

# CONSTITUTION

OF

# BRAUNVIEH S A



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## DEFINITIONS

1. When used in this constitution and bye-laws, unless a contrary meaning is apparent from the context:
  - (a) "Act" means the Animal Improvement Act, 1998 (Act No. 62 of 1998) or any subsequent legislation having similar objectives than the said Act, and includes the regulations promulgated in terms thereof;
  - (b) "animal" means an animal of the Braunvieh breed registered or eligible for registration in the Herd Book and the words 'animal/s', "bull/s", 'cow/s', "calf/calves", "heifer/s", "sire/s" and "dam/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 progeny eligible to be registered;
    - (ii) an animal at the date of application for registration in the first section of the Herd Book;
    - (iii) a breeding female at the time of a natural service or artificial insemination;
  - (f) "breed standards" the written set phenotypic and / or genotypic standards of excellence for the Braunvieh breed as determined by Council from time to time and which any animal at the discretion of the Council must meet for such animal to be recommended for registration;
  - (g) "buyer" means the person or persons to whom ownership/joint ownership of an animal is transferred by the seller of such an animal;
  - (h) "Constitution" means the constitution (inclusive of the bye-laws and excluding the schedules) of the Society;
  - (i) "Council" means the Council of the Society duly elected in terms of the Constitution;
  - (j) "Department" means the Department of Agriculture in the National Government;
  - (k) "embryo" means a fertilised ovum of an animal;
  - (l) "Herd Book" means the Braunvieh SA Herd Book in which shall be inscribed the details of all Braunvieh animals;
  - (m) "inspector/s" means a person/s appointed by Council for the purposes referred to in Clauses 9.9 and 9.10;
  - (n) "integrated registration and genetic information system (Intergis)" means the computer system which has been established in co-operation with the Department to integrate pedigrees and performance data of animals;
  - (o) "Legal Entity" refers to a Company, Private Company, Close Corporation, Body Corporate or Trust;
  - (p) "Minister" means the Minister responsible for agriculture;
  - (q) "ovum" means the ovum of an animal and includes an embryo;

- (r) "owner" means the person who –
    - (i) according to the records of the Association, possesses the animal concerned; or
    - (ii) submits proof to the satisfaction of the Council that the animal concerned is eligible to be so registered, recorded or inscribed in his name; or
    - (iii) in the case of imported animals, is allowed to register the animal in his name with the name as it appeared in the herd book of the country of origin;
  - (s) "person" shall include a natural or legal entity;
  - (t) "production" the growth and production recording, re-production and/or function;
  - (u) "registration" refers to the procedure by which the Association inscribes Braunvieh animals in the Appendix and Herd Book Proper, or by which a prefix or designation mark is placed on the records of the Association;
  - (v) "recording" capturing the details of an animal to the database;
  - (w) "Registrar" means the officer designated as Registrar of Animal Improvement in terms of the Act;
  - (x) "Secretary" means the person or entity approved by Council to do the secretarial work of the Society;
  - (y) "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;
  - (z) "semen" means the semen of an animal;
  - (aa) "Society" means the Braunvieh SA;
  - (bb) "South African-bred animal" 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 animal; and
  - (cc) "System" means the recording system which the Council decided to use for recording Braunvieh data.
  - (dd) "Territory" means South Africa and such other countries as Council may from time to time, with the approval of the Association, determine.
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, words in the singular shall include the plural, and words in the plural shall include the singular.

# CONSTITUTION

## 1. NAME OF THE SOCIETY

The name of the Society is Braunvieh SA

## 2. OBJECTIVES

2.1 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 genetic improvement of the production potential of animals in the Territory;
- (b) to maintain unimpaired the purity of the breed in the Territory and promote the interests of the breed by all possible and available means;
- (c) to encourage the collection, preservation and development of animals by sound selection in accordance with the accepted description of a Braunvieh and to eliminate contamination by foreign breeds;
- (d) to compile and maintain a "Minimum Breed Standard" based on fertility, production testing records and visual appraisal for genetic defects and conformation in as far as it is related to functional efficiency. For this purpose, all production data will be made available to the Council, inspectors and sub-committees;
- (e) to compile, keep and maintain accurate records of the pedigrees and particulars of all animals duly registered through the Society by the Association in the Herd Book;
- (f) to for showing purposes obtain different show classes for the breed and to appoint judges who are competent to judge the breed; and to convince show holding societies of the desirability and necessity of only appointing judges recommended by the society;
- (g) to allow and control the competitive showing of animals at agricultural shows;
- (h) to promote and hold sales of animals;
- (i) to in general aim to assist its members in the Territory in promoting the breed;

2.2 The Society will not -

- (a) carry on any profit making activities; or participate in any business, profession or occupation carried on by any of its members, or provide any financial assistance, premises, continuous services, or facilities to its members for the purpose of carrying on any business, profession or occupation by them; and
- (b) have the power to carry on any business, including, *inter alia*, ordinary trading operations in the commercial sense, speculative transactions, dividend stripping activities as well as the letting of property on a systematic or regular basis.

## 3. POWERS OF THE SOCIETY

Subject to the terms of the Constitution, the Society shall have the power:

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

## 4. MEMBERSHIP

### 4.1 Eligibility

Membership of the Society shall be limited to persons above the age of 18 years and shall consist of certain categories of members.

## **4.2 Categories of Membership**

### **4.2.1 Ordinary Members**

Persons resident in the Territory who are engaged, directly or indirectly in the breeding of animals 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 the Council. For the purposes of this sub clause a legal entity shall be deemed to be a person and, subject to Clause 4.4, be eligible for Ordinary Membership of the Society: Provided that:

- (a) persons who are active breeders of animals and register such animals in accordance with this Constitution shall be termed Active Ordinary Members; and
- (b) all other Ordinary Members shall be termed Non-Active Ordinary Members and shall not have voting power.

### **4.2.2 Honorary Life Members**

For special services in the interest of the Braunvieh breed, a person may at an Annual General Meeting be elected as Honorary Life Member: Provided that a Honorary Life Member may not vote at meetings of the Society and is not eligible for election to Council. No person shall be eligible for Honorary Life Membership unless recommended by Council.

### **4.2.3 Special Honorary Members**

Any person not necessarily actively engaged in the breeding of animals may be elected a Special Honorary Member by Council, upon such conditions as Council may determine: Provided that a Special Honorary Member may not vote at meetings of the Society and is not eligible for election to Council.

