



May 30, 2019

STANDBRED DIRECTIVE NO. 3 – 2019 – Revision to Urging Provisions

Preamble

WHEREAS after meeting with industry stakeholders and responding to requests to consider revising the current rules and Directives with respect to urging and specifically that use of the whip be limited to wrist action only;

AND WHEREAS this rule will enhance the health and safety of horses and participants, and the integrity of racing;

AND WHEREAS enforcement of the revisions will commence at Woodbine Mohawk Park, the revisions will be phased in across all Standardbred racetracks in Ontario at dates to be determined;

TAKE NOTICE that the Registrar rescinds *Policy Directive No. 5-2009: Penalty Guidelines for Inappropriate Urging of a Horse in Standardbred Racing* and hereby orders the *Rules of Standardbred Racing* be amended commencing June 3, 2019:

Chapter 22 Racing Rules

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22.23.03 At any time while on the grounds of an Association, it is a violation of the Rules for a driver, or the person in control of the horse, to use the whip to hit or make contact with the horse as follows:

- (a) To raise their hand(s) above their head;
- (b) To ~~cause the whip to move back beyond a 90-degree angle relative to the track~~ use more than acceptable wrist action;
- (c) To cause any portion of the whip to be outside the confines of the wheels of the race bike;
- (d) To strike the shaft of the race bike, or the horse below the level of the shaft of the race bike;
- (e) To cut or severely welt a horse.

PENALTY GUIDELINES RULE 22.23

Any violation of Rule 22.23, to include subsections 22.23.01, 22.23.02, 22.23.03 and 22.23.04 is a violation and covered by this penalty structure.

VIOLATION – Inappropriate urging of the horse

1st violation	
Minimum Fine	\$200
Minimum Driving Suspension	3 days
Other Penalty	Mandatory meeting with the Judges for the purposes of providing training on the Rules

2nd violation within one year of the 1st violation	
Minimum Fine	\$300
Minimum Driving Suspension	5 days
Other Penalty	Mandatory meeting with the Judges for the purposes of providing training on the Rules

3rd violation within one year of the 1st violation	
Minimum Fine	\$500
Minimum Driving Suspension	15 days
Other Penalty	Mandatory meeting with the Judges for the purposes of providing training on the Rules

4th violation within one year of the 1st violation	
Minimum Fine	
Minimum Driving Suspension	Immediate Suspension
Other Penalty	Referral to the Director

VIOLATION – Cutting or Welting the horse

1st violation	
Minimum Fine	\$300
Minimum Driving Suspension	10 days
Other Penalty	Mandatory meeting with the Judges for the purposes of providing training on the Rules

2nd violation within one year of the 1st violation	
Minimum Fine	\$500
Minimum Driving Suspension	15 days
Other Penalty	Mandatory meeting with the Judges for the purposes of providing training on the Rules

3rd violation within one year of the 1st violation	
Minimum Fine	
Minimum Driving Suspension	Immediate suspension
Other Penalty	Referral to the Director

Races with a purse of \$100,000 and over
For any violation that takes place in a race where the purse is \$100,000 or more, the penalty shall be a minimum fine of 20% of the driver's earnings for placings 1st through 5th and shall be a minimum fine equivalent to 20% of the driver's earnings for 5th place for placings 6th and on. If in the opinion of the Judges, the violation was egregious, a driving suspension may be issued. While discretion is available to the Judges, the driving suspension should be calculated at 1 day driving suspension for each \$200,000 of total purse money for the race.

For a violation where a driver has driven with both lines in one hand and struck the horse with the whip, the Judges shall place the horse last.

Placing of a horse may be considered by the Judges where the misuse of the whip caused interference with another horse or, in the opinion of the Judges, there has been a flagrant disregard for these rules.

