

GAMBLING REGULATORY AUTHORITY APPEAL COMMITTEE

IN THE MATTER OF THE APPEAL OF:

JOCKEY TEJASH JUGLALL

Appellant

v.

THE BOARD OF STIPENDIARY STEWARDS (HORSE RACING INTEGRITY DIVISION)

Respondent

Appeal against the decision of the Board of Stipendiary Stewards of 19 May 2026, convicting the Appellant of a breach of Rule 414(a) of the Rules of Racing 2026, in respect of the ride given to Alpine Challenge in Race 4 of the 3rd Race Meeting of 16 May 2026, and imposing a suspension from riding in races for 12 race meetings. Heard: 9 July 2026

Present:

T. Juglall, Jockey

Y. Jean Louis, for the Horse Racing Integrity Division M.

Hassamal, Barrister, for the Appellant

S. De Chalain, Chief Stipendiary Steward, called and examined

JUDGMENT OF THE APPEAL COMMITTEE

INTRODUCTION

1. On 16 May 2026, the Appellant, Jockey Tejash Juglall, rode Alpine Challenge, trained by Mr Carl Hewitson, in Race 4 of the 3rd Race Meeting: the Anglo-Mauritius Investment Prestige Handicap, run over 1,365 metres. Alpine Challenge started from stall 4, and finished unplaced. The stable had three runners in the race: Rich Folks Hoax, Alpine Challenge and Palermo. Instructions for the three riders were given in writing before the race, signed by all three jockeys, and placed in a sealed envelope which was opened only at the inquiry held on 19 May 2026.
2. On 19 May 2026, an inquiry was held by the Board of Stipendiary Stewards ("the Board"). The Appellant was charged under Rule 414(a) of the Rules of Racing 2026. He pleaded not guilty. Following the inquiry, the Board found him guilty as charged and suspended him from riding in races for 12 race meetings. The Trainer, Mr Carl Hewitson, was separately

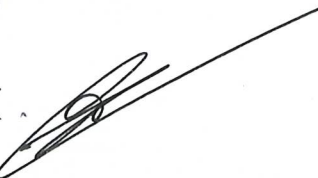
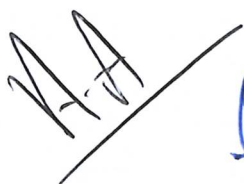
charged in respect of the same horse in the same race under Rule 126(r) of the Rules of Racing, and was fined Rs 50,000.

3. By letter dated 31 May 2026, the Appellant, through his counsel Mr Mikash Hassamal, gave notice of appeal, raising preliminary grounds, grounds on conviction and grounds on sentence.
4. The appeal was heard by this Committee on 9 July 2026. Mr Y. Jean Louis appeared for the Horse Racing Integrity Division; Mr M. Hassamal appeared for the Appellant. Both the Appellant and Mr De Chalain, Chief Stipendiary Steward, were present, each gave his own account of the race, and both were cross-examined while the films of the race were viewed.
5. Having viewed the film of the race in its entirety, from start to finish, having heard the evidence and submissions of both parties, and having considered the full record of the inquiry of 19 May 2026 — including the transcript of that inquiry, the written instructions sheet signed by the three jockeys, the official sectional times, the official race card, and the final report of the Chief Stipendiary Steward — we have concluded that this appeal must be allowed, for the reasons which follow.

THE CHARGE

6. Rule 414(a) of the Rules of Racing 2026 provides that a Jockey shall “take all reasonable and permissible measures to ensure that, throughout the race, his horse is given the full opportunity to win or obtain the best possible place in the race.”
7. The particulars of the charge, as put to the Appellant by the Chairperson at page 25 of the record of the inquiry, were as follows:

“...whilst riding Alpine Challenge in ... Race 4, namely the Anglo-Mauritius Investment Prestige Handicap, [the Appellant] failed to take all reasonable and permissible measures to ensure that throughout the race, [his] gelding was given the full opportunity to win or obtain the best possible place in the race. The particulars being that after having jumped reasonably well, when approaching the 1,300 metres, there was an opportunity for [him] to ask [his] mount for an effort and secure the lead, where instead, [he] elected to



restrain Alpine Challenge, resulting in that gelding racing wide without cover for the remainder of the race."

8. We note, for completeness, that the charge as recorded at page 1 of the transcript of the inquiry, under the heading "CHARGE", additionally stated that the Appellant's conduct resulted in Alpine Challenge "racing wide without cover for the remainder of the race and fading in the home straight." That further limb — fading in the home straight — was not repeated when the charge was read to the Appellant at page 25 for his plea, as quoted above. We proceeded on the footing of the particulars actually put to the Appellant, since it is that charge, and no other, which he was called upon to answer.
9. Both counsel addressed us at length. The charge when properly analysed can be said as containing five distinct factual propositions, each of which the Horse Racing Integrity Division had to establish: (i) that Alpine Challenge jumped reasonably well; (ii) that, approaching the 1,300 metre mark, an opportunity existed for the Appellant to ask his mount for an effort; (iii) that such an effort could have secured the lead; (iv) that the Appellant instead elected to restrain his mount; and (v) that this election resulted in the horse racing wide without cover for the remainder of the race. We take each in turn.

THE GOVERNING TEST: RULE 414(a) AND THE PRINCIPLES IN GOOMANY

10. Before turning to those elements, we state the test by which conduct under Rule 414(a) falls to be judged. This Committee's predecessor considered the the materially identically worded Rule 160A(a), the immediate predecessor of Rule 414(a) , in the appeal of **Jockey L. Goomany, rider of Count Emmanuale** (Board of Appeal of the Mauritius Turf Club, Ref. 207, decision dated 10 October 2016, **Patrice Doger de Spéville SC, Chairman**). In that decision, the Board surveyed a line of **Australian authority** on the similarly worded Australian Rule 135(b), namely: (i) Honan (1983) Racing Appeals Reports 11–12 (Victoria); (ii) the appeal of Jockey Munce (New South Wales, T.E.F. Hughes QC); (iii) Damian Browne (Racing Disciplinary Board of Queensland, 18 March 2014); and (iv) Racing Queensland Limited v Cassidy [2012] QCAT 31. On that survey, the Board in Goomany settled the interpretation of the Rule for this jurisdiction. We adopt and apply it.

