

British Show Horse Association Anti-Doping Code

Overriding principles of the Code

1. The British Show Horse Association takes a very serious view of the presence, whether intentional or unintentional, of Prohibited Substances in horses and ponies whilst competing in British Show Horse Association events. The object and the intention of this anti-doping code (“the Code”) is:
 - 1.1 to protect the integrity of all classes that take place under the auspices of the British Show Horse Association (“the Class(es)”),
 - 1.2 the welfare of horses and ponies participating in such Classes,
 - 1.3 the safety of human competitors in particular children and vulnerable adults, and
 - 1.4 the safety of judges, other officials and the public

by controlling and limiting the use of any Prohibited Substance.

For the purposes of this Code the term Prohibited Substance means any quantity of any substance listed as a banned or controlled substance on the Equine Prohibited Substances List (“EPSL”) as published by the Federation Equestre Internationale (“FEI”) and in force from time to time excluding any quantity of any substance that is below any threshold level specified in the EPSL but including any other substance with a chemical structure or similar biological effect(s) as a substance on the EPSL and also including any metabolites of such substances and any markers. The terms metabolite and marker shall have the same meaning as in the FEI Anti-Doping and Controlled Medication Regulations as published by the FEI from time to time.

Where the EPSL designates a Prohibited Substance as a controlled substance but does not provide a threshold level the British Show Horse Association shall be at liberty to publish on its website the threshold level that will be applicable to this Code.

2. This Code intentionally places responsibility on any Member who has custody of a horse or pony and/or is responsible for its care and husbandry (whether as the owner/producer or otherwise) to safeguard and protect all such animals in his or her care from ingesting or coming into contact with Prohibited Substances and requires every Member to ensure that each animal's welfare and health are treated as paramount considerations in all of the Member's dealings with each animal.

3. By becoming a Member, every Member agrees to be bound by the provisions contained in this Code and accepts that it is his or her personal duty and obligation to comply both with the spirit of the Code and each provision of it.

Duties of every Member

Each Member of the British Show Horse Association, on becoming a member accepts that s(he) has the following continuing duties in respect of each horse and/or pony in their custody and/or when they are responsible for its care and husbandry and/or preparation for competition in Classes ("Member Duties"):

4. To ensure that no Prohibited Substance and/or their metabolites and/or markers are present in a horse or ponies system on any day in which it either:
 - 4.1. Competes in any Class run under the auspices and rules of the British Show Horse Association.
 - 4.2. Arrives at a Showground at which a Class or Classes are intended to take place under the auspices and rules of the British Show Horse Association whether or not the horse or pony actually competes in that Class.
5. To ensure that no horse or pony is permitted either:
 - 5.1. to compete in any Class run under the auspices and rules of the British Show Horse Association and/or
 - 5.2. to arrive at any Showground at which such a class is due to take place whether or not the horse or pony actually competes in any class,

where the Member knows, or by the exercise of reasonable care should have known, that the horse or pony may have received or otherwise been exposed to any substance which could result in a positive test for a Prohibited Substance. For the avoidance of doubt, this duty extends to and is intended to include circumstances where the horse or pony has previously been exposed to Prohibited Substances during the course of bona fide treatment of the horse or pony under the specific direction of a veterinary surgeon. In those circumstances, it is the Member's absolute and strict responsibility to ensure that no such Prohibited Substance remains in the horse's system when the horse competes or otherwise arrives at a Showground. The term Showground shall mean in this Code any place or venue at which any Class run under the Rules of the British Show Horse Association takes place or is due to take place.

6. A Member must not bring or cause to have brought onto a Showground any Prohibited Substance or any means of administering such substances including but not limited to needles, nasal gastric tubes, ventilators and nebulisers.
7. Each Member is responsible for and must account for the actions and omissions of all third parties who the Member permits or otherwise allows to be in contact with any horse or pony including in circumstances where the Member has delegated to a third party the supervision, care and/or control of the horse or pony. This duty extends to the entirety of the period in which a Member is responsible for every individual horse or pony not just during the time that each horse or pony is at a Showground. The security and protection of the horse and pony from exposure to Prohibited Substances remains the sole responsibility of the Member at all times including when stabled at a Showground.
8. Every member is required to fully cooperate with the Testing of a horse or pony and to fully assist, engage and cooperate with any investigation undertaken by the British Show Horse Association in respect of any horse or pony including but not limited to attending an interview if requested to do so by the British Show Horse Association and/or releasing a horse or pony into quarantine at the request of the British Show Horse Association.
9. Every Member is responsible for every horse and pony in their care and/or ownership. When a Member has placed the control and/or custody of a horse or pony into the care of a non-member, that Member will be considered to have retained control and/or custody of that horse or pony. Where such control and/or custody of a horse or pony is placed with a Member, that Member will be deemed to have assumed responsibility for the control and/or custody of the horse or pony.