### **4.2.4 Junior Members**

Any person under the age of 18 years may become a Junior Member on approval of Council: Provided that a Junior Member may not vote at meetings of the Society and is not eligible for election to 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.

## **4.3 Application for Membership**

4.3.1 Application for Ordinary, or Junior Membership of the Society shall be made to the Secretary in writing in such form as may be prescribed by Council, and shall be accompanied by the relevant subscription and/or entrance fees and other fees from time to time determined by the Annual General Meeting as set out in the Society's Schedule of Fees.

4.3.2 Council may admit any applicant to membership of the Society either unconditionally or on such conditions as the Council may determine, or refuse admission to membership, disclosing the reason for such a refusal.

4.3.3 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.

4.3.4 The approval by Council of an application for membership is subject to the signing thereof by the applicant, or his representative.

#### 4.4 Rights and Privileges of Members

Apart from the *ex lege* (legal) consequences of executors of deceased estates, trustees of insolvent estates and liquidators of a legal entity, 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. These shall include the following rights -

- (a) to receive all reports and other matters published by the Society for distribution amongst members;
- (b) to apply for the inscribing, registration of animals in accordance with the provisions of the Constitution;
- (c) to attend all general meetings of the Society and, subject to Clause 4.2, have the right to vote at such meetings;
- (d) to receive technical advice on Braunvieh 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.

#### 4.5 Legal Entity

4.5.1 A legal entity 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 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 Society not later than the time of the meeting at which such an alternate will be present.

4.5.2 All communications addressed to such an authorised representative referred to in Clause 4.5.1 shall be deemed to be duly served upon the legal entity and at all meetings at which such an authorised representative is in attendance on behalf of the legal entity the legal entity shall be deemed to be duly represented.

4.5.3 The person so appointed to represent such a legal entity, as referred to in Clause 4.5.1 shall be eligible for election to Council in terms of Clause 8.

4.5.4 Should such a legal entity cease to comply with the requirements of Ordinary Membership as laid down in Clause 4.2, its rights shall automatically be terminated, and the provisions of Clause 4.5.5 shall *mutatis mutandis* apply in respect of such a legal entity.

4.5.5 The liquidation or dissolution of a legal entity 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 legal entity or from the members (either jointly or severally) of such partnership or other legal entity;
- (b) the liquidator and members of such a legal entity or partnership shall be obliged to discharge all the obligations of such a legal entity or partnership in respect of registrations, recordings, transfers and whatever obligations the legal entity would have had to discharge as a member of the Society; and
- (c) whatever fees may become due and payable as a result of fees, registrations, recordings, transfers or other obligations which have of necessity to be fulfilled after such automatic termination of membership, shall be raised on the scale payable by Ordinary Members or Life Members.



#### **4.6 Withdrawal of Production and Registration Data**

Production data of animals of members participating in the Cattle Production Recording Scheme may, on request by the Society and subject to the conditions as may be determined by the Management Committee of the system be made available to the Society. The Society undertakes that the utilisation of such data shall not be to the disadvantage of any member or members and that the further processing of such data shall not be contrary to the interests of the said Scheme.

#### **4.7 Utilisation of Production and Registration Data**

Production data of animals of members participating in the Cattle Production Recording Scheme may, on request by the Society and subject to the conditions as may be determined by the Management Committee of the system be made available to the Society. The Society undertakes that the utilisation of such data shall not be to the disadvantage of any member or members and that the further processing of such data shall not be contrary to the interests of the said Scheme.

### **5. SUBSCRIPTIONS AND FEES**

- 5.1 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 Council and shall be submitted to members for approval at the ensuing Annual General Meeting of the Society.
- 5.2 Annual subscriptions and fees shall become due and payable on the 1 July of each year and shall be deemed to be in arrears if unpaid on 31 July of the same year.
- 5.3 Any member whose subscription is in arrears, or who is indebted to the Society in respect of any fees or dues for a period of 30 days after a demand by registered post for payment thereof has been addressed to him by the Secretary, shall cease to enjoy any of the rights and privileges of membership until such a time as such indebtedness has been liquidated.
- 5.4 Council may cause an interest charge to be levied and collected on arrear accounts at a rate determined by Council from time to time.
- 5.5 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.
- 5.6 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 incurred in addition to the principal amount, fines and penalties owing by him.

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

#### **6.1 Resignation of Members**

Any member may resign from the Society by giving written notice to the Secretary before the end of the financial year: Provided that

- (a) such a resignation shall not take effect before and until all moneys 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; and

- (b) the membership fee or portion thereof shall not be refunded.

## 6.2 Expulsion of members

Council may expel and/or terminate its services to any member who -

- (a) despite due notice and demand directed to him by a written claim from the Society continues to remain in arrears in respect of any fees or dues for a further 30 days;
- (b) has acted in any manner which in the opinion of Council is or may be prejudicial to the interests of the Society or any of its members;
- (c) has infringed any provision of the Constitution;
- (d) has been found guilty of an offence under the Act; or
- (e) has intentionally for personal gain submitted false information to the Society, or any of its officials or judges at shows;
- (f) attempted to bribe an employee of the Society:

Provided that no proceedings for expulsion shall be initiated against any member of the Society unless the Society 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 Council.

The Council or any committee of the Council shall be entitled to do proper inquiry in connection with the conduct of a member and to receive such information in such a place, person, company and / or organization and to act on it in such a manner as the Council may deem fit.

The usual rules regarding the delivery of evidence will not apply to such *bona fide* inquiry and no member shall have any action, claim and / or right of recourse against the Council or its Committee in connection with any matter and / or case arising from such inquiry or information that was obtained.

- 6.3 Any member who has been expelled shall be notified by the Society in writing within a period of three days from the date upon which the resolution affecting his expulsion was passed, or upon which his membership was forfeited.
- 6.4 Upon expulsion of a member, 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 to apply to the Association for the cancellation of all registrations effected by it, in respect of animals bred by the expelled member and owned by him at the date of his expulsion. The Council shall moreover call upon the expelled member forthwith to deliver to the Society the birth notification/registration/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 shall be affected, no notification of a 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 4.3. and after all arrears have been settled.

6.7 Upon expulsion the person stays responsible for all fees and dues owing to the Society as on the date of expulsion.

### **6.8 Annulment of voting Powers**

6.8.1 Any member who has for a term as determined from time to time by Council, not registered or bought any Braunvieh shall forfeit its voting power as referred to in Clause 4.4(c).

