



*Arab Horse Society of  
South Africa*

**CONSTITUTION**

*Arabierperdgenootskap  
van Suid-Afrika*

Incorporated in terms of Act 62 of 1998  
Ingelyf kragtens Wet 62 van 1998

Amended:  
07/01/2003/  
06/02/2003/  
05/05/2004/  
04/05/2005/  
22/03/2006/  
02-05-2007  
27-04-2009  
22-03-2011  
07-05-2016  
13-05-2017  
05-12-2020  
28-09-2023  
11-11-2023

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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 (Act No. 62 of 1998) and includes the regulations promulgated in terms of the Act or any enactment repealing and/or substituting the Act;
2. **“an Anglo Arab horse”** shall mean a horse that contains no other blood than “Thoroughbred” blood and “pure Arab” blood defined in Definitions 26 and 39.
3. **“Arab horse”** shall mean a horse registered or eligible for registration as such in the Studbook;
4. **“Association”** shall mean the South African Stud Book and Animal Improvement Association, a Registering Authority registered as such under Section 8(7)(a)(ii) of the Act;
5. **“breeder”** (of a horse) shall mean the registered owner of its dam at the date of the horse’s birth;
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. **“delivery”** shall mean handing over of something to a person who is intended to be the recipient and includes the meaning that anything sent through electronic communication shall be deemed to be delivered if the sender provides proof that the data message was sent unless the intended recipient proves the contrary;
10. **“distribute”** shall mean handing out of hard copies, or share out to members of written communication by means of data messages as provided for in the Electronic Communication and Transaction Act, Act 5 of 2002, including publication on the official website or any other means of communication using the nominated address and/or contact details including electronic mail address of the member and as nominated by the member as being the preferred medium of written communication, with “directed”, “posted” and “sent” having similar meaning;
11. **“Foal Book”** shall mean the Foal Book of the Society wherein the particulars of all horse foals are recorded in respect of which birth notifications were submitted;
12. **“Foundation Pintabian Horse”** shall mean a Pintabian horse of which proof has been submitted to the satisfaction of Council that it display’s tobiano markings, (Tobiano is a non-symmetrical pattern of large, irregular spots. The well-defined spots cover the body randomly but cross the topline at some point between the ears and tail. The head is usually coloured with white markings) and have a maximum of 98.99% Arabian Blood and a minimum of 50% Arabian Blood, more fully detailed at section 12 of the general bye-laws of this Constitution.
13. **“horse”** shall mean an Arab, Shagya Arab, Anglo Arab, part-bred Arab, part-bred Shagya Arab, Pintabian and Foundation Pintabian horse;
14. **“Hybrid meeting”** shall mean a meeting of members at which some participants are attending the meeting in person and others are attending virtually;
15. **“integrated registration and genetic information system (Intergis)”** means the computer system which has been established in co-operation with the Department to integrate the pedigrees and performance data of animals;
16. **“Logix System”** the horse recording system which is the computer system used by the Association, who is appointed by the Society to administer the Society’s animal recording services;

17. **“Manager”** shall mean the person or entity appointed by the Society to perform the secretarial and administrative duties, tasks and responsibilities of the Society and tasks as assigned from the Council from time to time;
18. **“mare”** shall mean a mare or filly and shall include Arab, Shagya Arab, Anglo Arab, part-bred Arab, part-bred Shagya Arab, Pintabian and Foundation Pintabian mares and fillies;
19. **“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, which includes a Registered Breeder;
20. **“Minister”** means the Minister of the relevant Department;
21. **“name”** (of a horse) shall mean the name of that horse as inscribed in the Studbook;
22. **“owner”** shall mean the person -
  - 22.1 in whose name the horse is inscribed in the Studbook; or
  - 22.2 who has submitted proof to the satisfaction of the Council that the horse is eligible to be so inscribed in his/her name; or
  - 22.3 who, in the case of an imported horse, has submitted proof to the satisfaction of Council that he/she 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;
23. **“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 part bred Arab or Shagya Arab blood and is recorded or eligible for recording as such in the relevant Section of the Studbook, and that at least one grandparent is a registered Arab of either sex;
24. **“Personal information”** shall mean any information relating to an identifiable, living, natural person, and where applicable, an identifiable, existing juristic person. A juristic person includes a company, trust or close corporation.
25. **“Pintabian”** shall mean a horse of which proof has been submitted to the satisfaction of Council that it display’s tobiano markings. (Tobiano is a non-symmetrical pattern of large, irregular spots. The well-defined spots cover the body randomly but cross the topline at some point between the ears and tail. The head is usually coloured with white markings) and must carry a minimum of 99% Arabian horse Blood.
26. **“Province”** shall mean the regional classification currently used in South Africa;
27. **“pure Arab blood”** shall mean blood which renders a horse eligible for registration as an Arab horse in the Studbook;
28. **“recording”** shall mean the recording of the records of breeding of Anglo Arab, part-bred Arab, part-bred Shagya Arab, Pintabian and Foundation Pintabian horses by the Society;
29. **“Registered Breeder”** shall mean a South African Citizen who owns a mare, 2 years or older, that has bred a foal registered with the Society who will have the full rights to attend and vote at all meetings of the Society and stand to be elected to Council and/or any other positions within the Society. A Foreign National can not become a Registered breeder.
30. **“Registering Authority”** shall mean an organisation which administers the recording of births and parentage and which is registered as such in terms of Section 8(7)(a)(ii) of the Act;
31. **“Registry”** shall mean a register of all approved semen and ova donors, kept by the Society;
32. **“Republic”** shall mean the Republic of South Africa as described in the Constitution of the Republic of South Africa Act No. 200 of 1996;

