

THE ANTI-DOPING IN SPORT ACT, 2014

(Act 22 of 2014)

ARRANGEMENT OF SECTIONS

PART I—Preliminary

1. Short title and commencement.
2. Interpretation.
3. Objects of Act.
4. Application

PART II.—Jamaica Anti-Doping Commission Establishment and Functions

5. Establishment of Jamaica Anti-Doping Commission.
6. Functions of Commission.

Board of Directors

7. Establishment of Board of Directors.
8. Functions of Board.
9. Minister may give directions to Board.

Executive Director and Other Staff

10. Appointment of officers and other employees.
11. Pensions, gratuities and other retiring benefits.
12. Functions of Executive Director.
13. Delegation.

PART III—Independent Anti-Doping Disciplinary Panel

14. Establishment of Independent Anti-Doping Disciplinary Panel.
15. Functions of Disciplinary Panel.
16. Disciplinary Panel may regulate proceedings.

PART IV—Anti-Doping Appeal Tribunal

17. Establishment of Appeal Tribunal.
18. Appeals to Appeal Tribunal.

19. Appeal Tribunal may regulate proceedings.

PART V—General

20. Obligation for secrecy.

21. Protection of Persons exercising functions under this Act, *etc.*

22. Regulations.

23. *Anti-Doping Rules.*

24. Minister may amend monetary penalties and Schedules.

25. Repeal.

PART VI—Transitional

26. Interpretation of Part VI.

27. Transitional provisions, general.

28. Transitional provisions, permanent staff.

29. Transitional provisions, contract officers.

30. Saving of actions and investigations.

SCHEDULES.

JAMAICA

No. 22 — 2014

I assent,

[L.S.]

(sgd) P. L. Allen
Governor-General.

23rd day of December, 2014

AN ACT to Repeal the Anti-Doping in Sport Act, 2008 and make new provisions for the prevention and control of doping in sport; and for connected matters.

[1st day of January, 2015]

BE IT ENACTED by The Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Representatives of Jamaica, and by the authority of the same, as follows:—

PART I—*Preliminary*

1. This Act may be cited as the Anti-Doping in Sport Act, 2014 and shall come into operation on the 1st day of January, 2015.

Short title and commencement.

- Interpretation.** **2.—(1)** In this Act, unless the context otherwise requires—
- “anti-doping” means related to the prevention or control of doping;
- “Anti-Doping Organization” includes—
- (a) the International Olympic Committee;
 - (b) the International Paralympic Committee;
 - (c) the World Anti-Doping Agency;
 - (d) an International Federation;
 - (e) a Major Event Organization that conducts Testing at its Events;
 - (f) the Commission;
 - (g) any other National Anti-Doping Organization; and
 - (h) any signatory to the Code that is responsible for adopting rules for initiating, implementing or enforcing any part of the Doping Control process;
- “Anti-Doping Rules” means the Anti-Doping Rules made under section 23;
- “Anti-Doping Rule Violation” means circumstances and conduct that constitute an Anti-Doping Rule Violation as specified in the Code;
- “Appeal Tribunal” means the Anti-Doping Appeal Tribunal established by section 17;
- “Athlete” means, subject to subsections (2), (3), (4) and (5), a Person who competes in sport as an International-Level Athlete or as a National-Level Athlete;
- “Athlete Support Personnel” means 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 sport Competition;

“Board” means the Board of Directors of the Commission established by section 7;

“Code” means the World Anti-Doping Code and any amendments to the Code adopted by the World Anti-Doping Agency, from time to time;

“commencement date” means the day appointed under section 1 for the coming into operation of this Act;

“Commission” or “JADCO” means the Jamaica Anti-Doping Commission established by section 5;

“Competition” means a single race, match, game, singular sport contest, stage race or other sport contest;

“Consequences of Anti-Doping Rule Violation” or “Consequences” means one or more of the following Consequences resulting from an Athlete’s or other Person’s violation of an Anti-Doping Rule—

- (a) Disqualification, that is to say, 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, that is to say, 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 10.12.1 of the Code;
- (c) Provisional Suspension, that is to say, 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, that is to say, 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 or Public Reporting, that is to say, 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,

so, however, that Teams in Team Sports may also be subject to Consequences as provided in Article 11 of the Code;

“Court of Arbitration for Sport” means the Court of Arbitration for Sport based in Lausanne, Switzerland;

“Disciplinary Panel” means the Independent Anti-Doping Disciplinary Panel established by section 14;

“document” means anything in which information of any description is recorded;

“doping” means the occurrence of one or more Anti-Doping Rule Violations as specified in the Code;

“Doping Control” means all the steps and processes from test distribution planning through to ultimate disposition of any appeal, including all steps and processes in between, such as provision of whereabouts information, Sample collection and handling, laboratory analysis, Therapeutic Use Exemptions, results management and hearings;

“Event” means a series of individual Competitions conducted together under one ruling body;

“Executive Director” means the Executive Director of the Commission appointed under section 10(1);

“functions” includes powers and duties;

“Government company” means a company registered under the *Companies Act*, being a company in which the Government or an agency of Government, is in a position to direct the policy of that company;

“guardian”, in relation to a Minor, means any Person who, for the time being, has charge of or control over the Minor;

“In-Competition” means the period commencing twelve hours before a Competition in which an Athlete is scheduled to participate through to the end of the Competition and the Sample collection process related to the Competition;

“In-Competition Testing” means, for purposes of differentiating between In-Competition Testing and Out-of-Competition Testing, unless provided otherwise in the rules of an International Federation or other relevant Anti-Doping Organization, Testing where an Athlete is selected for In-Competition Testing in connection with a specific Competition;

“International Event” or “International Competition” means 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 Competition or appoints the technical officials for the Event or Competition;

“International Federation” means in relation to a particular type of sport Event or sporting activity, a body having international control over that sport, sport Event or sporting activity and which is recognized by the International Olympic Committee or Sport Accord;

“International-Level Athlete” means an Athlete who competes 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 23, 1894 and entrusted with the control and development of the modern Olympic Games;

“International Standard” means a standard adopted by WADA in support of the Code and any Technical Document issued pursuant to the International Standard; so, however, that 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;

“local authority” means—

- (a) in relation to the parishes of Kingston and St. Andrew, the Council of the Kingston and St. Andrew Corporation as constituted under the *Kingston and St. Andrew Corporation Act*;
- (b) in relation to any other parish, the Parish Council of that Parish as constituted under the *Parish Councils Act*; or

- (c) in relation to a municipality, a Municipal Council established under the *Municipalities Act*;

“Major Event Organization” means the continental associations of National Olympic Committees and other international multi-sport organizations that function as the ruling body for any continental, regional or other International Event;

“Minor” means a natural Person who has not reached the age of eighteen years;

“National Anti-Doping Organization” means in relation to—

- (a) Jamaica, the Commission;
- (b) any other country—
 - (i) an entity designated by that country as possessing the primary authority and responsibility to adopt and implement Anti-Doping Rules, direct the collection of Samples, and the results management process, and conduct hearings at the national level; and
 - (ii) where such designation has not been made by the competent public authority of the country, that country’s National Olympic Committee or its designee;