Matters that will constitute a breach of the Anti-Doping Code

10. The following matters are prohibited under the anti-doping code and a Member will be deemed to be in breach of the anti-doping code in each of the following circumstances:
 - 10.1. Each Member with responsibility for the control and/or custody of a horse or pony is strictly liable for the presence of Prohibited Substances including but not limited to in tissue, body fluids, excreta, hair or skin or other Sample taken from a horse or pony - such presence (as proved by reference to paragraph 11 below) shall constitute a breach of this Anti-Doping Code. The strict liability nature of this provision will and is intended to apply with respect to all Prohibited Substances found in a Sample taken from an equine at a Showground whether or not that equine competes in any Class.
 - 10.2. Administering a Prohibited Substance to an equine with the intention of affecting (whether positively or negatively) an equine's performance in any Class whether or not that horse or pony competes in such a Class.

- 10.3. Permitting a horse or pony to compete in a Class or to otherwise bring a horse or pony onto a Showground whether or not it competes in any Class if the Member knows or if by the exercise of reasonable care the member might have known or should reasonably have known or had cause to believe that the horse or pony had or may have received for any reason or had otherwise ingested or had administered to it any substance that remained in its system so that it could result in a positive Sample for a Prohibited Substance. For guidance on what constitutes reasonable care, see for example provisions in this Code under Penalty and in particular paragraphs 58 and 59.
- 10.4. Refusing or otherwise failing to submit a Horse or Pony for any Test, evading or attempting to evade a Test and/or attempting to tamper or tampering with a Sample.
- 10.5. Manipulating or attempting to manipulate blood components including giving or attempting to give a blood transfusion and/or artificially enhancing or attempting to artificially enhance an equine's ability to carry, uptake and/or deliver oxygen for the purpose of enhancing a horse or ponies performance.
- 10.6. Bringing onto a Showground or causing a third party to do so any Prohibited Substance and/or any means of administering such Prohibited Substances. It is not necessary for the British Show Horse Association to demonstrate intent, fault, negligence or actual knowledge to establish breach of this rule.
- 10.7. Encouraging, coercing, causing or otherwise assisting others to commit a breach of the Code.
- 10.8. Trafficking or attempting to traffic any Prohibited Substance.
- 10.9. Failing to assist the British Show Horse Association in respect of any investigation undertaken by that body in relation to these rules and/or failing to fully comply at all times with the duties as a member as set out in this anti-doping code including but not limited to refusing or otherwise failing to attend any interview requested by the British Show Horse Association or refusing or otherwise failing to permit the British Show Horse Association to quarantine a horse as required by paragraph 27 of this Code.
- 10.10. Every Member is strictly liable for the actions and/or omissions of any third party who the member permits or otherwise allows to be in contact with any equine in their care including where the member has delegated to that third party the supervision, care and/or control the equine. It will be a breach of this anti-doping code by a Member in

circumstances where a third party acts or behaves in a manner that would have constituted a breach of the anti-doping code had the third party been a Member.

- 10.11. Acting in a manner that is inconsistent with the principles of this Anti-Doping Code and/or failing to comply with the Members Duties as set out in the Anti-Doping Code.

Evidence of the presence of a Prohibited Substance

11. The presence of a Prohibited Substance in a Sample will be proved in circumstances where
 - 11.1. the A Sample is found to contain a Prohibited Substance and where the B Sample is not analysed; or
 - 11.2. in all circumstances where both the A and B Samples are the subject of analysis the presence of a Prohibited Substance will be proved if the Prohibited Substance is found in both the A and B Samples.

In both cases of 11.1 and 11.2 above the horse or pony will be deemed to have tested positive (“Tested Positive”) for a Prohibited Substance. The term Positive Analysis means that the horse or pony has Tested Positive. In the case of 11.2 the date of the Positive Analysis will be the date on which the Member was informed that the A Sample was found to contain a Prohibited Substance.

12. In circumstances where a threshold applies to the Prohibited Substance for the presence of the Prohibited Substance to be found both the A and B Samples (when a request has been made that the B Sample be the subject of analysis) must contain the Prohibited Substance at a level that exceeds the threshold level for that Prohibited Substance. In circumstances where no request to have the B Sample subjected to analysis is made then the presence of a Prohibited Substance will be established by reference to the results of analysis of the A Sample alone.
13. Once the presence of a Prohibited Substance is proved in accordance with paragraphs 11 and 12 above the burden of proof in explaining how the Prohibited Substance came to be in the horse or ponies Sample rests with the Member in circumstances where such an explanation is required to either establish a defence or is relevant to penalty. The laboratories instructed by the British Show Horse Association to undertake analysis of Samples will be presumed to have properly conducted that analysis in accordance with appropriate procedures and to have in place appropriate custodial safeguards. In circumstances where a Member can rebut that presumption, he or she may do so by establishing on the balance of probabilities that the laboratory’s failure to undertake the analysis of the Sample in accordance with appropriate procedures and/or a failure to place appropriate custodial procedures for that Sample could reasonably have caused the

presence of the Prohibited Substance, otherwise any such failure will not render the analysis invalid.

