

**IN THE MATTER OF AN APPLICATION FOR A FLAT JOCKEY'S LICENCE**

**CONCERNING MR FRANCIS FERRIS**

**BEFORE THE LICENSING COMMITTEE OF THE BRITISH HORSERACING AUTHORITY**

**75, HIGH HOLBORN, LONDON, WC1V 6LS**

**HEARING DATE: TUESDAY, 1st JULY 2014**

**RICHARD RUSSELL ESQ.**

**STEPHEN BATE ESQ. (CHAIRMAN)**

**RUPERT SWEETING ESQ.**

**DECISION AND REASONS**

1. By a written application dated 5 August 2013 Mr Francis Ferris applied to the British Horseracing Authority ('the BHA' or 'the Authority') for a professional Flat Jockey's Licence for the period ending 17 March 2014 ('the Licence Application').
2. By letter dated 16 May 2014 ('the Letter of Objections') Ms. Annette Baker, Licensing Team Leader of the BHA, wrote to Mr Ferris stating that the BHA was minded to refuse the Licence Application by reason of the matters set out in that letter, which indicated to the BHA that Mr Ferris was not a 'suitable person' to hold a licence. The application was referred to the Licensing Committee for its decision.
3. The contents of Schedule 9, General Manual (A) of the Rules of Racing provide for the making of decisions by the Licensing Committee in certain cases. These include where the BHA is minded to refuse the application on the ground that the applicant is not a suitable person to hold a licence.<sup>1</sup> Schedule 9 also sets out the procedural steps appropriate to such applications and to the holding of hearings before the Licensing Committee.<sup>2</sup>

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<sup>1</sup> Schedule 9, Part 1, paragraph 2.1.

<sup>2</sup> Schedule 9 Part 2, paragraphs 14-28, 32.

4. The Letter of Objections was written as formal notification to Mr Ferris of the grounds on which the BHA objected to the grant of the Licence and Mr Ferris responded by his letter to the BHA dated 20 June 2014 ('the June Letter') with 10 enclosures.<sup>3</sup> That letter contested the BHA's assessment and in it Mr Ferris stated that for various reasons he was a suitable person to hold a Licence. The BHA served no documents in reply but it had indicated in the May Letter that it would be represented at the hearing.<sup>4</sup>
5. The hearing took place at the BHA's offices at 75 High Holborn, London on 1 July 2014. Mr Ferris attended with Mr John Blake, formerly the Chief Executive of the Jockey's Association and now a director of the charity, World Horse Welfare. Mr Blake appeared as he told us as a friend of Mr Ferris, to assist him. He had previously assisted Mr Ferris at hearings of the Licensing Committee on 18 May 2004 and 20 October 2006, which are relevant to this application. The BHA was represented by Mr Timothy Naylor of Counsel.
6. By the time of the hearing, the period to which the Licence Application related had already expired. The referring provisions of paragraph 2.1.1 of Schedule 9 related to that spent application. In those circumstances, at the suggestion of the Chairman at the hearing it was agreed by Mr Naylor and by and on behalf of Mr Ferris that the Licence Application should be treated as an application for the period ending 17 March 2015 and that the May Letter as written notification of the BHA's objections to that application.
7. The hearing took the form of a discussion led by the Licensing Committee. Mr Ferris was given an opportunity to address the Committee and did so. He was asked questions by the Committee and a few questions were also asked of him by Mr Blake and by Mr Naylor. Mr Ferris was given the opportunity to call other witnesses, but chose to not do so. Mr Blake spoke on behalf of Mr Ferris in support of his application and both sides made final submissions at the hearing.
8. Each side was also given an opportunity to make further written representations in connection with other decisions of the Licensing Committee which related to jockeys who had reapplied for a licence following a period of disqualification for breaches of the Rules of Racing arising out of corrupt betting schemes. Mr Ferris was also given

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<sup>3</sup> Although the June Letter was outside the 21 days provided for in paragraph 13.1, Part 1 of Sch. 9, no point has been taken on lateness by the BHA or by the Committee.

<sup>4</sup> Provision for notice of proposed representation of the BHA at hearings is provided for in paragraph 15, Part 1 of Sch. 9.

an opportunity to make further written representations following the hearing in the light of comments he made shortly before its conclusion (see paragraph 24 below) and Mr Naylor was given the opportunity to respond in writing. Written representations on both matters from Mr Ferris dated 16 July 2014 were received and the BHA responded to these by written submissions of 22 July 2014.

## **The Rules and the Guidelines**

9. Licences are required for jockeys to ride in races.<sup>5</sup> Rules 3 and 12 of Part 2 of Rider Manual (D) provide, -

### ***"3. Licences to ride granted by the Authority***

*3.1 A licence to ride may be granted by the Authority, subject to such restrictions or conditions as the Authority considers appropriate.*

*3.2 Such a licence is referred to in this Manual as a Jockey's Licence.*

.....

### ***12. Jockeys to be suitable Persons***

*12. The Authority may*

*12.1 refuse to grant or renew a Jockey's Licence, or*

*12.2 suspend or withdraw a licence,*

*If the Authority considers that an applicant or licence holder is not a suitable person to hold a licence."*

Each application is to be considered individually on its merits.<sup>6</sup>

10. The Authority may from time to time issue guidance to ensure compliance with any Rule:<sup>7</sup> It is for the applicant to satisfy the Authority that he meets all the criteria within the guidance notes.<sup>8</sup> The guidance relevant to Mr Ferris' application is to be found in Guidance Notes ('the Guidelines'), which accompanied the application form completed by Mr Ferris, which include the following matters relevant to suitability, -

### ***"G. GENERAL SUITABILITY ('FIT AND PROPER')***

*24. In considering any application, the Authority must be satisfied, taking into account any fact or matter that it considers appropriate, that the applicant is suitable to hold a licence.*

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<sup>5</sup> Rule 15.1.2, Part 3 of General Manual (A).

<sup>6</sup> Rule 23, Part 3 of General Manual (A).

<sup>7</sup> Rule 6.2.4, Part 2 of General Manual (A).

<sup>8</sup> Paragraph 3, Part 1 of Schedule 9, General Manual (A).

25. *The Authority expects full and frank disclosure from the applicant, who is required to disclose all matters known to him/her and those which he/she can be expected to discover by making enquiries. Failure to do so will be a relevant factor in the assessment as to an applicant's honesty and integrity.*

26. *A person whose conduct and character is not in accordance with that which, in the opinion of the Authority, should be expected of a licensed person, may not be considered suitable and therefore may be refused a licence.*

27. *In some cases a single factor may lead to the conclusion that someone is not suitable, whereas in another case the determination of whether someone is not suitable may depend upon the cumulative assessment of a number of matters.*

28. *It is not possible to produce a definitive list of all matters that would be relevant to a particular application. This document should be considered a guide as to the sorts of considerations that the Authority will have in mind when making such an assessment.*

29. *The criteria to which the Authority will have regard in assessing honesty and integrity include the following:*

*29.1 Whether the applicant has been convicted of any criminal offence in Great Britain, or a foreign jurisdiction, excluding road traffic offences and offences which are spent under the Rehabilitation of Offenders Act 1974 and in the case of foreign offences, such as may be appropriate. Particular consideration will be given to offences of dishonesty, fraud and those relating to sexual conduct, violence, and animal welfare.*

*29.2 Whether the applicant is the subject of any proceedings of a criminal nature or has been charged in connection with any alleged criminal offence involving dishonesty, fraud or those relating to sexual conduct, violence, or animal welfare.*

*29.3 Whether the applicant has been the subject of any adverse finding by a judge in any civil proceedings, or has settled civil proceedings brought against him/her relating to any matter which could reasonably be said to materially affect his/her suitability to hold a licence.*

*29.4 The applicant's record of compliance with the regulatory requirements of the Authority or its predecessors, of any other Turf Authority or of a regulator of any other sport in which he/she has participated or has been otherwise involved.*

*29.5 Whether the applicant has been candid, open and truthful in all his/her dealings:*

*29.5.1 with the Authority in relation to the present or relevant past licence applications; and*

29.5.2 with any other Turf Authority or other sports regulator.

29.6 Whether or not the applicant has been dismissed from any previous employment or position of trust or has been asked to resign or resigned on grounds connected with his/her honesty or integrity.

29.7 Whether an applicant has been convicted of, or dismissed or suspended from employment for drug or alcohol abuses or other abusive acts or has other lifestyle or social issues, which are likely either to:

29.7.1 Impair significantly his/her ability to safeguard the welfare of any horse or meet the regulatory requirements of the Authority; or

29.7.2 Render the applicant a threat to the health, welfare or safety of others involved in horseracing, or to the integrity of the sport.

29.8 Whether the applicant has engaged in conduct or there are circumstances which may render the applicant susceptible to pressure from persons seeking to corrupt horseracing and whether the applicant is likely to or may engage in such conduct.

29.9 Whether the applicant has observed the Integrity Provisions contained within these Guidance Notes.

.....

**Integrity Provisions**

32. The following Integrity Provisions set out the standards of behaviour to be observed by all Licensed Jockeys .....

32.1 Avoid the company of Persons, whose conduct, character or reputation indicate that they may pose a threat to the integrity of horseracing.

32.2 Make sure you have read and understood the definition of Inside Information in Rule (A)36.

32.3 Refrain from regularly passing Inside Information to anyone other than the connections of the horse, even where there is no reward except in cases specifically allowed for in the Rules.

32.4 .....

32.5 Avoid discussing the chances of a horse they are engaged to ride with anyone (including other Riders), in the knowledge that it may be used for a corrupt purpose.

32.6 ....."

