

CONSTITUTION
OF THE
FRIESIAN HORSE BREEDERS' SOCIETY OF SA

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CONSTITUTION
OF THE
FRIESIAN HORSE BREEDERS' SOCIETY OF SOUTH AFRICA

DEFINITIONS

1. When used in this constitution and no dual interpretation is obvious the meaning of the following shall be –
- (a) “Act” the Animal Improvement Act of 1998, (Act 62 of 1998) or any other Act with the same objectives as the said Act, including the Regulations made under the Act;
 - (b) “animal” A Friesian horse which is recorded in the Studbook or registered or suitable for registration, and the words Stallion/s, Mare/s, Horse/s, Foal/s, will have the same meaning;
 - (c) “Association” the South African Stud Book and Animal Improvement Association;
 - (d) “birth” the birth of a animal;
 - (e) “breed” the Friesian Horse Breed;
 - (f) “breeder” a member of the Society who is the owner of-
 - (i) the mother at the time of birth of an animal;
 - (ii) such animal during application for registration in the first section of the Studbook;
 - (iii) the carrier mare of said embryo at the time of birth of a foal as a result of an embryo transplant;
 - (g) “buyer” the person or persons to whom ownership or joint ownership of an animal is transferred by the seller of said animal;
 - (h) “Council” the Council of the Society, officially elected in accordance to the provisions of the Constitution;
 - (i) “Constitution” the Constitution inclusive of the Bye-Laws (excluding the Annexures) of the Society;
 - (j) “Department” the Department of Agriculture in the National government;
 - (k) “embryo” a fertilized ovum of an animal;
 - (l) “Foal Book” The Foal Book of the Society in which the participation of all foals are recorded in respect of which birth notifications were submitted;
 - (m) “Herd Book” the Friesian Herd Book in which shall be inscribed the details of all animals by the Society;
 - (n) “inspector” a person duly appointed by the Council;
 - (o) “Intergis” the integrated Registration and genetic information system managed by the Organisation appointed by the Department;
 - (p) “Minister” the Minister responsible for Agriculture;
 - (q) “ovum” the ovum of an animal and also includes an embryo;

- (r) “owner” (of an animal) the person/s whom
 - (i) (according to the records of the Association) owns the animal under reference, or
 - (ii) to the satisfaction of the Council is able to submit proof that such animal is suitable for registration in his name;
 - (iii) in the case of a imported horse, is entitled to register the horse in his name in the recognized studbook in the country of origin;
 - (s) “Registering” the procedure by which the Association records animals in the Appendix and Studbook Proper sections of the Studbook or by which a prefix is recorded on the records by the Association;
 - (t) “Registrar” the official appointed by the Law as the Registrar of Animal Improvement in terms of the Animal Improvement Act;
 - (u) “Secretary” the Secretary of the Society;
 - (v) “seller” the person or persons who owns/jointly owns an animal according to the records of the Association, or in the case of an imported animal, the owner in the country of origin, who sold the said animal;
 - (w) “semen” the semen of an animal;
 - (x) “Society” The Friesian Horse Breeders’ Society of South Africa;
 - (y) “a South African bred animal” (for purposes of registration), an animal born in or whilst in transit or in South Africa, provided that an animal born from an imported ovum/embryo, shall be regarded as an imported animal;
 - (z) “Territories” South Africa and include such other countries agreed to by Council and with the approval of the Association;
2. Other words, abbreviations and terms used in the Constitution, not defined above, shall, unless a contrary meaning clearly appears from the context, have the same meaning assigned thereto in in the Act;
 3. Unless the contrary intention appears clearly from the context, words referring to persons in the masculine gender shall include females and words in the singular, shall include the plural, and words in the plural shall include the singular.

CONSTITUTION

OF THE

FRIESIAN HORSE BREEDERS' SOCIETY OF SA

1. NAME OF THE SOCIETY

The name of the Society is the Friesian Horse Breeders' Society of SA.

2. OBJECTIVES

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

- (a) encourage and promote the breeding and genetic improvement of the breed in the Territory by means of the powers and the duties conferred on the Society in terms of the Act regarding the recording or registration of pedigrees with the Association, the importation or exportation of animals, semen and embryos, technical advisory and inspection services or in any other way whatsoever;
- (b) to conserve the purity of the breed in the Territory and promote the interest of 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 recording or registration by the Association;
- (d) to draw up a "Standard of Excellence" for the breed;
- (e) for showing purposes to obtain various classes for the breed and appoint competent judges to judge the breed and to impress upon agricultural societies and others the advisability and necessity of appointing only judges recommended by the Society;
- (f) to promote the sale of Friesian horses;
- (g) by virtue of co-operation with the Association and the Department, to provide information in order to improve the breed;
- (h) in general, to do everything in its power to promote its members' interests in relation to the activities related to the Friesian horses breed, and
- (i) to gather and distribute information regarding the best and most beneficial ways to select and breed potential breeding animals and to keep members informed with scientific and other progress being made.
- (j) to fulfill such functions and perform duties as imposed on the Society by the Act and as a result of its membership of the Association;

2.2 The Society –

- (a) May not be involved in any profit making activities or participate in any business, profession or occupation carried on by any of its members or provide any financial assistance, premises, continuous services, or facilities to its members for the purpose of carrying on any business, profession or occupation by them; and
- (b) Does not have the power to carry on any business, including *inter alia* ordinary trading

operations in the commercial sense, speculative transactions, dividend dim elision actions as well as the letting of property on a systematic or regular basis.

3. POWERS OF THE SOCIETY

Subject to the terms of the Constitution the Society shall have the powers to –

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

4. MEMBERSHIP

4.1 Eligibility

Membership of the Society shall be limited to persons older than 18 years, subject to the provisions of Clause 4.2.4.

4.2 Grouping of Membership

Membership will consist of the following members –

4.2.1 *Ordinary Members*

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

Persons actively involved in the breeding of animals and register such animals in accordance with this Constitution shall be termed Active Ordinary Members. All other members will be known as Non-Active/Show Members.

4.2.2 *Life Honorary Members*

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

4.2.3 *Special Honorary Members*

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

4.2.4 *Junior Members*

Any person under the age of eighteen may become Junior Members, subject to the approval of Council. Such Junior Members has no voting rights and is not eligible for election to Council. After paying the fixed fees, they may participate in in all other activities of the society.

