

2021 RULES OF THE NATIONAL ANTI-DOPING PANEL

Entry into force: 1 January 2021

1. Introduction

1.1 A national governing body or other relevant organisation (an “**NGB**”) may confer jurisdiction on the National Anti-Doping Panel (the “**NADP**”) to hear and determine some or all of the following matters arising under the NGB’s anti-doping rules and regulations (the “**Anti-Doping Rules**”):

1.1.1 any charge(s) brought by UK Anti-Doping Limited (the “**NADO**”), the NGB or its designee (the “**Anti-Doping Organisation**”) that an athlete or other person who is subject to the Anti-Doping Rules (the “**Respondent**”) has committed a doping offence, hereinafter referred to as an Anti-Doping Rule Violation (“**ADRV**”), under such rules;

1.1.2 the “**Provisional Suspension**” of the Respondent pending determination of the charge(s); and/or

1.1.3 any appeal brought against a decision made (whether by an NADP first instance tribunal or by another tribunal appointed by the NGB) in relation to any matter arising under the Anti-Doping Rules.

1.2 Where the Anti-Doping Rules or any other rule, regulation, agreement, submission or reference confer jurisdiction over a matter on the NADP, the parties shall be taken to have agreed that such matter shall be heard and resolved in accordance with the following rules, as amended from time to time (the “**NADP Rules**”).

1.3 The NADP Rules shall constitute an agreement to arbitrate, and proceedings under the NADP Rules shall constitute arbitration proceedings with a seat or legal place in London, England, for the purpose of triggering the application of the Arbitration Act 1996.

1.4 The NADP Rules may be amended by the “**President**” from time to time in order to reflect any changes made to the World Anti-Doping Code (the “**Code**”) and otherwise as required to ensure they remain fit for purpose. Any amendments shall be published by the NADP Secretariat, which shall confirm the date upon which such amendments shall come into effect, as well as any transitional arrangements.

2. Definitions and Interpretation

2.1 Unless otherwise indicated, when used in the NADP Rules the following terms shall be given the meanings set out next to them below:

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| Adverse Analytical Finding | has the meaning given to that term in the Code. |
| ADRV | has the meaning given to that term in Article 1.1.1. |
| Anti-Doping Organisation | has the meaning given to that term in Article 1.1.1. |
| Appeal Tribunal | means the tribunal of three arbitrators appointed in accordance with Article 5.3 to hear and determine an appeal. |
| Appellant | has the meaning given to that term in Article 13.1. |
| Arbitral Tribunal | means the sole arbitrator or tribunal of three arbitrators appointed in accordance with Article 5.1 to hear and determine a charge(s) and/or a Provisional Suspension issue. |
| CAS | means the Court of Arbitration for Sport in Lausanne, Switzerland. |
| Code | means the World Anti-Doping Code, a copy of which can be found on WADA's website located at www.wada-ama.org . |
| Consequences | has the meaning given to that term in the Code. |
| Contaminated Product | has the meaning given to that term in the Code. |
| International Event | has the meaning given to that term in the Code. |
| International-Level Athlete | has the meaning given to that term in the Code. |
| International Standard | means one of the Standards issued by WADA in accordance with the Code. |
| International Standard for Laboratories | means the International Standard of that name issued by WADA, a copy of which can be found on WADA's website located at www.wada-ama.org . |
| Minor | has the meaning given to that term in the Code. |
| NADO | has the meaning given to that term in Article 1.1.1. |
| NADP | means the National Anti-Doping Panel, from which Arbitral Tribunals and Appeal Tribunals are convened to hear and determine matters over which the NADP has jurisdiction. |
| NADP Rules | means these rules. |
| NADP Secretariat | means the body of that name which may be contacted c/o Sport Resolutions, 1 Paternoster Lane, St Paul's, London, EC4M 7BQ Telephone: 020 7036 1966 |
| NGB | has the meaning given to that term in Article 1.1. |
| Notice of Appeal | has the meaning given to that term in Article 13.5. |
| President | means the President of the NADP, who shall perform the functions given to that person in the NADP Rules. |
| Protected Person | has the meaning given to that term in the Code. |

