

Calculation of Penalties for Careless Riding Breaches

Introduction

With effect from 1 November, 2017 penalties for careless riding breaches will be determined according to a national riding day formula.

Currently the JCA penalty guidelines provide for a starting point of a 5-day suspension for North Island riders and 3 days for South Island riders. The guidelines require judicial committees to include only meetings where the charged rider intends to or would normally ride at. Because of this fixing a penalty has often required an examination of a rider's recent riding history and present intentions and circumstances.

National Riding Day Model

Under the proposed system there will be 3 starting points for careless riding charges:

- A LOW level of carelessness will have a starting point of 6 national riding days.
- A MEDIUM level of carelessness will have a starting point of 8 national riding days.
- A HIGH level of carelessness will have a starting point of 10 + (plus) national riding days.

The starting point for a HIGH end careless charge is 10 or more national riding days. Committees have a discretion to move beyond 10 days where the carelessness is so serious as to warrant this.

These starting points will apply to all riders regardless of where they are based or ride. There will be no differentiation between North and South Island riders in terms of starting points. However clearly the final penalty outcome will be different for North, Central and South Island riders because of the pattern of racing in New Zealand.

Minimum Penalty Requirement

Penalties are to be meaningful. The peculiarities and seasonal nature of the racing calendar may mean that a rider will not in fact have included in their suspension a meeting they would normally ride at. Therefore, irrespective of the starting point and mitigating factors all penalties are to include as a minimum 1 day (or meeting) in the region the rider normally rides in e.g. South Island, Central Districts, Northern. This may mean an uplift in the starting point to ensure the minimum 1 day is achieved.

Assessment of the Degree of Carelessness

Under the proposed national riding day model in order to determine whether the carelessness is LOW, MEDIUM or HIGH panellists will include in their assessment not only the actions of the rider but also the circumstances and consequences of the totality of the riding which forms the subject of the charge.

By way of an example an error of judgment with significant consequences is more likely to be assessed as MEDIUM or HIGH rather than LOW when fixing the penalty starting point.

Mitigation or Aggravating Matters

Given the inclusion of the consequences and effects of the rider's actions in the assessment of the starting point any mitigating factors will essentially be confined to a rider's record, admission of the breach, perhaps experience level, tractability or racing manners of the horse, and circumstances peculiar to the matter.

Likewise, aggravating features may be the rider's record, the status of the race, a rider's lack of acknowledgment of the carelessness in the face of the obvious. and any exceptional matters.

Careless Riding Causing a Fall

It should be noted that careless riding causing a fall will carry a starting point of 4 weeks under the revised penalty guidelines which also come into effect from 1 November.

Penalty Discounts and Uplifts

Where a committee determines that mitigating factors require a discount from the starting point then the day(s) to be included are national riding days irrespective of whether the rider would have normally ridden at them. For example, if the day to be discounted is a Gore meeting yet the rider does not travel out of the North Island then so be it. Similarly, for a South Island rider there is a high possibility the day(s) to be discounted will be North Island meetings.

This may seem disingenuous but it is a consequence of a national riding day model where committees are not required to take a view on a rider's current or future riding intentions.

Committees' Decisions

Once a committee has set the number of days or period of a suspension the announcement and writing up of that decision need only refer to "X is suspended from the close of racing on Y date to the close of racing on Z date". It is not necessary to specify the actual meetings included in the suspension.