

CONSTITUTION



CATTLE BREEDERS' SOCIETY OF SOUTH AFRICA

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DEFINITIONS

1. When used in this Constitution unless a contrary meaning is apparent from the context:
 - 1.1 "Act" means the Animal Improvement Act, 1998 (Act 62 of 1998) and includes the Regulations promulgated in terms thereof;
 - 1.2 "Animal" means a bovine of the Boran breed registered or eligible for registration in the Herd Book and the words "cattle", "calf", "dam", "female", "bull", "male" and "sire" shall, depending on the context, have the same meaning;
 - 1.3 "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;
 - 1.4 "Birth" means the birth of a calf;
 - 1.5 "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;
 - (b) an Animal at the date of application for registration in the Appendix or Studbook Proper (SP) section of the Herd Book; or
 - (c) the recipient dam at the date of birth of an Animal to be registered as a result of an embryo transfer;
 - 1.6 "Buyer" means the person or persons to whom ownership/joint ownership of an Animal is transferred by the seller of such an animal;
 - 1.7 "Constitution" means the constitution of the Society, including the Bye-laws and Annexures;
 - 1.8 "Council" means the Council of the Society duly elected in terms of the Constitution;
 - 1.9 "Department" means the Department or Departments charged with the administration of the Act;
 - 1.10 "Embryo" means a fertilised ovum of an animal;
 - 1.11 "Herd Book" means the South African Boran Herd Book in which shall be registered through the Society by the Registering Authority, the pedigree details of Animals;
 - 1.12 "Inspector" means a person appointed by Council for the purposes referred to in Clauses 9.9 and 9.10;
 - 1.13 "Intergis" (Integrated Registration and Genetic Information System), means the computer system established in collaboration with the Department on which Prefixes are registered in accordance with the Act, and on which registration and performance data can be integrated;
 - 1.14 "Minister" means the minister of the Department;
 - 1.15 "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 registered or inscribed in his name;
 - 1.16 "recording" means the recording and evaluation of production traits such as reproduction and growth by a Service Provider accredited by ICAR (International Committee for Animal Recording) for the purpose of rendering animal recording services;
 - 1.17 "Registering" refers to the procedure of registering an Animal in the appendix or stud book proper section of the Herd Book, or by which a Prefix or Herd Designation Mark is recorded in the records of the Registering Authority;

- 1.18 "Registering Authority" (RA), means an organisation which administers the recording of births and parentage and which is registered as such in terms of Section 8(7)(a)(ii) of the Act;
 - 1.19 "Registrar" means the officer designated as Registrar of Animal Improvement in terms of the Act;
 - 1.20 "Secretary" means the secretary of the Society appointed by Council;
 - 1.21 "Seller" means the person or persons being the owner joint owner of an Animal according to the records of the RA or, in the case of an imported Animal, the owner in the country of origin who disposes of such an Animal;
 - 1.22 "semen" means the semen of an Animal;
 - 1.23 "service provider" means the animal recording organisation nominated by the Society to render production recording services (performance recording), to its members;
 - 1.24 "Society" means the Boran Cattle Breeders' Society of South Africa;
 - 1.25 "South African-bred Boran" means an Animal born in, or whilst in transit to, South Africa: Provided that an Animal born from an imported embryo, shall be regarded as an imported Animal;
 - 1.26 "Territory" means the Republic of South Africa, other countries in Africa in which the Boran breed is registered and such other countries as the Society may from time to time determine; and
 - 1.27 "written notice", "in writing" and/or "sent", mean by e-mail or mail and shall be considered valid.
2. Other words, abbreviations and phrases in this Constitution, not defined above, shall, unless a contrary meaning clearly appears from the context, have the same meaning assigned thereto in the Act.
 3. In the Constitution, unless the contrary intention appears clearly from the context, any reference to a gender includes the other genders and *vice versa*, any reference to the singular includes the plural and *vice versa* and any reference to a person includes a natural or juristic person.
 4. In the computation of time for the purposes of this Constitution, it shall be undertaken by the exclusion of the first day, Saturdays, Sundays and public holidays and the inclusion of the last day. The foregoing shall not apply in the calculation of interest.
 5. Defined words and expressions will start with capital letters for clarity.

CONSTITUTION

1. NAME OF THE SOCIETY

The name of the Society is the Boran 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:
- 2.1.1 to encourage and promote the breeding, recording or registration and the improvement of the genetic production potential and use of Animals in the Territory;
 - 2.1.2 to maintain unimpaired the purity of the Boran breed in the Territory and promote the interests of the breed by all possible and available means;
 - 2.1.3 to encourage members to participate in production recording with the service provider nominated by the Society for this purpose;
 - 2.1.4 to encourage the preservation and development of the breed by sound selection in accordance with the breed standard of a Boran and to eliminate infusion with other breeds;
 - 2.1.5 to compile and determine, maintain and apply a "breed standard" to which Animals have to conform as far as it is related to functional efficiency based on production records and visual appraisal for genetic defects. For this purpose all production data shall be made available to the Council, Inspectors and appointed subcommittee/s;
 - 2.1.6 to compile, keep and maintain accurate records of the pedigrees and particulars of all Animals duly registered through the Society by the RA in the Herd Book;
 - 2.1.7 to encourage and promote the exhibition of Animals at agricultural shows;
 - 2.1.8 to promote the breed in general as well as the marketing of animals;
 - 2.1.9 to safeguard and advance the common interests of 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:

- 3.1 to carry out such functions and perform such duties as are or may be imposed upon it in terms of this Constitution, the Act and its membership of the Association;
- 3.2 generally to do all such acts as a juristic person may by law perform and which the Society may deem necessary for the attainment of its objectives.
- 3.3 request the RA to register Prefixes on behalf of the breeders at the organisation appointed by the Department to manage the Intergis.
- 3.4 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.
- 3.5 The income and assets of the Society shall be applied solely to attain the particular objectives of the Society and promotion of the breed. The members and employees shall have no rights to the property or assets of the Society, simply based on them being members or employees of the Society.
- 3.6 No part of the Society's income or assets may be transferred or directly allocated to any person, employee or Council Member except for:
 - (i) reasonable remuneration for services rendered to the Society;
 - (ii) compensation for actual costs or reasonable expenses incurred in the interest of the Society.

