

**CONSTITUTION**  
**OF THE**  
**WAGYU**  
**CATTLE BREEDERS' SOCIETY**  
**OF SOUTH AFRICA**



# DEFINITIONS

1. When used in this Constitution and Bye-laws, unless a contrary meaning is apparent from the context -

"Act" means the Animal Improvement Act, 1998 (Act No. 62 of 1998) and includes the regulations promulgated in terms thereof;

"animal" means a bovine of the Wagyu breed registered or recorded or eligible for registration or recording in the Herd Book and the words "cattle", "calf/calves", "dam/s", "female/s", "bull/s", "male/s" and "sire/s" shall have the same meaning;

"birth" means the birth of a calf;

"breeder" means a member of the Society who is the owner of -

- a. the dam at the date of birth of an animal to be registered or recorded;
- b. an animal at date of application for registration/recording in the Basic Section of the Herd Book;
- c. an animal at the date of application for registration/recording in the Purebred or Full Blood Section of the Herd Book; or
- d. the recipient dam at the date of birth of the animal to be registered/recorded as a result of an embryo transfer;

"buyer" means the person or persons to whom ownership/joint ownership of an animal is transferred by the seller of such animal;

"Constitution" means the constitution (inclusive of the bye-laws) of the Society;

"Council" means the Council of the Society duly elected in terms of the Constitution;

"Department" means the Department or Departments in the national government charged with the administration of the Act;

"embryo" means a fertilised ovum of an animal;

"Herd Book" means the South African Wagyu Herd Book in which shall be recorded or registered, as the case may be, through the Society by the Registering Authority, the details of all animals;

"inspector/s" means a person/s appointed by Council for the purposes referred to in Clauses 9(i) and 9(j);

"Minister" means the Minister responsible for agriculture;

"ovum" means the ovum of an animal and includes an embryo;

"owner" means the person who -

- a. according to the records of the Registering Authority, possesses the animal concerned; or

- b. submits proof to the satisfaction of the Council that the animal concerned is eligible to be so registered, recorded or inscribed in his name

"recording" refers to the procedure of recording an animal in the Basic Section of the Herd Book;

"Registering Authority" means the organisation, registered as such in terms of the Act, that is responsible for the keeping of the Herd Book and for the execution of the recording actions associated with that, as contemplated in the Act;

"registering" refers to the procedure of registering an animal in the Purebred or Full Blood Section of the Herd Book, or by which a prefix or herd designation mark is placed on the records of the Registering Authority;

"Registrar" means the officer designated as Registrar of Animal Improvement in terms of Section 3 of the Act;

"Secretary" means the secretary of the Society;

"seller" means the person or persons being the owner/joint owner/s of an animal according to the records of the Registering Authority or, in the case of an imported animal, the owner in the country of origin who disposes of such animal;

"semen" means the semen of an animal;

"Society" means the Wagyu Cattle Breeders' Society of South Africa;

"South African-bred Wagyu" means an animal born in, or whilst in transit to, South Africa: Provided that an animal born from an imported ovum or embryo, shall be regarded as an imported Wagyu; and

"Territory" means South Africa and such other countries as the Society may from time to time, with the approval of the Registering Authority, determine.

2. Other words, abbreviations and phrases in this Constitution, not defined above, shall, unless a contrary meaning clearly appears from the context, have the same meaning assigned thereto 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

## 1. NAME OF THE SOCIETY

The name of the Society is the Wagyu Cattle Breeders' Society of South Africa.

## 2. OBJECTIVES

1.1 Subject to the provisions of the Act and of this Constitution, the objectives of the Society shall be:

- a) to encourage and promote the breeding and the improvement of the genetic production potential of animals in the Territories
- b) to maintain unimpaired the purity of the Wagyu breed in the Territories and promote the interests of the breed by all possible and available means;
- c) to encourage the collection, preservation and development of the breed by sound selection in accordance with the accepted description of a Wagyu and to eliminate contamination by foreign breeds;
- d) to compile and maintain a "Minimum Breed Standard" (Schedule B) based on production testing records and visual appraisal for genetic defects and conformation in as far as it is related to functional efficiency. For this purpose, all production data shall be made available to the Council, inspectors and appointed subcommittee/s;
- e) to compile, keep and maintain accurate records of the pedigrees and particulars of all animals duly registered or recorded through the Society by the Registering Authority in the Herd Book;
- f) to be the definitive source of Wagyu information in Africa;
- g) to ensure the integrity of Wagyu Beef throughout the supply chain, and the end customer of product reliability and quality;
- h) to be recognised as a leader in genetic and genomic technologies; and
- i) to safeguard and advance the common interests of breeders in the Territories, and generally to give effect to the objectives contemplated by the Act.

2.2 The Society will not –

- a) carry on any profit-making activities; or participate in any business, profession or occupation carried on by any of its members, or provide any financial assistance, premises, continuous services, or facilities to its members for the purpose of carrying on any business, profession or occupation by them; and
- b) have the power to carry on any business, including, *inter alia*, ordinary trading operations in the commercial sense, speculative transactions, dividend stripping activities as well as the letting of property on a systematic or regular basis.

## 3. POWERS OF THE SOCIETY

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

- a) to carry out such functions and perform such duties as are, or may be imposed upon it, by virtue of its incorporation in terms of the Act; and

- b) generally, to do all such acts as a body corporate may by law perform and which the Society may deem necessary for the attainment of its objectives.
- c) To establish a Certification Program that will be a registered trademark of the Society for Wagyu beef as a separate not for profit (NPC) entity to be called Certified Wagyu Beef NPC. CWB will ensure the integrity of the South African Wagyu beef supply chain and the end customer of product reliability and quality.

## **4. MEMBERSHIP**

### **4.1 Eligibility**

Subject to the provisions of Clause 4.2.5, membership of the Society shall be limited to persons above the age of 18 years and shall consist of certain categories of members.

### **4.2 Categories of Membership.**

#### **4.2.1 Ordinary Members**

Persons who are engaged, directly or indirectly, in the breeding of animals, and are resident in South Africa shall be eligible for membership of the Society as Ordinary Members who shall enjoy all the rights and privileges of membership, including the right to vote at any general meeting of the Society and the right to be elected to Council. For the purposes of this sub clause a company, close corporation, partnership or body corporate shall be deemed to be a person and, subject to Clause 4.4, be eligible for Ordinary Membership of the Society: Provided that:

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

#### **4.2.2 Life Members**

Any Ordinary Member may, with the approval of Council, become a Life Member by paying such fee or subscription as is laid down by Council.

#### **4.2.3 Honorary Life Members**

For special services in the interest of the Wagyu breed, an individual 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.

#### **4.2.4 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 Council.

#### **4.2.5 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, is not eligible for election to Council, but upon payment of the scheduled fees may partake in the other activities of the Society; and provided further that the Junior Member's parents or guardians countersign the application and accept full

responsibility for the financial and other commitments towards the Society on behalf of such Junior Member.

#### **4.2.6 Certified Wagyu Beef (CWB) Licensee**

Any licenced participant of the Certified Wagyu Beef program becomes a Certified Wagyu Beef Licensee of the Society. A Certified Wagyu Beef Licensee may not vote at meetings of the Society, is not eligible for election to Council, and may not apply for inscribing, recording, or registration of animals under the Society's rules, but will receive newsletters and any other relevant correspondence from the Society.