11. From Goomany, and the authorities it adopts, the following principles govern the present appeal. **First**, the Rule does not permit the mere substitution of the Stewards' view as to how a horse should have been ridden for the view of the rider. **Secondly**, the Rule does not exist to punish a mere error of judgment during the race. **Thirdly**, the assessment is objective: what must be judged is the quality of the ride in the circumstances of the particular race, not the intention within the jockey's mind. The Board in Goomany held expressly that "no deliberateness (intent) is needed to be proved." **Fourthly**, before an adverse finding may be made, the tribunal must be comfortably satisfied that the jockey's conduct was culpable in the sense that, objectively judged, it is blameworthy. **Fifthly**, and of particular relevance here, what is needed to offend the Rule is the availability of a measure to improve the horse's success in the race and an unreasonable failure to take that measure; as the Board in Goomany approved from Cassidy, "even a decision which appears poor with the benefit of hindsight will not offend the rule without more." **Sixthly**, the standard against which a jockey's ride is measured is that of a competent, experienced, professional rider placed in his position — having regard, as Munce makes clear, to his seniority and experience and to the pressure under which he was riding in the particular race — and not that of an idealised or infallible jockey judged with the clarity of hindsight. **Seventhly**, it follows as a corollary of the principle approved from Cassidy that, where a jockey's ride reflects one of two or more courses reasonably and permissibly open to him, the fact that a different course might, with the benefit of hindsight, have proved superior does not without more establish a breach; the Rule is engaged only where the course actually adopted was not reasonably open to the jockey at all, or was so clearly inferior to an available alternative that no jockey exercising reasonable professional judgment could properly have adopted it. It is against these principles, and to that standard, that we examine the five propositions comprised in the charge.

"The task of interpreting this rule is not always easy. One must keep in mind that on its true interpretation it is not designed to punish a jockey unless on the whole of the evidence in the case the tribunal considering a charge under the rule is comfortably satisfied that the person charged was guilty of conduct that, in all the relevant circumstances, fell below the level of objective judgment reasonably to be expected of a jockey in the position of the person charged in relation to the particular race. The



relevant circumstances in such a case may be numerous. They include the seniority and experience of the person charged. They include the pressure under which a person charged was riding in the particular race. They include any practical necessity for the person charged to make a sudden decision between alternative courses of action. The rule is not designed to punish jockeys who make errors of judgment unless those errors are culpable by reference to the criteria that I have described."

12. We add this on the standard of proof. The burden lies throughout on the Horse Racing Integrity Division to establish the charge on a balance of probabilities — that is, that the matters alleged are more likely than not to be true, and not merely that they are possible. Consistently with the requirement of comfortable satisfaction identified in *Munce*, the degree of satisfaction required is proportionate to the seriousness of the charge and the gravity of its consequences for the person charged; the more serious the charge, and the graver its consequences for a jockey's livelihood and standing, the more compelling the evidence must be before that degree of satisfaction is reached.

"JUMPED REASONABLY WELL"

13. This element was not in dispute. It was common ground before the Board of Stipendiary Stewards, and remains common ground before us, that Alpine Challenge jumped well. At page 12 of the transcript of the inquiry, the Chairperson put to the Appellant: "would I be right, if I tell you, that your horse jumps probably best of all? Even if he jumps a bit skew?" — to which the Appellant answered: "Yes, he did jump well." Nothing turns on this element.

THE "OPPORTUNITY" APPROACHING THE 1,300 METRES

14. The difficulty with the charge begins at once with the second element. The particulars assert that "there was an opportunity" for the Appellant to ask his mount for an effort "to secure the lead" when approaching the 1,300 metre mark. Where, on the evidence, was that opportunity?
15. The evidence as to the Appellant's position at the 1,300 metres, both before the Board of Stipendiary Stewards at the original inquiry and before us on this appeal, was consistent and uncontradicted. The Appellant's written instructions were to jump well and sit handy, not to press for the lead: the stable's own plan, as the Appellant knew, was for his

companion, Rich Folks Hoax, the stable's favoured runner, to be sent forward and set the pace. This was consistent with the wider tactical picture facing the stable: the Trainer's own evidence, given later in the inquiry, was that Alpine Challenge did not need to lead to win — he "thought he could come on from second" — and that the gelding "wasn't obviously in the condition to" (page 24 of the transcript), a matter of which the Appellant, riding regularly for the stable, may reasonably be taken to have been aware. On the Board's own review of the film at the original inquiry, by the 1,300 metres the Appellant was, in the Chairperson's own description, "about a head in front", already racing three wide, with Comedy Club immediately to his inside preventing any retreat into cover. The Appellant's own account, given consistently, was that he expected to settle in a handy position one off the leader — with Rich Folks Hoax in front, Comedy Club tucking in immediately behind the leader, and the Appellant just outside Comedy Club — but that this expected move never occurred: Comedy Club did not go in, and the Appellant was accordingly held three wide throughout. Pressed on where the opportunity existed for Comedy Club to gain the rail, the Appellant maintained that this was indeed what he had anticipated, but that the gap did not open — "unfortunately, the gap was closed there" (pages 13–15 of the transcript). The Appellant gave the same account, in materially identical terms, when he addressed us on this appeal, confirming that this had been his genuine reading of the race and his expectation at the time. The Trainer's evidence was to the same effect: that the horse on the Appellant's inside was in "two minds", matching "every slight move" the Appellant made, such that going forward risked "racing three abreast" (page 11 of the transcript). Furthermore, arising from our own review of the film at the hearing of this appeal, between the start, at the 1,365 metre mark, and the 1,300 metre mark identified in the charge, counsel for the Horse Racing Integrity Division, Mr Jean Louis, submitted that at the halfway point of that opening stretch Alpine Challenge held a lead of approximately half a length over the two horses to his inside, Comedy Club and Rich Folks Hoax. On pausing the film at the 1,300 metre mark itself, however, it was apparent that those two horses had made significant ground, such that all three were running almost in line, Alpine Challenge retaining, on Mr Jean Louis's own description, only "a bit" of an advantage — a margin he was unable to quantify further when asked. It

was put to the Respondent that, on this evidence, the two inside horses were simply travelling better than Alpine Challenge over that opening stretch. The response, from both Mr De Chalain and Mr Jean Louis, was that the closing of the margin was attributable to the Appellant already restraining his mount between the 1,365 and 1,300 metre marks. We do not accept that explanation. It found no support on the film, which disclosed no visible act of restraint over that distance, and we reject it accordingly.