### ***Mr Ferris' application for a Jockey's Licence***

11. In his application Mr Ferris disclosed various matters adverse to his interests in response to standard form questions within the application. He addressed these in greater detail in a letter to the BHA dated 24 July 2013 ('the July Letter') and enclosures.
12. Mr Ferris had previously held a Jockey's Licence. Question 10 of the numbered list of questions asked, -

*"Have you had any suspension of a riding licence imposed upon you by a Turf Authority or any other disqualifications or disabilities imposed upon you in connection with Horseracing? If YES, please give full details."*

Mr Ferris ticked the 'Yes' box and added, "*Disqualification for stopping horses and passing on information for reward.*" The background to that disclosure was as follows. Mr Ferris was disqualified in 2007 for passing 'inside information' for reward, as a result of 2 disciplinary inquiries before the Disciplinary Panel of the Horseracing Regulatory Authority, ('the HRA'), a predecessor to the BHA, which concerned the activities of a number of jockeys and others in connection with corrupt betting arrangements based on the 'laying' of horses to lose. In the first inquiry held between 10 and 22 January 2007 and in its written Result and Reasons of 16 February 2007 the Disciplinary Panel found that Mr Ferris had passed 'inside information' for reward in breach of what was Rule 243 in respect of 4 races and to have misled investigators during interviews in March 2004 and December 2005 in breach of what was Rule 220 (viii). The Panel imposed a penalty of 2 years disqualification for the breaches of Rule 243 and a period of 9 months for the breaches of Rule 220(viii), to run concurrently. The Panel's Reasons stated, " ... [Mr Ferris] *was party to arrangements to ride to ensure the success of lay betting if necessary and did so on 2 of his 4 rides.*" The Panel's Decision and Reasons made clear that he had done so by deliberately underperforming in 2 races.<sup>9</sup>

13. The second enquiry commenced on 19 March 2007 and the written Reasons for Decisions of the Disciplinary Panel were published on 20 April 2007. Mr Ferris was found to have passed 'inside information' for reward and to have obstructed the investigation as a result of answers given by him to investigators. Non-trier allegations for breaches of Rule 157 were also established for 5 of his rides, in

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<sup>9</sup> Mr Ferris had already been disqualified for 8 days for breach of Rule 158 in connection with one of the 2 races.

addition to the breaches of Rules 243 and (for obstructing) 241(i)(b) that were found. The Panel "*decided that in each of those [5] races, he did ride to lose*"<sup>10</sup> and imposed a composite penalty of disqualification of 5 years for his breaches of Rule 243 (both when supplying information about his rides and for 7 rides of David Nolan) and for his breaches of Rule 157. For the breach of Rule 241(i)(b) a 6 month period of disqualification was imposed to run concurrently with the main penalty. As a result of these 2 inquiries, Mr Ferris was disqualified for a period of 5 years, therefore.

14. Question 6 on the list of questions in the Licence Application asked,-

*"Have you been made the subject of proceedings of a criminal nature, been charged in connection with any alleged criminal offence or are aware of any circumstances which may lead to your being so charged?"*

Mr Ferris ticked the 'Yes' box. Matters to which this disclosure related were referred to in the Letter of Objections (see below). In the Declaration of Health, forming part of the Licence Application further questions were asked, one of which was as follows,

*"Within the last five years have you received treatment, counselling or sought medical attention for any condition related to alcohol or drug consumption?"*

Mr Ferris ticked the 'No' box.

15. He expanded upon these aspects of his application in the July Letter, stating -

*"I have read and been advised fully on the guidance notes relating to applications and I do have specific comments to make on key clauses that, given my past, will naturally be of most concern. If I may, though, I should like to put on record that I wish to co-operate fully with the Licensing team and Committee and would welcome the chance to submit to the fullest scrutiny in order to gain the confidence of both. I do not believe that I represent a risk to the sport, but do in fact have many years ahead of me to redeem my poor reputation and to go some way to fulfilling my potential shown as an apprentice. This sport means everything to me and I have always wanted to come back to it once my disqualification finished.*

*It may appear premature, but I would like to state that if the granting of a licence was a possibility, that I would give my full agreement to any 'probationary period' and/or random testing, so too the regulator submission of telephone records, as might be necessary to safeguard the integrity of the sport.*

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<sup>10</sup> Reasons for Decisions of 20 April 2007, [86].

*It is freely admitted that I have in the past engaged in conduct prejudicial to the good name of the sport and been involved with others, although never coerced, in attempts to corrupt horseracing.*

*My significant bans from the sport were merited and my serious breach of trust to those fellow professionals in racing and those members of the public who bet on races is understood and deeply regretted. This conduct will not be repeated, whether I am successful in my attempt to regain a licence from the BHA, or if my application is dismissed. I occupy a position of trust in my current role as a leading work-rider if I am granted permission to ride again as a professional jockey.*

*I have never been pressurised into my poor errors of judgement, in terms of breaching the rules of racing and not respecting its good name. I have had no contact with any persons with whom I was involved when banned for my offences. I do not intend to mix in any way with those who may approach me to seek profit from my actions, or I theirs.*

*There are no undisclosed issues that could be used by somebody, either inside or outside the sport to apply pressure upon me to engage in conduct that might corrupt horseracing. Should anyone ever make attempts to do so, I know that it is my responsibility to report this to the BHA, with whom I would co-operate fully.*

*Other matters I would like noted in this application letter:*

- I lost my driving licence for three years for drink driving in 2009 but I have now .. a full clean licence*
- I have in the past had a problem with drink, going beyond the normal social standard and I have sought help for this and am confident that it is .. under control, in particular as I have matured as a man.*
- I have clearly admitted to taking part (when unlicensed) in 'flapping races' in Ireland and Scotland to a maximum of five, several years ago.*

*.....  
I can confirm that I fully understand the definition of and the need for a rule on Inside Information and admit to having paid little regard to this before my disqualification. I do understand and accept the responsibilities that come with a professional licence, both in terms of conduct on and away from the racecourse.*

*I realise that I may be asked for more detail in relation to this application ..."*

### **The Letter of Objections**

16. In order to obtain a proper understanding of the BHA's concerns about the Licence Application, it is necessary to set out much of the Letter of Objections. After apologising to Mr Ferris on behalf of the BHA for the delay in dealing with the Licence Application, the letter went on to state -



“ ..... Your last Flat Jockey’s Licence was withdrawn by the Licensing Committee (the “Committee”) on 20 October 2006, as it was not satisfied that you were a fit and proper person. In February and April 2007, two separate Disciplinary Panel Enquiries .....<sup>11</sup> found that you had breached the Rules of Racing relating to the provision of Inside Information, withholding information from, as well as, misleading BHA Investigating Officers, and deliberately riding a horse to lose. These breaches were sufficiently serious that the Disciplinary Panel disqualified you from racing for periods of 2 and 5 years respectively. These periods of disqualification were served concurrently.

Having considered your most recent application, the BHA is of the opinion that you have not addressed the issues that led to the withdrawal of your last Licence and that your conduct in breaching the Rules was so serious that it does not consider you suitable to hold a Licence.

.....

The BHA is minded to refuse your application and accordingly, this matter has been referred to the Licensing Committee for its consideration ...

.....

The following paragraphs provide an outline of the facts as they appear to the BHA and the reasons why there are grounds to recommend to the Committee that it refuses your application for a Jockey’s Licence. The relevant supporting documentation is enclosed in the accompanying file.

### **Background Information**

#### Previous Licensing History

1. You have held various Jockey’s Licences from 24 August 2001 until 20 October 2006. This includes a number of Licences that were issued with short validity due to on-going concerns regarding your conduct and behaviour.
2. Throughout your period as a licensed individual you attended 4 meetings with the Licensing Committee due to various concerns.
3. You have been the subject of 7 Disciplinary Panel Enquiries at the BHA’s head office in respect of various breaches of the Rules of Racing.
4. You had 1783 rides and 140 winners as a professional (Apprentice and Flat) Jockey.

**A chronology of your Licence and Disciplinary history can be found at Annex A. All Licensing Committee and Disciplinary Panel decision[s] and reasons can be found at Tabs 5 – 9 of the accompanying bundle.**

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<sup>11</sup> The letter made reference to pages from an accompanying bundle of documents. Those documents were before the Committee together with the July Letter and its enclosures and the June Letter with its enclosures and a further written testimonial dated 23 June 2014 from Mr Jamie Lloyd.

## **The facts as they appear to the BHA**

### General Suitability

5. *The BHA and the Committee have both previously expressed concerns in relation to your conduct and character not being in accordance with that which should be expected of a Licensed Person. The BHA is of the opinion that you are not a suitable person to hold a Jockey's Licence. In coming to this conclusion the BHA is guided by the Section G criteria for General Suitability of the Guidance Note. .... This includes the 'Honesty and Integrity' assessment at paragraph 29, which states:*

[The letter set out paragraph 29 of the Guidelines; see paragraph 10 above.]

