



# Beaten to the Line

## An analysis of whip offences in 2014

### Introduction

**Between 2011 and 2012, the British Horseracing Authority (BHA) revised the regulations on the use of the whip in racing. These were published after Animal Aid revealed that the old rules were being breached by jockeys almost 900 times each year. Another trigger for the rule changes was public outrage at the 2011 Grand National winner, Ballabriggs, being thrashed all the way to the line by jockey Jason Maguire.**

Although there was an initial decrease in the annual number of offences, the last two years have seen the total level out. (see Fig 1 overleaf)

The greatest weakness in the current system is the enormous discretion granted to stewards as to whether they will penalise jockeys for having broken the rules. Despite the laxity at the heart of the current regulations, jockeys have still managed to accumulate close to 600 offences each year for the past two years.

### Stewards' discretion

As indicated, one of the main modifications of the whip regulations by the BHA was to allow stewards discretion as to whether they will punish or discount a whip offence. A particularly good example of the problem with this rule was

demonstrated by the belated punishment of Aiden Coleman after the Coral Welsh Grand National in 2014, in which he hit his horse around 15 times from the top of the straight. Although the winning ride was not the subject of a steward's inquiry, the BHA decided to suspend Coleman for four days (Racing Post 19 January 2015).

Without watching each and every race, we will never know how many breaches of the regulations are overlooked.

### 'Encouragement'?

At the heart of the problem is that the rules explicitly allow jockeys to beat their mounts for 'encouragement'.

When pressed to explain this term by MP Jim Fitzpatrick in a 2014 letter, the British Horseracing Authority's unconvincing justification was that hitting a horse with a whip allows the animal to stay 'focused and concentrated'. However, the reality is that it allows jockeys to beat their mounts – when they are tired and struggling – in order to squeeze every last drop of effort from them.

**Animal Aid is calling for the word 'encouragement' to be removed from the rules so that jockeys may use the whip only for extreme situations when safety is at risk, as is the case in Norway, where British jockeys ride without complaint.**

To that end, an Early Day Motion (EDM 715) has been tabled by Adrian Sanders MP in the House of Commons, calling on 'the Department for Culture, Media and Sport and the Department for Environment, Food and Rural Affairs to ensure that the BHA's rules are amended to forbid use of the whip for encouragement or for equivalent reasons.'



## 2013 - 2014 whip statistics reveal little improvement

In 2013, jockeys broke the whip regulations 578 times. In 2014, this number rose slightly to 586 offences. (see Fig 1) In fact, proportionately, the rise is bigger than it first seems, given that it relates to a reduced number of horses having been entered into races. (see Fig 2)

Fig 1: Total Number of offences

Year	2011	2012	2013	2014
Number of offences	897	637	578	586

Fig 2: Number of offences

Year	2013	2014
Number of starts	90,836	87,571
Number of offences	578	586
% offences to starts	0.64	0.67

The total number of days' punishment handed out to jockeys rose from 1,974 in 2013 to 2,312 days in 2014.

It is rare for jockeys to be fined. But when they are (ten in 2014, five in 2013) only a percentage of their winnings is forfeited.<sup>1</sup>

More importantly though, neither the owners nor trainers receive any financial penalty for a whip offence, even though the jockey may have been riding to instructions.

Among the biggest fines handed down was the £3,150 to Davy Condon, plus a 15-day riding suspension. This was for his whipping of Bayan an additional seven times at Ascot on 20 December 2014. The overall prize money was £84,405.00.

Similarly, Jimmy Fortune was fined £2,300 in addition to nine days' riding suspension for his beating of Red Avenger at Goodwood on 1 August 2014. The total prize money for coming first was £80,925.00.

Clearly, there are riders, trainers and owners who think that, in high-profile, big-money races, the rewards are well worth the penalty to the jockey.





## Jockeys offending on numerous occasions

The total number of jockeys offending during the year has fallen slightly from 2013 in a continuing downward trend. But more jockeys than in 2013 are still breaking the rules numerous times. (see Fig 3) Overleaf are two charts that show the names of the jockeys who offended the most times in 2013 and in 2014. Twenty-two riders offended five or more times in 2014, an increase from 2013 when 15 offended five or more times.

