

CONSTITUTION



SOUTH AFRICAN STUD BOOK AND ANIMAL IMPROVEMENT ASSOCIATION

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DEFINITIONS

1. In this Constitution unless a contrary meaning clearly appears from the context,
 - 1.1 "**Act**" means the Animal Improvement Act, 1998 (Act No 62/1998) or any subsequent legislation having similar objectives than the said Act, and includes the regulations promulgated in terms thereof;
 - 1.2 "**Action Committee**" means the Action Committee of the Association;
 - 1.3 "**AGM**" means the Annual General Meeting of the Association;
 - 1.4 "**animal**" means any animal of which the kind and breed have in terms of the Act, pertaining to the powers and duties of the Association, been declared for the purposes of any provision of the Act and also includes such kinds and breeds of animals which the Association may decide to render its services to;
 - 1.5 "**animal breeders' society**" means a group of persons who is a member of the Association and who is promoting the breeding, the registration or recording, the genetic improvement and use of animals of a kind or of a specified breed, determining and applying breed standards, recommending in its sole discretion the recording or registration of an animal of a specified breed of animal bred either in or imported into South Africa or bred or imported into any participating country and includes an animal breeders' society as defined in the Act;
 - 1.6 "**associated organisation**" means an animal breeders' society registering or recording their animals at a registered Registering Authority other than the Association;
 - 1.7 "**Association**" means the South African Stud Book and Animal Improvement Association;
 - 1.8 "**birth**" means the birth of the offspring of an animal;
 - 1.9 "**breed**" means a population of animals propagated within a pedigree barrier which produces progeny possessing a high degree of genetic stability as evidenced by identifiable uniformity in breed standards and performance;
 - 1.10 "**breeder**" means the owner of –
 - 1.10.1 the dam at date of birth of progeny eligible for registration or recording;
 - 1.10.2 an animal at date of application for recording in the first or second section of the Developing Register, as the case may be;
 - 1.10.3 an animal at date of application for registration in the first section of the Appendix; or
 - 1.10.4 the recipient dam at date of birth of progeny as a result of an embryo transfer;
 - 1.11 "**breeder or person resident in a participating country**" means that flocks, herds or studs of such a breeder are domiciled in a participating country and not necessarily that the breeder or person himself is resident in a participating country;
 - 1.12 "**breed standards**" means a written set of phenotypic and/or genotypic standards of excellence determined in terms of the constitution of an animal breeders' society and to which any animal shall comply, in the sole discretion of that animal breeders' society, before such an animal shall be recommended for registration or recording;
 - 1.13 "**buyer**" means the person or persons to whom ownership/joint ownership of an animal is transferred by the seller of such an animal;
 - 1.14 "**Constitution**" means the Constitution of the Association and includes the Bye-laws;

- 1.15 "**Department**" means the Department of Agriculture in the National Government;
- 1.16 "**declared breed**" means a breed declared by the Registrar and announced as such in the Government Gazette;
- 1.17 "**developing breed**" means a composite breed of animal which is being developed with the object of establishing a new breed in due course;
- 1.18 "**dispose**" means sell, donate, bequest, exchange or transfer of an animal;
- 1.19 "embryo" means a fertilised ovum of an animal;
- 1.20 "**established breed**" means a breed of animal of which adequate numbers of breeding material and breeders exist and of which the future sustainability is not in doubt;
- 1.21 "**Exco**" means the Executive Committee of the Association;
- 1.22 "**financial year**" means that period as determined by Exco from time to time for which a report on the financial status of the Association is prepared and presented to the AGM;
- 1.23 "**General Manager**" means the General Manager of the Association;
- 1.24 "**INTERGIS (integrated registration and genetic information system)**" means the computer system which has been established in co-operation with the Department to integrate the pedigrees and performance data of animals;
- 1.25 "**keeper**" the owner or person having direct access to or supervision over the relevant animal;
- 1.26 "**Minister**" means the Minister of the Department charged with the administration of the Act;
- 1.27 "**ordinary member**" means an animal breeders' society admitted to membership of the Association;
- 1.28 "**ovum**" means an ovum of an animal and includes an embryo;
- 1.29 "**owner**" of an animal means a person who –
1.29.1 according to the records of the Association possesses the animal concerned;
1.29.2 submits proof to the satisfaction of the Association that the animal concerned is eligible to be registered or recorded in his name;
- 1.30 "**participant**" is any member or an Ordinary Member, user of the system or making use of the services rendered by the Association;
- 1.31 "**participating country**" means such other country from which the Association may from time to time allow an animal breeders' society to become a member of the Association;
- 1.32 "**production**" means growth and production performance, reproduction and/or function;
- 1.33 "**recognised breed**" means a breed of animal which is recognised in terms of the Act;
- 1.34 "**recording**" means the procedure of inscribing animals of developing breeds in flock, herd or stud books;
- 1.35 "**registered or recorded animal**" means an animal which has been registered or recorded by the Association;

- 1.36 "**registering**" means the procedure of inscribing animals of established breeds in flock, herd or stud books;
 - 1.37 "**registrar**" means the Registrar of Animal Improvement appointed in terms of the Act;
 - 1.38 "**seller**" means the person or persons being the owner/joint owner 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;
 - 1.39 "**semen**" means the semen of an animal;
 - 1.40 "**South Africa**" means the Republic of South Africa;
 - 1.41 "**South African bred animal**" for the purpose of registration or recording, means an animal born in or whilst in transit to South Africa: Provided that the animal born as a result of an imported ovum or embryo shall be regarded as an imported animal; and
 - 1.42 "**stud breeder**" means a breeder engaged in the breeding of animals eligible for registration or recording.
 - 1.43 "**system**" means the computerised Logix Animal Recording system, used by S A Stud Book for the recording and processing of animal data as supplied by the users of Stud Book's Animal recording services.
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.

THE SOUTH AFRICAN STUD BOOK AND ANIMAL IMPROVEMENT ASSOCIATION

CONSTITUTION

1. NAME

The name of the Association is THE SOUTH AFRICAN STUD BOOK AND ANIMAL IMPROVEMENT ASSOCIATION.

2. OBJECTIVES AND POWERS

Subject to the provisions of the Act and this Constitution, the objectives and powers of the Association, shall be –

- 2.1 to keep records of the pedigrees, recording certificates and production data of animals and to issue certificates of registration and recording and to publish such pedigrees and recordings in the form decided on by the Association in collaboration with the animal breeders' society;
- 2.2 to encourage and promote the breeding and genetic improvement of the production potential of animals in South Africa;
- 2.3 to verify the pedigrees of imported animals;
- 2.4 to exercise any duties imposed upon or assigned to it in terms of the Act;
- 2.5 to determine the conditions for membership of the Association;
- 2.6 to grant membership to animal breeders' societies;
- 2.7 to safeguard and advance the common interests of breeders of pure-bred animals, registering with the Association, as well as breeders of commercial animals in South Africa and other countries, if requested;
- 2.8 to render technical and advisory services to its members and participants;
- 2.9 to promote the export of animals, which have been registered or recorded with the Association and of semen, ova or embryos from animals registered or recorded in terms of this Constitution;
- 2.10 to exercise the powers of an animal breeders' society in respect of those animals for which no such animal breeders' society exists;
- 2.11 to delegate the powers mentioned in 2.2, 2.3, 2.6, 2.7 and 2.8 above, to members who, to the satisfaction of Exco, have the necessary and suitable infrastructure, manpower and financial capabilities to perform such duties: Provided that such delegated powers shall be performed under the supervision of the Association; and
- 2.12 to generally do all such acts as bodies corporate may by law deem necessary for the attainment of its objectives.

3. MEMBERSHIP OF THE ASSOCIATION

3.1 ORDINARY MEMBERS

An animal breeders' society concerned with the breeding of a declared breed of animal in South Africa or any participating country, may apply for ordinary membership of the Association: Provided that only one animal breeders' society concerned with the breeding of a particular breed in a particular country may become an ordinary member of the Association, and provided further that no animal breeders'

society whose animals are registered through a Registering Authority other than the Association may be ordinary members of the Association.

