

# CONSTITUTION

## OF THE



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## DEFINITIONS

1. Words and phrases in this Constitution shall have the following meanings unless a contrary meaning clearly appears from the context –
  - (a) “Act” means the Animal Improvement Act, 1998 (Act 62 of 1998) and includes the regulations;
  - (b) “animal” means a bovine of the Nguni breed registered or recorded or eligible for registration or recording in the Herd Book and the words “cattle”, “calf/calves”, “dam/s”, “female/s”, “bull/s”, “male/s” and “sire/s” shall have the same meaning;
  - (c) “Association” means the South African Stud Book and Animal Improvement Association;
  - (d) “birth” means the birth of a calf;
  - (e) “breeder” means a member of the Society who is the owner of –
    - (i) the dam at the date of birth of an animal to be registered or recorded;
    - (ii) an animal at the date of application for registration in the Appendix Section or the Stud Book Proper Section of the Herd Book; or
    - (iii) the recipient dam at the date of birth of the animal to be registered as a result of an embryo transfer;
  - (f) “buyer” means the person or persons to whom ownership/joint ownership of an animal is transferred by the seller of such an animal;
  - (g) “Constitution” means the Constitution of the Society;
  - (h) “Council” means the Council of the Society duly elected in terms of the Constitution;
  - (i) “Department” means the Department or departments responsible for the administration of the Act;
  - (j) “embryo” means a fertilized ovum of an animal;
  - (k) “Herd Book” means the Nguni Herd Book in which details of all animals shall be recorded or registered by the Association;
  - (l) “inspector/s” means a person/s appointed by the Council for the purposes referred to in Clauses 9.9 and 9.10;
  - (m) “Minister” means the minister of agriculture;
  - (n) “ovum” means the ovum of an animal and includes an embryo;
  - (o) “owner” means the person who –
    - (i) according to the records of the Association, own/s the animal/s concerned; or
    - (ii) submits proof to the satisfaction of the Council that the animal concerned is eligible to be so registered or recorded in his name;
  - (p) “recording” refers to the procedure of recording an animal in the Herd Book;
  - (q) “registering” refers to the procedure of registering an animal in the Appendix and Stud Book Proper sections of the Herd Book, or by which a prefix or herd designation mark is placed on the records of the Association;

- (r) "Registrar" means the officer designated as Registrar of Animal Improvement in terms of the Act;
  - (s) "Secretary" means the person or entity approved by Council to do the secretarial work of the Society;
  - (t) "seller" means the person, persons or legal entity being the owner/joint owner/s of an animal according to the records of the Association, or in the case of an imported animal, the owner in the country of origin, who disposes of such an animal;
  - (u) "semen" means the semen of an animal;
  - (v) "Society" means the Nguni Cattle Breeders' Society;
  - (w) "South African-bred Nguni" means an animal born in, or whilst in transit to, South Africa: Provided that an animal born from an imported ovum or embryo, shall be regarded as an imported Nguni; and
  - (x) "Territory" means the Republic of South Africa and such other countries as the Council may determine from time to time and approved by the Association.
2. Other words, abbreviations and phrases in this Constitution, not defined above, shall, unless a contrary meaning clearly appears from the context, have the same meaning assigned thereto in the Act.
  3. In the Constitution, unless the contrary intention appears clearly from the context, words referring to persons in the masculine gender shall include females, and words in the singular shall include the plural, and words in the plural shall include the singular.
  4. If and to the extent that any provisions of this Constitution are in contravention to any provision of the Act, such provision shall (to the extent of such contravention) be *pro non scripto*. (regarded as never written).

# CONSTITUTION

## 1. NAME OF THE SOCIETY

The name of the Society is the NGUNI CATTLE BREEDERS' SOCIETY OF SOUTH AFRICA.

## 2. OBJECTIVES

Subject to the provisions of the Act and of this Constitution, the objectives of the Society shall be:

- (a) to encourage and promote the breeding and the improvement of the genetic production potential of the Nguni breed in the Territory;
- (b) to encourage the preservation and development of herds by sound selection in accordance with the generally accepted description of Nguni cattle (Annexure A); and in the case of registered animals, to eliminate contamination by foreign breeds;
- (c) to compile and maintain a "Minimum Breed Standard" (Schedule B of the Bye-laws) based on visual appraisal for genetic defects, conformation (in as far as it is related to functional efficiency) and fertility records; and without altering the inherent traits of the breed;
- (d) to compile, keep and maintain accurate records of the pedigrees and particulars of all animals duly registered or recorded in the Herd Book;
- (e) to promote the use of Nguni cattle in the sustainable production of beef;
- (f) to service the interests of members in respect of the various aspects of the Society's activities, including the provision of technical and advisory support, and through the pursuit of sound communication on Society matters and other developments relating to Nguni cattle; and
- (g) to act as a repository of information on all facets of Nguni cattle including *inter alia*, stud breeding, beef production and animal by-products.

## 3. POWERS AND OBLIGATIONS OF THE SOCIETY

3.1 Subject to the terms of the Constitution, the Society shall have the power and obligation –

- (a) to carry out such functions and perform such duties as are, or may be, imposed upon it by the Act and its incorporation in terms of the Constitution; and
- (b) generally to perform all such acts a body corporate may by law perform, and which the Society may deem necessary for the attainment of its objectives.

3.2 The Society shall not carry on any profit making activities or enter into any business, profession or occupation with any of its members, or provide any financial assistance, premises, continuous services, or facilities to such members for the purpose of carrying on any business, profession or occupation by them.

3.3 The Society does have the right to levy a commission (as determined by council from time to time) on sales held under its auspices.

3.4 The Society does have the right to disallow the competitive showing of animals on Agricultural Shows as being detrimental to maintaining "Minimum Breed Standards" (Schedule B).

However, animals may be –

- (i) shown in “Special Performance Tested Classes” on a competitive basis with written permission from the Council; and
- (ii) exhibited on a strictly noncompetitive basis with written permission from the Council.

## **4. MEMBERSHIP**

### **4.1 ELIGIBILITY**

4.1.1 Subject to the provisions of Clause 4.1(a) and (c) the membership of the Society shall be limited to persons above the age of 18 years and shall consist of the following categories of members –

#### **(a) ORDINARY MEMBERS**

Persons who are engaged, directly or indirectly, in the breeding of animals, resident in the territory, shall be eligible for membership of the Society as Ordinary Members who shall enjoy all the rights and privileges of membership, including the right to vote at any general meeting of the Society, and the right to be elected to Council. For the purposes of this sub clause a legal entity shall be deemed to be a person and eligible for Ordinary Membership of the Society;

#### **(b) HONORARY LIFE MEMBERS**

For special services in the interest of the Nguni breed a person may at an Annual General Meeting be elected by the members an Honorary Life Member, who shall enjoy all the rights and privileges of membership, including the right to vote at any meeting of the Society, and the right to be elected to the Council: Provided that no person shall be eligible for Honorary Life Membership unless recommended by the Council.

#### **(c) JUNIOR MEMBERS**

Any person under the age of 18 years may become a Junior Member on approval of the Council: Provided that a Junior Member may not vote at meetings of the Society, is not eligible for election to the Council, but upon payment of the scheduled fees may partake in the other activities of the Society and provided further that the junior member’s parents or guardians countersign the application and accept full responsibility for the financial and other commitments towards the Society on behalf of such a junior member.

#### **(d) ASSOCIATE MEMBERS**

Associate Member is a person that has interest in the Nguni breed, who will receive all correspondence from the Society. A membership fee will be determined by Council from time to time. An Associate Member will have no voting rights and may not serve on Council.

