

CONSTITUTION OF THE TULI CATTLE BREEDERS' SOCIETY OF SOUTH AFRICA



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DEFINITIONS

1. When used in this Constitution and bye-laws, unless a contrary meaning is apparent from the context:
 - (a) "Act" means the Animal Improvement Act, 1998 (Act 62 of 1998) or any subsequent legislation having similar objectives than the said Act, and includes the regulations promulgated in terms thereof;
 - (b) "animal" means a Tuli breed registered or suitable for registration in the Herd Book and the words 'cattle', 'calf/calves', 'dam/s', 'female/s', 'bull/s', 'male/s' and 'sire/s' shall have the same meaning;
 - (c) "Association" means the South African Stud Book and Animal Improvement Association, a Registering Authority registered as such under Section 8(7)(a)(ii) of the Act;
 - (d) "birth" means the birth of a calf;
 - (e) "breeder" means a member of the Society who is the owner of-
 - (i) the dam at the date of birth of progeny eligible to be registered;
 - (ii) the recipient dam at the date of birth of the progeny eligible to be registered as a result of an embryo transfer;
 - (iii) an animal accepted to be registered or recorded in the Herd Book;
 - (f) "breed standards" means the written set of phenotypic and/or genotypic standards of excellence for the Tuli breed determined by the Society and to which any animal shall comply, in the sole discretion of the Council, before such animal shall be recommended for recording or registration;
 - (g) "buyer" means the person or persons to whom ownership/joint ownership of an animal is transferred by the seller of such animal;
 - (h) "Constitution" means the constitution inclusive of the bye-laws (excluding the Annexures) of the Society;
 - (i) "Council" means the Council of the Society duly elected in terms of the Constitution;
 - (j) "Department" means the Department or Departments charged with the administration of the Act;
 - (k) "embryo" means a fertilized ovum of an animal;
 - (l) "Herd Book" means the Herd Book of the Society in which shall be recorded or registered, as the case may be, through the Society by the Registering Authority, the details of all animals;
 - (m) "inspector" means a person appointed by Council in the capacity of inspector;
 - (n) "Intergis (Integrated Registration and Genetic Information System)" means the computer system established in collaboration with the Department on which Prefixes are registered in accordance with the Act, and on which registration and performance data can be integrated;
 - (o) "Minister" means the Minister of the relevant Department;
 - (p) "ovum" means the ovum of an animal and includes an embryo;
 - (q) "owner" means the person who –
 - (i) according to the records of the Registering Authority, own/s the animal/s concerned; or
 - (ii) submits proof to the satisfaction of the Council that the animal concerned is eligible to be recorded or 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;
 - (r) “person” shall include a natural or juristic person;
 - (s) “present at a meeting” means to be present in person, or able to participate in the meeting by an electronic communication method approved by Council;
 - (t) “production” means growth and production performance, reproduction and/or function;
 - (u) “recording” means the recording of the details of an animal on the database;
 - (v) “registering” refers to the procedure of registering an animal in the Herd Book, or by which a prefix or Herd Designation Mark is placed on the records of the Registering Authority;
 - (w) “Registering Authority” means an organisation which administers the recording of births and parentage and which is registered as such in terms of Section 8(7)(a)(ii) of the Act;
 - (x) “registrable” the requirements set to approve an animal whose birth is recorded to be suitable for registration on application;
 - (y) “Registrar” means the officer designated as Registrar of Animal Improvement in terms of the Act;
 - (z) “Secretary” means a person or entity approved by Council to do the administrative work of the Society;
 - (aa) “seller” means the person or persons being the owner/joint owner/s of an animal according to the records of the Registering Authority or, in the case of an imported animal, the owner in the country of origin who disposes of such animal;
 - (bb) “semen” means the semen of an animal;
 - (cc) “service provider” means the animal recording organisation nominated by the Society to render production recording services (performance recording), to its members;
 - (dd) “Society” means the Tuli Cattle breeders Society of South Africa;
 - (ee) “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;
 - (ff) “System” means the animal recording system which is the computer system used by the organisation appointed by the Society to administer the Society’s animal recording services;
 - (gg) “Territory” means South Africa and such other countries as the Society may from time to time, with the approval of the Registering Authority, determine;
 - (hh) “written notice”, “in writing” and/or “sent” means any electronic communication method such as e-mail and Whats app or mail and shall be considered valid.
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. OBJECTIVES

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

- (a) to encourage and promote the breeding and the genetic improvement of the production potential of animals in the Territory;
- (b) to maintain unimpaired the purity of the breed in the Territory and promote the interests of the breed by all possible and available means;
- (c) to encourage the collection, preservation and development of 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 production records and visual appraisal for genetic defects and conformation in as far as it is related to functional efficiency. For this purpose, all production data 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 or recorded through the Society by the Registering Authority 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 and encourage/promote 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 regarding their activities related to the breed; and
- (j) to make production data of members involved in the designated Beef Cattle Production recording system available at the request of the Society and subject to the conditions that may be prescribed by the applicable Service Provider: Provided that the Society shall not use the data to the detriment of any member or members or the Service Provider and that the further processing of the data will not be detrimental to the objectives of the designated Beef Cattle Production recording system.

