PARLIAMENT OF THE DEMOCRATIC

SOCIALIST REPUBLIC OF

SRI LANKA

—————————

CONVENTION AGAINST DOPING IN

SPORT ACT, No. 33 OF 2013

—————————

[Certified on 11th November, 2013]

Printed on the Order of Government

—————————

Published as a Supplement to Part II of theGazette of the Democratic

Socialist Republic of Sri Lanka of November 15, 2013.

PRINTEDATTHEDEPARTMENTOFGOVERNMENTPRINTING,SRILANKA

TOBEPURCHASEDATTHEGOVERNMENTPUBLICATIONSBUREAU,COLOMBO5

Price : Rs. 30.00 Postage : Rs. 15.00

Convention against Doping in Sport 1

Act, No. 33 of 2013

[Certified on 11th November, 2013]

L.D.—O. 17/2011.

AN ACT TO GIVE EFFECT TO THE INTERNATIONAL CONVENTION AGAINST

DOPING IN SPORT ; TO MAKE PROVISION FOR THE IMPLEMENTATION IN

SRI LANKA OF THE SAID CONVENTION BY THE ESTABLISHMENT OF THE

SRI LANKA ANTI DOPING AGENCY AND FOR SPECIFYING THE

APPLICABLE DOMESTIC LEGAL MECHANISM TO COMBAT DOPING

IN SPORT WITHIN THE FRAMEWORK OF THE AFORESAID CONVENTION ;

AND TOPROVIDE FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL

THERETO.

WHEREAS an International Convention Against Doping In Preamble.

Sport (hereinafter referred to as “the Convention”) was

adopted on the Nineteenth day of October, Two Thousand

and Five in Paris, at the General Conference of the United

Nations Educational, Scientific and Cultural Organization

(UNESCO) :

AND WHEREAS the Government of Sri Lanka acceded to

the aforesaid Convention on the Twenty-Fourth day of

February, Two Thousand and Eleven and the Instrument of

Accession was deposited with the Director-General on the

Ninth day of March, Two Thousand and Eleven :

AND WHEREAS the aforesaid Convention entered into force

in respect of Sri Lanka on the First day of May, Two Thousand

and Eleven :

AND WHEREAS it is necessary for the Government of

Sri Lanka to enact domestic legislation to give effect to

Sri Lanka’s obligations under the aforesaid Convention :

NOW THEREFORE BE it enacted by the Parliament of the

Democratic Socialist Republic of Sri Lanka as follows :—

1. This Act may be cited as the Convention against Short title.

Doping in Sport Act, No. 33 of 2013.

2—PL 007661—4,090 (10/2013)

2 Convention against Doping in Sport

Act, No. 33 of 2013

Persons to whom 2. The provisions of this Act shall apply in respect of:—

the Act applies.

(a) all persons who are members of any National

Association of Sports, established in terms of the

Sports Law, No. 25 of 1973 ;

(b) any person or body of persons being an affiliated

member, club, team, association or league of any

National Association ;

(c) every person who participates in any sports activity

organized, held, convened or authorized by any

National Association of Sports or by any person or

body of persons ;

(d) every “person connected with the training of

an athlete” at any level including any member of

his entourage;

(e) every participant (including minors) at a sports

event, being held in Sri Lanka or abroad.

PART I

OFFENCES

Offences. 3. (1) Any person who—

(a) induces, supplies, administers any prohibited

substance or uses or applies any prohibited method

which are prescribed by regulations made under this

Act on an athlete ;

(b) induces or introduces its metabolites or its markers

in any athlete’s sample ;

(c) uses or applies any prohibited substance or

prohibited method on any animal used in sport ;

(d) engages in sports has in one’s possession, any

prohibited substance or prohibited method with the

intention of committing an offence under this Act;

Convention against Doping in Sport 3

Act, No. 33 of 2013

(e) trafficks in any prohibited substance or uses on an

athlete any prohibited substance or any prohibited

method in sport,

shall be guilty of an offence under this Act.