**Fig 3: Number of jockeys offending**

Year	2011	2012	2013	2014
Total number of jockeys who offended	356	316	291	278
Total number of jockeys who offended more than once	196	152	132	137

It is interesting to note, in the table overleaf, how many of the jockeys' names appear in both the 2013 and 2014 lists. If jockeys are repeat offenders year on year, this means that the penalties exacted are doing little to dissuade them from breaking the rules or to curb their excessive behaviour.

Andrea Atzeni, Adam Kirby, Jimmy Quinn, Silvestre De Sousa, Jack Duern, Jonathan England, Dane O'Neill and Kielan Woods appear on both lists.

The maximum number of offences by one jockey – totalling nine – is the same as in 2012. In 2014, the jockey with most offences (nine) was Jack Duern. Worryingly, Duern was to face a disciplinary hearing for a breach of the regulations committed at Wolverhampton on 31 October, but committed a further breach on 22 November, just ahead of his hearing on 27 November.<sup>2</sup>

Adam Kirby – with seven offences in 2014, and six in 2013, was also amongst the worst offenders in 2012 and 2011. Kirby had one disciplinary in 2014, another in 2013 and two referral hearings in 2012. Repeat offenders, like Kirby, are clearly not dissuaded by the whip regulations or the penalties.

Silvestre De Sousa also faced disciplinary panels in 2014 and 2013.

### Number of disciplinary actions

Riders who commit a certain number of offences in a six-month period are referred to the BHA for disciplinary action.<sup>3</sup> In 2014, twelve jockeys were referred – up from six jockey referrals in 2013.

In some cases, part of the suspension period is delayed – presumably to allow jockeys to ride in other races.

### Jockeys with five or more offences in 2013

Jockey Forename	Jockey Surname	Number of Offences
Billy	Cray	7
David	Probert	7
Andrea	Atzeni	6
Mark	Coumbe	6
Adam	Kirby	6
Jimmy	Quinn	6
Seb	Sanders	6
Silvestre	De Sousa	5
Jack	Duern	5
Jonathan	England	5
Barry	McHugh	5
Kirsty	Milczarek	5
Dane	O'Neill	5
Shirley	Teasdale	5
Kielan	Woods	5

Some jockeys broke the rules on consecutive days or within the space of a couple of days, and some even offended twice at the same event on the same day. For example, Kieren Fox offended on 27 & 28 August 2014, Kielan Woods broke the rules on 3,4 and 6 June 2014, and Robert Winston broke the rules on 14 and 16 May 2014. On 19 June, Joseph O'Brien breached the whip regulations twice at the Ascot meeting and Dane O'Neill did so at Bath on 15 July 2014.

### Jockeys with five or more offences in 2014

Jockey Forename	Jockey Surname	Number of Offences
Jack	Duern	9
Wilson	Renwick	8
Adam	Kirby	7
Amir	Quinn	7
Danny	Brock	6
Joe	Doyle	6
Michael	Nolan	6
Dane	O'Neill	6
Kielan	Woods	6
Andrea	Atzeni	5
Sean	Bowen	5
Danny	Cook	5
Stephen	Craine	5
BA	Curtis	5
Silvestre	De Sousa	5
Jonathan	England	5
Jamie	Moore	5
Paul	Pickard	5
Jimmy	Quinn	5
Jamie	Spencer	5
Andrew	Thornton	5
Robert	Winston	5







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## Horses abused more than once

One of the most sickening aspects of racing is the number of horses who are abused on more than one occasion during the year – often by the same jockey. These abuses are above the permitted seven whip strikes in flat racing and eight whip strikes allowed in jump events. This violent response to the horses' efforts and the abuse of trust are factors completely ignored by the BHA, which claims to have horse welfare central to its concerns.

In 2014, 32 horses were abused more than once and two horses were each abused on three occasions – Bold Runner and Bronze Angel. Eighteen of the 32 horses were being ridden by the same rider on each occasion. In 2013, 23 horses were abused more than once – one of the 23 on three occasions. Nine of the 23 were ridden by the same jockey on each occasion.