16. We are prepared to accept, for present purposes, that a bare possibility existed for the Appellant, at the 1,300 metres, to ask his mount for a significant effort. But Rule 414(a) is not engaged by mere possibility. Consistently with the Sixth and Seventh principles identified at paragraph 9 above, and with the standard of proof there stated, the question is not whether some course was physically achievable, viewed with the clarity of hindsight, but whether, judged by the standard of a competent, experienced, professional rider placed in the Appellant's position, and on a balance of probabilities rather than mere possibility, it was reasonable and permissible for him to pursue it. On the film, the Appellant was, at this point, neither restraining his mount nor asking it for an effort: he was riding on the bit, and was seen to turn his head to assess the position of the horses to his inside immediately before the 1,300 metres. "Opportunity", for the purposes of the Rule, accordingly means not the bare fact that an effort could physically have been made, but whether the making of that effort was, in the whole of the circumstances then confronting the Appellant, a course reasonably and permissibly open to him. We turn to that question, and to whether the lead could in fact have been secured, in the paragraphs which follow.

"SECURE THE LEAD"

17. The third element amplifies the difficulty, and does so on the very standard identified at paragraph 13 above. Even accepting that some effort was open to the Appellant approaching the 1,300 metres, the charge requires that such an effort could reasonably and permissibly have "secured the lead." On the evidence, it could not. The official sectional times for Race 4, provided to the Board by the Racing Analyst record splits of 12.240 seconds for the 1,200–1,000 metres, 10.858 seconds for the 1,000–800 metres,

11.132 seconds for the 800–600 metres, and 11.019 seconds for the 600–400 metres — an average of some 11.31 seconds per 200 metres across that middle section of the race — figures which show that the ground immediately beyond the 1,300 metres rose before falling away again, the 1,200–1,000 metres, run uphill, taking 12.240 seconds against only 10.858 seconds for the 1,000–800 metres downhill immediately following it, so that any effort demanded of the Appellant’s mount at the material time would have had to be sustained into rising ground — and which confirm, if anything understating, the Trainer’s unchallenged evidence that fractions from the 800 metres were being run in the region of 11 seconds, so severe that, in his words, “no horse is going to get home unless you are a group horse”: on the official times, that sub-11-second pace was in fact already being sustained a full 200 metres earlier, the 1,000–800 metres itself having been run in 10.858 seconds. To secure the lead against that pace, the Appellant would have needed to ask his mount for a substantial additional effort, sustained uphill through the home straight, sufficient to overhaul both Comedy Club and Rich Folks Hoax, clearing each by at least a length before crossing over so as to avoid any real risk of causing interference. The Appellant’s own evidence, given at the time and never contradicted, was that he did not believe his mount capable of sustaining such an effort without cost: asked whether he could have let his horse go and taken the lead, he explained that “we were going pretty quick at that moment” and that, had he done so, “I think my horse would have finished even further back” (page 16 of the transcript); pressed further, he maintained that going forward at that point would have meant his horse “would have done too much” (pages 14 and 16 of the transcript). This is not, on this evidence, a matter on which we are being asked merely to prefer one view of the ride to another. The measure which the Board of Stipendiary Stewards found the Appellant ought to have taken — asking his mount for a decisive, sustained effort to overhaul two rivals into a demanding pace — is one we are not satisfied, on a balance of probabilities and judged by the standard of a competent, experienced, professional rider, was reasonable and permissible in the circumstances then facing him. On the contrary, the unchallenged evidence indicates that such a measure would have deprived Alpine Challenge of a fair opportunity to achieve the best place then realistically open to him, and would in all likelihood have left him finishing further back

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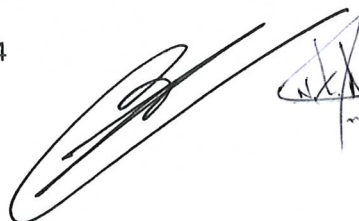
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still. A charge that a jockey failed to take a measure which the unchallenged evidence shows would have worsened, not improved, his mount's prospects does not disclose a breach of Rule 414(a); at its very highest it discloses a matter of race-riding opinion, an "error of judgment," if it be that at all, which this class of charge does not exist to punish.

"ELECTED TO RESTRAIN" — THE CENTRAL ISSUE

18. This appeal turns, in our view, principally on the fourth element of the particulars: whether the Appellant "elected to restrain" Alpine Challenge approaching the 1,300 metres.
19. We were not shown any prior decision of this Committee, or of the Board of Stipendiary Stewards, laying down a settled definition of "restraint" for the purposes of Rule 414(a). We however identified the earlier decision of the Board of Appeal of the Mauritius Turf Club in *Jockey Derreck David, rider of Seeking Angelo* (Board of Appeal of the Mauritius Turf Club, decision dated 8 July 2015, Mehdi Manrakhan, Chairman), which, although concerned with the erstwhile Rule 160A(i) rather than Rule 414(a), is instructive as to what restraint, properly so called, requires. We therefore approach the question giving the word its ordinary meaning, informed by that authority: a positive act by the rider of checking, holding back or suppressing the horse's forward effort, as distinct from simply not asking the horse for more.
20. In *Seeking Angelo*, the Board of Appeal found that the horse in question was, up to the material point, "running freely with its head down" and not pulling, before its head suddenly came up and its mouth was seen, on a head-on view of the film, to be skewed, which that Board accepted, on expert evidence, was the result of the jockey "pulling hard on the reins." We observe that this expert evidence was given by Mr Stephane De Chalain, who also presided, as Chairperson, over the inquiry now under appeal. That Board held accordingly:

"We find that at no point in time after coming out of the stalls was Seeking Angelo pulling. The horse had jumped out superbly from the first barrier and was riding freely with its head down. We accept the expert opinion of Mr. de Chalain that jockey David did



restrain his mount. This can be seen so clearly in the film where the horse's head suddenly comes up and its mouth is skewed."

