



*Arab Horse Society
of South Africa*

CONSTITUTION

Amendments approved by an AGM on 1 April 2008

*Arabierperdgenootskap
van Suid-Afrika*

Incorporated in terms of Act 25 of 1997
Ingelyf kragtens Wet 25 van 1997



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DEFINITIONS

When used in this Constitution, unless a contrary meaning clearly appears from the context –

1. “**Act**” shall mean the Animal Improvement Act 1998 (ActNo.62 of 1998) and includes the regulations promulgated in terms of the Act or any enactment repealing and/or substituting the Act;
2. “**Arab horse**” shall mean a horse registered or eligible for registration as such in the Stud Book;
3. “**Association**” shall mean the South African Stud Book and Animal Improvement Association;
4. “**breeder**” (of a horse) shall mean the registered owner of its dam at the date of the horse’s birth;
5. “**member**” shall mean a natural person, a company, close corporation, partnership, trust or body corporate which has been admitted to the Society as a member;
6. “**castration**” (of a horse) shall mean the removal of the testicles of a stallion or the ovaries of a mare;
7. “**Council**” shall mean the Council of the Society;
8. “**Constitution**” shall mean the Constitution (inclusive of the Bye-laws) of the Society;
9. “**horse**” shall mean an Arab, Shagya Arab, Anglo Arab, part-bred Arab and part-bred Shagya Arab horse;
10. “**Manager**” shall mean the Manager, for the time being, of the Society;
11. “**mare**” shall mean a mare or filly and shall include Arab, Shagya Arab, Anglo Arab, part-bred Arab and part-bred Shagya Arab mares and fillies;
12. “**Minister**” means the Minister of the relevant Department;
13. “**name**” (of a horse) shall mean the name of that horse as inscribed in the Stud Book;
14. “**owner**” shall mean the person -
 - 14.1 in whose name the horse is inscribed in the Stud Book; or
 - 14.2 who has submitted proof to the satisfaction of the Council that the horse is eligible to be so inscribed in his name; or
 - 14.3 who, in the case of an imported horse, has submitted proof to the satisfaction of Council that he is entitled in accordance with the regulations of the Stud or Herd Book Society of the country of origin of the horse, to be so regarded;
15. “**part-bred Arab**” or “**part-bred Shagya Arab**” shall mean a horse in respect of which proof has been submitted to the satisfaction of Council that it has respectively at least 25% pure Shagya Arab blood and is recorded or eligible for recording as such in the relevant Section of the Stud Book, and that at least one grandparent is a registered Arab of either sex;



16. “**Province**” shall mean the regional classification currently used in South Africa;
17. “**pure Arab blood**” shall mean blood which renders a horse eligible for registration as an Arab horse in the Stud Book;
18. “**recording**” shall mean the recording of the records of breeding of Anglo Arab, part-bred Arab and part-bred Shagya Arab horses by the Society;
19. “**Shagya Arab**” shall mean a horse descended from the original Shagya registered in the Shagya Arab Stud Book or from horses which are so registered or eligible for such registration;
20. “**Society**” shall mean the Arab Horse Society of South Africa;
21. “**South African bred horse**” shall mean an Arab, Shagya Arab, Anglo Arab, part-bred Arab or part-bred Shagya Arab horse born in or whilst in transit to the Republic ;
22. “**stallion**” shall mean an entire male showing both testicles and shall include Arab, Shagya Arab, Anglo Arab, part-bred Arab and part-bred Shagya Arab stallions and colts;
23. “**Stud Book**” shall mean the Stud Book of the Society. It shall consist of four (4) sections in which shall be inscribed the details of -
Section 1 - All Arab horses registered with the Association;
Section 2 - All Shagya Arab horses registered with the Association;
Section 3 - All Anglo Arab horses recorded by the Society;
Section 4 - All part-bred Arab and part-bred Shagya Arab horses recorded by the Society;
24. “**term of office**” shall mean two (2) years;
25. “**Republic**” shall mean the Republic of South Africa as described in the Constitution of the Republic of South Africa Act No. 200 of 1996.
26. “**Thoroughbred**” shall mean a horse which is registered or eligible for registration as such by the Jockey Club of South Africa or, in the case of an imported Thoroughbred, by an equivalent organisation in the country of origin;
27. “**an Anglo Arab horse**” shall mean a horse that contains no other blood than “Thoroughbred” blood and “pure Arab” blood defined in Definitions 16 and 25.

The masculine shall include the feminine, the singular the plural, and vice versa.



CONSTITUTION OF THE ARAB HORSE SOCIETY OF SOUTH AFRICA

1. NAME OF THE SOCIETY

The name of the Society shall be THE ARAB HORSE SOCIETY OF SOUTH AFRICA.

2. OBJECTS

The objects of the Society shall be –

- 2.1 To promote and encourage the breeding and improvement in the Republic of Arab, Shagya Arab, Anglo Arab, part-bred Arab and part-bred Shagya Arab horses (hereinafter referred to collectively as horses).
- 2.2 To maintain unimpaired the purity of the Arab and Shagya Arab horses in the Republic and to promote interest in these breeds by all possible and available means.
- 2.3 To compile, keep and maintain accurate records of the pedigrees and particulars of all purebred Arab and Shagya Arab horses for the purposes of registration with the Association and in the Stud Book.
- 2.4 To keep accurate records of Anglo Arab and part-bred Arab horses in the Republic.
- 2.5 To guide and assist members with the purchase and sale of horses.
- 2.6 To promote sales of registered or recorded (or eligible for registration or recording) horses.
- 2.7 To obtain the formation of classes for horses at shows, to nominate judges who are considered qualified and competent to judge these breeds; and to impress upon Agricultural Societies and others, the advisability and necessity of appointing only judges recommended by the Society.
- 2.8 To hold judges' courses from time to time to qualify members and interested persons as official judges of the Society.
- 2.9 To allow and encourage the formation of Provincial Clubs to further the objects of the Society.
- 2.10 By annually compiling a list of qualified judges that will serve as a panel of judges at shows of the Society and to state in such list each class listed in the Society's show Rules that a particular judge is qualified to adjudicate.



3. POWERS OF THE SOCIETY

3.1 Subject to the terms of the Constitution, the Society shall have the power to acquire either by purchase, lease or otherwise, or to 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 objects, or in the interests of the Society.

3.2 To carry out such functions and perform such duties as are, or may be imposed upon it under the Act and by virtue of its affiliation to the Association.

3.3 In case of disarray to empower the Council of the S A Stud Book Association with all the powers of a Council as per constitution. This arrangement to last until the next Annual General Meeting of the Society when a new Council for the Society will be elected and this interim constitutional arrangement will expire.

3.4 Arbitration of disputes:

- (a) All disputes between a member and the Society, between members *inter se* and between the Society and a member arising from or following anything done or allegedly done in terms of the Constitution shall be referred to arbitration, if such disputes cannot be resolved internally.
- (b) For purposes of the Constitution and without derogating from the generality of the meaning of that word, the word "*dispute*" shall mean and include any objection to, qualification of and joinder of issue with anyone in respect of anything done or allegedly done in terms of the Constitution.
- (c) Any person who declares a dispute shall do so by informing the Manager in writing by way of prepaid registered mail of the declared dispute.
- (d) The Manager shall on receipt of a declaration of a dispute forthwith appoint an arbitrator to entertain the dispute.
- (e) The provisions of the Arbitration Act No 42 of 1965 shall govern the appointment of the arbitrator, his or her duties and the arbitration.
- (f) The arbitrator shall, within 10 days of his or her appointment, inform the Manager and the parties to the arbitration of the date, time and place of the arbitration.



- (g) The arbitration shall be conducted in accordance with the Rules of Conduct of Arbitrations published by the Association of Arbitrators. The Arbitrator shall be entitled to select from the rules published by the Association of Arbitrators which of the said rules would apply to the arbitration and inform the Manager and the parties accordingly. The arbitrator's decision in that regard shall be final and binding on the parties and the Manager.
- (h) The finding or reward of the arbitrator shall be final in terms of section 28 of the Arbitration Act No 42 of 1965, subject to the provisions of sections 32 and 33 of the Arbitration Act 42 of 1965.
- (i) The arbitrator must, at conclusion of the arbitration or within reasonable time thereafter, inform the parties to the arbitration and the Manager of his reasoned award and furnish reasons in writing for the award.
- (j) The arbitrator shall include in his or her award directions as to who should pay the costs of the arbitration proceedings which costs may include the costs of the arbitrator.

