

**CONSTITUTION**

**OF THE**



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**CATTLE BREEDERS'**

**SOCIETY OF SOUTH AFRICA**

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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 62 of 1998) and includes the regulations promulgated in terms thereof;
  - (b) "animal" means a bovine of the Sussex breed registered or eligible for registration in the Herd Book and the words 'cattle', 'calf/calves', 'dam/s', 'female/s', 'bull/s', 'male/s' and 'sire/s' shall have the same meaning;
  - (c) "Association" means the South African Stud Book and Animal Improvement Association;
  - (d) "birth" means the birth of a calf;
  - (e) "birth recording" means the procedure whereby the birth of an animal is placed on the records of the Association;
  - (f) "breeder" means a member of the Society who is the owner of –
    - (i) the dam at the date of birth of an animal to be registered/recorded;
    - (ii) an animal at date of application for registration/recording in the first and second section of the Appendix Section of the Herd Book, as the case may be;
    - (iii) an animal at the date of application for registration/recording in the Herd Book Proper Section of the Herd Book; or
    - (iv) the recipient dam at the date of birth of the animal to be registered/recorded as a result of an embryo transfer;
  - (g) "buyer" means the person or persons to whom ownership/joint ownership of an animal is transferred by the seller of such animal;
  - (h) "Constitution" means the constitution (inclusive of the bye-laws) of the Society;
  - (i) "Council" means the Council of the Society duly elected in terms of the Constitution;
  - (j) "Department" means the Department or Departments charged with the administration of the Act;
  - (k) "embryo" means a fertilized ovum of an animal;
  - (l) "Herd Book" means the South African Sussex Herd Book in which shall be recorded or registered, as the case may be, through the Society by the Association, the details of all animals;
  - (m) "inspector/s" means a person/s appointed by Council for the purposes referred to in Clauses 9(i) and 9(j);
  - (n) "Minister" means the Minister of the relevant Department;
  - (o) "ovum" means the ovum of an animal and includes an embryo;
  - (p) "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 birth recorded or registered, in his name;

- (q) "registering" refers to the procedure of registering an animal in the Appendix Section or Herd Book Proper Section of the Herd Book, or by which a prefix or herd designation mark is placed on the records of the Association;
  - (r) "Registrar" means the officer designated as Registrar of Animal Improvement in terms of the Act;
  - (s) "Secretary" means the secretary of the Society;
  - (t) "seller" means the person or persons 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 animal;
  - (u) "semen" means the semen of an animal;
  - (v) "Society" means the Sussex Cattle Breeders' Society of South Africa;
  - (w) "South African-bred Sussex" 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 Sussex; and
  - (x) "Territory" means South Africa and such other countries as the Society 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 as in the Act.
3. In the Constitution, unless the contrary intention appears clearly from the context, words referring to persons in the masculine gender shall include females, and words in the singular shall include the plural, and words in the plural shall include the singular.

# CONSTITUTION

## 1. NAME OF THE SOCIETY

The name of the Society is the Sussex Cattle Breeders' Society of South Africa.

## 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 genetic improvement of the breed in the Territory;
- (b) to maintain unimpaired the purity of the Sussex breed in the Territory and promote the interests of the breed by all possible and available means;
- (c) to ensure the accuracy of all records of pedigrees, production and other particulars of all animals registered or eligible for registration in the Herd Book;
- (d) to apply a "Standard of Excellence" and other minimum standards drawn up by Council as a prerequisite for the registration/recording of animals;
- (e) to encourage the expansion of the breed by means of promotion, marketing campaigns and sales;
- (f) to promote participation of cattle at shows; to nominate judges who have been approved by Council as qualified and competent to judge the breed; and to encourage agricultural show societies to appoint only judges certified as such by Council;
- (g) to safeguard and advance the common interests of breeders in the Territory, and generally to give effect to the objectives contemplated by the Act.

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 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

Subject to the provisions of Clause 4.2.5, 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, who are engaged, directly or indirectly, in the breeding of animals, resident in South Africa, 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 subclause a company, close corporation, partnership or body corporate shall be deemed to be a person and, subject to Clause 4.3, be eligible for Ordinary Membership of the Society.

#### **4.2.2 Commercial Members**

Persons who are members of regional Sussex clubs shall be eligible for membership of the Society as commercial members, but shall not enjoy voting rights and may not be elected to the Council.

#### **4.2.3 Honorary Life Members**

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

#### **4.2.4 Special Honorary Members**

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

#### **4.2.5 Junior Members**

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

### **4.3 Company, Close Corporation, Partnership or Body Corporate**

4.3.1 A company, close corporation, partnership or body corporate applying for Ordinary Membership shall disclose to the Society such facts 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 person shall have the right to nominate an alternate in writing, which nomination shall be handed to the Secretary not later than the time of the meeting at which such alternate will be present.

