

SENEPOL

The



Cattle Breeders' Society of South Africa

Constitution

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INDEX

	Page
Definitions	2
CLAUSE	
1. Name	5
2. Objectives	5
3. Powers of the Society	5
4. Membership	6
5. Subscription and Fees	10
6. Resignation, Suspension and Expulsion of Membership	10
7. Personal Information and Register of Members	12
8. Election of Officers	12
9. Powers and Duties of Council	14
10. Meetings	17
11. Financial Provisions	21
12. Affiliations	22
13. Election of a representative/s to the Annual General Meeting of the Association.....	22
14. Amendment of Constitution	22
15. Office of the Society	23
16. Dissolution of the Society	23
17. Authentic version of Constitution	23
18. Employees of the Society	23
19. Delegation of powers	23
20. Non-members	23
BYE-LAW	
1. Herd Book	24
2. Prefix and herd designation mark	25
3. Identification of an animal	26
4. Names	27
5. Notification of Birth and Application for Registration/Recording	27
6. Rules Governing Artificial Insemination (A.I.)	28
7. Rules Governing Embryo Transfers (E.T.)	30
8. Gestation and Intercalving Periods	31
9. Confirmation of parentage	32
10. Requirements for Registration/Recording	32
11. Inspection and Performance Requirements	34
12. Registration/Recording Certificates	36
13. Transfer of Animals	37
14. Joint Ownership and usage of Animals.....	38
15. Refusal of applications	38
16. Importation and Exportation of Animals, Semen or Embryos	39

DEFINITIONS

1. Words and phrases in this Constitution shall have the following meanings unless a contrary meaning clearly appears from the context -
 - (a) “Act” means the Animal Improvement Act, 1998 (Act 62 of 1998) or any subsequent legislation having similar objectives than the said Act, and includes the regulations promulgated in terms thereof;
 - (b) “animal” means a bovine of the Senepol 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;
 - (c) “Association” means the South African Stud Book and Animal Improvement Association, a Registering Authority registered as such under Section 8(7)(a)(ii) of the Act;
 - (d) “birth” means the birth of a calf;
 - (e) “birth recording” means the procedure whereby the birth of a calf is placed on the records of the Association;
 - (f) “breeder” means a member of the Society and the Association who is the owner of -
 - (i) the dam at the date of birth of progeny eligible to be registered or recorded;
 - (ii) an animal at date of application for recording or registration in the Herd Book;
or
 - (iii) the recipient dam at the date of birth of the progeny eligible to be registered as a result of an embryo transfer;
 - (g) “buyer” means the person or persons to whom ownership/joint ownership of an animal is transferred by the seller of such animal;
 - (h) “Constitution” means the Constitution (inclusive of the Bye-laws and Schedules) of the Society;
 - (i) “Council” means the Council of the Society duly elected in terms of the Constitution;
 - (j) “Department” means the Department or Departments charged with the administration of the Act in the National government;
 - (k) “Distribute” shall mean handing out of hard copies, or share out to members of written communication by means of data messages as provided for in the Electronic Communication and Transaction Act, Act 5 of 2002, including publication on the official website or any other means of communication using the nominated address and/or contact details including electronic mail address of the member and as

nominated by the member as being the preferred medium of written communication, with “directed”, “posted” and “sent” having similar meaning;

- (l) “embryo” means a fertilised ovum of an animal;
- (m) “Herd Book” means the South African Senepol Herd Book in which shall be registered or recorded, as the case may be, through the Society by the Association or by direct dealing, the details of all animals;
- (n) “Hybrid meeting” shall mean a meeting of members at which some participants are attending the meeting in person and others are attending virtually;
- (o) “inspector/s” means a person/s appointed by the Society for the purposes referred to in Clauses 9.25 and 9.26;
- (p) “Integrated Registration and Genetic Information System (INTERGIS)” means the computer system established in collaboration with the Department on which Prefixes are registered in accordance with the Act, and on which registration and performance data can be integrated;
- (q) “Minister” means the minister of the relevant Department;
- (r) “ovum” means the ovum of an animal and includes an embryo;
- (s) “owner” means the person who -
 - (i) according to the records of the Association possesses the animal concerned; or
 - (ii) submits proof to the satisfaction of Council that the animal concerned is eligible to be so registered, recorded or inscribed in his name;
 - (iii) in the case of an imported animal is entitled to have the animal registered or recorded in his name;
- (t) “production recording” means the recording and evaluation of production traits such as growth, reproduction and/or function;
- (u) “registering” refers to the procedure of registering an animal in the Appendix or Studbook Proper Section of the Herd Book, or by which a prefix or herd designation mark is placed on the records of the Association;
- (v) “Registrar” means the officer designated as Registrar of Animal Improvement in terms of the Act;
- (w) “S.A.” means South Africa;

- (x) “Secretary” means [the Secretary of] a person of entity appointed by the Society to perform the secretarial and administrative duties, tasks and responsibilities of the Society as assigned from Council from time to time;
 - (y) “seller” means the person or persons being the owner / joint owner/s of 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 disposes of such animal;
 - (z) “semen” means semen of an animal;
 - (aa) “service provider” means the animal recording organisation nominated by the Society to render production services (performance recording), to its members;
 - (bb) “Society” means The South African Senepol Society;
 - (cc) “South African-bred Senepol” means an animal born in, or whilst in transit to the Territory: Provided that an animal born from an imported ovum or embryo shall be regarded as an imported Senepol; and
 - (dd) “Territory” means the RSA and such other countries as the Society may from time to time, with the approval of the Association, determine.
 - (ee) “virtual meeting” shall mean a meeting of members where arrangements have been made in advance to allow participants to attend the meeting by means of a video link or similar means of electronic communication approved by Council;
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 this 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.

THE SENEPOL CATTLE BREEDERS' SOCIETY OF SOUTH AFRICA

CONSTITUTION

1. NAME OF THE SOCIETY

The name of the Society is The Senepol Cattle Breeders Society of South Africa.

2. OBJECTIVES

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

- (a) To promote and encourage the breeding, registration or recording and improvement of the genetic production potential and use of animals in the Territory;
- (b) To maintain unimpaired the purity of the Senepol breed in the Territory and promote the interests of the breed by all possible and available means;
- (c) To encourage members to participate in production recording with the service provider nominated by the Society for this purpose;
- (d) To ensure the accuracy of all records of pedigrees, performance and other particulars of all animals registered or eligible for registration in the Herd Book;
- (e) To apply a “Standard of Excellence” and maintain minimum breed standards drawn up by Council and approved by the Association as a prerequisite for the registration of Senepols;
- (f) To encourage the expansion of the Senepol breed by means of promotion, marketing campaigns and sales;
- (g) To promote participation and/or exhibition of Senepol cattle at shows, to nominate judges who have been approved by Council as qualified and competent to judge the breed and to encourage agricultural show societies to appoint only judges certified as such by Council.
- (h) To safeguard and advance the common interests of stud breeders in the Territory, and generally to give effect to the objectives contemplated by the Act.

