

R Te Aroha 29 September 2019 - R 7 (request for a ruling) - Chair, Mr G Jones

Rules:

[648\(3\)](#)

Stipendiary Steward(s):

Mr B Jones - Stipendiary Steward

Name(s):

Mr H McNeill - Respondent and Licensed Rider of DOCTOR HOOK, Mr A Bull - Trainer of DOCTOR HOOK, Mr M Williamson - Stipendiary Steward, Mr R Sanders - Clerk of Scales

Facts:

This Request for a Ruling was filed pursuant to Rule 648(3) and arises following the running of Race 7, The Bayleys Waikato Hunt Cup. The Informant, Stipendiary Steward Mr B Jones, alleged that the rider of 3rd placed DOCTOR HOOK (H McNeill) weighed in 1 kg underweight.

Rule 648(3) provides that:

If, on being weighed in, a Rider cannot draw the proper weight (meaning thereby the weight allotted by the Handicapper for his horse to carry and adjusted only by any re-handicap, by having been declared overweight, by penalty or by authorised allowance) the Clerk of the Scales shall allow such rider 0.5 kg and if the allowance is not sufficient to enable the proper weight to be drawn then subject to sub-Rule (4) of this Rule then in addition to any other penalty which may be imposed the horse shall be disqualified for the Race.

The rule was read and Mr McNeill acknowledged that he understood the Rule, as did Mr Bull the trainer of Doctor Hook, who was also present.

Decisions:

At the commencement of the hearing Mr Jones advised the Committee that Clerk of the Scales, Mr R Sanders would outline the circumstances that gave rise to this request. He further stated that Stewards are seeking the disqualification of DOCTOR HOOK from its 3rd placing.

In his evidence Mr Sanders said that following the running of the race Mr McNeill weighed in at 0.7 kg under its handicapped weight. He said that at weigh out Mr McNeill's weight was 69.3 kg and at weigh in he was 0.7 underweight, taking into account his allowance for his protective vest.

Mr Sander's evidence was not disputed by either Mr McNeill or Mr Bull.

In explanation Mr McNeill stated that he went to the toilet after weighing out. He added that he did not rehydrate afterwards and simply omitted to re-weigh. He said that he deeply regretted this omission and apologised for this oversight. Mr Bull had nothing further to add.

In concluding the hearing Mr Jones said the breach was clear and he sought the disqualification of DOCTOR HOOK.

After considering the submissions the Committee was satisfied that Mr McNeill weighed in at least 0.7kg under his weigh out weight, and is therefore in breach of rule. On the basis of the evidence provided by Mr McNeill, it is clear, on balance that his failure to make correct weight was due to his having gone to the toilet after weighing out and as a consequence of his failure to reweigh.

Pursuant to Rule 648 (3) the Committee determined that DOCTOR HOOK be disqualified from the race.

Accordingly amended placings are:

- 1st - No.10 PYTHAGORAS
- 2nd- No. 5 CABALLO NOIR
- 3rd - No. 1 RAISAFUASHO
- 4th - No. 7 EION

The Committee ordered dividends and stakes to be paid in accordance with this decision.