3.1.1 APPLICATION FOR ORDINARY MEMBERSHIP

3.1.1.1 An application for ordinary membership of the Association shall be in such form as may be prescribed by Exco and shall be accompanied by one year's subscription fee as determined by Exco as well as by three copies of the breeders' society's constitution and such other information or documentation as may be determined by Exco.

3.1.1.2 Exco may admit any applicant to ordinary membership on such conditions as it may determine.

3.1.1.3 An animal breeders' society may not be an ordinary member unless its constitution has been approved by Exco and no amendments or additions to such a constitution shall have any force or effect until approved by Exco.

3.1.1.4 The granting of ordinary membership shall be subject to the approval of not less than five members of Exco entitled to vote.

3.1.1.5 An applicant to whom ordinary membership has been refused shall be entitled to a refund of any fees forwarded with the application for membership.

3.2 ASSOCIATED ORGANISATIONS

An animal breeders' society concerned with the breeding of a declared breed of animals in South Africa or any participating country, whose animals are registered or recorded through a registered Registering Authority other than the Association, and wish to form part of the broader bargaining power and vision of the Association in respect of the livestock industry as a whole, may apply for associated membership of the Association: Provided that –

3.2.1 such organisations shall not be represented at the Annual General Meeting of the Association;

3.2.2 they shall not have access to any official documents of the Association; and

3.2.3 associated organisations shall, together with members of the Association, form part of a general meeting immediately following the official Annual General Meeting to discuss matters of mutual interest.

4. DIRECT ENTRY BREEDERS

Any person, in South Africa or a participating country, who is a breeder of a declared or developing breed or kind of animal in respect of which an animal breeders' society does not exist, may share in the services and privileges of the Association, after payment of the applicable fees.

5. SUBSCRIPTIONS AND FEES

5.1 Subscriptions and other fees payable to the Association, with regard to membership and participants making use of the Association's services, shall be presented by Exco to a General Meeting to be approved.

5.2 The subscriptions and other fees mentioned in Clause 5.1 shall be payable annually on the first day of the financial year. Should extension of payment be given by the Association, such accounts shall bear interest at the normal rates applicable to open accounts. A negotiable discount to members is possible in cases where accounts are paid within 30 days of invoicing.

- 5.3 Any member or participant whose subscription or service fees in respect of any year is unpaid after 60 days of commencement of the financial year shall not thereafter be entitled to any of the privileges of membership or services of the Association, until all amounts due have been paid.
- 5.4 Any member or participant who has ceased to be a member or a participant of the Association shall remain liable for all amounts due as at the date on which the membership ceases.
- 5.5 Should the account of any member or participant be in arrears as determined by Exco, or outstanding on termination of its membership or participation, such a member or participant shall, if and when the account is handed over to a firm of attorneys for collection, be liable for payment of all legal charges, collection fees and attorney and client costs entailed in addition to the principal amount, fines and penalties owing by the member or participant.
- 5.6 All accounts unpaid after 60 days from invoicing shall bear interest.

6. RESIGNATION OF MEMBERS

A member may resign from the Association by giving not less than three months' written notice by registered post and/or email with proof of delivery to the General Manager: Provided that –

- 6.1 no *pro rata* repayment of any fees already paid, shall be made by the Association; and
- 6.2 the member concerned shall remain liable and responsible for any amount due to the Association and for obligations in respect of records, documents and services as requested up to the date of resignation.

7. SUSPENSION OR TERMINATION OF SERVICES, EXPULSION AND FORFEITURE OF MEMBERSHIP

- 7.1 Exco may expel any member and/or terminate or suspend the membership if such a member has in the opinion of Exco –
 - 7.1.1 acted in a manner which is or may be prejudicial to the interests of the Association or any of its members;
 - 7.1.2 infringed any provision of the Constitution;
 - 7.1.3 not properly attained or is unlikely to properly attain the objectives for which membership was granted;
 - 7.1.4 acted in a manner which is or may be prejudicial to the interests of the Association or any of its members;
 - 7.1.5 not complied with the conditions for membership determined in Clause 3;
 - 7.1.6 despite due notice and demand directed to the member or participant from the General Manager, continues to remain in arrears in respect of any fees or dues for a further period of 30 days from the date of such a notice;
 - 7.1.7 knowingly supplied false or misleading information;
 - 7.1.8 fails to comply with conformation of parentage requirements as may be determined by Exco in terms of the Bye-laws; or
 - 7.1.9 been found guilty of an offence under the Act.
- 7.2 Where membership or services have been suspended in terms of Clause 7.1.6 and where the member or participant concerned, despite due notice and demand directed to him from the Association, continues to remain in arrears in respect of any fees or

dues for a further period of 30 days from the date of a notice, such a member or participant shall automatically forfeit its membership or claim for services.

- 7.3 No proceedings for any expulsion, excluding the automatic expulsion provided for in Clause 7.2, shall be initiated against any member or participant unless the Association has at least 30 days prior to the date of the meeting of Exco where such expulsion is to be dealt with, addressed a registered letter to such a member or participant notifying him of his proposed expulsion, and calling upon him, if he so desires, to present, either personally or through a duly authorised representative, his side of the case at such a meeting of Exco.

8. REINSTATEMENT OF MEMBERS

- 8.1 A member or participant of the Association, who has resigned, been expelled or whose membership has been suspended, may on application and under special circumstances again be admitted as a member or participant: Provided that in the case of suspension under Clause 7.1.8, subsequent compliance with the confirmation of parentage requirements, shall result in automatic reinstatement.
- 8.2 Where membership (in terms of Clause 7.1) has been terminated, Exco may in its discretion reinstate that membership: Provided that application for such a reinstatement is made in writing by the member or participant concerned.

9. REGISTER OF MEMBERS

- 9.1 The Association shall keep records on all ordinary members or participants reflecting such information as directed from time to time by Exco.
- 9.2 Every member or participant shall communicate in writing to the Association any change of his preferred address (physical, postal, electronic, or otherwise), and all notices or publications sent to such an address of a member shall be considered as duly delivered to him.
- 9.3 Communications posted under registered cover to members or participants by the Association shall be deemed as received.

10. PRIVILEGES AND OBLIGATIONS OF MEMBERS

- 10.1 In accordance with Clause 12.1.1 an ordinary member of the Association shall have the right and be obliged to nominate a representative/s to attend the AGM.
- 10.2 All representatives referred to in Clause 10.1 shall have the right to receive all reports published by the Association, to attend the AGM and shall have the right to vote at such a meeting.
- 10.3 Any breeder who wishes to register or record animals with S A Stud Book as Registering Authority, shall apply to the Association for the registration of a prefix or suffix, on his behalf with the relevant authority which is contracted by the Department to operate the Intergis.
- 10.4 Any breeder or participant, being a member of an animal breeders' society which is an ordinary member of the Association, registering or recording his animals through the Association, shall be obliged to apply to the Association for –
- 10.4.1 the registration or recording of the pedigrees of animals, bred in or imported into South Africa or a participating country by such a member, and
- 10.4.2 the official transfer of animals.
- 10.5 Breeders or participants, as in Clauses 10.3 and 10.4, and/or members, shall be responsible for payment of all fees and dues to the Association in respect of

membership or otherwise and such fees and dues shall be paid within 30 days after receipt of the relevant statement.

- 10.6 The Association shall, upon request, supply each breeder or participant registering his animals through the Association and/or member, on admission to membership, with a copy of the Constitution.
- 10.7 Members and/or breeders and participant registering their animals through the Association, shall maintain their membership or participation by paying all fees and dues and by complying with the requirements of the provisions of the Constitution.
- 10.8 Members and/or breeders and participants registering their animals through the Association, shall in addition to the requirements of Clause 10.7 maintain their membership by –
 - 10.8.1 complete commitment to the continued improvement of the production potential of the specific kind or breed/s of animals it is responsible for; and
 - 10.8.2 compliance with this Constitution or constitution of the animal breeders' society of which it is a member:

Further, should any member and/or breeder or participant fail to comply with the requirements of Clauses 10.7, 10.8 or 11, Exco may in its discretion, implement Clause 7.

