

Reduced Horse Power: The Jockey Club and the Regulation of British Horseracing

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The Jockey Club, founded in 1752, has influenced racing for two centuries and controlled it by the consent of the racing industry since the 1870s. Despite legal challenges and public criticism of a self-perpetuating, private club governing a major British sport, it maintained its pre-eminent position until the 1990s. In 1993 it began to share power with the British Horseracing Board, though retaining the regulatory and disciplinary role. Failure to take full cognisance of human rights legislation, media publicity over corruption in the sport, and a conflict of interest via its ownership of racecourses led to proposals for a new, independent governing body.

Introduction

In February 2003 the Jockey Club announced that it was relinquishing its position as regulator and disciplinary authority of the British turf. It had ruled the sport by consent for well over a century,¹ but had come to the conclusion ‘that in today’s changing environment, the perception of a private club regulating a major British sport could be damaging to racing’s interests’.² In its place it has proposed an independent body with an independent chairman, six executive directors, only two of which would be nominated by the Club, plus an unspecified number of non-executive directors. If the details of funding, financial accountability and cost control can be resolved, it is envisaged that the new body could be operating in 2004.

In the Beginning

In 1752 the *Sporting Kalendar* gave notice of ‘A Contribution Free Plate to be run for at Newmarket in April . . . by horses the property of the noblemen

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and gentlemen of the Jockey Club at the Star and Garter in Pall Mall'.³ This was the earliest mention of the Jockey Club that has been found in print, and although some authorities date the foundation as 1750 the Jockey Club itself now accepts 1752 as its date of origin.⁴ There is no documentation on the reasons why the Club was established but, by implication from its actions in the early years, it was to organise horse races at Newmarket for its members. It should be emphasised that, although several owners rode their own animals, the term 'jockey' did not infer a rider.⁵ The Jockey Club rooms were exclusive premises with no place for the hired professional. In the late nineteenth century the Club probably had around 100 members.⁶ Elections for new members were held twice a year. Candidates had to be nominated by existing members; at least nine members had to vote; and two black balls were sufficient to exclude.⁷

There is no evidence that at the outset the Club had any interest in governing British racing, though it was a role that this private body was to occupy for many years. When it first began to exert any control outside its own domain is unclear. One historian of the Club has argued that 'as many of the early members of the Club were among the richest and most influential men in the country, it is not surprising that the Club *rapidly* acquired authority and prestige'.⁸ However, three caveats need to be made on this statement. First, there was no list of members of the Club published until 1835. It has been argued that many can be identified as owners running horses in races restricted to Club members or from names attached to Jockey Club resolutions, but in fact there were very few of the former (and these were poorly subscribed) and the only names attached to resolutions were those of the stewards and committee members, so the bulk of the membership remained anonymous. Second, the same historian also suggested that 'the character and habits of many of the Club's early members' was such as to render any suggestion that the Club sought to govern or reform the turf 'ridiculous'.⁹ Third, apart from an isolated instance in 1757 when it was asked to adjudicate on a dispute arising from a meeting at the Curragh in Ireland, there is no other mention in either Jockey Club records or the *Racing Calendar* of the Club having – or seeking – any influence in the eighteenth century beyond its immediate jurisdiction.¹⁰

At Newmarket, however, it was a different story, with the Club attempting to control racing matters on the Heath, the vast stretch of land around the town that had been used since the sixteenth century as gallops, training grounds and racetrack. Initially parts of the Heath may have been common land, but it was certainly in private ownership by the late eighteenth century and possibly before. In 1758 it enforced compulsory 'weighing in' after a race, with any jockey failing to do so being banned from riding again at Newmarket.¹¹ The members also took a collective decision that 'any servant

belonging to a member of the society [that is, the Jockey Club]’ found engaged in illegal acts relating to betting ‘shall be dismissed his service, and no further employed by any member of the society’.¹² Thirteen years later it was agreed that ‘all disputes relative to racing at Newmarket should for the future be decided by the three Stewards, and by two referees to be chosen by the parties concerned’.¹³ Until 1770 the Club had only one steward, but from then on there were three, one being replaced annually in rotation, with the official in his final year being senior steward with the power to nominate the replacement steward. The same order of 1771 gave the stewards full powers ‘to conduct racing affairs generally at Newmarket, and also all matters connected with the payment of stakes and forfeits’.¹⁴

Perhaps an indication of the power that it had consolidated came in 1790 when, after the inconsistent running of his horse *Escape*, the Prince of Wales was informed that if he continued to employ Sam Chifney as his jockey no gentleman would start against him at Newmarket. Although possibly aimed more at the servant than the master, it showed that the Club would not be deferential if the integrity of the sport came under question.¹⁵

Bidding For Power?