6. *The BHA is entitled to have regard, but is not limited, to the criteria at paragraph 29 of the Guidance Notes. This includes, at paragraph 29.4, your record of compliance with the regulatory requirements of the BHA or its predecessors. Prior to the withdrawal of your licence on 20 October 2006, you were found to have been in breach of the Rules of Racing on 64 separate occasions since 12 September 2001. .... You were referred to the Disciplinary Panel by the Stipendiary Stewards on 5 occasions. Your continual disregard for the Rules was in part, the reason the Licensing Committee withdrew your Jockey's Licence in 2006 and we maintain that is not behaviour deemed acceptable of a licensed individual.*
7. *When your licence was withdrawn on 20 October 2006, the Committee listed in its reasons that it was concerned with your general "attitude to the Rules of Racing and the laws of the land" .... The Committee stated that "you have continued to show insufficient regard to observing rules and behaving in a law abiding manner." .....*
8. *Subsequent to the withdrawal of your Licence in 2006, you were the subject of two separate Disciplinary Panel Enquiries in February and April 2007 for offences committed in 2004 & 2005. On both occasions the breaches you committed were serious enough to warrant your Disqualification from the sport. On 20 April 2007, the Disciplinary Panel stated in its 'Result and Reasons' that your conduct "was a complete disgrace." .... You were found to have shown a "persistent and wilful disregard for the standard of honesty that the integrity of racing requires." ..... The BHA maintains that this was a highly serious course of conduct for which you were rightly disqualified. The BHA is of the opinion that such conduct is highly damaging to public confidence in the integrity of racing and that to allow your application for a new licence at this time would further damage the reputation of racing and the authority of the BHA. In addition to the relevance of these breaches to paragraph 29.4 of the Guidance Notes, that you were found in breach of Rules 220 (viii) (misleading Officials), 241(i)(b) (hindering an investigation), 157 (deliberately riding a horse to lose) and 243 (passing inside information) is of concern to the BHA and relevant to the assessment of your suitability and specifically, paragraphs 29.5, 29.8 and 29.9 respectively.*
9. *It is also of note that you failed to attend the April 2007 enquiry, or even put forward anything to contest the allegations against you. You were interviewed as part of the investigation into this matter however, and the*

*Disciplinary Panel stated in its Result and Reasons that "That interview showed that Ferris did not try to give any explanation about the content of these calls, beyond suggesting occasionally that he could not remember, and the Panel concluded that he was being deliberately obstructive". ..... Whilst you were already a Disqualified person following the February 2007 enquiry, your lack of cooperation is of further concern in respect of your ability to be open and honest with the BHA, as detailed in paragraph 29.5.*

10. *During your disqualification period you continued to show a disregard for the Rules of Racing and the BHA by competing in unlicensed 'flapping' race meetings in Scotland and Ireland. .... It is to your credit that you have declared your involvement in your supporting letter to your application .... but this conduct shows your continued disregard for the Rules.*
  
11. *You have generated considerable unfavourable media attention for the BHA and horseracing in general. In March 2007, you were quoted in the News of the World newspaper as claiming to have been involved in 200 fixed races. .... You also claimed to have been made a scapegoat and that corruption was endemic within the sport. Despite the claims you made in the media in relation to your role in corrupting horseracing, at no point did you come forward and provide any intelligence that would assist the BHA in investigating and preventing such conduct. Whilst you now claim to wish to cooperate fully with the Licensing Team and Committee you have not at any point volunteered any information or admitted further corrupt behaviour that you have alluded to in the media.*
  
12. *You subsequently retracted some of the claims you made in the News of the World article in an interview with the Cambridge Evening News in May 2007 during which you were quoted as saying "I would like to burn down the Jockey Club." .... The BHA is of the view that such comments are highly damaging to the reputation of racing and the authority of the BHA. You showed a complete disregard to the findings of the Disciplinary Panel and Licensing Committee and publicly criticised the BHA. You now accept that your disqualification from racing was merited and you regret your serious breach of trust to your fellow professionals and the general public but your public and vitriolic criticism of the BHA following your disqualification served to further undermine public confidence in the sport of racing. The BHA is of the view that such conduct was highly detrimental to horseracing and as a result you are not a suitable person to hold a jockey's licence.*
  
13. *You have been convicted of a number of criminal offences in Great Britain. To the BHA's knowledge, these are:*
  - 13.1 *February 2004: convicted of dangerous driving, driving without a Licence and drink driving at Mildenhall Magistrates Court. Sentenced to 4 months imprisonment for dangerous driving, 2 months imprisonment for excess alcohol and banned from driving for 2 years .....;*

- 13.2 July 2006: convicted of wounding at Bury St Edmunds Magistrates Court. Sentenced to 26 weeks imprisonment, suspended for 2 years .....
- 13.3 October 2006: convicted of causing criminal damage at Bury St Edmunds Magistrates Court. Sentenced to 3 months electronically monitored curfew .....
- 13.4 2009: convicted of drink driving at Bury St Edmunds Magistrates Court. Given a 3 year disqualification from driving .....
14. Criminal convictions are relevant factor in assessing an individual's suitability as detailed in paragraph 29.1 of the Guidance Notes. In addition to your breaches of the Rules of Racing, these convictions further show your disregard for authority and a history of failing to adhere to important rules (in this case, the law). You have provided comments in respect of your past behaviour and assurances as to your future conduct [i.e. in the July Letter]. However, you provide no explanation for your previous behaviour, nor understanding of why this behaviour was so damaging to yourself and the sport of horseracing generally. Nor do you provide any explanation of how you would avoid such issues in the future. As such, the BHA is not satisfied that you now possess the relevant honesty and integrity qualities to be deemed suitable to hold a Licence.
15. On 31 August 2006 you were stood down from riding at Salisbury having failed a breath test due to having an alcohol concentration higher than the permitted level. A subsequent urine sample was found to contain alcohol in a similar concentration. .... You freely admitted during the Licensing Committee hearing on 20 October 2006 to having problems with alcohol and undergoing individual counselling .....
- Despite this, and having been made subject to an exclusion order from public houses in Newmarket in April 2006 you were again involved in alcohol related offences in 2009, and disqualified from driving for three years having been arrested for driving whilst under the influence of alcohol and attempting to run from the arresting officer .....
- On the current Declaration of Health form submitted you have ticked that you have not received counselling in relation to any alcohol issue in the last 5 years and therefore it appears that you have not received any treatment since your latest alcohol related offence .....
- The BHA is therefore of the view that you have not adequately addressed your offending behaviour and your underlying alcohol problem.

### **Summary of Concerns**

The BHA must protect the reputation of horseracing in Great Britain and is entitled to find that the seriousness of the offences for which you were disqualified from racing in February and April 2006<sup>12</sup> for 2 and 5 years respectively, were such that, regardless of your contrition at this time, you are not a suitable person to be granted a jockey's licence. The damage that such conduct caused to the reputation of racing was heightened by your subsequent behaviour and claims in the media. Following disqualification you

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<sup>12</sup> This must be an intended reference to 2007.

*have continued to show a lack of respect for the Rules of Racing and the BHA.*

*The BHA is of the opinion that granting you a jockey's licence would only further undermine public confidence in the sport of horseracing and the authority of the BHA. Further, the BHA does not believe that you have sufficiently addressed your alcohol problems and your disregard for rules and authority that led to the withdrawal of your previous licence and therefore you remain a risk to the integrity of the sport.*

.....”

**Mr Ferris' response: the June Letter**

17. The following is a summary of Mr Ferris' response to the Letter of Objections, -

- 17.1 He restated that he fully acknowledged and regretted his past offences on and off the racecourse and welcomed the chance to state to the Committee the steps he had taken to meet all the stated criteria. He accepted in full the findings of the Disciplinary Panels in 2007 and is ashamed at the damage he caused to his own reputation and to that of the sport.
- 17.2 In relation to paragraph 29.4 of the Guidelines he accepted that his 'record of compliance' accompanying the Letter of Objections was accurate, consisting of rule breaches predominantly made up of careless and whip offences, for which justifiable penalties were received. The week of June 2003 was particularly regrettable, when his 'riding and confidence' were at an all-time low.
- 17.3 He agreed with the BHA's view that the rule breaches leading to the withdrawal of his licence in October 2006 constituted unacceptable behaviour on the part of a licensed person.
- 17.4 He had been involved in some very serious incidents between 8 and 10 years ago. At the time of the first of these he was aged 21. He pleaded guilty to the later assault, which was 'an unacceptable response to ongoing bullying'. He has apologised to the victim on a number of occasions and met all the terms of his probation order. He accepted that on a number of occasions during that period his conduct did lack proper judgment and self-control.

- 17.5 Mr Ferris did not attend the second of the 2 hearings in 2007. His financial situation meant that he could not afford legal representation and he regrets having not attended the hearing, but was feeling overrun by the problems that he had caused himself and was frightened. He accepted the disqualification and believes that it was merited. Many years have passed since and he has spent much time reflecting on this period.
- 17.6 The punishment handed out to him by the BHA would have sent a clear message to the public that conduct of the type which led to Mr Ferris' disqualification had no place in the sport.
- 17.7 Mr Ferris would be prepared to demonstrate his rehabilitation by putting himself forward to speak with young jockeys, warning them of the pitfalls that led to the misconduct which brought him before the Disciplinary Panel in 2007.
- 17.8 Mr Ferris reiterated that he would expect extensive conditions to be attached to any fresh licence.
- 17.9 He accepted that paragraphs 29.5, 29.8 and 29.9 of the Guidelines were engaged by his conduct and that "*on several occasions these .... have been breached*".
- 17.10 His good conduct in the past 7 years and the references provided by a range of employers demonstrate his rehabilitation.
- 17.11 His voluntary meeting with the BHA's Security Department at the Jockey Club rooms in Newmarket in mid-2012 "*does in some small way demonstrate a willingness, albeit very belatedly, to cooperate with the BHA and to try to make amends ..*". He also relied on his attendance at a second voluntary meeting at the premises of the trainer Mr Rae Guest ('Mr Guest'), where he freely discussed with the Security Department the issues related to his application, including his drinking.
- 17.12 Mr Ferris made further reference to his active engagement with the BHA in the years following his disqualification. He relied on his letters of 4 March 2010 and 4 January 2011 to Mr Stephen Allday, the then

Chairman of the Licensing Committee. The purpose of these letters, as expressed in them, was twofold. First, to apologise for what Mr Ferris accepted was very serious misconduct on his part with a complete acceptance of his sole responsibility for that behaviour and second to inform the Licensing Committee of his plan to attempt to return to racing, giving details of his activities and steps of rehabilitation. He also referred to a letter from him to Mr Russell (sitting on this Committee) as Chairman of the Licensing Committee written in September 2012, in which Mr Ferris apologised for his past conduct and offered to meet the Licensing Committee with a view to deciding whether it would be appropriate to apply for a new licence.<sup>13</sup> He referred to a letter in response from Ms Joanne Crawford of the Licensing Team, which stated that there was no provision for the Licensing Committee to sit informally and that it was for Mr Ferris to make an application for a licence if he wished to by reference to the criteria for licensing and the relevant procedures which were enclosed with and explained in, that letter.

