

## Issued Decision

# UK Anti-Doping and Jack Ewbank

### Disciplinary Proceedings under the Anti-Doping Rules of the British Boxing Board of Control

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This is an Issued Decision made by UK Anti-Doping Limited ('UKAD') pursuant to the Anti-Doping Rules ('ADR') of the British Boxing Board of Control ('BBBoC'). It concerns an Anti-Doping Rule Violation ('ADRV') committed by Mr Jack Ewbank and records the applicable Consequences.

Capitalised terms used in this Decision shall have the meaning given to them in the ADR unless otherwise indicated.

### Background and Facts

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1. The BBBoC is the national governing body for the sport of professional boxing in the United Kingdom. UKAD is the National Anti-Doping Organisation for the United Kingdom. The BBBoC has adopted, as its own ADR, the UK Anti-Doping Rules, which are issued by UKAD and are subject to updates made by UKAD, as necessary and in accordance with the World Anti-Doping Code.
2. Mr Ewbank is a 33-year-old English professional boxer. At the material time, Mr Ewbank was licensed to compete in professional boxing by the BBBoC.
3. In September 2023, shortly after his sentencing hearing at Canterbury Crown Court, UKAD became aware that Mr Ewbank had received criminal convictions for drug-related offending which occurred in August 2021. The two offences for which Mr Ewbank was convicted of were being concerned in the supply of cocaine, a controlled drug of Class A, and possession of criminal property.
4. Following its discovery of Mr Ewbank's conviction, UKAD commenced an investigation and established the following:

- (a) Mr Ewbank was granted a licence by the BBBoC in August 2018, which continued until it was revoked in December 2021.
  - (b) In relation to the criminal charges, Mr Ewbank's faced a two-count indictment at Canterbury Crown Court. The first count related to the offence of being concerned in the supply of class A drugs, namely, cocaine. This related to four clip seal bags of cocaine that was found on Mr Ewbank when he was stopped by police on 21 August 2021, and 12 ounces of cocaine found during the subsequent search of his property on the same date. The second count related to possession of criminal property, namely £440 in cash.
  - (c) The timeframe for both offences was on or before 21 August 2021 (the date of his arrest by Kent Police).
  - (d) Mr Ewbank entered guilty pleas to both counts on the indictment at the plea and trial preparation hearing on 25 September 2023. However, in respect of the 12 ounces of cocaine found at his home address, Mr Ewbank put forward a written basis of plea to the court, explaining that he was acting as a custodian of those drugs behalf of another party, with the intention of returning them to that other party in due course.
  - (e) Mr Ewbank's explanation for the cocaine found at his home address was not accepted by the prosecution. However, the judge presiding over the case was prepared to sentence Mr Ewbank on the basis of the explanation he put forward, as it would not make any difference to sentencing. The judge expressed the view that whether Mr Ewbank was selling small quantities of drugs or acting as a custodian for drugs, he was admitting in both instances to being involved in the supply of drugs.
  - (f) The judge considered the mitigation put forward on Mr Ewbank's behalf and indicated a sentencing starting point of three years six months (42 months) imprisonment. Because of his early guilty pleas in the case, the sentence was reduced to two years and five months (29 months) immediate imprisonment.
5. Cocaine is listed under section S6A of the WADA 2021 Prohibited List as a Stimulant. It is a non-Specified Substance that is prohibited In-Competition only. However, the distribution of a Prohibited Substance by an Athlete to any third party at any time (i.e. In or Out-of-Competition) may amount to an Anti-Doping Rule Violation ('ADRV') of Trafficking, pursuant to ADR Article 2.7.
6. On 1 February 2024, UKAD issued Mr Ewbank with a letter (the 'Notice Letter') at the prison where he was serving his custodial sentence. The Notice Letter confirmed the

imposition of a Provisional Suspension and formally notified Mr Ewbank that he may have committed an ADRV pursuant to ADR Article 2.7 (Trafficking or Attempted Trafficking in any Prohibited Substance).

7. UKAD provided Mr Ewbank with a deadline by which to provide an explanation for the asserted ADRV. UKAD did not receive a response from Mr Ewbank to the Notice Letter by the expiry of that deadline.
8. On 10 April 2024, UKAD proceeded to issue Mr Ewbank with a Charge Letter, which formally charged him with the commission of an ADRV pursuant to ADR Article 2.7. The Charge Letter also informed Mr Ewbank that the asserted period of Ineligibility for the ADRV is a minimum of four (4) years, pursuant to ADR Article 10.3.3.
9. UKAD provided Mr Ewbank with a deadline by which to provide a response to the Charge Letter. UKAD did not receive a response from Mr Ewbank to the Charge Letter within that deadline, but on being contacted by UKAD on 29 August 2024, Mr Ewbank confirmed that he accepted the ADRV he had been charged with.