4. MEMBERSHIP

ELIGIBILITY

The membership of the Society shall be open to persons who except in the case of Special Honorary Members, are resident in the Republic. There shall be the following classes of members:

(a) ORDINARY MEMBERS

A natural person over the age of eighteen years, a company, close corporation, partnership, trust or body corporate which is directly or indirectly interested in horses shall be eligible for membership of the Society as an ordinary member. A member which is a company, close corporation, partnership, trust or body corporate shall be represented and shall enjoy the rights, duties and privileges of a member through one natural person over the age of 18 years appointed and nominated by the said company, close corporation, partnership, trust or body corporate as its official representative in terms of the Constitution.

(b) HONORARY LIFE MEMBERS

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



(c) SPECIAL HONORARY MEMBERS

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

(d) JUNIOR MEMBERS

Persons under the age of eighteen (18) years may become Junior Members by approval of the Council, subject to their parents or guardians countersigning the application for membership and accepting full responsibility for the financial and other commitments towards the Society on behalf of such junior member. Junior members may not vote at meetings of the Society and are not eligible for election to the Council. Upon payment of the scheduled fees, they may partake in the other activities of the Society.

(e) STUDENT MEMBERS

Persons who are eighteen (18) years of age or older and registered for full-time study may become student members by approval of the Council. Student members will be accorded the same rights and privileges as junior members and shall automatically become ordinary members upon conclusion of such studies. Part-time students may also qualify for student membership.

APPLICATION FOR MEMBERSHIP

- 4.2.1 Prospective members must be proposed by one existing member of the Society and must do so one calendar month before the next Annual General Meeting to qualify for a vote at that meeting.
- 4.2.2 Application for membership shall be made in writing on the forms as may be prescribed by the Council from time to time, and shall be accompanied by the scheduled entrance and/or subscription fee.
- 4.2.3 The Council may admit an applicant to membership either unconditionally or on such conditions as it may determine or it may refuse admission to such membership and shall furnish reasons for such refusal in writing within reasonable time after a request in writing to do so and against payment of the costs attendant thereto.
- 4.2.4 An applicant to whom admission to membership has been refused shall be entitled to a refund of any fee or subscription forwarded with his application.



RIGHTS AND PRIVILEGES OF MEMBERS

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.

Subject to the under mentioned exceptions each member is entitled to –

- (a) register Arab and Shagya Arab horses with the Association;
- (b) the recording of Anglo Arab, part-bred Arab and part-bred Shagya Arab horses by the Society;
- (c) receive all reports and notices published by the Society;
- (d) make use of the services of the officials of the Society;
- (e) attend all general meetings of the Society;
- (f) vote at all such meetings; and
- (g) be elected as a member of the Council:

PROVIDED that Special Honorary Members and Junior Members are not entitled to the privileges conferred by sub-Clauses (f) and (g) of this sub-Clause, and their rights shall be further prescribed by the conditions under which they were admitted as members. Any Junior Member who breeds and/or registers horses is to pay the same annual subscriptions as Ordinary Members.

COMPANY, CLOSE CORPORATION, PARTNERSHIP, TRUST OR CORPORATE BODY

- 4.4.1 A company, close corporation, partnership, trust or body corporate applying for ordinary membership shall disclose to the Society such facts or data as may be necessary to determine the nature of the controlling interest therein and shall then, or at any time thereafter, in addition to the requirements imposed in respect of all applications furnish the Society with the name and address of the person appointed by it to act as its representative at meetings of the Society.
- 4.4.2 All communications addressed to such authorised representative referred to in Clause 4.4. shall be deemed to be duly served upon the company, close corporation, partnership, trust or body corporate, and at all meetings at which such authorised representative is in attendance on behalf of the company, close corporation, partnership, trust or body corporate, such company, close corporation, partnership, trust or body corporate, shall be deemed to be duly represented.
- 4.4.3 The representative person so appointed to represent such company, close corporation, partnership, trust or body corporate shall be eligible for election to the Council.



- 4.4.4 Should any such company, close corporation, partnership, trust or body corporate cease to comply with the requirements of Ordinary Membership as laid down in Clause 4.4.1, its membership of the Society shall automatically terminate; and the provisions of the following Clause 4.4.5 shall *mutatis mutandis* apply in respect of such company, close corporation, partnership, trust or body corporate.
- 4.4.5 In the event of the liquidation or sequestration of the estate of a member or the dissolution of a partnership which is a member the membership of such person, company, close corporation, trust or body corporate shall immediately terminate and –
- (a) all fees or dues owing to the Society as at the date of liquidation or dissolution shall be recoverable by the Society from the liquidator of such company, close corporation, or from the members (either jointly or severally) of such partnership, trust or body corporate,
 - (b) the liquidator of such company, close corporation, and the members of such partnership, trust or body corporate shall be obliged to discharge all the obligations of such company, close corporation, partnership, trust or body corporate in respect of registrations, transfers and whatever obligations the company, close corporation, partnership, trust or body corporate would have had to discharge as a member of the Society, and
 - (c) whatever fees may become due and payable shall be raised on the scale payable by Ordinary Members.

5. REGISTERED BREEDERS

- 5.1 Any person, including a company, close corporation, partnership, trust or body corporate resident or carrying on business within the Republic, who does not qualify for Ordinary Membership of the Society in terms of Clause 4.1(a) and who is directly or indirectly engaged in the breeding of horses, shall be eligible to register with the Society as a "Registered Breeder".
- 5.2 With the exception of the following rights:
- (a) to attend general meetings of the Society, and
 - (b) to be eligible for election to the Council,

all the provisions of the Constitution in respect of persons applying to be admitted or already admitted to ordinary Membership 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 Registered Breeders.



6. SUBSCRIPTION AND FEES

- 6.1 All subscriptions, fees and any other dues and commissions payable to the Society shall from time to time be determined by the Council and reported to the ensuing annual General Meeting of the Society (Schedule A).
- 6.2 The annual subscriptions and fees shall become due and payable in advance on the 2nd January in each year, and shall be deemed to be in arrears, if unpaid on the ensuing 31st March. Should a member fail to pay his/her subscription after due notice for payment has been served, such member's membership will automatically be deemed to be terminated.
- 6.3 Any member whose subscription is in arrears or who shall be indebted to the Society in respect of any fees or dues for a period longer than thirty (30) days after a demand for payment thereof has been addressed to him by the Manager, shall cease to enjoy any of the rights and privileges of membership until such time as such indebtedness has been liquidated.
- 6.4 The Council may cause an interest charge at a rate determined by the Council from time to time to be levied on all overdue accounts.
- 6.5 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.
- 6.6 Should the account of a member be in arrears as determined by the Council, or outstanding on termination of his membership, such member shall, if and when his account is handed over to a firm of attorneys or solicitors for collection, be liable to the Society for payment of all legal charges, collection, attorney and client costs entailed in addition to the principal amount, fines and penalties owing by him.
- 6.7 All services to members will only be rendered on a cash basis and then only to members whose annual subscriptions have been paid unless other arrangements have been made with the Manager.
- 6.8 Irrespective of the provisions of Clause 6, any member who has failed to pay his current annual subscription before the closing date for entries for any show, shall be barred from showing, and the relevant show holding society will be informed accordingly.

7. RESIGNATION AND EXPULSION OF MEMBERS

- 7.1 Any member may resign from the Society by giving not less than one (1) month's written notice to the Manager, provided that such resignation shall not take effect before the 31st December of the year in which it is given and until all moneys owing to the Society by such member have been paid, and furthermore until such member has discharged all his obligations in respect of registrations, transfers or any other obligation in respect of his membership.
- 7.2 The Council may by resolution to that effect passed by at least two-thirds of the members of the Council present and entitled to vote at a meeting of the Council, expel or take any disciplinary action against any member who –



- (a) has failed to pay any amount due by him to the Society within ninety (90) days after the posting to him of a written demand for such payment, signed by the Manager;
- (b) has infringed the Constitution or its Bye-laws or disobeyed any Rule or Regulation of the Society, or who has, in the opinion of the Council, acted dishonorably or in any way derogatory to the character, or prejudicial to the interest of the Society;
- (c) has, by his acts or omission, brought actual or potential dishonor upon the Society, or who has been guilty of conduct to the actual or potential prejudice of the objects of the Society;
- (d) has willfully, or for personal gain or advantage, given incorrect information to the Society, any official of the Society, or to judges or officials at shows; or
- (e) is guilty of an offence under the Act;

PROVIDED that no proceedings for expulsion or disciplinary action shall be initiated against any member of the Society unless the Manager has at least thirty (30) days prior to the date of the Council Meeting at which such expulsion or disciplinary action has to be dealt with, addressed a registered letter to such a member notifying him/her of the proposed expulsion, and calling upon him/her to confirm in writing at least seven (7) days before the meeting, if he/she wishes, to present, either personally or through his/her duly authorised representative, to put his side of the case at such meeting of the Council.