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| Provisional Suspension | has the meaning given to that term in the Code. |
| Recreational Athlete | has the meaning given to that term in the Code. |
| Request for Arbitration | has the meaning given to that term in Article 4.1.1. |
| Respondent | has the meaning given to that term in Article 1.1.1. |
| Tribunal | means an Arbitral Tribunal and/or an Appeal Tribunal, as the context requires. |
| Vice-President | means the Vice-President of the NADP, who shall perform the functions given to that person in the NADP Rules. |
| WADA | means the World Anti-Doping Agency. |
| Working Day | means a day (other than a Saturday or Sunday) on which banks are open for business in London. |

2.2 References to the male gender shall be deemed to include the female gender. References to the President and “**Vice-President**” of the NADP, the “**NADP Secretariat**”, expert, any arbitrator, witness, party and legal representative shall be deemed to include both genders.

2.3 Unless otherwise indicated, references to an Article are to an article of the NADP Rules.

3. Notices and Periods of Time

3.1 Any notice or other communication required to be given by a party pursuant to the NADP Rules must be given in writing and must be sent by first class post or transmitted by e-mail. If sent by first class post, the notice or other communication shall be deemed to have been given on the “**Working Day**” following the day it is sent. If transmitted by email before 5pm (London time) on a Working Day, the notice of communication shall be deemed to have been given on that Working Day. If transmitted on a non-Working Day, at or after 5pm (London time) on a Working Day, the notice or other communication shall be deemed to have been given on the next Working Day.

3.2 A party's last-known residence or place of business shall be a valid address for the purpose of any notice or other communication unless notification of a change to such address has been communicated to all parties and to the NADP Secretariat.

3.3 For the purpose of calculating a period of time under the NADP Rules, such period shall begin to run on the day following the day when a notice or other communication is given. Non-Working Days occurring during the period are included in calculating the running of that period, save that if the period, so calculated, ends on a non-Working Day, then it shall be deemed to end on the next Working Day.

4. Triggering the Jurisdiction of the NADP

4.1 The jurisdiction of the NADP over a matter shall be triggered in the following circumstances:

4.1.1 Where an Anti-Doping Organisation submits a written request to the NADP Secretariat for determination of one or more charges that the Anti-Doping

Organisation has brought against the Respondent under the Anti-Doping Rules, which request (the “**Request for Arbitration**”) must contain or be accompanied by:

- 4.1.1.1 the contact details of the Anti-Doping Organisation and the Respondent;
- 4.1.1.2 a copy of the rule, regulation, agreement, submission or reference conferring jurisdiction on the NADP to hear and determine the charge(s);
- 4.1.1.3 a copy of the notice of charge(s) sent to the Respondent and any written response served by the Respondent;
- 4.1.1.4 any proposals in relation to the conduct or venue of the arbitration proceedings or as to the number of arbitrators, any request for provisional relief, and an indication as to any special features of the arbitration proceedings (including but not limited to, where applicable, that the Respondent is a Minor, a Protected Person, or a Recreational Athlete, as defined in the Anti-Doping Rules, and the date of birth of any Minors involved in the arbitration proceedings) and/or whether expedited proceedings are required; and
- 4.1.1.5 confirmation that a copy of the Request for Arbitration, together with all enclosures, is being served simultaneously on the Respondent and any other party or parties entitled to notification of the same under the Code and/or the Anti-Doping Rules.

4.1.2 Where the Anti-Doping Organisation or the Respondent makes an application to the NADP in relation to the Provisional Suspension of the Respondent, in accordance with Article 6; and/or

4.1.3 Where an Appellant submits a Notice of Appeal to the NADP Secretariat in accordance with Article 13.5.

4.2 Where the jurisdiction of the NADP over a matter is triggered in accordance with Article 4.1, the NADP Secretariat, the President, the Vice-President and the members of the NADP shall deal with such matter in accordance with the roles ascribed to each of them respectively in the NADP Rules.

4.3 Where a party requires to contact the President, the Vice-President and/or members of the NADP in connection with a matter, such contact shall be made via the NADP Secretariat, copying all other parties.

5. Composition of a Tribunal

5.1 Where a Request for Arbitration is received, the President shall appoint a “**Tribunal**” made up of three NADP arbitrators, one acting as chairman, to hear and determine the charge(s) in accordance with the NADP Rules, unless it appears to the President that the matter is suitable for determination by a sole arbitrator. The President’s appointee(s) pursuant to this Article shall be referred to as the “**Arbitral Tribunal**”.