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

4. MEMBERSHIP

4.1 Eligibility

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

4.2 There shall be the following categories of membership:

4.2.1 Ordinary Members

Persons, who are engaged, directly or indirectly, in the breeding of animals, resident in the Territory, shall be eligible for membership of the Society as Ordinary Members, 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 the Council. For the purposes of this sub-clause a company, close corporation, partnership, body corporate or trust shall be deemed to be a person and, subject to Clause 4.3, be eligible for Ordinary Membership of the Society: Provided that:

4.2.1.1 persons who are active breeders of animals shall be termed Active Ordinary Members.

4.2.1.2 all other Ordinary Members shall be termed Non-Active Ordinary Members.

4.2.2 Honorary Life Members

For special services in the interests of the Senepol breed, a person may at an Annual General Meeting be elected an Honorary Life Member, who shall enjoy all the rights and privileges of membership, including the right to vote at any meeting of the Society, and the right to be elected to Council: Provided that no person shall be eligible for Honorary Life Membership unless recommended by Council.

4.2.3 Special Honorary Members

Any person not actively engaged in the breeding of Senepols 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 shall not be eligible for election to Council.

4.2.4 Junior Members

Any persons under the age of 18 years may become Junior Members 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 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.

4.3 Company, Close Corporation, Partnership, Body Corporate or Trust

4.3.1 A company, close corporation, partnership, body corporate or trust 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 distributed to such authorised representative referred to in Clause 4.3.1 shall be deemed to be duly served upon the company, close corporation, partnership, body corporate or trust, and at all meetings at which such authorised representative is in attendance on behalf of the company, close corporation, partnership, body corporate or trust, such company, close

corporation, partnership, body corporate or trust shall be deemed to be duly represented.

4.3.3 The principal person so appointed to represent such company, close corporation, partnership, body corporate or trust shall be eligible for election to Council in terms of Clause 8.

4.3.4 Should such company, close corporation, partnership, body corporate or trust cease to comply with the requirements of Ordinary Membership as laid down in Clause 4.2.1, its rights shall automatically be terminated, and the provisions of Clause 4.3.5 shall apply in respect of such company, close corporation, partnership, body corporate or trust.

4.3.5 The liquidation of a company or close corporation and the dissolution of a partnership, body corporate or trust 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, body corporate or trust;

(b) the liquidator of such company or close corporation and the members of such partnership, body corporate or trust shall be obliged to discharge all the obligations of such company, close corporation, partnership, body corporate or trust in respect of registrations, recordings, transfers and whatever obligations the company, close corporation, partnership, body corporate or trust would have had to discharge as a member of the Society; and

(c) whatever fees may become due or 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 Application for Membership

(a) Application for Ordinary 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.

(b) 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. At each Council meeting the Secretary shall submit the names of new applicants whose memberships must be confirmed or refused by Council.

- (c) 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.
- (d) A person who becomes a member of the Society unconditionally consents to acquisition and processing (as defined in the Protection of Personal Information Act, 4 of 2013) of such personal identifiable information concerning himself/herself and/or his/her stud to enable the Society and/or the Council to meet their obligations in terms of the Constitution of the Society, which among other things (but not limited to not) include the following:
- Name and identity number;
 - Physical residential and/or business address;
 - Telephone number(s);
 - E-mail address(es);
 - Other contact details;
 - Company/Closed Corporation registration number and other details;
 - Any other details of a personal nature with which the member can be identified.

The Society and the Council are further authorized to the above personal information and to make it available and/or share with such person/s and/or institutions as the Society and the Council consider it necessary to fulfill their obligations and activities in compliance with the Constitution.

4.5 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. They shall include the following rights:

- (a) to receive all reports and other matters published by the Society for distribution amongst members;
- (b) with the exception of Non-Active Ordinary Members and Special Honorary Members, to apply for the registration/recording of animals under the Association and 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 expert technical advice on Senepol matters from the Society's inspectors and officials if available, at a fee determined by Council; and
- (e) to consult and use the Society's official reports.

4.6 Utilisation of Production Data

Production data of animals of members participating in the designated beef cattle production recording system may, on request by the Society and subject to the conditions as may be determined by the applicable Service Provider, be made available to the Society. The Society undertakes that the utilisation of such data will not be to the disadvantage of any member or members, or the Service Provider and that the further processing of such data will not be contrary to the interests and objectives of the said recording system.

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 communicated to members with the agenda at the ensuing Annual General Meeting of the Society for approval by members.

5.2 The annual subscriptions and fees shall become due and payable in advance on the 30th of June of each and every year, and shall be deemed to be in arrear if unpaid within 60 days from date of invoice.

5.3 Any member whose subscription is in arrears, or who is indebted to the Society in respect of any fees or dues for a period longer than 60 days after a written demand for payment thereof has been addressed to his nominated address by the Secretary, shall automatically forfeit his membership of the Society: Provided that the Secretary, with the approval of the President, or in his absence, the Vice-President, may in exceptional circumstances allow extension of payment upon written application by the member concerned.

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 an account be in arrear and should such account be handed over to a firm of attorneys for collection, the member concerned 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, interest, fines and penalties owing by him.

6. RESIGNATION, SUSPENSION 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 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 obligations he would have had to discharge as a member of the Society.

- 6.2 Council may expel and/or suspend the Society's services to any member who –
- (a) 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;
 - (b) has infringed any provision of the Constitution of the Association or this Constitution; or
 - (c) has been found guilty of an offence under the Act or offences related to dishonesty, corruption, animal abuse or similar conduct;
 - (d) has an overdue account with the Society and, despite due written notice and demand directed to him/her from the Secretary, continues to remain in arrear in respect of any fees or dues for a further period of 60 days.

PROVIDED that the Council shall have the right and be obliged to reasonably investigate the allegations to the conduct of any member, including the request and inspection of documents, consultations with persons and other entities or representatives, which investigation shall be discreet, respectful and without bias.

PROVIDED further that no member shall have any right of recovery against the Council, the complainant or any person or legal entity providing information for any damages including alleged defamation and/or any other losses which might have occurred caused by the process so followed by the Council.

PROVIDED further that no proceedings for suspension or expulsion in terms of Clause 6.2 shall be initiated against any member of the Society unless the Secretary has at least 30 days prior to the date of the hearing at which such alleged breach is to be dealt with, directed a letter to such member to the nominated address, notifying him/her of the proposed hearing and calling upon him/her, if he/she so wishes, to present, either personally or through his/her duly authorised representative, his/her side of the case at such hearing.

- 6.3 Any member who has forfeited his membership or who has been suspended or expelled shall be notified by the Secretary in writing within a period of 21 days from the date upon which the resolution effecting his suspension or expulsion was passed, or upon which his membership was forfeited. In terms of this subsection notice would be deemed to have been given on the date of the sending of the letter with the proof that it was sent to the nominated address of such member. If services to the member have been suspended, the notification will explain the conditions and period of such suspension.