4.3.2 All communications addressed to such authorised representative referred to in Clause 4.3.1 shall be deemed to be duly served upon the company, close corporation, partnership or body corporate, and at all meetings at which such authorised representative is in attendance on behalf of the company, close corporation, partnership or body corporate, such company, close corporation, partnership or body corporate shall be deemed to be duly represented.

4.3.3 The principal person so appointed to represent such company, close corporation, partnership or body corporate shall be eligible for election to Council in terms of Clause 8.

4.3.4 Should such company, close corporation, partnership or body corporate cease to comply with the requirements of Ordinary Membership as laid down in Clause 4.2.1, its rights shall automatically be terminated, and the provisions of Clause 4.3.5 shall *mutatis mutandis* apply in respect of such company, close corporation, partnership or body corporate.

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

#### 4.4 Registering Members

4.4.1 Any person, including a company, close corporation, partnership or body corporate, resident or conducting business within the Territory, other than South Africa, who is directly or indirectly engaged in the breeding of animals, shall be eligible to register with the Society as a Registering Member.

4.4.2 With the exception of the right –

- (a) to vote at general meetings of the Society, and
- (b) to be eligible for election to Council,

all the provisions of the Constitution in respect of persons applying to be admitted or already admitted as members and all the rights, privileges and obligations of such members as set out in the Constitution shall *mutatis mutandis* apply to all persons applying to be registered or already registered with the Society as Registering Members. Registering Members are *ipso facto* liable for Association fees.

#### 4.5 Application for Membership

4.5.1 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 as may be determined by Council. An applicant must be willing to participate in the designated production recording scheme.

4.5.2 Council may admit any applicant to membership of the Society either unconditionally or on such conditions as it may determine, or it may refuse admission to membership, disclosing the reason for such refusal. At each Council meeting the Secretary shall submit the names of new applicants whose memberships must be confirmed or refused by Council.

4.5.3 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.

4.5.4 The approval by Council of an application for membership is subject to the signing of the application by the applicant or its representative.

#### 4.6 Utilization of Production and Registration Data

Production data of animals of members participating in the designated production recording scheme may, on request of the Society and subject to the conditions as may be determined by the Association, be made available to the Society: Provided that the Society will not



utilise such data to the disadvantage of any member or members, or the Association and that the further processing of such data will not be to the detriment of the objectives of the designated production recording scheme.

#### **4.7 Rights and Privileges of Members**

Save for executors of deceased estates, trustees of insolvent estates and liquidators of companies or close corporations, the rights and privileges of every member of the Society shall be personal to himself and shall not be transferable or transmissible either by his own act or by operation of law. These shall include the following rights –

- (a) to receive all reports and other matters published by the Society for distribution amongst members;
- (b) with the exception of Non-Active Ordinary Members and Special Honorary Members, to apply for the registration of animals under the Society's rules;
- (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 Sussex matters from the Society's inspectors and officials, if available, at a fee to be determined by Council; and
- (e) to consult and use the Society's official reports.

### **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 notified to members at the ensuing Annual General Meeting of the Society.
- 5.2 The annual subscriptions and fees shall become due and payable in advance at the beginning of each and every financial year, and shall be deemed to be in arrear if unpaid within 60 days.
- 5.3 Any member whose subscription is in arrear, or who is indebted to the Society in respect of any fees or dues for a period longer than 60 days after a demand by registered post for payment thereof has been addressed to him by the Secretary, shall automatically forfeit his membership of the Society: Provided that the Secretary, with the approval of the President or in his absence, the Vice-President, may in exceptional circumstances allow extension of payment upon written application by the member concerned.
- 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 account be handed over to a firm of attorneys for collection, then the member shall be liable to the Society for payment of all legal charges, collection, and attorney and client costs entailed in addition to the principal amount, interest, fines and penalties owing by him.

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

- 6.1 Any member may resign from the Society by giving not less than one month's written notice by registered mail to the Secretary: Provided that such resignation shall not take effect before and until all moneys owing to the Society by such member have been paid, and furthermore until such member has discharged all his obligations in respect of registrations, transfers or any other obligation he would have had to discharge as a member of the Society.

- 6.2 Council may expel, and/or terminate its services to any member who –
- (a) has acted in any manner which in the opinion of the Council is or may be prejudicial to the interests of the Society or any of its members;
  - (b) has infringed any provision of the Constitution; or
  - (c) has been found guilty of an offence under the Act:

Provided that no proceedings for expulsion shall be initiated against any member of the Society unless the Secretary has, at least 30 days prior to the date of the Council meeting at which such expulsion is to be dealt with, addressed a registered letter to such 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 meeting of Council.

- 6.3 Any member who has forfeited his membership in terms of Clause 5.3 or who has been expelled in terms of Clause 6.2 shall be notified by the Secretary in writing within a period of 21 days from the date upon which the resolution effecting his expulsion was passed, or upon which his membership was forfeited.
- 6.4 Upon expulsion of a member, 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 date of his expulsion.
- 6.5 From the date of his expulsion no transfer of an animal bred by the expelled member shall be registered in his name, no notifications of birth shall be accepted from him, and he shall be notified accordingly.
- 6.6 A person who, for whatever reason, has ceased to be a member of the Society may thereafter again be admitted to membership, upon application made in terms of Clause 4.5.