14. The standard of proof is the civil standard as it applies to the Laws of England and Wales – balance of probabilities.

Testing

15. For the purpose of this code, the terms Test and/or Testing mean the process of Sample collection and analysis by or on behalf of the British Show Horse Association. Sample means any biological material taken from an equine including but not limited to body fluid, tissue, excreta, hair, skin or skin scrapings. Positive Analysis means a Sample that has tested positive for a Prohibited Substance.
16. The British Show Horse Association is entitled to Test and therefore to Sample any horse or pony selected for sampling at any time from the point that any horse or pony arrives at a Showground; a member may not remove the horse or pony from the Showground until he or she has obtained permission to do so from the Sampling Officer.
17. Horse and ponies will be selected for Testing at the discretion of and on the order of the British Show Horse Association and/or the Disciplinary Steward and/or the Board. Selection will either be random or targeted – neither the British Show Horse Association Board nor the Disciplinary Steward is required to provide any explanation as to why or on what basis any horse or pony has been selected for Testing.
18. The British Show Horse Association will be responsible for Testing conducted in accordance with this Code. Sampling will be collected in accordance with the Sample Collection Procedure.
19. Any failure to comply with the Sample Collection Procedure which did not cause a Positive Analysis will not lead to a Positive Analysis being declared invalid. In circumstances where a member establishes that a failure to comply with the Sample Collection Procedure could reasonably have caused a Positive Analysis, it will be for the British Show Horse Association to establish on the balance of probabilities that failure to comply was not the cause of the Positive Analysis.
20. Samples that are obtained from horses or ponies shall be sent for analysis by a laboratory appointed for that purpose by the British Show Horse Association in order to identify whether or not any Prohibited Substance is contained within the Sample. Samples may be collected and

stored for future analysis and any Sample sent for analysis may be reanalysed at a later date for the purpose of identifying whether or not any Prohibited Substances are present in the Sample. In the event that following such reanalysis, a Prohibited Substance is detected or where there is any other potential breach of this Code, then the Code will apply to the Member in relation to such analysis.

21. All samples obtained under the anti-doping code from a horse or pony are and shall remain the property of the British Show Horse Association.

Notification of the presence of a Prohibited Substance

22. In circumstances where a Positive Analysis is reported to the British Show Horse Association by a testing laboratory in respect of an A Sample, the Member will be notified by the British Show Horse Association. Normally both the owner and the producer of the horse or pony will be notified, provided that both are Members.
23. A Member so notified may request that the B Sample be analysed, provided such a request is made within 14 days of the Member being notified of the Positive Analysis of the A Sample by the British Show Horse Association.
24. In circumstances where a Member requests that the B Sample be analysed, that request must be accompanied by the relevant fee as quoted by the approved laboratory nominated to undertake the B Sample analysis.
25. Any Member who chooses to compete a horse or pony whose A Sample has Tested Positive between being notified of the Positive Analysis and before the result of an analysis of the B Sample has been confirmed does so at their own risk and in the knowledge that the horse or pony is liable to being disqualified from any Class it competes in during that period if the B Sample returns a Positive Analysis – see paragraph 54.2.

Re-Testing

26. The British Show Horse Association shall have the right at its complete discretion to order that any horse or pony be Re-Tested and further samples taken from the horse or pony in any circumstances where the A Sample from the original Sample taken from the horse or pony resulted in a Positive Test for a Prohibited Substance. For the purpose of the Code, Re-Testing means the obtaining and analysis of further Samples from a horse or pony at a time and place designated by the British Show Horse Association

27. The British Show Horse Association shall have the power to require that any horse or pony be quarantined in the British Show Horse Association's care, custody and control for a period of no more than 28 days following a Prohibited Substance being identified on analysis of the A Sample.

Results management

For the purposes of this Code the term Owner shall mean a Member who is the full or part owner of any horse or pony that has been subject to Testing and the term Producer shall mean the Member who has been engaged by the Owner to prepare the horse or pony for competition and/or who competes the horse or pony. References to Member shall include the Owner and/or Producer.

28. In circumstances where a Member makes a request that the B Sample be analysed, on receipt of the B Sample analysis the result will be sent to the Member that made the request as well as the Owner and/or Producer as the case may be. The British Show Horse Association, on receipt of the B Sample analysis and on sending that analysis to the parties connected with the horse or pony, will when the B Sample has provided a Positive Analysis request an explanation for the presence of the Prohibited Substance from both the Owner and the Producer. The Owner and the Producer will be required to respond either separately or collectively within 21 days of the date of the request.