“National Event” means a sport Event or Competition involving International-Level Athletes or National-Level Athletes that is not an International Event;

“National Federation” in relation to a particular sport, means in respect of any country, a Sporting Organization that is recognized by the relevant International Federation as being the organization responsible for administering the affairs of that sport, or of a substantial part or section of that sport, in that country;

“National-Level Athlete” means an Athlete who competes in sport at the national level, as defined by each National Anti-Doping Organization, consistent with the International Standard for Testing and Investigations;

“National Olympic Committee” means the organization recognized as the National Olympic Committee by the International Olympic Committee (including the National Sport Confederation in countries where the National Sport Confederation assumes typical National Olympic Committee responsibilities in the anti-doping area);

“Out-of-Competition” means any period which is not In-Competition;

“Person” means a natural Person or an organization or other entity;

“Prohibited List” means the WADA Prohibited List identifying the Prohibited Substances and Prohibited Methods, as amended from time to time, and which is published and revised by WADA as described in the Code;

“Prohibited Method” means any method so described on the Prohibited List;

“Prohibited Substance” means any substance, or class of substances, so described on the Prohibited List;

“public body” means a statutory body or authority or any Government company, but does not include an Executive Agency designated under the *Executive Agencies Act*;

“Registered Testing Pool” means 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 focussed In-Competition Testing and Out-of-Competition Testing as part of each International Federation’s or National Anti-Doping Organization’s test distribution plan and therefore are required to provide whereabouts information as provided in the Code and the International Standard for Testing and Investigations;

“Sample” means any biological material collected for the purpose of Doping Control;

“Signatories” means those entities signing the Code and agreeing to comply with the Code, as provided in Article 23 of the Code;

“Sporting Organization” includes an organization that—

- (a) has control in a particular country, or part of a country, or internationally, of one or more sport or sport Events;
- (b) organizes or administers one or more sport or sport Events;
- (c) accredits Persons to take part in sport Competition;
- (d) provides teams to compete in sport Competition; or

(e) trains, or provides finance for, a Person to take part in sport Competition;

“Team Sport” means a sport in which the substitution of players is permitted during a Competition;

“Testing” means the parts of the Doping Control process involving test distribution planning, Sample collection, Sample handling, and Sample transport to the laboratory;

“Therapeutic Use Exemption” or “TUE” means an exemption granted in accordance with the World Anti-Doping Agency International Standard for Therapeutic Use Exemptions;

“Use”, in relation to any Prohibited Substance or Prohibited Method, means the utilization, application, ingestion, injection or consumption by any means of the Prohibited Substance or Prohibited Method;

“whereabouts information” means the information that is to be provided by an International-Level Athlete or a National-Level Athlete, regarding his location, to the International Sport Federation or National Anti-Doping Organization that has included the Athlete in the Registered Testing Pool;

“World Anti-Doping Agency” or “WADA” means the body known as the World Anti-Doping Agency founded by the International Olympic Committee and constituted as a foundation in Lausanne, Switzerland.

(2) The Commission may apply Anti-Doping Rules to a Person who competes in sport and who is neither an International-Level Athlete nor a National-Level Athlete and thus bring him within the definition of “Athlete.”.

(3) In relation to Athletes who are neither International-Level Athletes nor National-Level Athletes, the Commission may elect to—

- (a) conduct limited Testing or no Testing at all;
- (b) analyze Samples for less than the full menu of Prohibited Substances;
- (c) require limited or no whereabouts information; or
- (d) not require advance Therapeutic Use Exemptions.

(4) If an anti-doping rule violation under Article 2.1, 2.3 or 2.5 of the Code is committed by any Athlete over whom an Anti-Doping Organization has authority who competes below the international or national level, then the Consequences set forth in the Code (except Article 14.3.2) shall be applied.

(5) 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.

3. The objects of this Act are to —

Objects of Act.

- (a) protect the Athlete's right to participate in doping-free sport and thus promote health, fairness and equality for Athletes worldwide;
- (b) ensure harmonized, coordinated and effective sports anti-doping programmes at the national level and international level with regard to the detection, deterrence and prevention of doping;
- (c) make new provisions for the prevention and control of doping in sport; and
- (d) establish the Commission as an independent body charged with the implementation of the Code and the International Standards in Jamaica.

Application.

4.—(1) This Act applies to—

- (a) **the Commission;**
- (b) **National Federations; and**
- (c) **the following Persons (including Minors) whether or not any of the Persons is a national of, or resident in, Jamaica—**
 - (i) **Athletes and Athlete Support Personnel who are members or licensees of any National Federation in Jamaica, or of any member or affiliate organization of any National Federation in Jamaica (including any clubs, teams, associations or leagues);**
 - (ii) **Athletes and Athlete Support Personnel who participate in such capacity in Events, Competitions and other activities organized, convened, authorized or recognized by any National Federation in Jamaica, or by any member or affiliate organization of any National Federation in Jamaica (including any clubs, teams, associations or leagues), wherever held;**
 - (iii) **any other Athlete or Athlete Support Personnel or other Person who, by virtue of an accreditation, a licence or contractual arrangement, or otherwise, is subject to the jurisdiction of any National Federation in Jamaica, or of any member or affiliate organization of any National Federation in Jamaica (including any clubs, teams, associations or leagues), for purposes of anti-doping;**
 - (iv) **Athletes and Athlete Support Personnel who participate, in any capacity, in any activity organized, held, convened or authorized by the**

organizer of a National Event, or of a national league that is not affiliated with a National Federation; and

- (v) other Persons over whom the Code, International Standards or the Anti-Doping Rules give jurisdiction to the Commission, including Athletes who are nationals of, or resident in, Jamaica, and Athletes who are present in Jamaica, whether to compete or to train or otherwise.

(2) Persons, including National Federations, falling within the scope of the Code are deemed to have accepted and to have agreed to be bound by the Anti-Doping Rules, and to have submitted to the authority of the Commission to enforce the Anti-Doping Rules and to the jurisdiction of the hearing panels specified in Article 8 of the Code and Article 13 of the code to hear and determine cases and appeals brought under the Anti-Doping Rules, as a condition of their membership, accreditation or participation in their chosen sport.

**PART II—*Jamaica Anti-Doping Commission
Establishment and Functions***

5.—(1) For the purposes of this Act, there is established a body to be called the Jamaica Anti-Doping Commission which shall be a body corporate to which section 28 of the *Interpretation Act* applies.

Establishment
of Jamaica
Anti-Doping
Commission.

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

First Schedule.

6.—(1) The Commission shall perform such functions as are necessary to facilitate the control and prevention of doping in sport, including—

Functions of
Commission.