21. What *Seeking Angelo* confirms is that restraint, for these purposes, is established by evidence of a positive physical act — in that case, visible interference with the horse's head carriage causing observable discomfort — and not merely by evidence that a jockey declined to ask his mount for an effort, or that a more forward tactical option existed. The Board in *Seeking Angelo* was able to point to precisely such an act, visible on the film and corroborated by expert evidence that was itself unchallenged. That authority accordingly supports, rather than undermines, the distinction we have drawn above, and reinforces our conclusion, reached independently on the film and evidence in this case, that something more than a decision not to press forward is required before a jockey can properly be found to have "elected to restrain" his mount.
22. On that footing, the evidence is, in our view, clear, and was substantially undisputed. The Appellant's own account, given consistently both at the original inquiry and again before us, was that he "let [his] horse stride" through this phase of the race and did not "chase" it, but was not "under restraint." Indeed, Mr de Chalain put the very question of restraint to the Appellant three times in direct succession at the original inquiry, and was met with a denial on each occasion. Asked first, "would you agree with me that you are under restraint there?", the Appellant answered "so just on the bit." Pressed again, "or under restraint?", he answered, "no, I won't say under restraint." Asked a third time, following a further review of the head-on film, whether he still maintained that he was "on the bit and not under restraint," the Appellant answered: "Once I was easing my horse, I was just on the bit, I would say yes" (pages 16–17 of the transcript). Before us, on a further review of the film to the 1,300 metre mark, the Appellant's evidence, again unchallenged by any contrary reading of the film on behalf of the Horse Racing Integrity Division, was that his arm position and his mount's head carriage at this point of the race were inconsistent with restraint, and that any restraint began only "on the turn," that is, well after the 1,300 metre mark identified in the charge. On our own review of the film, we agree: at and approaching the 1,300 metres the Appellant's mount was on the bit, his hands still, with

no observable check, pull, or other positive act of the kind identified in *Seeking Angelo* capable of amounting to restraint.

23. We asked Mr de Chalain this at the hearing of this appeal, reviewing the film frame by frame from the start to the 1,300 metres. He sought at first to maintain that the Appellant was already under restraint approaching that mark, but was unable, on repeated invitation, to identify anything on the film capable of showing it. He eventually conceded that the first taking of a hold of the reins visible on the film occurred only after the 1,300 metres, approaching the 1,200 metres, and not before. We accept that concession, made only after sustained questioning and a frame-by-frame review of the film, and we hold accordingly that the Horse Racing Integrity Division did not establish, on the balance of probabilities, that the Appellant restrained Alpine Challenge at or approaching the 1,300 metre mark, as charged. We add this, for completeness, though it forms no part of the basis for that conclusion and grounds no sanction. Our own review of the film disclosed that, from shortly after the 1,300 metres to approximately the 1,000 metres, the Appellant began to take a hold of his mount, and that from the 1,000 metres to the 600 metres — run downhill — that hold became a sustained and positive act of restraint of the kind described in *Seeking Angelo*, going beyond mere easing. Had the charge been framed by reference to that section of the race, this may well have called for a different answer. But it was not so framed: the particulars, as put to the Appellant and as we have construed them at paragraph 7 above, are confined to the opportunity said to have existed approaching the 1,300 metres, and make no reference to his riding between the 1,000 and 600 metres. The Appellant has neither been charged with, nor had any opportunity to answer, an allegation relating to that section of the race, and no adverse finding can properly be made against him on that footing. Whatever the Appellant did with his hands after the 1,300 metres accordingly falls outside the particulars actually laid against him, which fix the critical moment at that mark.
24. This finding is fatal to the charge as framed. A charge which asserts restraint at a specific point in the race cannot be sustained by evidence of something happening at a later point that was never particularised, and never put to the Appellant, as part of the case he had to meet.

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“RACING WIDE WITHOUT COVER” — NOT A PRODUCT OF ELECTION

25. The fifth element asserts that the Appellant’s “election to restrain” resulted in Alpine Challenge “racing wide without cover for the remainder of the race.” A charge cast in these terms requires proof of two distinct limbs: first, the act particularised — here, restraint at or approaching the 1,300 metres; and secondly, the consequence said to have followed from it — racing wide without cover. The word “resulting in” is not incidental to the particulars; it is the causal connector by which limb one is linked to limb two, and it requires the Horse Racing Integrity Division to establish not merely that the act occurred and the consequence followed, but that the act caused the consequence. We agree with the point taken on the Appellant’s behalf that, on the evidence, that causal link does not hold, for three independent reasons.
26. First, the causal link fails as a matter of race-riding logic. Restraint, properly understood, is the suppression of a horse’s forward effort; it does not, and cannot, of itself cause a horse to be shifted sideways into a wider or less favourable position on the track. What determines a horse’s lateral position on the track is the behaviour of the horses around it, not the degree of hold applied by its own rider; pace and position are governed by different mechanics, and the one cannot substitute for the other as a matter of causation. Secondly, the causal link fails on the sequence disclosed by the film itself. We have found, at paragraph 12 above, that the Appellant was already racing three wide at the 1,300 metres, and, at paragraph 20 above, that no restraint is established before that mark. An alleged consequence cannot be caused by an alleged act that postdates it: the wide, uncovered passage was, on the evidence, already an established fact before the conduct said to have caused it had even occurred. Thirdly, the causal link fails on the evidence of what did in fact cause the Appellant’s wide passage. The Appellant’s evidence, which we accept because it is corroborated by the Trainer’s own evidence and by the Board’s own observations, was that he raced wide from soon after the start because the gap he expected to open on his inside, as Comedy Club moved across, never opened; and that by the time he looked to ease back into cover, three-wide, there was no gap into which to go. The Trainer’s own account was to the same effect: Comedy Club matched the Appellant’s

mount stride for stride, and it was that conduct on the part of another horse — not any restraint by the Appellant — which constituted the operative, intervening cause of his wide passage, a novus actus interveniens for which the Appellant cannot properly be held responsible. That is a matter of racing luck and traffic, not of any “election” by the Appellant. The Chairperson’s own concession that the Appellant was in “the worst position in the field” and had been “caught terribly wide”, a concession made to, and accepted by, the Trainer, in terms consistent with the Trainer’s own account, confirms that the wide, uncovered passage was imposed on the Appellant by the running of the race, and was not caused by him. For any one of these three reasons — independently, and a fortiori taken together — the fifth element of the charge is not established.

