



*EXTRAORDINARY*

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# ANTI-DOPING IN SPORTS ACT, 2023

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**ANTI-DOPING IN SPORTS ACT, 2023**  
**AN ACT TO PROVIDE FOR THE IMPLEMENTATION OF**  
**MEASURES TO DISCOURAGE THE USE OF DRUGS AND**  
**DOPING METHODS IN SPORT AND FOR RELATED**  
**PURPOSES.**

[Date of Assent - 29<sup>TH</sup> DECEMBER, 2023]  
Enacted by the Parliament of The Bahamas.

**PART I- PRELIMINARY**

**1. Short title and commencement**

- (1) This Act may be cited as the Anti-Doping in Sport Act, 2023.
- (2) This Act shall come into operation on a date to be appointed by the Minister by notice in the Gazette.

**2. Interpretation.**

In this Act-

"anti-doping" means the prevention or control of doping;

"anti-doping organization" means the *World Anti-Doping Act (WADA)* or a *Signatory to the Code* that is responsible for adopting rules for initiating, implementing or enforcing any part of the *Doping Control* process. This includes, for example, the:

- (a) the International Olympic Committee;
  - (b) the international Paralympic Committee;
  - (c) other *Major Event Organizations* that conduct *Testing* at their *Events*
  - (d) International Federations;
  - (e) a *Major Event Organizations* that conducts *Testing* at its *Events*;
  - (f) and *National Anti-Doping Organizations*;
-

**"Administration"** means providing, supplying, supervising, facilitating, or otherwise participating in the Use or Attempted Use by another Person of a Prohibited Substance or Prohibited Method. However, this definition shall not include the actions of bona fide medical personnel involving a Prohibited Substance or Prohibited Method Used for genuine and legal therapeutic purposes or other acceptable justification and shall not include actions involving Prohibited Substances which are not prohibited in Out-of-Competition Testing unless the circumstances as a whole demonstrate that such Prohibited Substances are not intended for genuine and legal therapeutic purposes or are intended to enhance sport performance.

**"anti-doping rules"** means rules related to anti-doping that govern the conditions under which sport is played;

**"Anti-Doping Rules"** violation" shall be construed in accordance with section 8;

**"Appeals Tribunal"** means The Bahamas Anti-Doping Appeals Tribunal established under section 23;

**"athlete"** Any *Person* who competes in sport at the international level (as defined by each International Federation) or the national level (as defined by each *National Anti-Doping Organization*). An *Anti-Doping Organization* has discretion to apply anti-doping rules to an *Athlete* who is neither an *International-Level Athlete* nor a *National-Level Athlete*, and thus to bring them within the definition of "Athlete". In relation to *Athletes* who are neither *International-Level* nor *National-Level Athletes*, an *Anti-Doping Organization* may elect to: conduct limited *Testing* or no *Testing* at all; analyze *Samples* for less than the full menu of *Prohibited Substances*; require limited or no whereabouts information; or not require advance *TUEs*. However, if an Article 2.1, 2.3 or 2.5 of the *Code* anti-doping rule violation is committed by any *Athlete* over whom an *Anti-Doping Organization* has elected to exercise its authority to test and who competes below the international or national level, then the *Consequences* set forth in the *Code* must be applied. For purposes of Article 2.8 and Article 2.9 of the *Code* and for purposes of anti-doping information and *Education*, any *Person* who participates in sport under the authority of any *Signatory*, government, or other sports organization accepting the *Code* is an *Athlete*.

**"Athlete Support Personnel"** Any coach, trainer, manager, agent, team staff, official, medical, paramedical personnel, parent or any other *Person* working with, treating or assisting an *Athlete* participating in or preparing for sports *Competition*.

**"Attempt"** Purposely engaging in conduct that constitutes a substantial step in a course of conduct planned to culminate in the commission of an anti-doping rule violation. Provided, however, there shall be no anti-doping rule violation based solely on an *Attempt* to commit a violation if the *Person* renounces the *Attempt* prior to it being discovered by a third party not involved in the *Attempt*.

**"Code"** means the World Anti-Doping Code adopted by the World Anti-Doping Agency on March 5th, 2003 at Copenhagen, Denmark and includes any amendments to the Code adopted by the World Anti-Doping Agency from time to time;

**"Commission"** means The Bahamas Anti-Doping Commission established under section 4;

**"competition"** or "sporting competition" means a sporting activity consisting of a single race, match, game or athletic contest;

**Consequences of Anti-Doping Rule Violations ("Consequences")** An Athlete's or other Person's violation of an anti-doping rule may result in one or more of the following: (a) Disqualification means the Athlete's results in a particular Competition or Event are invalidated, with all resulting Consequences including forfeiture of any medals, points and prizes; (b) Ineligibility means the Athlete or other Person is barred on account of an anti-doping rule violation for a specified period of time from participating in any Competition or other activity or funding as provided in Article 10.14 of the Code; (c) Provisional Suspension means the Athlete or other Person is barred temporarily from participating in any Competition or activity prior to the final decision at a hearing conducted under Article 8 of the Code; (d) Financial Consequences means a financial sanction imposed for an anti-doping rule violation or to recover costs associated with an anti-doping rule violation; and (e) Public Disclosure means the dissemination or distribution of information to the general public or Persons beyond those Persons entitled to earlier notification in accordance with Article 14 of the Code. Teams in Team Sports may also be subject to Consequences as provided in Article 11 of the Code.

**"Convention"** means the UNESCO International Convention against Doping in Sport adopted in Paris on 19 October 2005;

**"Court of Arbitration"** means the Court of Arbitration for sport located in Lausanne, Switzerland established by the International Olympic Committee and the statute of which came into force on June 30th, 1984;

**"Disciplinary Panel"** means The Bahamas Anti-Doping Disciplinary Panel established under section 19;

**"doping"** means the occurrence of one or more of the anti-doping rules violations established under section 8;

**"event"** means a series of individual competitions conducted together under one international sporting federation or National sporting organization or ruling body;

**"Fault"** *Fault* is any breach of duty or any lack of care appropriate to a particular situation. Factors to be taken into consideration in assessing an *Athlete's* or other *Person's* degree of *Fault* include, for example, the *Athlete's* or other *Person's* experience, whether the *Athlete* or other *Person* is a *Protected Person*, special considerations such as impairment, the degree of risk that should have been perceived by the *Athlete* and the level of care and investigation exercised by the *Athlete* in relation to what should have been the perceived level of risk. In assessing the *Athlete's* or other *Person's* degree of *Fault*, the circumstances considered must be specific and relevant to explain the *Athlete's* or other *Person's* departure from the expected standard of behavior. Thus, for example, the fact that an *Athlete* would lose the opportunity to earn large sums of money during a period of *Ineligibility*, or the fact that the *Athlete* only has a short time left in a career, or the timing of the sporting calendar, would not be relevant factors to be considered in reducing the period of *Ineligibility* under Article 10.6.1 or 10.6.2 of the Code.