- 10.9 All members shall further have the rights, privileges and obligations as set out in this Constitution.

11. ANNUAL DOCUMENTS TO BE SUBMITTED BY ORDINARY MEMBERS

Each ordinary member shall, not later than 30 days after the date on which it held its annual general meeting, submit –

- 11.1 a copy of the changes approved by the annual general meeting to the constitution of the animal breeders' society; and
- 11.2 a document in duplicate in which the financial and other particulars, as may be determined by the Association, are reflected in regard to that ordinary member as at the end of its financial year.

12. CONTROL AND MANAGEMENT

12.1 ANNUAL GENERAL MEETING

12.1.1 The affairs of the Association shall be controlled by the AGM which may be attended by –

- 12.1.1.1 one representative nominated by each animal breeders' society, referred to in Clause 3.1, admitted to membership, for each 100, or part thereof, of its members in good standing;
- 12.1.1.2 one representative from any participating country, other than South Africa, to whom services are rendered by the Association;
- 12.1.1.3 one additional representative by each animal breeders' society who is a full member of the Society and is from the developing sector;
- 12.1.1.4 any one employee of each animal breeders' society;
- 12.1.1.5 the Registrar of Animal Improvement;

- 12.1.1.6 the General Manager of the Association; and
 - 12.1.1.7 any person/s approved by the AGM.
- 12.1.2 The representatives referred to in Clauses 12.1.1.1, 12.1.1.2 and 12.1.1.3 shall –
- 12.1.2.1 be *bona fide* members of the relevant animal breeders' society, excluding full-time paid officials of such or any other animal breeders' society;
 - 12.1.2.2 be representatives for a period from the start of the AGM to the day before the following AGM: Provided that any representative, who has been elected a member of Exco, shall complete his term of office, irrespective whether he has been re-nominated in terms of Clause 12.1.1.1;
 - 12.1.2.3 be eligible for re-election; and shall
 - 12.1.2.4 cease to be representatives in the event of their animal breeders' societies' membership being suspended or terminated.
- 12.1.3 The persons referred to in Clauses 12.1.1.4, 12.1.1.5, 12.1.1.6 and 12.1.1.7 are entitled to attend and take part in the proceedings at the AGM, but shall not have the right to vote.
- 12.1.4 The proceedings at any AGM shall not be invalidated by reason of any of the representatives being absent.
- 12.1.5 In the case of *ex officio* members of Exco, such members may attend and take part in the proceedings at the AGM, but shall not have the right to vote.
- 12.1.6 The names and addresses of all representatives nominated to attend the AGM shall be submitted to the Association by the nominating body in writing not later than the last day of July of each year.

12.2 ELECTION OF OFFICE-BEARERS

- 12.2.1 The AGM shall by secret ballot elect from amongst the nominated representatives a President, vice-President and Treasurer, who shall hold office as such for two years, and shall be eligible for re-election on termination of their period of office: Provided they continue to be representatives in accordance with the provisions of Clause 12.
- 12.2.2 In the event of the office of the President, vice-President or Treasurer becoming vacant before the expiration of the period for which he was elected, Exco shall by ballot at its first ensuing meeting elect another of its members to fill the vacancy for the unexpired period.
- 12.2.3 Exco may nominate any person who has rendered outstanding services to the Association, an Honorary Life President, such nomination to be approved by the AGM. There shall not be more than four Honorary Life Presidents at any given time.
- 12.2.4 The President shall retire from office after completion of a second term and may only after an interval of at least two years be re-elected by the AGM to serve in the position as President, vice-President or Treasurer on Exco: Provided that such a President is at that stage a duly nominated representative of an animal breeders' society.

12.3 EXECUTIVE COMMITTEE (EXCO)

12.3.1 The AGM shall by secret ballot at its annual meeting or at a special meeting convened for the purpose, elect from amongst the representatives nominated in accordance with the provisions of Clause 12.1.1.1 five persons of which one must be from the developing sector who shall together with the President, vice-President, Treasurer, Honorary Life President/s and immediate past President, constitute Exco, which shall be entrusted with the management of the affairs of the Association: Provided that, excluding the immediate past President, Honorary Life President/s and the representative from the developing sector, no more than one representative of the same breeders' society may at any time be a member of Exco.

In the event of no representatives present from the developing sector, Exco may nominate a representative from the developing sector, who must be a full member of a breeders' society, on Exco with full voting powers.

12.3.2 The immediate past President shall be an *ex officio* member of Exco with full rights and privileges and shall hold office for a period of one year only.

12.3.3 The General Manager of the Association shall be an *ex officio* member of Exco and be entitled to take part in the proceedings at any meeting of Exco, but shall not have the right to vote.

12.3.4 Exco may at its discretion for special purposes co-opt persons with exceptional expertise and such persons are entitled to take part in the proceedings at any meeting of Exco, but shall not have the right to vote.

12.3.5 Members of Exco elected in terms of Clause 12.3.1 shall hold office for two years and shall be eligible for re-election on termination of their period of office: Provided they continue to be representatives in accordance with the provision of Clause 12.1.1.1.

12.3.6 In the event of the office of a member of Exco, except the member referred to in Clauses 12.2.3 and 12.3.2, becoming vacant before the period for which he was elected expires, Exco may by ballot at its first ensuing meeting elect from amongst the representatives nominated in accordance with the provisions of Clause 12.1.1.1, a new member to fill the vacancy until the following AGM at which such AGM shall elect from amongst the representatives nominated in accordance with the provisions of Clause 12.1.1.1, a person to fill the vacancy for the unexpired period.

12.3.7 No paid employee of any breeders' society may be nominated as a representative of that or any other breeders' society to the AGM nor may he be elected to serve on Exco whether or not he is a member and active breeder of that or any other breeders' society. Should any elected member of Exco become a paid employee of any breeders' society his term of office shall automatically cease.

12.4 ACTION COMMITTEE

The President, vice-President, Treasurer and the General Manager, shall constitute the Action Committee to deal with urgent administrative, staff and financial matters, but the General Manager shall not have the right to vote. All decisions taken by the Action Committee shall be considered for approval by the following Exco meeting.

13. POWERS AND DUTIES OF EXCO

Exco shall have such powers as may be conferred upon it by the AGM, Constitution and Act, if and where applicable, and also have the power to –

13.1 appoint or dismiss attorneys, or other legal representatives, agents, officers or officials

or other servants for or from permanent, temporary or special services as it may deem fit and 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;

- 13.2 institute, conduct, defend, compound or abandon any legal proceedings by or against the Association or against any of its officers or officials or other servants in connection with the affairs of the Association and to compound or allow time, or ask for time for payment or satisfaction of any debts due to or any claim or demand by or against the Association;
- 13.3 open one or more banking accounts in the name of the Association 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 its affairs;
- 13.4 invest or in any other manner deal with any moneys not immediately required for the purposes of the Association, upon such securities and on such terms as it may deem fit, and from time to time to vary or realise any investment;
- 13.5 lend or borrow money upon security as determined by it;
- 13.6 enter into indemnities, guarantees and suretyships and to secure payment thereunder in any way;
- 13.7 make donations in line with the annual budget;
- 13.8 undertake and execute any trust;
- 13.9 secure the payment of money 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;
- 13.10 exercise the powers and duties imposed upon or assigned to the Association in terms of the Act;
- 13.11 advise on amendments and additions to constitutions of animal breeders' societies;
- 13.12 determine, revise or adjust subscriptions payable to the Association and to determine the financial and other relations between the Association and its members for recommendation to the General Meeting for approval;
- 13.13 purchase, hire, take on lease or acquire for the purposes of the Association, buildings, land, goods, chattels and effects;
- 13.14 sell, mortgage, pledge, let, alienate or otherwise dispose of any movable or immovable property belonging to the Association and to apply the consideration arising therefrom in such a manner as it may consider to be to the best advantage of the Association;
- 13.15 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;
- 13.16 appoint subcommittees upon such terms and with such powers as it may from time to time deem expedient;
- 13.17 remunerate any person or persons for services rendered;
- 13.18 pay gratuities and pensions and establish pension and gratuity schemes and other incentive schemes in respect of the Association's office-bearers and employees;
- 13.19 convene meetings of the Association either in compliance with a special request

thereto made in accordance with the provisions of the Constitution or otherwise if it is deemed necessary;