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 a Registering Authority; and
- (b) generally, to do all such acts as a juristic person may by law perform and which the Society may deem necessary for the attainment of its objectives.

- (c) request the Registering Authority to register Prefixes on behalf of the breeders at the organisation appointed by the Department to manage the Intergis.
- (d) As a non-profit organisation, the Society may not:
 - (i) get involved in any activities with the exclusive goal of making a profit;
 - (ii) get involved in any business, professional or occupational activities of its members;
 - (iii) offer any member any financial assistance or ongoing services or facilities needed by a member for running a business, following a profession or pursuing a career.
- (e) The income and assets of the Society shall be applied solely to attain the particular objectives of the Society and promotion of the breed. The members and employees shall have no rights to the property or assets of the Society, simply based on them being members or employees of the Society.
- (f) No part of the Society's income or assets may be transferred or directly allocated to any person, employee or Council Member except for:
 - (i) reasonable remuneration for services rendered to the Society;
 - (ii) compensation for actual costs or reasonable expenses incurred in the interest of the Society.

4. MEMBERSHIP

4.1 Eligibility

Subject to the provisions of Clause 4.2.3, 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 the territory, shall be eligible for membership of the Society as Ordinary Members.

- (a) persons who are active breeders of animals and who record or register such animals in accordance with this Constitution shall be termed Active Ordinary Members. Such members 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.
- (b) all other Ordinary Members shall be termed Non-Active Members. Such members shall enjoy all the rights and privileges of membership, excluding the right to vote at any meeting of the Society, and shall not be eligible to be elected to the Council.

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 Junior Members

Any person under the age of 18 years, who as engaged directly or indirectly, in the breeding of animals, may become a Junior Member on approval of the Council: Provided that a Junior Member may not vote at meetings of the Society, and is not eligible for election to the Council, but upon payment of the scheduled fees may partake in the other activities of the Society;

4.3 Application for Membership

- 4.3.1 Application for membership of the Society must be submitted to the Society on the prescribed form. The application 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.

4.4 Rights and Privileges of Members

Excluding 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 except that a member may authorize another member to vote on a General Meeting on behalf of the member. Such written power of attorney must reach the Society just before the commencement of the meeting to which such proxy must vote. 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 recording or registration of animals in accordance with the provisions of the Constitution;
- (c) to attend all General Meetings of the Society and, subject to Clause 4.2, have the right to vote at such meetings;
- (d) to receive technical advice on Tuli matters from the Society's inspectors and officials, if available. All costs associated with this must be paid by the applicant; 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 Society just before the commencement of the meeting at which such alternate will be present and must vote.

- 4.5.2 All communications addressed to such authorised representative referred to in Clause 4.5.1 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, as set out in Clause 4.5.1, so appointed to represent such company, close corporation, partnership or body corporate shall have full voting powers and shall be eligible for election to Council.
- 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, recordings, 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 All membership fees or any other fees and commissions payable to the shall from time to time be determined by Council and shall be communicated to members for their information 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 written demand by the Secretary for payment to the member, shall automatically forfeit his membership of the Society.
- 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, SUSPENSION 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 to the Society: Provided that-

- (a) 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 Suspension or Expulsion of Members

Council may expel, and/or suspend its services to any member who –

- (a) despite due written notice and demand directed to the member from the Secretary 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 rule of the Society;
- (d) has infringed any rule in the Codes of Conduct (Annexure B) as applicable and determined from time to time by Council;
- (e) has been found guilty of an offence under the Act; or
- (f) 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 suspension or 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 alleged breach is to be dealt with, notified such member in writing of the nature of the complaint and/or offense as well as the date of his proposed hearing, 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.

The Council or any Committee of the Council shall be entitled to properly inquire about the conduct of a member and to receive and act upon such information at such place, person, firm and / or institution and to deal with it in such a way as the Council may approve.

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

- 6.3 Any member who has forfeited his membership or who has been suspended or expelled shall be notified by the Society in writing within a period of three days from the date upon which the resolution effecting his suspension or expulsion was passed, or upon which his membership was forfeited. If services to the member have been suspended, the notification will explain the conditions and period of suspension.
- 6.4 Upon expulsion of a member, Council may at its discretion direct the Society 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 Registering Authority for the cancellation of all recordings and/or registrations effected by it, in respect of animals bred by the expelled member and owned by him at date of his expulsion. The Council shall moreover call upon the expelled member forthwith if applicable, to deliver to the Society the recording- and/or 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 as at the date of his expulsion.

