



Horses try out the track this month – today they do it for real

Top barrister calls for BHA accountability

By Jon Lees

A LEADING barrister yesterday argued there has to be “clear accountability” at the BHA for the “catalogue of errors” that have led to the imminent quashing of Jim Best’s four-year ban.

It also emerged the barrister’s concerns about the composition of disciplinary panels were voiced

to the regulator last year but initially dismissed.

Roderick Moore, who has represented trainers and jockeys at BHA inquiries, said the BHA needed to come clean over the decisions that led to solicitor Matthew Lohn carrying out other non-disciplinary work for the regulator while also serving as chairman of an independent

disciplinary panel.

He said he had also told the BHA to address the composition of the non-legal membership of the panel by introducing ex-trainers and jockeys, but was told this was not within the scope of the BHA’s Integrity Review at the time.

The discovery that the BHA was a client of Lohn while he was

also paid to chair disciplinary inquiries has led the regulator to concede the guilty verdict found against Best, which led to the trainer receiving a four-year ban, will have to be quashed because of a potential perception of bias.

The BHA has declined to comment but has not denied

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subsequent revelations in the Guardian that Lohn had provided occasional advice on non-disciplinary issues since 2013 after being approached by senior figures at High Holborn.

It was further alleged that earlier this year Lohn was invited to quote for work of an advisory nature for a project to redraft the rules of racing, which he declined because of the conflict with his disciplinary role.

If true, Moore said: “It is simply astonishing that this invitation, representing potential patronage as significant as the compliment behind it, was made to a serving chair of the disciplinary panel, whose role as such was to adjudicate independently on disputes between the BHA and licensed participants, disputes involving people’s reputations, careers and livelihoods.

“If this invitation was extended before the Best case, it makes both Lohn’s and the BHA’s respective failures to disclose his established commercial relationship with the BHA to those who appeared before him all the more serious.

“There is a pressing need for some clear accountability within the BHA for the catalogue of errors that lies behind this saga. The BHA has an infelicitous habit of saying it is an industry leader in sports regulation; it is not, as yet another public relations disaster amply demonstrates. It seems to make the mistake of believing its own propaganda, which puts self-criticism out of its reach.”

Moore said the whole Best fiasco could have been avoided if Lohn or the BHA had made known the non-disciplinary side of their relationship.

The link was not disclosed either by Lohn or the BHA when he represented trainer Shaun Harris at a hearing last September, Moore said.

“There is never any disadvantage to anyone in complete transparency,” he said. “However big or small or established or embryonic Lohn’s relationship with the regulator was, that information should have been available to all licensed individu-

‘BHA mistake is to believe in its own propaganda’

als before a panel that he chaired.”

He said the issue of perception of fairness was not limited to the panel’s legal chairs but also the so-called “wing members”, who are generally drawn “from the great and good of racing”.

“If you appear in front of an employment tribunal, as well as the legal chair there will be someone from a trade union and someone from an employer’s background. If you appear in front of a Nursing and Midwifery Council, as well as the chair you will have someone from a nursing background,” Moore said.

“My concern when I have done hearings for individuals in jeopardy of some sort is that the panel can give an impression of being made up wholly of one sort of person and it is all from the higher echelons of racing.

“It would be hugely beneficial to the way licensed individuals perceive both panels, the disciplinary and appeal board, if there was a balance of those who have not only sat at the top table of racing but also those who have either tried to scrape a living as a journeyman jockey or tried to make a living training ten horses.

“I raised those issues with



Roderick Moore: says concerns were dismissed

Adam Brickell [BHA director of integrity, legal and risk] in the autumn of last year and was told the composition of panels was not part of the review. Plainly that changed after that and we await to hear the fruits of those changes.”

He added because of the presence of people who have served as racecourse stewards on panels, “it is very hard to avoid giving the impression to jockeys and trainers that the knee-jerk reaction is to close ranks with your mates. It seems to me this is an opportunity to completely solve all those kinds of tensions”.