

BEFORE THE RUGBY FOOTBALL UNION ANTI-DOPING PANEL

BETWEEN:

THE RUGBY FOOTBALL UNION

The Regulator

- and -

DAN LANCASTER

The Player

**DECISION OF THE
INDEPENDENT PANEL**

Introduction and factual circumstances

1. This is the decision of the Independent Panel appointed under Regulation 20.11.4 to deal with a charge against Dan Lancaster (“the Player”). This case has been resolved without a hearing in person, by consent of the Player. The Player is registered at Cleethorpes RFC and has at all material times been subject to the RFU jurisdiction.
2. On 23 April 2015, UK Anti-Doping (“UKAD”) received notification from the International Crime Team at the National Crime Agency that they had received a Border Force seizure notification. UKAD was advised that the consignment seized contained 300 ampoules of anabolic steroids (300 x Testapron Testosterone Propionate 100mg/1ml injection ampoules). The Consignment was addressed to: Dan Lancaster, 25 Glebe Road, Cleethorpes, NE Lincs, DN32 9NL. The origin of the consignment was an address in Singapore.
3. On 29 April 2015, following a telephone call with UKAD, Mr Lancaster stated in an email to Graeme Simpson (UKAD Investigator) that he admitted trying to buy steroids (“test prop”) on the internet.
4. On 7 May 2015, UKAD conducted an interview with Mr Lancaster, a transcript of which was provided to the panel. Mr Lancaster confirmed that he was a registered Rugby Union player for Cleethorpes RUFC and had received a copy of a letter informing him of his rights. He stated that he had given up playing rugby due to an injury and had ordered the substance for the purposes of bodybuilding.
5. During the course of the interview, Mr Lancaster admitted to having ordered and used prohibited substances previously; including ordering and using testosterone propionate, testosterone enanthate and boldenone. He explained that he injected steroids during a ten-week cycle (roughly) and would take a

break of two or a maximum of three weeks between each cycle. When questioned about the amount of steroids he had ordered, he denied selling the substances to anyone else.

6. On 4 June 2015 UKAD notified the RFU that it had determined that Mr Lancaster had a case to answer for a violation of Article 21.2.2 (Use and/or Attempted Use of a prohibited substance) of the RFU (World Rugby) AntiDoping Regulations.
7. On 5th June 2015, Angus Bujalski, RFU Head of Legal, issued Mr Lancaster with a notice of charge under World Rugby (IRB) Regulation 21.2.2 and provisionally suspended Mr Lancaster from involvement in Rugby Union.

THE REGULATIONS

8. Regulation 20.1 sets out the RFU Position on Doping as follows:

“The RFU condemns doping. It is harmful to the health of players, totally contrary to the spirit of rugby and the RFU is committed to protecting all Players’ fundamental right to participate in doping free rugby.”

9. The substances that Mr Lancaster admitted using and/or attempted to use are included on the 2015 WADA Prohibited List and are non-specified substances for the purposes of World Rugby (IRB) Regulation 21.
10. Pursuant to World Rugby (IRB) Regulation 21.10.2.1.1 the period of ineligibility for this offence is four years unless the conditions provided for eliminating or reducing the period of eligibility in World Rugby (IRB) Regulations 21.10.4, 21.10.5 or 21.10.6 are present.
11. Mr Lancaster has not sought to rely on World Rugby (IRB) Regulation 21.10.4, 21.10.5 or 21.10.6 to demonstrate his suitability for a reduction in the period of eligibility and the conditions required for obtaining a reduction of the period of ineligibility within the Regulations are not present in this case.
12. World Rugby (IRB) Regulation 21.10.6.3 states as follows:

“Prompt admission of an Anti-Doping Violation after being confronted with a violation sanctionable under Regulation 21.10.2.1 or Regulation 21.10.3.1”

A player or other person potentially subject to a four-year sanction under Regulation 21.10.2.1 or 21.10.3.1, by promptly admitting the asserted anti-doping rule violation after being confronted by World Rugby (or the Association, Union or Tournament Organiser handling the case as applicable), and also upon approval and at the discretion of both WADA and World Rugby (or the Association, Union or Tournament Organiser handling the case as

applicable), may receive a reduction in the period of ineligibility down to a minimum of two years, depending on the seriousness of the violation and the players or other person's degree of fault."

13. Mr Lancaster potentially qualifies for a reduction in the period of ineligibility pursuant to World Rugby (IRB) Regulation 21.10.6.3 because he has promptly admitted to an Anti-Doping Violation after being confronted. However, this reduction is at the discretion of the Panel. According to the World Rugby Handbook as updated most recently on the 14th January 2015 it is said that any reduction imposed must also be approved by both WADA and World Rugby.
14. The RFU, having consulted World Rugby and WADA in advance of making submissions to the panel, has stated that it, *"believes that Mr Lancaster's period of ineligibility should not be reduced from the four year period. This is due to the fact that the violation committed by Mr Lancaster is significantly serious and his actions demonstrate a high degree of fault."*

DECISION

15. The panel agree that there are a number of aggravating features in this case:
 - Mr Lancaster admits to purchasing anabolic steroids that were brought into the country from abroad via the postal service. This is a criminal offence; steroids are a class C drug under the Misuse of Drugs Act 1971.
 - Mr Lancaster accepts ordering in the region of one years supply of anabolic steroids; namely 300 ampoules, which he accepts he would have injected into various parts of his anatomy.
 - Mr Lancaster accepts that he was bulk buying the steroids prior to this consignment and has previously shared them with a friend.
 - Mr Lancaster accepts ordering and using more than one prohibited substance, including testosterone propionate, enanthate (presumed testosterone enanthate) and boldenone; all of which are also Class C drugs.
15. Dealing next with Mr Lancaster's degree of fault, we deem that the following factors are relevant:
 - Mr Lancaster accepted in interview that he had been deliberately taking steroids for a period of over a year.
 - He failed to conduct any research when purchasing these steroids. If it were not already immediately apparent to him, a simple search on the internet would have provided him with the information that steroids are both prohibited in sport and classified as Class C controlled drugs under UK law.
 - Mr Lancaster showed a complete lack of regard for the risks associated with sourcing and injecting himself with steroids purchased over the internet.

- Mr Lancaster is not a minor, nor was he suffering from any impairment when the steroids were ordered.
16. We impose a period of ineligibility upon the player of three years and six months, that period commencing upon the date of his provisional suspension, namely the 5th June 2015. We have reduced the otherwise four-year period pursuant to Regulation 21.10.6.3 in light of Mr Lancaster's acceptance of the charge at the earliest opportunity and noting his frankness upon questioning by an officer from UKAD.
17. The panel considered all the relevant aggravating and mitigating features prior to reaching the decision on whether a reduction was appropriate for his prompt admission; including those submissions made on behalf of the RFU. In our opinion it would only be in the most overwhelming of cases, that an accused individual ought not receive at least some credit for an early acceptance of the breach. We accept that in some cases where an accused individual has been caught 'red handed' or the possibility of forming a defence to the charge is so far fetched as to be entirely implausible that they should receive a negligible or zero reduction in light of their admission. On the particular facts of this case we do not think it is one such example; for instance Mr Lancaster could have sought to blame others for making the order in his name or could have suggested that he believed he was purchasing a lawful substance. Accordingly, we feel a 12.5% reduction is appropriate in all the circumstances.

8th September 2015

Daniel White, Chairman
Tom Rees
Siobhan Walsh