

RACING APPEAL PANEL OF NSW

APPEAL OF JEFFREY LLOYD

PANEL: Mr R Beasley SC, Principal Member; Mr R Clugston; Mr J Fletcher

Appearances Racing NSW: Mr Van Gestel

Mr Lloyd: Himself

REASONS FOR DECISION

1. On 18 March 2017, following the running of the Golden Slipper Stakes ('the Race') at Rosehill Racecourse, the Appellant, Mr Jeffrey Lloyd (a licensed jockey), was charged with a breach of AR 137(a) for careless riding. That rule is in the following terms:

*'Any rider may be penalised if, in the opinion of the Stewards,
(a) He is guilty of careless, reckless, improper, incompetent or foul riding.'*

2. Mr Lloyd rode the horse Houtzen in the race. The particulars of the charge against him were that *"... approaching the 1000 metres you permitted your mount Houtzen to shift in when insufficiently clear of Teaspoon, ridden by Dwayne Dunn, resulting in Teaspoon being taken in across the running of Diamond Tathagata, resulting in that runner losing its running and being checked by its rider Glyn Schofield"*.
3. Mr Lloyd pleaded not guilty to the charge. At the conclusion of their Inquiry, the Stewards found the appellant guilty of a breach of AR137(a). In assessing penalty, the Stewards assessed the carelessness to be of medium grade. The Stewards' then used the Penalty Guidelines for careless riding to ultimately arrive at a penalty of a six meeting suspension. The Guidelines provided for a 25% discount for Mr Lloyd's good record, a further ten percent reduction for contribution to the offending by another runner (discussed below), but imposed a 25% loading as the offence

occurred in the Golden Slipper. Ordinarily medium grade careless riding causing a check and/or loss of rightful running would result in a seven meeting suspension, but the balance of a ten percent discount reduced it to six. Mr Lloyd's appeal today is in relation to both the finding of guilt, and the severity of penalty.

4. The Stewards' tendered on the appeal the appeal book, and film of the race, which were marked as exhibits A and B respectively. Mr Van Gestel drew the Panels' attention to various parts of the evidence given at the inquiry by riders in the race, and showed the Panel the film and made observations about it. Mr Lloyd did the same.
5. One particular of the charge is the allegation that Houtzen ridden by Mr Lloyd caused the horse Diamond Tathagata to be checked. The Panel does not agree. We consider the film shows more that Diamond Tathagata was checked as a result of the horse Trapeze Artist moving out towards it. However, the horse Teaspoon moved in because of Mr Lloyd's riding on Houtzen, and that was the cause of Diamond Talagatha losing its rightful running. This all occurred because Mr Lloyd shifted his horse in when insufficiently clear of other runners. We therefore consider the careless riding charge should be sustained.
6. We disagree with the Stewards approach to penalty however. They have assessed carelessness as being of medium grade. The Panel however has noted that Mr Lloyd continually looked to his right to see what was happening behind him, and that he shifted his mount in reasonably gradually. We are still comfortably satisfied his riding was careless, but although it is a close run thing, we assess that carelessness to be of low grade.
7. We are also of the view, in applying the Penalty Guideline, that a greater amount of contribution should be factored in for the role of Trapeze Artist for the check to Diamond Talagatha. We assess that at 50 percent, not 10 percent.

8. Under the guideline, a low grade carelessness offence for loss of rightful running results in a six meeting suspension. We would reduce that penalty by 50 percent taking account of the appellant's record, the contribution of Trapeze Artist, and the premium for the offence occurring in the Golden Slipper. We therefore impose a suspension of a three meeting penalty.

9. The Panels orders are as follows:
 - (a) Appeal against finding of guilt dismissed.
 - (b) Finding of guilt for careless riding under AR 137(a) confirmed
 - (c) Appeal against severity of penalty allowed .
 - (d) Penalty of a six meeting suspension set aside, and in lieu of that a penalty of a three meeting suspension is imposed.
 - (e) The suspension is to commence on Sunday 26 March 2017 and will expire on Sunday 2 April 2017, following which the appellant is free to ride.
 - (f) Appeal deposit to be forfeited.