



## **DECISION of the FEI TRIBUNAL**

**dated 24 July 2017**

**Positive Controlled Medication Case No.:** 2017/CM07

**Horse:** ULTREIA LARZAC **FEI Passport No:** 104PD12/BRN

**Person Responsible/NF/ID:** Othman Abduljaleel Al Awadhi/10034135/BRN

**Event:** CEI2\* 120 – Sakhir, Bahrain International Endurance Village (BRN)

**ID:** 2017\_CI\_0797\_E\_S\_02\_01

**Date:** 14 January 2017

**Prohibited Substances:** Caffeine, Theophylline, Phenylbutazone, Oxyphenbutazone, Dexamethasone

### **I. COMPOSITION OF PANEL**

Ms. Jane Mulcahy QC, one member panel

### **II. SUMMARY OF THE FACTS**

- 1. Memorandum of case:** By Legal Department.
- 2. Summary information provided by Person Responsible (PR):**  
The FEI Tribunal duly took into consideration all evidence, submissions and documents presented in the case file, as also made available by and to the PR.
- 3. Oral hearing:** None.

### **III. DESCRIPTION OF THE CASE FROM THE LEGAL VIEWPOINT**

#### **1. Articles of the Statutes/Regulations which are applicable:**

Statutes 23<sup>rd</sup> edition, effective 29 April 2015 ("**Statutes**"), Arts. 1.4, 38 and 39.

General Regulations, 23<sup>rd</sup> edition, 1 January 2009, updates effective 1 January 2017, Arts. 118, 143.1, 161, 168 and 169 ("**GRs**").

Internal Regulations of the FEI Tribunal, 2<sup>nd</sup> edition, 1 January 2012 ("IRs").

FEI Equine Anti-Doping and Controlled Medication Regulations ("EADCMRs"), 2<sup>nd</sup> edition, effective 1 January 2016.

FEI Controlled Medication Regulations ("ECM Rules"), 2<sup>nd</sup> edition, effective 1 January 2016.

Veterinary Regulations ("VRs"), 13<sup>th</sup> edition 2015, effective 1 January 2017, Art. 1055 and seq.

FEI Code of Conduct for the Welfare of the Horse.

**2. Person Responsible:** Mr. Othman Abduljaleel Al Awadhi.

**3. Justification for sanction:**

GRs Art. 143.1: "Medication Control and Anti-Doping provisions are stated in the Anti-Doping Rules for Human Athletes (ADRHA), in conjunction with the World Anti-Doping Code, and in the Equine Anti-Doping and Controlled Medication Regulations (EADCM Regulations)."

GRs Art. 118.3: "The Person Responsible shall be the Athlete who rides, vaults or drives the Horse during an Event, but the Owner and other Support Personnel including but not limited to grooms and veterinarians may be regarded as additional Persons Responsible if they are present at the Event or have made a relevant Decision about the Horse. In vaulting, the lunger shall be an additional Person Responsible."

ECM Rules Art. 2.1.1: "It is each Person Responsible's personal duty to ensure that no Controlled Medication Substance is present in the Horse body during an Event without a valid Veterinary Form. Persons Responsible are responsible for any Controlled Medication Substance found to be present in their Horse's Samples, even though their Support Personnel will be considered additionally responsible under Articles 2.2 – 2.5 ECM Rules where the circumstances so warrant. It is not necessary that intent, Fault, negligence or knowing Use be demonstrated in order to establish a Rule violation under Article 2.1."

EADCMRs APPENDIX 1 – Definitions:

Fault. Fault is any breach of duty or any lack of care appropriate to a particular situation. Factors to be taken into consideration in assessing an Person Responsible and/or member of the Support Personnel's degree of Fault include, for example, the Person Responsible's and/or member of the Support Personnel's experience, whether the Person Responsible and/or member of the Support Personnel is a Minor, special considerations such as impairment, the

degree of risk that should have been perceived by the Person Responsible and/or member of the Support Personnel and the level of care and investigation exercised by the Person Responsible and/or member of the Support Personnel in relation to what should have been the perceived level of risk. In assessing the Person Responsible's and/or member of the Support Personnel's degree of Fault, the circumstances considered must be specific and relevant to explain the Person Responsible's and/or member of the Support Personnel's departure from the expected standard of behaviour. Thus, for example, the fact that the Person Responsible would lose the opportunity to earn large sums of money during a period of Ineligibility, or the fact that the Person Responsible only has a short time left in his or her career, or the timing of the sporting calendar, would not be relevant factors to be considered in reducing the period of Ineligibility under Article 10.5.1 or 10.5.2."

