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# Beaten to the Line...

An analysis of six months of whip offences in British racing demonstrates the failure of the regulators to protect horses



## Executive Summary

**Horses are the only animals who may be legally whipped. The racing industry now recognises that many members of the public find this practice unacceptable and that its continuation may limit the industry's ability to attract new punters.**

Animal Aid decided to examine the British Horseracing Authority's (BHA) data on jockeys who abused whip regulations. We found that, despite clear guidance from the industry regulator on how the whip may be used – as well as penalties for misuse – many jockeys broke the BHA rules. More than forty per cent of the offenders broke them more than once in the six-month study period (1 January - 30 June 2010). Two riders breached the rules nine times.

**It must be concluded that the available sanctions are not acting as a disincentive.**

It can also be confidently asserted that not all breaches of the rules result in action being taken.\*

It is important to remember that – although Animal Aid opposes the whipping of any animal – the rules of racing do permit the whipping of race horses, and that the BHA imposes sanctions only on those jockeys who breach its regulations. An additional worrying point is that the much lauded, cushioned whip\*\* can, and often does, weal horses when used with enough force by the riders.

Our analysis of whipping offences and punishments handed down by the BHA between 1 January and 30 June 2010 revealed that:

- There were 453 breaches by 243 jockeys
- 101 of the 243 jockeys offended on more than one occasion
- Two jockeys committed five offences, eight committed six offences, two committed seven offences and two committed eight offences
- Barry McHugh and Andrew Heffernan were found guilty of no fewer than nine offences each
- 'Excessive frequency' was the most common offence
- There were 62 incidents of horses being hit despite being out of contention
- More than £1.6 million in prize money was won by jockeys who breached the regulations, the majority of which went to the horses' owners, with 5-10 per cent going to the jockeys themselves
- 16 horses appeared on the list twice in that six-month period, nine of whom were brutalised by the same jockey on each occasion
- Nine horses were whipped so hard that they were left with weals
- Jockeys breaching the whip rules are more likely to lose than win

\* A 2003 Animal Aid study, called *A Hiding to Nothing*, was based on an examination of 161 races involving 285 jockeys. Many serious whip offences were observed but none resulted in action by racecourse stewards.

\*\* The cushioned whip was introduced to jump racing in 2003 and to flat racing in 2007.

## Introduction

**Animal Aid collated information on breaches of the British Horseracing Authority's (BHA) Whip Regulations from its Stewards Room reports and by cross referencing the data with information on prize money from the *Racing Post's* website. Our aim was to build a better picture of the frequency and types of whipping offences, the scope of the punishments meted out to jockeys, and to identify any particularly worrying incidents involving the whip over a six-month period – from 1 January to 30 June 2010.**

There has been growing condemnation of the use of the whip in recent years from industry insiders and racing correspondents, who are worried that public perception of whipping an animal may limit the racing industry's ability to attract new punters. As well as issues of horse welfare, a number of recent articles have focused on a theme highlighted in a 2003 Animal Aid report, *A Hiding to Nothing*. The report demonstrated that using a whip is often counterproductive in that it can result in a horse being driven off his or her true line.

Opposition to the whip by animal welfare groups, members of the public and industry insiders is countered by the BHA, which insists: 'Any whip use is subject to the overarching policy that jockeys must use a whip responsibly, and must not at any time abuse a horse through unacceptable use of a whip.'<sup>1</sup>

However, this report shows that, not only do jockeys frequently show little regard for this policy, but they also repeatedly and cynically flout the regulations. Jockeys receive relatively minor punishments, even for wealing their horse, and always collect their percentage of the prize money if they win or are placed in a race – a fact that inevitably has bearing upon their willingness to breach the regulations. While it is true that they miss out on their riding fees and potential prize money on the days that they are suspended from racing, it is still unsupportable that they should profit from races in which they offended. And while jockeys may pick up a day or two's ban from racing, it is always the horses who pay the highest price.

## The British Horseracing Authority's Whip Regulations

According to the BHA's regulations, 'The whip should be used for safety, correction and encouragement'.<sup>2</sup> Our study shows that this statement often does not accurately reflect the way in which the whip is actually used by jockeys. The whip is frequently used to try to force a horse to run beyond his or her limit. Breaches of the regulations for 'excessive frequency' are an almost everyday occurrence, and it is not uncommon to see breaches for 'excessive force'. (see table 3).

