

WHIP (F) 45 | A Jockey must use a whip properly.

(F) 45 A Jockey must use a whip only:

1. In the backhand position
2. In a Flat Race a maximum of 7 times
3. In a Jump Race a maximum of 8 times
4. In accordance with [the Whip Guidance](#)

(F) 45A Any potential breach of (F)45 identified by the Stewards will be referred to the Whip Review Committee.

When does the suspension start?

The current Rules state:

(H)27 A riding suspension imposed on a Jockey by Stewards shall start on the later of:

- 27.1 14 days after the date of the Stewards' decision
- 27.2 the day after an appeal of the Stewards' decision has been determined; or
- 27.3 the day after an existing suspension ends.

Additional Rule

Rule (H)27 A

A riding suspension imposed on a Jockey by the Whip Review Committee will start the later of:

- i - 14 days after the date of the written decision.**
- ii - the day after an appeal of the Whip Review Committee's decision has been determined; or**
- iii - the day after a suspension ends.**

Disqualification provision

Proposed addition of (L)47.11:

(L)47 A horse shall be disqualified from a Race already run if:

...

47.11 its Jockey has been found in breach of Rule (F)45 and the number of strikes (excluding those found to be clearly and unequivocally for safety purposes) is 4 or more above the permitted level.

Stewards' referral powers

Current Rule (H)22

22. The Stewards:

22.1 may refer any matter to the BHA; and

22.2 shall refer a matter to the BHA where they consider that a penalty, order or sanction ought to be imposed which exceeds their powers.

New addition

22.3 Shall refer any potential breach of Rule (F)45 to the Whip Review Committee in accordance with the Whip Guidance

Whip Review Committee constitution

Whip Review Committee Code 24

1. The Whip Review Committee ('Committee') Chair shall convene a panel of 3 to consider and determine all potential breaches of Rule (F)45.
2. The Committee shall be made up of BHA nominated persons with appropriate stewarding experience.
3. The Committee shall convene at least once a week.
4. Each member of the Committee must declare if they have a conflict of interest in a case. If they do, they must recuse themselves.
5. The Committee will review the footage in full, the audio recording from the Stewards' room, the Rules and Whip Guidance.
6. The Committee will meet in private.
7. The Jockey will not be entitled to appear before the Committee and will not be given an opportunity to submit further representations after the footage has been shown to them in the Stewards' room on the day of the race.
8. If the Committee determine that there is a potential additional breach which the Jockey has not had an opportunity to respond to on the raceday, the Jockey will be notified in writing. The Jockey will then be given an opportunity to submit a written response. Any response must be served electronically within 48 hours of receiving the notification. The Committee will then consider that matter following receipt of the response.
9. If one of the Committee must recuse themselves, the remaining members can still proceed, if the Committee has been unable to substitute the member and they both agree to do so.
10. The Committee decision shall be reached by a simple majority. In the event of a majority decision not being possible the Chair will have the deciding vote.
11. The Committee has the power to impose any sanction as outlined in the Whip Guidance.
12. The Committee will draft written reasons in all cases.
13. The Committee has the power to review any race to consider if there has been a breach of Rule (F)45.
14. The Committee can impose mandatory training on one or more days of the suspension.
15. Any decision from the Committee can be appealed to the Judicial Panel.
16. The Committee has the power to issue advisory letters to Jockeys when found to not be in breach of Rule (F)45, which will be retained on file.

Definitions

Whip Review Committee means the group appointed by the BHA in accordance with the Whip Review Committee Code to deal with whip related offences.

Whip Guidance means the BHA published guidance on use of the whip.

Operating Procedure for a breach of (F)45

- On reviewing the footage the Stewards will indicate there is a potential breach of the Rule.
- The Chief Steward will request the jockey attend the Stewards' room and the following proforma set of words will be read.
- 'You are being called into the Stewards' room for a potential breach of Rule (F)45. I am now going to show you footage time coded.... The Stewards are of the opinion that the potential breach is... At the end the footage you will have an opportunity to make any comments on that footage that you wish to be considered by the Whip Review Committee. This will be your only opportunity to make representations before the Committee make a decision and impose a penalty, if appropriate, for this breach. It is important to note at this time that the Committee may find that there are further breaches and if that is the case you will be notified and given an opportunity to submit a response to that.'
- Once the Jockey has been given the opportunity to make any comment they wish the Chief Steward then formally refers the matter to the Whip Review Committee ('Committee').
- The Committee will then meet with the footage, recording containing any comments from the Jockey, Rules and Whip Guidance to determine if there is a breach and impose a penalty as is appropriate.
- The decision will then be set out to the Jockey as a formal written determination.
- If the Jockey wishes to appeal that decision it will follow the normal appeal process.
- An Owner or Trainer who has a horse in the Race and is affected by a Committee decision can lodge an appeal