- 7.3 Any member who has been expelled or against whom disciplinary action has been taken shall be notified by the Manager in writing within a period of ten (10) days from the date upon which the resolution effecting his expulsion or disciplinary action was taken was passed of such steps taken. In terms of this sub-section notice would be deemed to have been given on the date of the sending of the letter by registered post.
- 7.4 Upon due expulsion of a member such member shall forthwith cease to be a member of the Society and the Council may, in its discretion direct the Manager 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 the cancellation of all registrations effected by it in respect of horses bred by the expelled member and owned by him at date of his expulsion. The Council shall moreover call upon the expelled member forthwith to deliver to the Society the registration certificates in respect of all horses owned by him at the date of his expulsion. From the date of his expulsion no transfer of a horse bred by the expelled member shall be registered, and no notification of birth shall be accepted from him, and he shall be notified accordingly.
- 7.5 A person who, for whatever reason, has ceased to be a member of the Society, may thereafter again be admitted to membership, upon application and admission according to the provisions of Clause 4.2.



- 7.6 If for any reason the Council or a member of Council may not be deemed fit to preside at the hearing of a member, to expel or take disciplinary action against the member, or if Council may at its own discretion deem it necessary, the Council may appoint any independent Attorney or Advocate with at least five years experience and such Attorney or Advocate will have all the powers that the Council may have had and especially those powers in terms of Sections 7 and 11 of the Constitution as presiding officer, to preside at the hearing for the expulsion or taking of disciplinary action against a member.
- 7.7 The presiding officer shall include in his or her judgment at his or her discretion who should pay the cost, if any, of the disciplinary proceedings.
- 7.8 Any person against whom disciplinary action has been taken and found guilty of conduct in contravention or infringement of the Constitution, Rules, Regulations or Bye-laws of the Society may appeal against the conviction and/or the penalty imposed by giving written notice of his or her intention to do so to the Manager within 20 days from the date of his or her conviction or imposition of a penalty and against payment of the costs of the appeal.
- 7.9 The Manager shall, within 30 days from the date of receipt of the notice contemplated by sub-clause 7.7, inform the person so giving notice of his or her intention to appeal by registered mail of the place, date and time of the appeal, the costs of the appeal and the names of the persons who will preside at the hearing of the appeal.
- 7.10 An appeal in terms of this Constitution shall be heard by an Appeal Committee comprising of three persons of whom the chairman shall be a practicing advocate or attorney with not less than 10 years experience and two members of the Society the appointment of whom shall be made by the Council.
- 7.11 Should the person who intends appealing in terms of the Constitution not make payment of the costs of the appeal determined by the Manager in terms of sub-clause 7.8 to the Society within 60 days from the date of the Manager notice in terms of clause 7.8, the appeal shall automatically lapse and the finding against the person concerned shall become final.
- 7.12 Should any person fail to pay a fine imposed against him or her in terms of sub-clause 11.11(c) of the Constitution within 20 days from the date of imposition thereof the member against whom the fine was imposed or the member who such person represents, as the case may be, shall not be entitled to exercise any right or privilege in terms of the Constitution until full payment of the fine imposed.

8. CONTROL OF MEMBERS

- 8.1 The Manager shall keep a register of all members, stating the date of their admission to membership, their postal address, the amounts received from them with the date of payment, and arrears if any, which may be due.
- 8.2 Every member shall communicate in writing to the Manager any change of his postal address and all notices or publications posted to the registered address of a member shall be considered as duly delivered to such member.



8.3 Communications consigned under registered cover to members by the Manager shall be binding.

9. MANAGEMENT

BOARD OF GOVERNORS

- 9.1.1 A board of Governors whose duty it will be to take due note of any matters affecting the Society and to report such matters to Council for its investigation and action as necessary consisting of up to three Governors shall be elected by the Annual General Meeting.
- 9.1.2 Nominees for the office of Governor shall be made by Council, and shall be Senior Members of the Society. These members should have served on Council and in addition have been members of the Society for not less than 10 years.
- 9.1.3 Each Governor shall be elected for a term of three years.
- 9.1.4 The Governors shall be elected for a term of three years. The three Governors elected at the first Annual General Meeting shall retire in the following sequence - at the end of the first year the person who gained the lowest number of votes shall retire; at the end of the second year the person who gained the second highest number of votes shall retire; at the end of the third year the person who gained the most votes shall retire.
- 9.1.5 A Governor will not serve as a member on Council but may attend Council Meetings in an advisory capacity.

ESTABLISHMENT OF THE COUNCIL

The affairs of the Society shall be controlled, managed and administered by the Council of the Society.

- 9.2.1 The Council shall comprise of not more than nine members of the Society.
- 9.2.2 The members residing within each province of the Republic or alternatively in the Province where the stud in which such member has an interest, is domiciled shall be entitled to elect and appoint one member residing in that same province of the Republic as provincial representative of that province to Council: provided that such relevant information be submitted in writing to the Society on or before 31 December 2006 and 31 December of each and every year.
- 9.2.3 Not less than sixty days prior to a National Annual General Meeting each provincial representative to Council for each province shall convene a meeting for the members residing in the province he or she represents which meeting shall take place at a place in that province and on a date determined by the provincial representative to Council.
- 9.2.4 At such a meeting the members of a province may elect a representative to Council from the members residing in that province and, if so elected, the newly elected provincial representative and the reigning provincial representative shall inform the Manager by registered or certified mail of such election and the particulars of the member so elected within ten business days of the date



of the election.

- 9.2.5 No person who is disqualified from being appointed or acting as a director of a company shall be nominated, elected or accept an election as a provincial representative to Council;
- 9.2.6 Should the Manager not be informed as contemplated by clause 9.2.4 the province concerned shall have no representation on Council until the election of a provincial representative to Council which election and meeting shall be convened by the Manager not less than sixty days prior to the following National Annual General Meeting and the Manager may be appointed by Council to assume the responsibilities of arranging the election of a provincial representative to Council in terms of sub-clause 9.2.3 above.
- 9.2.7 Should a provincial representative who had been duly elected as provincial representative to Council by reason of death or any incapacity become unable to or disqualified from acting or continuing to act as provincial representative or become disqualified to be a member of the Society for whatsoever reason or if a duly elected provincial representative cease to reside within the provincial boundaries of the province he represents for longer than ten days, any two members of the Society residing in the province concerned may request the Manager to convene a meeting of the members residing in that province for the election of a provincial representative of the members of that province to Council and on election of such a new provincial representative that newly elected representative shall become a member of Council on the date of his or her election and shall assume all rights, duties and privileges as a member of Council from that date.
- 9.2.8 At the National Annual General Meeting the members of the Society shall elect from the provincial representatives a President and Vice-President for one term of office.
- 9.2.9 The President, Vice-President and provincial representatives shall hold office for one term of office and shall be eligible for re-election for another term of office after which the President shall not be eligible for re-election as President or Vice-President but shall be eligible for election as a provincial representative to Council.

10. MANAGER

There shall be a Manager to the Society, appointed by the Council, who shall attend all meetings of the Society and have the right to participate in any discussions at such meetings, but shall not have the right to vote.

