



SOUTH AFRICAN MINIATURE
HORSE BREEDERS' SOCIETY

CONSTITUTION

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CONSTITUTION OF THE S A MINIATURE HORSE BREEDERS' SOCIETY OF SOUTH AFRICA

DEFINITIONS

1. When used in this constitution and no dual interpretation is obvious the meaning of the following shall be –
 - “**Act**” the Animal Improvement Act of 1998, (Act 62 of 1998) or any other Act with the same objectives as the said Act, including the Regulations made under the Act;
 - “**animal**” A miniature horse which is recorded in the Studbook or registered or suitable for registration, and the words Stallion/s, Mare/s, Horse/s, Foal/s, will have the same meaning;
 - “**Association**” the South African Stud Book and Animal Improvement Association;
 - “**Birth**” the birth of an animal;
 - “**buyer**” the person or persons to whom ownership or joint ownership of an animal is transferred by the seller of said animal;
 - “**breed**” the Miniature Horse Breed;
 - “**breeder**” (of an animal) the owner of;
 - (a) the mother at the time of birth of an animal,
 - (b) said animal during application for recording or registration in the Herd Book, or
 - (c) the carrier mare of said embryo at the time of birth of a foal as a result of an embryo transplant;
 - “**Constitution**” the Constitution (inclusive of the Bye-Laws) of the Society;
 - “**Council**” the Council of the Society;
 - “**Department**” the Department of Agriculture in the National government;
 - “**embryo**” a fertilized ovum of an animal;
 - “**Foal Book**” the Foal Book of the Society in which the particulars of all foals are recorded in respect of which birth notifications were submitted;
 - “**inspector**” a person duly appointed by the Council;
 - “**Intergis**”, the integrated Registration and genetic information system managed by the Organisation appointed by the Department;
 - “**Minister**” The minister responsible for agriculture;
 - “**ovum**” the ovum of an animal and also includes an embryo;
 - “**owner**” (of an animal) the person/s whom
 - (a) (according to the records of the Association) owns the animal under reference, or
 - (b) to the satisfaction of the Council is able to submit proof that such animal is suitable for recording or registration in his name;

“recording” the procedure of recording in the Basis Section of the studbook;

“Registering” the procedure by which the Association records animals in the Appendix and Studbook Proper sections of the Herd Book or by which a prefix is recorded on the records by the Association;

“Registrar” the official appointed by the Law as the Registrar of Animal Improvement in terms of the Animal Improvement Act;

“Secretary” the Secretary of the Society;

“seller” the person or persons who owns/ jointly owns 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 sold the said animal;

"semen" the semen of an animal;

"Society" The South African Miniature Horse Breeders’ Society;

“a South African bred animal” (for purposes of recording or registration) an animal born in or whilst in transit or in South Africa, provided that an animal born from an imported ovum/embryo, shall be regarded as an imported animal;

“Studbook” the Herd book of the Society in which shall be inscribed the details of all animals;

“Territories” South Africa and include such other countries agreed to by Council and with the approval of the Association

2. Other words, abbreviations and terms used in the Constitution, not defined above, shall, unless a contrary meaning clearly appears from the context, have the same meaning assigned thereto in in the Act;
3. 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 OF THE S A MINIATURE HORSE BREEDERS' SOCIETY

1. NAME OF THE SOCIETY

The name of the Society is the South African Miniature Horse Breeders' Society.

2. OBJECTIVES

2.1 Subject to the provisions of the Act and this Constitution the objectives and powers of this Society shall be to -

- 2.1.1 encourage and promote the breeding and genetic improvement of the breed in the Territory by means of the powers and the duties conferred on the Society in terms of the Act regarding the recording or registration of pedigrees with the Association, the importation or exportation of animals, semen and embryos, technical advisory and inspection services or in any other way whatsoever;
- 2.1.2 to conserve the purity of the breed in the Territory and promote the interest of the breed by all possible and available means;
- 2.1.3 to compile, keep and maintain accurate records of pedigrees and particulars of animals or to have it compiled, kept and maintained for the purpose of recording or registration by the Association.
- 2.1.4 to draw up a "Standard of Excellence" for the breed.
- 2.1.5 for showing purposes to obtain various classes for the breed and appoint competent judges to judge the breed and to impress upon agricultural societies and others the advisability and necessity of appointing only judges recommended by the Society;
- 2.1.6 to promote the sale of animals;
- 2.1.7 by virtue of co-operation with the Association and the Department, to provide information in order to improve the breed;
- 2.1.8 in general, to do everything in its power to promote its members' interests in relation to the activities related to the breed, and
- 2.1.9 to gather and distribute information regarding the best and most beneficial ways to select and breed potential breeding animals and to keep members informed with scientific and other progress being made.

2.2 The Society –

- (a) May not be involved in any profit making activities or participate in any business, profession or occupation carried on by any of its members or provide any financial assistance, premises, continuous services, or facilities to its members for the purpose of carrying on any business, profession or occupation by them; and
- (b) Does 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 powers to –

- 3.1 carry out such functions and perform such duties as are or may be imposed upon it under the Act and by affiliation to the Association and obtaining the status of a juristic person in terms of the Act; and
- 3.2 in general take steps similar to those a legal entity may by Law perform to achieve its objectives.

4. **MEMBERSHIP**

4.1 **Eligibility**

Membership of the Society shall be limited to persons older than 18 years.

4.2 **Membership Types**

Membership will consist of the following members –

4.2.1 **Ordinary Members**

Persons who are engaged directly or indirectly, in the breeding of animals, resident in the Territory, shall be eligible for membership of the Society. For the purpose of this Sub Clause a company, close corporation, a partnership or legal entity shall be deemed to be a person and eligible for ordinary membership of the Society.

Persons actively involved in the breeding of animals and record or register such animals in accordance with this Constitution shall be termed Active Ordinary Members.

4.2.2 **Life Members**

Any Ordinary Member may, with the permission of Council, become a Life Member after payment of a fee as determined by the Council (Appendix A).

4.2.3 **Life Honorary Members**

For special services rendered in the interest of the breed the Annual General Meeting may appoint a person as a Life Honorary Member: Provided that it be done at the recommendation of Council. Such a Life Honorary Member will enjoy all the rights and privileges of membership, including the right to vote at any meeting of the Society and will also be eligible for election to Council.

4.2.4 **Special Honorary Members**

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

4.2.5 **Junior Members**

Any person under the age of eighteen who is directly or indirectly involved with the breeding of Miniature Horses, may be considered for membership of the Society as a Junior Member: Provided that a Junior Member has no voting rights and is not eligible for election to Council but

A Junior Member may participate in all other activities of the society. The guardian or parents of a Junior Member must sign his application and accept full responsibility for the financial and other obligations of the Junior Member.

4.3 Companies, Close Corporation, Partnerships or Legal Entities.

4.3.1 A Company, Close Corporation, Partnership or Legal Entity 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.

On further condition that such person shall have the right to nominate an alternate in writing, which nomination shall be handed to the Society not later than the time of the meeting at which such alternate will be present.