- (a) the development and implementation of internal policies, systems and procedures to ensure proper implementation of policies and programmes against doping in sport;

- (b) doing all things as are necessary to comply with and implement the Code, the International Standards and the Anti-Doping Rules;
 - (c) planning, implementing and monitoring information and education programmes aimed at educating Athletes, Athlete Support Personnel, parents, guardians, the media and the general public in Jamaica 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 in regard to doping in sport; and
 - (viii) Consequences of committing an Anti-Doping Rule Violation;
 - (d) establishing a Registered Testing Pool of National-Level Athletes;
 - (e) directing the anti-doping programme of the Government specific to sport, including conducting Testing of Athletes, planning, coordinating, and implementing the collection of Samples and the management of Test results in keeping with the International Standards;
 - (f) Testing any Athlete, whether or not the Athlete is a citizen of, or resident in, Jamaica;
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- (g) pursuing potential Anti-Doping Rule Violations and activities that facilitate doping, including investigation into whether Athletes, Athlete Support Personnel or other Persons are or may have been involved in doping and ensuring proper enforcement of Consequences;
- (h) notifying test results to Athletes and Anti-Doping Organizations in accordance with the Code, the International Standards and the Anti-Doping Rules;
- (i) entering into reciprocal testing agreements with National Anti-Doping Organizations in relation to any Athlete;
- (j) cooperating with the Testing and education initiatives of WADA and other Anti-Doping Organizations;
- (k) initiating, carrying out, supporting, facilitating, encouraging, conducting and promoting, by financial means or otherwise, research which, in its opinion, is relevant to any of its functions;
- (l) consulting with, advising and assisting—
 - (i) public bodies, the Jamaica Olympic Association, National Federations, educational institutions and other Persons on any matter related to doping in sport; or
 - (ii) foreign governments and non-governmental organizations and other Persons outside of Jamaica, for the purpose of promoting the adoption of uniform international testing procedures for doping in sport;
- (m) publishing the Prohibited List and any revision of the Prohibited List;
- (n) conducting seminars and providing appropriate training

- (o) ensuring that the operations of the Commission are, where applicable, in conformity with—
 - (i) the *Financial Administration and Audit Act*, including any Financial Instructions issued by the Financial Secretary under section 51 of that Act;
 - (ii) the *Public Bodies Management and Accountability Act*; and
 - (iii) any other law relevant to the management of public bodies; and
 - (p) performing any other functions relating to doping in sport that are conferred on the Commission by or under this Act or any other enactment.
- (2) In the performance of its functions, the Commission—
- (a) subject to the provisions of this Act and the Code, shall not be subject to the direction or control of any Person or authority other than the Supreme Court by way of judicial review;
 - (b) shall act independently, impartially, fairly and in the public interest;
 - (c) shall develop appropriate procedures to—
 - (i) reflect the needs of Athletes who are Minors;
 - (ii) reflect the culture and any disabilities or other special concerns of Athletes; and
 - (iii) protect each Athlete's right to privacy; and
 - (d) may do all such things as it considers necessary or expedient for the purpose of carrying out its functions.

Board of Directors

Establishment
of Board of
Directors.

7.—(1) For the purposes of this Act, there is established a Board of Directors of the Commission.

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

Second
Schedule.

8.—(1) The Board shall, subject to the provisions of this Act, be responsible for the policy, strategic direction and governance of the Commission.

Functions of
Board.

(2) In the performance of its functions, the Board shall—

- (a) monitor the administrative operations of the Commission;
- (b) ensure that the Executive Director, other officers and employees of the Commission comply with the Code, the International Standards and the Anti-Doping Rules;
- (c) advise the Minister on any matter relating to doping in sport;
- (d) develop and approve the rules to be made by the Commission under section 23; and
- (e) assist in ensuring that the Commission receives and manages funds in a prudent manner.

9.—(1) The Minister may, after consultation with the chairman of the Board, give to the Board directions in writing of a general character as to the policy to be followed by the Board in the performance of its functions, as appear to the Minister to be necessary in the public interest; and the Board shall give effect thereto.

Minister may
give directions
to Board.

(2) Directions given under subsection (1) shall not relate to—

- (a) a particular Athlete or particular Athlete Support Personnel; or
- (b) Doping Control.

Executive Director and Other Staff

10.—(1) Subject to subsection (2), the Board may appoint and employ an Executive Director of the Commission, at such remuneration and on such terms and conditions as it thinks fit.

Appointment
of officers and
other
employees.

(2) An individual who would not be eligible to be an appointed member of the Board by virtue of paragraph 2 of the Second Schedule is not eligible to be appointed as Executive Director.

(3) For the proper carrying out of the provisions of this Act, the Executive Director may appoint and employ to any office with the Commission, officers and employees, at such remuneration and on such terms and conditions as he thinks fit.

(4) For the purposes of subsections (1) and (3) and except with the prior approval of the Minister responsible for the public service—

- (a) no salary in excess of the prescribed rate shall be assigned to any office; and
- (b) no appointment shall be made to any office to which a salary in excess of the prescribed rate is assigned.

(5) For the purposes of subsection (4), the “prescribed rate” shall be such rate as the Minister responsible for the public service may prescribe by order subject to affirmative resolution.

(6) The Governor-General may, subject to such conditions as he may impose, approve the appointment of any officer in the service of the Government to any office with the Commission and any officer so appointed or while so employed, shall in relation to other rights as a public officer be treated as continuing in the service of the Government.

(7) The Executive Director shall consult with the Board in establishing the qualification for the various offices within the Commission and shall advise the Board on all appointments to fill such offices.

Pensions,
gratuities and
other retiring
benefits.

11. The Commission may, with the approval of the Minister responsible for the public service—

- (b) make regulations,

for medical benefits, pensions, gratuities and other retiring benefits or disability or death benefits, relating to officers and employees of the Commission and such arrangements or regulations may include provisions for the grant of benefits to the dependants and the legal personal representatives of such officers and employees.

12.—(1) The Executive Director shall be responsible for the day-to-day administration and management of the Commission.

Functions of
Executive
Director.

(2) The Executive Director shall be responsible for planning, directing, supervising and coordinating the activities of the Commission in the performance of the functions conferred upon the Commission by section 6, including—

- (a) the development of the programmes, performance targets and service standards of the Commission for the approval of the Board;
- (b) implementation of the programmes, performance targets and services standards referred to in paragraph (a);
- (c) the preparation and submission of the strategic, corporate and other plans for the approval of the Board;
- (d) ensuring administrative support for the Board and any committees of the Board established under the Second Schedule, as is required;
- (e) ensuring that the Board is kept abreast of matters relevant to the administration and management of the Commission;
- (f) the performance of such other functions as are conferred upon the Executive Director by or under this Act or any other enactment.

(3) The Executive Director shall have regard to the advice and recommendations given to the Executive Director by the Board.

Delegation.

13.—(1) Subject to subsections (2) and (3), the Executive Director may delegate any of the functions conferred upon him by section 12(2) to any other officer, or employee or agent of the Commission.

(2) The Executive Director shall not delegate any of the functions under subsection (1) to an agent without the approval of the Board.

(3) Every delegation under subsection (1) is revocable by the Commission and the delegation of a function shall not preclude the performance of that function by the Commission.

PART III—Independent Anti-Doping Disciplinary Panel

Establishment
of Independent
Anti-Doping
Disciplinary
Panel.
Third
Schedule.

