

5 September 2008
Ottawa, On

Recommendations/Proposals on restricting the Use of the Whip:

current rule

22.23.01 (d) **Drivers must keep a line in each line until the head of the stretch**

proposed amendment

22.23.01 (d) **Drivers must keep a line in each hand throughout the race.**

Should this rule change be adopted, an increase in the practice commonly known as “Loose Lining” will become a major factor requiring a regulatory remedy.

Currently loose line whipping is a strategy employed by Drivers to overcome the restriction of keeping a line in each hand until the head of the stretch. Many Drivers purposely adjust handholds to unsafe positions far back towards their chest when seated on the sulky; and/or place their hands on the lines without employing the handholds. This allows sufficient freedom and length of line to employ the whip in an almost unrestricted fashion while continuing to keep the line in their hand.

This Driver innovation defeats the purpose and intent of rule 22.03.01 (d) and renders the rule far less effective in restricting the use of the whip. Drivers employing this tactic fail at times to have continuous control of the horse throughout the race and are often unprepared to react to incidents of interference where the Driver may have to abruptly change course and/or take-up the horse.

Amended/Proposed

22.23.01 Whipping shall be allowed provided that:

- (a) **there is no whipping action involving the raising of the elbow or movement of the upper arm and shoulder during the encouragement (whipping) of the horse;**
- (b) the whip strikes the horse between, inside and above the level of the shafts of the sulky only;
- (c) the horse appears to be advancing through the field;
- (d) **a line is kept in each hand throughout the race;**
- (e) **there is no indiscriminate use of the whip such as, but not limited to, striking the horse with the butt end of the whip; striking the horse an**

excessive number of times with the whip; striking the wheel disc of the sulky and using the whip between the horse's legs.

The philosophy implied with these proposed rule amendments:

22.23.01 (a) suggests prohibiting the Driver from exerting the physical energy generated by raising the whip and employing shoulder and upper arm strength. The upper arm and shoulder should remain relatively stable and in a fixed position during whipping actions. Whipping action would be restricted to the hinging and unhinging of the elbow and/or wrist with a line in each hand.

This recommended rule change will address the issues of:

- (a) Curbing the practice of loose lining
- (b) Significantly reduce the force by which whips are frequently applied to the horse
- (c) Encourage Drivers to keep their hands in properly adjusted handholds
- (d) Demonstrate to the Public a responsible and integral regulatory policy of restricting the physical force that can be generated with a whip in racing.
- (e) Protect the health and welfare of horses
- (f) Project an image of whip use in racing as a tool to communicate with and encourage the horse in contrast to a tool used to inflict pain, fear and abuse.

22.23.01 (d) a line is kept in each hand throughout the race.

Keeping a line in each hand throughout the race when coupled with the introduction of a rule that prohibits "loose Lining" can be the most effective approach in regulating inappropriate uses of the whip in racing.

22.23.01 (e) there is no indiscriminate use of the whip such as, but not limited to, striking the horse using the butt end of the whip; striking the horse an excessive number of times with the whip; striking the wheel disc of the sulky and using the whip between the horse's legs.

This recommended rule change more clearly defines "indiscriminate use" and incorporates the less serious whip violations formerly found in rule 22.22 and can be applicable to other unusual but inappropriate uses of the whip not specifically defined in the rules.

Penalties Applicable to Rule 22.23.01

A standard penalty structure should be developed reflecting the current economy in horseracing and the serious commitment of the Commission to curtail whipping in areas that serve to erode the overall integrity of racing and public confidence and that which may be harmful to the racehorse. It's proposed that one penalty structure be developed and applied similarly to all provisos of rule 22.23.01 incorporating relief for numbers of drives (750 within one year) and time limits for determining penalties for repeat violations (within one - three years).

22.22 Brutal use or (*chastising, punishing, disciplinary, uncontrollable*) actions involving the use of the whip or inflicting abrasions and/or welts to the horse with the whip shall be a violation.

(Chastising, punishing, disciplining or another descriptive word or phrase) **actions involving the use of the whip** is intended to refer to apparent incidents where a Driver or another Participant has used a whip to punish or discipline the horse or striking the horse with a whip to vent personal frustration, disappointment and anger. This rule will cover reported incidents that occur within and/or outside the actual race, on the track, in the paddock or backstretch. Rule 6.22 should be considered when dealing with violations of rule 22.22. There should be no tolerance under any circumstance for evidence of cuts, abrasions and welts on a horse that have been inflicted by a whip.

Rule 22.22 is amended to preclude the less serious whip infractions and redefining them in 22.23.01 (e) while focusing on the more extreme whip violations. Violation of the amended rule 22.22 should not be regulated by a set fine and suspension structure. Penalties should be referred to the discretion of the Judges and determined through the investigation and the hearing process and in consideration of the extent and severity of the violation. The Official Veterinarian will have a critical role in examining, documenting and reporting on injuries to a horse caused by inappropriate use of the whip. Fines & suspensions for violating this rule can be wide-ranging and tailored to meet the objectives of the Commission in committing to rigorously regulating the use of whips in racing and protecting the welfare of horses.