In circumstances where neither the Owner nor the Producer requests within the time limit set out at paragraph 23 that the B Sample be analysed, a request for an explanation as described at paragraph 28 above shall be sent to the Owner and Producer on expiry of the 14 day period set out in paragraph 23. In those circumstances the Owner and Producer shall have 21 days in which to respond.

29. In circumstances where a horse and pony tests positive for a Prohibited Substance in accordance with the provisions of paragraph 11 of the Code the horse or pony as the case may be shall be immediately suspended from competing in any and all Classes run under the rules of the British Show Horse Association pending resolution of any disciplinary or other processes under the Code. The Member who has custody of the horse or pony and/or who is responsible for its care and husbandry may apply to the Anti-Doping Code Panel for such suspension to be lifted on grounds that the lifting of such suspension would be just and equitable. It will be for the Member making the application to show to the satisfaction of the Chairman of the Anti-Doping Code Panel that such grounds exist. The British Show Horse Association shall be entitled to make such submissions as it considers appropriate in relation to such an application. Any such application will be decided by the Chairman of the Anti-doping Code Panel alone.
30. The British Show Horse Association shall have the power to undertake any investigation that it reasonably deems necessary in respect of any Positive Analysis.

31. In circumstances where the B Sample does not return a Positive Analysis for any Prohibited Substance, the Member or Members referred to in paragraph 22 shall be notified and no further action will be taken subject to the provision at paragraph 20.
32. On receipt by the British Show Horse Association of the Producer and Owner's response to the request for explanation set out at paragraph 28 above, the British Show Horse Association will consider that response and raise any further questions of either or both the Producer and Owner as reasonably required as well as making any further investigations deemed necessary, and the British Show Horse Association shall have the power to require that any horse or pony be quarantined and/or Re-Tested in accordance with paragraphs 26-27 above.
33. The British Show Horse Association will decide whether in all of the circumstances the Positive Analysis should be reported to Anti-Doping Code Tribunal.
34. In circumstances where the British Show Horse Association considers that such a report should be made, the Anti-Doping Code Tribunal Committee will be informed of the following:
 - 34.1. That the presence of a Prohibited Substance has been found in respect of a specific horse or pony;
 - 34.2. The Laboratory report confirming the finding will be provided to the Anti-Doping Code Tribunal;
 - 34.3. Any explanation received from either the Owner or Producer will be provided to the Anti-Doping Code Tribunal;
 - 34.4. A short summary of other relevant matters will be prepared by the British Show Horse Association and be provided to the Anti-Doping Code Tribunal.
35. On receipt of the information and matters set out at paragraph 34 above, the Anti-Doping Code Panel shall meet either in person or via technology to consider the matter and to decide:
 - 35.1. Whether or not further investigations are required to be carried out by the British Show Horse Association;
 - 35.2. To otherwise identify any further information or material required by the Anti-Doping Code Tribunal by any party;
 - 35.3. Otherwise to decide whether or not disciplinary proceedings should be brought against the Owner or Producer or any other Member and to notify all parties of that decision.

- 35.4. For the purposes of paragraph 35.3 above, the threshold that the Anti-Doping Code Panel is required to meet before making an order that disciplinary proceedings should be commenced is an assessment that there is a *prima facie* case to answer and no more. The decision by a Anti-Doping Code Panel that disciplinary proceedings should be commenced does not and shall not be construed as an indication or finding of wrongdoing or breach of any rules and/or this Code by anyone subject to those proceedings.
- 35.5. The Anti-Doping Code Panel when it concludes that disciplinary proceedings should be commenced may either by Chairman alone or as a panel give directions to the parties as to the future conduct and timetable of such proceedings. Either party may request a directions hearing - such hearing shall be held by way of telephone hearing unless there is good reason to hold such a hearing in person.
- 35.6. The Anti-Doping Code Panel is entitled to direct that any reasonable enquiry and/or investigation be carried out by either party. The British Show Horse Association shall be permitted to undertake any further investigation and/or enquiry that it considers is reasonable and proportionate.