#### **4.2.7 Affiliated Members**

Any person with an interest in the Wagyu breed may become an Affiliated Member by paying an annual fee as laid down by Council. An Affiliated Member may not vote at meetings of the Society, is not eligible for election to Council, and may not apply for inscribing, recording, or registration of animals under the Society's rules, but will receive newsletters and any other relevant correspondence from the Society.

### **4.3 Company, Close Corporation, Partnership or Body Corporate**

- 4.3.1 A company, close corporation, partnership or body corporate applying for Ordinary Membership shall disclose to the Society such facts as may be necessary to determine the nature of the controlling interest therein and shall then, or at any time thereafter, in addition to the requirements imposed in respect of all applications, furnish the Society with the name and address of the person appointed by it to act as its representative at meetings of the Society. Such person shall have the right to nominate an alternate in writing, which nomination shall be handed to the Secretary not later than the time of the meeting at which such alternate will be present.
- 4.3.2 All communications addressed to such authorised representative referred to in Clause 4.2.1 shall be deemed to be duly served upon the company, close corporation, partnership or body corporate, and at all meetings at which such authorised representative is in attendance on behalf of the company, close corporation, partnership or body corporate, such company, close corporation, partnership or body corporate shall be deemed to be duly represented.
- 4.3.3 The principal person so appointed to represent such company, close corporation, partnership or body corporate shall be eligible for election to Council in terms of Clause 8.
- 4.3.4 Should such company, close corporation, partnership or body corporate cease to comply with the requirements of Ordinary Membership as laid down in Clauses 4.2.1 and 4.2.2, its rights shall automatically be terminated, and the provisions of Clause 4.2.5 shall *mutatis mutandis* apply in respect of such company, close corporation, partnership or body corporate.
- 4.3.5 The liquidation of a company or close corporation and the dissolution of a partnership or body corporate shall automatically result in the termination of its membership of the Society, provided that -
  - a) all amounts owing to the Society as at the date of liquidation or dissolution shall be recoverable by the Society from the liquidator of

- such company or close corporation, or from the members (either jointly or severally) of such partnership or body corporate;
- b) the liquidator of such company or close corporation and the members of such partnership or body corporate shall be obliged to discharge all the obligations of such company, close corporation, partnership or body corporate in respect of registrations, recordings, transfers and whatever obligations the company, close corporation, partnership or body corporate would have had to discharge as a member of the Society; and
  - c) whatever fees may become due and payable as a result of herd fees, registrations, recordings, transfers or other obligations which have of necessity to be fulfilled after such automatic termination of membership, shall be raised on the scale payable by Ordinary Members.

#### 4.4 Registering Members

4.4.1 Any person, including a company, close corporation, partnership or body corporate, resident or conducting business within the Territory who is directly or indirectly engaged in the breeding of animals, shall be eligible to register with the Society as a Registering Member.

4.4.2 **Such members shall have the right -**

- a) to vote at general meetings of the Society; and
- b) to be eligible for election to Council.

All the provisions of the Constitution in respect of persons applying to be admitted or already admitted as members and all the rights, privileges and obligations of such members as set out in the Constitution shall *mutatis mutandis* apply to all persons applying to be registered or already registered with the Society as Registering Members. Registering Members are *ipso facto* liable for fees payable to the Registering Authority.

#### 4.5 Application for Membership

4.5.1 Application for Ordinary, Life or Junior Membership of the Society shall be made to the Secretary in writing in such form as may be prescribed by Council and shall be accompanied by the relevant subscription and/or entrance fees as set out in the Society's Schedule of Fees (Schedule A). Published fees are VAT excluded. An applicant must be willing to participate in the designated production\_recording scheme.

4.5.2 Council may admit any applicant to membership of the Society, either unconditionally or on such conditions as it may determine, or it may refuse admission to membership, disclosing the reason for such refusal.

4.5.3 An applicant to whom admission to membership has been refused shall be entitled to a refund of any fees forwarded with his application for membership.

#### **4.6 Utilisation of Production and Registration Data**

Production data of animals of members participating in the designated production recording scheme may, on request of the Society and subject to the conditions as may be determined by the Registering Authority, be made available to the Society: Provided that the Society will not utilise such data to the disadvantage of any member or members or the Registering Authority, and that the further processing of such data will not be to the detriment of the objectives of the designated production recording scheme. The Society retains the right of perpetual use of any phenotypic, production, recording, registration and genomic data of all animals recorded or registered by / through the Society for the purposes of achieving its objectives, as described in Clause 2.

#### **4.7 Rights and Privileges of Members**

Save for executors of deceased estates, trustees of insolvent estates and liquidators of companies or close corporations, the rights and privileges of every member of the Society shall be personal to himself and shall not be transferable or transmissible either by his own act or by operation of law. These shall include the following rights

- a) to receive all reports and other matters published by the Society for distribution amongst members;
- b) to apply for the inscribing, recording or registration of animals under the Society's rules;
- c) to attend all general meetings of the Society and, subject to Clause 4.2, have the right to vote at such meetings;
- d) to receive technical advice on Wagyu matters from the Society's inspectors and officials (cost of same to be defrayed by the applicant); and
- e) to consult and use the Society's official reports.

### **5. SUBSCRIPTIONS AND FEES**

5.1 The amounts payable to the Society in respect of all subscriptions, fees or any other dues and commissions shall from time to time be determined by Council and shall be submitted to members for approval at the ensuing Annual General Meeting of the Society (Schedule A)

5.2 Annual subscriptions and fees shall become due and payable in advance in each and every year on a date or dates to be determined from time to time by Council and shall be deemed to be in arrear if unpaid after 90 days from date of invoice.

5.3 Any member whose subscription is in arrear, or who is indebted to the Society in respect of any fees or dues for a period longer than 30 days after a demand by registered post for payment thereof has been addressed to him by the Secretary, shall cease to enjoy any of the rights and privileges of membership until such time as such indebtedness has been liquidated.

5.4 Council may cause an interest charge to be levied and collected on arrear accounts at a rate determined by Council from time to time.

5.5 Any member who, for any reason whatsoever, has ceased to be a member of the Society, shall remain liable for all amounts due to the Society, as at the date on which his membership ceases.



5.6 Should Council determine that an account is in arrear and should such account be handed over to a firm of attorneys for collection, then the member shall be liable to the Society for payment of all legal charges, collection, and attorney and client costs incurred in addition to the principal amount, fines and penalties owing by him.

## 6 RESIGNATION AND EXPULSION OF MEMBERS

6.1 Any member may resign from the Society by giving not less than one month's written notice to the Secretary: Provided that such resignation shall not take effect before and until all moneys owing to the Society by such member have been paid, and furthermore until such member has discharged all his obligations in respect of registrations, recordings, transfers or any other obligation he would have had to discharge as a member of the Society.