"No Fault or Negligence. The Person Responsible and/or member of the Support Personnel establishing that he or she did not know or suspect, and could not reasonably have known or suspected even with the exercise of utmost caution, that he or she had administered to the Horse, or the Horse's system otherwise contained, a Banned or Controlled Medication Substance or he or she had Used on the Horse, a Banned or Controlled Medication Method or otherwise violated an EAD or ECM Rule. Except in the case of a Minor, for any violation of Article 2.1, the Athlete must also establish how the Prohibited Substance entered his or her system."

"No Significant Fault or Negligence. The Person Responsible and/or member of the Support Personnel establishing that his fault or negligence, when viewed in the totality of the circumstances and taking into account the criteria for No Fault or Negligence, was not significant in relationship to the EADCM Regulation violation. Except in the case of a Minor, for any violation of Article 2.1 of the EAD Rules and Article 2.1 of the ECM Rules, the Athlete must also establish how the Prohibited Substance entered his or her system."

#### **IV. DECISION**

Below is a summary of the relevant facts, allegations and arguments based on the Parties' written submissions, pleadings and evidence adduced. Additional facts and allegations found in the Parties' written submissions, pleadings and evidence may be set out, where relevant, in connection with the legal discussion that follows. Although the Tribunal has fully considered all the facts, allegations, legal arguments and evidence in the present proceedings, in its decision it only refers to the submissions and evidence it considers necessary to explain its reasoning.

## **1. Factual Background**

- 1.1 ULTREIA LARZAC (the "**Horse**") participated at the CEI2\* 120 in Sakhir, Bahrain International Endurance Village, Bahrain, on 14 January 2017 (the "**Event**"), in the discipline of Endurance. The Horse was ridden by Mr. Othman Abduljaleel Al Awadhi who is the Person Responsible in accordance with Article 118.3 of the GRs (the "**PR**").
- 1.2 The Horse was selected for sampling during the Event on 14 January 2017.
- 1.3 Analysis of the blood sample number 5528631 taken from the Horse at the Event was performed at the FEI-approved Laboratory, the LGC Newmarket Road Laboratory (LGC) (the "**Laboratory**") in Fordham, Cambridgeshire, United Kingdom. The analysis of the sample revealed the presence of Caffeine, Theophylline, Phenylbutazone, Oxyphenbutazone and Dexamethasone in the plasma.
- 1.4 The Prohibited Substances detected are Caffeine, Theophylline, Phenylbutazone, Oxyphenbutazone, Dexamethasone. Caffeine is a stimulant which stimulates the central nervous system. Theophylline is a bronchodilator used in the treatment of respiratory disease. Phenylbutazone and Oxyphenbutazone (metabolite of Phenylbutazone) are non-steroidal anti-inflammatory drugs (NSAID) with anti-inflammatory and analgesic effects. Dexamethasone is a corticosteroid drug with anti-inflammatory effects. These substances are classified as Controlled Medication Substances under the FEI Equine Prohibited Substances List (the "**FEI List**"). Furthermore, no valid Veterinary Form exists for the respective substances. Therefore, the positive finding for Caffeine, Theophylline, Phenylbutazone, Oxyphenbutazone and Dexamethasone in the Horse's sample gives rise to a Controlled Medication Rule violation under the EADCMRs. Caffeine and Theophylline are Specified Substances, Prohibited Substances identified as Specified Substances on the Prohibited List.

## **2. The Further Proceedings**

- 2.1 On 9 February 2017, the FEI Legal Department officially notified the PR and the Owner of the Horse through the Bahrain National Federation ("**BRN-NF**"), of the presence of the Prohibited Substances following the laboratory analysis, the possible rule violation and the possible consequences. The Notification Letter included notice that the PR was provisionally suspended and granted him the opportunity to be heard at a Preliminary Hearing before the Tribunal.

## **3. The B-Sample analysis**

- 3.1 Together with the Notification Letter of 9 February 2017, the PR and the Owner of the Horse were also informed that they were entitled (i) to the performance of a B-Sample confirmatory analysis on the

positive sample; (ii) to attend or be represented at the B-Sample analysis; and/or (iii) to request that the B-Sample be analysed in a different laboratory than the A-Sample.