By this time the Club may have been seeking to formalise its influence in the wider racing world. In 1807 the *Racing Calendar* began to publish the results of certain ‘Adjudged Cases’, already decided by the Jockey Club, presumably as a guide to local stewards throughout the country, though they also served to draw attention to this function of the Club and perhaps encouraged the sending of disputes to it for judgement.¹⁶ Nine years later the Club published a note in the *Racing Calendar* that ‘persons who may be inclined to submit any matters in dispute to the decision of the Stewards of the Jockey Club were at liberty to do so’. For the first time the Club was volunteering to intervene when requested to do so. However, conditions were laid down:

The matter in dispute must relate to horse racing. The parties must agree on a statement of the case in writing; request the opinion of the Stewards of the Jockey Club thereon, and agree to abide by their decision; and such agreement must be signed by both the parties. If the dispute should not occur at Newmarket, the reference must come through, or with the sanction of, the Stewards of the races where it happened. Except the case arise [sic] at Newmarket, they decline giving any opinion where facts alone are in dispute, such as complaints of foul riding, etc. All such cases are most effectually investigated on the spot, whilst the matter is fresh in the memories of the witnesses, where their attendance is most easily procured, and their credibility best understood.¹⁷

Yet the number of cases published in the *Racing Calendar* remained low – a total of 11 in 1826 had risen only to 19 by 1833 – and most of these came from courses in the south of England. This suggests a limited take-up of the offer to adjudicate.

In 1832 the *Racing Calendar* contained a notice to the effect that the Jockey Club Rules and Orders applied only to racing at Newmarket and that it had no authority to extend them to any other racecourse. However, it was noted that ‘for the sake of greater uniformity and certainty’, the Club recommended the adoption of the same rules to the stewards of other races. Then came the crunch statement that ‘the Stewards of the Jockey Club will not receive any references of disputes from any places except those at which the Rules and Regulations of Newmarket shall have been declared to be in force in the printed articles of those races’. This could be interpreted as either a retreat to isolation or possibly an attempt to force other meetings to accept the Newmarket Rules. Before 1750 most race meetings were organised via articles of agreement that allowed for local conditions and were signed by participating owners.¹⁸ Possibly these were re-enacted year by year at those meetings held regularly. Not until 1751 were any general ‘Laws of Racing’ made available to assist those running meetings. These appeared in Pond’s *Sporting Kalendar* and had nothing to do with the fledgling Jockey Club. Not till the early nineteenth century did Weatherbys, the publishers of the *Racing Calendar*, start including ‘Rules Concerning Horse Racing in General’ on a regular basis. Nevertheless at this time the Rules and Orders of the Jockey Club said nothing about racing elsewhere. Moreover the general rules remained virtually unaltered till 1858, which suggests an unwillingness to impose a Club view more widely.

The bid for power – if there was one – was backed up by social position and the force of law, though both had limited impact at the time. Beginning in 1835, the annual publication of the names of Jockey Club members in the *Racing Calendar*, an organ that commenced its list of racing abbreviations with D for Duke, E for Earl, M for Marquis and Ld for Lord, served to remind the racing world of the status of club membership. In a country that had limited democracy, social position was important both in its own right but also for political patronage and influence. Yet there is no evidence that provincial executives were in awe of the Club and most valued their independence, even when they were Jockey Club members themselves!¹⁹

The law was used to establish the Club’s right to ‘warn off’ undesirable characters from the Newmarket courses and training gallops. Not until the 1820s did the Club move to develop the penalty of ‘warning off’ from Newmarket Heath. The first instance, in 1821, was straightforward. A tout, William Taylor (alias Snipe), accepted the punishment for watching a trial with a telescope and refusing to say who employed him to do so.²⁰ Six years

later George Hawkins was less amenable when ‘warned off’ for taking umbrage over a decision regarding a bet and swearing at Lord Wharnccliffe on the Heath. The Duke of Portland took action against Hawkins for trespass and the magistrates at Cambridge Assizes backed the Club on the grounds that it had been invested in the proprietorship of the Heath as a tenant of the Duke since 1753.²¹ From then on the Jockey Club consolidated this position by buying more land around Newmarket when opportunity and financial resources permitted, most significantly in the purchase of the Exning estate in 1882 and the Cheveley in 1919.²² However, the ‘warnings off’ initially applied only to Newmarket and not to other racing venues until the later nineteenth century.

Whether the Jockey Club could have enforced any regulations in a country without effective transport and communication systems is debatable. How willing would local stewards and race committees have been to cede power to a distant central authority? Well into the nineteenth century regional racing was organised in pockets, with local race committees setting their own card of events without regard to Jockey Club wishes. Even when Jockey Club approved starters, judges and handicappers were available in the mid-nineteenth century, meetings often continued to appoint their own officials to handle these functions. Not until the late nineteenth century, with the introduction of licences for courses, could any meaningful sanctions be used by the Club to back up its demands. Owners too do not appear to have voluntarily accepted Club suggestions. In 1762 the Jockey Club recommended that owners register their colours. Yet by 1794 only 38 appear to have done so out of about 300 known owners: even in 1833 the figure was just 150 from around 700.²³ This was not because they did not have colours to register. Race lists for several meetings in the late eighteenth and early nineteenth centuries, held in the archives of the National Horseracing Museum at Newmarket, note the colours worn by jockeys to identify the horses they were riding, but reference to the *Racing Calendar* shows that very few were ‘officially’ registered.