- a) Council may expel and/or terminate its services to any member who - despite due notice and demand directed to him by registered letter from the Secretary continues to remain in arrear in respect of any fees or dues for a further period of 60 days;
- b) has acted in any manner which in the opinion of Council is or may be prejudicial to the interests of the Society or any of its members;
- c) has infringed any provision of the Constitution; or
- d) has been found guilty of an offence under the Act:

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

6.2 Any member who has been expelled shall be notified by the Secretary in writing within a period of ten days from the date upon which the resolution effecting his expulsion was passed, or upon which his membership was forfeited.

6.3 Upon expulsion of a member, Council may at its discretion direct the Secretary forthwith to remove from the Herd Book and any other registers or records of the Society, the name of the member so expelled, and to apply to the Registering Authority for the cancellation of all registrations or recordings effected by it, in respect of animals bred by the expelled member and owned by him at date of his expulsion. The Secretary shall moreover call upon the expelled member forthwith to deliver to the Society the registration or recording certificates in respect of all animals bred and owned by him at the date of his expulsion.

6.4 From the date of his expulsion no transfer of an animal bred by the expelled member shall be registered or recorded in his name, no notifications of birth shall be accepted from him and he shall be notified accordingly.

6.5 A person who, for whatever reason, has ceased to be a member of the Society, may thereafter again be admitted to membership, upon application made in terms of Clause 4.5.

## 7 REGISTER OF MEMBERS

- 7.1 The Society shall keep a register of all members reflecting the date of their admission to membership, their postal addresses, the amounts received from them with the date of payment and arrears, if any, which may be due.
- 7.2 Every member shall communicate in writing to the Secretary any change of his postal address, and all notices of publications posted to the registered address of a member shall be considered as duly delivered to him.
- 7.3 Communications consigned under registered cover to members by the Secretary shall be binding.
- 7.4 The Secretary shall submit to the Registering Authority such information as it may require concerning admissions to membership, terminations of membership (for whatever reason), and postal addresses of members.

## 8 COUNCIL AND EXECUTIVE COMMITTEE

### 8.1 Election of Council

The Council shall consist of seven members. Candidates for Council shall be nominated by duly completing the applicable nomination form, signed by the nominee, before the start of the Annual General Meeting at which the election is to take place. The nomination form shall be made available one month before the AGM and be submitted to the secretary at least seven days before the AGM. Additional members may be co-opted or elected at the discretion of Council. Elected Council members shall hold office for a period of two years and shall retire at the Annual General Meeting at the end of this period. Retiring members shall be eligible for re-election. In order to make provision for continuity on Council, Council may decide by the drawing of lots which individual member shall retire at the next Annual General Meeting of the Society.

### 8.2 Election of President and Vice-President

- 8.2.1 The President and Vice-President, who shall hold office for a period of two years each, shall be elected by ballot by the members of the newly elected Council.
- 8.2.2 Members elected as President and Vice-President shall be eligible for re-election as such.

### 8.3 Additional Council Members

In addition to the elected and/or co-opted members of Council, the following persons will also serve on Council in an advisory capacity and are also entitled to attend any Council or general meeting, but without the right to vote at any such meeting:

#### **8.3.1 Honorary Life Vice-Presidents**

For exceptional services rendered to the Society, persons may at an Annual General Meeting be proposed and elected as Honorary Life Vice-Presidents: Provided that the proposal is recommended by Council and supported by at least three-quarters of the members present at the meeting.

#### **8.3.2 The Secretary**

There shall be a secretary to the Society.

### 8.4 Executive Committee

The Executive Committee of the Council shall consist of the President, Vice-President and CEO. All actions or decisions of the Executive Committee shall be approved and confirmed at the ensuing Council Meeting.

- 8.5 Should any member of the Council die, resign or cease to be a member of the Society, or be called upon to fill the office of President or Vice-President as provided for in Clause 8.6, Council may appoint another member of the Society as his substitute with full powers and for the unexpired period of his term of office. The Council shall be deemed to be duly constituted and shall continue exercising all the powers conferred upon it, notwithstanding any vacancies in its body.
- 8.6 In the event of the office of President or Vice-President becoming vacant before the expiration of the period for which he was elected Council shall at its first ensuing meeting elect by ballot or in such manner as the meeting may determine another of its members to fill the vacancy for the unexpired portion of that period.
- 8.7 Members of Council absenting themselves from two consecutive meetings without leave, or other satisfactory reasons, shall automatically vacate their seats.

## 9. POWERS AND DUTIES OF COUNCIL

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

- a) appoint, dismiss or suspend such attorneys, or other legal representatives, auditors, agents, officers or officials or other employees for or from permanent, temporary or special services as it may deem fit; to determine their powers and duties and to fix their remuneration and conditions of service and to require such security for the due performance of their functions as it may in particular cases deem expedient;
- b) 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;
- c) open one or more banking accounts in the name of the Society, and to draw, accept, endorse, make or execute any bill of exchange, promissory note, cheque or other negotiable instrument in connection with the conduct of the affairs of the Society;
- d) invest, or in any other manner deal with any moneys not immediately required for the purposes of the Society, upon such securities and on such terms as it may deem fit and, from time to time, to change or realise any such investments: Provided that funds available for investment may only be invested with registered financial institutions as defined in section 1 of the Financial Institutions (Investment of Funds) Act, 1984, and in securities listed on a licensed stock exchange as defined in the Stock Exchanges Control Act, 1985 (Act No. 1 of 1985);
- e) lend or borrow money for the purposes of the Society upon security as determined by it; to enter into indemnities, guarantees and suretyships and to secure payment thereunder in any way; to make donations; to undertake and execute any trust; to secure the payment of moneys borrowed in any manner, including the mortgaging and pledging of property, and, without detracting from the generality thereof, in particular by the issue of any kind of debenture or debenture stock, with or without security;

- f) purchase, hire, take on lease or acquire for the purpose of the Society, buildings, land, goods, chattels and effects; to sell, mortgage, pledge, let, alienate or otherwise dispose of any movable or immovable property belonging to the Society, and to apply the consideration arising therefrom in such a manner as it may consider to be to the best advantage of the Society;
- g) manage, insure, sell, lease, mortgage, dispose of, give in exchange, work, develop, build on, improve, turn to account or in any way otherwise deal with all, or any part, of its property and assets;
- h) co-opt the services of any member of the Society or other person and to appoint persons or subcommittees upon such terms and with such powers as it may from time to time deem expedient: Provided that the President and Vice-President of the Society shall be *ex officio* members of all subcommittees with full rights and privileges;
- i) appoint or discharge inspectors for the examination of animals submitted for registration or recording, 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 regarding their duties for the purpose of ensuring that the objectives of the Society are being carried out;
- j) order an investigation by inspectors of the Society in any case where records are not properly kept or where any doubt should arise as to the correctness of the identity of any animal or animals and to take such action as it may consider advisable in the interests of the Society;
- k) 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;
- l) convene a general or any other meeting of the Society, either in compliance with a special request thereto made in accordance with the provisions of the Constitution or otherwise if it is deemed necessary;
- m) grant leave of absence to any member of Council or any official or employee of the Society, for such period and upon such terms as it may in each case determine;
- n) impose and exact such penalties as may be prescribed from time to time for contravention or infringement of the Constitution, rules and regulations of the Society;
- o) from time to time, subject to the provisions of Clause 5, adjust or revise subscriptions, fees or dues and to prescribe any such additional fees or dues as it may deem necessary;
- p) pay all costs and charges in connection with the administration and management of the affairs of the Society;
- q) receive and consider applications for membership and to accept or refuse such applications at its discretion;
- r) collect and receive subscriptions, fees, donations, other dues and funds and to devote same towards the objectives of the Society and towards promoting the Wagyu breed;
- s) frame, alter and rescind rules and regulations for conducting the business and carrying out the objectives of the Society, to frame or amend any schedule pertaining to the Constitution as may be deemed necessary from time to time, and to investigate disputes arising from the application of the Constitution and to give decisions in regard thereto;
- t) organise and promote sales, either by public auction or private treaty, and for such purposes to appoint auctioneers and agents;
- u) elect a representative/s to the meetings of organisations it is affiliated to and to nominate a person or persons to represent the Society on any committee, body or organisation as may be necessary;