‘trafficking’ means—

(i) to sell, give, procure, transport, send,

deliver or distribute ; or

(ii) to offer to do anything mentioned in

paragraph (i).

(2) Any person who—

(a) attempts to commit ;

(b) aids and abets the commission of ; or

(c) conspires with another person or a group of

persons in the commission of,

an offence within the meaning of subsection (1), shall

be guilty of an offence under this Act.

In this subsection—

“aid or abet” has the same meaning as in section 100

of the Penal Code.

“conspires” has the same meaning as in section 113A

of the Penal Code.

(3) A person guilty of an offence under subsection (1) or

subsection (2) of this section, shall on conviction on

indictment by the High Court, be punished with imprisonment

for a term not exceeding two years, and also be liable to a fine

not less than rupees five hundred thousand and not more

4 Convention against Doping in Sport

Act, No. 33 of 2013

than rupees one million and may impose a prohibition for a

certain number of years on his activities where the person

convicted is a member of the athlete’s entourage.

High Court to try 4. (1) The High Court of Sri Lanka holden in Colombo

offences under or the High Court of the Province established under Article

this Act. 154p of the Constitution for the Western Province, holden in

Colombo, shall, notwithstanding anything to the contrary in

any other law, have exclusive jurisdiction to try offences

under this Act.

(2) Where an act constituting an offence under this Act is

committed outside Sri Lanka, the High Court referred to in

subsection (1) shall have jurisdiction to try such offence as if

it were committed within Sri Lanka, if—

(a) the person who committed such act is present in Sri

Lanka ;

(b) such act is committed by a citizen of Sri Lanka ;

(c) such act is committed on board an aircraft which is

operated by the Government of Sri Lanka ; and

(d) the person in relation to whom the offence is alleged

to have been committed is a citizen of Sri Lanka.

PART II

THERAPEUTIC USE EXEMPTIONS

Therapeutic use 5. (1) A Therapeutic Use Exemption (hereinafter referred

Exemptions. to as a “TUE”) may be granted to an athlete, permitting the

use of a prohibited substance or prohibited method by the

athlete when participating at any sports event by the Sri

Lanka Anti-Doping Agency established under section 10.

(2) An athlete who requires to avail himself of the said

TUE shall make an application not less than thirty days

Convention against Doping in Sport 5

Act, No. 33 of 2013

prior to the date on which the approval is required in the

form prescribed by regulations to the Sri Lanka Anti-Doping

Agency requesting the grant of a TUE. The athlete should

forward all supporting medical evidence and documents to

the Agency along with such application.

(3) Regulations may be made prescribing any other

matters, procedures or documents which may be required for

the consideration and grant of a TUE.

6. (1) The Sri Lanka Anti Doping Agency shall on Procedure for

receipt of an application for the grant of a TUE made by an the grant of a

athlete in terms of section 5, submit such application for TUE.

review by the “Therapeutic Use Exemption Committee”

(hereinafter referred to as “the TUE Committee”), which shall

be established and appointed by such Agency for such

purpose.

(2) The TUE Committee should comprise of not less than

three members who shall be persons, having experience in

clinical, sports and exercise medicine. The members should

at the point of being appointed, disclose any conflict of

interest which may exist. The Sri Lanka Anti-Doping Agency

shall thereupon take steps to appoint another person in place

of such member.

(3) The TUE Committee shall recommend the grant of a

TUE to the Sri Lanka Anti-Doping Agency, only if,—

(a) the athlete making the application would

experience a severe impairment to health, if the

prohibited substance or prohibited method were to

be withheld in the process of treatment of an acute

or chronic medical condition ;

(b) it is established to the satisfaction of the Committee,

by the athlete, that the use of the prohibited

substance or prohibited method would produce no

additional enhancement of performance other than

6 Convention against Doping in Sport

Act, No. 33 of 2013

that which might be expected by the return of by

the athlete to a state of normal health following the

treatment for a legitimate medical condition :

Provided that the use of any prohibited substance

or prohibited method to increase “low normal”

levels of any endogenous hormone is not considered

an acceptable therapeutic intervention ;

(c) there is no reasonable therapeutic alternative for

the athlete in the circumstances, other than the use

of the prohibited substance or prohibited method;

and

(d) the necessity for the use of the otherwise prohibited

substance or prohibited method, should in no event

be a consequence, wholly or in part, of the prior

use, without having obtained a TUE, of a substance

or method which was at the time of use prohibited.