## **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 to the Secretary any change of his postal address, and all notices or publications posted to the registered address of a member shall be considered as duly delivered to him.
- 7.3 Communications consigned under registered cover to members by the Secretary shall be binding.
- 7.4 The Secretary shall submit to the Association such information as it may require concerning admissions to membership, terminations of membership (for whatever reason), and postal addresses of members.

## **8. COUNCIL**

### **8.1 Election of Council**

- 8.1.1 The affairs of the Society shall be controlled and administered by a Council consisting of 6 (six) elected members including the President and Vice-President.
- 8.1.2 At each Annual General Meeting of the Society, one-third of the members of Council shall retire from office. The one-third who retire at the first Annual General Meeting held after approval by the Association of this constitution shall, unless the members agree among themselves, be determined by ballot. In every subsequent year the one-third who have been longest in office shall retire. The length of time a member has been in shall be computed from his last on. A retiring member shall be

eligible for re-election.

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

8.2.1 The incoming Council shall meet immediately after the Annual General Meeting and elect from its members a President and Vice-President.

8.2.2 No elected President may hold office for more than three successive years. He is, however, eligible for re-election to the office of President after an interval of one year, except under special circumstances where the council deems this to be in the interest of the Society, his term may be extended.

## **8.3 Additional Council Members**

In addition to the 6 elected members of Council, the following persons may also be co-opted to serve on Council in an advisory capacity if deemed necessary by Council and are also entitled to attend any general meeting, but without the right to vote at any such Council or general meeting, with the exception of the Life President and Life Vice Presidents –

### **8.3.1 Representative of the Animal Research Council**

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

### **8.3.2 Representative of SA Stud Book**

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

### **8.3.3 Life President and Life Vice-Presidents**

On recommendation of Council the Annual General Meeting may elect any member as a Life President or as a Life Vice-President of the Society. No more than one person may hold the office of Life President at one time, and no more than one the office of Life Vice-President. Any person so elected shall be a member of Council *ex officio* with full powers, in addition to the 6 members referred to in Clause 8.1.1.

### **8.3.4 Co-opted Members**

Council shall have the right to co-opt 2 (two) persons to serve on the Council.

### **8.3.5 The Secretary**

There shall be a secretary to the Society.

8.4 Should any member of the Council die, resign or cease to be a member of the Society, or be called upon to fill the office of President or Vice-President as provided for in Clause 8.6, the Council may appoint another member of the Society as his substitute with full powers and for the unexpired period of his term of office. The Council shall be deemed to be duly constituted and shall continue exercising all the powers conferred upon it, notwithstanding any vacancies in its body.

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

8.6 Members of Council absenting themselves from two consecutive meetings without leave, or other satisfactory reason, 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 the Society or against any of its officers or officials or other employees in connection with the affairs of the Society, and to compound or allow, or ask for time for payment or satisfaction of any debts due to or any claim or demand by or against the Society;
- (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 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);
- (e) to lend or borrow money for the purposes of the Society upon security as determined by it; to enter into indemnities, guarantees and suretyships and to secure payment thereunder in any way; to make donations; to undertake and execute any trust; to secure the payment of monies borrowed in any manner, including the mortgaging and pledging of property, and, without detracting from the generality thereof, in particular by the issue of any kind of debenture or debenture stock, with or without security;
- (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 therefrom 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, 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 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;
- (k) 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;
- (l) 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;
- (m) to grant leave of absence to any member of Council or any official or employee of the Society, for such period and upon such terms as it may in each case determine;
  - (n) 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;
  - (o) from time to time, subject to the provisions of Clause 5, to adjust or revise subscriptions, fees or dues, to prescribe any such additional fees or dues as it may deem necessary, and to grant discounts on subscriptions, fees of dues;
  - (p) to pay all costs and charges in connection with the administration and management of the affairs of the Society;
  - (q) to receive and consider applications for membership and to accept or refuse such applications at its discretion;
  - (r) to collect and receive subscriptions, fees, donations, other dues and funds and to devote same towards the objectives of the Society and towards promoting the Sussex breed;
  - (s) to frame, alter and rescind rules and regulations for conducting the business and carrying out the objectives of the Society, to frame or amend any schedule pertaining to the Constitution as may be deemed necessary from time to time, and to investigate disputes arising from the application of the Constitution and to give decisions in regard thereto;
  - (t) to organise and promote sales, either by public auction or private treaty and for such purposes to appoint auctioneers and agents and to charge commission on such sales;
  - (u) 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;
  - (v) for the better and more convenient carrying on and fulfilment 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;
  - (w) to cancel membership of any person in accordance with Clause 6;
  - (x) in accordance with Clause 5.3 to refuse inspection, registration/recording and other work for members whose accounts are overdue;
  - (y) to draw up a "Standard of Excellence" and to lay down minimum production, reproduction and other standards by which –
    - (i) animals shall be inspected as a prerequisite for registration/recording and assessed for the purposes of maintaining their registration status;
    - (ii) imported animals shall be inspected as a prerequisite for registration;
    - (iii) applications for importation and exportation of animals, semen and ova shall be recommended;
    - (iv) semen and ovum donors shall be approved for embryo transfer purposes; and
    - (v) bulls shall be recommended for approval for the sale of semen in terms of the Act;
  - (z) to determine with the approval of a general meeting of the Society the date on which the Society's financial year ends, in terms of Clause 11.6;
  - (aa) to organize judges' courses and examinations, and in its discretion to appoint successful candidates as official Sussex judges; and, in accordance with Clause 2.1 (f), to encourage agricultural show societies to appoint such judges to judge animals;
  - (bb) to lay down requirements for the establishment of Sussex Clubs and their affiliation with

