

CONSTITUTION
OF THE
TULI CATTLE BREEDERS'
SOCIETY OF SOUTH AFRICA

TRANSLATION 2010/06/15

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1. DEFINITIONS

When used in this constitution and bye-laws, unless a contrary meaning is apparent from the context:

- (a) "birth recording" means the procedure whereby the birth of an animal is placed on the records of the Association
- (b) "Manager" means the Manager of the Society
- (c) "Department" means the Department or Departments charged with the administration of the Act
- (d) "animal" means a bovine of the Tuli 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 "birth" means the birth of a calf;
- (e) "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 registered, in his name;
 - (iii) in the case of an imported animal is entitled to have the animal registered under his name in the recognised herd book of the country of origin;
- (f) "ovum" means the ovum of an animal and includes an embryo;;
- (g) "embryo" means a fertilized ovum of an animal;
- (h) "Territory" means South Africa and such other countries as the Society may from time to time, with the approval of the Association, determine
- (i) "birth" means the birth of a calf
- (j) "Society" means the Tuli Cattle breeders Society of South Africa;
- (k) "Constitution" means the constitution (inclusive of the bye-laws) of the Society;
- (l) "inspector" means a person appointed by Council for the purpose referred to in Clauses;
- (m) "buyer" means the person or persons to whom ownership/joint ownership of an animal is transferred by the seller of such animal;
- (n) "Herd Book" means the Tuli Herd Book of South Africa in which shall be recorded or registered, as the case may be, through the Society by the Association, the details of all animals;
- (o) "Minister" means the Minister of the relevant Department;
- (p) "person" shall include a natural or legal person ;
- (q) "performance" means growth and production performance and/or function

- (r) "Council" means the Council of the Society duly elected in terms of the Constitution;
 - (s) "breed standards" means the written set of phenotypic and/or genotypic standards of excellence for the Tuli breed determined by Council and to which any animal shall comply, in the sole discretion of the Council, before such animal shall be recommended for registration;
 - (t) "Registrar" means the officer designated as Registrar of Animal Improvement in terms of the Act;
 - (u) "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;
 - (v) "eligibility" the procedure required for an animal to be inspected for registration;
 - (w) "semen" means the semen of an animal;
 - (x) "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;
 - (y) "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) the recipient dam at the date of birth of the progeny eligible to be registered as a result of an embryo transfer;
 - (iii) the animal accepted to be registered in the Appendix section of the Herd Book.
 - (z) "Association" means the South African Stud Book and Animal Improvement Association;
 - (aa) "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;
 - (bb) "Act" means the Animal Improvement Act, 1998 (Act 62 of 1998 and includes the regulations promulgated in terms thereof;
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 Tuli Cattle Breeders' Society of South Africa.

2. OBJECTS

2.1 Subject to the provisions of the Act and of this Constitution, the objects 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 the breed by sound selection in accordance with the accepted description of a Tuli and to eliminate contamination by foreign breeds;
- (d) to compile and maintain breed standards based on performance testing records and visual appraisal for genetic defects and conformation in as far as it is related to functional efficiency. For this purpose all performance data shall be made available to the Council, inspectors and appointed subcommittee/s;
- (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 obtain the formation of classes for the breed at shows, to nominate judges who are considered qualified and competent to judge the breed; and to impress upon agricultural and show societies and others the advisability and necessity of appointing only judges recommended by the Society;
- (g) to allow the competitive showing of animals at Agricultural Shows;
- (h) to promote and hold sales of animals;
- (i) to safeguard and advance the common interests of breeders in the Territory, and generally to give effect to the objects contemplated by the Act; and
- (j) .

2.2 The Society-

- (a) The Society shall not 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.
- (b) The Society may not 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 objects.

4. MEMBERSHIP

4.1 Eligibility

Membership of the Society shall be limited to persons above the age of 18 years.

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 sub clause 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: Provided that:

- (a) persons who are active breeders of animals shall be termed Active Ordinary Members; and
- (b) all other Ordinary Members shall be termed Non-Active Ordinary Members.