THE READING OF THE RACE. AND WHAT BOTH SIDES ACTUALLY SAID

27. It is instructive to note the sheer extent of the Trainer’s evidence on this passage of the race

— given at length between pages 11 and 21 of the transcript — and the fact that none of it was challenged or contradicted by the Chairperson, notwithstanding that he had every opportunity, and took it, to question the Trainer closely on other aspects of the ride. On the specific question of whether the Appellant’s wide passage could have been cured by going forward, the Trainer’s evidence, never put in issue, was consistently to the same effect. Describing the horse to the Appellant’s inside, he said: “every time he made a slight move... the horse on his inside sort of goes with him” (page 11 of the transcript); and, reviewing the same passage further down the back straight: “every time there is any kind of movement, you can see... he goes forward a little bit, forward a little bit” (page 18 of the transcript). Asked directly whether the Appellant could have gone forward to escape his position, the Trainer’s answer was unequivocal: “had he even tried to go forward, which I don’t think he could have, I think Comedy Club would have gone with him” (page 21 of the transcript). The Chairperson, who cross-examined the Appellant at length and with some rigour on other elements of the charge, did not challenge, test, or seek to controvert any of this evidence. A tribunal is entitled to accept uncontradicted evidence of

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this kind, particularly where, as here, it was given by the witness best placed to explain it, and was available throughout to be tested by a Chairperson who plainly knew how to test evidence when he wished to.

THE MANNER OF THE INQUIRY: THE TREATMENT OF THE APPELLANT COMPARED TO THAT OF THE TRAINER

28. We turn to a matter on which we consider it necessary to be forthright, because it goes to the fairness of the process by which the Appellant came to be charged.
29. The Appeal Committee has repeatedly reminded the Stewards of the limits of their function at the inquiry stage. In **Cédric Ségéon v/s Board of Racing Stewards** (Board of Appeal of the Mauritius Turf Club, decision dated 11 September 2012, Raymond d'Unienville QC, Chairman), that Board of Appeal held:

“...by reason of their constituting both an enquiring body and a prosecuting body, it is incumbent upon [the Stewards] to take particular care during the inquiry that their questions be fair and do not amount to cross examination of a jockey. There is no doubt that it is part of the function of the Board of Racing Stewards to try and elucidate issues raised by the manner in which [a] Jockey rode his mount... but the inquiry stage has as sole purpose the ascertaining of facts and the recording of explanations. It may not be used for the purpose of passing judgment over those facts, or in order to try to get the jockey to concur with the views expressed by the Race Meeting Stewards. It is at the stage of the charge, if any, that the Race Meeting Stewards may put forward their own views on the incident, and not prior to that time.”

30. This same passage — concerning Jockey Ségéon’s ride on The Money is Yours — was itself reproduced, at paragraph 9, and expressly adopted, at paragraph 10, by this Committee — three of whose present members also sat on that panel — in the appeal of **Jockey Roberto Perez, rider of Quatro Five Six** (decision dated 23 October 2025, N. Ramburn SC, Chairperson), where we held: “While this decision is persuasive rather than binding on us, we accept the guiding principles it authoritatively lays down.” Applying those principles, we found in that case that the Chairperson of the Stewards and a Deputy Chief Stipendiary Steward had together put closed questions to the jockey on no fewer than nine occasions, and that “the questions posed were more than fact-finding and

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explanation-recording; the excerpts indicate that the inquiry process closely resembled a trial of the Jockey from its early stages, despite no formal charge being issued.” We allowed that appeal, quashing the conviction, on that ground alone.

31. In **Jockey N. Murday** (Board of Appeal of the Mauritius Turf Club, 2015, inquiry held 17 October 2015, Yves Hein, Chairman) and again in **Jockey Derreck David, rider of Sole Mio** (Board of Appeal of the Mauritius Turf Club, decision dated 21 July 2015, Patrice Doger de Spéville SC, Chairperson), those Boards of Appeal, each time quoting with approval the earlier appeal of Jockey Lloyd (6 August 2003), which in turn cited *Gujadhur v MTC* [2000] SCJ 92, held in materially identical terms:

“...when the MTC Stewards sit as a domestic tribunal they may [be] wielding powers as great as, if not greater than, any exercised by the courts of law. They are vested with authority to adjudicate upon matters involving civil consequences to individuals... Therefore the rule against bias, the requirements of natural justice, the duty to give a fair hearing and the necessity to observe the procedure laid down by the rules of the club are all of paramount importance.”

32. Measured against that consistent line of authority, the record of the inquiry of 19 May 2026 gives us real cause for concern. Read fairly and as a whole, the questioning of the Appellant departed, repeatedly, from the ascertainment of facts and became argumentative and resultdriven. We note, by way of example only from pages 12 to 17 of the Transcript: “would I be right, if I tell you, that your horse jumps probably best of all? Even if he jumps a bit skew?” Yes, so could you, after having jumped well, let your horse stride forward to secure the lead “By the time you get to the 1300M, you are about a head in front. Instead of bringing back your mount there, you start bringing back your mount...” “...You are about a head in front by the 1,300? ...Instead of bringing back your mount, wasn’t there an opportunity for you to just go forward and try and get him to the front?” “would you agree with me that you are under restraint there?” “...so, on this film, do you still maintain that you are on the bit and not under restraint?” “None of these is a question directed at ascertaining what happened. Each puts to the Appellant a conclusion already reached and invites him only to concur with it. That is precisely the vice identified in *Ségéon*, and it is compounded here by the fact that these propositions were put after the Appellant had already given a full and consistent account of a horse boxed in on his

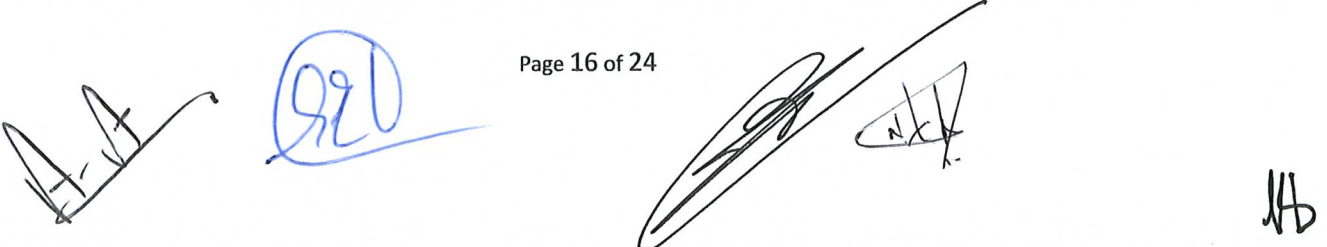
inside, an account that, as we have found above, was never actually contradicted. Let us illustrate this further by reproducing the answers of the Jockey and the Trainer to these questions: Jockey: "Yes [the horse] did jump well", "I did let him stride", "Yes, I didn't chase him but did let him stride", "well I see my stable companion is chasing to get to the front. I said, if I thought I had horse under me, he might be too much, you know. At that moment, I thought my horse in the inside would go under rail, and I would be sitting one off" "yes, that's what I thought, you know, but unfortunately, the gap was closed there" "once I was easing my horse, I was just on the bit, I would say yes" "The Trainer: "Yes, because he broke well and he skimmed and niggled the first couple of strides. And before he knew it, the other two horses broke his inside" "According to the shadows, he is never in front" "I don't know if the horse was on his inside, but the film you just showed now, when they are going past the tombeau and down the back straight, he is going equally as well as either Tejash or the horse that's in front. Any everytime there is any kind of movement, you can see, like I said earlier, he goes forward a little bit, forward a little bit."