One critic in the 1830s felt that ‘a tighter hand of control is needed if the English turf is not to decline’.²⁴ It was not forthcoming and the lack of firm direction in racing affairs was seen in several racing scandals in the following decade, in particular the winning of the 1844 Derby, the Classic race for three-year-olds, by Running Rein (in reality Maccabeus, a four-year-old).²⁵ Two weeks later a similar case of an over-age horse winning a major race occurred at Ascot when Bloodstone, winner of the New Stakes for two-year-olds, was revealed to be a year older than the animals it had beaten. Although no such deception appears to have been tried at Newmarket itself, that it was being attempted at elite meetings suggests that the racing stables were in need of cleansing. In both instances the Jockey Club stood back and allowed

objectors to the race results to go to law to obtain satisfaction, though it should be noted that Baron de Tessier, one of the Epsom stewards, had refused to release statements made to him to the Club.²⁶ A special meeting was called at which a series of resolutions were passed intimating that in future the Club itself would prosecute in all cases where fraud was intended, as such offences were ‘calculated to inflict an injury on the Turf by bringing racing into disrepute, and ... deterring honourable men from entering into competition in which they run the risk of being encountered by such dishonest rivals’.²⁷

Integrity also featured in the warning off of James Adkins in 1857. Adkins, a racehorse owner and keeper of a gambling house, lost an action in which he was sued for using loaded dice to fleece a customer. Although initially the Jockey Club ignored the matter, a letter from Lord Derby (copied to *The Times*) stimulated the stewards to action. It is, he ventured,

your duty as stewards of the Jockey Club to exercise a wholesome influence upon the character and respectability of the Turf. You cannot debar any man, whatever his position in society from keeping racehorses, nor do I recommend a wholesale and inquisitorial scrutiny into the character and conduct of those who do so; but when among their number are found those against whom flagrant cases of disgraceful fraud, and dishonesty, have been legally established, it appears to me clearly within your preserve to stamp them with your reprobation; and to exclude them from association on an equal footing with the more honourable supporters of the Turf.

He proposed – and the stewards concurred – that Adkins ‘be warned off the Heath at Newmarket; and that no horse of which he may be, in whole or in any part, owner, be allowed to run over any ground over which the Jockey Club exercises jurisdiction’.²⁸ Yet such punishments still formally applied only to Newmarket and it was also in 1857 that the Doncaster stewards – all of them Jockey Club members – dismissed an argument that Newmarket Rules about defaulters should apply to that northern meeting.²⁹ Huggins sums up the situation by arguing that up to the 1860s, outside Newmarket and a minority of elite courses, the Jockey Club was ineffective. It had some influence but little actual power except in Parliament.³⁰

Here it did achieve something. In 1860 Lord Redesdale had proposed to set a minimum weight of seven stone for any flat race, as he felt that some of the very low weights assigned in some handicaps were detrimental to improving the breed of horses and led to the exploitation of child riders.³¹ The Club petitioned the House of Lords not to pass the Bill, and submitted ‘that all regulations respecting racing are better entrusted to the authority which has

hitherto made rules for the encouragement of this great national amusement'.³² After debate the Bill was withdrawn. That many members of the Club were also members of the Lords doubtless helped its case. When Parliament next intervened in horseracing in 1879 to put down speculative, ill-regulated metropolitan racing – meetings organised by publicans for sinners! – the Club did not object strenuously as it was in favour of their suppression.³³

Yet its influence in racing remained incomplete. In 1869 Sir Joseph Hawley, a successful but unpopular owner, proposed motions to limit the amount of two-year-old racing. He was opposed by Admiral Rous, at the time the driving force within the Jockey Club, who raised the surprising argument that the Club had no authority beyond Newmarket. *The Times* voiced incredulity that

if the day comes when the authority of the Jockey Club extends no further than 'The Ditch' [a feature of the Newmarket landscape], it will be because its members were not equal to their position, and had not the courage to exercise for the public good the powers which rest in their hands.³⁴

Holding The Reins

A defining moment came in 1870 when the Club again revised the rules of racing and drew a distinction between 'recognised' and 'unrecognised' meetings. It was resolved that neither the programme nor the results of any British flat-race meeting would be published in the *Racing Calendar* unless it was advertised as being subject to 'the established Rules of Racing' as settled by the Jockey Club.³⁵ It soon followed that any owner, trainer, jockey or official who took part in such unauthorised meetings would be disqualified from recognised or authorised racing. From the beginning of 1877 it was specifically noted that warnings off applied to all places where the 'Rules of Racing, made by the Jockey Club at Newmarket' were in force.³⁶ In the 1870s the Club used its power virtually to restructure racing by ridding the sport of a mass of small-scale meetings. Some of these were disreputable affairs but others were simply local holiday meetings that the Club felt did not contribute to the improvement of the thoroughbred, still an official rationale for horseracing. From 1877 all meetings wishing to be recognised by the Club had to provide a minimum of 300 sovereigns in prize money for each day of racing. The net result was a dramatic decline in the number of authorised meetings, some of which gave up racing while others opted to turn to the cheaper, less-regulated National Hunt Racing.³⁷ The *Racing Calendar* shows a decline from 136 courses holding 193 meetings in 1869 to 66 courses

hosting 114 ten years later. By the end of the century the number of courses had fallen to 49, though they held 127 meetings. The Club had abandoned any attempt to regulate lesser racing, concentrating instead on controlling the more significant meetings.