- 3.2 Neither the PR nor the Owner of the Horse asked for the B-Sample to be analysed. Furthermore, the PR accepted the rule violation, and the results of the A-Sample analysis.

#### **4. Written submission by and on behalf of the PR**

- 4.1 On 19 February 2017, the BRN-NF stated as follows via email:

*"Kindly note that the PR – Mr. Othman AbdulJaleel Al Awadhi admits the violation, waives the hearing and agrees with the FEI on the consequence that are mandated by the ECM Rules or that have been offered by the FEI."*

- 4.2 By way of a completed FEI Questionnaire dated 21 May 2017, the PR submitted the following explanations regarding the positive finding:

*"A week before the race the horse had a long training which caused a dehydration to the horse and it has been treated by novacoc forte Fluid twice 7 and 3 days before the race without any knowledge that it contain caffeine, also we were having doubt in the horse lameness and it has been injected by phnylarthritis 7 days prior the race and it was treated by the above mentioned person who is in charge of looking after the horses in the stable based on his experience."*

- 4.3 The PR also stated the name of veterinarian who had treated the Horse and/or advised in the year prior to the Event as Mr. Bhanwar Singh at Ahmed Alfateh Stable, Zallaq in Bahrain. Further, he stated that the Horse required treatment since it had been dehydrated and lame. Finally, he recorded that the Horse was stabled at public stables, and no instruction was given to the PR before the ride. □

#### **5. Written Response by the FEI**

- 5.1 On 31 May 2017, the FEI provided its Response to the explanations provided by and on behalf of the PR.

- 5.2 In essence the FEI submitted that:

- a) Article 3.1 of the ECM Rules made it the FEI's burden to establish all of the elements of the ECM Rule violation charged, to the comfortable satisfaction of the Tribunal. The elements of an Article 2.1 violation were straightforward. *"It is not necessary that intent, fault, negligence or knowing Use be demonstrated in order to establish an ECM Rule violation under Article 2.1"*. Instead it was a

"strict liability" offence, established simply by proof that a Controlled Medication Substance was present in the Horse's sample. The results of the analysis of the A-Sample taken from the Horse at the Event confirmed the presence of Caffeine, Theophylline, Phenylbutazone, Oxyphenbutazone and Dexamethasone, and together constituted "sufficient proof" of the violation of Article 2.1 of the ECM Rules. In any event, the PR did not dispute the presence of those Prohibited Substances in the Horse's sample. Accordingly, the FEI had discharged its burden of establishing that the PR has violated Article 2.1 of the ECM Rules.

- b) Where a Controlled Medication Substance was found in a horse's sample without a valid Veterinary Form, a clear and unequivocal presumption arose under the ECM Rules that it was administered to the horse deliberately, in an illicit attempt to enhance its performance. As a result of this presumption of fault, Article 10.2 of the ECM Rules provided that a Person Responsible with no previous doping offences who violated Article 2.1 of the ECM Rules was subject to a period of Ineligibility of six (6) months, unless he was able to rebut the presumption of fault. To do this the rules specified that he must establish to the satisfaction of the Tribunal (it being his burden of proof, on a balance of probability) (i) how the Prohibited Substances entered the Horse's system and (ii) that he bore No Fault or Negligence for that occurrence; or, alternatively (iii) that he bore No Significant Fault or Negligence for that occurrence. If the PR failed to discharge this burden, the presumptive six-month ban under Article 10.2 of the ECM Rules applied.
- c) The ECM Rules stipulated, and the jurisprudence of the Tribunal and the Court of Arbitration for Sport ("**CAS**") was very clear: it was a strict threshold requirement of any plea of No (or No Significant) Fault or Negligence that the PR proved how the substance(s) entered into the Horse's system. The FEI submitted in this context that the PR must provide clear and convincing evidence that proved how the Caffeine, Theophylline, Phenylbutazone, Oxyphenbutazone and Dexamethasone had entered the Horse's system.
- d) In this respect the FEI stated that it had looked further into the treatment allegedly given to the Horse. Novacoc Forte was according to the manufacturer *"a combination of the analgetic, □antipyretic and spasmolytic metamizole-sodium, different trace elements and □acetylmethionine as source for the synthesis of cystein. Caffeine for the stimulation of the circulatory system and glucose as a source of energy complete the healing cocktail."* Phenylarthrite was an injectable medication which contains Phenylbutazone.
- e) The FEI argued that the FEI could find that the PR's explanations was a plausible explanation of the positive finding for all substances except for the Dexamethasone. That, in order to further establish that this was a possible source of the substances, information such as a confirmation from the person treating the Horse explaining how and why, and also the medical record of the treatment could strengthen

such theory. The FEI further left it for the Tribunal to evaluate the facts of the submission, in relation to the source of the positive finding.

