



Channel Islands Horseracing Authority

Report into the void race at Les Landes on 8 August 2021

31 August 2021

Background

This report has been prepared by the Head of Integrity following an attempted appeal by an owner against the voiding of the La Verte Rue Associates Handicap at Les Landes on 8 August and comments communicated to the Head of Racing by another that the Stewards' 'considered' Report was an "*after time adjustment of events and circumstances*". The Head of Racing self-reported necessitating an investigation.

The appeal was dismissed by the Authority on 24 August due to a lack of grounds but it raised important issues that the Authority feels it necessary to address. In addition, the allegation that the Stewards' Report is, in effect, not truthful casts aspersions on the Stewards of the day and therefore on the Authority regarding the way racing is regulated in the Channel Islands. It is particularly serious when the day panel of Stewards included:

- two of the three people permitted by the Authority to act as Chief Steward at a race meeting;
- the Authority's Head of Racing; and
- three former Senior Stewards of the Authority's predecessor (equivalent to the present role of Head of Racing).

Conflicts of Interest

The Stewards included two relatives of the Head of Integrity, Gordon Shenkin (brother) and Jacob Shenkin (nephew). The Head of Integrity acknowledges this conflict but is satisfied that it has had no bearing on his approach to the investigations contained in this report or its conclusions.

Video Footage

I have had access to the official race video (the "**Race Video**") and camera phone footage taken by one of Mrs Malzard's stable grooms present at the place of incident (the "**Phone Footage**").

The Incident

The race was an open handicap for 3yo and upwards run over a distance of 10 furlongs. Les Landes being a circuit of 8 furlongs, the start is located at the 2 furlong marker which is at the start of the finishing straight.

The incident occurred at the first bend which swings left handed approximately half a furlong after the finishing line. The bend was 'dolled out' in order to preserve the ground next to the rail for future meetings.

The Phone Footage shows the following:

Approaching the bend, the field was led by ISLAND SONG, ridden by Freddy Tett being tracked by ALLEGRO JETE (who was having his first run on a racecourse) ridden by Mark Quinlan. Going into

the bend, ALLEGRO JETE was following ISLAND SONG and has RUBEUS half a length behind on his outside.

Immediately after passing the head on tower, and approximately 1-2 lengths further forward from the point where the horses normally enter the racecourse from the parade ring (the “**Exit to the Course**”), ALLEGO JETE falls, throwing Mr Quinlan to the ground. ALLEGRO JETE falls in front of SKY PATROL, ridden by Mattie Batchelor, with the impact of the fall throwing ALEGRO JETE to the outside of the course from its centre. SKY PATROL’s front legs collide with the rear end of ALLEGRO JETE causing SKY PATROL to knuckle.

Fortunately, Mr Batchelor has, before impact, reigned SKY PATROL back so that the horse’s weight balance is transferred to his rear end. SKY PATROL is able to regain his footing but has suffered significant interference. It is not possible to tell definitively whether any impact was made between SKY PATROL and Mr Quinlan, who has fallen directly in front of him, but the balance of probability suggest that there was some impact from SKY PATROL’s near hind.

At the same time N OVER J ridden by Serena Brotherton, who had been 3-4 lengths behind ALLEGRO JETE at the time of the fall and on the outside, collides with the front of ALLEGRO JETE who is, at this point, horizontal across the course between the centre and outside. N OVER J knuckles forward with its rear end rising.

The Race Video clearly shows Ms Brotherton being thrown over its front as N OVER J regains his footing. Technically, Ms Brotherton was unseated but she had no chance of maintaining the partnership.

Mr Quinlan’s final position on the course is half way between the Exit to the Course and the end of the chute where the horses return to the parade ring, in the centre of the course. Ms Brotherton’s final position is on the outside by the rail just short of the entrance to the chute.

The above sequence of events takes place over a period of approximately 2.5 seconds.

Cause of the fall to ALLEGRO JETE

The Phone Footage shows that ISLAND SONG started the bend on the rail but had drifted off the rail to the centre of the course whilst trying to negotiate the bend. As a consequence, Mr Tett can be seen to correct ISLAND SONG by pulling on his left reign in order to turn ISLAND SONG’s head towards the rail and correct the drift, which was done successfully and without incident to ISLAND SONG.

The Phone Footage and Race Video shows ALLEGRO JETE tracking the path of ISLAND OF SONG. ALLEGRO JETE is on the wrong leg, leading with his off-fore and falls. There is no evidence to suggest that Mr Quinlan made any manoeuvre with his reigns.