- 6.4 Upon expulsion of a member, Council may at its discretion direct the Secretary forthwith to remove from any other register or records of the Society, the name of such member, and to notify the Association of the date on which his membership was terminated and the reason therefore.
- 6.5 From the date of his expulsion no transfer of an animal bred by the expelled member shall be registered in his name, no notifications of birth shall be accepted from him, and he shall be notified accordingly.
- 6.6 A person who, for whatever reason, has ceased to be a member of the Society may thereafter again be admitted to membership, at the discretion of Council, upon application made in terms of Clause 4.4., provided that all outstanding dues have been settled.

7. PERSONAL INFORMATION AND REGISTER OF MEMBERS

- 7.1 By the application of membership, the member give consent to the Society and the Association to process personal and other information and the consent is effective immediately after membership and will remain effective until such consent is withdrawn.
- 7.2 The Society shall keep a register of all members, reflecting all the information as determined by the Council from time to time, which could include but is not limited to the date of their admission to membership, all nominated information necessary to communicate with such member, including but not limited to physical and electronic addresses, contact details, the amounts received with the date of payment, and arrears, if any, which may be due.
- 7.3 It is the sole responsibility of every member to communicate in writing to the Secretary any change(s) of the nominated information of the member so held by the Society and the Association.
- 7.4 Communications directed to members nominated information so held by the Society, shall be binding.
- 7.5 The Secretary shall submit to the Association such information as it may require concerning admission to membership, termination of membership (for whatever reason), and the nominated contact details and information of members.

8. ELECTION OF OFFICERS

- 8.1 The affairs of the Society shall be controlled and administered by a Council consisting of six members who shall be elected by ballot at an Annual General Meeting.
- 8.2 Immediately following each Annual General Meeting the elected incoming Council shall hold a meeting at which a President and Vice-President shall be elected by ballot.

No elected President may hold office for more than three successive terms. He is, however, eligible for re-election to the office of President after a break of one year.

8.3 At each Annual General Meeting of the Society the elected members of Council shall retire from office by rotation. Two members shall retire at the first Annual General Meeting held after approval of this Constitution and shall, unless members agree among themselves, be determined by ballot. In the subsequent year the three who have been longest in office shall retire. The length of time a member has been in office shall be computed from his last election. A retiring member shall be eligible for re-election.

8.4 **Additional Council Members**

8.4.1 **Life President and Life Vice-Presidents**

The Annual General Meeting may, on the recommendation of Council, elect any member as a Life President or as a Life Vice-President of the Society: Provided that the recommendation of Council is supported by at least three-quarters of the members present at the meeting. No more than one person may hold the office of Life president at one time, and no more than two the office of Life Vice-President. Any person so elected shall be a member of Council *ex officio* with full powers, in addition to the five members referred to in Clause 8.1 above.

8.4.2 In addition to the five elected members of Council, the following persons may also be co-opted to serve on Council in an advisory capacity -

8.4.2.1 **Representative of the Association**

A representative of the Association may be co-opted on to the Council in an advisory capacity with the right to attend all meetings, but without the privilege to vote on any issue.

8.4.2.2 **Representative of the Agricultural Research Council – Livestock Business Division**

A representative of the ARC-LBD may, after consultation with the Director of the Institute, be co-opted on to the Council in an advisory capacity with the right to attend all meetings, but without the privilege to vote on any issue.

8.4.2.3 **The Secretary**

The Secretary is an *ex officio* member of Council and shall attend all Council meetings and may take part in all discussions but without the privilege to vote on any issue.

8.4.2.4 Any member or person with specific expertise may be co-opted by Council from time to time to assist in a specific need or a specific project or advise where needed in the interest of the Society and its members.

- 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 until the next election of Council takes place. 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 to the Council, at its first ensuing meeting by ballot or in such a manner as the meeting may determine, shall for the unexpired portion of that period elect another of its members to fill the vacancy.
- 8.7 An elected member of Council absenting himself from two consecutive meetings without leave, or other satisfactory reason, shall automatically vacate his seat and cease to be a member of Council.

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 as it may deem 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-

- 9.1 to appoint or terminate the mandate of 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 function as it may in particular cases deem expedient;
- 9.2 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;
- 9.3 to open one or more banking accounts in the name of the Society, and to draw, accept, endorse, make or execute any bill of exchange, promissory note or other negotiable instrument or make payments or transfers from such account/s in connection with the conduct of the affairs of the Society;
- 9.4 to invest or in any other manner deal with any moneys not immediately required for the purposes of the Society, upon such securities and on such terms as it may deem fit, and from time to time to change or realise such investments: Provided that funds available may only be invested with registered financial institutions as defined in section 1 of the Financial Institutions (Investment of Funds) Act, 1984;

- 9.5 to lend or borrow money for the purposes of the Society upon security as determined by it;
- 9.6 to enter into indemnities, guarantees and suretyships and to secure payment thereunder in any way; to make donations; and to undertake and execute any trust; to secure 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;
- 9.7 to purchase, hire, take on lease or acquire for the purpose of the Society, buildings, land, goods, chattels and effects; to sell, mortgage, pledge, let, alienate or otherwise dispose of any movable or immovable property belonging to the Society, and to apply the consideration arising therefrom in such a manner as it may consider to be the best advantage of the Society;
- 9.8 to 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;
- 9.9 to remunerate any person or persons for services rendered; and to establish scheme for the provision of pensions, gratuities and other incentives for its office-bearers and employees;
- 9.10 for the better and more convenient carrying on and fulfilment of the business of the Society, to appoint one or more members or officials with power and authority to activate payments, sign and receive documents, papers and process, and to act, sue and be sued on behalf of the Society;
- 9.11 to pay all costs and charges in connection with the administration and management of the affairs of the Society;
- 9.12 to determine with the approval of a general meeting of the Society, the date on which the Society's financial year ends, in terms of Clause 11.6;
- 9.13 from time to time, subject to the provisions of Clause 5, to adjust or revise subscriptions, fees or dues, to prescribe any such additional fees or dues as it may deem necessary, and to grant discounts on subscriptions, fees and dues;
- 9.14 to collect and receive subscriptions, fees, donations, other dues and funds, and to devote same towards the objectives of the Society;
- 9.15 to receive and consider applications for membership in terms of Clause 4.4, and to accept or refuse such applications at its discretion; to recommend persons for Honorary Life Membership in terms of Clause 4.2.2; to elect Special Honorary Members in terms