6.8.2 The Society shall advise the member in writing of the annulment of his voting power at least 30 days prior to the meeting on which the annulment is applicable.

6.8.3 Such annulment of voting power shall apply until the member registers Braunvieh in which case the annulment will immediately be lifted without further notice.

6.8.4 The annulment of voting power will have no effect on the rights and/or responsibilities regarding membership.

## **7. REGISTER OF MEMBERS**

7.1 The Society shall keep a register of all members reflecting the date of their admission to membership, their postal addresses, the amounts received from them with the date of payment, and arrears, if any, which may be due.

7.2 Every member shall communicate in writing or per electronic media to the Society any change of his postal address, and all notices or publications posted or e-mailed to the registered address of a member shall be considered as duly delivered to him.

7.3 Communications consigned under registered cover or per electronic media to members by the Manager shall be binding.

7.4 The Secretary shall submit to the Association such information as it may require concerning admissions to membership, terminations or expulsion of membership (for whatever reason), and postal and email addresses of members.

## **8. COUNCIL AND EXECUTIVE COMMITTEE**

### **8.1 Structure and Election of Council**

The affairs of the Society shall be managed by a Council consisting of the following six members to be elected by ballot at the Annual General Meeting or a Special General Meeting for a term of two years called for that purpose:

- (a) A President;
- (b) A Vice-President and
- (c) four members-

### **8.2 Method of Election**

Election shall be by secret ballot. Such voting paper shall not be numbered nor have a signature or any form of identification of the voter.

### **8.3 Election of President and Vice-President**

8.3.1 The President and Vice-President shall be elected by ballot from the members of the newly elected Council by the members present.

#### **8.4 Additional Council Members**

In addition to the six elected members of Council, the following persons will also serve on the Council in an advisory capacity and are also entitled to attend any general meeting, but without the right to vote.

##### **8.4.1 Representative of the Association**

Such member may be co-opted on the Council in consultation with the Association, and will serve on the Council in an advisory capacity with the right to attend all meetings, without the right to vote.

##### **8.4.2 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.

#### **8.5 Executive Committee**

The Executive Committee of Council that hold powers such as determined by the Council from time to time shall consist of the President and / or Vice-President, Honorary Treasurer and one member, annually after the election of the Council are elected by the Council. All actions or decisions of the Executive Committee shall be approved and confirmed at the ensuing Council Meeting.

8.5.1 Should any member of 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 for in Clause 8.6, Council may appoint another member of the Society as his substitute with full powers and for the unexpired period of his term of office. Council shall be deemed to be duly constituted and shall continue exercising all the powers conferred upon it, notwithstanding any vacancies in its body.

8.5.2 In the event of the office of President or Vice-President becoming vacant before the expiration of the period for which he was elected to Council shall at its first ensuing meeting by ballot or in such manner as the meeting may determine elect another of its members to fill the vacancy for the unexpired portion of that period.

8.5.3 Members of Council absenting themselves from two consecutive meetings without leave, or other satisfactory reasons, shall automatically vacate their seats.

### **9. POWERS AND DUTIES OF COUNCIL**

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 power –

- (a) 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;
- (b) to institute, conduct, defend, compound or abandon any legal proceedings by 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;

- (c) 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;
- (d) to invest, or in any other manner deal with any moneys 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 realise any such investments: Provided that the funds available for investment may only be invested with registered financial institutions as defined in Article 1 of the Financial Institutions (Investment of Funds) Act, 1984, and in securities listed on Stock Exchanges as defined in Article 1 of the Stock Exchanges Control Act, 1985 (Act No. 1 of 1985);
- (e) 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 there under in any way; to make donations; to undertake and execute any trust; to secure the payment of moneys 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;
- (f) 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 there from in such a manner as it may consider to be to the best advantage of the Society;
- (g) 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;
- (h) to co-opt the services of any member of the Society or other person and to appoint persons or subcommittees upon such terms and with such powers as it may from time to time deem expedient: Provided that the President and Vice-President of the Society shall be *ex officio* members of all subcommittees with full rights and privileges;
- (i) to appoint or discharge inspectors for the examination of animals submitted for registration/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;
- (j) to set a system of judging and selection regarding inspection of Braunvieh and formulate rules, conditions and terms relating to such inspections and related to selection: Provided that if the Council recall any such rules or changed in any other way, such rules must be submitted at the next general meeting of the Society for the information of such meeting;
- (k) 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;
- (l) 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;
- (m) 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;
- (n) to grant leave of absence to any member of Council or any official or employee of the Society, for such a period and upon such terms as it may in each case determine;
- (o) 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;

- (p) from time to time, subject to the provisions of Clause 5, to adjust or revise subscriptions, fees or dues and to prescribe any such additional fees or dues as it may deem necessary;
- (q) to pay all costs and charges in connection with the administration and management of the affairs of the Society;
- (r) to receive and consider applications for membership and to accept or refuse such applications at its discretion;
- (s) to collect and receive subscriptions, fees, donations, other dues and funds and to devote same towards the objectives of the Society and towards promoting Braunvieh breed;
- (t) to formulate, alter and rescind rules and regulations for conducting the business and carrying out the objectives of the Society, to formulate or amend any schedule pertaining to the Constitution as may be deemed necessary from time to time;
- (u) to investigate disputes arising from the application of the Constitution and to give decisions in regard thereto;
- (v) despite any conflicting stipulations in this Constitution, with the approval of the Annual General Meeting, grant exemption from any provision of this Constitution or mitigation in cases of merit as decided by the Council;
- (w) to alter or amend any schedule attached to the Constitution as may deem necessary from time to time;
- (x) to organise and promote sales, either by public auction or private treaty and for such purposes to appoint auctioneers and agents;
- (y) to elect a representative/s to the Annual General Meeting of the Association; and to nominate a person or persons to represent the Society on any committee, body or organisation as may be necessary;
- (z) for the 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;
- (aa) to cancel membership of any person in accordance with Clause 6;
- (bb) in accordance with Clause 5.3 to refuse inspection, registration, recording and other work for members whose accounts are overdue;
- (cc) to lay down minimum production and other standards by which:
  - (i) animals are inspected by inspectors for confirmation or cancellation of registration;
  - (ii) subject to the provisions of the Act, applications for import and export of animals;
  - (iii) applications for importation and exportation of animals, semen and ova shall be recommended;
  - (iv) in terms of the Act semen and ovum donors shall be approved for embryo transfer purposes; and
- (dd) to set such rules and conditions relating to the qualifications and appointment of judges of the breed as may be deemed necessary: Provided that no person shall be appointed as a judge of the breed before he meets such requirements as may be determined by the Council. In addition, from time to time to reconsider the panel of judges and consider to remove such names as necessary; and
- (ee) generally to do all that is necessary in order to the welfare of the Society and the management of its business, provided that any action taken or instructions given, would not be inconsistent with the provisions of the Act and the Constitution.