- 13.20 grant leave of absence to any member of Exco for such a period and upon such terms as it may in each case determine;
- 13.21 investigate disputes arising from the application of the Constitution and to give decisions in regard thereto: Provided that any animal breeders' society or other member shall have the right, within 90 days of the date of notification to the relevant animal breeders' society or other member of Exco's decision or ruling on any matter, to refer such matter to the AGM whose decision shall be final;
- 13.22 pay all costs and charges in connection with the administration and management of the affairs of the Association;
- 13.23 devote funds towards the objectives of the Association;
- 13.24 receive and consider applications for membership and to accept or refuse such applications at its discretion;
- 13.25 frame, alter and rescind rules, regulations and schedules for conducting the business and carrying out the objectives of the Association;
- 13.26 suspend or terminate the membership of members in accordance with Clause 7;
- 13.27 nominate a person or persons to represent the Association on any committee, body or organisation it may deem necessary;
- 13.28 enter into contracts outside South Africa and to execute any contracts, deeds and documents in any foreign country;
- 13.29 use the seal of the Association for any purpose in South Africa or in any foreign country;
- 13.30 delegate such powers and duties as it may deem fit to appropriate senior staff members of the Association; and
- 13.31 generally to perform all such acts as may be necessary in connection with the exercise of its powers and functions, or for the attainment of the objectives of the Association or to perform the duties or functions which the Minister may assign to the Association.

14. MEETINGS

14.1 GENERAL MEETINGS

- 14.1.1 An AGM shall be held annually for the purpose of receiving and considering the President's annual address, reports from Exco and the financial statements, main budget and business plan and reports of the Association as at the end of the financial year for the year to which such statements and reports relate, the auditor's report, the appointment of the auditors and the transaction of any other business which should be dealt with by the AGM. The AGM shall be held not later than six months after the end of the financial year and within not more than 15 months after the date of the preceding AGM.
- 14.1.2 No resolution shall be taken at an AGM in respect of any matter unless notice thereof appears on 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.
- 14.1.3 A special general meeting may be called by the President (or in his absence by the vice-President) -

- 14.1.3.1 on recommendation by Exco, or
- 14.1.3.2 by a written requisition by post and/or email with proof of delivery signed and addressed to the Association by not less than 20 representatives duly nominated in terms of Clause 12.1.1.1. Any such requisition shall specify the business of the meeting, and at a meeting only the business specified may be discussed.

14.1.4 Not less than 21 days prior to the holding of an AGM, written notice of the time, date and place of such a meeting together with the agenda, shall be posted and/or emailed with proof of delivery to every representative duly nominated in terms of Clause 12.1.1 and to the office of each member animal breeders' society: Provided that in the case of a special general meeting the period of notice may in the discretion of the President (or in his absence the vice-President) be less than 21 days, but not less than 14 days.

14.2 MEETINGS OF EXCO

14.2.1 Exco shall meet at such a time and place as it may from time to time determine, or as may be decided by the President or in his absence, the vice-President, but shall meet at least three times during every financial year.

14.2.2 Not less than 14 days prior to the holding of an Exco meeting written notice of the time, date and place of a meeting, together with the agenda, shall be posted and/or emailed with proof of delivery to each member of Exco: Provided that in the case of a special meeting of Exco the period of notice may in the discretion of the President (or in his absence the vice-President) be less than 14 days but not less than 7 days.

14.3 MEETINGS OF THE ACTION COMMITTEE

14.3.1 The Action Committee shall meet at such a time, place and manner as it may be decided by the President or in his absence the vice-President.

14.3.2 Not less than 24 hours' notice of the time, date, manner and place of such a meeting shall be given to each member of the Action Committee.

14.4 QUORUMS

14.4.1 Twenty per cent of the representatives duly nominated in terms of Clause 12.1.1.1, present at the commencement of the AGM or special general meeting and entitled to vote, shall form a quorum.

14.4.2 Four members present at the commencement of any Exco meeting and entitled to vote, shall form a quorum.

14.4.3 Two members present at the commencement of any Action Committee meeting, shall form a quorum.

14.4.4 If at any AGM, special general meeting or meeting of Exco, a quorum is not present, the meeting shall stand adjourned to a time (not less than 14 days and not more than 30 days thereafter) and place determined by the members actually present. At an adjourned meeting the members present shall form a quorum: Provided that any AGM, special general meeting or meeting of Exco at which the President or 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 as the presiding officer may declare to be of an urgent nature, excluding any constitutional matters, 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. When a meeting has been adjourned, a notice shall

be sent to all relevant representatives or members, whichever the case may be, 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.

14.5 OTHER PROCEDURES AT MEETINGS

14.5.1 The President or in his absence, the vice-President, shall preside at all meetings and should both these office-bearers be absent, the members present shall elect any other Exco member to preside at such a meeting, and any person so elected shall in relation to that meeting, have all the powers of the President.

14.5.2 Any business otherwise properly and constitutionally transacted at any meeting shall not be invalidated by reason only of the non-receipt by any person of any notice required to be given to such a person in terms of the Constitution.

14.5.3 Subject to the provisions of Clauses 12.2.1, 12.3.1, 14.1.2, 14.5.4, 14.5.5 and 18.1 of the Constitution, all matters submitted to any meeting shall be decided by the votes of the majority of those present and entitled to vote and voting. The person presiding at any meeting shall apart from his deliberative vote also have a casting vote.

14.5.4 Nominations for election of Exco members shall be verbal unless written nominations are demanded by not less than two-thirds of the representatives present, and entitled to vote at an AGM.

14.5.5 Save as otherwise provided, voting at all meetings shall be by show of hands, unless voting by ballot is demanded by not less than two-thirds of the representatives or members present and entitled to vote, in which event voting shall be by secret ballot.

15. MINUTES OF MEETINGS

15.1 A copy of the minutes of all annual general meetings shall be forwarded to each representative and to all member animal breeders' societies. Copies of the minutes of the Action Committee, Exco, and other subcommittees shall be forwarded to persons serving on the committee concerned.

15.2 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.

16. FINANCIAL PROVISIONS

16.1 Exco shall cause one or more banking accounts to be opened in the name of the Association and any amounts accruing to the Association shall be deposited in one or other of such accounts.

16.2 All payments out of the funds of the Association shall be effected by cheque, electronic banking facility or petty cash: Provided that all documentation pertaining to each payment so effected, shall be signed by an appropriately designated senior staff member of the Association, or one or more persons designated by Exco and countersigned by the auditors, or an official authorised thereto by Exco.

16.3 Exco shall cause proper books of account of the income and expenditure to be kept in respect of the Association. All accounts shall be audited from time to time, but not less than once every year by an auditor or auditors appointed at the AGM.

- 16.4 All property acquired by the Association shall vest in the name of the Association or in the name of a company, closed corporation or trust in which the Association is the sole owner or beneficiary.

