and Article 13.5 of the Procedural Rules, any party who wishes to appeal must lodge a Notice of Appeal with the NADP Secretariat within 21 days of receipt of this decision.

Tim Kerr QC

Professor Gordon McInnes

Dr Mike Irani

Signed on behalf of the Tribunal:



Tim Kerr

Chairman

Dated: 27 May 2015



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