



Beaten to the Line 2012

An analysis of whip offences in British racing

In the 12 months of 2012, under whip regulations introduced by the British Horseracing Authority (BHA) in October 2011, there was a decrease in the number of breaches compared with 2011. A total of 637 infringements were recorded (897 in 2011 and 887 in 2010).

Whip offences, therefore, fell by 29 per cent in 2012 compared with the previous year. However, as set out below, racecourse stewards have greater discretionary powers, which allow them to discount much off what previously would have been recorded as an offence.

Under the rules introduced in 2011, the number of times that a jockey may hit a horse in a race was halved to eight for a jump race and seven for a flat race. However, on 6 March 2012, amended whip regulations were implemented, under which stewards can use their discretion as to whether to punish a jockey for 'excessive whipping' (re branded by the BHA as the harmless sounding offence of 'Used whip above permitted level'). Potentially, this means that many more offences have gone unpunished.

Jockeys' offences

In 2012, 316 jockeys committed offences, with 152 offending on more than one occasion. In 2011, 356 breached the rules, with 196 offending multiple times. Despite the reduction, 316 individuals breaking the rules is hardly cause for celebration.

The highest total number of offences committed by a single jockey fell from 17 in 2010 to 13 in 2011, and to nine in 2012. While this can be seen as encouraging, it is still the case that a significant number of jockeys continue to repeatedly break the rules. The jockeys with the greatest number of offences (nine each) were Darren (DE) Egan and Adam Kirby. Some of the worst offenders in 2012 also featured at the top of offenders' lists in 2011 – i.e. Kieren Fox, Adam Kirby, Sean Levey, David Probert, Dale Swift and Robert Winston.

Penalties

Three jockeys were fined in 2012 and ten committed multiple offences, thus incurring a harsher accrued penalty. They were David Allen, Darren Egan, Kieren Fox, Jason Hart, Adam Kirby, Sean Levey, Barry McHugh, Ryan Powell, David Probert and Robert Winston.

The maximum number of days' penalty handed out to jockeys has risen significantly – from 52 days in 2011 for Mr RJ Cooper to 121 days for Kieren Fox in 2012.

Horses abused

Twenty-five horses were the victims of excessive whipping on more than one occasion in 2012 (compared with 49 in 2011). One of the equine victims, Flow Chart, was abused three times in the year by the same jockey – Robbie Fitzpatrick. Eight of the 25 horses were abused by the same jockey on each occasion.

Two horses who appear on the 2012 list are now dead. Four-year-old Juarla, and seven-year-old Imperial Guest.

Two horses – Fly Direct (IRE) and Gansey (IRE) – were wealed by the whip in 2012. In 2011, 11 were wealed.

Changes to the whip rules

A long-awaited review of the whip was published by the BHA on 27 September 2011, with the new rules applying from 10 October. The review document contained the following admission: *'The current whip guidelines and penalties for those jockeys who breach the Rules on whip use are not an effective enough control and deterrent in their current form.'* Animal Aid's research showed that the BHA's old rules were being regularly and repeatedly flouted, with 887 breaches

during 2010, and 15 jockeys each committing ten or more offences. In the first six months of 2011, prior to the rule changes, there were more than 450 breaches, and ten horses were wealed by the BHA's so-called welfare-friendly cushioned whip. The new rules halved the number of times jockeys could strike their horses (eight times in a jump race and seven times in flat racing), limited the number of times a horse could be struck in the last part of the race and introduced financial penalties (loss of riding fees and prize money) for breaches. The minimum penalty of a 'Caution' was replaced by suspension days.

Just one month later, on 11 November, and following two bouts of rebellion and threats of strikes from jockeys over the new rules, the BHA predictably caved in and amended the rules to allow jockeys greater licence to hit horses. Under the amended regime, jockeys would keep their riding fees for breaking the rules, and would not incur a financial penalty unless they hit their horse three times more than the permitted number of strikes. The revised scheme also abolished the last furlong/last jump rule, which meant that jockeys could hit their horses more often in the last part of the race than previously allowed. The situation for trainers and owners of horses subjected to abuse remained the same – they keep their prize money and face no sanction whatsoever.





