
CHAPTER 385A**ANTI-DOPING IN SPORTS**

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CHAPTER 385A**ANTI-DOPING IN SPORTS**

An Act to provide for the implementation of measures to discourage the use of drugs and doping methods in Sport and for related purposes. *29 of 2009*

[Assent 5th August, 2009]

[Commencement 15th March, 2010] S.I. 19/2010

PART I- PRELIMINARY

1. This Act may be cited as the Anti-Doping in Sports Act. *Short title.*

2. In this Act — *Interpretation.*

“anti-doping” means the prevention or control of doping;

“anti-doping organisation” means a signatory to the Code that is responsible for adopting rules for initiating, implementing or enforcing any part of the doping control process and includes —

- (a) the International Olympic Committee;
- (b) the International Paralympic Committee;
- (c) the World Anti-Doping Agency;
- (d) an international sporting federation;
- (e) a major event organisation that conducts testing at its events;
- (f) the Commission; or
- (g) any other National Anti-Doping Organisation;

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

“Anti-Doping Rules violation” shall be construed in accordance with section 8;

“Appeals Tribunal” means The Bahamas Anti-Doping Appeals Tribunal established under section 23;

“athlete” means any person who participates in a sport at —

- (a) an international level; or
- (b) a national level;

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

“Commission” means The Bahamas Anti-Doping Commission established under section 4;

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

“Convention” means the Unesco International Convention against Doping in Sport adopted in Paris on 19 October 2005;

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

“Disciplinary Panel” means The Bahamas Anti-Doping Disciplinary Panel established under section 19;

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

“event” means a series of individual competitions conducted together under one international sporting federation or National sporting organisation or ruling body;

“international event” means an event where —

- (a) the International Olympic Committee;
- (b) the International Paralympic Committee;
- (c) an International Federation;
- (d) a major event organisation; or

(e) another international sport organisation,

is the ruling body for the event or appoints the technical officials for the event;

"international level athlete" means an athlete designated by one or more international sporting federations as being within the Registered Testing Pool for an international sporting federation;

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

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

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

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

"National Anti-Doping Organisation" means —

(a) an entity designated by a state as possessing the primary authority and responsibility to adopt and implement rules in that country which are equivalent to the Anti-Doping Rules, and to direct the collection of samples and the management of test results; and

(b) where such designation has not been made by the competent public authority of a state, the national Olympic Committee of that state or its designatee;

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- “national level athlete” means an athlete, other than an international level athlete, who is designated by the Commission or the National Anti-Doping Organisation to which he is subject, as being within the Commission’s or organisation’s Registered Testing Pool;
- “Prohibited List” means the Prohibited List published by WADA which identifies the prohibited substances and prohibited methods, as amended from time to time;
- “prohibited method” means any method so described on the Prohibited List;
- “Registered Testing Pool” means the pool of athletes established separately by each international sporting federation or National Anti-Doping Organisation, as the case may be, who are subject to both in-competition and out-of-competition testing as part of the test distribution planning of that federation or organisation;
- “tampering” means altering for any improper purpose or in an improper way, bringing improper influence to bear, interfering improperly to alter results or prevent normal procedures from occurring;
- “test or testing” means the doping control process involving test distribution planning, sample collection, sample handling and sample transport to the laboratory;
- “use” in relation to a prohibited substance or prohibited method means the application, ingestion, injection or consumption by any means whatsoever of any prohibited substance or prohibited method as the case may be; and
- “World Anti-Doping Agency” or “WADA” means the body founded by the International Olympic Committee and constituted as a foundation in Lausanne, Switzerland by an instrument of foundation signed on November 10, 1999, and named in the instrument as the World Anti-Doping Agency.

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

Convention to have force of law.

PART II THE BAHAMAS ANTI-DOPING COMMISSION

4. (1) There is established for the purposes of this Act, a body to be known as The Bahamas Anti-Doping Commission which shall be a body corporate.

Establishment of The Bahamas 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 thereto.

First Schedule.

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

Functions of the Commission.

