

Geraldine TC 1 February 2020 - R 1 - Chair, Mr S Ching

Rules:

[869\(4\)\(6\)\(b\)\(c\)](#)

Name(s):

Mrs C Negus - Amateur Driver
Mr B Negus - Public Trainer
J Langbehn - Observer

Charge:

Facts:

denied

Following the running of Race 1, an information was filed by Stipendiary Steward Mr S Renault against Amateur driver Mrs C Negus alleging a breach of Rule 869(4)(6)(b) (c), in that when driving FOUR STARZZZ SHIRAZ, she shifted ground outwards passing the 1600m forcing DOC SEELSTER to race wider on the track.

Rule 869(4)(6) (b)(c) reads as follows.

(4) No horseman shall during any race do anything which interferes or is likely to interfere with his own horse and/or any other horse or its progress.

(6) "Subject to sub-rule (4) hereof:-

(b) a horse making a forward moment during any race shall not be forced to race wider on the track;

(c) a horse during a race shall not move ground outwards once the nose of the wider runner coming forward is in line with or past its sulky wheel and until the wider runner going forward is fully past."

Mrs Negus had indicated on the Information that this breach of the Rules was not admitted and that she understood the rule the charge was brought under. Mrs Negus was assisted at the hearing by Mr B Negus, Public Trainer.

Mr Renault gave evidence and used video coverage to show that approaching the 1600m, FOUR STARZZZ SHIRAZ, driven by Mrs Negus was racing 4 back on the pylons with DOC SEELSTER, driven by Mr D Reardon, racing 2 off the pylons, in the trail of NUI BA DEN and a length behind Mrs Negus. He pointed out Mrs Negus shift out at the 1600m and force Mr Reardon out into the 3-wide line. Mr Renault stated that thereafter Mr Reardon shifted down into a position on the pylons and Mrs Negus in the trail of the favourite NUI BA DEN, a position that Mr Reardon was entitled to. He added that with this manoeuvre, Mrs Negus has gained a better run for herself at the expense of Mr Reardon.

Mr Negus in defence stated that Mr Reardon was restraining DOC SEELSTER when looking to shift down nearer the pylons and was going backwards at the time. He said that the position was made available to Mrs Negus when Mr Reardon was easing back to find a position on the pylons. Mr Negus conceded that Mrs Negus should have waited a couple more strides before attempting to take up the position being vacated by Mr Reardon which she could have done without causing Mr Reardon out to the 3 wide line.

Decision:

We carefully considered the evidence and video replays presented. We were satisfied that passing the 1600m Mrs Negus shifted from a position on the pylons to a 2 wide position and when doing so was not clear of Mr Reardon who was forced wider on the track to a 3-wide position. We found this incident to be a clear case of the push out rule and accordingly found the charge proved.

The charge was found to be proved.