

UK Legislation relating to Anti-Doping

The UK does not have specific anti-doping legislation, but uses a variety of legislation to control the trafficking and supply of doping substances and to facilitate information sharing between the National Anti-Doping Organisation (UK Anti-Doping) and law enforcement agencies.

Misuse of Drugs Act

The Misuse of Drugs Act 1971 controls drugs whose misuse is, or is capable of being harmful to the individual and of causing a social problem. A number of substances on WADA's prohibited list are controlled under the Misuse of Drugs Act, including anabolic steroids and human growth hormones.

These are categorised as 'Class C' drugs. This means it is an offence to produce, supply, possess with intent to supply, and import and export with intent to supply such substances. The penalty for supply can be up to 14 years imprisonment and/or an unlimited fine. However, it is not an offence to possess them when they are in the form of a medicinal product.

Under Regulations to the Misuse of Drugs Act, certain healthcare professionals, when acting in that capacity, are authorised to possess, supply, and prescribe these drugs. If the practitioner is not acting in good faith in their capacity as a medical professional, they will be in unlawful possession and/or supply. Cases of careless or inappropriate prescribing of controlled drugs are usually a matter for the prescribing professional's regulatory bodies. In the case of doctors, this is the UK General Medical Council (GMC).

The list of substances controlled under the Act is set out in 'secondary legislation', which means it can be reviewed and updated periodically.

The Misuse of Drugs Act 1971 can be found at:

www.opsi.gov.uk/RevisedStatutes/Acts/ukpga/1971/cukpga_19710038_en_1

Medicines Act

The Medicines Act 1968 controls the manufacture and supply of medicines in the UK. The Medicines and Healthcare products Regulatory Agency (MHRA) or the Commission on Human Medicines (CHM) licence medicinal products, which determines how they are manufactured, distributed and supplied. The manufacturing, distribution and storage of medicines are strictly controlled and are licensable activities. A medicine for human use must also have a Marketing Authorisation (Product Licence) before it is placed on the market in the UK. Medicines are given different classifications, which determine how a product can be supplied and who can supply it:

- Prescription only medicines (POM) are only available from a pharmacist with a prescription from an appropriate practitioner;
- Pharmacy medicines (P) are only available from a pharmacist but can be sold without a prescription; and
- General sales list (GSL) medicines may be bought from any shop without a prescription.

A medicine's classification can depend on the potency of a given drug it contains (as is the case with medicines that contain Pseudoephedrine). Possession and importation for personal use are not offences under the Medicines Act.

The Medicines Act 1968 can be found at:

www.opsi.gov.uk/RevisedStatutes/Acts/ukpga/1968/cukpga_19680067_en_1

Information Sharing

UK Anti-Doping is able to receive information from a number of law enforcement agencies using 'information sharing gateways' in UK legislation. This includes:

- **Serious Organised Crime Agency (SOCA)** - An Order made on 2nd August 2010, under the Serious Organised Crime and Police Act 2005, allows SOCA to disclose information to UK Anti-Doping. This can include information that SOCA has received from any UK police force and Interpol. Here is a link to the Order: www.opsi.gov.uk/si/si2010/uksi_20101955_en_1
- **UK Border Agency (UKBA)** - Section 16(4) of the Borders, Citizenship and Immigration Act 2009 enables UKBA to disclose customs information to UK Anti-Doping, by virtue of UK Anti-Doping being a public body exercising a public function: Here is a link to the Act: www.opsi.gov.uk/acts/acts2009/ukpga_20090011_en_1
- **Medicines and Healthcare products Regulatory Agency (MHRA)** - Section 118(1) subsection (1A), of the Medicines Act 1968 permits the MHRA to disclose information to UK Anti-Doping (except where it is holding this information on behalf of another person). Here is a link to the Act: www.opsi.gov.uk/RevisedStatutes/Acts/ukpga/1968/cukpga_19680067_en_1

Other Legislation

In addition, other legislation either affects the way UK Anti-Doping operates, or may be employed in order to deter, detect or enforce anti-doping rule violations. For example:

- **Data Protection Act 1988** – This affects the personal information law enforcement agencies can disclose to UK Anti-Doping, as well as how UK Anti-Doping stores, processes and shares information with third parties, including sports and anti-doping organisations in other countries.
- **Proceeds of Crime Act 2002** (POCA) – This allows assets from certain unlawful anti-doping activity to be recovered.