4. MEMBERSHIP

4.1 Eligibility

Subject to the provisions of clause 4.2.3, membership of the Society shall be limited to persons that have attained 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 resident in the Territory and engaged, directly or indirectly, in the breeding of Animals, 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 4.2.1 a company, close corporation, partnership or body corporate shall be deemed to be a person and be eligible for ordinary membership of the Society as an active breeder: Provided that: Any Ordinary Member residing in the Territory, but outside the Republic of South Africa, will be responsible for payment of all scheduled Society fees as well as fees invoiced for services rendered by the Society or its officials in loco, in SA Rand.

4.2.2 Honorary Life Members

For special services in the interest of the Boran breed, a member may at an Annual General Meeting be elected an Honorary Life Member, who shall enjoy all the rights and privileges of membership excluding the right to vote at any meeting of the Society, and the right to be elected to Council: Provided that if he is still an active breeder and member of the Society, he will enjoy all the rights of membership and: Provided further that no person shall be eligible for Honorary Life Membership unless recommended by Council.

4.2.3 Junior Members

Any person that has not attained the age of 18 years may become a Junior Member on approval by the 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 parent or guardian countersigns the application for membership and accepts full responsibility for the financial and other commitments towards the Society on behalf of such a junior member.

4.2.4 Associate members

Any former member of the Society, excluding members WHO forfeited membership according to Clause 6.2 of the Constitution, may apply to Council for Associate membership. Such an Associate Member will be responsible for the payment of any applicable fees, will receive all the publications and relevant correspondence from the Society and may attend all meetings: Provided that an Associate member will not have the right to vote and may not be elected on Council.

4.3 Legal Entity (Company, Close Corporation, Partnership, Trust or Body Corporate)

4.3.1 A legal entity applying for ordinary membership shall disclose to the Society such facts as may be necessary to determine the nature of the controlling interest therein and shall then, or as soon as possible 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 a person shall have the right to nominate an alternate in writing to the Secretary not later than 7 (seven) days prior to the meeting at which such an alternate will be present.

4.3.2 All communications addressed and sent by e-mail to such an authorised representative referred to in clause 4.3.1 shall be deemed to be duly served upon the company, close corporation, partnership or body corporate, and at all meetings at which such an authorised representative is in attendance on behalf of the legal entity, such a legal entity shall be deemed to be duly represented.

4.3.3 The principal person so appointed to represent such a legal entity shall have full voting powers and shall be eligible for election to Council in terms of clause 8.

- 4.3.4** Should such a legal entity cease to comply with the requirements of ordinary membership as laid down in clause 4.2.1, Council may terminate its services to it and/or expel it as member and the provisions of clause 4.3.5 shall apply in respect of such a legal entity.
- 4.3.5** The liquidation or the dissolution of a legal entity shall automatically result in the termination of its membership of the Society, provided that -
- (a) all amounts owing to the Society as at the date of liquidation or dissolution shall be recoverable by the Society from the liquidator of such a legal entity, or from the members (either jointly or severally) of such a legal entity;
 - (b) the liquidator of such a legal entity and the members of such a legal entity shall be obliged to discharge all the obligations of such a legal entity in respect of registrations, transfers and whatever obligations the legal entity would have had to discharge as a member of the Society; and
 - (c) any fees that may become due and payable as a result of herd fees, registrations, transfers or other obligations which have of necessity to be fulfilled after such an automatic termination of membership, shall be raised on the scale payable by ordinary members.

4.4 Application for Membership

- 4.4.1 Application for membership of the Society shall be made to the Secretary in writing in such a 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. A member is encouraged to participate in beef cattle production recording as rendered by the Service Provider nominated by the Society for this purpose.
- 4.4.2 Council may admit an applicant as member of the Society either unconditionally or on such conditions as it may determine, or it may in its sole and absolute discretion refuse admission as member without being obliged to disclose any reasons for such a decision.
- 4.4.3 An applicant to whom admission as member has been refused shall be entitled to a refund of any fees paid with his application for membership.
- 4.4.4 Council will not approve any application for membership without the application being signed by the applicant or its representative.

4.5 Utilisation of Production Data

Members consent that production data of his Animals participating in the designated beef cattle production recording system may, on request by the Society to 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, the Service Provider and its beef cattle recording system and that the further processing of such data will not be contrary to the interests of the said recording system.

4.6 Rights and Privileges of Members

Save for executors of deceased estates, trustees of insolvent estates and liquidators of legal entities, 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 -

- 4.6.1 to receive all reports and other information published by the Society for distribution amongst members;
- 4.6.2 to apply for the inscribing or registration of animals under the Society's rules;
- 4.6.3 to attend all General Meetings of the Society and, subject to clause 4.2, have the right to vote at such meetings;
- 4.6.4 to receive technical advice on Boran matters from the Society's inspectors and officials (cost of same to be defrayed by the applicant); and
- 4.6.5 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 communicated to

members with the agenda of the ensuing Annual General Meeting (AGM) of the Society for approval by members.