4.1.2 Membership is subject to the signing by any prospective or existing member, or their representative in terms of Clause 4.4.1, of the “Code of Conduct for Members” provided for in Annexure B.

### **4.2 APPLICATION FOR MEMBERSHIP**

4.2.1 Application for Ordinary, Junior or additional membership of the Society shall be made to the Secretary in writing in such a form as may be prescribed by the Council, and shall be accompanied by the relevant subscription and/or entrance fees as set out in the Society’s Schedule of Fees (Schedule A).

- 4.2.2 An applicant to whom admission to membership has been refused, shall be entitled to a refund of any fees forwarded with his application for membership.
- 4.2.3 The approval by Council of an application for membership is subject to the signing by the applicant, or its representative in terms of Clause 4.4.1, of the "Code of Conduct for Members" provided for in Annexure B.

### **4.3 RIGHTS AND PRIVILEGES OF MEMBERS**

- 4.3.1 Apart from the *ex lege* consequences of appointing executors of deceased estates, trustees of insolvent estates and liquidators of companies or close corporations, the rights and privileges of every member of the Society shall be personal to himself and shall not be transferable or transmissible either by his own act or by operation of law.
- 4.3.2 A Member of the Society shall have the right:
- (a) to receive all reports and other matters published by the Society for distribution amongst members;
  - (b) to apply for the recording or registration of animals under the Society's rules;
  - (c) to attend all general meetings of the Society and, subject to Clause 4.1, shall have the right to vote at meetings;
  - (d) to receive technical advice on Nguni matters from the Society's inspectors and officials, if available, (cost of same to be defrayed by the applicant); and
  - (e) to consult and use the Society's official reports.

### **4.4 COMPANY, CLOSE CORPORATION, PARTNERSHIP OR BODY CORPORATE**

- 4.4.1 A company, close corporation, partnership or body corporate applying for Ordinary Membership shall disclose to the Society such facts or data as may be necessary to determine the nature of the controlling interest therein and shall then, or at any time thereafter, in addition to the requirements imposed in the respect of all applications, furnish the Society with the name and address of the person appointed by it to act as its representative at meetings of the Society. Such a person shall have the right to nominate an alternate in writing, which nomination shall be handed to the Secretary not later than the time of the meeting at which such an alternate will be present.
- 4.4.2 All communications addressed to such an authorized representative referred to in Clause 4.4.1 shall be deemed to be duly served upon the company, close corporation, partnership or body corporate, and at all meetings at which such an authorized representative is in attendance on behalf of the company, close corporation, partnership or body corporate, such a company, close corporation, partnership or body corporate shall be deemed to be duly represented.
- 4.4.3 The person so appointed to represent such a company, close corporation, partnership or body corporate shall be eligible for election to the Council in terms of Clause 8.
- 4.4.4 Should such a company, close corporation, partnership or body corporate cease to comply with the requirements of Ordinary or Life Membership as laid



down in Clauses 4.1 (a) and (b), its rights shall automatically be terminated, and the provisions of Clause 4.4.5 shall *mutatis mutandis* apply in respect of such a company, close corporation, partnership or body corporate.

- 4.4.5 The liquidation of a company or close corporation and the dissolution of the partnership or body corporate shall automatically result in the termination of its membership of the Society, provided that –
- (a) all amounts owing to the Society as at the date of liquidation or dissolution shall be recoverable by the Society from the liquidator of such a company or close corporation, or from the members (either jointly or severally) of such a partnership or body corporate;
  - (b) the liquidator of such a company or close corporation and the members of such a partnership or body corporate shall be obliged to discharge all the obligations of such a company, close corporation, partnership or body corporate in respect of registrations, recordings, transfers and whatever obligations the company, close corporation, partnership or body corporate would have had to discharge as a member of the Society; and
  - (c) whatever fees may become due and payable as a result of herd fees, registrations, recordings, transfers or other obligations which have of necessity to be fulfilled after such an automatic termination of membership, shall be raised on the scale payable by Ordinary Members.

## **5. REGISTER OF MEMBERS**

- 5.1 The Society shall keep a register of all members reflecting the date of their admission to membership and their postal and electronic mail addresses.
- 5.2 Every member shall communicate in writing to the Secretary any change of his postal, electronic mail and/or residential address, and all notices or publications posted and/or sent by electronic mail to the registered address of a member shall be considered as duly delivered to him.
- 5.3 Communications consigned under registered cover to members by the Secretary shall be binding.
- 5.4 The Secretary shall submit to the Association such information as it may require concerning admissions to membership, terminations of membership (for whatever reason), and postal and electronic mail addresses of members.

## **6. RESIGNATIONS AND EXPULSION OF MEMBERS**

- 6.1 Any member may resign from the Society by giving not less than one month's written notice to the Secretary: Provided that such a resignation shall not take effect before and until all monies owing to the Society by such a member have been paid, and furthermore until such a member has discharged all his obligations in respect of registrations, recordings, transfers or any other obligation he would have had to discharge as a member of the Society.
- 6.2 The Council may expel, and/or terminate its services to any member who –
- (a) despite due notice and demand directed to him by registered letter from the Secretary continues to remain in arrear in respect of any fees or dues;

- (b) has acted in any manner which in the opinion of the Council is or may be prejudicial to the interests of Society or any of its members;
- (c) has infringed any provision of the Constitution; or
- (d) has been found guilty of an offence under the Act;

PROVIDED that no proceedings of expulsion shall be initiated against any member of the Society unless the Secretary has at least 30 days prior to the date of the Council meeting at which such an expulsion is to be dealt with, addressed a registered letter to such a member notifying him of his proposed expulsion, and calling upon him, if he so wishes, to present, either personally or through his duly authorised representative, his side of the case at such a meeting of the Council.

- 6.3 Any member who has been expelled shall be notified by the Secretary in writing within a period of ten days from the date upon which the resolution effecting his expulsion was passed, or upon which his membership was forfeited.
- 6.4 Upon expulsion of a member, the Council may at its discretion direct the Secretary forthwith to remove from the Herd Book and any other registers or records of the Society, the name of the member so expelled, and cancel all registrations or recordings effected by it, in respect of animals bred by the expelled member and owned by him at date of his expulsion. The Secretary shall moreover call upon the expelled member forthwith to deliver to the Society the registration or recording certificates in respect of all animals bred and owned by him at the date of his expulsion.
- 6.5 From the date of his expulsion no transfer of an animal bred by the expelled member and sold by him after the date of his expulsion shall be registered or recorded, no notification of birth shall be accepted from him, and he shall be notified accordingly.
- 6.6 A person who, for whatever reason, has ceased to be a member of the Society, may thereafter again be admitted to membership, upon application made in terms of Clause 4.2

## **7. COUNCIL**

The affairs of the Society shall be managed by a Council consisting of six members elected by the Annual General Meeting or a special general meeting called for this purpose.

### **7.1 ELECTION OF COUNCIL**

Six members shall be elected by ballot at the Annual General Meeting or a special general meeting called for the purpose, and shall hold office for a three-year term. Thereafter, at each Annual General Meeting the two members longest in office shall retire. Retiring members shall be eligible for re-election.

### **7.2 ELECTION OF PRESIDENT AND VICE-PRESIDENT**

7.2.1 The President and Vice-President shall be elected by ballot by the members of the newly elected Council, at a meeting to be held immediately after the Annual General Meeting.

7.2.2 A member elected as President shall be eligible for re-election as such: Provided that his successive years in that office shall not exceed three, separated by breaks of not less than one year each.