33. **“Shagya Arab”** shall mean a horse descended from the original Shagya registered in the Shagya, Arab Studbook or from horses which are so registered or eligible for such registration;
34. **“Special breeder”** shall mean a breeder who is a foreign national who can become a member of the Society to register/record his/her horses but will not be allowed to be elected to any positions within the Society, and will have no voting rights within the Society.
35. **“Society”** shall mean the Arab Horse Society of South Africa;
36. **“South African bred horse”** shall mean an Arab, Shagya Arab, Anglo Arab, part-bred Arab, part-bred Shagya Arab, and Pintabian or Foundation Pintabian horse born in or whilst in transit to the Republic;
37. **“stallion”** shall mean an entire male showing both testicles and shall include Arab, Shagya, Arab, Anglo Arab, part-bred Arab, part-bred Shagya Arab and/or Pintabian or foundation Pintabian stallions and colts;
38. **“Studbook”** shall mean the studbook of the Society. It shall consist of five (5) 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;  
Section 5 - All Pintabian and Foundation Pintabian horses recorded by the Society.
39. **“term of office”** shall mean two (2) years;
40. **“Thoroughbred”** shall mean a horse which is registered or eligible for registration as such by the National Horse Racing Authority or, in the case of an imported Thoroughbred, by an equivalent organisation in the country of origin;
41. **“virtual meeting”** shall mean a meeting of members where arrangements have been made in advance to allow participants to attend the meeting by means of a video link or similar means of electronic communication approved by Council;

Any reference in this Constitution to:

a **clause** is, subject to any contrary indication, a reference to a clause of this Constitution;

**law** means any law including common law, statute, constitution, decree, judgment, treaty, regulation, directive, by-law, order or any other measure of any government, local government, statutory or regulatory body or court, having the force of law; and

**person** is a reference to any natural or juristic person, firm, company, corporation, government, state, agency or organ of a state, Registering Authority, trust or partnership (whether or not having separate legal personality)

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

In the Constitution, unless the contrary intention appears clearly from the context, any reference to a gender includes the other genders and vice versa, any reference to the singular includes the plural and vice versa and any reference to a person includes a natural or juristic person.

# **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. OBJECTIVES**

Subject to the provisions of the Act and of this Constitution the objectives of the Society shall be –

- 2.1 To promote and encourage the breeding and improvement of Arab, Shagya Arab, Anglo Arab, part-bred Arab, part-bred Shagya Arab, Pintabian and Foundation Pintabian horses (hereinafter referred to collectively as horses) in the Republic.
- 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 Studbook.
- 2.4 To keep accurate records of Anglo Arab, part-bred Arab, Pintabian and Foundation Pintabian 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 horses and/or horses eligible for registration or recording.
- 2.7 To provide for 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 objectives of the Society.
- 2.10 To annually compile a list of qualified judges that will serve as a panel of judges at shows of the Society and to state in such a 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 objectives, 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 To take such action as may be deemed necessary in connection with all matters affecting the interests of breeders and members in the Republic of South Africa.
- 3.4 Generally to do all such acts as a juristic person may by law perform and which the Society may deem necessary for the attainment of its objectives.
- 3.5 To perform all such acts as a body corporate may by law perform and which the Society may deem necessary for the attainment of its objectives.
- 3.6 Request the Registering Authority to register Prefixes on behalf of the breeders at the organization appointed by the Department to manage the Intergis.
- 3.7 As a non-profit organization, the Society may not:
  - 3.7.1 get involved in any activities with the exclusive goal of making a profit;
  - 3.7.2 get involved in any business, professional or occupational activities of its members;
  - 3.7.3 offer any member any financial assistance or ongoing services or facilities needed by a member for running a business, following a profession or pursuing a career.
- 3.8 The income and assets of the Society shall be applied solely to attain the objectives of the Society and promotion of the breed. The members and employees shall have no rights to the property or assets of the Society, simply based on them being members or employees of the Society.
- 3.9 No part of the Society's income or assets may be transferred or directly allocated to any person, employee or Council Member except for:
  - (i) reasonable remuneration for services rendered to the Society;
  - (ii) compensation for actual costs or reasonable expenses incurred in the interest of the Society.
- 3.10 Dispute Resolution
  - 3.10.1 Without derogating from the generality of the meaning of "dispute", the word "dispute" shall mean any objection to, qualification of, and joinder of issue between members inter se or between a member and the Council in respect of anything done or allegedly done in contravention of the Constitution, By-laws, or Show Rules.
  - 3.10.2 All disputes between a member and the Council, between members inter se and between the Council and a member arising from, or following anything done or allegedly done in contravention of the Constitution, or the Show Rules, shall first be referred to mediation.
  - 3.10.3 If the dispute cannot be resolved through mediation, it may be referred for adjudication through arbitration.
  - 3.10.4 If a dispute is declared, the person who declares the dispute shall do so by delivery of a written notice of the dispute to the Manager. The Notice must disclose:
    - (a) The names of the complainant(s) and Respondent(s) against whom the dispute is declared.