5.2 Where a ruling is required in relation to any urgent matter before an Arbitral Tribunal has been appointed, the President himself shall determine that matter or shall refer

that matter to the Vice-President for determination.

- 5.3 Where a Notice of Appeal is received, the President shall appoint a tribunal made up of three NADP arbitrators, one acting as chairman, to hear and determine the appeal in accordance with Article 13 (the “**Appeal Tribunal**”).
- 5.4 All NADP arbitrators sitting on Tribunals convened under the NADP Rules must remain impartial and independent at all times and must have had no prior involvement with the dispute at hand. Prior to his appointment to a Tribunal, each NADP arbitrator must sign a declaration that there are no facts or circumstances known to him which might call into question his impartiality or independence in the eyes of any of the parties, other than any circumstances disclosed in the declaration. Each NADP arbitrator shall have a continuing duty to disclose to the President without delay any such circumstances arising following his appointment. The President shall determine whether such NADP arbitrator should be appointed (or should continue to serve) as a Tribunal member in light of such disclosure(s).
- 5.5 The NADP Secretariat shall advise the parties of the identity of the NADP arbitrators appointed to the Tribunal that will hear and determine the matter and shall furnish them with a copy of each member’s written declaration of independence. Any party having any legitimate objection to such appointment(s) must communicate its objections to the President via the NADP Secretariat within seven (7) days of receipt of such declarations. The President shall rule on the legitimacy of any such objection and his decision shall be final.
- 5.6 An arbitrator may also be challenged by any party where, following the formation of the Tribunal, circumstances arise that create legitimate doubts as to his impartiality or independence. Such a challenge must be made within seven (7) days of that party becoming aware of such circumstances. The President shall decide on the challenge, unless the challenged arbitrator withdraws, or all parties agree to the challenge, and the President’s decision shall be final.
- 5.7 If an arbitrator gives notice of his desire to resign from a Tribunal, or becomes unwilling, unable or unfit to sit on such Tribunal for any reason, the President shall revoke that member’s appointment and may in his discretion either appoint another NADP arbitrator to the Tribunal or, with the agreement of the remaining arbitrators and having regard to the circumstances of the case and the stage of the proceedings, authorise the remaining arbitrators to continue to hear and determine the matter alone.

6. Conduct of applications relating to Provisional Suspensions

- 6.1 The Anti-Doping Rules may permit the Anti-Doping Organisation to apply to the NADP for the Provisional Suspension of the Respondent in specific circumstances.
- 6.2 In addition, the Anti-Doping Rules may permit the Respondent to apply to the NADP either for an order that no Provisional Suspension should be imposed, or for an order that a Provisional Suspension should be lifted.
- 6.3 An application made by the Anti-Doping Organisation in accordance with Article 6.1, or an application made by the Respondent in accordance with Article 6.2, shall be determined by the chairman of the Arbitral Tribunal appointed in accordance with Article 5.1 or (if the application is urgent and no chairman has yet been appointed) by the President or Vice-President in accordance with Article 5.2. Upon such application:

- 6.3.1 any submissions of the parties shall be made in writing and/or, if so directed, orally during a telephone conference. There shall be no right to a hearing, unless so directed;
 - 6.3.2 the Anti-Doping Organisation shall have an opportunity to comment on the Respondent's submissions prior to a decision; and
 - 6.3.3 subject to the foregoing, the application shall be determined on an expedited basis.
- 6.4 A Respondent who has the right to appeal to the NADP against a decision determining an application made pursuant to Article 6.1 or Article 6.2 may appeal the decision to an Appeal Tribunal in accordance with Article 13.5 (save that there shall be no right to appeal a decision not to eliminate a mandatory Provisional Suspension on account of the Respondent's assertion that the violation is likely to have involved a Contaminated Product). Such appeal shall be conducted in accordance with Article 5.3 (save that where the decision being appealed was made by the President, the members of the Appeal Tribunal shall be chosen by the Vice-President) and Article 13.
- 6.5 A Respondent who is Provisionally Suspended has the right to an expedited hearing on the merits of the charge(s) brought against him, to take place as soon as possible and in any event (save where impracticable) no later than fourteen (14) days after the date of imposition of the Provisional Suspension, unless otherwise agreed by the Respondent.

