

CONSTITUTION
OF THE
SOUTH AFRICAN VLAAM HORSE
BREEDERS' SOCIETY

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CONSTITUTION

OF THE
SOUTH AFRICAN VLAAM HORSE BREEDERS' ASSOCIATION

DEFINITIONS

1. When used in this constitution and unless a contrary meaning is not apparent from the context, the words have the following meaning –
 - (a) "Act", the Animal Improvement Act, 1998 (Act No 62 of 1998) and includes the regulations promulgated in terms thereof;
 - (b) "animal", a South African Vlaam horse registered or eligible for registration in the Herd Book, and the words "stallion/s", "mare/s", "horse/s" and "foal/s" shall have the same meaning;
 - (c) "Association", the South African Stud Book and Animal Improvement Association;
 - (d) "birth", the birth of an animal;
 - (e) "breed", the South African Vlaam horse breed;
 - (f) "breeder", a Member of the Society who is the owner of-
 - (i) the dam at the date of birth of an animal;
 - (ii) such animal during first date of acceptance for registration in the first section of the Herd Book; or
 - (iii) the recipient mare of such an embryo at the date of birth of a foal as a result of an embryo transfer;
 - (g) "buyer", the person or persons to whom ownership or joint ownership of an animal is transferred by the seller of such animal;
 - (h) "Constitution", the Constitution (inclusive of the Regulations) excluding the Annexures of the Society;
 - (i) "Council", the Council of the Society duly elected in terms of the Constitution;
 - (j) "Department", "the Department of Agriculture in the National Government;
 - (k) "embryo", a fertilised ovum of an animal;
 - (l) "Foal Book", the Foal Book of the Society in which the particulars of all South African Vlaam Horse fillings are recorded in respect of which birth notifications were submitted;
 - (m) "Herd Book", the South African Vlaam Herd Book in which the details of all animals are entered by the Society;
 - (n) "inspector", a person appointed by the Council for the purpose of inspector;
 - (o) "INTERGIS", the Integrated Registration and Genetic Information System established in conjunction with the Department in which Prefixes and Suffixes are registered according to the Act and in which registration and performance data can be integrated;
 - (p) "Minister", the Minister of responsible for agriculture;

- (q) "ovum", the ovum of an animal and also includes an embryo;
 - (r) "owner" the person who-
 - (i) according to the records of the Association is the owner of such animal; or
 - (ii) who has submitted proof to the satisfaction of the Council that such animal is eligible to be so registered in his /her name;
 - (s) "register", the procedure by which the Association registers animals in the Stud Book Proper and Appendix sections of the Herd Book, or by which a prefix is placed on record by the Association;
 - (t) "Registrar" the official designated as Registrar of Animal Improvement in terms of the Act;
 - (u) "Secretary", the Secretary of the Society;
 - (v) "seller", the person or persons who, according to the records of the Association, are the owner/joint owners of an animal, or in the case of an imported animal, the owner in the country of origin, who sold such an animal;
 - (w) "semen", the semen of an animal;
 - (x) "Society", South African Vlaam Horse Breeders' Society;
 - (y) "a South African animal" (for the purpose of registration), an animal born in or en route to South Africa, provided that an animal born from an imported ovum shall be regarded as an imported animal;
 - (z) "Territory", South Africa and such other countries as the Society may determine from time to time with the approval of the Association;
2. Other words, abbreviations and terms used in this Constitution, which are not defined above, and to which a certain meaning is assigned to in terms of the Act, shall have the same meaning 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, words in the singular shall include the plural, and words in the plural shall include the singular.

**CONSTITUTION
OF THE
SOUTH AFRICAN VLAAM HORSE BREEDERS' SOCIETY**

1. NAME OF THE SOCIETY

The Name of the Society is the South African Vlaam Horse Breeders' Society.

2. OBJECTIVES

2.1 Subject to the provisions of the Act and of this Constitution, the objectives and powers of the Society are –

- (a) to encourage and to promote the breeding and the 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 registration of pedigrees with the Association, the import and export of animals, semen and ova, technical -, advisory and inspection services or in any other way;
- (b) to maintain the purity of the breed in the Territory, and promote interest in the breed by all possible and available means;
- (c) 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 registration by the Association;
- (d) to compile a Standard of Excellence for the breed;
- (e) to secure competitive showing classes for the breed and to ensure that competent judges are appointed to judge the breed; and to convince agricultural societies and others of the desirability and necessity of appointing only judges recommended by the Society;
- (f) to promote the sale of the animals; and
- (g) to provide counselling to improve the breed in co-operation with the Association and the Department;
- (h) to in general do everything in its power to promote the interests of its members with regard to their activities in respect of the breed; and
- (i) to gather and distribute information on the best way in which breeding of the breed is best performed and most advantageously expanded and continued and to keep members informed of scientific and other developments.

2.2 The Society –

- (a) may not engage in any profitable activity; or participate in any business, professional or occupation carried on by any of its members, nor provide any of its members any financial assistance or of any premises, continuing services or facilities which its members may need for the purpose of carrying on any business, profession or occupation by them; and
- (b) does not have the power to conduct business, including, *inter alia*, ordinary trading operations in the course of business, speculative transactions, diminishing of dividends actions, as well as the purchase of property for its leasing on a systematic or regular basis.

3. POWERS OF THE SOCIETY

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

- (a) carry out such functions and perform such duties as are imposed upon it under the Act and by virtue of its membership of the Association and its incorporation in terms of the Act; and
- (b) generally, to do all such acts similar to those which a legal entity may by law perform for the attainment of its objectives.

4. MEMBERSHIP

4.1 Eligibility

Subject to provisions of Clauses 4.2.4, membership of the Society shall be limited to persons above the age of 18 years.

4.2 Categories of Membership

Membership will consist of the following members -

4.2.1 *Ordinary Members*

Persons resident in South Africa who are engaged, directly or indirectly in the breeding of animals shall be eligible for membership of the Society as Ordinary Members. For the purposes of this sub clause a company, private company, close corporation, partnership or other legal entity shall be deemed to be a person and be eligible for Ordinary Membership of the Society.

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 Council:

Provided that –

- (a) persons are actively involved in the breeding of animals and register such animals in accordance with this Constitution and/or are the owner of a registered horse, shall be termed Active Ordinary Members; and
- (b) all other Ordinary Members shall be termed Non-Active Ordinary Members and shall not have the right to vote, excluding persons referred to in Clause 4.2.2.

4.2.2 *Honorary Life Members*

For special services in the interest of the Vlaam 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 Council: Provided that no person shall be eligible for Honorary Life Membership unless recommended by Council.

4.2.3 *Special Honorary members*

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

4.2.4 *Junior members*

Any person under the age of 18 years may become a Junior Member on approval of Council: Provided that a Junior Member may not vote at meetings of the Society and is not eligible for election to Council. After paying the fixed fees, they may participate in other activities of the Society.

4.3 Company, Private Company, Closed Corporation, Partnership or Other Legal Entity

- 4.3.1 A company, private company, closed corporation, partnership or any other 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 alternative representative in writing. Such written nomination must reach the Society not later than before the start of the meeting at which such alternative representative must vote.

In respect of a partnership, the full names and addresses of all partners at the time of application for membership must be given to the Society and such partners shall be jointly and severally liable for all obligations towards the Society.