*The BHA's guidelines on whip breaches and definition of Excessive Frequency can be seen in Appendix A.*

## Penalties

The BHA's *Guide to Procedures and Penalties 2010* sets out a long list of whip offences – mainly to be found in Schedule (B)6 Part 2 – and the punishments that those offences incur.

Some of the punishments seem unduly lenient. For example, hitting a horse with 'excessive frequency' (nine times) in the last furlong in a Flat race, will be met with just a caution.

Some offending jockeys in our study did not appear to receive the correct punishment. For example, on 16 June 2010, Greg Fairly, riding Cockney (IRE), caused 'minor' weals to the horse, and was punished with a two-day suspension. According to the BHA Guide, this offence should have received a recommended minimum penalty of five days for one hit causing a minor weal.

*The full list of recommended punishments for whip offences can be seen in Appendix B.*

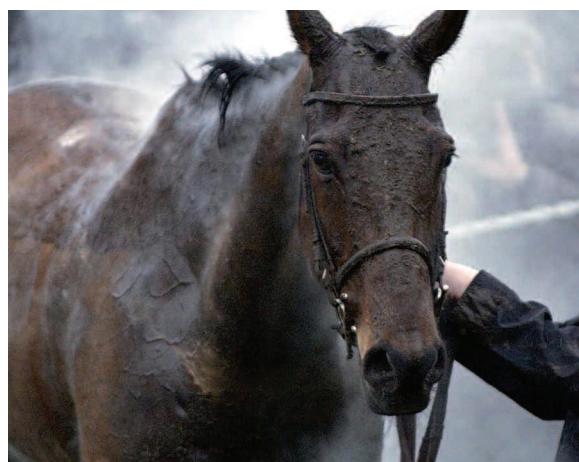
## The Whip

In a move to appease opponents of the whip, the racing industry introduced the RSPCA-sanctioned 'cushioned', more 'welfare-friendly' whip to jump racing in 2003 and to Flat racing in 2007.

The principal difference from its predecessor was the introduction of a padded area down the rod, which is intended to soften the blow to the horse's body and act as a shock absorber.

To see the specifications for the whips used in Flat and jumps racing, visit [www.britishhorseracing.com/inside\\_horseracing/about/whatwedo/disciplinary/whipuse.asp](http://www.britishhorseracing.com/inside_horseracing/about/whatwedo/disciplinary/whipuse.asp)

Despite all that was promised for it, our statistics show that the cushioned whip is still used in a way that does physical damage to horses and, of course, is also used as a threat and is, therefore, intimidating.





## Animal Aid's analysis of whip offences and penalties

### The number of offences

The study period ran from 1 January to 30 June 2010, during which time 4,802 races were staged.

Breaches of the whipping regulations were commonplace. A total of 453 offences by 243 jockeys – professional, apprentice, conditional and amateur – were recorded on the BHA's website. That averages out at more than 17 offences each week during the six month period. We recorded 850 racing suspension days for the guilty riders, with 125 cautions handed out.

### Winnings retained

When the 453 offences are cross-referenced against the *Racing Post's* data on prize money, we see that more than £1.6 million of prize money was won from those races, with the majority of the money going to the horses' owners but a percentage (5-10 per cent) of it still retained by the offending riders.

### Re-offenders

Punishment for whip offences did not deter jockeys from re-offending. Some jockeys even re-offended at the same race meeting on the same day (e.g. Barry McHugh, Southwell, 2 February; Adrian Lane, Cartmel, 29 May). In just six months, no fewer than 101 jockeys re-offended. These re-offenders accrued a total of 568 suspension days and 86 cautions. Around £1.2 million prize money was won in races by

jockeys who re-offended. The vast majority of the multiple offenders were disciplined for committing two or three breaches but there was a disturbing number who offended on four, five, six, seven and eight occasions. Two jockeys, Barry McHugh and Andrew Heffernan, were disciplined on nine occasions, yet the prize money that they won (totalling nearly £50,000) was not withdrawn. **A list of the jockeys, the punishments and their winnings can be seen in Table 1.**

### Playing the system

There is also an issue with how race-ban days are administered. Usually a mild penalty, such as one or two days' ban, will commence two weeks after the offence. This allows jockeys to abuse the whip regulations in important races and pay the 'penalty' for these excesses when races are being staged in which they have little interest.