7. Conduct of the Proceedings

- 7.1 While (in accordance with Article 1.3) the seat or legal place of all Tribunal proceedings (whether first instance or appeal) shall be London, England, for convenience the Tribunal may in its discretion order that meetings, hearings or deliberations be held at an alternative location.
- 7.2 The Tribunal shall determine the dispute in accordance with the Anti-Doping Rules, the NADP Rules and the substantive law specified in the Anti-Doping Rules or (in the absence of an express choice of law in such rules) according to the law of the country in which the Anti-Doping Organisation is domiciled.
- 7.3 In the case of any conflict between the Anti-Doping Rules and the NADP Rules, the Anti-Doping Rules shall prevail.
- 7.4 The parties shall be entitled, at their own expense, to be represented by legal counsel or any other representative(s) in all proceedings under the NADP Rules.
- 7.5 The Tribunal shall have all powers necessary for, and incidental to, the discharge of its responsibilities under the NADP Rules, including (without limitation) the power, whether on the application of a party or of its own motion:
- 7.5.1 to appoint an expert to assist or advise the Tribunal on a specific issue or issues, such expert to be and remain impartial and independent of the parties, and the costs of such expert to be borne by the parties or in such manner as directed by the Tribunal;
 - 7.5.2 to expedite or to adjourn, postpone or suspend its proceedings, upon such terms as it shall determine, where fairness so requires;

- 7.5.3 to extend or abbreviate any time-limit provided by the NADP Rules, by the Anti-Doping Rules, or by the Tribunal's own orders;
 - 7.5.4 to conduct such enquiries as appear necessary or expedient in order to ascertain the facts;
 - 7.5.5 to order any party to make any property, document or other thing in its possession or under its control available for inspection by the Tribunal and any other party;
 - 7.5.6 subject to the consent of the original parties, to allow one or more third parties to intervene or be joined in the proceedings, to make all appropriate procedural directions in relation to such joinder or intervention, and thereafter to make a single final decision or separate decisions in respect of all parties;
 - 7.5.7 to order that certain preliminary (and/or potentially dispositive) questions— e.g., as to jurisdiction, or as to whether a condition precedent to a violation of the Anti-Doping Rules has been met (e.g., a Code Article 2.10 violation) – be heard and determined in advance of any other issues in the matter;
 - 7.5.8 to award interim relief or other conservatory measures on a provisional basis subject to final determination;
 - 7.5.9 to impose or to lift a Provisional Suspension in accordance with Article 6.3; and
 - 7.5.10 to rule on its own jurisdiction in a final award (subject to any appeal rights).
- 7.6 In all cases involving a three-member Tribunal, the Tribunal chairman may make procedural rulings on his own.
- 7.7 The NADP Secretariat shall have the power to extend any time-limit provided by the NADP Rules, by the Anti-Doping Rules, or by the Tribunal's own orders, upon a request made by either party, where the extension sought does not exceed a week, and the request is unopposed.
- 7.8 The President shall have the power, whether on the application of a party or of his own motion:
- 7.8.1 subject to the consent of the parties, to consolidate the proceedings with other substantially similar or related NADP proceedings and/or order that concurrent hearings be held in relation to such proceedings; and
 - 7.8.2 to award interim relief or order other conservatory measures on a provisional basis before a Tribunal has been convened.
- 7.9 As soon as practicable after his appointment, the Tribunal chairman may require the Respondent to state the nature of the defence to the charge and shall issue directions to the parties in relation to the procedure and time-table to be followed in the proceedings. Where he deems it necessary, he may hold a directions hearing prior to issuing such directions. In particular, the directions shall:
- 7.9.1 fix the date, time and venue of the hearing. Subject to Article 6.5, the hearing should take place no later than forty (40) days after the NADP Secretariat

receives the Request for Arbitration, save where fairness requires, or the parties otherwise agree;

7.9.2 establish a schedule for the exchange of written submissions and evidence in advance of the hearing, including confirmation by the Anti-Doping Organisation of the details of its prima facie case, confirmation by the Respondent of the details of his defence and/or mitigation, and provision for the Anti-Doping Organisation to reply to the Respondent's defence and/or mitigation;

7.9.3 make such order as he deems appropriate in relation to the manner and form in which any witness or expert evidence should be produced, provided that:

7.9.3.1 a party intending to rely upon the evidence of a witness or expert shall serve a statement or report setting out the proposed evidence of such witness or expert at a date in advance of the hearing that is specified by the chairman; and the Tribunal shall have the power to allow, refuse or limit the evidence or appearance at the hearing of any witness or expert; and

7.9.4 make such order as he shall deem appropriate in relation to the disclosure of relevant documents and/or other materials in the possession or control of either party; provided that, save for good cause shown, no documents and/or other materials shall be ordered to be disclosed in relation to the laboratory analysis resulting in an Adverse Analytical Finding beyond the documents that the "**International Standard for Laboratories**" requires to be included in the laboratory report pack.

