

MZ Metropolitan TC 28 May 2021 - R 4 - Chair, Ms OK Jarvis

Rules:

[869\(2\)](#)

Name(s):

Mr R Butt - Licensed Open Driver

Charge:

Facts:

admitted

Following the running of Race 4, the Dux Industries Trot, an Information was filed by Stipendiary Steward, Mr S Renault against Licensed Open Driver, Mr R Butt alleging a breach of Rule 869(2) in that he used his whip with more than a wrist flicking motion driving WITH ICE in the run home.

Rule 869(2) reads as follows:

869 (2) *No horseman shall during any race use a whip in a manner in contravention of the Use of the Whip Regulations made by the Board.*

Relevant Part of the Whip & Rein Regulations as follows:

WHIP AND REIN REGULATIONS

PART 3 USE OF THE WHIP

3.1 A driver may only apply the whip in a wrist only flicking motion whilst holding a rein in each hand with the tip of the whip pointed forward in an action which does not engage the shoulder.

3.2 For the purposes of clause 3.1, "wrist only flicking motion" means:

3.2.1 Ensuring no force is generated by the use of the elbow or shoulder when applying the whip.

3.2.2 The forearm is not raised beyond forty-five degrees relative to the racing surface.

3.2.3 Not applying the whip with overt force.

3.3 A driver shall not use a whip in an unapproved manner.

3.4 For the purposes clause 3.3 a driver shall be deemed to have used the whip in an unapproved manner in the following circumstances which are not exclusive:

3.4.1 If the whip is applied other than as permitted in clause 3.1.

3.4.2 If the whip is applied excessively, continuously, or without allowing the horse time to respond.

3.4.3 If the whip is applied when the horse:

3.4.3.1 is not visibly responding.

3.4.3.2 is not in contention.

3.4.3.3 cannot maintain or improve its position.

3.4.3.4 is clearly winning.

3.4.3.5 has passed the winning post at the finish of a race.

3.4.4 If the whip is used when the reins are lengthened so as to result in loose reining.

3.4.5 If the whip is used in a prodding or jabbing fashion.

3.5 A driver must not use the whip in a manner which causes injury to a horse.

3.6 A whip shall not be used in a manner that may obstruct, strike or endanger another driver or horse.

3.7 A driver must ensure a whip does not project outside his or her sulky.

Mr Butt acknowledged that he understood the provisions of the charge and the Rule it was brought under. Mr Butt confirmed at the hearing that the breach was admitted.

Mr Renault showed the video replays of the run home. He pointed out Mr Butt, driving WITH ICE, positioned three wide on the track and coming into second place. Mr Renault demonstrated on the video replays; Mr Butt use his whip in more than a wrist flicking motion for some considerable distance and then inside the final 50 metres of the race returns to a more compliant style.

Mr Butt stated that he accepted that the video replays clearly showed that he had used more than a wrist flicking motion, however, Mr Butt felt that it was at the lower end rather than mid-range. Mr Butt felt that he had not continuously used more than a wrist flicking

action but rather he had reverted to a compliant style before again using more than a wrist flicking action.

Decision:

As the breach was admitted the Committee found the charge proved.