

PART 4 - PROHIBITED SUBSTANCES

Introductory

50. Strict liability of trainers

50.1 The requirements of this Part apply to

- 50.1.1 any Person who holds a licence or permit to train which is granted by the Authority,
- 50.1.2 any Person whose authorisation by a Recognised Racing Authority corresponds to such a licence or permit, and
- 50.1.3 any Person who is treated as a trainer in accordance with Rule 1.2.

50.2 Such Persons are referred to in this Part as Trainers.

50.3 Each Trainer is strictly liable for ensuring that Prohibited Substances are not administered to their horses by any Person.

50.4 On each occasion that a Sample taken from a horse in a Trainer's care and control tests positive for a Prohibited Substance

- 50.4.1 the Trainer shall be taken to have contravened a requirement imposed on him by these Rules, and
- 50.4.2 a mandatory financial penalty shall be imposed on the Trainer.

50.5 The Authority may waive such a penalty in the circumstances specified in this Part.

50.6 For the purposes of this Part, it is irrelevant whether the Person who administers a Prohibited Substance is in any way connected with the Trainer.

51. Interpretation of Part 4

51. In this Part

Analysis, in relation to a sample from a horse, means any analysis carried out on the Sample, including an analysis undertaken on a stored sample and a counter analysis carried out under this Part;

Certificate of Analysis, in relation to a Sample from a horse, means a written statement of the result of an Analysis of the Sample which is issued by HFL or by any laboratory which is for the time being approved by the Authority for the testing of Samples;

HFL means the horserace forensic laboratory known as HFL Sport Science (the present address is Newmarket Road, Fordham, Cambridgeshire, CB7 5WW);

Prohibited Substance

51.1 means a substance which

- 51.1.1 originates externally to a horse, whether or not it is endogenous to it, and
- 51.1.2 is listed in any of the categories specified in Paragraph 1, 2, 3 or 4 of Schedule 6, and

51.2 includes the metabolites of the substance and the isomers of the substance and the metabolites;

Sample, in relation to a horse examined under these Rules

51.3 means a quantity of any body fluid, tissue, excreta, hair or skin scrapings, or any items in contact with any part of the horse, which are taken at the discretion of the Person conducting the examination (and which may involve the removal of implants), and

51.4 includes samples which have been stored after having previously been reported as negative.

52. Testing positive for a prohibited substance

52.1 For the purposes of this Part, any reference to a Sample testing positive for a Prohibited Substance is to where a Certificate of Analysis for the Sample reports

- 52.1.1 in the case of a Prohibited Substance for which a threshold level is specified (see Paragraph 2 of Schedule 6), that the concentration of the substance present in the Sample is at, or in excess of, the concentration specified in that Paragraph;
- 52.1.2 otherwise, that the Prohibited Substance is present in the Sample.

52.2 The result of an Analysis shall be invalidated if the Trainer of the horse satisfies the Authority that

52.2.1 there has been a material departure from the procedures set out in this Part relating to the taking and Analysis of Samples, or

52.2.2 the opinion expressed as to the nature of the substance is wrong.

Consequences of positive test

53. Positive test of sample taken at a racecourse

53.1 Paragraph 53.2 applies where, on an examination that is carried out by order of the Stewards under Part (B)1, Samples are taken from any horse which has been declared to run under Rule (F)89 or is otherwise at a racecourse.

53.2 If a Sample tests positive for any Prohibited Substance, the Authority

53.2.1 will impose a financial penalty on the Trainer,

53.2.2 may withdraw or suspend the Trainer's licence, and

53.2.3 if the substance was not recorded in the medication records required by Rule 13, may impose an additional financial penalty on the Trainer.

53.3 The Authority may decide not to take Disciplinary Action against a Trainer under Paragraph 53.2 only if the Trainer satisfies the Authority that

53.3.1 the Prohibited Substance was not administered intentionally by the Trainer or by any other Person (whether or not connected with the Trainer in any way), and

53.3.2 the Trainer had taken all reasonable precautions to avoid contravening this Rule.

53.4 Any Disciplinary Action taken against a Trainer under Paragraph 53.2 is

53.4.1 additional to any disqualification or suspension of the horse that may be ordered under Chapter 3 of Part (A)6, and

53.4.2 without prejudice to any other Disciplinary Action that may be taken against any Person for contravention of Rule (A)27 (general prohibition on administering a prohibited substance to a horse).

54. Positive test of sample taken on presentation for stalls test

54.1 Paragraph 54.2 applies where Samples are taken from a horse which is presented at a racecourse for a starting stalls test.

54.2 If a Sample for a horse tests positive for a Prohibited Substance that is listed in Paragraph 4 of Schedule 6, the Authority will impose a financial penalty on the Trainer of the horse.

