

## Hawkes Bay RI 31 August 2019 - R 2 (instigating a protest) - Chair, Mr N McCutcheon

### Rules:

[642\(1\)](#)

### Name(s):

Connections of JENNIFER ECCLES  
Mr T Pike - Trainer of KALI  
Mr L Innes - Rider of KALI  
Mr D Mansour - Rider of JENNIFER ECCLES  
Mr N Waddell - Representing Ritchie Stable  
Mr J Oatham - Chief Stipendiary Steward

### Facts:

Following the running of Race 2 (Taupo Pak'n Save Fillies 1100) Mr T Pike the Trainer of the second placed horse KALI lodged a Protest against the first placed horse JENNIFER ECCLES alleging interference in the home straight.

The Judge's Placings were:

1st No.8 JENNIFER ECCLES  
2nd No.4 KALI  
3rd No.6 ON SHOW

The margin between first and second was a Head.

All parties present said that they understood the Rule.

### Decisions:

Mr Pike's submission in support of the Protest, was that near the 300m KALI had shifted out from near the rail and established a run between JENNIFER ECCLES and APPELLANT on the inside. He said at that time JENNIFER ECCLES was 5-off the fence. He said JENNIFER ECCLES then shifted in onto his horse that was forced onto APPELLANT and as a consequence KALI suffered interference. He said that JENNIFER ECCLES then came off his horse, but over the final stages JENNIFER ECCLES again lay in, and that KALI was struck on the head with the whip of Mr D Mansour the Rider of JENNIFER ECCLES.

Mr Pike said that at the time of the first interference occurring KALI was  $\frac{3}{4}$  to a length behind JENNIFER ECCLES and then made up a significant amount of ground to be beaten by a head. He concluded his submission in saying that if interference had not taken place KALI would have won the race.

Mr Innes the Rider of KALI said that he was impeded on two occasions and would have won the race by a length to 2 lengths free of interference.

Mr Mansour the Rider of JENNIFER ECCLES spoke on behalf of the connections of that horse. He said that his horse hung in a little bit, and that there was only slight movement, and that there was also movement out from the inside. He said that he put the whip away and that his mount quickened nicely and hit the line running, and that he had done his best to keep his mount straight. He said that there was nothing malicious involved. When asked by the Chair regarding his whip hitting the head of KALI, Mr Mansour said that he did not feel his whip hit the horse.

Mr Oatham said that there was little movement by JENNIFER ECCLES, but that interference had occurred on two occasions, however he was unable to confirm whether the whip had struck KALI. He said that that aside, and considering the head margin, the Protest had merit.

The Committee's observation of the incident was that KALI had rightfully positioned itself to the inside of JENNIFER ECCLES at approximately the 300m. JENNIFER ECCLES who was racing approximately 5 horse-widths away from the fence at that stage, shifted in and as a consequence KALI was forced onto the hindquarters of APPELLANT whose front was turned outwards. At that time KALI's momentum was affected as it was held up for a few strides. JENNIFER ECCLES then relieved the pressure until the final few strides

when it lay in again, and whilst not being able to be confirmed, it did appear that Mr Mansour's whip made contact with KALI's head, as KALI shifted its head in a manner that would indicate contact on the head area had been made. At the time of the incident at the 300m, KALI was approximately  $\frac{3}{4}$  of a length in arrears of JENNIFER ECCLES and in spite of the interference, kept on finishing strongly to be beaten by a head.

Taking into account the degree of the interference (whip aside), the way KALI finished to the line, and the head margin, the Committee was comfortably satisfied that free of such interference KALI would have finished in advance of JENNIFER ECCLES.

The Protest 2nd against 1st was upheld with the placings amended accordingly to read:

1st No.4 KALI

2ND No.8 JENNIFER ECCLES

3rd No.6 ON SHOW