

**CONSTITUTION
OF THE**



**APPALOOSA HORSE BREEDERS'
SOCIETY OF SOUTH AFRICA**

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CONSTITUTION OF THE APPALOOSA HORSE BREEDERS' SOCIETY OF SOUTH AFRICA

1. DEFINITIONS

When used in the constitution and bye-laws, unless a contrary meaning is apparent from the context:

“Act” means the Animal Improvement Act, 1998 (Act No. 62 of 1998) or any subsequent legislation having similar objectives than the said Act, and includes the regulations promulgated in terms thereof.

"animal" means a colt, filly, gelding, mare or stallion of the Appaloosa breed;

"Appaloosa horse" means an equine registered or recorded or eligible for registration or recording in the Stud Book;

"appendix animal" means an animal registered in the Appendix Section of the Stud Book;

"Appendix Section" means that section of the Stud Book where appendix animals eligible for registration as such are inscribed;

"Association" means the South African Stud Book and Animal Improvement Association;

"breed" means the Appaloosa horse breed;

"breeder", the owner of:

- (a) the dam at the date of birth of an animal;
- (b) such an animal at the date of application for registration or recording in the Herd Book;
or
- (c) a breeding female animal at the time of natural or artificial conception;

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

"class" means the procedure which is in use to class animals of non-registering members and non- members;

"classification" means the procedure whereby a female of a registering member is classified according to the set standards as prescribed by the Society;

"Constitution" means the constitution and bye-laws of the Society;

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

"date of transfer" shall be deemed to be the date on which an animal's sole ownership is vested in the buyer;

“Department” means the Department of Agriculture in the National government;

"embryo" means a fertilised ovum of an animal;

“Exco” means the Executive Committee of the Council of the Association

"Export" means the sale and dispatch to any country outside the territories;

"Financial Year" means the period designated by Council from time to time as the financial year of the Society;

"imported" means landed animals, semen and embryos, in any of the territories and shall include an animal born *en route*;

"importation standards" means the minimum standards as defined in the Act and laid down by Council from time to time for the importation into South Africa of animals, semen and embryos;

"inspection" refers to the procedure used to inspect an animal registered in the Appaloosa Stud Book that is to be approved or licensed for breeding purposes;

"Lessee" means a person who has leased an animal from another person, such a person may be deemed the "owner" of the animal, in terms of this Constitution, if the animal is transferred into the lessee's name, in the records of the Association, for the duration of the period of the lease;

"Minister" means the Minister responsible for agriculture;

"ovum", the ovum of an animal;

"owner" in relation to an animal, means the person:

- (a) who, according to the records of the Association possesses the animal concerned;
- (b) who submits proof to the satisfaction of the secretary that the animal is eligible for entry or registration in the name of the owner; or
- (c) who is entitled, in accordance with the regulations of the recognised Stud Book organisation in the country of origin of the animal, to be so registered or recorded;

"recording" refers to the procedure by which the Society records animals in the Basic Section of the Appaloosa Stud Book;

"Registrar", the officer designated as Registrar of Animal Improvement in terms of section 3 of the Act;

"registering" refers to the procedure by which the Society records animals in the Appendix and Stud Book Proper sections of the Appaloosa Stud Book;

"ruling" means a decision legally taken by Council in terms of the Constitution;

"schedules" means any schedule as referred to in the Constitution or as created by Council and includes any amendment which can be made by Council from time to time;

"secretary" means the secretary of the Society;

"selection" means the classing of animals according to phenotype;

"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;

"semen", the semen of an animal;

"Society" means the Appaloosa Horse Breeders' Society of South Africa;

"South African-bred animal" means an animal born in or whilst in transit to, South Africa, provided that such animal is the progeny of:

- (a) a sire and a dam, both of which are registered, or eligible for registration in the Stud Book;

- (b) a dam registered in the Stud Book and which gave birth to the animal concerned as a result of artificial insemination where the semen was imported in accordance with the provisions of the Act; or
- (c) a dam duly registered in the Stud Book as an imported animal, but the progeny concerned having been imported *in utero*;

"Stud Book" means the South African Appaloosa Stud Book kept by the Association (either in computerised form or any other form) which comprises the registrations by the Society and has the following subsections: Stud Book Proper Section, Appendix Section and any other section to be added by Council from time to time;

"territories" means South Africa and such other countries as the Society may from time to time, with the approval of the Association, determine;

"transfer" means any transaction whereby any person acquires the right to sole ownership or to any share or additional share of the ownership in such animal and shall include the sale, exchange, donation or lease of sole or part ownership in such animal and the relinquishment of any share in the ownership of such an animal.

2. ABBREVIATIONS

When used in the constitution and bye-laws, unless a contrary meaning is apparent from the context:

"A" means animals registered as Appendix A in the Appendix Section of the Stud Book;

"AGM" means the Annual General Meeting;

"AHBSSA" means the Appaloosa Horse Breeders' Society of South Africa;

"AI" means animals begotten by the method of artificial insemination;

"B" means animals registered as Appendix B in the Appendix Section of the Stud Book; and

"ET" means animals begotten by the technique of embryo transfer;

3. CONSTITUTION

The Appaloosa Horse Breeders' Society of South Africa shall be registered in terms of the Animal Improvement Act, 1998 (Act No. 62 of 1998), or any subsequent legislation having similar objectives than the said Act.

This Constitution having been drafted and promulgated in the English language, the English version shall, in the case of a difference between the English and any other text, be deemed to be the authentic version and unless the contrary is apparent from the text, words referring to persons in the masculine gender shall include the feminine gender, and words in the singular shall include the plural.

4. NAME

The name of the Society is the Appaloosa Horse Breeders' Society of South Africa.

5. OBJECTIVES

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 and genetic improvement of Appaloosa Horses in the Territories, to maintain the purity of the breed and generally to foster its interests;

- (b) to ensure the accuracy of all records of pedigrees, performance and other particulars of animals registered or eligible for registration in the Stud Book;
- (c) to apply a “Standard of Excellence” and other minimum standards drawn up by Council as a prerequisite for the registration of animals;
- (d) to encourage the expansion of the breed by means of promotion, marketing campaigns and sales;
- (e) to promote participation of animals 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;
- (f) to safeguard and advance the common interests of breeders in the Territories, and generally to give effect to the objectives contemplated by the Act;
- (g) to stimulate and regulate any and all other matters such as may pertain to the history, breeding, exhibition, publicity, sale or improvement of the breed.
- (h) The Society shall not –
 - (i) carry on any profit making activities; or participate in any business, profession or occupation carried on by any of its members, or provide any financial assistance, premises, continuous services, or facilities to its members for the purpose of carrying on any business or occupation by them; and
 - (ii) have the power to carry on any business, including *inter alia*, ordinary trading operations in the commercial sense, speculative transactions, dividend stripping activities as well as the letting of property on a systematic or regular basis.

6. POWERS OF THE SOCIETY

- 6.1 Subject to the terms of the Constitution, the Society shall have the power to acquire, either by purchase, lease or otherwise, possess hold and occupy property, whether movable or immovable; to alienate, let, mortgage, pledge or otherwise encumber such property; to borrow or lend money; to invest any funds of the Society, or to recall or change such investments from time to time, and generally subject to the provisions of the Act, to perform all such acts as a body corporate by law may perform and which the Society may deem necessary for the attainment of its mission and commitments or in the interests of the Society.
- 6.2 To carry out such duties as are or may be imposed upon it by virtue of its affiliation to the Association and in terms of the Act.