- 5.2 The annual subscriptions and fees shall become due and payable in advance on 1 July in each and every year, and shall be deemed to be in arrear if unpaid on 30 September of the same year.
- 5.3 Any member whose subscription is in arrear, or who is indebted to the Society in respect of any fees or dues for a period longer than 30 days after a written demand by the Secretary for payment shall cease to enjoy any of the rights and privileges of membership and shall specifically not be entitled to vote at any meeting of the Society 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 the Council determine that an account is in arrear and should such an 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 commission, 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 (1) month's written notice to the Secretary: Provided that such a member shall remain liable for payment of all moneys owing to the Society and furthermore to discharge all his obligations in respect of registrations, transfers or any other obligation he would have had to discharge as a member of the Society.
- 6.2 Council may suspend its services to, or expel any member who -
 - 6.2.1 despite due written notice and demand directed to such member from the Secretary, continues to remain in arrear in respect of any fees or dues for a further period in excess of 30 days;
 - 6.2.2 has acted in any manner which in the opinion of the Council is or may be prejudicial to the interests of the Society or any of its members;
 - 6.2.3 has infringed any provision of the Constitution;
 - 6.2.4 has been found guilty of an offence under the Act or other criminal offence; or
 - 6.2.5 ceases to comply with the requirements of ordinary membership as laid down in clause 4.2.1:

Provided that no proceedings for suspension or expulsion shall be initiated against any member of the Society unless the Secretary has, at least thirty (30) days prior to the date of the Council meeting at which such alleged breach is to be dealt with, notified such a member in writing of the proposed hearing and calling upon the member, if he so wishes, to present, either personally or through a duly authorised representative, his side of the case at such a meeting of Council.

- 6.3 Any member who has been suspended or expelled shall be notified by the Secretary in writing within a period of three days from the date upon which the resolution was passed. If services to the member have been suspended, the notification will explain the conditions and period of suspension.
- 6.4 Upon expulsion of a member, Council may at its discretion direct the 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 RA for the cancellation of all registrations effected by it in respect of animals bred by the expelled member and owned by him at date of his expulsion. The expelled member shall forthwith, upon request by the Secretary and if applicable, deliver to the Society registration certificates in respect of Animals bred and owned by him at the date of his expulsion.
- 6.5 From the date of his expulsion no transfer of an Animal bred by the expelled member shall be

registered in his name, no notifications of birth shall be accepted from him and he shall be notified accordingly.

- 6.6 A person who, for whatever reason, has ceased to be a member of the Society may thereafter again be admitted as member, upon application made in terms of clause 4.4.
- 6.7 Any member who has been expelled is and will be responsible for payment of all outstanding moneys due to the Society on the date of expulsion.

7. REGISTER OF MEMBERS, PERSONAL INFORMATION AND RECORDS

- 7.1 The Society shall keep a register of all members reflecting all information as determined by Council from time to time.
- 7.2 Every member shall communicate in writing to the Secretary his e-mail address and other contact particulars or any change thereof, and all notices of publications sent to the e-mail address of a member shall be considered as duly delivered to and received by such member.
- 7.3 The Secretary shall submit to the RA such information as it may require concerning admissions of members, terminations of membership (for whatever reason), and full contact particulars of members.
- 7.4 The Society and the RA will only use members' personal information or data internally for the purpose of achieving its objectives to the benefit of the members.
- 7.5 The Society and the RA shall not unveil or provide personal information or any data belonging to its members, to any third party without prior consent from the members.

8. COUNCIL AND EXECUTIVE COMMITTEE

8.1 Election of Council

Six members shall be elected by ballot from amongst the members present and entitled to vote at the AGM or a Special General Meeting called for this purpose and shall hold office for a term of two years: Provided that a Councillor elected or any serving Councillor, may not serve on the Council of any other beef cattle Breeders' Society during his term of office. In the event that a Councillor elected serves on the Council of any other beef cattle Breeders' Society, he must disclose it to the meeting and when his term of office expires. A grace period of three months to serve on both Society's Councils can be granted to serve out his time of office. At the ensuing AGM three members, as determined by the drawing of lots, shall retire. Thereafter, at each AGM the three members longest in office shall retire. Retiring members shall be eligible for re-election.

Council members will stand and be elected according to portfolio.

8.2 Election of the President, Vice-President and Treasurer

- 8.2.1 The President, Vice-President and Treasurer, who shall hold office for a term of two years, shall be elected by ballot from amongst the members of the newly elected Council, immediately after their election.
- 8.2.2 Members stepping down as President, Vice-President and Treasurer shall be eligible for re-election as such: Provided that the President will not hold office for more than two consecutive terms; and provided further that after two consecutive terms there must be an interruption of two years in holding this office whereafter such member may be elected as President again.

8.3 Additional Council Members

In addition to the six elected members of Council, the following persons may also serve on Council in an advisory capacity and are also entitled to attend any General Meeting, but without the right to vote at any such Council or General Meeting:

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

8.3.3 The Secretary

The Secretary or in his absence another senior member of the Society, will attend all meetings of the Society.

