

APPEAL RESULT

DISTRIBUTION: Chief Executive
Group Integrity Services
Group Racing and Group Racing Development
VJA
TVN
Office of Racing
T Moxon – National Drug Register
Racing Press

FROM: Acting Registrar – Racing Appeals and Disciplinary Board

DATE: 10 July 2013

SUBJECT: **APPEAL HEARING RESULT – JUMPS JOCKEY: TOM RYAN**

Panel Judge Russell Lewis (Chair), Professor Raymond Harbridge, Mr Bill Kneebone.

Appearances Mr James Hitchcock appeared on behalf of the Stewards.
Mr Des O’Keefe appeared on behalf of jockey Tom Ryan.

At Casterton on Sunday 7 July 2013, jockey Tom Ryan was guilty of a charge of failing to retire his mount *Hempstead* in Race 5 the *MG Trading – Heywood Steeplechase* – 3800m.

The careless riding being that *Hempstead* jumped the second last steeple awkwardly, knuckled on landing and both *Hempstead* and Mr Ryan became severely unbalanced. *Hempstead* then jumped the final obstacle awkwardly and fell.

Mr Ryan had his licence to ride in jumps/heighweight races suspended for a period to commence at midnight on Monday, 8 July 2013 and to expire at midnight on Sunday, 21 July 2013 - a total of 8 jumps/highweight race meetings (across Victoria and South Australia). The Stewards found him guilty of a charge under Rule LR 62 (9)(a)(iv). In assessing the penalty, the Stewards deemed the incident to be very serious and took into account his good riding record.

A Notice of Appeal against **the decision and severity of the penalty** was lodged on Monday, 8 July 2013.

A stay of proceedings was not requested.

DECISION: **Appeal allowed**

Tara Watson
Acting Registrar - Racing Appeals & Disciplinary Board

**TRANSCRIPT OF
PROCEEDINGS**

RACING APPEALS AND DISCIPLINARY BOARD

**HIS HONOUR JUDGE R.P.L. LEWIS, Chairman
PROF R. HARBRIDGE
MR W. KNEEBONE**

EXTRACT OF PROCEEDINGS

DECISION

**IN THE MATTER OF THE MG TRADING - HEYWOOD
STEEPLECHASE OVER 3800 METRES AT CASTERTON ON 7/7/13**

JOCKEY: TOM RYAN

MELBOURNE

WEDNESDAY, 10 JULY 2013

MR J. HITCHCOCK appeared on behalf of the RVL Stewards

MR D. O'KEEFFE appeared on behalf of the Appellant

CHAIRMAN: This is an appeal by jumping rider Tom Ryan against a decision by the Stewards whereby he was suspended for not retiring his mount, Hempstead, after it had landed awkwardly, stumbled, become unbalanced, run wide and lost considerable ground after jumping the second-last fence in the steeplechase over 3800 metres at Casterton.

The relevant rule is Local Rule 62(9). It reads as follows:

The rider of a horse in a hurdle or steeplechase race or official trial must retire the horse from the race or official trial immediately where (i) the horse has fallen (whether at a jump or in running); (ii) the horse is not in contention and fatigued; (iii) the horse is distressed; or (iv) in the circumstances, if the rider were to continue riding the horse, such conduct would cause an increased risk of a fall to the horse or rider or other horses or riders.

For the purpose of subrule 62(9)(a)(iv), the following factors may, without limitation, be considered: (A) whether the rider has lost an iron or irons; (B) whether the saddle has slipped on the horse; and/or (C) whether the horse has sustained an injury during the race or official trial.

At the outset, Mr Hitchcock, who was Chairman of Stewards on the day, told the Board that the Stewards were not alleging that the horse was not in contention, that it was fatigued, nor distressed. Rather, the Stewards' case is

that in the circumstances, the Appellant, in continuing to ride on, caused an increased risk of a fall to the horse, which risk became a reality, the horse falling at the last jump.

As a result of what occurred at the second-last jump, the Stewards argued that "the stuffing had been taken out of the horse" and in combination with the matters to which the Board has already referred, the Appellant was obliged, in the sense that he was mandated, to retire the horse from the race.

The Appellant has submitted that approaching the second-last jump, his mount was full of running and made a great leap, as was the case. He did not contest that his mount landed awkwardly and behaved in a manner already discussed. He was adamant that in the approximate 200 metres to the last jump, the horse regained its balance, as did the rider, and the horse showed no signs of injury, nor reluctance to take the last jump. He conceded that although to an extent the stuffing had been taken out of the horse, it still had something to give. In those circumstances, he made the decision to continue on and not retire the horse. He said that he allowed his mount to pop over the last fence, he being confident of obtaining 4th placing.

The Board is satisfied that the horse did take the last jump cleanly but it got in a little close and landed steeply and fell. The awkward landing was accentuated by the ground falling away somewhat after the last fence.

This is the first case which has come before the RAD Board for a breach of Local Rule 62(9). Most charges brought under this rule relate to facts which are clear cut. The outcome of this appeal depends on what the RAD Board makes of the circumstances which existed. The opinions of the Stewards are of course matters which the Board must take into account, so also is the opinion of the rider.

Mr Tom Ryan is an experienced international jumping rider. He is well aware of his obligations to comply with the requirements relating to the retirement of horses pursuant to Local Rule 62(9). The evidence reveals that this season, he has retired horses in eight races. Accordingly, his opinion as to when or whether he should retire his mount is deserving of considerable weight.

The evidence has left the board in the position where it is not satisfied that the Stewards have proved on the balance of probabilities that in the circumstances, the Appellant should have retired his mount. Accordingly, the appeal is allowed.