17. APPLICATION FOR APPROVAL OF OR AMENDMENTS TO CONSTITUTIONS OF MEMBERS

- 17.1 An application by an animal breeders' society, or of a group of persons desiring a certificate of incorporation as an animal breeders' society in terms of the Act, for the approval of, or amendment to its constitution shall be submitted to the Association and the Registrar and be accompanied by three copies of such a constitution or amendments to such a constitution within 30 days after the constitution or amendment has been approved by an Annual General Meeting.
- 17.2 Such an application shall further be accompanied by a certificate duly signed by the President of the relevant animal breeders' society to the effect that such a constitution or amendments thereto have been approved by not less than two-thirds of the members present, and entitled to vote at a general meeting of the relevant animal breeders' society.
- 17.3 Such a constitution or amendments thereto shall provide –
- 17.3.1 for the animal breeders' society's complete commitment to the continued improvement of the production potential of the kind or breed of animal concerned;
 - 17.3.2 that membership of the Association shall be maintained in terms of Clauses 10.6 and 10.7 and on further conditions as may be determined by Exco from time to time;
 - 17.3.3 that in the event of the animal breeders' society discontinuing its membership with the Association but the animal breeders' society does not contract the services of another Registering Authority or register as a Registering Authority itself, no member of that animal breeders' society shall be prohibited from making use of any of the Association's services; and
 - 17.3.4 that such a constitution may not be amended unless such an amendment has been approved by not less than two-thirds of the members of that animal breeders' society present and entitled to vote at a general meeting thereof and that notice of at least 21 days has been given to all members prior to the general meeting at which such an amendment was considered.
- 17.4 Such a constitution or amendments thereto shall also provide for one or more of the following means to effect the continued improvement of the production potential of the kind or breed of animal concerned –
- 17.4.1 the registration and/or recording with the Association of the pedigrees of the animals concerned and the conditions on which such a registration or recording shall be made;
 - 17.4.2 the keeping of records within the animal breeders' society of stud animals, flocks, herds or studs and the conditions on which such animals shall be deemed stud animals;
 - 17.4.3 voluntary, full or mandatory participation in the relevant Production recording system; or
 - 17.4.4 any other method of breed improvement approved by Exco.

- 17.5 No constitution or amendment thereof shall come into force within 30 days after receipt thereof by the Association and the Registrar. Should the Registrar at any time within this 30 day period notify the Association and the animal breeders' society concerned that such a constitution or amendment thereof has not been approved, it or the amendment shall forthwith be null and void.

18. AMENDMENTS TO THE CONSTITUTION

- 18.1 This Constitution may be added to or altered by a resolution approved by not less than two-thirds of the representatives present and entitled to vote at an AGM, of which meeting and of which proposed addition to or amendment of the Constitution, not less than 21 days' written notice has been posted and/or emailed with proof of delivery to each representative and to the secretary of each member animal breeders' society.
- 18.2 No such addition to or amendment of the Constitution shall be of any force or effect until the provisions of the Act, if any, have been adhered to.

19. INDEMNIFICATION

Individual members of any committee of the Association, or members of the Association's staff, are indemnified against any claim that may arise as a result of any decision or action taken in good faith in the normal run of business.

20. DISSOLUTION OR LIQUIDATION OF THE ASSOCIATION

If, upon the winding up or dissolution of the Association there remains, after the satisfaction of all its debts and liabilities, any assets whatsoever, such assets shall not be paid to or distributed amongst the members of the Association, but shall be given or transferred to such other institution or institutions having objectives similar to those of the Association as may have been determined by a majority decision of an AGM of the Association.

21. OFFICE

The office of the Association shall be at 118 Henry Street, Bloemfontein, or at a place from time to time to be determined by Exco.

22. AUTHENTIC VERSION

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

BYE-LAWS

1. FRAMING OF RULES

- 1.1 Every animal breeders' society who is a member of the Association shall frame rules in regard to all aspects of the registration or recording of animals of the kind or breed which it represents, and no application for such registration or recording shall be accepted unless it is recommended by the animal breeders' society concerned in accordance with the rules so framed and every such animal breeders' society shall be solely responsible for ensuring compliance with such rules by its members.
- 1.2 The rules governing the registration or recording of animals of a kind or breed in respect of which an animal breeders' society does not exist shall be framed by Exco.

2. REGISTRATION OF PREFIX OR SUFFIX

For the purposes of this Bye-law a breeder shall have the meaning as defined and shall also have a particular participant number.

- 2.1 The Association shall not record the birth, or register or record any animal, other than an imported animal, unless Association has registered on behalf of the breeder thereof, a prefix or a suffix, on the Intergis, by which all animals bred by him, and eligible for registration or recording, shall be designated. No prefix or suffix shall, however, be used to designate animals other than registered or recorded animals or animals eligible for registration or recording bred by such a breeder.
- 2.2 A breeder may register and use more than one prefix or suffix.
- 2.3 Each prefix or suffix shall be registered on payment of the fee and on such conditions as the organisation which is contracted by the Department to operate the Intergis may determine, and the registration of such a prefix or suffix shall be maintained on such conditions as may have been determined by the organisation which is contracted by the Department to operate the Intergis and a certificate in respect of each such registration shall be issued.
- 2.4 Any prefix or suffix registered in favour of any breeder shall not be used by another breeder as a prefix or suffix or in any other manner to designate an animal bred by such other breeder.
- 2.5 No prefix or suffix shall exceed 18 characters.
- 2.6 The name of a city, town or post-office in South Africa shall not be accepted for registration as a prefix or suffix.
- 2.7 Application for registration or transfer of a prefix or suffix to be used by any breeder shall be made in writing to the Association, who will apply with the organisation which is contracted by the Department to operate the Intergis to register or transfer any prefix or suffix.
- 2.8 Subject to the provisions of Bye-law 2.7, a prefix or suffix may be transferred to any other breeder: Provided that it be ceded in writing to such other breeder by the breeder in whose name such prefix or suffix is registered.
- 2.9 A breeder may relinquish his rights to the prefix or suffix registered for his exclusive use, in which case he will be entitled to apply for the registration of a new prefix or suffix.
- 2.10 The Association has the right to cancel any prefix or suffix not maintained in terms of Bye-law 2.3 and may after the elapse of not less than ten years register such prefix or suffix as a prefix for suffix for the exclusive use of another breeder.

3. IDENTIFICATION AND NAMING OF ANIMALS

3.1 All live animals of which the births are notified and all animals offered for registration or recording must be identified by permanent identification marks or identification methods approved by the Association. In the case of tattoo or brand marks it shall include a flock, herd or stud designation mark, a year number and a sequence

number, unless otherwise determined by the Association. In the case of any other permanent identification method, a system by which such permanent identification method can be linked to the breeder's flock, herd or stud designation, a year number and a sequence number shall be maintained by the relevant animal breeders' society. Any animal which cannot be identified by a permanent identification mark or method shall not be accepted for recording or for subsequent registration by the Association.

3.2 The flock, herd or stud designation mark or marks shall not exceed four characters and shall consist of letters, numbers or a combination of letters and numbers.

3.3 A year number shall be two numbers indicating the year of birth.

3.4 The birth sequence number shall not exceed four characters.

3.5 No birth notification of an animal shall be accepted for recording and no animal shall be considered for entry in a flock, herd or stud book unless such an animal has been clearly identified and explicitly named: Provided that the name may, however, be substituted by the animal identification. The Association shall have the right to refuse any application in respect of an animal which in its opinion cannot be clearly identified or is misleadingly named.

3.6 The name of an animal shall not include a prefix or suffix registered in favour of another person and exclusive of the prefix or suffix shall not exceed 20 characters.

3.7 The name of any animal, once accepted for recording of its birth, shall not thereafter 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.

3.8 All registration or recording certificates issued by the Association in respect of any animal begotten by embryo transfer shall bear the letters "ET" behind the name of the animal appearing on any such certificate.

4. MATING AND INSEMINATION CERTIFICATES AND JOINT OWNERSHIP OF SIRES

4.1 MATING OR INSEMINATION CERTIFICATES

4.1.1 If a pregnant animal, registered or recorded or eligible for registration or recording, is sold, the seller shall supply the buyer with a mating (natural single sire mating) or an insemination certificate (artificial insemination) (Schedules H and K respectively) or the documentation and/or material which may be necessary with regard to parentage verification (multiple sire matings).

4.1.2 Such a certificate must state the name and registered or recorded number of the sire, the name and registered or recorded number of the dam concerned, and the date/s of mating or insemination.

4.1.3 In the case of natural single sire matings where the exact mating date is unknown, the mating certificate must state the period during which the dam concerned was running with the sire indicated and, further, that such dam could not have been served by any other sire during such period.

4.1.4 In the case of multiple sire matings where the exact mating date is unknown, the mating certificate must state the period during which the dam concerned was running with the sires and it must be accompanied by the documentation and/or

material which may be necessary with regard to parentage verification of the animal/s concerned.

4.2 JOINT OWNERSHIP OF SIRES

- 4.2.1 In the case of joint ownership of sires the full name and address of each joint owner must be on record with the Association.
- 4.2.2 If a breeder allows the use of his sire or sires by a fellow breeder, the applicable service certificate, duly completed and signed by the registered owner of the sire, must be submitted together with the birth notification.