- 4.3.2 All communications addressed to such authorised representative referred to in Clause 4.3.1 shall be deemed to be duly served upon the company, private company, close corporation, partnership or legal entity, and at all meetings at which such authorised representative is in attendance on behalf of the company, close corporation, partnership, body corporate or legal entity, such company, close corporation, partnership, body corporate or legal entity shall be deemed to be duly represented.
- 4.3.3 The principal person so appointed as set out in Clause 4.3.1 to represent such company, private company, close corporation, partnership, or legal entity, shall be eligible for election to Council.
- 4.3.4 Should such company, private company, close corporation, partnership, or legal entity cease to comply with the requirements of Ordinary Membership as laid down in Clause 4.2, its membership of the Society shall be terminated, and the provisions of Clause 4.3.5 shall *mutatis mutandis* apply in respect of such company, private company, close corporation, partnership or legal entity.
- 4.3.5 The liquidation of a company, private company or close corporation or the dissolution of a partnership, or other legal entity, shall automatically result in the termination of its membership of the Society: Provided that-
- (a) all amounts owing to the Society as at the date of liquidation or dissolution shall be recoverable by the Society from the liquidator of such company, private company or close corporation, or from the members (either jointly or severally) of such partnership or other legal entity;
 - (b) the liquidator of such company, private company or close corporation and the members of such partnership or other legal entity, shall be obliged to discharge all the obligations of such company, private company, close corporation, partnership, or legal entity, in respect of registrations, transfers or any obligations the company, private company, close corporation, partnership, or other legal entity, would have had to discharge as a member of the Society; and
 - (c) whatever fees may become due and payable in respect of herd fees, registrations, transfers or other obligations which necessarily must be fulfilled after such automatic termination of membership, shall be levied on the scale payable by Ordinary Members or Life Members.

4.4 Registered Breeders

4.4.1 Any person, including a company, private company, close corporation, partnership or other 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, shall be eligible to register as a Registered Breeder.

4.4.2 Excluding registered breeders resident in other areas outside South Africa, registered breeders resident in South Africa and Namibia will be entitled to –

(a) vote at a general meeting, and

(b) be elected to Council, and

all the rights, privileges and obligations of members shall *mutatis mutandis* apply to all members who apply to be registered with the Society or who were previously registered with the Society as a registered breeder. Registered Breeders are *ipso facto* liable for the Association fees.

4.5 Application for Membership

4.5.1 Application for membership of the Society must be made to the Society on the prescribed form (Annexure B). The application must also be accompanied by the relevant subscription and / or entrance fees as set out in the Schedule of Fees of the Society (Annexure A).

4.5.2 An application for membership must be accompanied by the necessary proof that the particular requirements are met.

4.5.3 The Council may accept the membership application of any person either unconditionally or on such conditions as it may determine, or it may refuse it: Provided that reasons for such refusal will be provided.

4.5.4 An applicant whose membership application 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 shall keep a register of all members in which must be entered the date of admission to membership, their postal address, email address and all contact details, amounts paid by them and the date of payment, amounts in arrears, if any, which may be due and as well as the date on which the last animals were registered in their name.

5.2 Each member must notify the Society in writing within one month of a change of his postal address, email address and contact details and all notices or publications sent to a member's registered address shall be considered as duly delivered to him.

5.3 All documents sent by registered mail or by electronic mail to members by the Society shall be considered binding.

6. RIGHTS AND PRIVILEGES OF MEMBERS

Excluding executives of deceased estates, curators of insolvent estates and liquidators of companies or private companies, the rights and privileges of every member of the Society shall be personal to himself and shall not be transferable either by his own act or by operation of law.

Rights of members shall, subject to the provisions of Clause 4 and 8.3, include the following:

- (a) to receive all reports and other matters published by the Society for distribution amongst members;
- (b) to attend all general meetings of the Society and have the right to vote at such meetings;
- (c) to apply for the registration of animals in accordance with the stipulations of the Constitution;
- (d) to, when available receive all expert technical advice regarding the breed from the Society's inspectors and officials. All costs in this regard must be defrayed by the applicant;
- (e) to consult and use the Society's official reports; and
- (f) to enjoy all rights and privileges and duties as set out in the Society Constitution.

7. MEMBERSHIP FEES AND FEES

- 7.1 The amounts payable to the Society in respect of all membership fees, or any other fees and commissions is determined by the Council from time to time and shall be presented to members at the ensuing Annual General Meeting of the Society for approval.
- 7.2 The annual membership fees shall become due and payable in advance on the 1st of March each year, and shall be deemed to be in arrear, if unpaid on 31st May of the same year.
- 7.3 Any member whose membership fees are in arrears on 31st May, shall forfeit his/her voting rights at the subsequent Annual General Meeting.
- 7.4 Prospective members will only qualify to vote at the Annual General Meeting if the application for membership was acknowledged by the secretary before or on 31 May and membership fees have been paid in full.
- 7.5 New members joining the Society after 31 May will be charged pro-rata, and with joinder membership will be transferred to the following year. Joining date remains the date of joining.
- 7.6 Any member whose-
- (a) subscription is in arrear; or
 - (b) who is indebted to the Society in respect of any other fees or commissions in respect of any monies or duties for a period longer than 30 days after a demand for payment thereof has been addressed to him by the Secretary, shall thereafter cease to enjoy any of the rights and privileges of membership until such time as such debts has been paid.
- 7.7 The Council may instruct that interest and/or penalties be charged and collected on all arrear accounts at a rate determined by Council from time to time.
- 7.8 Any member who, for any reason whatsoever, has ceased to be a member of the Society shall remain liable for all amounts due by him to the Society, as at the date on which his membership ceased.
- 7.9 Should the account of a member be in arrears as determined by the Council or be in arrears on termination of his membership, such member shall, if his account is handed over to a firm of attorneys for collection, be liable for payment of all resulting legal fees, collection fees, attorney's fees and client fees in addition to the principal amount, fines and penalties owed by him to the Society.

8. RESIGNATION, EXPULSION AND ANULMENT OF MEMBERS' VOTING RIGHT

8.1 Resignation of Members

Any member may resign from the Society by giving not less than one month's written notice prior to the financial year end; Provided that-

- (a) such resignation shall immediately be effective; and
- (b) No membership fee or portion thereof shall not be refunded; and
- (c) all moneys owing to the Society have been fully paid, and furthermore that such member has discharged all his obligations in respect of documents, records, 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 Council may expel a member who-

- (a) failed to make payment of monies due by him to the Society within 60 days after a written notice for such settlement, signed by the Secretary, has been posted or sent by electronic mail to him;
- (b) has infringed any provision of the Constitution or any rule of the Society, or who has acted in any manner which, in the opinion of the Council, is improper or harmful to the character of, or may be prejudicial to the interests of the Society;
- (c) by virtue of his conduct or lack thereof brought disrespect to the Society or that is guilty of conduct that is actually or potentially harmful to the objectives of the Society;
- (d) has intentionally or for personal gain or advantage submitted false information to the Society or any of its officials, or judges at shows, or who made such changes to the body of an animal to deceive any person; or
- (e) attempted to bribe an employee of the Society; or
- (f) has been found guilty of an offence under the Act;

PROVIDED THAT no proceedings for expulsion shall be initiated against any member of the Society unless the Society has, at least 60 days prior to the date of the Council meeting at which such expulsion is to be dealt with, addressed a registered letter to such member notifying him of his proposed expulsion, and calling upon him, if he so wishes, to present, either personally or through his duly authorised representative, his side of the case at such meeting of Council.