4.3 Companies, Private Companies, Close Corporation, Partnerships or Legal Entities.

4.3.1 A Company, Private Company, Close Corporation, Partnership or Legal Entity applying for Ordinary Membership, shall disclose to the Society such facts as may be necessary to determine the nature of the controlling interest therein and shall then, or at any time thereafter, in addition to the requirements imposed in respect of all applications, furnish the Society with the name and address of the person appointed by it to act as its representative at meetings of the Society.

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

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

- 4.3.2 All communications addressed to such authorized representative referred to in Clause 4.3.1 shall be deemed to be duly served upon the Company, Private Company, Close Corporation, Partnership or Legal Entity and all meetings at which the authorized representative is in attendance on behalf of the Company, Private Company, Close Corporation, Partnership or Legal Entity shall be deemed to be duly represented.
- 4.3.3 The principal person so appointed in terms of sub Clause 4.3.1 to represent such Company, Private Company, Close Corporation, Partnership or Legal Entity shall be eligible for election to Council.
- 4.3.4 Should such a Company, Private Company, Close Corporation, Partnership or Legal Entity fail to comply with the requirements of Ordinary Membership as set out in Clause 4.2, the Membership of the Society shall be terminated and the provisions of the following Clause 4.3.5 will apply *mutatis mutandis* in respect of such a Company, Private Company, Close Corporation, Partnership or Legal Entity.
- 4.3.5 In the case of the liquidation of a Company, Private Company or Close Corporation or if the Partnership or Legal Entity is dissolved, membership of the Society will automatically terminate: Provided that -
- (a) all fees or amounts due to the Society on the date of the liquidation or dissolution may be collected by the Society from the liquidator of such said Company, Private Company, Close Corporation or from the members (jointly or severally) of such Partnership or other Legal Entity; and-
 - (b) the liquidator of such Company, Private Company and the members of such a Partnership or Legal Entity will be obliged to meet all obligations of such a Company, Private Company, Close Corporation, Partnership or Legal Entity, with regard to registrations, transfers or any responsibility that the Company, Private Company, Close Corporation, Partnership or other Legal Entity as a member of the Society, had to follow; and-
 - (c) any fees that may be due, such as Stud fees, registration fees and transfer fees or any other obligations that may be due and should be met, after such an automatic termination of membership will be assessed according to the scale as due by Ordinary Members and Life Honorary Members.

4.4 Registered Members

- 4.4.1 Any person including a Company, Private Company, Close Corporation, Partnership or Legal Entity residing in the area outside of South Africa that shows interest in breeding of animals and who is directly or indirectly engaged in the breeding of animals will be eligible for acceptance as a registered breeder.
- 4.4.2 Except the right to –
- (a) vote at a general meeting, and
 - (b) to be elected to Council,

Will have all the rights, privileges and obligations of members *mutatis mutandis* 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 costs to the Association.

4.5 Application for Membership

- 4.5.1 Application for membership of the Society must be directed to the Society on the prescribed form (Annexure B) and must 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 determined requirements have been met.
- 4.5.3 Council may accept the application for membership from any person either unconditionally or on such conditions as Council may determine or may refuse any application: Provided that reasons for such refusal shall be furnished.
- 4.5.4 An applicant to whom admission to membership has been refused shall be entitled to a refund of any fees forwarded with his application for membership.

5. REGISTER OF MEMBERS

- 5.1 The Society will keep a register of all its members reflecting the commencement date of membership of the Society, their postal addresses, email address and fees received with the dates of payment, amounts in arrear, if any, as well as the date on which the last animals were registered in their names.
- 5.2 Each member must notify the Society within one month of a change of contact particulars and all notices or publications sent to the registered postal or email address of a member shall be considered as duly delivered to him.
- 5.3 All correspondence and notices sent by the Society to members whether by registered mail or email will be considered as binding.

6. RIGHTS AND PRIVILEGES OF MEMBERS

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

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

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

7. SUBSCRIPTIONS AND FEES

- 7.1 All subscriptions, fees or any other dues and commissions payable by members to the Society shall from time to time be determined by Council and shall be notified to members at the ensuing Annual General Meeting of the Society.
- 7.2 The annual membership fees shall become due and payable in advance on the 1st of August in each year and shall be deemed to be in arrears if not paid by the 31st October of the same year.
- 7.3 Any member whose -
 - (a) membership fees are in arrears; or
 - (b) who is indebted to the Society in respect of any fees or dues for a period longer than 30 days after a demand for payment thereof has been addressed to him by the Secretary, shall cease to enjoy any of the rights and privileges of membership until such time as such debts has been paid.
- 7.4 Council may impose interest to be levied and collected on arrear accounts at a rate determined by Council from time to time.

- 7.5 Any member who, for any reason whatsoever, has ceased to be a member of the Society, shall remain liable for all amounts due to the Society as at the date on which his membership ceases.
- 7.6 Should the account of the member be in arrears as determined by the Council or outstanding on termination of his membership, such member shall, if and when his account is handed over to a firm of attorneys, or any other firm entrusted to collect such outstanding debt, be liable to the Society for payment of all legal charges, collection, attorney and client costs entailed in addition to the principal amount, fines and penalties owing by him.

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

8.1 Resignation of Members

Any member may resign from the Society by giving no less than one month's written notice to the Society, prior to the financial year end: Provided that –

- (a) such resignation will take effect immediately; and
- (b) no membership fee or portion thereof will be refundable; and
- (c) all monies owing to the Society have been paid and furthermore until 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 The Council may expel a member who-

- (a) has failed to make payment of monies due to the Society and has remained in default after having received a 60 days written notice by post or email, signed by the secretary, to rectify his default to the Society;
- (b) has infringed any provision of the Constitution or any rule of the Society or who has, in the opinion of the Council, acted dishonorably or in any way derogatory to the character or prejudicial to the interest of the Society;
- (c) has, by his act or omission, brought actual or potential dishonor upon the Society or who has been guilty of conduct to the actual or potential prejudice of the objectives of the Society;
- (d) has deliberately or for personal gain or advantage submitted incorrect information of the Society or any of its officials or to officials or judges at shows or that has affected such changes to the body of an animal so as to mislead any other person;
- (e) attempted to bribe an official of the Society; or –
- (f) has been found guilty of an offence in terms of the Act;

PROVIDED that no proceedings for expulsion shall be initiated against any member of the Society unless the Society has at least 30 days prior to the date of the Council Meeting at which such expulsion has to be dealt with, addressed a registered letter to such member notifying him of his proposed expulsion and calling upon him, if he so wishes, to be present either personally or through his duly authorized representative, to put his side of the case at such meeting of the Council.