11. POWERS AND DUTIES OF THE COUNCIL

The Council shall, subject to the terms of the Constitution, and subject further to the directions of the Society as given from time to time, have power to do all such things as it may deem necessary or advisable in the interest of the Society and for the advancement and attainment of the Society's objects, and in particular have the power:

- 11.1 to convene general or special meetings of the Society either in compliance with a special request thereto made in accordance with the provisions of the Constitution, or otherwise if it is deemed necessary;



- 11.2 to appoint, remove or suspend such attorneys or other legal representatives, agents, officials or other employees for or from permanent, temporary or special services as it may deem fit; to determine their powers and duties; and from time to time fix their remuneration and conditions of service, and to require security to its satisfaction for the due performance of their functions, if in any case it so deems expedient;
- 11.3 to institute, conduct, defend, compound or abandon any legal proceedings by or against the Society or against any of its office-bearers, officials or other employees in connection with the affairs of the Society; and to compound or allow, or ask for time for payment or satisfaction of any debts due to, or any claim or demand by or against the Society. The Council may sue or be sued in the name of the Society and no member shall be entitled to plead partnership, trust in any action between himself and the Society;
- 11.4 to appoint or discharge Inspectors for the registration or recording of horses and to give such Inspectors instructions and powers in regard to their duties for the purpose of ensuring that the objects of the Society are being carried out;
- 11.5 prior to recommending to the Association the registration of the pedigree of any Arab or Shagya Arab horse, or recording the pedigree of any Anglo Arab, part-bred Arab or part-bred Shagya Arab horse, to scrutinise such pedigree (particularly in the case of an imported horse) and in all cases of dubious pedigree or identification to take such action as may be considered advisable in the interests of the Society;
- 11.6 to order a special investigation by Inspectors of the Society in any case where records are not properly kept or where any doubt arises as to the correctness of the identity of a horse;
- 11.7 to co-opt the services of any member of the Society and to appoint subcommittees upon such terms and with such powers as it may from time to time deem expedient. The President of the Society shall be an *ex officio* member of all subcommittees with full rights and privileges;
- 11.8 to make and formulate such rules and conditions relating to the qualifications and appointment of judges of horses as may be deemed necessary, provided that no person shall be appointed as a judge of horses until he has fulfilled such requirements as may be determined by the Council. Further, from time to time to revise the panel of judges; to remove there from such names it deems should be so removed and to submit to the relevant Show Society the name/s of the judge/s, who shall officiate at each show concerned;
- 11.9 to nominate official representatives as conveners for shows and other events and to inform agricultural societies and others of such official nominations;
- 11.10 to grant leave of absence to any member of the Council or any official or employee of the Society, for such period and upon such terms as it may in each case determine;



- 11.11 to impose and exact the following penalties for the contravention or infringement of the Constitution, Rules, Regulations or Bye-laws of the Society:
- (a) The expulsion of the member, and/or;
 - (b) The suspension of a member from the activities of the Society to a maximum period of two years, and/or;
 - (c) To impose a fine against a member to the maximum amount of R5 000-00 within 20 days from the date of imposition thereof the member against whom the fine was imposed or the member who such a person represents, as the case may be, shall not be entitled to exercise any right or privilege in terms of the Constitution until full payment of the fine imposed,

and/or;
 - (d) To remove any member as a judge of horses from the judging panel, and/or;
 - (e) To suspend any of the above penalties for a maximum period of five years;
- 11.12 from time to time, subject to the provisions of Clause 6, to adjust or revise subscriptions, fees or dues and to prescribe any such additional fees or dues as it may deem necessary;
- 11.13 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 in connection with the affairs of the Society;
- 11.14 to purchase, hire, take on lease or acquire for the purpose of the Society, buildings, land, goods, movables 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 there from in such manner as it may consider to the best advantage of the Society;
- 11.15 to invest, or in any other manner deal with any moneys not immediately required for the purposes of the Society, upon such securities and on such terms as it may deem fit, and from time to time change or realise any such investments;
- 11.16 in any dispute as to the interpretation of the Constitution to give a final and binding decision to all parties in the dispute;
- 11.17 to pay all costs and charges in connection with the administration and management of the affairs of the Society;
- 11.18 to collect and receive subscriptions, fees and donations and other dues and funds and to devote same to the purposes of the Society;
- 11.19 to organise and promote the sale of horses, either by public auction or private treaty and for such purposes to appoint auctioneers and agents;



- 11.20 for the better and more convenient carrying on and fulfillment of the business of the Society to appoint one (1) or more members or officials with power and authority to sign and receive documents, papers and process, and to act, sue and be sued on behalf of the Society;
- 11.21 to elect a representative(s) to the Annual General Meeting of the Association;
- 11.22 to receive and consider applications for membership and accept or refuse such applications at its discretion;
- 11.23 to frame, alter and rescind rules and regulations for conducting the business and carrying out the objects of the Society including Show Rules and Regulations which shall be reviewed and updated at least every three years from 1 January 1993;
- 11.24 to alter, adjust or modify any Schedule pertaining to the Constitution as may be deemed necessary from time to time;
- 11.25 to borrow money for the purposes of the Society upon security of any property of the Society;
- 11.26 to cancel membership of any person in accordance with Clause 7;
- 11.27 in accordance with Clause 6.3 to refuse inspection, registration or recording or other work for members whose accounts are overdue;
- 11.28 to print or publish or cause to have printed or published any magazine or other publication in furtherance of the objects of the Society and for the convenience of its members;
- 11.29 to take such steps as it may deem fit to ensure a high standard of discipline amongst members of the Society in their behaviour towards each other, officials of the Society and members of the public; to protect horses and generally to deal with unbecoming conduct towards persons and animals;
- 11.30 generally to do all such things as are necessary for the welfare of the Society and to the conduct of its affairs, provided always that any action taken, or instruction given shall not be contradictory to the terms of the Constitution.

12. MEETINGS

GENERAL MEETINGS

- 12.1.1 A general meeting of the Society to be known as the National Annual General Meeting shall be held annually to coincide with the National Championships as determined by the National Annual General Meeting and at such time and venue as may be determined by Council.
- 12.1.2 At such Annual General Meeting the Council shall submit its annual report to the Society, together with a duly audited balance sheet and statement of the financial position of the Society as at the end of the financial year to which the report relates.



12.1.3 A special general meeting of the Society may at any time upon thirty (30) days written notice to members, be called by

- (a) the Council, or
- (b) the President (or in his absence, by the Vice-President) upon a WRITTEN REQUISITION SIGNED AND ADDRESSED TO THE MANAGER, BY NOT LESS THAN TWENTY (20) MEMBERS OF THE SOCIETY. Any such requisition shall specify the object(s) of the meeting and at such meeting only the objects specified may be discussed.

12.1.4 Not less than sixty (60) days prior to the holding of the Annual General Meeting a preliminary notice of the time, date and place of meeting shall be posted by the Manager to every member. Any member intending to put forward a Notice of Motion for discussion at the Annual General Meeting shall give written notice thereof which is seconded by another member to reach the Manager not less than forty (40) days prior to the holding of the meeting. No Notice of Motion shall be put forward by any member and be placed on the Agenda for the Annual General Meeting, unless the requisite Notice of Motion is properly seconded in terms of this sub-clause.

However, no motion of censure put forward by a member which in any way constitutes an accusation against, reflection on, or disapproval of any other members, of the act or actions of such other member shall be accepted unless such motion of censure has first been submitted to a duly constituted Council Meeting and that such Council Meeting shall have agreed by a two-thirds majority of those present taken on a show of hands, that such motion shall go forward and appear on the Agenda.

12.1.5 Not less than twenty five (25) days prior to the holding of the General Meeting, notice of the time, date and place of such meeting, together with the Agenda of such meeting shall be posted to each member of the Society.

12.1.6 No resolution shall be taken at a general meeting unless notice thereof appears on the Agenda sent to the members, with the notice calling the meeting, unless such meeting agrees by two-thirds of the members present and entitled to vote that any matter not specifically on the Agenda, shall be discussed and voted upon.

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



COUNCIL MEETINGS

- 12.2 The 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
- (2) Council meetings shall be held in each financial year.
- 12.2.1 A special Council Meeting –
- (a) may be called by the President (or in his absence by the Vice-President) at such time and place as such office-bearer may decide, or
 - (b) shall be called upon a requisition signed, and addressed to the Manager, by not less than three (3) members of the Council stating the reason for such meeting.
- 12.2.2 Not less than twenty-one (21) days prior to the holding of any Council Meeting written notice of the time, date and place of such meeting shall be posted to each member of the Council by the Manager.

QUORUM

- 12.3.1 Fifteen (15) members of the Society personally present at the commencement of any general meeting shall form a quorum for such meeting and four (4) Councilors personally present at any Council Meeting and entitled to vote shall form a quorum for such Council Meetings.
- 12.3.2 If at any meeting a quorum is not present, the meeting shall stand adjourned to a time (not being less than seven (7) days thereafter) and place determined by the members personally present, and at such 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 and the members then present shall form a quorum for the disposal of such business (other than any amendment to the Constitution) as the presiding member shall declare to be of an urgent nature, and such adjournment for half-an-hour shall be without prejudice to the rights of the meeting after dealing with such urgent business to adjourn to a further time and place as herein set forth.
- 12.4 The President or Vice-President, should either one be absent, shall preside at all meetings and should both these office-bearers be absent from any meeting, the members present shall elect another member to preside at such meeting, and any person so elected shall, in relation to that meeting, have all the powers and fulfill all the duties of the President.
- 12.5 All matters submitted to any meeting shall, save as is otherwise provided, be decided by the votes of the majority of those members present, entitled to vote and voting, and in the event of an equality of votes, the person presiding at the meeting shall have a casting vote as well as a deliberative vote.
- 12.6 Voting at all meetings shall be by show of hands, unless voting by ballot is demanded by the majority of members present, in which event voting shall be by secret ballot.