7. MEMBERSHIP

7.1 Eligibility for membership

Membership of the Society shall be limited to persons permanently resident in the Territories, subject to the following provisions:

- 7.1.1 Persons who are eighteen (18) years old and over and who are engaged directly or indirectly in the breeding of animals, may become members on approval by Council.
- 7.1.2 A company, close corporation or partnership conducting business within the territories and which is engaged, directly or indirectly, in the breeding of animals, shall be eligible for membership of the Society. Such company, partnership or close corporation shall, in addition to requirements imposed on all members, furnish the Society with the name and address of the person appointed by it to act as a representative at meetings of the Society (with the right to appoint an alternative person, if desired, provided that in such a case the name of the alternate be lodged with the secretary at least two (2) days prior to any meeting at which such an alternate shall vote) and to whom on behalf of the

company, close corporation or partnership communication may be sent and received. All communications addressed to such authorised representative shall be deemed to be duly served on the company, close corporation or partnership concerned, and at all meetings which such authorised representative attends on behalf of the company, close corporation or partnership, such company, close corporation or partnership shall be deemed to be duly represented.

7.2 Categories of membership

There shall be the following categories of membership, each with the rights and obligations set out hereinafter:

7.2.1 Ordinary Registering Members

Ordinary Registering Members shall comprise ordinary members who have registered a unique prefix with the Association for their exclusive use. This unique prefix will be designated to all animals registered on their behalf, subject to compliance with the requirements set out in Clause 8 below. An Ordinary Registering Member, while he retains his prefix, shall retain his rights in terms of this clause notwithstanding his becoming an Honorary Life Member.

7.2.2 Ordinary Non-Registering Members

Ordinary Non-Registering Members comprise ordinary members who do not register animals in the Stud Book.

7.2.3 Honorary Life Members

For meritorious services in the interests of the breeding of the Appaloosa and/or the Society a natural person may be elected an Honorary Life Member by Council and upon such election shall enjoy all the rights and privileges of membership, including the right to vote at any meeting of the Society. Honorary Life Members will be excluded from annual membership subscription fees.

7.2.4 Special Honorary Members

A persons not necessarily actively engaged in the breeding of the Appaloosa may be elected Special Honorary Member by Council upon such conditions as Council may determine. Special Honorary Members may not vote at meetings of the Society and are not eligible for election to Council.

7.2.5 Junior Membership

On approval of the Council, persons under the age of eighteen (18) years may become Junior Members of the Society on payment of fees prescribed by Council from time to time. Junior Members shall not be eligible to vote at meetings of the Society and shall not be eligible for election to Council. Junior Members shall be entitled to the other privileges and to participate in the activities of the Society at the prescribed rate.

7.2.6 Subscription Members

Any person, close corporation or partnership may apply for Subscription Membership subject to compliance with the Constitution. Subscription Members may not vote at meetings of the Society and are not eligible for election to Council. Subscription Members' privileges will be to receive all Society publications.

7.2.7 Family Membership

Any member of the immediate family of an ordinary registering member or an ordinary non-registering member may become a family member at a lower membership fee, as determined by Council. A family member will enjoy all rights of membership except those of breeder, except in partnership with the original member, and the receipt of publications of the Society.

7.3 Application for membership

7.3.1 Application for membership shall be made to the secretary in writing. An application form, which will be supplied by the secretary, must be completed and submitted. Ordinary Registering Members will be bound to apply for a prefix with the Association.

7.3.2 In the case where application for membership is a company, close corporation, partnership or other legal *persona*, the names and addresses of every shareholder, member or partner concerned therewith, shall be furnished to the secretary with the application for membership and every such shareholder, member or partner shall be deemed to have accepted and shall be bound to be jointly and severally responsible for the good conduct of the company, close corporation or partnership and for compliance with the Constitution and By-laws of the Society.

7.3.3 Council shall have the right to refuse any application for membership with furnishing the reason/s therefore.

7.4 *Domicile citandi et executandi*

All notices to all classes of members shall be sent in writing to their chosen domicile and shall be deemed to have been received within seven (7) days from date of dispatch.

8. REGISTERING MEMBERS

Any person resident or conducting business within the territories who wishes to register animals with the Society shall, in terms of Clause 7.2.1, be eligible to register with the Society as a Registering Member. All the provisions of the Constitution in respect of persons applying to be admitted or already admitted as Registering Members of the Society, and all the rights, privileges and obligations of such members, as set out in the Constitution, shall *mutatis mutandis* apply to all persons applying to be registered or already registered with the Society as Registering Members. Registering Members are *ipso facto* members liable for fees, and are also eligible for election to Council.

9. RIGHTS AND PRIVILEGES OF MEMBERS

Members shall be entitled to:

- (a) receive all reports and other matters published by the Society for distribution amongst members;
- (b) register animals in terms of this Constitution subject to the provisions of Clause 7.2.1;
- (c) compete for prizes and premiums offered by the Society;
- (d) attend all general meetings and special general meetings of the Society and vote at such meetings;
- (e) receive expert technical advice on breed matters from the Society's technical staff, officials and representatives if available, consult and have access to all records kept by the Society with regard to their animals or to which the Society has access, and special visits of which the cost thereof shall be defrayed by the member requesting such a visit.

10. SUBSCRIPTION AND FEES

- 10.1 All entrance fees, subscriptions, fees or any other dues and commissions payable to the Society shall from time to time be prescribed by Council, and shall be managed and controlled by Council.
- 10.2 The annual subscriptions shall be payable in advance and shall become due and payable on the first day of the financial year and shall be deemed to be in arrear if unpaid within thirty (30) days of such date, unless special permission has been granted for later payment.
- 10.3 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 thirty (30) days after a demand by registered post for payment thereof has been addressed to him by the secretary, shall cease to enjoy any of the rights and privileges of membership until such time as such indebtedness has been liquidated.
- 10.4 Council may cause an interest charge at a rate determined by Council to be levied on all overdue accounts.
- 10.5 Any member who has in terms of Clause 10.3 ceased to enjoy the rights and privileges of membership and despite due and proper demand directed to him at his chosen domicile by prepaid registered letter by the secretary, continues to remain in arrear in respect to any fees due for a further period of sixty (60) days, shall automatically forfeit his membership of the Society.
- 10.6 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 up to the last day of the financial year during which his membership ceased.

11. RESIGNATION, EXPULSION AND FORFEITURE OF MEMBERSHIP

- 11.1 Any member who has paid the subscription and other dues owed by him may at any time resign from the Society by giving written notice per prepaid registered post to that effect to the secretary. Unless such notice is given before the first day of the financial year, the retiring member shall, notwithstanding his resignation, be liable for the annual subscription for the financial year in which he resigns, in addition to any amount due by him.
- 11.2 Any member renders himself liable to disciplinary action, if he:
 - (a) withholds requested information or gives incorrect information to the Society, to judges at shows, or to officials of the Society regarding the breeding or records of an animal;
 - (b) alters an animal's body in such a manner as to mislead anybody on ordinary examination as to the true conformation of the animal, for example, the removal or hiding or camouflaging of defects;
 - (c) contravenes any clause of the Constitution or has been found guilty of a contravention of the Act;
 - (d) is found guilty by Council of conduct which, in the sole opinion of Council, is either dishonourable or derogatory to the character or prejudicial to the interests of the Society;
 - (e) is found to have falsified performance data or has wilfully misled the Society by furnishing false information.