The Chief Steward’s evidence is that he interviewed Mr Quinlan after racing when they were both leaving the course. Mr Quinlan’s opinion was that ISLAND SONG had come right and ALLEGRO JETE had moved to follow him and his back end just went.

There are a number of factors which may have contributed to the fall, such as the horse’s inexperience and leading with the wrong leg. However, it is impossible to point to any particular reason. No one was at fault and it was just an unfortunate racing incident which could have been even worse but for SKY PATROL’s agility and Mr Batchelor’s horsemanship.

The Stop Race Procedure

The power to stop a race is vested in the Racecourse Managing Executive under Rule (F)14.13. It provides that:

“Any decision to implement the Stop Race Procedure shall be made by the Racecourse Managing Executive acting in good faith and believing there to be a good reason for doing so, but without further obligation.”

The Racecourse Managing Executive is the racecourse operator, the Jersey Race Club. It nominated to the Authority before the start of the season the Clerk of the Course, Jim Cattle to exercise all of its functions relating to race day operations.

The Emergency Procedure can be found in Rule (B)45. It says as follows:

- “45.1. In races of more than one circuit, the Starter will remain at the start so as to be able to initiate the orange and yellow quartered ‘stop race’ flag.
45.2 Where a orange and yellow quartered ‘stop race’ flag indicating that it is unsafe to proceed is waved at any time in the course of a race by the Starter or other racecourse personnel
45.2.1. each rider who has not passed the flag must pull up, and
45.2.2. the race shall be void.”

It follows that there is only one opportunity for a race to be stopped and that is before the horses reach the Starter’s position. After they pass him, there is no method to stop them.

The Voiding of the Race

Ordinarily, the Race Video sound feed is connected directly to the commentator. For some reason of which I am not aware, that was not the case with this race. The audio is being picked up from the racecourse loud speakers using the microphone on the camera.

The Chief Steward was in position on the top of the Judge’s Box next to the camera. It is therefore possible to hear what he is saying throughout the course of the incident together with various radio calls which have been picked up on the audio. Based on the Race Video the following are indisputable facts:

- the fall of ALLEGRO JETTE occurs 33 seconds into the race;
- at 1minute 14 seconds (41 seconds after the fall), the Chief Steward can be heard relaying the Stop Race message to the Starter. The lead horses are, at this point, just short of the 1m4f start (being 4f from home) and approaching the large bank in front of the war time machine gun emplacement. The leader arrives at the 1m4f start 1 second later.
- The Chief Steward can be heard continuing to relay the Stop Race message.
- At 1minute 23 seconds the commentator can be heard saying “right, we are going to have to stop the race”.
- At 1minute 26 seconds the Starter can be heard radioing the Chief Steward saying “is that Stop Race?”
- The Chief Steward replies “Yes, stop race, stop race”.
- At this point, the lead horse is approximately 3 furlongs from home and 1 furlong from the Starter.
- At 1minute 30 seconds the Veterinary Officer can be heard radioing. The audio it is not clearly legible.
- The Chief Steward replies “I don’t care, stop race, stop race”.
- The Veterinary Officer replies “Both jockeys are off the course”.
- At this point the lead horse is just turning out of the back straight and is 2-3 seconds short of the Starters position.

- The Starting team are on the course at the 1m2f start waving their arms to stop the race.
- The lead horse reaches the Starting team at 1minute 44 seconds.
- As the horses pull up, the Chief Steward says on the radio "Once you pull the stop race you cannot stop it".

The Chief Steward has confirmed that the audio from the Veterinary Officer at 1minute 30 was along the lines of "both jockeys are clear of the course". Though he cannot remember the exact words used, the words were to indicate that the course was clear at this point.

The Stewards' Report

The Stewards' Report says as follows:

*"An extract from the Stewards Report "Following an incident on the first bend involving **ALLEGRO JETE**, ridden by Mark Quinlan and **N OVER J** ridden by Serena Brotherton a **'STOP RACE!'** was called by the Clerk of the Course, therefore racing was suspended and the race voided."*