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

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

8.2.3 Any member who has been expelled shall be notified by the Society in writing within a

period of three days from the date upon which the resolution affecting his expulsion was passed or upon which his membership was forfeited.

8.2.4 Upon expulsion of a member, the Council may at its discretion direct the Secretary forthwith to remove from the Herd Book and any other registers or records of the Society and apply to the Association for the cancellation of all registrations relating to the animals bred by the suspended member at the time of his expulsion. The Council shall moreover call upon the expelled member forthwith to deliver to the Society the registration certificates in respect of all animals bred and owned by him at the date of his expulsion and after such date no horses bred by him will be registered or transferred and neither will any birth notifications be accepted from him and he shall be notified accordingly.

8.2.5 Any expelled member will be liable for payment of all outstanding monies by owing by him to the Society at the date of his expulsion and will moreover be liable for meeting all other obligations in respect of notifications and/or registrations, transfers or any other obligations pertaining to his membership.

8.2.6 Any person who is expelled as a member of the Society is liable for all membership fees and fees owing by him to the Society at the time of his expulsion.

8.3 Lifting of Voting Rights

8.3.1 Any member, excluding members referred to in Clause 4.2.2 who, for a period determined from time to time by Council, did not record or registered animals in his name or who did not purchase recorded or registered animals which were transferred to him during such period, voting rights referred to in Clause 6(b) will be forfeited, except if such right was granted by the Council to such member under Clause 11.36.

8.3.2 The voting right of any member shall be lifted provided that he has been notified by the secretary in writing at least thirty days before the meeting on which such removal will come into effect.

8.3.3 Such lifting of a member's voting rights shall remain in force until he records or registered horses again after which the lifting of the voting rights will end without the need of any notice being served on him.

8.3.4 the lifting of voting rights referred to herein will in no way affect the other rights and/ or privileges of membership.

9. RECONNECTION OF MEMBERS

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

10. COUNCIL AND EXECUTIVE COMMITTEE

10.1 The affairs of the Society shall be controlled and administered by a Council consisting of the following seven members annually elected at the Annual General Meeting in accordance with Clause 10.3:

- (a) A President by ballot, who will hold office for a period of two years;
- (b) A Vice President, who will be elected in the same manner for a period of two years; and
- (c) Five other members, elected in the same manner who shall hold office until the second Annual General Meeting after their election when two or three members elected by ballot, shall retire. Thereafter at each Annual General Meeting, the two or three members longest in office, shall retire.

10.2 Only persons who are members of the Society for a minimum of two years shall be eligible for election to Council.

10.3 Method of Election

Election will be by closed ballot. Such ballot paper will have no number and / or contain no

signature to reveal the identity of the voter.

- 10.4 Should any member of the Council die, resign, cease to be a member of the Society or forfeited his office under Clause 10.6, the Council may appoint another member of the Society as his substitute with full powers for the unexpired period of office. The Council shall be deemed to be duly constituted and will continue exercising all the powers conferred upon it, notwithstanding any vacancies in its body;
- 10.5 In the event that the office of President or Vice-President becomes vacant before the expiration of the period for which he was elected to the Council, shall at its first ensuing meeting by ballot, elect another of its members to fill the vacancy for the unexpired portion of that period.
- 10.6 Members of the Council who were absent from two consecutive Council meetings without permission or thorough reason will forfeit their office.
- 10.7 In addition to the seven elected member of Council, the following persons will also serve on Council in an advisory capacity without voting rights:
- (a) for exceptional services to the breed, persons may at the recommendation of Council, be elected at the Annual General Meeting as Honorary Life Vice President. Provided that such recommendation is approved by at least three quarters of the voting members at the meeting; and
 - (b) The Secretary who shall attend all meetings of the Society and shall have the right to participate in discussions, but shall not have the right to vote.
- 10.8 The Executive Committee of the Council, who holds powers as determined by the Council from time to time, will consist of the President, Vice President and one member elected annually by the Council. All proceedings or decisions of the Executive Committee must be approved at the ensuing Council meeting;

11. POWERS AND DUTIES OF THE COUNCIL

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

In particular shall have the power to –

- 11.1 to secure the payment of loans including the mortgaging and pledging of property and without detracting from the generality thereof in particular by the issue of any kind of debenture or debenture stock with or without security;
- 11.2 lend money to any person or company;
- 11.3 to enter into indemnities, guarantees and surety ships and to secure payment there under in any way;
- 11.4 make donations and grants;
- 11.5 to form and execute a trust;
- 11.6 to remunerate any person or persons for services rendered and to establish schemes for the provision of pensions, gratuities and other incentives for its office bearers and employees;
- 11.7 from time to time, subject to the provisions of Clause 7 to adjust or revise Members' fees or obligations and to prescribe any additional fees as it may deem necessary.
- 11.8 to open one or more banking accounts in the name of the Society and to draw, accept, endorse or execute any electronic bank transfer-payment, cheque, bill, promissory or negotiable instruments

in connection with the conduct of the affairs of the Society;

- 11.9 to purchase, hire, lease, or acquire for the purpose of the Society buildings, land, goods, chattels and assets; to sell, mortgage, pledge, let alienate or otherwise dispose of any moveable or immovable property belonging to the Society and to apply the return gained;
- 11.10 to invest, or in any other manner deal with any monies not immediately required for the purposes of the Society upon such securities and on such terms as the Council may deem fit and, from time to time, to change or realize any such investments: Provided that the funds available for investment may only be invested with registered financial institutions as described in article 1 of The Act of Registered Financial Institutions (Investment of Funds) 1984 and in shares listed on stock exchanges as described in article 1 of the Act on Control of Stock Exchanges 1985, (Act No. 1 of 1985);
- 11.11 to pay all costs/charges billed to the Society in connection with the administration, management or affairs of the Society;
- 11.12 to collect and receive all monies, donations, other dues and use them for the benefit of the Society and/or to promote the Friesian breed;
- 11.13 to lend or borrow money for the purposes of the Society upon security of any property of the Society;
- 11.14 in accordance with Clause 7.3, to refuse inspection, registration and other work for members whose accounts are overdue at the Society;
- 11.15 to convene a general meeting of the Society, either in compliance with a special request thereto made in accordance with the provisions of the Constitution or otherwise if it is deemed necessary;
- 11.16 to appoint, dismiss or suspend such attorneys, or other legal representatives, auditors, agents, officers or officials or other employees for permanent, temporary or special services as it may deem fit; to determine their powers and duties and to fix their remuneration and conditions of service and to require such security for the due performance of their functions as it may in particular cases deem expedient;
- 11.17 to institute, conduct, defend, compound or abandon any legal proceedings by or against any of its officers or officials or other employees in connection with the affairs of the Society and to compound or allow or ask for time for payment or satisfaction of any debts due to or any claim or demand by or against the Society;
- 11.18 to conclude contracts outside South Africa and to obtain contracts, deeds and documents in foreign countries;
- 11.19 make recommendations under the Act concerning the import and export of Friesian horses, semen and ova;
- 11.20 to appoint inspectors for the examination of Friesian horses presented for registration and for such other purposes as members of the Society may require the service of such inspectors and to give such inspectors instructions and powers in regard to their duties for the purpose of ensuring that the objectives of the Society are being carried out;
- 11.21 to order an investigation by inspectors or officials of the Society in any event 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;
- 11.22 to co-opt the services of any person or member of the Society and to appoint Sub-committees

upon such terms and with such powers as it may from time to time deem necessary. The President and Vice President of the Society shall be ex-officio Members of all sub-committees with all rights and privileges;