- 11.3 Council shall have the power to sit in judgement at an ordinary or at a special Council meeting on the conduct of a member after having given him an opportunity to offer an explanation verbally or in writing or through representatives. Following a resolution passed by not less than two-thirds of the members of Council present and voting at such a meeting, Council may order:
- (a) that a member be reprimanded and/or fined such an amount as Council may decide;
 - (b) that membership be suspended for a period fixed in the order, but which shall not exceed the remainder of the current financial year of the Society, and two (2) of the next ensuing financial years thereafter;
 - (c) that the member be expelled, and upon due expulsion of a member, such a member shall forthwith cease to be a member of the Society and Council may, at its discretion, direct the secretary forthwith to remove from the Stud Book and any other registers or records of the Society the name of the member so expelled and to apply to the Association for cancellation of all registrations in respect of animals bred by the expelled member and owned by him at date of his expulsion as may have been effected by the Association, in which event the expelled member shall forthwith be obliged to deliver upon demand by the Society the registration certificates in respect of all animals owned by him at the date of expulsion;
 - (d) in the case where a special Council meeting is convened for the purpose to consider the conduct of a member, that the member concerned, if found guilty, shall be liable to defray all expenses connected with the convening of such a meeting;
 - (e) that the member shall, from the date of expulsion, or during the period of suspension, as the case may be, forfeit his rights of membership and also any rights or claims upon the Society or its property or funds as he otherwise would have had, by reason of his membership.
- 11.4 A person who has ceased to be a member of the Society may, at the discretion of Council, again be admitted as member upon application subject to Clause 7, provided that such admission to membership may be granted on such conditions as Council may in each particular case impose.

12. REGISTER OF MEMBERS

- 12.1 The secretary shall keep a register of all members, stating the date of the admission of each member to membership, his chosen domicile, the amounts received from him with the date of payment of such amounts and any arrears which may be due. The resignation of a member may not be accepted until all outstanding debts have been settled in full.
- 12.2 Every member shall communicate in writing to the secretary any permanent change of his chosen domicile and all notices and publications posted to the address so furnished shall be considered delivered.

13. THE MANAGEMENT AND ELECTION OF OFFICERS

- 13.1 The affairs of the Society shall be controlled and administered by a Council consisting of nine (9) members who shall be elected by ballot at an Annual General Meeting and shall hold office until the next AGM after election, when three (3) members as determined by the drawing of lots shall retire. At the succeeding AGM, the next three of the members, longest in office, to retire shall be determined by lot. Thereafter, at each AGM the three (3) members longest in office shall retire. Retiring members shall be

eligible for re-election.

- 13.2 Immediately following each AGM the elected Council shall hold a meeting at which there shall be elected by ballot from amongst its members, a President, Vice-President, Treasurer and Secretary who shall hold office until the next election of a President, Vice-President, Treasurer and Secretary: Provided that in the case of all Councils, excepting the first Council elected under this Constitution, that no Councillor shall be elected to the office of President or Vice-President unless he has served on the Council for at least one (1) year prior to the election.
- 13.4 On the recommendation of the Council there may be elected at the AGM, from time to time, Honorary Life Vice-Presidents who shall be members of the Council *ex officio* and entitled to vote. At no time shall there be more than two (2) Honorary Life Vice-Presidents.
- 13.5 In addition to the nine (9) members elected to the Council, a representative of the Department who may be nominated by the Minister to represent him on the Council, shall have the right to attend and participate in all discussions at all meetings of the Society in an advisory capacity, but without the right to vote.
- 13.6 In the event of the office of President or Vice-President becoming vacant before the expiration of the period for which he was elected, the Council shall by ballot at its first ensuing meeting elect another of its members to fill the vacancy for the unexpired period, subject to the same conditions as Clause 13.2.
- 13.7 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 13.6, the Council may appoint another member of the Society with full powers 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.

14. POWERS AND DUTIES OF COUNCIL

- 14.1 Council shall, subject to the terms of the Constitution and subject to the directives of the Society as given from time to time at general meetings, have the power to do all such things it deems necessary or advisable in the interests of the Society and for the advancement and attainment of the Society's objectives, and in particular shall have the power:
- (a) to pay all costs and charges in connection with the administration and management of the affairs of the Society;
 - (b) to appoint, at its discretion, and remove or suspend employees, auditors, either permanently or temporarily or *ad hoc*, as it may from time to time deem fit in accordance with any laws where applicable, and to determine their powers and duties as well as fix salaries, emoluments and conditions of service;
 - (c) to institute, conduct, defend, compound or abandon any legal proceedings by or against the Society or against any of its officials or servants in connection with the affairs of the Society, and to compound or allow, or ask for time or payments of any debts to, or any claim or demand against the Society;
 - (d) from time to time to provide for the management and affairs of the Society in such a manner as it may deem fit and, in particular, to appoint any persons to be the attorneys or agents of the Society upon such terms as it deems fit;
 - (e) to adopt and pass rules, regulations and conditions according to and upon which inspection and admission to registration shall take place and to impose fines and

- (f) penalties for any contravention of such rules, regulations, and/or conditions; to convene general or specific meetings of the Society, either in compliance with a special request therefore made in accordance with the provisions of the Constitution, or otherwise if deemed necessary;
- (g) to make, alter and rescind rules and regulations consistent with the provisions of the Constitution, and accordingly to impose fines by way of penalties for the breach thereof;
- (h) to add schedules to the existing schedules and to amend such schedules when it is deemed necessary in the interests of the Society;
- (i) to purchase, hire or lease for the purposes of the Society land, tenements, movable or immovable property, and to sell, let or dispose of the same;
- (j) to borrow money for the purposes of the Society upon security of any property of the Society;
- (k) to invest, or in any other manner deal with any monies not immediately required for the purposes of the Society, upon such securities and on such terms as it may deem fit and from time to time, to change or realize any such investments. Provided that the funds available for investment may only be invested with registered financial institutions as defined in section 1 of the Financial Institutions (Investment of Funds) Act, 1984, and in securities listed on a licensed stock exchange as defined in section 1 of the Stock Exchange Control Act, 1985 (Act No. 1 of 1985).
- (l) to nominate representatives to the annual general meeting of the Association and to nominate persons to represent the Society on any committee, body or organisation;
- (m) to perform all duties and exercise all such powers as may be conferred upon the Society in terms of the Act;
- (n) generally to do all things that are necessary for the welfare of the Society and for the conduct of its affairs provided always that any action taken or instructions given shall not be contrary to the terms of the Constitution;
- (o) to refuse any application for membership; and
- (p) 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 and powers in regard to their duties for the purpose of ensuring that the objectives of the Society are being carried out.

15. MEETINGS AND PROCEDURE

15.1 General meetings

15.1.1 The AGM shall be held within nine months of the close of the Society's financial year. The exact date, time and place of such AGM shall be determined by Council.

15.1.2 At each AGM, Council shall submit a full report of the work of the Society during the past year and shall also present a statement of the financial position of the Society, duly audited by the Society's auditors.