1. Given the infrequency of a 'Stop Race!' the Stewards of the Day took the opportunity to review the situation after racing.
2. The decision to 'Stop Racing!' was taken by the Clerk of the Course, this being his decision to take.
3. The Stewards reviewed footage of the race and spoke to all officials connected to the incident. They agreed that the decision to issue the 'Stop Race!' was the correct one.
4. When the call was made there were 2 jockeys on the ground, Mr Quinlan was prone on the course in the racing line, where horses would still have been travelling at speed had the race been allowed to finish.
5. The Chief Steward, who heard the message, relayed it as quickly as possible, the Starting team placed at the 2-furlong marker were observed by the Stewards to indicate to the riders that the race was void. Upon reviewing the recording of the race it is noted that they did so with out the correct flags. On interviewing the Starting team they advised that they were in their vehicles when they heard the message, they noted where on the course the race was and therefore rushed onto the track to ensure the safe suspension of the race.
6. The Stewards interviewed the Secretary of the Jersey Race Club who confirmed all bets had been refunded and the jackpot rolled into the last race.
7. The Stewards of the Day understand from the race going public that the commentator seemed unclear as to whether or not the race was void. It is understood he was under the impression that after the 'Stop Race!' order had been given that the race may continue, he shared these thoughts over the Public Address system.
8. The Stewards of the Day have requested that the CIHA, the Clerk of the Course and the Jersey Race Club Secretary review the communications between all parties, prior to the next meeting.
9. The CIHA, the Stewards of the Day, Clerk of the Course and all Official's place equine and jockey welfare above all other matters."

The Appeal allegations

Immediately after the race, the owner of a horse engaged in it sought to lodge an objection. He was summarily dismissed by the Stewards and told to put any objection in writing to the Authority.

This was done on 10 August. It said "I give notice of appeal against the decision to the stoppage of Race 4 at the race meeting at Les Landes Racecourse on the 8th August 2021 and the decision of the Stewards enquiry on this subject as stated in the Stewards Report".

No grounds were submitted so both the objection and appeal were invalid. The appellant was informed that the Stewards had made no decisions and so there was nothing to object to. The appellant was asked to clarify the grounds of objection into the stoppage of the race which he did on 16 August. Broadly these were as follows:

- A. that the Stewards had held an enquiry that the appellant should have been entitled to participate in as an owner of a horse engaged in the race;
- B. that the race was wrongfully stopped depriving the appellant of prize money;
- C. the Stewards proceedings were insufficient and inadequate as they did not interview the appellant or the two riders involved in the incident;
- D. the Stewards findings did not accord with the facts which should have found that ALLEGRO JETE tried to run out taking N OVER J with him;
- E. at the time the race was stopped the two riders were already up and standing outside the rails of the racecourse;
- F. references to the racing line and horses travelling at speed are unsustainable as the race would have finished at least a furlong before the bend and the horses would have been pulling up and exiting the track up the chute;
- G. the Racecourse Managing Executive could only abandon a race in accordance with Rule (F)14.7.1.
- H. Rule(F)14.5 had not been complied with requiring the Racecourse Managing Executive to inform the Stewards before abandoning the race.
- I. The decision to implement the Stop Race Procedure under Rule (F)14.13 was made on an erroneous understanding of the facts influenced by the hysterical behaviour of staff on the racecourse from one of the racing yards who should not have been on the racetrack.

The appellant's appeal was dismissed by the Authority on 24 August on the grounds that:

- only Rule (F)14.13 was in point and that, absent bad faith (which had not been alleged), it was not subject to challenge;
- Rules (F)14.6-14.9 only operate before a meeting commences and fall away two hours before the start of a race meeting;
- Rule (F)14.5 only applies to the circumstances stated within it;
- Matters of opinion, such as point B, are not subject to appeal. Only actual decisions can be appealed.

Evidence of Officials

The Chief Steward (Jonathan Perrée), the Clerk of the Course (Jim Cantle) and the Steward present at the head on tower where the incident took place (Gordon Shenkin) have all provided testimony for this Report. Their evidence to me is as follows:

Mr Cantle

Mr Cantle was in position in front of the Judge's box at the time of the incident. Following the incident he immediately left to get to the incident site accompanied by the Racecourse Medical Officer, Dr. Lucy Free. Approximately half way between the finishing line and the head on tower, Mr Cantle saw one rider horizontal on the ground (Mr Qunilan) and one rider sat up on the course (Ms Bortherton). He looked to his left and saw the field approaching the end of the back straight.

He knew that if the race was to be stopped, then this was the final opportunity given the time it would take for the instructions to be confirmed by the Starter and actioned. He called the stop race over the radio. He was also aware of people being on the racecourse who should not have been.

Mr Gordon Shenkin

Mr Shenkin was in position at the top of the head on tower when the incident occurred. When Mr Quinlan did not rise in the immediate aftermath, Mr Shenkin descended the tower and ran to Mr Quinlan. When he reached him, Mr Quinlan was still prostrate on the ground having not moved since the incident and was being attended to by a paramedic. He was conscious, but winded. At some point Mr Quinlan crawled on his hands and knees to get under the running rail. Mr Shenkin said that when he looked up at that point to see where the horses were, they were approaching the end of the final bend. It is impossible to say at what point Mr Shenkin arrived at Mr Quinlan's side. A reasonable estimate of the time to react, descend the tower and reach Mr Quinlan's position is 30-40 seconds but no reliance can be placed on this.