17.13 He had not been aware at the time of his participation in the 'flapping races' that this was a breach by him of the Rules of Racing. His motivation was simply to maintain a connection with riding horses. However, he accepted that at the very least it did not give the right impression and had had no hesitation in disclosing this activity in the Licence Application.

17.14 He is ashamed of, and embarrassed by, the article in the *News of the World*. He had been chased by the paper and invited to exaggerate and to sensationalise his story. "*Some of the facts of the article are questionable: my winning rides tally of 300, for example. I was naively 'playing to the gallery' and felt like I was in a small way getting my own back, which .. is plain stupidity on my part.*" He could "*only vaguely remember mention of a large sum of money being discussed for my contribution but this certainly never materialised.*"

17.15 He "*offer[s] no excuse for the stupid and juvenile comment referred to in the Cambridge Evening News. ... This was no more than a figure of*

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<sup>13</sup> Stephen Bate chaired this hearing: paragraph 25, Part 2 of Sch. 9.

*speech*” and he is deeply embarrassed by having made this statement.

- 17.16 His public and vitriolic condemnation of horseracing’s regulator very quickly gave way to his current position of full acceptance and remorse, which has been his constant attitude over the past 7 years. As evidence of his changed attitude, Mr Ferris has not once complained in public about the length of time it has taken the BHA to deal with the Licence Application.
- 17.17 He accepts that he committed each of the criminal offences referred to in the Letter of Objections. His period of driving disqualification was, however, reduced to 2 years and 3 months following his completion of a drink-driving course.
- 17.18 He had learned from the failed breath test at Salisbury 8 years ago. He had no wish to mislead the BHA in the Licence Application with respect to counselling for alcohol issues. However, for the past 5 years since his disqualification for drink driving, he had not encountered or caused any problems owing to the misuse of alcohol. He was fully aware of his very serious and inexcusable behaviour while under the influence of alcohol and his working life and lifestyle were no longer affected as they had been in the past by his alcohol misuse. He now works 6 days a week starting at 7 a.m. and has had no recorded sick days or other performance issues as a result of alcohol misuse. The references from past and present employers bear this out.
- 17.19 As a result, in the years since his disqualification Mr Ferris has demonstrated a capacity to respect authority and has repaid the trust placed in him by his employers.
- 17.20 He understands that the Licensing Committee is charged with safeguarding the sport against the type of misconduct of which complaint is made. However, he will do all that is required to prove himself worthy of a final chance, which will allow him to exploit his only real talent, race-riding and give him an opportunity to turn his life round. He would like an opportunity to tell the Licensing Committee



how he would avoid the misconduct that got him into such trouble over the years and how he has since changed. The BHA's assumption that his future conduct will not be honest is wrong.

***The discussions at the hearing***

18. In discussions with the Committee and Mr Blake Mr Ferris accepted his difficulties with reading and writing had resulted in the June and July Letters being drafted by Mr Blake. However, he said that the thoughts expressed in them were his own. We consider that there had been no attempt on the part of Mr Ferris to conceal the involvement of Mr Blake in the composition of these letters and none was suggested by Mr Naylor. In his letter to Mr Russell of September 2012 Mr Ferris pointed out that he had received assistance in drafting that letter and previous letters to the BHA. We also accept that the thoughts expressed in those letters are those of Mr Ferris.
19. Mr Ferris explained that he had now changed as a person and wanted an opportunity to show that he could be trusted. He put it like this, -

*"I left home, I suppose, quite young and everything come really quick; as in regarding rides, everything happened very quick. I earned a lot of money fast and, you know, I probably got mixed up with the wrong people, you know, and when all that got took away from me, you know, I've had time to think about things and think about what I want to do, and racing is definitely what I want to do like. You know, I realise, you know, there's been a lot of problems in the past now. You know, I just want a chance to be able to put things right again, I suppose, and get a chance again to ride and to prove to everybody that I can be trusted to hold a Jockeys Licence."*

He said that there was nothing further he wished to add in response to the Letter of Objections. He said in the discussions, -

*"So obviously, you know, what I just said there about telling the BHA the truth of what happened, you know, and be a more than honest person, you know. I have learnt to control drinking and stuff. I have got a full driving licence, which I have done for the last 2 years. You know, I've held down various different jobs. You know, alcohol is not an issue anymore, otherwise I wouldn't be going to work and stuff, and I wouldn't have these references. You know, I do feel that I am a different person now than I was back then. I've grown up a lot more, you know.*

.....

*I probably took racing for granted a little bit when I was riding. You know, I had it fairly easy and, like I said, I look at racing differently now, you know, and I understand the Rules a bit better now regarding the whip and stuff. You know, I was: "What's the point?" but now, obviously, you know, it looks better for racing, and it's better for the horses."*

Asked by the Committee at what point in time he had thought it was time that he "grew up", he said –

*"I think after I got caught for drink driving the second time that was probably a big turning point for me, that I had to realise that all these things cannot -- you know, it's not good for racing seeing somebody like the way I was to have a Jockeys Licence. You know, I do feel, like I said, I do feel a different person now my head's in a better position, you know, and I just want a chance to ride again and to show people that I have changed."*

He was also asked about previous statements made to the Licensing Committee in 2004 by Mr Blake about his rehabilitation. It was pointed out that despite these statements he went on to provide 'inside information' and to throw races. He responded that he had thought he was being "clever" but he was "not trying to be corrupt" and had got in with the wrong people.

20. He told the Committee how he came to be involved in the passing of 'inside information'. His involvement with Mr Nicholl's corrupt betting (the first disciplinary enquiry) began when he was approached by Robbie Fitzpatrick and Robert Winston at Pontefract racecourse and asked to give a horse "a quiet run round for some reward". He said that he had refused that offer. However, the offer was repeated. Mr Ferris stated, -

*"And they approached me again a couple of other times at a couple of other meetings, and then I tried to be maybe a little bit clever and thought, you know, one of the horses that I rode wouldn't have won, from having a bad draw, without having to do anything, and that's how I kind of got, you know, mixed up with the whole thing, .."*

His involvement with Mr Khan (the second disciplinary enquiry) he described in these terms, -

*"And that was, you know, the same thing again really. I just met them at a poker night and it was all innocent, and then I started riding some of the guys' horses for a trainer that was obviously aware of what was going on, and they asked me would I -- would I -- would I -- the trainer and the owner asked me would I just stop the horse. And I gave it a quiet run, kind of thing, and that's basically how I got involved with, you know, being crooked, as you might say, or being corrupt."*

He said that he had subsequently been threatened in connection with his participation. Asked about how he felt at the time about taking money for stopping horses and passing 'inside information'. He said, -

*"I didn't really feel I was doing anything wrong at first, but that was at the very first."*

He considered that none of the horses could have won even if he had ridden them to the best of his ability, though he did appreciate that they might have been placed.

21. He referred to his embarrassment at the 2 interviews he gave to the Press in May 2007. He stated –

*"I felt probably a bit -- you know, a bit hard done by, I suppose, in relation to the other jockeys not getting as long a ban maybe. That was my thought at the time."*

He could not now recall which parts of the article in the *News of the World* quoted him accurately and which did not. He also said that he would not have said some of the things attributed to him and definitely did not say others.

22. The 2 meetings with the Security Department were held in response to Mr Ferris' approaches to the BHA. Mr Ferris was asked to attend the meetings and he did so. He says that he told the BHA's representatives what actually happened, though Mr Naylor suggested that Mr Ferris had not been entirely forthcoming in the first meeting, with Mr Beeby. Mr Blake said that he had assisted Mr Ferris in his proactive approaches to the Licensing Committee prior to the Licence Application but had had nothing to do with the meetings between Mr Ferris and the members of the Security Department.

23. So far as alcohol was concerned, Mr Ferris said that he had been to Alcoholics Anonymous after his conviction in 2009. He had previously used alcohol to block out the issues that troubled him. He said that he had raced when he had been out drinking into the early hours of the morning but his love of horses and his deep concern for their welfare meant that his would never happen again. He was asked about the assurances he had given to the Licensing Committee in 2004 that he would abstain from alcohol and which he had subsequently broken, and why his assurances about his drinking on this application were to be believed. For the same reasons he was also asked about a plea in mitigation given in 2006 when he was convicted of criminal damage. His barrister had stated to the court that Mr Ferris *"had suffered alcohol problems but was now beginning to turn his life around."* Mr Ferris said that it was after his conviction in 2009 that he really saw how unacceptable it was to behave in that way. All his criminal offences, he said, had been concerned

with his drinking. His drinking had been under control since his last conviction in 2009 and his references are good evidence of that. He now drinks “occasionally” at weekends only and in moderation. He works a 6 day week. A letter from his GP of 18 July 2012 following a medical he underwent on that day stated “*Drinking 10 units / week (previous years age<sup>14</sup>.) Binge drinking 2009 – denies.*” Mr Ferris could not recall a conversation with the GP about these matters.