33. Beyond the pattern catalogued at paragraph 28 above, one further matter compels comment, because it goes to the root of the D'Unienville principle set out at paragraph 26 — that "the inquiry stage has as sole purpose the ascertaining of facts and the recording of explanations" and may not be used "to try to get the jockey to concur with the views expressed by the Race Meeting Stewards." On our reading of the transcript, the charge itself was not derived from the evidence gathered at the inquiry. It was derived, almost word for word, from four questions put by the Chairperson before any charge existed. The charge, as formally read at page 25, is in these terms:

"...after having jumped reasonably well, when approaching the 1300m there was an opportunity for him to ask his mount for an effort to secure the lead, where instead, he elected to restrain Alpine Challenge resulting in the latter racing wide without cover for the remainder of the race and fading in the home straight."

34. Each substantive phrase of that charge can be traced to one of four questions the Chairperson himself put during the pre-charge phase, before the Appellant had been afforded any opportunity to address a formal allegation:

- a At page 12: "So could you, after having jumped well, let your horse stride forward to secure the lead?" — the phrases "after having jumped well" and "to secure the lead" reappear in the charge as "after having jumped reasonably well" and "to secure the lead," effectively unchanged.
- b At pages 13–14: "By the time you get to the 1,300 metres, you are about a head in front. Instead of bringing back your mount there, you start bringing back your mount..." — not a question at all, but a narration of the alleged offence as established fact. "1,300 metres" becomes "approaching the 1300m," and the narrated act of "bringing back your mount" becomes "he elected to restrain."

The bottom of the page features several handwritten signatures and initials. On the left, there is a signature that appears to be 'H.A.' followed by a blue circular stamp containing the number '920'. To the right of the stamp is a large, stylized signature. Further right is another signature with the initials 'N.K.' visible. In the bottom right corner, there is a small, stylized signature or set of initials.

- c At page 14: "Instead of bringing back your mount, wasn't there an opportunity for you to just go forward and try and get him to the front?" — the word "opportunity," which is the operative bridge in the charge between the alleged failure and Rule 414(a) itself, appears here for the first time, assumed rather than established, and is carried directly into the charge as "there was an opportunity for him to ask his mount for an effort."
- d At pages 16–17: "Would you agree with me that you are under restraint there? ... Do you still maintain that you are on the bit and not under restraint?" — a proposition the Appellant did not accept, answering "So just on the bit" and "No, I won't say under restraint" — nonetheless supplies the word "restraint," which becomes, in the charge, "he elected to restrain Alpine Challenge."

35. We are troubled by what this demonstrates. A charge that merely summarises evidence already given is unobjectionable. A charge whose every material phrase can be traced not to the Appellant's own evidence, but to the Chairperson's own prior questions — including a phrase ("restraint") the Appellant had expressly declined to accept — is not a charge derived from an inquiry. It is the Chairperson's own pre-charge narrative, formalised. The adjournment that followed pages 16–17, before the charge was read at page 25, was not, on this reading, an occasion for the Board to weigh evidence and decide whether a charge was warranted; it was the occasion on which that narrative was given the form of a charge. This is difficult to reconcile with the requirement — repeated in *Jockey N. Murday* and *Jockey Derreck David*, and cited at paragraph 27 above — that the rule against bias, the requirements of natural justice, and the duty to give a fair hearing be observed by a tribunal wielding powers as great as, if not greater than, those of a court of law.
36. We form the view, that the Jockey's explanations coupled with the Trainer's were fully backed up by the visual evidence. In the circumstances, it would appear that the Stewards had already preconceived their charge against the Jockey when we look at the particular language: (a) used by them in their questioning and (a) the charge put to the Jockey. The Jockey's explanations were completely ignored by the Stewards.
37. What makes this more troubling still is the contrast between that mode of questioning and the manner in which the Trainer, Mr Hewitson, was examined on the very same ride. The Trainer was permitted to give long, uninterrupted, narrative answers. He was not met with the same closed and leading propositions, nor told, in terms, that the Board did not see him trying. He was allowed to develop, at length and without challenge, an

explanation that the Appellant was “caught between a rock and a hard place” and “didn't have much choice” which the Board's own subsequent verdict against the Appellant simply did not engage with. We find it, frankly, astonishing that a Board which heard, and did not contradict, a full account from the Trainer explaining precisely why the Appellant could do no differently, should then convict the Appellant substantially on the basis that he “failed” to do the very thing the Trainer's own evidence showed he could not safely have done. It is not open to a tribunal to accept a witness's exculpatory account for the purpose of one charge, while, on the very same evidence, convicting a second person of not having achieved the outcome that account explains was not achievable. To do so, as occurred here, discloses precisely the kind of unfairness against which the Appeal Committee warned in Ségéon, and it calls for the clearest disapproval of this Committee.