In the case of a partnership the full names and addresses of all partners must, at the time of application for membership, be disclosed to the Society and such partners will jointly and severally be responsible for meeting all obligations to the Society.

4.3.2 All communications addressed to such authorized representative referred to in Clause 4.3.1 shall be deemed to be duly served upon the Company, Close Corporation, Partnership or Legal Entity and all meetings at which the authorized representative is in attendance on behalf of the Company, Close Corporation, Partnership or Legal Entity shall be deemed to be duly represented.

4.3.3 The principal person so appointed in terms of sub Clause 4.3.1 to represent such Company, Close Corporation, Partnership or Legal Entity shall be eligible for election to Council.

4.3.4 Should such a Company, Close Corporation, Partnership or Legal Entity fail to comply with the requirements of Ordinary Membership as set out in Clause 4.2, the Membership of the Society shall be terminated and the provisions of the following Clause 4.3.5 will apply *mutatis mutandis* in respect of such a Company, Close Corporation, Partnership or Legal Entity.

4.3.5 In the case of the liquidation of a Company or Close Corporation or if the Partnership or Legal Entity is dissolved, membership of the Society will automatically terminate: Provided that -

4.3.5.1 all fees or amounts due to the Society on the date of the liquidation or dissolution may be collected by the Society from the liquidator of such said Company, Private Company, Partnership or Legal Entity or from the members, (jointly or severally); and-

4.3.5.2 the liquidator of such Company, Private Company and the members of such a Partnership or Legal Entity will be obliged to meet all obligations of such a Company, Private Company, Partnership or Legal Entity, with regard to records, recordings and registrations as a member of the Society; and-

4.3.5.3 any fees that may be due, such as Stud Fees, recordings, registration fees and transfer fees or any other obligations that may be due and should be met, after such an automatic termination of membership will be assessed according to the scale as due by ordinary members and Life Long Members.

4.4 External Members

4.4.1 Any person including a Company, Private Company, Partnership or Legal Entity residing in the area outside of South Africa that shows interest in breeding of animals and who is directly or indirectly engaged in the breeding of animals will be eligible for acceptance as a registered breeder.

4.4.2 Rights and Privileges of External Members

All rights and obligations of members shall apply *mutatis mutandis* to all external members who apply to be registered with the Society or who were previously registered with the Society as a registered breeder. External members are *ipso facto* liable for costs to the Association.

4.5 Application for Membership

4.5.1 Application for membership of the Society must be directed to the Society on the prescribed form (Appendix D) and must be accompanied by the relevant subscription and/or entrance fees as set out in the Schedule of fees of the Society (Appendix A).

4.5.2 An application for membership must be accompanied by the necessary proof that the determined requirements have been met.

4.5.3 Council may accept the application for membership from any person either unconditionally or on such conditions as Council may determine or may refuse any application: Provided that reasons for such refusal shall be furnished.

4.5.4 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.

5. REGISTER OF MEMBERS

5.1 The Society will keep a register of all its members reflecting the commencement date of membership of the Society, their postal addresses, fees received with the dates of payment, amounts in arrear, if any, as well as the date on which the last animals were recorded or registered in their names.

5.2 Each member must notify the Society within one month of a change of contact particulars and all notices or publications posted to the registered address of a member shall be considered as duly delivered to him.

5.3 All correspondence and notices sent by the Society to members whether by registered mail or email will be considered as binding.

6. RIGHTS AND PRIVILEGES OF MEMBERS

Excluding executors of deceased estates, curators of insolvent estates and liquidators of companies or close corporations, the rights and privileges of each member of the Society shall be personal to themselves and shall not be transferable or transmissible either by his own act or by operation of law.

Subject to the prescriptive provisions of Clauses 4 and 8.3 the rights of members will include the following:

- 6.1 to receive all reports and other publications sent by the Society for distribution amongst members;
- 6.2 to attend all general meetings of the Society and to vote at such meetings;
- 6.3 to apply for the recording and registration of animals in accordance with the stipulations of this Constitution;

- 6.4 to receive, if available, expert technical advice pertaining to matters concerning the breed from the Society's inspectors and officials. All costs in this regard will be for the account of the applicant;
- 6.5 to consult and use the Society's official reports;
- 6.6 to enjoy all the rights and privileges as set out in the Constitution;

7. SUBSCRIPTIONS AND FEES

- 7.1 All subscriptions, fees or any other dues and commissions payable by members to the Society shall from time to time be determined by Council and shall be notified to members at the ensuing Annual General Meeting of the Society.
- 7.2 The annual membership fees shall become due and payable in advance on the 1st July in each year and shall be deemed to be in arrears if not paid by the 1st November of the same year.
- 7.3 Any member whose -
 - (a) membership fees are in arrears; or
 - (b) who is indebted to the Society in respect of any fees or dues for a period longer than 30 days after a demand for payment thereof has been addressed to him by the Secretary, shall cease to enjoy any of the rights and privileges of membership until such time as such debts has been paid.
- 7.4 Council may impose interest to be levied and collected on arrear accounts at a rate determined by Council from time to time.
- 7.5 Any member who, for any reason whatsoever, has ceased to be a member of the Society, shall remain liable for all amounts due to the Society as at the date on which his membership ceases.
- 7.6 Should the account of the member be in arrears as determined by the Council or outstanding on termination of his membership, such member shall, if and when his account is handed over to a firm of attorneys, or any other firm entrusted to collect such outstanding debt, be liable to the Society for payment of all legal charges, collection, attorney and client costs entailed in addition to the principal amount, fines and penalties owing by him.

8. RESIGNATIONS, SUSPENSION AND LIFTING OF VOTING RIGHTS OF MEMBERS

8.1 Resignation of Members

Any member may resign from the Society by giving no less than three months written notice to the Society: Provided that all monies owing to the Society have been paid and furthermore until such member has discharged all his obligations in respect of documents, records, recording, registration and transfers or any other obligation in respect of his membership as required by the Society.

8.2 Expulsion of Members

8.2.1 The Council may expel a member who:

- 8.2.1.1 has failed to make payment of monies due to the Society and has remained in default after having received a 90 days written notice by post or email, signed by the secretary, to rectify his default the Society;
- 8.2.1.2 has infringed any provision of the Constitution or any rule of the Society or who has, in the opinion of the Council, acted dishonorably or in any way derogatory to the character or prejudicial to the interest of the Society;
- 8.2.1.3 has, by his act or omission, brought actual or potential dishonor upon the Society or who has been guilty of conduct to the actual or potential prejudice of the objectives of the Society;

- 8.2.1.4 has deliberately or for personal gain or advantage submitted incorrect information of the Society or any of its officials or to officials or judges at shows or that has affected such changes to the body of an animal so as to mislead any other person;
- 8.2.1.5 attempted to bribe an official of the Society; or –
- 8.2.1.6 has been found guilty of an offence in terms of the Act;

Provided that no proceedings for expulsion shall be initiated against any member of the Society unless the Society has at least 30 days prior to the date of the Council Meeting at which such expulsion has 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 be present either personally or through his duly authorized representative, to put his side of the case at such meeting of the Council.