- of Clause 4.2.3; and to recommend the election of a Life President or Life Vice-President in terms of Clause 8.4.1;
- 9.16 in accordance with Clause 5.3, to refuse inspection, registration/recording and other work for members whose accounts are overdue;
- 9.17 to terminate the membership of any person in accordance with Clause 6;
- 9.18 to convene a general meeting of the Society in terms of Clause 10.2.1, or any other meeting of the Society if it is deemed necessary;
- 9.19 to formulate and propose to the Annual General Meeting or Special General Meeting for approval by the members to frame, alter and rescind rules and regulations for conducting the business and carrying out the objectives of the Society or to propose to frame or amend any schedule pertaining to the Constitution as may be deemed necessary from time to time;
- 9.20 to investigate disputes arising out of the application of the Constitution and to give decisions in regard thereto;
- 9.21 to 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;
- 9.22 to grant leave of absence to any member of Council or any official or employee of the Society, for such period and upon such terms as it may in each case determine;
- 9.23 to co-opt the services of any member of the Society or other person and to appoint persons to 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;
- 9.24 to elect a representative/s to any affiliated organisation as may be requested and to nominate a person or persons to represent the Society on any committee, body or organisation as may be necessary;
- 9.25 to appoint or discharge inspectors for the inspection of animals submitted for such 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;
- 9.26 to order an investigation by inspectors of the Society in any case where records are not properly kept and to take such action as it may consider advisable in the interests of the Society;

- 9.27 to draw up, with the approval of the Association, a “Standard of Excellence” and to lay down minimum breed standards, production, reproduction and other standards for approval at a General Meeting by which:
- (a) animals shall be inspected as a prerequisite for registration;
 - (b) applications for importation and exportation of animals, semen and ova shall be recommended;
 - (c) semen and ovum donors shall be approved for embryo transfer purposes; and
 - (d) bulls shall be recommended for approval for the sale of semen under stipulations in that regard as prescribed in the Act.
- 9.28 to organise judges courses and examinations, and at its discretion, to appoint successful candidates as official Senepol judges; and, in accordance with Clause 2.1(e), to encourage agricultural show societies to appoint such judges to judge Senepols;
- 9.29 to organise and promote sales, either by public auction or private treaty, and for such purposes to appoint auctioneers and agents and to charge commission on such sales;
- 9.30 to cancel membership of any person or suspend the rendering of services to a member in accordance with Clause 6; and
- 9.31 generally to perform all such acts as may be necessary for the welfare of the Society and the conduct of its affairs, provided always that any action taken, or instructions given shall not be contrary to the terms of the Constitution and the stipulations of the Act.

10. MEETINGS

10.1 Council Meetings

- 10.1.1 Council shall meet at such date, time, place and method as it may from time to time determine, or as may be decided by the President: Provided that not less than one Council meeting shall be held in each financial year.
- 10.1.2 A special Council meeting
- (a) may be called by the President (or in his absence by the Vice-President) at such date, 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 three members of such Council stating the reason/s for such meeting.
- 10.1.3 Council may decide that a Council meeting is in person, hybrid or entirely as a virtual meeting, as long as the electronic communication used enables all persons participating in the meeting to be able to communicate with each other

at all times with no intermediary, and to participate in the meeting reasonably effectively.

- 10.1.4 Not less than 14 days prior to the holding of a Council meeting, written notice of time, date and place and form of participation together with the agenda of such meeting shall be distributed by the Secretary to each member of Council.
- 10.1.5 Where arrangements have been made for a virtual or hybrid meeting, the notice must state that fact and include the details of the manner in which a member can attend the meeting, to enable members access to the available electronic communication medium.
- 10.1.6 Access to the medium or means of electronic communication is at the member's expense, unless the Council determines otherwise.
- 10.1.7 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 14 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.

10.2 General Meetings

- 10.2.1 A general meeting of the Society to be known as the Annual General Meeting shall be held once a year, either in person, hybrid or an entirely virtual meeting, at such date, time, place and form of participation as may be determined by Council, but not later than three months after the end of the financial year.
- 10.2.2 The business of the Annual General Meeting shall be –
- (a) to receive and consider the annual report of Council, together with the duly audited financial statements of the Society as at the end of the previous financial year;
 - (b) to appoint auditors, to fix their remuneration and to determine their conditions of appointment;
 - (c) to transact any other business which under this Constitution is required to be transacted at the Annual General Meeting; and
 - (d) to consider any other matter for which due notice has been given in terms of Subclauses 10.2.3, 10.2.5 and 10.2.8.
- 10.2.3 A special general meeting of the Society may, at any time upon 14 days' written notice to members, be called -

- (a) by Council;
 - (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 four members of the Society, stating the business to be transacted at such meeting.
 - (d) such date, place, time and form of participation of a Special General Meeting shall be determined by Council.
- 10.2.4 Not less than 21 days prior to the holding of the Annual General Meeting a preliminary written notice of the time, date, place and form of participation of the meeting shall be distributed by the Secretary to every member of the Society. Any member intending to put forward any matter for discussion at the Annual General Meeting shall give written notice thereof to reach the Responsible Official not less than 15 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 subclause.
- 10.2.5 Not less than 14 days prior to the holding of any general meeting a final written notice of the time, date, place and form of participation of such a meeting together with the agenda of such a meeting shall be distributed to each member of the Society.
- 10.2.6 Where arrangements have been made for a virtual or hybrid meeting, the notice must state that fact and include the details of the manner in which a member can attend the meeting, to enable members access to the available electronic communication medium.
- 10.2.7 The electronic communication used must enables all persons participating in the meeting to be able to communicate with each other at all times with no intermediary, and to participate in the meeting reasonably effectively. Access to the medium or means of electronic communication is at the member's expense, unless the Council determines otherwise.
- 10.2.8 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 a meeting agrees by two-thirds of the members present and entitled to vote that any matter not specifically on the agenda, shall be discussed and voted upon: Provided that this exception does not apply to any Constitutional amendments.
- 10.2.9 Any general meeting may be adjourned by a two-thirds majority of the members present thereat and entitled to vote.

10.3 Chairperson

The President, or in his absence the Vice-President, the Life President or a Life Vice-President, in this order, shall preside at all meetings, and should not one of them be present at any meeting, the members present thereat shall elect another member to preside at such meeting, and any person so elected shall in relation to that meeting, have all the powers and fulfil all the duties of the President.

10.4 Voting Procedures

10.4.1 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.

10.4.2 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.

10.4.3 In the case where voting takes place by secret ballot and electronic votes do not ensure total secrecy, independent auditing will be used to serve as the means to ensure the secrecy of such electronic votes.

10.5 Non-receipt of Notices

No business, which is 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.

10.6 Quorums

10.6.1 One third of the members of the Society personally or by means of an electronic communication method present at the commencement of any general meeting and entitled to vote, shall form a quorum for such meeting.

10.6.2 Three Councillors personally or by means of an electronic communication method present at any Council meeting and entitled to vote, shall form a quorum for such Council Meeting.