- 11.23 to set rules and conditions relating to the qualifications and appointment of judges of the breed as may be deemed necessary: Provided that no person shall be appointed as a judge of the breed before he meets such requirements as the Council may determine. In addition, from time to time, to reconsider the panel of judges and to consider to remove such names as necessary;
- 11.24 set up a system for judging and the inspection of animals and to formulate the rules, conditions and terms regarding such inspections and formulate selections: Provided that if Council repeal or change any rules, such rules must be submitted at the ensuing Annual general Meeting of the Society for the information of the meeting;
- 11.25 to organize and promote sales of Friesian horses, either by public auction or by private treaty and for such purposes appoint auctioneers and/or agents if required;
- 11.26 to grant leave of absence to any member of the Council or any official of the Society for such period and upon such terms as it may be determined in each case;
- 11.27 for the better and more convenient carrying on and fulfilment of the business of the Society to appoint one or more members or officials with power and authority to sign and receive documents, papers, to institute legal proceedings, to act, sue and be sued on behalf of the Society;
- 11.28 in accordance of Clause 16, to elect a representative/s to the Annual General Meeting of the Association and to nominate a person or persons to represent the Society on any committee, body or organisation;
- 11.29 to receive and consider applications for Membership and to accept or refuse such applications at its discretion, to nominate persons under Clause 4.2.2 as Life Honorary members, to elect special honorary members under Clause 4.2.3 and to propose, under Clause 10.7 (b), the election of an honorary life vice-president;
- 11.30 to frame alter and rescind rules and regulations for conducting the business and carrying out the objectives of the Society;
- 11.31 in accordance with Clause 8 terminate the membership of any person;
- 11.32 to impose or inforce such penalties as may be determined for members of the Society from time to time for contravention or infringement of the Constitution, rules and regulations of the Society;
- 11.33 investigate disputes that may arise from the implementation of the Constitution, and to give resolution there to;
- 11.34 to alter or amend any Annexure to the Constitution as may be deemed necessary from time to time;
- 11.35 generally to perform all acts as may be necessary for the welfare of the Society and to conduct its affairs, provided always that any action taken, or instructions given, shall not be contrary to the terms of the Constitution;
- 11.36 to grant the right to a member (who forfeits his right to vote according to Clause 8.3.1) to vote at the General Meeting on the following conditions:
 - 11.36.1 A member must meet one of the following requirements –
 - (a) a member who was involved in the breeding of Friesian horses for two years;
 - (b) a member who has performed special services for the benefit of the breed for two years, such as for example, judging horses or acted as inspector of the breed;

- (c) a member who is already interested in the breed for two years and is actively involved with the Breed;

11.36.2 such member shall be notified in writing 30 days before the Annual General Meeting that voting rights may be exercised;

11.36.3 such member may not be elected to the Council;

11.36.4 the voting rights to such member shall be reviewed annually;

12. MEETINGS

12.1 Meetings of the Executive Committee.

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

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

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

12.2 Council Meetings

12.2.1 Council shall meet at such time, place as determined from time to time as the President or in his absence, the Vice-President may decide. Provided that at least two Council Meetings will be held during each financial year.

12.2.2 A Special Council meeting -

- (a) may be called by the President (or in his absence the Vice President) at such a time and place as such office bearer may decide; or
- (b) shall be called upon a request signed and addressed to the Secretary by not less than five Councilors, 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 a meeting shall be posted or sent by email by the Secretary to each member of Council.

12.3 General Meetings

12.3.1 A General meeting of the Society to be known as the Annual General Meeting shall be held once within every financial year at such time, date and place as may be determined by Council.

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

- (a) no later than six months after the end of each financial year of the Society (31 December of every year); and
- (b) within at least 15 months after the date of the immediately preceding Annual General Meeting of the Society.

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

- (a) the Council; or
- (b) the President (or in his absence the Vice President) and shall be so called upon a written request signed and addressed to the Secretary by not less than ten members of the Society. Such request must clearly stipulate the objectives of the meeting and at

such meeting only the requested matters may be discussed.

- 12.3.4 No less than 60 days prior to the holding of the Annual General Meeting a preliminary notice of the time, date and place of the meeting shall be posted or sent by email by the Secretary to every member of the Society 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 either by mail or email thereof to reach the Secretary no less than 40 days prior to the meeting.
- 12.3.5 No less than 30 days prior to the holding of any General Meeting a final notice of the time, date and place of such meeting together with the agenda of such meeting shall be posted or sent by email to each member of the Society.
- 12.3.6 No resolution shall be taken at a General Meeting in respect of any matter unless notice thereof appears in the agenda sent to the members, with the notice calling the meeting unless such meeting agrees by two thirds of the members present and entitled to vote that any matter, except for Constitutional amendments, not specifically on the agenda, shall be discussed and voted upon regardless the stipulations of Clause 12.3.3.3(b).
- 12.3.7 Any annual general meeting may be adjourned by a two thirds majority vote of the members attending it.
- 12.3.8 To rescind any resolution taken at a General Meeting of the Society, a two-third majority vote shall be required.

