

## 16. Definitions

**Adverse Analytical Finding** means a report from a BHA-approved laboratory that, consistent with the Laboratory Standards, identifies in the Sample the presence of a Prohibited Substance or evidence of the Use of a Prohibited Method;

**Analysis** means any analysis carried out on a Sample including an analysis of a stored Sample and a B Sample Analysis (if carried out);

**Approved Person** means a person who has been appointed by the Authority under these Equine Anti-Doping Rules and shall have the powers ascribed to such persons as set out in Rules (A)48 and 49 and such other powers as the Authority may have conferred upon him under the Rules of Racing;

**Attempt** means purposely engaging in conduct that constitutes a substantial step in a course of conduct planned to culminate in the commission of an equine anti-doping rule violation;

**Authority** means the British Horseracing Authority;

**BHA-approved Laboratory** means one of the laboratories listed in the list of BHA-approved laboratories in Schedule 5 as it may be updated by the Authority from time to time;

**Breeder** means the person who bred the Horse and who provided Notification, or on whose behalf Notification was provided, to the General Stud Book;

**B Sample Analysis** means an analysis of a B Sample to confirm an A Sample Adverse Analytical Finding;

**B Sample Laboratory** means the laboratory selected to undertake B Sample analysis, either LGC, LCH or DSKIB if LCH is unable to conduct the B Sample analysis;

**British-Based Horse** means a Horse located in Great Britain, other than those falling within paragraphs 1.2 or 1.3 of Schedule 2 or those to which paragraph 2.9 of Schedule 2 applies;

**Business Day** means a day, other than a Saturday, Sunday or public holiday, on which the Authority is open for non-automated commercial business;

**Certificate of Analysis** means a written statement of the result of an Analysis of the Sample which is issued by a BHA-approved Laboratory;

**Clear Day** means, in determining the number of days:

- (i) The day on which the period begins; and
- (ii) If the end of the period is defined by reference to an event, the day on which that event occurs

are excluded.

**Clear Working Day** means, in determining the number of days:

- (i) The day on which the period begins; and
  - (ii) If the end of the period is defined by reference to an event, the day on which that event occurs;
- and
- (iii) Saturday, Sunday, Bank Holiday, or day on which the Authority's office is not open for non-automated commercial business

are excluded.

**Disciplinary Action** means action taken by the Authority under Part (A)6 of the Rules;

**Disciplinary Panel** means a disciplinary panel convened for the purpose of carrying out an enquiry under Part (A)5 of the Rules;

**Doping Control** means all steps and processes from test distribution planning through to ultimate disposition of any appeal under the Equine Anti-Doping Rules including all steps and processes in between such as Sample collection and handling, Laboratory analysis, results management and hearings;

**Export Certificate** in relation to a horse foaled outside Great Britain, Ireland or the Channel Islands, means a certificate of pedigree for the horse which

- (i) states the name, pedigree, age, sex, colour and markings of the horse, and
- (ii) is issued and endorsed by a Recognised Stud Book Authority or, in the absence of such an Authority, the Recognised Racing Authority of the country in which the horse was foaled, and
- (iii) is endorsed by the Stud Book Authority or Racing Authority of any other country which the horse has visited before importation into Great Britain;

**Filing Failure** means a failure by the Responsible Person (or third party to whom the Responsible Person has

delegated the task) to comply with the whereabouts requirements in Schedule 2;

**Fine** means a consequence of an equine anti-doping rule violation whereby a financial penalty is imposed upon a Responsible Person and/or a member of the Support Personnel;

**General Stud Book** means Weatherbys (GSB) Limited, and references to registration with it include the register of thoroughbred horses and the Non-Thoroughbred Register;

**Horse** means any thoroughbred or registered non-thoroughbred horse;

**International Runner** means a Horse trained outside of Great Britain who is entered for a race in Great Britain under the Rules;

**Laboratory** means a laboratory approved by the Authority to analyse Samples;

**Laboratory Standards** mean the Accreditation Requirements and Operating Criteria for Horseracing Laboratories (ILAC-G7:06/2009) as they may be amended from time to time;

**Metabolite** means any substance produced by a biotransformation process;

**Missed Test** means a Horse's unavailability for Testing at the time and location specified by the Responsible Person or their delegate to the Authority in complying with the whereabouts requirements in Schedule 2;

**Non-Racing Agreement** means an agreement by which a Horse which has been retired from racing by its Owner is transferred to another Person subject to a condition that the Horse will not race again in accordance with Rule (E)26;

**Non-Thoroughbred Register** means the work authorised to be published under that name by the Authority;

**Notification** means notification of the birth and whereabouts of any Horse to the General Stud Book as required on the prescribed form with a declaration that the Horse is bound by the Rules of Racing.

**Out-of-Competition** means any Doping Control which is not on a Raceday;

**Owner** means the owner pursuant to Rule (E)96; or, where the Horse is not trained in Great Britain, the Person who is duly registered in the register of Owners or is otherwise registered in the country in which the Horse is trained as being a Horse's owner;

**Person** means a natural person or a body corporate or other entity;

**Possession** means the actual, physical possession, or the constructive possession (which shall be found if the Responsible Person has exclusive control over the Prohibited Substance or Prohibited Method or the premises in which a Prohibited Substance/Method exists); provided however, that if the Person does not have exclusive control over the Prohibited Substance or Prohibited Method or the premises in which a Prohibited Substance or Prohibited Method exists, constructive possession will only be found if the Person knew about the presence of the Prohibited Substance or Prohibited Method and intended to exercise control over it. Provided however, there shall be no equine anti-doping rule violation based solely on possession if, prior to receiving notification of any kind that the Person has committed an equine anti-doping rule violation, the Person has taken concrete action demonstrating that the Person never intended to have possession and has renounced possession by explicitly declaring it to the Authority. Notwithstanding anything to the contrary in this definition, the purchase (including by electronic or other means) of a Prohibited Substance or a Prohibited Method constitutes possession by the Person who makes the purchase;