15.2 Business of the AGM

The business of the Annual General Meeting shall be:

- (a) to receive and consider the financial statement and reports of Council and auditors;
- (b) to elect members to Council;
- (c) to transact any other business which under this Constitution shall be transacted

at the AGM:

Provided that all other business transacted at the AGM shall be deemed special and no special business may be transacted at the AGM unless written notice per prepaid registered post of such business have been given to the Secretary thirty-five (35) days before such meeting takes place.

15.3 Special general meetings

Council may whenever it deems fit, and shall upon a requisition by not less than ten (10) members of the Society, convene a special general meeting. Any such requisition shall specify the objectives of the special general meeting required and shall be signed by the members requiring the same and shall be lodged with the office of the secretary. Such requisition may consist of several documents in like form, each signed by one or more members.

15.4 Notice of meetings

15.4.1 Not less than sixty (60) days prior to the holding of the AGM, a preliminary notice of the time, date and place of the meeting shall be posted 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 thirty-five (35) 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 subclause. Any member intending to nominate an office-bearer for election at the AGM shall give notice thereof on the official nomination form to reach the Secretary not less than thirty-five (35) days prior to the holding of the meeting.

15.4.2 Not less than twenty-one (21) days prior to the holding of any general meeting a final notice of the time, date and place of such a meeting together with the agenda of such a meeting, the names of the nominated office-bearers, postal and proxy voting forms set out in a letter or set out in an official publication of the Society, shall be sent by prepaid post to each member. Accidental omission to give notice to any member shall not invalidate any resolution passed at such a meeting.

15.5 Chairperson

The President of the Society, or in his absence the Vice-President, or in the latter's absence, any other Council member elected for the purpose by the members present, shall take the chair at all general meetings.

15.6 Voting : General meetings

15.6.1 All matters submitted at any general meeting shall, except when otherwise provided, be decided by the votes of the majority of those present and entitled to vote. In the event of an equality of votes the person presiding at the meeting shall have a casting vote in addition to his vote as a member.

15.6.2 Notwithstanding the provisions of the preceding sub-clause, except with regard to the election of office-bearers, members shall have the right to vote by proxy, as decided by Council from time to time. All proxies duly completed must be in the hands of the secretary three (3) calendar days prior to the date of the meeting concerned.

15.6.3 Notwithstanding the provisions of the preceding subclauses with regard to the election of office-bearers, members shall have the right to vote by mail. All duly

completed postal votes must be in the hands of the Secretary three (3) calendar days prior to the date of the meeting concerned.

15.6.4 Every question submitted to a general meeting shall be decided by a show of hands, except in the case of the election of office-bearers, which shall be decided by secret ballot.

15.7 Adjournment of meetings

Any general meeting may be adjourned by a two-third majority vote of the members present.

15.8 Quorum

Ten (10) members personally present at any general meeting shall form a quorum. If at any general meeting a quorum is not present, the meeting shall stand adjourned until such a time (not being less than seven (7) days thereafter) and place determined by the members personally present. At the adjourned meeting ten (10) members are needed to form a quorum. In the case of no quorum Council shall be deemed capable of dealing with any urgent business.

15.9 Meetings of Council

15.9.1 Council shall meet at such time and place as it may from time to time determine, or as may be decided by the President, or in his absence the Vice-President, provided that not less than two Council meetings shall be held during each financial year.

15.9.2 A special Council meeting may be called by the President, or in his absence the Vice-President, at such time and place as such office-bearers may decide, and shall be called upon a requisition signed by not less than four (4) members of the Council, stating the reasons for such a meeting.

15.9.3 Not less than twenty-one (21) days prior to the holding of a Council meeting written notice of the time, date and place of such meeting shall be supplied to each member of the Council by the Secretary.

15.9.4 Four (4) members personally present at any Council meeting shall form a quorum.

15.9.5 No business otherwise properly conducted or constitutionally transacted at any meeting shall be invalidated by reason only of the non-receipt by any Council member of any notice required by the Constitution to be given to such member.

15.9.6 Should any member of Council fail to attend any three properly convened consecutive Council meetings during his term of office he will be obliged to resign from the Council and may be replaced by an appointed member of the Society as per Clause 13.7.

16. FINANCIAL PROVISIONS

16.1 Council shall cause one or more banking accounts to be opened in the name of the Society, and shall deposit in such banking account or accounts all monies received by the Society from any source whatsoever.

16.2 All payments out of the funds of the Society shall be in any form as decided by Council.

16.3 Council shall cause proper books of account of income and expenditure to be kept in respect of the Society. All accounts shall be audited from time to time but not less than

once every year by an auditor or auditors appointed by Council.

- 16.4 All the property of the Society shall be vested in the Council.
- 16.5 Payment shall be by cheque and shall be signed by the secretary or a person appointed by the Council and countersigned by the auditors or by such person or persons as the Council may authorise thereto provided that nothing herein contained shall prevent the Council from maintaining and operating a petty cash fund, or from paying in cash such ordinary and usual monthly accounts as do not in total exceed a sum determined by the Council, and provided that the total sum necessary for the payment of such accounts is drawn by cheque.
- 16.6 The income and property of the Society, from whatever source derived, including profits and 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 therein contained shall prevent payment in good faith of remuneration to any employee or other person/s for services rendered to the Society.

17. AFFILIATIONS

The Society shall in accordance with the Act be a member of the Association and shall maintain such membership on the conditions set out in the constitution of the Association and 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.

18. AMENDMENT OF CONSTITUTION

- 18.1 The Constitution of the Society may be added to or altered by a resolution approved by not less than two-thirds of the members present, voting and entitled to vote at a general meeting of the Society, of which meeting and of which proposed addition, alteration, variation or amendment of the Constitution, not less than twenty-one (21) days' written notice has been given to each member of the Society by prepaid post.
- 18.2 No such addition to, alteration, variation or amendment of the Constitution, notwithstanding that it has been passed in the manner prescribed in Clause 18.1, shall be of any force or effect until and except in so far as it is confirmed and approved by the Association in terms of the Act and shall comply with and be submitted to the Association in the manner set out in its Constitution and the Act.
- 18.3 Any amendment to the Constitution will be submitted to the Commissioner for the South African Revenue Services.

19. DISSOLUTION OF THE SOCIETY

If, upon the winding up, liquidation 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 have been 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.

20. BARRING CLAUSE

No paid employee of the Society shall, except in the performance of his duties as such, render any service or be connected or have an interest or share in a company or be in any way

connected with a society, business or institution rendering services similar to the AHBSSA unless written permission of the Council for such activities has been given.

21. OFFICE OF THE SOCIETY

The office of the Society shall be at any centre as may be decided upon by the Council and correspondence addressed to the office of the Society shall be deemed to be addressed to the Society.

BYE - LAWS

1. STUD BOOK

The recording and registration system of the Society shall consist of the Stud Book Proper Section, the Appendix Section and the Basic Section. Each member having animals registered or recorded in any of these sections shall, to the satisfaction of the General Manager or his representative, keep a proper record of the animals in his stud and their breeding.

1.1 BASIC SECTION

Any animals, registered above the level of Appendix A (or equivalent) with approved Arab, Thoroughbred or Quarter Horse breed registries, may be used in Appaloosa Horse breeding programmes and are then recorded as Basic Section animals. Basic Section animals must be bred to registered Appaloosas, in the Appendix or Stud Book Proper section, exhibiting one of the recognised Appaloosa coat patterns, in order for their progeny to be eligible for registration.