8.2.2 The Council or any Committee of the Council shall be entitled to inquire properly in relation to the conduct of a member and to receive and deal with such information from such place, person, firm and/or institution in such a way as the Council may deem fit.

The ordinary rules regarding the delivery of evidence will not apply to such *bona fide* inquiry and no member will have any action, claim and/or right of recovery against the Council or its Committee in connection with any matter and / or action resulting from such inquiry or information obtained.

- 8.2.3 Any member who has been expelled shall be notified thereof by the Society in writing within a period of fourteen (14) days from the date on which the decision regarding his expulsion was approved.
- 8.2.4 Upon expulsion of a member, Council may direct the Secretary to remove the member's name from the Herd Book and any other registers or records of the Society, and to apply to the Association for the cancellation of all registrations relating to the animals bred by and in possession of the suspended member at the time of his expulsion. The Council may moreover call upon the expelled member to forthwith deliver to the Society the registration certificates in respect of horses owned by him at the date of his expulsion and after such date no horses bred by him will be 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 shall be responsible for fully settling all outstanding monies owed by him to the Society or such expelled member shall be obliged to meet all obligations in respect of registrations and transfers or any other obligations pertaining to his membership.
- 8.2.6 Any person expelled as member of the Society, shall remain responsible for all membership fees and other monies owed by him to the Society at the time of his expulsion.

8.3 Annulment of voting Powers

- 8.3.1 Any member, excluding members referred to in Clause 4.2.2, who does not comply with the conditions as set out in Clause 4.2.1 (a) shall forfeit his voting rights referred to in Clause 6 (b).
- 8.3.2 The voting right of no member shall be lifted if he has not been notified by the Secretary in writing at least 60 days before the meeting on which the annulment comes into effect.
- 8.3.3 Such annulment of a members' voting rights shall remain in force until he registers horses again or owns registered horses, in which case the annulment of voting rights will immediately be lifted without need of further notice to him.
- 8.3.4 The annulment of voting rights in the manner described herein will have no effect on the other rights and/or responsibilities regarding membership.

9. REINSTATEMENT AS A MEMBER

Any person who has ceased to be a member of the Society may thereafter again be considered for membership in accordance with Clause 4.4 and after all arrears have been settled.

10. ELECTION OF THE COUNCIL AND EXECUTIVE COMMITTEE

10.1 The affairs of the Society shall be managed by a Council consisting of the following five members to be elected yearly in terms of Clause 10.3 at the Annual General Meeting called for that purpose:

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

- 10.2 Only persons who have been members of the Society for a minimum period of two (2) years shall be eligible for election to Council.
- 10.3 **Voting Procedures**
- (a) Election shall be by secret ballot. Such voting paper shall contain no number and/or signature to reveal the identity of the voter.
 - (b) Members so elected shall hold office until the first Annual General Meeting after their election, when two members as determined by the drawing of lots, will retire. During the second Annual General Meeting, after the election, the member longest in office shall retire and thereafter, at each Annual General Meeting, the one or two members shall retire respectively.
 - (c) All retiring Council members are eligible for re-election and serve for two years.
 - (d) A member elected as President or Vice-President may not serve for longer than four (4) consecutive years, but shall be eligible for re-election for a period of one year after such term. The retiring President may, after the expiry of his term, be co-opted to serve on Council for one year.
- 10.4 Should any member of the Council die, resign or cease to be a member of the Society, or forfeit his office in terms of Clause 10.6, the Council may appoint another member of the Society as his substitute with full powers 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.
- 10.5 In the event of the office of President or Vice-President becoming vacant before the expiration of the term for which he was elected, the Council shall at its first ensuing meeting nominate members and elect one by ballot to fill the vacancy for the unexpired portion of that term.
- 10.6 Members of the Council absenting themselves from two consecutive meetings without leave, or other satisfactory reasons, shall automatically vacate their seats.
- 10.7 In addition to the five elected members on the Council, the following persons will also serve on Council in an advisory capacity, but without the right to vote-
- (a) The Minister shall nominate an official of the Department to represent him, in terms of the Act;
 - (b) For exceptional services rendered to the breed, persons may at an Annual General Meeting be proposed and elected as Honorary Life Vice-Presidents: Provided that the proposal is approved by at least three quarters of the voting members present at the meeting; and
 - (c) The Secretary who shall attend all meetings of the Society and have the right to participate in any discussions at such meeting, but without the right to vote at such meeting, unless he/she is also a member of the Society.
- 10.8 The Executive Committee of Council, which holds powers as determined by the Council from time to time, shall consist of the President, Vice-President and one member elected annually by Council. All actions or decisions of the Executive Committee shall be approved at the ensuing Council Meeting.

11. POWERS AND DUTIES OF COUNCIL

Council shall, subject to provisions of this Constitution and subject further to the directions of the General Meetings of the Society as given from time to time, have the power to do all such things as are in the interest of the Society, or for the advancement and attainment of the Society's objectives that which it may deem necessary or advisable and in particular shall have the power –

- 11.1 to secure by any means the payment of all loans including the hypothecating or pledging of goods without interfering in the generality thereof, in particular through the issuing of debentures or debenture stocks, with or without security;
- 11.2 to lend money to any person or company;
- 11.3 to enter into indemnities, guarantees and suretyship and to secure payment thereunder in any way;
- 11.4 to make donations or grants;
- 11.5 to undertake and execute a trust;
- 11.6 to pay gratuities and pensions and to establish pension and other incentive schemes for its office bearers and employees;
- 11.7 from time to time, subject to the provisions of Clause 7, to adjust or revise membership fees or dues and to prescribe any such additional fees or dues 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, make or execute any bill of exchange, promissory note, cheque or other negotiable instrument-in connection with the conduct of the Society;
- 11.9 to purchase, hire, take on lease or acquire for the purpose of the Society, buildings, land, goods or movable assets and property and 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 to best advantage of the Society;
- 11.10 to invest, or in any other manner deal with any moneys not immediately required for the purposes of the Society, upon such securities and on such terms as it may deem fit and, from time to time, to change or realise any such investments; Provided that: funds available for investment may only be invested with registered financial institutions as defined in section 1 of the Financial Institutions (Investment of Funds) Act, 1984, and in securities listed on a licensed stock exchange as defined in the Stock Exchange Control Act, 1985, (Act No. 1 of 1985).
- 11.11 to pay all costs and charges in connection with the administration and management of the affairs of the Society;
- 11.12 to collect and receive monies, donations and, other dues and funds and to devote same towards the objectives of the Society and/or towards promoting the breed;
- 11.13 to borrow money for the purposes of the Society upon security of any property of the Society;
- 11.14 in terms of Clause 7.3 to refuse to inspect, register and do other work for members if they owe money to the Society;
- 11.15 to convene general 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;