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

13. FINANCIAL PROVISIONS

13.1 The 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 moneys received by the Society from any source whatsoever provided that any funds for investment may only be invested with a registered bank approved by Council.

13.2 All payments out of the funds of the Society shall be effected by cheque or electronic transfer, signed by the Manager or a person appointed by the Council and countersigned by such person(s) as the Council may authorise thereto in terms of Clause 11.13, provided that nothing herein contained shall prevent the Manager 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.

13.3 Proper books of account shall be kept by the Manager and shall be audited from time to time, but not less than once every year, by a qualified auditor appointed at a general meeting of the Society, and a duly audited balance sheet and statement of the financial position of the Society as at the 31st December of the financial year to which the report referred to in Clause 12.1.2 relates, shall be submitted to the Annual General Meeting of the Society.

13.4 All the property of the Society shall be vested in the Council.

13.5 The income and property of the Society, from whatever source derived, shall be applied solely to the promotion and furtherance of the objects 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 persons who at any time are or were members of the Society, provided that nothing herein contained shall prevent the payment in good faith of remuneration to any employee or other person for services rendered to the Society.

13.6 If upon 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 objects similar to those of the Society as may be determined by a majority decision of a general meeting of the Society and which is itself exempt from income tax in terms of section 10(1)(cB)(i)(ff) of the Income Tax Act.

13.7 The financial year of the Society shall run from 1st January to the 31st December of any year.



- 13.8 That the Society will not carry on any profit making activities; or participate in any business, profession or occupation carried on by any of its members, or provide any financial assistance, premises, continuous services, or facilities to its members for the purpose of carrying on any business, profession or occupation by them and further that the association may not 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.

14. AFFILIATIONS

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

15. ELECTION OF REPRESENTATIVE TO THE AGM OF THE ASSOCIATION

Immediately after the new Council has been elected in each year, the Council shall elect a representative or representatives to the AGM of the Association as provided for in Clause 11.21.

16. AMENDMENTS TO CONSTITUTION

- 16.1 The Constitution may be added to or altered by the resolution approved by not less than two-thirds of the members present, and entitled to vote at a general meeting of the Society, of which meeting and of which proposed addition to, alteration or amendment of the Constitution, not less than thirty (30) days' written notice has been given to each member of the Society.
- 16.2 No such addition to, alteration or amendment of the Constitution, notwithstanding that it has been passed in the manner prescribed in Clause 16.1, shall be of any force or effect until and except in so far as it is confirmed and approved by, firstly, the Association as provided for in the constitution of the Association, and secondly, in terms of the Act.
- 16.3 Any amendment to the Constitution will also be submitted to the Commissioner for the South African Revenue Service for approval.

17. AUTHENTIC VERSION OF THE CONSTITUTION

This Constitution having been considered and approved in English, the English version shall be deemed to be the Authentic Version.



GENERAL BYE-LAWS

18. STUD BOOK

The Society may compile a Stud Book (to be known as The South African Arab Stud Book) which shall be divided into four (4) sections (Arab, Shagya Arab, Anglo Arab, part-bred Arab and part-bred Shagya Arab horses).

19. PREFIX

- 2.1 No horse shall be accepted for registration or recording unless the breeder has previously, through the Society, registered with the Association, for his exclusive use, a distinctive prefix by which all horses registered or recorded on his behalf, shall be designated.
- 2.2 Application for registration of such prefix shall be made to the Manager and shall be accompanied by such registration fee as is prescribed from time to time.
- 2.3 No transfer of a prefix shall be allowed from one breeder to another, except under such conditions and to such persons, as is provided for in the general bye-laws to the constitution of the Association.

20. NAMING OF HORSES

- 3.1 No horse shall be considered for entry in the Stud Book unless such horse can be unmistakably identified and has been explicitly named. The Council shall have the right to refuse any application in respect of a horse which, in its opinion, is not clearly marked or is misleadingly named.
- 3.2 No name shall exceed three (3) words, inclusive of the prefix.
- 3.3 The name of any horse, once registered or recorded, shall not thereafter be changed or amended, except when the name reflects an obvious error and in which event it shall be permissible to amend the name only to the extent of correcting the error.

21. NOTIFICATION OF BIRTHS

- 4.1 The breeder of a foal from a registered or recorded horse or horses eligible for registration or recording, shall notify the Manager of the birth of such foal, whether it be born dead or alive, whether it be pure-bred, cross-bred or part-bred, whether it be retained for registration or recording or otherwise.
- 4.2 Each notification of birth shall be made on the prescribed birth notification form duly completed in all respects, signed by the breeder and forwarded to the Manager not later than one (1) year after the date of birth of the foal concerned. It shall indicate the date of birth and sex of the foal, its colour markings and if tattooing or branding is done the identification letters and sequence number with which the foal has been tattooed or branded, or is to be tattooed or branded and the names, of registration or recording numbers of the parents of the foal. The colour of the foal and all permanent marks on the foal shall be clearly described and marked on the prescribed form. The notification shall be accompanied by the prescribed fee, subject to the condition that no fee is



payable in respect of a stillborn foal or in the case of the notification of birth having been endorsed "Not for Registration" or "Not for recording". Foals in respect of which the notifications of birth have been so endorsed will not under any circumstances be subsequently accepted for registration or recording, unless written notice from the breeder or owner to the effect that such endorsement is required to be cancelled is received by the Manager within one (1) year of date of birth of the foal, and unless such notice is accompanied by the prescribed late fee.

- 4.3 Notwithstanding anything contained in Bye-law 4.2 the Council shall accept a notification of birth which reached the Society after one (1) year but within three (3) years from the date of birth of the foal, if the notification is otherwise in order provided the notification is accompanied by a payment of the penalty prescribed therefore by the Council from time to time. The Council shall, however, have a discretion in circumstances which it regards as exceptional and worthy of condonation, to accept a notification of birth which reached the Manager after one (1) year but within three (3) years from the date of birth of the foal, but the Council may impose a penalty as prescribed as a condition precedent to the acceptance of such a notification and provided DNA confirms the breeding.
- 4.4 In the event of a multiple birth, the breeder shall in addition to the particulars ordinarily required also record on the birth notification form of each foal the name, sex and identification marks of the other partner(s) of the multiple birth.
- 4.5 Each breeder shall keep a supply of birth notification forms which shall be bound in a book form and numbered consecutively and obtainable by any breeder making request therefor from the Manager at a charge to be determined from time to time.
- 4.6 Whenever any member notifies the birth of a foal he shall complete and retain a copy of such form in such manner that the information appearing thereon shall coincide in all respects with the information appearing on the copy despatched to the Manager. Such copy shall be retained intact by the breeder and shall be held available for inspection and checking at all reasonable times. The Birth Notification forms shall be numbered consecutively.
- 4.7 Whenever the Manager receives a due and valid notification of the birth of a live foal which is not to be destroyed, he shall FORTHWITH ISSUE A BIRTH NOTIFICATION RECEIPT to the breeder concerned, and such Birth Notification Receipt shall be retained by such breeder for subsequent transmission –
 - (a) to the Manager when application is made for the transfer of the horse to a new owner,
or
 - (b) to the inspector when the horse concerned is offered for inspection.
- 4.8 The Council shall cause a record to be kept in the name of each breeder of the births and such other details as may be considered necessary of all foals, whether born alive or dead, whose births have been duly notified by such breeder to the Manager.



- 4.9 All horses whose births have been notified and accepted as in order, shall be entered in the Society's Birth Record Book and shall remain so entered until such time as they qualify for or are rejected from registration or recording.

22. SERVICE CERTIFICATES

- 5.1 If a mare is served by a stallion, which was not the property of the breeder at the time of the service, whenever application for registration or recording of the progeny is made, such application must be accompanied by a prescribed, numbered service certificate in duplicate, signed by the person who at the time of service was the registered owner of the stallion and a certificate or number of a certificate issued by an institution recognised and approved by Council stating whether or not the stallion concerned is a carrier of Suppressed Combined Immunodeficiency also known as SCID.
- 5.2 Prescribed, numbered Service certificates must state the names and registration or recording numbers of the mares and stallions concerned and the dates of service, and must be accompanied by blood typing certificates of such stallions and mares if called for.
- 5.3 In the case of the exact date of any service being unknown, the service certificate must state –
- (a) the period during which the mare and stallion concerned ran together; and
 - (b) that such mare could not have been served by any other stallion during such period.
- 5.4 In the event of any of the above-mentioned particulars being incorrectly reflected the Council may in its discretion refuse to accept a subsequent application for registration or recording of any resultant progeny.