6.8 Annulment of voting powers

- 6.8.1 Any member, excluding members referred to in Clause 4.2.2, 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 Clauses 4.2 and 4.4(c).
- 6.8.2 No member's voting powers shall be lifted provided that he has not been notified in writing at least 30 days prior to the meeting by the Secretary at which such suspension will take effect.
- 6.8.3 Such suspension of voting powers will remain in force until the relevant breeder register Tuli animals again where after the suspension of voting powers will be lifted immediately without any notice to such effect to the relevant breeder.
- 6.8.4 The annulment of voting power will under no circumstance affect any other rights and/or obligations of membership.

7. PERSONAL INFORMATION AND REGISTER OF MEMBERS

- 7.1 The Society may request from all members certain personally identifiable information that may be used to contact or identify its members. This personally identifiable information may include, Email Address, First names and Surname, Passport or ID number, Telephone number, Address, Province, Postcode.
- 7.2 The Society will only use members' personal data in order to provide and improve a service and to achieve its objectives.
- 7.3 The Society has the right to publish the names and contact details of its members from time to time in publications, websites and other media as the Council may deem necessary in the interests of the Society and its members.
- 7.4 The Society shall keep a register of all members reflecting such information as determined by the Council from time to time.
- 7.5 Every member shall communicate in writing to the Society any change of any of his contact particulars, and all communications, notices or publications sent to the recorded address of a member shall be considered as duly delivered to him.
- 7.6 The Society shall submit to the Registering Authority such information as it may require concerning admissions to membership, terminations of membership (for whatever reason), and full contact particulars of members.

8. MANAGEMENT**8.1 Composition and Election of Council**

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

- (a) The President;
- (b) Vice-President
- (c) Treasurer; and
- (d) four members

Provided that at least six of the seven elected members must be South African Citizens.

8.2 Method of Election

If a voting member can not be present at an Annual General Meeting to cast his vote, such a member may in advance appoint a fellow-member as a proxy holder to vote on his behalf. The appointment

must be done in a prescribed form and handed to the Chairman before the meeting.

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 and without voting rights.

8.3.1 Any member co-opted by Council to assist in a specific need or for a specific project.

8.3.2 Any person with specific expertise contracted by Council from time to time to assist Council with advice where needed in the interest of the Society and its members.

8.3.3 The Secretary

The Secretary or in his/her absence a senior official of the Society shall attend all meetings of the Society and shall have the right to participate in the discussions, 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 forfeit his duties as provided for in Clause 8.6, the Council may appoint another member of the Society as his substitute with full powers until the next Annual General Meeting, where a substitute will be elected for the remainder 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, Vice-President or Treasurer becoming vacant before the expiration of the period for which he was elected to the Council, the Council shall at its first ensuing meeting by ballot, nominate persons from among its members and elect one to fill the vacancy for the unexpired portion of that term.

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, who shall hold the powers determined by the Council from time to time, shall consist of the President, Vice-President and Treasurer. All actions or decisions of the Executive Committee must be approved at the ensuing Council Meeting.

9. POWERS AND DUTIES OF COUNCIL

Council shall, subject to the provisions of the Constitution and subject further to the directives of the General Meetings of the Society as given from time to time, have the power to do all such things it deems necessary or advisable in the interests of the Society and for the advancement and attainment of the Society's objectives and in particular shall have the power –

- (a) to appoint, dismiss or suspend such attorneys, or other legal representatives, accountants, 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;
- (e) to lend or borrow money for the purposes of the Society upon security as determined by it; to secure any payment of loans 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 enter into indemnities, guarantees and suretyships and to secure payment there under in any way;
- (h) to co-opt the services of any member of the Society or other person and to appoint 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 inspection of animals submitted 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;
- (j) to set a system of judging and selection regarding inspection of Tuli's and formulate rules, conditions and terms relating to such inspections and in relation to selection: Provided that if the Council recall any such rules or changed in any other way, such rules must be submitted to the next General Meeting of the Society for the information of such meeting.
- (k) to order an investigation by inspectors and/or other officials 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 meetings 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 to members of the Society 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 review or adjust of membership fees, fees or dues, as it may deem necessary, and communicate it to the members for their information at a General Meeting 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 objectives of the Society and towards promoting the Tuli breed;
- (t) to draw up, amend or alter and rescind rules and regulations for conducting the business and carrying out the objectives of the Society, or to frame or amend any annexure or appendix pertaining to the Constitution as may be deemed necessary from time to time, and communicate it to the members for their information at a General Meeting;
- (u) to investigate disputes arising from the application of the Constitution and to give decisions in regard thereto;
- (v) notwithstanding any contrary provisions contained in this Constitution, with the approval of the Annual General Meeting, exempt any provisions of this Constitution or mitigation in cases of merit as decided by Council;
- (w) 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;
- (x) to elect a representative/s to any affiliated organisation as may be requested and to nominate a person or persons to represent the Society on any committee, body or organisation as may be necessary;
- (y) 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 activate payments, sign and receive documents on behalf of the Society, including but not limited to documents, deeds and contracts entered into outside the Republic, receive documents and particulars, take legal action, to act, to institute a claim and to sue or be sued on so that the affairs of the Society may be better and more conveniently executed and dealt with;
- (z) to cancel membership of any person or suspend the rendering of services to a member in accordance with Clause 6;
- (aa) in accordance with Clause 5.3 to refuse inspection, recording, registration and other work for members whose accounts are overdue with the Society;
- (bb) to draw up the minimum breed standards and to lay down other standards and communicate it to the General Meeting for their information, by which:
 - (i) animals shall be inspected;
 - (ii) subject to the provisions of the Act, to consider applications for importation and exportation of animals and approve semen and ova donors in terms of the Act;
- (cc) to determine the financial year end of the Society's;
- (dd) 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: Provided that all decisions taken by the Executive Committee are subject to approval by Council at its ensuing meeting.