12.4 Chairperson at Meetings

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

12.5 Taking of Resolutions

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

12.6 Voting Procedure

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

12.7 Invalidity of Decisions.

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

12.8 Quorums

- 12.8.1 Twelve (12) members of the Society personally present at the commencement of any general meeting and entitled to vote shall form a quorum for such meeting.
- 12.8.2 Four (4) Council members personally present at any Council meeting and entitled to vote shall form a quorum for such Council meeting.
- 12.8.3 Two members personally present at any Executive Committee meeting shall form a quorum for such Executive Committee meeting.
- 12.8.4 If at any meeting, a quorum is not present, the meeting may adjourned for a period (not

being less than seven days thereafter) and to a place determined by the members present. At such postponed meeting, the members present shall form a quorum: Provided that any meeting at which the President, Vice President or Life Vice President is present shall, if there is no quorum, stand adjourned for half an hour. The members then present shall form a quorum for the conclusion of such matters (other than any amendment to the Constitution) as the presiding member may declare to be of an urgent nature. Such adjournment for half an hour shall be without prejudice to the rights of the meeting after dealing with such urgent matters to adjourn to a time, date and place as herein provided.

13. MINUTES OF MEETINGS

- 13.1 A copy of the minutes of all General Meetings shall be supplied to each member of the Society. Copies of the minutes of Council meetings and meetings of other sub committees shall be supplied to all councillors.
- 13.2 The minutes of all meetings 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 open one or more banking accounts on behalf of the Society in which any amounts accruing to the Society shall be deposited.
- 14.2 All payments from the funds of the Society shall be done by cheque or electronic payments signed and co-signed by the Secretary or a person duly authorized by Council in accordance with Clause 11.27. Provided that nothing herein contained shall prevent Council from operating and controlling a petty cash fund.
- 14.3 The Society shall keep proper books of accounts that shall be audited from time to time but not less than once every year by an auditor appointed by the Annual General Meeting of the Society, who is to prepare a balance sheet and report of the Society's financial situation as on 31 July of the financial year to which the report relates as stipulated in Clause 12.3.2, and present it to the Annual General Meeting of the Society.
- 14.4 All the property of the Society is vested in Council.
- 14.5 The income and property of the Society, from whatever source derived shall be applied solely to the promotion and furtherance of the objectives of the Society; no part thereof shall be paid or transferred directly or indirectly by way of dividend or bonus or otherwise, to any persons who at any time are or were members of the Society: provided that nothing herein contained shall prevent the payment in good faith of remuneration to any employee or other person for services rendered to the Society.
- 14.6 If any property remains after termination or dissolution of the Society and after all the debts and obligations have been met, such property shall not be divided or paid to the members of the Society, but donated or transferred to such other institutions whose objectives correspond to those of the Society as decided by the majority at a general meeting of the Society.
- 14.7 The financial year of the Society shall commence on 1st of August of each year and closes at 31 July of the following year.

15. MEMBERSHIP OF THE ASSOCIATION AND AFFILIATION

The Society will maintain its Membership of the Association in terms of the provisions determined by the Association. Further, by a majority vote of at least two thirds of the members personally present, voting and entitled to vote at any General Meeting, affiliate with or incorporate any Association, Society or Organisation with similar aims and objectives kindred to those of the Society.

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

In accordance with Clause 11.28 the Council must appoint a representative or representatives to the Annual

General meeting of the Association from Active Ordinary Members or Life Honorary Member.

17. CONSTITUTIONAL AMENDMENTS

17.1 Additions to, or amendments or changes to the Constitution which are not inconsistent with the provisions of the Animal Improvement Act or the Constitution of the Association may only be effected by a majority decision of not less than two thirds of the members present and entitled to vote at a General Meeting of the Society. Each member of the Society must be notified in writing not less than 30 days prior to the meeting of the proposed amendments or additions to the Constitution as well as the meeting.

17.2 Such addition to or amendment to the clauses of the Constitution which were approved in terms of Clause 17.1 herein contained, must within 30 days after such amendment had been effected, be submitted to the Registrar and will come into effect 90 days after such submission: Provided that should the Registrar find such addition or amendment not to be in line with current legislation and/or the constitution of the Association, the Society will be advised accordingly where after such addition or amendment will be declared nul and void.

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

18. DELEGATION OF POWERS

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

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 as set out in Annexure A, will be payable in respect of any services rendered by the Society to non-members. These fees shall payable in advance.

20. OFFICE OF THE SOCIETY

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

21. DISSOLUTION OR LIQUIDATION OF THE SOCIETY.

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

22. EMPLOYEES OF THE SOCIETY

No employee of the Society may, in the performance of its duties as such employee, render any service or engage in any business related to the purchase and sale of animals.

23. AUTHENTIC VERSION OF THIS CONSTITUTION

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

BYE-LAWS

1. HERD BOOK

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

- (a) Basic Section-BS
- (b) Appendix Section – A<B en C; and
- (c) Studbook Proper section –SP

Selection is a prerequisite for registration of Friesian horses in all three sections of the Friesian Horse Herd Book. For breeding and recording within the various books, the following pair table will be in force from 23 July 2015.

Pairing table										
Male →	Studbook Proper SP		Appendix C		Appendix B		Appendix A		Basic BS	
	↓ Progeny		↓ Progeny		↓ Progeny		↓ Progeny ↓		↓ Progeny ↓	
	↓	↓	↓	↓	↓	↓	↓	↓	↓	↓
Female ↓	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female
Studbook Proper SP	SP	SP	SP	SP	NFR	BS	NFR	BS	NFR	NFR
Appendix C	SP	SP	SP	SP	NFR	BS	NFR	BS	NFR	NFR
Appendix B	C	C	C	C	NFR	BS	NFR	BS	NFR	NFR
Appendix A	B	B	B	B	NFR	BS	NFR	BS	NFR	NFR
Basic BS	A	A	NFR	BS	NFR	BS	NFR	BS	NFR	NFR

Nota : SP = Studbook C = Appendix C B = Appendix B A = Appendix A BS = Basic

NFR = Not for registration (Nie vir registrasie)

1.1 BASIC SECTION

1.1.1 Any female animal that complies with the minimum requirements and standards as for the Basic Section and whose sire or dam is a Studbook Proper (SP) Friesian Horse, will be eligible for inclusion in the Basic Section upon application by the breeder.

Appendix A and B stallions mare foals can after inspection be recorded in the Basic Section - Effective from 16 November 2016

1.2 Appendix Section

1.2.1 Appendix A

- (a) Any animal that conform to the minimum breed standards and whose sire and dam are acceptable to the Council in respect to their breeding history and all other particulars as required by Council, shall on application by the breeder, be eligible for registration in the Appendix A Section;

- (b) Inspection is a prerequisite for registration of Friesian horses in all sections of the herd book.
- (c) Animals recorded as F1 shall be reclassified and will be registered in the Appendix A Section.