1.2 APPENDIX SECTION

1.2.1 Appendix A

(a) The progeny of a basic section animal bred to a registered Appaloosa of either Appendix A, Appendix B or Stud Book Proper status shall be eligible for registration as an Appendix A animal: Provided that they conform to all the registration and inspection requirements.

(b) Any gelding or spayed mare, with one or both parents unknown or unregistered in the AHBSSA registry, exceeding 14.3 hands at maturity and exhibiting the necessary Appaloosa characteristics of either an identifiable Appaloosa coat pattern or mottled skin and either striped hooves and/or white sclera, will enter the registry as Appendix A animals.

1.2.2 Appendix B

The progeny of an Appendix A animal bred to another Appendix A, Appendix B or Stud Book Proper animal shall be eligible for registration in Appendix B, provided they conform to all the registration and inspection requirements.

1.3 STUD BOOK PROPER

1.3.1 The progeny of:

- (a) Appendix B x Appendix B;
 - (b) Appendix B x Stud Book Proper;
 - (c) Stud Book Proper x Stud Book Proper;
- that conform to all the registration and inspection requirements shall be eligible for registration as Stud Book Proper animals.

1.3.2 Imported animals with permanent registry in their country of origin shall be eligible for registration as Stud Book Proper animals.

1.4 PART-BRED SECTION

1.4.1 APPALOOSA SPORT HORSE

(a) BASIC SECTION

Any animals, other than grey or pinto, registered above the level of Appendix A (or equivalent) with approved Warm Blood and Thoroughbred breed registries may be used in Appaloosa Sport Horse breeding programmes and are then recorded as Basic Section animals.

Basic Section animals must be bred to registered Appaloosa Horses or Appaloosa Sport Horses exhibiting a recognised Appaloosa coat pattern.

(b) APPALOOSA SPORT HORSE

The progeny of a Basic Section Appaloosa Sport Horse bred to a registered Appaloosa Sport Horse or Appaloosa Horse of Appendix A, Appendix B or Stud Book Proper, that exhibits a recognised coat pattern, shall be eligible for registration as an Appaloosa Sport Horse. The progeny of an Appaloosa Sport Horse bred to an Appaloosa Sport Horse shall be eligible for registration as an Appaloosa Sport Horse.

(c) A registered Appaloosa Horse may not also be registered as an Appaloosa Sport Horse.

(d) An Appaloosa Sport Horse may not also be registered in any other section of the registry.

1.4.2 APPALOOSA PONY

(a) BASIC SECTION

Any animals, other than grey or pinto, that do not exceed 14.3 hands at five years, registered above the level of Appendix A (or equivalent) with approved Welsh section A, B, C, Arab, Thoroughbred, Connemara, Boerperd or Nooitgedacht breed registries, or any registered combination thereof, may be used in Appaloosa Pony breeding programmes and are then recorded as Basic Section animals. Basic Section animals must be bred to registered Appaloosa Horses or Appaloosa Ponies exhibiting a recognised Appaloosa coat pattern.

(b) APPALOOSA PONY

The progeny of a Basic Section Appaloosa Pony bred to a registered Appaloosa Pony or Appaloosa Horse of Appendix A, Appendix B or Stud Book Proper, that exhibits a recognised coat pattern, shall be eligible for registration as an Appaloosa Pony. The progeny of an Appaloosa Pony bred to an Appaloosa Pony shall be eligible for registration as an Appaloosa Pony.

(c) A registered Appaloosa Horse may not also be registered as an Appaloosa Pony.

(d) An Appaloosa Pony may not also be registered in any other section of the registry.

1.4.3 APPALOOSA MINIATURE

(a) BASIC SECTION

Any miniature horses, other than grey or pinto, registered with approved Miniature Horse breed registries may be used in Appaloosa Miniature breeding programmes and are then recorded as Basic Section animals. Basic Section animals must be bred to Appaloosa Miniatures exhibiting a recognised Appaloosa coat pattern, registered with or recognised by the AHBSSA.

(b) APPALOOSA MINIATURE

The progeny of a Basic Section Appaloosa Miniature bred to an Appaloosa Miniature registered with or recognised by the AHBSSA that exhibits a recognised coat pattern, shall be eligible for registration as an Appaloosa Miniature. The progeny of an Appaloosa Miniature bred to an Appaloosa Miniature shall be eligible for registration as an Appaloosa Miniature.

- (c) An Appaloosa Miniature may not also be registered in any other section of the registry.

1.5 STALLIONS

Stallions that score less than 80 % on the breed standard at inspection will not be eligible for registration in any section of the registry, except as geldings,

1.6 RE-CLASSIFICATION AND RECORDING/REGISTRATION OF ANIMALS**1.6.1 Basic Section**

Animals recorded as F1 will be re-classified and recorded as Basic animals.

1.6.2 Appendix A

- (a) Animals recorded as F2 of which the particulars of one of the parents are not on record, will be re-classified and registered as Appendix A.
- (b) Animals recorded as F3 of which the particulars of one of the parents are not on record, will be re-classified and registered as Appendix A.

1.6.3 Appendix B

- (a) Animals recorded as F2 of which the particulars of the parents are recorded, will be re-classified and registered as Appendix B.
- (c) Animals recorded as F3 of which the parents are recorded will be re-classified and registered as Appendix B.

1.6.4 Stud Book Proper

- (a) Animals recorded as F3, of which both parents and all four grandparents are on record, will be re-classified and registered as Stud Book Proper.
- (b) Animals recorded as F4 where all grandparents are on record will be reclassified and registered as Stud Book Proper.

1.7 Publishing of Stud Books

1.7.1 The Stud Book may when deemed necessary by Council, be published by the Association on behalf of the Society.

1.7.2 Volumes of the Stud Book may be sold at a price calculated to cover the cost of printing and publishing thereof, as Council may determine.

2. PREFIX

2.1 Any member shall be accepted as a registering member provided that he has previously, through the Society, registered with the Association for his exclusive use a distinct prefix by which all animals registered on his behalf shall be designated.

2.2 Application for registration of such prefix shall be made to the Secretary and shall be accompanied by such registration fee as is prescribed from time to time in the Schedule of Fees.

- 2.3 No cession of a prefix shall be allowed from one breeder to another, except -
- 2.3.1 to a child or children of any member during his lifetime: Provided that in the event of transfer to more than one child, such children shall carry on business in partnership, company, close corporation or trust;
 - 2.3.2 in the case of a partnership being a member, to such partner or partners who wishes to continue membership;
 - 2.3.3 to the estate of a deceased member where such estate carries on the business of the deceased;
 - 2.3.4 to any heir entitled to the inheritance of the prefix in terms of the will of the deceased member; or
 - 2.3.5 to the heirs of a deceased breeder, or so many of them as may be mutually agreed upon between the heirs, to carry on business as a partnership, company, close corporation or individual.
- 2.4 A member shall only have one prefix except where he is the owner of more than one Stud, in which case he may apply for another prefix. He shall be liable to pay membership fees to the Society according to the number of prefixes registered in his name, and will be entitled to have as many votes at a general meeting as he has prefixes.
- 2.5 No prefix shall exceed 18 characters.
- 2.6 The name of a city, town or post office in South Africa shall not be accepted for registration as a prefix.