- (b) Full disclosure of the details of the dispute.
  - (c) Details of the expected outcome(s) of the dispute resolution process.
- 3.10.5 Upon receipt of the Notice, the Manager must immediately inform the Council and the Respondent(s) of the dispute, and furnish the Council and the Respondent(s), with a copy of the Notice.
- 3.10.6 Upon receipt of the Notice, the Council shall appoint a mediator, suitably qualified and experienced to mediate the dispute, within 14 calendar days to mediate the dispute between the parties.
- 3.10.7 If the Council is the Respondent, or one of the Respondents, then the Manager must refer the dispute to SA Stud Book, who shall appoint a suitably qualified and experienced mediator within 14 days, to mediate the dispute between the parties.
- 3.10.8 The costs of the mediator shall be borne by the person who declares the dispute.
- 3.10.9 If the dispute cannot be resolved by means of mediation, then the mediator will issue a certificate declaring the dispute unresolved.
- 3.10.10 Upon receipt of the Mediator's certificate, and within 30 days from the date of the Certificate, the complainant may refer the dispute for arbitration, by delivering his/her/its Statement of Case to the Manager, who shall immediately distribute the Statement of Case to the Respondent(s) and to Council.
- 3.10.11 If the dispute is between members inter se, then the Council shall appoint an arbitrator to adjudicate the dispute. The arbitrator shall be an advocate, who is a member of a South African Bar and the Association of Arbitrators of South Africa, with at least 20 years' experience as a practicing advocate.
- 3.10.12 If the dispute is between one or more members and the Council, then the Manager shall deliver a copy of the Complainant(s) Statement of Case to the Chairman of the Bar Council of the division of the High Court, where the Society is seated.
- (a) The Chairman of the Bar Council shall then appoint a suitably qualified arbitrator who is a member of that Bar, to adjudicate the arbitration within 14 calendar days from receipt of the Statement of Case.
- 3.10.13 The arbitration shall be governed by the Arbitration Act, 45 of 1965 (as amended) and conducted in terms of such Rules of Conduct of the Association of Arbitrators of South Africa as the appointed arbitrator may determine, and which Rules the arbitrator shall inform the Parties and Manager.
- 3.10.14 The arbitrator shall call on the parties and the Manager to attend a pre-arbitration meeting to determine the conduct of the proceedings.
- 3.10.15 The arbitrator's decision shall be final and binding on the Parties, in terms of section 28 of the Arbitration Act, subject to the provisions of sections 32 and 33 of the Arbitration Act.
- 3.10.16 The arbitrator must, upon conclusion of the arbitration proceedings, or within a reasonable time, thereafter, inform the parties and the Manager of his decision and deliver a copy of his reasoned arbitration award.



- 3.10.17 The arbitrator shall include an award as to who should pay the costs of the proceedings, which costs will include the costs of the arbitration and may include the costs of mediation, if the Complainant is the successful party to the dispute.

#### **4. MEMBERSHIP**

##### **4.1 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 of South Africa. There shall be the following classes of members –

(a) **REGISTERED BREEDER**

A natural person over the age of eighteen years, who is a South African citizen, company, close corporation, partnership, trust or body corporate which has a stud with recorded prefix registered through the Arab Horse Society of South Africa on behalf of the breeder by the Registering Authority on the Intergis and which person, over the age of 18 years, a South African company, close corporation, partnership, trust or body corporate duly incorporated and registered in South Africa who is the registered owner of a registered or recorded mare with the Arab Horse Society of South Africa, which mare is two years and older, and that mare has bred a foal that is registered / recorded under the prefix of the registered breeder. A registered Breeder will thus enjoy the right to vote at any general meetings, special meetings and or Provincial Club meetings. A Registered Breeder which is a company, close corporation, partnership, trust or body corporate shall be represented and shall enjoy the rights, duties and privileges of a Registered Breeder 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 counter-signing 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 Registered Breeders upon conclusion of such studies. Part-time students may also qualify for student membership.

(f) **ASSOCIATED MEMBERS**

Any person whom is 18 years or older and is resident in the Republic of South Africa may become an associated member of the Arab Horse Society of South Africa. This membership will entitle the member to participate at any event organized and or affiliated to the Society. Such member however has no right to vote or put forward any suggestion at the AGM, or any other meeting, and may not be elected on Council or any other position within the Society.

(g) **SPECIAL BREEDER**

Any person who is 18 years old or older and is a Foreign National can become a Registered Breeder, but will not enjoy the rights and privileges of the Society and or be eligible to be elected into any position in the Arab Horse Society of South Africa.

**4.2 APPLICATION FOR MEMBERSHIP**

4.2.1 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.

4.2.2 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 shall furnish reasons for such refusal in writing within reasonable time after a request in writing to do so and against payment of the cost's attendant thereto.

4.2.3 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.

