

Issued Decision

UK Anti-Doping and Jamie Acton

Disciplinary Proceedings under the Anti-Doping Rules of the Rugby Football League

This is a Decision made by UK Anti-Doping Limited ('UKAD') pursuant to the Anti-Doping Rules ('ADR') of the Rugby Football League ('RFL'). It concerns Anti-Doping Rule Violations ('ADRVs') committed by Mr Jamie Acton contrary to the ADR.

Capitalised terms used in this Decision shall have the meaning given to them in the ADR unless otherwise indicated.

Background and Facts

1. The RFL is the national governing body for the sport of rugby league in England. UKAD is the National Anti-Doping Organisation ('NADO') for sport in the United Kingdom. The RFL has adopted, as its own ADR, the UK Anti-Doping Rules, which are issued by UKAD and are subject to updates made by UKAD, as necessary and in accordance with the World Anti-Doping Code.
2. The ADR in place at the material time, (i.e., when the ADRV were committed) were the UK Anti-Doping Rules 2009¹ (the '2009 ADR'). The ADR in place at the time of these proceedings are the UK Anti-Doping Rules 2021² (the '2021 ADR'). Pursuant to Article 1.6.2(d) of the 2021 ADR, the procedural aspects of this case are governed by the 2021 ADR. The substantive matters fall to be determined in accordance with the 2009 ADR, unless UKAD considers that a *lex mitior* in the 2021 ADR in relation to Consequences should apply.
3. Mr Acton is a 29-year-old former rugby league player who, at the material time, was a player for Leigh Centurions RFLC. At all relevant times Mr Acton was subject to and bound to comply with the ADR. Pursuant to 2021 ADR Article 7.2, UKAD has results management responsibility in respect of all players that are subject to the jurisdiction of the RFL.
4. On 5 December 2014, UKAD Doping Control Personnel attended a Leigh Centurions RFLC training session and collected an Out-of-Competition urine Sample from Mr Acton.

¹ Version 2.0, dated 14 December 2009

² Version 1.0, in effect from 1 January 2021

5. Assisted by a UKAD Doping Control Officer in attendance, Mr Acton split his urine Sample into two separate bottles which were given reference numbers A1116685 (the 'A Sample') and B1116685 (the 'B Sample')
6. Both Samples were transported to the World Anti-Doping Agency ('WADA') accredited laboratory, the Drug Control Centre, King's College London (the 'Laboratory'). The Laboratory analysed the A Sample in accordance with the procedures set out in WADA's International Standard for Laboratories (the 'ISL'). No Prohibited Substances were detected from this analysis and the initial results were reported by the Laboratory on 16 December 2014.
7. In February 2015, the Laboratory conducted Growth Hormone Releasing Factor ('GHRF') analysis on the A Sample following a request from UKAD. No Prohibited Substances were detected from this analysis and the results were reported by the Laboratory on 21 May 2015.
8. In accordance with Article 5.2.2.12 of the 2015 ISL, UKAD instructed the Laboratory to send the A Sample to its long-term storage facility.
9. On 5 February 2021, UKAD instructed the Laboratory to conduct retrospective GHRF re-analysis of the A Sample. This analysis returned Adverse Analytical Findings ('AAFs') for Growth Hormone Releasing Peptide-6 ('GHRP-6') and its metabolite GHRP-6 (2-5) free acid.
10. GHRP-6 is classified under section S2 of the WADA 2014 Prohibited List for 'Peptides Hormones, Growth Factors and Related Substances'. GHRP-6 is a non-Specified Substance, prohibited at all times; it was so at the material time and remains so to date.
11. Mr Acton did not have a Therapeutic Use Exemption ('TUE') to justify the presence of GHRP-6 and/or its metabolite in the A Sample.
12. On 30 April 2021, UKAD issued Mr Acton with a Notification Letter (the 'Notice'). The Notice formally notified Mr Acton, in accordance with 2021 ADR Article 7.8 that he may have committed:
 - a) An ADRV pursuant to 2009 ADR Article 2.1, in that a Prohibited Substance, namely GHRP-6 and/or its metabolite, was present in the A Sample provided by Mr Acton on 5 December 2014; and/or
 - b) An ADRV pursuant to 2009 ADR Article 2.2, in that Mr Acton Used a Prohibited Substance, namely GHRP-6, on or before 5 December 2014.
13. In the Notice, UKAD invited Mr Acton to provide an explanation for the alleged ADRVs.

14. On 10 May 2021, Mr Acton acknowledged receipt of the Notice and stated that he had retired from rugby league in April 2019. Mr Acton did not provide any explanation for the AAFs, nor did he comment as to the asserted Use of a Prohibited Substance.
15. UKAD sought confirmation from Mr Acton on 11 May 2021 and 20 May 2021 as to whether he would be providing any further information for UKAD to consider in response to the Notice. Mr Acton did not respond to these communications.
16. On 10 June 2021, in accordance with 2021 ADR Article 7.11.2, UKAD issued Mr Acton with a Charge Letter (the 'Charge'). The Charge asserted the commission of ADRVs pursuant to 2009 ADR Article 2.1 (Presence of a Prohibited Substance or its Metabolites or Markers in an Athlete's Sample) and 2009 ADR Article 2.2 (Use or Attempted Use by an Athlete of a Prohibited Substance).