- 11.16 to appoint or dismiss such auditors, attorneys, or other legal representatives, agents, officers or officials or other employees permanently, temporarily or for special services as it may deem fit and 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, or settle 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 reduce any debt or allow for time for payment thereof or the satisfaction of any claims by or against the Society;
- 11.18 reduce any debt payable, or postpone its payment or any claim or entry by or against the Society;
- 11.19 to engage in contracts outside the RSA and to negotiate contracts, deeds and documents in foreign countries;
- 11.20 to appoint inspectors for the examination of animals submitted for registration, and for such other purposes as members of the Society may require the service of 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; or discharge them;
- 11.21 to order an investigation by inspectors and/or 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 an animal, 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 expedient. The President and Vice-President of the Society are ex officio members of all sub committees with all rights and privileges. Additional members may be co-opted on Council, but such co-opted members shall not have voting rights on the Council;
- 11.23 to set up such rules and conditions regarding the qualifications and nomination of judges of the breed, as may be deemed necessary. Provided that no person shall be appointed as a judge of the breed until he complies with such requirements as may be determined by the Council. Further, from time to time, to reconsider the panel of judges and to remove such names as may be deemed necessary;
- 11.24 to introduce a judging and selection system for the animals and to formulate the rules, conditions and terms of such inspections and regarding selections: Provided that when any such rules are revoked by Council or changed in any other way, such rules shall be tabled at the ensuing general meeting for the information of such meeting.
- 11.25 to organise and promote animal sales, either by public auction or private treaty and for such purposes to appoint auctioneers and agents;
- 11.26 to grant leave of absence to any member of the Council or any official or employee of the Society, for such period and upon such terms as it may in each case determine;
- 11.27 for the better and more convenient carrying out and fulfilment of the business of the Society to appoint one or more members or officials with power and authority to sign and receive

- documents, papers and processes, take legal action, to act, sue and be sued on behalf of the Society;
- 11.28 to appoint in terms of Clause 16 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; to nominate persons under Clause 4.2.2 as honorary life members, to elect special honorary members under Clause 4.2.3 and to propose, in terms of Clause 10.7 (b), the election of an honorary life vice-president;
- 11.30 to draft, amend or rescind rules and regulations for conducting the business and carrying out the objectives of the Society;
- 11.31 to cancel membership of any person in terms of Clause 8;
- 11.32 to from time to time, impose or enforce such penalties or punishments as may be determined for members of the Society for the violation or transgression of the Constitution, as well as the rules and regulations of the Society;
- 11.33 to investigate disputes arising from the appliance of the Constitution and to give decisions in regard thereto;
- 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 Breed Standards and lay down minimum requirements and other standards by which :
- (a) animals may be inspected by inspectors for the purpose of registration; and
 - (b) subject to the provisions of the Act, applications for the importation and exportation of animals, semen and ova shall be considered.
- 11.36 to from time to time review the Standard of Excellence and make recommendations to the Annual General Meeting;
- 11.37 generally to perform all such acts as may be necessary for the welfare of the Society and the conduct of its affairs, provided always that any action taken, or instructions given, shall not be contrary to the terms of the Act and the Constitution;

12. MEETINGS

12.1 Executive Committee Meetings

The executive committee shall meet when necessary to execute the duties as assigned to it by the Council.

12.1.1 A council member may request leave from the President to personally put matters of interest before the Executive Committee. Provided that he comprehensively put in writing the nature of the case. If the Chairman decides that the matter is of sufficient importance and urgency, he may grant permission that such a council member may attend the Executive Committee meeting to address the meeting, with consent of the Committee.

12.1.2 If the Chairman does not consider the matter of sufficient interest, he may refuse leave to attend and, if he so judges, ensure that the matter is placed on the agenda.

12.2 Council Meetings

12.2.1 The Council shall meet at such time and place as is determined by the President, or in his absence, by the Vice President. Provided that not less than two Council meetings shall be held in each financial year.

12.2.2 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 by not less than three Council members and addressed to the Secretary, stating the reasons for such meeting.

12.2.3 Not less than 21 days prior to the holding of a Council meeting, written notice of the time, date and place of such meeting shall be posted or sent by electronic mail by the secretary to each member of the 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 in a financial year at such time and place as may be determined by the Council.

12.3.2 At such Annual General Meeting, the Council shall submit its annual report to the Society, together with a duly audited balance sheet and report of the financial year. Such annual general meeting must be held –

- (a) not later than six months after the end of each financial year of the Society (28 February of each year); and
- (b) within a maximum of 15 months after the last preceding Annual General meeting of the Society.

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

- (a) the Council; or
- (b) the President (or in his absence by the Vice-President); and shall in this instance, be called by way of a written request addressed to the Secretary, and signed by not less than 10 members of the Society. Such request must clearly stipulate the objectives of the meeting and at such meeting only the stipulated business may be discussed.

12.3.4 Not less than 60 days prior to the holding of the Annual General Meeting a preliminary notice of the time, date and place of the meeting shall be posted or sent by electronic mail by the Secretary to every member or published in the official mouthpiece 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 not less than 40 days prior to the holding of the meeting.

12.3.5 Not less than 30 days prior to the holding of any General Meeting a final notice of the time, date and place of such a meeting together with the agenda of such a meeting shall be posted or sent by electronic mail to each member of the Society.

12.3.6 No resolution shall be taken at a General Meeting unless notice thereof appears in the agenda, which was sent to the members together with the notice calling the meeting, unless such a meeting agrees by two-thirds of the members present and entitled to vote that any matter not specifically on the agenda, shall be discussed and voted upon, regardless the provisions of Clause 12.3.3(b).

12.3.7 Any General Meeting may be adjourned by a two-thirds majority vote of the members present thereat.

12.3.8 To rescind any resolution taken at an Annual General Meeting of the Society, a two-third majority vote at a general meeting shall be required.

12.4 Chairperson at Meetings

The President, or in his absence, the Vice-President, shall preside at all meetings. Should either of these office-bearers be absent from any meeting, the members present thereat shall elect another member to preside at such a meeting, and any person so elected shall in relation to that meeting, have the power to fulfil all the duties of the President.

12.5 Resolutions

Any matters discussed at any meeting shall, unless provided otherwise, be resolved by a majority vote of members present and entitled to vote, and in the event of a tie of votes, the person who holds the chair at that meeting will have a casting vote in addition to his ordinary vote.

12.6 Voting Procedures

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

12.7 Invalid Resolutions

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

12.8 Quorums

12.8.1 25% of the members of the Society who are personally present at the commencement of any General Meeting shall form a quorum for such meeting.

12.8.2 Three Council members personally present at any Council meeting and entitled to vote shall form a quorum at such Council meeting.

12.8.3 Two members of the Executive Committee that are personally present at any meeting of the Executive Committee 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 to a time (not being less than 7 days thereafter) and place determined by the members actually present. At such an adjourned meeting the members present shall form a quorum: Provided that any meeting with no quorum, but at which the President or Vice-President is present, shall stand adjourned for half an hour whereafter 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. Such an 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.