- f) In terms of the degree of Fault or Negligence by the PR for the rule violation, the starting point of any evaluation was the *"personal duty"* of the PR following from Article 2.1.1 of the ECM Rules, *i.e.*, his personal duty to ensure that *"no Controlled Medication Substance is present in the Horse's body"*.
- g) The FEI argued that, through the FEI Clean Sport programme and in particular the *"Athletes Guide"*<sup>1</sup>, it had gone to considerable lengths to communicate relevant information on the EADCMRs to Athletes. It had to be noted that, in the Glenmorgan decision<sup>2</sup>, CAS had stated that the Athlete's Guide *"contains straightforward advice both to PRs and Support Personnel in a non-technical, non-legal form"* and described the Athlete's Guide as *"required reading"*.
- h) Further the CAS in Mohammed Shafi Al Rumaithi v. FEI<sup>3</sup> had endorsed the rationale behind the FEI's policy of making the Athlete/rider the Person Responsible. The CAS Decision stated as follows (at para 57):

*"No doubt the degree of care is high; but horses cannot care for themselves. As the Respondent (the FEI) put it in its skeleton argument*

*"The FEI believes that making the rider responsible in this way is necessary to protect the welfare of the horse, and to ensure fair play. It strongly incentivises riders to ensure compliance with the rules, whether by caring for the horse personally or else by entrusting that task only to third parties who are up to the job. In the case of such delegation, it protects the welfare of the horse, and clean sport, by requiring the rider to stay apprised of and be vigilant with respect to the way the horse is being prepared for competition, including as to any treatments given to the horse"*.

*The Sole Arbitrator respectfully agrees."*

- i) In the Glenmorgan case (in para 209) the Panel confirmed that the rider was best fit to control the Horse before a competition. *"... Among them (any support personnel), the rider is best able to function as the "last check" on the physical condition of the horse immediately prior to and during the race, regardless of whether he knows the horse or mounts it for the first time. An experienced rider can quite often identify with the naked eye an irregularity in the condition and behaviour of the animal both before mounting and during the competition."*

---

<sup>1</sup> Athlete's Guide to the Equine Anti-Doping and Controlled Medication Regulations, effective 5 April 2010

<sup>2</sup> CAS 2014/A/3591 Sheikh Hazza Bin Sultan Bin Zayed Al Nahyan v. FEI

<sup>3</sup> CAS 2015/A/4190 Mohammed Shafi Al Rumaithi v. FEI, para 57.

j) The Panel further stated as follows (in para 203):

*"The Panel wishes to emphasize again that the fault or negligence which determines the measure of the Appellant's sanction is not that of the Dr. It is the Appellant's own fault and negligence in not having exercised the standard of care applicable to a PR which, like the non-equine Athlete, is placed at the exercise of "utmost caution". It is the PR's personal duty to ensure that no Banned Substance is present in the Horse's body."*

- k) In light of the stated CAS jurisprudence on this point, the FEI respectfully submitted that making the PR prima facie responsible for the condition of the Horse while competing, subject to his ability to prove he bore No (Significant) Fault or Negligence for the horse's positive test results was a reasonable and justifiable stance. Further, conclusions to be drawn from the case law were that the duty of care was very high and that this duty of care was non-delegable. But also that Persons Responsible were responsible for their Support Personnel and the medical treatments given to their horses by their veterinarians, trainers or grooms.
- l) In the case at hand, the PR has provided a plausible explanation of the positive finding, except for the Dexamethasone, but he had not provided any evidence in relation to such treatment. In order to evaluate the cause of the positive finding further such documentation was necessary. Further, the PR had not provided any evidence in order to establish No (Significant) Fault or Negligence for the rule violation. Hence the FEI submitted that no elimination or reduction of the period of Ineligibility was possible in this case.
- m) The FEI further highlighted that – in accordance with the Code of Conduct<sup>4</sup> - the welfare of the Horse was paramount. If a horse needed to be treated for dehydration and lameness close to an event, such horse was not fit to compete.
- n) The FEI submitted that no elimination or reduction of the period of Ineligibility was possible in this case. Rather the period of Ineligibility of the PR should be six (6) months.
- o) The PR and Horse combination obtained in the Competition had to be disqualified with all resulting consequences, including forfeiture of any related medals, points and prizes. Furthermore, since the case concerned a Controlled Medication Substance, occurring during or in connection with an Event, and in order to safeguard the level playing field, all of the PR's individual results obtained in the Event, with any and all Horses with which the PR competed, with all consequences including forfeiture of all medals, points and prizes, should be disqualified in accordance with Article 10.1.2 of the ECM Rules.
- p) As fairness did not dictate that no fine be levied in the case at

