

NZ Metropolitan TC 28 May 2021 - R 7 - Chair, Ms OK Jarvis

Rules:

[869\(2\)](#)

Name(s):

Mr R Anderson - Licensed Open Driver

Charge:

Facts:

admitted

Following the running of Race 7, the Kohler Mobile Pace, an Information was filed by Stipendiary Steward, Mr S Renault against Licensed Open Driver, Mr R Anderson alleging a breach of Rule 869(2) in that he used his whip with more than a wrist flicking motion driving SLIP THE HUNDY and in a continuous manner.

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

Mr Renault showed the video replays of the run home. He pointed out Mr Anderson, driving SLIP THE HUNDY, positioned second last and beginning to urge his horse along initially using a compliant wrist flicking motion. Mr Renault demonstrated on the video replays; Mr Anderson use his whip in more than a wrist flicking motion continuously in the run home approximately twenty times.

Mr Anderson stated that he did not believe he was actually hitting the horse but rather he was shaking the reins and holding the whip up.

Mr Anderson further outlined that his horse was a laidback type which required chasing up.

Decision:

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