

Changes to British Racing's Equine Anti-Doping Rules, from 1 September 2020

The new Rules do not require any changes to the processes or safeguards put in place by Trainers in their yards.

The main changes to the Rules, which were last updated in [2015](#), relate to the circumstances in which the Responsible Person may be found in breach of the Rules but not be penalised when a case is heard in front of the independent Disciplinary Panel. Trainers are the Responsible Persons under the Rules for any horse in their care.

A summary of the changes that will take effect on 1 September 2020, and the reasoning behind them, are below. The new Rules can be read in full by clicking "(Forthcoming)" on the [Rules of Racing Website](#).

- 1. If a horse tests positive for a prohibited substance, in order to avoid a penalty the responsible person must establish the precise source of the positive finding and that they had taken all reasonable precautions*

Previously, the circumstances in which a responsible person could avoid a penalty depended on both establishing that the prohibited substance or method was not administered intentionally and that all reasonable precautions had been taken. (The old Rules can be viewed [here](#)).

The burden must be on the Responsible Person to establish the source of the positive sample as to place the burden on the regulator would make enforcing an effective anti-doping regime impossible, due to the access and resource implications. However, it is right that a Responsible Person can avoid sanction where they can establish that they have been a victim of malicious and therefore an intentional administration.

The new Rule will bring British racing's equine anti-doping Rules further into line with other sports and ensure clarity for all involved in anti-doping breaches whether that is the BHA, the responsible person or the independent Disciplinary Panel.

Along with the Rules being changed and re-drafted, new penalties are also in place for some breaches. These can also be read by clicking "(Forthcoming)" on the [Rules website](#).

- 2. Cautions now available for lower level breaches*

Cautions have been introduced as penalties for lower level breaches of the Rules. This is to mitigate the impact particularly on smaller yards, who otherwise have a good record of compliance with the Rules and can demonstrate that reasonable precautions have been taken, and who previously may have been adversely affected by having to pay even an entry point financial penalty for a breach of the Rules.

- 3. Suspended sanctions are available for breaches*



In certain circumstances penalties for breaches may now carry an element of a suspended sanction.

A suspended sanction will now be available in limited circumstances in relation to a positive finding for a substance prohibited at all times as well. Previously, the entry point was a 2-year disqualification with a range of 1 – 10 years. There was no provision for any other penalty within the guidelines. The Responsible Person will have to establish that they had no knowledge of how the substance came to be present in the sample and have had reasonable precautions in place.

It is noted that the National Trainers Federation (NTF) lobbied for the independent Disciplinary Panel to be given the option of a financial-only penalty for lower level breaches, rather than a suspended disqualification plus a financial penalty.

Their view was that because of the assessment of culpability for this level of breach, even a suspended disqualification is too high a penalty in some circumstances because of the reputational damage it could cause.

British racing has a firm zero-tolerance policy on substances prohibited at all times. In line with this, the BHA maintains that financial penalties are not appropriate following positive samples of substances prohibited at all times.