

PART 6 - BANNED SUBSTANCES AND NOTIFIABLE MEDICATIONS

Introductory

58. Application and interpretation of Part 6

58.1 This Part applies to any Person who is

58.1.1 a Jockey,

58.1.2 a Person who holds an Amateur Rider's Permit granted by the Authority, and

58.1.3 an Overseas Rider who is to ride, or who rides, in a race under these Rules,

and who is not suspended from riding by the Authority or by any other Recognised Racing Authority.

58.2 Such Persons are referred to in this Part as **Riders**.

58.3 In this Part

analysis of a sample means an analysis carried out by any laboratory which is accredited by the United Kingdom Accreditation Service and which is for the time being approved by the Authority for the testing of Samples taken from Riders;

banned substance

58.3.1 means a substance listed in Part 1 of Schedule 3, and

58.3.2 includes any isomer or diagnostic metabolite of the substance;

notifiable medication means any substance listed in Part 2 of Schedule 3;

the Protocol means the Protocol referred to in Rule 60.2;

sample, in relation to a Rider, means urine, breath, blood, hair, sweat or saliva.

59. Testing positive for banned substance or notifiable medication

59.1 For the purposes of this Part, any reference to a Sample testing positive for a Banned Substance or Notifiable Medication is to where a laboratory report of the result of an analysis of the Sample shows

59.1.1 in the case of a Banned Substance for which a threshold level is specified in Schedule 3, that the concentration of the substance present in the Sample exceeds the level specified;

59.1.2 otherwise, that the Banned Substance or Notifiable Medication is present in the Sample at the limit of detection using appropriate hybrid analytical techniques (for example, gas chromatography/mass spectrometry).

59.2 The result of the analysis of a Sample taken from a Rider shall be invalidated only if the Rider satisfies the Authority that

59.2.1 there has been a departure from procedures set out in the Protocol, and

59.2.2 this departure casts reasonable doubt on the reliability of any finding derived from the operation of these procedures.

59.3 In connection with Paragraph 59.2.2, the Rider will, for example, have to establish that the departure from the procedures

59.3.1 casts reasonable doubt on the reliability of the result of the analysis of any Sample taken from him; or

59.3.2 casts reasonable doubt on the identity of the Person who provided the Sample.

Sampling procedures

60. Procedures for sampling under this Part

60.1 The Authority may from time to time approve procedures for the testing of Banned Substances and Notifiable Medications for the purposes of this Part .

60.2 The current procedures are set out in The Protocol for the Testing of Riders for Banned Substances and Procedures for Notifiable Medications.

60.3 The Protocol for the time being in force is set out in Schedule 4 .

61. Duties as to medical examination and compliance with the Protocol for sampling procedures

61.1 A Rider must comply with the procedures established in the Protocol.

61.2 In particular, a Rider must when required to do so

61.2.1 submit to a medical examination,

61.2.2 undertake a breath test, and

61.2.3 supply or allow other Samples to be taken from him.

61.3 Sampling (including breath testing) may be carried out at any time on a racecourse in accordance with the Protocol.

61.4 Sampling (including breath testing) may also be carried out off-course in accordance with the Protocol.

61.5 In relation to any finding that a Rider has failed or refused to provide a Sample, a departure from the Protocol shall invalidate the finding only if the Rider satisfies the Authority that

61.5.1 there has been a departure from the Protocol, and

61.5.2 it materially contributed to the Rider's failure or refusal to provide the Sample.

62. Other medical examinations ordered by Stewards

62.1 A Rider must submit to any other medical examination which may be ordered by the Stewards under Part (B)1.

62.2 In particular, a Rider must when required to do so supply or allow to be taken from him such Samples as the Racecourse Medical Officer may require in the course of the examination.

62.3 The Authority may decide not to take Disciplinary Action against a Rider for his failure to comply with this Rule if the Rider satisfies the Authority that he had reasonable cause.

62.4 In this Rule

Sample means blood, urine, sweat, saliva or any other body fluid.

Consequences of positive test for Notifiable Medications

63. Duty to notify a Notifiable medication and restriction on riding

63.1 Where a medical practitioner prescribes a Notifiable Medication for a Rider, or a Rider otherwise intends to take a Notifiable Medication, the Rider

63.1.1 must immediately inform the Chief Medical Adviser, and

63.1.2 whilst he is taking the medication, may not ride in any race run under these Rules or under the rules of any Recognised Racing Authority unless he has first obtained the Chief Medical Adviser's written consent under Paragraph 63.2.