**"International event"** *International Event*: An *Event* or *Competition* where the International Olympic Committee, the International Paralympic Committee, an International Federation, a *Major Event Organization*, or another international sport organization is the ruling body for the *Event* or appoints the technical officials for the *Event*.

**"International-Level Athlete"** *Athletes* who compete in sport at the international level, as defined by each International Federation, consistent with the *International Standard for Testing and Investigations*.

**"International Olympic Committee"** means the organization created by the Congress of Paris on June 23rd, 1894 and entrusted with the control and development of the modern Olympic Games";

**"International Paralympic Committee"** means the organization established on September 22nd, 1989, to enable paralympic athletes to achieve sporting excellence and to inspire and excite the world and entrusted with the control and development of the Paralympic Games;

**"International sporting federation"** in relation to a particular type of sport or event means the sporting body having international control over that sport or event;

**"International Standard"** A standard adopted by WADA in support of the Code. Compliance with an International Standard (as opposed to another alternative standard, practice or procedure) shall be sufficient to conclude that the procedures addressed by the International Standard were performed properly. International Standards shall include any Technical Documents issued pursuant to the International Standard.

**"Minister"** means the Minister responsible for Sports Promotion and relations with sporting organizations;

**"National Anti-Doping Organization"** means the entity(ies) designated by each country as possessing the primary authority and responsibility to adopt and implement anti-doping rules, direct the collection of *Samples*, manage test results, and conduct *Results Management* at the national level. If this designation has not been made by the competent public authority(ies), the entity shall be the country's *National Olympic Committee* or its designee. In The Bahamas, the *National Anti-Doping Organization* is The Bahamas Anti-Doping Commission (BADC).

**"National level athlete"** *Athletes* who compete in sport at the national level, as defined by each *National Anti-Doping Organization*, consistent with the *International Standard for Testing and Investigations*. In The Bahamas, *National-Level Athletes* are defined as set out in the Introduction to these Anti-Doping Rules (Section "Scope of these Anti-Doping Rules").

**"Operational Independence"** This means that (1) board members, staff members, commission members, consultants and officials of the *Anti-Doping Organization* with responsibility for *Results Management* or its affiliates (e.g., member federation or confederation), as well as any *Person* involved in the investigation and pre-adjudication of the matter cannot be appointed as members and/or clerks (to the extent that such clerk is involved in the deliberation process and/or drafting of any decision) of hearing panels of that *Anti-Doping Organization* with responsibility for *Results Management* and (2) hearing panels shall be in a position to conduct the hearing and decision-making process without interference from the *Anti-Doping Organization* or any third party. The objective is to ensure that members of the hearing panel or individuals otherwise involved in the decision of the hearing panel, are not involved in the investigation of, or decisions to proceed with, the case.

**"Person"** A natural *Person* or an organization or other entity.

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

**"Prohibited List"** means the Prohibited List published by WADA which identifies the *Prohibited Substances* and *Prohibited Methods*, as amended from time to time;

**"Prohibited Method"** means any method so described on the Prohibited List;

**"Prohibited Substance"** Any substance, or class of substances, so described on the *Prohibited List*.

**"Registered Testing Pool"** The pool of highest-priority *Athletes* established separately at the international level by International Federations and at the national level by *National Anti-Doping Organizations*, who are subject to focused *In-Competition* and *Out-of-Competition Testing* as part of that International Federation's or *National Anti-Doping Organization's* test distribution plan and therefore are required to provide whereabouts information as provided in Article 5.5 of the *Code* and the *International Standard for Testing and Investigations*. In The Bahamas, BADC's *Registered Testing Pool* is defined as set out in Article 5.5 of the BADC Anti-Doping Rules.

**"Results Management"** The process encompassing the timeframe between notification as per Article 5 of the *International Standard for Results Management*, or in certain cases (e.g., *Atypical Finding*, *Athlete Biological Passport*, whereabouts failure), such pre-notification steps expressly provided for in Article 5 of the *International Standard for Results Management*, through the charge until the final resolution of the matter, including the end of the hearing process at first instance or on appeal (if an appeal was lodged).

**"tampering"** Intentional conduct which subverts the *Doping Control* process but which would not otherwise be included in the definition of *Prohibited Methods*. *Tampering* shall include, without limitation, offering or accepting a bribe to perform or fail to perform an act, preventing the collection of a *Sample*, affecting or making impossible the analysis of a *Sample*, falsifying documents submitted to an *Anti-Doping Organization* or *TUE* committee or hearing panel, procuring false testimony from witnesses, committing any other fraudulent act upon the *Anti-Doping Organization* or hearing body to affect *Results Management* or the imposition of *Consequences*, and any other similar intentional interference or *Attempted* interference with any aspect of *Doping Control*.

**"testing"** means the doping control process involving test distribution planning, sample collection, sample handling and sample transport to the laboratory;

**"Therapeutic Use Exemption (TUE)"** A *Therapeutic Use Exemption* allows an *Athlete* with a medical condition to *Use* a *Prohibited Substance* or *Prohibited Method*, but only if the conditions set out in Article 4.4 of the Code and the *International Standard for Therapeutic Use Exemptions* are met.

**"Trafficking"** Selling, giving, transporting, sending, delivering or distributing (or *Possessing* for any such purpose) a *Prohibited Substance* or *Prohibited Method* (either physically or by any electronic or other means) by an *Athlete*, *Athlete Support Person* or any other *Person* subject to the authority of an *Anti-Doping Organization* to any third party; provided, however, this definition shall not include the actions of bona fide medical personnel involving a *Prohibited Substance Used* for genuine and legal therapeutic purposes or other acceptable justification, and shall not include actions involving *Prohibited Substances* which are not prohibited in *Out-of-Competition Testing* unless the circumstances as a whole demonstrate such *Prohibited Substances* are not intended for genuine and legal therapeutic purposes or are intended to enhance sport performance.

**"use"**: The utilization, application, ingestion, injection or consumption by any means whatsoever of any *Prohibited Substance* or *Prohibited Method* and

**"World Anti-Doping Agency"** or "WADA" means the body founded by the International Olympic Committee and constituted as a foundation in Lausanne, Switzerland by an instrument of foundation signed on November 10, 1999, and named in the instrument as the World Anti-Doping Agency.