- v) for the better and more convenient carrying on and fulfilment of the business of the Society appoint one or more members or officials with power and authority to sign and receive documents, papers and process, and to act, sue and be sued on behalf of the Society;
- w) cancel membership of any person in accordance with Clause 6; in accordance with Clause 5.3 to refuse inspection, registration/recording and other work for members whose accounts are overdue;
- x) draw up a "Standard of Excellence" and to lay down minimum production, reproduction and other standards by which:
  - I. animals shall be inspected by inspectors;
  - II. applications for importation and exportation of animals, semen and ova shall be recommended;
  - III. semen and ovum donors shall be approved for embryo transfer purposes; and
  - IV. bulls shall be recommended for approval for the sale of semen in terms of the Act.
- y) generally, 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 Constitution.

## 10. MEETINGS

### 10.1 Executive Committee Meetings

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

### 10.2 Council Meetings

10.2.1 Council shall meet at such time and place as it may from time to time determine, or as may be decided by the President: Council meetings conducted by telephonic conference calls shall be deemed to have taken place in the Office of the Society. Not less than two Council meetings shall be held in each financial year.

10.2.2 A special Council meeting -

- a) may be called by the President (or in his absence by the Vice-President) at such time and place as such office-bearer may decide; or
- b) shall be called upon a requisition signed and addressed to the Secretary by not less than four members of the Council stating the reasons for such meeting.

10.2.3 Not less than 21 days prior to the holding of a Council meeting, written notice of the time, date and place of such meeting shall be e-mailed by the Secretary to each member of Council. In the case of Council meetings conducted by telephonic conference call not less than seven days' telephonic notice shall be given to each member of Council.

10.2.4 No resolution of Council in respect of any matter shall be varied or rescinded unless the resolution varying or rescinding the same be passed at a meeting in respect of which not less than 21 days' notice specifying the intention to vary or rescind has been given to all Council members: Provided that a resolution may be varied or rescinded without such notice if all members of Council are present and so decide.

## 10.3 General Meetings

- 10.3.1 A general meeting of the Society, to be known as the Annual General Meeting, shall be held once a year at such time and place as may be determined by Council.
- 10.3.2 At such Annual General Meeting, Council shall submit its annual report, together with a duly audited balance sheet and statement of the financial affairs of the Society as at the end of the previous financial year.
- 10.3.3 A special general meeting of the Society may at any time, upon 30 days' written notice to members, be called -
- a) by Council; or
  - b) by the President (or in his absence by the Vice-President); and
  - c) shall be so called, upon a written requisition signed and addressed to the Secretary, by not less than 15 members of the Society stating the matters to be discussed at such meeting. At such a meeting, only the stipulated matters may be discussed.
- 10.3.4 Not less than 60 days prior to the holding of the Annual General Meeting a preliminary notice of the time, date and place of the meeting shall be sent out, by written notice, by electronic means or by post, by the Secretary to every member. Any member intending to put forward any matter for discussion at the Annual General Meeting shall give written notice thereof to reach the Secretary not less than 40 days prior to the holding of the meeting. No subject put forward by any member shall be put on the agenda of the Annual General Meeting unless the requisite notice of motion has been given in terms of this sub clause.
- 10.3.5 Not less than 30 days prior to the holding of any general meeting a final notice of the time, date and place of such meeting, together with the agenda of such meeting, shall be sent, by written notice, by electronic means or by post, to each member of the Society.
- 10.3.6 No resolution shall be taken at a general meeting in respect of any matter unless notice thereof appears in the agenda sent to the members with the notice calling the meeting, unless such meeting agrees by two-thirds of the members present and entitled to vote that any matter not specifically on the agenda, shall be discussed and voted upon.
- 10.3.7 Any general meeting may be adjourned by a two-thirds majority of the members present thereat and entitled to vote.

## 10.4 Chairperson

The President, Vice-President or an Honorary Life Vice-President, in this order, shall preside at all meetings and should all these office-bearers be absent from any meeting, the members present thereat shall elect another member to preside at such meeting and any person so elected shall, in relation to that meeting, have all the powers and fulfil all the duties of the President: Provided that in the event of the death of the President, the Vice-President shall act as President until the next Annual General Meeting of the Society.

## 10.5 Voting Procedures

All matters submitted to any meeting shall, save as is otherwise provided, be decided by the votes of the majority of those members present and entitled to vote and in the event of an equality of votes, the person presiding at the meeting shall have a casting vote as well as a deliberative vote. Subject to the provisions of Clause 8, voting at all meetings shall be by show of hands, unless voting by ballot is demanded by two-thirds of the members present and entitled to vote in which event voting shall be by secret ballot.

## 10.6 Non-receipt of Notices

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

## 10.7 Quorums

10.7.1 Four members of the Society personally present at the commencement of any general meeting and entitled to vote shall form a quorum for such meeting and four Councillors personally present at any Council meeting and entitled to vote shall form a quorum for such Council meeting.

10.7.2 Any two members of the Executive Committee personally present at the commencement of any meeting of the Executive Committee shall form a quorum.

10.7.3 If at any meeting a quorum is not present, the meeting shall stand adjourned to a time (not being less than 14 days and not more than 30 days thereafter) and place determined by the members actually present, and at such adjourned meeting the members present shall form a quorum: Provided that any meeting at which the President, Vice-President or an Honorary Life Vice-President is present shall, if there is no quorum, stand adjourned for half an hour. The members then present shall form a quorum for the disposal of such business (other than any amendment to the Constitution) as the presiding member may declare to be of an urgent nature, and such adjournment for half an hour shall be without prejudice to the rights of the meeting after dealing with such urgent business to adjourn to a time, date and place as herein provided.

10.7.4 When a meeting has been thus adjourned, a notice shall be sent to all relevant members within 14 days after the adjournment, in which shall be stated the time, date and place to which the meeting has been adjourned and the reason for the adjournment.

## 10.8 Minutes of Meetings

10.8.1 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 Executive Committee meetings and meetings of other subcommittees shall be supplied to all persons serving on the committee concerned.

10.8.2 The minutes of all meetings approved at a subsequent meeting and signed by the President or the person who may chair the subsequent meeting, shall be proof

thereof that all the proceedings were conducted properly and that all elections, appointments and resolutions adopted at the meeting are valid and binding.