THE TRAINER'S BREACH OF THE RULES, AND ITS IRRECONCILABILITY WITH THE APPELLANT'S CONVICTION

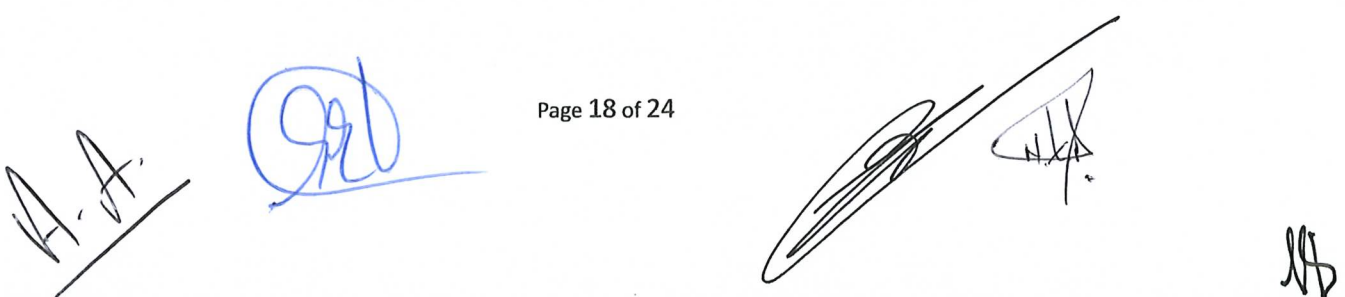
38. The record establishes that the Trainer, Mr Carl Hewitson, was separately charged in respect of this same ride and found guilty of, and fined Rs 50,000 for, a breach of Rule 126(r) of the Rules of Racing — which requires a trainer to “ensure that a Jockey who rides a horse trained by him in a race is given instructions that shall allow the Jockey to ensure that the horse is given a full opportunity to achieve the best possible position at the finish.” The identical duty is restated at Rule 412, which provides:

Rule 412: “A Trainer is responsible for ensuring that a Jockey who rides a horse trained by him in a Race is given instructions that shall allow the Jockey to ensure that the horse is given a full opportunity to achieve the best possible place in the race.”

The corresponding duties upon the jockey are found at Rule 414:

Rule 414(a): “A jockey shall ... take all reasonable and permissible measures to ensure that throughout the race, his horse is given the full opportunity to win or obtain the best possible place in the race.” Rule 414(h): “A jockey shall ... follow his trainer's instructions, unless for good cause he cannot do otherwise.”

39. These provisions are, in substance, mirror images of one another: Rule 412/126(r) places upon the Trainer the duty to instruct properly; Rule 414(a) places upon the Jockey the duty to ride so as to give the horse its full opportunity; and Rule 414(h) requires the Jockey to follow his Trainer's instructions unless, for good cause, he cannot do otherwise.

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The Board itself was satisfied, to the point of conviction, that the Trainer had failed in his half of that pairing.

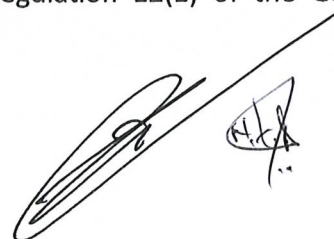
40. That finding cannot logically coexist with the conviction of the Appellant now under appeal. The Trainer's conviction record shows that he was found guilty of a breach of Rule 126(r) specifically because, "instead of instructing Jockey Juglall to endeavour to secure the lead," he instructed the Appellant to "jump well and sit handy" — an instruction the Board itself found resulted in Alpine Challenge "not opting to lead, being caught wide without cover throughout the race." The very cause the Board identified for the horse's wide, uncovered passage was, on its own finding against the Trainer, the content of the instruction the Appellant was given and rode to. The Board could not, without contradicting itself, convict the Trainer for having instructed the Appellant to sit handy rather than lead, and in the same breath convict the Appellant for having ridden precisely as he was instructed — instructions Rule 414(h) in any event bound him to follow absent good cause to do otherwise. The two verdicts visit the consequences of a single default — the content of the Trainer's instruction

— upon two people, twice over. We accept the submission made on the Appellant's behalf that the two convictions are mutually irreconcilable.

41. We add this. On the record before us, Rule 126(r) — whose duty is restated at Rule 412 — is the only breach by the Trainer that was actually charged, tried and found proved, and it is not for this Committee, on an appeal brought by the Jockey alone, to make new findings against a Trainer who is not a party to this appeal and has not been heard by us on any wider allegation. We confine ourselves, therefore, to what the record actually shows: a conviction of the Trainer, on this very ride, for failing in the precise duty whose consequences the Board then visited, a second time, upon the Appellant.

THE TRAINER'S OWN CONCESSION AS TO FITNESS

42. We add, for completeness, that it is properly open to this Committee to have raised the Trainer's finding on its own initiative, whether or not either party had drawn it to our attention. An appeal before this Committee is, by Regulation 12(1) of the Gambling



Regulatory Authority Appeal Committee Regulations 2022, “by way of a rehearing,” and Regulation 12(2) empowers the Committee, “where it finds it necessary in the interest of justice,” to “admit new evidence that was not adduced before the person whose decision is being appealed against.” Regulation 9(2) requires the Committee to “regulate its proceedings as it may determine” and to “ensure that the proceedings are conducted in a manner which is consistent with the rules of natural justice and procedural fairness.” A finding against a Trainer for having given the very instruction the Appellant is simultaneously penalised for following is a direct inconsistency arising from the same inquiry, and one which, in our view, the interests of justice and the requirements of natural justice alike required this Committee to examine before any penalty against the Appellant could be treated as safe. Silence in the face of a known inconsistency of that kind would not have been neutrality; it would have been a failure of the duty these Regulations impose on us.

43. There is a further feature of the record that we find, frankly, surprising, and which reinforces our unease about the safety of this conviction. Asked directly by the Mr de Chalain whether, in his opinion, Alpine Challenge needed to be in front, in the lead, to win or run its best race, the Trainer answered:

“Not necessarily. I thought he could come on from second. And look, he needed to run badly anyway, because look how far he is beaten. So I think, had he led in this particular race, he would have run a similar kind of race anyway. He wouldn't have done it. He would have stayed on. For me, he wasn't obviously in the condition to.”

44. That is, in substance, a concession by the person responsible for the horse's condition that Alpine Challenge was, on the day, unlikely to have won or placed regardless of how the race was ridden. It was not challenged, and it does not appear to have featured in the Board's verdict. A concession of that kind, from the witness best placed to make it, ought to have gone directly to the fifth element of the charge — whether any default by the Appellant, even if one had been established, actually deprived the horse of a chance it would otherwise have had. We find it surprising that a matter so central to causation appears to have played no part in the Board's reasoning.