14.—(1) For the purposes of this Act, there is established a body to be called the Independent Anti-Doping Disciplinary Panel.

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

Functions of
Disciplinary
Panel.

15.—(1) The functions of the Disciplinary Panel shall be to—

- (a) receive, examine and hear evidence relating to Anti-Doping Rule Violations;
- (b) conduct disciplinary hearings relating to Anti-Doping Rule Violations referred to it by the Commission;
- (c) determine whether an Anti-Doping Rule Violation has occurred;
- (d) impose such Consequences as it considers appropriate in accordance with the Anti-Doping Rules; and
- (e) perform any other function that is conferred upon the Disciplinary Panel by this Act, the Anti-Doping Rules or any other regulations made under this Act.

(2) Subject to the Supreme Court's powers of judicial review, no final decision of, or Consequence imposed by, the Disciplinary Panel shall be quashed, varied or held invalid, by any arbitrator, tribunal, or

Person, except the Appeal Tribunal or the Court of Arbitration for Sport, as the case may be.

16.—(1) Subject to the provisions of this Act and the Code, the Disciplinary Panel may make rules regulating its own proceedings.

Disciplinary Panel may regulate proceedings.

(2) Rules made under subsection (1) shall be published in the *Gazette*.

PART IV—*Anti-Doping Appeal Tribunal*

17.—(1) There is hereby established a tribunal to be called the Anti-Doping Appeal Tribunal.

Establishment of Appeal Tribunal.

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

Fourth Schedule.

18.—(1) Any Person, including a Person mentioned in subsection (2), who is aggrieved by a decision of the Disciplinary Panel may appeal to the Appeal Tribunal in the manner prescribed.

Appeals to Appeal Tribunal.

(2) The Persons to whom subsection (1) relates include—

- (a) any Athlete or other Person who is the subject of the decision being appealed;
- (b) the Commission or, if other than the Commission, the National Anti-Doping Organization of the Person's country of residence or countries where the Person is a national or licence holder;
- (c) the relevant National Federation;
- (d) the relevant International Federation;
- (e) the International Olympic Committee or the International Paralympic Committee;
- (f) the Jamaica Olympic Association; and
- (g) WADA.

(3) Subject to the Supreme Court's power of judicial review, no final decision of, or Consequence imposed by, the Appeal Tribunal shall be quashed, varied or held invalid, by any arbitrator, tribunal or Person, except the Court of Arbitration for Sport.

Appeal
Tribunal may
regulate
proceedings.

19.—(1) Subject to the provisions of this Act and the Code, the Appeal Tribunal may, make rules regulating its own proceedings.

(2) Rules made under subsection (1) shall be published in the *Gazette*.

PART V—*General*

Obligation for
secrecy.

20.—(1) Every—

- (a) member of the Board;
- (b) officer, employee and agent of the Commission;
- (c) expert retained by the Commission to assist in its investigations and deliberations; and
- (d) Person having an official duty or being employed in the administration of this Act, the Anti-Doping Rules or any other regulations made under this Act,

shall regard and deal with as secret and confidential all information, books, records or other documents relating to the functions of the Commission coming to his knowledge in the course of the administration of this Act, the Anti-Doping Rules or any regulations made under this Act, except as provided under this Act, in the Anti-Doping Rules or any other regulations made under this Act.

(2) Except as provided in the Anti-Doping Rules or any other regulations made under this Act, every member of the Disciplinary Panel, and every member of the Appeal Tribunal, shall regard and deal with as secret and confidential all information, books, records or other document coming to his knowledge in the performance of his functions.

(3) Every Person who had an official duty or was employed in the administration of this Act, the Anti-Doping Rules or any other regulations made under this Act, shall maintain, after

such duty or employment is terminated, the secrecy and confidentiality of all information, books, records or other documents relating to the functions of the Commission.

(4) Any Person to whom information is communicated under this Act, the Anti-Doping Rules or any other regulations made under this Act, shall regard and deal with such information as secret and confidential, save as and to the extent otherwise provided in any other law.

(5) Every Person referred to in subsection (1), (2), (3) or (4) having possession of or control over any information, book, record or other document, who at any time communicates or attempts to communicate any such information or anything contained in such book, record or document to any Person, otherwise than for the purposes of this Act, the Anti-Doping Rules or any other regulations made under this Act, or—

- (a) to any Person, other than an investigative authority, except in accordance with applicable law; or
- (b) otherwise than pursuant to a court order,

commits an offence.

(6) A Person who commits an offence under subsection (5) is liable on summary conviction in a Resident Magistrate's Court to a fine not exceeding one million dollars.

(7) No obligation as to secrecy or other restriction upon the disclosure of information imposed by any law or otherwise shall prevent the Commission or its officers who are duly authorized, from disclosing information to any Anti-Doping Organization.

21.—(1) No civil or criminal action, suit or other proceedings may be brought, nor may any professional sanction be taken, against any Person, who in good faith (under this Act, the Anti-Doping Rules or any other regulations made under this Act) discloses to the Commission information requested by the Commission or submits a report or other document to the Commission.

Protection of
Persons
exercising
functions
under this
Act, etc.

(2) No suit or other proceedings may be brought or instituted personally in respect of any act done or omission made in good faith, against—

- (a) any officer, employee or agent of the Commission in the course of carrying out the provisions of this Act, the Anti-Doping Rules or any other regulations made under this Act; or
- (b) any member of the Disciplinary Panel, or any member of the Appeal Tribunal, in the performance of his functions under this Act, the Anti-Doping Rules or any other regulations made under this Act.

Regulations. **22.**—(1) The Commission may, with the approval of the Minister, make regulations providing for—

- (a) fees, charges and cost recovery measures to be imposed by the Commission for services provided by or on behalf of the Commission;
- (b) the fees payable under this Act; and
- (c) any other matter required by this Act that is not provided for under the Anti-Doping Rules.

(2) Notwithstanding section 29(b) of the *Interpretation Act*, regulations made under subsection (1) may provide in respect of a breach of any provision thereof, on summary conviction in a Resident Magistrate's Court, for a fine not exceeding one million dollars.

Anti-Doping Rules. **23.**—(1) The Commission may, in accordance with section (8)(2)(d), make anti-doping rules and, without limiting the generality of their scope, the rules may provide for—

- (a) initiating, implementing or enforcing Doping Control;
- (b) whereabouts information;
- (c) the collection and analysis of Samples;
- (d) results management;
- (e) hearings;
- (f) therapeutic use exemptions;

- (g) definition of anti-doping rule violations.
- (h) proof of doping;
- (i) investigations;
- (j) confidentiality and reporting;
- (k) application and recognition of decisions;
- (l) roles and responsibilities of athletes and other persons;
- (m) Consequences of Anti-Doping Rule Violations; and
- (n) the assessment of costs in disciplinary hearings.

(2) The Commission shall —

- (a) cause the Anti-Doping Rules to be published in the *Gazette*; and
- (b) make the Anti-Doping Rules available for inspection on the Internet.