More concessions

On 21 February 2012 came even more radical concessions to jockeys. The former restrictions on whip strikes became merely a guideline – leaving horses who are repeatedly hit vulnerable to the subjective judgement of the Stewards as to whether or not they have been abused. The punishment regime has also been greatly weakened with the abandonment of the system of escalating penalties for each new offence. Under the new rules, previous offences are discounted when deciding on punishment for any fresh offence. Serious repeat offenders have always been referred to the BHA's Disciplinary Panel from which more serious sanctions can usually be expected. However, because the trigger point related to the number of days' suspension from racing has been raised, jockeys can accumulate more penalty days before having to answer to a special panel.

Of all these changes, perhaps the most pernicious and damaging to horse welfare is the discretion given to racecourse stewards to refrain from handing out a sanction to a jockey even though he or she may have clearly breached the rules. The punishment regime was also greatly weakened with the abandonment of the system of escalating penalties for each offence. Together, these changes will allow jockeys an almost free rein to beat their mounts into submission.

Whip advocates often claim that horses do not feel the whip because of the adrenalin provoked by the race. But as a racing correspondent for *The Guardian* noted in a 2010 article, 'If the horse didn't feel it, there would be no point in using it. In any case, the lasting pain caused by overuse may certainly be felt after the event.' He went on to add: 'A sound whipping is a poor reward for any horse that has given its all.'

Even if there is less use of the whip, any use of it is wrong. Jockeys whip horses in order to bully and intimidate them into running up to and beyond their physical limits. The public knows this, which is why, according to a poll commissioned by the British Horseracing Authority itself, 57 per cent of people want an outright ban on the whip.

(The Guardian, Chris Cook, 16 April 2013, 'Claims Five: Reasons to put down the whip')

Animal Aid's straightforward message is: The Whip hurts. Ban it.

Jockeys with 5 or more offences in 2012

Jockey Forename	Jockey Surname	Number of Offences	Days Suspended	Referred to BHA
Darren (DE)	Egan	9	47	Y
Adam	Kirby	9	39	Y 3 month ban
Kieren	Fox	7	121	Y
David	Probert	7	36	Y
Barry	McHugh	7	32	Y
Sean	Levey	6	29	Y
Graham	Gibbons	6	12	
Ryan	Powell	5	37	Y
Jason	Hart	5	32	Y
Robert	Winston	5	32	
David	Allan	5	28	Y
Jack	Duern	5	20	
Timmy	Murphy	5	20	
Nicky	Mackay	5	18	
Adam	Beschizza	5	15	
Mark	Coumbe	5	15	
Kirsty	Milczarek	5	15	
Dale	Swift	5	12	
Frederik	Tylicki	5	10	





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Jockeys with 20 or more days' suspension in 2012

Jockey Forename	Jockey Surname	Number of Offences	Days Suspended	Referred to BHA
Kieren	Fox	7	121	Y
Darren (DE)	Egan	9	47	Y
Robbie	Fitzpatrick	3	40	
Adam	Kirby	9	39	Y
Ryan	Powell	5	37	Y
David	Probert	7	36	Y
Barry	McHugh	7	32	Y
Jason	Hart	5	32	Y
Robert	Winston	5	32	
Sean	Levey	6	29	Y
David	Allan	5	28	Y
Leonna	Mayor	3	27	
Brendan	Powell	4	21	
Jack	Duern	5	20	
Timmy	Murphy	5	20	
Jamie	Moore	4	20	
Conor	Harrison	1	20	