1.2.2 Appendix B

- (a) The progeny resulting from the matings of Appendix A mares and Appendix C or Studbook Proper (SP) stallions, shall be eligible for registration in the Appendix B Section: Provided that they conform to the minimum breed standards and in respect of which all requirements for registration have been met.
- (b) Animals recorded as F2 shall be reclassified and will be registered in the Appendix B Section.

1.2.3 Appendix C

- (a) The progeny resulting from mating of Appendix C mares and Appendix C or Studbook Proper (SP) stallions, shall be eligible for registration in the Studbook Proper Section.
- (b) Animals recorded as F3 shall be reclassified and will be registered in the Appendix C Section.

1.3 Studbook Proper Section (SP)

Animals recorded as F4 shall be reclassified and be eligible for registration in the Studbook Proper (SP) Section.

- (a) The progeny resulting from matings of Appendix C mares and Appendix C or Studbook Proper (SP) stallion that conform to the minimum breed standards and in respect of which all requirements for registration have been met, shall be eligible for registration as a Studbook Proper animal.
- (b) The progeny resulting from matings of a Studbook Proper mare and an Appendix C or Studbook Proper stallion, shall be eligible for registration as Studbook Proper animals in the Herd Book.

2. PREFIX AND HERD DESIGNATION MARK

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

3. IDENTIFICATION

- 3.1 A Microchip shall be the Society's official system of permanent identification of horses submitted for registration in the Herd Book.
- 3.2 All foals born alive should be identified with approved microchips.

- 3.3 Once identification marks are applied to an animal, even if it is faulty, vague, defaced or illegible, it may under no circumstances be rectified unless the Secretary gives prior written consent.
- 3.4 Horses that have reached the age of three or older must be inspected by the Society's inspectors.
- 3.5 Horses recorded in the Foal Book of the Society and identified with a microchip shall be eligible for the final inspection as described in Bye-law 3.4.
- 3.6 No animal may be sold and transferred if it is not identified with a microchip.

4. NAMES

- 4.1 No animal will be recorded in the Herd Book unless it has been clearly marked and explicitly named or numbered and representing the name or number. Council is empowered to refuse any application in respect of an animal which in its discretion is not clearly identified or which is misleadingly named.
- 4.2 No name including the prefix may exceed thirty characters.
- 4.3 A name once recorded or registered in respect of a specific animal cannot at a later stage be changed or amended unless the name reflects an obvious error in which event it shall be permissible to amend the name only to the extent of correcting the error.
- 4.4 The names of South African-bred Friesian horses should typically be South African. No extravagant or foreign names will be accepted. If doubts about the suitability of a name arise, the secretary may refer the matter to the Council for resolution.

5. BIRTH NOTIFICATIONS

- 5.1 The breeder of a foal from a registered mare, or a mare eligible for registration, shall notify the Society of the birth of such foal, whether it is born dead or alive, pure-bred or cross-bred or retained for registration or otherwise.
- 5.2 The notification of each birth must be submitted not later than 90 days from the date of birth of the relevant foal, on the prescribed birth notification form (Annexure G) which shall be completed in all respects and signed by the breeder and must be submitted to the Secretary for submission to the Association. Births may also be done electronically, as long as all documentation, as required are, attached.
- 5.3 Notwithstanding sub-regulation 5.2, the Council may accept a birth notification which reaches the Secretary later than 90 days but less than 120 days after the birth of a foal, if the notification is further in order. Provided that the notification includes the penalty fee as determined by the Council from time to time (Annexure A). Notification of births received by the Secretary later than 120 days after the birth of a foal may only be accepted after approval by Council and the payment of a penalty fee 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 of each foal the name, 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 such manner that it be 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 suitable for registration are sold or otherwise alienated, the Society must be notified within 30 days of the sale or alienation thereof, informing -
 (a) the date of sale or alienation; and
 (b) the full name and address of the buyer.
- 5.9 The provision of Bye-Law 5.8 also applies to foals that still nurse and are sold or alienated with their mothers, always taking into account the fact that foals births sold in this way, have been reported by the breeder to the Society.
- 5.10 The Council will ensure that on behalf of each breeder, all births of foals (whether alive or born dead) are kept on the behalf of each breeder, of which the breeder has properly informed the Secretary and also of such other particulars as may be deemed necessary.
- 5.11 Foals 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 THE JOINT OWNERSHIP OF STALLIONS

6.1 Service and Insemination Certificates

6.1.1 If pregnant mares are sold, the seller shall supply the buyer with a service/insemination certificate (depending on whether fertilization was caused by natural mating or 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 mare concerned was running with the stallion indicated and further that such mare could not have been served by any other stallion 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 Society and the Association.

6.2.2 If a female animal that is the property of a breeder, other than one of the joint owners of the stallion served by the concerned stallion, a service certificate as required by Bye-Law 6.1 must be signed on behalf of all its co-owners, by at least one of the joint owners.

6.2.3 The joint owners and users of a stallion are subject to the provisions of the Act.

7. GESTATION AND INTER FOALING PERIOD

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

8. REQUIREMENTS FOR REGISTRATION

8.1 No South African bred Friesian Horse will be eligible for registration unless proper notice of birth was given and both parents are registered with the Association excluding animals mentioned in Bye-Law 1.1.1 (a) namely Basic animals.

8.1.1 The DNA profile of all animals is from 27 April 2015 a requirement and parentage confirmation is a prerequisite before selection can take place. DNA of all breeding stallions must have been on record since 2011.

- 8.2 No South African bred Friesian Horse will be eligible for registration unless the Sire and Dam were older than 30 months respectively at the time of his birth, unless approved by the Council.
- 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 after the opinion of Council be disqualified for 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 disposals, sales, deaths, castration, sterilizations, etc. failing which, further entries may be disqualified or refused by Council. Breeders may at any time be called upon by the Inspector to submit records for examination.
- 8.6 The birth notification/application for registration will 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, have been met.”
- 8.7 No birth notification/application for registration of an animal imported *in utero* will be approved by Council unless the dam is registered with the Association and such application is accompanied by:
- (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 conforms to all the requirements determined by Council from time to time.
- 8.8 Applications in respect of horses begotten from artificial insemination or originating from ino-vulation must be duly endorsed. Also registration certificates issued by the Association in respect of any animal begotten from artificial insemination or originating from ino-vulation must carry the abbreviation “AI” or “ET” after the name of the animal on all such recording or registration certificates.
- 8.9 An imported animal shall be eligible for recording or registration provided the application for registration is accompanied by:
- (a) a certificate of registration or export issued by a relevant authority in the country of origin;
 - (b) proof to the effect that the animal involved complies with the requirements as determined from time to time; and
 - (c) a complete two generation expanded pedigree;
- 8.10 indelible identification marks (microchip inserted in the country of origin) 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. DNA of the imported horse must be done in quarantine and verified with the DNA done in the country of origin.
- 8.11 Every application for registration of an imported animal must be accompanied by a declaration from the applicant with the intention that -
- (a) the applicant / s is the *bona fide* importer / s of the relevant purebred animal;
 - (b) a permanent identification mark as indicated on the registration and / or export certificate occur on the animal;
 - (c) the animal was sold and from the seller's possession on the date as indicated and that