4.3 JOINT OWNERSHIP OF DAMS

- 4.3.1 In the case of joint ownership of dams the full name and address of each joint owner must be on record with the Association.
- 4.3.2 If not otherwise indicated by the owner the progeny will be recorded with the prefix or suffix and herd designation mark of the owner who is the keeper of the dam at the date of birth of the progeny.
- 4.3.3 If an owner allows the use of his dam or dams by a fellow breeder, the applicable service certificates, duly completed and signed by the registered owner of the sire and keeper of the dam, must be submitted together with the birth notification.
- 4.3.4 If, in the case of Bye-laws 4.3.1 or 4.3.2, the keeper is not one of the owners, the progeny will be registered in the name of the owner mentioned on the birth notification.

5. RULES GOVERNING ARTIFICIAL INSEMINATION

- 5.1 All animals which have been begotten through artificial insemination shall be eligible for registration or recording: Provided that all requirements of the constitution of the relevant animal breeders' society or, in the case of breeds referred to in Bye-law 1.2, this Constitution, have *mutatis mutandis* been complied with.
- 5.2 The Association reserves the right, through its officers, to supervise and/or inspect the keeping of records in connection with the practice of artificial insemination by breeders of animals referred to in Bye-law 1.2.
- 5.3 The Association reserves the right to refuse to register or record the progeny resulting from artificial insemination should any of these rules or the provisions of the Act not be fully adhered to.

6. RULES GOVERNING EMBRYO TRANSFERS

- 6.1 All animals which have been begotten as a result of embryo transfers shall be eligible for registration or recording: Provided that the information as per Schedule O (by email or electronically) is submitted, as well as –
 - 6.1.1 except in the case of an animal begotten as a result of an embryo transfer and imported *in utero*, the following documents are submitted –
 - 6.1.1.1 the certificates reflecting the official parentage verification laboratory numbers of both the male and female animals that gave rise to the embryo concerned; and
 - 6.1.1.2 a certificate by a veterinarian or an embryo transferor or, in the case of intra-herd embryo transfer by the owner, to the effect that the provisions of the Act have been complied with;
 - 6.1.2 in the case of an animal begotten as a result of an embryo transfer and imported *in utero*, the following evidence and documents endorsed by the herd book society

in the country of origin must be submitted to the relevant animal breeders' society or to the Association in the case of a breed referred to in Bye-law 1.2, within 30 days of the arrival of the recipient dam in South Africa –

6.1.2.1 evidence of the mating or insemination and flushing of the embryo donor;

6.1.2.2 evidence of the transfer and date thereof;

6.1.2.3 two-generation pedigrees of both donors;

6.1.2.4 their parentage verification certificates; and

6.1.2.5 evidence that their standards of excellence conform to the requirements as may be determined by the relevant animal breeders' society or in the case of a breed referred to in Bye-law 1.2, by Exco;

6.1.3 parentage shall in each instance be confirmed by an accepted and proven scientific method of confirming parentage approved by Exco, and that

6.1.4 all other requirements of the constitution of the relevant animal breeders' society, or this Constitution in the case of a breed referred to in Bye-law 1.2, in respect of birth notifications, inspection and/or production, registrations and recordings are complied with.

6.2 The Association reserves the right, through its officers, to supervise and/or inspect the keeping of records in connection with the practice of embryo transfer in respect of breeds referred to in Bye-law 1.2.

6.3 The Association reserves the right to refuse to register or record in its books the progeny resulting from an embryo transfer should any of these rules not be fully adhered to.

7. GESTATION PERIODS AND INTER-BIRTH PERIODS BETWEEN SUCCESSIVE BIRTHS OF ANIMALS

The minimum and maximum gestation periods and the minimum inter-birth periods between successive births shall, in respect of breeds referred to in Bye-law 1.2, be as set out in Schedules F and G and as may be determined by the relevant animal breeders' society in respect of other breeds. Confirmation of parentage in terms of Bye-law 9 shall be required in cases of non-conformity with the specified periods.

8. NOTIFICATIONS OF BIRTHS

8.1 The breeder of an animal born from a registered or recorded dam, or one eligible for registration or recording, shall notify its birth within the period determined by the relevant animal breeders' society, or in the case of breeds referred to in Bye-law 1.2, within 60 days, whether it be born dead or alive or retained for registration or recording or otherwise. Births notified after such period shall be accepted subject to the approval of the Council of the animal breeders' society concerned or the Association in the case of breeds referred to in Bye-law 1.2.

8.2 No birth notification shall be accepted unless the minimum age requirements of the sire and dam, as may be determined by the Association in the case of breeds referred to in Bye-law 1.2 (Schedule P), have been complied with or unless otherwise approved by the relevant animal breeders' society or the Association.

8.3 No birth notification shall be accepted if the breeder applying for the notification is not the owner of both parents, except in the case of Bye-laws 4.2, 4.3 or 5.1.

8.4 All notifications of birth shall be given by a means as approved by the Association.

8.5 In the event of multiple births the breeder shall, in addition to the particulars ordinarily required, also record the number and sex of the other twins, triplets, etc., as the case may be.

- 8.6 In the case of multiple sire matings the notification of birth must be accompanied by the documentation and/or material which may be necessary with regard to parentage verification.
- 8.7 Records shall be kept 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 relevant animal breeders' society or in the case of breeds referred to in Bye-law 1.2, by the Association.
- 8.8 The birth notification shall be subject to the breeder accepting sole responsibility to ensure that the pedigree, breeding particulars and permanent identification marks of the animal or animals described in the birth notification are correct and that all the requirements of the Constitution relating to birth notifications, have been complied with.
- 8.9 The birth notification shall also be accompanied, in the case of an animal imported *in utero*, by the necessary certificates confirming parentage (Bye-law 9), endorsed by the herd book society in the country of origin to the effect that –
- 8.8.1 the identity of the sire, as indicated by the said documents, is correct; and
- 8.8.2 the sire conforms to the registration requirements as may be determined by the Council of the animal breeders' society concerned or, in the case of breeds referred to in Bye-law 1.2, by the Association.

9. CONFIRMATION OF PARENTAGE

- 9.1 In order to verify the parentage of animals registered or recorded, or eligible for registration or recording, the Association shall, over and above the obligatory methods of proving parentage, at any time have the right to insist on a parentage verification procedure –
- 9.1.1 as a routine procedure, on a basis to be determined by the Association from time to time;
- 9.1.2 of any flock, herd or stud sires;
- 9.1.3 in the case of multiple sire matings; and
- 9.1.4 any case of doubt.
- 9.2 The owner or the relevant animal breeders' society, as may be determined by the animal breeders' society concerned or by the Association, in cases of breeds referred to in Bye-law 1.2, shall bear the costs of the parentage verification required in terms of Bye-law 9.1

10. REQUIREMENTS AND APPLICATION FOR REGISTRATION OR RECORDING

10.1 SOUTH AFRICAN BRED ANIMALS

- 10.1.1 Except as provided for in Bye-laws 10.3.1, 10.3.2 and 10.4.1, no application for registration or recording of a South African bred animal will be considered unless –
- 10.1.1.1 details of its birth have been duly recorded or were accepted for recording in terms of Bye-law 8; and
- 10.1.1.2 both its parents or, in the case of an animal imported *in utero* or resulting from imported semen, its dam, have been registered or recorded by the Association.
- 10.1.2 The method of application shall –
- 10.1.2.1 be laid down by the Association; and
- 10.1.2.2 subject to the provisions of this Constitution, be endorsed by the relevant animal breeders' society to the effect that all the

requirements of its constitution in respect of registration or recording have been met.