(4) In arriving at its decision, the Committee shall be

guided by the provisions in the International Standard for

Therapeutic Use Exemptions of the World Anti Doping

Agency (hereinafter referred to as “WADA”) as are embodied

in the document titled “Medical information to Support the

Decisions of Therapeutic Use Exemption Committees” and

the arguments related to the diagnosis and treatment as well

as the duration of the validity of TUE’s.

(5) Having considered the evidence and documents in

support of the TUE, the TUE Committee shall forward to the

Sri Lanka Anti-Doping Agency its recommendation, either

recommending the grant of, or refusing the grant of, the

requested TUE. The TUE Committee shall set out in such

recommendation, the reasons for its decision.

Issue of TUE. 7. (1) The Sri Lanka Anti-Doping Agency shall on

receipt of the recommendation forwarded to it by the

Committee, grant approval and issue TUE or reject the

application with reasons assigned.

Convention against Doping in Sport 7

Act, No. 33 of 2013

(2) The TUE shall set out clearly the prohibited substance

or prohibited method in respect of which the TUE is granted

and the period for which such exemption is so granted, along

with any other conditions.

8. A TUE granted in accordance with the provisions of Cancellation of a

this Part of the Act, shall be cancelled if,— TUE.

(a) the athlete to whom the TUE is granted, does not

promptly comply with any requirements or

conditions subject to which the TUE has been

granted by the Sri Lanka Anti-Doping Agency ;

(b) the period for which the TUE was granted has

expired ; or

(c) the decision of the Sri Lanka Anti Doping Agency

is reversed by the World Anti-Doping Agency.

9. If at the end of the period for which the TUE Extension of

has been granted, an athlete is still required to use the period of

applicability of

prohibited substance or method for which the TUE was TUE.

granted, then a further application may be made in the manner

set out above.

PART III

ESTABLISHMENT OF THE SRI LANKA ANTI DOPING AGENCY

10. (1) There shall be established, in accordance with Establishment of

the provisions of this Act, an Agency which shall be called the Sri Lanka

Anti Doping

the Sri Lanka Anti Doping Agency (hereinafter referred to as Agency.

“the Agency”).

(2) The Agency shall, by the name assigned to it by

subsection (1), be a body corporate with perpetual succession

and a common seal and may sue and be sued in such

name.

8 Convention against Doping in Sport

Act, No. 33 of 2013

Objectives of the 11. The objectives of the Agency shall be to—

Agency.

(a) take such measures as are required for eradicating

doping in sport ;

(b) promote research into the area of doping in relation

to sports and reciprocal testing between the Agency

and other International Organizations carrying out

similar functions.

Powers, duties 12. The Agency shall have such powers as may be

and functions of necessary for the implementation of its objectives and the

the Agency.

discharge of the duties and functions assigned to it, and in

particular shall have the power to do all or any of the

following :—

(a) to plan, co-ordinate, implement and monitor anti-

doping activities ;

(b) to take measures against anti-doping rule

violations;

(c) to acquire (whether by sale, gift or otherwise), hold,

take or give on lease or hire, mortgage, pledge and

sell or otherwise dispose of, any movable or

immovable property ;

(d) to open and maintain current and savings accounts

in any bank ;

(e) to accept grants or donations from persons or bodies

of persons, whether in or outside Sri Lanka ;

(f) to enter into or perform, all such contracts as may

be necessary for the exercise of its powers or the

discharge of its functions ;

(g) to invest any money belonging to the Agency ;

Convention against Doping in Sport 9

Act, No. 33 of 2013

(h) to borrow such sums of money as may be necessary

for the purpose of discharging its functions ;

(i) to appoint, employ, remunerate and exercise

disciplinary control over, and dismiss such officers

and servants as are necessary for the discharge of

the functions of the Agency under this Act ;

(j) to charge fees for the services and assistance

provided by the Agency ; and

(k) to do all such other things which in the opinion of

the Agency are necessary to facilitate the discharge

of its functions.