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

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

- 8.2.3 Any member who has been expelled shall be notified by the Society in writing within a period of three days from the date upon which the resolution affecting his expulsion was passed or upon which his membership was forfeited.
- 8.2.4 Upon expulsion of a member, the Council may at its discretion direct the Secretary forthwith to remove from the Herd Book and any other registers or records of the Society. The Council 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 and after such date no horses bred by him will be recorded or registered or transferred and neither will any birth notifications be accepted from him and he shall be notified accordingly.
- 8.2.5 Any expelled member will be liable for payment of all outstanding monies by owing by him to the Society at the date of his expulsion and will moreover be liable for meeting all other obligations in respect of notifications and/or registrations, transfers or any other obligations pertaining to his membership.
- 8.2.6 Any person who is expelled as a member of the Society is liable for all membership fees and fees owing by him to the Society at the time of his expulsion.

8.3 Lifting of Voting Rights

- 8.3.1 Any member, excluding members referred to in Clause 4.2.3 who, for a period determined from time to time by Council, did not recorded or registered animals in his name or who did not purchase recorded or registered animals which were transferred to him during such period, voting rights referred to in Clause 6.2 will be forfeited.
- 8.3.2 The voting right of any member shall be lifted provided that he has been notified by the secretary in writing at least thirty days before the meeting on which such removal will come into effect.

- 8.3.3 Such lifting of a member's voting rights shall remain in force until he records or registered horses again after which the lifting of the voting rights will end without the need of any notice being served on him.
- 8.3.4 The lifting of voting rights referred to herein will in no way affect the other rights and/ or privileges of membership.

9. REINSTATEMENT OF MEMBERS

Any person who has ceased to be a member of the Society may thereafter again be admitted to membership in accordance with Clause 4.5 and after all arrears fees have been settled.

10. COUNCIL AND EXECUTIVE COMMITTEE

10.1 Election of the Council

The affairs of the Society shall be controlled and administered by a Council consisting of the following six members annually elected at the Annual General Meeting or a Special General Meeting called for the purpose.

- 10.1.1 A President and Vice-President will be elected at the Annual General Meeting and will hold office for two years.
- 10.1.2 Four other members shall hold office until the first Annual General Meeting following the second anniversary of their election when two members elected by ballot, shall retire. Thereafter at each annual General Meeting, the two members longest in office, shall retire.
- 10.1.3 The President, Vice President and other resigning members shall be eligible for re-election.
- 10.1.4 At the election of Councilors, all persons must be nominated by secret ballot and election shall be by secret ballot.

10.2 Additional Council Members.

In addition to the six elected member of Council, the following persons will also serve on Council in an advisory capacity:

10.2.1 The Registrar of Animal Improvement

10.2.2 Honorary Life Vice Presidents

For exceptional services to the breed, persons may at the recommendation of Council, be elected at the Annual General Meeting as Honorary Life Vice Presidents who will serve on Council as ex officio members and shall have the right to vote. However, there will never be more than two Honorary Life Presidents at the same time.

10.2.3 The Secretary

The Secretary of the Society who shall attend all meetings of the Society and shall have the right to participate in discussions, but shall not have the right to vote on any problem or decision which will be taken at a meeting.

10.2.4 Co-Opted Members

Any person appointed or co-opted by the council in an advisory capacity as well as persons elected at the General Meeting to provide a representative to an area not represented by a counselor. Such a representative elected by the General Meeting will be co-opted by the Council. Co-opted members will however not have the right to vote on any matter or decision taken at a Council meeting. Regional representatives are limited to a maximum of two and serve for a term of one year.

10.3 Executive Committee

The Executive Committee of the Council, who holds powers as determined by the Council from time to time, will consist of the President, Vice President and one Councilor elected by the Council. All proceedings or decisions of the Executive Committee must be approved at the ensuing Council meeting;

- 10.4 Should any member of the Council die, resign, cease to be a member of the Society, moves to another province or forfeited his office under Clause 10.6, the Council may appoint another member of the Society as his substitute with full powers for the unexpired period of office. The Council shall be deemed to be duly constituted and will continue exercising all the powers conferred upon it, notwithstanding any vacancies in its body;
- 10.5 In the event that the office of President or Vice-President becomes vacant before the expiration of the period for which he was elected to the Council, shall at its first ensuing meeting by ballot, elect another of its members to fill the vacancy for the unexpired portion of that period.
- 10.6 Members of the Council who were absent from two consecutive Council meetings without permission or thorough reason will forfeit their office.

11. POWERS AND DUTIES OF THE COUNCIL

The Council shall, subject to the terms of the Constitution, and subject further to the directions of the Society as given from time to time, have the powers to deal with all such matters as it may deem necessary or advisable in the interest of the Society and for the advancement and attainment of the Society's objectives.

In particular the Council shall have the power to:

- 11.1 to secure the payment of loans 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;
- 11.2 lend money to any person or company;
- 11.3 to enter into indemnities, guarantees and surety ships and to secure payment there under in any way;
- 11.4 make donations and grants;
- 11.5 to form and execute a trust;
- 11.6 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;
- 11.7 from time to time, subject to the provisions of Clause 7 to adjust or revise Members' fees or obligations and to prescribe any additional fees as it may deem necessary;
- 11.8 to open one or more banking accounts in the name of the Society and to draw, accept, endorse or execute any electronic bank transfer-payment, cheque, bill, promissory or negotiable instruments in connection with the conduct of the affairs of the Society;
- 11.9 to purchase, hire, lease, or acquire for the purpose of the Society buildings, land, goods, chattels and assets; to sell, mortgage, pledge, let alienate or otherwise dispose of any moveable or immovable property belonging to the Society and to apply the return gained in such a way as is considered to be to the best advantage of the Society;
- 11.10 to invest, or in any other manner deal with any monies not immediately required for the purposes of the Society upon such securities and on such terms as the Council may deem

fit and, from time to time, to change or realize any such investments: Provided that the funds available for investment may only be invested with registered financial institutions as described in article 1 of The Act of Registered Financial Institutions (Investment of Funds) 1984 and in shares listed on stock exchanges as described in article 1 of the Act on Control of Stock Exchanges 1985, (Act No. 1 of 1985);

- 11.11 to pay all costs/charges billed to the Society in connection with the administration, management or affairs of the Society;
- 11.12 to collect and receive all monies, donations, other dues and funds that are paid to the Society and to devote same towards the objectives of the Society and towards promoting the breed;
- 11.13 to lend or borrow money for the purposes of the Society upon security of any property of the Society;
- 11.14 in accordance with Clause 7.3, to refuse inspection, registration and other work for members whose accounts are overdue;
- 11.15 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;
- 11.16 to appoint, dismiss or suspend such attorneys, or other legal representatives, auditors, agents, officers or officials or other employees for 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;
- 11.17 to institute, conduct, defend, compound or abandon any legal proceedings by or against any of its officers or officials or other employees in connection with the affairs of the Society and to compound or allow or ask for time for payment or satisfaction of any debts due to or any claim or demand by or against the Society;
- 11.18 To reduce any debts or to allow arrangements for deferred payment or give satisfaction to any claims, letter of demand by or against the Society;
- 11.19 To conclude contracts outside South Africa and to obtain contracts, deeds and documents in foreign countries;
- 11.20 to appoint or discharge inspectors for the examination of animals presented for recording or 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;
- 11.21 to order an investigation by inspectors or officials of the Society in any event were 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;
- 11.22 to co-opt the services of any Member of the Society or other person and to appoint Sub-committees upon such terms and with such powers as it may from time to time deem necessary. The President and Vice President of the Society shall be ex-officio Members of all sub-committees with all rights and privileges. Additional members may be co-opted to Council but such co-opted members will not be entitled to vote at meetings of Council.