4.2.2 Honorary Life Members

For special services in the interest of the Tuli 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.

4.2.3 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.

4.2.4 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 Application for Membership

4.3.1 Application for membership of the Society shall be made in writing in such form as may be prescribed by the Council, and shall be accompanied by the relevant subscription and/or entrance fees as from time to time determined by the Annual General Meeting.

4.3.2 The Council may admit any applicant to membership of the Society on such conditions as it may determine, or it may refuse admission to membership.

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 by the applicant, or its representative

4.4 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) 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 Tuli 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.

4.5 Company, Close Corporation, Partnership or Body Corporate

4.5.1 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.

4.5.2 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.

4.5.3 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 4.5.1.

4.5.4 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. its rights shall automatically be terminated, and the provisions of Clause 4.5.5 shall *mutatis mutandis* apply in respect of such company, close corporation, partnership or body corporate.

4.5.5 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.

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 on 1 July, and shall be deemed to be in arrear if unpaid on 30 October of the same year.
- 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 30 days after a demand by registered post for payment thereof has been addressed to him by the Manager, shall automatically forfeit his membership of the Society: **Provided that the Manager, 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 Resignation of Members

Any member may resign from the Society by giving not less than one month's written notice by registered mail to the Manager:

- (a) Provided that such resignation shall reach the Society before 30 June.
- (b) no subscription or part thereof shall be refundable; and
- (c) 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 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 registered letter from the Breed Manager continues to remain in arrear in respect of any fees or dues for a further period of 30 days;
- (b) 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;
- (c) has infringed any provision of the Constitution; or
- (d) has been found guilty of an offence under the Act;
- (e) has willfully, or for personal gain or advantage, given incorrect information to the Society, any official of the Society, or to judges or officials at shows, or has, by his acts or omission, brought actual or potential dishonor upon the Society; or
- (f) attempted to bribe an official of the Society;

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 or who has been expelled shall be notified by the Manager in writing within a period of three 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 Manager 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. The Secretary shall moreover call upon the expelled member forthwith to deliver to the Society the registration 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 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 4.3. provided all outstanding dues had been settled.
- 6.7 Any member who has been expelled will be liable to settle all outstanding moneys owing.
- 6.8 **Annulment of voting powers**
 - 6.8.1 Any member not registering Tuli cattle in his name, for a period as determined from time to time by Council, or had not purchased and transferred registered Tuli's to his name, shall forfeit his voting powers as determined in Clause 4.4(c).
 - 6.8.2 The suspension of voting powers may only be effected with the proviso that the relevant member be advised thereof in writing by the Manager, at least 30 days prior to the meeting at which such suspension will take effect.
 - 6.8.3 Such suspension of voting powers will be applicable until such time as the relevant breeder has once more registered Tuli animals in his name where after

the suspension of voting powers will immediately be reversed without any notice to such effect having been submitted to the relevant member

- 6.8.4 The annulment of voting power will under no circumstance affect any other rights and/or obligations of 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 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 Manager 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

The affairs of the Society shall be controlled and administered by a Council consisting of 7 members elected yearly by the Annual General Meeting.

- (a) The President;
- (b) Vice-President and;
- (b) five members provided that at least four members shall be South African Citizens.

8.2 Method of Election

All candidates for election to the Council must be proposed in writing, and such written nominations shall be submitted to the Breed Manager at least 40 days prior to the date determined for the holding of the Annual General Meeting. Election at the Meeting shall be by secret ballot.

If a member is unable to attend the General Meeting, he may submit the names of his candidates on a blanc folio and submit the paper to the Manager before commencement of the meeting. His preferences must be clearly stipulated on the folio handed to the Manager.

8.3 Additional Council Members

In addition to the seven elected members of Council, **the following persons may also serve on Council in an advisory capacity.**

8.3.1 Representative of the Agricultural Research Council/Animal Improvement Institute

Such member may be co-opted on the Council in consultation with the Director of the ARC-Animal Improvement Institute, and will serve on the Council in an advisory capacity with the right to attend all meetings, but not the right to vote.

