

Filed on behalf of the Applicant

Witness Statement of Simon Knapp

Statement No. 1

Date: 22 May 2023

**IN THE HIGH COURT OF JUSTICE
THE BUSINESS AND PROPERTY COURTS OF ENGLAND AND WALES
CHANCERY DIVISION
BETWEEN:**

JOCKEY CLUB RACECOURSES LIMITED

Applicant

-and-

- (1) DANIEL FRANK PETER KIDBY**
- (2) PERSONS UNKNOWN INTENTIONALLY OBSTRUCTING THE 7 HORSE RACES ON 2 JUNE 2023 AND 8 HORSE RACES ON 3 JUNE 2023 AT THE LOCATION DESCRIBED BELOW AS THE "EPSOM RACECOURSE"**
- (3) PERSONS UNKNOWN ENTERING THE AREA DESCRIBED BELOW AS THE "RACE TRACK" EXCEPT AT SPECIFIC "CROSSING POINTS" AND WITH "AUTHORISATION", AS DESCRIBED BELOW**
- (4) PERSONS UNKNOWN ENTERING AND/OR REMAINING ON ANY "CROSSING POINTS" WITHOUT "AUTHORISATION", AS DESCRIBED BELOW**
- (5) [PERSONS UNKNOWN INTENTIONALLY CAUSING ANY OBJECT TO ENTER ONTO THE "RACE TRACK" WITHOUT "AUTHORISATION", AS DESCRIBED BELOW**
- (6) PERSONS UNKNOWN ENTERING THE AREA DESCRIBED BELOW AS THE "PARADE RING" WITHOUT "AUTHORISATION", AS DESCRIBED BELOW**
- (7) PERSONS UNKNOWN ENTERING AND/OR REMAINING ON ANY PART OF THE AREAS DESCRIBED BELOW AS THE "HORSES' ROUTE TO THE PARADE RING" AND/OR THE "HORSES' ROUTE TO THE RACE START", WITHOUT "AUTHORISATION", AS DESCRIBED BELOW**
- (8) PERSONS UNKNOWN INTENTIONALLY ENDANGERING ANY PERSON AT THE LOCATION DESCRIBED BELOW AS THE "EPSOM RACECOURSE"**

Respondents

FIRST WITNESS STATEMENT OF SIMON KNAPP

I, **NHH KNAPP, CVO. BSc. BVetMed. MRCVS**, of Berkshire Equine Ltd, Headley Stud, Headley, RG19 8LB, **WILL SAY** as follows:

1. I am the Senior Veterinary Surgeon for London Region Races, at Jockey Club Racecourses Limited (the “**Jockey Club**”) and Clinical Director of Berkshire Veterinary Surgeons. I have worked for the Jockey Club for approximately 36 years and have been in my current role for approximately 33 years. I am also Senior Racecourse Veterinary Surgeon at Ascot Racecourse.
2. In my current role, I am directly responsible for the overall welfare and the veterinary treatment of the racehorses taking part in the London Regional Races. This includes the Epsom Derby, which is due to take place on 3 June 2023, and is widely regarded as the World’s most prestigious flat horse race (the “**Derby**”), as well as the races on Oaks Day, the day before the Derby.
3. I have been a qualified veterinarian for over 40 years. I hold the role of veterinary surgeon to The Royal Mews in London and Windsor responsible for care of the horses to the Royal Household. I was co-coordinator of the veterinary team at the London 2012 Olympics. I am a member of the Horse Welfare Board, and the longest serving member of The British Horseracing Authority Veterinary Committee. I am veterinary advisor to the Racecourse Association.
4. I am a founding member of the Association of Racecourse Veterinary Surgeons, which since 1993, has aimed to promote and safeguard the safety and welfare of horses at race meetings and provides a forum for discussion and the exchange of ideas on the management of injury and disease on racecourses.
5. I make this statement specifically in relation to the welfare of the horses and the potential impact a disruption of the kind threatened by Animal Rising could have on the horses and other participants insofar as I can comment, at the Derby.
6. Unless stated otherwise, the facts and matters set out in this witness statement are within my knowledge and are true. Where any facts or matters are not within my own

knowledge, the source of the information is identified, and those facts and matters are true to the best of my knowledge and belief.