**3. Convention to have force of law.**

The UNESCO International Convention against Doping in Sport shall have the force of law in The Bahamas.

**PART II- THE BAHAMAS ANTI-DOPING COMMISSION**

**4. Establishment of The Bahamas Anti-Doping Commission.**

(1) This Act is established for the creation of a body to be known as The Bahamas Anti-Doping Commission (BADC) which shall be a corporate body.

(2) The provisions of the First Schedule shall have effect as to the constitution and procedure of the Commission and otherwise in relation thereto.

**5. Functions of the Commission.**

(1) The Commission shall perform such functions as are necessary to facilitate the control and prevention of doping in sports including-

(a) implementing the policies and programmes of the Government against doping in sport

(b) doing all things necessary to comply with and implement any Article of the Code;

(c) planning, implementing and monitoring information and education programmes aimed at educating athletes, athlete support personnel, parents, the media and the general public in The Bahamas about doping in sport matters, such as -

(i) the health consequences of doping;

(ii) the harm of doping to the ethical values of sport;

(iii) prohibited substances and prohibited methods;

(iv) therapeutic use exemptions;

(v) nutritional supplements;

(vi) doping control procedures and results management;

(vii) the athlete's rights and responsibilities with regard to doping in sport, and the consequences of committing an Anti-Doping Rules violation.

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(d) establishing a register for the Registered Testing Pool of national-level and international-level Bahamian athletes who are citizens or residents of The Bahamas and notifying such athletes and relevant national sporting organizations of entries made in the register;

(e) directing the anti-doping programme of the Government specific to sports including, the conducting of testing of athletes, planning, coordinating and implementing the collection of samples, the management of test results and conducting hearings in keeping with the mandatory international standards set out in the Code;

(f) Subject to the limitations for *Event Testing* set out in Article 5.3 of the Code, BADC shall have *In-Competition* and *Out-of-Competition Testing* authority over all *Athletes* specified in the Introduction to the BADC Anti-Doping Rules (Section "Scope of these Anti-Doping Rules").

(g) notifying test results to athletes and, as the case may be, governments of countries other than The Bahamas, anti-doping organizations of other countries, or other signatories to the Code in accordance with bilateral or multilateral agreements entered into by The Bahamas with such governments, organizations or signatories;

(h) entering into reciprocal testing agreements with National Anti- Doping Organizations outside The Bahamas, in relation to any athlete;

(i) encouraging and facilitating the negotiation by any sporting organization and Anti-Doping Organization of any agreement permitting their members to be tested by authorized doping control teams from other countries;

(j) co-operating with the testing and education initiatives of WADA and other anti-doping organizations;

(k) supporting, encouraging, conducting and promoting research about doping in sports matters that contributes to the development and implementation of efficient anti-doping programmes;

(I) consulting with, advising and assisting-

(i) Government departments and agencies, local authorities, The National Olympic Committee, national sporting organizations and other bodies or persons on any matters concerned with doping in sport issues and related matters;

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(ii) foreign government and non-governmental organizations and other persons outside of The Bahamas for the purpose of promoting the adoption of uniform international testing procedures for doping in sports;

(m) publishing and making available the Prohibited List and any revision thereof to athletes and as such all athletes shall be deemed to accept the Prohibited List and any amendments made thereto as binding on them;

(n) advising the Minister on any doping in sport matters;

(o) performing any other functions relating to doping in sport that are conferred on the Commission by this or any other enactment; and

(p) generally taking all steps necessary or desirable to achieve the purposes of this Act.

**(2) In the performance of its functions, the Commission -**

(a) shall establish for its use, and for the use of its committees, procedures that are appropriate and fair in the circumstances;

(b) shall develop appropriate procedures to -

(i) reflect the needs of athletes who are under the age of eighteen years;

(ii) reflect the culture and any disabilities or other special concerns of athletes; and

(iii) protect the right to privacy of each athlete;

(c) may impose fees or charges for the provision of information, advice or other services requested of the commission (other than for information requested by an athlete relating to the athlete).

(3) The powers of the Commission may be exercised in a state other than The Bahamas in relation to athletes who are citizens of The Bahamas, subject to the approval of the relevant foreign state or relevant national sporting organization of such state.

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**6. Commission to make rules**

The Commission may, with the approval of the Governor General of The Bahamas, make rules (in this Act referred to as "Anti-Doping Rules") for controlling the occurrence of doping in sports and for carrying out the objects of this Act, and without limiting the generality of the foregoing such rules may provide for -

- (a) initiating, implementing or enforcing any part of the doping control process;
- (b) analysis of samples;
- (c) athlete whereabouts information;
- (d) the consequences of violating one or more of the Anti-Doping Rules;
- (e) the assessment of costs for disciplinary hearings; and
- (f) results management.

**7. Minister cannot impact the operational independence of the Commission**

- (1) Based on Article 20.5.1 of the Code to be independent in their operational decisions and activities from sport and government, including without limitation by prohibiting any involvement in their operational decisions or activities by any *Person* who is at the same time involved in the management or operations of any *International Federation, National Federation, Major Event Organization, National Olympic Committee, National Paralympic Committee, or government department* with responsibility for sport or anti-doping.

**PART III - ANTI-DOPING RULE VIOLATIONS**

**8. Anti-Doping rules violation.**

For the purposes of this Act, an Anti-Doping Rules violation shall mean an occurrence of any one of the following -

**8.1 Presence of a *Prohibited Substance* or its *Metabolites* or *Markers* in an *Athlete's Sample***

8.1.1 It is the *Athletes'* personal duty to ensure that no *Prohibited Substance* enters their bodies. *Athletes* are responsible for any *Prohibited Substance* or its *Metabolites* or *Markers* found to be present in their *Samples*. Accordingly, it is not necessary that intent, *Fault, Negligence* or knowing *Use* on the *Athlete's* part be demonstrated in order to establish an anti-doping rule violation under Article 8.1.

8.1.2 Sufficient proof of an anti-doping rule violation under Article 8.1 is established by any of the following: presence of a *Prohibited Substance* or its *Metabolites* or *Markers* in the *Athlete's A Sample* where the *Athlete* waives analysis of the *B Sample* and the *B Sample* is not analyzed; or, where the *Athlete's B Sample* is analyzed and the analysis of the *Athlete's B Sample* confirms the presence of the *Prohibited Substance* or its *Metabolites* or *Markers* found in the *Athlete's A Sample*; or where the *Athlete's A or B Sample* is split into two parts and the analysis of the confirmation part of the split *Sample* confirms the presence of the *Prohibited Substance* or its *Metabolites* or *Markers* found in the first part of the split *Sample* or the *Athlete* waives analysis of the confirmation part of the split *Sample*.