54.3 The Authority may decide not to take Disciplinary Action against a Trainer under Paragraph 54.2 only if the Trainer satisfies the Authority that

54.3.1 the Prohibited Substance was not administered intentionally by the Trainer or by any other Person (whether or not connected with the Trainer in any way), and

54.3.2 the Trainer had taken all reasonable precautions to avoid contravening this Rule.

54.4 Any Disciplinary Action taken against a Trainer under Paragraph 54.2 is

54.4.1 additional to any disqualification or suspension of the horse that may be ordered under Chapter 3 of Part (A)6, and

54.4.2 without prejudice to any other Disciplinary Action that may be taken against any Person for contravention of Rule (A)27 (general prohibition on administering a prohibited substance to a horse).

54.5 Any order suspending a horse under Chapter 3 of Part (A)6 may be made subject to the condition that the suspension is to continue until the horse has undergone a satisfactory starting stalls test.

54.6 Where a condition is imposed under Paragraph 54.5, the starting stalls test must not be carried out until at least 28 days after the date stated on the Certificate of Analysis for the Sample that tested positive.

55. Positive test of sample taken at training premises

55.1 Paragraphs 55.2 and 55.3 apply where, on an examination by an approved Person who is authorised to enter the Trainer's premises under Part (A)5, Samples are taken from a horse under the care or control of a Trainer.

55.2 Where a Sample tests positive for any Prohibited Substance that is listed in Paragraph 3 of Schedule 6, the Authority

55.2.1 will impose a financial penalty on the Trainer, and

55.2.2 may withdraw or suspend the Trainer's licence.

55.3 Where a Sample tests positive for any Prohibited Substance that, in the opinion of the Veterinary Officer, is the result of a treatment which was not recorded in the medication records required by Rule 13, the Authority may impose a financial penalty on the Trainer.

55.4 The Authority may decide not to take any Disciplinary Action against a Trainer under Paragraph 55.2 or 55.3 only if the Trainer satisfies the Authority

55.4.1 in relation to Paragraph 55.2, that

55.4.1.1 the substance was administered whilst the horse was not under the Trainer's care or control, and

55.4.1.2 he had no reason to believe that the Sample from the horse might test positive;

55.4.2 in relation to Paragraph 55.3, the Trainer had no reason to believe that the Sample from the horse might test positive.

55.5 Any Disciplinary Action against a Trainer under Paragraph 55.2 or 55.3 is

55.5.1 additional to any suspension of the horse that may be ordered under Chapter 3 of Part (A)6, and

55.5.2 without prejudice to any other Disciplinary Action that may be taken against any Person for contravention of Rule (A)27 (general prohibition on administering a prohibited substance to a horse).

The sampling procedures

56. Sampling at racecourse

56.1 This Rule applies where, in the course of examination by order of the Stewards under Part (B)1, Samples are to be taken from any horse which has been declared to run under Rule (F)89 or is otherwise at a racecourse.

56.2 The sampling must in all cases be carried out at the sampling unit at the racecourse.

56.3 The Analysis will be undertaken at such times and in such manner as the Authority may from time to time instruct.

56.4 The Stewards may

56.4.1 direct that the sampling is to include the taking and storage of Samples for subsequent Analysis, and

56.4.2 require that the horse be kept in the official racecourse stables for more extensive examination for any period ending up to 24 hours after the time of the race which the horse ran or was entered to run.

56.5 For the purposes of sampling under this Rule, the Trainer of the horse must ensure that

56.5.1 the horse's passport, or

56.5.2 if it does not have one, an equivalent document certifying the horse's identity,

is available for inspection at the time of the examination.

56.6 Where a horse is ordered to be detained in official racecourse stables under Paragraph 56.4.2, the Trainer may, by application to the Authority to be made through the Clerk of the Course of the meeting, claim for any additional expense incurred.

57. Procedure for racecourse sampling

57.1 The procedures for the handling of any Sample taken under Rule 56 are specified in this Rule.

57.2 The Trainer may witness the procedure, either in person or by a representative qualified to enter the official racecourse stables.

57.3 The Trainer or his representative will be expected to observe

57.3.1 the division and transfer of the Sample into the forensic bottles, and

57.3.2 the sealing and labelling, with the appropriate coded label, of the forensic bottles.

57.4 After witnessing these procedures the Trainer or his representative will be expected to sign the coded labels on the forensic bottles and also to sign a declaration to the effect that he has witnessed the procedures and that he was satisfied that they have been complied with.

57.5 If a Trainer or his representative chooses not to witness the sampling procedure he must sign a declaration before the Sample is taken in which he agrees that the integrity of the sampling procedure will not be questioned at a later date.

57.6 Where the sampling procedure is not observed for any reason (including in circumstances specified in Paragraph 57.5) and an unsuccessful challenge is made to the integrity of the procedure, the Authority may order the Trainer to pay some or all of the costs of the challenge incurred by the Authority.