**4.3 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, part-bred Shagya Arab, and Pintabian and Foundation Pintabian 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, Junior Members, Associated Members and Foreign Nationals who are Special breeders are not entitled to the privileges conferred by Subclauses (f) and (g) of this Subclause, 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 Registered Breeders.

**4.4 COMPANY, CLOSE CORPORATION, PARTNERSHIP, TRUST OR BODY CORPORATE**

4.4.1 A company, close corporation, partnership, trust or body corporate applying for registered breeders 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 distributed 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 have full voting powers and 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 Registered Breeders 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 a 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 or close corporation or from the members (either jointly or severally) of such partnership, trust or body corporate,
  - (b) the liquidator of such company or 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 Registered Breeders.

## 5. SUBSCRIPTION AND FEES

- 5.1 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).
- 5.2 The annual subscriptions and fees shall become due and payable by a member, in advance, within ninety (90) days of such notice for payment being served. 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 and shall cease to enjoy any of the rights and privileges of membership until such time as such indebtedness has been liquidated.
- 5.3 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.
- 5.4 Any member who, for any reason whatsoever has ceased to be a member of the Society shall remain liable for all amounts due to the Society, as at the date on which his membership ceases.

- 5.5 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.
- 5.6 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 Council.
- 5.7 Irrespective of the provisions of Clause 5, 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 body will be informed accordingly.

## 6. RESIGNATION, SUSPENSION AND EXPULSION OF MEMBERS

- 6.1 Any member may resign from the Society by giving not less than one (1) month's written notice to the 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.
- 6.2 The Council may by resolution to that effect passed by a majority of the members of the Council present and entitled to vote at a meeting of the Council, suspend, terminate, expel or take any disciplinary action against any member who –
- (a) despite due notice and demand directed to him by the Society continues to remain in arrear for a period of more than 90 (ninety) days in respect of such fees or dues;
  - (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 dishonourably 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 dishonour upon the Society, or who has been guilty of conduct to the actual or potential prejudice of the objectives of the Society;
  - (d) has intentionally or willfully, or for personal gain or advantage, given or submitted incorrect or faulty information to the Society, any official of the Society, Registering Authority, or to judges or officials at shows; or
  - (e) has been found guilty of an offence under the Act or offences related to dishonesty, corruption, animal abuse or similar conduct;
  - (f) Who has been disruptive and or used vulgar language and or profanities towards any fellow member of the Society and or any of the Society's staff.

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

PROVIDED further that Council must conduct its investigations with due consideration of the rules of evidence as established by the Courts.

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

PROVIDED that no disciplinary proceedings/hearing 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 hearing at which such disciplinary action has to be dealt with, directed a letter to the nominated address of such a member, notifying him/her of the proposed hearing, and calling upon him/her to confirm in writing at least seven (7) days before the meeting, if he/she wishes, to be present, either personally or through his/her duly authorised representative, to put his/her side of the case at such a hearing.

- 6.3 Any member who has been suspended, 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 suspension, expulsion or disciplinary action was taken was passed of such steps taken. In terms of this subsection notice would be deemed to have been given on the date of the sending of the letter with the proof that it was sent to the nominated address of such member. If services to the member have been suspended, the letter of notification will explain the conditions and period of suspension.
- 6.4 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.
- 6.5 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 6 and 10 of the Constitution as presiding officer, to preside at the hearing for the suspension, expulsion or taking of disciplinary action against a member.
- 6.6 The presiding officer is obliged to include in his or her judgement at his or her discretion who should pay the cost, if any, of the disciplinary proceedings.
- 6.7 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.
- 6.8 The Manager shall, within 30 days from the date of receipt of the notice contemplated by Subclause 6.7, inform the person so giving notice of his or her intention to appeal by written notice 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.
- 6.9 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.
- 6.10 Should the person who intends appealing in terms of the Constitution not appear in person or by his/her representative, the appeal shall automatically lapse and the finding against the person concerned shall become final, to which the person who intended appealing the decision will be liable for costs of the appeal.
- 6.11 Should any person fail to pay a fine imposed against him or her in terms of Subclause 10.10 (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 a person represents, as the case may be, shall not be entitled to exercise any right or privilege as a member of the Society in terms of the Constitution until full payment of the fine imposed.

## **7. PERSONAL INFORMATION AND REGISTER OF MEMBERS**

- 7.1 The Society may request from all members certain personal identifiable information that may be used to contact or identify its members. This personal identifiable information may include but is not limited to first names and Surname, Passport or ID number, contact details that may include telephone numbers and email addresses, physical address, province, and postal code.
- 7.2 The Society shall keep a register of all members, reflecting all the information as determined by the Council from time to time, which could include but is not limited to the date of their admission to membership, all nominated information necessary to communicate with such member, including but not limited to physical, voice and electronic addresses, the amounts received from them with the date of payment, and arrears if any, which may be due.
- 7.3 It is the sole responsibility of every member to communicate in writing to the Society any change(s) in the nominated information of the member so held by the Society.
- 7.4 The Society and the Registering Authority will only use members' personal data in order to provide and improve its service and to achieve its objectives.
- 7.5 Communications directed to members, with proof of receipt report shall be binding.
- 7.6 The Manager shall submit to the Registering Authority of the Society such information as it may require concerning admissions to membership, terminations of membership (for whatever reason), and the nominated contact details including addresses of members.