8.3.2 Life Vice-Presidents

For outstanding services and on recommendation of Council the Annual General

Meeting may elect any member as an Honorary Life Vice-President of the Society; Provided that at least three quarter of the members present and eligible to vote at the Meeting approve the nomination.

8.3.3 The Manager

The manager or in his absence a senior official of the Society will attend all meetings of the Society an advisory capacity, but without the right to vote.

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.

8.7 Executive Committee

The Executive Committee of the Council shall consist of the President, Vice-President and a member of Council, the latter to be appointed by Council. All actions or decisions of the Executive Committee shall be approved and confirmed at the ensuing Council Meeting.

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 objects 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 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 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 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 , 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 objects of the Society are being carried out;
- (j) to formulate rules, regulations and terms of judging and inspection of Tuli's; Provided that any changes or amendments made by Council be approved at the next General 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 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, to prescribe any such additional fees or dues as it may deem necessary, and to grant discounts on subscriptions, fees of dues;
- (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 objects of the Society and towards promoting the Tuli breed;
- (t) to frame, alter and rescind rules and regulations for conducting the business and carrying out the objects of the Society, to frame 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) notwithstanding any contrary stipulation in this Constitution, the General Meeting may grant exemption to alleviate any stipulation as
- (w) to change or amend from time to time any annexure to this Constitution as may deemed necessary
- (x) 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;
- (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 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;
- (aa) to cancel membership of any person in accordance with Clause 6;
- (bb) in accordance with Clause 5.3 to refuse inspection, registration and other work for members whose accounts are overdue;
- (cc) to draw up a "Standard of Excellence" and to lay down minimum performance, reproduction and other standards by which:
 - (i) animals shall be inspected as a prerequisite for registration and assessed for the purposes of maintaining their registration status;
 - (ii) applications for importation and exportation of animals, semen and ova shall be recommended;
- (dd) to determine the year end of the Society's year end;
- (ee) To draw up such rules and conditions pertaining to the qualifications and appointment of breed judges as may be deemed necessary: Provided that no person be appointed as breed judge until such person conforms to such conditions determined by Council. Further from time to time to revise the panel of judges and to remove therefrom such names as may be deemed necessary; and generally to act in the interests of the Society and the administering of its affairs, always with the proviso that any steps taken or instructions given will not in any way be contradictory to 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.

10.1.1A councillor may request the President, in person, to submit any matters of importance to the Executive Committee. Provided that he will, beforehand, put such matter in writing. Should the President be of the opinion that the relevant matter is important and urgent enough, he may give permission to such Councillor to attend the Executive Committee meeting to, with the permission of the Committee, address such meeting

10.1.2 The President may reject the request if he is of the opinion that the matter can stand over for discussion during the next Council meeting.

10.2 Council Meetings

10.2.1 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.

- 10.2.2 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 President, by not less than two members of the Council stating the reasons for such meeting.
- 10.2.3 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 posted by the Manager 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 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.

10.3 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 time and place as may be determined by Council, but not later than nine months after the end of the financial year.
- 10.3.2 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.
- 10.3.3 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
 - (c) shall be so called, upon a written requisition signed and addressed to the Manager, by not less than ten members of the Society stating the business to be transacted at such meeting.
- 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 by the Manager 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 Manager 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 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 meeting together with the agenda of such meeting shall be posted 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 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 For the purpose to rescind decisions taken at a General Meeting, a two thirds majority vote at a General Meeting is required

10.4 Chairperson

The President, or in his absence, the Vice-President shall preside at all meetings should both 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.

10.5 Resolutions Taken

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.

10.6 Voting Procedures

Subject to the provisions of the Constitution, 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 person in terms of the Constitution.

