

APPEAL COMMITTEE

IN THE MATTER OF MR. DONOVAN MANSOUR (APPELLANT)

DECISION

1. Following an inquiry held on Tuesday, 05 August 2025, at the premises of the MTC Jockey Club, into an incident in Race 6 of the 'Fashion Heights Duchess of York Cup 2025', the Appellant was found guilty of the offence of reckless riding after having pleaded guilty to the charge.
2. The Appellant was sanctioned by a suspension of 3 race meetings and a fine of MUR 50,000.
3. The Appellant, being aggrieved by the decision of the Racing Stewards, lodged an appeal against both conviction and sentence on 8 grounds of appeal, which read as follows:

A. On Conviction

The Board of Racing Stewards was wrong to have found the Appellant guilty as charged since:

- (i) They erred in law in sustaining a charge of "reckless riding" when the facts relied upon did not disclose conduct amounting to recklessness within the meaning and ordinary usage of that term.
- (ii) They failed to properly direct themselves as to the threshold of "reckless riding" and to identify the elements necessary to constitute the offence under the Rules of Racing.
- (iii) They erred in law in failing to establish the requisite mens rea of recklessness and the conviction of the Appellant on that charge is unsafe in law.

Handwritten signatures and initials in blue ink at the bottom of the page, including a large stylized signature on the left, followed by several smaller signatures and initials, some with a superscript '1'.

- (iv) The plea entered by the Appellant was misinterpreted by the Board of Racing Stewards as an admission of "recklessness" whereas it was, in fact, an acknowledgment of interference only; the elements of "reckless riding" were never admitted.
- (v) They failed to consider that the facts, at most, amounted to "careless riding" and misclassified the offence accordingly.
- (vi) They failed to attach due weight, or any weight at all, to the Appellant's evidence and photographic exhibits demonstrating that he continuously corrected his mount and never angled its head inward with the intention of crossing.
- (vii) They failed to give due consideration to the race dynamics and surrounding circumstances, which at most could amount to an error of judgment but not to "reckless riding".

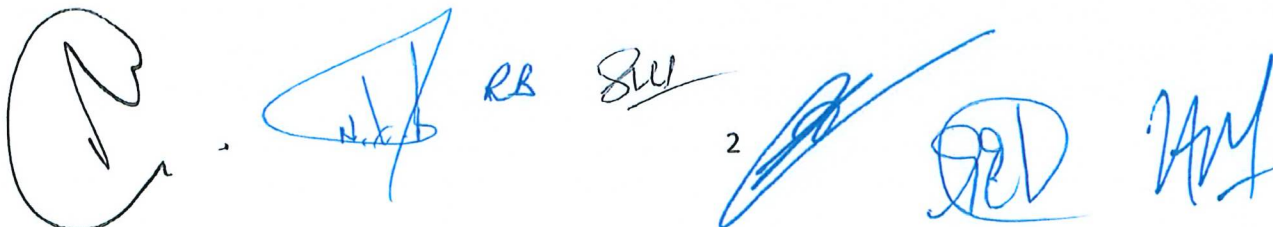
B. On Sentence

- (i) The Sentence meted out against the Appellant is manifestly harsh and excessive in the circumstances.

4. The Appellant was charged under Rule 43.2.5 of the Rules of Racing.

5. The Particulars of the Charge read as follows:

"You, Jockey Mansour, whilst riding Wolf Mountain in race Six of last Saturday's meeting, namely the Fashion Heights Duchess of York Cup; approaching the 1300 metres when racing five horses wide, you angled your mount inwards recklessly when not clear of Itsrainingwilliam, thereby carrying the latter inwards onto William Iron Arm, which became severely cramped for room and had to be badly checked to avoid the heels of Brave Bomber. Thereafter, Brave Bomber was also carried in onto Captain Bombshell, which had to be severely checked and taken out to avoid its heels."



6. At the hearing of this matter, the Appellant was represented by Counsel and the Racing Stewards were represented by Mr. S. De Chalain and Mr. Y. Nazroo. Counsel for the Racing Stewards had asked to be dispensed from attendance.
7. At the outset, the Board asked both sides to enlighten it on the appeal against conviction given that there was a clear and unequivocal plea of guilty by the Appellant in this matter.
8. Having heard both sides on this issue, the Appeal Committee was of the view that, since it is the Appellant's contention that, in law, he was improperly charged with reckless riding, we allowed him to proceed with his grounds of appeal, as it was a matter of law for us to consider at the end.
9. The film of the race in question was viewed by all before us and we had the benefit of the reading of the race more specifically, at the material point where the offence would have been committed, of both by Mr. S. De Chalain and the Appellant. Full latitude was given to both parties to cross-examine each other as well as to bring any other evidence which was relevant in order to allow us to determine and adjudicate upon this appeal.
10. The main contention of the Appellant, in a gist, is that just prior to reaching the 1300 metres post, his horse changed leg and angled inwards and after three strides he took the necessary corrective measures to prevent his horse from cramping the other horses in his inside. The Racing Stewards view was that the Jockey angled his mount when it was not clear from horse Itsrainingwilliam, thereby carrying the latter inwards onto horse William Iron Arm, which became severely cramped for room and had to be badly checked to avoid the heels of horse Brave Bomber. Thereafter, horse Brave Bomber was also carried in onto horse Captain Bombshell, which had to be severely checked and taken out to avoid its heels.
11. The Appeal Committee did notice, whilst viewing the film of the race, that the Appellant never turned his head to see on his inside and if any corrective measures were taken, it was on the fourth stride. During the course of the inquiry, we see that the Appellant stated that he did not see that his horse had changed legs just before the crossing (page 11 of the Proceedings). He also stated that it was not his intention to cross him or to squeeze him (Page 12 of the Proceedings). The Appellant further did not deny that it was tight at that spot (Page 14 of the Proceedings) and he further agreed that Jockey Nunes on Itsrainingwilliam could not do anything but follow him inside (Bottom of page 14 of the

RB

3

Proceedings). At page 16 of the Proceedings, the Appellant, on a question from Mr. S. De Chalain, agreed that he had not left enough room for four horses on his inside.