24. Shortly after the luncheon adjournment and before Mr Blake made oral submissions to the Committee, Mr Ferris stated, -

*“I would just like to thank everybody for allowing the meeting to take place, and, you know, I apologise for the things that have happened really. I’ve a lot more to say and I can’t get it out now. You know, I apologise for being nervous about things, and I’d be grateful to be able to reassure, you know, that none of these things would happen again in the future.”*

In view of that statement, following the hearing Mr Ferris was given the opportunity to add anything further he wished to say in writing. He took that opportunity by his letter of 16 July 2014. In it Mr Ferris stated that he was disappointed with himself because he had been unable to express certain points at the hearing as well as he had hoped. He stated, -

*“I did let the pressure affect me but this is not in any way a reflection on the very fair hearing I received.”*

He went on to re-state a number of the points that he had made in the June and July Letters upon a number of which he had expanded in the discussions with the Committee. He emphasised that he was a changed person and said that he was not presenting himself as such simply as a convenience because he wanted a licence. He now has a clear understanding of his future responsibilities and completely accepts responsibility for his actions. He urged the Committee to consider his actions during the past 5 years in which he has “*knuckled down and .. co-operated*” with the BHA, and his actions in that period generally. He pointed to all the reasons he had already advanced as to why his re-admission to the sport would not harm public confidence in racing, referring to his willingness to make a public apology through the media with a re-affirmation of his commitment to racing. He offered, as part of the conditions that might be imposed on his licence, to attend alcohol counselling if that were considered necessary. He said that he would be prepared to undergo a further

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<sup>14</sup> This appears to be a reference to ‘average’.

medical consultation if required. He distinguished his position from the decisions in *Lynch*<sup>15</sup> and *Fitzpatrick* and gave reasons why.

#### **The submissions of the parties**

25. Mr Naylor's oral submissions included the following, -

- 25.1 The breaches of the Rules of Racing found by the Disciplinary Panels in 2007 are so serious that Mr Ferris is not suitable to hold a Jockeys Licence regardless of any insight, remediation and contrition on his part: see the decision of the Licensing Committee in *Lynch* dated 26 January 2011 on the preliminary issue ('*Lynch 1*').
- 25.2 To the extent that those personal matters are relevant at all, there is a high onus on Mr Ferris to convince the Committee that he has remedied the fundamental flaws in his character: see the decision of the Licensing Committee in *Lynch* dated 4 March 2011 ('*Lynch 2*'). The Committee is called on to make a broad assessment (see paragraph 24 of the Guidelines) and Mr Ferris has failed to show that he is sufficiently reformed and rehabilitated for the following reasons.
- 25.3 The BHA is still somewhat in the dark as to his exact involvement in the corrupt betting arrangements in which he took part. Mr Ferris has not shown that he was 'transparent' in his meeting with Mr Beeby.
- 25.4 The previous assurances given to the Licensing Committee about his conduct were shown to be worthless, particularly as he had already been passing 'inside information' and stopping horses by the time he was interviewed by the Licensing Committee on 18 May 2004 and went on to do so again. As stated by the Chairman of the Licensing Committee on 20 October 2006 the problem is Mr Ferris' attitude to the Rules of Racing and the laws of the land.
- 25.5 Paragraphs 29.1, 29.4 and 29.5 in particular are engaged by Mr Ferris' misconduct. He was also not candid in his dealings with the Licensing Committee in 2004 and 2006 because he was saying he was a reformed man but he was not, in view of the misconduct that later came to light in the disciplinary enquiries of 2007. He told the Licensing Committee in 2006 that he had reformed but he had not done so.

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<sup>15</sup> The Decision and Reasons of 4 March 2011.

- 25.6 His drinking still gives cause for concern. First, there were the broken assurances given to the Licensing Committee on 18 May 2004 in particular. Second, despite the contents of the Licensing Application in which he declared that he had not received treatment or counselling for any condition related to alcohol consumption in the previous 5 years, in Mr Ferris' letter to Mr Allday he refers to his having attended Alcoholics Anonymous "*many times*" and in the discussions with the Committee he accepted that he had attended Alcoholics Anonymous after his conviction in 2009. Furthermore, there is a want of evidence in respect of treatment, ongoing support or counselling.
26. Mr Blake responded on behalf of Mr Ferris with oral submissions, which included the following, -
- 26.1 He accepted the principle decided in respect of the preliminary issue in *Lynch 1*.
- 26.2 However, there were a number of points relevant to the public interest, which have the result that in this case the principle referred to by Mr Naylor in his submissions (i.e. paragraph 25.1 above) should not be applied so as to render Mr Ferris an unsuitable person to hold a licence and why, whether or not that principle is applied, the public interest considerations should not count against Mr Ferris.
- 26.3 First, a licence, were one to be granted to Mr Ferris, would give him no more than an opportunity to race ride. Owners and trainers can make up their own minds as to whether or not they want Mr Ferris to ride for them. If they disapprove of Mr Ferris' licensed status there are plenty of other jockeys available. Next, the penalties of disqualification for the breaches found by the Disciplinary Panels in 2007 sent a clear message to the racing world that this type of conduct was completely unacceptable. That said, Mr Ferris was not given a lifetime ban and the racing public and the racing community should be assumed to bear that in mind. He was not told to go away and never to re-apply for a licence.

- 26.4 Furthermore, it will have been 7 years not 5 years, in which Mr Ferris has been unable to participate in the sport by reason of those breaches of the Rules of Racing.
- 26.5 Mr Ferris' wrongdoings are completely accepted by him and the interviews he gave to the media in 2007 were stupid and irresponsible and those who remember them now will think that that is what they were. They would not think that he literally meant to burn down the Jockey Club.
- 26.6 Mr Ferris can be given a Temporary Licence if need be, and in any event one circumscribed by conditions including but not necessarily limited to random breath-testing for alcohol and inspection of his mobile phone records. In that way, public confidence can be protected.
- 26.7 It is accepted that a return to race riding will bring with it the stresses of having to perform. However, Mr Ferris' hard work in the building business and in riding since 2008, with the positive references before the Committee which make no mention of alcohol misuse or work absences, are matters which carry considerable weight.
- 26.8 All in all, the Committee should accept Mr Ferris' position that he is now a changed man and is a suitable person to hold a licence.
27. Mr Naylor's further written submissions were largely confined to the correct legal approach that the Committee should adopt. He submitted that other decisions of the Licensing Committee were not of much assistance save insofar as they indicated the correct approach in principle. Each case was different and it is for the applicant, Mr Ferris in this case, to establish that he is a suitable person to hold a licence. He concluded by stating that the BHA's position was that Mr Ferris might never be suitable to hold a Jockey's Licence but that this was not a question that needs to be decided on the present application.

### **Discussion and findings**

28. The following is a chronological summary of the basic facts, as the Licensing Committee finds them to be. Mr Ferris is now aged 33 (32 at the date of the Licence Application). He held various Jockey's Licences from 24 August 2001 until 20

October 2006, when his Jockey's Licence was withdrawn on the ground that he was not a fit and proper person to hold a licence. He had 1783 rides, with 140 winners as a professional (Apprentice and Flat) Jockey. His disciplinary record in horseracing to 31 August 2006 is as set out in Annex A to this Decision and Reasons.

29. In February 2004 he was convicted at Mildenhall Magistrates Court of dangerous driving, driving without a licence and driving with excess alcohol in his blood. He was sentenced to 4 months' imprisonment for dangerous driving, 2 months' imprisonment for driving with excess alcohol and banned from driving for 2 years. On 18 May 2004 he appeared before the Licensing Committee in view of those convictions and as a result of a particularly bad disciplinary record for breaches of the Rules of Racing, with a very large number of whip offences in particular. The concerns expressed by the Committee to Mr Ferris at the outset of the hearing were that he did "*not appear to treat any rules with the appropriate respect*" and that his conviction and breaches of the Rules "*demonstrate[d] an unsatisfactory attitude and appalling lack of judgment.*"
30. On 26 June 2006<sup>16</sup> he pleaded guilty to a charge of assault (wounding) at Bury St. Edmunds Magistrates Court and was sentenced to 26 weeks' imprisonment, suspended for 2 years. Excess drinking played a part in that offence. Following a urine analysis and breathalyser tests from Mr Ferris at Salisbury racecourse on 31 August 2006 he was stood down from racing for the day.
31. The Licensing Committee withdrew Mr Ferris' licence at a hearing on 20 October 2006 on the ground that he was not a 'fit and proper person' to hold a licence. The reasons for that decision included his "*attitude to the Rules of Racing and the laws of the land and [his] response to them*".
32. In February 2007 Mr Ferris was convicted of causing criminal damage at Bury St. Edmunds Magistrates Court and sentenced to 3 months' electronically monitored curfew. The Letter of Objections stated that this conviction was in October 2006. However, the document to which the letter refers, an article from the Racing Post, indicates that the date was in February 2007. Excess consumption of alcohol also played a part in this offence.

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<sup>16</sup> The date and the charge of assault have been taken from Eversheds' (solicitors), acting at the time for Mr Ferris, letter of 9 November 2006 to the Chairman of the Appeals Board.



