

**IN THE MATTER OF PROCEEDINGS BROUGHT UNDER THE ANTI-DOPING RULES OF
THE SCOTTISH FOOTBALL ASSOCIATION**

Before:

Robert Englehart KC
Professor Kitrina Douglas
Professor Dorian Haskard

BETWEEN:

UK Anti-Doping

Anti-Doping Organisation

and

Craig Campbell

Respondent

DECISION OF THE NATIONAL ANTI-DOPING PANEL

PRELIMINARY

1. We were appointed the Arbitral Tribunal to determine a charge of breaches of the Scottish Football Association anti-doping rules brought against Craig Campbell, a former player coach at Brora Rangers FC. That is a semi-professional football club which competes in the Highland League. There is no dispute that Mr Campbell has at all material times been subject to the jurisdiction of the Scottish Football Association

which has delegated the conduct of its anti-doping programme to UK Anti-Doping Limited (“UKAD”).

2. The matters in issue before us were of extremely limited scope, and we were invited by both parties to determine the case on the basis of the parties’ written submissions and without the need for any oral hearing. Neither party adduced any witness evidence, and the essential facts were basically common ground. In their written submissions UKAD was represented by Ms Ailie McGowan (UKAD Lawyer), and Mr Campbell was represented by Ms Donna Jack (Lay representative).

THE CHARGES

3. The charge letter alleged two Anti-Doping Rule Violations by Mr Campbell in 2018: first, Possession of a Prohibited Substance, that is Cocaine, and secondly Trafficking or Attempted Trafficking of that Prohibited Substance.
4. The proceedings were brought under the 2017/2018 Scottish FA Anti-Doping Regulations. These were the anti-doping regulations in force at the time of the alleged violations. Article 2.6 of those regulations provided for an Anti-Doping Rule Violation under the heading Possession of a Prohibited Substance and/or a Prohibited Method as follows:

“2.6.2 Possession by a Player Support Person In-Competition of any Prohibited Substance... unless ...”

Further, an Anti-Doping Rule Violation was constituted under Article 2.7 by:

“Trafficking or Attempted Trafficking in Any Prohibited Substance or Prohibited Method”

The definition of trafficking includes:

“Selling, giving, transporting, sending, delivering or distributing (or Possessing for any such purpose) a Prohibited Substance ... by a Player Support Person ... to any third party ...”

A Player Support Person is defined as *“any coach, trainer, manager ,... or any other Person working with ...or assisting a Player participating in or preparing for any Match, training or Competition”*. For completeness, we note that Cocaine is categorised as a non-Specified Prohibited Substance.

THE SALIENT FACTS

5. Whilst some of the detail may not be entirely common ground, there was no dispute about the essential underlying facts.
6. On 27 October 2018 Mr Campbell, the Brora Rangers player coach, was stopped by police officers outside the club’s football ground at Dudgeon Park in Brora. The club was to play a match against Formartine United at which Mr Campbell was due to be coaching the team. The police officers found in Mr Campbell’s possession a quantity of Cocaine, a Class A drug and Prohibited Substance, as well as £2,515 in cash. The drugs and the cash were seized by the police, and Mr Campbell then went on to coach the team at the match as planned.
7. Mr Campbell was charged with an offence of supplying Cocaine. Due to the COVID-19 pandemic and to the fact that originally, on 14 October 2019, Mr Campbell pleaded not guilty, the criminal case took a considerable time to reach a conclusion. However, eventually on 30 September 2020 Mr Campbell through his solicitor at the Tain Sheriff Court changed his plea to one of guilty to the offence of supplying a controlled drug. The Court made a confiscation order of the £2,515 cash which had been found by the police and in addition fined Mr Campbell £750.
8. Mr Campbell’s conviction came to the attention of UKAD which pursued its enquiries including a Zoom interview with Mr Campbell on 9 June 2021. Ultimately, by a Notice dated 22 December 2022 Mr Campbell was notified that he may have committed Anti-Doping Rule Violations by the Possession and Trafficking of a Prohibited Substance. With service of the Notice Mr Campbell was provisionally suspended.

9. Mr Campbell applied to have the Provisional Suspension lifted. However, by a Decision dated 18 January 2023 that application was dismissed. Thus Mr Campbell currently remains suspended.

UKAD'S CONTENTIONS

10. In UKAD's submission this is a clear cut case. It relies on a certificate of conviction from the Tain Sheriff Court recording Mr Campbell's conviction as above. It also relies on admissions made by Mr Campbell at his interview on 9 June 2021.
11. UKAD notes that the Regulations provide for a four year period of Ineligibility for the Anti-Doping Rule Violation of Possession of a Prohibited Substance subject to certain exceptions, none of which are applicable in Mr Campbell's case. For the Anti-Doping Rule Violation of Trafficking the period of Ineligibility is a minimum of four years and a maximum of a lifetime. However, UKAD does not press for a period of Ineligibility of more than four years given that (1) Cocaine is now classified as a Substance of Abuse frequently used outside the sport context and (2) Mr Campbell's trafficking involved one Prohibited Substance and there is no evidence to demonstrate that it was targeted at any Player.
12. UKAD notes that Mr Campbell complains of the considerable delay from the time when the police officers discovered the Cocaine, that is 27 October 2018. There is no applicable Limitation period but UKAD very fairly has drawn our attention to Article 10.11.1 of the 2017/2018 Scottish FA Anti-Doping Regulations. This provides under the heading delays not attributable to the Player or other Person:

"Where there have been substantial delays in the hearing process or other aspects of Doping Control, that are not attributable to the Player or other Person charged, the period of Ineligibility may be deemed to have started at an earlier date ..."