SDC:

Do you believe you have left enough room for four horses on your inside?

JOCKEY DONOVAN MANSOUR:

No, Sir, I don't.





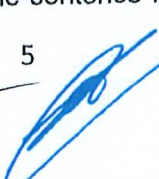


12. Further, at page 18 of the Proceedings, the Appellant agreed to Mr S. De Chalain's contention that when he took corrective measures, it was too late by then, as the damage had already been done.
13. The Appellant at the inquiry agreed after watching the film that it was a tight spot at a "horrible turn" and also that, he had ridden on this track enough times to know that this was a horrible turn.
14. We were asked to view two other films of two other races, where Counsel for the Appellant submitted that there were similar incidents and the respective Jockeys were charged with careless riding and not reckless riding. A photo which was produced at the inquiry stage was also produced before us but suffice it to say that the photo did not bring more to the explanation of the Appellant, as the film of the race in question was the best evidence. Further, during the course of the inquiry, the Jockey agreed that the photo may have been taken after the damage had been done (See Page 20 of the Proceedings).
15. Counsel for the Appellant submitted that, at worst, the Appellant, on his reading of the film, was liable to be charged with careless riding rather than reckless riding to the extent that careless is more an unreasonable lack of care, which may be the case here whereas reckless was a form of a higher risk or a wilful disregard that is the rider knew or ought to have known that his manoeuvre would cause serious interference or rode with disregard to safety or consequences. On the other hand, the Racing Stewards firmly believed that the Appellant was properly charged and his ride had all the ingredients of a reckless ride as he was fully aware that it was a tight spot, he did not take immediate corrective measures and it was more a case of the Appellant trying to take the lead in disregard of the safety of the horses as well as the riders on his inside so much so that there were clipping of the heels and horses had to be checked abruptly and the corrective measures came after the damage

LB

4

had occurred. The Racing Stewards disputed the case for the Appellant that the horse angled in due to a change of leg, which was an external factor to the jockey.

16. The Committee has given full consideration to the reading of the film by the respective parties as well as the submissions and explanations offered before us.
17. The Committee is of the opinion that, taking into account all the circumstances and explanations as well as the submission made before us, the Appellant knew or ought to have known that his manoeuvre was reckless and he ought to have taken evasive actions. We further believe that the Appellant, being a very experienced jockey having ridden many times on the Champ de Mars racecourse, must have fully appreciated the risk of interference. We agree with the reading of the Racing Stewards and we believe that the Appellant understood but ignored the risk. The severity of the incident can be gleaned from the evidence on record inasmuch as at the inquiry, Jockey Schwarz stated that he clipped the heels of the horse Itsrainingwilliam (Page 10 of the Proceedings) and the latter's rider Jockey Nunes stated (page 15 of the Proceedings) that "*after that accident, when he crossed me, my horse straight away clipped his heels and got to the outside... I had to put my two hands to control him because he wanted to go all the way outside ...*". As far as the corrective measures are concerned, it is clear that any corrective measures came almost four strides after and this is different from what the Appellant had maintained all throughout the initial inquiry where he repeatedly said that he tried to correct it straightaway (Page 5, twice on page 12 and page 17 of the Proceedings). It is quite clear that the manoeuvre of the Appellant was of a dangerous level as four jockeys riding on his inside, namely Jockeys Perez, Ramsamy, Schwarz and Nunes, said that they received pressure from the outside and became cramped and their mounts did or nearly did clip heels (This is very evident from the film shown to us). As far as the two other films showed to us at the request of the Appellant, we do not believe the incidents are like for like and at any rate, they are *ex post facto* to the race in question and do not add more to the explanations of both sides.
18. In the circumstances, we do not believe that this is a fit and proper case for us to say that the Appellant was wrongly charged in law. We are of the view that he was properly charged with reckless riding and he pleaded guilty unequivocally to this charge. In the circumstances, we set aside the appeal against conviction.
19. With regards to sentence, we are of the view that in light of the seriousness of the interference that occurred on that day, the sentence imposed by the Racing Stewards is

    5   

not manifestly harsh nor excessive and we find no reason to disturb the sentence imposed. Also, we were also not asked by the Appellant to consider anew the severity of the sentence should he be found guilty of reckless riding.

20. The Appeal is therefore set aside by unanimous decision of all the members of this Appeal Committee.

Mr N. Ramburn GOSK SC
Chairman

Mr R. Bhookhun
Member

Mr G. Etienne
Member

Dr. A. Atchia
Member

Mr. H. Maigrot
Member

Dr. T. S. Mohadeb
Member

Mr. H. K. Ramasawmy
Member

03/09/25

APPEAL COMMITTEE