## **11.FINANCIAL PROVISIONS**

- 11.1 Council shall cause one or more banking accounts to be opened in the name of the Society and any amounts accruing to the Society shall be deposited in such banking account or accounts as Council may direct.
- 11.2 All payments from the funds of the Society shall be effected by cheque, signed by the Secretary or a person appointed by Council and countersigned by the Auditors or such person or persons as Council may authorise thereto in terms of Clause 9(v): 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.
- 11.3 Council shall cause proper books of account of income and expenditure to be kept in respect of the Society. All accounts shall be audited from time to time, but not less than once every year by an auditor or auditors appointed by Council.
- 11.4 All the property of the Society shall be vested in Council.
- 11.5 The income and property of the Society, from whatever source derived, 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 person: Provided that nothing herein contained shall prevent the payment in good faith of remuneration to any employee or other person/s for services rendered to the Society.
- 11.6 The Society's financial year shall commence on 1 July of each year and end on 30 June of the following year.

## **12.AFFILIATIONS**

The Society may, by a majority vote of at least two-thirds of the members personally present, voting and entitled to vote at any general meeting, affiliate with or incorporate any association, society or organisation having aims and objectives kindred to those of the Society.

## **13.ELECTION OF A REPRESENTATIVE/S TO MEETINGS OF ASSOCIATED ORGANISATIONS**

Council shall elect a representative or representatives to the meetings of associated organisations in accordance with Clause 9(u).

## **14.AMENDMENTS TO THE CONSTITUTION**

- 14.1 The Constitution may be added to or altered by a resolution approved by not less than two-thirds of the members present and entitled to vote at a general meeting of



the Society, of which meeting, and of which proposed addition to, alteration, variation or amendment of the Constitution, not less than 30 days' written notice has been given to each member of the Society.

- 14.2 No such addition to, alteration, variation or amendment of the Constitution, notwithstanding that it has been passed in the manner prescribed in Clause 14.1, shall be of any force or effect until and except it is confirmed and approved by the Registrar, in terms of the Act, and shall comply with and be submitted to the Registrar in the manner required by him.

Any amendment to the Constitution will be submitted to the Commissioner for the South African Revenue Service.

## **15.OFFICE OF THE SOCIETY**

The office of the Society shall be at any centre as may be determined by Council from time to time, subject to confirmation by the ensuing general meeting of members.

## **16.DISSOLUTION OF THE SOCIETY**

If, upon the winding up or dissolution of the Society there remains, after the satisfaction of all its debts and liabilities, any property whatsoever, such property shall not be paid to or distributed amongst the members of the Society but shall be given or transferred to such other institution or institutions having objectives similar to those of the Society as may be determined by a majority decision of a general meeting of the Society.

## **17.AUTHENTIC VERSION OF CONSTITUTION**

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

## **18.EMPLOYEES OF THE SOCIETY**

No employee of the Society shall, except in the performance of his duties as such an employee, render any service or be connected with any business concerned with the purchase or sale of animals without written permission from council.

## **19.DELEGATION OF POWERS**

Notwithstanding anything to the contrary in the Constitution, any member may under power of attorney, duly executed and filed with the Secretary, authorise another person to sign on his behalf any application for registration or 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.

## **20.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 determined by Council and payable in advance.  
(Schedule A).

# BYE – LAWS

## 1. HERD BOOK

The registration system of the Society shall consist of the Herd Book, be it computerised or in any other form, which shall be divided into three main sections, namely the Basic section, the Purebred section and the Full Blood section, which shall be maintained and operated by the relevant Registering Authority in terms of the Act. Animals will only be taken up in the Herd Book of the Society after approval according to the minimum visual and production standards as stipulated by the Council of the Society from time to time.

### Classification

Wagyu Breed Content Classification	Definition
Wagyu Fullblood 100%	The offspring of a Wagyu Fullblood sire and a Wagyu Fullblood dam whose forebears originate from Japan and whose pedigree shows no evidence of any grading up from base animals or outcrossing to other breeds.
Purebred Wagyu F4 $\pm$ 93%	Has greater than 93% ( $\pm$ 5%) Wagyu genetic content. For example, the result of at least four generations of upgrading using a Wagyu Fullblood or Purebred sire – the progeny of a Fullblood or Purebred Wagyu bull and a Wagyu F3 dam.
Crossbred Wagyu F3 $\pm$ 87%	Has greater than 87% ( $\pm$ 5%) Wagyu genetic content. For example, the result of at least three generations of upgrading using a Wagyu Fullblood or Purebred sire – the female progeny of a Fullblood or Purebred Wagyu bull and a Wagyu F2 dam.
Crossbred Wagyu F2 $\pm$ 75%	Has greater than 75% ( $\pm$ 5%) Wagyu genetic content. For example, the result of at least two generations of upgrading using a Wagyu Fullblood or Purebred sire – the female progeny of a Fullblood or Purebred Wagyu bull and a Wagyu F1 dam.
Crossbred Wagyu F1 $\pm$ 50%	Has 50% ( $\pm$ 5%) or higher Wagyu genetic content. For example, the first generation of upgrading (female progeny) using a Wagyu Fullblood or Purebred sire or dam and the dam or sire of another breed or unknown breed.

## 2. PREFIX AND HERD DESIGNATION MARK

- 2.1 No animal shall be accepted for birth notification, registration or recording unless the breeder has previously, through the Society, registered for his exclusive use, a prefix by which all animals bred by him and eligible for birth recording, registration or recording shall be designated, and a herd designation mark by which such animals shall be identified.
- 2.2 No prefix shall exceed 18 characters, and the name of a city, town or post office in the Territory shall not be accepted for registration as a prefix.

- 2.3 The herd designation mark registered for the breeder's exclusive use shall not exceed four characters and shall consist of letters, numbers or a combination of letters and numbers, but shall not consist of the same four letters or the same four numbers.
- 2.4 Application for the registration of such prefix and herd designation mark shall be made to the Secretary and shall be accompanied by such fee as may be prescribed from time to time by Council.
- 2.5 No transfer of a prefix or herd designation mark shall be allowed from one breeder to another, except under such conditions and to such persons as are provided for by the relevant Registering Authority.

### **3. IDENTIFICATION**

- 3.1 All live animals of which the births are notified, and all animals offered for registration or recording must bear permanent identification marks which shall include a herd designation mark, year number and a sequence number, and any animal which does not bear the approved identification marks shall not be accepted for the recording of its birth or for subsequent registration or recording by the Registering Authority.
- 3.2 Branding or tattooing shall be the Society's official system of marking for the uniform and permanent identification of all animals submitted for recording or registration in the Herd Book and in the records of the Registering Authority. In addition, if desired, ear tagging shall be used.
- 3.3 Every calf must be identified by the breeder within 90 days of birth.
- 3.4 The year number shall consist of two figures indicating the year of birth.
- 3.5 The birth sequence number shall not exceed four characters.
- 3.6 Every calf must be branded or tattooed before the age of 12 months with the herd designation, the year number to indicate the year of birth (two figures) and the sequence number.
- 3.7 In the event of a calf leaving the breeder's possession at an age too young to be branded or tattooed, such calf shall be ear tagged in terms of this Bye-law.
- 3.8 In the event of a breeder making a mistake when identifying a calf, or in the event of a mark becoming defaced or illegible, the owner of the animal shall report the fact to the Secretary in writing, and the animal shall be re-marked in the presence of an inspector appointed by Council after such inspector has satisfied himself as to the correctness of the identity of the animal.
- 3.9 Save for the possible compulsory branding or tattooing of animals as regulated by legislation the branding or tattooing of any other brand or tattoo mark whatsoever on an animal, by the breeder or owner or his agent, is strictly prohibited and the registration or recording certificate of any animal so marked shall be liable to cancellation.