10.1.1 A councilor may request the President to personally 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 Councilor to attend the Executive Committee meeting to, with the permission of the Committee, address such meeting.

10.1.2 The President may refuse the request if he is of the opinion that the matter can stand over for discussion during the next Council meeting and ensure that the matter is placed on the agenda of the meeting.

10.2 Council Meetings

10.2.1 Council shall meet at such time and place as decided by the President or in his absence the Vice 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 together with the agenda of such meeting shall be sent by the Secretary to each member of Council.

10.2.4 No resolution of Council in respect of any matter shall be varied or rescinded unless the resolution varying or rescinding the same be passed at a meeting in respect of which not less than 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 financial year at such time and place as may be determined by Council, but not later than six months after the end of the financial year.

10.3.2 At such Annual General Meeting, Council shall submit its annual report, together with compilation financial statements properly drafted by a registered accountant, appointed by the Annual General Meeting.

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);

upon a written requisition signed and addressed to the Secretary, by not less than ten members of the Society. Any such requisition shall specify the objectives of the meeting, and at such meeting only the objectives specified may be discussed.

10.3.4 Not less than 60 days prior to the holding of the Annual General Meeting a preliminary written notice of the time, date and place of the meeting shall be sent by the Secretary to

every member. Any member intending to put forward any matter for discussion at the Annual General Meeting shall give written notice thereof to reach the Secretary not less than 40 days prior to the holding of the meeting. No subject put forward by any member shall be placed 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 written notice of the time, date and place of such meeting together with the agenda of such meeting shall be sent 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: Provided that this exception does not apply to any Constitutional amendments.

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 at Meetings

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, unless otherwise provided in this Constitution, 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.

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 any member present in which event voting shall be by secret ballot.

In the case where electronic votes do not ensure total secrecy, independent auditing will be used which will serve as secrecy of the electronic votes.

10.7 Invalidity of Decisions

No business properly and constitutionally transacted at any meeting may be invalidated 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 present at any Executive Meeting shall form a quorum for such meeting.

10.8.2 Three Council members present at any Council meeting and who is entitled to vote shall form a quorum for such meeting.

10.8.3 Five of the members 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 General 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 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 an hour shall be without prejudice to the rights of the meeting after dealing with such urgent business to adjourn to a time, date and place as herein provided.

- 10.8.5 When a meeting has been thus adjourned, a notice shall be sent to all relevant members within seven (7) days after the adjournment, in which shall be stated the time, date and place to which the meeting has been adjourned and the reason for the adjournment.

10.9 Minutes of Meetings

- 10.9.1 A copy of the minutes of all General Meetings shall be sent to all members of the Society. Council members will receive copies of the minutes of Council and any meetings of subcommittees shall be sent to all persons serving on Council and 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 electronic transfer, approved by the Treasurer or such person or persons as Council may authorise thereto in terms of Clause 9(y): 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 from time to time by Council, and provided that the total sum necessary for the payment of such accounts is drawn by way of a debit card, used only by a person authorised by Council.
- 11.3 Council shall cause proper books of account of income and expenditure to be kept in respect of the Society. Authorised persons handling any funds through debit or credit cards, shall be responsible to provide proof of any payments made.
- 11.4 All the property of the Society shall be vested in Council.
- 11.5 The income and property of the Society, from whatever source derived, shall be applied solely to the promotion and furtherance of the objectives of the Society, and with the exception of discounts, 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 a Registering Authority and shall maintain such membership on the conditions set out in the constitution of the Registering Authority; and
- (b) may further by a majority vote of at least two-thirds of the members present, voting and entitled to

vote at any General Meeting, affiliate with or incorporate any association, society or organisation having aims and objectives kindred to those of the Society.