8.4 Executive Committee

The Executive Committee of the Council shall consist of the President, Vice-President and the Treasurer. All actions or decisions of the Executive Committee must 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, Vice-President or Treasurer as provided for in clause 8.6, the Council may co-opt 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, Vice-President or Treasurer becoming vacant before the expiration of the period for which he was elected to the Council, 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 term elect another of its members to fill the vacancy.
- 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, and without derogating from the generality of the above, shall have the power:

- 9.1 to 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;
- 9.2 to institute, conduct, defend, compound or abandon any legal proceedings by or against the Society and/or any of its officers or officials or other employees in their capacity as such and 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, cheque or other negotiable instrument or make payment or transfer from such account 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 by 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 a financial institution as contemplated in section 1 of the Financial Institutions (Protection of Funds) Act, 2001, (Act No. 28 of 2001) and in securities listed on a licensed exchange as defined in the Financial Markets Act, 2012 (Act No. 19 of 2012);
- 9.5 to 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 form and execute any trust; to secure the payment of moneys borrowed in any manner, including the mortgaging and pledging of property, and, without derogating from the generality thereof, in particular by the issue of any kind of debenture or debenture stock, with or without security;
- 9.6 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 to the best advantage of the Society;
- 9.7 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;
- 9.8 to 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;
- 9.9 to appoint or discharge inspectors for the inspection of animals submitted for registration and for such other purposes as members of the Society may require the service of such inspectors and to give such inspectors instructions, guidelines and powers in regard to their duties for the purpose of ensuring that the objectives of the Society are being carried out;
- 9.10 to 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;
- 9.11 to remunerate any person or persons for services rendered and to establish schemes for the provision of pensions, gratuities and other incentives for its office-bearers and employees;
- 9.12 to 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;
- 9.13 to grant leave of absence to any member of Council or any official or employee of the Society, for such a period and upon such terms as it may in each case determine;
- 9.14 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;
- 9.15 from time to time, subject to the provisions of clause 5, to propose adjustment or revision of subscriptions, fees or dues for approval at a General Meeting as it may deem necessary;
- 9.16 to pay all costs and charges in connection with the administration and management of the affairs of the Society;
- 9.17 to receive and consider applications for membership and to accept or refuse such applications at its discretion;
- 9.18 to collect and receive subscriptions, fees, donations, other dues and funds and to devote same towards the objectives of the Society and towards promoting the Boran breed;
- 9.19 to formulate and propose to the AGM 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 the amendment of 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;
- 9.20 to organise and promote sales, either by public auction or private treaty and for such purposes to appoint auctioneers and agents;
- 9.21 to elect a representative 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;
- 9.22 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, including documents generated beyond the border of South Africa;

- 9.23 to cancel membership of any person or suspend the rendering of services to a member in accordance with clause 6;
- 9.24 in accordance with clause 5.3 to refuse inspection, registration and other work for members whose accounts are overdue;
- 9.25 to draw up and propose a "standard of excellence" and to lay down minimum production and other standards namely the "Minimum Breed Standards" for approval at a General Meeting by which:
 - 9.25.1 Animals shall be inspected by inspectors;
 - 9.25.2 applications for importation of Animals, semen and embryo's shall be recommended;
 - 9.25.3 semen and embryo donors shall be approved for embryo transfer purposes; and
 - 9.25.4 bulls shall be recommended for approval for the sale of semen in terms of the Act; and
- 9.26 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 Executive Committee Meetings

The Executive Committee shall meet when necessary in order to carry out the duties delegated to it by Council: Provided that all decisions taken by the Executive Committee are subject to approval by Council at its ensuing meeting.

10.2 Council Meetings

- 10.2.1 Council shall meet at such a time and place as it may from time to time determine, or as may be decided by the President (or in his absence by the Vice-President): Provided that not less than two Council meetings shall be held in each financial year.
- 10.2.2 A special Council meeting -
 - (a) may be called by the President (or in his absence by the Vice-President) at such a time and place as such an 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 a meeting.
- 10.2.3 Not less than twenty one (21) days prior to the holding of a Council meeting, written notice of the time, date and place together with the agenda of such a meeting, shall be sent by the Secretary to each member of Council.
- 10.2.4 No resolution of Council in respect of any matter shall be varied or rescinded unless the resolution varying or rescinding the same be passed at a meeting in respect of which not less than fourteen (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 the Council are present and so decide.
- 10.2.5 An urgent Council meeting-
 - (a) may be called by the President (or in his absence by the Vice-President) at such a time and place as such an office-bearer may decide; or
 - (b) not less than fourteen (14) days prior to the holding of an urgent Council meeting, written notice of the time, date and place together with the agenda of such a meeting, shall be sent by the Secretary to each member of Council.

10.3 General Meetings

- 10.3.1 A General Meeting of the Society to be known as the Annual General Meeting (AGM), shall be held once a year, not later than six months after the end of the Society's financial year at such a time and place as may be determined by Council.
- 10.3.2 At such an AGM, Council shall submit its annual report, together with a financial report,

properly drafted 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 thirty (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 25% members of the Society stating the business to be transacted at such a meeting.

No other discussion or decisions regarding any suggestion not on the agenda, may take place at such a meeting. Covered in 10.3.4 below

- 10.3.4 Not less than sixty (60) days prior to the holding of the AGM a preliminary written notice of the time, date and place of the meeting shall be sent by the Secretary to every member. Any member intending to put forward any matter for discussion at the AGM shall give written notice thereof to reach the Secretary not less than forty (40) days prior to the holding of the meeting. No subject put forward by any member shall be put on the agenda of the AGM unless the requisite notice of motion has been given in terms of this sub-clause.
- 10.3.5 Not less than thirty (30) days prior to the holding of any General Meeting a final notice of the time, date and place of such a meeting together with the agenda of, and any other relevant documents to such a meeting shall be sent to each member of the Society.
- 10.3.6 No resolution shall be taken at a General Meeting in respect of any matter unless notice thereof appears in the agenda sent to the members with the notice calling the meeting, unless such 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.
- 10.3.7 Any General Meeting may be adjourned by a two-thirds majority of the members present there and entitled to vote.