3. IDENTIFICATION

- 3.1 Colour marks and description shall be the Society's official system of marking for the uniform and permanent identification of all animals submitted for birth recording or for registration.
- 3.2 The Society shall be notified of a change of colour and/or pattern which causes the animal to be no longer recognisable and the certificate of the relevant animal must simultaneously be submitted to the Society for correction.
- 3.3 Save for the possible compulsory branding of animals as regulated by legislation or the voluntary branding of animals registered in the Herd Book Proper section with the registered brand of the Association, the branding of any other brand 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.

4. NAMES

- 4.1 No animal shall be considered for entry in the Stud Book for registration unless such animal has explicitly been named or otherwise characterised. The Society shall have the right to refuse any application in respect of an animal which in his opinion is misleadingly named.
- 4.2 No name shall exceed 20 characters, inclusive of abbreviations.
- 4.3 The name of an animal, once registered, 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 obviating the error.
- 4.4 No prefix registered in the name of one member may be used in the naming of an animal belonging to another member.

5. NOTIFICATION OF BIRTH AND APPLICATION FOR REGISTRATION

- 5.1 The breeder of an animal born from a registered dam or a dam recorded in the Basic Section, other than those provided for in Bye-law 10.1(b), shall notify the Society within ninety (90) days of its birth, whether it is born dead or alive or retained for registration 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. Except in the case of imported and basic section animals, any foal whose birth is not notified within six months shall not be eligible for registration, except at the discretion of Council.
- 5.2 A birth notification shall in the case of an animal eligible for registration include an application for registration. Whenever the Association receives a due and notification of the birth of a live foal which is eligible for registration, a registration certificate shall forthwith be issued: Provided that the breeder may indicate that the foal is not for registration, in which case no document shall be issued, but the birth shall nevertheless be entered in the records of the sire and the dam.
- 5.3 No birth notification/application for registration of an animal shall be accepted unless the sire and dam at the time of service were more than twenty-four (24) months old and have passed inspection and been approved or licensed for breeding.
- 5.4 All birth notifications/applications for registration shall be made on forms as approved by the Association, and copies thereof shall be kept by the breeder concerned for inspection and checking at all reasonable times by officers of the Society.
- 5.5 In the event of multiple births, the breeder shall in addition to the particulars ordinarily required, also record on the birth notification/application for registration form the number and sex of the other twin, triplets, etc., as the case may be.
- 5.6 A birth notification/application for registration in respect of an animal begotten as a result of an embryo transfer must be submitted to the Association on a pre-printed form as prescribed by the Association.
- 5.7 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.
- 5.8 The birth notification/application for registration shall contain a declaration in the following terms:
"I declare that the pedigree, breeding particulars and identification marks of the animal described herein are correct, and that all the requirements of the Constitution and the Act relating to birth notifications and applications for registration, have been complied with."
- 5.9 The birth notification/application for registration shall also be accompanied, in the case of an animal imported *in utero*, by the necessary documents and certificates and/or material regarding the biological identification of both donors, endorsed by the Stud Book society (or body recognised by the Society and the Association) 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 performance and other requirements as may be determined by Council.

6. SERVICE CERTIFICATES

Whenever the birth of a foal is notified, such notification shall be accompanied by a service certificate from the person who, at the time of service, was the registered owner of the sire. Such service certificate shall specify the date of service. All foals may, at the discretion of Council, be barred from any registration in the Stud Book.

7. GESTATION PERIOD

- 7.1 The normal gestation period recognised in respect of the breed shall be three hundred and forty (340) days and the maximum period shall be four hundred and nineteen (419) days and the minimum period shall be three hundred and twenty-two (322) days.
- 7.2 Any gestation period outside the range referred to in Bye-law 7.1 not be recognised unless confirmed by a positive parentage control test emanating from a source approved by Council, if such service is available.

8. RULES GOVERNING THE PRACTICE OF ARTIFICIAL INSEMINATION (AI)

- 8.1 All progeny which have been legally begotten through AI (i.e. in accordance with the Act) shall be eligible for registration, provided that all requirements of the Constitution have *mutatis mutandis* been complied with.
- 8.2 No birth notification/application for registration of progeny begotten by AI shall be accepted for the purpose of birth recording unless it is endorsed "begotten by AI".
- 8.3 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 time periods less than twenty-eight (28) days apart, no resultant progeny shall be eligible for registration unless the male parentage has been confirmed by a parentage control test emanating from a source approved by Council.
- 8.4 The Society reserves the right through its officers to supervise and/or inspect the keeping of records in connection with AI.
- 8.5 The Society and the Association reserve the right to refuse to register the progeny resulting from AI should any of these rules not be fully adhered to.
- 8.6 Breeders resident in territories other than South Africa who enjoy the privileges of registration of animals under the provisions of the Constitution may apply for registration of progeny begotten by AI: Provided the semen is obtained from a source approved by the Society and provided further that the collection of semen, the handling thereof, the insemination of the animals and the maintenance of records shall be effected in such manner as may be duly approved by the Society from time to time.
- 8.7 The Society confirms the right of breeders, subject to the provisions of the Act, to collect, freeze and store the semen of their own animals for use in their own studs, 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 Association;
 - (b) the official laboratory number concerning the biological identification of the sire has been submitted to the Association;
 - (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 are complied with.

8.8 In the case of a transfer of a male animal (other than one approved for the collection of semen in terms of section 10 of the Act) from which semen has been collected, frozen and stored, the application for the transfer of such stallion must be accompanied by a certificate signed by the seller indicating the number of doses of semen stored at the date of transfer.

9. RULES GOVERNING EMBRYO TRANSFERS (ET)

9.1 All progeny which have been legally begotten as a result of ET (i.e. in accordance with the Act), shall be eligible for registration: Provided that -

- (a) both the male and the female animal which gave rise to the embryo concerned were approved for the purpose by the Society;
- (b) except in the case of an animal begotten as a result of ET and imported *in utero*, all the following documents are submitted to the Association within one hundred and twenty (120) days of each embryo transfer -
 - (i) the duly completed embryo transfer certificate as may be prescribed by the Association;
 - (ii) the certificates reflecting the official laboratory numbers concerning the biological identification of the male and female animals that gave rise to the embryo concerned;
 - (iii) a certificate signed by a veterinarian, an embryo transferor, or, in the case of intra-stud ET, by the owner or his full-time employee, to the effect that the provisions of the Act have been complied with; and
 - (iv) in the case of an animal begotten from an imported ovum, a certificate issued by a competent body, recognized by the Society and the Association, in the country of origin, stating the names, identification and registration 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 ET and imported *in utero*, the following evidence and documents endorsed by the Stud Book organisation (or body recognised by the Society and the Association) in the country of origin are submitted to the Association within thirty (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) certificates and/or material regarding the biological identification of both donors; and
 - (v) evidence that both donors conform to the minimum performance and other requirements as may be determined by Council;
- (d) a birth notification/application for registration in respect of an animal resulting from ET is submitted on the pre-printed birth notification/application for registration form referred to in Bye-law 5.6;
- (e) confirmation of parentage in each instance by a parentage control test emanating from a source approved by Council, is supplied, unless otherwise determined by the Society and the Association; and

- (f) all other requirements of the Constitution in respect of birth notifications/ applications for registration, inspection and/or performance and registrations are complied with.

