



Issued Decision

Rugby Football Union and James Apperley

Disciplinary Proceedings under Regulation 20 of the Rugby Football Union

This is an Issued Decision made by the Rugby Football Union ('RFU') pursuant to the Anti-Doping Rules ('ADR') of the RFU. It concerns Anti-Doping Rule Violations ('ADRVs') committed by Mr James Apperley contrary to the ADR and records the applicable Consequences.

Capitalised terms used in this Decision shall have the meaning given to them in the ADR unless otherwise indicated.

Background and Facts

1. The RFU is the National Governing Body ('NGB') for rugby union in England. UK Anti-Doping ('UKAD') is the National Anti-Doping Organisation ('NADO') in the United Kingdom. Pursuant to RFU Regulation 20, the RFU has adopted, as its own ADR, the UK Anti-Doping Rules¹ in relation to all anti-doping activities carried out by UKAD.
2. Mr Apperley is a 29-year-old semi-professional rugby union player who, in September 2022, was registered with Bishop's Stortford RFC ('BSRFC'). In the 2022-23 season, BSRFC competed in the National League 1.

¹ Version 1.0, in effect from 1 January 2021.

3. On 22 September 2022, UKAD Doping Control Personnel ('DCP') attended BSRFC to conduct a Testing mission ('the Mission'). Mr Apperley was selected to provide a urine Sample and did so without issue. Analysis of this Sample did not return an Adverse Analytical Finding ('AAF') for the presence of Prohibited Substances.
4. After the Mission, Mr Apperley attended the BSRFC bar and spoke to a physiotherapist employed by BSRFC. During that conversation, Mr Apperley made admissions regarding the Use of Selective Androgen Receptor Modulators ('SARMs') in July 2022. He did not name the specific substances that he used.
5. The matter was reported to other staff at BSRFC who agreed that this classified as an admission of taking a Prohibited Substance and the decision was made to inform UKAD via the Protect Your Sport hotline. Mr Apperley was suspended by BSRFC on 5 October 2022. Additionally, Mr Apperley provided a statement to the effect that there was no one else complicit in his activity and he was solely responsible for his actions. Within that statement he repeated his admission to using Prohibited Substances, but again did not name the specific substances.
6. On 11 January 2023, Mr Apperley was interviewed by members of UKAD's Investigations and Intelligence team. During the interview, he made admissions to the online purchase, Possession and Use of RAD-140 (Testolone) and Ligandrol (LGD-4033).
7. RAD-140 and Ligandrol are listed on the 2022 World Anti-Doping Agency ('WADA') Prohibited List under S1.2 Other Anabolic Agents. Both RAD-140 and Ligandrol are non-Specified Substances and are prohibited at all times (i.e. In- and Out-of-Competition).
8. On 14 January 2023, the RFU imposed an Interim Suspension on Mr Apperley prohibiting his participation in rugby union in England.
9. Between 11 January and 11 May 2023, UKAD conducted further inquiries with Mr Apperley and BSRFC staff in order to corroborate the information provided by Mr Apperley in his interview

10. On 25 August 2023, UKAD sent Mr Apperley a notification letter (the ‘Notice Letter’). The Notice Letter confirmed the imposition of a Provisional Suspension and formally notified Mr Apperley, in accordance with ADR Article 7.8, that he may have committed ADRVs pursuant to ADR Article 2.2 (Use or Attempted Use by an Athlete of a Prohibited Substance or a Prohibited Method) and ADR Article 2.6 (Possession of a Prohibited Substance).
11. On 15 September 2023, Mr Apperley provided a response to the Notice Letter in which he admitted the Use and Possession of the Prohibited Substances, Lingandrol and RAD-140, referred to in paragraph 7 above. Mr Apperley stated in a witness statement that at the end of the 2021-22 season he became ill and consequently lost a considerable amount of weight. A friend of Mr Apperley’s suggested that he should purchase some products online to help regain the weight lost through illness. He said that he purchased those products on 1 April 2022 and went on to Use those products for a period of three or four weeks. Mr Apperley stated that he did not know the products were Prohibited Substances but accepted that he did not conduct any research on them prior to purchase. Mr Apperley said that he regretted not checking the status of the products and had he conducted further research into them, he would never have taken them.
12. On 18 September 2023, UKAD issued the RFU with a Notification of Case to Answer providing the RFU with the authority to charge Mr Apperley with ADRVs pursuant to ADR Article 2.2 and ADR Article 2.6, in accordance with ADR Article 7.11 and RFU Regulation 20.13.4.
13. On 24 October 2023, the RFU proceeded to issue Mr Apperley with a Charge Letter in accordance with ADR Article 7.11.2. The Charge Letter asserted the commission of ADRVs pursuant Article 2.2 and Article 2.6.