13. (1) The administration, management and control of Administration

the affairs of the Agency shall be vested in a Board of of the Agency to

be vested in the

Governors (hereinafter referred to as the “Board”).

Board.

(2) The Board shall, for the purpose of administering the

affairs of the Agency exercise, perform and discharge the

powers, duties and functions conferred or imposed on or

assigned to the Agency by this Act.

14. (1) The Board shall consist of the following :— Constitution of

the Board.

(a) ex-officio members, namely—

(i) an officer not below the rank of Senior

Assistant Secretary nominated by the

Secretary to the Ministry of the Minister to

whom the subject of Sports is assigned ;

(ii) the Director-General of Sports Development ;

(iii) the Director-General of the National Institute

of Sports Medicine ;

(iv) the Director of the National Institute of Sports

Science ; and

10 Convention against Doping in Sport

Act, No. 33 of 2013

(b) six members appointed by the Minister

(hereinafter referred to as the “appointed

members”) distinguished in the field of law, sports

medicine and sports science.

(2) The Minister shall appoint one of the appointed

members of the Board to be the Chairman of the Board. The

Chairman so appointed shall hold office for a term of three

years and shall be eligible for reappointment.

(3) A person shall be disqualified from being appointed

or from continuing as a member of the Board, if he—

(a) is, or becomes, a member of Parliament or a member

of a Provincial Council or a member of a Local

Authority as the case may be ; or

(b) directly or indirectly, holds or enjoys any right or

benefit under any contract made by or on behalf of

the Agency ; or

(c) has any financial or other interest as is likely to affect

prejudicially the discharge by him of his functions

as a member of the Board.

Duties of the 15. It shall be the duty of the Board to advice the Minister

Board. on any or all of the matters related to the objects of the

Agency and for any such matter referred to the Board for

advice by the Minister.

Power of the 16. The Minister may from time to time issue special or

Minister to give general directions in writing relating to the exercise of the

special or

powers and the performance of the duties of the Board, and

general

directions to the the Board shall give effect to such directions.

Board.

Term of office 17. (1) An appointed member of the Board shall hold

of appointed office for a period of three years from the date of the

members.

appointment.

Convention against Doping in Sport 11

Act, No. 33 of 2013

(2) The Minister may if he condiders it expedient to do

so, remove, with reasons assigned therefor, any appointed

member of the Board from office.

(3) An appointed member of the Board may at any time

resign his office by a letter addressed to the Minister.

(4) In the event of a vacancy occurring in the membership

of the Board as a result of any appointed member vacating

office by death, resignation, removal from office or otherwise,

another person shall, having regard to the provisions of

section 14, be appointed to fill such vacancy.

(5) Where another person is appointed to fill a vacancy

caused by the death, resignation, removal from office or

otherwise of an appointed member, the person so appointed

shall hold such office for the unexpired part of the term of

office of the member of the Board whom he succeeds.

(6) Where any appointed member is by reason of illness,

infirmity or absence from Sri Lanka for a period of not less

than three months, temporarily unable to perform his duties,

another person, may, having regard to the provisions of

section 14, be appointed to act in his place.

(7) Any appointed member of the Board, who is absent

without leave from three consecutive meetings of the Board

shall be deemed to have vacated his office.

18. (1) The Chairman or in absence of the Chairman, the Meetings of the

Vice Chairman shall preside at all meetings of the Board. In Board.

the absence of the Chairman and the Vice Chairman from any

meeting of the Board, the members present at such meeting

shall nominate one member from amongst those present, to

preside at such meeting.

(2) In the event of an equality of votes at any meeting of

the Board, the Chairman, or the member presiding at such

meeting shall in addition to his vote, have a casting vote.