23. JOINT OWNERSHIP OF STALLIONS AND SERVICE CERTIFICATE REQUIREMENTS

- 6.1 When a stallion is transferred to joint owners, the full name and address of each joint owner must be stated; the application for the official transfer must be accompanied by a written statement to the effect .. *"the stallion will be domiciled in Mr X's stud as from....."*
- 6.2 Should the studs of the joint owners adjoin, or be in the same district (or locality) the statement in Bye-law 6.1 must be extended by -
- "and the joint owners will have the unrestricted use of the said stallion"*
- 6.3 Should the studs not adjoin or be in the same locality the Manager must be advised of the date on which the stallion concerned was transferred from one joint owner's stud to the other joint owner's stud, or if the stallion is to remain permanently in one joint owner's stud, that joint owner must furnish service certificates to the other joint owner in terms of Bye-law 5.
- 6.4 If mares belonging to breeders, other than the joint owners, are served by the stallion concerned the service certificates required in terms of Bye-law 5 must be signed by the joint owner in whose stud the stallion is domiciled at the dates of service of such mares.



24. GESTATION

GESTATION PERIOD

The minimum acceptable gestation period in respect of a horse shall be two hundred and ninety-four (294) days and the maximum three hundred and sixty-four (364) days. Any gestation period outside this range shall not be recognised unless confirmed by DNA.

INTER-FOALING PERIOD

The minimum acceptable period between two successive foals of a mare shall be three hundred (300) days.

25. IDENTIFICATION

- 8.1 The colour markings, which shall include hoof markings and the location of whorls on a horse as set out in the record of colour markings (Schedule B) shall be the Society's official method of identification and no horse shall be accepted for registration or recording unless it can be unmistakably identified. Tattoo and/or brand marks are optional as additional means of identifying a horse.
- 8.2 In the case of tattooing or branding every breeder shall register identification letters with the Society which shall form the first part of every tattoo or brand mark affixed by him within one (1) year of the horse's birth or before application is made for registration or recording, whichever is the earlier. The remaining part of any such tattoo or brand mark shall consist of a number to indicate the birth sequence (irrespective of sex) of each foal.
- 8.3 If a breeder elects to tattoo the horses bred by him, such tattoo marks may be applied inside the upper lip or on the gum above the upper front teeth. If a breeder elects to brand the horses bred by him, such brand may be applied to any suitable place on the horse's skin provided such place is readily and conveniently visible for inspection purposes. Within thirty (30) days after commencing his breeding program or after this sub-Bye-law has come into operation, whichever is the later, the breeder shall notify the Manager in writing as to the method he intends to employ to identify the horses bred by him and the precise part of the body that will be marked with the identification letters and sequence number.
- 8.4 Tattoo or brand marks, once affixed to a horse, even if wrong, faint or illegible shall under no circumstances be corrected, improved or altered without the prior consent of the Manager.
- 8.5 In the event of a breeder making a mistake when identifying a foal, or in the event of an identification mark becoming defaced or illegible, the owner of the horse shall report the fact to the Manager in writing and the horse shall be re-marked in the presence of an inspector appointed by the Council after such inspector has satisfied himself as to the identity of the horse.



- 8.6 The insertion of any other tattoo or brand mark whatsoever on the body of a horse other than those specified in Bye-law 8.2 and 8.3 is strictly prohibited and will render the horse so marked liable to disqualification.
- 8.7 No horse shall be sold or transferred unless clearly identified.
- 8.8 A horse may, in addition to the identification of a horse alluded to above, be identified by way of a micro chip in a manner prescribed by Council.

26. REQUIREMENTS FOR REGISTRATION AND RECORDING

SOUTH AFRICAN BRED HORSES

- 9.1.1 No South African bred horse shall be eligible for registration or recording unless a Birth Notification Receipt has been issued in respect of such horse.
- 9.1.2 Each application for registration or recording shall be submitted in triplicate on the prescribed form by the owner of such horse. (Schedule C). Such application shall reach the Manager within three (3) years of the date of birth of the horse concerned and shall be accompanied by the prescribed fee and all relevant documents - DNA and service certificate - to be attached to the application for registration. No application for registration will be accepted or processed if the relevant documents are not attached to the registration form. In the event of such application not being submitted within the time stated, the late application may be accepted provided the owner of the horse explains the delay to the satisfaction of the Council and pays the prescribed fee for late registration.
- 9.1.3 All application forms in respect of Bye-law 9.1.2 shall include an undertaking and declaration in the following terms, duly signed by the breeder, or his duly authorised representative -
- "I (insert the name of the breeder) declare that I bred the horse herein described and that the pedigree, breeding particulars and identification marks are correct; and I agree to observe and be bound by the constitution, bye-laws and rules of the South African Stud Book Association, and the Constitution of the Society."
- 9.1.4 Both parents of a horse, except in the case of a horse imported in utero, in respect of which an application for registration is submitted shall be registered by the Association before such horse can be registered.
- 9.1.5 No application for the registration or recording of a horse imported in utero shall be considered unless the dam has been issued with a South African certificate of registration or recording and unless the application is accompanied by –
- (a) a service certificate endorsed by the breed society concerned in the country of origin;
 - (b) evidence to the effect that the sire conforms to the requirements as may be determined from time to time by the Council.



- 9.1.6. Both parents and the horse for which an application for registration is submitted, shall be accompanied by DNA verification of the parents. DNA results must be obtained by hair or blood and the sampling may be done by the owner of the horse at an accredited laboratory for verification of parentage.
- 9.1.7 Any colt/stallion which is required for breeding purposes must be DNA typed and a veterinary certificate is required stating that both testicles have descended normally. Any horse which is a monorchid born with one testicle only or a cryptorchid (rig) with only one testicle descended is not acceptable as a breeding stallion.
- 1.1.8 Castration of Horses. All applications for the amendment of registration certificates from male to gelding must be accompanied by a veterinary certificate stating that the horse was gelded and both testicles removed, or by a sworn affidavit from the owner of the horse, stating who did the operation and that both testicles were removed. The registration certificate of a cryptorchid (rig) should be returned to the Society for endorsement as such.

IMPORTED HORSES

- 9.2.1 A horse imported into the Republic shall not be eligible for registration or recording unless the application for registration or recording is accompanied by –
- (a) certificate of registration and an approved export certificate issued by a Stud or Herd Book Society in the country of origin; and
 - (b) evidence to the effect that the animal concerned conforms to the requirements as may be determined from time to time by the Council.
- 9.2.2 Any imported horse for which an application for registration or recording is submitted, shall bear the identification marks appearing on the registration and/or export certificate in a permanently indelible manner to the satisfaction of the Council. Where such horse bears no identification marks, evidence of identity shall be produced to the satisfaction of the Council.
- 9.2.3 The application for registration or recording of an imported horse shall be submitted to the Manager within ninety (90) days after the arrival of the horse in the Republic and such application must be accompanied by the prescribed fee. In the event of such application not reaching the Manager within the time stated it may be accepted provided the owner of the horse explains the delay to the satisfaction of the Council and pays the prescribed fees for late registration or recording.



GENERAL

- 9.3.1 When an application for registration or recording of a horse has been accepted by the Society, the Manager shall forthwith forward the necessary application to the Association for purposes of registration or recording.
- 9.3.2 If the Council doubts the bona fides or correctness of any application for registration or recording for any reason, it shall be entitled to postpone consideration of such application pending a full investigation and inspection (if necessary) or to summarily reject such application.