the Society and to approve applications for such affiliation; and

- (cc) generally to perform all such acts as may be necessary for the welfare of the Society and the conduct of its affairs, provided always that any action taken, or instructions given, shall not be contrary to the terms of the Constitution.

## 10. MEETINGS

### 10.1 Council Meetings

10.1.1 Council shall meet at such time and place as it may from time to time determine, or as may be decided by the President: Provided that not less than two Council meetings shall be held in each financial year.

10.1.2 A special Council meeting –

- (a) may be called by the President (or in his absence by the Vice-President) at such time and place as such office-bearer may decide; or
- (b) shall be called upon a requisition signed and addressed to the Secretary, by not less than four members of the Council stating the reasons for such meeting.

10.1.3 Not less than 21 days prior to the holding of a Council meeting, written notice of the time, date and place of such meeting shall be send electronically by the Secretary to each member of Council.

10.1.4 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 21 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.

### 10.2 General Meetings

10.2.1 A general meeting of the Society to be known as the Annual General Meeting shall be held once a year at such time and place as may be determined by Council, but not later than nine months after the end of the financial year.

10.2.2 At such Annual General Meeting, Council shall submit its annual report, together with a duly audited balance sheet and statement of the financial affairs of the Society as at the end of the previous financial year.

10.2.3 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
- (c) shall be so called, upon a written requisition signed and addressed to the Secretary, by not less than ten members of the Society stating the business to be transacted at such meeting.

10.2.4 Not less than 60 days prior to the holding of the Annual General Meeting a preliminary notice of the time, date and place of the meeting shall be send electronically by the Secretary to every member. Any member intending to put forward any matter for discussion at the Annual General Meeting shall give written notice thereof to reach the Secretary not less than 35 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 subclause.

10.2.5 Not less than 30 days prior to the holding of any general meeting a final notice

of the time, date and place of such meeting together with the agenda of such meeting shall be send electronically to each member of the Society

10.2.6 No resolution shall be taken at a general meeting in respect of any matter unless notice thereof appears in the agenda sent to the members with the notice calling the meeting, unless such 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.

10.2.7 Any general meeting may be adjourned by a two-thirds majority of the members present thereat and entitled to vote.

### **10.3 Chairperson**

The President, or in his absence, the Vice-President, Life President or a Life 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 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.

### **10.4 Voting Procedures**

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

### **10.5 Non-receipt of Notices**

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

### **10.6 Quorums**

10.6.1 Ten members of the Society personally present at the commencement of any general meeting and entitled to vote shall form a quorum for such meeting and three Councillors personally present at any Council meeting and entitled to vote shall form a quorum for such Council meeting.

10.6.2 If at any meeting a quorum is not present, the meeting shall stand adjourned to a time (not being less than 21 days and not more than 30 days thereafter) and place determined by the members actually present, and at such adjourned meeting the members present shall form a quorum: Provided that any meeting at which the President, Vice-President, Life President or a Life Vice-President is present shall, if there is no quorum, stand adjourned for half an hour. The members then present shall form a quorum for the disposal of such business (other than any amendment to the Constitution) as the presiding member may declare to be of an urgent nature, and such 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.

10.6.3 When a meeting has been thus adjourned, a notice shall be sent to all relevant members within 14 days after the adjournment, in which shall be stated the time, date and place to which the meeting has been adjourned and the reason for the adjournment.

## **10.7 Minutes of Meetings**

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

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

## **11. FINANCIAL PROVISIONS**

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 banking account or accounts as Council may direct.

11.2 All payments from the funds of the Society shall be effected by cheque or electronic transfer, signed by the Secretary or a person appointed by Council and countersigned by the Auditors or such person or persons as Council may authorise thereto in terms of Clause 9(v): Provided that nothing herein contained shall prevent Council from maintaining and operating a petty cash fund, or from paying in cash or electronic transfer such ordinary and usual monthly accounts as do not in total exceed a sum determined by Council, and provided that the total sum necessary for the payment of such accounts is drawn by cheque or done electronically.