10.6.3 If at any meeting a quorum is not present, the meeting shall stand adjourned to a date, time (not less than 21 days and not more than 30 days thereafter) and place determined by the members actually present, personally or by means of an electronic communication method and at such adjourned meeting the members present shall form a quorum: Provided that any meeting at which the President, Vice-President, the Life President or a 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.

- 10.6.4 When a meeting has been thus adjourned, a written notice shall be sent to all members within 14 days after the adjournment, in which shall be stated the time, date, place and form of participation to which the meeting has been adjourned and the reason for the adjournment.

10.7 Minutes of Meetings

10.7.1 A copy of the minutes of all general meetings shall be distributed to all members of the Society. Council members will receive copies of the minutes of Council meetings and any subcommittee meetings shall be distributed to all persons serving on the committee concerned.

10.7.2 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 that 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 out of the funds of the Society shall be effected by the secretary or person appointed by Council: Provided that nothing herein contained shall prevent Council from maintaining and operating a petty cash fund, or from paying in cash or electronic transfer such ordinary and usual monthly accounts as do not in total exceed a sum determined from time to time by Council, by a person authorised by Council.

11.3 Council shall cause proper books of account of income and expenditure to be kept in respect of the Society. Authorised persons handling any funds shall be responsible to provide proof of any payments made. 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 with the exception of discounts referred to in Clause 9.13, no part thereof shall be paid or transferred, directly or indirectly by way of dividend, 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 end on a date determined by Council and approved by a General Meeting of the Society.

12. AFFILIATIONS

The Society-

- (a) shall in accordance with the Act be affiliated with a Registering Authority (currently the Association) and shall maintain such membership on the conditions set out in the constitution of the Registering Authority; and
- (b) may further by a majority vote of at least two-thirds of the members present, voting and entitled to vote at any general meeting, affiliate with or incorporate any association, society or organisation having aims and objectives kindred to those of the Society.

13. ELECTION OF A REPRESENTATIVE/S

Council shall elect a representative or representatives in accordance with Clause 9.24 from amongst the Active Ordinary Members, Life Members, or the duly authorised representatives of companies, close corporations, partnerships, bodies corporate or trusts which are members, to represent the Society on any committee, body, organisation or association as may be necessary.

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 21 days' written notice has been given to each member of the Society.
- 14.2 In terms of Section 12 of the Act, any additions or amendments to the Constitution must be submitted to the Registrar within thirty (30) days after such additions or amendments have been approved by the General Meeting.
- 14.3 Should the Registrar deem any additions or amendments to be inconsistent with the Act, he must notify the Society in writing thereof within thirty (30) days after receiving it, in which case such additions or amendments shall be invalid.
- 14.4 If no objection is received from the Registrar, any additions or amendments to the Constitution only take effect after the thirty (30) days as prescribed in Clause 14.3 have expired.
- 14.5 The conditions mentioned in Clause 14.4, having been met, any additions or amendment to the constitution must be submitted by the Society to the Registering Authority and to the Commissioner for the South African Revenue Service.

15. OFFICE OF THE SOCIETY

The office of the Society shall be at such place and structure 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 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, and which is itself exempt from income tax in terms of section 10(1)(cB)(i)(ff) of the Income Tax Act.

17. AUTHENTIC VERSION OF CONSTITUTION

This Constitution, 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.

19. DELEGATION OF POWERS

Notwithstanding anything 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 document in connection with the administration of a Senepol herd; and any signature given by such authorised person shall be accepted by the Society as being valid and binding as if it had been given by the member himself: Provided that nothing herein contained shall entitle such authorised person 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 the Council may determine, may be conferred on non-members: Provided that there shall be no legal or other obligation on the Society to such non-members, and provided further that all fees payable in respect of any services rendered by the Society to non-members shall be as determined by Council and payable in advance.

BYE-LAWS

1. HERD BOOK

The registration system supported by the Society shall consist of the Herd Book (to be known as the South African Senepol Herd Book), be it computerised or in any other form, which shall be divided into three main sections, namely the Basic Section, the Appendix Section and the Studbook Proper Section, and which shall be maintained and operated by the Registering Authority appointed by the Society (currently the Association) in terms of the Act.

1.1 BASIC SECTION

Any female which originates from a herd of which the breeder can give a satisfactory record of origin to the Association, and which possesses the phenotypical *cum* genotypical characteristics of a Senepol is eligible recording in the Basic Section of the Herd Book: Provided that she shall have been identified with the herd designation marks of the owner at the time of acceptance, and sequence number; and provided further that she has been inspected and approved in accordance with Bye-law 11.

1.2 APPENDIX SECTION

1.2.1 Appendix A

The female progeny of a Basic female mated to a Studbook Proper or Appendix B or C bull is eligible for registration in the Appendix A section of the Herd Book: Provided that she complies with the minimum breed and production standards and in respect of which all other registration requirements in terms of the Constitution have been met and provided further that she has been inspected and approved by one inspector of the Society.

1.2.2 Appendix B

The female progeny of an Appendix A female mated to a Studbook Proper or Appendix C bull is eligible for registration in the Appendix B section of the Herd Book: Provided that she complies with the minimum breed and production standards and in respect of which all other registration requirements in terms of the Constitution have been met and provided further that she has been inspected and approved by one inspector of the Society.

1.2.3 The male progeny of an Appendix A female mated to a Studbook Proper or Appendix C bull is eligible for registration in the Appendix B section of the Herd Book: Provided that he complies with the minimum breed and production standards and in respect of which all other registration requirements in terms of the Constitution have been met and provided further that he has been inspected and approved by two inspectors of the Society.

1.2.4 The progeny of an Appendix A, Appendix B, Appendix C or Studbook Proper female mated to an Appendix B bull is eligible for registration in the Appendix B section of the Herd Book: Provided that it complies with the minimum breed

and production standards and in respect of which all other registration requirements in terms of the Constitution have been met and provided further that it has been inspected and approved by one inspector of the Society.

1.2.5 Appendix C

The progeny of an Appendix B female mated to a Studbook Proper bull is eligible for registration in the Appendix C section of the Herd Book: Provided that he/she complies with the minimum breed and production standards and in respect of which all other registration requirements in terms of the Constitution have been met and provided further that he/she has been inspected and approved by two inspectors of the Society.

1.2.6 The progeny of an Appendix B and Appendix C female mated to an Appendix C bull is eligible for registration in the Appendix C section of the Herd Book: Provided that it complies with the minimum breed and production standards and in respect of which all other registration requirements in terms of the Constitution have been met and provided further that it has been inspected and approved by one inspector of the Society.

1.3 STUDBOOK PROPER SECTION

1.3.1 The progeny of an Appendix C female mated to a Studbook Proper bull are eligible for registration in the Studbook Proper Section of the Herd Book: Provided that they comply with the minimum breed and production standards and in respect of which all other registration requirements in terms of the Constitution have been met and provided further that they have been inspected and approved by two inspectors of the Society.