---

<sup>4</sup> [http://inside.fei.org/system/files/Code\\_of\\_Conduct\\_Welfare\\_Horse\\_1Jan2013.pdf](http://inside.fei.org/system/files/Code_of_Conduct_Welfare_Horse_1Jan2013.pdf)



hand, the FEI requested that a fine be imposed on the PR, and that the PR be ordered to pay the legal costs that the FEI had incurred in pursuing this matter. The FEI requested that the Tribunal fine the PR in the amount of 2 000 CHF, and ordered the PR to pay legal costs of 1 000 CHF.

## **6. Further proceedings**

The BRN-NF subsequently confirmed that the PR did not wish to submit any further information/evidence in the case at hand. Furthermore, the BRN-NF requested that the case file be submitted to the Tribunal for adjudication.

## **7. Jurisdiction**

The Tribunal has jurisdiction over this matter pursuant to the Statutes, GRs and EAD Rules.

## **8. The Person Responsible**

The PR is the Person Responsible for the Horse, in accordance with Article 118.3 of the GRs, as he was the rider of the Horse at the Event.

## **9. The Decision**

- 9.1 As stated in Article 2.1.2 of the ECM Rules, sufficient proof of an ECM Rule violation is established by the presence of a Controlled Medication Substance in the Horse's A-Sample where the PR waives analysis of the B-Sample and the B-Sample is not analysed. The Tribunal is satisfied that the laboratory reports relating to the A-Sample reflect that the analytical tests were performed in an acceptable manner and that the findings of the Laboratory are accurate. The Tribunal is satisfied that the test results evidence the presence of Caffeine, Theophylline, Phenylbutazone, Oxyphenbutazone and Dexamethasone in the sample taken from the Horse at the Event. The PR did not contest the accuracy of the test results or the positive finding; in fact the PR accepted the positive finding. These substances are classified as Controlled Medication Substances under the FEI List. The presence of Caffeine, Theophylline, Phenylbutazone, Oxyphenbutazone and Dexamethasone during an Event without a valid Veterinary Form is prohibited under Article 2.1 of the ECM Rules.
- 9.2 The FEI has therefore established an Adverse Analytical Finding, and has sufficiently proven the objective elements of an offence by the PR, in accordance with Articles 2.1 of the ECM Rules.