### Rules diluted

In March 2010, the BHA changed the 'totting-up' system rules, following a consultation that included former champion jockey Kevin Darley, who is Chief Executive of the Professional Jockeys Association. The totting-up system was introduced to impose additional, exemplary penalties on jockeys who offend again after having exceeded a threshold of 24 suspension days within a twelve month period. Under the revised arrangement, the term for having accumulated totting-up days is reduced from twelve to six months, but the trigger-figure is reduced only from 24 to 20 days' suspension. In real terms this means that jockeys have far more leeway to tot up penalties without receiving additional punishment.

### Horses wealed

Horses continue to be wealed by the new 'cushioned' whip.

**Shockingly, nine horses were wealed in this period.** They were Red Ringa, Mighty Moose (IRE), Royal Rosa (FR), Mr Parson (IRE), Days Of Pleasure (IRE), Duke Of Malfi, Rosie All Over, Justabout and Cockney (IRE).

The names of the jockeys accused of wealing their horses and the punishments they received are as follows: Sam Painting (referred to BHA Disciplinary Panel – 21 days' suspension); Ian Popham (referred to BHA Disciplinary Panel – 15 days' suspension); Denis O'Regan (9 days' suspension); Mattie Batchelor (7 days' suspension); Mr TJ Cannon (6 days' suspension); Tom Scudamore (5 days' suspension); Jason Maguire (5 days' suspension); Joe Tizzard (5 days' suspension); Greg Fairley (2 days' suspension).

A particularly poignant case was that of 10-year-old race horse, Mr Parson (IRE), who was hit with excessive force and frequency by jockey Mattie Batchelor even when showing no response. According to the *Racing Post*, he 'plodded home'. It is generally recognised by those familiar with Mr Parson that he is – like many others currently racing – a 'one-paced' horse and therefore whipping him is particularly pointless and cruel.

### Weakening the chances of prosecution

A recent agreement between the Association of Chief Police Officers (ACPO), the RSPCA and the BHA means, essentially, that the BHA now has the authority for policing jockeys with regard to breaches of the Animal Welfare Act 2006 (AWA). This means that jockeys who beat their horses so hard that they are marked or wealed may avoid prosecution under the AWA if the BHA decides that it has administered suitable punishment. Jockeys will instead receive a few days' ban from racing, rather than having to undergo the relevant prosecution under the Act. This is much more than a technical

matter. While the BHA seems prepared to tolerate – even indulge – repeat offenders, a court might decide to impose a sanction, in response to an especially serious incident, that debars a jockey from riding in future races. In coming to such a decision, the court would be in a position to take into account other animal-related offences of which the jockey might be guilty.

### Repeat offenders

In the six-month study, 16 horses appeared on the list twice, which means that they suffered abuse twice during that period. Nine of the 16 horses were ridden by the same jockey on both occasions that they were abused (**see Table 2**).

One of the doubly-abused horses, Rosie All Over, was actually wealed on the second occasion by her jockey, Jason Maguire. Mr Parson (IRE), who was wealed on 29 March, is another horse who appears on the list twice. Barry McHugh, one of the two jockeys with the largest total of whip offences, doubly abused not one but two horses: Dunaskin and My Arch.

### Punished for refusing to start

Three horses were hit for refusing to start or for being too 'skittish' to begin their race: Ship's Biscuit, White On Black, and Sacrilege. Two of the three jockeys concerned picked up a mere one or two day suspension.

The names of jockeys who used the whip on their horses for refusing to start were: Richard Mullen (1 day suspension); Miss CL Brown (2 days' suspension); Steven Gagan (7 days' suspension).

### More breaches on the Flat

The majority of the offences – 268 or 59.2 per cent – took place during races on the Flat. There were 185 (40.8 per cent) breaches by jump jockeys.



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### Criticism of the whip by racing advocates

There have been several articles over the past few years showing growing disquiet within racing circles over use of the whip, and the inability of racing regulators to get to grips with the problem.