### **7.3 ADDITIONAL COUNCIL MEMBERS**

In addition to the six elected members of Council, the following persons may attend Council meetings in an advisory capacity but without the right to vote.

#### **7.3.1 CLUB REPRESENTATIVES**

The representative of any Club recognized by the Council; provided that that person be an Ordinary Member (or duly represent an Ordinary Member in terms of Clause 4.4.1.) or Honorary Life Member of the Society.

#### **7.3.2 THE SECRETARY**

There shall be a secretary to the Society who shall attend all meetings of the Society and have the right to participate in any discussions at such meetings, but shall not have the right to vote on any question or resolution at such meetings.

#### **7.3.3 CO-OPTED MEMBERS**

Any persons who have been appointed or co-opted by the Council in an advisory capacity, provided that their term may not extend beyond the following annual general meeting of the Society, They may, however, be co-opted again on the same basis..

- 7.4 Should any member of the Council die, resign or cease to be a member of the Society, or be called upon to fill the office of President or Vice-President as provided in Clause 8.6, the Council may appoint another member of the Society as his substitute with full powers and for the unexpired period of his term of office. The Council shall be deemed to be duly constituted and shall continue exercising all the powers conferred upon it, notwithstanding any vacancies in its body.
- 7.5 In the event of the office of President or Vice-President becoming vacant before the expiration of the period for which he was elected, the Council, at its first meeting by ballot or in such a manner as the meeting may determine, shall for the unexpired portion of that period elect another of its members to fill the vacancy.
- 7.6 Members of Council absenting themselves from two consecutive meetings without leave, or other satisfactory reason, shall vacate their seats.

## **8. POWERS AND DUTIES OF THE COUNCIL**

The Council shall, subject to the terms of the Constitution and subject further to the directives of the general meetings of the Society as given from time to time, have the power to do all such things it deems necessary or advisable in the interests of the Society and for the advancement and attainment of the Society's objectives and in particular shall have the following powers –

### **8.1 Bye-laws**

to formulate, alter and rescind bye-laws (practical arrangements and rules flowing from the Constitution) for conducting the business and carrying out the objectives of the Society as may be deemed necessary from time to time;

- 8.2** to appoint, dismiss or suspend [such] attorneys, or other legal representatives, auditors, agents, officers or officials or other employees for or from permanent, temporary or special services as it may deem fit; to determine their powers and duties and to fix their remuneration and conditions of service and to require such security for the due performance of their functions as it may in particular cases deem expedient;

- 8.3** to institute, conduct, defend, compound or abandon any legal proceedings by or against the Society or against any of its officers or officials or other employees in connection with the affairs of the Society, and to compound or allow, or ask for time for payment or satisfaction of any debts due to or any claim or demand by or against the Society;
- 8.4** to open one or more banking accounts in the name of the Society, and to draw, accept, endorse, make or execute any bill of exchange, promissory note, cheque or other negotiable instrument in connection with the conduct of the affairs of the Society;
- 8.5** to invest, or in any other manner deal with any monies not immediately required for the purposes of the Society, upon such securities and on such terms as it may deem fit and, from time to time, to change or realize any such investments;
- 8.6** to lend or borrow money for the purposes of the Society upon security as determined by it; to enter into indemnities, guarantees and surety ships and to secure payment thereunder in any way; to make donations; to undertake and execute any trust; to secure the payment of monies borrowed in any manner, including the mortgaging and pledging of property, and, without detracting from the generality thereof, in particular by the issue of any kind of debenture or debenture stock, with or without security;
- 8.7** to purchase, hire, take on lease or acquire for the purpose of the Society, buildings, land, goods, chattels and effects; to sell, mortgage, pledge, let, alienate or otherwise dispose of any movable or immovable property belonging to the Society, and to apply the consideration arising therefrom in such a manner as it may consider to be to the best advantage of the Society;
- 8.8** to manage, insure, sell, lease, mortgage, dispose of, give in exchange, work, develop, build on, improve, turn to account or in any way otherwise deal with all, or any part, of its property and assets;
- 8.9** The Council shall appoint sub-committees to whom shall be delegated the authority to manage the operational business of the Society. The Council shall determine from time to time, in relation to the business needs of the Society, the portfolios of such committees which may include *inter alia*, responsibilities for technical, training, finance and administration, marketing and promotion, and communication matters.
- 8.10** Sub-committee chairpersons shall be appointed from amongst elected council members. Such chairpersons shall be required to determine the composition and terms of reference of these committees subject to the approval of the council and provided that the President of the Society may, at his discretion, be an *ex officio* member of any subcommittee with full rights and privileges.
- 8.11** to appoint or discharge inspectors for the examination of animals submitted for registration or recording, and for such other purposes as members of the Society may require the service of such inspectors and to give such inspectors instructions and powers in regard to their duties for the purpose of ensuring that the objectives of the Society are being carried out;
- 8.12** to order an investigation by inspectors of the Society in any case where records are not properly kept or where any doubt should arise as to the correctness of the identity of any animal or animals, and to take such action as it may consider advisable in the interests of the Society;

- 8.13** to remunerate any person or persons for services rendered and to establish schemes for the provision of pensions, gratuities and other incentives for its office-bearers and employees;
- 8.14** to convene a general or any other meeting of the Society, either in compliance with a special request thereto made in accordance with the provisions of the Constitution or otherwise if it is deemed necessary;
- 8.15** to grant leave of absence to any member of the Council or any official or employee of the Society, for such a period and upon such terms as it may in each case determine;
- 8.16** to impose and exact such penalties as may be prescribed from time to time for contravention or infringement of the Constitution, rules and regulations of the Society;
- 8.17** from time to time, subject to the provisions of Clause 10.7, to adjust or revise subscriptions, fees or dues and to prescribe any such additional fees or dues as it may deem necessary;
- 8.18** to pay all costs and charges in connection with the administration and management of the affairs of the Society;
- 8.19** to receive and consider applications for membership and to accept or refuse such applications at its discretion;
- 8.20** to collect and receive donations and other funds and to devote same towards the objectives of the Society and towards promoting the Nguni cattle breed;
- 8.21** to investigate disputes arising out of the application of the Constitution and to give decisions in regard thereto;
- 8.22** to organize and promote sales, either by public auction or private treaty and for such purposes to appoint auctioneers and agents;
- 8.23** to nominate a person or persons to represent the Society on any committee, body or organization as may be necessary;
- 8.24** for improved and expedient execution of the business of the Society to appoint one or more members or officials with power and authority to sign and receive documents, papers and process, and to act, sue and be sued on behalf of the Society;
- 8.25** in accordance with Clause 10.7.3 to refuse inspection, registration and other functions for members whose accounts are overdue;
- 8.26** to lay down minimum breed standards by which:
- (a) animals shall be inspected by inspectors for the purpose of registration and/or recording; and screened before sales held under the Society's auspices;
  - (b) applications for importation and exportation of animals, semen and ova shall be recommended;
  - (c) ovum donors shall be approved for embryo transfer purposes; and
  - (d) bulls shall be recommended for approval for the sale of semen in terms of the Act;
- 8.27** generally to perform all such acts as may be necessary for the welfare of the Society and the conduct of its affairs, provided always that any action taken, or instructions given, shall not be contrary to the terms of the Constitution.

