

REGULATIONS RELATING TO PARTICIPANTS WITH BLOOD BORNE DISEASES**1. Definitions and Interpretations**

1.1. The following expressions shall have the following meanings:

“Participant” shall mean any Persons subject to the Operational Rules of the Rugby Football League (“RFL”) or participating in any events, competitions, games or other activities organised, convened or authorised by the RFL or any of its member or affiliate organisations, wherever held, and whether or not such member or other Person is a citizen or resident of the United Kingdom.

1.2. These rules shall be interpreted in the following way:

(a) Should any term of these Regulations be considered void or voidable under any applicable law then such term shall be severed or amended in such a manner as to render the remainder of these Regulations valid or enforceable, unless the whole object is thereby frustrated;

(b) The legal construction of these Regulations shall not be affected by the clause headings which are for ease of reference only.

(c) In these Regulations the use of the singular includes the plural and vice versa.

2. Scope and Application

2.1. The RFL has adopted these Blood Borne Disease Rules (“the Rules”) to impose controls on blood borne diseases in the sport of rugby league in order to protect the rights and the health and safety of other participants in the sport. This is done by way of a risk assessment, based on reputable medical opinion, for each individual case brought to the attention of the RFL.

2.2. These rules shall apply to all Participants.

2.3. Any Participant agrees

(a) to be bound by and abide strictly by these Rules;

(b) to comply with the RFL Blood Borne Diseases Policies and Procedures and to acknowledge that a breach of such Policies and Procedures is a breach of the Operational Rules;

(c) to provide all requested assistance to the RFL in the application and enforcement of these Rules;

(d) to waive medical confidentiality only in so far as it is necessary to apply and enforce these Rules, including providing express consent to any medical practitioner to advise the RFL, the Person’s employer and any other medical practitioner of the Person’s medical status and/or history in order to protect the rights and the health and safety of other participants in the sport and in order to allow the RFL to apply and enforce the Rules;

(e) to the processing of data, including sensitive and personal data, pursuant to the Data Protection Act 1998 in order to protect the rights and the health and safety of other participants in the sport and in order to allow the RFL to apply and enforce the Rules;

(f) To make him/herself available to undergo any necessary medical examination and or non-invasive test, including blood test, or sample collection, including blood sample collection;

(g) To submit to the jurisdiction of the Blood Borne Disease Tribunal;

(h) To submit to the jurisdiction of any Blood Borne Disease Appeal Tribunal.

- 2.4. Further to each Participant's obligation to comply with these Rules, it is the responsibility of each Participant to:
 - (a) To be as fully aware of their medical condition as is reasonable in all of the circumstances;
 - (b) To advise the RFL Blood Borne Disease Officer (BBDO), their medical practitioner, their employer and their employing club's doctor of their medical condition as soon after reasonably that they are aware or ought reasonably to be aware that they have been diagnosed as having contracted and/or have contracted a blood borne disease;
 - (c) To ensure that they protect the rights and the health and safety of other participants in the sport.
- 2.5. These Rules shall only apply to Blood Borne Diseases, which shall include, but not be limited to, HIV and Hepatitis.
- 2.6. These rules shall come into effect on 6 June 2006 and shall not be retrospective but shall apply any Participant who at the date of the implementation of the Rules has been diagnosed as suffering from or who is suffering from a Blood Borne Disease and to any Participant who is diagnosed as suffering from or who is suffering from a Blood Borne Disease subsequent to the date of implementation.