63.2 The Chief Medical Adviser may give his consent to a Rider continuing to ride whilst taking a Notifiable Medication if Chief Medical Adviser considers that the Rider will be fit to do so.

63.3 For the purpose of enabling the Chief Medical Adviser to make an assessment, the Rider must provide him with

63.3.1 written confirmation that he has been prescribed the Notifiable Medication,

63.3.2 a report from his medical practitioner stating the diagnosed condition, the anticipated period of treatment and the current diagnosis for recovery, and

63.3.3 permission for the Chief Medical Adviser to contact the Rider's medical practitioner or specialist and to obtain from them such further medical reports and history as the Chief Medical Adviser may reasonably require.

63.4 If the Chief Medical Adviser requires him to do so, the Rider must also

63.4.1 produce a copy of the prescription, and

63.4.2 submit to any medical examination to be carried out by the Chief Medical Adviser or by an independent medical practitioner nominated by him.

63.5 The Chief Medical Adviser may, if he considers it necessary to do so, recommend to the Authority that the Rider's licence be suspended

63.5.1 for such reasonable period as will allow the Chief Medical Adviser properly to assess the Rider's fitness to ride,

63.5.2 until the course of medication is completed, or

63.5.3 until the Rider's medical status no longer gives cause for concern.

64. Consequences of positive test for notifiable medication

64.1 A Rider shall be taken to have contravened a requirement imposed on him by this Rule if a Sample taken from him in accordance with the procedures established under this Part tests positive for a Notifiable Medication and, by the date the Rider was selected for sampling, either

64.1.1 he had failed to inform the Chief Medical Adviser that the medication had been prescribed, or

64.1.2 the Chief Medical Adviser's consent under Rule 63.2 for the Rider continuing to ride whilst taking the medication has not been obtained.

64.2 For the purposes of any Disciplinary Action taken for a contravention of this Rule, the contravention shall be taken to have occurred on the date the Rider was selected for sampling.

Consequences of positive test for banned substance

65. Consequences of positive test for banned substance

65.1 Subject to Rule 66, if a Sample from a Rider tests positive for a Banned Substance, the Rider shall be taken to have contravened a requirement imposed on him by this Rule.

65.2 Paragraph 65.1 does not apply where a Sample was taken off-course, the Banned Substance is alcohol and the Rider had no forthcoming professional riding engagements of any description on the day on which the Sample was taken.

65.3 The Authority will not take Disciplinary Action against a Rider if he satisfies the Authority that the presence of a Banned Substance is attributable to

65.3.1 the injection or consumption of medical compounds or proprietary medicines, in normal or recommended quantities, which is entirely for a recognised medical purpose other than the treatment of drug addiction or dependency, or

65.3.2 the ingestion of food or other nutritional substances in the ordinary course of dietary nourishment.

65.4 Where the medical compound or proprietary medicine referred to in Paragraph 65.3.1 is supplied only on prescription made out by a medical practitioner, it shall be presumed that the presence of the substance was not attributable to a recognised medical purpose unless the Rider provides to the Chief Medical Adviser or the Authority, on request

65.4.1 a copy of the prescription in the name of the Rider which was valid at the time of sampling,

65.4.2 a written confirmation of the prescription from a medical practitioner, or

65.4.3 an explanation acceptable to the Authority which accounts for the presence of the medical compound or proprietary medicine.

65.5 For the purposes of any Disciplinary Action taken for contravention of this Rule, the contravention shall be taken to have occurred on the date the Rider was selected for sampling.

66. Consequences where positive test is for alcohol

66.1 This Rule applies where, in accordance with the Protocol

66.1.1 breath tests for alcohol are conducted at a race meeting, and

66.1.2 a Rider is required to take a second breath test on the ground that the first test was positive for alcohol.

66.2 If the second breath test is also positive, the Rider shall be taken to have contravened a requirement imposed on him by this Rule.

66.3 The Stewards

66.3.1 shall suspend the Rider from riding in any race on the day in question, and

66.3.2 may suspend him from riding or take any other action they have power to take under Part (B)1, as they consider appropriate.

67. Deleted