7.10 Where the Tribunal determines, of its own motion or at the request of the parties, to hold a directions hearing, the hearing may be held in person or by telephone or video conference call. The non-attendance of any party or his/its representative(s) at the directions hearing, after proper notice of the hearing has been provided, shall not prevent the Tribunal chairman from proceeding with the meeting in such party's absence, whether or not any written submissions are made by or on behalf of that party.

8. Hearings

8.1 The individual charged has the right to request a public hearing. Similarly, the Anti-Doping Organisation may also request a public hearing provided the individual charged has provided his/her consent to the same. Such request may however be denied in the interests of morals, public order, national security, where the interests of Minors or the protection of the private life of the parties so require, where publicity would prejudice the interests of justice, or where the proceedings are exclusively related to questions of law.

8.2 The Chairman shall have the power to determine any request for a public hearing, and where he or she so finds, the extent to which the hearing shall remain private and confidential, and the means by which any evidence or submissions may be made public.

8.3 Save for cases in which a public hearing is directed, hearings shall be conducted on a private and confidential basis, attended only by the parties to the proceedings (i.e., in the case of a first instance proceeding, the Anti-Doping Organisation and Respondent; in the case of an appeal, the Appellant and any other parties to the appeal) and their

representatives and witnesses, as well as the representatives of any third party that is permitted under the Code or the Anti-Doping Rules to attend in order to participate in and/or to observe the proceedings.

- 8.4 Each person with a right of appeal under the Anti-Doping Rules, if not a party to the proceedings before the Arbitral Tribunal, and if not wishing to exercise its right to attend the hearing, shall have the right to be kept advised by the Anti-Doping Organisation of the status of the proceedings.
- 8.5 The hearing shall be conducted in English. The Respondent shall be entitled to use an interpreter provided by the NADP at the Respondent's own cost. Any party wishing to rely upon documents written in a language other than English shall produce official English translations of such documents at his/its own cost.
- 8.6 The hearing shall be audio recorded for the Panel and parties' benefit, who may request a copy. The recording will only be held by the Secretariat as long as is necessary.
- 8.7 The procedure to be followed at the hearing shall be at the discretion of the Tribunal chairman, provided always that the hearing is conducted in a fair manner, with a reasonable opportunity provided for each party to present evidence (including the right to call and to question witnesses), address the Tribunal and present its/his case as to both liability and "**Consequences**". The Tribunal shall have discretion as to whether to receive evidence from witnesses in person, by telephone, by video conference or in writing, and shall have the right to question a witness and control the questioning of witnesses by a party.
- 8.8 Unless the Tribunal orders that parties may make submissions in writing only, all parties should attend hearings in person, along with any representative(s). Hearings may be conducted remotely using technology, such as by video or teleconference. The non-attendance of any party or his representative at the hearing, after proper notice of the hearing has been provided, shall not prevent the Tribunal from proceeding with the hearing in his absence, whether or not written submissions have been made by or on behalf of that party.
- 8.9 Once the parties have completed their respective submissions, the Tribunal shall retire to determine in private whether it is satisfied to the required standard that the Respondent has committed the ADRV(s) with which he is charged. The Tribunal shall make its decision unanimously or by majority. No member of the Tribunal may abstain.

9. Burdens and Standards of Proof

- 9.1 The Tribunal shall apply the burden(s) and standard(s) of proof specified in the Anti-Doping Rules, as well as any further rules of evidence and/or procedure specified in the Anti-Doping Rules.
- 9.2 Subject to Article 9.1, the Tribunal shall have the power to decide on the admissibility, relevance and weight of any evidence (including the testimony of any fact or expert witness) and shall not be bound by any judicial or evidential rules in relation to such matters. Facts may be established by any reliable means, including admissions.