A 2008 article in *The Times* by Alan Lee explored whip-related tensions between jockeys and racing's regulators. The former Chief Executive of the Professional Jockeys Association, Josh Apiafi, said: 'We all admit that things are not working. The available punishments are not acting as a deterrent. Horses are not getting beaten up, but the public perception is poor. We need to get the correct people in that room and lock the door on them if we need to.'<sup>3</sup> In the same article, the BHA's Communications Officer, Paul Struthers, stated: 'Things cannot stay as they are, so we are starting with a blank sheet of paper. Racing needs to get on top of this problem before other people start trying to do it for us.'<sup>4</sup>

The racing industry's argument that the whip is necessary for safety and control was debunked in Animal Aid's *A Hiding to*

*Nothing* report. Our argument was echoed in a *Daily Telegraph* article by former trainer Charlie Brooks: 'The well worn argument that jockeys must be allowed to use sticks, as they currently do to keep horses straight, was well and truly exploded by Richard Hughes on Channel 4's *The Morning Line* on Saturday morning. Hughes had been unseated from *Kojak* at Ascot last week, when the two-year-old swerved violently to the left. Hughes expressed the opinion that the horse probably behaved erratically because he hit it. So much for whips keeping horses straight.'<sup>5</sup>

In a February 2010 article in *The Guardian*, Greg Wood called for pain research into the effect of the whip. 'While it might be argued', wrote Wood, 'that the weals raised by a particularly vigorous beating tell their own story, such cases are a considerable rarity these days.'<sup>6</sup>

Our results show, in fact, that there were nine punished wealing incidents in just six months. And it is unrealistic to suppose that all wealing cases were detected and dealt with formally.

## Conclusion

**Breaches of the British Horseracing Authority's Whip Regulations occurred, during the six-month study period, more than 17 times a week. More than 40 per cent of the penalised jockeys went on to reoffend at least once more during that time. This clearly demonstrates that the penalties imposed are not enough of a deterrent.**

A combination of soft penalties – such as a caution or a one-day suspension from racing – and the fact that offenders do not have their winnings withdrawn because finishing positions remain unchanged, means that jockeys will continue to beat horses. Two particularly shocking examples of jockeys flouting the rules can be seen in the cases of Barry McHugh and Andrew Heffernan, who both offended on nine occasions in the six-month period.

Animal Aid believes that the only effective measure in response to whip abuse is to ban its use. Horses are not only hit in a misguided attempt to push them to – and beyond – their limits, but they are also beaten out of anger or frustration. This is illustrated by the case of

Stevie Donohoe at Windsor on 26 June. He was found in breach of Rule B54.2 because he had hit his horse, Danzoe, in annoyance after crossing the winning line – even though he came second.

It is our view that jockeys should be allowed to carry a whip but forbidden to use it except for an extreme situation where safety is genuinely an issue – e.g. if the trajectory of the horse changes so as to put the horse, rider or spectators in danger. This is the situation in Norway, where the whip was effectively banned in 1982. This act was met with the enthusiastic approval of racecourse officials, horse trainers and spectators, according to Hans Petter Eriksen, administrative director of the Norwegian Jockey Club.<sup>7</sup>

Our evidence shows that the regulatory body, the British Horseracing Authority, is failing to protect a large number of horses from unwarranted physical abuse. It is time for decisive government action. **Beating an animal is unacceptable. Banning the whip from racing is a necessary and long-overdue step.**