10.2 DEVELOPING BREEDS

- 10.2.1 To be acknowledged as a developing breed by the Association, application shall be made to the Association and shall be accompanied by such details and documents as may be prescribed by the Association.
- 10.2.2 On receipt of such an application, the Association shall at its discretion conduct an inspection of the animals concerned at the expense of the applicant.
- 10.2.3 The Association shall supervise the recording of the animals concerned in accordance with –
- 10.2.3.1 the developing register of the relevant animal breeders' society; or
 - 10.2.3.2 the developing register rules in Bye-law 10.3.
- 10.2.4 The recording of such animals shall be subject to the following –
- 10.2.4.1 four generations of breeding (F1 to F4) shall be a minimum prerequisite for acknowledgement of the breed; and
 - 10.2.4.2 the Association reserves the right to lay down that the progeny of each generation shall in specific cases not be recorded in the next generation unless they have participated in the applicable official national animal improvement scheme recognised for this purpose by the Association, and have been found on inspection to comply with the standards laid down by the animal breeders' society concerned, or in the case of a breed referred to in Bye-law 1.2, by the Association.
- 10.2.5 A F1 animal shall be –
- 10.2.5.1 in the case of a 50:50 composite breed, the first cross of the two parent breeds; or
 - 10.2.5.2 in the case of any other composite breed the first generation of cross-breeding in order to achieve the desired combination of parent breeds; or
 - 10.2.5.3 in every other case the desired phenotype *cum* genotype of the breed concerned: Provided that the requirements of the Constitution or that of the relevant animal breeders' society in respect of the performance of such a F1 animal have been complied with and provided further that the succeeding two or three generations, as the case may be, must be recorded with the Association.
- 10.2.6 No developing breed shall become an established breed until such time as the number of F4 animals required by the Association have been recorded, and unless the Registrar upon recommendation by the Association determines that the relevant developing breed be accepted as an established breed. If a developing breed receives the status as an established breed the Developing Register shall cease to exist and all animals recorded as F1 and F2 will be reclassified and registered as Appendix A, those animals recorded as F3 will be reclassified and registered as Appendix B and those animals recorded as F4 will be reclassified and registered as Stud Book Proper. F2 animals of which both the parents are recorded with the Association may be reclassified and registered as Appendix B and F3 animals of which all parents and grandparents are recorded with the Association may be reclassified and registered as Stud Book Proper.
- 10.2.7 The above Bye-laws 10.2.3, 10.2.4, 10.2.5 and 10.2.6 shall for the time being also

apply *mutatis mutandis* in the case of an established breed where provision for a Developing Register has been made in the constitution of the relevant animal breeders' society.

10.3 DEVELOPING REGISTER

Subject to the requirements of Bye-law 10.2 animals belonging to a developing breed shall be eligible for recording in the Developing Register subject to the following rules –

10.3.1 F1

Any animal shall be eligible for recording as a F1 animal in the Developing Register: Provided that –

- 10.3.1.1 it complies with a standard of inspection and performance and other recording requirements as may from time to time be determined by the animal breeders' society concerned or in the case of breeds referred to in Bye-law 1.2 the Association; or
- 10.3.1.2 it is the progeny of F1, F2, F3 or F4 animals that comply with the minimum breed and performance standards and all other recording requirements; or
- 10.3.1.3 it complies with the minimum breed and performance standards and of which the breeder can satisfy the Association that they comply with the definition of F1 animals as stipulated in Bye-law 10.2.5.

10.3.2 F2

The progeny of F1 x F1, F2, F3 or F4 animals shall be eligible for recording as F2 animals in the Developing Register: Provided that they comply with the minimum breed and performance standards and all other recording requirements. Animals which comply with the minimum breed and production standards and of which the breeder can, even though the parents are not recorded, satisfy the Association that the parents comply with the definition of F1 animals (Bye-law 10.2.5), shall be eligible for recording as F2 animals in the Developing Register. Multiple sire mating shall be permissible.

10.3.3 F3

The progeny of F2 x F2, F3 or F4 animals shall be eligible for recording as F3 animals in the Developing Register: Provided that they comply with the minimum breed and production standards and all other recording requirements. Multiple sire matings are permissible if the parentage of a resultant progeny is confirmed by an approved parentage verification procedure.

10.3.4 F4

The progeny of F3 x F3 or F4 animals shall be eligible for recording as F4 animals in the Developing Register: Provided that they comply with the minimum breed and production standards and all other registration requirements. Multiple sire matings are permissible if the parentage of a resultant progeny is confirmed by an approved parentage verification procedure.

10.4 APPENDIX AND STUD BOOK PROPER SECTIONS

Established breeds for which such a provision has been made in the constitutions of the relevant animal breeders' societies and those breeds referred to in Bye-law 1.2, may be upgraded as follows:

10.4.1 Appendix A

Any animal of an established breed referred to in Bye-law 10.4, which originates from a flock, herd or stud of which the breeder can give proof of origin and has

satisfied the Council of the relevant animal breeders' society or in the case of established breeds referred to in Bye-law 1.2, the Association, that it is of the

desired phenotype *cum* genotype, which in all instances complies with the minimum breed and production standards and all other registration requirements of the relevant animal breeders' society or in the case of a breed referred to in Bye-law 1.2, the Association, shall be eligible for registration in the Appendix A section of the relevant flock, herd or stud book. Multiple sire mating shall be permissible.

10.4.2 Appendix B

The progeny of –

- 10.4.2.1 an Appendix A, Appendix B or Stud Book Proper dam mated to an Appendix A sire; or
- 10.4.2.2 an Appendix A dam mated to an Appendix B or Stud Book Proper sire; and which in both instances complies with the minimum breed and production standards and all other registration requirements of the relevant animal breeders' society, or in the case of a breed referred to in Bye-law 1.2, the Association shall be eligible for registration in the Appendix B section of the relevant flock, herd or stud book. Multiple sire matings are permissible if the parentage of a resultant calf is confirmed by an approved parentage verification procedure.

10.4.3 Stud Book Proper

The progeny of an Appendix B or Stud Book Proper dam mated to an Appendix B or Stud Book Proper sire which comply with the minimum breed and production standards and all other registration requirements of the relevant animal breeders' society, or in the case of a breed referred to in Bye-law 1.2, the Association, shall be eligible for registration as Stud Book Proper in the flock, herd or stud book. Multiple sire matings are permissible if the parentage of a resultant calf is confirmed by an approved parentage verification procedure.

10.5 IMPORTED ANIMALS

- 10.5.1 An imported animal or one resulting from imported semen, or an imported embryo, shall not be eligible for registration or recording unless the requirements of this Constitution, or in the case of an animal belonging to a breed in respect of which an animal breeders' society exists, the requirements of the constitution of such an animal breeders' society have *mutatis mutandis* been complied with.
- 10.5.2 A pedigreed animal imported into South Africa or a participating country shall not be eligible for registration or recording unless the application for registration or recording is accompanied by –
 - 10.5.2.1 a certificate of registration or recording or an export certificate issued by a herd or stud book society in the country of origin, and
 - 10.5.2.2 evidence to the effect that the animal concerned conforms to the registration or recording requirements as may be determined from time to time by the relevant animal breeders' society or the Association as the case may be.
- 10.5.3 Any imported animal for which an application for registration or recording is submitted shall bear the identification marks appearing on the registration and/or export certificate in a permanently indelible manner to the satisfaction of the Association. Where such an animal bears no identification marks, evidence of its identity shall be produced to the satisfaction of the Association.

10.5.4 In the event of any animal breeders' society not having made provision in its constitution and bye-laws for the inspection of animals as a prerequisite to registration or recording, every application for the registration or recording of imported animals shall be accompanied by an affidavit by the applicant to the effect that the –

10.5.4.1 applicant is the *bona fide* importer of the pedigreed animal concerned;

10.5.4.2 animal bears the permanent indelible identification marks as recorded on the registration and/or export certificate;

10.5.4.3 animal was sold and left the seller's possession on the date on which the event took place, and that the animal was shipped and/or transported to South Africa or a participating country on the date stated; and

10.5.4.4 animal arrived on the applicant's property on the date stated.

10.5.5 South African Stud Book registration or recording certificates shall be issued in respect of imported animals.

10.6 ANIMALS RESULTING FROM IMPORTED OVA

10.6.1 Animals resulting from the transfer of imported ova, in respect of which the provisions of the Constitution have *mutatis mutandis* been complied with, shall be eligible for registration or recording.