8.1.3 Excepting those substances for which a *Decision Limit* is specifically identified in the *Prohibited List* or a *Technical Document*, the presence of any reported quantity of a *Prohibited Substance* or its *Metabolites* or *Markers* in an *Athlete's Sample* shall constitute an anti-doping rule violation.

8.1.4 As an exception to the general rule of Article 8.1, the *Prohibited List*, *International Standards*, or *Technical Documents* may establish special criteria for reporting or the evaluation of certain *Prohibited Substances*.

## **8.2 Use or Attempted Use by an Athlete of a Prohibited Substance or a Prohibited Method**

8.2.1 It is the *Athletes'* personal duty to ensure that no *Prohibited Substance* enters their bodies and that no *Prohibited Method* is *Used*. Accordingly, it is not necessary that intent, *Fault*, *Negligence* or knowing *Use* on the *Athlete's* part be demonstrated in order to establish an anti-doping rule violation for *Use* of a *Prohibited Substance* or a *Prohibited Method*.

8.2.2 The success or failure of the *Use* or *Attempted Use* of a *Prohibited Substance* or *Prohibited Method* is not material. It is sufficient that the *Prohibited Substance* or *Prohibited Method* was *Used* or *Attempted* to be *Used* for an anti-doping rule violation to be committed.

## **8.3 Evading, Refusing or Failing to Submit to Sample Collection by an Athlete**

Evading *Sample* collection; or refusing or failing to submit to *Sample* collection without compelling justification after notification by a duly authorized *Person*.

## **8.4 Whereabouts Failures by an Athlete**

Any combination of three missed tests and/or filing failures, as defined in the *International Standard for Results Management*, within a twelve-month period by an *Athlete* in a *Registered Testing Pool*.

## **8.5 Tampering or Attempted Tampering with any Part of Doping Control by an Athlete or Other Person**

## **8.6 Possession of a Prohibited Substance or a Prohibited Method by an Athlete or Athlete Support Person**

8.6.1 *Possession* by an *Athlete In-Competition* of any *Prohibited Substance* or any *Prohibited Method*, or *Possession* by an *Athlete Out-of-Competition* of any *Prohibited Substance* or any *Prohibited Method* which is prohibited *Out-of-Competition* unless the *Athlete* establishes that the *Possession* is consistent with a *Therapeutic Use Exemption ("TUE")* granted in accordance with Article 4.4 of the Code or other acceptable justification.

8.6.2 *Possession* by an *Athlete Support Person In-Competition* of any *Prohibited Substance* or any *Prohibited Method*, or *Possession* by an *Athlete Support Person Out-of-Competition* of any *Prohibited Substance* or any *Prohibited Method* which is prohibited *Out-of-Competition* in connection with an *Athlete*, *Competition* or training, unless the *Athlete Support Person* establishes that the *Possession* is consistent with a *TUE* granted to an *Athlete* in accordance with Article 4.4 of the Code or other acceptable justification.

**8.7 Trafficking or Attempted Trafficking in any Prohibited Substance or Prohibited Method by an Athlete or Other Person**

**8.8 Administration or Attempted Administration by an Athlete or Other Person to any Athlete In-Competition of any Prohibited Substance or Prohibited Method, or Administration or Attempted Administration to any Athlete Out-of-Competition of any Prohibited Substance or any Prohibited Method that is Prohibited Out-of-Competition**

**8.9 Complicity or Attempted Complicity by an Athlete or Other Person**

Assisting, encouraging, aiding, abetting, conspiring, covering up or any other type of intentional complicity or *Attempted* complicity involving an anti-doping rule violation, *Attempted* anti-doping rule violation or violation of Article 10.14.1 of the Code by another *Person*.

**8.10 Prohibited Association by an Athlete or Other Person**

8.10.1 Association by an *Athlete* or other *Person* subject to the authority of an *Anti-Doping Organization* in a professional or sport-related capacity with any *Athlete Support Person* who:

8.10.1.1 If subject to the authority of an *Anti-Doping Organization*, is serving a period of *Ineligibility*; or

8.10.1.2 If not subject to the authority of an *Anti-Doping Organization*, and where *Ineligibility* has not been addressed in a *Results Management* process pursuant to the *Code*, has been convicted or found in a criminal, disciplinary or professional proceeding to have engaged in conduct which would have constituted a violation of anti-doping rules if *Code-compliant* rules had been applicable to such *Person*. The disqualifying status of such *Person* shall be in force for the longer of six (6) years from the criminal, professional or disciplinary decision or the duration of the criminal, disciplinary or professional sanction imposed; or

8.10.1.3 Is serving as a front or intermediary for an individual described in Article 8.10.1.1 or 8.10.1.2.

8.10.2 To establish a violation of Article 8.10, an *Anti-Doping Organization* must establish that the *Athlete* or other *Person* knew of the *Athlete Support Person's* disqualifying status.

The burden shall be on the *Athlete* or other *Person* to establish that any association with an *Athlete Support Person* described in Article 8.10.1.1 or 8.10.1.2 is not in a professional or sport-related capacity and/or that such association could not have been reasonably avoided. *Anti-Doping Organizations* that are aware of *Athlete Support Personnel* who meet the criteria described in Article 8.10.1.1, 8.10.1.2, or 8.10.1.3 shall submit that information to *WADA*.

**8.11 Acts by an Athlete or Other Person to Discourage or Retaliate Against Reporting to Authorities**

Where such conduct does not otherwise constitute a violation of Article 8.5:

8.11.1 Any act which threatens or seeks to intimidate another *Person* with the intent of discouraging the *Person* from the good-faith reporting of information that relates to an alleged anti-doping rule violation or alleged non-compliance with the *Code to WADA*, an *Anti-Doping Organization*, law enforcement, regulatory or professional disciplinary body, hearing body or *Person* conducting an investigation for *WADA* or an *Anti-Doping Organization*.

8.11.2 Retaliation against a *Person* who, in good faith, has provided evidence or information that relates to an alleged anti-doping rule violation or alleged non-compliance with the *Code to WADA*, an *Anti-Doping Organization*, law enforcement, regulatory or professional disciplinary body, hearing body or *Person* conducting an investigation for *WADA* or an *Anti-Doping Organization*.

For purposes of Article 8.11, retaliation, threatening and intimidation include an act taken against such *Person* either because the act lacks a good faith basis or is a disproportionate response.

