

Apprentice and conditional jockeys

The following is a brief guide for trainers with apprentice or conditional jockeys. It does not seek to cover every scenario nor individual cases but gives an overview of the duties and responsibilities of both the trainer and the apprentice/conditional.

For advice on specific cases, please contact the NTF for further assistance.

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1 Employment status

The BHA requires apprentice and conditional jockeys to be full time paid employees of the trainer.

They should be issued with an employment contract as normal and will have the usual employment rights and duties.

2 Stable Employees Register

The apprentice/conditional must be registered on the Stable Employees Register within 24 hours of commencing employment.

If the apprentice/conditional's employment is terminated for any reason, the trainer must take the employee off the Stable Employees Register immediately (not the usual 7 days for other employees).

As the apprentice/conditional's licence to race ride is tied in with his employment, it is essential that the termination of employment is notified immediately to prevent the person race riding when not licensed.

3 Licence fee and application

The BHA requires that the trainer pays the licence fee.

4 Fitness to ride and medical examination

The conditional or apprentice must undergo a medical examination for fitness to ride and assessment of concussion protocol. Full information on this is available on the BHA website.

5 Duration of licence

The licence expires on the date stated on it and a renewal must be submitted to the BHA at least 2 weeks before the date it will be required.

6 Licence ceasing to be valid

The licence ceases to be valid if the jockey

- relinquishes the licence
- leaves the employment of the trainer
- reaches the age of 26
- is declared a disqualified person by the BHA.

It will also cease to be valid if the trainer ceases to be a licensed trainer.

7 Apprenticeship/conditional training agreement

The trainer and the apprentice/conditional must enter into a training agreement in a form required by the BHA. If the person is under 18, then a person with parental responsibility for him or her must also sign it.

This places various obligations upon the trainer and the apprentice, key ones of which are:

Industry training courses

The trainer must assist the jockey in attending the jockey training courses at the BRS or NRC and other training deemed necessary for the professional development of the person as a jockey. The trainer must pay the apprentice or conditional their normal wage when they are attending such courses.

Medical insurance

The trainer is required to pay a percentage of the private medical insurance fee for the apprentice or conditional though the amount differs depending on the category of the claim, as below.

For an apprentice, the trainer pays 50% of the premium for the apprentice, after any contribution by the IJF.

For a conditional, where the conditional has a right to claim a 7lb allowance at the date of commencement of the training agreement and the trainer is entitled to take 50% of the conditional's riding fees, the trainer pays 50% of the costs of the premium of the private medical insurance for the conditional

In both cases, if the person leaves the employment of the trainer, they will be required to pay a decreasing proportion of this sum back to the trainer depending on the length of service.

Provision of equipment

The trainer must provide skull cap, breeches, goggles, safety vest and whip. The skull cap and safety vest must meet the standards in place from time to time under the BHA rules.

The equipment is to be replaced by the trainer at the trainer's expense as and when required other than if it has been lost or equipment by wilful act or negligence of the employee. Skull caps and safety vests must be provided replaced/provided free of charge whatever the circumstances as they are deemed PPE.

Riding work for other trainers

The apprentice or conditional must not ride horses nor ride work for other trainers without the consent of the employing trainer.

Expenses

Apprentice only

Where the apprentice has a right to claim an allowance, the trainer undertakes to pay at least half the apprentice's racing expenses, being reasonable expenses incurred by the apprentice when travelling for the purpose of riding in flat races, as follows:

- mileage allowance of 22.5p per authorised mile when the apprentice has used his own car (note this is 22.5p per mile not 50% of this).
- public or private transportation on production of receipts (50% payable by each party)
- jockey's valets (50% payable by each party).
- 50% of the amount of the premium for private medical insurance for the apprentice after any contribution to the premium cost made by the IJF.

Conditional only

Where the conditional is claiming 7lb the trainer is to make payments to him as racing expenses:

- mileage allowance of 22.5p per authorised mile when the apprentice has used his own car (note this is 22.5p per mile not 50% of this).
- public or private transportation on production of receipts (50% payable by each party)
- jockey's valets (50% payable by each party).
- 50% of the amount of the premium for private medical insurance for the apprentice after any contribution to the premium cost made by the IJF.