- (a) implementing the policies and programmes of the Government against doping in sport;
- (b) doing all things necessary to comply with and implement any Article of the Code;
- (c) planning, implementing and monitoring information and education programmes aimed at educating athletes, athlete support personnel, parents, the media and the general public in The Bahamas about doping in sport matters, such as —
 - (i) the health consequences of doping;
 - (ii) the harm of doping to the ethical values of sport;
 - (iii) prohibited substances and prohibited methods;
 - (iv) therapeutic use exemptions;
 - (v) nutritional supplements;
 - (vi) doping control procedures and results management;
 - (vii) the athlete's rights and responsibilities with regard to doping in sport, and the consequences of committing an Anti-Doping Rules violation;
- (d) establishing a register for the Registered Testing Pool of national-level and international-level Bahamian athletes who are citizens or residents of The Bahamas and notifying such athletes and

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- relevant national sporting organisations of entries made in the register;
- (e) directing the anti-doping programme of the Government specific to sports including, the conducting of testing of athletes, planning, coordinating and implementing the collection of samples, the management of test results and conducting hearings in keeping with the mandatory international standards set out in the Code;
 - (f) testing any athlete whether or not he is a citizen or resident of The Bahamas;
 - (g) notifying test results to athletes and, as the case may be, governments of countries other than The Bahamas, anti-doping organisations of other countries, or other signatories to the Code in accordance with bilateral or multilateral agreements entered into by The Bahamas with such governments, organisations or signatories;
 - (h) entering into reciprocal testing agreements with National Anti-Doping Organisations outside The Bahamas, in relation to any athlete;
 - (i) encouraging and facilitating the negotiation by any sporting organisation and anti-doping organisation of any agreement permitting their members to be tested by authorised doping control teams from other countries;
 - (j) co-operating with the testing and education initiatives of WADA and other anti-doping organisations;
 - (k) supporting, encouraging, conducting and promoting research about doping in sports matters that contributes to the development and implementation of efficient anti-doping programmes;
 - (l) consulting with, advising and assisting —
 - (i) Government departments and agencies, local authorities, The National Olympic Committee, national sporting organisations and other bodies or persons on any matters concerned with doping in sport issues and related matters;
 - (ii) foreign government and non-governmental organisations and other persons outside of
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The Bahamas, for the purpose of promoting the adoption of uniform international testing procedures for doping in sports;

- (m) publishing and making available the Prohibited List and any revision thereof to athletes and as such all athletes shall be deemed to accept the Prohibited List and any amendments made thereto as binding on them;
- (n) advising the Minister on any doping in sport matters;
- (o) performing any other functions relating to doping in sport that are conferred on the Commission by this or any other enactment; and
- (p) generally taking all steps necessary or desirable to achieve the purposes of this Act.

(2) In the performance of its functions, the Commission —

- (a) shall establish for its use, and for the use of its committees, procedures that are appropriate and fair in the circumstances;
- (b) shall develop appropriate procedures to —
 - (i) reflect the needs of athletes who are under the age of eighteen years;
 - (ii) reflect the culture and any disabilities or other special concerns of athletes; and
 - (iii) protect the right to privacy of each athlete;
- (c) may impose fees or charges for the provision of information, advice or other services, requested of the commission (other than for information requested by an athlete relating to the athlete).

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

6. The Commission may, with the approval of the Minister, make rules (in this Act referred to as “Anti-Doping Rules”) for controlling the occurrence of doping in sports and for carrying out the objects of this Act, and without limiting the generality of the foregoing such rules may provide for —

- (a) initiating, implementing or enforcing any part of the doping control process;

Commission to make rules.

- (b) analysis of samples;
- (c) athlete whereabouts information;
- (d) the consequences of violating one or more of the Anti-Doping Rules;
- (e) the assessment of costs for disciplinary hearings; and
- (f) results management.

Minister may give directions to Commission.

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

(2) The directions referred to in subsection (1) shall not relate to —

- (a) a particular athlete or athlete support personnel;
- (b) doping control.

(3) The Commission shall comply with any directions given under subsection (1).

PART III ANTI-DOPING RULES VIOLATION

Anti-Doping rules violation.

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

- (a) the presence of a prohibited substance or its metabolites or markers in an athlete's specimen;
- (b) the use or attempted use of a prohibited substance or a prohibited method;
- (c) the refusal or failure without compelling justification to submit to sample collection after notification as authorised in applicable Anti-Doping Rules or otherwise evading sample collection;
- (d) the violation of applicable requirements regarding athlete availability for out-of-competition testing, including the failure to provide information regarding an athlete's whereabouts and missed tests which are declared based on reasonable rules which comply with the International Standard for testing;

- (e) tampering or attempting to tamper with any part of doping control;
- (f) the possession of prohibited substance or prohibited methods;
- (g) trafficking in any prohibited substances or prohibited method; or
- (h) the administration or attempted administration of a prohibited substance or prohibited method to any athlete, or assisting, encouraging, aiding, abetting, covering up or any type of complicity involving an Anti-Doping Rules violation or any attempted violation.

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

Automatic individual disqualification.

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

Sanctions on individuals.