## **9. Automatic individual disqualification.**

Where an athlete who competes in an individual sport is found after an in-competition test to have committed an Anti-Doping Rule violation, that athlete shall be liable to automatic disqualification of his individual results in that competition.

## **10. Sanctions on individuals.**

An athlete or other person who is found to have committed one or more of the Anti-Doping Rule violations referred to in section 8 during or in connection with an event shall in accordance with rules made by the Commission be liable to –

- (a) disqualification; and/or
- (b) ineligibility; and/or
- (c) provisional suspension.

## **11. Consequences to teams.**

Where more than one member of a team who competes in a team sport is found to have committed an Anti-Doping Rule violation during an event, the members of the team may be liable to –

- (a) disqualification; and/or
- (b) ineligibility; and/or
- (c) provisional suspension,

in accordance with the rules made by the Commission.

**12. Therapeutic Use Exemption Certificate.**

(I) An athlete with a medical condition requiring the use of a prohibited substance or prohibited method, shall first obtain a Therapeutic Use Exemption Certificate in accordance with the provisions of this Act, the Anti-Doping Rules and the International Standard for Therapeutic Use Exemption, from BADTUEC or as the case may require, the international sporting federation under whose control the athlete competes.

**(2) Athletes who are International-Level Athletes shall apply to their International Federation:**

- (a) Where the Athlete already has a TUE granted by their National Anti-Doping Organization for the substance or method in question, if that TUE meets the criteria set out in the International Standard for Therapeutic Use Exemptions, then the International Federation must recognize it. If the International Federation considers that the TUE does not meet those criteria and so refuses to recognize it, it must notify the Athlete and the Athlete's National Anti-Doping Organization promptly, with reasons. The Athlete or the National Anti-Doping Organization shall have twenty-one (21) days from such notification to refer the matter to WADA for review. If the matter is referred to WADA for review, the TUE granted by the National Anti-Doping Organization remains valid for national-level Competition and Out-of-Competition Testing (but is not valid for international-level Competition) pending WADA's decision. If the matter is not referred to WADA for review within the twenty-one-day deadline, the Athlete's National Anti-Doping Organization must determine whether the original TUE granted by that National Anti-Doping Organization should nevertheless remain valid for national-level Competition and Out-of-Competition Testing (provided that the Athlete ceases to be an International-Level Athlete and does not participate in international-level Competition). Pending the National Anti-Doping Organization's decision, the TUE remains valid for national-level Competition and Out-of-Competition Testing (but is not valid for international-level Competition).
- (b) If the Athlete does not already have a TUE granted by their National Anti-Doping Organization for the substance or method in question, the Athlete must apply directly to the Athlete's International Federation for a TUE as soon as the need arises. If the International Federation (or the National Anti-Doping Organization, where it has agreed to consider the application on behalf of the International Federation) denies the Athlete's application, it must notify the Athlete promptly, with reasons. If the International Federation grants the Athlete's application, it must notify not only the Athlete but also the Athlete's National Anti-Doping Organization, and if the National Anti-Doping Organization considers that the TUE does not meet the criteria set out in the International Standard for Therapeutic Use Exemptions, it has twenty-one (21) days from such notification to refer the matter to WADA for review. If the National Anti-Doping Organization refers the matter to WADA for review, the TUE granted by the International Federation remains valid for international-level Competition and Out-of-Competition Testing (but is not valid for national-level Competition) pending WADA's decision. If the National Anti-Doping Organization does not refer the matter to WADA for review, the TUE granted by the International Federation becomes valid for national-level Competition as well when the twenty-one (21) day review deadline expires.
- (3) The application for a Therapeutic Use Exemption Certificate from an athlete shall -
- (a) be made immediately after the athlete becomes aware that the use of a Prohibited Substance or Prohibited Method is required; and
  - (b) subject to any circumstance of emergency, be obtained prior to the athlete's participation in any competition or event.



**13. Application to be made in accordance with international standards.**

(1) An application for a Therapeutic Use Exemption Certificate to the BAD TUEC shall be made in accordance with the International Standard for Therapeutic Use Exemption.

(2) The athlete on whose behalf the application has been made shall provide written consent for the transmission of –

(a) all information pertaining to the application to the BADTUEC, and as required, other independent medical or scientific experts and to all necessary staff involved in the management or review of Therapeutic Use Exemptions;

(b) the decision of BADTUEC to be distributed to WADA and to other relevant Anti-Doping Organizations under the provisions of the International Standard for Therapeutic Use Exemptions and the Code.

**14. Appointment of the Bahamas Anti-Doping Therapeutic Use Exemption Committee.**

(1) The Commission shall appoint a Committee to be known as the Bahamas Anti-Doping Therapeutic Exemption Committee (in this Act, known as "BADTUEC") consisting of six duly qualified medical practitioners.

(2) The appointment of every member Of the BADTUEC shall be evidenced by an instrument in writing, which shall state the period of office of the member not exceeding three years as the Commission may specify in the instrument and each member shall be eligible for re-appointment.

a) TUECs should include at least three (3) physicians with experience in the care and treatment of *Athletes* and a sound knowledge of clinical, sports and exercise medicine. In cases where specific expertise is required (for example, for *Athletes* with impairments where the substance or method pertains to the *Athlete's* impairment), at least one (1) TUEC member or expert should possess such expertise. One (1) physician member should act as chair of the TUEC.

b) In order to ensure impartiality of decisions, all members of the TUEC must sign a conflict of interest and confidentiality declaration (a template declaration is available on WADA's website).

(3) The Commission shall appoint one of the members of the BADTUEC to be the Chairperson thereof.

(4) The BADTUEC shall act independently of the Commission and shall not have any other official responsibility within the Commission.

(5) Where any member of the BADTUEC is connected with an athlete (having regard to their familial business or other relationship) or has an interest in any national sporting organization or international sporting federation such a member is excluded from considering any application for Therapeutic Use Exemption from that athlete or as the case may be any athlete who is a member or participant in a sporting event organized or sanctioned by the international sporting federation or national sporting organization in which he has an interest.

**15. Functions of BADTUEC.**

The functions of the BADTUEC shall be to—

- (a) receive and examine applications from national-level athletes for Therapeutic Use Exemption Certificates;
- (b) grant Therapeutic Use Exemption Certificates;
- (c) revoke Therapeutic Use Exemption Certificates;
- (d) perform any other functions that are conferred or imposed on it by this Act and the International Standard for Therapeutic Use Exemptions, as amended from time to time.

