



Benoit De La Sayette - Rule (K)49

Disciplinary Panel - Integrity issues

16 Sep 21

1. On 16 September 2021, the independent Disciplinary Panel of the British Horseracing Authority (BHA) held an inquiry to consider whether the apprentice jockey Benoit de la Sayette had been in breach of Rule (K)49 of the Rules of Racing because cocaine and metabolites of cocaine were found in a hair sample he was required to provide (and did provide) on 31 March 2021.

2. Mr de la Sayette admitted the charge, so the Panel only needed to deal with the question of penalty. He was represented at the remote hearing by Rory Mac Neice of Ashfords, and the BHA's position was explained by Ciara McElvogue. There was no objection to the constitution of the Panel.

3. After the sample was provided, the result was reported to the BHA by Abbott Toxicology Ltd on 16 April 2021. This found that 2.96 ng/mg of cocaine was present, as against a reporting threshold of 0.5 ng/mg. Metabolites of cocaine were also present: namely benzoylecgonine, cocaethylene and norcocaine. Further, because the sample was a strand of hair, Abbott were able to give "approximate" start and end dates for the use of the cocaine found in the sample. These were 16 January and 17 March 2021.

4. On the next day, 17 April 2021, the Chairman of the Disciplinary Panel, HH Brian Barker QC suspended Mr de la Sayette's licence pending a full disciplinary hearing. The BHA then conducted an interview with Mr de la Sayette on 4 May, at which he admitted that he had used cocaine three or four times from summer 2020 until about mid January 2021. He said he realised that he was mixing with a bad crowd by then and moved back to live with his parents in early February 2021, since when he had been better and not used the drug.

5. Though this account was called "full and frank" both by Mr Mac Neice on his behalf and by the BHA, the Panel had serious misgivings about that. The dates of use disclosed by the Abbott report (and supported by the expert evidence of a toxicologist, Kieran Spellman) do cast real doubt on the adequacy

of Mr de la Sayette's explanation, even bearing in mind that the date evidence is approximate.

6. However, at the end of the day those doubts play no part at this stage of the process. The relevant penalty guidance calls for a withdrawal of licence for 6 months in the case of a first breach by using cocaine. That is the penalty that was imposed here. The 6 month period will bring into the calculation the time since his licence was suspended on 17 April 2021. Therefore, subject to what follows, the earliest date upon which Mr de la Sayette can return to riding is 17 October 2021.

7. In order to get a new licence, Mr de la Sayette will have to apply for this to the BHA, which will doubtless be interested in whether he has complied with the protocol that governs a return to racing in such cases. They may also wish to consider what this Panel says above about its misgivings over the fullness of the explanations Mr de la Sayette has so far given.

The Panel for the Enquiry was: Timothy Charlton QC, Steve Winfield and Tim Etherington.

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.

CONTACT:

Shirley Cowan, Judicial Panel Secretary, secretary@bhajudiciary.com or 020 7152 0114

**JUDICIAL
PANEL**