33. On 16 February 2007, as a result of the first disciplinary enquiry (see paragraph 12 above) he was found to have acted in breach of Rule 243 in relation to 4 rides, 3 of which took place in 2003 and one of which, 'CLAPTRAP' he had ridden as a 'non-trier' on 21 November 2003. He had deliberately failed to ride 2 of the horses on their merits to ensure the success of lay bets. He was found to have misled investigators by saying that he did not know Ian Nicholl when he did, in breach of Rule 220(viii) in March 2004 and December 2005, at interviews. The details of the breaches found are set out in the Result and Reasons of the Disciplinary Panel published on 16 February 2007.
34. On 20 April 2007, as a result of the second disciplinary enquiry (see paragraph 13 above) he was found to have acted in breach of Rule 243 by passing 'inside information' to a Mr Ajaz Khan ('Mr Khan') in relation to a number of races. The 5 races where he rode to lose took place on 1 December 2004, 31 December 2004, 4 January 2005, 12 January 2005 and 1 February 2005. He also acted in breach of Rule 241(i)(b) when giving obstructive answers to questions in interview by investigators. He did not attend that inquiry for the reasons he has given. The details of the breaches found and the accompanying findings of fact are set out in the Disciplinary Panel's written Reasons for Decisions published on 20 April 2007.
35. In May 2007 Mr Ferris was accurately quoted in the *Cambridge Evening News* as having said that, "*I would like to burn down the Jockey Club*". His position at that time was one of indignation at the way he considered that he had been treated by horseracing's regulator in view of what he saw as the less severe penalties given to others who had participated in the betting schemes and passed 'inside information'.
36. In 2009 Mr Ferris was convicted of drink driving at Bury St. Edmunds Magistrates Court and was disqualified from driving for a period of 3 years, which was subsequently reduced to 2 years and 3 months after he successfully completed a course of rehabilitation.
37. On 4 March 2010 Mr Ferris wrote to the BHA's Licensing Committee putting on record his 'regret and sincere apologies' for his rule breaches and general behaviour. Since that time he has participated voluntarily in 2 interviews with representatives of the BHA's Security Department. He has written further to the Licensing Committee apologising for his conduct and expressed a wish to re-enter the sport.

38. In the period since his disqualification Mr Ferris rode in several unlicensed races, known as 'flapping races', in Scotland and Ireland. He has been in regular employment since 2008. He has worked in the building industry and in riding out roles. He is now in a senior riding out role with Mr Guest, for whom he has worked since 2012. The references and testimonials from his employers are supportive of Mr Ferris and refer to no absences from work or alcohol issues.

**Suitability: the assessment**

39. The Licensing Committee in its decision in *Lynch 1* decided that,<sup>17</sup> -

*"45. .... This Committee can decide that an applicant should not be granted a jockey's licence because he is not a suitable person regardless of any insight, contrition, rehabilitation or matters of mitigation because of the very serious and dishonest breaches of the Rules of Racing committed by him in the past."*

The Licensing Committee also stated that, -

*"21. ... In our decision the test of suitability includes (when this is relevant to the facts because of past serious breaches of the Rules) satisfying the requirement that the grant of a licence to the applicant concerned will not be prejudicial to the reputation of, and public confidence in, horseracing in this country irrespective of current personal qualities.*

*22. We reach that decision on construction because that is part of the nature and meaning of suitability within the context of an application to be a jockey. The licence is applied for in order to race before the public who should be able to trust the sport as one that is operated and performed honestly, to the best of the ability of those involved and without ulterior motive. The need for that trust is not only to protect the reputation of the sport as a sport, it also arises because very substantial sums are at risk through betting. The betting industry and those who bet rely upon such performance by (amongst others) the jockeys. In addition account must be taken of the fact that honest owners will not participate and invest in a business that is seen or perceived to be corrupt. There is also the issue of the effect a decision may have upon other licensed jockeys. For example, its relevance to their roles as jockeys and to their assessment and understanding of the administration of the sport in which they race. It is essential to preserve the integrity of horse racing. It follows that in assessing suitability, the Committee can and should consider public reputation and public confidence in its own right.*

*23. As a result, as a matter of construction of the term "suitable", if past conduct means that such reputation and confidence may be damaged irrespective of current qualities of the applicant, the Licensing Committee may consider that the applicant is not suitable notwithstanding his personal qualities.*

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<sup>17</sup> Decision and Reasons of 26 January 2011, [45].

25. ... the Guidance [i.e. the Guidelines] should not be read as meaning that current honesty and integrity of the applicant is synonymous with suitability and that therefore the Committee is concerned with public reputation and confidence purely in the context of the applicant's personal qualities. Honesty and integrity are factors to be taken into account when applying the test of suitability. However, the test of suitability also includes asking whether the grant of a licence to the particular applicant will have adverse consequences for the public reputation of and confidence in the sport. One of the purposes of the decision whether to grant a licence is to assess whether that reputation and confidence will be adversely affected or not."

40. The Guidelines require us to make an overall assessment of Mr Ferris and to make a judgment as to whether he is a suitable person to hold a Jockey's Licence, bearing in mind the particular (non-exclusive) factors set out in paragraph 29. In *R v Crown Court at Warrington, ex parte RBB* [2002] 1 WLR 1954, Lord Bingham stated (at p. 1960) that the expression 'fit and proper' is -

*"directed to ensuring that an applicant for permission to do something has the personal qualities and professional qualifications reasonably required of person doing whatever it is that the applicant seeks permission to do."*

For the reasons given by the Licensing Committee in *Lynch 1* and *2* the test of suitability also includes considerations of what we shall refer to as 'the interests of racing', to which we shall return.

41. We start with our assessment of Mr Ferris. Standing back, we bear in mind the picture presented during the time when he was a licensed Jockey; that is from the time when he was first licensed as an Apprentice Jockey on 24 August 2001 until the withdrawal of his licence on 20 October 2006. We bear in mind his disciplinary record and his misconduct off the racecourse in the form of 2 sets of criminal convictions, followed by his conviction for criminal damage in February 2007. The low point of his on-course misconduct by some distance was the riding of his mounts to lose in 7 races on dates in 2003, 2004 and 2005 in pursuit of corrupt betting arrangements; conduct for which he agreed to accept a reward. It is his stopping of horses which is of the greatest importance in the context of the integrity required of a licensed Jockey. In *Lynch 2*, the Licensing Committee stated at [46], -

*"There is no doubt that the "stopping" of a horse by a jockey to prevent it performing to its best ability in order to fix a race is considered by the racing community to be one of the most heinous offences that can be committed. It is fundamentally wrong and an act that should never even be contemplated by a jockey. It is dishonest. It is a fraud on those who have bet on the race, upon the other owners, trainers and jockeys of horses racing, upon the race course owners and upon the sport itself."*

We agree with those observations.

42. We refer to Mr Naylor's submission that there is a high onus on Mr Ferris to persuade us that his integrity is now intact and to be relied upon. The reasons for the high onus for which he contends are explained in *Lynch 2* as follows –

*"49. It is true that this [stopping a horse and thereby committing a dishonest act] makes it very difficult for a person with such a past offence to present a case as a reformed character. However, it is right that it should be so for four reasons. First, because of the existence of that flaw in character in the context of requiring honesty and integrity. Second, because it can be very difficult to assess declarations of apology and of future intention. It is one thing to be able to say that one is reformed and will not commit such an offence when applying for a licence, it is another to establish that the flaw will not be resurrected should circumstances occur that will lead the applicant into temptation. There should be a high onus upon the applicant who claims reform because of the very serious flaw in character identified in the past and the consequential risk of recidivism should temptation arise. ...."*

43. Mr Ferris as the applicant for a licence bears the burden of establishing that he is a suitable person to hold a licence: see paragraph 10 above. We agree that the approach taken in paragraph 49 of *Lynch 2* should be applied to this application, in view of the lack of integrity involved in his deliberately riding the 7 horses to lose, with the prospect of reward for the passing of 'inside information' to facilitate corrupt betting schemes. His decisions to ride to lose those races showed a lack of integrity and a fundamental flaw in his character. The stopping of the horses in the circumstances found by the 2 Disciplinary Panels in 2007 were the most serious of what were very serious breaches of the Rules of Racing, the gravity of which we also bear in mind.
44. We do not read the high onus referred to in *Lynch 2* as implying a standard of proof higher than the balance of probability, which is the appropriate standard: paragraph 22, Part 2 of Schedule 9.
45. There are a number of positive developments with respect to Mr Ferris' character. He has demonstrated some significant insight into the seriousness of his misconduct on and off the race-course. He has apologised to the BHA for his misconduct and is genuinely ashamed of the behaviour that took him before the criminal courts, the Disciplinary Panel of the HRA and the Licensing Committee. We consider that he has been honest with the Committee and that he honestly believes that he has reformed. In other words, we accept that the contents of his 3 letters do reflect a genuinely held

belief on the part of Mr Ferris that he has changed.<sup>18</sup> We also give some weight to his positive demeanour and attitude as it came across at the hearing. There is some merit to his point that his dishonest participation on the betting schemes was more than 8 years ago, when he was a young man in his early twenties. By contrast, he is now a man of 33.

46. He has taken a pro-active approach with the BHA and has sought to engage actively with it as racing's regulator, as evidenced by the letters to Mr Allday and Mr Russell and in the way he has made this application. He has also offered to submit to stringent conditions to enable the BHA to monitor his conduct under a Temporary Licence. There is no evidence that there have been any issues with his drinking for nearly 5 years. He disclosed the existence of criminal convictions when he applied for his licence. He has also offered to submit to stringent conditions that could be used to police his integrity in particular, were a licence to be granted.
47. He voluntarily met members of the Security Department and gave them further information about the circumstances which led to his breaches of the Rules of Racing with which the 2 enquiries in 2007 were concerned. We cannot conclude, as we have been invited to by him, that he has been wholly transparent and forthcoming on those matters. The evidence does not permit us to draw a conclusion either way. We do not take this as a matter adverse to Mr Ferris as Mr Naylor submitted was the appropriate conclusion to draw. We view it as a matter in Mr Ferris' favour that he did participate in those meetings voluntarily and we are prepared to assume for the purposes of this application (but make no finding) that the information he did supply was complete.
48. The references Mr Ferris relies on, as well as his work record, also constitute some evidence of a change of substance, being some evidence of (among other things) a respect for authority. We also attach no significance to his participation in the 'flapping races' and commend his recognition that it was inappropriate for him to have participated in them. The BHA has not shown why this was a breach of the Rules of Racing on the part of Mr Ferris. We also accept that Mr Ferris now has a sufficient grasp of the concept of what has since come to be defined as Inside Information and of what his responsibilities as a licensed Jockey would be with respect to that information and generally as to integrity, were he to be granted a licence. Furthermore, he has not complained in public about the time that it has taken

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<sup>18</sup> We also believe that Mr Ferris was truthful when making the other statements he did in those letters.

for the question of his licensed status to be resolved. We have taken all these matters into account and generally all the matters written and said by Mr Ferris and on his behalf in this application.