**Table 1 – Jockeys guilty of two or more whip offences**

| Jockey First Name | Jockey Surname | Number of Offences | Number of Race Ban Days | Number of Cautions | Total Prize Money Won |
|-------------------|----------------|--------------------|-------------------------|--------------------|-----------------------|
| Barry             | McHugh         | 9                  | 14                      | 3                  | £29,487.15            |
| Andrew            | Heffernan      | 9                  | 38                      | 2                  | £19,905.78            |
| Brian             | Hughes         | 8                  | 10                      | 3                  | £23,238.97            |
| Alan              | Munro          | 8                  | 9                       | 3                  | £25,704.30            |
| Neil              | Callan         | 7                  | 11                      | 3                  | £53,511.30            |
| Chris             | Catlin         | 7                  | 12                      | 1                  | £16,840.12            |
| David             | Allan          | 6                  | 4                       | 2                  | £7,960.01             |
| William           | Buick          | 6                  | 12                      | 3                  | £47,946.15            |
| Adam              | Kirby          | 6                  | 10                      | 1                  | £7,412.89             |
| Adrian            | Lane           | 6                  | 19                      | 1                  | £12,476.00            |
| Andrew            | Mullen         | 6                  | 16                      | 0                  | £9,438.00             |
| David             | Nolan          | 6                  | 6                       | 2                  | £4,212.94             |
| Hayley            | Turner         | 6                  | 6                       | 2                  | £39,089.18            |
| Robert            | Winston        | 6                  | 5                       | 2                  | £4,988.23             |
| Liam              | Keniry *       | 5                  | 7                       | 1                  | £7,641.18             |
| David             | Probert        | 5                  | 3                       | 3                  | £3,556.44             |
| Eddie             | Ahern          | 4                  | 8                       | 0                  | £24,423.85            |
| Ross              | Atkinson       | 4                  | 6                       | 1 (Training)       | £2,967.85             |
| William           | Carson         | 4                  | 13                      | 0                  | £6,944.58             |
| Jack              | Mitchell       | 4                  | 4                       | 1                  | £4,644.70             |
| Franny            | Norton         | 4                  | 9                       | 2                  | £9,740.35             |
| Mr P              | York           | 4                  | 9                       | 1                  | £1,839.20             |
| Paul              | Doe            | 3                  | 12                      | 0                  | £3,333.85             |
| James             | Doyle          | 3                  | 2                       | 2                  | £6,036.26             |
| Steve             | Drowne         | 3                  | 5                       | 0                  | £34,130.60            |
| Tom               | Eaves          | 3                  | 3                       | 1                  | £2,582.00             |
| Richard           | Evans          | 3                  | 3                       | 1                  | £6,786.98             |
| John              | Fahy           | 3                  | 7                       | 0                  | £3,154.70             |
| Kieren            | Fallon         | 3                  | 0                       | 3                  | £13,405.30            |
| Cathy             | Gannon         | 3                  | 3                       | 0                  | £13,331.24            |
| Matt              | Griffiths      | 3                  | 20                      | 0                  | £764.00               |
| Kelly             | Harrison       | 3                  | 4                       | 1                  | £3,636.50             |
| Sam               | Hitchcock      | 3                  | 0                       | 3                  | £3,657.09             |
| Darryll           | Holland        | 3                  | 2                       | 2                  | £4,147.36             |
| Will              | Kennedy        | 3                  | 3                       | 1                  | £1,100.80             |
| Paul              | Moloney        | 3                  | 6                       | 0                  | £7,135.80             |
| Luke              | Morris         | 3                  | 3                       | 1                  | £2,820.55             |
| Paul              | Mulrennan      | 3                  | 4                       | 0                  | £59,629.00            |

**Table 1 – Jockeys guilty of two or more whip offences (cont.)**

| Jockey First Name | Jockey Surname | Number of Offences | Number of Race Ban Days | Number of Cautions | Total Prize Money Won |
|-------------------|----------------|--------------------|-------------------------|--------------------|-----------------------|
| Tom               | O'Brien        | 3                  | 3                       | 1                  | £15,899.00            |
| James             | O'Farrell      | 3                  | 6                       | 0                  | £6,857.05             |
| Paul              | Pickard        | 3                  | 4                       | 0                  | £523.90               |
| Wilson            | Renwick        | 3                  | 5                       | 2                  | £2,559.40             |
| Tom               | Scudamore      | 3                  | 5                       | 2                  | £9,177.80             |
| Brian             | Toomey         | 3                  | 10                      | 0                  | £1,795.40             |
| Alexander         | Voy            | 3                  | 14                      | 0                  | £3,121.22             |
| Andrew            | Elliott        | 2                  | 1                       | 1                  | £7,462.70             |
| Andrea            | Atzeni         | 2                  | 1                       | 1                  | £408.85               |
| Peter             | Buchanan       | 2                  | 0                       | 2                  | £686.00               |
| Declan            | Cannon         | 2                  | 4                       | 1                  | £770.80               |
| John              | Cavanagh       | 2                  | 2                       | 0                  | £3,315.40             |
| Dean              | Coleman        | 2                  | 4                       | 0                  | £2,111.50             |
| Danny             | Cook           | 2                  | 3                       | 0                  | £519.22               |
| Mark              | Coumbe         | 2                  | 6                       | 0                  | £663.50               |
| Jim               | Crowley        | 2                  | 3                       | 0                  | £37,555.68            |
| Mr T              | Davidson       | 2                  | 9                       | 0                  | £1,520.38             |
| Fearghal          | Davis          | 2                  | 6                       | 1                  | £1,467.30             |
| John              | Dawson         | 2                  | 2                       | 1                  | £4,876.90             |
| Jimmy             | Dereham        | 2                  | 1                       | 1                  | £8,781.75             |
| Donal             | Devereux       | 2                  | 6                       | 0                  | £3,201.30             |
| Jan               | Faltejsek      | 2                  | 2                       | 1                  | £3,145.00             |
| Joe               | Fanning        | 2                  | 3                       | 1                  | £2,889.99             |
| Johnny            | Farrelly       | 2                  | 5                       | 0                  | £7,527.25             |
| Royston           | Ffrench        | 2                  | 2                       | 1                  | £867.15               |
| Rhys              | Flint          | 2                  | 1                       | 1                  | £3,097.50             |
| Kieren            | Fox            | 2                  | 6                       | 0                  | £5,076.55             |
| Anthony           | Freeman        | 2                  | 3                       | 0                  | £568.05               |
| Steven            | Gagan          | 2                  | 8                       | 0                  | £764.00               |
| Paul              | Gallagher      | 2                  | 3                       | 0                  | £0.00                 |
| Natalia           | Gamelova       | 2                  | 4                       | 0                  | £5,948.65             |
| Edward            | Glassonbury    | 2                  | 0                       | 2                  | £3,912.00             |
| J-P               | Guilambert     | 2                  | 1                       | 1                  | £1,222.08             |
| Paul              | Hanagan        | 2                  | 4                       | 0                  | £5,320.00             |
| Robert            | Havlin         | 2                  | 2                       | 1                  | £6,371.00             |
| Philip            | Hide           | 2                  | 1                       | 1                  | £1,110.00             |
| Michael           | Hills          | 2                  | 2                       | 0                  | £1,445.25             |
| Daryl             | Jacob          | 2                  | 1                       | 1                  | £3,252.50             |