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

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

Consequences to teams.

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

in accordance with the rules made by the Commission.

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

Therapeutic Use Exemption Certificate.

(2) Notwithstanding the provisions of subsection (1), an international-level athlete or athlete who participates in international events shall apply to the international sporting federation concerned for the Therapeutic Use Exemption Certificate, except in emergency situations, no later than twenty-one days before the athlete's participation in an international sporting event or otherwise provided for in the Anti-Doping Rules of that international sporting federation, and provide to BADTUEC a copy of such an application prior to the international event.

(3) The application for a Therapeutic Use Exemption Certificate from an athlete shall —

- (a) be made immediately after the athlete becomes aware that the use of a Prohibited Substance or Prohibited Method is required; and
- (b) subject to any circumstance of emergency, be obtained prior to the athlete's participation in any competition or event.

(4) Where an athlete who is subject to testing and has been granted a Therapeutic Use Exemption Certificate by an international sporting federation, the athlete shall immediately report the granting of the Therapeutic Use Exemption Certificate to WADA, and to the relevant national sporting organisation and shall provide to BADTUEC all the relevant information and documentation.

(5) Every national level athlete and athlete participating in national events shall obtain a Therapeutic Use Exemption Certificate for the BADTUEC, unless such an athlete has previously received a Therapeutic Use Exemption Certificate from an international sporting federation and such Therapeutic Use Exemption Certificate is still valid and the grant of which has been previously reported to the BADTUEC and the Commission.

Application to be made in accordance with international standards.

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

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

- (a) all information pertaining to the application to the BADTUEC, and as required, other

independent medical or scientific experts and to all necessary staff involved in the management or review of Therapeutic Use Exemptions;

- (b) the decision of BADTUEC to be distributed to WADA and to other relevant anti-doping organisations under the provisions of the Code.

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

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

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

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

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

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

15. The functions of the BADTUEC shall be to —

Functions of BADTUEC.

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

Notification of Therapeutic Use Exemption.

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

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

WADA may review and reverse TUE Certificates.

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

Recognition of results of other Anti-Doping Organisations.

18. The Commission shall recognise the results of laboratory analysis by other anti-doping organisations once conducted in accordance with the WADA International Standard for Testing.

PART IV DISCIPLINARY PANEL

Establishment of The Bahamas Anti-Doping Disciplinary Panel.

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

Second Schedule.

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

Commission to refer findings to Disciplinary Panel.

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

Functions of the Disciplinary Panel.

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

- (a) to receive, examine and hear evidence relating to an Anti-Doping Rules violation;
- (b) to conduct disciplinary hearings related to Anti-Doping Rules violations referred to it by the Commission;

- (c) to determine whether a violation of the Anti-Doping Rules has occurred;
- (d) to impose consequences of Anti-Doping Rules violations;
- (e) to perform any other functions that are conferred or imposed on the Disciplinary Panel by this Act.

(2) The Disciplinary Panel on receiving a written reference from the Commission asserting an Anti-Doping Rules violation shall —

- (a) within fourteen days of the date of receipt of the reference, commence a hearing;
- (b) within twenty days of the date of receipt of the reference, issue a written decision;
- (c) within thirty days of the date of receipt of the reference, issue written reasons for the decision given in paragraph (b).

22. (1) Subject to section 20, where —

Appeals.

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

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

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

23. (1) For the purposes of an appeal under section 23, there is established an Appeals Tribunal to be known as “The Bahamas Anti-Doping Appeals Tribunal” constituted in accordance with the Third Schedule.

Establishment of
Anti-Doping
Appeals
Tribunal.
Third Schedule.

(2) The functions of the Appeals Tribunal shall be —

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- (a) to hear and determine issues arising from a decision of the Disciplinary Panel —
 - (i) that an Anti-Doping Rules violation was or was not committed;
 - (ii) imposing consequences of an Anti-Doping Rules violation;
 - (iii) that an anti-doping organisation lacks jurisdiction to rule on an Anti-Doping Rules violation or consequences of an Anti-Doping Rules violation;
 - (iv) to impose a provisional suspension as a result of a provisional hearing;
 - (b) to determine the consequences of an Anti-Doping Rules violation to be imposed;
 - (c) to perform any other functions that are conferred or imposed on the Appeals Tribunal by virtue of this Act.
- (3) The Appeals Tribunal shall, on the lodging of an appeal —
- (a) within twenty-one days of lodging, receive, hear and examine the evidence relating to the appeal;
 - (b) within thirty days of the date of lodging, issue written reasons for the decision.
- (4) An appeal shall not in its entirety exceed three months except in extenuating circumstances.