10.8 Quorums

10.8.1 Two members personally present at any Executive Meeting shall form a quorum for such meeting.

10.8.2 Three members personally present at any Council meeting shall form a quorum for such meeting.

10.8.3 Five of the members personally present at the commencement of any general meeting and entitled to vote shall form a quorum for such 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 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.

- 10.8.5 When a meeting has been thus adjourned, a notice shall be sent to all relevant members within seven 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 any meetings of subcommittees shall be supplied to all persons serving on the committee concerned.
- 10.9.2 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, signed by the Secretary or a person appointed by Council and countersigned by the Manager or such person or persons as Council may authorise thereto in terms of Clause 9(z): 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 that the total sum necessary for the payment of such accounts is drawn by cheque.
- 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 objects of the Society, and with the exception of discounts, 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 commence on 1 July of each year and end on 30 June of the following year.

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 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 objects kindred to those of the Society.

(b) All Tuli breeder's 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.

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.

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 objects similar to those of the Society as may be determined by a majority decision of a general meeting of the Society; Provided that such other institution or institutions is itself exempt from income tax in terms of section 10(1)(cB)(I)(ff) of the Income Tax Act.

17. INDEMNITY

The members of the Council and Society members engaged in Society work on the instructions of the Council shall be and are hereby indemnified against all claims, losses and expenses arising out of their services as members of the Council: Provided they shall have acted bona fide and otherwise not have been guilty of gross dereliction of duty or dishonesty

18. 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.

19. DELEGATION OF POWERS

Notwithstanding anything to the contrary in the Constitution, any member may under power of attorney, duly executed and filed with the Manager, authorize another person to sign on his

behalf any birth notification/application for registration, application for transfer, certificate of transfer, certificate of service, returns or reports or any other document in connection with the administration of a Herd. Any such signature given by such 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.

20. 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.

1. HERD BOOK

1.1 General

1.1.1 The Society shall ensure that the Association keep record of all registered Tuli cattle and that the Tuli Herd Book shall be divided into three main sections, namely the Basic Section, the Appendix Section and the Herd Book Proper Section and which shall be maintained and operated by the Association in terms of the Act.

1.2 Basic Section

1.2.1 Any female which complies to the minimum breed standards and which possesses the phenotypical *cum* genotypical characteristics of a Tuli, is after inspection and approval eligible for registration in the Basic Register of the Herd Book.

1.2.2 The female progeny of a Basic female sired by an approved registered bull, which complies to the minimum breed standards shall after inspection and approval be eligible for registration in the Appendix A Section of the Herd Book.

1.3 Appendix Section

1.3.1 Appendix A

Any female which originates from a herd of which the breeder can give a satisfactory record of origin to Council, and complies to the minimum breed standards and which possesses the phenotypical *cum* genotypical characteristics of a Tuli, is eligible for registration in the Appendix A section of the Herd Book: Provided that she was sired by an Approved Registered bull. Progeny begotten from multiple sires shall only be accepted on parentage verification on DNA / blood typing or any other proven scientific method of confirming parentage. The parentage of Not for Registration animals will be accepted provided that the parentage verification DNA tests are submitted within six months after birth of such females.

1.3.2 **Exceptions:** Where for a number of years only fully registered Tuli bulls were used in a commercial herd, the female progeny, after inspection and approval by a Society inspector and approved by Council, shall be eligible for registration in the Appendix A Section of the Herd Book.

1.3.3 Any animal recorded under the previous F1 section.

1.3.2 Appendix B

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

1.3.3 Any animal recorded under the previous F2 section.

1.4 Herd Book Proper Section (SP)

1.4.1 The progeny of an Appendix B female mated to an approved registered bull is eligible for registration in the Herd Book Proper section: Provided that it complies with all registration requirements in terms of the Constitution and provided further that it conforms to the minimum performance and reproduction requirements as may be determined by Council.

1.4.2 The progeny of an Appendix B bull mated with an approved, registered female is eligible for registration in the Herd Book Proper section: Provided that it

complies with all registration requirements in terms of the Constitution and provided further that it conforms to the minimum performance and reproduction requirements as may be determined by Council.