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

9.3 Breeders resident in territories other than 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 ET: Provided the fertilized ova are obtained from a source approved by the Society, and provided further that the collection of ova, the handling thereof, the inoovulation of the animals and the maintenance of records shall be effected in such manner as may be duly approved by the Society from time to time.

10. REQUIREMENTS FOR REGISTRATION

10.1 The only requirement for the registration of an animal shall be the acceptance of a due and valid notification of its birth: Provided that –

- (a) the animal exhibits no grey or pinto colouring;
- (b) in the case of Basic Section animals that are already registered with another breeder's society, inspection by a Society approved inspector shall be a prerequisite for registration.
- (c) inspection shall only be compulsory for breeding animals, all other animals shall be registered at birth and, except by special permission of Council, no animal shall be inspected under the age of 18 months;
- (d) the approval of any mare or breeding license of any stallion which fails to comply with the minimum performance standards as determined by Council shall be automatically cancelled by the Association and any progeny of that animal, conceived after the cancellation of the approval or breeding license will not be eligible for registration;
- (e) the approval or breeding license of any animal which is not approved during a stud or other inspection ordered by Council in terms of Bye-law 10 shall be cancelled forthwith and any progeny of that animal, conceived after the cancellation of the approval or breeding license will not be eligible for registration; and
- (f) in the case of imported semen, ova, embryos or horses descended from the Quarter Horse 'IMPRESSIVE' (number 0767246) or their progeny, they must test negative for the hereditary condition of *Hyperkalemic Periodic Paralysis* (HYPP). Any application to register such animals or foals resulting from imported semen, ova or embryos must be accompanied by proof that the animal is free of HYPP or not descended from "IMPRESSIVE"; such proof must be from sources approved by Council. In the event of any animal being proved HYPP positive after it has been registered with the Society the approval to breed or breeding license will be cancelled.

10.2 In all cases where the animal's approval or breeding license is to be cancelled, the owner shall be required to return the animal's approval or breeding license to the Association for cancellation.

10.3 Any animal of which the particulars supplied on the birth notification/application for registration form or accompanying certificates in terms of Bye-law 5 are open to question, may in the discretion of Council be debarred from registration.

10.4 South African-bred animals

10.4.1 Except as provided for in Bye-law 1.1.1(a) (in respect of Basic Section animals), no application for registration of a South African-bred animal shall be considered unless details of its birth have been duly recorded 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 and inspected for breeding purposes and in the case of mares have been issued with an approval for breeding and in the case of stallions have been issued with a breeding license, by the Association.

10.4.2 Except in the case of Basic Section animals and imported animals, application for registration of an animal shall be made simultaneously with the notification of its birth. 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 the requirements of the Constitution have been met.

10.5 Imported animals

10.5.1 An imported animal or one resulting from imported semen shall be eligible for registration provided the requirements of the Constitution have *mutatis mutandis* been complied with.

10.5.2 An imported animal shall be eligible for registration provided the application for registration is accompanied by -

- (a) a certificate of registration or an export certificate issued by a Stud Book organisation (or other body recognised by the Society and the Association) in the country of origin;
- (b) evidence to the effect that the animal concerned conforms to the performance and other requirements as may be determined from time to time by Council and approved by the Association; and
- (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 Territories on the date stated;
 - (iii) that the animal arrived on the applicant's farm on the date stated; and
 - (iv) in the case of animals that are to be used for breeding, such animals has passed inspection by a Society approved inspector and in the case of mares have been issued with an approval for breeding and in the case of stallions have been issued with a breeding license, by the Association.

10.5.3 South African Stud Book registration certificates shall be issued in respect of imported animals.

10.6 Animals resulting from imported ova

10.6.1 Animals resulting from the in ovulation of imported ova, in respect of which Bye-law 9 and all other provisions of the Constitution *mutatis mutandis* have been complied with, shall be eligible for registration.

10.6.2 Such imported ova -

- (a) shall have been collected by a competent body in the country of origin (approved by the Directorate of Animal Health of the Department) from an animal which complies with the minimum requirements for the importation of ova determined by Council and approved by the Association; and
- (b) if fertilized, shall have been fertilized with the semen of an animal which likewise complies with the above-mentioned minimum requirements.

11. INSPECTION AND PERFORMANCE REQUIREMENTS

- 11.1 (a) Minimum inspection and performance standards as prerequisites for registration shall be determined from time to time by Council.
- (b) Council has the right to down-grade or cancel the breeding license of any animal that has been inspected and approved for breeding if there is any proof that the animal has any genetic defect.
- 11.2 (a) No animal that exhibits grey or pinto colouring shall be considered for registration.
- (b) Until such time as a reliable genetic test for the presence of the grey gene in horses becomes available, an Appaloosa will be deemed to have a grey base coat colour if the hair colour in the dark spots of the Appaloosa coat pattern that was present at the time of birth notification disappears and becomes white at any time in the animal's life. In terms of Bye-law 12 the breeding license of any such animal may be cancelled on inspection or re-inspection at the discretion of Council and the progeny of any such animal conceived after the cancellation of its breeding license will not be eligible for registration with the Society.
- 11.3 Stallions that score less than 70% and mares that score less than 60% on the breed standard at inspection will not be eligible for registration in any section of the registry, except as geldings and spayed mares.
- 11.4 Animals may only pass inspection and be issued with a breeding license in the case of stallions and a breeding approval in the case of mares: Provided that they meet the following height restrictions on inspection:
 - (a) Appaloosa Horses, to be a minimum height of 14 hands, and
 - (b) Appaloosa Ponies to be a maximum height of 14,3 hands.
- 11.5 No animal shall be accepted for registration if it has been treated with hormonal growth stimulants. Such practices shall be considered prejudicial to the interests of the Society.
- 11.6 **Inspections and Duties of Inspectors**
 - 11.6.1 In terms of Clause 14.1(p) of the Constitution, Council shall appoint inspectors to inspect all animals eligible to be approved or licensed for breeding, including imported, upon application by the breeder concerned.
 - 11.6.2 The inspectors shall inspect each eligible animal upon presentation of the application for inspection form or registration certificate, as the case may be and shall satisfy themselves that the age, identification, and other details as appear on the said form or certificate are correct and correspond with the animal offered for inspection. Furthermore, they shall satisfy themselves that the animal conforms in all respects to the minimum inspection and performance standards as determined by Council.

- 11.6.3 Basic Section animals, other than those provided for in Bye-law 10.1(b), must be inspected and approved as from the age of eighteen (18) months: Provided that any restrictions are satisfied. Only the progeny of Basic Section animals, other than those provided for in Bye-law 10.1(b), and inspected animals in the Appendix, Stud Book Proper and Part Bred sections will be eligible for registration. The inspectors are empowered to use their discretion in holding any particular animal over for inspection during their next visit.
- 11.6.4 Any breeder dissatisfied with an inspector's decision may lodge an appeal to the Society within three (3) weeks after the time of 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 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.
- 11.6.5 Except in cases referred to in Bye-law 10.5.2(c) timeous notice shall be given to breeders of an intended visit by an inspector: Provided that an inspector acting on the instructions of Council may at any time, without previous notice, carry out a general inspection of any member's Stud. .
- 11.6.6 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.
- 11.6.7 Inspectors acting for 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 the breeders who are appointed as inspectors shall not be subject to this rule.
- 11.6.8 No breeder shall act as an inspector of any animal owned or bred by him.
- 11.6.9 Fees payable for inspections and any other duties performed by inspectors shall be determined by Council from time to time.

