



## Penalties

8. We would not normally comment on the suitability of penalties in relation to illegal activity or breaches of codes of practice or other regulatory frameworks. However, we are mindful that our discussions with equine veterinary professionals who have experience of horse racing have suggested that the existing framework for racing whip penalties is not felt to offer an appropriate deterrent for misuse of the whip under the Rules of Racing. Anecdotally, we understand that some jockeys who breach the rules may be under pressure from the owner or trainer and we therefore consider that stronger penalties which recognise and address the multiplicity of stakeholders is necessary in order to foster real change.

## Use of the racing whip for encouragement

9. We consider it is ethically difficult to justify the use of the whip in the final stages of a race for the purposes of encouragement. Evidence to support the long-held view that whipping encourages a horse to compete more effectively is equivocal. One recent study which compared 126 whip-free and whip-permitted races found no statistically significant differences between race finishing times.<sup>3</sup> A previous study on jump-racing demonstrated an apparent correlation between use of the whip and progress through the race, but also demonstrated that such progress was associated with an increased risk of falling.<sup>4</sup> A subsequent study found that increased whip use was not associated with significant variation in velocity as a predictor of superior placing at the finish.<sup>5</sup>

10. Assessing welfare impacts of use of the whip upon horses is complex. Impacts of whipping on a horse may be physical or psychological, and short or longer term. Physical impacts may involve superficial or deeper structures. The former may be detected by clinical examination, but this is harder where deeper structures are involved. Current veterinary examinations in the immediate post-race period focus on assessing superficial tissues.

found that out of (approximately) 90-100,000 runners each year, there are around 20 occasions where a horse is observed to have a weal. The report goes on to state that Veterinary Officers look for signs of inflammation including discomfort or pain on examination and in the behavioural response of the horse and no such signs have been seen.<sup>6</sup> However, a subsequent critical analysis of the review suggested that an explanation for this zero prevalence is that the protocol is inadequate to determine whether pain has been caused and that it is misleading to conclude that there is no pain from whip strikes.<sup>7</sup>

11. There is currently a lack of evidence in relation to the short and medium-term damage caused to underlying tissue. However, a recent comparative histological study aimed to give a better understanding of the capacity of horse skin to detect pain when directly compared to human skin. This study showed that, although horse skin is thicker overall than human skin, the part of the skin that is thicker does not insulate them from pain that is generated during a whip strike, and that humans and horses have the equivalent basic anatomic

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