



Philip Prince - Rule (k)49

Disciplinary Panel - Integrity issues

18 Feb 21

1. On 18 February 2021 the independent Disciplinary Panel of the British Horseracing Authority (BHA) held an enquiry into whether Philip Prince, a licensed jockey, was in breach of Rule (K)49 of the Rules of Racing due to the presence of a banned substance, namely benzoylecgonine (a metabolite of cocaine) which was found in a sample collected from Mr Prince at Wolverhampton racecourse on 16 November 2020.

2. The BHA was represented by Mr Tomas Nolan and Mr Prince was represented by Mr Rory Mac Neice. No objection was taken to the constitution of the Panel. The hearing was conducted via zoom and Mr Prince participated in the proceedings through that medium.

3. Mr Prince was formally interviewed by Sarah Bromley, a BHA Investigating Officer, on 9 December 2020. During that interview Mr Prince made immediate and frank admissions in relation to the alleged breach of Rule (K)49. In a letter dated 9 February 2021 Mr Mac Neice, on behalf of Mr Prince, confirmed that the breach of Rule (K)49 was admitted by Mr Prince and that the Disciplinary Panel hearing "will essentially be a penalty hearing".

Background

4. The relevant facts of this matter were not in dispute as between the parties. Historically, Mr Prince had held various amateur permits to ride following which he became a licensed apprentice until he was granted a full professional jockey's licence on 28 August 2018. His most recent licence is valid until 27 August 2021. Mr Prince was born on 17 April 1992 and he is currently 28 years of age. His record showed no previous breaches for banned substances.

5. On 16 November 2020 Mr Prince rode ITMAKESYOUTHINK in the Bombardier Handicap (Class 6) at Wolverhampton. The time of the race was 2.10p.m. Following the race a urine sample was taken from

Mr Prince. The sample was submitted to, and analysed by, the UKAS accredited and BHA approved laboratory, Abbott. On 19 November 2020 Abbott confirmed the presence of benzoylecgonine in the urine sample at a concentration of 8450ng/ml. The tolerance, or threshold, level with regard to metabolites of cocaine is 150ng/ml. Mr Prince's sample therefore showed a concentration of the forbidden metabolite of cocaine some 56 times greater than the threshold level. Mr Prince declined to have the B sample analysed.

6. In view of the results of the analysis by Abbott the BHA applied for the interim suspension of Mr Prince's licence under paragraphs 17 – 19 of the Jockey Testing Code of the Rules pending a full disciplinary hearing. That application was granted by the Chairman of the Judicial Panel on 20 November 2020.

7. On 9 December 2020 Mr Prince was formally interviewed about this matter by Sarah Bromley. Mr Mac Neice was present at the interview which was conducted via zoom. In summary, it was accepted by both parties that Mr Prince was frank and helpful during the interview. Mr Prince admitted the breach of Rule (K)49 and admitted that he had been a regular and frequent user of cocaine for a period of 6 – 12 months and that he had first used cocaine at Christmas 2019.

Penalty

8. Rule (K)49 states that "a jockey must ensure that no Banned Substance is present in their body". It was accepted that benzoylecgonine is a banned substance. Mr Prince is therefore in breach of Rule (K)49.

According to the Guide to Procedures and Penalties for "Other Banned Substances and Notifiable Medications" the penalty for a first offence is suspension for 1 – 6 months with an entry point of 2 months. However, where the substance concerned is cocaine "the rider will normally have their licence withdrawn at the top of the range".

9. The BHA submitted that the appropriate penalty should be a withdrawal of Mr Prince's licence for a period of 6 months. In his measured and realistic submissions Mr Mac Neice agreed with the position adopted by the BHA and did not contend for a shorter period.

10. In deciding upon the appropriate penalty the Panel has had regard to all the circumstances of this case. The BHA pointed out that the level of cocaine in the sample was concerningly high. As has already been pointed out the concentration of cocaine in the sample was about 56 times the threshold level. Cocaine is a Class A drug and, as such, is a very dangerous substance. The Panel is acutely aware that a jockey who rides with a quantity of cocaine in his body, as was the case here, not only endangers himself and his mount but also his fellow jockeys and their mounts. Such behaviour raises very serious issues as to the health and safety of the human and equine participants in horse racing and

cannot be tolerated.

11. On the other hand, there were a number of mitigating features present in this case. From the start Mr Prince had been frank and honest in dealing with the investigation. He made a number of admissions as to his frequent use of cocaine (see para 7 above) and of the problems such use was causing. The Panel recognised the courage required by Mr Prince to broach these issues in the honest and open way that he did. Mr Prince informed the trainer Daniel Mark Loughnane (who was, in effect, his employer) very soon after the test proved to be positive. Mr Loughnane submitted an impressive character reference for Mr Prince which confirmed the efforts being made by Mr Prince to rehabilitate himself and to cure his problem. To that end, and with the help of the Professional Jockeys Association, Mr Prince has enrolled on a residential rehabilitation programme. The programme is designed to help individuals manage and defeat addiction. The Panel was told that Mr Prince, as of the day of this hearing, had completed about one half of that residential course. The Panel was impressed with the efforts being made by Mr Prince to rehabilitate himself and we express the hope that he successfully concludes the programme and that he maintains his progress thereafter.

12. In all the circumstances we order that Mr Prince's licence must be withdrawn for a period of 6 months. Mr Prince will be entitled to full credit for the period since the provisional suspension was imposed on 20 November 2020.

Notes

The Panel for the Enquiry was: David Fish QC, Rachel Spearing and Lyn Griffiths

Please note, the BHA Judicial Panel is an independent body which encompasses the Disciplinary Panel, Appeal Board and Licensing Committee. It receives administrative support from the BHA via the Judicial Panel Secretary, who has no other BHA responsibilities.

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