- 9.3 In cases brought under Article 2.1 of the ECM Rules a strict liability principle applies as described in Articles 2.1.1 of the ECM Rules. Once an ECM Rule violation has been established by the FEI, the PR has the burden of proving that he bore "No Fault or Negligence" for the rule violation as set forth in Article 10.4 of the ECM Rules, or "No Significant Fault or Negligence," as set forth in Article 10.5 of the ECM Rules.
- 9.4 However, in order to benefit from any elimination or reduction of the applicable sanction under Article 10.4 or 10.5 of the ECM Rules, the PR must first establish how the Controlled Medication Substances entered the Horse's system.
- 9.5 The Tribunal takes note of the PR's explanations for the positive finding, namely that the Horse had been treated by the veterinarian with Novacoc Forte Fluid twice 7 and 3 days before the race, and that since they had doubts regarding lameness of the Horse it had also been injected with Phenylarthrite 7 days prior the race. According to the FEI's investigation in the above mentioned medications administered to the Horse prior to the Event this could explain the presence of the Caffeine, Theophylline, Phenylbutazone and Oxyphenbutazone in the Horse's system. However, no explanation has been provided regarding the Dexamethasone found in the Horse's system. The Tribunal therefore does not have to decide whether it accepts the PR's explanations concerning the other four (4) substances, *i.e.*, the Caffeine, Theophylline, Phenylbutazone and Oxyphenbutazone, as the PR has to establish how each of the Prohibited Substances entered the Horse's system. As a result, the Tribunal holds that the PR has not established - on a balance of the probabilities, as required under Article 3.1 of the ECM Rules - how (all) the Prohibited Substances have entered the Horse's system.
- 9.6 The Tribunal does not therefore need to evaluate the degree of fault of the PR for the rule violation. Further, and even if it did, the Tribunal would conclude that No (Significant) Fault or Negligence could not apply in the case at hand for the reasons which follow.
- 9.7 To start with, in accordance with Article 2.1.1 of the ECM Rules, the Tribunal considers that it is the PR's personal duty to ensure that no Prohibited Substances are present in the Horse's system during an Event without a valid Veterinary Form. The PR has not provided any information/evidence on whether any procedures were in place to fulfil this duty, or whether he made any inquiry with regard to medications given to the Horse prior to competing in the Event. He merely explains that no instruction was given to him prior to the Event. This is not sufficient. In the view of the Tribunal, and following previous decisions, riders have to actively inquire whether horses have been treated with any Prohibited Substances prior to competing in an event by, for example, requesting the medication logbook of the horses, or by putting other precautions in place. Furthermore, it appears from the account given that the PR did not know that the Novacoc Forte Fluid contained Caffeine. However, the PR seemed to have been aware that

the Phenylarthrite contains Phenylbutazone. Finally, the PR has not provided any explanation on how the Dexamethasone entered the Horse's system.

- 9.8 Therefore, no elimination or reduction of the otherwise applicable period of Ineligibility is warranted.

## **10. Disqualification**

For the reasons set out above, the Tribunal disqualifies the Horse and the PR from the Competition and the entire Event and all medals, points and prize money won must be forfeited, in accordance with Articles 9 and 10.1.2 of the ECM Rules.

## **11. Sanctions**

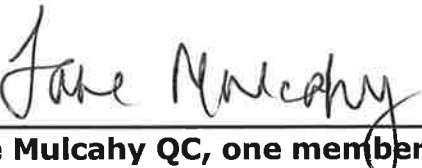
- 11.1 As a result of the foregoing, the period of Ineligibility imposed on the PR shall be six (6) months.
- 11.2 The Tribunal imposes the following sanctions on the PR in accordance with Article 169 of the GRs and Article 10 of the ECM Rules:
- 1) The PR shall be suspended for a period of **six (6) months**. The period of Provisional Suspension, effective from 9 February 2017 shall be credited against the Period of Ineligibility imposed in this decision. Therefore, the PR will be ineligible **through 8 August 2017**.
  - 2) The PR is fined **two thousand Swiss Francs** (CHF 2'000,-).
  - 3) The PR shall contribute **one thousand Swiss Francs** (CHF 1'000,-) towards the costs of the judicial procedure.
- 11.3 No Person Responsible who has been declared Ineligible may, during the period of Ineligibility, participate in any capacity in a Competition or activity that is authorised or organised by the FEI or any National Federation or be present at an Event (other than as a spectator) that is authorized or organized by the FEI or any National Federation, or participate in any capacity in Competitions authorized or organized by any international or national-level Event organisation (Article 10.11.1 of the ECM Rules).
- 11.4 Where a Person Responsible who has been declared Ineligible violates against participation or attendance during Ineligibility, the results of any such participation shall be Disqualified and a new period of Ineligibility equal in length to the original period of Ineligibility shall be added to the end of the original period of Ineligibility. In addition, further sanctions may be imposed if appropriate (Article 10.11.3 of the ECM Rules).

- 11.5 According to Article 168 of the GRs, the present decision is effective from the day of written notification to the persons and bodies concerned.
- 11.6 In accordance with Article 12 of the ECM Rules the Parties may appeal against this decision by lodging an appeal with the CAS within twenty-one (21) days of receipt hereof.

**V. DECISION TO BE FORWARDED TO:**

- a. The person sanctioned: Yes**
- b. The President of the NF of the person sanctioned: Yes**
- c. The President of the Organising Committee of the Event through his NF: Yes**
- d. Any other: No**

**FOR THE PANEL**

  
**Ms. Jane Mulcahy QC, one member panel**