Application of the Guidelines will take into consideration the following:

1. This penalty structure provides guidance to Judges as to minimum penalties for inappropriate urging of the horse, and for the cutting and welting of a horse.
2. The penalty for any subsequent violation cannot be less than the previous violation, regardless of whether the violation is for inappropriate urging of the horse or for cutting and welting of a horse.
3. Any cut or welt violation shall be counted and considered by the Judges as the next violation for inappropriate urging on a cumulative basis.
4. The penalty structure is progressive in nature, irrespective of which of the encompassed rules are violated.
5. In determining whether a violation of the Rules has occurred or in assessing penalty, Judges may consider mitigating factors in exceptional circumstances. An example of conduct that may be viewed as a mitigating consideration would be striking a horse to prevent inevitable harm to another driver, horse, participant or patron.
6. In assessing penalty, Judges may also consider aggravating factors, such as the licensee's history of violations pertaining to inappropriate urging of the horse (which violation/s occurred more than a year before the subject violation).
7. If the violation is sufficiently egregious, the Judges may depart from the penalty structure and impose higher penalties than those enumerated in the chart above.

DESCRIPTION OF TERMS

This Policy was established to provide more description of what constitutes a violation under the Rules regarding inappropriate urging of the horse in Ontario racing:

Indiscriminate action means unrestrained or careless activity without regard for safety or care.

For the purposes of Rule 22.23.01 (a), the following are examples of indiscriminate action but do not constitute an exhaustive list:

- a. Use of the whip in any manner between the hind legs of the horse
- b. Loose lining or driving the horse so as to not have control of the horse
- c. Kicking the horse
- d. Striking the horse with the butt end of the whip;
- e. Punching the horse; or
- f. Any use other than acceptable wrist action.

Excessive action means unreasonable quantity or degree.

For the purposes of Rule 22.23.01 (b), the following are examples of excessive action with respect to inappropriate urging of the horse but does not constitute an exhaustive list:

- a. Use of the whip when a horse is not in contention in a race;
- b. Use of the whip without giving the horse time to respond to a previous application of the use of the whip
- c. Use of the whip on the horse anywhere below the level of the shaft of the race bike.

Aggressive action means inhumane, severe or brutal activity.

For the purposes of Rule 22.23.01 (c), the following are examples of aggressive action but do not constitute an exhaustive list:

- a. Use of the whip on the head or in the area surrounding the head of the horse.
- b. Use of any object or stimulating device and/or application; or
- c. Leaving any cuts, abrasions or severe welts on the horse caused by the whip;

Loose lining means the indiscriminate action of carelessly lengthening the lines while driving so as to allow the loopy shaking of the lines (i.e. butterfly action).

Meaningful Position (22.23.02) means the horse has a reasonable opportunity to finish in an advantageous position. Examples of meaningful include, but are not limited to, maintaining qualifying times, receiving points towards future races or earning purse monies.

Confines of the wheels (22.23.03c) means that any part of the whip cannot move outside of a line which runs parallel to the horse from a point prescribed by the outside of the race bike wheel.

BACKGROUND

Under a process established by the Executive Director in the fall of 2008 to gather industry input on the appropriate use of the whip in horse racing, it was recognized that the use of the whip is a necessary tool in racing.

The following principles were agreed to and serve as a guide for all decision making on rule development:


- 1. Ensure the welfare of the horse**
The welfare of the horse is paramount and guides decision making in all matters
- 2. Promote safety for racing participants (including the horse)**
Where the safety of racing participants has been compromised, appropriate action shall be taken
- 3. Create simple, clear and consistent rules (and enforcement)**
To be adhered to or enforced correctly, rules must be written and communicated in a straightforward manner.
- 4. Address customer/public perception and education**
Shifting public sensitivity on the use of the whip in horseracing must be recognized by all industry participants, who must also do their part in educating new fans about the sport.
- 5. Support growth of the customer base**

Racetrack management has identified use of the whip as a barrier to increased customer growth. Participants must be involved, as our industry builds to creating a more desirable product

The outcome of the industry discussion has led to the formation of rules regarding the appropriate methods for urging a horse in racing and changes to driving styles to require a hand in each line for the entire race.

Loose lining: It was stressed by the participants that this change to driving style should not lead to the practice of "loose lining", which means the indiscriminate action of carelessly lengthening the lines while driving so as to allow the loopy shaking of the lines (butterfly action). It was agreed that these would be the type of actions counter to the intent of the rule changes and would present an undesirable product to the wagering public.

BY ORDER OF THE REGISTRAR



Jean Major
Registrar