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

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, shall be applied solely to the promotion and furtherance of the objectives of the Society, and with the exception of discounts referred to in Clause 9(o), 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 therein 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 end on a date determined by Council and approved by a General Meeting of the Society.

## **12. AFFILIATIONS**

### **12.1 Membership of the Association and affiliation with any other organisation**

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 further 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.

### **12.2 Sussex Clubs**

(a) Subject to the requirements laid down by Council in terms of Clause 9(bb) any group of persons actively engaged in breeding Sussex, whether registered or commercial, may form a Sussex Club.



- (b) All Sussex Clubs shall apply to the Council for affiliation to 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 from among the Active Ordinary Members, Honorary Life Members, or the duly authorised representatives of companies, close corporations, partnerships or bodies corporate which are members.

**14. AMENDMENTS TO THE CONSTITUTION**

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

14.2 No such addition to, alteration, variation or amendment of the Constitution, notwithstanding that it has been passed in the manner prescribed in Clause 14.1, shall be of any force or effect until and except it is confirmed and approved by the Association, 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.

**17. 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.

**18. 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, authorize 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 authorized 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 authorized 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.

**19. NON-MEMBERS**

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

**20. AUTHENTIC VERSION OF CONSTITUTION**

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

# BYE - LAWS

## 1. HERD BOOK

The registration system of the Society shall consist of the Herd Book, be it computerised or in any other form, which shall be divided into two main sections, namely the Appendix Section and the Herd Book Proper Section and which shall be maintained and operated by the Association in terms of the Act.

### 1.1 Appendix Section

#### 1.1.1 Appendix A

Any female which originates from a herd of which the breeder can give a satisfactory record of origin to Council, and which possesses the phenotypical *cum* genotypical characteristics of a Sussex, is eligible for registration in the Appendix A section of the Herd Book: Provided that she shall have been identified in accordance with Bye-law 3, with the identification marks of the owner at the time of acceptance, and sequence number; and provided further that she has been inspected in accordance with Bye-law 11.

#### 1.1.2 Appendix B

(a) The progeny of an Appendix A female mated to a SP bull is eligible for registration in the Appendix B section of the Herd Book: Provided that such progeny complies with all registration requirements in terms of the Constitution; and provided further that such progeny conforms to the minimum production and reproduction requirements as may be determined by Council.

(b) The progeny of a SP female mated to a bull which possesses the phenotypical characteristics of a Sussex is eligible for registration in the Appendix B section of the Herd Book; provided that such bull has been approved by an inspector appointed by Council and provided that such progeny complies with all registration requirements in terms of the Constitution and conforms to the minimum production and reproduction requirements as may be determined by Council.

(c) The progeny of a female which possesses the phenotypical characteristics of a Sussex is eligible for registration in the Appendix B section of the Herd Book; provided that such female has been approved by an inspector appointed by Council and provided that such progeny complies with all registration requirements in terms of the Constitution and conforms to the minimum production and reproduction requirements as may be determined by Council.

### 1.2 Stud Book Proper Section

1.2.1 The progeny of an Appendix B female mated to a SP bull is eligible for registration in the Stud Book Proper section of the Herd Book: Provided that such progeny complies with all registration requirements in terms of the Constitution and provided further that she conforms to the minimum production and reproduction requirements as may be determined by Council.

1.2.2 Progeny of a SP female mated to an Appendix B bull shall be eligible for registration in the Stud Book Proper Section of the Herd Book; Provided that such progeny complies with all registration requirements in terms of the Constitution and further conforms to the minimum production and reproduction requirements as may determined by Council.

1.2.3 Progeny of SP females mated to a SP bull shall be eligible for registration in the Stud Book Proper Section of the Herd Book: Provided that such progeny

complies with all registration requirements in terms of the Constitution; and conforms to the minimum production and reproduction requirements as may be determined by Council.

- 1.2.4 The use of multiple sires is allowed in the Herd Book. Only Stud Book Proper sires may be used. Parentage Verification will be required before registration.

### **1.3 Polled Animals**

1.3.1 In this Bye-law 1.3 "polled means naturally polled and unless a contrary meaning clearly appears from the context it includes an animal with scurs. "Scurs" include the slightest visible or tangible evidence of scurs.

1.3.2 All animals which are born naturally polled or with scurs only, shall on registration receive the appropriate designating letter or letters determined by Bye-law 1.3.3, which shall be stated as P, PP or PH behind the name of the animal and shall be printed on the registration certificate.

1.3.3 The designating letter/s shall be –

(a) P: If the animal is polled and without sign of scurs and neither parent has horns;

(b) PP: A polled animal having no trace of scurs upon application by the owner if,

(i) in the case of a female, the nearest horned or scurred ancestor is at least four generations removed and documentary evidence furnished to the effect that such female has never produced any horned progeny; or

(ii) documentary evidence is furnished to the effect that such animal has never produced any horned progeny, and that at least five of its progeny have resulted from matings with horned animals; or

(iii) both parents are "PP" and neither has begotten progeny with horns or scurs.