- 11.23 to set rules and conditions relating to the qualifications and appointment of judges of the breed as may be deemed necessary: Provided that no person shall be appointed as a judge of the breed before he meets such requirements as the Council may determine from time to time. In addition, from time to time, to reconsider the panel of judges and to consider to remove such names as necessary;
- 11.24 set up a system for judging and the inspection of animals and to formulate the rules, conditions and terms regarding such inspections and formulate selections: Provided that if Council repeal or change any rules, such rules must be submitted at the ensuing Annual general Meeting of the Society for the information of the meeting;
- 11.25 to organize and promote sales, either by public auction or by private treaty and for such purposes appoint auctioneers and/or agents if required;
- 11.26 to grant leave of absence to any member of the Council or any official of the Society for such period and upon such terms as it may be determined in each case;
- 11.27 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, to institute legal proceedings, to act, sue and be sued on behalf of the Society;
- 11.28 in accordance of Clause 16, 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;
- 11.29 to receive and consider applications for Membership and to accept or refuse such applications at its discretion;
- 11.30 to frame alter and rescind rules and regulations for conducting the business and carrying out the objectives of the Society;
- 11.31 in accordance with Clause 8 terminate the membership of any person;
- 11.32 to impose or inforce such penalties as may be determined from time to time for contravention or infringement of the Constitution, rules and regulations of the Society;
- 11.33 investigate disputes that may arise from the implementation of the Constitution, and to give resolution there to;
- 11.34 to alter or amend any Annexure to the Constitution as may be deemed necessary from time to time;
- 11.35 to draw up a Standard of Excellence and to lay down minimum requirements and other standards for approval by a General Meeting:
- 11.35.1 animals must be inspected for the purpose of recording or registration and
- 11.35.2 subject to the stipulations of the Act, applications for the importation and exportation of animals, semen and ova should be considered;
- 11.36 to from time to time, revise the Standard of Excellence and to make recommendations to the Annual General meeting;
- 11.37 generally to perform all acts as may be necessary for the welfare of the Society and to conduct its affairs, provided always that any action taken, or instructions given, shall not be contrary to the terms of the Constitution.

12. MEETINGS

12.1 Meetings of the Executive Committee

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

12.1.1 A Councillor may request the President to personally submit any matters of interest to the Executive Committee: Provided that he would put the full matter in writing. If the President is of the opinion that the case is of sufficient importance and urgency, he may grant leave to such a Councillor to attend the Executive Committee meeting, with the Committee's consent to address the Committee meeting on such matter.

12.1.2 If the President concludes that the matter is not of sufficient importance he may refuse the request and if he concludes otherwise, ensures that the matter is to be placed on the agenda of the meeting.

12.2 Council Meetings

12.2.1 Council shall meet at such time, place and manner as determined from time to time as the President or in his absence, the Vice-President may decide. Council meetings by way of a telephonic conference will be considered as taken place in accordance with this Constitution. At least three Council Meetings will be held during each financial year

12.2.2 A Special Council meeting-

12.2.2.1 may be called by the President (or in his absence The Vice President) at such a time, and place and manner as such office bearer may decide; or

12.2.2.2 shall be called upon a request signed and addressed to the Secretary by not less than four Councilors, stating the reasons for such meeting.

12.2.3 Not less than 14 days prior to the holding of a Council Meeting, written notice of the time, date, place and manner of such a meeting shall be posted or send by electronic mail by the Secretary to each member of Council.

12.3 General Meetings

12.3.1 A General meeting of the Society to be known as the Annual General Meeting shall be held once within every financial year at such time, date and place as may be determined by Council, but not later than six months after the end of each financial year of the Society.

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

Such Annual General Meeting must be held -

12.3.2.1 no later than six months after the end of each financial year of the Society (30 June of every year); and

12.3.2.2 within at least 15 months after the date of the immediately preceding Annual General Meeting of the Society.

12.3.3 A Special General Meeting of the Society may be called at any time by-

12.3.3.1 the Council; or

12.3.3.2 the President (or in his absence the Vice President) and shall be so called upon a written request signed and addressed to the Secretary by not less than ten members of the Society. Such request must clearly stipulate the objectives of the meeting and at such meeting only the requested matters may be discussed.

12.3.4 No less than 60 days prior to the holding of the Annual General Meeting a preliminary notice of the time, date and place of the meeting shall be posted or sent by electronic mail

by the Secretary to every member of the Society. Any member intending to put forward any matter for discussion at the Annual General Meeting shall give written notice thereof to reach the Secretary no less than 40 days prior to the meeting.

- 12.3.5 No 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 or sent by electronic mail to each member of the Society.
- 12.3.6 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, except for Constitutional amendments, not specifically on the agenda, shall be discussed and voted upon regardless the stipulations of Clause 12.3.3.2.
- 12.3.7 Any annual general meeting may be adjourned by a two thirds majority vote of the members attending it.
- 12.3.8 To rescind any resolution taken at a General Meeting of the Society, a two-third majority vote shall be required.

12.4 Chairperson at Meetings

The President holds the chairmanship at all meetings or in his absence, the Vice-President. Should all these office bearers be absent from any meeting, the members present 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.

12.5 Taking of Resolutions

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

12.6 Voting Procedure

Subject to the provisions of Clause 10.3, voting at all meetings shall be by show of hands unless voting by ballot is demanded by any member present and entitled to vote in which event voting shall be by secret ballot.

12.7 Invalidity of Decisions

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.

12.8 Quorums

- 12.8.1 15% of the members of the Society personally present at the commencement of any general meeting and entitled to vote shall form a quorum for such meeting.
- 12.8.2 Four Council members personally present at any Council meeting and entitled to vote shall form a quorum for such Council meeting.
- 12.8.3 Two members personally present at any Executive Committee meeting shall form a quorum for such Executive Committee meeting.
- 12.8.4 If at any meeting, a quorum is not present, the meeting shall stand adjourned for a period (not being less than 14 days thereafter and to a place determined by the members present). At such postponed meeting, the members present shall form a quorum: Provided that any meeting at which the President, Vice President or 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 conclusion of such matters (other than any amendment to the

Constitution) as the presiding member may declare to be of an urgent nature. Such adjournment for half an hour shall be without prejudice to the rights of the meeting after dealing with such urgent matters to adjourn to a time, date and place as herein provided.