- 3.10 Subject to the requirements of Bye-law 3.6, no animal shall be transferred unless it is clearly marked.

#### 4. NAMES

- 4.1 In addition to the identification marks referred to in Bye-law 3, all live animals of which the births are notified, and all animals offered for registration or recording, must be explicitly named: Provided that the name may be substituted by the animal's identification number. Council shall have the right to refuse any application in respect of an animal which in its opinion cannot be clearly identified or is misleadingly named.
- 4.2 The name shall include the prefix registered in favour of the breeder, and exclusive of the prefix, shall not exceed 20 characters.
- 4.3 The name of any animal, once accepted for recording of its birth, shall not thereafter be changed or amended, except when the name reflects an obvious error, in which event it shall be permissible to amend the name only to the extent of correcting the error.

#### 5. NOTIFICATION OF BIRTHS

- 5.1 The breeder of an animal born from a registered or recorded dam or one eligible for registration or recording shall notify the Society within 90 days of its birth, whether it be born dead or alive or retained for registration or recording or otherwise. Births notified after such period shall be accepted subject to the approval of Council and on payment of a late notification fee as may be determined by Council.
- 5.2 No birth notification of an animal shall be accepted unless the sire and dam at the time of service were more than eight months old.
- 5.3 All births shall be notified in the format as approved by the Registering Authority, and copies thereof shall be kept by the breeder concerned for inspection and checking at all reasonable times by officers of the Society.
- 5.4 In the event of multiple births, the breeder shall in addition to the particulars ordinarily required, also record on the birth notification the number and sex of the other twin, triplets, etc., as the case may be.
- 5.5 Records shall be kept by the Registering Authority in the name of each breeder of all animals born, whether born dead or alive, whose births have been duly notified by the relevant breeder, and of such other details as may be determined by the Society.
- 5.6 The birth notification shall contain a declaration in the following terms:  
*"I declare that the pedigree, breeding particulars and identification marks of the animals described herein are correct, and that all the requirements of the Constitution and the Act relating to birth notifications, registrations and recordings have been complied with."*
- 5.7 A notification of a birth shall also be accompanied, in the case of an animal imported *in utero*, by the necessary certificates confirming parentage of both the sire and dam,

endorsed by the Herd Book Society (or body recognised by the Society) in the country of origin, to the effect that -

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

- 5.8 No birth notification shall be accepted unless the sire of the animal has an approved DNA-profile on record, an approved DNA-profile of the dam is on record with the Society and an acceptable biological sample (for the development of a DNA-profile) of the animal has been submitted.
- 5.9 Once all the requirements of the Act and this Constitution (including the Bye-laws) regarding birth notifications have been complied with, and the Society has accepted and recorded the birth notification, the breeder recording the birth shall not be held responsible for any mistakes or inconsistencies in the recorded data that may subsequently come to light as a result of improved means of testing, analysis or alterations to the pedigree of the animal mandated by improved means of parentage or pedigree discovery.

## 6. RULES GOVERNING ARTIFICIAL INSEMINATION (A.I.)

- 6.1 All animals which have been begotten through A.I. shall be eligible for registration or recording: Provided that all requirements of the Act and the Constitution have been complied with.
- 6.2 No birth notification shall be accepted for the purpose of registration or recording unless it is endorsed "Begotten by A.I."
- 6.3 Irrespective of the provisions of Bye-law 6.1, where different sires are used for the supply of semen for the artificial insemination of the same female at two consecutive heat periods less than 28 days apart, no resultant progeny shall be eligible for registration or recording unless the male parentage has been confirmed by a parentage verification test.
- 6.4 The Society reserves the right through its officers to supervise and/or inspect the keeping of records in connection with A.I. by its members.
- 6.5 The Society and the Registering Authority reserve the right to refuse to register or record the progeny resulting from A.I. should any of these rules not be fully adhered to.
- 6.6 Breeders resident in the Territory outside South Africa who enjoy the privileges of registration or recording of animals under the provisions of the Constitution, may apply for registration or recording of progeny begotten by A.I.: Provided that the semen is obtained from a source approved by the Society, and provided further that the collection of semen, the handling thereof, the insemination of the animals and the maintenance of records shall be effected in such manner as may be duly approved by the Society from time to time.
- 6.7 The Society confirms the right of breeders, subject to the provisions of the Act, to collect, freeze and store the semen of their own bulls for use in their own herds, and

progeny resulting from the use of such semen shall be eligible for registration or recording: Provided that -

- a) complete details of the ownership of the sire concerned have been submitted to the Society;
- b) the official DNA laboratory number of the sire has been submitted to the Registering Authority;
- c) the collection and storage of the semen have been carried out in accordance with the requirements of the Act; and
- d) all requirements of the Constitution in respect of birth notifications, registrations or recordings are complied with.

6.8 Semen of a bull may not be used for the insemination of animals of more than five joint or successive owners of that bull, unless it has been approved for the collection of semen in terms of the Act.

6.9 In the case of a transfer of a bull (other than one approved for the collection of semen in terms of the Act) from which semen has been collected, frozen and stored, the application for the transfer of such bull must be accompanied by a certificate signed by the seller indicating the number of doses of semen stored at the date of transfer.

## 7. RULES GOVERNING EMBRYO TRANSFERS (E.T.) AND IN VITRO FERTILISATION.

All animals which have been begotten as a result of E.T. and *in vitro* fertilisation, shall be eligible for registration or recording: Provided that –

- a) both the male and the female animals which gave rise to the embryo concerned, were approved for the purpose by the Society;
- b) except in the case of an animal begotten as a result of E.T. and imported *in utero*, all the following documents are submitted to the Society within 120 days of each embryo transfer -
  - I. the certificates reflecting the official DNA laboratory numbers of the male and female animals that gave rise to the embryo concerned;
  - II. a certificate signed by a veterinarian, an embryo transferor, or, in the case of intra-herd E.T., by the owner, to the effect that the provisions of the Act have been complied with; and
  - III. in the case of an animal begotten from an imported ovum, a certificate issued by a competent body, recognised by the Society and the Registering Authority, in the country of origin, stating the names, identification and registration or recording numbers of the ovum and semen donors, the date and place of collection, the number of viable ova collected, and the date exported.
- c) in the case of an animal begotten as a result of E.T. and imported *in utero*, the following evidence and documents endorsed by the Herd Book Society (or body recognised by the Society and the Registering Authority) in the country of origin are submitted to the Society within 30 days of the arrival of the recipient dam in South Africa -
  - I. evidence of the service or insemination and flushing of the embryo donor;
  - II. evidence of the transfer of the embryo concerned and date thereof to the relevant recipient dam;