## **8. MANAGEMENT**

### **8.1 ESTABLISHMENT OF THE COUNCIL**

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

- 8.1.1 Five (5) members shall be elected by ballot from amongst the Registered Breeders and Honorary Life members present and entitle to vote at the Annual General Meeting or a Special General Meeting called for this purpose and shall hold office for a term of two years.
- 8.1.2 At the ensuing Annual General Meeting two members, as determined by the drawing of lots, shall retire. Thereafter, at each Annual General Meeting the three members longest in office shall retire. Retiring members shall be eligible for re-election.
- 8.1.3 No person who is disqualified from being appointed or acting as a director of a company shall be nominated, elected or accept an election to Council.
- 8.1.4 Immediately after the election of the Council, the Annual General Meeting will elect a President and Vice-President from the members of the incoming Council.
- 8.1.5 In addition to the five elected members of Council, the Council has the right to co-opt three (3) additional members to Council for one (1) term of office with full voting rights at Council Meetings, but will not be eligible to be elected as President or Vice-President of the Society, provided that such additional members are Registered Breeder members of the Society.
- 8.1.6 The President and Vice-President 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 Council member.
- 8.1.7 In the event of the death, expulsion or resignation of the President, the Vice-President will automatically assume the role of President of the Society.

- 8.1.8 Should the Vice-President resign from office or die while in office or assume the role of President as envisaged in 8.1.7 above, a Council member from those left on Council will be elected by a majority vote of Council at a Council meeting following such death, resignation or assuming of President. Such elected Vice-President will be known as an “Acting Vice-President” until the date on which an Annual General Meeting is held or if necessary, a Special General Meeting.

## 9. 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.

## 10. POWERS AND DUTIES OF THE COUNCIL

The Council shall, subject to the terms of the Constitution, and subject further to the directions of the General Meetings 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 objectives, and in particular have the power –

- 10.1 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;
- 10.2 to appoint, or terminate the mandate of such attorneys or other legal representatives, auditors, 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;
- 10.3 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 in any action between himself and the Society;
- 10.4 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, part-bred Shagya Arab and/or Pintabian or Foundation Pintabian 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;
- 10.5 to order a special investigation by 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 or horses;
- 10.6 to co-opt the services of any member of the Society or other person and to appoint persons or subcommittees upon such terms and with such powers as it may from time to time deem expedient. The President of the Society shall be an *ex officio* member of all subcommittees with full rights and privileges;
- 10.7 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 therefrom 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;

- 10.8 to nominate official representatives as conveners for shows and other events and to inform agricultural societies and others of such official nominations;
- 10.9 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;
- 10.10 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 R20 000, 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;
- 10.11 from time to time, subject to the provisions of Clause 5, to adjust or revise subscriptions, fees or dues and to prescribe any such additional fees or dues as it may deem necessary;
- 10.12 to open one or more banking accounts in the name of the Society, and to draw, accept, endorse, make or execute any bill of exchange, promissory note, or other negotiable instrument or make payment or transfer from such account in connection with the affairs of the Society;
- 10.13 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 therefrom in such manner as it may consider to the best advantage of the Society;
- 10.14 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;
- 10.15 in any dispute as to the interpretation of the Constitution to give a final and binding decision to all parties in the dispute;
- 10.16 to pay all costs and charges in connection with the administration and management of the affairs of the Society;
- 10.17 to collect and receive subscriptions, fees and donations and other dues and funds and to devote same to the purposes and objectives of the Society;
- 10.18 to organise and promote the sale of horses, either by public auction or private treaty and for such purposes to appoint auctioneers and agents and ensuring that all auctions will be conducted in accordance with the rules and regulations as determined by the Council from time to time;
- 10.19 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 activate payments, sign and receive documents, papers and process, and to act, sue and be sued on behalf of the Society;
- 10.20 to elect a representative(s) to any affiliated organization as may be requested and to nominate a person or persons to represent the Society on any committee, body or organization as may be necessary;



- 10.21 to receive and consider applications for membership and accept or refuse such applications at its discretion;
- 10.22 to frame, alter and rescind rules and regulations for conducting the business and carrying out the objectives of the Society including Show Rules and Regulations which shall be reviewed and updated every three years from 1 January 1993 as approved by the Annual General Meeting;
- 10.23 to alter, adjust or modify any Schedule pertaining to the Constitution as may be deemed necessary from time to time;
- 10.24 to borrow money for the purposes of the Society upon security of any property of the Society;
- 10.25 to cancel membership of any person or suspend the rendering of services to a member in accordance with Clause 6, to expel or suspend any member who conducts himself in a manner detrimental to the Society, or fails to comply with the rules and regulations, without refund of membership fees;
- 10.26 in accordance with Clause 5.2 to refuse registration or recording or other work for members whose accounts are overdue;
- 10.27 to print or publish or cause to have printed or published any magazine or other publication in furtherance of the objectives of the Society and for the convenience of its members;
- 10.28 to take such steps as it may deem fit to ensure a high standard of discipline amongst members of the Society in their behavior 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;
- 10.29 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.
- 10.30 It is each member of Council's duty to attend all Council meetings and failure in attendance of any Council member of two (2) consecutive meetings, without prior legitimate excuse, will result in his/her immediate suspension from Council.
- 10.31 That the President has the right to veto any majority decision of Council should he not be in agreement of such decision, and that such decision as a result of the veto be referred immediately to the following Annual General meeting as a motion for the members to decide on.
- 10.32 To lay down requirements for Provincial Clubs and their affiliation to the Society, and approve applications for such affiliation;