13. AMENDMENTS TO THE CONSTITUTION

- 13.1 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.
- 13.2 In terms of Section 12 of the Act, any additions or amendments to the Constitution must be submitted to the Registrar within thirty (30) days after such additions or amendments have been approved by the General Meeting.
- 13.3 Should the Registrar deem any additions or amendments to be inconsistent with the Act, he must notify the Society in writing thereof within thirty (30) days after receiving it, in which case such additions or amendments shall be invalid.
- 13.4 If no objections are received from the Registrar, any additions or amendments to the Constitution only take effect after the thirty (30) days meant in Clause 13.3 have expired.
- 13.5 The conditions mentioned in Clause 13.4 having been met, any amendment to the Constitution must be submitted by the Society to the Registering Authority and the Commissioner for the South African Revenue Service.

14. OFFICE OF THE SOCIETY

The office of the Society shall be at any location as may be determined by Council from time to time, subject to confirmation by the ensuing General Meeting of members.

15. DISSOLUTION OF THE SOCIETY

If, upon the winding up or dissolution of the Society there remains, after the satisfaction of all its debts and liabilities, any property whatsoever, such property shall not be paid to or distributed amongst the members of the Society, but shall be given or transferred to such other institution or institutions having objectives similar to those of the Society as may be determined by a majority decision of a General Meeting of the Society; Provided that such other institution or institutions is itself exempt from income tax in terms of section 10(1)(cA)(i) of the Income Tax Act.

16. 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.

17. EMPLOYEES OF THE SOCIETY

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

18. DELEGATION OF POWERS

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

19. NON-MEMBERS

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

20. AUTHENTIC VERSION OF CONSTITUTION

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

BYE - LAWS

1. HERD BOOK

1.1 General

- 1.1.1 The Society shall ensure that the Registering Authority keep record of all registered Tuli cattle and that the Herd Book shall be divided into three main sections, namely-
 - (a) the Basic Section,
 - (b) the Appendix Section; and
 - (c) the Studbook Proper Section (SP) of the Herd Book.
- 1.1.2 The progeny begotten from multiple sires shall only be considered where parentage is confirmed by a recognised DNA test. The parentage of “Not for Registration” animals shall be accepted provided that it has been determined by DNA tests and submitted within six months after birth.
- 1.1.3 Production recording is compulsory for animals born from 1 July 2013. Only Basic animals or animals with the permission of Council do not need to have production data to be approved.
- 1.1.4 From 01 January 2023 all herd sires must have a genomic profile and paternity verification is mandatory.

1.2 Basic Section

- 1.2.1 A Basic animal must have a SP sire/dam from any commercial bull/heifer and must be Tuli characteristics. Any female which complies to the minimum breed standards and which possesses the phenotypical *cum* genotypical characteristics of a Tuli, shall after inspection and approval be eligible for recording in the Basic Register of the Herd Book.
- 1.2.2 Female animals that conform to the Tuli Breeders’ Society colour prescription and which conform to the functional efficacy and type prescriptions may be recorded into the basic register after inspections and approval by the Council.
- 1.2.3 The female progeny of a Basic female animal and an Appendix B bull may be recorded into the Basic Register after inspection and approval by the Council.

1.3 Appendix Section

1.3.1 Appendix A

- 1.3.1.1 The female progeny of a Basic female animal and a SP which comply with the minimum breed standards and in respect of which all other registration requirements have been met or has been proven by means of a genomic test to cluster as a pure Tuli shall be eligible for registration in the Appendix A section of the Herd Book.
- 1.3.1.2 Female progeny of an Appendix A female animal and an Appendix B bull which comply with the minimum breed standards and in respect of which all other registration requirements have been met shall be eligible for registration in the Appendix A section of the Herd Book.
- 1.3.1.3 Exception: where for a number of years only SP registered Tuli bulls have been used within a commercial herd, the female progeny, after paternity was verified by DNA and after inspected by the Society’s Inspectors and approved by the Council be eligible for registration in the Appendix A section.

1.3.2 Appendix B

The progeny of an Appendix A female animal mated to a SP bull which has already been

approved and which comply with the minimum breed and production standards and in respect of which all other registration requirements have been met shall be eligible for registration in the Appendix B section of the Herd Book.

The progeny of an Appendix B female animal and an Appendix B bull shall after inspection and approval be eligible for registration in the Appendix B section.

1.4 Studbook Proper Section (SP)

For this section of the Herd Book, the following animals, if they meet the minimum breed and production standards and all other registration requirements, are eligible for registration –

- (a) All progeny of Appendix B females mated to SP bulls which has already been approved.
- (b) All progeny of Appendix B bulls mated to SP females which has already been approved.
- (c) All progeny of SP animals which has already been approved.