The Anti-Doping Code Panel hearing

Anti-Doping Code Panel hearings shall be heard by a panel of three people (“the Anti-Doping Code Panel”) drawn from a pool of individuals appointed by the British Show Horse Association to sit as independent members of the Anti-Doping Code Panel (“the Anti-Doping Code Panel Pool”). Each Anti-Doping Code Panel will consist of a legally qualified chair and two other panel members who will have appropriate experience in equine sport or veterinary science or other appropriate and relevant experience as the case may be. The Anti-Doping Code Panel Pool will be managed by a Chairman (“the Chairman of the Anti-Doping Code Panel Pool”). The Anti-Doping Panel will decide at a hearing:

- Whether or not any breach of the Anti-Doping Code has occurred
 - If any breach has occurred matters of penalty in accordance with the guidance in this Code and
 - Matters relating to the British Show Horse Association’s costs
36. The Anti-Doping Code Panel shall be made up of three members of the Anti-Doping Code Panel Pool. Each Anti-Doping Code Panel shall be appointed by the Chairman of the Anti-Doping Code Panel Pool who shall notify the parties of the identified panel members.
37. Unless the Chairman of the Anti-Doping Code Panel Pool otherwise directs the Anti-Doping Code Panel which decided the matters set out in paragraph [] in respect of each case shall be the Anti-

Doping Code Panel that sits at the Anti-Doping Code Panel Hearing. Any objections to panels or panel members will be decided by the Chairman of the Anti-Doping Code Panel Pool.

38. The Anti-Doping Code Panel will decide all disciplinary matters arising from and out of the Anti-Doping Code
39. Once an Anti-Doping Code Panel has directed that disciplinary proceedings should be commenced, the British Show Horse Association will be required to serve on the Member or Members subject to those disciplinary proceedings the following:
 - 39.1. Details of all breaches of the Code alleged by the British Show Horse Association.
 - 39.2. A copy of all evidence and other material relied upon by the British Show Horse Association including all expert evidence and/or witness evidence of fact.
 - 39.3. A case summary setting out an overview of the rules and evidence that the Anti-Doping Code Panel will be requested to consider and apply. For the avoidance of doubt, the case summary is intended to be representative of the main features of the British Show Horse Association's case and the evidence on which it relies. It is not intended that the case summary be a full account of all of the evidence and/or arguments to be presented at any hearing.
 - 39.4. Service will be deemed to have taken place by sending by first class post the material set out in this paragraph to the addresses provided by the Member on their membership application or membership review form
40. Each Member that is the subject of an Anti-Doping Code Panel hearing is required within 21 days of receipt of the material referred to in paragraph 39 above to set out in terms sufficient so that the case that the Member intends to run at a hearing can be properly and fully understood the following:
 - 40.1. Confirmation of whether or not any breaches alleged are admitted or otherwise denied.
 - 40.2. The Member's response in respect of the evidence provided by the British Show Horse Association set out at paragraph 39 above.
 - 40.3. In circumstances where admissions of breach are made, any submissions that the Member wishes to rely on in respect of penalty.
 - 40.4. In circumstances where no admissions are made or where one or more allegation is denied, details of the Member's defence in respect of those allegations including the

documents on which the Member wishes to rely and/or any expert and/or witness evidence on which the Member wishes to rely.

- 40.5. To indicate which of the British Show Horse Association's witnesses the Member requires to give live evidence and the same in respect of any expert called by the British Show Horse Association.
41. On receipt of all of the material required by paragraph 40 above, the British Show Horse Association shall be at liberty to provide any further submissions or material in response within 14 days.
42. In circumstances where the Member seeks to introduce evidence outside of the requirements at paragraph 40, the Anti-Doping Code Panel may on receipt of an appropriate application from any party either allow or refuse to admit such evidence (and/or at the request of the British Show Horse Association adjourn a final hearing). In circumstances where a hearing is adjourned as a consequence of late evidence being introduced by a Member, the Anti-Doping Code Panel shall have the power to make an appropriate order for costs against the Member.
43. In circumstances where the British Show Horse Association does respond as permitted by paragraph 41, paragraph 42 above shall not apply to any further evidence that the Member seeks to rely on and which is submitted only as a consequence of the British Show Horse Association's paragraph 41 response provided such evidence is disclosed no later than seven days before the hearing.
44. In circumstances where a Member wishes to make admissions, that Member is permitted to try to seek agreement with the British Show Horse Association as to whether or not the parties can agree an appropriate penalty which would take the form of a joint submission on penalty to the Anti-Doping Code Panel.
 - 44.1. In circumstances where a joint submission is made, the parties will be required to provide to the Anti-Doping Code Panel a full account of all of the facts upon which the joint submission is made.
 - 44.2. Any joint submission is subject to being approved by the Anti-Doping Code Panel who shall have ultimate and sole responsibility for imposing penalty or other sanctions. However in circumstances where a joint submission is made, the Anti-Doping Code Panel should only depart from that joint submission in exceptional circumstances or where otherwise the Anti-Doping Code Panel considers that the joint submission is fundamentally flawed.

- 44.3. In circumstances where a Member and the British Show Horse Association reach agreement in accordance with this paragraph, on being granted permission by the Anti-Doping Code Panel, the parties may consent to the matter being dealt with by the Anti-Doping Code Panel on the basis of written submissions and in the absence of the parties.