## **10. MEETINGS**

### **10.1 Executive Committee Meetings**

The Executive Committee shall meet when necessary in order to carry out the duties delegated to it by Council.

- 10.1.1 A member may request the President to personally submit any matters of interest to the Executive Committee. On condition that he would put the full matter in writing. If the President decides that the case is of sufficient importance and urgency, he may grant leave to such a councillor to attend the Executive Committee meeting with the Committee consent to address the Committee meeting.
- 10.1.2 If the President concludes that the matter is not of sufficient importance he may refuse the request and, if he concludes otherwise, ensure that the matter is to be placed on the agenda of the meeting.

## **10.2 Council Meetings**

- 10.2.1 Council shall meet at such a time, place or fashion as it may from time to time determine, or as may be decided by the President or in his absence the Vice-President may decide: Provided that at least two Council meetings will be held during each financial year. Council meetings may be conducted by telephonic conference calls and shall be deemed to have taken place in accordance with the provisions for Council meetings as stipulated in the Constitution of the Society.
- 10.2.2 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 two members of the Council stating the reasons for such a meeting. Such application shall be submitted to the Secretary.
- 10.2.3 Not less than 21 days prior to the holding of a Council meeting, written notice of the time, date, place or fashion of such a meeting shall be posted or e-mailed by the Secretary to each member of Council.
- 10.2.4 No resolution of 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 14 days' notice specifying the intention to vary or rescind has been given to all 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.

## **10.3 General Meetings**

- 10.3.1 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 Council.
- 10.3.2 At such an Annual General Meeting, Council shall submit its annual report, together with financial records, balance sheet and statement of the financial affairs of the Society as at the end of the previous financial year.
- 10.3.3 A special general meeting of the Society, may at any time upon 30 days' written notice to members, be called -
- (a) by Council; or
  - (b) by the President (or in his absence by the Vice-President); and

shall be so called, upon a written requisition signed and addressed to the Secretary, by not less than 25% of the members of the Society stating the business to be transacted at such a meeting. At such meeting only the transacted business may be discussed.

- 10.3.4 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 or electronically transmitted by the Secretary to every member. Any member intending to put forward any matter for discussion at the Annual General Meeting shall give written or electronic notice thereof to reach the Secretary not less than 40 days prior to the holding of the meeting. No subject put forward by any member shall be put on the agenda of the Annual General Meeting unless the requisite notice of motion has been given in terms of this sub-clause.
- 10.3.5 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 or e-mailed to each member of the Society.
- 10.3.6 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.
- 10.3.7 Any general meeting may be adjourned by a two-thirds majority of the members present thereat and entitled to vote.
- 10.3.8 To rescind any resolution taken at a General Meeting of the Society, a two-third majority vote shall be required.

#### **10.4 Chairperson**

The President or Vice-President, in this order, shall preside at all meetings and should all 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 fulfil all the duties of the President: Provided that in the event of the death of the President, the Vice-President shall act as President until the next Annual General Meeting of the Society.

#### **10.5 Resolutions**

Resolutions taken on matters discussed at any meeting shall be resolved by a majority vote of members present and entitled to vote, save as is otherwise provided in the Constitution and in the case of a tie of votes, the person who takes the chair at that meeting, in addition to his vote, also have a casting vote.

#### **10.6 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 of votes; the person presiding at the meeting shall have a casting 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.



**10.7 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.

**10.8 Quorums**

10.8.1 Any two members of the Executive Committee personally or telephonically present at the commencement of any meeting of the Executive Committee shall form a quorum.

10.8.2 Any three members of the Council personally or telephonically present at the commencement of any Council meeting shall form a quorum.

10.8.3 Five 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.

10.8.4 If at any meeting a quorum is not present, the meeting shall stand adjourned to a time (not being less than 14 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 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 and 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.

10.8.5 When a meeting has been thus adjourned, a notice shall be posted or send electronically to all relevant members within 7 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.

**10.9 Minutes of Meetings**

10.9.1 A copy of the minutes of all general meetings shall be supplied to each member of the Society. Copies of the minutes of the Council and Executive Committee meetings and meetings of other subcommittees shall be supplied to all persons serving on the committee concerned. Members who do not have electronic mail facilities, must receive all documentation by hard copy and will be responsible for any direct costs.

10.9.2 Minutes of all meeting shall within 30 days be posted to the members concerned.

10.9.3 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.

**11. FINANCIAL REGULATIONS**

11.1 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 a banking account or accounts as Council may direct.

- 11.2 All payments from the funds of the Society shall be effected by cheque or electronically, signed by the Secretary or a person appointed by Council and: Provided that nothing herein contained shall prevent Council from maintaining and operating a petty cash fund, or from paying in cash such ordinary and usual monthly accounts as do not in total exceed a sum determined by Council, and provided further that the total sum necessary for the payment of such accounts is drawn by cheque or electronically.
- 11.3 Council will ensure proper accounting practice of income and expenditure to be kept in respect of the Society. Financial records and statements must be audited from time to time, but not less than once every year by a registered chartered Accountant appointed by Council. Financial statements should be compiled by a person registered by SAICA or SAIPA. The Accountant must ensure that proper accounting practices are applied.
- 11.4 All the property of the Society shall be vested in Council.
- 11.5 The income and property of the Society, from whatever source derived, including profits or gains, 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.
- 11.6 The Society's financial year shall commence on 1 July of each year and end on 30 June of the same year.
- 11.7 Funds available for investment may only be invested with registered financial institutions as defined in section 1 of the Financial Institutions (Investment of Funds) Act, 1984, and in securities listed on a licensed stock exchange as defined in the Stock Exchanges Control Act, 1985 (Act No. 1 of 1985).

## **12. AFFILIATIONS**

The Society shall -

- (a) in accordance with the Act, be a member of the Association and shall maintain such membership on the conditions set out in the Constitution of the Association; and
- (b) 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 organisation having aims and objectives kindred to those of the Society.

