

RACING APPEALS TRIBUNAL – AMENDED

RAT 23/15

DATE: FRIDAY, 11 DECEMBER 2015

TRIBUNAL: PRESIDENT: MR T ANDERSON QC

ASSESSOR: MR R BEST

MR J PETZER, CHAIRMAN OF STEWARDS,
THOROUGHBRED RACING SA LTD APPEARS FOR
STEWARDS

APPELLANT: MR RAYMOND VIGAR

(REPRESENTATIVE – MR JOHN DIDHAM)

IN THE MATTER of an Appeal by **RAYMOND VIGAR** against a decision of
Thoroughbred Racing SA Ltd Stewards

BREACH OF RULE: 137 (a) – Careless Riding

*AR.137: Any rider may be penalised if, in the opinion of the Stewards,
(a) He is guilty of careless, reckless, improper, incompetent or foul riding.*

PENALTY: SUSPENSION OF LICENCE – 5 MEETINGS

FINAL DETERMINATION

This is an appeal by Apprentice Jockey Mr Raymond Vigar against a suspension imposed by the stewards as a result of an incident which occurred at Murray Bridge on 6 December 2015 in Race 5.

At that time, Mr Vigar was riding a horse *Shark Mirage* and the other relevant horse was *Souvlaki* ridden by Ms Claire Lindop.

Mr Johan Petzer represented the stewards and Mr John Didham represented Mr Vigar.

I have seen various angles of videos of the race several times and I have been assisted in my understanding of those videos by Mr Petzer, Mr Didham, Mr Vigar, the Assessor Mr Best and Ms Lindop.

At about the 800 metre mark, in the race which was over approximately 1200 metres, the incident occurred.

The horse ridden by Mr Vigar had started badly and had made up ground and was still making up ground at about the 800 metre mark.

There were three relevant horses in front, one ridden by Ms Lindop, one by Mr Holder and one by Ms Kah.

At some point around the 800 metre mark, Mr Holder's mount inconvenienced Ms Lindop's mount to the extent that she told the Tribunal that the horse did what she described as "a hop". By that, I understand the horse "hopped" effectively in mid-stride.

Ms Lindop did not agree that she checked the horse at that point but it is obvious that the "hop" meant that the forward progress of her horse was for an instant impeded.

At about that time, Mr Vigar's mount was still moving forward and was approximately 1½ - 2 lengths behind Ms Lindop's mount.

Mr Vigar, from my examination of the video evidence, did not take any restraining action of any consequence. His mount continued to move forward and eventually forced a passage through on the rails, hitting the rail and also making contact with the flank of Ms Lindop's horse.

It is quite clear that the situation commenced when Mr Holder's mount did make it tight for Ms Lindop's mount and that then what followed was her horse "hopping" and slowing whilst Mr Vigar's horse continued to move forward without restraint.

There was clearly not sufficient room on the inside of Ms Lindop's mount. Mr Vigar agreed that it was about half a horse width – that was why when the horse continued to move forward, it contacted both the running rail and Ms Lindop's horse.

I accept that all this happened very quickly, but I accept the submission by Mr Petzer that the carelessness of Mr Vigar, as charged by the stewards, related to him failing to take any restraining action and allow his horse to force its passage on the inside of Ms Lindop's horse.

There could have been very serious injuries. Mr Didham put it to me that there could easily have been serious injuries had Mr Vigar restrained the horse and had there been a clipping of heels.

I accept that that is one possibility but there are others, and there was on my observation of the video, time for, albeit very brief, Mr Vigar to ease his mount and also to move slightly away from the rear of Mr Lindop's horse without making contact with it.

The question is whether in all of those circumstances, what confronted Mr Vigar was a situation which, while not of his own making, he could nevertheless have made less serious.

In my view, although the initial situation caused by Mr Holder's horse moving in on Ms Lindop's horse started the chain, Mr Vigar's actions were an important part of that chain because of his failure to restrain his horse and him allowing it to move forward inside Ms Lindop's horse when there clearly was not sufficient room.

In my view, the careless riding charge is made out and the penalty imposed by the stewards of a suspension of five race meetings was reasonable in the circumstances.

Accordingly I dismiss both aspects of the appeal.

I order that the suspension is to commence at midnight on December 13, 2015 and is to expire at midnight on December 23, 2015.

I order that the bond paid in relation to the appeal be refunded to Mr Vigar.