(c) PH: If either –

(i) the animal has scurs, irrespective of whether both its parents are polled, or

(ii) the animal is polled but one of its parents is horned.

1.3.4 If an animal either or both of whose parents have the designating letters P, PP or PH, has been dehorned prior to inspection for registration, written notice shall be given to the Association. All records of such animals shall be noted accordingly.

1.3.5 The Association shall be notified in the event of a horned calf or one with scurs arising from the mating of animals with the designating letters P or PP. In the event of horned progeny arising from the mating of polled animals, the parents registered as P or PP shall be re-registered as PH.

### **1.4 Publishing of Herd Books**

1.4.1 The Herd Book may, when deemed necessary by Council, be published by the Association on behalf of the Society.

1.4.2 Volumes of the Herd Book may be sold at a price calculated to cover the cost of printing and publishing thereof, as Council may determine.

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

- 2.1 No animal shall be accepted for birth recording or registration unless the breeder has previously, through the Society, registered with the Association for his exclusive use, a prefix by which all animals bred by him and eligible for birth recording or registration shall be designated, and a herd designation mark by which such animals shall be identified.
- 2.2 No prefix shall exceed 18 characters, and the name of a city, town or post office in the Territory shall not be accepted for registration as a prefix.
- 2.3 The herd designation mark registered with the Association for the breeder's exclusive use shall not exceed four spaces and shall consist of letters, numbers or a combination of letters and numbers, but shall not consist of the same four letters or the same four numbers.
- 2.4 Application for the registration of such prefix and herd designation mark shall be made to the Secretary and shall be accompanied by such fee as may be prescribed from time to time by Council or by the Association.
- 2.5 No transfer of a prefix or herd designation mark shall be allowed from one breeder to another, except under such conditions and to such persons as are provided for in the Bye-laws to the Constitution of the Association.

## **3. IDENTIFICATION**

- 3.1 All live animals of which the births are notified and all animals offered for registration/recording must bear permanent identification marks which shall include a herd designation mark, year number and a sequence number, and any animal which does not bear the approved identification marks shall not be accepted for the recording of its birth or for subsequent registration/recording by the Association.
- 3.2 Ear tattooing shall be the Society's official system of marking for the uniform and permanent identification of all animals submitted for birth recording or registration in the Herd Book and in the records of the Association.
- 3.3 Every calf must be identified by the breeder within 30 days of birth.
- 3.4 The year number shall consist of two figures indicating the year of birth.
- 3.5 The birth sequence number shall not exceed four spaces.
- 3.6 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.
- 3.7 Save for the possible 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/recording of any animal so marked shall be liable to cancellation.
- 3.8 Subject to the requirements of Bye-law 3.6, no animal shall be 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 and all animals offered for registration, 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 exclusive of the prefix, shall not exceed 20 spaces.
- 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. NOTIFICATION OF BIRTHS AND APPLICATIONS FOR REGISTRATION

- 5.1 The breeder of an animal born from a registered/recorded dam or one eligible for registration shall notify the Association within 90 days of its birth, whether it is born dead or alive or retained for registration or otherwise. Births notified after such period shall be accepted subject to the approval of Council and on payment of a late notification fee as may be determined by Council. Any calf whose birth is not notified within six months shall not be eligible for registration.
- 5.2 A birth notification shall be submitted in the case of an animal which is eligible for registration. Whenever the Association receives a due and valid notification of the birth of a live calf which is eligible for registration, a birth notification list shall be forwarded to the breeder: Provided that the breeder may indicate that the calf is not for registration. Such birth shall nevertheless be entered in the records of the sire and the dam.
- 5.3 No birth notification of an animal shall be accepted unless the sire and dam at the time of service were more than eight months old. From 1 August 2013 no calve will be registered unless the sire of the calve has a valid DNA profile reference number.
- 5.4 All birth notifications shall be made on forms as approved by the Association or electronically in the format as required by the Association, and copies thereof shall be kept by the breeder concerned for inspection and checking at all reasonable times by officers of the Society.
- 5.5 In the event of multiple births, the breeder shall in addition to the particulars ordinarily required, also record on the birth notification the number and sex of the other twin, triplets, etc., as the case may be.
- 5.6 Records shall be kept by the Association in the name of each breeder of all animals born, whether born dead or alive, whose births have been duly notified by the relevant breeder, and of such other details as may be determined by the Society.
- 5.7 The birth notification shall contain a declaration in the following terms –  
*"I declare that the pedigree, breeding particulars and identification marks of the animal described herein are correct, and that all the requirements of the Constitution and the Act relating to birth notifications, have been complied with."*
- 5.8 A birth notification shall also be accompanied, in the case of an animal imported *in utero*, by the necessary documents and DNA certificates of both the sire and dam, endorsed by the Herd Book Society (or body recognized 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.