## **13. ELECTION OF A REPRESENTATIVE/S TO THE ANNUAL GENERAL MEETING OF THE ASSOCIATION**

Council shall elect a representative or representatives to the Annual General Meeting of the Association.

## **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, the proposed addition to, alteration, variation or amendment of the Constitution, not less than 30 days' written or electronically 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 Clause 14.1 shall be of any force or effect until approved by the Association and the Registrar of Animal Improvement, in terms of the Act, and shall comply with and be submitted to the Association in the manner set out in its Constitution.

14.3 Any amendment to the Constitution will be submitted to the Commissioner for the South African Revenue Service.

**15. OFFICE OF THE SOCIETY**

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

**16. 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 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 and which is itself exempt from income tax in terms of section 10(1)(cB)(i)(ff) of the Income Tax Act.

**17. INDEMNITY**

Members of Council and members of the Society involved in Society matters on directive of Council are hereby exempted from any claims, losses or expenses while performing such duties: Provided that their actions were *bona fide* and were not due to negligence or dishonesty.

**18. AUTHENTIC VERSION OF CONSTITUTION**

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

**19. EMPLOYEES OF THE SOCIETY**

No employee of the Society shall, except in the performance of his duties as such an employee, render any service or be connected with any business concerned with the purchase or sale of animals.

**20. 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/recording, 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 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 authorised persons in any manner whatsoever to participate in the nomination of, or voting for, any member of Council, or voting on any matter where his principal has a vote, or to attend any meeting on his principal's behalf.

**21. NON-MEMBERS**

Such privileges of membership as 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 the Annual General Meeting from time to time and payable in advance.

## **BYE-LAWS**

### **1. HERD BOOK**

#### **1.1 Sections**

The registration system of the Society shall consist of the Herd Book to be known as the Braunvieh SA Herd Book, be it computerised or in any other form which shall be divided into two main sections, namely the Appendix Section and the Stud Book Proper Section.

- (a) Appendix Section, and
- (b) Stud Book Proper Section

##### **1.1.1 Appendix Section**

###### **(a) Appendix A**

Any female animal which originates from a herd of which the breeder can give proof of origin to the Council and that she is of the desired phenotype *cum* genotype and which on inspection complies with the Minimum Breed Standard, as determined by the Council from time to time, shall be eligible for recording in the Appendix Section of the Herd Book.

###### **(b) Appendix B**

The female progeny of an Appendix A female mated with a Stud Book Proper bull, which comply with the breed standards and in respect of which all other registration requirements have been met, shall be eligible for registration in the Appendix B Section of the Herd Book.

##### **1.1.2 Stud Book Proper Section**

- (a) The progeny of an Appendix B female mated with a Stud Book Proper bull, and which comply with the breed standards and in respect of which all other registration requirements have been met, shall be eligible for registration in the Stud Book Proper Section.
- (b) The progeny of Stud Book Proper Animals and which comply with the breed standards and in respect of which all other registration requirements have been met, shall be eligible for registration in the Stud Book Proper Section.

### **1.2 Dehorned or Polled animals**

1.2.1 Dehorning of Braunvieh allowed. Dehorned and Horned Brauvieh will not be registered in separate sections of the Herd Book

1.2.2 In this Bye-Law a "Poll" means a natural Poll and it includes loose horns.

1.2.3 All Poll animals born polled or with loose horns shall during registration be identified with the applicable letters as set out in the bye-law 1.2.4.

The applicable identification letters will be printed on the registration certificate under the animals name.

1.2.4 The applicable ID letters are as follow;

- (a) P : A Poll animal as defined in Bye-law 1.2.2 and/ or an animal of which one or both parents being "P" or "PP".
- (b) PP : An animal which is a natural Poll and of which both parents are "P" or "PP".

## 2. PREFIX AND DESIGNATION MARK

- 2.1 No animal shall be accepted for registration unless the Society, on behalf of the breeder, has previously through the Association, registered for his exclusive use, a prefix with the organisation contracted by the Department to operate the Intergis, on the Intergis by which all animals bred by him and eligible for registration shall be designated, and a 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 Territory shall not be accepted for registration as a prefix.
- 2.3 The designation mark registered with the Association for the breeder's exclusive use shall not exceed four characters and shall consist of letters.
- 2.4 Application for the registration of such a prefix and designation mark shall be made to the Society and the Organisation contracted to operate the Intergis and shall be accompanied by such a fee as may be prescribed from time to time by Council or by the Association.
- 2.5 **Herd Designation Mark**  
The herd designation mark will be awarded by the Society to breeders when they join as breeders.
- 2.6 No transfer of a Prefix or her 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.

## 3. IDENTIFICATION

- 3.1 Ear tattooing shall be the Society's official system of marking and permanent identification of all animals submitted for registration in the Herd Book.
- 3.2 The identification of calves shall consist of-
  - (a) herd designation mark which may not exceed four digits;
  - (b) a year number which shall consist of the last two numbers of the year of birth; and
  - (c) the birth sequence number shall not exceed four numbers. It is not required to start with ONE (1) each year.
- 3.3 Every calf must be identified by the breeder within 60 days of birth.
- 3.4 In the event of a breeder making a mistake when identifying an animal, or in the event of a tattoo mark becoming defaced or illegible, the owner of the animal may not rectify the matter unless reported to the Secretary and permission granted to rectify.
- 3.5 In the event of a breeder making a mistake when identifying a calf, or in the event of a mark becoming defaced or illegible, the owner of the animal shall report the fact to the secretary in writing, and the animal shall be re-marked in the presence of an inspector appointed by Council, after such inspector has satisfied himself as to the correctness of the identity of the animal.
- 3.6 The insertion of any other tattoo mark whatsoever on an animal, by the breeder or owner or his agent, is strictly prohibited and the registration certificate of any such animal so marked shall be liable to cancellation.
- 3.7 Save for the compulsory branding of animals as regulated by legislation or the voluntary branding of animals registered in the Herd Book proper section with the registered brand of the Association, 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 Subject to the requirements of Bye-law 3.5, no animal shall be sold or transferred unless clearly marked.

#### **4. NAMES**

- 4.1 In addition to the identification marks referred to in Bye-law 3, all live animals of which the births are notified, must be explicitly named: Provided that the name may be substituted by the animal's identification. Council 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.
- 4.2 The name shall include the prefix registered in favour of the breeder, and inclusive of the prefix, no name shall exceed four words and exclusive of the prefix, shall not exceed 20 characters.
- 4.3 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.