- III. two-generation pedigrees of both donors;
  - IV. DNA certificate of both donors; and
  - V. evidence that both donors conform to the minimum performance and other requirements as may be determined by Council.
- d) a birth notification in respect of an animal resulting from E.T. is submitted in the format referred to in Bye-law 5.3;
  - e) confirmation of parentage in each instance is supplied, unless otherwise determined by the Society and the Registering Authority; and
  - f) all other requirements of the Constitution in respect of birth notifications, registrations, recordings, inspections and/or production and reproduction are complied with.
- 7.1 The Society and the Registering Authority reserves the right through its officers to supervise and/or inspect the keeping of records in connection with the practice of E.T. and *in vitro* by its members.
- 7.2 Breeders resident in the Territory outside South Africa who enjoy the privileges of registration or recording of animals under the provisions of the Constitution, may apply for registration or recording of progeny begotten as a result of E.T.: Provided that the fertilised ova are obtained from a source approved by the Society, and provided further that the collection of ova, the handling thereof, the ino-vulation of the animals and the maintenance of records shall be effected in such manner as may be duly approved by the Society from time to time.
- 7.3 Animals born from *in-vitro* fertilization may be registered once parentage has been verified.
- 7.4 The Society and the Registering Authority reserve the right to refuse to register or record the progeny resulting from E.T. or *in-vitro* should any of these rules not be fully adhered to.

## 8. GESTATION AND INTERCALVING PERIODS

- 8.1 The gestation period shall be 282 days. The minimum acceptable gestation period shall be 266 days, and the maximum period shall be 303 days.
- 8.2 The minimum period between the dates of birth of two successive calves out of one cow (intercalving period) shall be 271 days.
- 8.3 Any gestation or intercalving periods outside these ranges shall not be recognised unless the parentage of the calf concerned is confirmed by an approved method.

## 9. CONFIRMATION OF PARENTAGE

- 9.1 In order to confirm the parentage of an animal, the Society shall at any time have the right to insist on DNA or any other proven scientific method of confirming parentage
- a) as a routine procedure, on a basis to be determined by the Society from time to time; and
  - b) in any case of doubt.



- 9.2 In respect of the tests referred to in Bye-law 9.1(a) the breeder will be responsible for all costs of all parentage control tests from the second test onwards.
- 9.3 In respect of the tests referred to in Bye-law 9.1(b) the owner shall bear the costs of the tests required.
- 9.4 The Society shall instruct the Registering Authority to cancel the registration / recording of all animals that fail a parentage verification test.

## **10. REQUIREMENTS AND APPLICATION FOR REGISTRATION OR RECORDING**

An inspector's course will be held annually, or as determined by the Society. All members will be given the opportunity to do an inspector's exam. Members that have previously passed inspection courses with other breeds, may be exempted from attending the exam at the discretion of the appointed examiner(s) who will refer the decision to council. Members that have passed an inspection course or are exempted by council will not need a compulsory annual inspection. Council may review this clause as and when required.

- 10.1 A valid DNA-profile and parentage verification shall be a prerequisite for registration.
- 10.2 No animal that does not comply with the minimum production standards (Schedule B) shall be eligible for registration or recording.
- 10.3 Any animal of which the particulars supplied on the birth notification form or accompanying certificates are open to question may, in the discretion of Council, be debarred from registration or recording.
- 10.4 No application for registration or recording of a South African bred commercial cow, referred to as a base cow, will be considered unless details of its approximate birth year and approximate breed type have been recorded or are accepted for recording in terms of Bye-law 5.
- 10.5 The form of application shall -
  - a) be laid down by the Registering Authority; and
  - b) be endorsed by the Society to the effect that all the requirements of the Constitution in respect of registration or recording have been met.
- 10.6 An imported animal or one resulting from imported semen or an embryo shall be eligible for registration or recording provided the requirements of the Constitution have been complied with.
- 10.7 A pedigreed animal imported into the Territory 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 Herd Book Society (or body recognised by the Society and the Registering Authority) in the country of origin;
  - b) evidence to the effect that the animal concerned conforms to the production and other requirements as may be determined from time to time by the Society;

- c) a report of the inspector confirming that -
    - I. the animal bears the permanent indelible identification marks as recorded on the registration or export certificate;
    - II. the animal was sold and left the seller's possession on the date stated and that the animal was shipped and/or transported to the Territory on the date stated; and
    - III. that the animal arrived on the applicant's farm on the date stated.
- 10.8 Registration or recording certificates shall be issued by the Registering Authority in respect of imported animals.
- 10.9 Animals resulting from the inovulation of imported ova in respect of which Bye-law 7 and all other provisions of the Constitution have been complied with, shall be eligible for registration or recording: Provided that such imported ova –
- a) were collected by a competent body in the country of origin (approved by the Division: Animal Health of the National Department of Agriculture) from an animal which complies with the minimum requirements for the importation of ova determined by Council and approved by the Society; and
  - b) if fertilised, shall have been fertilised with the semen of a sire which likewise complies with the above-mentioned minimum requirements.

## 11. INSPECTION AND PRODUCTION REQUIREMENTS

### 11.1 Minimum standards

Minimum breed and production standards (Schedule B), as prerequisites for registration or recording, shall be determined by Council from time to time.

### 11.2 Growth stimulants

No animal shall be accepted for registration or recording if it has been treated with hormonal growth stimulants. Such practice shall be considered prejudicial to the interests of the Society.

### 11.3 Inspections and Duties of Inspectors

11.3.1 In terms of Clause 9(i) of the Constitution and 10.1 of the Bye-Laws, Council may appoint inspectors to inspect all animals eligible for registration or recording and all imported animals, upon application by the breeder concerned.

11.3.2 The inspectors shall inspect each eligible animal upon presentation of the application for registration or registration certificate, as the case may be and shall satisfy themselves that the age, identification, and other details as appearing on the said application or certificate are correct and correspond with the animal offered for inspection. Furthermore, they shall satisfy themselves that the animal conforms in all respects to the minimum inspection and production standards as determined by Council (Schedule B).

11.3.3 All animals will be inspected as per By-Law 10.1 and approved between the age of 12 and 36 months in order to be eligible for registration or recording, except in the case of imported animals where no age limit shall apply. During an inspection, all young bulls or heifers of the same age and same performance tested group must be placed before the inspector simultaneously as a group. The inspectors are empowered to use their discretion in holding any particular

animal over for inspection during their next visit in which case the maximum age referred to above shall not apply.

- 11.3.4 Inspectors acting on the instructions of Council may at any time, without previous notice, carry out a general inspection of any breeder's herd.
- 11.3.5 Any breeder dissatisfied with an inspector's decision may lodge an appeal to the Secretary within three weeks after the inspection. Such appeal must be accompanied by a deposit of an amount as prescribed by Council from time to time (Schedule A). A board of appeal appointed by Council shall then re-inspect the animal or animals in question and, if the appeal is upheld, the relevant deposit shall be refunded less expenses incurred by Council.
- 11.3.6 Except in cases referred to in Bye-law 11.3.4, timeous notice shall be given to breeders of an intended visit by an inspector.
- 11.3.7 Special inspections can only be carried out by permission of the Executive Committee if inspectors are available and if the applicant agrees to pay the fees payable in respect of special inspections as laid down by Council from time to time.
- 11.3.8 Inspectors may, in addition to the inspections referred to above, perform other duties with the approval of Council, including:
  - a) classification or grading of animals upon application by the breeder concerned at a fee determined by Council from time to time; and
  - b) demonstrations and lectures at farmers' days or judges' courses.
- 11.3.9 Inspectors employed by the Society may not accept instructions from members or non-members to negotiate the buying or selling of animals nor may they accept any commission arising from sales or purchases of animals: Provided that breeders who are appointed as inspectors shall not be subject to this rule.