Admission and Consequences

14. On 14 November 2023, Mr Apperley provided a response to the Charge Letter. He reiterated his earlier admissions to the ADRVs.
15. ADR Article 2.2 provides that the following is an ADRV:

2.2 Use or Attempted Use by an Athlete of a Prohibited Substance or a Prohibited Method, unless the Athlete establishes that the presence is consistent with a TUE granted in accordance with Article 4.

16. ADR Article 2.6 provides that the following is an ADRV:

2.6 Possession of a Prohibited Substance or a Prohibited Method, unless the Athlete establishes that the Use or Attempted Use is consistent with a TUE granted in accordance with Article 4. ?

17. ADR Article 10.2 provides as follows:

10.2 Imposition of a period of Ineligibility or the Presence, Use or Attempted Use, or Possession of a Prohibited Substance and/or a Prohibited Method.

The period of Ineligibility for an Anti-Doping Rule Violation under Article 2.1, 2.2 or 2.6 that is the Athlete's or other Person's first anti-doping offence shall be as follows, subject to potential elimination, reduction, or suspension pursuant to Article 10.5, 10.6 or 10.7:

10.2.1 Save where Article 10.2(a) applies, the period of Ineligibility shall be four (4) years where:

(a) The Anti-Doping Rule Violation does not involve a Specified Substance or a Specified Method, unless the Athlete or other Person can establish that the Anti-Doping Rule Violation was not intentional.

(b) [...]

10.2.2 If Article 10.2.1 does not apply, then (subject to Article 10.2.4(a)) the period of Ineligibility shall be two (2) years.

18. In accordance with ADR Article 10.2.1(a), since this matter concerns non-Specified Substances, the period of Ineligibility to be imposed shall be four (4) years, unless

Mr Apperley can establish on the balance of probabilities, that the ADRVs were not 'intentional' (within the meaning of ADR Article 10.2.3).

19. Within his responses to UKAD and the RFU, Mr Apperley has admitted the ADRVs with which he has been charged. Ultimately, Mr Apperley has not sought to establish that his ADRVs were not 'intentional' (within the meaning of ADR Article 10.2.3). Accordingly, Mr Apperley is not entitled to a two (2) year period of Ineligibility pursuant to ADR Article 10.2.2 or any reduction pursuant to ADR Article 10.5 (no Fault or Negligence) or ADR Article 10.6 (no Significant Fault or Negligence) thereafter.
20. For the purposes of imposing a sanction, the ADRVs will be considered together as single first violation, pursuant to ADR Article 10.9.4.

10.9.4 Additional rules for certain potential multiple offences:

(a) For the purposes of imposing sanctions under Article 10.9, except as provided in Articles 10.9.4(b) and 10.9.4(c) an Anti-Doping Rule Violation will only be considered a second (or third, as applicable) Anti-Doping Rule Violation if UKAD can establish that the Athlete or other Person committed the additional Anti-Doping Rule Violation after they received notice, or after UKAD or its designee made a reasonable attempt to give notice, of the first (or the second, as applicable) Anti-Doping Rule Violation. Otherwise, the first and second Anti-Doping Rule Violations (or the second and third Anti-Doping Rule Violations as applicable shall be considered as one single first Anti-Doping Rule Violation, and the sanction imposed shall be based on the Anti-Doping Rule Violation that carries the most severe sanction...