**Prohibited List** means the Prohibited List at Schedule 1 as may be published by the Authority from time to time;

**Prohibited Method** means a method so described on the Prohibited List;

**Prohibited Substance** means any substance, or class of substances, so described on the Prohibited List. An Adverse Analytical Finding for a Prohibited Substance shall include a finding of the substance itself, a Metabolite of the substance, an isomer of the substance, an isomer of a Metabolite and a pro-drug of the substance;

**Racecourse Managing Executive** means the person who holds a racecourse licence granted by the Authority under Part (F)2

**Racecourse Property** means any property owned, used or controlled by the Racecourse Managing Executive;

**Raceday** means the period commencing at 12.01 am on the day of a race in which a Horse is scheduled to run terminating when the Horse has left the Racecourse Property after the race;

**Racing** means races conducted under the Rules;

**Racing Authority** means the racing authority of the country in which a Horse is trained;

**Racing Calendar Office** means the office for the time being appointed by the Authority as the Racing Calendar Office. The present Racing Calendar Office is at Weatherbys Ltd, Sanders Road, Wellingborough, Northamptonshire NN8 4BX;

**Recognised Racing Authority** means a racing authority of a country which is for the time being recognised by the Authority under the Rules;

**Responsible Person** means either the Trainer, Owner or legal owner who has care or control of the Horse. For the purposes of determining this, the following shall apply

(i) For a Horse which is or has been in training, save as provided below, the Responsible Person shall be the Trainer with whom the Horse is, or has most recently been, registered with the Racing Calendar Office as being in training. The Trainer may transfer his responsibility as a Responsible Person under the Equine Anti-Doping Rules to the Owner when the Horse goes out of his care or control (for example, when the Horse goes out of training) by notifying the Authority through the Racing Calendar Office's horse management system that the Horse has been "Transferred to Owner". In so doing, the Trainer confirms that he has previously notified the Owner of the transfer by a recognised method of service under the Rules and the Owner has accepted that transfer. Where the Trainer cannot provide evidence of the preceding to the satisfaction of the Authority, the transfer shall not be effected and the Trainer shall remain the Responsible Person, unless he can establish (a) that the Horse was not in his care or control (it either being in the care or control of the Owner, or a third party at the instruction of the Owner), (b) that he has notified the Owner of the transfer by a recognised method of service under the Rules and (c) he has taken reasonable steps to obtain the Owner's acceptance of the transfer.

(ii) Any Horse from outside of Great Britain which is present in Great Britain for a training or racing purpose, and which is not under the care or control of a Trainer (either because the Horse has been transferred to the Owner or otherwise), the Responsible Person shall be the Owner of the Horse.

(iii) For a Horse foaled in Great Britain and Notification provided to the General Stud Book, or foaled in Ireland but present in Great Britain, which has been registered with the General Stud Book but is not yet in training, the Responsible Person shall be the legal owner of the Horse. The Breeder shall be presumed to be the legal owner of the Horse unless he can establish otherwise to the Authority's satisfaction;

**Rules** means the Rules of Racing as they may be amended from time to time;

**Sample** means a quantity of any body fluid, tissue, excreta, hair or skin scrapings or any items in contact with any part of a Horse which are taken at the discretion of the Person collecting the Sample (and which may include the removal of implants) for the purposes of Doping Control;

**Stalls Test** means an official test held in accordance with Schedule (C)5 as a means of testing a horse's tractability in the starting stalls;

**Support Personnel** means any stable employee (whether full or part-time), consultant, volunteer, agent, veterinarian, medical or other Person assisting in any way a Responsible Person participating in or preparing a Horse for racing. Veterinarians are included in the definition of Support Personnel with the understanding that they are professionals subject to professional standards and licences. An allegation that a veterinarian violated an equine anti-doping rule will only be made where the factual circumstances surrounding a case indicate a likelihood that the veterinarian was involved in the equine anti-doping rule violation;

**Tampering** means altering for an improper purpose or in an improper way; bringing improper influence to bear; obstructing, misleading or engaging in any fraudulent conduct to alter results or prevent normal procedures from occurring; or providing fraudulent information to the Authority or other organisation;

**Target Testing** means the selection of Horses for Testing where specific Horses or groups of Horses are selected on a non-random basis for Testing at a specified time;

**Testing or Test** means the part of the Doping Control process involving test distribution planning, Sample collection, Sample handling and Sample transport to the Laboratory;

**Trafficking** means selling, giving, transporting, sending, delivering or distributing (or Possessing for any such purpose) a Prohibited Substance or a Prohibited Method (either physically or by any electronic or other means) by a Responsible Person and/or member of his Support Personnel to a third party; provided, however, this definition shall not include the actions of a veterinarian involving a substance or method prohibited at all times in connection with the treatment of animals which are not subject to these Equine Anti-Doping Rules; and shall not include actions involving substances or methods which are not prohibited in Out-of-Competition Testing unless the circumstances as a whole demonstrate that such substances or methods are not intended for genuine and legal therapeutic purposes or are intended to enhance performance;

**Trainer** means any Person who holds a licence or permit to train which is granted by the Authority or whose authorisation by a Recognised Racing Authority corresponds to such a licence or permit or who is otherwise treated as a trainer under the Rules;

**Use** means the utilisation, application, ingestion, injection or consumption by any means whatsoever of a Prohibited Substance or a Prohibited Method.