(3) Where expressions defined for the purposes of, or used in, the Code are in the Anti-Doping Rules or in any other regulations made under this Act, the expressions shall have the respective meanings assigned to them by the Code, unless there is anything in the subject or context that is repugnant to, or inconsistent with, the meanings.

(4) The Anti-Doping Rules shall be made pursuant to the applicable provisions of the Code and shall be interpreted in a manner that is consistent with applicable provisions of the Code; and the comments annotating various provisions of the Code may, where applicable, assist in the understanding and interpretation of the Anti-Doping Rules.

24. The Minister may, by order, subject to affirmative resolution—

Minister may amend monetary penalties and Schedules.

- (a) amend or vary any monetary penalties prescribed in this Act; or
- (b) amend any of the Schedules to this Act.

25. The Anti-Doping in Sport Act, 2008, is repealed.

Repeal.

PART VI—*Transitional*

Interpreta-
tion of Part
VI.

26. In this Part—

“current Commission” means the Commission established by this Act;

“former Commission” means the Commission which immediately before the commencement date was established under the repealed Act;

“repealed Act” means the Anti-Doping in Sport Act, 2008, that is repealed by section 25.

Transitional
provisions,
general.

27.—(1) With effect from the commencement date, any property purchased by, belonging to or vested in the former Commission under the repealed Act, and all interests, rights and easements in respect of the said property shall, without any conveyance, assignment or transfer, belong to and be vested in the current Commission, subject to all and any trusts and to all debts, liabilities, encumbrances and obligations affecting the same and to any enactment regulating the management, maintenance, control, supervision, of and dealing with, the property.

(2) With effect from the commencement date there shall belong to and be vested in the current Commission, without any conveyance, assignment or transfer, all rights and liabilities of the former Commission.

(3) The current Commission shall, in relation to any property, rights and liabilities so belonging to and vested, have every right, power, privilege, immunity or duty which immediately before the commencement date was capable of being enjoyed or performed by the former Commission without any conveyance or assignment.

(4) On or after the commencement date—

(a) all references to the Executive Director of the former Commission in any enactment shall be construed as references to the Executive Director appointed under this Act;

- (b) any reference to the former Commission in any enactment shall be deemed to include a reference to the current Commission; and
- (c) except as provided in paragraph (a), any reference in any enactment to an officer or employee of the former Commission, shall be deemed to include a reference to an officer or employee of the current Commission.

28. On the commencement date, all Persons holding permanent appointments to offices under the former Commission shall be deemed to have been transferred to the service of the current Commission.

Transitional provisions, permanent staff.

29. All officers or employees who, at the commencement date, held offices or employment under the former Commission under a fixed term contractual arrangement, shall from that date be deemed to continue to hold under the current Commission the like or similar respective offices or employment on the same or no less favourable terms as they held those or similar offices or employment under the former Commission.

Transitional provisions, contract officers.

30.—(1) Notwithstanding the repealed Act, as from the commencement date, any legal, administrative or disciplinary proceedings or any claims pending immediately before the commencement date which, before the commencement date, were brought, continued or enforced by or against the former Commission, shall continue and be enforced by or against the current Commission in the same manner as they would have been continued and enforced had the repealed Act not been repealed.

Saving of actions and investigations.

(2) The Disciplinary Panel and the Appeal Tribunal established under the repealed Act shall, in respect of any proceedings referred to in subsection (1) and in addition to any powers conferred under this Act, have all the powers that the Disciplinary Panel and the Appeal

- (3) The current Commission may—
- (a) commence or assume any investigation or commence or conduct any proceeding in respect of Anti-Doping Rule Violations committed under the repealed Act, the Anti-Doping Rules or any other regulations made under the repealed Act, and the repealed Act, the Anti-Doping Rules and any other regulations made under the repealed Act shall be deemed to remain in full force and effect, for the purposes of the investigation, information and proceedings as they had been immediately before the commencement date; or
 - (b) continue or do any act, thing or investigation which was pending before the commencement date under the repealed Act, the Anti-Doping Rules or any other regulations made under the repealed Act.
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FIRST SCHEDULE

(Section 5)

*The Jamaica Anti-Doping Commission
Financial Provisions, Accounts and Reports*

1.—(1) The funds and resources of the Commission shall consist of— Funds and resources of Commission.

- (a) such sums as may, from time to time, be placed at the disposal of the Commission by Parliament; and
- (b) all other sums and other property which may, in any manner, become payable to or vested in the Commission in respect of any matter relating or incidental to its functions.

(2) The expenses of the Commission, including the remuneration of officers and employees, shall be paid out of the funds of the Commission.

2. All moneys of the Commission not immediately required to be expended for the purpose of meeting any of the obligations or discharging any of the functions of the Commission may be invested in such securities or other investment as may be approved, either specifically or generally, by the Minister responsible for finance and the Commission may sell any or all of the securities or other investment. Power to invest moneys, etc.

3.—(1) The Commission shall keep proper accounts and other records in relation to its business and shall prepare annually a statement of accounts in a form satisfactory to the Minister being a form which conforms with established accounting principles. Accounts and audit.

(2) The accounts of the Commission shall be audited annually by an auditor appointed by the Commission with the approval of the Minister.

(3) An auditor so appointed shall be a registered public accountant within the meaning of section 2 of the *Public Accountancy Act*.

(4) The members of the Board and the officers and employees of the Commission shall—

- (a) grant to the auditor appointed under paragraph (2), access to all books or other documents, cash and securities of the Commission; and

(b) give to the auditor, upon request, all such information as may be within their knowledge in relation to the business of the Commission.

(5) The auditor's fee and any expenses of the audit shall be paid by the Commission.

(6) The Auditor-General shall be entitled at all reasonable times to examine the accounts and other records of the Commission in relation to the business of the Commission.

Operating plan.

4. The Commission shall, not later than the 30th day of November in each year, submit to the Minister responsible for finance and the Minister, for his approval a corporate plan, an operating plan, and estimates of revenue and expenditure, for the ensuing financial year.

Returns, etc.

5. The Commission shall furnish the Minister with such returns, accounts and other information as he may require with respect to the activities of the Commission and afford him facilities for verifying the information in such manner and at such time as he may reasonably require.

Annual report.

6. —(1) The Commission shall prepare in the prescribed form and submit to the Minister responsible for finance and the Minister a quarterly, half-yearly and annual reports in accordance with the *Public Bodies Management and Accountability Act*.

(2) The Minister shall cause copies of the report together with the auditor's report to be laid on the table of the House of Representatives and the Senate.

Seal and Execution of Documents

Seal and execution of documents.

7.—(1) The seal of the Commission shall be—

- (a) kept in the custody of the chairman or the secretary of the Board; and
- (b) authenticated by the signatures of the chairman or any other member of the Commission authorized to act in that behalf by the Commission, and the secretary of the Board.