10.4 Chairperson

The President or Vice-President 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 a 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 resignation for whatever reason or death of the President, the Vice-President shall act as President until the procedure provided in clause 8.6 of the Constitution, have been implemented.

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. 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 a person in terms of the Constitution.

10.7 Quorums

- 10.7.1 10% of the members of the Society personally present at the commencement of any General Meeting and entitled to vote shall form a quorum for such a meeting and four councilors personally present at any Council meeting and entitled to vote shall form a quorum for such a 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 General Meeting a quorum is not present, the meeting shall stand adjourned to a time (not being less than fourteen (14) days and not more than thirty (30) days thereafter) and place determined by the members actually present, and at such an adjourned meeting the members present shall form a quorum: Provided that any meeting at which the President or 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 only such business (other than any amendment to the Constitution) as the presiding member may declare to be of such an urgent nature that it cannot stand over to the next meeting, and such an adjournment for half an hour shall be without prejudice to the rights of the meeting after dealing with such urgent business to adjourn to a time, date and place as herein provided.
- 10.7.4 When a meeting has been thus adjourned, a notice shall be sent to all members of the Society within fourteen (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 sent to all members of the Society. Council members will receive copies of the minutes of Council meetings and Executive Committee meetings and meetings of other subcommittees shall be sent to all persons serving on the committee concerned.
- 10.8.2 The minutes of all meetings approved at a 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 a banking account or accounts as Council may direct.
- 11.2 All payments from the funds of the Society shall be effected by electronic transfer, approved by the Treasurer or a person appointed by Council and co-approved by such a person or persons as Council may authorise thereto in terms of clause 9.3: Provided that nothing herein contained shall prevent Council from maintaining and operating a petty cash fund, or from paying in cash ordinary and usual accounts as do not in total exceed a sum determined from time to time by Council, and provided further that the total sum necessary for the payment of such accounts is drawn by way of a debit card, used only by a person authorised by Council.
- 11.3 Council shall cause proper books of account of income and expenditure to be kept in respect of the Society. Authorised persons handling any funds through debit or credit cards, shall be responsible to provide proof of any payments made, the reason for the payments made as well as submitting relevant invoices. All accounts shall be properly drawn from time to time, but not less than once every year by an auditor 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 for services rendered to the Society.
- 11.6 The Society's financial year shall commence on 1 March of each year and end on 28 February of the following year.

12. AFFILIATIONS

The Society shall –

- 12.1 be a member of the Association and shall maintain such a membership on the conditions set out in the Constitution of the Association; and
- 12.2 may further by a majority vote of at least two-thirds of the members personally present, voting and entitled to vote at any General Meeting, affiliate with or incorporate any association, society or organisation having aims and objectives kindred to those of the Society.

13. AMENDMENTS TO THE CONSTITUTION

- 13.1 The Constitution may be added to, altered, varied, or amended 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, details of which proposed addition to, alteration, variation or amendment of the Constitution, has been given to each member of the Society with the notice of the meeting as determined in clause 10.3.5 above.
- 13.2 In terms of Section 12 of the Act, any additions or amendments to the Constitution must be submitted to the Registrar within thirty (30) days after such additions or amendments have been approved by the General Meeting.
- 13.3 Should the Registrar deem any additions or amendments to be incompatible with the Act, he must notify the Society in writing thereof within thirty (30) days after receiving it, in which case such additions or amendments shall be invalid.
- 13.4 If no objection is received from the Registrar, any additions or amendments to the Constitution only take effect after the thirty (30) days meant in 13.3 have expired.
- 13.5 The conditions mentioned in 13.4 having been met, any additions or amendments to the Constitution must be submitted by the Society to the RA and the Commissioner of the South African Revenue Service.

14. OFFICE OF THE SOCIETY

The office of the Society shall be at such a place and structure as may be determined by Council from time to time subject to confirmation by the ensuing General Meeting of members.

15. DISSOLUTION OF THE SOCIETY

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

16. EMPLOYEES OF THE SOCIETY

No employee of the society may, except in the fulfilment of his advisory duties as employee, offer any service or be involved in any business relating to the sale or purchase of animals.

17. TRANSFER OF RESPONSIBILITIES

Notwithstanding any provision in this Constitution, any member may, by proper proxy and saved on record by the Secretary, give another person authority to sign the following: birth notifications/application for registration, transfer of ownership certificates, pregnancy status certificates, or any other documents relating to the administration of a herd. Any signature by such a proxy will be accepted as authentic by the Society and binding upon the member: Provided that nothing in this clause will give such a proxy the authority to in any manner possible be able to vote for any issue that his principal member may have voting rights for or to attend any meeting on behalf of his principal member.

18. NON MEMBERS

Such benefits of membership as what the Council may deem fit, may be offered to non-members; provided that there will be no legal or other obligations placed on Council in relation to such non-members and on further condition that all moneys in relation to services rendered by the Society to these non-members be determined from time to time by Council. Such moneys will be payable upfront by the non-members.

19. AUCTIONS

All Boran auctions will be conducted in accordance with the rules and regulations as determined by the Council from time to time.

20. AUTHENTIC VERSION OF CONSTITUTION

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

BYE-LAWS

1. HERD BOOK

The registration system of the Society shall consist of the Herd Book which shall be divided into two main sections, namely the Appendix Section and the Studbook Proper Section (SP), which shall be maintained and operated by the Registering Authority appointed by the Society in terms of the Act.