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

- 6.1 All animals which have been begotten through A.I. shall be eligible for registration/recording: Provided that all requirements of the Act and the Constitution have been complied with.
- 6.2 No birth notification 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 an approved parentage verification test.
- 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 the progeny resulting from A.I. should any of these rules 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 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 registrations/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) both the male and the female animals which gave rise to the embryo concerned were approved for the purpose by the Society;
  - (b) 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 Society within 120 days of each embryo transfer –
    - (i) the certificates reflecting the official 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, 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, recognized 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;

- (c) 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 recognized 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;
  - (iv) two-generation pedigrees of both donors;
  - (v) DNA certificates of both donors; and
  - (vi) evidence that both donors conform to the minimum production and other requirements as may be determined by Council;
- (d) a birth notification/application for registration in respect of an animal resulting from E.T. is submitted on the pre-printed birth notification form referred to in Bye-law 5.4;
- (e) confirmation of parentage in each instance by or any other proven scientific method of confirming parentage is supplied, unless otherwise determined by the Society and the Association; and
- (f) all other requirements of the Constitution in respect of birth notifications, applications for registration, inspections and/or production and reproduction are complied with.

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 fertilized ova are obtained from a source approved by the Society, and provided further that the collection of ova, the handling thereof, the ino-vulation 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 not be fully adhered to.

7.5 Council shall have the right to limit the number of progeny from a donor cow resulting from E.T. for registration.

## **8. GESTATION AND INTERCALVING PERIODS**

8.1 The gestation period shall be 281 days. The minimum acceptable gestation period shall be 263 days, and the maximum period shall be 310 days.

8.2 The minimum period between the dates of birth of two successive calves out of one cow (intercalving period) shall be 270 days.

8.3 Any gestation or intercalving periods outside these ranges shall not be recognized unless the parentage of the calf concerned is confirmed by parentage control tests.



## 9. CONFIRMATION OF PARENTAGE

- 9.1 In order to confirm the parentage of an animal, the Society shall at any time have the right to insist on DNA or any other proven scientific method of confirming parentage –
- (a) as a routine procedure, on a basis to be determined by the Association from time to time; and
  - (b) in any case of doubt.
- 9.2 In respect of the tests referred to in Bye-law 9.1(a) the breeder will be responsible for all costs of all parentage control tests from the second test onwards.
- 9.3 In respect of the tests referred to in Bye-law 9.1(b) the owner or the Society, as may be determined by Council, shall bear the costs of the tests required.

## 10. REQUIREMENTS FOR REGISTRATION AND RECORDING

- 10.1 Inspection shall be a prerequisite for the registration/recording of South African bred or imported animals and except by special permission of Council no animal shall be registered/recorded under the age of 12 months.
- (a) The registration/recording of any animal which fails to comply with the minimum production and reproduction standards as determined by Council shall be automatically cancelled by the Association; and
  - (b) Any animal which is not approved during a herd or other inspection ordered by Council in terms of Bye-law 11 shall be cancelled forthwith.
- 10.2 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/recording.
- 10.3 Except as provided for in Bye-law 1.1(a) (in respect of Appendix A females), no application for registration/recording of a South African bred animal will be considered unless details of its birth have been duly recorded in terms of Bye-law 5, and
- (a) both its parents, or
  - (b) its dam, in the case of an animal imported *in utero* or resulting from imported semen;
- have been registered by the Association.
- 10.4 An imported animal or one resulting from imported semen or an embryo shall be eligible for registration/recording provided the requirements of the Constitution have been complied with.
- 10.5 A pedigreed animal imported into the Territory shall be eligible for registration/recording provided that the application for registration/recording is accompanied by –
- (a) a certificate of registration/recording or an export certificate issued by a Herd Book Society (or body recognized 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 the Society;
  - (c) a report of the inspector confirming that –
    - (i) the animal bears the permanent indelible identification marks as recorded on the registration/recording or export certificate;
    - (ii) 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

- (iii) that the animal arrived on the applicant's farm on the date stated.
- 10.6 Animals resulting from the inovulation of imported ova in respect of which Bye-law 7 and all other provisions of the Constitution have been complied with, shall be eligible for registration/recording: 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 fertilized, shall have been fertilized with the semen of a sire which likewise complies with the above-mentioned minimum requirements.

## 11. INSPECTION AND PRODUCTION REQUIREMENTS

### 11.1 Minimum standards

Minimum standards shall be determined from time to time by Council in terms of Clause 9(y) of the Constitution, with respect to –

- (a) inspection, as a prerequisite for the registration/recording, and as a requirement for the maintenance of registration/recording status of all animals; and
- (b) production and reproduction, as a requirement for the maintenance of registration/recording status of all animals.

### 11.2 Growth stimulants

No animal shall be accepted for registration/recording if it has been treated with hormonal growth stimulants. Such practice shall be considered prejudicial to the interests of the Society.

### 11.3 Inspections and Duties of Inspectors

11.3.1 In terms of Clause 9(i) of the Constitution, Council shall appoint inspectors to inspect all animals eligible for registration/recording in **all** sections of the Herd Book, and all imported animals, upon application by the breeder concerned.