13. MINUTES OF MEETINGS

- 13.1 A copy of the minutes of all General Meetings shall be supplied to each member of the Society. Copies of the minutes of Council meetings and meetings of other sub committees shall be supplied to all councillors.
- 13.2 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.

14. FINANCIAL PROVISIONS

- 14.1 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.
- 14.2 All payments from the funds of the Society shall be done by Internet payments (EFT) by the Secretary and or person or persons duly authorized by Council in accordance with Clause 11.27 provided that nothing herein contained shall prevent Council from operating and controlling a petty cash fund or from paying in cash such ordinary and usual monthly accounts which will not, in total, exceed a sum determined by Council from time to time and provided that the total sum necessary for the payment of such accounts is drawn by cheque.
- 14.3 The Society shall keep proper books of accounts that shall be audited from time to time but not less than once every year by an auditor appointed by the Annual General Meeting of the Society, who is to prepare a properly audited balance sheet and report of the Society's financial situation as on 30 June of the financial year to which the report relates as stipulated in Clause 12.3.2, and present it to the Annual General Meeting of the Society.
- 14.4 All the property of the Society is vested in Council.
- 14.5 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; no part thereof shall be paid or transferred directly or indirectly by way of dividend or bonus or otherwise, to any persons who at any time are or were members of the Society: provided that nothing herein contained shall prevent the payment in good faith of remuneration to any employee or other person for services rendered to the Society.
- 14.6 The financial year of the Society shall commences on July 1 of each year and closes at 30 June of the following year.

15. MEMBERSHIP OF THE ASSOCIATION AND AFFILIATION

The Society will maintain its Membership of the Association in terms of the provisions determined by the Association. 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 with similar aims and objectives kindred to those of the Society.

16. ELECTION OF REPRESENTATIVES TO THE ANNUAL GENERAL MEETING OF THE ASSOCIATION

In accordance with Clause 11.28 the Council must appoint a representative or representatives to the Annual General meeting of the Association.

17. CONSTITUTIONAL AMENDMENTS

- 17.1 The Constitution may be added to or altered by a resolution approved by no 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 no less than 30

days written notice has been given to each member of the Society.

17.2 Such addition to or amendment to the clauses of the Constitution which were approved in terms of Clause 17.1 herein contained, must within 30 days after such amendment had been effected, be submitted to the Association to be submitted to the Registrar and will come into effect 30 days after such submission: Provided that should the Registrar at any time within these 30 days find such addition or amendment not to be in line with current legislation and/or the constitution of the Association, the Society and the Association will be advised accordingly by the Registrar where after such addition or amendment will be declared nul and void.

17.3 Any Constitutional amendments must be submitted by the Society to the Commissioner of the South African Revenue Service.

18. OFFICE OF THE SOCIETY

The office of the Society shall be at such address as determined by Council.

19. DISSOLUTION OR LIQUIDATION 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 be transferred to such other institution or institutions having objectives similar to those of the Society, as may be determined by a majority decision of a General Meeting of the Society and which institution is itself exempted from income tax in terms of section 10(1)(cA)(i) of the Income Tax Act.

20. DELEGATION OF POWERS

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

21. NON MEMBERS

Such privileges of membership as Council may determine, may be conferred on non-members: Provided that there shall be no legal or other obligation on the Society to such non-members, and provided further that all fees as set out in Appendix A, will be payable in respect of any services rendered by the Society to non-members. These fees shall be as determined by the Annual General Meeting from time to time and are payable in advance.

22. AUTHENTIC VERSION OF THIS CONSTITUTION

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

23. DUTIES OF REGIONAL REPRESENTATIVES

23.1 They must make contact with members and breeders in their region, promote regional interests and promote the goals, vision and interests of Miniature Horses in the region.

23.2 They must give feedback to the Council regarding regional matters and also give feedback to the members and breeders pertaining to the Society and Association.

23.3 They must facilitate and promote regional events and /or Clubs as far as possible.

23.4 They must always place the interests of the Miniature Horse and its Society first.

BYE-LAWS

1. HERD BOOK

1.1 General

1.1.1 The Herd Book which will be known as The South African Miniature Horse Herd Book, will consist of the following divisions-

- (a) Basic Section;
- (b) Appendix Section; and
- (c) Stud Book Proper section of the Herd book

1.1.2 The Society may publish a Herd Book with approval and under the control of the Association in which the recordings and registrations appear subject to these Regulation.

1.2 Basic Section

1.2.1 Any gelding over 90 but up to 100 centimeters in height, as well as mares 95 to 100 centimeters tall, which are older than 2 ½ years, and conform to the minimum breed standards and acceptable to the Council will, on application by the breeder, be eligible for the recording as a Basic animal in the Basic Section of the Herd Book.

1.2.2 All animals whose breeding and other details are acceptable to the Council, but which were younger than 2 ½ years old during the initial inspection will be recorded as PEN animals in the Basic Section with the reason N1 (Not Inspected).

Once the animals are inspected again on or after 2 ½ years of age and comply with all the minimum breeding standards, these animals shall be recorded in the appropriate section of the Herd Book.

1.3 Appendix Section

1.3.1 Appendix A

1.3.1.1 Geldings up to 100 centimeters high and stallions and mares up to 95 centimeters high, which are older than 2 ½ years, and conform to the minimum breed standards and acceptable to the Council shall, on application by the breeder, be eligible for registration in the Appendix A Section of the Herd Book.

1.3.1.2 Male and female progeny of Basic mares and Appendix A, B or Studbook Proper stallions, up to 95 centimeters high, which are older than 2 ½ years and conform to the minimum breed standards and acceptable to the Council shall, on application by the breeder, be eligible for registration in the Appendix A Section of the Herd Book.

1.3.1.3 Appendix A Section will be closed as from 1 July 2017 for the recording and registration of new stallions. In exceptional cases where an animal may be identified and meet all the standards as prescribed by the Council, consent may be granted for the acceptance of such stallion as Appendix A.

1.3.1.4 Appendix A Section will be closed as from 1 July 2020 for the recording and registration of new Mares. In exceptional cases where an animal may be identified and meet all the standards as prescribed by the Council, consent may be granted for the acceptance of such mare as Appendix A.

1.3.2 Appendix B

1.3.2.1 The Progeny resulting from the matings of Appendix A animals with Appendix A, B or Studbook Proper animals older than 2 ½ years and conform to the minimum breed standards and in respect of which all requirements for registration have been met, shall be eligible for registration in the Appendix B section of the Herd Book.

1.4 Studbook Proper Section (SP)

The progeny resulting from matings of Appendix B or Stud Book Proper animals with animals with Appendix B or Stud Book Proper animals older than 2 ½ years and conform to the minimum breed standards and in respect of which all requirements for registration have been met, shall be eligible for registration in the Studbook Proper Section of the Herd Book.