2. PREFIX AND HERD DESIGNATION MARK

- 2.1 No animal shall be accepted for recording or registration unless the breeder has previously, requested the Society to register on his behalf, through the Registering Authority, a Prefix for his exclusive use at the organisation appointed by the Department to manage Intergis, by which all animals bred by him and eligible for recording or registration shall be designated. A Herd Designation Mark must furthermore be registered with the Society 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 Society and recorded by the Registering Authority 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 Society and shall be accompanied by such fee as may be prescribed from time to time by Council or by the Registering Authority.
- 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 Constitution of the Registering Authority.

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 recording or registration in the Herd Book and in the records of the Registering Authority: 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 after birth.
- 3.4 Identification marks, once affixed to an animal, even if wrong, faint or illegible, shall under no circumstances be corrected, improved or altered in any respect without the prior written consent of the Society.
- 3.5 In the event of a breeder making a mistake when marking a calf, or in the event of a mark becoming

defaced or illegible, the owner of the animal shall report the fact to the Society in writing, and the animal shall be re-marked in the presence of an inspector appointed by Council, after such inspector has satisfied himself as to the correctness of the identity of the animal.

- 3.6 The insertion of any other code or tattoo mark whatsoever in the ears or body of an animal, by the breeder or owner or his agent, is strictly prohibited and animals with such marks, may be subjected to disqualification.
- 3.7 Except for the possible compulsory mark/branding of animals as regulated by legislation or the voluntary mark/branding of animals registered in the Studbook Proper section of the Herd Book with the registered brand of the Registering Authority for production recording achievement, or as prescribed or affixed by the relevant service provider of a production recording test or service, the branding of any other brand whatsoever on an animal, by the breeder or owner or his agent, is strictly prohibited and the recording and/or registration of any animal so marked shall be liable to cancellation.
- 3.8 No animal shall be sold or transferred unless clearly marked.

4. NAMES

- 4.1 No animal will be eligible for entry in the Herd Book unless the animal is clearly marked and explicitly provided with a name or number, which represents the name: Provided that the Council shall have the right to refuse any application in respect of an animal which in its opinion cannot be clearly identified or is misleadingly named.
- 4.2 The name shall include the prefix registered in favour of the breeder, and inclusive of the prefix, no name may exceed four words and exclusive of the prefix, shall not exceed 20 digits.
- 4.3 The name of any animal, once accepted for recording or 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, recorded or registered or eligible for recording or 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 recorded or registered number of the sire, the name and recorded or 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 recording or registration in the herd book once paternity 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 Registering Authority.
- 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 recording or registration; Provided that all requirements of the Act and the Constitution have *mutatis mutandis* been complied with.
- 6.2 Irrespective of the provisions of Bye-law 6.1, where different bulls are used for the supply of semen for the artificial insemination of the same female at two consecutive heat periods less than 21 days apart, no resultant progeny shall be eligible for recording or registration unless the paternity has been confirmed by DNA 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 Registering Authority reserve the right to refuse to record or 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 recording or registration of animals under the provisions of the Constitution, may apply for recording or registration of progeny begotten by A.I.: Provided that the semen is obtained from a source approved by the Society and the Registering Authority, 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 recording or registration: Provided that –
 - (a) complete details of the ownership of the sire concerned have been submitted to the Society;
 - (b) the official DNA test laboratory number of the animal has been submitted to the Society;

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 recording or 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 Council;
 - (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 in ovulation –
 - (i) the official DNA test 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 from an imported Ovum, the following evidence and documents issued by a competent body in the country of origin are submitted to the Society 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 profiles of both donors; and
 - (v) evidence that both donors' standard of excellence meets the requirements as may be determined by Council from time to time;

- (e) a birth notification in respect of an animal resulting from E.T. is submitted as referred to in Bye-law 9.2;
- (f) parentage must in each instance be confirmed by DNA test or any other proven scientific method of confirming parentage unless otherwise determined by the Society and the Registering Authority; 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 the Registering Authority, 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 Registering Authority reserve the right to refuse to record or register the progeny resulting from E.T. should any of these rules or the provisions of the Act 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 DNA.

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, except in the case of multiples who are not born on the same day.

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 Registering Authority of the birth of the calf, whether it be born dead or alive or otherwise.

9.2 All births shall be notified in the format as approved by the Registering Authority within 90 days after birth.

9.3 Notwithstanding Bye Law 9.2, the Registering Authority may accept a notice of birth for registration which reaches the Registering Authority more than 90 days after the birth of the calf: Provided that the notice also includes the fine.

9.4 Records shall be kept by the Registering Authority 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 to the Registering Authority, and of such other details as may be determined by the Society.

9.5 The birth notification is subject to the breeder's full responsibility for accepting the pedigree, breeding details and permanent identification of the animal or animals in the birth notification and that all the requirements of the Constitution regarding birth notifications have been met.