21. The asserted period of Ineligibility for both ADRVs is therefore four (4) years.

Application of ADR Article 10.8.1

22. ADR Article 10.8.1 provides:

10.8.1 One (1) year reduction for certain Anti-Doping Rule Violations based on early admission and acceptance of sanction:

Where UKAD sends an Athlete or other Person a Charge Letter for an Anti- Doping Rule Violation that carries an asserted period of Ineligibility of four (4) or more years (including any period of Ineligibility asserted under Article 10.4), if the Athlete or other Person admits the violation and accepts the asserted period of Ineligibility no later than twenty (20) days after receiving the Charge Letter, they shall receive a one (1) year reduction in the period of Ineligibility asserted by UKAD. Where the Athlete or other Person receives the one (1) year reduction in the asserted period of Ineligibility under this Article 10.8.1, no further reduction in the asserted period of Ineligibility shall be allowed under any other Article.

23. Mr Apperley admitted the ADRVs and accepted the asserted period of Ineligibility of four (4) years on 14 November 2023 (having been sent the Charge Letter on 24 October 2023). Accordingly, ADR Article 10.8.1 applies and Mr Apperley shall receive a one (1) year reduction to the period of Ineligibility of four (4) years. The period of Ineligibility to be imposed is therefore three (3) years.

Commencement of period of Ineligibility

24. ADR Article 10.13 requires that the period of Ineligibility starts on the date Ineligibility is accepted or otherwise imposed where there is no hearing.
25. However, ADR Article 10.13.2 allows for credit to be given against the total period of Ineligibility to be served where an Athlete has been provisionally suspended and has respected the terms of that Provisional Suspension.
26. Mr Apperley had been subject to a Provisional Suspension since the date of the Notice, i.e. since 25 August 2023.

27. Mr Apperley, in his response to the RFU Charge Letter on the 15 November 2023, asserted that, pursuant ADR Article 10.13.1 (Delays not attributable to the Athlete or Other Person) there had been a substantial delay between Mr Apperley's admission to the ADRVs and UKAD issuing the Notice Letter and imposing a Provisional Suspension.
28. Following a review of the timeline of events from Mr Apperley's initial admission to the issuing of the Notice Letter, the RFU, in consultation with UKAD, determined that there were delays in the process not attributable to Mr Apperley, and therefore his period of Ineligibility should commence on 25 January 2023.

Status during Ineligibility

29. During the period of Ineligibility, in accordance with ADR Article 10.14.1, Mr Apperley shall not be permitted to participate in any capacity (or assist any Athlete participating in any capacity) in a Competition, Event or other activity (other than authorised anti-doping education or rehabilitation programmes) organised, convened, authorised or recognised by:
 - a) The RFU or any body that is a member of, or affiliated to, or licensed by the RFU;
 - b) Any Signatory;
 - c) Any club or other body that is a member of, or affiliated to, or licensed by, a Signatory or a Signatory's member organisation;
 - d) Any professional league or any international or national-level Event organisation; or
 - e) Any elite or national-level sporting activity funded by a governmental agency.
30. Mr Apperley may return to train with a team or to use the facilities of an RFU club or a Signatory's member organisation during the last two months of his period of Ineligibility (i.e., from 11.59pm on 24 November 2026) pursuant to ADR Article 10.14.4(b).

Summary

31. For the reasons given above, the RFU has issued this Decision in accordance with ADR Article 7.12.2, and records that:

- a) Mr Apperley has committed ADRVs pursuant to ADR Articles 2.2 and 2.6;
- b) In accordance with ADR Article 10.9.4(a) the ADRVs are considered as one single ADRV for the purposes of imposing a sanction;
- c) In accordance with ADR Article 10.8.1, Mr Apperley is entitled to a one (1) year reduction to the asserted period of Ineligibility of four (4) years. A period of Ineligibility of three (3) years is therefore imposed;
- d) Acknowledging Mr Apperley's Provisional Suspension and the time afforded for delays not attributable to Mr Apperley (pursuant to ADR Article 10.13.1), the period of Ineligibility is deemed to have commenced on 25 January 2023 and will expire at 11:59pm on 24 January 2026.
- e) Mr Apperley's status during the period of Ineligibility shall be as detailed in ADR Article 10.14.

32. Mr Apperley, UKAD, World Rugby, and WADA have a right to appeal against this Decision or any part of it in accordance with ADR Article 13.4.

33. The Decision is due to be publicly announced via UKAD's website in accordance with ADR Article 8.5.3 and ADR Article 10.15.

10 December 2024