

APPEAL PANEL OF RACING NEW SOUTH WALES

IN THE MATTER OF THE APPEAL OF LICENSED JOCKEY LOUIS BEUZELIN

Heard at Racing NSW Offices

Appeal Panel: **Mr Lachlan Gyles SC – Convenor; Ms Sharon Skeggs; Mr Alec Leopold SC**

Representatives: **Racing NSW – Mr Moxon**
Appellant – Mr Schofield

Date of Hearing: **10 February 2025**

Reasons for Decision

1. This Appeal relates to a charge of careless riding imposed by the Stewards against the Appellant as the Rider of *Extra Power* in Race 7 at the Wyong Race Club Meeting on Saturday 23 November 2024. The incident involved four different horses in that Race.
2. The Stewards found that the Appellant had made insufficient effort to prevent his mount from shifting into the line of *Doradus*, which was checked and slowed markedly causing the horse behind it, *Overland*, to shift outwards into the line of *Nymphadora*, which in turn dislodged its rider. The Stewards imposed a penalty of a suspension for 16 meetings. Thankfully the rider who was dislodged during the incident was not badly injured.
3. Mr Moxon represented the Stewards at the hearing and the Panel gave leave for Mr Schofield to appear on behalf of the Appellant.
4. It was the Appellant's position that he accepted that he could have done more to avoid his mount hanging in in the way that it did, and therefore accepted that he had been careless in failing to do so. His contention was that the only consequence of his careless riding was that the horse to his right was hampered or crowded.
5. This left essentially two questions for consideration by the Panel: first whether the Stewards were correct in finding that the fall which occurred during the race was a **consequence** of the careless riding of the Appellant, and if not, whether the consequence ought be found to be a *hampering and crowding* of the horse which was interfered with or alternatively whether that horse was *checked and/or lost its rightful running*. Each of these expressions come from the Careless Riding template.
6. The Stewards do not seek to argue that the fall was a direct consequence of the careless riding by the Appellant, but rather submitted that although it was an indirect consequence, it was the root or primary cause of the fall.
7. The Stewards contended that a broad interpretation should be given to the term **consequence** under the template because the impact and consequences of

interference in a race can be difficult to predict, and that such an interpretation would be consistent with a policy of approaching such questions giving paramount consideration to jockey safety. The Stewards contended that the jockey of *Overland* who had to deal with the consequence of the interference and checking of the horse immediately in front of him took a reasonable response in that the only options he had were either to pull his mount up or move to the left. Consistently with this, although the Stewards contended that the Panel should find that the hooves of his horse clipped the hooves of the horse who ejected the rider, no charge of careless riding was taken against him.

8. Mr Schofield on the other hand first submitted that the footage which was shown to the Panel did not support a finding that the ejection of the jockey was in fact caused by that horse clipping the heels of *Overland* being the horse which had been impacted by the Appellant's interference. Mr Schofield submitted that it was inconclusive on any of the video footage which was shown at the hearing as to what had caused the horse to stumble in the way that it did and that it was a very unusual thing for a horse to clip the hooves of a horse running parallel with it, as compared to a horse immediately in front of it. He also contended that the jockey of *Overland* did not need to move to its left into the space of the *Nymphadora*. Mr Schofield contends that the ejection of the jockey was caused by the decision made by the jockey of *Overland* to shift to his left, not by the careless riding of the Appellant. He said that by doing what he did, that jockey had "moved the problem which he had onto another horse" and that it wasn't reasonable for him to have done that.
9. The hearing before the Panel is a hearing de novo and the Stewards carry the onus of establishing that the fall of the jockey in the race was properly a consequence of the careless riding which was accepted by the Appellant to have occurred. The Panel, having watched the footage of the race on a number of occasions from two different angles, and having given due consideration to the evidence given before the Stewards, are not satisfied that the horse in question did clip the heels of *Nymphadora*. Rather the position appears unclear as to the cause and mechanism of why that horse stumbled in the way that it did. Second, whilst we fully endorse the policy of construing the careless riding template in a way which gives due precedence to the safety of jockeys, there is nevertheless a need for a relevant connection between the careless riding and the fall to be reasonably evident for it to be properly regarded as a consequence of the same.
10. In the present case the Panel is not satisfied that it was inevitable that the jockey of *Overland* would move to the left when confronted with *Doradus* being checked in front of him. In a legal context, the decision of that jockey to move to his left could therefore be seen as being in the nature of a novus actus interveniens or a break in the chain of causation, such that the Panel is not comfortably satisfied that the shifting out by *Extra Power* should properly be regarded as a consequence of the careless riding of the Appellant. We therefore find that the Stewards have not made out the factual basis for the sanction imposed by them of 16 meetings.

11. However the Panel is satisfied, and the Appellant accepts, that there was careless riding, and the Panel is comfortably satisfied that the impact upon Doradus is properly described as that horse being *checked or losing his rightful running*, as compared to being *hampered or crowded*. Under the careless riding template it would follow that a suspension rather than a reprimand is the appropriate penalty and in circumstances where the Appellant has shown contrition by accepting that he could have done more to avoid the interference which was caused by his ride, by his attendance before the Panel and his otherwise good record, the Panel imposes a penalty of a suspension for 3 meetings, to be served between 12 and 14 February 2025 inclusive, which will enable the Appellant to meet his current riding commitments. The imposition of a suspension in the circumstances is important both as a deterrent to the Appellant in respect of his future riding, but also to emphasise to all jockeys the importance of matters of safety and to recognise the potentially significant consequences that can arise if a jockey does ride carelessly.

The orders of the Panel are:

- a. The Appeal against the severity of the Sanction is upheld.
- b. The Sanction imposed by the Stewards is set aside.
- c. The Appellant is suspended for three (3) meetings, to run from 12 to 14 February 2025 inclusive.
- d. The Appeal deposit is to be returned.

12 February 2025