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 the Council and subcommittee meetings shall be supplied to all Council members.
- 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 on behalf of the Society in which all monies whatsoever received by the Society shall be deposited.
- 14.2 All payments from the funds of the Society shall be effected by cheque or by electronic transfer, ~~{and cheques must be signed}~~ approved by the Secretary or a person appointed by Council and co approved by such a person or persons as Council may authorise thereto in terms of Clause 11.27; Provided that nothing herein contained shall prevent Council from maintaining and operating a petty cash fund, or from paying in cash such ordinary and usual monthly accounts as do not in total exceed a sum determined by Council, and provided further that the total sum necessary for the payment of such accounts is drawn by cheque.
- 14.3 Council shall keep proper books of account that shall be audited from time to time, but not less than once every year by a registered chartered Accountant appointed by Annual General Meeting of the Society, and a duly audited balance sheet and statement of the financial position of the Society as at 28 February of the financial year to which the report relates, as referred to in Clause 12.3.2, shall be submitted to the Annual General Meeting of the Society.
- 14.4 All property of the Society shall be vested in the Council.
- 14.5 The income and property of the Society, from whatever source derived, including profits or gains, shall be applied solely to the promotion and furtherance of the objectives of the Society, and no part thereof shall be paid or transferred, directly or indirectly by way of dividend or bonus or otherwise, to any persons who at any time are or were members of the Society: Provided that nothing herein contained can prevent the payment in good faith of remuneration to any employee or other person for services rendered to the Society.
- 14.6 If, upon the winding up or dissolution of the Society there remains, after the satisfaction of all its debts and liabilities, any property whatsoever, such property shall not be paid to or distributed amongst the members of the Society, but shall be given or transferred to such other institution or institutions having objects similar to those of the Society as may be determined by a majority decision of a General Meeting of the Society.
- 14.7 The financial year of the Society shall commence on the 1st of March each year and end on the 28th February of the following year.

15. MEMBERSHIP OF THE ASSOCIATION AND AFFILIATIONS

The Society shall maintain its Membership of the Association in terms of the provisions determined by the Association and may by a majority vote of at least two-thirds of the members personally present at any General Meeting of the Society and entitled to vote, affiliate with or incorporate any Association, Society or Organisation with similar aims and objectives 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 shall elect a representative or representatives to the Annual General Meeting of the Association from Active Ordinary Members or Life Honorary Members.

17. AMENDMENTS TO THE CONSTITUTION

17.1 The Constitution may be added to or altered by a majority resolution approved by not less than two-thirds of the members present, entitled to vote and voting at a General Meeting of the Society. Each member of the Society must receive written notice, not less than 30 days prior to the meeting, of the proposed alterations or amendments of the Constitution as well as of the meeting itself.

17.2 Such addition to, or amendment of the Constitution, that has been approved in the manner as prescribed in Clause 17.1 hereof, must within 30 days after such amendment has been effected, be provided to the Association for submission to the Registrar: Provided that should the Registrar find such addition and amendment inconsistent with the provisions of the Act, the Society will be advised accordingly in writing within 30 days upon which such addition and amendment will be null and void.

17.3 Any amendment to the Constitution must be submitted to the Commissioner of the South African Revenue Service.

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, authorise another person to sign on his behalf any birth notifications, applications for registration or transfer, certificates of transfer, certificates 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.

19. NON-MEMBERS

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

20. OFFICE OF THE SOCIETY

The office of the Society shall be at a place as determined by the Council.

21. AUTHENTIC VERSION OF THIS CONSTITUTION

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

GENERAL REGULATIONS

1. HERD BOOK

The Society will ensure that the Association keeps record of all registered SA Vlaam horses and that the Herd Book, which will be known as the SA Vlaam Horse Herd Book, will consist of the following two sections, being:

- (a) An Appendix Section, and
- (b) Studbook Proper Section

1.1 Appendix Section

1.1.1 Appendix A

- (a) Any animal which originates from a herd of which the breeder can give satisfactory proof of origin to the Council and which conforms to the minimum breed standards or any animal with the required genotype *cum* phenotype composition, shall be eligible for registration in the Appendix A Section.
- (b) When registered stallions, which are owned by non-members, are used by members such progeny shall qualify to be registered as an Appendix A animal.
- (c) Animals recorded as F1 shall be re-classified as Appendix A and registered as such.
- (d) Animals recorded as F2 to F4 of which the parents' details are not on record, shall be re-classified as Appendix A and registered as such.

1.1.2 Appendix B

- (a) The progeny of Appendix A mares begotten from matings with Appendix A, B or Studbook proper stallions, shall be eligible for registration in the Appendix B Section of the Herd Book: provided that they comply with the minimum breed standards and all other registration requirements have been met.
- (b) Animals recorded as F2 of which the parents' details are on record, shall be re-classified as Appendix B and registered as such.
- (c) Animals recorded as F3 and F4 of which the parents' details are on record, shall be re-classified and shall be eligible for registration in the Studbook Proper Section.

1.2 Studbook Proper Section

- (a) The progeny of Appendix B mares begotten from matings with Appendix B or Studbook Proper stallions, which comply with the minimum breed standards and all other registration requirements, shall be eligible for registration in the Studbook Proper animal.
- (b) The progeny from matings by a Studbook Proper mare with a Studbook Proper stallion, shall be registered as Studbook Proper animals in the Herd Book.

- (c) Animals recorded as F3 of which details of both parents and all four grandparents are on record, shall be re-classified and registered as Studbook Proper.
- (d) Animals recorded as F4 to F6 of which the details of all grandparents are on record shall be re-classified and registered as Studbook Proper.

2. PREFIX AND DESIGNATION MARK

- 2.1 No animal shall be accepted for birth recording or registration unless the Society has previously, on behalf of the breeder, through the Association, registered for his exclusive use a prefix at the organisation who manages the INTERGIS on behalf of the Department, on the INTERGIS, by which all animals which are bred and registered, shall be designated.
- 2.2 Application for the registration of such a prefix through the Association, shall be made to the Society and shall be accompanied by such registration fees as may be prescribed from time to time by the Association and the Act.
- 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 provided for in the general Regulations to the Constitution of the Association and according to the provisions of the Act.
- 2.4 The herd designation marks will be allocated to breeders by the Society upon their application. Breeders however, have the right to retain herd designation marks assigned to them prior to the approval of this Constitution.

3. IDENTIFICATION

- 3.1 The Society's official system of permanent identification of horses eligible for registration in the Herd Book, is a microchip or a tattoo.
- 3.2 All foals born alive shall before wean, but at 6 to 8 months of age, be identified with approved microchips.
- 3.3 When an animal is identified and the microchip becomes defective so that the animal cannot be identified, the microchip may under no circumstances be replaced unless the Secretary gives prior written consent.
- 3.4 If a breeder commits an error with the identification of a foal, or when the microchip has been lost, the owner of the animal must notify the Secretary in writing thereof and the animal will then be microchipped again in the presence of an inspector appointed by the Council for this, after such inspector is convinced of the true identity of the animal.
- 3.5 If both parents of foals with white spots are Vlaam horses, one selector can do the selection at six (6) to eight (8) months. All stallions with white spots must be castrated.
- 3.6 If one of the parents of a Vlaam horse is unknown, the horses are selected by two selectors at a central point at two and a half years (2½ years), otherwise travel costs as determined from time to time by the Council shall apply.
- 3.7 If a horse, of which both parents are unknown, is presented for selection, the selection must be done by three (3) selectors, at a central point. The horses must be two and a half years old (2½ years). The owner will be responsible for all costs including travel expenses as determined from time to time by the Council.
- 3.8 A horse must score at least 70% to pass selection.