- 1.4.3 Progeny of approved registered females mated to an approved registered bull shall be eligible for registration in the Herd Book Proper Section: Provided that they comply with all registration requirements in terms of the Constitution; and provided further that they conform to the minimum performance and reproduction requirements as may be determined by Council.
- 1.4.4 All animals previously recorded as F3 or F4

2. PREFIX AND HERD DESIGNATION MARK

- 2.1 No animal shall be accepted for 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 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 digests and shall consist of letters.
- 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 Ear tattooing and ear notching shall be the Society's official system of marking for the uniform and permanent identification of all animals submitted for registration in the Herd Book and in the records of the Association: Provided that where ear notches were applied the animal shall at wean, but not exceeding the age of eight months be tattooed or branded. Tattooing and brand marks shall consist of the herd designation mark, year letter and sequence number.
- 3.2 The identification of calves shall consist of the following-
 - (a) herd designation mark which may not exceed four digits;
 - (b) year letter which shall consist of the last two figures indicating the year of birth; and
 - (c) a sequence number, which may not exceed five numbers and need not start at one each year.
- 3.3 Every calf must be identified by the breeder within three days of birth.
- 3.4 Under no circumstances an attempt shall be made to deface, obliterate or over-tattoo any tattoo markings applied, whether incorrect, faint, illegible or faulty, without prior written permission of the Council.
- 3.5 In the event of a breeder making a mistake when identifying a calf, or in the event of a

tattoo 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 branding or any other tattoo marks whatsoever on an animal, by the breeder or owner or his agent, is strictly prohibited and may lead to disqualification.
- 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 certificate of any animal so marked shall be liable to cancellation.
- 3.8 No animal shall be transferred unless clearly marked.

4. NAMES

- 4.1 In addition to the identification marks, 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 digits.
- 4.3 The name of any animal, once accepted for registration, 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 or 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 (natural mating) or an insemination certificate (artificial insemination).
- 5.1.2 Such certificate must state the name and registered number of the sire, the name and registered number of the dam concerned and the date of service or insemination.
- 5.1.3 In the case of the exact date being unknown, the service certificate must state the period during which the dam was running with the sire indicated and further that such dam could not have been served by any other sire during such period.
- 5.1.4 Multiple siring is acceptable. Only fully registered and approved bulls may be used as multiple sires. The progeny so begotten shall only qualify for registration in the herd book once parentage had been verified by DNA or any other proven scientific method of confirming parentage.

5.2 Joint Ownership of Bulls

- 5.2.1 In the case of joint ownership of bulls, the full name and address of each owner must be on record with the Association.
- 5.2.2 If a breeder allows the use of his bulls by a fellow breeder, the applicable stipulations in the Act and this Bye-law must be adhered to.

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 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 a blood typing test or any other proven scientific method of confirming parentage.
- 6.3 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.
- 6.4 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.
- 6.5 Breeders resident in the Territory outside South Africa who enjoy the privileges of registration of animals under the provisions of the Constitution, may apply for registration 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.
- 6.6 The Society confirms the right of breeders, subject to the provisions of the Act, to collect, freeze and store the semen of their own bulls for use in their own herds, and progeny resulting from the use of such semen shall be eligible for registration: Provided that -
 - (a) complete details of the ownership of the sire concerned have been submitted to the Association;
 - (b) the official **DNA**/blood typing 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 are complied with.**

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) all requirements of the Constitution *mutatis mutandis* are complied with.
 - (b) both the male and the female animals which gave rise to the embryo concerned, were approved for the purpose by the Society;
 - (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 Society within 120 days of each embryo transfer -
 - (i) the certificates reflecting the official **DNA**/blood typing 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
 - (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 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;
- (iii) two-generation pedigrees of both donors;
- (iv) **DNA**/blood typing certificates of both donors; and
- (v) evidence that both donors conform to the minimum performance 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 blood typing is supplied, unless otherwise determined by the Society and the Association; and
- (g) all other requirements of the Constitution in respect of birth notifications, applications for registration, registrations, inspection and performance 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 of animals under the provisions of the Constitution, may apply for registration 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 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.