Jockey Club regulations applied only to one type of racing, that on the flat. In the 1860s the Club deliberately opted to bypass an opportunity to regulate the jumping branch of the sport. Steeplechasing had only begun in an organised form in the 1830s and the Club did not consider it to be proper horseracing. Although Admiral Rous, a virtual perpetual Jockey Club steward for several decades, advised the embryonic National Hunt Committee on the structure of their rules, the Jockey Club itself decided that it wanted no part in regulating this side of the sport. However, when formally established in 1866, most of the original members of the 16-man committee were also members of the Jockey Club; indeed W.G. Craven was actually senior steward at the time. Next year the Jockey Club deemed that hurdle races more properly belonged in the sphere of the National Hunt Committee and such races were no longer encompassed within the established Rules of Racing.³⁸

The Club's grip on flat racing was further tightened during the last quarter of the century, when it introduced annual licences for jockeys, trainers, officials and racecourses and reserved the right to revoke them or refuse a re-application. At the turn of the century the Club had no qualms about getting tough with jockeys, even leading ones, who broke its rules. Champion rider Otto Madden and major jockey Fred Rickaby were deprived of their licences for 'associating with bad characters'; another champion, American Lester Reiff, was warned off for not trying in a race at Manchester; and Tod Sloan, the Yankee who revolutionised English jockeyship with his monkey-on-a-stick style of riding, was told not to bother re-applying for his licence because of his gambling.³⁹ Warnings off were now reported to turf authorities in other countries who, under reciprocal agreements, generally extended them to all racing under their control.⁴⁰ Whereas Sam Chifney in the late eighteenth century had been excluded solely from riding at Newmarket, these malfasant jockeys were shut out of not just British racing but also many foreign meetings.

Twentieth-Century Challenges

Several legal challenges were mounted against the Club in the twentieth century. Two major ones concerned decisions to ban trainers from pursuing their careers after their horses had tested positive in dope tests. Accepting that it was virtually impossible to prove who had administered drugs to a horse, the Club had taken a pragmatic stance and opted to disqualify the trainer who had had responsibility for the care and security of the doped animal. In 1930

the stewards revoked the licence of a young trainer Charles Chapman, whose horse *Don Pat* had tested positive for caffeine at Kempton Park. The findings and decision were fully within the powers conferred on them by the Rules of Racing and Chapman was bound by these regulations as a condition of his licence. Unfortunately the way that the decision was expressed branded Chapman as a crook rather than as a trainer who had been careless in his security and, in an attempt to clear his name, he sued the stewards for libel. Although the jury found for Chapman, the Jockey Club won its appeal on the grounds that in a strict sense the wording of the decision in the *Racing Calendar* was actually true (it was the press that had interpreted it differently), the stewards had acted in good faith, and anyway they were protected by privilege.⁴¹ Another doping case that led to a lawsuit in 1948 was when trainer J. Russell had his licence withdrawn following inquiries into the running of one of his horses at Lincoln the previous year. He sued the Jockey Club stewards for wrongfully taking away his livelihood but the action was dismissed on similar grounds to the Chapman case.⁴²

The Club, however, was defeated in the 1960s when Florence Nagle challenged its right to refuse training licences to women. The Jockey Club had a poor comprehension of social change and stubbornly clung to its nineteenth-century view of what was a fit and proper role for women in racing, so female trainers such as Nagle had to allow their head lad to hold the licence in his name. After two decades of fruitless campaigning, Nagle decided to take the Jockey Club to court to gain the right to train under her own name. At 72 she had no career to look forward to but pursued the issue as a matter of principle. Lord Justice Denning did not agree with the views of the Jockey Club, and at the Court of Appeal in July 1966 pointed out that ‘if she is to carry on her trade without stooping to subterfuge she has to have a training licence’.⁴³ The Club went on to allow women to race on the flat as amateurs from 1972 and compete against male amateurs from 1974, but resisted calls for female professional jockeys until 1976, when forced to concede this right by the Sex Discrimination Act.

A criticism constantly made against the Jockey Club was that it was (and is) an undemocratic organisation unrepresentative of racing in general. In 1870 Sir Joseph Hawley had proposed that ‘the basis of the Club be extended and that not only gentlemen who are large owners of racehorses, but those who take an interest in racing as a means of preserving the breed of horses, be invited to become members’.⁴⁴ Needless to say the motion was not passed. Writing in the mid-1950s, one historian of the Jockey Club maintained that little had changed since Hawley’s attempted reform, apart from the inclusion of Jewish members.⁴⁵ Businessmen and industrialists were for the most part still missing and the Club remained ‘fundamentally aristocratic and conservative’.⁴⁶ He queried ‘just how much longer the Jockey Club can

continue to exist in its present form – basically a social club drawn from a very small circle'.⁴⁷ The answer was 'for some years to come'.

Amalgamation with the National Hunt Committee in 1968, a precursor to incorporation by Royal Charter in 1970 which required racing to have a unified controlling body, brought some new faces.⁴⁸ The next decade saw female members elected. But the Club continued to be dominated by a titled elite. Those on the left politically would always criticise undemocratic institutions. George Wigg, socialist Chairman of the Horserace Betting Levy Board, always proclaimed that 'the Jockey Club believe that my function is the plebeian task of collecting the money. Theirs is the aristocratic task of spending it'.⁴⁹ But even those more attuned to the concept of *noblesse oblige* began to feel that social position alone was insufficient to provide authority in a society where meritocracy was becoming more important to the decision-making process.