2. PREFIX AND HERD DESIGNATION MARK

- 2.1 No animal shall be accepted for recording or registration unless the Society has, on behalf of the breeder, registered for his exclusive use, a prefix through the Association with the Organisation appointed by the Department to manage the Intergis. The breeder will use such a prefix to identify all the animals bred by him and eligible for recording or registration.
- 2.2 Application for the registration of such prefix through the Association shall be made by the Society and must be accompanied by such fee as may be prescribed from time to time by the Council.
- 2.3 No transfer of a prefix shall be allowed from one breeder to another except under such conditions and to such persons as are proved for in the Regulations of the Association.
- 2.4 The herd designation mark will be allocated to breeders by the Society as they apply. Breeders however, have the right to retain herd designation marks assigned to them prior to the approval of this Constitution, if approved by the Society.

3. IDENTIFICATION

Until DNA tests are compulsory, the Society's official system of permanent identification of horses eligible for registration or registration in the Herd Book is a color photo. If there is any doubt about a horse's identity, DNA tests will be required.

4. NAMES

- 4.1 No animal will be recorded in the Herd Book unless it has been clearly marked and explicitly named or numbered, representing the name. The last part of the name may not be duplicated. Council is empowered to refuse any application in respect of an animal which in its discretion is not clearly identified or which is misleadingly named.

DNA tests for both stallions and mares is compulsory to record foals in the Foal Book.

4.1.1 The DNA of Stallions is compulsory as from 1st January 2012.

4.1.2 The DNA of Mares is compulsory as from 1st January 2014

4.1.3 Parental verification of all foals is compulsory.

- 4.2 No name including the prefix may exceed thirty characters.
- 4.3 A name once recorded or registered in respect of a specific animal cannot at a later stage be changed or amended unless 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. BIRTH NOTIFICATIONS

- 5.1 The breeder of a foal from a recorded or registered mare, or a mare eligible for recording or registration, shall notify the Society of the birth of such foal, whether it is born dead or alive, pure-bred or cross-bred or retained for recording or registration or otherwise.
- 5.2 The notification of each birth must be submitted not later than 6 months from the date of birth of the relevant foal, on the prescribed birth notification form which shall be completed in all respects and signed by the breeder and must be submitted to the Secretary for submission to the Association. Births may also be done electronically, in all aspects all documentation as required are attached.
- 5.3 Birth notification received by the Secretary later than 240 days (8 months) after the birth of the foal,

may only be accepted after approval by Council and the payment of a penalty fee as determined by the Council from time to time.

- 5.4 In the event of multiple births, the breeder shall in addition to the particulars ordinarily required also record on the birth notification of each foal the name, sex and identification marks of the other foal or foals.
- 5.5 When a breeder gives notice of the birth of a foal, a copy of such form must be completed in such a way that the information contained therein corresponds in all respects to the information on the original form or forms submitted to the Secretary. Accurate bookkeeping of dates as well as the reference number as supplied must be kept on all electronic birth notifications. The breeder shall keep all copies in such manner that it be available for control purposes at all reasonable times.
- 5.6 Upon receipt of a valid required birth notification of a foal, either alive or dead, the birth notification must be checked and the details entered into the register of the Society and receipt thereof must be acknowledged to the breeder.
- 5.7 The Council will ensure that on behalf of each breeder, all births of foals (whether alive or born dead) are kept on the behalf of each breeder, of which the breeder has properly informed the Secretary and also of such other particulars as may be deemed necessary.
- 5.8 Animals in respect of which birth notifications have been received and found in order are entered in the Foal Book and will remain there until accepted for recording or registration, or declined or cancelled.

6. THE JOINT OWNERSHIP OF STALLIONS

- 6.1 When a stallion is transferred to joint owners, the full name and address of each joint owner shall be on record at the Society and the Association.
- 6.2 The joint owners and users of a stallion are subject to the provisions of the Act.

7. GESTATION AND INTER FOALING PERIOD

The gestation period acknowledged in respect of the breed is 334 days. The minimum gestation period is 299 days and the maximum is 364 days. No gestation period outside of these parameters will without special approval of Council, be acknowledged unless parentage is verified by means of DNA tests. The minimum acceptable period between the birth dates of two successive foals from the same mare is 315 days.

8. REQUIREMENTS FOR RECORDING AND REGISTRATION

- 8.1 No South African bred Miniature Horse will be eligible for recording or registration unless proper notice of birth was given and both parents are recorded or registered with the Association.
- 8.2 Inspection shall be a prerequisite for registration and unless approved by Council, no animal under 2 ½ years will be approved for recording or registration. All registered animals are further subjected to a final inspection at the age of 5 years. Stallions higher than 95 centimeters at inspection on 5 years may not be used for breeding.
 - 8.2.1 Horses higher than 93 centimeters at 2 ½ years shall not be eligible for registration.
- 8.3 No foal will be eligible for 2½ year inspection without parental verification of the said foal. This verification must be done by a DNA test and the Association must be in possession of such a profile confirming parentage of both parents.
- 8.4 No animal shall be eligible for recording or registration that does not comply with the minimum standards as laid down by the Council.

- 8.5 The recording or registration by the Association of all animals of the breed shall be made on the recommendation of the Society, and each breeder having such horses shall keep record wherein shall be entered the dates of birth of all foals, together with the particulars of sex and breeding and of disposals, sales, deaths, castration, sterilizations, etc. failing which, further entries may be disqualified or refused by Council. Breeders may at any time be called upon by the Inspector to submit records for examination. All the said information must be submitted to the Society and the Association.
- 8.6 The birth notification will contain the following declaration -
“I declare that the breeding particulars, pedigree and identification mark of the animal/s described herein are correct and that all the requirements of the Constitution of the Society and the Association regarding birth notifications, have been met.”
- 8.7 No birth notification of an animal imported *in utero* will be approved by Council unless the dam is registered with the Association and such application is accompanied by -
- 8.7.1 a service certificate duly endorsed by the Breeders’ Society in the country of origin or similarly endorsed insemination certificate (depending on whether fertilization took place by means of natural mating or artificial insemination); and
- 8.7.2 proof that the parents conforms to all the requirements determined by Council from time to time.
- 8.8 Applications in respect of horses begotten from artificial insemination or originating from ino-vulation must be duly endorsed. Also recording or registration certificates issued by the Association in respect of any animal begotten from artificial insemination or originating from ino-vulation must carry the abbreviation “AI” or “ET” after the name of the animal on all such recording or registration certificates.
- 8.9 An imported animal shall be eligible for recording or registration provided the application for registration is accompanied by -
- 8.9.1 a certificate of recording or registration or export issued by a relevant authority in the country of origin;
- 8.9.2 proof to the effect that the animal involved complies with the requirements as determined from time to time;
- 8.9.3 a complete two generation expanded pedigree; and
- 8.9.4 a declaration that the animal arrived on the farm on the date as indicated;
- 8.10 Color marks on all imported animals for which an application for recording or registration is submitted must match the color mark as per the recording or registration and/or import certificate and which is to the satisfaction of the Society and the Association. Where no marks of distinction occur, proof of identity must be provided to the satisfaction of the Society and the Association.
- 8.11 Recording- or registration certificates will be issued by the Association with regards to all imported animals.
- 8.12 Applications for the registration of imported animals or the recording or registration of animals begotten from imported semen or ova shall be accompanied by authentic export certificates issued by the competent authority in the country of origin as approved from time to time by the Society and the Association.
- 8.13 Application for inspection and recording or registration of imported animals must be done within 90 days after their arrival in the country.