45. The Anti-Doping Code Panel will in each case decide and adopt an appropriate procedure for a hearing, always provided that hearings comply with the rules of natural justice. Without prejudice to the absolute discretion of each Anti-Doping Code Panel to decide procedure, the following broad process should be every Anti-Doping Code Panel's start point:
 - 45.1. Introductions
 - 45.2. Consideration of any preliminary applications
 - 45.3. Presentation by the British Show Horse Association of its case including calling of witnesses of fact with appropriate opportunity of cross-examination by other parties
 - 45.4. Member to present their case calling any witnesses of facts – other parties having the opportunity of cross-examining
 - 45.5. Experts to give evidence – cross-examination by opposing parties
 - 45.6. British Show Horse Association's closing submissions
 - 45.7. Members' closing submissions
 - 45.8. Panel rises to make its decision on liability
 - 45.9. Following the handing down of its decision on liability, the British Show Horse Association to make brief submissions on penalty where liability has been found against a Member
 - 45.10. Where a Member has been found liable and/or in breach, the Member to be given the opportunity of making submissions on penalty including mitigation where appropriate
 - 45.11. The Panel rises to consider penalty
 - 45.12. The Panel gives its decision on penalty
 - 45.13. The Panel will hear any submissions on costs made by the British Show Horse Association.

46. Anti-Doping Code Panels are not required to follow the strict laws of evidence as they apply to courts in England and Wales but are required to take a fair and even approach to evidence which has as its focus a just and fair outcome for all parties and on that basis may admit such evidence and accord that evidence such weight as it reasonably considers appropriate.
47. All parties that appear before an Anti-Doping Code Panel shall have the right to be legally represented at their own cost. Any party that chooses to be legally represented must as soon as reasonably practical notify the other party and the Anti-Doping Code Panel of the identity of their legal representative.
48. The Anti-Doping Code Panel shall provide written reasons for all decisions taken by the Panel including decisions on any application made by any party as well as its final decision.
49. All matters that are put before the Anti-Doping Code Panel are and will remain confidential subject to the following:
 - 49.1. The written decision and reasons of the Anti-Doping Code Panel may be published by the British Show Horse Association on its website at its discretion.
 - 49.2. Similarly the British Show Horse Association shall have the right to publish the fact that an Anti-Doping Code Panel hearing has been convened, providing details of the Members that are subject of such a hearing and the breaches of the Code that have been alleged.
 - 49.3. The British Show Horse Association shall be at liberty to pass any information obtained during an Anti-Doping Code Panel hearing or any investigation to any appropriate law enforcement agency and/or any regulator in circumstances where the British Show Horse Association in its absolute discretion considers that it is appropriate to do so.
 - 49.4. The British Show Horse Association shall have the right to record all hearings under this code; however the deliberations of all Anti-Coping Code Panels shall remain private and unrecorded. All such deliberations shall be held in the absence of all parties.
50. The decision of every Anti-Doping Code Panel shall be by way of simple majority. An Anti-Doping Code Panel is not required to disclose whether any decision made by it is reached unanimously or by majority. The decision and reasons of the Anti-Doping Code Panel shall be published by the British Show Horse Association.
51. Hearings will be held at venues arranged by and chosen by the British Show Horse Association. In so doing, the British Show Horse Association will take into account the preferences of all parties

and the Anti-Doping Code Panel as well as cost to the British Show Horse Association and its Members of venue hire. The British Show Horse Association will strive to balance convenience against such costs.

Costs

52. In circumstances where there is a finding of breach of this Code or any part of it, the British Show Horse Association shall be entitled on an indemnity basis to all of its costs in respect of both the investigatory and hearing stages payable by the Member so found in breach.

Penalty

53. This and the following paragraphs set out the basis on which the Anti-Doping Code Panel should consider the issue of penalty and the guiding principles which should be followed. Whilst those principles do not override the discretion of the Anti-Doping Code Panel to impose the penalty that it considers appropriate in each case, the principles are to be seen as more than mere guidance but as a framework within which Anti-Doping Code Panels are expected to operate. In those circumstances Anti-Doping Code Panels should only depart from the penalty principles in exceptional circumstances and when doing so must set out in clear written terms to be provided to all parties their reasons for departing from that framework.
54. The guiding principles by which the Anti-Doping Code Panel shall consider and decide penalty are:
- 54.1. A breach of this Code shall always result in the imposition of a period of disqualification other than in circumstances where a Member has demonstrated that he or she was entirely without fault in respect of the matters in which the Member has been found in breach. Anti-Doping Code Panels will normally require the Member to identify to the satisfaction of the Panel on the balance of probabilities the person or persons who were responsible for the breaches as found in circumstances where such person's actions were the responsibility of the Member as referred to in this Code. In all other circumstances, whilst an Anti-Doping Code Panel may consider what mitigation is available to the Member, that mitigation will go to the length of a period of disqualification and not to whether or not a period of disqualification should be imposed.
- 54.2. In all circumstances where a horse or pony has tested positive for a Prohibited Substance the horse or pony as the case may be shall be disqualified from all Classes in which it competed on the day of the test and from all Classes that it competed in between the date that the Sample was taken and the date that the horse or pony was

suspended in accordance with paragraph 29. The horse or pony shall remain suspended until such time as the British Show Horse Association is satisfied that all Prohibited Substances have cleared its system and that any effects of the Prohibited Substance are no longer present in the horse or ponies system. The costs of all and any testing required by the British Show Horse Association in order to make such an assessment shall be met by the Member.