11.3.2 The inspectors shall inspect each eligible animal upon presentation of the application for registration/recording form and shall satisfy themselves that the age, identification, and other details appearing on the said application 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.

11.3.3 All animals must be inspected and approved between the age of 12 and 36 months in order to be eligible for registration, except in the case of imported animals where no age limit shall apply. During an inspection all young bulls or heifers of the same age and same performance tested group must be placed before the inspector simultaneously as a group. The inspectors are empowered to use their discretion in holding any particular animal over for inspection during their next visit in which case the maximum age referred to above shall not apply.

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

11.3.5 Inspectors acting on the instructions of Council may at any time, without previous notice, carry out a general inspection of any breeder's herd. At such an inspection, all registered/recorded animals shall be inspected. The inspectors shall satisfy themselves that the age, identification, and other details as appear on each animal's official inspection list are correct and correspond with the animal offered for inspection. Furthermore, they shall

satisfy themselves that each animal conforms in all respects to the minimum inspection and production standards as determined by Council.

- 11.3.6 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.
- 11.3.7 Except in cases referred to in Bye-law 11.3.4, timeous notice shall be given to breeders of an intended visit by an inspector.
- 11.3.8 Special inspections can only be carried out by permission of the Executive Committee if 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.
- 11.3.9 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.
- 11.3.10 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.
- 11.3.11 No breeder shall act as an inspector of his own animal.

## **12. REGISTRATION/RECORDING CERTIFICATES**

### **12.1 Original Certificates**

- 12.1.1 Any breeder who wishes to receive a certificate, can request a certificate from the Association, at a cost determined by the Association.
- Data in respect of production measured in the designated production recording scheme, classification or other information may appear on the registration/recording certificate or an accompanying classification or production certificates.
- 12.1.2 All registration/recording certificates issued by the Association in respect of animals begotten by artificial insemination shall bear the letters "AI" behind the names of the animals appearing on such certificate.
- 12.1.3 All registration/recording certificates issued by the Association in respect of animals begotten by embryo transfer shall bear the letters "ET" behind the names of the animals appearing on such certificates.

### **12.2 Alterations or Additions to Registration/Recording Certificates**

Any alteration or addition to the essential information or particulars officially recorded on any registration/recording 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.

### **12.3 Duplicate or Replacement of Registration/Recording 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/recording 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.

## **12.4 Cancellation of Registration/Recording and Reinstatement of Animals**

- 12.4.1 Council may direct the Secretary to apply in writing to the Association for the cancellation of the registration/recording of any animal which has –
- (a) been birth recorded or registered by mistake;
  - (b) been birth recorded or registered on the strength of false or fraudulent information supplied by the owner;
  - (c) been birth recorded or registered after the owner has failed to comply with any relevant Bye-law;
  - (d) failed to meet minimum production or reproduction standards as may be determined by Council from time to time; or
  - (e) failed to meet minimum inspection standards during an inspection by inspectors appointed by the Society;

and to notify the breeder or owner accordingly.

12.4.2 All documents received in respect of 12.4.1, shall be suitably endorsed and kept by the Association for a period of six months, whereafter they shall be returned to the Society or, if so instructed by the Society, be destroyed.

12.4.3 In the event of the registration/recording of an animal having been cancelled, 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/recording. The reinstatement of any such animal shall be effected upon payment of such fee as may be determined by Council from time to time.

## **12.5 Certificates of Extended Pedigree**

A member may apply to the Secretary for a certificate of extended pedigree in respect of an animal and the Secretary shall apply to the Association to issue such certificate. Every such application shall be accompanied by the requisite fee as may be determined by Council from time to time.

## **13. TRANSFER OF ANIMALS**

13.1 For the purpose of this Bye-law "transfer" means any transaction whereby any person acquires the right to sole ownership of an animal, or to any share or additional share of the ownership of a bull, and the relinquishment of any share in the ownership of such animal or bull (as the case may be).

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

- (a) the Association with the relevant information of the animal concerned, with the details of the transfer duly completed in writing; and
- (b) the Society with the prescribed fee as may be determined by Council from time to time.

13.3 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 possession.

13.4 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 referred to in Bye-law 5.4 issued by the Association and other certificates in compliance with Bye-law 6.

- 13.5 Should the seller for any reason whatsoever fail or refuse to take any steps to effect such transfer 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.
- 13.6 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.
- 13.7 In all cases of transfer between spouses or from parent to child, or child to parent (including children-in-law and grandchildren) whether by way of sale, donation or inheritance, only half the prescribed transfer fee shall be payable.

#### **14. JOINT OWNERSHIP OF BULLS**

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

#### **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 parentage verification test.
- 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 duplicate on forms available from the Registrar, to the Society, together with the prescribed fee; the Society shall forward one copy together with its recommendation thereto, and the required documents reflecting the details referred to in Bye-law 16.2, 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.