45. We add only this. On the Trainer's own account, Alpine Challenge "wasn't obviously in the condition to" run its race — a matter which, if made out, would ordinarily engage the Rules governing the fitness of a horse to take part in a race, including Rule 126(q), which requires the Trainer to "ensure his horse is trained to win or obtain the best possible placing in a race."
46. The record also raises a question over the Trainer's compliance with Rule 126(p), which requires that, where a trainer has two or more horses in a race, he "attend the Stipendiary Stewards Boardroom, with their permission, to give instructions to his riders before them" — a step which, on the evidence of the Chief Stipendiary Steward, trainers are frequently reluctant to take, notwithstanding the force the gazetted Rules plainly carry. Had that instruction been given in the Boardroom, as the Rule contemplates, this inquiry might well not have arisen at all.
47. We were also referred to Rule 128, which requires that "any change of racing pattern on a horse is reported to the Stipendiary Stewards, prior to the running of the Race" — though we were not shown the evidentiary basis for the submission that either horse's pattern had in fact changed, and we make no finding on that point.
48. As to all three matters, the Trainer is not a party to this appeal and has not been heard by us on any of them; we make no finding against him but just refer to these issues so that in future our observations can be at the back of the mind of one and all.
49. We note them also, because, taken together, they reinforce rather than diminish the doubt that attends the causation element of the charge against the Appellant.

IF THERE WAS CAUSE FOR CONCERN, IT DID NOT ARISE AT THE 1,300 METRES

50. Finally, we observe that if there is any point in this race at which the manner of riding of Alpine Challenge might properly have called for closer scrutiny, it is not, on this record, the passage approaching the 1,300 metres identified in the charge. At the 1,300 metres, on our own review of the film at the hearing of this appeal, the three runners were running

almost in line: Rich Folks Hoax on the rail, Comedy Club one off, and Alpine Challenge three wide. From that point to approximately the 1,000 metres, the Appellant took hold of his mount and looked for cover, evidently hoping that Comedy Club would tuck in behind Rich Folks Hoax and allow him to settle one off; that did not happen, and for this phase of the race we would give the Appellant the benefit of the doubt, since he had no clear passage to his inside, and asking his mount for an effort to go forward, three wide, would have used the horse up to no purpose. From the 1,000 metres to the 600 metres, however, Alpine Challenge was travelling keenly, and the Appellant, still caught three wide, continued to take a firm hold of his mount rather than let the horse stride forward — a passage of 400 metres in which going forward was, in truth, his only option, since he could neither drop back nor find any gap to his inside, and the turn was approaching ahead of him. We would allow him the benefit of the doubt for the first half of that stretch, from the 1,000 to the 800 metres, where the sectional time of 10.85 seconds was itself fast, which may account for why the horse appeared keen despite being held. But once the pace eased, between the 800 and the 600 metres — a sectional of 11.13 seconds — that justification fell away, and it was at that point, in our view, that the Appellant ought to have let his mount stride forward. Having already been obliged to race wide on the first turn, from the 1,300 to the 900 metres, he had every reason to do so, so as to avoid being caught wide a second time on the turn between the 600 and the 300 metres — as, in the event, he was. That, in our view, is the passage of the race — not the 1,300 metres — at which the Appellant's handling of his mount was genuinely open to question, and might properly have been taken to task. It was never particularised in the charge as laid, and the Appellant was at no point called upon to answer for it. A conviction cannot properly rest on a concern about a different part of the race from the one actually charged.

CONCLUSION AND ORDER

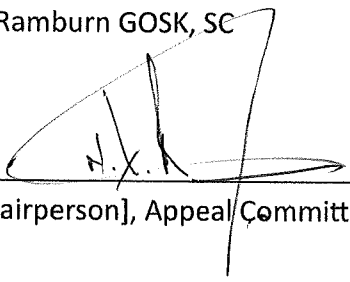
51. For all the reasons set out above, and applying the test in *Goomany*, we are not satisfied, to a degree of satisfaction proportionate to the seriousness of the charge and the gravity

of its consequences for the Appellant, that the conduct of the Appellant was culpable in the sense of being, objectively judged, blameworthy; nor are we satisfied, on the balance of probabilities, that the Horse Racing Integrity Division established the charge under Rule 414(a) of the Rules of Racing against the Appellant. The appeal is allowed. The conviction of the Appellant under Rule 414(a) of the Rules of Racing 2026, and the penalty of suspension from riding in races for 12 race meetings imposed in consequence of it, are quashed and set aside.

52. As to costs, under the Rules of Racing 2026 each party to an appeal bears its own costs of legal representation (Rule 480), and the Rules make no provision for the return or reimbursement of costs to a successful Appellant. The practice of the former Board of Appeal of the Mauritius Turf Club, of ordering costs to be returned to a successful appellant, has no counterpart in the present Rules, under which appeals lie to the Appeal Committee constituted under section 7(1)(ga) of the Gambling Regulatory Authority Act 2007 and are governed, as to costs, by that Act and the Regulations made under sections 7(1)(ga) and 164 of the GRA. We accordingly make no order for the return of costs.

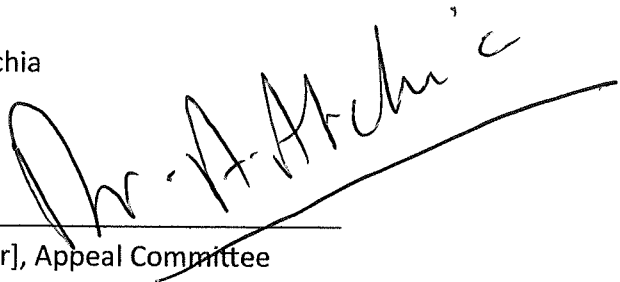
53. Delivered at Port Louis this 03rd day of August 2026.

N. Ramburn GOSK, SC



[Chairperson], Appeal Committee

Dr A. Atchia



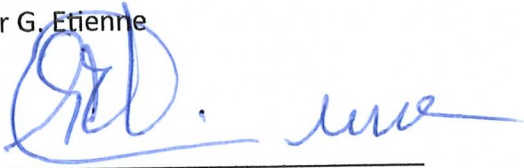
[Member], Appeal Committee

Mr H. Bansroopun



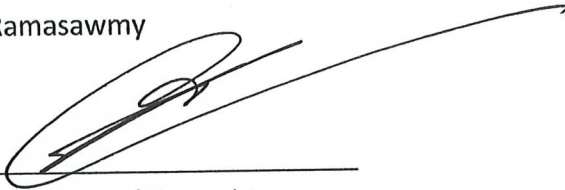
[Member], Appeal Committee

Mr G. Etienne



[Member], Appeal Committee

Mr H. Ramasawmy



[Member], Appeal Committee