Introduction

7. By way of brief background, I am aware that Animal Rising is an animal activist movement based in the United Kingdom. It is my understanding that Animal Rising intends to disrupt the Derby, and that this is the same organisation that was responsible for the disruption/delay caused to the Aintree Grand National on 15 April 2023. I refer to the Witness Statement of Nevin Truesdale for further detail on what is known by the Jockey Club in respect of Animal Rising and their intended disruption to the Epsom Derby, and the Witness Statement of Dickon White in respect of the incident at the Aintree Grand National.

Welfare and Risks

8. The horses that race at the Derby are thoroughbred racehorses. Thoroughbreds as we know them today are an ecological peak of the breed; they have been selectively bred over many centuries, specifically for racing. They have been domesticated over these many centuries and are not wild animals. Those that race in the Derby are 3-year-old colts full of testosterone and I would describe them as akin to hormonal adolescents; they are very excitable. Horses are naturally flight animals; when this is paired with the fact that the horses at the Derby are young, inexperienced colts weighing around 500kg, they can be quite unpredictable and difficult to control. In comparison, the horses that race in the Grand National are usually older gelding or mare horses around 8 or 9 years-old, experienced with the course and the racing environment.
9. The horses racing in the Derby are finely tuned athletes, they are prepared for this one race. Both the horse and the jockey, akin to any human athlete, need to be in the right frame of mind with full concentration; they need to be in the zone. It is the job of the jockey to form a bond with the horse, to get them in the right place mentally and ensure that the horse is concentrating on the task at hand, the race.
10. Any form of delay or disruption will interfere with the horses' mood and concentration. The horses follow a specific routine to assist with keeping them in the zone. There are particular risks if you delay the race once the horses have left their stables, particularly when they are parading in front of the stands, and more so at the start of the race, where they are confined to a relatively small area behind the starting stalls. By then, they are prepared and absolutely focused for the imminent start of the race. If there is any delay or disruption, the horses could become agitated and frustrated, and therefore unpredictable and difficult to control. They could rear up, kick out, or barge through

areas by way of example. There is an increased risk of them causing injury not only to themselves, but to other horses around them as well as the jockeys, handlers, grooms, and any other person present. If the race is delayed or disrupted whilst the horses are in the stalls, then there is an increased risk of injury to the horses as any such disruption or delay could create behavioural challenges in the horses. An injured horse is particularly unpredictable. As I mention previously horses are flight animals; an injured horse's natural instinct is to run, which could cause it to injure itself further or injure other horses and people present.

11. If a decision is taken to return the horses to the stables following delay or disruption, they will not walk back quietly, if walk at all, given that at that point they are mentally prepared to race. They again could rear up, kick out, or barge through, causing a potential risk of injury to themselves, other horses, as well as to the jockeys, handlers, grooms, and any other person present.
12. Horses are different from other animals in that they not only sweat to lose heat but sweat from emotional excitement. If they are delayed or disrupted at all, it could lead them to sweat excessively, which is an indication of their excitement, and can predispose them to injury and/or anxiety.
13. The relationship between a horse and jockey is particularly critical; if one loses concentration or focus, because of a distraction or disruption, that could break the bond between them. If the race has started and a disruption occurs, then the jockey only has so much control over the horse at that time. The horse weighs 500kg as opposed to the Jockey's average of 45-58kg; the jockey could attempt to steer the horse but will only be able to do so insofar as the horse will allow. Equally, if the jockey wants to try and stop the horse - at the height of the race they are travelling approximately 43mph. Pulling up would be difficult and would take time and a significant distance to achieve. A horse and jockey may be able to veer out of the way or avoid an obstruction, but only if it has first seen the obstruction and secondly, seen it in good time; even then, it cannot be guaranteed.
14. As I mention previously, as horses are naturally flight animals anything out of the ordinary such as unexpected loud noises, flashes, large banners and smoke devices for example could cause them to become spooked and agitated, which may result in them shying violently and galloping uncontrollably. This carries significant risks in which they would be unpredictable and again could cause injuries to themselves, other horses, and the people around them.

Conclusion

15. In my opinion, it is in the best interests of the horses, jockeys, grooms, and all persons present that the Derby go ahead without any disruption and that any risk of disruption should be minimised as much as possible. Any disruption presents significant and serious risks to all involved, particularly the horses health, safety, and wellbeing.

Statement of Truth

I believe that the facts stated in this witness statement are true. I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.

Signed.....
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Simon Knapp

Date..... 22/052023