

**CONSTITUTION OF THE BRAHMAN CATTLE BREEDERS' SOCIETY OF SOUTH AFRICA**

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## CONSTITUTION BRAHMAN CATTLE BREEDERS' SOCIETY OF SOUTH AFRICA

### TERM OF REFERENCE

1. Unless the context indicates or suggests a contrary meaning, words and phrases used in this Constitution and By-laws shall bear the respective meanings indicated to them below:
  - “Act”, the Animal Improvement Act no 62 of 1998, including the regulations promulgated in terms of the Act.
  - “AI” , artificial insemination;
  - “animal(s)”, a Brahman that has been recorded or registered in the herd book, and the words “cattle”, “bull/s”, “calf/calves “cow/s” and “heifers” shall have the same meaning”;
  - “Annual General Meeting”, as specified in Clause 12.3;
  - “breed”, the Brahman breed that has been declared by the Act as recognised breed and enjoys recognition of the Brahman World body;
  - “breeder” of an animal, the owner of (i) the dam at the time of birth of the calf; (ii) an animal that has been approved as Appendix A; (iii) in the event of an embryo transfer, the recipient dam of such embryo;
  - “Breed Adviser” (or “inspector”), a person that has been empowered to inspect a member’s animals or serve with advise by virtue of authorisation by Council;
  - “Breed Standards”, the written set of phenotypical and/or genotypical standards of excellence for the breed as determined from time to time by Council and with which any animal shall comply;
  - “buyer”, the person to whom ownership of an animal has been transferred by the seller of such animal;
  - “calf book animal”, an animal in respect of which a valid birth notification had been submitted and not yet been registered in accordance to the Constitution and By-laws;
  - “Constitution”, the Constitution (inclusive of the Bye-Laws) of the Society;
  - “Council”, the council that has been appointed in terms of the Constitution by the most recent Annual General Meeting;
  - “Department”, the National Department of Agriculture, Forestry and Fisheries of South Africa;
  - “embryo”, a fertilised ovum;
  - “herd-book”, the integrated registration and genetic information system in which particulars of animals are processed;
  - “ICP”, intercalving period calculated in terms of Clause 4.2.7
  - “member(s)”, a member or members of the Society;
  - “office”, the registered office of the Society;
  - “owner”, the person/organisation that, according to the records of the Society, (i) is the owner of the animal, or (ii) can, to the satisfaction of Council, render proof that such animal is fit to be registered in his name, or, (iii) in the event of an imported animal, has imported the animal in accordance with the Law and applies for registration in the herd book;
  - “ovum”, an ovum of an animal and also includes embryo;;
  - “performance”, the measured production and reproduction performance of the animal, acknowledged by the Society;
  - “recorded animal”, an animal recorded in the herd book as calf book ;
  - “recording”, the procedure of inscription of a calf book animal in the herd book;
  - “registered animal”, an animal that has been registered as such in the herd book;

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- “Registrar”, the official appointed as Registrar of Animal Improvement in terms of the Act;
  - “register”, the procedure of registration [of approved animals (that have passed inspection)] in the herd book;
  - “Registering Authority”, a society which has been registered as such in terms of the Act;
  - “registration certificate”, is issued in respect of animals that has passed inspection and that complies with all other registration requirements;
  - “registration” or “register”, the procedure of entering approved animals into the herd book;
  - “semen”, the sperm of a Brahman bull;
  - “Society”, the Brahman Cattle Breeders’ Society of South Africa that has been registered as such in terms of the Act and that may, in terms of the Act, act as Registering Authority
  - "sub membership", relates to a sub member of a member of the Society that breeds with registered Brahman cattle, and register progeny from these;
  - “Technical Advisory Service”, the prescribed advisory service by a Technical Advisor who is, by virtue of the authorisation of Council, empowered to advise a member or members;
2. Other words, abbreviations and terms used in the Constitution or Bye-Laws that have not been specified above, and to which a specific meaning is attached in the Act, shall have the same meaning as assigned thereto in the Act.
3. Unless a contrary intention is clear from the context, all words in the Constitution or Bye-laws that refer to persons in the masculine gender include the feminine gender, and words which denote the singular shall include

## **CONSTITUTION**

### **1. NAME AND LEGAL ENTITY OF THE SOCIETY**

- 1.1 The name of the Society constituted herein is THE BRAHMAN CATTLE BREEDERS' AFRICA (henceforth referred to as the Society).
- 1.2 The Society is a legal entity which, notwithstanding any change in its members or management, continues to exist as a voluntary association, as a legal entity, and who, in its own name, owns its assets and liabilities, as well as enters into obligations independent of its members' assets, and who initiates or opposes legal actions.
- 1.3 All immovable property or remittable rights in immovable property obtained by the Society are registered in the full name of the Society, and all legal actions entered into by the Society are performed by its duly authorized organs, office-bearers and/or representatives.
- 1.4 No person shall have any right to any assets or be entitled to any assets or profits or incidental profits on sales or any other actions procured by the Society through sales or any other means. All actions by employees of the Society shall be confirmed by Council before being deemed legal.
- 1.5 The Society may not cede any gains or profits to any person.