(2) All documents (other than those required by law to be under seal) made by and all decisions of, the Commission may be

SECOND SCHEDULE (Sections 7 and 12)

The Board of the Jamaica Anti-Doping Commission

1.—(1) The Board shall consist of—

- (a) not less than nine nor more than thirteen members appointed by the Minister by instrument in writing, being individuals who appear to the Minister to be appropriate for appointment under this paragraph (hereinafter referred to as the “appointed members”); and
- (b) the Executive Director and a senior public officer in the Ministry responsible for sport, nominated by the Permanent Secretary in the Ministry responsible for sport, who shall be the members *ex officio*.

Constitution
of Board.

(2) The appointed members shall include—

- (a) an individual who has demonstrated knowledge or experience in pharmacology or sports medicine;
- (b) an individual who is a former Athlete, former coach or former sports administrator;
- (c) an individual with a proven academic background in sport;
- (d) an individual who has demonstrated knowledge or experience in marketing or public relations;
- (e) an individual who has demonstrated knowledge or experience in financial accounting;
- (f) an individual who has demonstrated knowledge or experience in human resource management or general management; and
- (g) an attorney-at-law.

(3) No more than one-third of the appointed members may be public officers.

2.—(1) The following individuals shall not be eligible to be appointed members of the Board, that is to say—

Disqualifica-
tion for
appointment.

- (a) members of the House of Representatives or the Senate;

- (b) members of the Council of the Kingston and St. Andrew Corporation or any Municipal Council or any Parish Council;
- (c) an individual who during the last three years immediately preceding the date of the declaration made under sub-paragraph (3), is or was an employee, an officer, a director, a member of, or an active participant in—
 - (i) an International Federation;
 - (ii) a Major Event Organization;
 - (iii) the Jamaica Olympic Association or the Jamaica Paralympic Association;
 - (iv) a National Federation; or
 - (v) a Sport Organization, so, however, that for this purpose “Sport Organization” shall not include a commercial entity for which sport-related sponsorship is a merely incidental marketing activity in support of its principal business operation;
- (d) an individual who has a direct or indirect proprietary interest in more than five per cent of any class of shares in an entity described in paragraph (c); or
- (e) an individual who during the last three years immediately preceding the date of the declaration made under sub-paragraph (2) is or was active in the coaching or management of sport;
- (f) an individual who is not a fit and proper person within the meaning of paragraph 3; or
- (g) an undischarged bankrupt.

(2) An individual shall not be appointed to the Board unless the individual has forwarded to the Minister a voluntary

declaration declaring that he is not ineligible for appointment under paragraph 2 (1).

(3) An appointment made in contravention of this paragraph shall be void.

3. For the purposes of paragraph 2, an individual, whether in Jamaica or elsewhere, is a fit and proper person if—

Meaning of fit and proper person.

- (a) the individual—
 - (i) has not been convicted of an offence involving fraud, dishonesty or moral turpitude or of an offence listed in the Second Schedule to the *Proceeds of Crime Act* or an offence that is similar to any such offence in another jurisdiction;
 - (ii) is not an undischarged bankrupt; and
 - (iii) is in compliance with any tax and other statutory requirements imposed on the individual;
- (b) the individual's employment record or any other information does not give the Minister reasonable cause to believe that the individual carried out any act involving dishonesty or any act involving impropriety that will interfere with his ability to fulfill his functions; and
- (c) the individual is, in the opinion of the Minister—
 - (i) an individual of sound probity, and is able to exercise competence, diligence and sound judgment in fulfilling his functions;
 - (ii) an individual who possesses the knowledge skills and experience which are necessary for the intended functions to be carried out by that individual; and
 - (iii) an individual whose appointment will not raise an issue of conflict of interest or undue influence.

- Temporary appointments.** 4. The Minister may appoint any individual to act temporarily in the place of any appointed member of the Board in the case of the absence or inability to act of such member in keeping with the composition of the Board.
- Chairman and deputy chairman.** 5.—(1) The Minister shall appoint a chairman and a deputy chairman from among the appointed members.
- (2) In the case of the chairman being absent from or unable to act at any meeting, the deputy chairman shall exercise the functions of the chairman, if the deputy chairman is present at the meeting and is able to so act.
- (3) In the case of the chairman and the deputy chairman being absent from or unable to act at any meeting, members of the Board present at the meeting shall elect one of their number to act as chairman at that meeting.
- Leave of absence.** 6.—(1) On the application of any member, the Minister may grant leave of absence to the member.
- (2) The Minister may direct a member to proceed on leave of absence if the member has been charged of an offence involving fraud, dishonesty or moral turpitude or of an offence listed in the Second Schedule to the *Proceeds of Crime Act* or an offence that is similar to any such offence in another jurisdiction.
- Tenure of office.** 7.—(1) Subject to the provisions of this Schedule, the appointment of every appointed member of the Board shall be evidenced by an instrument in writing.
- (2) The instrument shall specify the period of office of the member, which shall not exceed three years.
- (3) Every appointed member of the Board shall be eligible for re-appointment.
- Resignation.** 8.—(1) The chairman may, at any time, resign his office by instrument in writing addressed to the Minister.
- (2) The resignation shall take effect as from the date of receipt by the Minister of the instrument.
- (3) An appointed member other than the chairman may, at any time, resign his office by instrument in writing addressed to the Minister and transmitted through the chairman.

(4) From the date of the receipt by the Minister of such instrument, the member shall cease to be a member of the Board.

9. The Minister may revoke the appointment of any member if the member— Revocation of appointment.

- (a) is unable to discharge the functions of his office (whether arising from infirmity of body or mind or any other cause);
- (b) is convicted and sentenced to a term of imprisonment or to death;
- (c) becomes bankrupt or compounds with, or suspends payment to, his creditors;
- (d) becomes disqualified for appointment by virtue of paragraph 2;
- (e) fails to discharge the functions of his office in a competent manner;
- (f) fails to attend three consecutive meetings of the Board, or any of its committees, without reasonable excuse or explanation; or
- (g) engages in such activities as are reasonably considered prejudicial to the interest of the Commission.

10. The names of the members of the Board as first constituted and every change in the membership thereof shall be published in the *Gazette*. Publication of membership.

11.—(1) The Board shall meet at such times as may be necessary or expedient for the transaction of business and such meetings shall be held at such places and times and on such days as the Board may determine. Procedure and meetings.

(2) The chairman may, at any time, call a special meeting of the Board and shall call a special meeting within seven days of the receipt of a written request for that purpose addressed to him by any two members of the Board.

(3) The chairman or, in the case of his absence or inability to act, the deputy chairman or the individual elected in accordance with paragraph 5(3), as the case may be, shall preside at meetings of the Board.

(4) Subject to sub-paragraph (5), decisions of the Board shall be by a majority of the members present and voting, however, in addition to an original vote the chairman, deputy chairman or other member presiding at a meeting shall have an original and a casting vote in any case in which the voting is equal.

(5) The quorum for meetings of the Board shall be five.

(6) The minutes of each meeting of the Board shall be kept in proper form and shall be confirmed by the chairman as soon as practicable at a subsequent meeting.

(7) The validity of any proceedings of the Board shall not be affected by any vacancy among the members or by any defect in the appointment of a member.

Remuneration.