10.6.2 Such imported ova shall have been collected by a competent body in the country of origin (approved by the Director: Animal Health of the National Department of Agriculture) from an animal which complies with the minimum requirements for registration or recording, determined by the relevant animal breeders' society, or in the case of breeds referred to in Bye-law 1.2, the Association; and, if fertilised, such ova shall have been fertilised with the semen of an animal which likewise complies with the minimum requirements for registration or recording as determined by the relevant animal breeders' society, or in the case of breeds referred to in Bye-law 1.2, the Association.

10.6.3 The birth notification must, subject to the relevant provisions of Bye-law 6, also be accompanied by a certificate, issued by a competent body in the country of origin, recognised for this purpose by the Association, stating –

10.6.3.1 the names, identification and registration numbers of the ovum and semen donors;

10.6.3.2 the date and place of the collection; and

10.6.3.3 the number of viable ova collected from the donor concerned.

11. INSPECTION AND PRODUCTION REQUIREMENTS

11.1 Minimum inspection and production standards as prerequisites for registration or recording shall be as determined from time to time by the relevant animal breeders' society, or in the case of breeds referred to in Bye-law 1.2, by the Association.

11.2 In the case of breeds referred to in Bye-law 1.2, the reproduction requirements shall be as follows.

11.2.1 The maximum age of females for reproduction shall be 24 months in the case of sheep and goats and 39 months in the case of cattle.

11.2.2 The maximum intercalving period between any two calves of a female shall be

seven hundred and thirty (730) days.

- 11.2.3 The registration or recording certificate of any female already registered or recorded which does not comply with the reproduction requirements referred to above, shall be cancelled.

12. REGISTRATION AND RECORDING CERTIFICATES

12.1 ORIGINAL CERTIFICATES

12.1.1 Registration or recording certificates to be issued in respect of animals of a breed represented by an animal breeders' society may, with the consent of the Association, be in the form desired by the animal breeders' society concerned. Data in respect of production measured in a production testing scheme recognised for this purpose by the Association, classification or other information may appear on the registration or recording certificate or an accompanying classification or production certificate.

12.1.2 Registration or recording certificates issued in respect of animals of breeds referred to in Bye-law 1.2 shall be in the form and contain the particulars as the Association may determine.

12.2 ALTERATIONS OR ADDITIONS TO REGISTRATION OR RECORDING CERTIFICATES

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

12.3 DUPLICATE OR REPLACEMENT OF BIRTH NOTIFICATION, RECORDING OR REGISTRATION CERTIFICATE

The Association may, upon written application by post and/or email, issue a duplicate or replacement of any registration, recording or birth notification certificate issued by the Association: Provided that such an application shall be made by the person in whose name the animal concerned was last registered or recorded and that the fee prescribed by the Association has been paid.

12.4 CANCELLATION AND REINSTATEMENT OF ANIMALS

In the event of an animal having been cancelled, such an animal shall be reinstated only on recommendation of the animal breeders' society concerned: Provided that the application for the reinstatement is made by the person who applied for the cancellation of the animal. The reinstatement of any such animal shall be effected at the discretion of the Association and at a fee as may be determined by the Association from time to time.

12.5 EXPORT CERTIFICATES

The Association may, upon application and payment of the fee prescribed by the Association, issue export certificates which may be in the form desired by the animal breeders' society concerned, subject to the approval thereof by the Association.

13. TRANSFER OF ANIMALS

- 13.1 Any person selling or effecting a change of ownership of a registered or recorded animal, or animal eligible for registration or recording, shall be bound to apply to the Association for transfer of such an animal to the buyer or new owner. Any transfer fees that may be determined by the Association shall be payable by the seller or transferor, either to the animal breeders' society concerned or to the Association in the case of breeders of animals referred to in Bye-law 1.2.

- 13.2 An application to transfer an animal, shall be made in writing and/or electronically with proof of the notification, to the Association. The full name and address of the transferee shall be indicated, which must be signed by the seller or transferor. A new birth notification certificate, registration or recording certificate, as the case may be, reflecting the new ownership will thereupon be issued by the Association, unless otherwise agreed to by the transferee.
- 13.3 If –
- 13.3.1 the animal to be transferred is pregnant or a recipient dam, the seller shall furnish the buyer with a the mating, insemination or embryo transfer certificate, as the case may be; or
- 13.3.2 an embryo is to be sold, the seller shall furnish the buyer with complete details to effect the resultant birth notification as prescribed in Bye-laws 6 and 8 of the Constitution.
- 13.4 A change of ownership shall be deemed to have taken place when –
- 13.4.1 an animal is sold, exchanged or donated;
- 13.4.2 an animal is inherited;
- 13.4.3 a partnership of two or more persons collectively being a participant is dissolved; or
- 13.4.4 a male animal is registered or recorded jointly in the names of more than one owner and any one (or more) of such owners disposes of his share in the animal so registered or recorded or relinquishes his interest in the said registration or recording for any reason whatsoever.
- 13.5 Should, for any reason whatsoever, the seller or transferor completely fail or refuse to take any steps to effect such a transfer, and fail or refuse to deliver the original birth notification certificate or registration or recording certificate where applicable, and should the transferee be willing to pay such fees as may be laid down, such steps as deemed fit may be taken to meet the wishes of the transferee: Provided that in the case of breeds referred to in Bye-law 1.2, the penalising provisions of Bye-laws 3.7.1 and 13.7.2 shall be applied to the transferee, and in respect of breeds in respect of which an animal breeders' society exists, the penalising provisions, as may be prescribed by the animal breeders' society concerned, shall be applicable.
- 13.6 No alteration to an already recorded transfer date shall be effected unless an application to that effect, duly signed by the seller concerned, is made to the Association.
- 13.7 In respect of breeds referred to in Bye-law 1.2 the following are applicable –
- 13.7.1 An application for transfer shall be received by the Association within 90 days from the date of delivery of the animal concerned.
- 13.7.2 An application for such a transfer received by the Association more than 90 days after such delivery shall be accepted and dealt with by the Association subject to such fees as the Association may determine.
- 13.8 For the purpose of this Bye-law the date of transfer shall be deemed to be the date on which the animal left the possession of the seller or transferor.

14. REFUSAL OF APPLICATION

- 14.1 In the case of progeny begotten from a dam mated to different males at consecutive oestrus periods, the Association shall refuse registration or recording unless the male parentage is confirmed by means of a parentage confirmation procedure accepted by the Association.

- 14.2 The Association shall refuse to accept applications 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. The Association may withhold all privileges of participation to such a person for such a period as it may deem fit.
- 14.3 Whenever the Association has refused to accept applications from any person it may, in addition, cancel any or all previous entries made in the relevant flock, herd or stud book on behalf of such a person.
- 14.4 The Association will not take any decision under Bye-law 14.2 and 14.3 except after an investigation by a commission consisting of the President or Vice-President and two other members of the Association, appointed by Exco, and in accordance with the recommendation of that commission.

15. INVESTIGATIONAL INSPECTION

- 15.1 Whenever any animal have to be inspected by the Association, the inspection shall be undertaken and effected by a person or persons appointed or nominated by the Association and all costs incidental thereto shall be borne by the animal breeders' society or breeder of animals referred to in Bye-law 1.2 concerned at whose request the inspection takes place.
- 15.2 Notwithstanding the provisions of Bye-law 15.1, the Association reserves the right, if at any time deemed necessary, to insist on inspection and/or confirmation of parentage by a means approved by the Association of any animal and all costs incurred relative to such inspection and/or confirmation of parentage shall be borne by the animal breeders' society or breeder of animals referred to in Bye-law 1.2 concerned.

16. ADVISORY SERVICES

The Association may render services to assist any person in connection with the purchase or sale of animals, registered or recorded or eligible for registration or recording, by furnishing advice or information in regard to the selection or breeding of any such animals.

17. PERIOD FOR WHICH DOCUMENTS WILL BE RETAINED

The Association shall concur with all the member animal breeders' societies regarding the period for which documents will be retained. The documents pertaining to breeds referred to in Clause 4, shall be kept for a maximum period of one year.