Mr Shenkin did not have a radio. He said that there were people on the course waving, stable staff who had been at the head on tower to watch the race, running up and screaming for the race to be stopped.

Mr Perrée

Mr Perrée was in position on the top of the Judge's box which gave him a vista over the whole of the racecourse. He heard the stop race call come through on the radio. Although the Clerk of the Course had not identified himself, Mr Perrée recognised his voice and immediately sought to relay the stop race message to the Starter.

After the race, the Stewards sought to establish the cause of the incident as best they could in the circumstances. The Stewards were operating under Covid-19 protocols agreed with the Bailiff's Chamber. These protocols meant that the Stewards were not permitted to spend more than ten minutes at a time inside the weighing-room building. They were therefore trying to deal with the aftermath outside whilst being harangued by a number of individuals, which impeded their investigation. The Steward's primary concern was to ensure that the racecourse was safe and to ascertain the condition of the riders and horses caught up in the incident. The race being void automatically under the Rules of Racing, there was no decision that they needed to take in that regard. The course was then inspected and passed fit to race.

After the last race, the Stewards interviewed the Clerk of the Course and the Starter in order to produce their report into the incident. Ms Brotherton was in no condition to be interviewed and Mr Quinlan was not available until after the Steward's had been dismissed for the day. Mr Perrée spoke to Mr Quinlan as he was leaving the course. Ms Brotherton was subsequently red-listed (not medically fit to ride) by the British Horseracing Authority who licence her.

Findings

When was the race stopped?

The Race was technically stopped at 1minute 14 seconds, just before the horses reached the 4f marker.

Can a stop race order be recalled?

The Chief Steward is correct that once the Stop Race procedure has been initiated, it cannot be stopped.

Where were the riders at the point the race was stopped?

Mr Quinlan was on the ground in the centre of the racecourse. Ms Brotherton was sat up on the outside of the bend.

Points arising from the appeal

The appeal raises questions about various rights which the Authority wishes to clarify.

- A. There is no right for anyone to attend an enquiry of the Stewards. The Stewards will determine who they want to see and hear when enquiring into any matter or objection.
- B. That the race was 'wrongfully stopped' is a matter of opinion. Regarding prize money, the Authority wishes to make clear that the only considerations to be taken into account when deciding to initiate the Stop Race procedure are the welfare of riders, horses and their rescuers (be it medical or veterinary). Absolutely no regard should be had to the economic interests of any person.
- C. This is a matter of opinion. The appellant was a mere spectator like the rest of the crowd. There are no points of fact that the appellant could have assisted the Stewards with and so it hard to see what benefit there would have been to the appellant's testimony over any other spectator.
- D. This has been disproved.
- E. This has been disproved.
- F. Mr Quinlan was, at the time the Stop Race was called, on the racing line where horses pull up. There is not 1 furlong between the finishing post and the bend. It is half that distance.

An "after time adjustment of events and circumstances"

There is nothing to support this contention. The Stewards Report appears to be an accurate representation of the facts and events which happened on 8 August.

Did the Stewards do anything wrong?

In the view of the Authority, the only area in which the Stewards erred was in not enquiring into the stable staff on the racecourse and their conduct. Whilst the Authority has sympathy for the circumstance in which the Stewards found themselves under the Covid-19 protocols and the need to determine what had happened in the incident, the apparent misconduct of the stable staff was a serious matter and should have been enquired into.

The St. John's ambulance was parked immediately adjacent to the incident on the other side of the outside rail so medical assistance was immediately available to the riders.

The Authority wishes to make clear that whilst stable staff may enter the racecourse during a race to assist in catching loose horses under their care, they should in no way interfere with, or seek to influence, anything else.

There are procedures in place to deal with incidents where decisions have to be made under pressure in a very short space of time. Those who have to make those decisions need to focus and do not need to be distracted by those not versed in the procedures, no matter how well intended.

The Authority asks that Trainers make this very clear to their staff as any repeat will result in disciplinary action being taken by the Authority.

Steps taken in the aftermath

The Authority has taken the following steps:

1. The Stop Race procedure has been clarified to all Officials. After deciding to initiate the Stop Race procedure, the Clerk of the Course should identify himself on the radio when making that call. After that, the only further communications should be between the Chief Steward and the Starter until the horses have pulled up.
2. The Starter must ensure that he has the stop race flag by his side at all times once a race starts until the horses have passed him for the final time.
3. All Stewarding positions must have a radio.

Michael Shenkin - Head of Integrity

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