#### **5. SERVICE AND INSEMINATION CERTIFICATES AND JOINT OWNERSHIP OF BULLS**

##### **5.1 Service and Insemination Certificates**

- 5.1.1 If a pregnant animal, registered or eligible for registration, is sold, the seller shall supply the buyer with a service certificate (natural mating) or an insemination certificate (artificial insemination).
- 5.1.2 Such a certificate must state the name and registration number of the sire, the name and registration number of the dam concerned, and the date of service or insemination.
- 5.1.3 In the case of the exact service date being unknown, the service certificate must state the period during which the dam concerned was running with the sire indicated and further that such a dam could not have been served by any other sire during such a period.

##### **5.2 Joint Ownership of Bulls**

- 5.2.1 When an animal is transferred to joint owners, the full name and address of each joint owner shall be submitted to the Association.
- 5.2.2 The joint ownership and use of a bull is subject to the provisions of the Act and this Bye-Laws.

#### **6. RULES GOVERNING ARTIFICIAL INSEMINATION (A.I.)**

- 6.1 All animals which have been begotten through A.I. shall be eligible for registration: Provided that all requirements of the Act and the Constitution have been complied with.
- 6.2 No birth notification of an animal begotten through A.I. shall be accepted for the purpose of registration/recording unless it is endorsed "Begotten by A.I.".
- 6.3 Irrespective of the provisions of Bye-law 6.1, where different sires are used for the supply of semen for the artificial insemination of the same female at two consecutive heat periods less than 28 days apart, no resultant progeny shall be eligible for registration unless the male parentage has been confirmed by DNA-tests or any other proven scientific method of confirming parentage.

- 6.4 The Society reserves the right through its officers to supervise and/or inspect the keeping of records in connection with A.I. by its members.
- 6.5 The Society and the Association reserve the right to refuse to register/record the progeny resulting from A.I. should any of these rules or provisions of the Act not be fully adhered to.
- 6.6 Breeders resident in the Territory outside South Africa who enjoy the privileges of registration/recording of animals under the provisions of the Constitution, may apply for registration/recording of progeny begotten by A.I.: Provided that the semen is obtained from a source approved by the Society, and provided further that the collection of semen, the handling thereof, the insemination of the animals and the maintenance of records shall be effected in such manner as may be duly approved by the Society from time to time.
- 6.7 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/recording: Provided that –
- (a) complete details of the ownership of the sire concerned have been submitted to the Association;
  - (b) the official blood typing or DNA laboratory number of the sire has been submitted to the Association;
  - (c) the collection and storage of the semen have been carried out in accordance with the requirements of the Act; and
  - (d) all requirements of the Constitution in respect of birth notifications and registration/recording are complied with.
- 6.8 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 bull must be accompanied by a certificate signed by the seller indicating the number of doses of semen stored at the date of transfer.

## **7. RULES GOVERNING EMBRYO TRANSFERS (E.T.)**

- 7.1 All animals which have been begotten as a result of E.T. shall be eligible for registration: Provided that –
- (a) breeder must first apply for approval by Council before flushing of cows;
  - (b) both the male and the female animals which gave rise to the embryo concerned, were approved for the purpose by the Society and complies with the requirements as stated in Bye-laws 7.5 to 7.8;
  - (c) except in the case of an animal begotten as a result of E.T. and imported *in utero*, all the following documents are submitted to the Association within 120 days of each embryo transfer -
    - (i) the certificates reflecting the official blood typing or DNA laboratory numbers of the male and female animals that gave rise to the embryo concerned;
    - (ii) a certificate signed by a veterinarian, 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 have 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 Association 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 of the embryo concerned and date thereof to the relevant recipient dam;
  - (iii) two-generation pedigrees of both donors;
  - (iv) DNA certificate or DNA profile of both donors; and
  - (v) evidence that both donors conform to the minimum production and other requirements as may be determined by Council;
- (e) a birth notification in respect of an animal resulting from E.T. is submitted on the pre-printed birth notification form referred to in Bye-law 9.2;
- (f) confirmation of parentage in each instance by DNA tests or any other proven scientific method of confirming parentage is supplied, unless otherwise determined by the Society and the Association; and
- (g) all other requirements of the Constitution in respect of birth notifications, classifications, production and reproduction and registrations, are complied with. All calves born as a result of embryo transfers must be blood typed for the purpose of parentage verification within 42 days.

- 7.2 The Society reserves the right through its officers to supervise and/or inspect the keeping of records in connection with the practice of E.T. by its members.
- 7.3 Breeders resident in the Territory outside South Africa who enjoy the privileges of registration/recording of animals under the provisions of the Constitution, may apply for registration/recording of progeny begotten as a result of E.T.: Provided that the fertilised ova are obtained from a source approved by the Society, and provided further that the collection of ova, the handling thereof, the inovation of the animals and the maintenance of records shall be effected in such manner as may be duly approved by the Society from time to time.
- 7.4 The Society and the Association reserve the right to refuse to register/record the progeny resulting from E.T. should any of these rules or the provisions of the Act not be fully adhered to.
- 7.5 The semen donor must comply with the requirements of the Society in regard to the importation of semen.
- 7.6 The semen donor must be an approved, registered bull or imported semen.
- 7.7 The ovum donor must be an approved, registered female. The ovum donor must be classified by persons appointed by Council.
- 7.8 All recipient cows must be tested for TB and CA with negative results.



## 8. GESTATION AND INTER CALVING PERIODS

- 8.1 The gestation period shall be 290 days. The minimum acceptable gestation period shall be 273 days, and the maximum period shall be 308 days.
- 8.2 No gestation period outside this time frame will be recognised without special permission of the Council unless parentage is confirmed by a DNA test.
- 8.3 The minimum acceptable period between the birth dates of two consecutive calves from one dam (inter-calving period) is 280 days.
- 8.4 The maximum inter-calving period will be 790 days. Dams will automatically be cancelled in excess of this period.

