

NZTR REVISED PENALTY GUIDELINES FOR WHIP RULE AND CARELESS RIDING RULE BREACHES

(Issued under Rule 106 of the Rules of Racing)

These revised guidelines revoke and replace the Guidelines for Whip Rule and Careless Riding Breaches introduced on 1 March 2022. They come into force from 12:01 am on **10 February 2023**.

NZTR’s position continues to be that the excessive, unnecessary or improper use of the whip during racing is unacceptable (particularly where repeated) and must be denounced and discouraged by way of a penalty. The proposed penalties set out below are a starting point. More severe penalties may be imposed should the circumstances warrant such as, for example, where the whip is used with excessive force, where the adjudicator finds that the breach of the Rule was calculated, where there are significantly more than four additional strikes, or the whip is used on significantly more than four consecutive strides.

1. Whip Offences

1.1. For breaches of Rule 638(3)(g)(i), using the whip more than 5 times prior to the 100m mark.

<i>Offence</i>	<i>1 additional strike</i>	<i>2 additional strikes</i>	<i>3 additional strikes</i>	<i>4 or more additional strikes</i>
1 st	Warning	\$250	\$500	Suspension 5 National Days
2 nd	\$250	\$500	Suspension 5 National Days	Suspension 5+ National Days
3 rd	\$500	Suspension 5 National Days	Suspension 5+ National Days	Suspension 5+ National Days
4 th	\$500 + Suspension 2 National Days	Suspension 5+ National Days	Suspension 5+ National Days	Suspension 5+ National Days
5 th and following	Suspension 5+ National Days	Suspension 5+ National Days	Suspension 5+ National Days	Suspension 5+ National Days

Provided that no charge is to be brought and no penalty imposed for a breach of Rule 638(3)(g)(i) if the total number of strikes over the entire race was not more than 10 and the total number of strikes prior to the 100m mark and in the final 100 metres do not exceed the numbers specified, in each case, in the table below:

Prior to 100m mark	Final 100 metres	Total Strikes	Charge/Penalty
6	4 (non-consecutive)	10	No Charge/Penalty
7	3 (non-consecutive)	10	No Charge/Penalty

For the avoidance of doubt, a charge may be brought and a penalty imposed if, in the opinion of the Stewards and the Adjudicative Committee (as the case may be), the rider's use of the whip breached other parts of Rule 638 such as, for example, Rules 638(3)(e) or (f).

1.2. For breaches of Rules 638(3)(g)(ii), using the whip in consecutive strides:

<i>Offence</i>	<i>2 Consecutive Strides</i>	<i>3 Consecutive Strides</i>	<i>4 or more Consecutive Strides</i>
1 st	Warning	\$300	Suspension 5 National Days
2 nd	\$150	\$500	Suspension 5+ National Days
3 rd	\$300	Suspension 5 National Days	Suspension 5+ National Days
4 th	\$500	Suspension 5+ National Days	Suspension 5+ National Days
5 th and following	Suspension 5 National Days	Suspension 5+ National Days	Suspension 5+ National Days

1.3 For penalty setting purposes under rule 638(3)(g) only those breaches of the same sub-Rule are to be taken into account. Use of the whip prior to the 100 metres and use in consecutive strides are to be treated as separate, not cumulative, breaches when determining the frequency of offending.

General Whip Penalty Provisions

- No warnings will be issued for breaches of the whip Rules in any Black-Type race.
- Subject to the proviso to Section 1.1 of these Guidelines, in all breaches of the whip Rules in any Black-Type race, the starting point for a fine will be an amount equal to 50% of the Jockey's share of the stake earned by their mount or the starting point on the whip penalty table, whichever is greater, and may be in addition to any suspension imposed as above.
- When considering an appropriate penalty, a rider's whip record over the preceding 6 months will be taken into account.

Reminder – use of the whip other than during a race

The whip should not be used inappropriately on a horse at any time. In particular, excessive, unnecessary or improper use of the whip outside of a race may be regarded as misconduct under Rule 800 of the Rules.

2. Careless Riding

Low-range starting point	5 national days suspension
Mid-range starting point	7 national days suspension
High-range starting point	10 national days suspension

Further provisions:

- Fines to be added as a % of the Jockey's share of stake earned by their mount where the offence occurs in any Black- type race, Prestige Jumping race or major race.
- Concessions may be considered with respect to fines imposed on Apprentice Jockeys.
- When considering the penalty for careless riding, a rider's record over the preceding 12 months will be taken into account.

3. Deferment of Penalties:

If, at the time the suspension is imposed, the Rider is engaged to ride a horse or horses in a race(s) during the next 7-day period after the day on which the suspension is imposed, then the suspension will be effective as set out in Rule 1106(2)(b) or Rule 1106(3)(b), however if the Rider is engaged to ride a horse in a race on the 8th, 9th or 10th day after the day on which the suspension is imposed then the suspension will be effective from the earlier of:

- 3.1. the completion of such engagements within that period; or
- 3.2. from the day immediately following the 10th day after the day the suspension was imposed.