58. Procedure for analysis of 'B' samples

58.1 Where a Sample (the 'A' sample) tests positive for any Prohibited Substance, **the Trainer or owner may request that** analysis be carried out on the 'B' sample **taken** from the horse on the same occasion, **as provided for in Schedule 7.**

58.2 **If the Trainer or owner fails to comply with Paragraph 3 of** Schedule 10, the 'B' sample will not be analysed.

58.3 **The procedures for the handling of Samples for analysis of the 'B' sample are specified in Schedule 7.**

59. Powers to carry out further enquiries following a positive test

59.1 This Rule applies where any Sample from a horse tests positive for a Prohibited Substance.

59.2 Where the Prohibited Substance **may have** originated externally to the horse and is also endogenous to it

59.2.1 the Authority may direct that the horse be further examined by a Person appointed by the Authority in order to establish whether the quantity of the substance found is produced naturally by the horse, and

59.2.2 if the Authority does not direct such further examination, the owner or Trainer of the horse may request it.

59.3 In exercise of its powers under Part (A)5, the Authority may decide to enquire further into the matter by authorising the removal of samples of any food or other substances found at the Trainer's yard and, in such a case

59.3.1 the Trainer must, on request, provide samples of the substances requested, and

59.3.2 the Authority may retain the samples until the conclusion of the enquiry process and may subject them to such testing as it considers appropriate.

59.4 The Trainer

59.4.1 may appoint a scientific witness who meets the criteria notified to the Horsemen's Group to observe any Analysis of Samples obtained under Paragraph 59.2 or 59.3 which is carried out by staff at HFL, or

59.4.2 on the release to the Trainer of samples obtained under Paragraph 59.3, may arrange for testing to be carried out at a laboratory nominated by him.

59.5 Unless the Authority directs otherwise, the costs of any Analysis referred to in Paragraph 59.2.1 will be divided equally between the Authority and the Trainer.

59.6 For the purposes of Paragraph 59.4.2

59.6.1 the Trainer must make a written request to the Authority's Compliance Department for the samples to be released,

59.6.2 any laboratory nominated by the Trainer must be accredited to ISO25 standards for its relevant analytical chemistry procedures, and

59.6.3 if the Authority appoints an analyst to review the laboratory's processes, the analyst must be given the option of witnessing the Analysis of the samples.

60. Evidential provisions applying to a positive test

60.1 Facts related to the reporting of positive Samples may be established by any reliable means, including admissions.

60.2 The HFL and any laboratory approved for analysis shall be presumed to have conducted Sample Analysis and custodial procedures in accordance with the Accreditation Requirements and Operating Criteria for Horseracing Laboratories (ILAC -G7:1996) or its then current equivalent.

60.3 The Trainer may rebut this presumption by establishing that there was a departure from the applicable requirements.

60.4 If the Trainer rebuts this presumption, the Authority has the burden of establishing that the departure from the requirements did not cause the finding of a Prohibited Substance.

60.5 If the Authority discharges that burden, the departure from the requirements shall not invalidate the Certificate of Analysis.

61. Further enquiry following a negative test

61.1 Paragraph 61.2 applies where a Sample from a horse is declared by the analyst to be negative for a Prohibited Substance.

61.2 The Trainer of the horse must co-operate with

61.2.1 any enquiry by the Authority about substances (including normal nutrients) which are administered to a horse in the stable from which the tested horse has come, and

61.2.2 any other enquiry into the matter which is made by the Authority in exercise of its powers under Part (A)5.

62. Storage of negative samples

62.1 The Authority may, in such circumstances and subject to such procedures as it may specify, instruct a laboratory to

62.1.1 reseal and store Samples from any horse, and

62.1.2 subject stored Samples to testing.

62.2 Instructions given to a laboratory under this Rule may relate to all Samples or to particular Samples or descriptions of Samples.

62.3 The resealing procedures for a Sample shall be deemed to have been properly and satisfactorily carried out unless the contrary is proved to the satisfaction of the Authority.

62.4 In the event that a stored Sample subsequently tests positive for a Prohibited Substance, the Authority

62.4.1 will disqualify the horse in exercise of its powers under Chapter 3 of Part (A)6, and

62.4.2 may also take Disciplinary Action against any Person if, at the time when the Sample was taken, the Authority could have taken action against that Person under these Rules if the sample had tested positive within 28 days of the examination of the horse.

63. No money to be credited before sample analysis completed

63.1 This Rule applies where any Sample is taken from a horse in circumstances described in this Part.

63.2 By virtue of Rule (F)130.1 and this Paragraph, any money to which a Person would otherwise be entitled in respect of a horse from which a Sample has been taken does not become payable until the outcome of the

Analysis of the Sample is known.

63.3 Where any such money is credited to a Person in error, the recipient must return it immediately once the error becomes known.