## 9. NOTIFICATION OF BIRTHS AND APPLICATION FOR REGISTRATION

- 9.1 The breeder of an animal born from a registered dam shall notify the Association within 90 days of its birth, but not later than 270 days, whether it be born dead or alive or retained for registration or otherwise.
- 9.2 All births shall be notified in the format as approved by the Association. Copies thereof shall be kept by the breeder concerned.
- 9.3 Irrespective of Bye-Law 9.1, the Association may accept a birth notification of an animal received after 270 days provided that the penalty as from time to time determined by Council is included.
- 9.4 No animal of which the birth was submitted as “NOT FOR REGISTRATION” shall be eligible for registration without the consent of Council.
- 9.5 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 twin, triplets, etc., as the case may be.
- 9.6 A birth notification in respect of an animal begotten as a result of an embryo transfer must be submitted to the Association on a pre-printed form as prescribed by the Association.
- 9.7 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.
- 9.8 The Birth notification shall contain a declaration in the following terms:  
*"I declare that the pedigree, breeding particulars and identification marks of the animals described herein are correct, and that all the requirements of the Constitution and the Act relating to birth notifications, registrations and recordings have been complied with."*
- 9.9 A birth notification shall also be accompanied, in the case of an animal imported *in utero*, by the necessary documents and blood typing certificates or DNA profiles of both the sire and dam, 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 the sire, as indicated by the said documents, is correct; and
- (b) that the sire conforms to the minimum production and other requirements as may be determined by Council.

## 10. CONFIRMATION OF PARENTAGE

- 10.1 In order to confirm the parentage of an animal, the Society shall at any time have the right to insist on a DNA-test 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 In respect of the tests referred to in Bye-law 10.1(a) the breeder will be responsible for all costs of all parentage control tests from the second test onwards.
- 10.3 In respect of the tests referred to in Bye-law 10.1(b) the owner or the Society, as may be determined by Council, shall bear the costs of the tests required.

## 11. REQUIREMENTS FOR REGISTRATION

### 11.1 General

- 11.1.1 Inspection will be a prerequisite for registration of South African bred and imported animals except by special permission by the Council. No animals will be registered under the age of 12 months for females and 18 months for males.
- (a) The registration of any animal that does not meet the minimum breed standards and production standards set by the Council from time to time, will be automatically cancelled by the Society; and
  - (b) Any animal that is not during a herd or other inspection, approved as requested by the Council in terms of Bye-Law 11, will be cancelled.
- 11.1.2 As from 1 January 2015 participation in Production recording became a prerequisite for registration. Animals presented for inspection, have to at least have been evaluated for two traits (wean and twelve month weights).
- 11.1.3 Except as provided for in Bye-law 11.2.1, no application for registration of a South African bred animal will be considered unless-
- (a) details of its birth have been duly notified and accepted for registration in terms of Bye-Law 9,
  - (b) both its parents; or its dam, in the case of an animal imported *in utero* or resulting from imported semen, have been registered by the Association.
  - (c) the sire at the time of service of the dam was more than six months old and subjected to DNA typing and/or the dam was more than nine months old at the time of service.
- 11.1.4 No animal which does not comply with the minimum breed and production standard shall be eligible for registration.

- 11.1.5 Any animal of which the particulars supplied on the birth notification form or accompanying certificates, are open to question, may in the discretion of Council be debarred from registration.
- 11.1.6 The method of application -
- (a) laid down by the Association; and
  - (b) be endorsed by the Society to the effect that all the requirements of the Constitution have been met with respect to registration.
- 11.1.7 All Stud bulls have to be DNA tested.
- 11.1.8 The use of multiple sires is allowed in the Herd Book. Only Stud Book Proper bulls may be used. Parentage verification will be required before registration.

## 11.2 Imported Animals

- 11.2.1 An imported animal or one resulting from imported semen or an embryo shall be eligible for registration provided the requirements of the Constitution and the Act have *mutatis mutandis* been complied with.
- 11.2.2 A pedigreed animal imported into the Territory shall be eligible for registration provided that the application for registration is received within three months from date of arrival and accompanied by –
- (a) a certificate of registration or an export certificate 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 conforms to the production and other requirements as may be determined from time to time by Council and approved by the Association; and
  - (c) a report of the inspector confirming that the animal bears the permanent indelible identification marks as recorded on the registration or export certificate;
  - (d) the animal was sold and left the seller's possession on the date stated and that the animal was shipped and/or transported to the Territory on the date stated; and
  - (e) that the animal arrived on the applicant's farm on the date stated.
- 11.2.3 Registration certificates shall be issued by the Association in respect of imported animals.

## 11.3 Imported Semen and embryos

- 11.3.1 Animals resulting from the inovation of imported ova in respect of which all other provisions of the Constitution have *mutatis mutandis* 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 Directorate of Animal Health of the Department) from an animal which complies with the minimum requirements for the importation of ova determined by Council and approved by the Association; and
  - (b) if fertilised, shall have been fertilised with the semen of a sire which likewise complies with the above-mentioned minimum requirements.

- 11.3.2 The birth notification shall according to Bye-Law 6 be accompanied by a certificate, issued by an authorised body in the country of origin, approved by the Society and the Association, indicating the following -
- (a) the name, identification- and registration numbers of the embryo and semen donors;
  - (b) the date and location where collected; and
  - (c) the number of viable embryo's collected from the donor.

## **12. INSPECTION AND PRODUCTION REQUIREMENTS**

### **12.1 Minimum standards**

Minimum inspection and production standards as a prerequisite for registration shall be determined from time to time by Council.

### **12.2 Inspections and Duties of Inspectors**

12.2.1 In terms of Clause 9(i) of the Constitution, Council shall appoint inspectors to inspect or classify all registered animals.

12.2.2 The inspector shall inspect each registered animal upon presentation of the registration certificate and shall satisfy themselves that the age, identification, and other details as appearing on the 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 inspection and production standards as determined by Council. Any difference or discrepancy may disqualify such an animal and cause the animal to be cancelled.

12.2.3 There shall be no maximum age limit for the inspection of Appendix A and imported animals.

Females Minimum age 12 months  
Bulls Minimum age 18 months

The inspectors are empowered to use their discretion in holding any animal for inspection until the next visit.

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

12.2.5 Any breeder dissatisfied with an inspector's decision may lodge an appeal to the Secretary within three weeks after the inspection. Such appeal must be accompanied by a deposit of an amount as prescribed by Council from time to time. A board of appeal 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 Council. If not, the appellant forfeit his deposit and is responsible for all costs incurred by the Appeal Board.

12.2.6 Except in cases referred to in Bye-law 12.2.4, timeous notice shall be given to breeders of an intended visit by an inspector.