1.1 APPENDIX SECTION

1.1.1 Appendix A

Any female is eligible for registration in the Appendix A section of the Herd Book, provided that only SP bulls have been used for mating. Such female animals shall have been identified in accordance with Bye-Law 3, with the identification marks of the owner at the time of acceptance and sequence number; and Provided further that she complies with the minimum breed standards as determined by Council from time to time.

1.1.2 Appendix B

The female progeny of Appendix A females and SP males, which complies with the minimum breed standards and in respect of which all other requirements for registration have been met, shall be eligible for registration as Appendix B animals.

1.1.3 Appendix C

The female progeny of Appendix B females and SP males, which complies with the minimum breed standards and in respect of which all other requirements for registration have been met, shall be eligible for registration as Appendix C animals.

1.1.4 The use of multiple sires is allowed in all the above sections of the Herd Book: Provided that for progeny to be accepted as Appendix B and C, the sire has to be identified by DNA testing.

1.1.5 The female progeny of Appendix A may be recorded without Sire DNA verification.

1.2 STUDBOOK PROPER SECTION (SP)

The progeny (of which both parents must be identified), of Appendix C females mated SP males and SP females mated to SP males, which comply with the minimum breed standards and in respect of which all other requirements for registration have been met, shall be eligible for registration in the SP section.

1.3 EMBRYOS FROM KENYA

Embryo donors from recorded Foundation females from Kenya which comply to the requirements for registration according to the stipulations in Bye-law 16, shall be regarded as SP and their progeny shall be eligible for registration as such in the SP section of the Herd Book.

1.4 DNA PROFILES

No birth will be recorded by the RA if a DNA profile laboratory number or a reference number for a suitable sample in a BioBank approved by the Society, is not recorded on the RA's system for the recorded sire.

2. PREFIX AND HERD DESIGNATION MARK

2.1 No animal shall be accepted for birth recording or registration unless the breeder has previously requested the Society to register on his behalf, through the RA, a Prefix for his exclusive use at the organization appointed by the Department to manage Intergis, by which all animals bred by him and eligible for birth recording or registration shall be designated. A Herd Designation Mark must furthermore be registered with the Society by which such animals shall be identified.

2.2 No Prefix shall exceed 18 characters, and the name of a city, town or post office in the Territory shall not be accepted for registration as a Prefix.

2.3 The Herd Designation Mark registered with the Society and recorded by the RA 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 a Prefix and Herd Designation Mark shall be made to the Secretary and shall be accompanied by such a fee as may be prescribed from time to time by Council or by the RA.
- 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-laws to the Constitution of the RA.

3. IDENTIFICATION

- 3.1 All live animals of which the births are notified and all animals offered for registration 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 by the RA.
- 3.2 Branding shall be the Society's official system of marking for the uniform and permanent identification of all animals submitted for registration in the Herd Book and in the records of the RA. In addition, if desired, ear tagging shall be used.
- 3.3 Every calf must be identified by the breeder within 30 days of birth.
- 3.4 The year number shall consist of two figures indicating the year of birth.
- 3.5 The birth sequence numbers within each unique year shall not exceed four characters, must begin at 1 (one) every year and must follow each other numerically, regardless of sex.
- 3.6 Every calf must be branded before the age of 8 (eight) months with the Herd Designation Mark followed by the year number to indicate the year of birth and the sequence number corresponding with the ear tag number if applied OR the Herd Designation Mark on top, the sequence number in the middle and the year number to indicate the year at the bottom.
- 3.7 In the event of a calf leaving the breeder's possession at an age too young to be branded, such a 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 an inspector has satisfied himself as to the correctness of the identity of the animal.
- 3.9 Save for the possible compulsory branding of animals as regulated by legislation or the voluntary branding of animals registered in the SP Section with the registered brand of the Association for a production recording achievement, the branding of any other brand whatsoever on an animal, by the breeder or owner or his agent, is strictly prohibited and the registration 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 clearly marked.

4. NAMES

The name of a registered Boran will consist of the Prefix registered for the breeder, the Breeder's registered Herd Designation Mark and year and sequence number of the animal and the name, exclusive of the Prefix, shall not exceed 20 characters.

5. NOTIFICATION OF BIRTHS

- 5.1 The breeder of an animal born from a registered dam or one eligible for registration shall notify the RA within 3 months (90 days) of its birth, whether it be born dead or alive or retained for registration or otherwise. Births notified after 3 months (90 days) will be accepted as a late notification and will be fined as may be determined by Council from time to time. Births notified after 180 days shall be accepted subject to the approval of 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 RA.
- 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 RA 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 and registrations 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 and the RA) 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 breed standards, production and other requirements as may be determined by Council.

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

- 6.1 All animals which have been begotten through A.I. shall be eligible for registration: Provided that all requirements of the Act and the Constitution have been complied with.
- 6.2 No birth notification of a birth resulting from AI, shall be accepted for the purpose of registration 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 unless the male parentage has been confirmed by a DNA parentage control 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 RA reserve the right to refuse to register 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 of animals under the provisions of the Constitution, may apply for registration of progeny begotten by A.I.: Provided that the semen is obtained from a source approved by the Society and the RA, 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 a 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: Provided that –
 - (a) complete details of the ownership of the sire concerned have been submitted to the Society;
 - (b) the official DNA profile 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 and registrations are complied with.
- 6.8 Semen collected from a registered bull, may only be sold to or used by a Breeder who is not the

owner of the bull, if the bull has, prior to any sale of semen, been approved by the Society and registered as a donor of genetic material by the Registrar, following an application by the Society in this regard in terms of Sections 7(4) and 8(1)(b)(ii) of the Act. Semen from such approved Boran bulls may be sold to stud breeders and the resulting progeny shall be eligible for Registration.