**Table 1 – Jockeys guilty of two or more whip offences (cont.)**

| Jockey First Name | Jockey Surname | Number of Offences | Number of Race Ban Days | Number of Cautions | Total Prize Money Won |
|-------------------|----------------|--------------------|-------------------------|--------------------|-----------------------|
| Kyle              | James          | 2                  | 0                       | 2                  | £0.00                 |
| Marzena           | Jeziorek       | 2                  | 5                       | 0                  | £7,570.60             |
| Richard           | Johnson        | 2                  | 7                       | 0                  | £60,710.00            |
| Jason             | Maguire        | 2                  | 9                       | 0                  | £5,162.79             |
| Mr JP             | McKeown        | 2                  | 2                       | 0                  | £2,336.50             |
| Keith             | Mercer         | 2                  | 1                       | 1                  | £9,107.00             |
| Kirsty            | Milczarek      | 2                  | 3                       | 0                  | £2,052.60             |
| Tom               | Molloy         | 2                  | 6                       | 1                  | £5,464.21             |
| Ashley            | Morgan         | 2                  | 1                       | 1                  | £5,990.14             |
| Adrian            | Nicholls       | 2                  | 0                       | 2                  | £66,702.80            |
| Michael           | O'Connell      | 2                  | 4                       | 0                  | £573.00               |
| Denis             | O'Regan        | 2                  | 12                      | 0                  | £196,285.00           |
| Henry             | Oliver         | 2                  | 6                       | 0                  | £16,262.50            |
| Adam              | Pogson         | 2                  | 5                       | 0                  | £3,252.00             |
| Ian               | Popham         | 2                  | 16                      | 0                  | £1,719.00             |
| Mr BJ             | Poste          | 2                  | 1                       | 1                  | £0.00                 |
| Seb               | Sanders        | 2                  | 2                       | 0                  | £5,594.60             |
| Jamie             | Spencer        | 2                  | 0                       | 2                  | £18,402.40            |
| Dale              | Swift          | 2                  | 7                       | 1                  | £963.50               |
| Sam               | Thomas         | 2                  | 2                       | 0                  | £8,456.50             |
| Peter             | Toole          | 2                  | 10                      | 0                  | £1,566.20             |
| Sam               | Twiston-Davies | 2                  | 4                       | 1                  | £27,708.00            |
| Tom               | Weston *       | 2                  | 7                       | 0                  | £24,008.00            |
| Lindsey           | White          | 2                  | 3                       | 0                  | £216.45               |
| Christian         | Williams       | 2                  | 4                       | 0                  | £23,169.40            |
| <b>TOTAL</b>      | <b>101</b>     | <b>311</b>         | <b>568</b>              | <b>86</b>          | <b>£1,188,686.42</b>  |

\* Jockeys who were charged on two occasions each for using the whip with excessive force