In his history of the Club published in 1958, Roger Mortimer argued that 'most fair-minded people will agree that with all its faults the Jockey Club has served racing well and has the best interests of racing at heart'.⁵⁰ However the list of faults that he enumerated was somewhat damning: 'a closed shop ... hopelessly out of touch with the feelings of average supporters of racing ... ingrained backwards-looking conservatism ... set their faces against reasonable and progressive reform ...' and occasionally applied 'disciplinary measures in a manner arbitrary and unjust'.⁵¹ With a friend like this ...

Writing on the Wall

Although the Jockey Club ran racing, it did not speak on behalf of all the industry's stakeholders.⁵² Indeed there were too many diverse interests in the sport, each pushing their own agenda. Racing needed a united voice. Speaking in December 1989, Lord Hartington, the Jockey Club Senior Steward, commented that:

It is of immense concern to me when the public, and particularly their elected representatives, complain that racing does not seem to be able to make up its own mind on how it sees the future. How can an industry which is apparently divided in its own vision of the way ahead ever hope to gather sympathetic support in Westminster and Whitehall?⁵³

The Club no longer had the influence in Parliament that its aristocratic membership had brought in the nineteenth century. Nevertheless Hartington and Christopher Haines, the Chief Executive (the first and last) of the Jockey

Club, lobbied hard and were able to gain a reduction in betting duty, VAT concessions for owners and the acceptance of Sunday racing.⁵⁴ Despite these successes the end was in sight for the Club having sole control of British racing.

Indeed in June 1993 monopoly became duopoly with the formation of the British Horseracing Board to organise and direct the sport. A Select Committee inquiry into the financial structure of racing had reported in May 1991 that:

it is vital in their own financial interests for the fragmented racing industry, through co-operation between the Horseracing Advisory Council and the Jockey Club, to find and follow strong and unified commercial leadership. Racing's power structure must be modernised . . . We believe that the racing industry will do itself a grave disservice if it does not unite behind a leadership with business acumen.⁵⁵

The Jockey Club took the hint, agreed to cede some power to a new body, and, with Lord Hartington at the helm, took a lead role in its creation. Hartington believed that, unless the Jockey Club surrendered some of its power voluntarily, the government, even a Tory one, might intervene, something to which he was vehemently opposed.⁵⁶ The remit of the new body included the important functions of strategic planning, finance, fixtures, training and education, public relations, negotiating racing's share of the betting levy and marketing the sport. Of its 11 members four came from the Jockey Club, two each from the Racecourse Association and the Racehorse Owners Association and three from the Horserace Advisory Council (subsequently known as the Industry Committee) in recognition of the numerous interests it supposedly represented, including trainers, breeders, jockeys, stable staff and race goers. At the national level, the Jockey Club was left with the role of regulator, in charge of race-day stewarding, discipline and security, as well having the general responsibility for the Rules of Racing.

Commenting in 1997, Lord Hartington, the architect of the British Horseracing Board, noted that:

Now that the Club has returned to the role to which it is most suited, that of regulation, I am confident that it will continue to secure the admiration for British racing that it has achieved over the past 235 years . . . I hope that the combination of the Jockey Club and the British Horseracing Board, separate but inter-dependent organisations, will make a formidable and successful partnership in the service of British racing.⁵⁷

He was wrong, both in his historical assertion and his predictive ability.

Previous groups that brought together various interests within racing – such as the Racing and Breeding Liaison Committee (1958), the Joint Associations' Liaison Committee (1964), the Bloodstock and Racecourse Industries Confederation (1974), the Racehorse Industries Liaison Committee (1976) and the Horserace Advisory Council (1980) – had not possessed any power and remained talking shops, technically consulted but rarely listened to by the Jockey Club. Some commentators had hoped that the Horseracing Advisory Council might have ushered in a new era, but their hopes were dashed almost from the start. John Macdonald-Buchanan, the Senior Steward of the Jockey Club, immediately pointed out that 'it should be remembered that the Jockey Club has executive power and all the responsibilities that go with it. The Horseracing Advisory Council, on the other hand, is an advisory body, not obliged to make decisions and not therefore carrying the responsibilities of decision-making'.⁵⁸ Although Phil Bull, the Chairman of the Council, believed that it could use the power of the written and spoken word, he resigned after only a few months in office, complaining that the body was a charade that was not taken seriously by the Jockey Club.⁵⁹ Writing in 1985, the publisher of *Pacemaker*, a well-respected journal in the racing industry, declared that 'consultation has been increased, yet there has been no erosion of the Club's power base', and George (now Lord) Wigg was clear that the Council was 'wholly cosmetic, an instrument of the Jockey Club'.⁶⁰

Unlike its predecessors, however, the Board was more than advisory and had responsibility for the direction of racing. Nevertheless, that the Board was an idea of the Jockey Club led to suspicion that nothing might change. For a few years it appeared that this could be the case, as few initiatives were taken in either the finances or the structure of racing, but when Peter Savill, an outspoken representative of the Racehorse Owners Association, became Chairman in 1998 change was inevitable.⁶¹ His view was that:

If the sport is to prosper we need to improve its funding substantially and to compete both with racing internationally and with other sports and leisure activities here at home. We can only achieve these goals if the leadership of racing is more professional, democratic, efficient and united.⁶²

A first step was to transfer one of the Jockey Club's four seats to representatives of the breeding industry.⁶³

Into the New Millennium

In 2001 the Jockey Club underwent a corporate restructure to recognise its four major roles of regulating racing, supporting the work of the BHB,

owning and running racecourses, and operating training facilities. The vital regulatory role was ring-fenced from the Club's other activities and became the specific responsibility of Regulatory Stewards, who also appointed the members of the Disciplinary and Licensing Committees. But criticism of the Club was growing.

