

**DETERMINATION AND REASONS FOR DETERMINATION OF
THE RACING PENALTIES APPEAL TRIBUNAL**

APPELLANT: IAN N BARKER

APPLICATION NO.: A30/08/270

PANEL: MR D MOSSENSON (CHAIRPERSON)
MS P HOGAN (MEMBER)
MR P HOGAN (MEMBER)

DATE OF HEARINGS: 21 SEPTEMBER 1995 & 2 NOVEMBER 1995

IN THE MATTER OF an appeal by Mr I N Barker against the determination made by Western Australian Trotting Association Stewards on 9 September 1995 against the disqualification of MUSCOVY WARRIOR under Rule 438(b).

Mr I N Barker represented himself.

Mrs C I Haese represented herself as Owner/Trainer of "SUN IMAGE".

Mr M J Skipper represented the WA Trotting Association Stewards.

Rule 438 of the Rules of Trotting gives the Stewards discretion to disqualify a horse where it causes interference during the course of a race. The Tribunal has in the earlier part of these proceedings in determining Mr Sheehy's appeal Number 269 already concluded that the Stewards were entitled to convict Mr Sheehy of causing interference in the race.

Mr Barker has not been able to put forward any compelling argument to persuade us that the Stewards erred in exercising their discretion to disqualify MUSCOVY WARRIOR.

Accordingly, the appeal is dismissed and the lodgement fee is forfeited.



DAN MOSSENSON, CHAIRPERSON



11/12/95