### Summary of Table 1 – Jockeys with two or more offences (above)

Number of jockeys with 9 offences: 2

Number of jockeys with 8 offences: 2

Number of jockeys with 7 offences: 2

Number of jockeys with 6 offences: 8

Number of jockeys with 5 offences: 2

Number of jockeys with 4 offences: 6

Number of jockeys with 3 offences: 23

Number of jockeys with 2 offences: 56

**Total number of multiple-offending jockeys: 101**

**Total number of ban days: 568**

**Total number of cautions (inc. 1 training date): 86**

**Total prize money: £1,188,686.42**

**Table 2 – Names of the 16 horses who appear more than once on list of whip offences**

|  |   |
|--|---|
| All Guns Firing (IRE) (twice by David Nolan)     | Mr Parson (IRE) (twice – wealed on first occasion)                      |
| Anjomarba (IRE) (twice)                          | My Arch (twice by Barry McHugh)   |
| Bristol Delauriere (FR) (twice by Lindsey White) | Penny Doc (IRE) (twice by Mr P York)                                    |
| Doc Row (IRE) (twice)                            | Rosie All Over (twice by Jason Maguire – wealed on the second occasion) |
| Dunaskin (IRE) (twice by Barry McHugh)           | Saujana (twice by Kyle James)   |
| Full Toss (twice)                                | Sir Harry Ormesher (twice)  |
| Greenandredparson (IRE) (twice)                  | Spinning Ridge (IRE) (twice)  |
| Little Pete (IRE) (twice by Adam Kirby)          |   |
| Lost In Paris (IRE) (twice by David Allan)       |   |

**Table 3 – Summary of reasons for race bans for all jockeys, 1 January - 30 June 2010**

| Whip offence   | Number of jockeys charged with offence |
|--|--|
| Used whip in a manner to cause horse to weal                                   | 4                                      |
| Excessive force and frequency causing horse to weal                            | 1                                      |
| Excessive force, frequency on horse showing no response, causing horse to weal | 1                                      |
| Excessive frequency (and in wrong place) causing horse to weal                 | 3                                      |
| Excessive force  | 7                                      |
| Excessive force and frequency  | 3                                      |
| Excessive force and without giving horse time to respond                       | 2                                      |
| Excessive frequency, force and down the shoulder                               | 1                                      |
| Excessive frequency  | 196                                    |
| Excessive frequency and down shoulder and/or in forehand/incorrect position    | 14                                     |
| Excessive frequency when winning   | 1                                      |
| Excessive frequency when out of contention                                     | 3                                      |
| Excessive frequency and not allowing horse time to respond                     | 44                                     |
| Struck horse out of annoyance/ in incorrect place/with force on a non-starter  | 3                                      |
| Out of contention  | 56                                     |
| Out of contention and without giving horse time to respond                     | 2                                      |
| Out of contention and on horse showing no response                             | 1                                      |
| Continually slapping whip down the shoulder                                    | 2                                      |
| Used whip after winning post   | 1                                      |
| Used whip without giving horse time to respond                                 | 36                                     |
| Used whip above jockey's shoulder  | 4                                      |
| Used whip down shoulder and/or in forehand/incorrect position                  | 40                                     |
| Used whip in incorrect place   | 15                                     |
| Used whip when clearly winning or clearly established position                 | 11                                     |
| Used whip on horse showing no response   | 2                                      |
| <b>TOTAL</b>   | <b>453</b>                             |

## Appendix A – Quoted directly from the British Horseracing Authority’s ‘Whip Use and Specification’

Breaches of this code include the following:

### Hitting horses:

- to the extent of causing injury
- with the whip arm above shoulder height
- rapidly without regard to their stride, i.e. twice or more in one stride
- with excessive force
- without giving the horse time to respond

### Hitting horses which are:

- showing no response
- out of contention
- clearly winning
- past the winning post

### Hitting horses in any place except:

- on the quarters with the whip in either the backhand or forehand position

- down the shoulder with the whip in the backhand position; unless very exceptional circumstances prevail

### Hitting horses:

- with excessive frequency

When deciding on whether ‘Excessive frequency’ has been used, the BHA directs stewards thus:

*Whether the number of hits was reasonable and necessary over the distance they were given, taking into account the horse’s experience;*

Whether the horse was continuing to respond and

*The degree of force that was used; the more times a horse has been hit the stricter will be the view taken over the degree of force which is reasonable.*