### **2. AIMS AND POWERS**

Subject to the provisions of the Act and this Constitution, the aims and powers of the Society to promote the Brahman cattle breed in general and in particular, among others, seeking to:

- 2.1 encourage breeding and improvement of the genetic production potential of Brahman cattle in the Regions, executing the powers and duties, assigned to the Society in terms of the Act, as well as record and register genealogical trees with the Society, and stipulate the requirements for the import and export of Brahman cattle, semen and ova;
- 2.2 safeguard the genuineness of the Brahman breed in the Regions, and promote an interest in the breed through all possible and available means;
- 2.3 keep or have accurate records kept of the details of Brahman cattle and their progeny in the Regions;
- 2.4 collect and process performance data for Brahman cattle; and stipulate standards that can be used as a basis for selection and minimum registration standards so that problems in the breeding of Brahman cattle may be identified and eliminated;
- 2.5
  - 2.5.1 to specify minimum standards or breeding methods which all imported animals, ova and semen must meet before they or their progeny will be registered for registration;
  - 2.5.2 to inspect all imported Brahman cattle within six months of their arrival in the Regions as a pre-requisite for registration;
  - 2.5.3 to examine, from time to time, the necessity to import animals, semen and ova, and if required, encourage, regulate, limit or terminate such action;
  - 2.5.4 to stipulate standards for approval of AI -bulls and ovum donors in terms of the Act ;
  - 2.5.5 to draw up rules and regulations to control, regulate or limit the use of AI and ET;
  - 2.5.6 to stipulate minimum standards for registered Brahman cattle;

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- 2.5.7 to collect from its members a special fee, to be adjusted from time to time in accordance with changing economic circumstances, with a view to meeting selection expenses or Technical Advisory service costs
- 2.5.8 to collect a fee equivalent to the special fee, referred to in Clause 2.5.7, from a member if that member should be guilty of intentionally impeding and / or acting with indifference with regard to Technical Advisory service or the selection of Brahman cattle, where such a member's action has cost implications for the Society:
- 2.6 in general, where applicable to the Society, to pursue the objectives stipulated in the Act;
- 2.7 to engage in research on and to advertise the Brahman cattle breed,
- 2.8 to engage in any other business that the Council may deem necessary in promoting the interests of the Brahman cattle breed;
- 2.9 to apply, in accordance with the provisions of the Act, as Registering Authority for the Brahman cattle breed or any other breed as accepted by the provisions of the Act.
- 2.10 in accordance with the provisions of the Act, to act as functionary to collect and process Performance Testing data of Brahman cattle or any other breed as accepted in the Regions and/or countries, under the guidance/direction of a recognized body
- 2.11 to acquire property, moveable or immovable, by means of purchases or in any other way; to dispose of property, or to take out a bond on or give such property as security or otherwise; to make financial loans and to provide security; to provide loans with or without security. To rent out or use property that is not required for immediate use in ways that will be to the advantage of or useful to the Society.
- 2.12 as Society, to avoid engaging in business activities or any other activities that have a profit motive in partnership with a breeder or member; nor to participate in any business, professional or career activities of any of its members, nor offer any of its members financial assistance, premises, sustained services or facilities that may be required by members for practicing a business, profession or career;
- 2.13 to collect money, and together with any incidental receipts and property from the Society, obtained from whatever source, reserve, administer and utilize such assets for purposes of promoting the Society's aims, and
- 2.14 in general, to embark on any legal action that may reasonably be required, where such action may promote the Society's achieving its aims, provided such legal action is not in conflict with the constitution.

### 3. MEMBERSHIP

- 3.1 Membership and sub-membership of the Society are limited to persons who are residents of the RSA and/or Regions, and whose membership has been approved in terms of the constitution in the categories below:
- Provided that -
- (i) anyone who is a resident outside the Regions and who has been granted membership of the Society prior to the ratification of this clause, and who is subject to the provisions of the Constitution, will continue to be a member, retaining all rights and privileges of membership.
  - (ii) an application for membership from anyone, who is a resident of the Regions, will be dealt with in consultation with the particular approved Society for that Region, before such a breeder may enjoy any rights and privileges of membership of the Society;
  - (iii) no partnership, trust or legal entity will qualify for membership under any category, if they are a partner, trustee or beneficiary, or director or shareholder, or member, who does not qualify for membership, or has been expelled in terms of section 8;

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3.2 The classes of members are the following:

### 3.2.1 **ORDINARY MEMBERS**

Anyone who is directly or indirectly involved in the breeding of Brahman cattle, or who is interested in the breeding of Brahman cattle, can apply for membership as an Ordinary Member.