- 3.9 No owner may be present during the selection of his horse.
- 3.10 Horses that are recoded in the Foal Book of the Society and who have been identified with a microchip, will be eligible for final selection as described in Regulation 3.5 to 3.8.
- 3.11 No animal may be sold and transferred if it is not identified with a microchip.
- 3.12 The age of any foreign horse presented for inspection must be proven, either with a certificate issued by a veterinarian or any other certified proof.
- 3.13 All foals of inspected foreign horses (or of which one of the parents is foreign), must from 2018 be inspected at six months of age by three inspectors. If the inspectors cannot reach a decision, they can decide that such a foal is eligible for re-selection at a later stage.

4. NAME

- 4.1 No animal will be eligible for entry in the Herd Book unless it is clearly marked; and expressly provided with a name or number representing the name. The Council has the right to refuse any application in respect of an animal which, in its opinion, is not clearly marked or has a misleading name.
- 4.2 No name, including the prefix, may exceed 30 characters.
- 4.3 The name of any animal, once it is registered, cannot 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.
- 4.4 Registered or recorded horses of other breeds will be entered under the same name in the books of the South African Vlaam Breeders Society with an indication after the name of the animal's original breed.

5. NOTIFICATION OF BIRTHS

- 5.1 The breeder of a foal born from a registered dam, or from a dam eligible for registration, shall notify the Society of its birth, whether it be born dead or alive, is pure or crossbred or retained for registration or otherwise.
- 5.2 All births shall be notified on the prescribed birth notification form (Annexure G), properly completed in all respects and signed by the breeder and sent to the secretary not later than 30 days after the date of birth of the foal for submission to the Association.
- 5.3 Notwithstanding sub-regulation 5.2, the Council may accept a birth notification which reaches the Secretary more than 30 days but less than 90 days after the birth of a foal, if the notification is otherwise correct. Provided that the notification also includes the penalty that may be prescribed by the Council from time to time (Annexure A). Notifications of a birth received by the Secretary more than 90 days after the birth of a foal will only be accepted subject to the approval of the Council and the payment of a penalty as determined by the Council.
- 5.4 In the event of multiple births, the breeder shall in addition to the particulars ordinarily required, also record on the birth notification form of each foal the name and sex of the other foal or foals.
- 5.5 Each breeder will keep a stock of birth notification forms bound in book form and numbered sequentially and available on request by any breeder from the Secretary at a fee to be determined from time to time.

- 5.6 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. The breeder shall keep all copies in the bound book in such manner that it is available for control purposes at all reasonable times. Entries in birth notification books shall be done in sequence and no duplicate may be torn out of the book or be destroyed.
- 5.7 Upon receipt of a valid required birth notification of a live foal, which is not destroyed, 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.
- 5.8 In cases where foals, eligible for registration, are sold or otherwise alienated, the Society must be notified within 30 days of the sale or disposal thereof of -
- (a) the date of sale or alienation; and
 - (b) full name and address of the buyer.
- 5.9 The provision of Regulation 5.8 also applies to suckling foals sold or alienated with their mothers, always taking into account the fact that the births of such sold foals have been reported by the breeder to the Society.
- 5.10 The Council shall ensure that record of all births of foals (whether born alive or dead) are kept on behalf of each breeder, of which the breeder has duly notified the Secretary and of such other particulars as may be deemed necessary.
- 5.11 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 registration, or declined or cancelled.

6. SERVICE AND INSEMINATION CERTIFICATES AND JOINT OWNERSHIP OF STALLIONS

6.1 Service-/Insemination Certificates

- 6.1.1 If a pregnant mare, is sold, the seller shall supply the buyer with a service certificate (in instances of natural mating) or an insemination certificate (in instances of artificial insemination). The service certificate must provide the identification marks and registration numbers of the stallion and mare concerned, and the date of service.
- 6.1.2 In the case of the exact service date being unknown, the service certificate must state the period during which the dam concerned was running with the sire indicated and further that such a dam could not have been served by any other sire during such a period.

6.2 Joint ownership of stallions

- 6.2.1 When a stallion is transferred to joint owners, the full name and address of each joint owner shall be on record at the Association as well as the Society.
- 6.2.2 If a female animal owned by another breeder than one of the co-owners of the Stallion is covered by the stallion, a service certificate as required by Regulation 6.1 must be signed on behalf of all co-owners, by at least one of the co-owners.
- 6.2.3 The joint ownership and use of a stallion is subject to the provisions of the Act.

7. GESTATION AND INTER FOALING PERIODS

The gestation period acknowledged for the breed is approximately 340 days. The minimum acceptable gestation period shall be 310 days, and the maximum period shall be 360 days. No gestation period outside of these parameters shall without special approval of the Council, be acknowledged unless parentage is verified by means of DNA tests. The minimum acceptable period between the birth dates of two consecutive foals from one mare is 315 days.

8. REQUIREMENTS FOR REGISTRATION

- 8.1 No South African bred South African Vlaam Horse will be eligible for registration unless proper notice of birth was submitted and both parents of such animal are registered with the Association, excluding animals mentioned in Regulation 1.1.1 (a).
- 8.2 Except as provided in Regulation 1.1.1(a), no application for registration of a South African bred South African Vlaam horse will be accepted for registration unless the Sire and Dam were accepted by Council and were identified at the time of the birth of the foal.
- 8.3 No animal shall be eligible for registration that does not comply with the minimum standards as laid down by the Council.
- 8.4 If there is any doubt about the particulars appearing on the birth notification / application for registration and the accompanying service certificate of an animal, the animal may in the opinion of the Council be excluded from registration.
- 8.5 The 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 sales, deaths, castration, sterilizations, etc. failing which, further entries may be disqualified or refused by the Council. Breeders may at any time be called upon by the Inspector to submit such records for inspection.
- 8.6 The Birth notification/application for registration shall contain the following declaration-
"I declare that the pedigree, breeding particulars and identification marks 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, are complied with."
- 8.7 No birth notification/application for registration of an animal imported *in utero* will be recommended by Council unless the dam is registered with the Association and unless such application is accompanied by:
 - (a) 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
 - (b) proof that the parents comply with the requirements as determined from time to time by the Council.
- 8.8 Application forms in respect of horses resulting from artificial insemination or inoovulation shall be endorsed accordingly. The registration certificates issued by the Association in respect of any animals resulting from artificial insemination or inoovulation must carry the abbreviation "AI" or "ET" respectively after the name of the animal on all such registration certificates.
- 8.9 An imported animal shall be eligible for registration provided that the application for registration is accompanied by-