1.3.2 The progeny of a Studbook Proper female mated to an Appendix C or Studbook Proper bull are eligible for registration in the Studbook Proper Section of the Herd Book: Provided that they comply with the minimum breed and production standards and in respect of which all other registration requirements in terms of the Constitution have been met and provided further that they have been inspected and approved by two inspectors of the Society.

1.4 POLLED ANIMALS

In this Bye-law “polled” means naturally polled and unless a contrary meaning clearly appears from the context it does not include an animal with scurs. “Scurs” include the slightest visible or tangible evidence of scurs.

2. PREFIX AND HERD DESIGNATION MARK

2.1 No animal shall be accepted for birth recording or registration/recording by the Association unless the breeder has requested the Society, to register on his behalf, through the Association for his exclusive use, a prefix at the organisation appointed by the Department to manage INTERGIS, by which all animals bred by him and eligible for birth recording or registration/recording shall be designated. A herd designation

mark must furthermore be registered with the Society by which such animals shall be identified.

- 2.2 No prefix shall exceed 18 characters, and the name of a city, town or post office in South Africa shall not be accepted for registration as a prefix.
- 2.3 The herd designation mark registered with the Society and recorded by the Association 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 to the Association and shall be accompanied by such fee as may be prescribed by the Association from time to time.
- 2.5 No transfer of a prefix or herd designation mark shall be allowed from one breeder to another, except under such conditions and to such persons as are provided for in the Bye-law 2 to the Constitution of the Association.

3. IDENTIFICATION OF AN ANIMAL

- 3.1 All live animals of which the births are notified and all animals offered for registration/recording must bear permanent identification marks which shall include a herd designation mark, year and sequence number, and any animal which does not bear the approved identification marks shall not be accepted for birth recording or for registration/recording by the Association.
- 3.2 Ear tattooing and/or branding shall be the Society's official system of marking for the uniform and permanent identification of all animals submitted for birth recording or registration/recording.
- 3.3 Every calf must be identified by the breeder within 30 days of birth.
- 3.4 The year number shall consist of a two-digit number indicating the year of birth.
- 3.5 The birth sequence number shall not exceed four characters.
- 3.6 Every calf must be tattooed or branded before inspection with the herd designation mark, the year number to indicate the year of birth (two-digits) and the sequence number.
- 3.7 In the event of a breeder making a mistake when tattooing a calf, or or branding 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, after such inspector has satisfied himself as to the correctness of the identity of the animal.

- 3.8 Save for the possible compulsory branding or tattooing of animals as regulated by legislation or the voluntary branding of animals registered in the Studbook Proper section with the registered brand of the Association for production recording achievement, or as prescribed or affixed by the relevant service provider of a production recording test or service, the branding or tattooing of any other brand including a commercial brand or tattoo mark whatsoever on an animal by the breeder or owner or his agent, is strictly prohibited, and the registration certificate of any animal so marked shall be liable to cancellation.
- 3.9 Subject to the requirements of Bye-law 3.7, no animal shall be transferred unless 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, must be explicitly named: Provided that the name may be substituted by the animal's identification number. The Association 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. The name of an animal shall not include a prefix registered in favour of another person.
- 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 AND APPLICATION FOR REGISTRATION/RECORDING

- 5.1 The breeder of an animal born from a registered/recorded dam, or one eligible for registration/recording, shall notify the Association within 90 days of its birth, whether it be born dead or alive, or retained for registration/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 from time to time. Any calf whose birth is not notified within six months shall not be eligible for registration/ recording.
- 5.2 A birth notification shall in the case of an animal which is eligible for registration/ recording, not include an application for registration/recording.
- 5.3 No birth notification/application for registration/recording of an animal shall be accepted unless the sire and dam at the time of service were more than eight months old.

- 5.4 In the event of multiple births the breeder shall in addition to the particulars ordinarily required, also record on the birth notification form the number and sex of the other twin, triplets, etc., as the case may be.
- 5.5 Birth notifications/applications for registration/recording shall be submitted to the Association in a format as approved by the Association.
- 5.6 Records shall be kept by the Association 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.
- 5.7 The birth notification shall contain a declaration in the following terms:-
- “I declare that the pedigree, breeding particulars and identification mark of the animal described herein are correct, and that all the requirements of the Constitution and the Act relating to birth notifications have been complied with.”
- 5.8 The birth notification shall also be accompanied, in the case of an animal imported *in utero*, by the necessary certificates confirming parentage of both sire and dam, endorsed by the Herd Book Society (or body recognised by the Association) in the country of origin, to the effect that -
- (a) the identity of the sire, as indicated by the said document is correct; and
- (b) that the sire conforms to the minimum breed and production standards and other requirements as may be determined by Council.
- 5.9 Irrespective of the provisions of Bye-Law 5, where multiple sires are used in a herd, the resultant progeny shall be recorded as “pending” until the male parentage has been confirmed by a parentage control test, after which it will be eligible for recording as “Calf book”: Provided that the male parentage is confirmed within 6 months of the birth of the calf.

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

- 6.1 All animals which have been begotten through A.I. shall be eligible for registration/recording: Provided that all requirements of the Act and the Constitution have been complied with.
- 6.2 No birth notification of a birth resulting from A.I., shall be accepted for the purpose of registration/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/recording unless the male parentage has been confirmed by an approved DNA 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 Association reserve the right to refuse to register the progeny resulting from A.I. should any of these rules or the provisions of the Act not be fully adhered to.
- 6.6 Breeders resident in the Territory outside South Africa who enjoy the privileges of registration/recording of animals under the provisions of the Constitution, may apply for registration/recording of progeny begotten by A.I.: Provided that the semen is obtained from a source approved by the Society and the Association, 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.
- 6.7 **Collection and storage of Senepol semen and the registration of progeny resulting from the use of such semen**
The Society confirms the right of breeders, subject to the provisions of the Act, to collect, freeze and sell the semen of their own bulls for use in their own or other herds, and progeny resulting from the use of such semen shall be eligible for registration/recording: Provided that:-
- (a) complete details of the ownership of the sire concerned and the sale of semen have been submitted to the Society;
 - (b) the official blood and/or DNA typing laboratory number of the sire has been submitted to the Society;
 - (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 or registrations/recordings are complied with.
- 6.8 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 a bull must be accompanied by a certificate signed by the seller indicating the number of doses of semen stored at the date of transfer and the ownership of such semen.
- 6.9 The Society confirms the right of breeders, to collect and freeze 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/ recording: Provided that:
- (a) all requirements of the Constitution in respect of birth notifications or registrations/recordings are complied with.

- (b) the official DNA test laboratory number of the bull has been submitted to the Association.