9. INSPECTION AND OBLIGATIONS OF THE INSPECTOR/S AND PRODUCTION REQUIREMENTS

- 9.1 The Council shall appoint Inspector/s to inspect all animals eligible for recording or registration. Final inspection is compulsory at the age of 5 years. If possible all breeders, having animals for inspection will be visited at least once a year.
- 9.2 Inspectors will apply to the laid down inspection system (Attachment C).
- 9.3 The inspector shall inspect each eligible animal for registration upon presentation of its birth notification. They shall satisfy themselves that the identification, age, etc., as notified are correct and correspond with the animal offered for inspection. Furthermore, they shall satisfy themselves that the animal conforms in all respects to the breed standards and the minimum production standards as determined by Council from time to time.
- 9.4 Any breeder dissatisfied with an Inspector/s decision may lodge an appeal to the Secretary within 3 weeks from the time the inspection took place. Such appeal must be accompanied by a deposit of an amount as determined by Council from time to time. A board of appeal appointed by the Council of the Society, will re-inspect the animal or animals in question and if the appeal is upheld the deposit will be refunded. If not the appellant forfeits his deposit and pays any additional costs.
- 9.5 Inspectors appointed by the Society shall always act as ambassadors and give demonstrations and lectures at convenient places where it is possible for local farmers to assemble.
- 9.6 The inspectors shall classify and grade stock of breeders at a fee that shall be determined by the Council from time to time.
- 9.7 The inspectors, acting on the instructions of the Council may at any time, without previous notice carry out a general inspection of any herd.
- 9.8 Inspectors may not during an inspection accept instructions or commissions from members or non-members to negotiate the buying and selling of animals.
- 9.9 No breeder may act as the inspector of his own animals.
- 9.10 Inspection fees as determined from time to time will be due in all cases by the applicant.

10. RECORDS OF ANIMALS

- 10.1 Horses recorded in the Foal Book and conform to the stipulations with regard to inspection, recording and registration, laid down by the Regulations, are recorded in the Herd Book. (Annexure B)
- 10.2 The Herd Book will reflect the number of the foal, the sire and dam, birth date and the name of the breeder and owner and the date of inspection.
- 10.3 On application from the Society the Association will issue the recording or registration certificates in respect of all animals recorded in the Herd Book. Such certificates will reflect the particulars of the identification marks and pedigree of each animal.

11. RULES GOVERNING ARTIFICIAL INSEMINATION (A.I)

- 11.1 Animals begotten through artificial insemination in accordance with the Act shall be eligible for recording or registration provided that all the requirements of the Constitution in respect of recording or registration have *mutatis mutandis* been complied with.
- 11.2 No birth notification of animals begotten by artificial insemination shall be accepted by the Society as eligible for recording or registration, unless it is endorsed "begotten by artificial insemination".

- 11.3 Irrespective of the provisions of Regulation 11.1 hereof, where different stallions are used for the supply of semen for the artificial insemination of the same female less than 50 days apart, no resulting progeny shall be eligible for recording or registration unless the male parentage has been confirmed by a DNA parentage test.
- 11.4 The Society reserves the right through its representatives to supervise and/or inspect the keeping of records in connection with artificial insemination by its members.
- 11.5 The Society reserves the right to refuse to record or register the progeny resulting from artificial insemination should any of the rules laid down by the Society not be fully complied with.
- 11.6 Breeders not resident in South Africa who enjoy the privileges of recording or registration of animals, may apply for the recording or registration of A.I begotten progeny 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 animals, and the maintenance of records shall be effected in such manner as may be duly approved by the Society from time to time and is in accordance with the stipulations of the Act.
- 11.7 Subject to the provisions of the Act, the breeders confirm the right to collect, freeze and store semen for an indefinite period of their own stallions for use on their own females.
- 11.8 If an animal from which semen is collected for artificial insemination is sold, the seller of such animal must provide a certificate to the new owner stating that semen of the stallions before such sale was collected and in which the names of all previous owners of the animal are indicated and a copy of such certificate must be furnished to the Association.
- 11.9 Subject to the provisions of the Act, the progeny resulting from the use of frozen semen will be eligible for recording or registration provided that-
- 11.9.1 complete details of ownership of the animal concerned have been submitted to the Society;
- 11.9.2 the DNA laboratory number has been submitted to the Society and the Association;
and
- 11.9.3 that all requirements of the Constitution in respect of birth notifications and recordings or registrations are complied with.
- 12. RULES GOVERNING THE COLLECTION OF OVA AND EMBRYO TRANSPLANTS. (E.T.)**
- 12.1 The progeny legally begotten as a result of embryo transplants in accordance with the Act, shall be eligible for recording or registration: Provided that-
- 12.1.1 requirements of the Constitution are *mutatis mutandis* complied with;
- 12.1.2 parentage of every foal resulting from an embryo implant is confirmed by DNA test;
- 12.1.3 the following documents are submitted within 120 days of each ovulation:
- 12.1.3.1 The DNA laboratory numbers of the ova donor, the semen donor and the embryo recipient, and
- 12.1.3.2 a certificate signed by a veterinarian, embryo transferor, or in the case of intra-herd embryo transplant, by the owner or his authorised employee, to the effect that the provisions of the Act have been complied with.
- 12.1.4 the birth notification must be accompanied by a DNA laboratory number of the relevant progeny and a certificate confirming the parentage as recorded;
- 12.1.5 both semen and ova donor for such purposes have been approved by the Council and also shall have the right to limit the number of progeny from a donor resulting from embryo transplanting for recording or registration; and

12.1.6 progeny begotten as a result of embryo transfers will be eligible for recording or registration subject to the inspection of the progeny concerned and complies to the minimum requirements as the Council may determine for the relevant section of the Herd Book.

12.2 Breeders not resident in South Africa who enjoy the privileges of recording and registration under the provisions of the Constitution may apply for the recording or registration of progeny begotten as a result of embryo transplanting 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 inovulation of animals and the maintenance of records shall be effected in such manner as the Association determined from time to time.

12.3 If a mare from which ova is collected for inovulation is sold, the seller of such animal must provide a certificate to the new owner stating that ova of the mare before such sale was collected and a copy of such certificate must be furnished to the Association.

12.4 The Society reserves the right to refuse recommendation to record or register the progeny resulting from embryo transplants should any of these regulations not be fully adhered to.

12.5 The progeny begotten as a result of an embryo transplant and imported *in utero* shall be eligible for recording or registration provided that all requirements of the Constitution are *mutatis mutandis* complied with.

12.6 The requirements for recording or registration will be the same as for imported animals.

12.7 Such imported embryos must be collected in the country of origin by a competent body (approved by the Animal Health Directorate) of ova donors that conforms to the minimum requirements as determined by the Society and approved by the Association of importation of ova and if fertilized such ova must be fertilized with the semen of a stallion which also conform to the minimum requirements as determined by the Society and approved by the Association.