12. There shall be paid to the chairman, deputy chairman and other members of the Board such remuneration (whether by way of honorarium, salaries or fees) and such allowances, as the Minister responsible for the public service may determine.

Disclosure of interest.

13.—(1) A member who is, in any way, directly or indirectly interested in a contract made or proposed to be made by the Board, or in any other matter which falls to be considered by the Board, shall disclose or cause to be disclosed the nature of his interest at a meeting of the Board and the disclosure shall be recorded in the minutes of the meeting and the member shall not—

- (a) in the case of a contract, take part in any deliberation or decision of the Board with respect to the contract; and
- (b) in the case of any other matter, take part in any deliberation or decision of the Board with respect to the matter if the Board decides that the interest in question might affect prejudicially the member's consideration of the matter,

and shall further excuse himself from the meeting while the matter is under discussion.

(2) A notice given by a member at a meeting of the Board to the effect that he is a member of a specific company, firm or other body and is to be regarded as interested in any contract which is made after the date of the notice with the company, firm or body

shall, for the purposes of sub-paragraph (1), be a sufficient disclosure of his interest in relation to any contract so made.

(3) A member need not attend in person a meeting of the Board in order to make a disclosure which he is required to make under this paragraph, if he takes reasonable steps to ensure that the disclosure is made by notice which is taken into consideration and read at such a meeting,

14. Any summons, notice or other document required or authorized to be served upon the Board under the provisions of this or any other enactment may, unless there is express provision to the contrary, be served by delivering same to the chairman or secretary of the Board, or by sending it by registered post addressed to the secretary of the Board at the principal office of the Commission.

Service of documents.

15.—(1) The Board may appoint committees for special purposes connected with the functions of the Board and which, in the opinion of the Board, would be better regulated and managed by means of committees.

Appointment of committees.

(2) The number of members of a committee appointed under sub-paragraph (1), the terms of appointment of such members, the quorum of the committee and the areas within which the committees are to exercise authority shall be determined by the Board.

(3) Committees of the Board shall make recommendations to the full Board for its ratification and decision.

16. The office of chairman, deputy chairman, or member of the Board or any of its committees shall not be a public office for the purpose of Part V of the Constitution of Jamaica.

Office of chairman or member not a public office.

THIRD SCHEDULE

(Section 14)

Independent Anti-Doping Disciplinary Panel

Constitution
of Disciplinary
Panel.

1. The Disciplinary Panel shall consist of not more than nine members, as follows—

- (a) three attorneys-at-law—
 - (i) each of whom shall be a practising attorney-at-law for not less than ten years; and
 - (ii) who shall be the chairman and the two vice chairmen;
- (b) three registered medical practitioners, each of whom has been duly qualified as a medical practitioner for not less than ten years; and
- (c) three additional members each of whom has been an Athlete or a sports administrator.

Disqualifica-
tion for
appointment.

2.—(1) The following individuals shall not be eligible to be appointed members of the Disciplinary Panel, that is to say—

- (a) members of the House of Representatives or the Senate;
- (b) members of the Council of the Kingston and St. Andrew Corporation or any Municipal Council or any Parish Council;
- (c) an individual who during the last three years immediately preceding the date of the declaration made under sub-paragraph (2), is or was an employee, an officer, a director, a member of, or an active participant in—
 - (i) an International Federation;
 - (ii) a Major Event Organization;
 - (iii) the Jamaica Olympic Association or the Jamaica Paralympic Association;
 - (iv) a National Federation; or

- (v) a Sport Organization, so, however, that for this purpose “Sport Organization” shall not include a commercial entity for which sport-related sponsorship is a merely incidental marketing activity in support of its principal business operation;
- (d) an individual who has a direct or indirect proprietary interest in more than five per cent of any class of shares in an entity described in paragraph (c); or
- (e) an individual who during the last three years immediately preceding the date of the declaration made under sub-paragraph (2) is or was active in the coaching or management of sport;
- (f) an individual who is not a fit and proper person within the meaning of paragraph 3; or
- (g) an undischarged bankrupt.

(2) An individual shall not be appointed to the Disciplinary Panel unless the individual has forwarded to the Minister a voluntary declaration declaring that he is not ineligible for appointment under paragraph 2(1).

(3) An appointment made in contravention of this paragraph shall be void.

3. For the purposes of paragraph 2, an individual, whether in Jamaica or elsewhere, is a fit and proper person if—

Meaning of fit and proper person.

- (a) the individual—
 - (i) has not been convicted of an offence involving fraud, dishonesty or moral turpitude or of an offence listed in the Second Schedule to the *Proceeds of Crime Act* or an offence that is similar to any such offence in another jurisdiction;
 - (ii) is not an undischarged bankrupt; and
 - (iii) is in compliance with any tax and other statutory requirements imposed on the individual;

- (b) the individual's employment record or any other information does not give the Minister reasonable cause to believe that the individual carried out any act involving dishonesty or any act involving impropriety that will interfere with his ability to fulfill his functions; and
- (c) the individual is, in the opinion of the Minister—
 - (i) an individual of sound probity, and is able to exercise competence, diligence and sound judgment in fulfilling his functions;
 - (ii) an individual who possesses the knowledge, skills and experience which are necessary for the intended functions to be carried out by that individual; and
 - (iii) an individual whose appointment will not raise an issue of conflict of interest or undue influence.

**Appoint-
ment.**

4. The members of the Disciplinary Panel shall be appointed by the Minister by instrument in writing.

**Temporary
appoint-
ments.**

5. The Minister may appoint any individual to act temporarily in the place of any member of the Disciplinary Panel in the case of the absence or inability to act of such member in keeping with the composition of the Disciplinary Panel.

**Leave of
absence.**

6.—(1) On the application of any member, the Minister may grant leave of absence to the member.

(2) The Minister may direct a member to proceed on leave of absence if the member has been charged of an offence involving fraud, dishonesty or moral turpitude or of an offence listed in the Second Schedule to the *Proceeds of Crime Act* or an offence that is similar to any such offence in another jurisdiction.

**Tenure of
office.**

7.—(1) The members of the Disciplinary Panel shall hold office for a period of three years.

(2) Every member of the Disciplinary Panel shall be eligible for re-appointment.

Resignation.

8.—(1) The chairman may, at any time, resign his office by instrument in writing addressed to the Minister.

(2) The resignation shall take effect as from the date of receipt by the Minister of the instrument.

(3) A member other than the chairman may, at any time, resign his office by instrument in writing addressed to the Minister and transmitted through the chairman.

(4) From the date of the receipt by the Minister of such instrument, the member shall cease to be a member of the Disciplinary Panel.

9. The Minister may revoke the appointment of any member if the member—

Revocation of appointment.

- (a) is unable to discharge the functions of his office (whether arising from infirmity of body or mind or any other cause);
- (b) is convicted and sentenced to a term of imprisonment or to death;
- (c) becomes bankrupt or compounds with, or suspends payment to, his creditors;
- (d) becomes disqualified for appointment by virtue of paragraph 2;
- (e) fails to discharge the functions of his office in a competent manner; or
- (f) engages in such activities as are reasonably considered prejudicial to the interest of the Disciplinary Panel.

