

## 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.

Information is provided on:

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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 8 days for other employees).

As the apprentice/conditional's licence to race ride is tied in with their 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 them 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.

### **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**

An apprentice or conditional jockey is not entitled to claim any expenses or contributions to any insurance premiums under the Jockey's Agreement with the trainer.

### **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 Riding fees, Tax NI and VAT**

### **Riding fees**

#### **Apprentices :**

The division of riding fees is set out in the BHA Rules of Racing:

<https://rules.britishhorseracing.com/#!/book/34/chapter/s3133-fee-code/content?section=s3134-riding-fees-and-prize-money>

#### **Conditionals:**

In respect of a conditional jockey, the rules provide that any riding fees payable under the BHA Fee Code and any prize money payable to the jockey under the rules shall be retained by the conditional jockey.

### **Tax, NI and VAT on wages and riding fees**

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 considered by HMRC to be employed income subject to Class 1 National insurance. The employing trainer must pay NIC on the ride fee and prize money and either the trainer must operate PAYE on it or alternatively,

given that the money will be paid direct to the apprentice by Weatherbys, let the apprentice declare it on their tax return. If letting the apprentice declare the home ride income on their tax return, trainers are advised to check with the apprentice that it is being done.

If operating a system whereby the apprentice declares the income on their return, the employing trainer will need to adjust the payroll to account for the Class 1 NIC. Trainers may decide that it is safest practice to payroll all the apprentice home ride income.

### **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 £12,570 for 2022/23 then Class 4 National Insurance Contributions are payable.

### **Commencement of self-employment**

When the jockey first receives “away rides”, they must notify H M Revenue & Customs that they have 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**

HMRC contends that the agreement between the trainer and apprentice/conditional jockeys is normally a contract of employment or contract of apprenticeship.

Therefore, for any riding services by an apprentice jockeys (all allowances) 80% 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.

Where the whole of the riding fee excluding VAT is paid to the jockey and only the VAT is paid to the trainer, the trainer 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**

Preparing for the Race, BHA Rule (E) 34.2 provides that a trainer must ensure that an apprentice or conditional employed by them arrives at any meeting where they are declared to ride. The trainer may be fined for late arrival of the apprentice or conditional.

### **Walking the course**

Rule (E) 34.2 also provides that a conditional or apprentice must acquaint himself with every course on the first occasion that they ride 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”. BHA Rule (F) 39.

The rules specify that the instructions must, amongst other things, cover the use of the whip when employing an apprentice jockey or conditional jockey BHA Rule (F) 42.

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 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 is unlikely to be acceptable to a stewards’ enquiry that a trainer has told an apprentice or conditional to ride a race “as they find it”.

## **Race Riding Equipment, Weighing Out and at the Start**

### Protective equipment

It is the trainer’s obligation (BHA Rules, Equipment Code, Rule 24) 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 (Rules (E) 34.1) 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 (BHA Equipment Code, Rule 31) 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 their 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 them is aware that they must have their girths checked at the start and that they are aware that they must report any concerns that they may have to the Starter or their assistant (Preparing for the Race Rule (E) 34.2) and that they otherwise comply with all the requirements as to equipment which are imposed by the BHA Equipment Code.

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

### **Racecourse – post race reports to the stewards**

It is advisable that the trainer reminds the jockey of their post race reporting obligations and recommended that the trainer checks with the apprentice or conditional 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 stewards' enquiry but adversely affect the trainer's position too.

## **10 Miscellaneous**

### **Jockey's Agent**

Licensing Rule B 43 provides that where an agent proposes to work for an apprentice jockey or a conditional jockey, the conditional or apprentice's employer must authorise it 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 they cannot bet (back or lay) on horseracing or instruct any person to do so on their behalf or own/part own any racehorse other than a certified hunter.

### **Insurance and liability**

The employer should check that their liability policy includes conditional and apprentice jockeys in their employment 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 their 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 they are 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, they 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.