## **9. MEETINGS**

### **9.1 COUNCIL MEETINGS**

- 9.1.1 The Council shall meet at such a time and place as it may from time to time determine, or as may be decided by the President: Provided that not less than two Council meetings shall be held in each financial year.
- 9.1.2 A special Council meeting
- (a) may be called by the President (or in his absence by the Vice-President) at such a time and place as such an office-bearer may decide; or
  - (b) shall be called upon a requisition signed and addressed to the Secretary, by not less than three members of the Council stating the reasons for such a meeting.
- 9.1.3 Not less than 21 days prior to the holding of a Council meeting, written notice of the time, date and place of such a meeting shall be posted and/or send by electronic mail by the Secretary to each member of the Council.
- 9.1.4 No resolution of the Council in respect of any matter shall be varied or rescinded unless the resolution varying or rescinding the same be passed at a meeting in respect of which not less than 21 days' notice specifying the intention to vary or rescind has been given to all the Council members: Provided that a resolution may be varied or rescinded without such notice if all members of the Council are present and so decide.

### **9.2 GENERAL MEETING**

- 9.2.1 A general meeting of the Society to be known as the Annual General Meeting shall be held once a year at such a time and place as may be determined by the Council.
- 9.2.2 At such an Annual General Meeting the Council shall submit its annual report, together with a duly audited balance sheet and statement of the financial affairs of the Society as at the end of the previous financial year.
- 9.2.3 A special general meeting of the Society, may at any time upon 30 days' written notice to members, be called
- (a) by the Council; or
  - (b) by not less than 15% (fifteen percent) of the members of the Society, upon a written requisition signed and addressed to the Secretary, stating the business to be transacted at such a meeting
- 9.2.4 Not less than 60 days prior to the holding of the Annual General Meeting a preliminary notice of the time, date and place of the meeting shall be posted and/or send by electronic mail by the Secretary to every member. Any member intending to put forward any matter for discussion at the Annual General Meeting shall give written notice thereof to reach the Secretary not less than 40 days prior to the holding of the meeting. Any such matter for discussion shall be accompanied by an appropriate written motivation. No subject put forward by any member shall be put on the agenda of the Annual General Meeting unless the requisite notice of motion and motivation has been given in terms of this subclause.

- 9.2.5 Not less than 30 days prior to the holding of any general meeting a final notice of the time, date and place of such a meeting together with the agenda of such a meeting shall be posted and/or send by electronic mail to each member of the Society.
- 9.2.6 No resolution shall be taken at a general meeting in respect of any matter unless notice thereof appears in the agenda sent to the members, with the notice calling the meeting, unless such a meeting agrees by two-thirds of the members present and entitled to vote that any matter not specifically on the agenda, shall be discussed and voted upon.
- 9.2.7 Any general meeting may be adjourned by a two-thirds majority of the members present thereat and entitled to vote.

### **9.3 Chairperson**

The President, Vice-President or a council member, in this order, shall preside at all meetings and should any of these office-bearers be absent from any meeting, the members present thereat shall elect another member to preside at such a meeting, and any person so elected shall in relation to that meeting, have all the powers and fulfill all the duties of the chairperson.

### **9.4 Voting Procedures**

All matters submitted to any meeting shall, save as is otherwise provided, be decided by the votes of the majority of those members present and entitled to vote, and in the event of an equality of votes, the person presiding at the meeting shall have a casting vote as well as a deliberative vote. Subject to the provisions of Clause 8, voting at all meetings shall be by show of hands, unless voting by ballot is demanded by two-thirds of the members present and entitled to vote in which event voting shall be by secret ballot.

### **9.5 Non-receipt of Notices**

No business otherwise properly and constitutionally transacted at any meeting shall be invalidated by reason only of the non-receipt by any member of the notice required to be given to such a person in terms of the Constitution.

### **9.6 Quorums**

- 9.6.1 10% (Ten percent) of the Society's members personally present at the commencement of any general meeting and entitled to vote shall form a quorum for such a meeting and four Councillors personally present at any Council meeting and entitled to vote shall form a quorum for such a Council meeting.
- 9.6.2 If at any meeting a quorum is not present, the meeting shall stand adjourned to a time (not being less than 14 days and not more than 30 days thereafter) and place determined by the members actually present, and at such an adjourned meeting the members present shall form a quorum: Provided that any meeting at which the President, Vice-President or an Honorary Life Vice-President is present shall, if there is no quorum, stand adjourned for half an hour. The members then present shall form a quorum for the disposal of such business (other than any amendment to the Constitution) as the presiding member may declare to be of an urgent nature, and such an adjournment for half an hour shall be without prejudice to the rights of the meeting after dealing with such urgent business to adjourn to a time, date and place as herein provided.
- 9.6.3 When a meeting has been thus adjourned, a notice shall be sent to all relevant members within 14 days after the adjournment, in which shall be stated the

time, date and place to which the meeting has been adjourned and the reason for the adjournment.

## **9.7 Minutes of Meetings**

9.7.1 A copy of the minutes of all general meetings shall be supplied to each member of the Society. Copies of the minutes of meetings of Council and other subcommittees shall be supplied to all persons serving on the committee concerned.

9.7.2 The minutes of all meetings approved at a subsequent meeting and signed by the President or the person who may chair the subsequent meeting shall be proof thereof that all the proceedings were conducted properly and that all elections, appointments and resolutions adopted at the meeting are valid and binding.

## **10. FINANCIAL PROVISIONS**

10.1 The Council shall cause one or more banking accounts to be opened in the name of the Society, and any amounts accruing to the Society, shall be deposited in such banking account or accounts as the Council may direct.

10.2 The Council shall cause proper books of account of income and expenditure to be kept in respect of the Society. All accounts shall be audited from time to time but not less than once every year by an auditor or auditors appointed by the Council.

10.3 All the property of the Society shall be vested in the Council.

10.4 The income and property of the Society, from whatever source derived, shall be applied solely to the promotion and furtherance of the objectives of the Society, and no part thereof shall be paid or transferred, directly or indirectly by way of dividend or bonus or otherwise, to any persons who at any time are or were members of the Society: Provided that nothing herein contained shall prevent the payment in good faith of remuneration to any employee or other person/s for services rendered to the Society.

10.5 The Society's financial year shall end on a date determined by Council and approved by a General meeting of the Society.

10.6 Funds available for investment shall only be invested with registered financial institutions as defined in section 1 of the Financial Institutions (Investment of Funds) Act, 1984, and securities listed on a licensed stock exchange in the Stock Exchange Control Act, 1985 (Act No. 1 of 1985).

## **10.7 SUBSCRIPTIONS AND FEES**

10.7.1 The amounts payable to the Society in respect of all subscriptions, fees or any other dues and commissions shall from time to time be determined by the Council and shall be notified to members (Schedule A).

10.7.2 The annual subscriptions and fees shall become due and payable in advance on the first day of each financial year, and shall be deemed to be in arrear, if unpaid, 60 days after the account has been rendered.

10.7.3 Any member whose subscription is in arrears, or who is indebted to the Society in respect of any fees or dues for a period as determined by Council from time to time, shall cease to enjoy any of the rights and privileges of membership until such a time as such indebtedness has been liquidated.



10.7.4 The Council may cause interest charges to be levied and collected on arrear accounts at a rate determined by the Council from time to time.

10.7.5 Any member, who for any reason whatsoever, has ceased to be a member of the Society, shall remain liable for all amounts due to the Society, as at the date on which his membership ceases.

10.7.6 Should the Council determine that an account is in arrear and should such an account be handed over to a firm of attorneys for collection, then the member shall be liable to the Society for payment of all legal charges, collection, and attorney and client costs entailed in addition to the principal amount, interest, fines and penalties owing by him.