Admission and Consequences

17. 2009 ADR Article 2.1 provides that the following is an ADRV:

2.1 *The presence of a Prohibited Substance or its Metabolites or Markers in an Athlete's Sample, unless the Athlete establishes that the presence is consistent with a TUE granted in accordance with Article 4.*

18. 2009 ADR Article 2.2 provides that the following is an ADRV:

2.2 *Use or Attempted by an Athlete of a Prohibited Substance or a Prohibited Method, unless the Athlete establishes that the Use or Attempted Use is consistent with a TUE granted in accordance with Article 4.*

19. On 1 July 2021, Mr Acton responded to the Charge and reiterated that he had retired from the sport of rugby league. Thereafter, on 12 July 2021, Mr Acton accepted the charges asserted against him by UKAD and indicated that he wished for his case to be resolved without the need for a hearing.
20. UKAD therefore issues this Decision following the admission made by Mr Acton and in accordance with 2021 ADR Article 7.12.2.
21. 2009 ADR Article 10.2 provides as follows:

For an Anti-Doping Rule Violation under Article 2.1 (presence of a Prohibited Substance or its Metabolites or Markers), Article 2.2 (Use or Attempted Use of a Prohibited Substance or Prohibited Method) or Article 2.6 (Possession of a Prohibited Substance and/or a Prohibited Method) that is the Participant's first violation, a period of Ineligibility of two years shall be imposed, unless the conditions for eliminating or reducing the period of Ineligibility (as specified in Article 10.4 and/or

Article 10.5) or for increasing the period of Ineligibility (as specified in Article 10.6) are met.

22. Therefore, in accordance with 2009 ADR Article 10.2, a two (2) year period of Ineligibility applies for violations of 2009 ADR Article 2.1 and 2009 ADR Article 2.2, unless conditions for eliminating, reducing, or increasing the period of Ineligibility are met. Mr Acton's violations do not meet the conditions set out at 2009 ADR Articles 10.4, 10.5 or 10.6.
23. The charges admitted by Mr Acton constitute his first violations. Therefore, in accordance with 2009 ADR Article 10.7.4(a), the ADRVs shall be considered as one single first ADRV for the purposes of imposing sanctions, and the period of Ineligibility imposed shall be based on the ADRV that carries the more severe sanction.
24. Pursuant to 2009 ADR Article 10.2, the period of Ineligibility to be applied in Mr Acton's case is therefore two (2) years.

Commencement of period of Ineligibility

25. 2009 ADR Article 10.9 provides that:

The period of Ineligibility shall start on the date of the decision providing for Ineligibility, save as follows:

...

10.9.3 Any period of Provisional Suspension (whether imposed or voluntarily accepted) that has been respected by the Participant shall be credited against the total period of Ineligibility to be served...

26. Mr Acton has been subject to a Provisional Suspension since the date of the Notice. The period of Ineligibility is therefore deemed to have commenced on 30 April 2021 and will expire at midnight on 29 April 2023.

Status during Ineligibility

27. During the period of Ineligibility, Mr Acton's status is governed by 2021 ADR Article 10.14.
28. 2021 ADR Article 10.14.1 states as follows:

10.14.1 Prohibition against participation:

While serving a period of Ineligibility or Provisional Suspension, an Athlete or other Person may not participate in any capacity (or assist any Athlete participating in any capacity) in a Competition, Event or other activity (other than authorised anti-doping education or rehabilitation programmes) organised, convened, authorised or

recognised by (a) the NGB or by any body that is a member of, or affiliated to, or licensed by the NGB; (b) any Signatory; (c) any club or other body that is a member of, or affiliated to, or licensed by, a Signatory or a Signatory's member organisation; (d) any professional league or any international- or national-level Event organisation; or (e) any elite or national-level sporting activity funded by a governmental agency.

29. Mr Acton may return to train with a team or to use the facilities of a club or other member organisation of the RFL or a Signatory's member organisation during the last two months of his period of Ineligibility (i.e., from midnight on 28 February 2023) pursuant to 2021 ADR Article 10.14.4(b).

Summary

30. For the reasons given above, UKAD has issued this Decision in accordance with 2021 ADR Article 7.12.2, which records that:
- a) Mr Acton has committed ADRVs pursuant to 2009 ADR Article 2.1 and 2009 ADR Article 2.2;
 - b) A period of Ineligibility of two (2) years is imposed pursuant to 2009 ADR Article 10.2;
 - c) The period of Ineligibility is deemed to have commenced on 30 April 2021 and will expire at midnight on 29 April 2023; and
 - d) Mr Acton's status during the period of Ineligibility shall be as detailed in 2021 ADR Article 10.14.
31. Mr Acton, the RFL, International Rugby League and WADA have a right to appeal against this Decision or any part of it in accordance 2021 ADR Article 13.4.
32. This Decision will be publicly announced via UKAD's website in accordance with 2021 ADR Article 7.12.2 and 2021 Article 8.5.

27 December 2021