12 Convention against Doping in Sport

Act, No. 33 of 2013

(3) The meetings of the Board shall be convened by the

Chairman and shall be held as frequently as is necessary for

the purpose of discharging the functions of the Agency under

this Act.

(4) The quorum for meeting of the Board shall be four

members.

(5) The Board may pay any member with the approval of

the Minister, such remuneration or allowance, as may be

decided by the Board with the concurrence of the Minister

of Finance.

(6) Subject to the provisions of this Act, regulations may

be made, regulating the procedure to be followed with regard

to conduct of its meetings and the transaction of business at

such meetings. The Board may make rules in this regard.

The Agency 19. The Agency shall be deemed to be a Scheduled

deemed to be a Institution, within the meaning of the Bribery Act, and the

scheduled

provisions of that Act shall be construed accordingly.

Institution

within the

meaning of the

Bribery Act.

Officers and 20. All members, officers and servants of the Agency shall

servants of the be deemed to be public servants within the meaning, and for

Agency to be

the purposes, of the Penal Code.

public servants.

Proceedings of 21. Subject to the provisions of subsection (4) of section

the Board not to 17, the Board shall have the power to act notwithstanding

be invalid by

reason of any any vacancy in its membership, and no act or proceeding of

vacancy or the Board shall be invalid by reason only of the existence of

defect in the

appointment of any such vacancy or any defect in the appointment of a

a member. member thereof.

Convention against Doping in Sport 13

Act, No. 33 of 2013

22. (1) The Board shall appoint a fit and proper person Appointment of

distinguished in the field of medicine or sports medicine as the Director-

General.

Director-General of the Agency who shall be the Chief

Executive Officer of the Agency for a period of three years

and shall be eligible for reappointment.

(2) The Director-General shall execute or perform such

powers, functions and duties as may be delegated to him by

the Board. The Director-General may delegate to any member

of the Board any of his powers and duties.

23. (1) (a) The Board may establish Committees and Establishment of

Panels to assist it in the performance of its functions under Committees and

Panels.

this Act and may appoint such persons as it may deem fit to

be members of any such Committee or Panel.

(b) A Committee or Panel shall carry out its functions and

fulfill its obligations as stipulated in the terms of reference

given to such Committee or Panel by the Board.

(c) The Board may where it considers necessary, co-opt

as a member to a Committee or Panel any person who

possesses the required knowledge and expertise in the

relevent field for the purpose of finalizing the particular

matter under consideration. Such person shall not be a

permanent member and shall not have the right to vote in

respect of any issue which may arise in the course of its

business.

(d) The term of office of the members of any Committee

or panel shall be four years.

(e) Where a member of Committee or Panel dies or resigns,

the Board may, appoint another person to succeed the

member who dies or resigns:

Provided that the member so appointed in place of such

member shall hold office only for the unexpired portion of

the term of office of the member whom he succeeds.

14 Convention against Doping in Sport

Act, No. 33 of 2013

(f) A member of a Committee or Panel may be re-appointed

for another four year period only.

(g) A medical practitioner and a sports administrator shall

be included in every such Committee or Panel. Each such

member shall also make a disclosure of any involvement of

such member which may affect the impartiality of the decision

of the committee or Panel.

(h) The Committee or Panel may appoint an expert to

assist and advise the Committee or Panel on any hearing, on

a case by case basis.

(i) The Athlete or a member of his entourage, Agency, the

International Federation, the National Sports Association

and WADA shall have the right to appear as observers and

attend the hearings of the Disciplinary Panel.

(j) The Athlete or a member of his entourage may forego

a hearing by waiving in writing, the right to a hearing. The

Athlete or related person shall also in such letter acknowledge

the violation of the anti-doping rules and state that such

athlete or person accepts the consequences of such violation

as are prescribed in relation thereto.

(k) Every hearing in terms of this section shall should be

completed as expeditiously as possible and in any event,

prior to the expiry of three months of the date on which the

Committee or Panel commenced its hearing.

