

Waikato/BOP H 9 February 2020 - R 2 (instigating a protest) - Chair, Mr A Godsolve

Rules:

[Rule 869\(A\)\(2\)](#)

Name(s):

Ms A Harrison-Junior Driver
driver of TO SIR WITH LOVE and representing that horses connections
Mr T Mitchell-Open Horseman assisting Ms Harrison
Mr J Robinson-Driver of MAJOR BLINK

Facts:

This is a protest instigated by Stipendiary Steward Mr J Muirhead following the running of Race 2. The Information alleged that 'TO SIR WITH LOVE (A Harrison) broke entering the first turn checking MAJOR BLINK (Mr J Robinson) which lost approx 4-5 lengths minimum'.

The Judge's placings and margins were:

1st TO SIR WITH LOVE
2nd MAJOR BLINK
3rd LYNTON CREEK
4th JACKHAMMER JOE
5th RAINBOW WIRI

The margins were 1 length, 2 1/2 lengths, 1 1/4 lengths.

MAJOR BLINK had trailed and challenged for the lead in the final straight, and was then run down by a late challenge by TO SIR WITH LOVE.

Rule 869(A) provides:

(1) For the purpose of this Rule:

(a) "placed horse" means a horse placed by the Judge 1st, 2nd, 3rd, 4th or 5th

(b) "interference" means any conduct referred to in Rule 869 which interferes or is likely to interfere with the progress of any horse in a race.

(2) "When a placed horse or its driver causes interference to another placed horse and the Judicial Committee is satisfied that the horse interfered with would have finished ahead of the horse that, or whose driver, caused the interference the Judicial Committee must, in addition to any other penalty that may be imposed, place that, or whose driver, caused the interference immediately after the horse interfered with".

Decisions:

The Informant Mr Muirhead identified the horse TO SIR WITH LOVE on the films. The horse had started from barrier position 1 off the mobile and was leading as the field left the home straight the first time. Shortly after TO SIR WITH LOVE began to pace roughly and then went off stride free of interference. Ms Harrison attempted to restrain TO SIR WITH LOVE however 3 horses behind it, namely BETTER THAN MOST, JACKHAMMER JOE, and MAJOR BLINK were all checked to varying degrees. The horse ALLONBLACK was also interfered with and was pulled up as a result.

Mr Muirhead identified the horse MR INCREDIBLE further back on the markers, and using that horse as an indicator then pointed out the position of MAJOR BLINK in relation to it. He said that MAJOR BLINK was about 3 to 4 lengths in arrears of MR INCREDIBLE. He stated that as a result of the interference suffered ahead of it MAJOR BLINK was severely affected and lost between 4-5 lengths as Mr Robinson steered it wide to avoid the other horses ahead of it which were forced wider by the interference by TO SIR WITH LOVE

when it went off stride. He added that the Stewards believed that interference had changed the course of the race. He added that TO SIR WITH LOVE had eventually beaten MAJOR BLINK by an official margin of 1.1 lengths.

Mr Robinson said that he agreed with Mr Muirhead's assessment of the incident, particularly that he had lost a lot of ground. He said that he had to keep steering MAJOR BLINK outwards and he believed that the interference caused by TO SIR WITH LOVE had cost his horse about 7 lengths. He added that as he had been beaten by just over a length by TO SIR WITH LOVE and felt that he 'must have' won the race if not for that interference.

Mr Mitchell said that he agreed that MAJOR BLINK had been forced over extra ground but that he felt the incident was too early in the race to say if any horses' chances were affected. He added that similar incidents happened in many harness races.

Ms Harrison accepted that her horse broke free of any interference and as a result 4 horses were affected. She said that Ms Chilcott's sulky wheel on ALLONBLACK had locked wheels with her sulky and had contributed to the incident. Ms Harrison added that she had not driven her horse out at the finish and could have won by more than 1 length.

The Committee took the opportunity to view the films independently. We noted that as a result of TO SIR WITH LOVE going off stride several horses were affected as Ms Harrison attempted to restrain TO SIR WITH LOVE. Most importantly we assessed the interference suffered by MAJOR BLINK had cost that horse several lengths. We believed that margin to be in the region of 4-5 lengths, and given that the margin at the finish was 1.1 lengths, the Committee was satisfied that MAJOR BLINK would have finished ahead of TO SIR WITH LOVE had that interference not occurred.

In accordance with the relevant Rule the protest was therefore upheld and the Committee reversed the first 2 placings.

The official placings became:

- 1st MAJOR BLINK
- 2nd TO SIR WITH LOVE
- 3rd LYNTON CREEK
- 4th JACKHAMMER JOE
- 5th RAINBOW WIRI

Authorisation was given for payment of dividends and stakemoney in accordance with the amended placings.