7.4 The Society and the Association reserve the right to refuse to register the progeny resulting from E.T. should any of these rules not be fully adhered to.

8. GESTATION AND INTER-CALVING PERIODS

8.1 The minimum acceptable gestation period shall be 265 days, and the maximum period shall be 310 days.

8.2 Any gestation or inter-calving periods outside these ranges shall not be recognized unless the parentage of the calf concerned is confirmed by blood typing tests.

8.3 The minimum period between the dates of birth of two successive calves out of one cow (inter-calving period) shall be 270 days.

9. NOTIFICATION OF BIRTHS AND APPLICATIONS FOR REGISTRATION

9.1 The breeder of an animal born from a registered dam or one eligible for registration shall notify the Association, whether it be born dead or alive or otherwise.

9.2 All births shall be notified in the format as approved by the Association within 60 days after birth and copies thereof shall be kept by the breeder concerned for inspection and checking at all reasonable times by officers of the Society.

9.3 Notwithstanding Bye Law 9.1, births notified after such period may be accepted

subject to payment of a late notification fee as may be determined by Council.

- 9.4 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.
- 9.5 The birth notification /application for registration 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 and applications for registration, have been complied with."
- 9.6 A birth notification shall also be accompanied, in the case of an animal imported *in utero*, by the necessary documents and blood typing 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 performance 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 **DNA**/blood typing 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 blood typing 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 shall be a prerequisite for the registration of South African bred or imported animals and except by special permission of Council or in the case of bull in phase C or D tests, no animal shall be registered under the age of 12 months.
- 11.1.2 Except as provided for in Bye-law 11.2.1 no application for registration of a South African bred animal shall be considered unless -
- (a) details of its birth have been duly recorded or were accepted for registered in terms of Bye-law 9, and
 - (b) both its parents or, in the case of an animal imported in utero or resulting from imported semen, its dam have been registered with the Association.
 - (c) the sire and the dam at the time of service was 12 months old and a DNA sample of the sire is on record.
- 11.1.3 No animal, which does not comply with the breed standards, shall be eligible for registration

11.1.4 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.

11.1.5 The method of application shall -

- (a) be laid down by the Association; and
- (b) be endorsed by the Society to the effect that all the requirements of the Constitution in respect of registration have been met.

11.1.6 No female from a mixed multiple birth shall be eligible for registration unless her ability to breed has been confirmed either by parturition or by means of a blood typing test.

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 have 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 of arrival and accompanied by -

- (a) a certificate of registration 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 performance and other requirements as may be determined from time to time by the Society;
- (c) a report of the inspector confirming that the animal bears the permanent indelible identification marks as recorded on the registration or export certificate;

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 transfer of imported ova in respect of which the 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 Director: Animal Health of the National Department of Agriculture) from an animal which complies with the minimum requirements for registration determined by the Council; and
- (b) if fertilised, such ova shall have been fertilised with the semen of an animal which likewise complies with the minimum requirements for registration as determined by the Society.

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

- (a) of the names, identification and registration numbers of the ovum and semen donors;
- (b) of the date and place of the collection; and
- (c) of the number of viable ova collected from the donor concerned.

12. INSPECTION AND PERFORMANCE REQUIREMENTS

12.1.1 Performance Testing compulsory as from 01/07/2013. No animal without performance data will qualify for registration and inspection as from 01/07/2015. Only Basic and Appendix A animals will qualify for registration without performance figures.

12.2 Minimum standards

Minimum standards shall be determined from time to time by Council.

12.3 Inspections and Duties of Inspectors

12.3.1 Council will appoint inspectors according to Bye-law 9 (i), to inspect, on application by breeders, all animals eligible for registration.

12.3.2 Council will appoint inspectors to inspect all animals eligible for registration and shall satisfy themselves that the age, identification, and other details as appearing on the said application or certificate are correct and correspond with the animal offered for inspection. Furthermore, they shall satisfy themselves that the animal conforms in all aspects to the minimum inspection and performance standards as determined by the Council.