9.6 In the case of an animal imported *in utero*, the birth notification must be accompanied by a certificate duly signed by a competent body in the country of origin and indicated-

- (a) the identity of the sire, as indicated by the said documents, is correct; and
- (b) that the sire conforms to the recording or registration, minimum breed and production standards and other requirements as may be determined by Council.

10. CONFIRMATION OF PARENTAGE

- 10.1 In order to confirm the parentage of a recorded or registered animal or an animal suitable for recording or registration, the Society shall have the right to at any time insist on a DNA test or any other proven scientific method of confirming parentage—
- (a) as a routine procedure, on a basis to be determined by the Registering Authority from time to time; and
 - (b) in any case of doubt.
- 10.2 In respect of the DNA test referred to in Bye-law 10.1(a) the Society will bear the cost of the first parentage control test nominations and thereafter the breeder will be responsible for the costs of all successive parentage control tests.
- 10.3 In respect of the DNA test referred to in Bye-law 10.1(b) the owner or the Society, as may be determined by Council, shall bear the costs of DNA tests required.

11. REQUIREMENTS FOR REGISTRATION

11.1 General

- 11.1.1 (a) Inspection shall be a prerequisite for the recording or registration of South African bred or imported animals and except by special permission of Council or in the case of bulls that completed an approved growth test, no animal shall be recorded or registered under the age of 12 months.
- (b) Production recording**
Production recording will be compulsory from 1 July 2013 (See Production Standards-Annexure A).
- 11.1.2 Except as provided for in Bye-law 11.2.1 no application for registration or recording of a South African bred animal shall be considered unless –
- (a) details of its birth have been duly recorded or were accepted for registration or recording 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 has been recorded or registered with the Registering Authority.
 - (c) the sire and the dam at the time of service was 12 months old and a DNA test sample of the sire is on record.
- 11.1.3 No animal, which does not comply with the minimum breed and production standards, shall be eligible for recording or registration.
- 11.1.4 Any animal of which the particulars recorded at birth or accompanying information or data 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 Registering Authority; and
 - (b) be endorsed by the Society to the effect that all the requirements of the Constitution in respect of recording or registration have been met.
- 11.1.6 No female animal from a mixed multiple birth shall be eligible for recording or registration unless her ability to breed has been confirmed either by parturition, a DNA test or any other proven scientific method of confirming fertility.

11.2 Imported Animals

- 11.2.1 An imported animal or one resulting from imported semen or an embryo shall be eligible for recording or registration provided the provisions of the Constitution have *mutatis mutandis* been complied with.
- 11.2.2 A pedigreed animal imported into the Territory shall be eligible for recording or registration provided that the application for recording or registration is received within three months of arrival and accompanied by –
- (a) a certificate of recording or registration or an export certificate reflecting a two-generation expanded pedigree issued by a body responsible for recording and/or registration (or body recognized by the Society and the Registering Authority) in the country of origin;
 - (b) evidence to the effect that the animal concerned conforms to the recording or registration, minimum breed and production standards, 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 recording, registration or export certificate;
- 11.2.3 Recording or registration certificates shall be issued by the Registering Authority, at the request from the owner 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 recording or 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 recording or 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 recording or registration as determined by the Council.
- 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 Registering Authority –
- (a) of the names, identification and recording or 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 PRODUCTION REQUIREMENTS

12.1 Minimum Breed and Production Standards

Minimum breed and production standards (as set out in Annexure A) shall be a prerequisite for recording and registration and shall be determined from time to time by Council.

12.2 Inspections and Duties of Inspectors

- 12.2.1 Council will appoint inspectors according to Bye-law 9 (i), to inspect or classify, on application by breeders, all animals eligible for recording or registration. All imported animals must be inspected. The necessary arrangements for such inspection must be made between the owner and the Society.

12.2.2 Council will appoint inspectors to inspect all animals eligible for recording or registration and shall satisfy themselves that the age, identification, and other details as appearing on the said application, inspection list 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 breed and production standards as determined by the Council from time to time. Any difference or contradiction can disqualify such an animal and cause the animal to be cancelled.

12.2.3 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 18 months, except for bulls who completed an approved growth test and must be inspected after 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. Upon inspection an animal may be approved, rejected or downgraded.

12.2.4 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.

12.2.5 Any breeder dissatisfied with an inspector's decision may lodge a written appeal to the Society 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. If not, the appellant forfeits his deposit and is responsible for all costs incurred by the board of appeal.

12.2.6 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.

12.2.7 Special inspections or classifications can only be carried out with permission of the Council; Provided that inspectors are available and the applicant agrees to pay the fees in respect of special inspections as laid down by the Council from time to time and the travel and other expenses of the inspector.

12.2.8 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.