- 54.3. The use by an Anti-Doping Code Panel of a suspended period of disqualification should only be used in exceptional circumstances and only where a Member has demonstrated on the balance of probabilities to the satisfaction of the Anti-Doping Code Panel that he or she was not at fault in respect of the breaches of the Code as found.
55. Periods of disqualification for 12 months or less – two-thirds of such a period of disqualification must be served during the active showing season – that is to say from the date of the first affiliated class run by the British Show Horse Association to the date of the last such affiliated class in each calendar year. In circumstances where a hearing is heard out of season which results of a finding of breach and the imposition of a period of disqualification, that disqualification should not begin until the first day of the following showing season.
56. Periods of disqualification in excess of 12 months - the period of disqualification if imposed during the off season shall not start until the first day of the next showing season.
57. During any period of disqualification, the Member that is subject to the disqualification shall not be permitted to compete in any Classes or to have any involvement whatsoever in any horse or pony competing in any Class. In those circumstances, horses or ponies previously produced by a disqualified Member must be transferred to another Member who confirms in writing to the British Show Horse Association that the disqualified Member will have no involvement in the horse or pony during the period of their disqualification before it may compete in a Class. Likewise any horse or pony owned by a disqualified Member may not compete in any Class until ownership has been transferred to another Member and that Member has confirmed in writing that the disqualified Member will have no involvement in the horse or pony during of their disqualification.
58. Members are responsible for all veterinary treatment administered to horses or ponies in their custody or control including treatment administered by any third party including qualified veterinary surgeons. A Member will not be permitted to rely by way of either mitigation or as a defence on the fact that treatment containing a Prohibited Substance had been recommended and/or advised by a qualified veterinary surgeon or that the treating veterinary surgeon had advised on medication withdrawal times. A Member is required and is under a duty to ensure that he or she manages and makes certain that any treatment being administered that does or may contain a Prohibited Substance is not present when a horse or pony competes in a Class or

attends a Showground. It is the responsibility of the Member to ensure that sufficient time has elapsed to make certain that any medication that may or does contain a Prohibited Substance has passed through the horse or pony's system before it competes in a Class or goes onto a Showground. The Member should for example have a horse or pony tested prior to competing it in a Class or bringing it onto a Showground in order to confirm that there are no Prohibited Substances in the horse or pony's system. A Member will not be entitled to rely on advice provided by a veterinary surgeon as to withdrawal periods; such advice will not satisfy the Member's duty to be sure to the fullest extent that there are no Prohibited Substances in the horse or pony's system. Reliance on advice from a veterinary surgeon will not meet that obligation and will be insufficient for an Anti-Doping Code Panel to consider such as being either mitigatory in effect or the basis of a no-fault finding.

59. Members are responsible for the security and protection of horses and ponies in their custody and control including when at Showgrounds. In the event that a Member asserts that a horse or pony has been "got at" by a third party as a means of explaining the presence of a Prohibited Substance the Member will be put to strict proof and in addition will be required to demonstrate that full and robust steps were taken to limit the risk of such an event happening in terms of security measures put in place including but not limited to padlocking stables and not leaving horses or ponies unattended. Similarly Members are responsible for ensuring that no fodder or other material is left in any stable used by the Member by a previous occupant before putting a horse or pony into any stabling. Similarly Members are responsible for all products, feeds and additives given to or used on horses and ponies in their custody and control at all times. Members are required to take all reasonable measures to ensure that all such products, feed and additives do not contain Prohibited Substances. Products, additives and feeds should only be used which are from a clearly identifiable manufacturer and retail outlet and which contain packaging with clearly identifiable ingredients including quantities of each ingredient used in the product or feed or additive.
60. Findings of breach concerning a Prohibited Substance that by its nature or effect risk compromising or actually compromised the horse or pony's health and/or welfare should be considered by Anti-Doping Code Panels as being substantially aggravating in nature, and penalties should be increased to reflect that.
61. Findings of breach concerning a Prohibited Substance that by its nature or effect risk or threaten to risk the safety of other competitors, judges, officials and members of the public should be considered by Anti-Doping Code Panels as being substantially aggravating in nature, and penalties should be increased to reflect that.
62. The penalty range for a breach of this Code or any provisions set out at paragraph 10 is six months to 10 years disqualification from all Classes. For the avoidance of doubt in addition to being disqualified from any Class a person who has had a period of disqualification imposed on

them will also be excluded from attending any event organised by the British Show Horse Association including but not limited to the BSHA Championships. Disqualification will also preclude Members from having any involvement in any horse or pony that competes or is being prepared to compete in any Class during the course of the Member's period of disqualification.