**16. Notification of Therapeutic Use Exemption.**

(1) The BADTUEC shall promptly notify the Commission of its decision to grant a Therapeutic Use Exemption Certificate.

(2) The Commission upon being notified by the BADTUEC of the grant of a Therapeutic Use Exemption Certificate shall notify WADA thereof,

(3) The TUEC's decision must be communicated in writing to the *Athlete* and must be made available to *WADA* and to other *Anti-Doping Organizations* via *ADAMS*, in accordance with Article 5.5.

**17. WADA may review and reverse TUE Certificates.**

Where the BADTUEC has made a decision to grant or deny the grant of a Therapeutic Use Exemption to an athlete, WADA at the request of the athlete or on its own initiative, may review the grant or denial of the Therapeutic Use Exemption and where WADA determines that the granting or denial of such Therapeutic Use Exemption did not comply with the International Standard for Therapeutic Use Exemption in force at the time then, WADA may reverse the decision to grant or to deny the Therapeutic Use Exemption.

**18. Recognition of results of other Anti-Doping Organizations.**

The Commission shall recognize the results of laboratory analysis by other anti-doping organizations once conducted in accordance with the WADA International Standard for Testing and Investigations.

## **PART IV- DISCIPLINARY PANEL**

### **19. Establishment of The Bahamas Anti-Doping Disciplinary Panel.**

(1) There is established for the purposes of this Act a body to be called The Bahamas Anti-Doping Disciplinary Panel (hereinafter referred to as the "Disciplinary Panel").

(2) BADC shall establish a Disciplinary Panel which has jurisdiction to hear and determine whether an *Athlete* or other *Person*, subject to these Anti-Doping Rules, has committed an anti-doping rule violation and, if applicable, to impose relevant *Consequences*.

(3) BADC shall ensure that the Disciplinary Panel is free of conflict of interest and that its composition, term of office, professional experience, *Operational Independence* and adequate financing comply with the requirements of the *International Standard for Results Management*.

(4) Board members, staff members, commission members, consultants and officials of BADC or its bodies, as well as any *Person* involved in the investigation and pre-adjudication of the matter, cannot be appointed as members and/or clerks (to the extent that such clerk is involved in the deliberation process and/or drafting of any decision) of Disciplinary Panel. In particular, no member shall have previously considered any *TUE* application, *Results Management* decision, or appeals in the same given case.

(5) The Disciplinary Panel shall consist of an independent Chair and six (6) other independent members.

(6) Each member shall be appointed by taking into consideration their requisite anti-doping experience including their legal, sports, medical and/or scientific expertise. Each member shall be appointed for a once renewable term of three (3) years.

(7) Disciplinary Panel shall be in a position to conduct the hearing and decision-making process without interference from BADC or any third party.

### **20. Commission to refer findings to Disciplinary Panel**

Where it appears that there has been an Anti-Doping Rules violation, the Commission shall refer the matter to the Disciplinary Panel

### **21. Functions of the Disciplinary Panel.**

(1) The functions of the Disciplinary Panel shall be -

(2) to receive, examine and hear evidence relating to an Anti-Doping Rules violation;

(a) to conduct disciplinary hearings related to Anti-Doping Rules violations referred to it by the Commission;

(b) to determine whether a violation of the Anti-Doping Rules has occurred;

(c) to impose consequences of Anti-Doping Rules violations;

(d) to perform any other functions that are conferred or imposed on the Disciplinary Panel by this Act and the *International Standard for Results Management*, as amended from time to time.

**22. Appeals.**

(1) Subject to section 20, where—

- (a) any athlete or other person who is the subject of the decision being appealed;
- (b) the Commission;
- (c) the relevant international sporting federation;
- (d) the relevant national sporting organization;
- (e) The Bahamas Olympic Committee;
- (f) WADA

is aggrieved by a decision of the Disciplinary Panel, that person or body may within fourteen days of the decision of the Disciplinary Panel and in the prescribed manner, lodge an appeal with the Appeals Tribunal established under section 23 against any decision of the Disciplinary Panel.

(2) *Under Article 13.1.3 of the Code 13.1.3 WADA Not Required to Exhaust Internal Remedies:*

Where WADA has a right to appeal under Article 13 and no other party has appealed a final decision within the *Anti-Doping Organization's* process, WADA may appeal such decision directly to CAS without having to exhaust other remedies in the *Anti-Doping Organization's* process.

(3) Every decision of the Disciplinary Panel in respect of an Anti-Doping Rules violation shall remain in effect during the appeal process unless the Appeals Tribunal or CAS otherwise orders.

Please note that for WADA the filing deadline for an appeal filed by WADA shall be the later of:

(a) Twenty-one (21) days after the last day on which any other party having a right to appeal could have appealed,

or

(b) Twenty-one (21) days after WADA's receipt of the complete file relating to the decision.

**23. Establishment of Anti-Doping Appeals Tribunal.**

- (1) For the purposes of an appeal under section 23, there is established an Appeals Tribunal to be known as "The Bahamas Anti-Doping Appeals Tribunal" constituted in accordance with the Third Schedule.
- (2) The functions of the Appeals Tribunal shall be as outlined in Article 13.2 of the Code. The following decisions are subject to appeal before the Appeals Tribunal:

*A decision that an anti-doping rule violation was committed, a decision imposing Consequences or not imposing Consequences for an anti-doping rule violation, or a decision that no anti-doping rule violation was committed; a decision that an anti-doping rule violation proceeding cannot go forward for procedural reasons (including, for example, prescription); a decision by WADA not to grant an exception to the six-months notice requirement for a retired Athlete to return to competition under Article 5.6.1; a decision by WADA assigning Results Management under Article 7.1; a decision by an Anti-Doping Organization not to bring forward an Adverse Analytical Finding or an Atypical Finding as an anti-doping rule violation, or a decision not to go forward with an anti-doping rule violation after an investigation in accordance with the International Standard for Results Management; a decision to impose, or lift, a Provisional Suspension as a result of a Provisional Hearing; an Anti-Doping Organization's failure to comply with Article 7.4; a decision that an Anti-Doping Organization lacks authority to rule on an alleged anti-doping rule violation or its Consequences; a decision to suspend, or not suspend, Consequences or to reinstate, or not reinstate, Consequences under Article 10.7.1; failure to comply with Articles 7.1.4 and 7.1.5; failure to comply with Article 10.8.1; a decision under Article 10.14.3; a decision by an Anti-Doping Organization not to implement another Anti-Doping Organization's decision under Article 15; and a decision under Article 27.3 may be appealed exclusively as provided in this Article 13.2.*

(a) The Appeals Tribunal shall have the authority to perform any other functions that are conferred or imposed on the Appeals Tribunal by virtue of this Act and the International Standard for Results Management, as amended from time to time.