49. However, we are not satisfied that Mr Ferris' integrity would remain intact if it were challenged again in a racing environment. Although there is some objective evidence of reform, much of his case relies upon assertion. As stated in *Lynch 2* it is inherently difficult to assess declarations of future intention in circumstances where a serious flaw in a person's character has been shown to exist as to honesty and integrity. One of the references refers to him as "*trustworthy*", another to being "*a very different person these days*", several attest to his horsemanship and variously say that he "*appears to show a more mature approach*" and has been reliable as an employee. Another reference states that, "*we have no hesitation in recommending him for any future role he may pursue.*" However, there is no example either in these references or that has been put forward by Mr Ferris of any instance where his integrity has been challenged or where he may have been tempted, and where his honesty or integrity were put to the test; and if so, what he did. In view of the nature and content of the references, therefore, they are of limited assistance.
50. This is not the first time that a regulatory panel of horseracing has been given assurances as to Mr Ferris' future conduct. When he appeared before the Licensing Committee on 18 May 2004, assurances were given by Mr Blake on Mr Ferris' behalf that his attitude would change. Mr Blake told the Committee that, "*Fran's life from now on is all about rehabilitation*" and in answer to the suggestion that the pattern of his breaches of the Rules of Racing was unusually bad, he said, "*but the key thing would be: has Fran learned from that?*" Mr Ferris accepts that the Licensing Committee was right to withdraw his licence on 20 October 2006. His licence was withdrawn in view of his conduct after his appearance before the Licensing Committee on 18 May 2004 set against the background of the matters which had brought him before the Licensing Committee on that previous occasion.
51. However, most significantly for the purposes of his honesty and integrity, Mr Ferris went on to commit the breaches of Rules 157 in particular with which the second enquiry was concerned after those statements as to his rehabilitation had been made to the Licensing Committee on 18 May 2004. The first of those subsequent races took place on 1 December 2004, when he rode COCO REEF. Thus, the statements as to Mr Ferris' rehabilitation were, in the event, not only proved worthless but were the precursor to the commission of (further) breaches of the Rules of Racing of a

completely different order of magnitude to the ones which had brought him before the Licensing Committee on 18 May 2004.<sup>19</sup>

52. We also bear in mind the ease with which Mr Ferris was prepared to throw away his integrity (in 2003), as borne out by the explanations he gave to the Committee. It took only 2 approaches from fellow jockeys before he was able to convince himself that he would be prepared to ride a horse to lose. We also take into account that in deciding to ride horses to lose Mr Ferris gave himself the excuse that the horses would not have won anyway as a justification which he gave to himself at the time for acting dishonestly. This is troubling, because it gave Mr Ferris a vehicle for overcoming his sense of integrity. Whatever he thought of the merits of the horse, that view would not necessarily have been shared by all the betting or race-watching public. He accepted that at least initially he did not consider that he was doing anything wrong. Soon after that, he says that he knew what he did was wrong but the impression we were left with was that he either did not want to cease or did not do so because of the threats he says he received. It is not clear which. Either way, this is also very troubling. He also misled and obstructed investigators inquiring into the corrupt betting arrangements so as to cover up his dishonesty. In all those circumstances we are concerned that Mr Ferris' integrity is capable of being easily compromised.
53. Mr Ferris' previous attitude to the requirements of honesty and integrity does not stand alone. It was allied to conduct which showed a total disregard of the Rules of Racing on the course and further conduct by which he committed serious criminal offences off the racecourse. Mr Ferris says that his criminal behaviour took place some years ago. However, the fact that he was convicted of drink driving in 2009, when aged 28, causes concern. In general, his history of a lack of regard for rules and the law indicated a profound lack of judgment and self-control. The fact that the criminal offences were drink-related does not provide much comfort either. All these matters have added to our concerns about the depth and strength of Mr Ferris' integrity, despite the positive evidence of the past 5 years.
54. Our concerns are increased by further concerns about his drinking. Assurances were given by Mr Ferris to the Licensing Committee on 18 May 2004 that his drinking had been cut back, particularly as he had a full time job whereas before that, he told the Licensing Committee, he had had more free time. He has said similar things to the

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<sup>19</sup> Although Mr Ferris had already thrown races by the time of that hearing (the first enquiry of 2007), the statements made as to rehabilitation related in substance to his future conduct and we found no statement sufficiently clear to amount to a misrepresentation by Mr Ferris or by Mr Blake on his behalf.

Committee on this occasion: working a 6 day week and drinking occasionally. Whereas we note the period of nearly 5 years where there have been no reported incidents with alcohol, we agree with Mr Naylor that the absence of any up-to-date independent evidence from a third party constitutes a lack of evidence on an important matter.

55. In view of the previous inaccurate forecasts as to drinking given in 2004 and 2006, the Committee does not feel able to accept the assurances given to it by Mr Ferris on this application, unsupported as they are by the sort of independent evidence referred to by Mr Naylor. The evidence is also not convincing. He refers to his "*abstinence*" from alcohol in his letter of 4 March 2010 to Stephen Allday, the July Letter stated that his drinking was "*under control*" and he told the Committee that he does have the odd drink at weekends. We were also troubled by the unexplained contents of the letter from Mr Ferris' GP as to his apparent denial of binge drinking in 2009. We do not find that he was binge drinking but the suggestion that he was and his denial of it are unexplained.
56. To conclude our assessment of Mr Ferris, once race riding would he ignore any temptations that came his way? Although we accept his sincerity, in view of the considerations we have expressed, the Committee is unconvinced of the strength and depth of his integrity and consider that there is a risk that, if granted a licence, he would fall into temptation and commit breaches of the Rules of Racing concerned with integrity.
57. In view of the conclusions we have come to, we find that the following paragraphs of the Guidelines are engaged:-
- 57.1 Mr Ferris has demonstrated a profound lack of honesty and integrity, in particular by stopping horses, providing 'inside information' for reward in furtherance of corrupt betting schemes and subsequently trying to cover up his involvement by obstructing investigators. These matters engage paragraphs 24, 26 and 29.4.
- 57.2 Paragraph 29.1: commission of the criminal offences in 2004, 2006, 2007 and 2009, those in 2006 and 2007 involving violence.
- 57.3 Paragraph 29.4: Mr Ferris' record of compliance with the regulatory requirements of the BHA's predecessors has been lamentable and the



breaches found in the disciplinary enquiries of 2007 were extremely serious and in the case of stopping horses, heinous.

57.4 Paragraph 29.5: Mr Ferris was not candid, open or truthful with the HRA by reason of his breaches of Rules 220(viii) and 241(i)(b).

57.5 Paragraph 29.8: Mr Ferris has not observed the Integrity Provisions, in breach of the requirements of paragraphs 32.1, 32.3 and 32.5 of the Guidelines by reason of his established breaches of Rule 243 as found by the Disciplinary Panels in 2007.

57.6 Mr Ferris has engaged in conduct and there are circumstances which rendered him susceptible to pressure from persons seeking to corrupt horseracing. There is a significant risk of his engaging in such conduct in the future and hence he may engage in such conduct.

58. We now turn to the wider issues concerned with the interests of racing, which are also relevant to an assessment of suitability. We refer to the observations made by the Licensing Committee in *Lynch 2*: see paragraphs 30, 31, 33, 46, 47, 81 and 91 (last 3 sentences) insofar as they identify matters of principle. We agree with those observations. These refer to (among other things) the essential importance of maintaining public confidence in the reputation of the sport in the face of dishonest conduct which strikes at the heart of racing. Mr Ferris' conduct was of exactly such a nature. We do take into account all the matters to which Mr Blake and Mr Ferris have referred about the wider interests of racing and the various arguments advanced by them in connection with those interests.<sup>20</sup> However, there is every danger that the grant of a licence to Mr Ferris will result in damage to the reputation of horseracing.

59. Stakeholders, be they members of the betting public, racecourse owners, horse owners, trainers or other jockeys are likely to believe that they can have no confidence in any race in which Mr Ferris is participating in view of his past history. Mr Blake says that owners and trainers are free to not use Mr Ferris' services. However, he is a very competent rider. The letters from Mr Guest and John Ryan relied on by Mr Ferris show that it is all too likely that owners will want to use his services again were he to be granted a licence. All stakeholders in racing are entitled

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<sup>20</sup> The point about 'serving time' is that it is a factor to take into account but the issue is suitability.

to expect that those who are licensed as jockeys are wholly trustworthy and without a history that leaves any question marks over their integrity while racing. The concerns about races in which Mr Ferris might participate were he to be granted a licence would not be the end of the matter. There is an obvious resulting danger that public confidence in racing generally would be undermined: that the racing public and other stakeholders, as well as jockeys and trainers would all draw more general adverse conclusions about the integrity of horseracing were Mr Ferris to be licensed to race.