12. REGISTRATION CERTIFICATES

12.1 Issuing of Certificates

- 12.1.1 A registration certificate shall be issued, by the Association through the Society, following the birth notification and recording of an Appaloosa eligible for registration in the Appendix, Stud Book Proper or Part Bred Sections. Approval for mares and a breeding license for stallions, in a form determined by Council and approved by the Association, will be issued once an Appaloosa registered in the Appendix, Stud Book Proper or Part Bred section passes inspection for breeding purposes, then the progeny of that animal will be eligible for registration provided, except in the case of Basic Section animals, other than those provided for in Bye-law 10.1(b), the sire and dam of such progeny are properly registered with the Society and have passed inspection for breeding purposes and been issued with an official approval or breeding license.
- 12.1.2 Any progeny of a registered animal that has not passed inspection for breeding purposes and where no approval or breeding license has been issued will not be eligible for registration.

12.2 Original Certificates

12.2.1 Registration certificates to be issued in respect of animals may with the consent of the Association, be in the form desired by the Society.

12.2.2 In respect of progeny begotten by embryo transfer, the letters "ET" shall be printed on the registration certificate after the animal's name.

12.3 Alterations or Additions to Registration Certificates

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

12.4 Duplicate or Replacement of Registration Certificate

In the case of a registration certificate issued by the Association through the Society which has been mislaid, mutilated or lost, written applications may be made to the Association through the Society by the owner of the animal concerned for the issue of a duplicate or the replacement of such a certificate. The application shall be accompanied by an affidavit by the applicant setting out all the relevant circumstances.

12.5 Cancellation of Registration Certificates, Approval of Breeding Licenses and Reinstatement

12.5.1 Council may direct the Secretary to apply to the Association for the cancellation of the birth recording, registration, breeding approval or breeding license of any animal which has -

- (a) been birth recorded, registered, approved or licensed by mistake;
- (b) been birth recorded, registered, approved or licensed on the strength of false or fraudulent information supplied by the owner;
- (c) been birth recorded, registered, approved or licensed if the owner fails to comply with any relevant Bye-law; or
- (d) in the case of female animals, failed to meet minimum reproduction standards as may be determined by Council from time to time;

and to notify the breeder or owner accordingly.

12.5.2 Council may request the Association to cancel the breeding approval of any mare or breeding license of any stallion which has -

- (a) failed to meet minimum performance standards as may be determined by Council from time to time; or
- (b) failed to meet minimum inspection standards during an inspection by inspectors appointed by the Society;

and to notify the breeder or owner accordingly.

12.5.3 A registration certificate of an animal issued by the Association shall be returned to the Association for cancellation and/or endorsement within sixty (60) days after its death, sale for slaughter, culling, or other circumstances requiring the certificate's cancellation or endorsement in terms of the Constitution of the Society or that of the Association.

12.5.4 All documents so returned shall be suitably endorsed and kept by the Association for a period of six months, whereafter they shall be returned to the Society, or be destroyed.

12.5.5 In the event of the registration certificate, breeding approval or breeding license of an animal having been cancelled, such animal may be reinstated in the records of the Association: Provided that the application for the re-instatement is made by the person who applied for the cancellation of the registration certificate, breeding approval or breeding license. The re-instatement of any such animal shall be effected upon payment of such fee as may be determined by Council from time to time.

12.6 Certificates of Extended Pedigree

A member may apply to the Society for a certificate of extended pedigree in respect of an animal and the Society shall apply to the Association to issue such a certificate. Every such application shall be accompanied by the requisite fee as may be determined by Council from time to time.

13. TRANSFER OF REGISTERED ANIMALS

13.1 Any person (hereinafter called the seller) who transfers sole or part ownership of any animal registered in the Society's Stud Book, shall within one month of the date of such transfer furnish the Society with the official registration certificate of the animal concerned, the full name and address of the person or persons acquiring such ownership (hereinafter called the buyer) and the date of transfer, the signature of the seller or his duly authorised agent.

13.2 If the animal of which ownership is to be transferred is pregnant, the seller shall, together with the application for transfer, furnish the buyer with a duly completed service certificate or insemination certificate in terms of the regulations of the Act, depending on whether conception had been brought about by natural service, artificial insemination or embryo transfer. Such service certificate, insemination certificate or embryo transfer certificate shall specify the date of service, insemination or embryo transfer, or the period during which the female concerned ran with such stallion and the full name and registration number of the female concerned and of the sire.

13.3 Notwithstanding the provisions of Bye-law 13.1 above, Council shall have the discretion in circumstances which it regards as exceptional and deserving of condonation, to accept an application for transfer of ownership or partial ownership of such animal, if application reaches the Secretary after the prescribed period of one month, and subject to payment of such fees by the buyer as Council may prescribe from time to time as in the Schedule of Fees.

14. JOINT OWNERSHIP REQUIREMENTS OF ANIMALS

14.1 When an animal is transferred to joint owners, the full name and address of each owner must be stated and the application for the official transfer must be accompanied by a written statement.

14.2 If females belonging to breeders (other than the joint owners) are served by natural service by the sire concerned, the service certificates required in terms of Bye-law 5 must be signed by the joint owner on whose farm the sire is domiciled at date of service of such females: Provided that the action of an official of the Society conform to the Constitution of the Society and the Act then that official's action is deemed to be for the benefit of the breed, the Council and the Society and such official will not be held personally liable or responsible for any such actions.

15. PARENTAGE CONTROL

- 15.1 Council reserves the right if at any time it deems it necessary to call for a parentage control test of any animal for the purpose of identification of the animal.
- 15.2 In addition to the compulsory parentage control testing laid down for embryo transfers in Bye-law 9.1(e), all brood mares and stud sires must be tested by a parentage control method prescribed by Council prior to use for natural service or A.I.
- 15.3 Each parentage control test report shall emanate from a source approved by Council.
- 15.4 The owner or the Society, as may be determined by Council, shall bear the costs of the parentage testing required in terms of this bye-law.

16. IMPORTATION AND EXPORTATION OF ANIMALS, SEMEN OR OVA

- 16.1 Applications to import or export animals, semen or ova shall, in terms of the Act, be submitted in duplicate, on forms available from the Registrar, to the Society, together with the prescribed fee; the Society shall forward a copy together with its recommendation and relevant documents thereto, to the Registrar.
- 16.2 Council shall determine minimum performance and other requirements for the importation and exportation of animals, semen and ova and no such importation or exportation shall be recommended to the Registrar by the Society unless the said requirements are complied with.
- 16.3 Imported animals and animals resulting from the importation of semen or ova which comply with the minimum requirements referred to in Bye-law 16.2 and the requirements of the Constitution shall be eligible for registration.
- 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.

17. 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.

18. DELEGATION OF POWERS

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

19. NON-MEMBERS

Such privileges of membership as 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.

20. APPALOOSA HORSE CLUBS

- 20.1 No Appaloosa Horse Club shall be recognised or affiliated to the Society unless governed by a constitution, rules and regulations approved by the Council.
- 20.2 Such clubs shall function within well-defined boundaries.
- 20.3 Any function held under the jurisdiction of an affiliated Club will be subject to the approval of the Council.