- (3) An appeal shall not in its entirety exceed three months except in extenuating circumstances.

**24. Appeals of International athlete.**

As mentioned in Article 13.2.1 of the Code, 13.2.1 Appeals Involving *International-Level Athletes* or *International Events*

In cases arising from participation in an *International Event* or in cases involving *International-Level Athletes*, the decision may be appealed exclusively to CAS.

**25. Confidentiality.**

- (1) Every—
- (a) member of the Commission;
  - (b) officer and employee of the Commission;
  - (c) expert retained by the Commission to assist in its investigations and deliberations;
  - (d) member of the Appeals Tribunal;
  - (e) member of the Disciplinary Panel,

shall keep secret and confidential all information coming to his knowledge in the course of the administration of this Act, except in so far as the Commission authorizes that person to release any such information.

- (2) Any person who contravenes subsection (1) shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding ten thousand dollars.

**26. Regulations.**

The Minister may make regulations generally for giving effect to the provisions of this Act and without prejudice to the generality of the foregoing, the regulations may provide for—

- (a) the determination and collection of fees and charges in connection with the exercise of the functions of the Commission;
  - (b) the keeping of such records as the Minister may require for the purposes of this Act;
  - (c) the forms to be used for the purposes of this Act;
  - (d) anything required by this Act to be prescribed.
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**FIRST SCHEDULE**

(Section 4(2))

**CONSTITUTION AND PROCEDURE OF THE BAHAMAS ANTI-DOPING COMMISSION****1. Constitution of Commission.**

The Commission shall consist of the following members—

Nine individuals shall be appointed by the Governor General of The Bahamas based on the following selection criteria:

- a) The Chairman shall possess a minimum of ten (10) years of executive-level experience.
- b) The Deputy Chairman shall possess a minimum of ten (10) years of executive-level experience.
- c) The Financial Manager or Accountant designated to serve as the Treasurer of the Board shall have a minimum of five (5) years of professional experience in the field of finance.
- d) An individual specializing in physical education or science, employed as an Educator, shall possess a minimum of five (5) years of experience in their respective field.
- e) A counsel and attorney-at-law with a minimum of five (5) years standing at The Bahamas Bar.
- f) A duly licensed and registered medical practitioner, who has practiced medicine for a minimum period of ten years.
- g) An Athlete Representative who must have previously attained National Level Athlete status.
- h) One other member with a demonstrable connection to the realm of sports, who shall also serve on the Board.
- i) the Athletic Director of the University of The Bahamas, ex officio.

The Commission will comply with the operational independence in their activities, both from the Sports Movement and Government, as outlined in Article 20.5.1 of the World Anti-Doping Code.

**2. Chairman.**

(1) The Governor General of The Bahamas shall appoint a Chairman and a Deputy Chairman from among the appointed members.

(2) In the case of absence or inability to act of the Chairman, the Deputy Chairman shall perform the functions of the Chairman.

(3) In the case of absence or inability to act of the Chairman or Deputy Chairman, the Treasurer of the Board shall perform the functions of the Chairman or, as the case may be, the Deputy Chairman, during such absence or incapacity.

**3. Acting Appointments.**

If any member is absent or unable to perform his duties due to absence or illness,

the Governor General of The Bahamas may appoint any person to act in place of that member, so, however, that such appointment shall be made in the same manner and from among the same category of persons as would be required in the case of a substantive appointment.

#### **4. Tenure of office.**

(1) A member of the Commission shall be appointed by the Governor General of The Bahamas by instrument in writing and shall hold office for a period not exceeding three years unless he resigns or his appointment is revoked in accordance with paragraph 7.

(2) Every member shall be eligible for reappointment.

#### **5. Quorum.**

The quorum shall consist of six members including the Chairman or any person appointed to act as Chairman, who shall preside at all meetings.

#### **6. Resignation.**

(1) The Chairman may at any time, by instrument in writing addressed to the Governor General of The Bahamas, resign his office as Chairman of the Commission.

(2) A member of the Commission other than the Chairman may at any time resign his office as member by instrument in writing addressed to the Governor General of The Bahamas and transmitted through the Chairman.

(3) Where the Chairman ceases to be a member he shall also cease to be Chairman.

The resignation of the Chairman or a member of the Commission shall take effect from the date of the receipt of the instrument of resignation by the Governor General of The Bahamas.

#### **7. Revocation,**

The Governor General of The Bahamas may at any time revoke the appointment of any member of the Commission if such member—

(a) becomes of unsound mind or becomes permanently unable to perform his functions by reason of ill health;

(b) is convicted and sentenced to a term of imprisonment;

(c) fails without reasonable excuse to carry out any of the functions conferred or imposed on him under this Act;

(d) fails to respect the operational independence requirements outlined in Article 20.5.1 of the Code, as amended from time to time;  
or

(e) engages in such activities as are reasonably considered prejudicial to the interest of the Commission.

#### **8. Gazetting of membership.**

The names of all members of the Commission as first constituted and every change thereafter, shall be made available to the public.

#### **9. Decisions.**

The major decisions of the Commission shall be by a majority of votes, and in the event of an equality of votes the Chairman shall have a casting vote.



**10. Signature and Seal.**

All decisions made by the Commission and all documents of the Commission shall be signed by the Chairman or any other person so authorized to act.

**11. Remuneration.**

There shall be paid to the members of the Commission such remuneration (whether by way of honorarium, salary, fees or allowances) as the Commission may determine.

**12. Procedure.**

Subject to the provisions of this Act, the Commission may regulate its own proceedings.

**SECOND SCHEDULE**  
**(Section 19)**

CONSTITUTION OF THE BAHAMAS ANTI-DOPING DISCIPLINARY  
PANEL

**1. Constitution of Disciplinary Panel.**

The Disciplinary Panel shall consist of not more than seven persons as follows:

- (a) A Chairman, who shall be a counsel and attorney-at-law of at least ten years standing at the Bar;
- (b) three persons each of whom have been duly qualified medical practitioners for not less than five years; and
- (c) three persons each of whom shall be or has previously been a sports administrator or an athlete.

The appointment of the Disciplinary Panel shall be by the Governor General of The Bahamas, based on the above criteria.

**2. Acting appointments.**

Where the Chairman or any other member of the Disciplinary Panel is absent or unable to perform his duties, the Governor General of The Bahamas may, appoint another person to act in the place of the Chairman or the other member, so that such appointment shall be made in the same manner and from among the same category of persons as would be required in the case of the substantive appointment.