## Appendix B – Quoted directly from the British Horseracing Authority’s ‘Guide to Procedures and Penalties 2010’

### Improper riding - penalty guidelines

These are only guidelines and do not provide an exhaustive list of offences, or circumstances, whereby a rider’s use of the whip may be considered improper. The greater the number of occasions a rider uses his whip over and above the ‘recommended’ the more likely it is that the incremental rise in suspension imposed by Stewards will be increased from the usual single day.

| Schedule (B)6 Part 2 – Use of the Whip (Examples 1 to 3) | Recommended number of hits which could amount to a breach | Recommended minimum penalty |
|--|---|-----------------------------|
| <b>Report made by Veterinary Officer</b>                 |   |                             |
| Minor weal   | 1   | 5                           |
| Moderate weal  | 1   | 7                           |
| Injury   | 1   | refer                       |
| Arm above shoulder height                                | 2   | caution                     |
| Without regard to stride (rat - tat - tat)               | 3   | caution                     |
| Excessive force (depending on severity)                  | 1<br>2<br>3<br>4<br>5                                     | caution<br>1<br>2<br>4<br>6 |
| Without time to respond (allow 3 strides per stroke)     | 3   | caution                     |
| Showing no response                                      | 3   | caution                     |
| Out of contention  | 2   | caution                     |
| Clearly winning (or other placing)                       | 2   | caution                     |
| Past the post  | 2   | caution                     |
| Incorrect place  | 1-2<br>3<br>4<br>5  | 1<br>2<br>3<br>5            |

## Appendix B

### Improper riding - penalty guidelines (cont.)

| Schedule (B)6 Part 2 – Use of the Whip (Examples 1 to 3) | Recommended number of hits which could amount to a breach | Recommended minimum penalty  |
|--|---|------------------------------|
| Down shoulder in forehand                                | 2   | caution                      |
| Wild or inelegant whip waving                            | 4   | caution                      |
| Incompetent use  | 4   | submit report to Disc. Dept. |
| Continued slapping down shoulder (hands on reins)        | -   | caution                      |

### Excessive frequency

This guide is when there are concerns over the number of times the whip has been used. Was the number of hits reasonable and necessary over the distance they were given? It must be remembered that how the whip is used is as important as how often and therefore discretion can be used when considering any potential breach.

| Schedule (B)6 Part 2 – Use of the Whip (Example 4) | Recommended number of hits which could amount to a breach | Recommended minimum penalty |
|--|---|-----------------------------|
| <b>Excessive frequency</b>                         |   |                             |
| <b>Flat</b>  |   |                             |
| Last furlong                                       | 9   | caution                     |
| Last 1 1/2 furlong                                 | 11  | caution                     |
| Last 2 furlongs                                    | 13  | caution                     |
| Whole race   | 16  | caution                     |
| <b>Jump</b>  |   |                             |
| After last obstacle                                | 10  | caution                     |
| After second last                                  | 13  | caution                     |
| Whole race   | 16  | caution                     |

Although consideration should be given to how a horse has been hit, as well as how often, the level of penalty would normally rise by one day for each hit, up to three days above the recommended numbers, and thereafter by two days for each hit. e.g. 20 hits in whole race – 5 days suspension.

When considering a possible breach in a jump race, Stewards should also bear in mind that obstacles are set a varying distances. the closest obstacle to the finish is at Newton Abbot (hurdle can be as close as 120 yards). The furthest fences from the finish are Cartmel (800 yards), Aintree (543 yards) and Kelso (510 yards).

| RULE (B)54 2 - Examples of Improper Riding which are <u>not</u> breaches of Schedule (B)6 Part 2. (This list is not exhaustive) | Recommended number of hits which could amount to a breach | Recommended minimum penalty            |
|---|---|--|
| Striking own horse in annoyance with whip   | 1   | 4                                      |
| Throwing whip at horse in annoyance   | 1   | 2                                      |
| Punching/jabbing horse in annoyance   | 1   | 2                                      |
| Kicking horse in annoyance  | 1   | 4                                      |
| Intentionally striking or attempting to strike other horses or riders   | 1   | See Improper Riding Guidelines page 23 |



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- 3 Alan Lee, 29 March 2008, 'Horse racing facing crucial debate over use of the whip', *The Times*. [www.timesonline.co.uk/tol/sport/racing/article3641890.ece](http://www.timesonline.co.uk/tol/sport/racing/article3641890.ece)
- 4 Ibid.
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- 7 Personal correspondence



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