60. We are not comforted by the possibility of impromptu inspections of mobile phone records, for example. A rider who wishes to succumb to temptation can use an undisclosed mobile phone. We agree with the observation in *Lynch 2*<sup>21</sup> that it is not possible to establish safeguards to prevent a relapse into dishonest conduct (i.e. recidivism) where a jockey's integrity is in doubt.
61. We are conscious of the ramifications of a decision to refuse a licence, the result being that a restriction will be placed on Mr Ferris preventing him from earning a living in his chosen trade in this jurisdiction. We also bear in mind Mr Ferris' age and have very much in mind that there will be few years of racing left available to him. We also bear in mind, however, that the refusal of a licence would not be a disqualification preventing him from entering onto (and working) at licensed premises including a licensed yard. There is also the possibility of riding in another jurisdiction, but we bear in mind that an adverse decision on this application may compromise an attempt to work abroad. There was no evidence before us on these matters.
62. In view of these matters and in all the circumstances, we conclude that the restriction that would arise from the refusal of a licence in the case of Mr Ferris would be reasonable, in pursuit of a legitimate aim and amounts to a proportionate regulatory response to the facts as we have found them to be.
63. Accordingly, we conclude that Mr Ferris is not currently a suitable person to hold a Jockey's licence. Therefore, we refuse his application for a licence.
64. We have decided this application on its own merits, bearing in mind the points of principle arising from other decisions of the Licensing Committee, so far as appropriate.

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<sup>21</sup> Paragraph [49].

65. In view of the conclusions we have reached, it has not been necessary to decide whether or not Mr Ferris's conduct is such as to prevent him from ever holding a Jockey's Licence, i.e. regardless of any insight and other matters personal to Mr Ferris.

Dated 29 July 2014

A handwritten signature in black ink, appearing to be 'Stephen Bate', written in a cursive style.

Stephen Bate

for the Licensing Committee

Annex A to the Decision and Reasons of the Licensing  
Committee of 28 July 2014 concerning an application for a  
Jockey's Licence by Francis Ferris

Disciplinary Record in Horseracing of Mr Francis Ferris to 31  
August 2006

People Details Report

Run Date: 12/11/2013  
Run Time: 14:05

F. P. FerrisJockey Details

Rider Style: Francis Ferris  
Address: see Racing Address (above)  
Age: 32

Rule (F)140 to Rule (F)143 Claims:

Appr: Flat: Cond: Jump: Amat v Pro: Amat v Amat:

Medical Book:

Issue Date: 24/08/2001

Career Rides: 1783

Jockey Licence History (All)

	Type	Issued	Valid Until	Early Finish	Licence	Weight	Trainer
Flat	18/03/2006	17/03/2007	With 20/10/2006	19	7:03	N/A	
Flat	01/10/2005	17/03/2006		120	7:03	N/A	
Flat	01/07/2005	30/09/2005		107	7:03	N/A	
Flat	22/03/2005	30/06/2005		76	7:03	N/A	
Appr	03/11/2004	17/03/2005		198	7:12	Mr P. S. McEntee	
Appr	16/08/2004	17/03/2005	Rel 29/10/2004	167	7:09	Mr M. H. Tompkins	
Appr	19/05/2004	15/08/2004		137	7:09	Mr M. H. Tompkins	
Appr	19/02/2003	17/03/2004	Rel 15/02/2004	4	7:05	Mr P. S. McEntee	
Appr	18/03/2002	17/03/2003	Rel 26/10/2002	48	7:00	Mr P. D. Evans	
Appr	24/08/2001	17/03/2002		183	7:03	Mr P. D. Evans	

Jockey Performance Summary

From: 24/08/2001

To: 20/10/2006

## RUNNERS

	Flat	Steeple	Hurdle	NHF	Hunter Chase	All
Runners	1,790	0	0	0	0	1,790
First	131	0	0	0	0	131
Second	118	0	0	0	0	118
Third	133	0	0	0	0	133
Fourth	142	0	0	0	0	142
Other	18	0	0	0	0	18
Total	542	0	0	0	0	542

## PRIZE MONEY

	Flat	Steeple	Hurdle	NHF	Hunter Chase	All
First	544,406	0	0	0	0	544,406
Second	189,829	0	0	0	0	189,829
Third	95,502	0	0	0	0	95,502
Fourth	40,422	0	0	0	0	40,422
Other	12,001	0	0	0	0	12,001
Total	882,160	0	0	0	0	882,160

Disciplinary History

From: 24/08/2001

To: 20/10/2008

Date	Crse	Offence	Result	Disc/Appeal	Also	Animal
31/08/2006	J SAL	Failure of Alcohol Test	referred			n/a
30/08/2006	J LIN	Ri to Draw	1 day			Auction Oasis
26/08/2006	J WDR	Whip	2 days			Tibinta
22/06/2006	J WOL	Careless	2 days			Jakarmi
16/06/2006	J CHP	Rule 156	no Breach			Mannello
12/06/2006	J FOL	Careless	1 day			Xaar Breeze
27/05/2006	J NKT	Careless	caution			Signor Peltro
03/05/2006	J NOT	Careless	4 days			Real Chief (IRE)
27/03/2006	J WOL	Careless	1 day			Indian Edge
13/02/2006	J WOL	Careless	caution			Jakarmi
13/02/2006	J WOL	Careless	1 day			Jakarmi
13/02/2006	J WOL	Ri to Draw	1 day			Jakarmi
04/01/2006	J WOL	Careless	2 days			Carcinetto (IRE)
05/12/2005	J LIN	Careless	1 day			Danielle's Lad
29/11/2005	J LIN	Careless	2 days			Boot 'n Toot
04/10/2005	J LEI	Whip	no Breach			Cyfwys (IRE)
10/09/2005	J WOL	Careless	4 days			Carcinetto (IRE)
02/08/2005	J BTN	Whip	caution			Cyfwys (IRE)
16/07/2005	J LIN	Careless	caution			Valentino Swing (IRE)
09/07/2005	J NOT	Careless	1 day			Branston Penny
26/05/2005	J BTH	Careless	caution			Corrib (IRE)
20/05/2005	J GWD	Careless	1 day			Establishment
16/03/2005	J WOL	Ri to Draw	referred	07/04/2005 R Ri to Draw 7 days		Granary Girl
18/02/2005	J WOL	Whip	2 days			Ffizzamo Go
12/01/2005	J LIN	Careless	4 days			Lady Pekan
30/12/2004	J LIN	Accidental	no Breach			Risk Free
27/12/2004	J WOL	Careless	caution			I'm Aimee
27/11/2004	J WOL	Ri to Draw	1 day			Saturday's Child (FR)
19/09/2004	J HTN	Ri to Draw	1 day			Rainbow Iris
14/09/2004	J SAL	Rule 158	caution			Hazewind
06/09/2004	J BTH	Careless	1 day			Naughty Girl (IRE)
16/08/2004	J BTN	Careless	2 days			Maneki Neko (IRE)
07/08/2004	J NKT	Ri to Draw	1 day			Piddies Pride (IRE)
13/07/2004	J BTN	Whip	no Breach			Theatre Lady (IRE)
13/07/2004	J BTN	Careless	1 day			Theatre Lady (IRE)
07/06/2004	J WDR	Ri to Draw	1 day			Lady Pekan
29/05/2004	J MUS	Careless	caution			Connect
05/01/2004	J WOL	Rule 158	1 day			Present 'n Correct
21/11/2003	J WOL	Rule 158	8 days			Claptrap
17/10/2003	J BTN	Careless	6 days			Landing Strip (IRE)
15/08/2003	J NKT	Whip	referred	21/08/2003 R Whip 20 days+D(6)		Let's Party (IRE)
10/08/2003	J WDR	Whip	2 days			Miss Champers (IRE)
09/08/2003	J HAY	Whip	3 days			Nashaab (USA)
28/07/2003	J YAR	Whip	2 days			Santa Catalina (IRE)
24/06/2003	J BTN	Careless	1 day			Docklands Brian
23/06/2003	J WDR	Whip	5 days			Peggy Lou
21/06/2003	J WAR	Whip	2 days			Danifah (IRE)
19/06/2003	J SWL	Rule 156	21 days			Claptrap
16/06/2003	J MUS	Careless	3 days			Tbm Can
27/05/2003	J RED	Ri to Draw	no Breach			One Way Ticket
10/04/2003	J BTN	Careless	3 days			Deewaar (IRE)
11/03/2003	J SWL	Whip	3 days			Safranine (IRE)

02/10/2002 J SAL Whip	3 days+(3)			Splash Out Again
12/09/2002 J DON Whip	referred	26/09/2002 R Whip	15 days+D(3)	Deceitful
20/08/2002 J HTN Whip	3 days			Top of The Class (IRE)
19/08/2002 J BTN Minor Irr	2 days			Theatre Lady (IRE)
20/07/2002 J LIN Improper	referred	01/08/2002 R Improper	7 days	Violent
11/06/2002 J RED Rule 158	caution			Eibh'n Abbie
11/05/2002 J THK Whip	3 days			Little Brave
11/05/2002 J BEV Minor Irr	3 days			Tishomingo
02/05/2002 J RED Careless	caution			Royal Axminster
02/04/2002 J SWL Whip	Spoken to			Indian Sun
01/04/2002 J NOT Whip	2 days			Lucky Jacasa
12/03/2002 J SWL Whip	2 days			Robbies Dream (IRE)
25/02/2002 J WOL Careless	2 days			Ron's Pet
21/01/2002 J WOL Whip	3 days			Eibh'n Abbie
05/11/2001 J RED Whip	2 days	T		Deceitful
24/09/2001 J LEI Whip	2 days			Bedevilled
12/09/2001 J GWD Careless	1 day			Brilliant Red
27/08/2001 J WAR Whip	no Breach			Bedevilled

\*-----End of Report-----\*