## **11. MEETINGS**

### **11.1 GENERAL MEETINGS**

- 11.1.1 A general meeting of the Society to be known as the Annual General Meeting shall be held annually either in person, hybrid or an entirely virtual meeting at such time, date, place and venue and form of participation as may be determined by Council.
- 11.1.2 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.
- 11.1.3 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 objective(s) of the meeting and at such meeting only the objectives specified may be discussed.
- (c) Such date, place, time and form of participation of a Special General meeting will be determined by Council.

11.1.4 Not less than sixty (60) days prior to the holding of the Annual General Meeting a preliminary written notice of the time, date, place and form of participation of the meeting shall be distributed by the Manager to every member of the Society. 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 subclause.

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.

11.1.5 Not less than twenty five (25) days prior to the holding of the General Meeting, written notice of the time, date, place and form of participation of such meeting, together with the Agenda and any other relevant documents of such meeting shall be distributed to each member of the Society.

11.1.6 Where arrangements have been made for a virtual or hybrid meeting, the notice must state that fact and include the details of the manner in which a member can attend the meeting, to enable members access to the available electronic communication medium.

11.1.7 The electronic communication used must enables all persons participating in the meeting to be able to communicate with each other at all times with no intermediary, and to participate in the meeting reasonably effectively. Access to the medium or means of electronic communication is at the member's expense, unless the Council determines otherwise.

11.1.8 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 a majority of the members present and entitled to vote that any matter not specifically on the Agenda, shall be discussed and voted upon: Provided that this exception does not apply to any Constitutional amendments.

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

## **11.2 COUNCIL MEETINGS**

11.2.1 The Council shall meet at such date, 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.

- 11.2.2 A special Council Meeting –
- (a) may be called by the President (or in his absence by the Vice-President) at such date, time and place as such office-bearer may decide, or
  - (b) shall be called upon a requisition signed, and addressed to the Manager, by not less than three (3) members of the Council stating the reason for such meeting.
- 11.2.3 The Council may decide that a Council meeting is in person, hybrid or entirely as a virtual meeting, as long as the electronic communication used enables all persons participating in the meeting to be able to communicate with each other at all times with no intermediary, and to participate in the meeting reasonably effectively.
- 11.2.4 Not less than twenty-one (21) days prior to the holding of any Council Meeting written notice of the time, date, place and form of participation of such meeting shall be distributed to each member of the Council by the Manager.
- 11.2.5 Where arrangements have been made for a virtual or hybrid meeting, the notice must state that fact and include the details of the manner in which a member can attend the meeting, to enable members access to the available electronic communication medium.
- 11.2.6 Access to the medium or means of electronic communication is at the member's expense, unless the Council determines otherwise.

### **11.3 QUORUM**

- 11.3.1 Fifteen (15) members of the Society personally or by means of an electronic communication method present at the commencement of any general meeting shall form a quorum for such meeting and three (3) Councilors personally, or by means of an electronic communication method present at any Council Meeting and entitled to vote shall form a quorum for such Council Meetings.
- 11.3.2 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 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, date and place as herein set forth.
- 11.4 Should either the President or Vice-President be absent, that the one present of the two 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 fulfil all the duties of the President.
- 11.5 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.
- 11.6 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. Where voting

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

- 11.7 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.

#### **11.8 MINUTES OF MEETINGS**

11.8.1 Draft minutes of Society meetings to be distributed to those members present at the meeting within thirty (30) days after such meeting for approval within ten (10) working days thereof.

11.8.2 a Copy of the approved minutes of any General Meeting shall be distributed to each member of the Society and copies of the approved minutes of Council and other sub-committees shall be distributed to all persons serving on the Council or committee concerned.

11.8.3 The approved minutes of Meeting shall be proof thereof that all the proceedings were conducted properly and that all elections, appointments and resolutions adopted at the meeting are valid and binding.

#### **12. FINANCIAL PROVISIONS**

12.1 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.

12.2 All payments out of the funds of the Society shall be effected by 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 10.19, 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 from time to time by the Council, and provided that the total sum necessary for the payment of such accounts is drawn by way of a debit card, used only by a person authorized by Council.

12.3 Proper books of account of income and expenditure in respect of the Society shall be kept by the Society 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 31<sup>st</sup> December of the financial year to which the report referred to in Clause 11.1.2 relates, shall be submitted to the Annual General Meeting of the Society. Authorised persons handling any funds through debit or credit cards, shall be responsible to provide proof of any payments made.

12.4 All the property of the Society shall be vested in the Council and the Council shall maintain an Asset Register for the purpose of recording and managing the assets of the Society.

12.5 The income and property of the Society, from whatever source derived, 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 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.

