



APPEAL RESULT

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FROM: Registrar – Racing Appeals and Disciplinary Board

DATE: 20 January 2016

SUBJECT: **APPEAL HEARING RESULT – APPRENTICE JOCKEY: BEN ALLEN**

Panel Judge John Bowman (Chair), Mr Stephen Curtain & Dr June Smith.

Appearances Mr John Didham appeared on behalf of Mr Allen.

At Sale on Thursday 14 January 2016, apprentice jockey Ben Allen was found guilty of a charge of careless riding on his mount *Heza Dude* in Race 6 the *Wilson Medic One Rising Stars BM 70* Handicap (1208m).

The careless riding being that in that near the 350 metres when racing close to the heels of *Pinyarda*, he rode his horse out from behind that gelding where there was no room to do so, making heavy contact with *The Bronx*, unbalancing that gelding and forcing it from its rightful running.

Mr Allen had his permit to ride in races suspended for a period to commence at midnight on Monday, 18 January 2016 and to expire at midnight on Wednesday, 27 January 2016 – a total of 11 race meetings.

In arriving at penalty, Stewards took into account Ben Allen's good record, the carelessness being in the mid-range category and that after placing his mount in the position towards the outside of the heels of *Pinyarda* and in so doing making contact with *The Bronx*, *Pinyarda* shifted out slightly.

A Notice of Appeal against **the decision and severity of the penalty** was lodged on Friday, 15 January 2016.

A stay of proceedings was granted effective until midnight Tuesday, 19 January 2016.

DECISION: **Appeal against conviction dismissed.**
Appeal against severity of penalty allowed.

Taking into account the stay of proceedings the period of suspension will now expire at midnight on Tuesday, 26 January 2016 (a total of 8 race meetings).

**TRANSCRIPT OF
PROCEEDINGS**

RACING APPEALS AND DISCIPLINARY BOARD

**HIS HONOUR JUDGE J. BOWMAN, Chairman
MR S. CURTAIN
DR J. SMITH**

EXTRACT OF PROCEEDINGS

DECISION

**IN THE MATTER OF THE WILSON MEDIC ONE RISING STARS
BENCHMARK 70 OVER 1208 METRES AT SALE ON 14/1/16**

APPRENTICE JOCKEY: BEN ALLEN

MELBOURNE

WEDNESDAY, 20 JANUARY 2016

MR B. SCARLETT appeared on behalf of the RVL Stewards

MR J. DIDHAM appeared on behalf of the Appellant

CHAIRMAN: Particularly bearing in mind what we saw on the rear-end view of the Stewards' film, we are of the opinion that the charge of careless riding has been made out. Ben Allen, who is a rising star apprentice, was riding Heza Dude at Sale on 14 January last in the Rising Stars Handicap, a race for apprentice jockeys. At approximately the 350-metre mark, he endeavoured effectively to force a passage between the horse ridden by Regan Bayliss and the horse on his outside ridden by Anthony Boyd. In our view, by shifting outwards into Boyd's mount, he caused that horse to become unbalanced and to turn to the side. This was not just edging Boyd's horse out of the way, it was forcing a passage between Bayliss's mount and Boyd's mount where no such passage existed. This, to our minds, constituted careless riding.

Despite Mr Didham's eloquent and best endeavours, we are quite satisfied that the charge of careless riding can be proved. It was conceded on behalf of Mr Allen that with more experience, he may have waited until it was safe to shift out or if a passage through became available.

The appeal against penalty is allowed. Taking into account the stay of proceedings, the period of suspension will now expire at midnight on Tuesday, 26 January 2016, a total of eight race meetings.