**3. Tenure of office.**

- (1) A member of the Disciplinary Panel shall be appointed by the Governor General of The Bahamas by instrument in writing and shall hold office for a period not exceeding three years unless he resigns or his appointment is revoked in accordance with paragraph 5.
- (2) Every member shall be eligible for reappointment.

**4. Resignation.**

- (1) The Chairman may at any time, by instrument in writing addressed to the Governor General of The Bahamas, resign his office as Chairman of the Disciplinary Panel.
- (2) A member of the Disciplinary Panel, other than the Chairman may at any time resign his office as member by instrument in writing addressed to the Governor General of The Bahamas and transmitted through the Chairman.
- (3) Where the Chairman ceases to be a member, he shall also cease to be Chairman.
- (4) The resignation of the Chairman or a member of the Commission shall take effect from the date of the receipt of the instrument of resignation by the Governor General of The Bahamas.

**5. Revocation.**

The Governor General of The Bahamas may at any time revoke the appointment of any member of the Disciplinary Panel if such member—

- (a) becomes of unsound mind or becomes permanently unable to perform his functions by reason of ill health;
- (b) is convicted and sentenced to a term of imprisonment;
- (c) fails without reasonable excuse to carry out any of the functions conferred or imposed on him under this Act;

- (d) fails to respect the requirements in indicated in the definition of operational independence in the Code; or
- (e) engages in such activities as are reasonably considered prejudicial to the interest of the Disciplinary Panel.

**6. Gazetting of membership.**

The names of all members of the Disciplinary Panel as first constituted and every change thereafter, shall be made available to the public.

**7. Remuneration.**

There shall be paid to the members of the Disciplinary Panel such remuneration (whether by way of honorarium, salary, fees or allowances) as the Governor General of The Bahamas may determine.

**THIRD SCHEDULE  
(Section 23(1))**

**CONSTITUTION OF THE BAHAMAS ANTI-DOPING APPEALS TRIBUNAL**

**1. Constitution of Appeals Tribunal,**

The Appeals Tribunal shall consist of five persons

- (a) a chairman, who shall be appointed by the Governor General of The Bahamas and has served as either a Judge of the Supreme Court or of the Court of Appeal;
- (b) one person, who is a counsel and attorney-at law of at least ten years standing at the Bar;
- (c) one person, who has served in sports administration for at least ten years;
- (d) two persons, who have served in sports medicine for at least ten years.

Individuals shall be appointed through a selection process overseen by the Governor General of The Bahamas.

**2. Acting Appointments.**

Where the Chairman or any other member of the Appeals Tribunal is absent or unable to perform his duties, the Governor General of The Bahamas may, appoint another person to act in the place of the Chairman or the other member, so that such appointment shall be made in the same manner and from among the same category of persons as would be required in the case of the substantive appointment.

**3. Tenure of office.**

A member of the Appeals Tribunal shall be appointed by the Governor General of The Bahamas by instrument in writing and shall hold office for a period not exceeding three years unless he resigns or his appointment is revoked in accordance with paragraph 5.

- (1) Every member shall be eligible for reappointment.

**4. Resignation.**

- (1) The Chairman may at any time, by instrument in writing addressed to the Governor General of The Bahamas, resign his office as Chairman of the Appeals Tribunal.
- (2) A member of the Appeals Tribunal other than the Chairman may at any time resign his office as member by instrument in writing addressed to the Governor General of The Bahamas and transmitted through the Chairman.
- (3) Where the Chairman ceases to be a member he shall also cease to be Chairman.
- (4) The resignation of the Chairman or a member of the Appeals Tribunal shall take effect from the date of the receipt of the instrument of resignation by the Governor General of The Bahamas.

**5 Revocation.**

The Governor General of The Bahamas may at any time revoke the appointment of any member of the Appeals Tribunal if such member—

- (a) becomes of unsound mind or becomes permanently unable to perform his functions by reason of ill health
- (b) is convicted and sentenced to a term of imprisonment;

- (c) fails without reasonable excuse to carry out any of the functions conferred or imposed on him under this Act;
- (d) fails to respect the requirements as indicated in the definitions of operational independence and institutional independence in the Code or
- (e) engages in such activities as are reasonably considered prejudicial to the interest of the Appeals Tribunal,

**6. Gazetting of membership.**

The names of all members of the Appeals Tribunal as first constituted and every change thereafter, shall be made available to the public.

**7. Remuneration of members.**

There shall be paid to the members of the Appeals Tribunal such remuneration (whether by way of honorarium, salary, fees or allowances) as the Governor General of The Bahamas may determine.

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This Bill seeks to implement a regime to discourage the use of drugs and doping methods in sport in The Bahamas. Recognizing that The Bahamas is a signatory to both the UNESCO International Convention against doping in sport as well as the Copenhagen Declaration on Anti-Doping in Sport, this Bill seeks to provide for domestic law which is aligned with the World Anti-Doping Code.

The Bill is divided into five parts. Part I provides the short title of the Bill, the words and definitions which have been used in the Bill and also provides that the UNESCO International Convention against doping in Sport shall have the force of law in The Bahamas.

Part II of the Bill seeks to establish a corporate body to be called The Bahamas Anti-Doping Commission which would be responsible for the administration of anti-doping in The Bahamas. Some of the functions of the Commission would include inter alia, the implementation of Government's policies and programmes in the fight against doping in sport as well as ensuring that The Bahamas satisfies any obligations that may arise by virtue of being a signatory to the Convention and by extension the World Anti-Doping Code. In addition, the Commission is enabled to make rules to further govern anti-doping in sport in The Bahamas.

Part III of the Bill provides for the Anti-Doping rules violations; what constitutes an anti-doping rules violations and the consequent sanctions imposed on athletes who are found to have committed an Anti-Doping Rules violation. This Bill also provides for Therapeutics Use Exemption Certificates and the procedures for requiring same.

Recognizing that every athlete who is found to have committed an Anti- Doping Rules violation has a right to be heard, Part IV of the Bill seeks to provide for the establishment of both a Disciplinary Panel and an Appeals Tribunal.

Part V of the Bill seeks to make the disclosure of any information obtained in the course of the administration of this Bill an offence punishable on summary conviction. This Part also seeks to make provision for the Minister to make any regulations under this Bill.

The First, Second and Third Schedules set out the composition and procedure of The Bahamas Anti-Doping Commission, the Disciplinary Panel and the Appeals Tribunal, respectively.