3. Notification and Testing of Medical Status

- 3.1. The RFL shall appoint a Blood Borne Disease Officer ("BBDO"), who shall be the Operations Director. The responsibility of the BBDO shall include receiving notification of a Participant suffering from a Blood Borne Disease and convening the Blood Borne Disease Tribunal and Blood Borne Appeal Tribunal.
- 3.2. It shall be the responsibility of the BBDO to ensure that the identity of the Participant and any medical information disclosed or produced in accordance with these Rules is kept confidential at all times.
- 3.3. A Participant aware or who ought reasonably to be aware that they have been diagnosed as having contracted and/or have contracted a blood borne disease shall notify the BBDO, club doctor or Club Official of their medical status as soon as reasonably practicable.
- 3.4. Where any medical practitioner, club doctor or Club Official is advised that a Participant has contracted a blood borne disease they shall notify the BBDO of this as soon as reasonably practicable.
- 3.5. Where anyone else subject to the Operational Rules is advised that a Participant has contracted a blood borne disease, and has received that Participant's consent to do so, they shall notify the BBDO of this as soon as reasonably practicable.
- 3.6. The BBDO may on notification request that that Participant undergo any necessary medical examination and or non-invasive test or sample collection in order to verify the diagnosis. Such examination or test shall be carried out by a suitably qualified medical practitioner appointed by the BBDO. The BBDO may also request that a Participant undergo any necessary medical examination and or non-invasive test or sample collection in order to verify the diagnosis if requested to do so by the Chair of either the Blood Borne Disease Tribunal or Blood Borne Disease Appeal Tribunal at any point prior to the hearing taking place or during any adjournment of the hearing.
- 3.7. Where a Minor is either aged 16 or over or is considered by the medical professional carrying out the examination or test to be 'Gillick' competent, the Minor's consent shall be sufficient. Otherwise, a person with parental responsibility must give prior written consent.

- 3.8. In the event that consent to undergo a medical examination or test is not forthcoming or in the event that a Participant withdraws their consent to waive their right to confidentiality or in the event that a Participant notifies the BBDO that they are no longer willing to be bound by the Rules, then that Participant shall no longer be entitled to participate in any events, competitions, games or other activities organised, convened or authorised by the RFL or any of its member or affiliate organisations, wherever held.

4. Notice of Bbdo's Action

- 4.1. Upon receipt of notification that a Participant is suffering from a Blood Borne Disease, the BBDO shall issue a Provisional Suspension to the Person from participating in events, competitions, games or other activities organised, convened or authorised by the RFL or any of its member or affiliate organisations, wherever held and it shall be misconduct to act in contravention of such Provisional Suspension or to assist a Participant contravene a Provisional Suspension.
- 4.2. In the event that the BBDO concludes that the evidence is sufficient to conclude that the Participant is not suffering from a Blood Borne Disease then the Person shall be notified as soon as reasonably practicable and shall subsequently be permitted to resume participating in events, competitions, games or other activities organised, convened or authorised by the RFL or any of its member or affiliate organisations, wherever held.
- 4.3. In the event that the BBDO concludes that the evidence is sufficient to conclude that the Participant is suffering or may be suffering from a Blood Borne Disease then the Participant shall be notified as soon as reasonably practicable and the BBDO shall convene a Blood Borne Disease Tribunal to carry out a risk assessment as to whether or not the Participant should be permitted to participate in the sport having regard to the need to protect the rights and the health and safety of other participants in the sport. In the meantime, and until the Blood Borne Disease Tribunal has issued its decision the Provisional Suspension shall continue.

5. Blood Borne Disease Tribunal

- 5.1. The BBDO shall appoint a Panel of persons suitable to be appointed to the Blood Borne Disease Tribunal or Blood Borne Disease Appeal Tribunal in any particular case. The panel shall be of sufficient size to allow the appointment of any individual tribunal within a reasonable period of time, having regard to the number of cases being notified to the BBDO and having regard to geography and the need to convene the panel as quickly as possible.
- 5.2. The RFL shall be entitled to provide reasonable compensation and reimbursement of expenses to Tribunal or Appeal Tribunal members.
- 5.3. The BBDO shall appoint a legally qualified Chair of the Blood Borne Disease Tribunal once the BBDO concludes that the evidence is sufficient to conclude that the Participant is suffering or may be suffering from a Blood Borne Disease. The Chair shall appoint an additional 2 members of the Blood Borne Disease Tribunal. Such members shall have sufficient legal, medical or scientific experience to be competent to resolve the issues to be determined by the Tribunal.
- 5.4. The Chair and Members of the Tribunal shall have no prior involvement in the matter and in addition the RFL and the Respondent shall have a reasonable period in which to raise a legitimate objection to the identity of the Chair or any Member of the Tribunal.
- 5.5. The parties to the Tribunal are the RFL and the Respondent and each, at their own expense, shall be entitled to be represented at the Tribunal and/or to call expert evidence.
- 5.6. The Chair shall convene a preliminary meeting (which may take place by telephone and/or video link) in order to set a hearing date, in order to set a timetable for the exchange of any permitted expert evidence ahead of the hearing and in order to deal with any other relevant preliminary matters ahead of the hearing, provided that these are not matters that ought properly to be adjudicated upon at the hearing.