- 12.2.7 Special inspections can only be carried out by permission of the Council if such inspectors are available and if the applicant agrees to pay the fees payable in respect of special inspections as laid down by Council from time to time.
- 12.2.8 Inspectors may in addition to the inspections referred to above, perform other duties with the approval of Council, including:
- (a) classification or grading of animals upon application by the breeder concerned at a fee determined by Council from time to time; and
  - (b) demonstrations and lectures at farmers' days or judges' courses.
- 12.2.9 Inspectors employed by the Society may not accept instructions from members or non-members to negotiate the buying or selling of animals nor may they accept any commission arising from sales or purchases of animals: Provided that breeders who are appointed as inspectors shall not be subject to this rule.
- 12.2.10 No breeder shall act as an inspector of his own animals.

### **13. REGISTRATION CERTIFICATES**

#### **13.1 Original Certificates**

Registration certificates to be issued in respect of any animal that meet the inspection and production requirements in terms of Bye-Law 12 may with the consent of the Association be in the form desired by the Society. Data in respect of production measurements in the designated production recording scheme, classification or other information may appear on the registration certificate or an accompanying classification/production certificate.

#### **13.2 Alterations or Additions to 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 certificate bearing upon the essential information or particulars contained therein, shall render such certificate invalid.

#### **13.3 Duplicate or Replacement of Registration Certificates**

The Association may upon written application, accompanied by a statement by the applicant setting out all the relevant circumstances, issue a duplicate or replacement of any registration certificate issued by the Association, which has been mislaid, mutilated or lost: Provided that such application shall be made by the person in whose name the animal concerned was last registered and further that the application be accompanied by such fee payable determined from time to time by the Council.

#### **13.4 Cancellation of Registration Certificates and Reinstatement of Animals**

- 13.4.1 Council may direct the Secretary to 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) in the case of female animals which failed to meet minimum breed standards as may be determined by Council from time to time; and to notify the breeder or owner accordingly.
- 13.4.2 A registration certificate of an animal issued by the Association shall be returned to the Association for cancellation and/or endorsement within 30 days after its death, sale for slaughter, culling, castration, spaying or if not calved before 39 months or other circumstances requiring the certificate's cancellation or endorsement in terms of the Constitution of the Society or that of the Association.
  - 13.4.3 All documents so returned shall be suitably endorsed and kept by the Association for a period of six months, where after they shall be destroyed.
  - 13.4.4 In the event of the registration certificate of an animal having been cancelled in terms of Bye-Law 13.4.1, such animal may be reinstated in the records of the Association only on recommendation of the Society: Provided that the application for the reinstatement is made by the person who applied for the cancellation of the registration certificate. The reinstatement of any such animal shall be effected upon payment of such fee as may be determined by Council from time to time.
  - 13.4.5 No progeny of an animal of which the registration had been cancelled in terms of Bye-Law 13.4.1, shall qualify for registration after the date of cancellation had been recorded.
  - 13.4.6 Before Council applies for the cancellation of the registration of an animal, the owner must be notified thereof at least 30 days before the cancellation is affected.

## **14. TRANSFER OF ANIMALS**

14.1 For the purpose of this Bye-law "transfer" means:

- (a) sale of an animal, exchange or donated;
- (b) an animal inherited;
- (c) 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 an animal, and the relinquishment of any share in the ownership of such animal (as the case may be).

14.2 Any seller who transfers sole ownership of an animal, or part ownership in a male animal, shall within 30 days of the date of such transfer, furnish –

- (a) inform the Association in writing of the transfer with detailed information of the animal and new owner; and
- (b) provide the Society with the fees payable determined by Council from time to time:

Provided that if the application is received by the Association later than 30 days but less than 90 days after the date of transfer or more than 60 days but less than 90 days after that date, the payable fees with respect to the transfer, will be respectively twice and three times the prescribed fee. An application received by the Association for such transfer that is more than 90 days after the transfer date will be accepted on payment of such fee that may be determined by the Council from time to time.

- 14.3 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 or transferor possession.
- 14.4 If the animal to be transferred is:
- (a) a pregnant female, the seller shall together with his application for transfer, furnish the Association with a certificate specifying the name, identification number and registration/recording 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 certificate;
  - (b) a recipient dam, the application for transfer shall be accompanied by the pre-printed birth notification/ application for registration form referred to in Bye-law 5.6 issued by the Association and other certificates in compliance with Bye-law 6.
- 14.5 Should the seller for any reason whatsoever fail or refuse to take any steps to effect such transfer, including failing or refusing to deliver the original registration/recording certificate and should the buyer be willing to pay such fees as may be laid down by Council, Council may take such steps as it deems fit in order to effect the transfer.
- 14.6 No alteration to an already recorded transfer date shall be effected unless an application to that effect, duly signed by the buyer and the seller concerned is made to the Association.

## **15. REFUSAL OF APPLICATIONS**

- 15.1 In the case of progeny begotten from a dam mated to different males or inseminated with semen from different males at consecutive oestrus periods within 28 days, the Society shall request the Association to refuse registration unless the male parentage is confirmed by means of a blood typing, DNA or an approved scientific method of confirming parentage.
- 15.2 The Society may request the Association to 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.
- 15.3 Whenever the Association has refused to accept applications from any person, the Society may, in addition, request the Association to cancel any or all previous entries made in the Herd Book on behalf of such person.
- 15.4 The Society shall not take any action under Bye-laws 15.2 and 15.3 except after an investigation by a commission consisting of the President and/or Vice-President and two other members appointed by Council, and in accordance with the recommendation of that commission.

## **16. IMPORTATION AND EXPORTATION OF ANIMALS, SEMEN OR OVA**

- 16.1 Applications to import or export animals, semen or ova, shall, in terms of the Act, be submitted in triplicate, on forms available from the Registrar, to the Society, together with the prescribed fee. The Society shall forward two copies together with its recommendation thereto, and the required documents reflecting the details referred to in Bye-law 16.2, to the Association; and

the Association shall in turn submit one copy together with its recommendation to the Registrar.

- 16.2 Council shall determine minimum production and other requirements for the importation and exportation of animals, semen and ova in terms of Clause 9(y) of the Constitution, and no such importation or exportation shall be recommended to the Association by the Society, unless the said requirements are complied with.
- 16.3 Only imported animals and animals resulting from the importation of semen or ova which comply with the minimum requirements referred to in Bye-law 16.2 and the requirements of the Constitution shall be eligible for registration/recording.
- 16.4 The Association may, upon application, issue export certificates in respect of animals, semen or ova in the form desired by the Society and approved by the Association.