10. Consequences

Where the Tribunal determines that the Respondent has committed the ADRV(s) charged, the Tribunal shall impose Consequences in accordance with the Anti-Doping Rules. Any decision that an ADRV has been committed will not purport to be limited in effect to a particular geographic area or sport.

11. Tribunal decisions

- 11.1 Save with the permission of the President (which permission shall be notified to the parties in writing), the Tribunal shall announce its decision to the parties in writing, dated and signed by at least the Tribunal chairman within fifteen (15) working days of the end of the hearing. Where no hearing took place, the Tribunal shall announce its decision within fifteen (15) working days after the parties have filed their last written submissions.
- 11.2 The written decision shall set out and explain:
- 11.2.1 the jurisdictional basis and applicable rules;
 - 11.2.2 the detailed factual background;
 - 11.2.3 the Tribunal's findings, with reasons, as to what ADRV(s), if any, the Respondent has committed;
 - 11.2.4 what Consequences the Tribunal is imposing as a result of such findings, with reasons. In any case in which the Tribunal exercises the discretion conferred on it under the Anti-Doping Rules as to Consequences, the decision shall explain in detail the basis on which the Tribunal has determined that such discretion was triggered as well as the basis for the manner in which such discretion was exercised; and
 - 11.2.5 the rights of appeal that lie in respect of the decision, including the applicable deadline to lodge an appeal.
- 11.3 Where the Tribunal finds that an argument advanced by a party was frivolous or otherwise entirely without merit, the Tribunal may award costs as it deems appropriate against that party. Otherwise, however, each of the parties shall bear its own costs, legal, expert or otherwise, and the Tribunal shall not have the power to order any other party to pay such costs, or the costs of convening the Tribunal.
- 11.4 The NADP Secretariat shall send copies of the decision to the parties and to any other person that has a right of appeal against the decision.
- 11.5 Upon notification of the decision, parties shall have seven (7) days to make any requests for redactions. The Chairman shall have discretion to allow any redaction requests, save as limited by the mandatory reporting requirements of the Anti-Doping Rules.
- 11.6 A Tribunal decision may be disclosed to members of the NADP who have not been a participating member of the Tribunal.
- 11.7 Save as provided for within the ADR, proceedings under the NADP Rules are confidential and no arbitrator, party, third party observer or witness may disclose any

facts or other information relating to the proceedings; provided, however, that:

11.7.1 where the Tribunal has determined that an ADRV has been committed, the NADP Secretariat shall disclose the decision publicly once the Respondent's time to appeal the decision has run, unless the Respondent appeals against the decision, in which case the NADP Secretariat shall not disclose the decision publicly pending determination of the appeal (save that this mandatory public disclosure requirement shall not apply where the Respondent is a Protected Person, Minor, or a Recreational Athlete (as defined in the ADR));

11.7.1.1 the Tribunal may redact the decision to protect sensitive personal data or data which in the public interest should not be published;

11.7.2 where the Tribunal has determined that an ADRV has not been committed, the NADP Secretariat shall not disclose the decision publicly unless the Respondent consents to such disclosure. Where the Respondent does not so consent, the NADP Secretariat may publish a summary of the decision, provided that what is disclosed does not enable the public to identify the Respondent; and

11.7.3 where the optional reporting provisions of the ADR are engaged, as they relate to Minors, Protected Persons and Recreational Athletes, the Tribunal will determine the extent of such reporting, if any, after parties have had the opportunity to provide submissions. Any optional public disclosure shall be proportionate to the facts and circumstances of the case.

12. Appeals from preliminary or procedural rulings

A preliminary or procedural ruling by a Tribunal shall not be subject to appeal, unless (i) such ruling is dispositive (i.e. it amounts to a final resolution of the matter), or (ii) such ruling, though non-dispositive of itself, is subsequently incorporated into a final decision. If (i) or (ii) applies, the ruling may be appealed in accordance with Article 13 or 14 (as applicable). For the avoidance of doubt, decisions relating to Provisional Suspensions may be appealed in accordance with Article 6.4.