The Jockey Club has consistently argued that it has to act to preserve the integrity of the sport and consequently reserved the right effectively to end the racing career of anyone whom it felt brought racing into disrepute. A series of legal judgements in the early 1990s supported the Jockey Club's contention that it was a private and domestic body that derived its authority from the contractual relationship between itself and those who agreed to be bound by the Rules of Racing.⁶⁴ However this failed to take cognisance of changing legal interpretations, in particular the effect of human rights legislation.⁶⁵ In matters of disciplinary procedures within racing the Club acted as prosecutor, jury and judge, with proceedings generally held *in camera*. The six members of the Jockey Club regulatory committee were the six stewards of the Club and the Senior Steward was head of both groups. Although a new appeal board was established under an independent chairman, the mechanisms of disciplinary enquiries, in particular the intention to continue to hold meetings in private, left the Club open to legal challenge.⁶⁶

There was also criticism that the Jockey Club, dominated by rich owners and breeders, could not be truly unbiased in making judgements about the sport and on those who work in the industry. Others noted that the Club, via its wholly owned subsidiary, the Racecourse Holdings Trust, was running 13 of Britain's 59 racecourses, including several major tracks, and that the fortunes and futures of these also influenced its perspective on events, particularly on fixtures and media rights. Savill, while having 'absolutely no doubt that the Jockey Club intends to act in racing's best interests', also believed that 'it had been heavily influenced by its ownership of Racecourse Holdings Trust'.⁶⁷

Perhaps the real catalyst for change was media intrusion into the affairs of the Club. In October 2002 two television programmes, *Panorama*'s 'The Corruption of Racing' and *Kenyon Confronts*, exposed not just examples of corruption within racing, but also the ineffectual efforts of the Club to combat it. It did the Club little good that a sacked Head of Security provided the media with much of their ammunition and that his replacement, while able to mastermind the breaking of the siege of the Libyan embassy in the late 1980s, could not spot a hidden microphone and camera and had made unguarded comments about the ineptitude of his employers.⁶⁸ British Horseracing Board Director and chair of its Industry Committee, Rhydian Morgan-Jones, did not hold back. He accused the Club of 'institutional incompetence' and added that:

Democracy depends on an independent judiciary, but a judiciary consisting of part-time amateurs appointed by and responsible to a self-electing club with clear conflicts of interest is hardly independent, let alone acceptable in 2002. You cannot have 200 self-elected rich toffs appointing amateurs to run integrity.⁶⁹

Savill seized the opportunity. At first apparently coming to the defence of the Jockey Club, he noted that:

the public have the perception that racing is governed by a group of people living in a time warp when the truth is that the Jockey Club is highly respected throughout the world of international racing; that their regulatory work in the area of setting rules, licensing and registration, standards of veterinary and medical care, discipline and stewarding is exemplary; and that their hands have frequently been tied by the under-regulation of betting and the fact that corrupt behaviour in racing is, in some instances, not a criminal offence.

But he then went on to point out that ‘effective regulation is the bedrock of a successful racing industry’ and that British racing had ‘effectively two governing bodies – BHB and the Jockey Club – whereas all other sports and racing jurisdictions have just one. In order to modernise our structure, I believe that we need to merge the governance and regulatory responsibilities of the two governing bodies into one’.⁷⁰ Whilst refusing to admit that such criticism of the Club was the stimulus for change, it was acknowledged by John Maxse, Director of Public Relations for the Jockey Club, that ‘it speeded up a process already under way’.⁷¹

The proposals for a new body were welcomed in several quarters, including by Richard Caborn, the Minister for Sport who, though his portfolio at the time did not encompass horseracing, had called for a more transparent regulator after the television exposés.⁷² He acknowledged that ‘strong independent regulation is essential to ensure that the worldwide reputation of British horseracing for integrity is maintained and enhanced’.⁷³ Even Savill, who at one time had hinted that his organisation might have wanted to be the regulatory authority, accepted that racing needed an independent regularity body.⁷⁴ British Horseracing Board Chief Executive, Greg Nichols, was ‘generally supportive of a greater degree of independence, transparency and accountability in the proposals’.⁷⁵