10. If any vacancy occurs in the membership of the Disciplinary Panel such vacancy shall be filled by the appointment of another member, however, the appointment shall be made in the same manner and from the same category of persons as would be required in the case of the original appointment.

Filling of vacancies.

11. The names of the members of the Disciplinary Panel as first constituted and every change in the membership thereof shall be published in the *Gazette*.

Publication of membership.

12. There shall be paid to the chairman, deputy chairman and other members of the Disciplinary Panel such remuneration (whether by way of honorarium, salaries or fees) and such allowances, as the Minister responsible for the public service may determine.

Remuneration.

13. The office of chairman, deputy chairman or, member of the Disciplinary Panel shall not be a public office for the purpose of Part V of the Constitution of Jamaica.

Office of chairman or member not a public office.

FOURTH SCHEDULE

(Section 17)

The Anti-Doping Appeal Tribunal

Constitution
of Appeal
Tribunal.

1. The Appeal Tribunal shall consist of seven members, that is to say—

- (a) two individuals each of whom has served as a Judge of the Court of Appeal or as a Judge of the Supreme Court, who shall be the chairman and deputy chairman of the Appeal Tribunal; and
- (b) five individuals, namely—
 - (i) the Director of Public Prosecutions or a Deputy Director of Public Prosecutions nominated by the Director of Public Prosecutions;
 - (ii) two registered medical practitioners, each of whom has been duly qualified as a medical practitioner for a period of not less than ten years;
 - (iii) a former Athlete; and
 - (iv) a former sports administrator.

Disqualifica-
tion for
appointment.

2.—(1) The following individuals shall not be eligible to be appointed members of the Appeal Tribunal, that is to say—

- (a) members of the House of Representatives or the Senate;
- (b) members of the Council of the Kingston and St. Andrew Corporation or any Municipal Council or any Parish Council;
- (c) an individual who during the last three years immediately preceding the date of the declaration made under sub-paragraph (2), is or was an employee, an officer, a director, a member of, or an active participant in—
 - (i) an International Federation;
 - (ii) a Major Event Organization;

- (iii) the Jamaica Olympic Association or the Jamaica Paralympic Association;
 - (iv) a National Federation; or
 - (v) a Sport Organization, so, however, that for this purpose "Sport Organization" shall not include a commercial entity for which sport-related sponsorship is a merely incidental marketing activity in support of its principal business operation;
- (d) an individual who has a direct or indirect proprietary interest in more than five per cent of any class of shares in an entity described in paragraph (c);
 - (e) an individual who during the last three years immediately preceding the date of the declaration made under sub-paragraph (2) is or was active in the coaching or management of sport;
 - (f) an individual who is not a fit and proper person within the meaning of paragraph 3; or
 - (g) an undischarged bankrupt.

(2) An individual shall not be appointed to the Appeal Tribunal unless the individual has forwarded to the Minister a voluntary declaration that he is not ineligible for appointment under paragraph 2 (1).

(3) An appointment made in contravention of this paragraph shall be void.

3. For the purposes of paragraph 2, an individual whether in Jamaica or elsewhere, is a fit and proper person if—

Meaning of fit and proper person.

- (a) the individual—
 - (i) has not been convicted of an offence involving fraud, dishonesty or moral turpitude or of an offence listed in the Second Schedule to the *Proceeds of Crime Act* or an offence that is similar to any such offence in another jurisdiction;
 - (ii) is not an undischarged bankrupt; and

- (iii) is in compliance with any tax and other statutory requirements imposed on the individual;
- (b) the individual's employment record or any other information does not give the Minister reasonable cause to believe that the individual carried out any act involving dishonesty or any act involving impropriety that will interfere with his ability to fulfill his functions; and
- (c) the individual is, in the opinion of the Minister—
 - (i) an individual of sound probity, and is able to exercise competence, diligence and sound judgment in fulfilling his functions;
 - (ii) an individual who possesses the knowledge, skills and experience which are necessary for the intended functions to be carried out by that individual; and
 - (iii) an individual whose appointment will not raise an issue of conflict of interest or undue influence.

Appointment.

4. The members of the Disciplinary Panel shall be appointed by the Minister by instrument in writing.

Temporary appointments.

5. The Minister may appoint any individual to act temporarily in the place of any member of the Appeal Tribunal in the case of the absence or inability to act of such member in keeping with the composition of the Appeal Tribunal.

Leave of absence.

6.—(1) On the application of any member, the Minister may grant leave of absence to the member.

(2) The Minister may direct a member to proceed on leave of absence if the member has been charged of an offence involving fraud, dishonesty or moral turpitude or of an offence listed in the Second Schedule to the *Proceeds of Crime Act* or an offence that is similar to any such offence in another jurisdiction.

Tenure of office.

7.—(1) The members of the Appeal Tribunal shall hold office for a period of three years.

(2) Every member of the Appeal Tribunal shall be eligible for re-appointment.

8.—(1) The chairman may, at any time, resign his office by instrument in writing addressed to the Minister. Resignation.

(2) The resignation shall take effect as from the date of receipt by the Minister of the instrument.

(3) A member other than the chairman may, at any time, resign his office by instrument in writing addressed to the Minister and transmitted through the chairman.

(4) From the date of the receipt by the Minister of such instrument, the member shall cease to be a member of the Appeal Tribunal.

9. The Minister may revoke the appointment of any member if the member— Revocation of appointment.

- (a) is unable to discharge the functions of his office (whether arising from infirmity of body or mind or any other cause);
- (b) is convicted and sentenced to a term of imprisonment or to death;
- (c) becomes bankrupt or compounds with, or suspends payment to, his creditors;
- (d) becomes disqualified for appointment by virtue of paragraph 2;
- (e) fails to discharge the functions of his office in a competent manner;
- (f) engages in such activities as are reasonably considered prejudicial to the interest of the Appeal Tribunal.

10. The names of the members of the Appeal Tribunal as first constituted and every change in the membership thereof shall be published in the *Gazette*. Publication of membership.

11. There shall be paid to the chairman, deputy chairman and other members of the Appeal Tribunal such remuneration (whether by way of honorarium, salaries or fees) and such allowances, as the Minister responsible for the public service may determine. Remuneration.

Filling of
vacancies.

12. If any vacancy occurs in the membership of the Appeal Tribunal such vacancy shall be filled by the appointment of another member, however, the appointment shall be made in the same manner and from the same category of persons as would be required in the case of the original appointment.

Office of
chairman or
member not a
public office.

13. The office of chairman, deputy chairman, or member of the Appeal Tribunal shall not be a public office for the purpose of Part V of the Constitution of Jamaica.

Passed in the House of Representatives this 9th day of December, 2014 with seventeen (17) amendments.

LLOYD B. SMITH
Deputy Speaker.

Passed in the Senate this 19th day of December, 2014.

FLOYD E. MORRIS
President.

This printed impression has been carefully compared by me with the Bill which has passed the House of Representatives and Senate, and has been found by me to be a true and correct printed copy of the said Bill.

Clerk to the Houses of Parliament.