(l) The decision of a Committee or Panel on the

conclusion of a hearing shall be given in writing and shall

be signed by three members of each Committee or Panel and

be dated. In the event of a dissent, the member dissenting

shall state his reasons for such dissent as part of the decision

of the Committee or Panel.

(m) Every decision of the Committee or Panel shall set

out the consequences applicable to the Athlete or Person

concerned.

Convention against Doping in Sport 15

Act, No. 33 of 2013

(n) Every decision of the Committee or Panel shall be

notified to the Athlete or a member of his entourage, Agency,

the International Federation, the National Association of

Sports and WADA as soon as practicable.

(o) Rules may be made setting out the procedure to be

followed by a Committee or Panel in relation to the hearings

under this section.

(2) The Board shall constitute a Panel to be called

the “Sri Lanka Anti-Doping Disciplinary Panel” (hereinafter

referred to as the “Disciplinary Panel”) which shall

consist of-

(a) an officer not below the rank of Senior Assistant

Secretary nominated by the Secretary to the

Ministry of the Minister to whom the subject of

Sports is assigned, who shall be the Chairman;

(b) two persons from among lawyers who have more

than five years experience in court appearances,

who shall both be Vice Chairmen;

(c) three persons from among medical practitioners who

have more than five years experience in the field of

sports medicine;

(d) three persons who shall be persons who have had

previous experience in sports administration.

PART IV

DISCIPLINARY PROCEDURE AND APPEALS PROCEDURE IN RELATION TO

ANTI-DOPING RULE VIOLATIONS

24. The Board may, on the basis of the finding of any Situation of an

anti-doping rule

investigation regarding anti-doping rule violation carried

violation.

out by a Disciplinary Panel appointed under section 23,

assert that there has been an anti-doping rule violation if-

(a) there has been an adverse analytical finding in

respect of an athlete based on an allegation of doping

16 Convention against Doping in Sport

Act, No. 33 of 2013

along with a provisional suspension and a

provisional hearing;

(b) the test of the sample has not been declared void

due to an irregularity;

(c) the prohibited substance present is not consistent

with the TUE granted to the athlete in terms of this

Act;

(d) the Sample B analysis conforms the Sample A

finding or the athlete has not requested a sample B

analysis;

(e) all follow-up investigations lead clearly to the

conclusion that an Anti Doping Rule Violation has

been committed by the Athlete or any other person;

and

(f) the athlete has not provided any information or

evidence on the validity of the anti-doping test,

which requires further investigation.

Steps to be taken 25. (1) Where the Board asserts an anti-doping rule

if the Board violation in terms of section 24, the Board shall in writing,

asserts an anti-

doping rule notify its assertion to the Athlete or Person against whom

violation. the adverse analytical finding was made, the national anti-

doping body, the International Federation, the National

Association of Sports and WADA.

(2) The Board shall also in the event that it makes such

an assertion, notify the Sri Lanka Anti-doping Disciplinary

Panel established in terms of section 23 of such assertion

and request that a hearing be conducted by the Sri Lanka

Anti-Doping Disciplinary Panel in accordance with such

guidelines as shall be specified by rules.

Convention against Doping in Sport 17

Act, No. 33 of 2013

(3) The Board shall thereupon forward to the Sri Lanka

Anti-Doping Disciplinary Panel all documentation which is

relevant to the violation and which is available with them.

26. (1) Any Athlete or person aggrieved by a decision Appeal.

of-

(a) a Disciplinary Panel in terms of section 23; or

(b) a decision of the Agency refusing to grant to an

athlete a TUE which is requested in terms of

section 5,

may appeal to the Appeal Panel appointed by the Minister,

within two weeks of the decision being communicated to

him.

(2) The decision of the Appeal Panel shall be final and

conclusive.

(3) The Minister shall appoint an Anti-Doping Appeal

Panel (hereinafter referred to as the “Appeal Panel”) which

shall consist of six members who have distinguished in the

field of law and sports medicine to hear appeals in respect of

matters arising from the violation of Anti-Doping Rules as

may be prescribed.