27. RECORDING OF ANGLO ARAB HORSES

- 10.1 Anglo Arab horses shall under no circumstances be eligible for registration - only for recording - and a recorded Anglo Arab horse may not be referred to as a "Registered Arab Horse".
- 10.2 A horse shall be eligible for recording as an Anglo Arab Horse provided it contains at least 25% pure Arab blood, one parent is a registered Arab or a recorded Anglo Arab horse and the other is either a registered Thoroughbred or recorded Anglo Arab and at least one grandparent is a registered Arab horse of either sex.
- 10.3 If an Anglo Arab horse has already been recorded as such by any recognised existing organisation and a pedigree in respect thereof has been issued by such organisation, the Council may in its discretion record such Anglo Arab horse free of charge.
- 10.4 Except in the case referred to in Bye-law 10.3, no application for the recording of a South African bred Anglo Arab horse will be considered unless –
- (a) due notification of the birth of such horse has been given, and
 - (b) the record of its breeding indicates the percentage of pure Arab blood.
- 10.5 Every application for recording by the Society of an Anglo Arab horse, shall be submitted in duplicate on the prescribed form by the owner of such horse. Such application accompanied by the prescribed fee shall reach the Manager within three (3) years of the date of birth of such horse.
- 10.6 If the Council doubts the bona fides or correctness of any application for recording of an Anglo Arab horse for any reason, it shall be entitled to postpone consideration of such application pending a full investigation and inspection (if necessary) or to summarily reject such application.



28. RECORDING OF PART-BRED ARAB AND PART-BRED SHAGYA ARAB HORSES

- 11.1 Part-bred Arab or part-bred Shagya Arab horses shall under no circumstances be eligible for registration.
- 11.2 A horse shall be eligible for recording as a part-bred Arab or a part-bred Shagya Arab Horse provided that it contains at least 25% pure Arab blood and that at least one grandparent is a registered Arab of either sex.
- 11.3 If a part-bred Arab or part-bred Shagya Arab horse has already been recorded as such by any recognised existing organisation and a pedigree in respect thereof has been issued by such organisation, the Council may, in its discretion, record such part-bred Arab or part-bred Shagya Arab horse, free of charge.
- 11.4 Except in the cases referred to in Bye-law 11.3 no application for the recording of a South African bred part-bred Arab or a South African part-bred Shagya Arab horse will be considered unless –
- (a) due notification of the birth of such horse has been given, and
 - (b) the record of its breeding indicates the percentage of pure Arab or pure Shagya Arab blood.
- 11.5 Every application for recording by the Society of a part-bred Arab or part-bred Shagya Arab horse shall be submitted in duplicate on the prescribed form by the owner of such horse. Such application accompanied by the prescribed fee shall reach the Manager within three (3) years of the date of birth of such horse.
- 11.6 If the Council doubts the bona fides or correctness of any application for recording of a part-bred Arab or part-bred Shagya Arab horse for any reason, it shall be entitled to postpone consideration of such application pending a full investigation and inspection (if necessary) or to summarily reject such application.

29. PRIVATE RECORDS

Every breeder shall keep a legible up-to-date record of the name, date of birth, sex, the names of both parents and the date of disposal or death of all foals bred by him as well as the identification marks of all such foals.

30. ALTERATIONS OR ADDITIONS TO REGISTRATION OR RECORDING CERTIFICATES

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



31. DNA TESTS

Notwithstanding the provisions of Bye-law 7, the Council reserves the right, if at any time deemed necessary, to insist on the DNA analysis of any horse for the purpose of identification including identification of sire and mare, and the cost thereof shall be borne by the breeder.

32. DUPLICATE REGISTRATION OR RECORDING CERTIFICATES

A duplicate registration or recording certificate may be issued upon receipt of an affidavit setting out the circumstances under which the original was mislaid, and upon receipt of such further information as the Council may require after consultation with the Association. In all cases where a duplicate registration or recording certificate is required on account of the original having been damaged, the damaged original shall be forwarded to the Manager together with the application for a duplicate. The prescribed fee shall accompany such application.

33. TRANSFERS

- 16.1 Any person selling or effecting a change of ownership of a registered or recorded horse, or horse eligible for registration or recording, shall be bound to apply for transfer to the purchaser or new owner. The transfer fees shall be payable by the seller or transferor.
- 16.2 Such application for transfer shall be posted or handed to the Manager within thirty (30) days from date of delivery of the horse concerned; provided that should such application be posted or handed to the Manager more than thirty (30) days, but within sixty (60) days, or more than sixty (60) but within ninety (90) days after such delivery, the fees payable in respect of such transfer shall be respectively double and treble the prescribed transfer fee.
- 16.3 An application for such transfer posted or handed to the Manager more than ninety (90) days after such delivery, shall be accepted and dealt with by the Council, subject to such fees as the Council may prescribe.
- 16.4 An application for the transfer of a registered or recorded horse shall be accompanied by the registration or recording certificate of the horse concerned, whereon the full name and address of the transferee, the signature of the seller or transferor, together with the date of delivery shall appear in the space provided on the certificate.
- 16.5 For purposes of the foregoing Bye-law 16.4 the date of transfer shall be deemed to be the date on which a horse left the possession of the seller or transferor.
- 16.6 If the horse to be transferred is in foal the transferor shall, together with his application for transfer, furnish the Manager with a service certificate. Such service certificate shall specify the date of service, the full name and registration or recording number of the stallion concerned, and shall contain a statement to the effect that the mare concerned at the date of delivery to the transferee could not have been in foal to any stallion other than the one mentioned in the service certificate.



- 16.7 A change of ownership shall be deemed to have taken place when –
- (a) a horse is sold, exchanged or donated;
 - (b) a horse is inherited;
 - (c) a partnership, trust is dissolved; and
 - (d) a horse is registered or recorded jointly in the names of more than one owner and any one (or more) of such owners disposes of his share in the horse so registered or recorded, or relinquishes his interest in the said registration or recording for any reason whatsoever.
- 16.8 The seller may not withhold the registration or recording certificate of a horse which is sold but not fully paid for and must adhere to the requirements as specified in Bye-law 16.2
- 16.9 Should for any reason whatsoever the seller or transferor, in the opinion of the Council, completely fail or refuse to take any steps to effect such transfer and fail or refuse to deliver the original registration or recording certificate, and should the transferee be willing to pay such fees as the Council may prescribe, the Council may, with the consent of the Association, undertake such steps as it may deem fit to meet the wishes of the purchaser or transferee, provided that in such case the penalising provisions by Bye-laws 16.2 and 16.3 shall be applied to the transferee.
- 16.10 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 fees shall be payable.

34. FORM OF EXTENDED PEDIGREES

Any person may apply to the Manager for a form of extended pedigree in respect of a horse which has been registered or recorded or in respect of which a Birth Notification Receipt has been issued by the Manager. Every such application shall be accompanied by the requisite fee prescribed by the Council from time to time.

35. EXPORT CERTIFICATES

The Association shall upon application by the Society issue export certificates which shall be in the form desired by the Society and approved by the Association. Such export certificate must –

- (a) accompany any exported horse;
- (b) a certified copy must be sent per registered post to the purchaser of the horse or his agent.

36. NOTIFICATION OF DEATH OR CASTRATION

- 19.1 In the event of the death of a horse which is registered or recorded or eligible for registration or recording, notification in writing of such fact shall be submitted to the Manager within thirty (30) days of the date of death of such horse and the relative registration or recording certificate, if any, shall forthwith be forwarded to the Manager for endorsement with the date of death.



- 19.2 In the event of a horse which is registered or recorded or eligible for registration or recording being castrated, notification in writing of such fact shall be submitted to the Manager within thirty (30) days of the date of castration and shall be accompanied by the prescribed fee, and the relative registration or recording certificate, if any, shall forthwith be forwarded to the Manager for endorsement with the date of castration.

37. REINSTATEMENT OF HORSES IN THE STUD BOOK

In the event of the registration or recording of a horse having been cancelled, such horse shall be reinstated in the records of the Society and the Association only on recommendation of the Council; provided the application for reinstatement is made by the person who applied for the cancellation. The application for reinstatement shall be accompanied by the fee prescribed by the Council from time to time.

38. CANCELLATION OF REGISTRATIONS OR RECORDINGS

- 21.1 The Council may direct the Manager to cancel the recording or to apply to the Association for the cancellation of the registration of any horse which has been recorded or registered—
- (a) by mistake;
 - (b) on the strength of false or fraudulent information supplied by the owner;
 - (c) after the owner has failed to comply with any Bye-law which should have been complied with to ensure a faultless recording or registration; PROVIDED that the Manager shall give the owner of the horse at least thirty (30) days' written notice to his last known address of his intention so to do.
- 21.2 Certificates of registration and certificates of recording cancelled in terms of Bye-law 21.1 shall forthwith be returned to the Manager for cancellation.

39. ARTIFICIAL INSEMINATION

Artificial Insemination is permitted given compliance with the following conditions:

Where the term "REGISTRY" is used in the following regulations, this means the Arab Horse Society of South Africa.



GENERAL RULES GOVERNING THE USE OF ARTIFICIAL INSEMINATION AND EMBRYO TRANSFER

22.1 A permit is required for each stallion used for artificial insemination and this permit must be renewed each calendar year.