- (a) a certificate of registration or an export certificate issued by a relevant authority in the country of origin;
 - (b) evidence to the effect that the animal concerned conforms to the requirements as determined from time to time; and
 - (c) a complete two generation expanded pedigree.
- 8.10 Indelible identification marks on all imported animals for which an application for registration is submitted, must match those on the registration and/or import certificate and which is to the satisfaction of the Society and the Association. Where no identification marks appear, proof of identity must be provided to the satisfaction of the Society and the Association.
- 8.11 Every application for registration of an imported animal must be accompanied by a statement from the applicant stating that –
- (a) the applicant/s is/are the *bona fide* importer/s of the purebred animal concerned;
 - (b) a permanent identification mark as indicated on the registration and/or export certificate appears on the animal;
 - (c) the animal was sold and left the possession of the seller on the date indicated and that the animal was shipped and/or transported to South Africa on the date indicated; and
 - (d) the animal arrived at the destination on the date indicated.
- 8.12 Registration certificates shall be issued by the Association for all imported animals.
- 8.13 Progeny of registered mares or mares eligible for registration begotten by artificial insemination, in accordance with the requirements of the Constitution and the Act, with imported semen, will be suitable for registration provided an acceptable extended two-generation pedigree and a DNA certificate of the semen donor is submitted to the Society and the Association.
- 8.14 In accordance with the provisions of the Act, the Registrar shall not authorise the importation of any animal, semen or ova unless –
- a) it is applied for in the prescribed manner and in such form as the Registrar may determine;
 - b) the application is accompanied by such document as is prescribed or determined by the Registrar;
 - c) the prescribed fees have been paid in the prescribed manner; and
 - d) it is recommended by the Council and endorsed by the Association.
- 8.15 No such authorization for import shall be recommended by the Council unless the standard of the animal concerned or that of the donor of the semen or ova concerned (also, in the case of an embryo, the donor of the semen which fertilises the ovum of which said embryo originated) meet the requirements for registration of an imported animal; Provided that such information is certified by an approved body in the country of origin.
- 8.16 Applications for the registration of imported animals or the registration of animals begotten from imported semen or ova shall be accompanied by authentic export certificates issued by

such competent authority in the country of origin as approved from time to time by the Society and the Association.

- 8.17 The relevant export certificate will indicate the complete details of breeding, age and identification –
- (a) of the exported animal, as well as the necessary information regarding its transfer from the breeder and / or its owner to the name (s) of the person (s) on whose behalf registration is requested; and
 - (b) in the case of a mare covered before export, it will be accompanied by a service certificate signed by the owner (or his duly authorized representative), of the stallion which covered the mare and which has been registered in a herd book approved by the Society and the Association; and
 - (c) In the case of a mare that has been inseminated before export, it will be accompanied by an artificial insemination certificate signed by the inseminator and the owner (or his duly authorized representative) of the mare: the semen donor must be registered in a Herd book approved by the Society and the Association.
- 8.18 In the case of an animal begotten by imported semen or an imported ovum, the export certificate concerned shall indicate, respectively, the full details of the inbreeding, age and identification of the donor of the semen/ovum, as well as that of the breeder and/or owner of the donor concerned after the name of the importer.
- 8.19 Application for inspection and registration of imported animals must be made within 90 days of their arrival in the country.

9. INSPECTIONS AND DUTIES OF THE INSPECTORS

- 9.1 The Council shall appoint Inspector/s to select all animals as determined by Council.
- 9.2 Inspectors will apply the selection rules as laid down (Annexure 1).
- 9.3 An inspector shall inspect each animal eligible for registration in Appendix A, after proof of the birth notification has been presented to him for each animal, except in the case of the progeny of mating of registered SA Vlaam horses. He has to ensure that the colour, identification, age, etc. of the animal is correctly stated and corresponds to the animal presented for inspection. Furthermore, he must, to his satisfaction, ensure that the animal complies with the breed standard in all respects and with minimum performance requirements as determined from time to time by the Council. Any discrepancy or contradiction may disqualify such animal for registration in the Herd Book and will be reported to the Council.
- 9.4 Any foal with white markings and with an obvious defect must be brought to the attention of the Secretary. Such animal is subject to inspection.
- 9.5 The inspector may, in his opinion, hold back any animal for inspection until the next visit.
- 9.6 Any breeder who is not satisfied with an inspector's decision may lodge an appeal with the Secretary within three weeks after such inspection took place. Such appeal must be accompanied by a deposit, as determined from time to time by the Council. A board of appeal appointed by the Council of the Society and consisting of at least three persons will then inspect the animal or animals concerned and if the appeal is upheld, the deposit will be refunded. If not, the appellant forfeits his deposit and is responsible for all additional costs.
- 9.7 Breeders will be notified well in advance of the date and time of the inspectors intended visit.

- 9.8 Special inspections can only be carried out with permission of the Executive Committee if the applicant pays the travel and other costs of the inspector and if the inspector is available.
- 9.9 An inspector/s acting on the instructions of the Council, may without previous notice, from time to time carry out a general inspection of any herd.
- 9.10 An inspector/s may not accept inspection instructions or commission from breeders or non-members during their inspections to negotiate the buying and selling of animals.
- 9.11 No breeder may act as inspector of his own animals.
- 9.12 Inspection fees as may be determined from time to time will in all cases be payable by the applicant.

10. ANIMAL RECORDS

- 10.1 Horses that are recorded in the Foal Book and that comply with the stipulations regarding inspection and registration as laid down by the Regulations, are recorded in the Herd Book.
- 10.2 The Herd Book will contain the number, the sire and dam`s numbers, the date of birth, the name of the breeder and owner, the date of inspection and details of the classification of each animal therein.
- 10.3 Upon application by the Society, registration certificates will be issued by the Association in respect of all animals entered in the Herd Book. Such certificates will show the details of the microchip and the pedigree.

11. RULES GOVERNING ARTIFICIAL INSEMINATION (A.I.)

- 11.1 All animals which have been begotten through A.I. in accordance with the Act shall be eligible for registration: Provided that all requirements of the Constitution pertaining to registration have *mutatis mutandis* been complied with.
- 11.2 No birth notification of animals begotten in such manner shall be accepted by the Society as eligible for registration, unless it is endorsed "Begotten by A.I.".
- 11.3 Irrespective of the provisions of Regulation 11.1, where different stallions are used for the supply of semen for the artificial insemination of the same female less than 50 days apart, no resultant progeny shall be eligible for registration unless the male parentage has been confirmed by a DNA test or any other proven scientific method of confirming parentage.
- 11.4 The Society reserves the right through its officers to supervise and/or inspect the keeping of meticulous records regarding the application of A.I. by its breeders.
- 11.5 The Society and the Association reserve the right to refuse to register the progeny resulting from A.I. should any of the rules and regulations of the Society not be fully adhered to.
- 11.6 Breeders resident in the Territory outside South Africa who enjoy the privileges of registration of animals under the provisions of the Constitution, may apply for registration of progeny begotten by A.I.: Provided that the semen is obtained from a source approved by the Society, and provided further that the collection of semen, the handling thereof, the insemination of the animals and the maintenance of records shall be effected in such manner as may be approved by the Society from time to time.

- 11.7 Subject to the provisions of the Act, individual breeders have the right to collect, freeze and store unlimited quantities 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 stallion 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 Article 7(5) of the Act, the progeny resulting from the use of frozen semen will be eligible for registration: Provided that –
- (a) complete details of the ownership of the animal concerned have been submitted to the Society and the Association;
 - (b) the DNA laboratory number of the animal concerned is on record with the Society and the Association; and
 - (c) all requirements of the Constitution in respect of birth notification or registration are complied with (where applicable).

