

Issued Decision

UK Anti-Doping and Tobias Richardson

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

This is an Issued Decision made by UK Anti-Doping Limited ('UKAD') pursuant to the Anti-Doping Rules (the 'ADR') of the Rugby Football League ('RFL'). It concerns an Anti-Doping Rule Violation ('ADRV') committed by Mr Tobias Richardson and records the applicable Consequences.

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 Rules¹, which are issued by UKAD and subject to updates made by UKAD, as necessary and in accordance with the World Anti-Doping Code.
2. Mr Richardson is a 27-year-old rugby league player for the Midlands Hurricanes. At all material times in this matter, Mr Richardson was subject to the jurisdiction of the RFL and bound to comply with the ADR. Pursuant to ADR Article 7.2, UKAD has Results Management responsibility in respect of all players that are subject to the jurisdiction of the RFL.
3. On 02 July 2023, UKAD Doping Control Personnel collected a urine Sample from Mr Richardson, In-Competition at a Betfred League 1 game between Midlands Hurricanes and Dewsbury Rams.
4. Assisted by a UKAD Doping Control Officer ('DCO') in attendance, Mr Richardson split the urine Sample in two separate bottles, which were given reference numbers A1184493 (the 'A Sample') and B1184493 (the 'B Sample').
5. Both Samples were transported to the World Anti-Doping Agency ('WADA') accredited laboratory in London, the Drug Control Centre, King's College ('the Laboratory'). The Laboratory analysed the A Sample in accordance with the

¹ Version 1.0, in effect as from 1 January 2021.

procedures set out in WADA's International Standard for Laboratories and Technical Document TD2022MRPL.

6. Analysis of the A Sample returned Adverse Analytical Findings ('AAFs') for cocaine, and its Metabolite benzoylecgonine at estimated concentrations of 48 ng/mL and 9.7 µg/mL, respectively.
7. Cocaine is listed under S6.A of the WADA 2023 Prohibited List as a Stimulant. It is a non-Specified Substance that is prohibited In-Competition only. Cocaine is also identified as one of four '*Substances of Abuse*' in the WADA 2023 Prohibited List.
8. Mr Richardson does not have a Therapeutic Use Exemption ('TUE') for cocaine.
9. On 17 August 2023, UKAD sent Mr Richardson a letter (the 'Notice Letter'). The Notice Letter confirmed the imposition of a Provisional Suspension and formally notified Mr Richardson in accordance with ADR Article 7.8 that he may have committed an ADRV pursuant to ADR Article 2.1 (Presence of a Prohibited Substance or its Metabolites or Markers in an Athletes Sample), and/or an ADRV pursuant to ADR Article 2.2 (Use or attempted use by an Athlete of a Prohibited Substance or a Prohibited Method).
10. On 22 and 29 August 2023, Mr Richardson provided his responses to the Notice Letter. He admitted to ingesting cocaine for recreational purposes within a social setting. He explained that on the evening of Friday 30 June 2023 he attended a social event with friends where he consumed nine (9) pints of beer. He explained that he nasally ingested a line of cocaine every 60 minutes between 20:00 and 01:00 (on Saturday 1 July 2023), consuming approximately one gram of cocaine in total.
11. Following receipt of Mr Richardson's responses UKAD instructed Professor David Cowan OBE, former Director of the Laboratory, to review the account provided by Mr Richardson. On 19 September 2023, Professor Cowan provided an expert report which concluded that whilst Mr Richardson's estimate of the quantity of cocaine he ingested is likely an underestimate, a plausible explanation of the AAFs based on the concentrations of cocaine and benzoylecgonine detected in Mr Richardson's Sample is that he administered cocaine up to the early hours of Saturday 1 July 2023 as he had stated. Therefore, on 12 October 2023 UKAD proceeded to issue Mr Richardson with a Charge Letter in accordance with ADR Article 7.11.2.
12. The Charge Letter asserted the commission of an ADRV pursuant to ADR Article 2.1² (Presence of a Prohibited Substance or its Metabolites or Markers in an Athlete's Sample) (the 'Charge').

² Mr Richardson was not charged with an ADRV pursuant to ADR Article 2.2 (Use of a Prohibited Substance or a Prohibited Method) as cocaine is prohibited In-Competition only and, in light of the Athlete's account and the opinion of Professor Cowan, there is insufficient evidence to suggest Mr Richardson ingested cocaine after 11:59 pm on 1 July 2023 (i.e., within the In-Competition period).

Admission and Consequences

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

2.1 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.

14. ADR Article 10.2.4 provides:

10.2.4 Notwithstanding any other provision in Article 10.2, where the Anti-Doping Rule Violation involves a Substance of Abuse:

(a) *If the Athlete can establish that any ingestion or Use occurred Out-of-Competition and was unrelated to sport performance, the period of Ineligibility shall be three (3) months; provided that it may be further reduced to one (1) month if the Athlete satisfactorily completes a Substance of Abuse treatment program approved by UKAD. The period of Ineligibility established in this Article 10.2.4(a) is not subject to any reduction pursuant to Article 10.6.*

(b) [...]

15. On 23 October 2023 Mr Richardson provided his response to the Charge Letter. Within his response he admitted to the ADRV charged, and agreed to the period of Ineligibility asserted by UKAD of three months.

Commencement of period of Ineligibility

16. ADR Article 10.13 requires that the period of Ineligibility starts on the date the Ineligibility is accepted or otherwise imposed where there is no hearing.

17. However, ADR Article 10.13.2 allows credit to be given against the total period of Ineligibility to be served where an Athlete has been provisionally suspended and has respected the terms of that Provisional Suspension.

18. Mr Richardson has been subject to a Provisional Suspension since the date of the Notice Letter, i.e. since 17 August 2023 and as far as UKAD is aware, has respected the terms of that Provisional Suspension. Therefore, affording Mr Richardson credit for the time he has spent provisionally suspended, his period of Ineligibility is deemed to have commenced on 17 August 2023 and will end at midnight on 16 November 2023.

Status during Ineligibility

19. During the period of Ineligibility, in accordance with ADR Article 10.14.1, Mr Richardson shall not be permitted to 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 RFL;
 - 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.
20. Mr Richardson may return to train with a team or to use the facilities of a RFL club or a Signatory's member organisation during the last two months of his period of Ineligibility (i.e., from midnight on 16 September 2023) pursuant to ADR Article 10.14.4(b).

Summary

21. For the reasons given above, UKAD has issued this Decision in accordance with ADR Article 7.12.2, and records that:
- a) Mr Richardson has committed an ADRV pursuant to ADR Article 2.1;
 - b) A period of Ineligibility of three (3) months is imposed pursuant to ADR Article 10.2.4(a);
 - c) Acknowledging Mr Richardson's Provisional Suspension, the period of Ineligibility is deemed to have commenced on 17 August 2023 and will expire on midnight on 16 November 2026; and
 - d) Mr Richardson's status during the period of Ineligibility shall be as detailed in ADR Article 10.14.
22. Mr Richardson, the RFL, International Rugby League, and WADA have a right to appeal against the Decision or any part of it in accordance with ADR Article 13.4.
23. The Decision will be publicly announced via UKAD's website in accordance with ADR Article 8.5.3 and ADR Article 10.15.

13 November 2023