## **12. REGISTRATION AND RECORDING CERTIFICATES**

### **12.1 Original Certificates**

- 12.1.1 Registration or recording certificates to be issued in respect of any animal may, with the consent of the Registering Authority, be in the form desired by the Society. Data in respect of production measured in the designated production testing scheme, classification or other information may appear on the registration or recording certificate or an accompanying classification / production certificate.
- 12.1.2 All registration or recording certificates issued by the Registering Authority in respect of animals begotten by artificial insemination shall bear the letters "AI" behind the names of the animals appearing on such certificate.
- 12.1.3 All registration or recording certificates issued by the Registering Authority in respect of animals begotten by embryo transfer shall bear the letters "ET" behind the names of the animals appearing on such certificates.

### **12.2 Alterations or Additions to Registration or Recording Certificates**

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

### **12.3 Duplicate Birth Notification List or Registration/Recording Certificate**

The Society may upon written application, accompanied by a statement by the applicant setting out all the relevant circumstances, issue a duplicate or replacement of any registration/recording certificate or birth notification list issued by the Registering Authority, which has been mislaid, mutilated or lost: Provided that such application shall be made by the person in whose name the animal concerned was last registered or recorded.

### **12.4 Cancellation of Birth Notification, Registration or recording Certificates and Reinstatement of Animals**

- 12.4.1 Council may direct the Secretary to apply to the Registering Authority for the cancellation of the registration or recording of any animal which has –
- a) been birth recorded, registered or recorded by mistake;
  - b) been birth recorded, registered or recorded on the strength of false or fraudulent information supplied by the owner; or
  - c) been birth recorded, registered or recorded after the owner has failed to comply with any relevant Bye-law; and to notify the breeder or owner accordingly.

12.4.2 A notification shall be sent to the Society, electronically, for cancellation and/or endorsement of an animal within 60 days after its death, sale for slaughter, culling, castration, spaying or other circumstances.

12.4.3 In the event of an animal having been cancelled, such animal may be reinstated in the records of the Registering Authority only on recommendation of the Society: Provided that the application for the reinstatement is made by the person who applied for the cancellation of the birth, registration or recording certificate. The reinstatement of any such animal shall be effected upon payment of such fee as may be determined by Council from time to time (Schedule A).

## **13. TRANSFER OF ANIMALS**

13.1 For the purpose of this Bye-law "transfer" means any transaction whereby any person acquires the right to sole ownership of an animal, or to any share or additional share of the ownership of a bull, and the relinquishment of any share in the ownership of such animal or bull (as the case may be).

13.2 Any seller who transfers sole ownership of an animal, or part ownership in a bull, shall within 30 days of the date of such transfer, furnish –

- a) the Society with a letter or inform the Society by electronic means, with the details of the transfer duly completed; and
- b) the Society with the prescribed fee as may be determined by Council from time to time.

- 13.3 In the case of sole ownership, the date of transfer shall be deemed to be the date on which the animal left the seller's possession.
- 13.4 If the animal to be transferred is:
- a) a pregnant female, the seller shall, together with his application for transfer, furnish the Society with the details of the animal specifying the name, identification number and registration or recording number of the bull by whom she was served together with the service date/s, or of the bull with whose semen she was inseminated, and the insemination date/s, whichever the case may be. The seller shall in addition furnish the buyer with a copy of such details;
  - b) a recipient dam, the application for transfer shall be accompanied by the birth notification referred to in Bye-law 5.3 issued by the Registering Authority and other details in compliance with Bye-law 6.
- 13.5 Should the seller for any reason whatsoever fail or refuse to take any steps to affect such transfer, including failing or refusing to deliver the original birth notification, registration or recording details and should the buyer be willing to pay such fees as may be laid down by Council, Council may take such steps as it deems fit in order to affect the transfer.
- 13.6 No alteration to an already recorded transfer date, shall be effected unless an application to that effect, duly signed by the buyer and the seller concerned, is made to the Society.
- 13.7 In all cases of transfer between spouses or as from parent to child, or child to parent (including children-in-law and grandchildren) whether by way of sale, donation or inheritance, only half the prescribed transfer fee shall be payable.

#### **14. JOINT OWNERSHIP OF BULLS**

- 14.1 When an animal is transferred to joint owners, the full name and address of each joint owner shall be submitted to the Society.
- 14.2 The joint ownership and use of a bull is subject to the provisions of the Act.

#### **15. REFUSAL OF APPLICATIONS**

- 15.1 In the case of progeny begotten from a dam mated to different males or inseminated with semen from different males at consecutive oestrus periods within 28 days, the Society shall request the Registering Authority to refuse registration or recording unless the male parentage is confirmed by means of a parentage verification test.
- 15.2 The Society may request the Registering Authority to refuse to accept applications from any person who has intentionally supplied false, inaccurate or misleading information or who has negligently failed to supply any information or particulars which it was his duty to supply within a reasonable time.
- 15.3 Whenever the Registering Authority has refused to accept applications from any person, the Society may, in addition, request the Registering Authority to cancel any or all previous entries made in the Herd Book on behalf of such person.

- 15.4 The Society shall not take any action under Bye-laws 15.2 and 15.3 except after an investigation by a commission consisting of the President and/or Vice-President and two other members appointed by Council, and in accordance with the recommendation of that commission.

## 16. IMPORTATION AND EXPORTATION OF ANIMALS, SEMEN OR OVA

- 16.1 Applications to import or export animals, semen or ova shall, in terms of the Act, be submitted in triplicate, on forms available from the Registrar, to the Society, together with the prescribed fee; the Society shall forward two copies together with its recommendation thereto, and the required documents reflecting the details referred to in Bye-law 16.2, to the Registrar.
- 16.2 Council shall determine minimum production and other requirements for the importation and exportation of animals, semen and ova in terms of Clause 9(x) of the Constitution, and no such importation or exportation shall be recommended to the Registrar by the Society unless the said requirements are complied with.
- 16.3 Imported animals and animals resulting from the importation of semen or ova which comply with the minimum requirements referred to in Bye-law 16.2 and the requirements of the Constitution, shall be eligible for registration or recording.
- 16.4 The Society may, upon application, issue export certificates in respect of animals, semen or ova in the form approved by the Registering Authority.
- 16.5 For all imported semen or embryo's, a royalty levy, which shall be determined by Council, will payable to the Society.
- 16.6 All imported animals, semen and ova shall we be accompanied by a valid STR (micro-satellite) profile and a valid 50k (or as may be determined by Council from time to time) SNP-panel of the animals or donor/s must be requested.

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