Appeals of international athlete.

24. Where an appeal is in respect of an international event or a case involving an international-level athlete, the decision of the Disciplinary Panel may be appealed directly to the Court of Arbitration.

Confidentiality.

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

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

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

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

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

FIRST SCHEDULE

(Section 4(2))

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

1. The Commission shall consist of the following members —

- (a) nine persons, who the Minister is satisfied are of high integrity and able to exercise sound judgment in fulfilling their responsibilities under this Act (hereinafter referred to as “appointed members”); and
- (b) the Director of Sports, *ex officio*.

Chairman.

2. (1) The Minister shall appoint a Chairman and a Deputy Chairman from among the appointed members.

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

(3) In the case of absence or inability to act of the Chairman or Deputy Chairman, the Minister may appoint any other member to perform the functions of the Chairman or, as the case may be, the Deputy Chairman, during such absence or incapacity.

Acting
Appointments.

3. If any member is absent or unable to perform his duties due to absence or illness, the Minister may appoint any person to act in place of that member, so, however, that such appointment shall be made in the same manner and from among the same category of persons as would be required in the case of a substantive appointment.

Tenure of office.

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

(2) Every member shall be eligible for reappointment.

Quorum.

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

Resignation.

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

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

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

(4) The resignation of the Chairman or a member of the Commission shall take effect from the date of the receipt of the instrument of resignation by the Minister.

7. The Minister may at any time revoke the appointment of any member of the Commission if such member — Revocation.

- (a) becomes of unsound mind or becomes permanently unable to perform his functions by reason of ill health;
- (b) is convicted and sentenced to a term of imprisonment;
- (c) fails without reasonable excuse to carry out any of the functions conferred or imposed on him under this Act; or
- (d) engages in such activities as are reasonably considered prejudicial to the interest of the Commission.

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

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

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

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

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

SECOND SCHEDULE

(Section 19)

**CONSTITUTION OF THE BAHAMAS ANTI-DOPING
DISCIPLINARY PANEL**Constitution of
Disciplinary
Panel.

1. The Disciplinary Panel shall consist of not more than seven persons as follows —

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

Acting
appointments.

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

Tenure of office.

3. (1) A member of the Disciplinary Panel shall be appointed by the Minister by instrument in writing and shall hold office for a period not exceeding three years unless he resigns or his appointment is revoked in accordance with paragraph 5.

(2) Every member shall be eligible for reappointment.

Resignation.

4. (1) The Chairman may at any time, by instrument in writing addressed to the Minister, resign his office as Chairman of the Disciplinary Panel.

(2) A member of the Disciplinary Panel, other than the Chairman may at any time resign his office as member by instrument in writing addressed to the Minister and transmitted through the Chairman.

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

(4) The resignation of the Chairman or a member of the Commission shall take effect from the date of the receipt of the instrument of resignation by the Minister.

5. The Minister may at any time revoke the appointment of any member of the Disciplinary Panel if such member — Revocation.

- (a) becomes of unsound mind or becomes permanently unable to perform his functions by reason of ill health;
- (b) is convicted and sentenced to a term of imprisonment;
- (c) fails without reasonable excuse to carry out any of the functions conferred or imposed on him under this Act; or
- (d) engages in such activities as are reasonably considered prejudicial to the interest of the Disciplinary Panel.

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

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

THIRD SCHEDULE

(Section 23(1))

**CONSTITUTION OF THE BAHAMAS
ANTI-DOPING APPEALS TRIBUNAL**Constitution of
Appeals
Tribunal.

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

Acting
Appointments.

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

Tenure of office.

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

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

Resignation.

4. (1) The Chairman may at any time, by instrument in writing addressed to the Minister, resign his office as Chairman of the Appeals Tribunal.

- (2) A member of the Appeals Tribunal other than the Chairman may at any time resign his office as member by instrument in writing addressed to the Minister and transmitted through the Chairman.

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

- (4) The resignation of the Chairman or a member of the Appeals Tribunal shall take effect from the date of the receipt of the instrument of resignation by the Minister.

5. The Minister may at any time revoke the appointment of any member of the Appeals Tribunal if such member — Revocation.

- (a) becomes of unsound mind or becomes permanently unable to perform his functions by reason of ill health;
- (b) is convicted and sentenced to a term of imprisonment;
- (c) fails without reasonable excuse to carry out any of the functions conferred or imposed on him under this Act; or
- (d) engages in such activities as are reasonably considered prejudicial to the interest of the Appeals Tribunal.

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

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