## **11. AFFILIATIONS**

11.1 The Society shall be a member of the Association and shall maintain such membership on the conditions set out in the Constitution of the Association.

### **11.2 CLUBS**

For the purpose of promoting Society's activities at a regional level, members are encouraged to form clubs or associations which are logical in terms of the geography and distribution of members in that area, and whose objectives and functions are coherent with those of the Society. A club so formed shall be formally recognised by the Society subject to the approval by the Council of the constitution, structure and representivity of the club, and accordingly, the club representative shall be entitled to attend Council meetings on an *ex officio* basis.

11.3 The Society may by a majority vote of at least two-thirds of the members personally present, voting and entitled to vote, at any general meeting, affiliate with or incorporate any association, Society or organization having aims and objectives kindred to those of the Society.

## **12. OFFICE OF THE SOCIETY**

The office of the Society shall be at any centre as may be determined by the Council from time to time subject to confirmation by the ensuing general meeting of members.

## **13. DISSOLUTION OF THE SOCIETY**

If, upon the winding up or dissolution of the Society there remains, after the satisfaction of all its debts and liabilities, any property whatsoever, such property shall not be paid to or be distributed amongst the members of the Society, but shall be given or transferred to such other institution or institutions having objectives similar to those of the Society as may be determined by a majority decision of a general meeting of the Society: Provided that such other institution or institutions is itself exempt from income tax in terms of section 10(1)(cB)(l)(ff) of the Income Tax Act.

## **14. AMENDMENTS TO THE CONSTITUTION**

14.1 The Constitution may be added to or altered by a resolution approved by not less than two-thirds of the members present, and entitled to vote at a general meeting of the Society, of which meeting and of which proposed addition to, alteration, variation or amendment of the Constitution, not less than 30 days' written notice has been given to each member of the Society.

14.2 No such addition to, alteration, variation or amendment of the Constitution, notwithstanding that it has been passed in the manner prescribed in Subclause 14.1 hereof, shall be of any force or effect until and except it is confirmed and approved by the Registrar, in terms of the Act, and shall comply with and be submitted to the Registrar in the manner as set out in the Act.

14.3 Any amendments to the Constitution shall be submitted to the Commissioner of the South African Revenue Service.

**15. AUTHENTIC VERSION OF CONSTITUTION**

This Constitution and Schedules hereto having been drawn, submitted and considered in English, the English version shall be deemed to be the authentic version.

# BYE-LAWS

(21 January 2013)

## 1. HERD BOOK

The registration system of the Society shall consist of the Herd Book (to be known as the South African Nguni Herd Book), be it computerised or in any other form, which shall be divided into three main sections, namely the First Registration Section, Appendix Section and the Stud Book Proper Section.

### 1.1 THE FIRST REGISTRATION SECTION

Animals which are phenotypically of the pure Nguni type and which comply with the Minimum Breed Standard (Schedule B), as determined by the Council from time to time, and all other registration requirements of the Constitution, shall be eligible for registration as First Registration (FR) animals in the First Registration section of the herd book.

Although the dam of the relevant FR animal may not appear on the registration certificate, the sire of a First Registration animal may appear on the registration certificate provided that the sire's particulars are on record with the SA Studbook Association and he has been inspected and passed.

First Registration animals shall not be transferable. Females registered as FR animals before 1 May 2009 may upon application be upgraded to Appendix A when they comply with the following conditions: They must have an ICP of 550 days or less and at least one of her progeny must have passed inspection.

First Registration bulls can be upgraded upon application when they have 20 or more progeny (of which 50% or more have passed inspection) or been in the herd book for at least 48 months.

### 1.2 THE APPENDIX SECTION

#### 1.2.1 Appendix A

- (a) The progeny of FR x FR, FR x Appendix A, FR x Appendix B or FR x Stud Book Proper, which comply with the Minimum Breed Standard (Schedule B), as determined by the Council from time to time, and all other registration requirements of the Constitution shall be eligible for registration as Appendix A animals in the Appendix Section.
- (b) All 'multi-sired' animals, which comply with the minimum breed standard (Schedule B) and all other registration requirements of the Constitution shall only be eligible for registration as Appendix A animals in the Appendix Section.

The Society recognizes the role of DNA analysis in the verification of parentage and may consider such in the possible amending of an animal's status.

- (c) Animals that were previously of SP or B status but have been downgraded at an inspection for reasons of poor pigmentation or screening shall have their status amended to Appendix A.

#### 1.2.2 Appendix B

The progeny of Appendix A x Appendix A, Appendix A x Appendix B or Appendix A x Stud Book Proper which comply with the Minimum Breed Standards and in respect of which all other registration requirements have been met, shall be eligible for registration as Appendix B animals in the Appendix Section.

### **1.3 STUD BOOK PROPER SECTION**

The progeny of Appendix B x Appendix B, Appendix B x Stud Book Proper or Stud Book Proper x Stud Book Proper which comply with the minimum Breed Standards (Schedule B) and in respect of which all other registration requirements have been met shall be eligible for registration in the Stud Book Proper Section.

## **2. PREFIX AND HERD DESIGNATION MARK**

- 2.1 No animal shall be accepted for birth notification or registration unless the breeder has previously, through the Society, registered with the Association for his exclusive use, a prefix by which all animals bred by him and eligible for birth notification or registration shall be designated, and a herd designation mark by which such animals shall be identified.
- 2.2 No prefix shall exceed 18 characters, and the name of a city, town or post office in the Republic shall not be accepted for registration as a prefix.
- 2.3 The herd designation mark registered with the Association for the breeder's exclusive use shall not exceed four proper letters of the English alphabet.
- 2.4 Application for the registration of such a prefix and herd designation mark shall be made to the Secretary and shall be accompanied by such a fee as may be prescribed from time to time by the Council. The Society reserves the right to deny the use of any requested prefix or herd designation mark.
- 2.5 No transfer of a prefix or herd designation mark shall be allowed from one breeder to another, except under such conditions and to such persons as are provided for in the Bye-laws to the Constitution of the Association.
- 2.6 A previously registered prefix or HDM may only be re-registered in the name of another breeder after ten years.

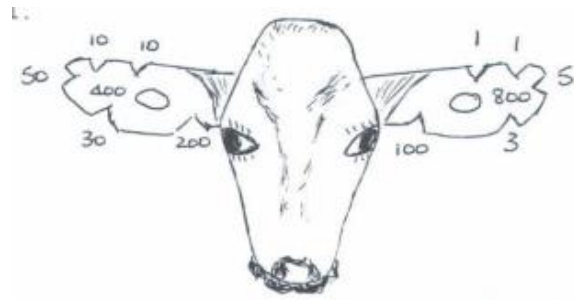
## **3. REQUIREMENTS FOR REGISTRATION**

- 3.1 Inspection shall be a prerequisite for the registration of South African bred or imported animals and, except by special permission of the Council, no animal shall be inspected under the age of 365 days for females and 730 days for males.
- 3.2 No animal, which does not comply with the Minimum Breed Standard (Schedule B), shall be eligible for registration.
- 3.3 Any animal of which the particulars supplied on the birth notification form or accompanying certificates are open to question may in the discretion of the Council be debarred from registration.
- 3.4 Except as provided for in By-law 1.1 (in respect of First Registration animals) no application for registration of a South African bred animal will be considered unless details of its birth have been duly recorded in terms of By-law 5, and
  - (a) both its parents; or
  - (b) its dam and all possible sires (in the case of an animal conceived by "multiple sires" )
 have been registered by the Association.
- 3.5 The form of application shall -
  - (a) be laid down by the Association; and
  - (b) be endorsed by the Society to the effect that all the requirements of the Constitution in respect of registration have been met.