However there were critics and sceptics, including the Racehorse Owners Association and the Jockeys Association, who suspected that the plan was an attempt overtly to cede power but covertly to retain it.⁷⁶ They drew parallels with the 1980s, when the Jockey Club had set up consultancy mechanisms by

which other bodies in racing were listened to but not heard. They questioned the independence of the four non-Jockey Club executive directors and queried how the other non-executive directors would be chosen.⁷⁷ Michael Caulfield, Chief Executive of the Jockeys Association, argued that there must not be ‘an exchange of one tweed suit for another’, though, to be fair, he had earlier accepted that ‘the Jockey Club has a huge degree of expertise and understanding which should not be lost on the back of dealing with perception or image’.⁷⁸ Indeed the Club insisted that it should retain a minority representation on the new regulatory board so as to provide continuity of experience.⁷⁹ The critics also pointed out that the Club would remain one of the four stakeholder directors in the British Horseracing Board. They also ventured that no one of influence had suggested that either the bookmakers or the punters should have a voice on the new body, yet they are two groups whose money is essential to the viability of the industry. Those who had little time for the Club also noted that it is not relinquishing its assets, including 13 racecourses and 2,800 acres of gallops in Newmarket, and wondered if it would be satisfied with the role of estate management.⁸⁰

Conclusion

Despite opposition from those who felt that it was morally wrong for racing to be run by a private club, one so exclusive that most of the talent in the sport was denied any opportunity to influence or implement policy, the Jockey Club survived unscathed for many years as the governing body of the turf. Those who complained were unwilling to do more than criticise. Perhaps they feared interference from government even more than they disliked being dictated to by an organisation in which bloodlines seemed to be as important as in horse breeding. Eventually, however, changing social, economic and political circumstances persuaded the Club itself to cede power; first to a power-sharing arrangement with the British Horseracing Board and later to a proposed independent racing authority.

In 1969 George Wigg, then Chairman of the Levy Board and adamant opponent of the Jockey Club, compared the latter organisation to ‘a well kept veteran motor car, interesting for use on an occasional drive if you have the infinite time and patience and willingness to judge the article by its original quality and value’.⁸¹ Three-and-a-half decades on, the self-perpetuating oligarchy had come to the end of the road.

NOTES

1. Although the broadsheet press and even the *Racing Post*, 12 February 2003, seem to believe that the Jockey Club has ruled racing since the mid eighteenth century, this is patently untrue. Yet even racing historians have tended to accept that the Club was in charge much earlier

- than it actually was; see M. Huggins, *Flat Racing and British Society 1790–1914* (London: Frank Cass, 2000), 175. As shown later in this article, the 1870s is perhaps the decade that marks the coming to power of the Club.
2. Christopher Spence, Senior Steward of the Jockey Club, quoted in Racecourse Association, *Update* (February 2003), 9.
 3. Quoted in R. Mortimer, *The Jockey Club* (London: Cassell, 1958), 10.
 4. www.jockeyclub.co.uk.
 5. See W. Vamplew, *The Turf* (London: Allen Lane, 1978), 77.
 6. Mortimer (note 3), 12.
 7. By the mid-twentieth century three black balls were required, still hardly a democratic process.
 8. Mortimer (note 3), 11.
 9. *Ibid.*, 10.
 10. *Ibid.*, 30.
 11. *Ibid.*, 30.
 12. *Racing Calendar* (1773), xxiii.
 13. Quoted in Mortimer (note 3), 32.
 14. ‘Rules and Orders of the Jockey Club’, *Racing Calendar* (1771). This remained the situation till after 1945, but today there are seven stewards, five serving for three-year periods and the Senior Steward and Deputy Senior Steward officiating for four.
 15. The Prince stuck by Chifney and never raced again at Newmarket. In 1805 the Club entreated him to bury the affair and return, but though he promised to patronise the Heath again he never did. However, towards the end of his reign as George IV he hosted a dinner for members of the Club.
 16. In 1771 the Club consolidated the positions of Keeper of the Match Book, Stakeholder and Club Secretary under James Weatherby. Two years later Weatherby began to publish his *Racing Calendar*, which, although primarily concerned with providing information on meetings throughout Britain, also offered a vehicle for Jockey Club pronouncements. It was finally purchased by the Jockey Club in 1902.
 17. ‘Laws of Racing’, *Racing Calendar* (1816).
 18. See I. Middleton, ‘The Developing Pattern of Horse Racing in Yorkshire 1700–1749: An Analysis of the People and Places’, Ph.D. thesis, De Montfort University, 2000, 60–8.
 19. Huggins (note 1), 178.
 20. R. Black, *The Jockey Club and Its Founders* (1893), 82; ‘Rules and Orders of the Jockey Club’, *Racing Calendar* (1827).
 21. G. Hawkins, *The Jockey Club* (1827), 8, 38–9; J. Whyte, *History of the British Turf* (London: 1840), Vol.2, 242.
 22. R. Onslow, *The Heath and the Turf* (London: Baker, 1971), 25.
 23. J. Kay, ‘The Actress, the Politician and the Brigadier: British Horseracing Through the Pages of Weatherbys’ *Racing Calendar*’, in T. Gonzalez Aja (ed.), *Proceedings of the 5th International CESH congress* (Madrid: CESH, 2002), 371.
 24. C.P. Apperley, ‘The Turf’, *Quarterly Review* XLIX (1833), 383.
 25. M. Huggins, ‘Lord Bentinck, the Jockey Club and Racing Morality in Mid Nineteenth-Century England: The “Running Rein” Derby Revisited’, *International Journal of the History of Sport* 13/3 (1996), 432–444.
 26. Baron de Tessier to Charles Weatherby, 18 June 1844, Weatherbys Archives.
 27. Mortimer (note 3), 76.
 28. Letter quoted in *ibid.*, 96.
 29. J. Fairfax-Blakeborough, *Northern Turf History* (1950), Vol.3, 363.
 30. Huggins (note 1), 174.
 31. *Hansard* (156) 16 February 1860; (159) 12 June 1860.
 32. Mortimer (note 3), 110; Vamplew (note 5), 98.
 33. *Hansard* (240) 13 June 1878; (243) 14 February 1879, 17 February 1879.
 34. Quoted in Mortimer (note 3), 87.
 35. *Racing Calendar* (1870), xlv, rule 74.
 36. *Racing Calendar* (1876), xxxii, rule 5 (iii).