6. Hearings before the Blood Borne Disease Tribunal

- 6.1. The hearing shall be conducted on a private and confidential basis and at a venue provided by and at the cost of the RFL.
- 6.2. The procedure to be followed shall be at the discretion of the Chair provided always that the hearing is conducted in a fair manner with a reasonable opportunity for each party to present evidence, address the Tribunal and present his/her case.
- 6.3. The RFL shall have the burden of establishing that the Respondent is suffering from a Blood Borne Disease on the balance of probabilities.
- 6.4. If the Tribunal is satisfied that the RFL has established that the Respondent is suffering from a Blood Borne Disease, the Tribunal must then carry out a risk assessment to determine on balance whether the rights and the health and safety of other participants in the sport are prejudiced so as to justify imposing a Permanent or Ongoing Suspension on the Respondent from being entitled to participate in any events, competitions, games or other activities organised, convened or authorised by the RFL or any of its member or affiliate organisations, wherever held.
- 6.5. The Tribunal shall issue a Permanent Suspension where it is satisfied on balance that the Respondent's medical condition is such that the rights and the health and safety of other participants in the sport will always be prejudiced.
- 6.6. The Tribunal shall issue an Ongoing Suspension where it is satisfied on balance that the Respondent's medical condition is such that the rights and the health and safety of other participants in the sport are currently prejudiced but that the medical condition is such that they may not always be prejudiced. In that event the Respondent shall be entitled to apply to the BBDO after such Minimum Period of Ongoing Suspension has expired in order for the BBDO to reconvene a Blood Borne Disease Tribunal.
- 6.7. The Tribunal shall determine the risk assessment in private and by a majority vote and shall announce its decision in writing, dated and signed by the Chair of the Tribunal within 14 days of the end of the hearing. Such decision shall be kept confidential save to the extent that any Suspension needs to be publicised in order to give effect to the purpose behind the Rules.
- 6.8. It shall be Off Field Misconduct to act in contravention of a Provisional, Permanent or Ongoing Suspension or to assist a Person contravene a Provisional, Permanent or Ongoing Suspension.

7. Blood Borne Disease Appeal Tribunal

- 7.1. The decisions of the Blood Borne Disease Tribunal shall be subject to challenge by appeal to the Blood Borne Disease Appeal Tribunal. An appeal may be lodged by either the RFL or the Respondent. The decision of the Blood Borne Disease Tribunal shall remain in effect while under appeal unless the Chair of the Blood Borne Disease Appeal Tribunal orders otherwise at any time.
- 7.2. Any party who wishes to appeal a decision of the Blood Borne Disease Tribunal must lodge a written notice of appeal with the BBDO, specifying the grounds for appeal, within 14 days of receipt of the written reasoned decision of the Blood Borne Disease Tribunal that is being challenged on appeal.
- 7.3. The Blood Borne Disease Appeal Tribunal shall hear and determine all issues arising from any matter which is appealed anew without being bound in any way by the decision being appealed.
- 7.4. Within a reasonable time of being notified of an appeal, the BBDO shall appoint a legally qualified Chair of the Blood Borne Disease Appeal Tribunal. The Chair shall appoint an additional 2 members of the Blood Borne Disease Appeal Tribunal. Such members shall have sufficient legal, medical or scientific experience to be competent to resolve the issues to be determined by the Appeal Tribunal.
- 7.5. The Chair and Members of the Appeal Tribunal shall have no prior involvement in the matter and in addition the RFL and Respondent shall have a reasonable period in which to raise a legitimate objection to the identity of the Chair or any Member of the Appeal Tribunal.