12.2.9 Inspectors employed by the Society may not accept instructions from members or non-members to negotiate the buying or selling of animals nor may they accept any commission arising from sales or purchases of animals: Provided that breeders who are appointed as inspectors shall not be subject to this rule.

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

13. RECORDING OR REGISTRATION CERTIFICATES

13.1 Issuing of Certificates

- 13.1.1 Registration certificates will be issued by the Registering Authority in the form as decided by the Society and the Registering Authority. Members can print these certificates as well as certificates of extended pedigrees, directly from the Registering Authority's system.
- 13.1.2 The owner of an animal can request a printed registration certificate or five-generation export certificate in writing from the Registering Authority at a cost determined by the Registering Authority from time to time.
- 13.1.3 Data in respect of production recording, processed by the relevant Service Provider, may appear on the certificates.
- 13.1.4 Registration certificates issued by the Registering Authority in respect of animals begotten by A.I. and E.T. shall bear the letters "AI" and "ET" respectively behind the names of the animals appearing on such certificates.
- 13.1.5 When a registered bull is sold to a non-member, the Registering Authority will send a registration certificate to the buyer, provided that the seller provides the Registering Authority with the name and address of the buyer.
- 13.2 No alteration or addition to the essential recording or registration information or particulars of any animal officially recorded by the Registering Authority or any endorsement or remark on printed certificates shall be allowed without prior written consent from the Society.

13.3 Cancellation of a Recording or Registration and Reinstatement of Animals

- 13.3.1 Council may direct the Secretary to apply to the Registering Authority for the cancellation of the recording or registration of any animal which has –
 - (a) been registered or recorded by mistake;
 - (b) been registered or recorded on the strength of false or fraudulent information supplied by the owner;
 - (c) been registered or recorded after the owner has failed to comply with any relevant Bye-law;
 - (d) failed to meet minimum standards as may be determined by Council from time to time of the Society;
 and to notify the breeder or owner accordingly.
- 13.3.2 The Registering Authority must be informed within 30 days of the cancellation and/or endorsement of an animal if not calved before reaching the age of 39 months or in the case of a heifer not born in the owners breeding season, and not calved before the age of 39 months, or after its death, sale for slaughter, culling, castration, spaying or other circumstances changing the status of recorded or registered animals.
- 13.3.3 In the event of the cancellation of an animal such an animal may be reinstated in the records of the Registering Authority only on recommendation of the Society: The owner of an animal may at any time apply through the Society to the Registering Authority for the reinstatement of an animal cancelled by him. The reinstatement of any such animal shall be effected upon payment of such fee as may be determined by Council from time to time.
- 13.3.4 No progeny of an animal of which the recording or registration has been cancelled in terms of Bye-Law 13.3.1, shall after date of cancellation qualify for recording or registration.
- 13.3.5 The system will automatically notify the breeder in advance of animals that will be cancelled

that do not meet the minimum breed standards. Such a breeder may appeal to the Society.

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 recorded or 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 registered or recorded male animal 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 Registering Authority in writing of the identification of the animal concerned, and full particulars of the new owner; 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 later than 30 days, but less than 90 days after such transfer is received by the Society, or more than 60 days, but less than 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 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 Registering Authority as well as the buyer in writing with 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;
 - (b) a recipient dam, the application for transfer shall be accompanied by the birth notification or application for registration information and other information in compliance with Byelaw 6.
- 14.5 Should the seller or transferor for any reason whatsoever fail or refuse to take any steps to effect such transfer, including failing or refusing to provide the relevant recording or registration information in writing 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 in writing to that effect, duly signed by the buyer and the seller concerned, is made to the Society.

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 Registering Authority to refuse registration unless the male parentage is confirmed by means of a

DNA test or any other proven scientific method of confirming parentage acceptable to the Registering Authority.

- 15.2 The Society may request the Registering Authority 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 Registering Authority has refused to accept applications from any person, the Society may, in addition, request the Registering Authority to cancel any or all previous entries made in the Herd Book on behalf of such person.
- 15.4 The Society shall not take any action under Bye-laws 15.2 and 15.3 except after an investigation by a commission consisting of the President and/or Vice-President and two other members appointed by Council, and in accordance with the recommendation of that commission.

16. IMPORTATION AND EXPORTATION OF ANIMALS, SEMEN OR OVA

- 16.1 Applications to import or export animals, semen or ova shall, in terms of the Act, be submitted in duplicate on forms available from the Registrar, to the Society, together with the prescribed fee. The Society shall forward one copy together with its recommendation thereto, and the required documents reflecting the details referred to in Bye-law 16.2, to the Registrar and the Registering Authority.
- 16.2 Council shall determine minimum breed standards and other requirements for the importation and exportation of animals, semen and ova in terms of Clause 9(bb) 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 recording or registration.

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