12.3.3 It is compulsory that a breeder, during an inspection present all animals of the same age and same performance tested group must be placed before the inspector simultaneously as a group.

Bulls- Minimum age 12 months, except for bulls in Phase C or D tests to be inspected on completion of the test.

Heifers- Minimum age 12 months.

The inspectors are empowered to use their discretion in holding any particular animal over for inspection during their next visit in which case the minimum age referred to above shall not apply.

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

12.3.5 Any breeder dissatisfied with an inspector's decision may lodge a written appeal to the Breed Manager 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 the Council shall then re-inspect the animal or animals in question, and if the appeal is upheld, the relevant deposit shall be refunded less expenses incurred by the Council.

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

12.3.7 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 the Council from time to time.

12.3.8 Inspectors may in addition to the inspections referred to above, perform other duties with the approval of the Council, including:

- (a) classification or grading of animals upon application by the breeder concerned at a fee determined by the Council from time to time; and
- (b) demonstrations and lectures at farmers' days or judges' courses.

12.3.9 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.

12.3.10 No breeder shall act as an inspector of his own animals or that of a relative.

13. REGISTRATION CERTIFICATES

13.1 Original Certificates

Registration certificates to be issued in respect of animals which conform to the inspection and performance standards in terms of bye-law 12, may be issued in the form as agreed upon by the Association and the Society. Data in respect of performance measured in the National Beef Cattle Improvement Scheme, classification or other information may appear on the registration certificate or an accompanying classification or performance 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 registration 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 upon payment of such fee as may be determined by Council from time to time.

13.4 Cancellation of Registration Certificates and Reinstatement of Animals

13.4.1 Council may direct the Manager 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;
- (d) failed to meet minimum performance 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.

13.4.2 A registration certificate of an animal issued by the Association shall be returned to the Association for cancellation if not calved before reaching the age or 40 months or in the case of a heifer not born in the owners breeding season,

and not calved before the age of 45 months, and endorsement within 30 days after its death, sale for slaughter, culling, castration, spaying or other circumstances requiring the certificate's cancellation or endorsement in terms of the Constitution of the Society or that of the Association.

- 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 has been cancelled in terms of Bye-Law 13.4.1, shall after date of cancellation qualify for registration.
- 13.4.6 The Society shall notify the owner in writing at least 30 days prior to the cancellation of a registration certificate.

14. TRANSFER OF ANIMALS

- 14.1 A change of ownership shall be deemed to have taken place when -
 - (a) an animal is sold, exchanged or donated;
 - (b) an animal is inherited;
 - (c) a partnership of two or more persons collectively being a participant is dissolved; or
 - (d) a male animal is registered jointly in the names of more than one owner and any one (or more) of such owners disposes of his share in the animal so registered or recorded or relinquishes his interest in the said registration or recording for any reason whatsoever.
- 14.2 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 registration certificate of the animal concerned, with the details of the transfer duly completed on such certificate; and
 - (b) the Society with the prescribed fee as may be determined by Council from time to time:

Provided that should such application be received by the Society more than 30 days, but within 60 days, or more than 60 days, but within 90 days after such transfer, the fees payable in respect of such transfer shall be respectively double and treble the prescribed transfer fee. Any application for such transfer received by the Society more than 90 days after such transfer shall be accepted and dealt with by the Society subject to the payment of such fees as the Council may from time to time determine.
- 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 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 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 9.2 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 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 the progeny begotten from a dam mated to different males or inseminated with semen from different males at consecutive oestrus periods within 21 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.

15.5 An animal recorded as "Not for Registration" may not be presented for registration in the Herd Book of the Society, except in a case as specified in Bye-Law 1.2.1.1

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 performance 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 Registrar by the Society unless the said requirements are complied with.

- 16.3 Only imported animals and animals resulting from imported 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.
- 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.