Personal Assessment Reports

The trainer and the apprentice or conditional are to review the apprentice's performance on a six monthly basis to include:

Aptitude and ability

Disciplinary

Progress

Following the review, the trainer will prepare a personal assessment report and provide a copy to the apprentice or conditional.

During the last two months of the agreement, the trainer shall make reasonable efforts to assess whether or not he can continue to offering training and/or rides to the apprentice or conditional and shall consult with the apprentice or conditional on this.

Disputes

There is a mechanism in place for resolving disputes arising out of the training agreement. This provides that where there is a dispute that the parties cannot settle it can be referred to an Advisory Committee at the BHA.

If there is an issue which does not relate to the training as an apprentice or conditional then that should be dealt with under the normal employment procedures.

8 Tax NI and VAT

Apprentices and conditionals receive a wage as an employee of the trainer or the stable.

These earnings are subject to income tax and Class 1 National Insurance contributions under PAYE as employment income.

Riding fees and prize money is subject to income tax and NIC, but the source of this income will determine the tax and NIC treatment.

The current understanding of the way this income is dealt with by H M Revenue and Customs is as follows:

Home rides

Riding fees and prize money from rides provided by the employing trainer (home rides) are subject to income tax and NIC under PAYE. This is the same as wages from the employing trainer.

Away rides

Riding fees and prize money from rides provided by other trainers (away rides) are treated as income of a self-employed individual. Class 2 National Insurance Contributions must be paid and if the profits are above £7,596 (2014/2015) then Class 4 National Insurance Contributions are payable.

Commencement of self-employment

When the jockey first receives "away rides", he must notify H M Revenue & Customs that he has commenced in business as a self-employed individual. The notification must be within 3 months of the end of the month in which the self-employment commenced.

The apprentice or conditional should be advised to either speak to the PJA or an accountant for advice.

VAT

Customs contend that the agreement between the trainer and apprentice/conditional jockeys are normally contracts of employment or contracts of apprenticeship.

Therefore, for any riding services by an apprentice jockeys (all allowances) or a conditional jockey who claims a 7lb allowance, one half of the riding fee including VAT is paid to the jockey with the balance paid to the trainer who should account for VAT on the full amount of the riding fee.

For conditional jockeys who claim a 5lb or 3lb allowance, and those who have lost the right to claim an allowance, the whole of the riding fee excluding VAT is paid to the jockey. Only the VAT is paid to the trainer who should declare it as output tax. The details of these transactions are shown on self-billing invoices issued by Weatherbys.

9 On the racecourse

Arrival

The Rules (C) 44.6 provide that a trainer must ensure that an apprentice or conditional employed by him arrives at any meeting where he is declared to ride. The trainer may be fined for late arrival of the apprentice or conditional.

Walking the course

Rule (C) 44.6 provides that a conditional or apprentice must acquaint himself with every course on the first occasion that he rides there and the stewards will not consider this requirement to have been met unless the trainer has ensured that he has walked the course.

Race riding instructions

The normal obligations with regard to riding instructions are that the trainer must “give or cause to be given, to the rider of any horse trained by him such instructions as are necessary to ensure the horse runs on its merits”.

The rules specify (Manual C 45.2) that the instructions must, amongst other things, cover the use of the whip when employing an apprentice jockey or conditional jockey.

The NTF has produced a guide on riding instructions which is available to members on the NTF website.

With regard to an apprentice or conditional, the BHA requires the trainer to have given more detailed and clear instructions than to an experienced senior jockey. The more inexperienced the jockey, the more detailed the instructions need to be to enable a horse to run on its merits.

If an apprentice or conditional is found in breach of the rules relating to the use of the whip, increased penalties will be imposed on trainers who give inadequate or unacceptable instructions or fail to give apprentice and conditional jockeys instructions on the use of the whip.

The trainer should advise the conditional or apprentice what to do if they cannot follow the instructions because of the way the race is run, i.e. give them a Plan B in case Plan A falls. For example, they have been told to jump out and making the running, the trainer should tell an inexperienced jockey what to do if the instead the horse dwells in the stalls and is left behind.

The trainer should tell the apprentice or conditional of any quirks or characteristics of the horse which may affect the way it is ridden – for example, if it is a scratchy mover since an inexperienced jockey may think that the horse is not moving right and not make sufficient effort whereas the horse is fine and simply a poor mover.