27. (1) Every decision of a Panel upon a hearing in Consequences of

terms of this Act may be appealed against by a party aggrieved an adverse

decision by the

by such decision. Every such appeal shall be made to CAS

Appeal Panel.

and the provisions of the Code shall be applicable thereto.

(2) Where any athlete has been found to have acted in

contravention of the Anti Doping Rules applicable in Sri

Lanka, such athlete may be punished in terms of the

applicable provisions of the WADA Code. Rules may be

made setting out the punishments which are contained in

the WADA Code as being applicable to anti doping

contravention.

18 Convention against Doping in Sport

Act, No. 33 of 2013

PART V

FINANCE

Fund. 28. (1) The Agency shall have its own fund.

(2) There shall be credited to the fund of the Agency-

(a) all such sums of money as may be voted from

time to time by Parliament for the use of the

Agency;

(b) all such sums of money as may be received by

the Agency in the exercise, performance and

discharge of its powers, duties and functions;

and

(c) all such sums of money as may be received by

the Agency by way of loans, donations, gifts or

grants from any source whatsoever, whether in

or outside Sri Lanka.

(3) There shall be paid out of the fund of the Agency-

(a) all such sums of money as are required to defray

any expenditure incurred by the Agency in the

exercise, performance and discharge of its

powers, duties and functions under this Act; and

(b) all such sums of money as are required to be

paid out of such fund, by or under this Act.

Financial year of 29. The financial year of the Agency shall be the

the Agency. calendar year.

Audit of 30. (1) The provisions of Article 154 of the Constitution

Accounts. relating to the audit of accounts of public corporations shall

apply to, and in relation to, the audit of the accounts of the

Agency.

Convention against Doping in Sport 19

Act, No. 33 of 2013

(2) The provisions of Part II of the Finance Act, No. 38 of

1971 shall, mutatis mutandis apply to the financial control

and accounts of the Agency.

PART VI

GENERAL

31. Where an offence is committed by a body of persons, Offences

then- committed by

body of persons.

(a) if such body is a body corporate, then every person

who, at the time of the commission of the offence,

was a director, manager, officer or servant of such

body corporate; and

(b) if such body is a firm, then every person who at the

time of the commission of the offence was a partner

of that firm,

Shall be deemed to be guilty of that offence, unless he proves

that the offence was committed without his knowledge or

that he exercised due diligence to prevent the commission

of such offence.

32. (1) Any expense incurred by the Board in any suit Expenses to be

or prosecution brought by or against the Board before any paid out of the

Fund.

court, shall be paid out of the Fund of the Agency and any

costs paid to or recovered by the Board in any such suit or

prosecution shall be credited to the Fund of the Agency.

(2) Any expense incurred by any member, officer or any

servant of the Board in any suit or prosecution brought by or

against such person before any court in respect of any act or

omission which is done or purported to be done by such

person in good faith for the purpose of carrying out the

provisions of this Act shall, if the court holds that such act or

omission was done in good faith, be paid out of the Fund of

the Agency, unless such expenses are recovered by such

member, officer or servant in such suit or prosecution.

20 Convention against Doping in Sport

Act, No. 33 of 2013

Rules. 33. (1) The Agency may make rules for following

purposes:—

(a) setting out the procedure for adopting testing

methods, establishment of Registered Testing Pools,

sample collection, accreditation of testing

laboratories, standards to be maintained by testing

laboratories based on the Code of International

Standards for testing Laboratories;

(b) procedure to be followed in the analysis of samples;

(c) procedure for results management in relation to

samples;

(d) specifying anti-doping rules applicable and the

consequences of anti-doping rule violation;

(e) specifying anti-doping control activities;

(f) specifying the procedures applicable in relation to

Negative Analytical findings and Adverse

Analytical findings and principles governing

provisional suspension of an athlete, suspension of

an athlete;

(g) specifying matters connected with the granting of

TUE;

(h) specifying the Sri Lanka Code of Standards for the

testing of samples based on the Code of

International Standards for testing of samples;

(i) procedure for re-entry of a banned athlete;

(j) procedure for the providing access to Independent

Observers;

(k) the procedure to be followed by Agency in relation

to in competition testing of athletes; and

Convention against Doping in Sport 21

Act, No. 33 of 2013

(l) the procedure to be followed by Agency in relation

to out of competition testing of athletes.