7. RULES GOVERNING EMBRYO TRANSFERS (E.T.)

7.1 All animals which have been begotten as a result of E.T. shall be eligible for registration/ recording: Provided that:-

- (a) both the male and the female animals which gave rise to the embryo concerned were inspected and approved for the purpose by an inspector of the Society and recorded as such by the Association;
- (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 Association within 120 days of each embryo transfer:-
 - (i) the certificates reflecting the official DNA test laboratory numbers of both 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 or his full-time employee, to the effect that the provisions of the Act have been complied with;
 - (iii) in the case of an animal begotten from an imported ovum, a certificate issued by a competent body, recognised by the Association, in the country of origin, stating the names, identification and registration numbers and official DNA typing laboratory 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 Association) in the country of origin are submitted to the Association 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) three-generation pedigrees of both donors;
 - (iv) DNA typing certificates of both donors; and

- (v) evidence that both donors conform to the minimum breed and production standards and other requirements as may be determined by Council from time to time.
 - (d) a birth notification in respect of an animal resulting from E.T. is submitted in the format referred to in Bye-law 5.5;
 - (e) confirmation of parentage in each instance by DNA test or another proven scientific method of confirming parentage, approved by the Association, is supplied, unless otherwise determined by the Society and the Association; and
 - (f) all other requirements of the Constitution in respect of birth notifications, registration/recording, inspection, performance and reproduction are complied with.
- 7.2 The Society reserves the right, through its officers, to supervise and/or inspect the keeping of records in connection with the practice of E.T. by its members.
- 7.3 Breeders resident in the Territory outside South Africa who enjoy the privileges of registration/recording of animals under the provisions of the Constitution, may apply for registration/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.
- 7.4 The Society and the Association reserve the right to refuse to register the progeny resulting from E.T. should any of these rules not be fully adhered to.
- 7.5 The Society confirms the right of breeders, to collect and freeze embryos of their own animals for use in their own herds, and progeny resulting from the use of such embryos shall be eligible for registration/ recording: Provided that:
- (a) all requirements of the Constitution in respect of birth notifications or registrations/recordings are complied with.
 - (b) the official DNA test laboratory numbers of the dam and sire have been submitted to the Association.

8. GESTATION AND INTERCALVING PERIODS

- 8.1 The gestation period shall be 281 days. The minimum acceptable gestation period shall be 263 days, and the maximum period shall be 310 days.
- 8.2 The minimum period between the birth dates of two successive calves out of one cow (intercalving period) shall be 270 days.

- 8.3 Any gestation or intercalving periods outside these ranges shall not be recognised unless an application providing a reason for an exception has been approved by Council: Provided that such an exception shall be subjected to the parentage of the calf concerned is confirmed by DNA test or any other proven scientific method of confirming parentage.

9. CONFIRMATION OF PARENTAGE

- 9.1 In addition to the compulsory DNA test laid down for E.T. in Bye-law 7.1 (e), all herd sires must be DNA tested prior to use by natural service or A.I.
- 9.2 In order to confirm the parentage of an animal, the Association shall at any time have the right to insist on DNA test or any other proven scientific method of confirming parentage -
- (a) as a routine procedure, on a basis to be determined by the Association from time to time; and
 - (b) in any case of doubt.
- 9.3 In respect of the tests referred to in Bye-law 9.2(a) the breeder will be responsible for all costs of all parentage control tests.
- 9.4 In respect of the tests referred to in Bye-law 9.2(b) the owner shall bear the costs of the tests required.

10. REQUIREMENTS FOR REGISTRATION/RECORDING

- 10.1 The requirements for the registration of an animal shall be the acceptance of a due and valid notification of its birth to the Association and a subsequent application for registration: Provided that -
- (a) in the case of Basic females inspection and approval by a Society inspector shall be a prerequisite for registration/recording;
 - (b) in the case of Appendix A females the animal's registration shall be approved or declined by one Society inspector, following an inspection of the animal;
 - (c) in the case of Appendix B females, the animal's registration shall be approved or declined by one Society inspector, following an inspection of the animal;
 - (d) in the case of Appendix B males, the animal's registration shall be approved or declined by two Society inspectors, following an inspection of the animal;
 - (e) in the case of Appendix C animals, the animal's registration shall be approved or declined by two Society inspectors, following an inspection of the animal;
 - (f) in the case of Studbook Proper animals, the animal's registration shall be approved or declined by two Society inspectors, following an inspection of the animal;

- (g) in the case of imported animals, the animal's registration shall be approved or cancelled by two Society inspectors, following an inspection of the animal;
 - (h) the registration/recording of any animal which fails to comply with the minimum production and reproduction standards as determined by the Society, shall be automatically cancelled by the Association; and
 - (i) any animal which is not approved during a herd or other inspection ordered by the Society in terms of Bye-law 11 shall be cancelled forthwith.
- 10.2 Any animal of which the particulars recorded at birth or accompanying information or data, are open to question may, at the discretion of the Council, be debarred from registration.

10.3 South African Bred Animals

10.3.1 Except as provided for in Bye-law 1.1 (in respect of Basic females), no application for registration of South African bred animals shall be considered by the Association unless details of its birth have been duly notified and accepted in terms of Bye-law 5, and

- (a) both its parents; or
- (b) its dam, in the case of an animal imported *in utero* or resulting from imported semen;

have been registered/recorded by the Association.

10.3.2 Except in the case of male and imported animals, application for registration of an animal shall be made upon approval of two inspectors. In all cases, the form of application shall

- (a) be laid down by the Association; and
- (b) be endorsed by the Society to the effect that all requirements of the Constitution in respect of registration/recording have been met.

10.4 Imported Animals

10.4.1 An imported animal or one resulting from imported semen or an imported embryo shall be eligible for registration/recording by the Association provided that the requirements of the Act and the Constitution have been complied with.

10.4.2 An imported animal shall be eligible for registration/recording provided that the application for registration/recording is accompanied by -

- (a) a certificate of registration/recording or an export certificate issued by a Herd or Stud Book Society (or other body recognised by the Association) in the country of origin;

- (b) an official certificate of DNA test issued by a body recognised by the Association;
- (c) evidence to the effect that the animal concerned conforms to the minimum breed, production and other requirements as may be determined by the Society from time to time; and
- (d) a report of the inspector or a statement by the applicant confirming that the applicant is the *bona fide* importer of the Senepol concerned;
 - (i) the animal bears the permanent indelible identification marks as recorded on the registration and/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 property on the date stated.

10.4.3 Registration certificates shall be issued by the Association at request from the owner in respect of imported animals.

10.5 Animals Resulting from Imported Embryos

Animals resulting from the transfer of imported embryos in respect of which Bye-law 7 and all other provisions of the Constitution been complied with, shall be eligible for registration/recording: Provided that such embryos -

- (a) were collected by a competent body in the country of origin (approved by the Directorate of Animal Health of the National Department of Agriculture and the Registrar of Animal Improvement) from an animal which complies with the minimum requirements for the importation of ova determined and approved by the Society and the Association; and
- (b) if fertilised, such ova shall have been fertilised with semen of a Senepol which likewise complies with the above-mentioned minimum requirements.
- (c) official certificates of DNA tests of both parents issued by a body recognised by the Association are provided;

11. INSPECTION AND PRODUCTION REQUIREMENTS

11.1 Minimum standards

Minimum standards shall be recommended by Council from time to time to be confirmed at a General Meeting in terms of Clause 9.27 of the Constitution, with respect to -

- (a) inspection as a prerequisite for the registration/recording of all South African bred and of imported animals; and

- (b) production and reproduction, as a requirement for the maintenance of the registration/recording status of all animals.