13. Appeals from Arbitral Tribunal decisions

13.1 Subject to Article 12, decisions issued by Arbitral Tribunals under the NADP Rules shall be final and binding on all parties. They may be appealed to an Appeal Tribunal by any person(s) who is given such a right of appeal in the Anti-Doping Rules (the "**Appellant**"). The decision being appealed shall remain in full force and effect pending determination of the appeal unless the Appeal Tribunal orders otherwise.

13.2 All parties waive irrevocably any right to any other form of appeal, review or recourse by or in any court or judicial authority, insofar as such waiver may validly be made. For the avoidance of doubt, such a waiver extends to any rights that would otherwise arise under sections 45 or 69 of the Arbitration Act 1996.

13.3 An Appellant shall have the right to receive a copy of the record of the proceedings that led to the decision, including a copy of any transcripts. If such request is made, the NADP Secretariat shall supply the record and/or transcript to such party as soon as reasonably practicable. The Tribunal record, including any audio recording or transcript produced, shall only be held by the Secretariat as long as is necessary.

13.4 Standard of review:

13.4.1 The scope of review on appeal includes all issues relevant to the matter and is not limited to the issues raised before the first instance Tribunal. Any party to the appeal may submit evidence, legal arguments and claims that were not raised in the first instance hearing so long as they arise from the same cause of action or same general facts or circumstances raised or addressed in the first instance hearing.

13.5 Any party who wishes to appeal to an Appeal Tribunal must lodge a document (a **"Notice of Appeal"**) with the NADP Secretariat within 21 days of receipt of the decision being appealed, containing or accompanied by the following:

13.5.1 the contact details of the Appellant and any other party/parties to the appeal;

13.5.2 a copy of the decision being appealed;

13.5.3 a copy of the rule, regulation, agreement, submission or reference conferring jurisdiction on the NADP to hear and determine the appeal;

13.5.4 a statement of the grounds for the appeal;

13.5.5 any proposals in relation to the conduct or venue of the appeal and an indication as to any special features of the appeal (including but not limited to, where applicable, that the Respondent is a Minor, a Protected Person, or a Recreational Athlete, as defined in the Anti-Doping Rules, and the date of birth of any Minors involved in the arbitration proceedings), whether any interim relief is sought, and/or whether expedited proceedings are required; and

13.5.6 confirmation that a copy of the Notice of Appeal is being served simultaneously on any party or parties entitled to notification of the same pursuant to the Code and/or the Anti-Doping Rules.

13.6 Appeal procedures:

13.6.1 Where a Notice of Appeal is filed with the NADP Secretariat in accordance with Article 13.5, the President shall appoint an Appeal Tribunal in accordance with Article 5.3.

13.6.2 Articles 5, 7, 8, 9, 10 and 11 shall apply *mutatis mutandis* (i.e. with any amendments deemed to have been made that are necessary to take account of the different context) to proceedings before the Appeal Tribunal.

13.6.3 Appeals should be conducted expeditiously. Save where all parties agree, or fairness requires otherwise, the appeal hearing shall take place no later than forty (40) days after the NADP Secretariat receives the Notice of Appeal.

13.7 Each of the relevant international federation, the NADO, the NGB, and WADA, if not party to the appeal, shall have the right to be kept advised by the Anti-Doping Organisation of the status of the appeal, as well as the right to attend appeal hearings as an observer.

13.8 For the avoidance of doubt, an Appeal Tribunal shall have the power to increase, decrease or remove any Consequences imposed by an Arbitral Tribunal, in accordance with the Anti-Doping Rules.

14. Appeals from Appeal Tribunal decisions

14.1 Subject to Article 12, an Appeal Tribunal's decision shall be final and binding and may only be appealed strictly as specified in the Anti-Doping Rules.

14.2 The parties waive irrevocably any right to any other form of appeal, review or recourse in or by a court or judicial authority, insofar as such waiver may validly be made. For the avoidance of doubt, such a waiver extends to any rights that would otherwise arise under sections 45 or 69 of the Arbitration Act 1996.

15. Miscellaneous

15.1 Where a matter arises that is not otherwise provided for in the NADP Rules, the President (or, at the request of the President, the Vice-President) shall resolve the matter as he sees fit.

15.2 None of the NADP, the President, the Vice-President, the NADP Secretariat, any NADP arbitrator or any expert appointed to assist a Tribunal shall be liable for anything done or omitted in the discharge or purported discharge of their functions in connection with any proceedings unless the act or omission is shown to have been in bad faith.