Horses abused on more than one occasion plus jockey name

Date	Racecourse	Jockey Forename	Surname	Name of horse
09/09/2012	Fontwell Park	Alan	Cawley	Always Bold (IRE)
31/12/2012	Uttoxeter	Alain	Cawley	Always Bold (IRE)
14/05/2012	Redcar	Dale	Swift	Beckermert (IRE)
19/05/2012	Thirsk	James	Sullivan	Beckermert (IRE)
15/03/2012	Cheltenham	Denis	O'Regan	Cape Tribulation
13/10/2012	York	PJ	McDonald	Cape Tribulation
17/07/2012	Beverley	Miss H	Cuthbert	Edas
30/09/2012	Musselburgh	Garry	Whillans	Edas
26/06/2012	Beverley	David	Bergin	Elusive Bonus (IRE)
06/10/2012	Redcar	David	Bergin	Elusive Bonus (IRE)
21/05/2012	Windsor	Seb	Sanders	Fattsota
15/09/2012	Doncaster	Adam	Kirby	Fattsota
24/01/2012	Southwell	Robbie	Fitzpatrick	Flow Chart (IRE)
10/04/2012	Southwell	Robbie	Fitzpatrick	Flow Chart (IRE)
09/05/2012	Southwell	Robbie	Fitzpatrick	Flow Chart (IRE)
07/05/2012	Windsor	Jacob	Butterfield	Gracie's Games
07/05/2012	Windsor	Jacob	Butterfield	Gracie's Games
02/06/2012	Epsom	Silvestre	De Sousa	Heavy Metal
24/08/2012	York	Joe	Fanning	Heavy Metal
21/05/2012	Redcar	Andrew	Elliott	Lady Kashaan (IRE)
22/09/2012	Ayr	Andrew	Elliott	Lady Kashaan (IRE)
28/04/2012	Doncaster	Miss Zoe	Lilly	Levitate
08/05/2012	Catterick Bridge	I	Poullis	Levitate
19/04/2012	Ripon	George	Downing	Mata Hari Blue
15/06/2012	Goodwood	Matthew	Lawson	Mata Hari Blue
06/11/2012	Redcar	Barry	McHugh	Nant Saeson (IRE)
15/12/2012	Wolverhampton	Michael	O'Connell	Nant Saeson (IRE)
24/09/2012	Hamilton Park	Patrick	Mathers	Northern Bolt
29/10/2012	Redcar	Matthew	Lawson	Northern Bolt
29/10/2012	Leicester	Mr John	Willey	Pelmanism
28/11/2012	Wolverhampton	Dale	Swift	Pelmanism
17/05/2012	York	Robert	Winston	Prince Of Johanne (IRE)
20/06/2012	Ascot	John	Fahy	Prince Of Johanne (IRE)
01/05/2012	Exeter	Tom	Bellamy	Qalinas (FR)
04/07/2012	Worcester	Tom	Bellamy	Qalinas (FR)
18/07/2012	Catterick Bridge	Jimmy	Quinn	Red Tyke (IRE)
01/09/2012	Market Rasen	Dougje	Costello	Red Tyke (IRE)
05/05/2012	Thirsk	Paul	Mulrennan	Rocktherunway (IRE)

Horses abused on more than one occasion plus jockey name (ctd.)

Date	Racecourse	Jockey Forename	Surname	Name of horse
02/06/2012	Musselburgh	Lee	Topliss	Rocktherunway (IRE)
10/02/2012	Wolverhampton	D E	Egan	Royal Opera
11/05/2012	Hamilton Park	Barry	McHugh	Royal Opera
30/03/2012	Lingfield Park	J-P	Guillambert	Salient
09/10/2012	Brighton	Kieren	Fox	Salient
04/04/2012	Exeter	Matt	Griffiths	Sea Saffron
06/06/2012	Cartmel	Matt	Griffiths	Sea Saffron
12/01/2012	Kempton Park	Ian	Mongan	Shifting Star (IRE)
25/05/2012	Goodwood	Sean	Levey	Shifting Star (IRE)
13/12/2012	Kempton Park	Liam	Keniry	Sofi's Spirit (IRE)
22/12/2012	Lingfield Park	Liam	Keniry	Sofi's Spirit (IRE)
10/03/2012	Wolverhampton	Jack	Duern	The Lock Master (IRE)
13/06/2012	Beverley	Graham	Gibbons	The Lock Master (IRE)

Animal Aid, The Old Chapel, Bradford Street, Tonbridge, Kent TN9 1AW

Tel: 01732 364546 | Email: info@animalaid.org.uk

www.animalaid.org.uk

Written and researched by Fiona Pereira Published by Animal Aid June 2013