11.2 Growth Stimulants

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

11.3 Inspections and Duties of Inspectors

- 11.3.1 In terms of Clause 9.25 of the Constitution, Council shall appoint inspectors to inspect all animals eligible for registration/recording and all imported animals upon application by the breeder concerned.
- 11.3.2 The inspectors shall inspect each eligible animal on the inspection list provided by the breeder 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 breed and production standards of the Society.
- 11.3.3 All animals must be inspected and approved between the age of 12 and 27 months, except in the case of Basic Section animals and imported animals where no age limit shall apply. 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 prior notice, carry out a general inspection of any member's Senepol herd. At such inspection, all registered/recorded animals shall be inspected. The inspector/s shall satisfy themselves that the age, identification and other details as appear on each animal's official inspection list are correct and correspond with the animal offered for inspection. Furthermore, they shall satisfy themselves that each animal conforms in all respects to the minimum breed and production standards of the Society.
- 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. A board of appeal appointed 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 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; and
 - (b) demonstrations and lectures at farmers' days or judges' courses.
- 11.3.8 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.
- 11.3.9 Fees payable for inspections and other duties performed by inspectors shall be determined by Council from time to time.
- 11.3.10 No breeder shall act as an inspector of his own animals.

12. REGISTRATION/RECORDING CERTIFICATES

Registration and birth notification certificates shall not be issued by the Association unless they are specifically requested by the breeder to issue certificates for his particular herd, in which case the breeder shall be liable for the costs thereof.

12.1 Original Certificates

- 12.1.1 Registration/recording certificates may be issued in respect of any animal and may, with the consent of the Association, be in the form desired by the Society.
- Members can also print these certificates as well as certificates of extended pedigrees directly for the Association's system. Data in respect of production recording, processed by the relevant Service Provider or other information, may appear on the registration/recording certificate or on an accompanying certificate.
- 12.1.2 All registration/recording certificates issued by the Association in respect of animals begotten by embryo transfer or artificial insemination shall bear the letters "ET" or "AI" respectively behind the names of the animals appearing on such certificates.
- 12.1.3 Confirmation of the maintenance of registration/recording status of an animal shall be indicated on the registration/recording certificate, in the case of all Senepol animals by the registration number/s of the relevant Society inspector/s after inspection and approval of the animal concerned.

12.2 Alteration or Additions to Registration/Recording Information and Certificates

No alteration or addition to the essential registration information or particulars of any animal officially recorded [on any registration/recording certificate, which has not been initialled by the General Manager of the Association,] by the Association or any

endorsement or remark on printed certificates or advertisement material, shall be allowed without prior written consent from the Society.

12.3 Cancellation of Registration/Recording and Reinstatement of Animals

12.3.1 Council may direct the Secretary to apply to the Association for the cancellation of the birth recording or registration of any animal which has -

- (a) been birth recorded or registered/recorded by mistake;
- (b) been birth recorded or registered/recorded on the strength of false or fraudulent information supplied by the owner; or
- (c) been birth recorded or registered/recorded after the owner has failed to comply with any relevant Bye-law;

and to notify the breeder or owner accordingly.

12.3.2 The Association may cancel the registration/recording of any animal which has -

- (a) failed to meet minimum production and reproduction standards of the Society; or
- (b) failed to meet minimum breed standards during an inspection by inspectors appointed by Council;

and to notify the breeder or owner accordingly.

12.3.3 The Association must be informed within 60 days of the cancellation and/or endorsement of an animal after its death, sale for slaughter, culling, castration, spaying or other circumstances changing the status of registered animals.

12.3.4 In the event of an animal having been cancelled, such animal may be reinstated in the records of the Association: Provided that the application for the reinstatement is made by the person who applied for the cancellation of the animal and the reinstatement is recommended by the Society. The reinstatement of any such animal shall be effected upon payment of such fee as may be determined from time to time.

13. TRANSFER OF ANIMALS

13.1 For the purpose of this Bye-law and Bye-law 3.9, “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 an animal, and shall include the sale, exchange, inheritance or donation of whole or part ownership, and the relinquishment of any share in the ownership of such an animal (as the case may be).

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

- (a) the Association in writing with the relevant information of the animal concerned, the details of the transfer that includes the full particulars of the new owner; and
 - (b) the Society with the payment of the prescribed fee as may be determined 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:
- 13.4.1 a pregnant female, the seller shall notify the Association in writing with the name, identification and registration number of the bull by whom she was served, together with the service date/s, or of the bull with whose semen she was inseminated and the insemination date/s, whichever the case may be. The transferor must also supply the recipient with a copy of such information.
 - 13.4.2 a recipient dam, the application for transfer shall be accompanied by the embryo transfer or birth notification/application for registration information.
- 13.5 Should the seller for any reason whatsoever, fail or refuse to take any steps to effect such transfer and should the buyer be willing to pay such fees as may be laid down by Council, may take such steps as it deems fit in order to effect 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, has been submitted to the Association.

14. JOINT OWNERSHIP AND USAGE OF ANIMALS

- 14.1 When an animal is transferred to joint owners, the full name and address of each joint owner shall be submitted to the Association.
- 14.2 The joint ownership and use of an animal is subject to the provisions of the Act.
- 14.3 If one breeder makes a bull available to another breeder for a specific period, the Registering Authority must be informed by the owner in writing of the breeder involved, the full identification of the bull and the period involved.

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 Association shall refuse birth recording or registration/recording unless the male parentage is confirmed by means of a parentage control test.

- 15.2 The Association may 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 Association has refused to accept applications from any person, the Society may, in addition, request the Association to cancel any or all previous entries made in the Herd Book on behalf of such person.
- 15.4 The Association 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 of the Society and two other members appointed by Council, and in accordance with the recommendation of that commission.

16. IMPORTATION AND EXPORTATION OF ANIMALS, SEMEN OR EMBRYOS

- 16.1 Applications to import or export animals, semen or embryos, shall, in terms of the Act, be submitted in duplicate, on forms available from the Registrar, together with the prescribed fee and the required documents reflecting the details referred to in Bye-law 16.2, to the Society; and the Society shall in turn submit one copy, together with its recommendation, to the Association, which shall then submit the application, together with its recommendation, 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 9.27 of the Constitution, and no such importation or exportation shall be recommended 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 and the Act shall be eligible for registration/recording.
- 16.4 The Association may, upon application, issue export certificates in respect of animals, semen or ova in the form desired by the Society and approved by the Association.