

BHA Handicapping Ombudsman – result of appeal – Nimbus Boy (Ire)

## **Decision**

That Nimbus Boy should not be allotted a handicap mark.

## **Background**

Nimbus Boy has run five times in Ireland for Paul Nolan. In four runs in maiden hurdles between March 2022 and December 2022, Nimbus Boy was beaten a minimum of 50 lengths, starting at 14/1 on debut and then at odds of 150/1, 200/1 and 250/1 on his three subsequent starts. He ran over trips between two miles and two miles four furlongs on ground yielding to soft or softer and he wore blinkers on his fourth start.

After his fourth start, Nimbus Boy was allotted an Irish mark of 85, off which he ran in a handicap at Punchestown in January over three miles on soft ground, fitted with cheekpieces, starting at 33/1. Having mainly been patiently ridden previously, Nimbus Boy made the running until the third-last before dropping away and being beaten 105 lengths.

His Irish mark was dropped 3 lb, to 82.

Nimbus Boy subsequently joined Samuel Drinkwater and was entered in a handicap hurdle in Britain.

The handicappers concerned considered Nimbus Boy's runs and declined to give him a BHA handicap mark, therefore requiring a sixth run back in novice/maiden or other non-handicap company.

Following that decision, and after following steps 1 and 2 in the handicapping appeals process, Nimbus Boy's trainer Samuel Drinkwater submitted an appeal to the Handicapping Ombudsman, on the grounds that a handicap mark should have been given.

## **Evidence**

The BHA Head of Handicapping cited the discretionary power the handicapper has to withhold ratings in cases involving foreign-trained (or formerly foreign-trained) horses for which they have concerns about the likely accuracy of any assessment. This measure was one of several interventions which formed part of the BHA's move to improve the competitiveness of British racing announced in October 2022.

Several examples were provided of other horses that had been refused marks under this discretionary power. These included That's Me Finished and Iguis [both still trained in Ireland]. Examples were also provided of horses which had been given marks when they might have been refused them under this intervention. These included Jet Fighter and Karloss [both after joining British stables].

[Karloss had run five times over hurdles in Ireland for two different trainers, including in a handicap off an Irish mark of 86, starting at odds of 100/1 or longer and beaten a minimum of 74 lengths; he then moved to Charles Byrnes but did not run for him, being withdrawn after being reportedly injured in transit prior to an intended outing in August; Karloss then moved to Samuel Drinkwater and won a handicap hurdle at Sedgefield in October off a BHA mark of 86, starting at odds of 4/1]

Samuel Drinkwater pointed out that Nimbus Boy had already run five times, including in a handicap. Nimbus Boy had been tried over a variety of trips and with different tactics employed, also tried in two types of headgear. Therefore, in his view, there was more than enough evidence to allot a mark.

He pointed out the BHA's own guideline on handicapping - Every horse will be treated fairly and with the highest level of integrity at all times, strictly on the merit of its form and using good handicapping practice. He felt that Nimbus Boy was not being assessed on the merit of his form.

He cited the inconsistency of approach in allotting a mark to Karloss, but not to Nimbus Boy, given the very similar form profiles that the two horses have.

He felt that citing the examples of That's Me Finished and Iguis, as offering similar grounds for why Nimbus Boy should be refused a mark, to be poor and not relevant.

## **Findings**

While there are clearly inconsistencies within the way in which the handicappers use their discretionary power to withhold a mark, it is hard to argue that Nimbus Boy has any form which could be assessed with confidence and therefore the decision met the criteria they had themselves set.

That Nimbus Boy was of limited ability seemed clear, but that would also be true of the other cases cited by the handicappers, both those they allowed and those they denied. Two runners the handicappers could clearly have denied a mark to under the discretionary power, Jet Fighter (though he didn't win a handicap) and Karloss (who did), proved much more capable than their Irish efforts suggested in the type of weak, low-grade handicap in which they were then able to run once they got a mark.

## **Further Comments**

It's an irony that the discretionary power was promoted as a measure to improve the competitiveness of British racing, which it does by allowing the exclusion of Irish and ex-Irish trained horses that otherwise might be too competitive to run at a basement level, notwithstanding a prior absence of form.

Despite a finding in favour of the original decision, it is very easy to have sympathy with the trainer's position and understand his frustration at being asked to run in a novice or maiden hurdle in which Nimbus Boy would likely have very little chance, when there was already a fair amount of evidence that the horse possesses limited ability.

The cases of That's Me Finished and Karloss, although not the subject of the appeal but relevant to the findings, demonstrate the inconsistency in the BHA's approach when using a discretionary power. It is, frankly, very hard to see why one would refuse a mark to That's Me Finished, already well beaten at long odds three times in handicaps in Ireland, and yet give one to Karloss, who hadn't finished closer than 74 lengths to the winner in any of his five races, but only one of those a handicap, all five runs at similar trips. [That's Me Finished was asked to run in a novice hurdle – beaten 46 lengths last of four at Cartmel, when sent off at 40/1 – before being given a BHA mark of 88.]

'Concerns about accuracy of assessment' as a guideline is troubling in its vagueness and lack of

objective criteria. What greater degree of accuracy of assessment comes with asking That's Me Finished's connections to run their horse in a four-runner novice hurdle at Cartmel than was available from the six runs in Ireland? The mark would appear to be granted simply as the result of one uncompetitive run in Britain as opposed to six in Ireland.

Perhaps a threshold in terms of distance beaten or finishing position would give a more objective basis for the refusing of a mark in these circumstances, though it is appreciated that such a threshold may raise welfare issues. In any case, though, it would be fairer to the connections of horses such as Nimbus Boy that a more objective framing is found for this particular measure than the phrasing currently offers.

[ENDS]