



4. The appellant has challenged the finding of breach of the rule, and the severity of the penalty imposed upon him. He was represented by his Master, licenced trainer Mr Mark Newnham. The Stewards were represented by Mr M Van Gestel, the Chairman of Stewards.
  
5. As the Panel said in the recent appeal of *Joshua Parr* (RAP, 20/4/21) AR 131(a) is an important rule of racing. The careless riding rule is primarily about safety, and safety must be paramount in racing. The consequence of a careless ride can sometimes be minor. On other occasions, carelessness from a rider may jeopardise his or her safety, and the safety of their mount, as well as the safety of other riders and horses. Carelessness can lead to injuries to both riders and horses, or worse. When that happens, it not only has serious consequences for those hurt, but also has a detrimental impact on the sport. A high standard of care is expected from all riders, and especially so from experienced riders. Some dispensation or leeway is appropriately given to apprentice riders.
  
6. As stated by both Mr Van Gestel and Mr Newnham, the determination of this appeal comes down to one issue – should the appellant have had a look to his inside before shifting his horse in at the 2100m towards the fence? There is no doubt that:
  - (a) Prior to the fall, the appellant had followed what Mr Newnham said was the correct protocol. He looked to his inside and behind him. He did not see rider King on Eugenio who was immediately behind him.
  
  - (b) Thereafter, the appellant started to shift his horse in, and slowed slightly so as to sit on the rails behind the leader.
  
  - (c) By this time, rider King on Eugenio had been pushed further in by the rider of Lime and Sugar. As the appellant shifted in, rider King called out, and the appellant turned to look again, but it was too late. The horses clipped heels, and rider King was dislodged, but fortunately not injured.
  
7. As stated above, the issue for the Panel to decide is should the appellant have looked behind him to his inside again before manoeuvring his horse to the rails. While we

accept he had looked before, and that he did not expect rider King's horse to be where it was, we do think a second look was warranted and necessary. We are conscious that riders are riding large horses and travelling at great speed and need to look to the front, but with this manoeuvre of shifting in, a second look behind to the inside before shifting in was required. We are therefore of the view that the rule has been breached, but agree carelessness should be assessed as low.

### **Penalty**

8. For good reasons, for breaches of AR131(a) the Panel almost invariably follows the penalty template. It was drafted with care, and with consultation with the Jockey's Association. Its application leads to consistent penalties. On this occasion though, given the low level of carelessness, we are of the view that a 14-meeting penalty is slightly greater than what we feel is appropriate. Although the penalty should still be assessed from the perspective that the carelessness had the consequence of a rider falling, we consider in all of the circumstances a 10-meeting suspension is more appropriate.
  
9. We therefore make the following orders:
  1. Appeal against finding of breach of AR131(a) dismissed.
  2. Finding of breach of AR 131(a) confirmed.
  3. Appeal against severity of penalty allowed.
  4. In lieu of a 14-meeting suspension, the appellant's licence to ride is suspended for 10 meetings. Such suspension is to commence on 23 April 2021, and ends on 9 May 2021, on which day the appellant may ride.
  5. Appeal deposit forfeited.