- 6.9 When a bull is sold that the owner has collected semen of, the seller is obliged to inform the buyer in writing of the number of semen dosages (straws) the seller will retain.

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

7.1 All animals which have been begotten as a result of *in vivo* or *in vitro* derived embryo's shall be eligible for registration: Provided that –

- (a) both the male and the female animals which gave rise to the embryo concerned;
 - (i) must have been approved by the Society and in the case of South African donor animals, must be registered as SP;
 - (ii) must conform to the society's minimum production standards before and after flushing (Section 11 of the Bye-laws).
- (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) in the case of an animal begotten from an imported embryo, a certificate issued by a competent body, recognised by the Society and the RA, in the country of origin, stating the names, identification and registration numbers of the embryo and semen donors, the date and place of collection, the number of viable embryos collected, and the date exported;
 - (iii) the 2-Generation Pedigree of both the embryo and semen donors involved; and
 - (iv) evidence that both the embryo and semen donors involved conform to the minimum production standards required through inspection as may be determined by Council from time to time;
- (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 RA) in the country of origin are submitted to the RA within 30 days of the arrival of the recipient dam in South Africa –
 - (i) evidence of the service or insemination and flushing of the embryo donor;
 - (ii) evidence of the transfer of the embryo concerned and date thereof to the relevant recipient dam;
 - (iii) two-generation pedigrees of both donors;
 - (iv) DNA Profiles of both donors; and
 - (v) evidence that both donors conform to the minimum breed and production standards required through inspection 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 as referred to in Bye-law 5.3;
- (e) DNA confirmation of parentage in each instance is supplied, unless otherwise determined by the Society and the RA; and
- (f) all other requirements of the Constitution in respect of birth notifications, registrations, inspection and/or production are complied with.

7.2 The Society reserves the right through its officers to supervise and/or inspect the keeping of records in connection with the practice of E.T. by its members.

7.3 Breeders resident in the Territory outside South Africa who enjoy the privileges of registration of animals under the provisions of the Constitution, may apply for registration of progeny begotten as a result of E.T. provided that the embryo's are obtained from a source approved by the Society and the RA, and provided further that the collection of embryo's, the handling thereof, the inovation of the animals and the maintenance of records shall be effected in such a manner as may be duly approved by the Society from time to time.

- 7.4 The Society and the RA 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 Council shall have the right to limit the number of progeny from a donor cow resulting from E.T. for registration.

8. GESTATION AND INTERCALVING PERIODS

- 8.1 The gestation period shall be 287 days. The minimum acceptable gestation period shall be 266 days, and the maximum period shall be 308 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 recognized unless an application providing a reason for an exception has been approved by Council: Provided that such an exception will be subject to the confirmation of the parentage of the calf concerned.

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 verification or any other proven scientific method of confirming parentage –
- (a) as a routine procedure, on a basis to be determined by the RA 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 or the Society, as may be determined by Council, shall bear the costs of the tests required.

10. REQUIREMENTS AND APPLICATION FOR REGISTRATION

- 10.1 Inspection shall be a prerequisite for the registration of South African bred or imported animals and except by special permission of Council no animal shall be registered under the age of 12 months.
- 10.2 No animal, which does not comply with the Minimum Breed and Production Standards, shall be eligible for registration.
- 10.3 Any animal of which the particulars recorded at birth or accompanying information or data are open to question, may in the discretion of Council be debarred from registration.
- 10.4 Excluding the stipulations of Bye-Law 1.1.1, no application for registration of a South African bred animal will be considered unless details of its birth have been duly recorded and accepted for registration 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 by the RA.
- 10.5 The form of application shall –
- (a) be laid down by the RA; and
 - (b) be endorsed by the Society to the effect that all the requirements of the Constitution in respect of registration have been met.
- 10.6 An imported animal or one resulting from imported semen or an embryo shall be eligible for registration 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 RA) in the country of origin;
 - (b) evidence to the effect that the animal concerned conforms to the minimum breed standards, 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 certificates shall be issued by the RA at request from the owner in respect of imported animals.
- 10.9 Animals resulting from imported embryo's in respect of which Bye-law 7 and all other provisions of the Constitution have been complied with, shall be eligible for registration: Provided that such imported embryo's –
- (a) were collected by a competent body in the country of origin (approved by the South African Department of Animal Health and the Registrar of Animal Improvement) from an animal which complies with the minimum requirements for the importation of embryo's determined by Council and approved by the RA.

11. INSPECTION AND PRODUCTION REQUIREMENTS

11.1 Minimum Breed and Production Standards

Minimum breed and production standards (Annexure A), as prerequisites for registration, shall be recommended by Council from time to time to be confirmed at a General Meeting.

11.2 No female animal will be sold on a sale under the auspices of the Boran Society that:

- (a) Has not calved before 42 months of age.
- (b) Has not been certified in calf by a veterinarian if older than 30 months.
- (c) Has an intercalving period that exceeds 730 days.
- (d) Has not reared a calf to weaning since her last embryo program or does not have a calf at foot.

The onus is on the breeders and buyers to do their own homework regarding fertility and quality when buying animals not sold under the auspices of the Society.

11.3 Growth stimulants

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

11.4 Inspections and Duties of Inspectors

11.4.1 In terms of Clause 9.9 of the Constitution, Council shall appoint inspectors to inspect all animals eligible for registration, upon application by the breeder concerned. All imported animals must be inspected upon the necessary arrangement between the owner and the Society.