37. See J. Tolson and W. Vamplew, 'Facilitation not Revolution: Railways and British Flat Racing 1830–1914', *Sport in History* (Summer 2003), 89–106.
38. M. Seth-Smith *et al.*, *The History of Steeplechasing* (London: Michael Joseph, 1966), 52–9.
39. Mortimer (note 3), 138; W. Vamplew, 'The American Invasion of the English Turf: A Study in Sporting Technological Transfer', in J. Toleneer and R. Renson (eds.), *Old Borders, New Borders, No Borders* (Leuven: Meyer & Meyer, 2000), 219–26.
40. Select Committee on Betting (1902), V, qq.2453–54.
41. Mortimer (note 3), 133–6; *Daily Telegraph*, 1 December 1931.
42. R. Mortimer, *The Flat* (London: Allen & Unwin, 1979), 60–1.
43. Quoted in J. Tyrrel, *Running Racing* (London: Quiller, 1997), 149. For more on the Jockey Club and women in racing, see W. Vamplew and J. Kay, 'Horse Racing', in K. Christensen, A. Guttmann and G. Pfister, *International Encyclopedia of Women and Sports* (New York: Macmillan, 2001), 537–44.
44. Black (note 20), 361.
45. Mortimer (note 3), 89.
46. *Ibid.*, 173.
47. *Ibid.*, 176.
48. Although this had the disadvantage that any change to its constitution, however trivial, required Privy Council permission, it was seen as offering significant protection from political interference. Tyrrel (note 43), 141.
49. Quoted in C. Hill, *Horse Power* (Manchester: Manchester University Press, 1988), 109.
50. Mortimer (note 3), 175.
51. *Ibid.*, 174.
52. See entry on 'Associations', in W. Vamplew and J. Kay, *Encyclopedia of British Horseracing* (London: Routledge, forthcoming).
53. *The Times*, 13 December 1989.
54. Tyrrel (note 43), 167.
55. *The Times*, 21 May 1991.
56. Tyrrel (note 43), 173.
57. *Ibid.*, vii.
58. Quoted in *ibid.*, 160.
59. H. Wright, *Bull: The Biography* (Halifax: Timeform, 1995), 223.
60. Tyrrel (note 43), 161–2.
61. Savill immediately declared himself as an independent chairman and no longer a representative of the owners, and indeed subsequently severely criticised the ROA for some of its attitudes. *Racing Post*, 16 December 1998.
62. *Racing Post*, 16 December 1998.
63. *Racing Post*, 16 December 1998.
64. Neil Parpworth, 'Guarding the Game: Governing Bodies and Legal Intervention', in S. Greenfield and G. Osborn, *Law and Sport in Contemporary Society* (London: Frank Cass 2001), 71–90.
65. *Daily Telegraph*, 4 January 2002; see also T. de la Mere and J. Mulcahy, 'A Sporting Chance', *Legal Weekly*, 12 December 2002. It can be conjectured that human rights legislation, particularly at the European level, may have significant effects on the whole issue of disciplinary sanctions by sports administrative bodies.
66. *Jockey Club Press Release*, 19 February 2001; *Daily Telegraph*, 4 January 2001.
67. *Racing Post*, 14 August 2001.
68. *Guardian*, 9 October 2002.
69. *Racing Post*, 11 October 2002. Elections are held each December and usually about five new members are selected. They are elected (for life) for their knowledge and experience of racing and the contribution that it is felt they could make to the regulation of the sport. Of the 84 'active' members in 2002 – defined by the Club as those of the 123 members under 70 years of age – 96 per cent are past or current registered owners, 54 per cent are breeders, 51 per cent act as racecourse stewards, 42 per cent are racecourse directors, 30 per cent have sat on the licensing committee, 29 per cent on the disciplinary committee, 26 per cent are ex-

jockeys (mainly amateur) and 17 per cent are past or present holders of a licence or permit to train. Members are expected to sit on Jockey Club and other racing committees.

70. *BHB Press Release*, 11 October 2002.
71. Quoted in *Coventry Evening Telegraph*, 12 February 2003.
72. *Daily Telegraph*, 12 February 2003.
73. *Racing Post*, 12 February 2003.
74. *Racing Post*, 21 October 2002; *Guardian*, 12 February 2003.
75. *Express*, 12 February 2002.
76. *Racing Post*, 12 February 2002.
77. *Scotland on Sunday*, 2 March 2003.
78. *Racing Post*, 17 January 2003.
79. *Racing Post*, 12 February 2003.
80. *Sunday Mail*, 16 February 2003.
81. Quoted in Hill (note 49), 108.