12.6 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 objectives similar to those of the Society as may be determined by a

majority decision of a general meeting of the Society and which is itself exempt from income tax in terms of section 10(1)(cB)(i)(ff) of the Income Tax Act.

- 12.7 The financial year of the Society shall run from 1<sup>st</sup> January to the 31<sup>st</sup> December of any year.
- 12.8 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 Society 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.

### **13. AFFILIATIONS**

#### **13.1 AFFILIATION WITH OTHER ORGANISATIONS**

The Society shall in accordance with the Act be affiliated with a registered Registering Authority (currently the Association) and may, by a majority vote of at least two-thirds of the members present, voting and, entitled to vote, at any general meeting, affiliate with or incorporate any association, society or organization having aims or objectives kindred to those of the Society.

#### **13.2 PROVINCIAL CLUBS**

Subject to the requirements laid down in terms of Clause 10.32 and affiliation with the Society, Provincial Clubs operate autonomous; Provided that Provincial Clubs are at all times subjected to the superiority of the Society and its Constitution.

### **14. 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 10.21.

### **15. AMENDMENTS TO CONSTITUTION**

- 15.1 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.
- 15.2 In terms of Section 12 of the Act, any additions or amendments to the Constitution must be submitted to the Registrar within thirty (30) days after such additions or amendments have been approved by the General Meeting.
- 15.3 Should the Registrar deem any additions or amendments to be incompatible with the Act, he must notify the Society in writing thereof within thirty (30) days after receiving it, in which case such additions or amendments shall be invalid.
- 15.4 If no objection is received from the Registrar, any additions or amendments to the Constitution only take effect after the thirty (30) days meant in 15.3 have expired.
- 15.5 The conditions mentioned in 15.4 having been met, any additions or amendments to the Constitution must be submitted by the Society to the Registering Authority and the Commissioner for the South African Revenue Service.

### **16. 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 authorized 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.

**17. 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.

**18. 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

## 1. **STUDBOOK**

The Society may compile a Studbook (to be known as The South African Arab Studbook), be it computerized or in any other form, which shall be divided into five (5) sections (Arab, Shagya Arab, Anglo Arab, part-bred Arab, part-bred Shagya Arab and Pintabian and Foundation Pintabian horses).

## 2. **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, at the organization appointed by the Department to manage the Intergis.

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.

## 3. **NAMING OF HORSES**

3.1 No horse shall be considered for entry in the Studbook 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.

## 4. **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, Pintabian and Foundation Pintabian 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 submitted to the Manager for submission to the Association, 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 180 days, but within 190 days 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 therefor 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 190 days from the date of birth of the foal, but the Council may impose a penalty reflecting the yearly registration fees that would have been charged had the horse been birth notified in time, on top of the normal penalty that applies to horses being birth notified at the age of three (3) years 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. Birth notifications can also be captured electronically on Logix and submitted to the Manager.
- 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 dispatched 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 REGISTRATION CERTIFICATE to the breeder concerned, and such Registration Certificate shall be retained by such breeder for subsequent transmission to the Manager when application is made for the transfer of the horse to a new owner.
- 4.8 The Society 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 Foal Book of the Society and shall remain so entered until such time as they qualify for or are rejected from registration or recording.

## 5. 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 the DNA reference 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.
- 5.5 The owner of the stallion must be a member of, and in good standing with, the Society in order to furnish an acceptable service certificate.

## 6. 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.

## 7. GESTATION

### 7.1 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 parentage is verified by a DNA test or any other scientifically proven method.

### 7.2 INTER-FOALING PERIOD

The minimum acceptable period between two successive foals of a mare carried and foaled by her shall be three hundred (300) days and is not applicable to the number of embryo transfers from the said mare.

## 8. 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. 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 Council.
- 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 a person appointed by the Council after such person 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 microchip in a manner prescribed by Council.

## **9. REQUIREMENTS FOR REGISTRATION AND RECORDING**

### **9.1 SOUTH AFRICAN BRED HORSES**

- 9.1.1 No South African bred horse shall be eligible for registration or recording unless proper notice of birth of such horse was given.
- 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. 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 An application for registration of any horse shall be accompanied by the necessary documents verifying its parentage by DNA testing or any other scientifically proven method tests. 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.

9.1.8 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.