12. RULES GOVERNING COLLECTION OF OVA AND EMBRYO TRANSFERS (E.T.)

- 12.1 The progeny legally begotten as a result of embryo transplants in accordance with the Act, shall be eligible for registration: Provided that –
- (a) all requirements of the Act and the Constitution are mutatis *mutandis* complied with.
 - (b) Parentage of every foal resulting from an ovum implant is confirmed by a DNA test;
 - (c) the following documents are submitted to the Association within 120 days of each in ovulation -
 - (i) The DNA laboratory numbers of the ova donor, the semen donor and the embryo recipient; and
 - (ii) a certificate signed by a veterinarian, an embryo transferor, or, in the case of intra-herd E.T., by the owner or his full-time employee, to the effect that the provisions of the Act have been complied with;
 - (d) the birth notification must be accompanied by a DNA laboratory number of the relevant progeny and a certificate confirming that the stated parentage is correct;
 - (e) both semen and ova donor for such purposes have been approved by the Council, which shall also have the right to limit the number of progenies from a single ova donor for acceptance of registration; and
 - (f) progeny originating from embryo transfers will be accepted for registration subject to the relevant offspring being inspected and complying with the minimum requirements as determined by the Council for the relevant section of the Herd Book;
- 12.2 Breeders resident in the Territory outside South Africa shall enjoy the privileges of registration of animals under the provisions of the Constitution and may apply for registration of progeny begotten as a result of E.T.: Provided that the fertilised ova are obtained from a source approved by the Society and the Association, and provided further that the collection of ova, the handling thereof, the embryo transfer of animals and the maintenance of records shall be effected in such manner as may be duly approved by the Association from time to time.

- 12.3 If a mare from which ova is collected for the purpose of inoovulation, is being sold, the seller of such mare must provide the new owner with a certificate stating that ova of such mare had been collected before the date of sale and a similar certificate must be furnished to the Society and the Association.
- 12.4 The Society and the Association reserve the right to refuse to register the progeny resulting from -E.T. should any of these requirements not be fully adhered to.
- 12.5 The progeny begotten as a result of an embryo transplant from imported embryos shall be eligible for registration provided that all requirements of the Constitution have *mutatis mutandis* been complied with.
- 12.6 The requirements for registration will be the same as those 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 regarding 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 embryo transfer from imported ova should, in accordance with the provisions of Regulation 12, also be accompanied by-

- (a) A certificated issued by a recognized competent body in the country of origin on which is indicated-
- (i) the name, identification and registration number of the ovum donor;
 - (ii) the date and place of collection;
 - (iii) the number of viable ova collected from the relevant ovum donor;
 - (iv) that ova were collected for export to the area; and
 - (v) the name and address of the importer; and
- (b) In the case of an embryo, also a certificate duly signed by a recognized competent body in the country of origin on which is indicated-
- (i) that the fertilisation was brought about by artificial insemination; and
 - (ii) 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 to Registration Certificates

Any alteration of or addition to the information or particulars officially recorded on any registration certificate, which has not been initialled by the General Manager of the Association, or any unauthorised endorsement or remark on such certificate shall render such certificate invalid.

14.2 Duplicate Registration Certificates

- (a) A duplicate of the original registration certificate of an animal shall be issued upon written application to the Association and after approval by the Society, 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.

- (b) The application for 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 as determined by the Council from time to time.

14.3 Notice of Events that necessitate the cancellation of Registration and Birth Notification Certificates

If a registered animal or an animal eligible for registration dies, is castrated or sterilized or is been sold for purposes other than breeding, the Secretary must be notified within 30 days after such events and the registration certificate or the birth notification certificate of such an animal must at the same time be returned to the Secretary of the Society with the date of the various events duly endorsed thereon. Such registration and birth notification certificates must without delay be sent to the Association for cancellation. In the case of castration of a stallion, the date of castration must be entered on the registration certificate. The castration will be endorsed by the Association on the registration certificate and the relevant document will be sent back to the owner.

14.4 Extended Pedigree Certificate

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

14.5 Export Certificates

Registration certificates issued by the Association are the export certificates of the Society.

15. CONFIRMATION OF PARENTAGE

Irrespective of the stipulations of Regulation 7, Council reserves the right, if it is deemed necessary, 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 the tests are positive, as indicated on the foal notice, the Society will bear only the laboratory costs. Should the DNA test show that the details on the foal notification are incorrect, the breeder will be responsible for all the costs. In cases where a breeder or owner is in doubt as to the parentage of an animal and DNA tests are done, the costs must be borne by the person requesting such DNA test.

16. BIO-BANK

- 16.1 As from 1 January 2013 all birth notifications shall be accompanied by a hair sample from the foal concerned.
- 16.2 Only tail and/or mane hair samples with clear hair roots of an animal shall be suitable for this purpose.

17. TRANSFERS

- 17.1 For all sales or change of ownership of registered animals or animals eligible for 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.
- 17.2 Such application for transfer must be sent to the Secretary within thirty (30) days after the date of transfer of the animal concerned, provided that should such application be sent to the Secretary more than 30 days but less than 60 days after the date of transfer, or more than 60 days but less than 90 days after such date, the fees due for the transfer will be as may be determined by Council from time to time.

- 17.3 An application for such transfer which is sent to the Secretary more than 90 days after the date of transfer will be considered by the Council and may be accepted after payment of such fee as the Council may determine.
- 17.4 An application for the transfer of an animal must be accompanied by the birth notification certificate, registration certificate of the animal concerned stating the full name and address of the new owner as well as the signature of the seller or transferor and the transfer date completed in the space provided therefor on the certificate.
- 17.5 For the purposes of the preceding sub-regulation 17.4, the transfer date is considered as the date on which the animal leaves the possession of the seller or transferor.
- 17.6 If pregnant mares are sold, the seller must provide the buyer with an insemination or service certificate (depending on whether fertilization was caused by natural cover or artificial insemination). The service certificate must reflect the identification marks and registration numbers of the stallion and mare concerned as well as the service date.
- 17.7 Change of ownership will be considered to have taken place if –
- (a) an animal is sold, swapped or donated;
 - (b) an animal is inherited;
 - (c) a partnership has been dissolved; and
 - (d) a stallion which is registered in the name of two or more owners and any one or more renounces his/ their share in a stallion so registered or for any reason renounces his/their interest in such registered stallion.
- 17.8 Should Council be of the opinion that the seller or transferor for any reason whatsoever fails or refuses to take any steps to effect such transfer, and fails or refuses to supply the original registration or birth notification certificate, and should the new owner be willing to settle the relevant fees as determined by Council, the Council may, with the approval of the Association, take such steps as may be necessary to satisfy the wishes of the buyer or new owner, provided that in such instance the penalties as laid down in Sub-regulations 17.2 and 17.3 hereof will be applicable to the new owner.
- 17.9 In cases of transfer between spouses or from parent to child or from child to parent (including those related by marriage and grandchildren), regardless of whether it is by virtue of sale, donation or inheritance, only half of the prescribed fees will be payable.

18. REINSTATEMENT OF ANIMALS IN THE HERD BOOK

In the event of the birth notification certificate or registration certificate of an animal having been cancelled, such animal may be reinstated in the Herd Book only on recommendation of the Council: Provided that the application for the reinstatement of the animal is made by the same person who applied for the cancellation thereof. The application for reinstatement of an animal must be accompanied by the prescribed fee as may be determined by Council from time to time.

19. CANCELLATION OF REGISTRATION

- 19.1 The Council may request the Secretary to apply to the Association for the cancellation of the Registration of any animal that –
- (a) has been registered by mistake;
 - (b) has been registered on the strength of false or fraudulent information supplied by the owner; or

- (c) has been registered after the owner has failed to comply with any relevant regulations in order to ensure that the registration takes place without error;
- 19.2 Before applying for the cancellation of a registration certificate, the Secretary must notify the owner of the animal in writing, at his latest known address, at least 30 days in advance of the intention to do so.