

## **2015 RULES OF THE NATIONAL ANTI-DOPING PANEL**

### **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:

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 <a href="http://www.wada-ama.org">www.wada-ama.org</a> .
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 <a href="http://www.wada-ama.org">www.wada-ama.org</a> .
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 (UK), 107 Fleet Street, London EC4 2AB, tel 020 7936 9084.
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.
Provisional Suspension	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 facsimile or 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 facsimile or 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 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 a Provisional Suspension or any other urgent matter before an Arbitral Tribunal has been convened, 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 fourteen (14) 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 fourteen (14) 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 an Arbitral Tribunal convened in accordance with Article 5.1 or (if the application is urgent and no Arbitral Tribunal has yet been convened) 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 the Tribunal or President (as applicable) so orders, orally during a telephone conference. There shall be no right to personal attendance before the Tribunal/President/Vice-President, unless it/he so orders;
- 6.3.2 the Tribunal/President/Vice-President shall give the Anti-Doping Organisation an opportunity to comment on the Respondent's submissions prior to making such 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 President shall have the power, whether on the application of a party or of his own motion:
- 7.7.1 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;
  - 7.7.2 to award interim relief or order other conservatory measures on a provisional basis before a Tribunal has been convened; and
  - 7.7.3 to impose or to lift a Provisional Suspension pursuant to Article 6.3 before a Tribunal has been convened.
- 7.8 As soon as practicable after the formation of the Tribunal, the Tribunal chairman shall issue directions to the parties in relation to the procedure and time-table to be followed in the proceedings. Where he deems appropriate, he shall hold a directions hearing prior to issuing such directions. In particular, the directions shall:
- 7.8.1 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;
  - 7.8.2 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;
  - 7.8.3 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:
    - 7.8.3.1 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

7.8.3.2 the Tribunal shall have the power to allow, refuse or limit the evidence or appearance at the hearing of any witness or expert; and

7.8.4 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.

7.9 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 Save for good cause shown by any party, all 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/ies permitted under the Code or the Anti-Doping Rules to attend in order to participate in and/or to observe the proceedings.

8.2 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.

8.3 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.

8.4 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.

8.5 Unless the Tribunal orders that parties may make submissions in writing only, all parties should attend hearings in person, along with any representative(s). 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.



- 8.6 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.

## **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. The written decision shall set out and explain:
- 11.1.1 the Tribunal's findings, with reasons, as to what ADRV(s), if any, the Respondent has committed;
  - 11.1.2 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
  - 11.1.3 the rights of appeal that lie in respect of the decision.
- 11.2 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.
- 11.3 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.
- 11.4 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:

- 11.4.1 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 Minor, and any optional public disclosure in a case involving a Minor shall be proportionate to the facts and circumstances of the case); and
- 11.4.2 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.

## **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 who was not a party to the proceedings that led to the decision being appealed 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.
- 13.4 Standard of review:
- 13.4.1 Where required in order to do justice (for example to cure procedural errors in the Arbitral Tribunal proceedings), appeals to an Appeal Tribunal pursuant to this Article 13 shall take the form of a rehearing *de novo* of the issues raised in the proceedings, i.e. the Appeal Tribunal shall hear the matter over again, from the beginning, without being bound in any way by the decision being appealed.

- 13.4.2 In all other cases, the appeal to an Appeal Tribunal shall not take the form of a *de novo* hearing but instead shall be limited to a consideration of whether the decision being appealed was erroneous.
- 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 the date of birth of any Minors involved in the appeal, 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 to any party for any act or omission in connection with any proceedings (first instance or appellate) conducted in accordance with the NADP Rules save where actuated by malice or bad faith.