## 9.2 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.

## 9.3 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.

## 10. 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.

#### 11. **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.

**12. RECORDING OF PINTABIANS AND FOUNDATION PINTABIAN HORSES**

- 12.1 For a Pintabian horse to qualify for recording with the Arab Horse Society of South Africa, it must display tobiano markings. (Tobiano is a non-symmetrical pattern of large, irregular spots. The well-defined spots cover the body randomly but cross the topline at some point between the ears and tail. The head is usually coloured with white markings) and must carry a minimum of 99% Arabian horse Blood.
- 12.2 A "Foundation Pintabian Horse" is a Pintabian with a maximum of 98.99% Arabian Blood and a minimum of 50% Arabian Blood.
- 12.3 A "Foundation Pintabian Horse" will have the following reflected under, "Section" on its Recording Certificate;
- "F 1 Pintabian" = 50.00 % - 74.99%
  - "F 2 Pintabian" = 75.00 % - 86.99%
  - "F 3 Pintabian" = 87.50 % - 92.99%
  - "F 4 Pintabian" = 93.75 % - 95.99%
  - "F 5 Pintabian" = 96.88 % - 97.99%
  - "F 6 Pintabian" = 98.44 % - 98.99%
- 12.4 The Percentage Arabian Blood must also be reflected clearly on the Recording Certificate.
- 12.5 "Foundation Pintabian Horses" will be issued with White Recording certificates and a Silver Watermark.
- 12.6 Pintabians with 99% Arabian Blood and more will be issued with White Recording Certificates and a Red Watermark.
- 12.7 The conformation of Pintabian horses reflects the same ideal desired for the Arabian, however the defining characteristics are their coat pattern and percentage Arabian blood.
- 12.8 Any foal born with as a solid colour will not be eligible for recording as a "Foundation Pintabian" or a Pintabian and will automatically be recorded as a Part Bred Arabians in terms of Section 11 of the General Bye-Laws of the Constitution of the Arab Horse Society of South Africa.

**13. 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.

**14. ALTERATIONS OR ADDITIONS TO REGISTRATION OR RECORDING CERTIFICATES**

Any alteration or addition to the essential registration information or particulars of any horse officially entered on any registration or recording certificate or any endorsement or remark on such registration or recording certificate shall be allowed without prior written consent from the Society.

**15. 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 or any other scientifically proven method test of any horse for the purpose of identification including identification of sire and mare, and the cost thereof shall be borne by the breeder.

**16. 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.

## **17. TRANSFERS**

- 17.1 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.
- 17.2 In the case where a stallion that has been used for collecting semen is sold the buyer, society and registry must be informed in writing of the amount of semen that has been collected and stored by the previous owner, and if sold, particulars of the current owner and location thereof.
- 17.3 Such application for transfer shall be submitted to the Manager within thirty (30) days from date of delivery of the horse concerned; provided that should such application be received by 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.
- 17.4 An application for such transfer received by 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.
- 17.5 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.
- 17.6 For purposes of the foregoing Bye-law 17.4 the date of transfer shall be deemed to be the date on which a horse left the possession of the seller or transferor.
- 17.7 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.
- 17.8 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 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.
- 17.9 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 17.2 and 17.3 shall be applied to the transferee.

17.10 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.

**18. 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 Registration Certificate has been issued by the Manager. Every such application shall be accompanied by the requisite fee prescribed by the Council from time to time.

**19. 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) provide the purchaser of the horse or his agent with a certified copy;
- (c) all animals being exported from South Africa must be micro-chipped, (ISO11784/ISO11785). The onus will be on the owner to notify the office of the relevant micro-chip number.

**20. NOTIFICATION OF DEATH OR CASTRATION**

20.1 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.

20.2 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.

**21. REINSTATEMENT OF HORSES IN THE STUDBOOK**

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.

**22. CANCELLATION OF REGISTRATIONS OR RECORDINGS**

22.1 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.

22.2 Certificates of registration and certificates of recording cancelled in terms of Bye-law 22.1 shall forthwith be returned to the Manager for cancellation.

**23. ARTIFICIAL INSEMINATION**

Artificial Insemination is permitted given compliance with the following conditions:

**GENERAL RULES GOVERNING THE USE OF ARTIFICIAL INSEMINATION AND EMBRYO TRANSFER**

23.1 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 profile/reference number 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 the World Arab Horse Organisation and fulfilled the requirements of the Act as laid down on the Import permit.

- (e) Any mare used in an artificial insemination programme must have her DNA profile/reference number placed on permanent record with the Society prior to being inseminated.

A Semen Collection Report must be completed and submitted 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 submitted to the Society. Such forms will be made available by the Society, or the relevant Registry in the case of imported semen.

The parentage of all foals produced by artificial insemination must be verified by DNA testing 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 of a competent body, recognized by the Society and the Association, in the country or origin.

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.



- (f) The society retains the right to refuse to register any foals that were bred by artificial insemination if all the rules and regulations stipulated by the society were not adhered to.

### 23.2 **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:

- (a) Semen must be collected from the stallion and inseminated into the mare on the same premises. For the purpose of this rule “premises” is defined as the farm or facility where the stallion and mare are both present at the time of collection.
- (b) Semen must be used within 72 hours of collection.
- (c) 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.

### 23.3 **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 23.1 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 profile/reference number of the stallion has been placed on permanent record with the Registry; and
- (iii) The required fee has been paid.

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 incur in investigating the circumstances and be subject to any penalties as may be imposed by Council.

- B.** 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.

- C. A horse which is conceived through the use of Transported or Stored semen may be eligible for registration if the requirements of Bye-law 23.1 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.

23.4 **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 23.1 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 Studbook or annual supplement to the Stud Book of the source country;
- D. The stallion's DNA profile/reference number is placed on permanent record of the relevant Registry;
- D. 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
- E. 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.

23.5 **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 profile/reference number 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 23.1 and the following requirements are met:

- (i) An Embryo Transfer Permit for the donor mare has been issued;
- (ii) The DNA profile/reference number 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.

## **24. LEASE OF A MARE**

- 24.1 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.
- 24.2 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.
- 24.3 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.