

**IN THE MATTER OF DISCIPLINARY PROCEEDINGS BROUGHT BY UK ANTI-DOPING UNDER THE UK ANTI-DOPING RULES AGAINST (1) TYSON FURY AND (2) HUGHIE FURY**

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**DECISION ISSUED BY UKAD PURSUANT TO UK  
ADR ARTICLE 7.7.4**

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**WHEREAS:**

- A. UKAD has asserted that (a) Hughie Fury committed an anti-doping rule violation within the meaning of Article 2.1 of the UK Anti-Doping Rules (**UK ADR**), in that elevated levels of nandrolone metabolites were reported to be present in the urine sample collected from him after his fight on 21 February 2015, for which he is liable to be banned for four years; and (b) Tyson Fury committed an anti-doping rule violation within the meaning of UK ADR Article 2.1, in that elevated levels of nandrolone metabolites were reported to be present in the urine sample collected from him after his fight on 28 February 2015, for which he is liable to be banned for four years (the **Nandrolone Proceedings**).
- B. Each of Hughie Fury and Tyson Fury (together, the **Respondents**) denies the anti-doping rule violations asserted against them in the Nandrolone Proceedings, and alternatively denies that he bears any fault or negligence for the reported presence of the elevated levels of nandrolone metabolites in his system on the relevant dates in February 2015, on the basis that they came from ingestion of offal of uncastrated wild boar or pig, or alternatively from contaminated supplements.
- C. UKAD has also asserted that Tyson Fury committed an anti-doping rule violation within the meaning of UK ADR Article 2.3, in that he refused or failed without compelling justification to submit to sample collection on 7 September 2016, for which he is liable to be banned for four years (the **Refusal Proceedings**).
- D. Tyson Fury denies the anti-doping rule violation asserted in the Refusal Proceedings, and alleges (among other things) that the incident in question would never have happened (1) had it not been for UKAD bringing the Nandrolone Proceedings against him in June 2016, after having led him to believe that no charges would be brought against him or Hughie Fury in relation to the elevated levels of nandrolone metabolites reported to be present in their February 2015 urine samples; and (2) if he had been expressly warned at the time of the incident that if he refused or failed to provide a sample he could be banned for four years.
- E. The NADP Tribunal hearing the Nandrolone Proceedings denied the Respondents' application to dismiss the charges *per se* (i.e., absent proof of prejudice) based on UKAD's alleged breaches of the UK ADR and/or based on principles of waiver/estoppel/legitimate expectation, but left it open to the Respondents to argue that no violation had been established, or (in the alternative) UKAD's delay in bringing the Nandrolone Proceedings and its failure to warn the Respondents that they may be required to account for the nandrolone metabolites reportedly detected in their systems had caused them prejudice in their defence of the charges such that the charges should be dismissed or (in the alternative) the normal rules on burden and standard of proof of source should be reversed (such that UKAD should bear the burden of proving that the source of the reported nandrolone metabolites was a knowing and deliberate administration of a synthetic nandrolone preparation) or varied

(such that the Respondents' argument that the source of the reported nandrolone metabolites was of an uncastrated wild boar or pig or contaminated supplements should be accepted at face value).

- F. UKAD's position is that the anti-doping rule violations it has asserted have been committed and the consequences set out in the UK Anti-Doping Rules should apply. Tyson and Hughie Fury's position is that they have never knowingly or deliberately committed any anti-doping rule violation. In recognition of the counter-arguments and the risks inherent in the dispute resolution process, each of UKAD and the Respondents (together, the **Parties**) recognises that it/he will have to compromise its/his claims to some degree.
- G. In accordance with UK ADR Article 7.7.4 and section 51 of the Arbitration Act 1996, at the request of the parties the NADP Tribunal has issued an order terminating the proceedings before it without making any substantive award. This decision is not an order or award of the NADP Tribunal.

**NOW, THEREFORE, UKAD ISSUES THE FOLLOWING DECISION PURSUANT TO UK ADR ARTICLE 7.7.4:**

**1. Anti-doping rule violations**

- 1.1 The Nandrolone Proceedings are concluded against Hughie Fury on the basis that metabolites of exogenous nandrolone were reported to be present in the urine sample collected from him after his fight on 21 February 2015, which constitutes an anti-doping rule violation under UK ADR Article 2.1.
- 1.2 The Nandrolone Proceedings are concluded against Tyson Fury on the basis that metabolites of exogenous nandrolone were reported to be present in the urine sample collected from him after his fight on 28 February 2015, which constitutes an anti-doping rule violation under UK ADR Article 2.1.
- 1.3 The Refusal Proceedings are concluded on the basis that UKAD withdraws the allegation that Tyson Fury committed an anti-doping rule violation within the meaning of UK ADR Article 2.3 on 7 September 2016.