13. UKAD submits that the above Article cannot avail Mr Campbell. There has certainly been no delay in the hearing process; indeed, matters have moved fairly swiftly since the Notice to Mr Campbell on 22 December 2022. Nor has there on analysis been

any substantial delay in some other aspect of Doping Control since UKAD first became aware of the criminal conviction and hence the potential Anti-Doping Rule Violations.

14. In conclusion it is UKAD's submission that this is a clear cut case for a four year period of Ineligibility, and there is no justification for backdating the sanction to any point further back than the date of the Provisional Suspension.

THE CASE FOR MR CAMPBELL

15. Mr Campbell accepts that he did commit the two Anti-Doping Rule Violations which are alleged against him. The only points raised by Ms Jack for Mr Campbell concern the appropriate sanction.
16. Ms Jack refers to Mr Campbell's good character and work ethic with no convictions other than the single instance with which we are concerned. We were referred to Mr Campbell's exemplary football career and to the fact that he is heavily involved in the local community. He has accepted his guilt and the sheer stupidity of what he did.
17. The major plank of the arguments raised by Ms Jack is the length of time which has elapsed since the Anti-Doping Rule Violations occurred. Ms Jack submits that it is now unfair for Mr Campbell to be sanctioned so long after the event. She refers to the fact that in many types of Scottish court case there is a limitation period within which a claim must be brought and submits that it would be a breach of the Human Rights Act for us to impose a disqualification of longer than one year. Ms Jack also supplied us with an Appendix to her submissions containing hyperlinks to some online material. For completeness, we should also note that Ms Jack complains of procedural impropriety in the way that UKAD obtained information from the Scottish Courts Service, although that is a matter which is not within our remit.

DISCUSSION

18. Subject to possible exceptions, the Possession of a Prohibited Substance attracts a period of Ineligibility of four years for a first anti-doping offence under Article 10.2.1 of the 2017/2018 Scottish FA Anti-Doping Regulations. That Article provides in material part:

“10.2.1 The period of Ineligibility shall be four years where:

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

In relation to Trafficking, Article 10.3.3 provides in material part:

“For an Anti-Doping Rule Violation under Article 2.7 ... that is the Player’s or other Person’s first anti-doping offence, the period of Ineligibility shall be a minimum of four years up to a lifetime Ineligibility, depending on the seriousness of the violation ...”

As noted above, UKAD does not suggest that in the circumstances of the present case we should impose more than four years’ Ineligibility.

19. We have carefully considered all the submissions advanced by Ms Jack but are unable to consider that any would justify a lesser period of Ineligibility under the 2017/2018 Scottish FA Anti-Doping Regulations. It must be appreciated that under the Regulations we do not have a discretion as to the length of a period of Ineligibility. We have no choice but to impose the period of Ineligibility provided by the Regulations except in certain defined factual situations. Ms Jack has, in our view quite correctly, not submitted that any of the specific exceptions provided by the Regulations have application in the present case.
20. The reality is that none of the personal factors to which Ms Jack has drawn our attention, such as good character or contrition, can serve under the Regulations to reduce the minimum four years’ Ineligibility laid down by the Regulations. As for the length of time which has elapsed since Mr Campbell committed the Anti-Doping Rule Violations, we do have some sympathy with Mr Campbell. Nevertheless, we note that some of the passage of time may be due to Mr Campbell having initially pleaded not

guilty before the Tain Sheriff Court and that there is no reason to believe that other delays have been UKAD's fault.

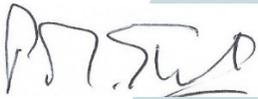
21. Just as there is under English criminal law no general limitation period for non-summary offences, so the Scottish FA Anti-Doping Regulations do not provide any time bar for anti-doping proceedings. Possibly, in exceptional circumstances there could be room for an abuse of process argument, but that is, quite correctly in our view, not put forward here. We also note that under the UK 2021 Anti-Doping Rules there is a requirement to initiate proceedings within 10 years of the Anti-Doping Rule Violation. However, that is of no relevance to this case.
22. In all the circumstances, we consider that we have no choice but to impose a period of Ineligibility of four years for the Anti-Doping Rule Violations in Mr Campbell's case. We agree with UKAD that this period should be backdated so as to have commenced on 22 December 2022. That was, of course, the date of Mr Campbell's Provisional Suspension.

CONCLUSION

23. We summarise our conclusions as follows:
 - (1) The Anti-Doping Rule Violations are established and admitted.
 - (2) The period of Ineligibility for Mr Campbell is one of four years.
 - (3) The period of Ineligibility should run from 22 December 2022 until 23:59 on 21 December 2026.
 - (4) There is no application for costs.

Right of Appeal

24. In accordance with Article 13.5 of the NADP Procedural Rules any party who wishes to appeal must lodge a Notice of Appeal with the NADP Secretariat within 21 days of receipt of this decision.
25. Pursuant to ADR Article 13.4.2(b), the Appeal should be filed to the National Anti-Doping Panel, located at Sport Resolutions, 1 Paternoster Lane, London, EC4M 7BQ (resolve@sportresolutions.com).



Robert Englehart KC
Chair, on behalf of the Panel
London, UK
20 June 2023

1 Paternoster Lane, St Paul's London EC4M 7BQ resolve@sportresolutions.com 020 7036 1966

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