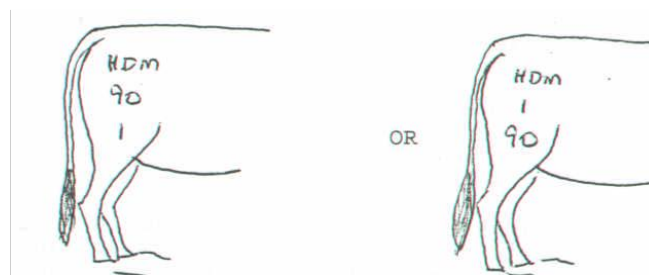
- 3.6 No animal shall be accepted for registration if it has been treated with hormonal growth stimulants. Such practices shall be considered prejudicial to the interests of the breed.

### 3.7 IDENTIFICATION

- 3.7.1 Every calf must be identified by its breeder within 30 days of its birth by means of tagging or ear notching. These shall be considered to be the only forms of pre-permanent identification up to the age of 15 months. If ear notching is used the standard code shown below must be used.



- 3.7.2 Branding shall be the Society's only official form of permanent identification of all animals submitted for registration in the Herd Book and in the records of the Society. All animals of 15 months of age, or those offered for registration, must bear permanent identification marks which shall include a herd designation mark, a year number and a sequence number (corresponding to the pre-permanent identification) — in the manner illustrated:



Any animal that does not bear the approved identification marks, shall not be accepted for registration through the Society by the Association.

- 3.7.3 The birth sequence number shall not exceed four digits.
- 3.7.4 The year number shall consist of two digits indicating the year of birth except for the first 9 years of each century, for which only one digit is required.
- 3.7.5 Save for the possible compulsory branding of animals as regulated by legislation, the branding of any other brand whatsoever on an animal, by the breeder or owner or his agent, is strictly prohibited and the registration certificate of any animal so marked shall be liable to cancellation.

### 3.8 NAMES

- 3.8.1 In addition to the identification marks referred to in Bye-law 3.7, all live animals of which the births are notified, and all animals offered for registration [or recording], must be explicitly named, provided that the name may be substituted by the animal's identification code.
- 3.8.2 The name shall include the prefix registered in favour of the breeder, and exclusive of the prefix, shall not exceed 20 spaces.
- 3.8.3 Once an animal's birth has been notified, its name shall thereafter not be changed or amended, except when the name reflects an obvious error, in which event it shall be permissible to amend the name only to the extent of correcting the error.

### 3.9 IMPORTED ANIMALS

- 3.9.1 An animal imported into the Republic shall be eligible for registration, provided that the application for registration is accompanied by –
- (a) a certificate of registration issued by a Herd Book Society (or body recognised by the Society and the Association) in the country of origin;
  - (b) evidence to the effect that the animal concerned complies with the Minimum Breed Standards or other requirements as may be determined by Council from time to time; and
  - (c) proof that it has been visually inspected and approved for importation by two inspectors appointed or recognized by the Society.
- 3.9.2 Any imported animal for which an application for registration is submitted shall bear the brand corresponding to the registration certificate of the country of origin. However, if such a brand is not similar to the (S.A.) Society's system of branding, the Council reserves the right to instruct the owner to rebrand the animal.
- 3.9.3 Animals resulting from the inoovulation of imported ova in respect of which Bye-law 8 and all other provisions of the Constitution *mutatis mutandis* have been complied with, shall be eligible for registration: Provided that such imported ova –
- (a) were collected by a competent body in the country of origin (approved by the Registrar) from an animal which complies with the minimum requirements for the importation of ova determined by the Council;
  - (b) if fertilised (such ova) shall have been fertilized with the semen of an animal which likewise complies with the above-mentioned minimum requirements.

## 4. REFUSAL OF APPLICATIONS

- 4.1 In the case of progeny (eligible for Appendix B or SP) begotten from a dam mated to different sires or inseminated with semen from different sires at consecutive oestrus periods, within 28 days, the progeny shall be registered as Appendix A, unless the male parentage is confirmed by means of DNA analysis.
- 4.2 The Society may request the Association to refuse to accept applications for registration from any person who has intentionally supplied false, inaccurate or

misleading information or who has negligently failed to supply any information or particulars which it was his duty to supply within a reasonable time.

- 4.3 Whenever the Association has refused to accept applications from any person the Society may, in addition, cancel any or all, previous entries made in the Herd Book on behalf of such a person.
- 4.4 The Society will not take any action under Bye-laws 4.2 and 4.3 except after an investigation by a commission appointed by the Council, and in accordance with the recommendation of the commission.

## 5. NOTIFICATION OF BIRTHS

- 5.1 The breeder of an animal born from a registered dam that has been inspected and passed, or a cow, for which he has received a birth notification, shall notify the Secretary within 90 days of its birth, whether it be an abortion after seven months, born dead or alive or retained for registration or otherwise. Births notified after 90 days up to 210 days shall be accepted subject to a penalty payment as from time to time determined by Council. After 210 days births shall not be accepted, although a cow may be credited with a birth at the discretion of the Council.
- 5.2 No birth notification of an animal shall be accepted unless the sire and dam at the time of service were more than eight months old.
- 5.3 All birth notifications shall be submitted either via Logix, by electronic mail or written, on forms as approved by the Society (Schedule J) and copies thereof shall be kept by the breeder concerned for inspection and checking at all reasonable times by officers of the Society.
- 5.4 In the event of multiple births the breeder shall in addition to the particulars ordinarily required also record on the birth notification form the number and sex of the other twins, triples, etc., as the case may be.
- 5.5 Records shall be kept by the Association in the name of each breeder of all animals born, whether born dead or alive, whose births have been duly notified by the relevant breeder, and of such other details as may be determined by the Society.
- 5.6 The birth notification shall contain a declaration in the following terms –  
“I declare that the pedigree, breeding particulars and identification marks of the animal described herein are correct and that all the requirements of the Constitution and the Act, relating to birth notifications, have been complied with.”
- 5.7 The birth notification shall also be accompanied, in the case of an animal imported *in utero* by the necessary documents confirming parentage, endorsed by the Herd Book Society (or body recognised by the Society and the Association) in the country of origin to the effect that –
- (a) the identity of its sire, as indicated by the said documents, is correct; and
  - (b) that the sire conforms to the Minimum Breed Standards and other requirements as may be determined by the Council.
- 5.8 All bulls used in the herd must have a DNA profile recorded at S A Stud Book. No calves will be recorded if a DNA laboratory number of the sire profile is not registered at the Association.
- 5.9 Births notified prior to the parent’s inspection dates shall be processed as “pending” until both parents have been inspected. Thereafter it is the responsibility of the

breeder to notify the Association of the result of the parents' inspection so that the details of the "pending" calf may be properly recorded in the calf book section.

- 5.10 No birth notification for an animal begotten by artificial insemination shall be accepted for the purpose of registration unless it is endorsed "begotten by A.I."

## **6. JOINT OWNERSHIP AND SIRES ON LOAN**

- 6.1 The joint ownership and use of a bull as well as sires loaned by one breeder to another is subject to the provisions of the Act.
- 6.2 When an animal is transferred to joint owners, the full names and addresses of each joint owner shall be submitted to the Society.
- 6.3 In the case of a female being served by a sire which was not the property of the breeder at the time of the service, but which was loaned to him, the owner of the sire shall notify the Society in writing stating the period for which the sire was loaned.