- the animal was shipped and / or transported to South Africa on the date as indicated;
and
- (d) the animal arrived at the destination on the date indicated.
- 8.12 Registration certificates will be issued by the Association with regards to all imported animals.
- 8.13 Progeny resulting from artificial insemination in accordance with the requirements of the Constitution and the Act of registered mares or mares suitable for registration, with imported semen shall 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 authorize the importation of an animal, semen or ova unless -
- (a) applied for in the prescribed manner and in such form as the Registrar may determine;
 - (b) the application is accompanied by such document as 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 Society.
- 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 fertilizes the ovum of which said embryo originated) meet the requirements for registration of an imported animal. Provided that such data is certified by an approved body in the country of origin.
- 8.16 Applications for the registration of imported animals or the recording or registration of animals begotten from imported semen or ova shall be accompanied by authentic export certificates issued by the competent authority in the country of origin as approved from time to time by the Society and the Association.
- 8.17 The relevant export certificate shall indicate the complete details of breeding, age and identification
- (a) of the exported animal, as well as the necessary information relating to 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 served before export, it shall be accompanied by a service certificate signed by the owner (or his duly authorized representative) of the stallion who served the mare and what must be registered in the herd book that has been 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 its duly authorized representative) of the mare: the semen donor must be registered in the herd book approved by the Society and the Association.
- 8.18 In the case of an animal begotten from imported semen or an imported ovine, the relevant export certificate shall indicate, respectively, the full details of the inbreeding, age and identification of the donor of the semen / ovum of the breeder and / or owner of the concerned donor after the name of the importer.
- 8.19 Application for inspection and registration of imported animals must be done within 90 days after their arrival in the country.

9. INSPECTION AND OBLIGATIONS OF THE INSPECTOR/S

- 9.1 The Council shall appoint Inspector/s to inspect all animals as may be determined by Council.

- 9.2 Inspectors will apply to the laid down inspection system (Attachment I).
- 9.3 The inspector shall inspect each eligible animal for registration upon presentation of its birth notification. They shall satisfy themselves that the colour, identification, age, etc., as notified are correct and correspond with the animal offered for inspection. Furthermore, they shall satisfy themselves that the animal conforms in all respects to the breed standards and the minimum production standards as determined by Council from time to time. Any difference or contradiction may disqualify such animal for registration in the Herd Book and a report shall be given to the Council.
- 9.4 The inspector has the power, to its own judgement, to hold any animal for inspection until the next visit.
- 9.5 Any breeder dissatisfied with an Inspector/s decision may lodge an appeal to the Secretary within 3 weeks from the time the inspection took place. Such appeal must be accompanied by a deposit of an amount as determined by Council from time to time. A Board of appeal appointed by the Council of the Society, consisting of at least three people, will re-inspect the animal or animals in question and if the appeal is upheld the deposit will be refunded. If not the appellant forfeits his deposit and pays any additional costs.
- 9.6 Breeders will be notified in advance of the time and date of the inspector's intended visit.
- 9.7 Special inspections can only take place with the consent of the Executive Committee if the applicant pays the travel and other costs of the inspector and if the inspector is available.
- 9.8 An inspector(s), acting on the instructions of the Council may at any time, without previous notice carry out a general inspection of any herd.
- 9.9 Inspector(s) may not during an inspection accept instructions or commissions from members or non-members to negotiate the buying and selling of animals.
- 9.10 No breeder may act as the inspector of his own animals.
- 9.11 Inspection fees as determined from time to time will be due in all cases by the applicant.

10. RECORDS OF FRIESIAN HORSES

- 10.1 Horses recorded in the Foal Book and conform to the stipulations with regard to inspection and registration, laid down by the Bye-Laws, are recorded in the Herd Book.
- 10.2 The Herd Book will reflect the number of the sire and dam, birth date and the name of the breeder and owner, date of inspection and details of classification of each animal contained therein.
- 10.3 On application from the Society the Association will issue the registration certificates in respect of all animals recorded in the Herd Book. Such certificates will reflect the particulars of the microchip and pedigree of each animal.

11. RULES GOVERNING ARTIFICIAL INSEMINATION (A.I)

- 11.1 Animals begotten through artificial insemination in accordance with the Act shall be eligible for registration provided that all the requirements of the Constitution in respect of registration have *mutatis mutandis* been complied with.
- 11.2 No birth notification of animals begotten by artificial insemination shall be accepted by the Society as eligible for registration, unless it is endorsed "begotten by artificial insemination".
- 11.3 Irrespective of the provisions of Regulation 11.1 hereof, where different stallions are used for the supply of semen for the artificial insemination of the same female less than 50 days apart, no resulting progeny shall be eligible for registration unless the paternity has been

confirmed by a DNA test.

- 11.4 The Society reserves the right through its representatives to supervise and/or inspect the keeping of records in connection with artificial insemination by its members.
- 11.5 The Society reserves the right to refuse to register the progeny resulting from artificial insemination should any of the rules laid down by the Society not be fully complied with.
- 11.6 Breeders not resident in South Africa who enjoy the privileges registration of animals, may apply for the registration of artificial insemination begotten progeny: Provided that the semen is obtained from a source approved by the Society; and provided further that the collection of semen, the handling thereof, the insemination of animals, and the maintenance of records shall be effected in such manner as may be duly approved by the Society from time to time and is in accordance with the stipulations of the Act.
- 11.7 Subject to the provisions of the Act, the breeders confirms 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 stallions before such sale was collected and in which the names of all previous owners of the animal are indicated and a copy of such certificate must be furnished to the Association.
- 11.9 Subject to the provisions of Article 7(5) the Act, the progeny resulting from the use of frozen semen will be eligible for registration: Provided that-
- (a) complete details of ownership of the animal concerned have been submitted to the Society;
 - (b) the DNA laboratory number of the animal has been submitted to the Society and the Association; and
 - (c) that all requirements of the Constitution in respect of birth notifications and registrations are complied with (where it applies).