Permit requirements are:

- (a) The registered owner has completed, signed and filed a permit request on a form provided by the Society and paid the relevant fee as laid down by the Society.
- (b) The stallion's DNA has been placed on permanent record with the Arab Horse Society.
- (c) The registered stallion owner is required to keep a register containing the following information:
 - (i) Name of Stallion.
 - (ii) Dates of collection.
 - (iii) Number of doses stored.
 - (iv) Names of mares inseminated on premises and date of insemination.
 - (v) Details of transported or frozen semen supplied to other persons and the name and registration number of the mare to be inseminated.
- (d) Frozen semen may be stored for an indefinite period of time provided that at the time of collection of the semen, the stallion was in possession of a valid permit, and all the requirements for the collection and freezing of the semen were met.

In the case of imported semen, the above rule applies if at the time of collection, the donor stallion was in possession of a valid permit and the semen was collected in accordance with the regulations of the relevant Registry and W.A.H.O. and fulfilled the requirements of the South African Dept. of Agriculture as laid down on the Import permit.

- (e) Any mare used in an artificial insemination program must have her DNA placed on permanent record with the Society prior to being inseminated.
- (f) A Semen Collection Report must be completed and sent with each inseminate. Details of the owner of the stallion, collection date, name and registration number of the stallion, along with the name and registration number of the mare to be inseminated with the date of insemination. A copy of this report must be retained by the mare owner and a copy sent to the Society. Such forms will be made available by the Society, or the relevant Registry in the case of imported semen.
- (g) All foals produced by artificial insemination must be DNA for parentage verification prior to consideration for registration. Application for registration of foals produced by artificial insemination must be accompanied by a special Artificial Insemination Service Certificate supplied by the owner of the donor stallion. Such certificates are available from the Society, or in the case of imported semen from the relevant Registry.



- (h) All relevant application and registration forms and list of fees applicable will be available from the Society. The fees will be laid down by the Council of the Society, and will be subject to amendment from time to time.

22.2 ARTIFICIAL INSEMINATION USING SEMEN WHICH IS NOT STORED OR TRANSPORTED

Semen may be artificially placed within a mare and the resulting foal may be eligible for registration if the following requirements are met:

- (i) Semen must be collected from the stallion and inseminated into the mare on the same premises. For the purpose of this rule "A premises" is defined as the farm or facility where the stallion and mare are both present at the time of collection.
 - (a) Semen must be used within 72 hours of collection.
 - (b) Semen may not be frozen.

Semen which is frozen, is not used within 72 hours of collection, or is transported by any means to a location other than the premises where the collection from the stallion occurred is subject to the rules under Transported or Stored Semen.

22.3 REQUIREMENTS FOR ARTIFICIAL INSEMINATION USING TRANSPORTED OR STORED SEMEN

Semen collected in the Republic of South Africa may be transported or stored prior to being inseminated into a mare and the foals resulting from the use of such semen may be eligible for registration providing that the requirements of the General Rules for Artificial Insemination under Bye-law 22.1 are met and the following requirements are complied with:

- A.** A Semen Transportation Permit has been issued for the stallion.

The permit will be effective until the recorded ownership of the stallion changes or the stallion is exported. The stallion owner is required to inform the Society annually if the stallion is to be used for transported or stored semen purposes. A permit will be issued if the following requirements are met:

- (i) An application for a Semen Transport Permit, on a form provided by the Registry, has been completed, signed by the appropriate registered owner (or by the person whom the registered owner has authorised in writing to sign the application), and filed with the Registry;
- (ii) The DNA of the stallion has been placed on permanent record with the Registry; and
- (iii) The required fee has been paid.



- B.** If a Semen Transportation Permit has not been issued by the Registry prior to the collection and storage or the collection and transportation of the semen from the stallion, the registered owner of the stallion at the time the semen was collected must pay a Late Permit Fee, and may be charged for any reasonable costs and expenses the Registry may occur in investigating the circumstances and be subject to any penalties as may be imposed by Council.
- C.** A valid Semen Transportation Permit is required to purchase Transported/Stored Semen Service certificates. A Transported/Stored Semen Certificate is required to register a foal which is conceived through the use of transported or stored semen. A Transported/Stored Semen Certificate may be issued to the registered owner of the stallion **ONLY** and will be issued if the following requirements are met:
- (i) A Semen Transportation Permit has been issued to the registered owner of the stallion and is effective at the time the Transported/Stored Semen Certificate is applied for;
 - (ii) An application for a Transported/Stored Semen Service Certificate, on the form provided by the Registry has been completed, signed by the appropriate registered owner (or by the person whom the registered owner has authorised in writing to sign the application) and filed with the Registry and
 - (iii) The required fee has been paid.
- D.** A horse which is conceived through the use of Transported or Stored Semen may be eligible for registration if the requirements of Bye-law 22.1 and the following requirements are met:
- (i) A Transported/Stored Semen Registration Application, on a form provided by the Registry, has been completed, signed by the appropriate registered owner(s) or by the person whom the recorded owner(s) has authorised in writing to sign the application and filed with the Registry; and
 - (ii) A properly issued and valid Transported/Stored Semen Service Certificate, signed by the person specified on the certificate, accompanies the registration application.



22.4 REQUIREMENTS FOR ARTIFICIAL INSEMINATION USING IMPORTED SEMEN

Semen may be imported into the Republic of South Africa prior to being inseminated into a mare and foals resulting from the use of such semen may be eligible for registration under Bye-law 22.1 if the following requirements are met:

- A.** The stallion is in possession of a valid Transported/Stored Semen Permit at the time of collection and the requirements of the relevant Registry have been met;
- B.** The semen is collected within and is imported from a current approved source country;
- C.** The stallion (sire) is listed in the Stud Book or annual supplement to the Stud Book of the source country;
- D.** The stallion's DNA is placed on permanent record of the relevant Registry;
- E.** The stallion owner has complied with the appropriate rules as prescribed by the World Arabian Horse Organisation and the source country concerning the transport and use of semen exported from the source country; and
- F.** A valid import permit is obtained by the importer from the Society and that the semen complies with the requirements laid down on that permit by the South African authorities.

22.5 REQUIREMENTS FOR EMBRYO TRANSFER

- A.** An Embryo Transfer Permit will be required for each pure-bred Arabian mare used as a donor for embryo transfer. The permit will be effective until the registered ownership of the mare changes. Permit requirements are:
 - (i) The registered owner of the donor mare has completed, signed and filed a permit request on a form provided by the Registry;
 - (ii) The donor mare's DNA has been placed on permanent record with the Registry; and
 - (iii) The required fee has been paid.
- B.** If an Embryo Transfer Permit has not been issued by the Registry prior to the collection and implant of an embryo, the registered owner of the donor mare must pay a "late permit" fee, and may be charged for any reasonable costs and expenses that the Registry incurs in investigating the accuracy of the embryo transfer and may also be subject to any penalties which the Registry may impose.
- C.** A horse which is the result of an embryo transfer may be registered if Bye-law 22.1 and the following requirements are met:
 - (i) An Embryo Transfer Permit for the donor mare has been issued;



- (ii) The DNA of the horse has been placed on permanent record with the Registry. The horse must qualify as offspring of the stated sire and dam through DNA testing; and
- (iii) An Embryo Transfer Registration Application, on a form provided by the Registry, has been completed and signed by the appropriate registered owner(s) and mailed to the Registry within 14 days of the horse's birth.

- D.** An embryo must be transferred to a recipient mare within three calendar days of the collection from the donor mare.
- E.** If the registered owner of the donor mare sells the embryo prior to the birth of the horse, an Embryo Sale form, provided by the Registry, must be completed and must accompany the Registration Application. In that event, the Certificate of Registration will be issued in the registered ownership in accordance with the terms of the Embryo Sales form.

40. DELEGATION OF POWERS

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

41. 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 of 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 set out in the Schedule of fees and payable in advance.

42. LEASE OF A MARE

- 25.1 A member may lease a mare from another member who is the registered owner of the mare and register such lease within 10 days from the date of the lease in writing on the form prescribed by the Society and the Association;
- 25.2 The registration form shall be signed personally by the lessor and lessee and shall be submitted to the Manager within 10 days from the date of the lease accompanied by the registration certificate of the mare concerned and the prescribed fee.
- 25.3 The Society shall retain the registration form and the registration certificate until termination of the lease or registration of the birth of the foal of the leased mare.

**Arab Horse Society of South Africa Constitution
2009**



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