

## Appeal decision

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**Hearing date:** 2 December 2015

**Decision date:** 2 December 2015

**Code of racing:** Thoroughbred

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**Appeal panel:** Mr B. Miller (chair), Mr G. Casey and Mr D. Kays.

**Appearances:** Mr M. Tutt, solicitor, appeared on behalf of apprentice jockey Payne.  
Mr R. Hitchener, stipendiary steward, appeared on behalf of the stewards.

**Decision being appealed:** Four weeks suspension of licence to ride in races – AR135(b).

**Appeal result:** Dismissed.

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### **Extract of proceedings—in the matter of the Fraser’s Livestock Transport Warwick Newmarket BM65 Handicap over 1,100 metres at Warwick on 10 October 2015: Apprentice jockey R. Payne**

THE CHAIRMAN: Rhiannon Payne was the rider of Roman Secret when it competed at the Warwick Turf Club on Saturday 10 October 2015. Evidence given before the stewards by trainer Green identified that the instructions were that Rhiannon Payne should take the horse to the outside just prior to the turn to let the horse then run down the outside in an attempt to run over the top of the other horses. Coming to the home turn Rhiannon Payne was approximately three to four lengths behind the second-last horse and was positioned on the rails.

She followed the instructions of the trainer by taking that horse directly to the outside when in fact what the stewards say she should have done was taken the run that had manifested itself to the inside. That run was something of the order of 10 horses wide to the view of this Board, and on the film it was quite apparent that had Miss Payne taken the run to the inside then the horse would have been more competitive than it eventually showed.

In our view, the stewards were correct in levelling the charge against Miss Payne for her failure to use initiative and to ride the horse to give it all the best possible opportunity. She is an apprentice jockey by all means but she has had 900 plus rides. She has ridden more than 80 winners. She is a competent jockey and she should have known better and she should

have expressed or shown initiative and performed far better than she did in the circumstances.

Stewards also took exception to the lack of vigour exhibited by Miss Payne in the latter stages of the race near the 50 to 75 metre mark. It is the opinion of this Board that the evidence presented by the stewards is also borne out that she failed to properly ride the horse out with the vigour she is obviously capable of exerting.

It is not necessary to identify any of the other issues that were raised before this Board by Mr Hitchener about discussions concerning Miss Payne and Mr Scriven. That is an irrelevancy so far as we are concerned. However, what we are concerned about is that this young lady is a jockey with a future. She has the ability and she has the obligation to perform far better than she exhibited in this race.

In our view, the penalty imposed against her was tempered by the stewards' view of her apprenticeship. It would have been our view that the charge more likely than not could have been subjected to a significantly larger penalty. Be that as it may, we don't propose to interfere with that. We dismiss the appeal.