

**IN THE MATTER OF PROCEEDINGS BROUGHT UNDER RUGBY FOOTBALL  
UNION REGULATION 20 AND WORLD RUGBY REGULATION 21**

**BEFORE THE NATIONAL ANTI-DOPING PANEL**

**Before: Michelle Duncan**

**BETWEEN:**

**RUGBY FOOTBALL UNION**

National Governing Body

**- and -**

**KIERON SCUTT**

Respondent

**CONSENT ORDER**

With the agreement of the Rugby Football Union ("RFU") and Kieron Scutt ("the Player"), and in full and final resolution of these proceedings, it is ordered and declared that:

1. The Player, having undergone an anti-doping test on 30 March 2019 after a fixture between Caldy and Old Elthamians, returned an adverse analytical finding in his urine sample for the Prohibited Substance Methylhexanamine ("MHA") (section S6(b) Specified Stimulant, WADA Prohibited List 2019).
2. The Player was charged by the RFU on 31 May 2019 with an Anti-Doping Rule Violation ("ADRV") for a breach of World Rugby Regulation 21.2.1 (Presence of a Prohibited Substance or its Metabolites or Markers in a Player's Sample).
3. Following an initial response to the charge on 20 June 2019, the Player admitted the ADRV on 30 August 2019 and confirmed the following:
  - 3.1. He did not deliberately take a Prohibited Substance.
  - 3.2. He accepted that the World Rugby Anti-Doping Regulations required him to prove the source of the Prohibited Substance in order to stand a chance of demonstrating No Fault or Negligence or No Significant Fault or Negligence.
  - 3.3. He confirmed that he was unable to establish the source of the positive test.
  - 3.4. He accepted that his period of Ineligibility should be for a period of two years.
  - 3.5. He requested that the RFU agree that the commencement date of his two year period of Ineligibility be back-dated to commence on 30 March 2019 (the date of sample

collection) and run until 29 March 2021 under the Timely Admission provisions at World Rugby Regulation 21.10.11.2:

4. MHA is a Specified Substance in the WADA Prohibited List 2019 and the RFU gave careful consideration to the application of World Rugby Regulation 21.10.2.1.2:

*21.10.2.1 The period of Ineligibility shall be four years where:*

*21.10.2.1.2 The anti-doping rule violation involves a Specified Substance and World Rugby (or the Association, Union or Tournament Organiser handling the case as applicable) can establish that the anti-doping rule violation was intentional.*

The RFU accepts that the Player's ADRV was not "intentional" and, therefore, the starting point for the period of Ineligibility should be two years.

5. The Player has not sought any reduction under World Rugby Regulations 21.10.4 (No Fault or Negligence) or 21.10.5 (No Significant Fault or Negligence).
6. The RFU accepts that the Player's admission has been "timely" pursuant to World Rugby Regulation 21.10.11.2:

*Where the Player or other Person promptly (which, in all events, for a Player means before the Player competes again) admits the anti-doping rule violation after being confronted with the anti-doping rule violation by World Rugby (or the Association, Union or Tournament Organiser handling the case as applicable), 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 Regulation is applied, the Player or other Person shall serve at least one-half of the period of Ineligibility going forward from the date the Player or other Person accepted the imposition of a sanction, the date of a hearing decision imposing a sanction, or the date the sanction is otherwise imposed. This Regulation shall not apply where the period of Ineligibility has already been reduced under Regulation 21.10.6.3.*

7. The RFU agrees that the Player's period of Ineligibility shall start at the date of sample collection (being 30 March 2019) to run for a period of two years until 29 March 2021.
8. Each party shall bear the costs that it has incurred in connection with this matter.
9. Non signatories to this Consent Order may appeal as per World Rugby Regulation 21.13.



**Michelle Duncan**  
**National Anti-Doping Panel Chair**  
**London**

Date: 26/9/19

Each of the following parties, by its undersigned Counsel, confirm its agreement to the terms of the Consent Order set out above, and waives any right it has to appeal or challenge the Consent Order.

A handwritten signature in blue ink, appearing to read "Stuart Tennant", written over a dotted horizontal line.

**Stuart Tennant, Legal Counsel, for and on behalf of the RFU**

A handwritten signature in blue ink, appearing to read "Ross Brown", written over a dotted horizontal line.

**Ross Brown, Solicitor, Onside Law, for and on behalf of the Player**