- 7.6. The parties to the Appeal Tribunal are the RFL and the Respondent and each, at their own expense, shall be entitled to be represented at the Appeal Tribunal and/or to call expert evidence.
- 7.7. The Chair shall convene a preliminary meeting (which may take place by telephone and/or video link) in order to set an appeal hearing date, in order to set a timetable for the exchange of any permitted expert evidence ahead of the hearing and in order to deal with any other relevant preliminary matters ahead of the appeal hearing, provided that these are not matters that ought properly to be adjudicated upon at the appeal hearing.
- 7.8. The appeal hearing shall be conducted on a private and confidential basis and at a venue provided by and at the cost of the RFL.
- 7.9. The procedure to be followed shall be at the discretion of the Chair provided always that the hearing is conducted in a fair manner with a reasonable opportunity for each party to present evidence, address the Appeal Tribunal and present his/her case.
- 7.10. The RFL shall have the burden of establishing that the Respondent is suffering from a Blood Borne Disease on the balance of probabilities.
- 7.11. If the Appeal Tribunal is satisfied that the RFL has established that the Respondent is suffering from a Blood Borne Disease, the Appeal Tribunal must then carry out a risk assessment to determine on balance whether the rights and the health and safety of other participants in the sport are prejudiced so as to justify imposing or upholding a Permanent or Ongoing Suspension on the Respondent from being entitled to participate in any events, competitions, games or other activities organised, convened or authorised by the RFL or any of its member or affiliate organisations, wherever held.
- 7.12. The Appeal Tribunal shall issue or uphold a Permanent Suspension where it is satisfied on balance that the Respondent's medical condition is such that the rights and the health and safety of other participants in the sport will always be prejudiced.
- 7.13. The Appeal Tribunal shall issue or uphold an Ongoing Suspension where it is satisfied on balance that the Respondent's medical condition is such that the rights and the health and safety of other participants in the sport are currently prejudiced but that the medical condition is such that they may not always be prejudiced. In that event the Respondent shall be entitled to apply to the BBDO after such Minimum Period of Ongoing Suspension has expired in order for the BBDO to reconvene a Blood Borne Disease Tribunal.
- 7.14. The Appeal Tribunal shall determine the risk assessment in private and by a majority vote and shall announce its decision in writing, dated and signed by the Chair of the Tribunal within 14 days of the end of the hearing. Such decision shall be kept confidential save to the extent that any Suspension needs to be publicised in order to give effect to the purpose behind the Rules.
- 7.15. The decision of the Appeal Tribunal shall be final and there shall be no further right of appeal. In the event that any further material evidence is disclosed to the BBDO in accordance with these Rules, the BBDO shall have the discretion to reconvene the Blood Borne Disease Tribunal as above.

8. Miscellaneous

- 8.1. Any decision of the BBDO, Tribunal or Appeal Tribunal shall be recognised and respected by the RFL and any of its member or affiliate organisations and all those subject to the Operational Rules of the RFL.
- 8.2. Notice to any Participant shall be delivered by recorded delivery to the most recently held address by the RFL and such notice shall be deemed to have been received upon the expiry of three (3) working days after and not including the day of posting.
- 8.3. Notice to the RFL or the BBDO shall be delivered by first class post to Red Hall, Red Hall Lane, Leeds, LS17 8NB and such notice shall be deemed to have been received upon the expiry of three (3) working days after and not including the day of posting.

- 8.4. Notice to the Chair of any tribunal or appeals tribunal shall be delivered by first class post to the address provided by the Chair to the BBDO upon appointment and the BBDO shall be obliged to advise the RFL and the Respondent of the address upon appointment. Such notice to the Chair shall be deemed to have been received upon the expiry of three (3) working days after and not including the day of posting.