## **7. ARTIFICIAL INSEMINATION (A.I.)**

- 7.1 All animals, begotten through A.I., shall be eligible for registration, provided that all requirements of the Act and the Constitution have been complied with.
- 7.2 The Society and the Association reserve the right to refuse to register the progeny resulting from A.I. should any of these rules not be fully adhered to.
- 7.3 The Society confirms the right of breeders, subject to the provisions of the Act, to collect, freeze and store the semen of their own bulls for use in their own herds, and progeny resulting from the use of such semen shall be eligible for registration: Provided that –
- (a) complete details of the ownership of the sire concerned have been submitted to the Society;
  - (b) the collection and storage of the semen have been carried out in accordance with the requirements of the Act; and
  - (c) all requirements of the Constitution in respect of birth notifications and registrations are complied with.
- 7.4 In the case of a transfer of a bull (other than one approved for the collection of semen in terms of the Act) from which semen has been collected, frozen and stored, the application for the transfer of such a sire must be accompanied by a certificate signed by the seller indicating the number of doses of semen stored at the date of transfer.
- 7.5 Requirements for donors of semen destined for sale, export or transfer are contained in Schedule X to the by-laws as determined by the council from time to time.
- 7.6 The final approval of donors of semen destined for sale, export or transfer must always be given by the Council (or its designated committee) at its discretion.

## **8. EMBRYO TRANSFERS (E.T.)**

- 8.1 All animals begotten as a result of E.T. shall be eligible for registration: Provided that –
- (a) the dam was approved for that purpose by the Society;
  - (b) the sire was approved as a semen donor in terms of Clause 7.5;



- (c) except in the case of an animal begotten as result of E.T. and imported *in utero*, all the following documents are submitted to the Society within the time as determined by Council –
- (i) the certificates reflecting the official DNA test laboratory numbers of the male and female animals that gave rise to the embryo concerned;
  - (ii) a certificate signed by a veterinarian or an embryo transferor or, in the case of intra-herd E.T. by the owner or his full-time employee, to the effect that the provisions of the Act had been complied with; and
  - (iii) in the case of an animal begotten from an imported ovum, a certificate issued by a competent body, recognised by the Society and the Association, in the country of origin, stating the names, identification and registration numbers of the ovum and semen donors, the date and place of collection, the number of viable ova collected, and the date exported;
- (d) in the case of an animal begotten as a result of E.T. and imported *in utero*, the following evidence and documents endorsed by the Herd Book Society (or body recognised by the Society and the Association) in the country of origin are submitted to the Society within 30 days of the arrival of the recipient dam in South Africa:–
- (i) evidence of the service or insemination and flushing of the embryo donor;
  - (ii) evidence of the transfer and in ovulation of the embryo concerned and dates thereof to the relevant recipient dam;
  - (iii) two generation pedigree of both donors;
  - (iv) the DNA of both donors; and
  - (v) evidence that both donors conform to the Minimum Breed Standards and other requirements as may be determined by the Council;
- (e) confirmation of parentage in each instance, by DNA testing, is supplied; and
- (f) all other requirements of the Constitution in respect of birth notification, inspection and registration are complied with.

8.2 The Society confirms the right of breeders, subject to the provisions of the Act, to collect, freeze and store the embryos of their own cows for their own use, and progeny resulting from the use of such embryos shall be eligible for registration: Provided that –

- (a) the Society office has been informed of the breeder's intention to do so, giving complete details of the donors concerned;
- (b) the collection and storage of the embryos have been carried out in accordance with the requirements of the Act; and
- (c) all requirements of the Constitution in respect of birth notifications and registrations are complied with.

8.3 The Society reserves the right through its officers to supervise and/or inspect the keeping of records in connection with the practices of E.T. by its members.

- 8.4 The Society and the Association reserve the right to refuse to register the progeny resulting from E.T. should any of these rules not be fully adhered to.
- 8.5 Requirements for donors of embryos destined for sale, export or transfer are contained in Schedule Y to the by-laws as determined by the council from time to time.
- 8.6 The final approval of donors of embryos destined for sale, export or transfer must always be given by the Council (or its designated committee) at its discretion.

## **9. GESTATION AND INTERCALVING PERIODS**

- 9.1 The minimum acceptable gestation period shall be 266 days, and the maximum period shall be 308 days.
- 9.2 The minimum period between the dates of birth of two successive calves out of one cow (inter calving period) shall be 265 days.
- 9.3 Any gestation or inter calving periods outside these ranges shall not be recognized unless the parentage of the calf concerned is confirmed by DNA analysis or as decided by Council.

## **10. CONFIRMATION OF PARENTAGE**

- 10.1 In order to confirm the parentage of an animal registered or eligible for registration, the Society shall at any time have the right to insist on DNA or any other proven scientific method of confirming parentage -
  - (a) as a routine procedure, on a basis to be determined by the Association from time to time; and
  - (b) in any case of doubt.
- 10.2 The owner or the Society, as may be determined by Council, shall bear the costs of tests required for the confirmation of parentage.

## **11. INSPECTION REQUIREMENTS**

### **11.1 MINIMUM STANDARDS**

Minimum inspection standards as prerequisites for registration shall be as determined from time to time by the Council.

### **11.2 INSPECTION AND DUTIES OF INSPECTORS**

11.2.1 In terms of Clause 8.10 of the Constitution the Society shall appoint Inspectors to inspect all animals eligible for registration, sale under its auspices, and all imported animals upon application by the breeder concerned (Schedule F – Inspectors Responsibilities).

11.2.2 Inspectors shall inspect each eligible animal upon presentation of the application for registration and shall satisfy themselves that the age, identification and other details as appearing on the said application or certificate are correct and correspond with the animal offered for inspection. Furthermore, they shall satisfy themselves that the animal conforms in all respects to the Minimum Breed Standards (Schedule B) as determined by Council.

11.2.3 All female animals must be inspected and approved between the ages of 12 and 36 months in order to be eligible for registration, except in the case of Bye-law 1.1 and imported animals where no age limit shall apply. Inspectors are empowered to use their discretion in holding any particular animal over for

inspection during a next visit in which case the maximum ages referred to above shall not apply.

11.2.4 Inspectors acting on the instructions of the Council may at any time, without previous notice carry out a general inspection of any breeder's herd.

11.2.5 Any breeder dissatisfied with an inspector's decision may lodge an appeal to the Council within three weeks after the inspection. A deposit of an amount as prescribed by Council from time to time (Schedule A) must accompany such an appeal. A different inspection team, appointed by Council shall then re-inspect the animal or animals in question and if the appeal is upheld the relevant deposit shall be refunded, less expenses incurred by the Society.

11.2.6 Except in cases referred to in Bye-law 11.2.4 timeous notice shall be given to breeders of an intended visit by an inspector.

11.2.7 While on official inspections, an inspector may not accept instructions or commission from members or non-members to negotiate the buying or selling of animals (Schedule C – Inspectors Code of Ethics).

11.2.8 No breeder shall act as an inspector of his own animals.

## **12. REGISTRATION CERTIFICATES**

### **12.1 ORIGINAL CERTIFICATES**

12.1.1 Registration certificates to be issued in respect of animals may, with the consent of the Association, be in the form desired by the Society. Data in respect of production measured in the Beef Cattle Production Recording Scheme or other information e.g. a description of a brand) may appear on the registration certificate or an accompanying production certificate.

12.1.2 All registration certificates issued by the Association in respect of animals begotten by artificial insemination shall bear the letter "A.I." behind the names of the animals appearing on any such certificates.