(2) A rule made by the Agency under subsection (1) shall

not have effect until it is approved by the Minister and is

published in the Gazette.

34. (1) The Minister may make regulations in respect of Regulations.

all matters required by this Act to be prescribed or in respect

of which regulations are required or authorized to be made

under this Act.

(2) Every regulation made by the Minister shall be

published in the Gazette and shall come into operation from

the date of such publication.

(3) Every regulation made by the Minister shall, as soon

as convenient after its publication in the Gazette but not

later than sixty days from the making thereof, be brought

before the Parliament for approval. Any regulation which is

not so approved shall be deemed to be rescinded as from the

date of its disapproval but without prejudice to anything

previously done thereunder.

(4) Notification of the date on which any regulation made

by the Minister is so deemed to be rescinded shall be

published in the Gazette.

35. All actions, things or matters done, decisions taken Validation.

and implemented by the Sri Lanka Anti Doping Agency

appointed in terms of the Sports Law, No. 25 of 1973 and in

terms of the Sri Lanka Anti Doping Code compiled by the

Agency and effective from April 2009, and in force on the

day immediately prior to the coming into operation of this

Act, shall be deemed to be actions, things and decisions

taken, done and implemented by the Sri Lanka Anti Doping

Agency appointed by section 10 of this Act and shall be

deemed to have been, and to be, validly done and all persons

concerned are hereby indemnified against all actions civil

or criminal, in respect thereof.

22 Convention against Doping in Sport

Act, No. 33 of 2013

Interpretation. 36. In this Act, unless the context otherwise requires-

“athlete” means any person who participates in any

sport at the international or national level or

any sports event;

“CAS” means Court of Arbitration of Sports;

“Code” means the World Anti-Doping Code adopted

by the World Anti-Doping Agency (WADA) on

March 5, 2003 at Copenhagen, as amended from

time to time;

“competition” means a single race, match, game or

singular athletic contest;

“in-competition testing” means for purposes of

differentiating between in-competition and out-

of-competition testing, unless provided

otherwise in the rules of an international

Federation or other relevant anti-doping

organization, a test where an athlete is selected

for testing in connection with a specific

competition;

“person connected with the training of an athlete”

includes every person who is a Curator, Match

Adjudicator, Umpire, Referee, Sports Manager,

Coach, Trainer, Sports Associate, Masseur,

Physio, Medico, or Paramedic;

“sports organization” means any organization that

serves as the ruling body for an event for one or

several sports;

“testing” means the parts of the doping control

process involving test distribution planning,

sample collection, sample handling and

transport of sample to the laboratory;

Convention against Doping in Sport 23

Act, No. 33 of 2013

“Therapeutic Use Exemption (TUE)” means an

exemption granted in accordance with standards

for granting Therapeutic Use Exemptions;

“use” means the application, injection or

consumption by any means whatsoever of any

prohibited substance or prohibited method;

“World Anti-doping Agency (WADA)” means the

entity established for the purposes of the

International Convention against Doping in

Sport in Switzerland, on November 10, 1999.

37. In the event of any inconsistency between the Sinhala text to

Sinhala and Tamil texts of this Act, the Sinhala text shall prevail in case

of inconsistency.

prevail.

24 Convention against Doping in Sport

Act, No. 33 of 2013

Annual subscription of English Bills and Acts of the Parliament Rs. 885 (Local), Rs. 1,180

(Foreign), Payable to the SUPERINTENDENT, GOVERNMENT PUBLICATIONS BUREAU, DEPARTMENT OF

GOVERNMENT INFORMATION, NO. 163, KIRULAPONA MAWATHA, POLHENGODA, COLOMBO 05 before 15th

December each year in respect of the year following.