13. IMPORTED OVA

The birth notification of the progeny begotten from an imported Ovum, in accordance with Regulation 12, must also be accompanied by-

13.1 A certificated issued by a recognized competent body in the country of origin on which is indicated-

- 13.1.1 the name, identification, and registration number of the ovum donor.
- 13.1.2 the date and place of collection;
- 13.1.3 the number of viable ova collected from the relevant ovum donor;
- 13.1.4 that ova were collected for export to the area; and
- 13.1.5 the name and address of the importer; and

13.2 In the case of an embryo, also a certificate signed by a recognized competent body in the country of origin on which is indicated-

- 13.2.1 that the fertilisation is brought about by artificial insemination; and
- 13.2.2 the name, identification and registration number of the relevant semen donor as well as the date and place of insemination.

14. REGISTRATION CERTIFICATES

14.1 Alterations or additions registration certificates

Any alteration of or addition to the information or details recorded on any registration certificate, and not initialed by the General Manager of the Association, or any other unauthorized endorsement or comment on such certificate will render such certificate invalid.

14.2 Duplicate registration certificates

14.2.1 The Association may upon written application, after approval by the Society, issue a duplicate registration certificate issued by the Association, if adequate proof can be furnished to the Association that the original is lost, accidentally destroyed, or in the possession of a person who wrongly refuses to hand it over to the person who is entitled to it.

14.2.2 The application of a duplicate registration certificate must be accompanied by a statement by the applicant who must be the owner of the animal concerned. Such application and statement must be addressed to the Secretary accompanied by such fee determined by the Council from time to time.

14.3 Notice of Events that necessitate the cancellation of recordings, registration and birth notifications

If a recorded or registered animal or an animal eligible for recording or registration dies, is castrated or sterilized or been sold for purposes other than breeding, the Secretary must be notified within 30 days of such developments.

14.4 Certificate of extended pedigree

Any person may apply via the Society to the Association for a certificate of extended pedigree with regards to a recorded or registered animal or regarding an animal of which a birth notification has been issued and if possible, such a certificate of extended pedigree will be issued. Every application must be accompanied by the prescribed fee as determined by Council from time to time.

14.5 Export Certificates

Recording– or registration certificates are the export certificates of the Society.

15. DNA TESTS**15.1 Parentage Verification**

Irrespective of the stipulations of Regulation 7, Council reserves the right to at any time demand DNA tests to be performed on any animal for the purpose of parentage verification. The costs in respect of such DNA tests will be borne by the owner. In cases where it is done at the request of the Society and where it is proved to be correct as indicated on the foal notice, the Society will bear the laboratory costs. Should the DNA test show that the details on the foal notification is incorrect, the breeder will be responsible for all the costs. Where a breeder or owner is in doubt as to the identity of an animal and DNA tests are done, the costs must be borne by the person requesting such DNA test.

15.2 Dwarfism Status

From 1 July 2020 no horse will be eligible for 2½ years' inspection if the dwarfism status of the foal is unknown. The said determination must be done by a DNA test and the Society must be in possession of such a dwarfism status profile. If the parentage of both parents has been confirmed and both parents tested negatively as carriers of the ACAN D1, D2, D3 or D4 dwarf gene mutations, the horse may, without his own dwarfism status determination, be eligible for 2½ years' inspection and be considered for registration. Geldings is exempt from this requirement.

16. TRANSFERS

16.1 For all sales or change of ownership of recorded or registered animals or animals eligible for recording or registration or embryo receivers, application must be made for transfer to the buyer or new owner by the seller or transferor who will also be liable for the transfer costs. The Society will submit such applications to the Association.

16.2 Such application for transfer shall be posted, handed over or electronically be notified to the Secretary within 30 days after the date of transfer of the animal concerned, provided should such application be posted, handed over or electronically be notified to the Secretary more than 60 days but within 90 days of the date of transfer, the fees due to the transfer will be double and three times

the prescribed fee.

- 16.3 An application for such transfer being posted, handed over or electronically sent to the Secretary more than 90 days after such transfer, shall be considered and dealt with by Council and may be accepted after payment of such fees as determined by Council.
- 16.4 An application for transfer must be accompanied by the birth notification, recording or registration certificate of the relevant animal reflecting the full names and address of the owner as well as the signature of the seller or transferor and the date of the transfer in the space provided therefore on the certificate.
- 16.5 For the purposes of the foregoing Regulation 16.4 the date of transfer shall be deemed to be the date on which an animal left the possession of the seller or transferor.
- 16.6 If pregnant mares are sold the seller must furnish the buyer with a service or insemination certificate (depending on whether fertilization was brought about natural service or artificial insemination). The service certificate must reflect the identification marks and registration numbers of the relevant stallion and mare as well as the service date.
- 16.7 Change of ownership will be considered to have taken place in the event of -
- 16.7.1 an animal is sold, swapped, or donated;
 - 16.7.2 an animal is inherited;
 - 16.7.3 a partnership is dissolved; and
 - 16.7.4 a stallion which is recorded or registered in the name of two or more owners and any one or more renounces his/ their share in a stallion so recorded or registered or for any reason renounces his/their interest in such recorded or registered stallions.
- 16.8 Should Council be of the opinion that the seller or transferor fails or refuses to take any of the steps to facilitate such transfer and fails or refuses to submit the original recording or registration certificate or birth notification and should the new owner be willing to settle the relevant fees determined by Council, Council may, with the approval of the Association, take such steps that may be necessary to satisfy the buyer or new owner, provided that in such instance penalties as laid down in Regulation 16.2 and 16.3 will be applicable to the new owner.
- 16.9 In cases of transfer from one spouse to another or from parents to children or from children to parents (including grandchildren and those related by marriage), irrespective of whether by virtue of sale, donation or inheritance only half the prescribed fees will be applicable.
- 16.10 If the same person has more than one stud, notice must be given within 30 days to the Society and the Association on the laid down form of the transfer of any recorded or registered animal or animals eligible for recording or registration, from one stud to another in a similar manner as notice of transfer of such animals. Transfer fees will not be payable in such cases.

17. REINSTATEMENT OF ANIMALS IN THE HERD BOOK

Should the birth notification certificate or recording or registration certificate of an animal have been cancelled, such animal will only be reinstated in the Herd Book by recommendation of Council, provided that the application for reinstatement is done by the same person that applied for the cancellation thereof. Such application for reinstatement must be accompanied by the applicable fees as determined by Council from time to time.

18. CANCELLATION OF RECORDING OR REGISTRATION

- 18.1 The Council may request the Secretary to apply to the Association for the cancellation of the recording or registration of any animal that –
- 18.1.1 is incorrectly recorded or registered;
 - 18.1.2 recorded or registered on the basis of false or misleading information provided by the owner;
- or

18.1.3 recorded or registered after the owner failed to adhere to any Regulation for the accurate execution of the relevant recording or registration.

18.2 Before applying for such cancellation of a recording or registration certificate, the Secretary must advise the owner in writing at least 30 days prior to such cancellation being effected, to his latest recorded address, of the intention to do so.

19. EMPLOYEES OF THE SOCIETY

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