12.1.3 All registration certificates issued by the Association in respect of animals begotten by embryo transfer shall bear the letters "E.T." behind the names of the animals appearing on any such certificates.

### **12.1 ALTERATIONS OR ADDITIONS TO BIRTH NOTIFICATION LISTS OR REGISTRATION CERTIFICATES**

Any alteration or addition to the essential information or particulars officially recorded on any registration certificate, which has not been initialled by the General Manager of the Association or any unauthorised endorsement or remark on such a certificate bearing upon the essential information or particulars contained therein, shall render such a certificate invalid.

### **12.2 DUPLICATE OR REPLACEMENT OF BIRTH NOTIFICATION OR REGISTRATION CERTIFICATE**

The Association may upon written application issue a duplicate or replacement of any registration certificate or birth notification list issued by the Association, which has been mislaid, mutilated or lost: Provided that such an application shall be made by the person in whose name the animal concerned was last registered.

### **12.3 CANCELLATION OF BIRTH NOTIFICATION OR REGISTRATION CERTIFICATES AND REINSTATEMENT OF ANIMALS**

12.4.1 The Council may apply to the Association for the cancellation of the registration of any animal which has:

- (a) been registered by mistake;
- (b) been registered on the strength of false or fraudulent information supplied by the owner;
- (c) been registered after the owner has failed to comply with any relevant Bye-law; or
- (d) failed to meet the Minimum Breed Standards (Schedule B) as may be determined by Council from time to time;

and to notify the breeder or owner accordingly.

12.4.2 A birth notification or registration certificate of an animal issued by the Association shall be returned to the Society for cancellation and/or endorsement within 60 days after its death, sale for slaughter, culling, castration, spaying or other circumstances requiring the certificate's cancellation or endorsement in terms of the Constitution of the Society or that of the Association.

12.4.3 All documents so returned shall be suitably endorsed and kept by the Association for a period of six months, where after it shall be returned to the Society, or if so instructed by the Society, be destroyed.

12.4.4 In the event of the birth notification or registration certificate of an animal having been cancelled, such an animal may be reinstated in the records of the Association only on recommendation of the Society: Provided that the application for reinstatement is made by the person who applied for cancellation of the birth or registration certificate. The reinstatement of any such an animal shall be effected at the discretion of the Association and upon payment of such a fee as may be determined by Council from time to time. (Schedule A)

Reinstatement of female animals may only be done within 24 months after cancellation by written application to the Society. A full calving record must be furnished where applicable, and the animal must comply with the minimum breed standards for reproduction. Calves that were born during this period of non-registration can only be taken up with DNA-based verification of parentage.

Re-instatement of male animals may be done at any time after cancellation by written application to, and consent of, the Society and payment of the relevant fees.

12.4.5 The registration certificate of any animal, which at any time and for any reason whatsoever ceases to comply with the Minimum Breed Standards, shall be cancelled.

12.4.6 All animals in the possession of a breeder who has resigned will be cancelled automatically on the date of his or her resignation.

### 13. TRANSFER OF ANIMALS

- 13.1 For the purpose of this Bye-law “transfer” means any transaction whereby any person acquires the right to sole ownership of an animal, or to any share or additional share of the ownership of a registered animal, and the relinquishment of any share in the ownership of such an animal.
- 13.2 Subject to the requirements of Bye-law 3.7, no animal shall be transferable unless clearly identified.
- 13.3 Any seller who transfers sole ownership of an animal, or part ownership of a bull, shall within 30 days of the date of transfer, furnish –
- (a) the Society with the birth notification or registration certificate of the animal concerned, with the details of the transfer duly completed on such a certificate; and
  - (b) the Society with the prescribed fee as may be determined by Council from time to time;

Provided that should such an application be received by the Society more than 30 days, but within 60 days, or more than 60 days, but within 90 days after such a transfer, the fees payable in respect of such a transfer shall be respectively double and treble the prescribed transfer fee. Any application for such a transfer received by the Society more than 90 days after such a transfer shall be accepted and dealt with by the Society subject to such fees as it may determine.

- 13.4 In the case of sole ownership, the date of transfer shall be deemed to be the date on which the animal left the seller’s possession.
- 13.5 If the animal to be transferred is:
- (a) a pregnant female the seller shall together with his application for transfer furnish the Society with a certificate specifying the name, identification number and registration number of the bull by whom she was served together with the service date/s, or of the bull with whose semen she was inseminated, and the insemination date/s, whichever the case may be. The seller shall in addition furnish the buyer with a copy of such a certificate;
  - (b) a recipient dam, the application for transfer shall be accompanied by certificates in compliance with Bye-law 8.
- 13.6 Should the seller for any reason whatsoever fail or refuse to take any steps to effect such a transfer, including failing or refusing to deliver the original birth notification or registration certificate and should the buyer be willing to pay such fees as may be laid down by the Council, the Council may take such steps as it deems fit in order to effect the transfer.
- 13.7 No alteration to an already recorded transfer date shall be effected unless an application to the effect, duly signed by the buyer and the seller concerned, is made to the Society.
- 13.8 No First Registration animal will be transferred. FR females registered before 1 May 2009 may upon application be upgraded to Appendix A only once that animal has had at least two calves with an inter calving period of less than 550 days and at least one of her progeny have passed inspection. FR bulls registered before 1 May 2009 may upon application be upgraded to Appendix A only once they have had 20 or more progeny (of which 50% or more have passed inspection) or been registered for more than 48 months.

**14. IMPORTATION AND EXPORTATION OF ANIMALS, SEMEN OR OVA**

- 14.1 Applications to import or export animals, semen or ova, shall, in terms of the Act, be submitted in duplicate on forms available from the Registrar, to the Society together with the prescribed fee; the Society shall forward one copy together with its recommendation thereto and the required documents reflecting the details referred to in Bye-law 17.2 to the Registrar.
- 14.2 The Council shall determine minimum requirements for the importation and exportation of animals and no such an importation or exportation will be recommended to the Registrar by the Society unless the said requirements are complied with.
- 14.3 Any animal imported or exported must comply with the Minimum Breed Standards and be inspected and approved for this, by two senior inspectors appointed by the Society. The animals must also comply with the Import Policy.

**15. SALE AND PURCHASE SERVICES**

The Society may render services to assist any person in connection with the purchase or sale of animals, by furnishing information in regard to the selection or breeding of any such animals. However, no employee of the Society shall, except in the performance of his duties as such an employee, render any service to or be connected with any business concerned with the purchase or sale of animals.

Requirements for Sales under the Auspices of the Society as set out in Schedule G2.

**16. DELEGATION OF POWERS**

Notwithstanding anything to the contrary in the Constitution, any member may under power of attorney, duly executed and filed with the Secretary, authorise another person to sign on his behalf any birth notification, application for registration, application for transfer, certificate of transfer, certificate of service, returns or reports or any other document in connection with the administration of a herd. Any such signature given by such an authorised person, shall be accepted by the Society as being as valid and binding as if it had been given by the member himself: Provided that nothing herein contained shall entitle such an authorised persons in any manner whatsoever to participate in the nomination of, or voting for, any member of the Council, or voting on any matter whereon his principal has a vote, or to attend any meeting on his principal's behalf.

**17. NON-MEMBERS**

Such privileges of membership as the Council may determine, may be conferred on non-members: Provided that there shall be no legal or other obligation on the Society to such non-members, and provided further that all fees payable in respect of any services rendered by the Society to non-members shall be, as determined by Council, payable in advance. (Schedule A).