### Wealed

One horse, Western King, was reported to have been wealed in 2014. In 2013 there were four reported cases (increased from two incidents in 2012). This is despite the new rules allowing fewer strikes of the horses and the use of the industry-promoted 'cushioned' whip. However, close viewing of races has revealed that the hard part of the stick can come into contact with horses.

**Fig 4: Horses abused more than once and number wealed**

Year	2011	2012	2013	2014
<b>Horses abused more than once</b>	48	25	23	32
<b>Number of abused horses ridden by same jockey</b>	27	8	9	18
<b>Number of horses wealed</b>	11	2	4	1

## Whip is a danger to horses and riders

Overleaf are a few excerpts from the BHA's stewards' reports, which show horses being spooked by the whip and sometimes dislodging their riders. This is a factor first raised by Animal Aid in 2004. Horses become fearful of the presence of the whip, try to look around and lose their line of sight, or they shy away from the whip – both of which can cause accidents.

### **Windsor, 16 June 2014**

*The Stewards held an enquiry into the fall of Ryan While, the rider of SACRILEGE, ... the fall was caused by the gelding being very reluctant to race and ducking away from the whip, causing the jockey to become unseated.*

### **Lingfield Park, 12 August 2014**

*The Stewards held an enquiry into the fall of William Buick, the rider of WENTWORTH FALLS, ... the fall was caused by his mount ducking sharply right away from the whip, unseating the rider.*

### **Wolverhampton, 3 October 2014**

*The Stewards noted the fall of Shane Kelly, the rider of REMBRANDT VAN RIJN (IRE), ... the fall was caused by the colt shying away from the jockey's whip.*

## **No change in attitude**

Although the number of whip breaches has fallen since the new regulations were introduced, jockeys still break the rules on hundreds of occasions each year. It is likely that many more breaches occur than are reported, because stewards have discretion over whether to overlook or punish a breach.

Another key concern is that riders are permitted to beat their horses for 'encouragement', in other words, in an effort to gain better placement.

It would seem that, to the riders, it doesn't matter how many strikes of the whip are permissible, because they continue to exceed the limit. Jockeys take a calculated risk depending on the prize money at stake. Similarly, it seems that some jockeys are incapable of controlling their ambition or frustration when they beat their mounts excessively.

As long as jockeys are permitted to hit their horses for 'encouragement', there is little chance that the situation will improve. This is why it is vital to have the term removed from the rules and permit jockeys to carry the whip for safety reasons only. A race without whips will still see one horse win, and the horses won't be beaten all the way to the line.



## **What the current rules say**

The British Horseracing Authority's whip regulations state that the jockeys may hit their horse eight times in jump racing and seven times in flat racing.

Under the new rules, the term 'excessive whipping' was replaced by the more harmless-sounding 'Used whip above permitted level'.

<sup>1</sup> 'If a professional rider is suspended for seven days or more on a horse placed first, second, third, fourth, fifth or sixth in a flat race with a Total Prize Fund of £27,500 or more or Jumps Race with a Total Prize Fund of £20,000 or more he may also be fined a sum between £200 and £10,000 (£100 and £5,000 in the case of an apprentice). Amateur riders may also be fined a sum of either £200 or £400. If the suspension is for seven or eight days, the Professional Rider shall be fined 20% of his prize money percentage, 10% in the case of an Apprentice Jockey. If the suspension is for nine days or more, the Professional Rider shall be fined 40% of that payment, 20% in the case of an Apprentice Jockey' <http://www.thepja.co.uk/members-info/regulatory/useofwhip/>

<sup>2</sup> see <http://www.britishhorseracing.com/resource-centre/disciplinary-results/disciplinaryappeal-hearings/disciplinary/?result=547838304e91627e37a47362>

<sup>3</sup> 'If it is a rider's fifth suspension of two – six days within the previous six months [the stewards] will refer the matter to the BHA. The Disciplinary Panel will usually impose a suspension of 14 – 60 days suspension with an entry point of 21 days. If it is a rider's fourth suspension of seven days or more within the previous 6 months they will refer the matter to the BHA. The Disciplinary Panel will usually impose a suspension of two months – six months suspension with an entry point of three months.' <http://www.thepja.co.uk/members-info/regulatory/useofwhip/>

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