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

- 12.1 The progeny legally begotten as a result of embryo transplants in accordance with the Act, shall be eligible for registration: Provided that-
- (a) requirements of the Constitution are *mutatis mutandis* complied with;
 - (b) parentage of every foal resulting from an embryo implant is confirmed by DNA test;
 - (c) the following documents are submitted within 120 days of each inovation:
 - (i) The DNA laboratory numbers of the ova donor, the semen donor and the embryo recipient, and
 - (ii) a certificate signed by a veterinarian, embryo transferor, or in the case of intra-herd embryo transplant, by the owner or his authorised employee, to the effect that the provisions of the Act have been complied with.
 - (d) the birth notification must be accompanied by a DNA laboratory number of the relevant progeny and a certificate confirming the parentage as recorded;
 - (e) both semen and ova donor for such purposes have been approved by the Council and also shall have the right to limit the number of progeny from a donor resulting from embryo transplanting for registration; and
 - (f) progeny begotten as a result of embryo transfers will be eligible for registration subject to the inspection of the progeny concerned and complies with the minimum requirements as the Council may determine for the relevant section of the Herd Book.

- 12.2 Breeders not resident in South Africa who enjoy the privileges of registration under the provisions of the Constitution may apply for the registration of progeny begotten as a result of embryo transplanting: Provided that the fertilized ova are obtained from a source approved by the Society; and provided further that the collection of ova, the handling thereof, the inovation of animals and the maintenance of records shall be effected in such manner as the Association determined from time to time.
- 12.3 If a mare from which ova is collected for inovation is sold, the seller of such animal must provide a certificate to the new owner stating that ova of the mare before such sale was collected and a copy of such certificate must be furnished to the Society and the Association.
- 12.4 The Society reserves the right to refuse recommendation to register the progeny resulting from embryo transplants should any of these regulations not be fully adhered to.
- 12.5 The progeny begotten as a result of an embryo transplant and imported *in utero* shall be eligible for registration provided that all requirements of the Constitution are *mutatis mutandis* complied with.
- 12.6 The requirements for registration will be the same as for imported animals.
- 12.7 Such imported embryos must be collected in the country of origin by a competent body (approved by the Animal Health Directorate) of ova donors that conforms to the minimum requirements as determined by the Society and approved by the Association of importation of ova and if fertilized such ova must be fertilized with the semen of a stallion which also conform to the minimum requirements as determined by the Society and approved by the Association.

13. IMPORTED OVA

The birth notification of the progeny begotten from an imported Ovum, in accordance with Bye-Law 12, must 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 signed by a recognized competent body in the country of origin on which is indicated-
- (i) that the fertilisation is 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 details recorded on any registration certificate, and not initialled by the General Manager of the Association, or any other unauthorized endorsement or comment on such certificate will render such certificate invalid.

14.2 Duplicate Registration Certificates

- (a) The Association may upon written application, after approval by the Society, issue a duplicate registration certificate issued by the Association, if adequate proof can be furnished to the Association that the original is lost, accidentally destroyed, or in the possession of a person who wrongly refuses to hand it over to the person who is entitled to it.
- (b) The application of a duplicate registration certificate must be accompanied by a statement by the applicant who must be the owner of the animal concerned. Such application and statement must be addressed to the Secretary accompanied by such fee

determined by the Council from time to time.

14.3 Notice of Events that necessitate the cancellation of Registration and Birth notifications

If a registered animal or an animal eligible for registration dies, is castrated or sterilized or been sold for purposes other than breeding, the Secretary must be notified within 30 days of such developments and the registration or birth notification certificate must at the same time be submitted to the Secretary of the Society with the date of the various events duly endorse thereon. Such registration or birth notification certificate 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 sent the relevant document back to the owner.

14.4 Certificate of extended pedigree

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

14.5 Export Certificates

Registration certificates are the export certificates of the Society.

15. PARENTAGE VERIFICATION

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

16. TRANSFERS

- 16.1 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. The Society will submit such applications to the Association.
- 16.2 Such application for transfer shall be posted, handed over or electronically sent to the Secretary within 30 days after the date of transfer of the animal concerned, provided should such application be posted, handed over or electronically sent to the Secretary more than 60 days but within 90 days of the date of transfer, the fees due to the transfer will be as determined by Council from time to time.
- 16.3 An application for such transfer been posted, handed over or electronically sent to the Secretary more than 90 days after such transfer, shall be considered and dealt with by Council and may be accepted after payment of such fees as determined by Council.
- 16.4 An application for transfer must be accompanied by the birth notification, recording or registration certificate of the relevant animal reflecting the full names and address of the owner as well as the signature of the seller or transferor and the date of the transfer in the space proved therefore on the certificate.
- 16.5 For the purposes of the foregoing Regulation 16.4 the date of transfer shall be deemed to be the date on which an animal left the possession of the seller or transferor.
- 16.6 If pregnant mares are sold the seller must furnish the buyer with a service or insemination certificate (depending on whether fertilization was brought about natural service or artificial insemination). The service certificate must reflect the identification marks and registration numbers of the relevant stallion and mare as well as the service date.

- 16.7 Change of ownership will be considered to have taken place in the event of -
- (a) an animal is sold, swapped, or donated;
 - (b) an animal is inherited;
 - (c) a partnership is 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 recorded registered stallions.
- 16.8 Should Council be of the opinion that the seller or transferor fails or refuses to take any of the steps to facilitate such transfer and fails or refuses to submit the original registration certificate or birth notification certificate and should the new owner be willing to settle the relevant fees determined by Council, Council may, with the approval of the Association, take such steps that may be necessary to satisfy the buyer or new owner, provided that in such instance penalties as laid down in Bye-Law 16.2 and 16.3 will be applicable to the new owner.
- 16.9 In cases of transfer from one spouse to another or from parents to children or from children to parents (including grandchildren and those related by marriage), irrespective of whether by virtue of sale, donation or inheritance only half the prescribed fees will be applicable.

17. REINSTATEMENT OF ANIMALS IN THE HERD BOOK

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

18. CANCELLATION OF REGISTRATION

- 18.1 The Council may request the Secretary to apply to the Association for the cancellation of the registration of any animal that –
- (a) is incorrectly registered;
 - (b) registered on the basis of false or misleading information provided by the owner; or
 - (c) registered after the owner failed to adhere to any Bye-Laws which should have been complied with in order to ensure that the registration took place without error.
- 18.2 Before applying for such cancellation of a registration certificate, the Secretary must advise the owner in writing at least 30 days prior to such cancellation being effected, to his latest recorded address, of the intention to do so.