It will not be acceptable to a stewards' enquiry that a trainer has told an apprentice or conditional that he should ride a race "as he finds it".

Race Riding Equipment, Weighing Out and at the Start

Protective equipment

It is the trainer's obligation (Manual (C) 25.1) to ensure that an apprentice jockey or conditional jockey wears a skull cap and safety vest which meet the requirements of the rules in force from time to time. The trainer will be regarded as having breached the rules if the conditional or apprentice is wearing an unserviceable skull cap or safety vest.

Other equipment

The trainer (Manual (C) 44) must ensure the fit condition of any saddle used by an apprentice or conditional employed by him (note the saddle includes the saddle, surcingle, girth, stirrup irons and leathers or webs).

The Rules (Rider Manual D Schedule 2, Part 2) set out the specifications for whips.

The trainer will be regarded as having breached the rules if a conditional or apprentice fails to comply with the provision relating to saddles and whips.

Weighing out

The trainer or his representative must be present when an apprentice or conditional who is riding for him is weighed out for a race.

Racecourse – at the start

The trainer must ensure that each apprentice or conditional riding for him is aware that he must have his girths checked at the start and that he is aware that he must report any concerns that he may have to the Starter or his assistant (rule (C) 44.3) and that he otherwise complies with all the requirements as to equipment which are imposed by rules (D) 36 to (D) 39.

The trainer must ensure that each apprentice jockey riding for him in a flat race is aware that he must ensure that the blindfold has been removed from the horse before the start of the race.

Racecourse – post race reports to the stewards

In addition to the normal requirements for post race reporting, where an apprentice or a conditional has ridden fewer than 10 winners and the apprentice or conditional is making a post race report, the

jockey must also obtain the agreement of the trainer (or his representative) before making the report.

It is advisable with an apprentice or conditional jockey that the trainer checks if anything that should be reported by the jockey has been reported. Lack of reporting by the jockey could affect not only the jockey in a steward's enquiry but adversely affect the trainer's position to.

10 Miscellaneous

Jockey's Agent

Manual (D) 77 Where an agent proposes to work for an apprentice jockey or a conditional jockey, the conditional or apprentice's employer must consent in writing.

Criminal convictions/Bankruptcy/IVA

The trainer must notify the BHA if the apprentice within 7 days is convicted of any criminal offence (other motoring offences) or if the employing trainer becomes bankrupt or a proposal for an Individual Voluntary Arrangement is made after the licence is granted.

Betting and horse ownership

The employing trainer should ensure that the apprentice or conditional is aware and reminded from time to time that he cannot bet (back or lay) on horseracing or instruct any person to do so on his or her behalf or own/part own any racehorse other than a certified hunter.

Insurance and liability

The employer should check that his liability policy includes conditional and apprentice jockeys in the trainer's employer including whilst race riding.

The extent and amount of cover will depend upon the terms of employment for the jockey and whether or not there is any degree of self-employment in riding fees when riding for others. If the conditional or apprentice is riding as self-employed then the trainer's insurance policy would not cover the jockey.

The trainer should ensure that his insurance covers the apprentice or conditional when entirely employed by the trainer (i.e. the jockey is not receiving any riding fees directly from other trainers) and that the policy would respond including whilst riding for another trainer but indentured to their employing trainer.

Health and Safety

Information on health and safety for employees is contained in the BHA Red Book on Health and Safety.

The NTF has produced a car driving policy which trainers may wish to use where apprentices or conditionals are driving in the course of their employment, whether in their own car, a company car or a hire vehicle. This is available on the NTF website.

Sick pay when absent from work

The same condition applies with regard to a conditional or apprentice who is off sick or injured as for any other employee. Any holder of a jockey's license who has not had more than 74 rides in the previous season is covered by RIABS for accident at work other than for race riding accidents or when he or she is at the race in a riding capability. Such accidents will be covered by the Professional Riders Insurance scheme (contact 01635 869700).

When an apprentice or conditional has had 75 rides in the previous season, he or she will not be covered by RIABS for an accident at work and instead will be covered by PRIS.

For advice or queries on RIABS contact the NTF on 01488 71792.