63. In relation to the disqualification range set out above, the British Show Horse Association considers that the entry point for a period of disqualification in circumstances where there is no significant mitigation and no significant aggravating features should be a period of 12 months. In those circumstances therefore the Anti-Doping Code Panel will impose a period of disqualification on the Member of 12 months, the start point of which should take into account all of the provisions in the section headed Penalty including paragraph 55.
64. In circumstances where a Member has failed to prove on the balance of probabilities that they were not at fault in respect of the matters in which they have been found in breach, a period of disqualification within the range set out above must be imposed subject to paragraph 65 below.
65. The absolute requirement set out at paragraph 63 above is subject to this paragraph which permits Anti-Doping Code Panels to give credit for a timely admission of breach of the Rules – that is to say, an admission made at the very earliest opportunity by the Member, provided that such credit should be reflected by a discount on penalty of no more than 20%.

Appeal

66. Any decision of the Anti-Doping Code Panel may be appealed to the Appeals Panel by either the Member(s) or the British Show Horse Association.
67. An appeal must be brought on at least one of the following grounds:
 - 67.1. That the hearing was not in accordance with the principle of natural justice as defined by the Law of England and Wales.
 - 67.2. That the Anti-Doping Panel incorrectly applied or failed to apply the relevant provisions of the Anti-Doping Code.
 - 67.3. The penalty imposed was so disproportionate (either on the basis of being too severe or too lenient) that no reasonable panel could have come to the same finding on penalty.
 - 67.4. There is new evidence not available to the Anti-Doping Panel which, had it been, would have caused the Anti-Doping Panel to reach a materially different decision to the one it did reach.

- 67.5. That the reasons given by the Anti-Doping Panel were insufficient to support the decision that the Anti-Doping Panel made on the finding of liability.
68. An appeal before the Appeals Panel shall not be a re-hearing but a review based on those specific grounds of appeal set out above relied upon by the Appellant.

Appeal procedure

69. In order to commence the appeal procedure, the Appellant (whether a Member or the British Show Horse Association) must write to the Chairman of the Anti-Doping Code Panel Pool with the following information (“the Appeal Notice”):
- 69.1. Identifying the Appellant and the decision being appealed.
- 69.2. Setting out the basis of appeal, making specific reference to the grounds of appeal set out at paragraph 67 above.
- 69.3. In circumstances where the ground of appeal is in respect of new evidence, an appropriate application for leave to present that new evidence must be provided. Other than new evidence which has been the subject of an application and which has been allowed by an Appeal Board, no evidence that was not placed before the Anti-Doping Code Panel will be permitted to be introduced.
- 69.4. Payment by way of deposit of £500.
70. Every Appeal Notice must have attached to it copies of all evidence, documents and other written material including submissions upon which the Appellant intends to rely.
71. Every Appeal Notice must be received by the Chairman of the Anti-Doping Panel Pool within 14 days of the Anti-Doping Code Panel providing written reasons for its final decision in accordance with paragraph 48.
72. Upon receiving a valid Appeal Notice, the Chairman of the Anti-Doping Code Panel Pool will convene an Appeal Board.

73. The Appeal shall consist of a review of all evidence and other matters considered by the Anti-Doping Code Panel, together with oral submissions by the Appellant and the other party (in circumstances where the Appellant is the British Show Horse Association, the other party will be the relevant Member and vice versa).
74. In all other respects, the Appeals Panel will decide on the procedure for the Appeal.
75. The Appeals Panel will have the following powers:
 - 75.1. To allow or dismiss an appeal.
 - 75.2. To increase or decrease any penalty or other sanction imposed by the Anti-Doping Code Panel, always provided that such penalty imposed by the Appeals Panel is in accordance with the provisions and guidance of the Anti-Doping Code.
 - 75.3. To order that a new Anti-Doping Code Panel re-hear the matter.
 - 75.4. To make any order in relation to costs and deposit.
 - 75.5. To make any further order necessary to give effect to its decision.
76. The decision of the Appeals Panel should be by way of simple majority and shall be final and binding on all of the parties.
77. The Appeals Panel will record its decision and the reasons for its decision in writing, such decision and reasons may be published on the British Show Horse Association's website and other media outlets.
78. British Show Horse Association shall be at liberty to publish and to comment publicly on any decision made by either the Anti-Doping Code Panel or the Appeals Panel.