11.4.2 The inspectors shall only inspect the animals 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 as determined by Council.

11.4.3 To confirm the execution of the inspection, the inspector must send the signed inspection list to the Society. The inspector's number issued by the RA, must appear on the inspection list to validate the inspection.

11.4.4 All animals must be inspected and approved between the age of 12 and 36 months in order to be eligible for registration, 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 recording contemporary production 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.

- 11.4.5 Inspectors acting on the instructions of Council may at any time, without previous notice, carry out a general inspection of any breeder's herd.
- 11.4.6 Any breeder dissatisfied with an inspector's decision may lodge an appeal to the Secretary within three weeks after the inspection. Such an appeal must be accompanied by a deposit of an amount as prescribed by Council from time to time. 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.
- 11.4.7 Except in cases referred to in Bye-law 11.4.5, timeous notice shall be given to breeders of an intended visit by an inspector.
- 11.4.8 Special inspections can only be carried out with permission of the Executive Committee: Provided that inspectors are available and the applicant agrees to pay the fees in respect of special inspections as laid down by Council from time to time.
- 11.4.9 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 inspector's courses.
- 11.4.10 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.
- 11.4.11 No breeder shall act as an inspector of his own animals or own bred animals.

12. REGISTRATION CERTIFICATES

12.1 Issuing of Certificates

- 12.1.1 Registration certificates will be issued by the RA in the form as decided by the Society and the RA. Members can print these certificates as well as certificates of extended pedigrees, directly from the RA's system.
- 12.1.2 The owner of an animal can request a printed registration certificate or five-generation export certificate in writing from the RA at a cost determined by the RA from time to time.
- 12.1.3 Data in respect of production recording, processed by the relevant Service Provider, may appear on the certificates.
- 12.1.4 Registration certificates issued by the RA in respect of animals begotten by A.I. and E.T. shall bear the letters "AI" and "ET" respectively behind the names of the animals appearing on such certificates.
- 12.1.5 When a registered bull is sold to a non-member, the Ra will send a registration certificate to the buyer, provided that the seller provides the RA with the name and address of the buyer.
- 12.2 No alteration or addition to the essential registration information or particulars of any animal officially recorded by the RA 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 the Registration and Reinstatement of Animals

- 12.3.1 Council may direct the Secretary to apply to the RA for the cancellation of the registration of any animal which has –
- (a) been birth recorded or registered by mistake;
 - (b) been birth recorded or registered on the strength of false or fraudulent information supplied by the owner;

- (c) been birth recorded or registered after the owner has failed to comply with any relevant Bye-law; or
 - (d) in the case of female animals failed to meet the minimum breed standards of the Society;
- and to notify the breeder or owner accordingly.

12.3.2 The RA 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.

12.3.3 In the event of the cancellation of an animal, such an animal may be reinstated in the records of the RA 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 animal. The reinstatement of any such an animal shall be effected upon payment of such a fee as may be determined by Council from time to time.

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 an 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 a transfer, furnish –
- (a) the RA in writing of the identification of the animal concerned, and full particulars of the new owner; and
 - (b) the Society with the prescribed fee as may be determined by Council from time to time: Provided that should such an application be received by the Society more than 30 days, but within 60 days, or more than 60 days, but within 90 days after such a transfer, the fees payable in respect of such a transfer shall be respectively double and treble the prescribed transfer fee. Any application for such a transfer received by the Society more than 90 days after such a transfer shall be accepted and dealt with by the Society subject to such fees as it may determine.
- 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 RA as well as the buyer in writing with the name, identification number and registration number of the bull by whom she was served together with the service date/s, or of the bull with whose semen she was inseminated, and the insemination date/s, whichever the case may be.
 - (b) a recipient dam, the application for transfer shall be accompanied by the birth notification information and other information in compliance with Bye-law 6.
- 13.5 Should the seller for any reason whatsoever fail or refuse to take any steps to effect such a transfer, including failing or refusing to provide the relevant registration information in writing and should the buyer be willing to pay such fees as may be laid down by Council, Council may take such steps as it deems fit in order to effect the transfer.
- 13.6 No alteration to an already recorded transfer date shall be effected unless an application in writing to that effect, duly signed by the buyer and the seller concerned is made to the RA.
- 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 AND LOAN 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 RA.
- 14.2 The joint ownership and use of a bull 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 RA 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 Society shall request the RA to refuse registration unless the male parentage is confirmed by means of a DNA parentage control test.
- 15.2 The Society may request the RA 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 RA has refused to accept applications from any person, the Society may, in addition, request the RA to cancel any or all previous entries made in the Herd Book on behalf of such a 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 OF ANIMALS, SEMEN OR EMBRYO'S

- 16.1 Applications to import animals, semen or embryo's shall, in terms of the Act, be submitted in duplicate, on forms available from the Registrar, to the Society, together with the prescribed fee. The Society shall forward one copy together with its recommendation thereto, and the required documents reflecting the details referred to in Bye-law 16.2, to the RA and to the Registrar.
- 16.2 Council shall determine minimum breed standards and other requirements for the importation of animals, semen and embryo's in terms of Clause 9.25 of the Constitution, as well as the stipulations set out in Annexure B of the Constitution in the case of embryo's. No such an importation shall be recommended to the RA by the Society unless the said requirements are complied with.
- 16.3 Imported animals and animals resulting from the importation of semen or embryo's which comply with the minimum requirements referred to in Bye-law 16.2 and the requirements of the Constitution shall be eligible for registration.