## Consequences

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10. ADR Article 2.7 provides that the following constitutes an ADRV:

***2.7 Trafficking or Attempted Trafficking in any Prohibited Substance or Prohibited Method***

11. 'Trafficking' is defined within the ADR as follows:

*Selling, giving, transporting, sending, delivering or distributing (or Possessing for any such purpose) a Prohibited Substance or Prohibited Method (either physically or by any electronic or other means) by an Athlete, Athlete Support Person or any other Person subject to the jurisdiction of an Anti-Doping Organisation to any third party; provided, however, that this definition shall not include (a) the actions of bona fide medical personnel involving a Prohibited Substance used for genuine and legal therapeutic purposes or other acceptable justification; or (b) actions involving Prohibited Substances which are not prohibited in Out-of-Competition Testing unless the circumstances as a whole demonstrate that such Prohibited Substances were not intended for genuine and legal therapeutic purposes or are intended to enhance sport performance.*

12. ADR Article 10.3.3 provides as follows:

*10.3.3 For an Anti-Doping Rule Violation under Article 2.7 or 2.8 that is the Athlete's or other Person's first anti-doping offence, the period of Ineligibility shall be a minimum of four years up to lifetime Ineligibility, depending on the seriousness of the violation [...]*

13. Having considered the seriousness of Mr Ewbank's ADRV, UKAD considers the applicable period of Ineligibility to be four (4) years.

### **Commencement of Period of Ineligibility**

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14. ADR Article 10.13 requires that, ordinarily, the period of Ineligibility starts on the date Ineligibility is accepted or otherwise imposed where there is no hearing.
15. However, ADR Article 10.13.2 allows for credit to be given against the total period of Ineligibility to be served where an Athlete has been provisionally suspended and has respected the terms of that Provisional Suspension.
16. Mr Ewbank has been subject to a Provisional Suspension since the date of the Notice Letter, i.e., since 1 February 2024, and as far as UKAD is aware, he has respected the terms of that Provisional Suspension. Therefore, affording Mr Ewbank credit for the time he has spent provisionally suspended, his period of Ineligibility is deemed to have commenced on 1 February 2024 and will end at 11.59pm on 31 January 2028.

### **Status during Ineligibility**

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17. During the period of Ineligibility, in accordance with ADR Article 10.14.1, Mr Ewbank shall not be permitted to participate in any capacity (or assist any Athlete participating in any capacity) in a Competition, Event or other activity (other than authorised anti-doping education or rehabilitation programmes) organised, convened, authorised or recognised by:
- a) The BBBoC or by any body that is a member of, or affiliated to, or licensed by the BBBoC;
  - b) Any Signatory;
  - c) Any club or other body that is a member of, or affiliated to, or licensed by, a Signatory or a Signatory's member organisation;
  - d) Any professional league or any international or national-level Event organisation; or
  - e) Any elite or national-level sporting activity funded by a governmental agency.

18. Mr Ewbank may return to train with or to use the facilities of Signatory's club or member organisation during the last two months of his period of Ineligibility (i.e., from midnight on 30 November 2027) pursuant to ADR Article 10.14.4(b).

## Summary

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19. For the reasons given above, UKAD has issued this Decision in accordance with ADR Article 7.12.2 and records that:

- (a) Mr Ewbank has committed an ADRV pursuant to ADR Article 2.7;
- (b) This constitutes Mr Ewbank's first ADRV and in accordance with ADR Article 10.3.3 a four (4) year period of Ineligibility is imposed;
- (c) Acknowledging Mr Ewbank's Provisional Suspension, the period of Ineligibility is deemed to have commenced on 1 February 2024 and will expire at 11.59pm on 31 January 2028; and
- (d) Mr Ewbank's status during the period of Ineligibility shall be as detailed in ADR Article 10.14.

20. Mr Ewbank, the BBBoC and WADA have a right to appeal against this Decision or any part of it in accordance with ADR Article 13.4.

21. This Decision will be publicly announced via UKAD's website in accordance with ADR Article 8.5.3 and ADR Article 10.15.

**26 September 2024**