**2. Period of ineligibility**

- 2.1 UKAD accepts that Hughie Fury and Tyson Fury were not put on notice before they were charged with the Article 2.1 violations in June 2016 that they may have to account for the presence of the elevated levels of nandrolone metabolites in their February 2015 samples, and that as a result there is an argument that the normal rules on burden and standard of proving source should be varied, and Hughie Fury and Tyson Fury should be found to have proved source to the required standard, or else UKAD should be found not to have proved intentional ingestion to the required standard, and as a result the presumption arising under UK ADR Article 10.2 that Hughie Fury and Tyson Fury acted intentionally should be deemed rebutted.
- 2.2 On the other hand, Hughie Fury and Tyson Fury accept that the normal rules on burden and standard of proof may be held applicable, in which case they may be found not to have proved source to the requisite standard, and as a result they may not be able to get the presumptive four year period of ineligibility reduced.

2.3 In such circumstances, the Parties compromise by accepting that the period of ineligibility to be imposed on the Respondents for the Article 2.1 violations asserted in the Nandrolone Proceedings shall be two years, pursuant to UK ADR Article 10.2.

2.4 Given that both Tyson Fury and Hughie Fury have served periods of provisional suspension since the notices of charge were served, Tyson Fury from 24 June 2016 to 3 August 2016 (when the NADP President issued an order lifting the provisional suspension), and again from 16 September 2016 to date, and Hughie Fury from 24 June 2016 to 3 August 2016 (when the NADP President issued an order lifting the provisional suspension) and effectively thereafter until 1 February 2017, and given further the delays in results management that are not attributable to the Respondents, the period of ineligibility will be back-dated to start from 13 December 2015, in accordance with UK ADR Article 10.11, so that it ends at midnight on 12 December 2017.

### **3. Disqualification of results**

3.1 In accordance with UK ADR Article 9.1, the result of Hughie Fury's fight on 21 February 2015 against Andriy Rudenko is disqualified, and any and all titles, prize money and ranking points that he secured as a result of his victory in that fight are forfeited.

3.2 In accordance with UK ADR Article 9.1, the result of Tyson Fury's fight on 28 February 2015 against Christian Hammer is disqualified, and any and all titles, prize money and ranking points that he secured as a result of his victory in that fight are forfeited.

3.3 UKAD accepts that because Tyson Fury and Hughie Fury were not put on notice of their alleged UK ADR Article 2.1 violations until June 2016, and because no adverse analytical findings or adverse passport findings were reported in respect of any of the urine and/or blood samples collected from them after February 2015 (including from Tyson Fury on 11 May 2015, 16 July 2015, 8 October 2015, 17 October 2015, 11 November 2015, 13 July 2016, and 4 May 2017; and from Hughie Fury on 11 May 2015, 25 July 2015, 8 October 2015, 17 October 2015, 14 November 2015, 18 July 2016, 29 September 2016, 18 February 2017, 19 April 2017, 8 August 2017, 29 August 2017, and 23 September 2017), therefore in accordance with UK ADR Article 10.8 the competition results they obtained in their fights after February 2015 should not be disqualified.

### **4. Appeals**

4.1 This document constitutes the final decision resolving and terminating the Nandrolone Proceedings and the Refusal Proceedings, in accordance with UK ADR Article 7.7.4. It shall be formally notified to WADA and the British Boxing Board of Control (**BBBoC**) in accordance with UK ADR Article 13.7 (WADA and the BBBoC being the only third parties of which the Parties are aware that have a right of appeal against this decision pursuant to UK ADR Article 13).

4.2 The Respondents have waived their rights to a hearing on the charges, accepted the findings at paragraphs 1.1 and 1.2 above (which amounts to an admission for the purposes of UK ADR Article 7.7.4), and acceded to the consequences set out at paragraphs 2 and 3, above. Subject only to paragraph 4.3, below, each of the Parties hereby waives its/his rights to appeal against or otherwise challenge this decision in any forum, whether pursuant to UK ADR Article 13 or otherwise.

4.3 If WADA, the BBBoC or any other third party with a valid right of appeal appeals against this decision to the CAS, then any Party may cross-appeal in respect of any aspect of paragraphs 1 to 3, above, should it/he be so advised, in accordance with UK ADR Article 13.7.3. In that event, the cross-appealing party shall not be bound or in any way limited in his cross-appeal by any aspect of paragraphs 1 to 3 or 4.1 or 4.2.

**5. Public reporting**

This decision shall be publicly reported in accordance with UK ADR Article 8.4 by publication on UKAD's website.

Dated: 12 December 2017