### 3.2.2. **SUB-MEMBERSHIP**

Any involved person, who is associated directly with an Ordinary Member in breeding Brahman cattle, can apply for membership as a sub-member. Such a member will be regarded as:

- (i) An involved person if he or she is related in any of the following ways, namely:-  
as a child (also children who are related by marriage), a grandchild, a great grandchild, parent or grandparent, or a trust, provided that the trustees and the capital and income beneficiaries are an involved person, and provided that annually, the member will confirm with the Society, before 28 February, that there have been no changes in terms of the trustees and/or beneficiaries as involved persons, and provided, furthermore, that such a person is not an expelled member in terms of section 8, or if a change has occurred, this will happen with the approval of the Council in terms of section 3.3.2. Any person of the class, described in the clause, whose membership has been suspended or terminated, will not qualify as an involved person. If, on the basis of the preceding, the sub-member is disqualified, his sub-membership will lapse.
- (ii) and will have the right to attend all meetings of members, including the Annual General Meeting of the Society, to participate in discussions, and have the right to vote provided that the requirements, stipulated in Clause 3.3.2 on the payment of subscription and entrance fees, have been met.
- (iii) If such a sub-member does not meet the requirements, outlined in Clause 3.3.2, such a sub-member will merely have the right to attend all meetings of members of the Society, including the Annual General Meeting of the Society, and participate in discussions; however, the person will not have the right to vote.

### 3.2.3 **ASSOCIATED MEMBERS**

An associated member is anyone who applies indirectly for membership, or merely for the sake of voluntary association for membership. Such a member will have the right to attend all meetings of members of the Society, including the Annual General Meeting of the Society, to participate in discussions, but will not have the right to vote. The rights and privileges of such a member will be limited to those defined in Clause 6.2(a), (d) and (f).

## 3.3. **COMPANY, PRIVATE COMPANY, PARTNERSHIP, TRUST OR LEGAL ENTITY**

3.3.1 A partnership, trust or legal entity (including any company, close corporation or other legal entity) that applies for Ordinary Membership, must submit such facts and details to the Society as may be required to determine the nature and scope of the controlling share in them, and must then, or at any time afterwards, apart from the required details to be provided by applicants, further inform the Society of the name and address of the person who was appointed to act as his representative at meetings of the Society: on condition that such a person will have the right to nominate a substitute in writing. Such a written nomination must reach the Society not later than seven days prior to the meeting at which such a replacement must vote.

With regard to a partnership, the full names and addresses of all partners must be provided at the time of the application for membership of the Society. Such partners will jointly and separately be responsible for all obligations towards the Society and in meetings where votes have to be cast, will be regarded as one legal person with a subsequent single vote.”

Any change in membership of a company, partnership, trust or any legal entity must be presented for approval to the Council.

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Furthermore, membership is subject to the provision that the member must confirm annually, before 28 February, to the Society that no change in the composition of the partnership, trust or

Legal entity has occurred, or if a change occurred, that it occurred with the approval of the Council.

- 3.3.2 All documents that are directed at such a fully authorized representative, as outlined in Clause 3.2.1, are regarded as duly served on the partnership, trust or legal entity, and at all meetings that are attended by such a fully authorized representative on behalf of the partnership, trust or legal person, the partnership, trust or legal entity is regarded as duly represented.
- 3.3.3 The person who is appointed in this way to represent such a partnership, trust or legal entity, may be elected to the Council.
- 3.3.4 If such a partnership, trust or legal entity neglects to comply with the requirements of Ordinary Membership, as outlined in Clause 3.1, his membership of the Society will be terminated, and the provisions of the next clause, Clause 3.2.5, will apply mutatis mutandis to such a partnership, trust or legal entity.
- 3.3.5 In the case of the liquidation or the dissolution of a partnership, trust or legal entity, membership of the Society will be terminated automatically: Provided that :-
- (a) all monies or amounts due to the Society on the date of liquidation or dissolution, will be collected by the Society from the liquidator of such a trust or legal entity, or from the members (be it jointly or separately) from such a partnership ;
  - (b) the liquidator and the members of such a partnership will be compelled to meet all the obligations of such a partnership, trust or legal entity with regard to the notes or registrations, transfers or any obligations that the partnership, trust or legal entity would have to meet as a member of the Society; and
  - (c) any monies that may be payable, such as herd fees, recordings or registrations, transfers or any other obligations that have to be met after such an automatic termination of membership, will be imposed in terms of the scale for Ordinary Members or Life Members.

### **3.4 APPLICATION FOR MEMBERSHIP AND SUB-MEMBERSHIP**

- 3.4.1 Application for membership of the Society as an Ordinary Member must be made on the prescribed form (Schedule E) and be directed at the Society. The application must also be accompanied by the relevant subscription and / or entrance fees, as outlined in the addendum of fees (Schedule A).
- 3.4.2 Application for sub-membership of the Society as a sub-member of an Ordinary Member must be made on the prescribed form (Schedule E1) and be directed at the Society. The application must also be accompanied by the relevant subscription and entrance fees, as outlined in the addendum of fees (Schedule A).
- 3.4.3 The Council may accept the application for membership of any person on the basis of conditions that the Council may determine; or it may refuse any application without providing any reasons.
- 3.4.4 If an application for membership is refused, the Council will inform the applicant within 14 days and invite him to present reasons to motivate the acceptance of his application, as well as to be available for possible questioning by the Council.
- 3.4.5 If the Council nonetheless decides not to accept the application for membership, the matter is regarded as concluded, and the applicant is informed per registered letter, within 14 days of the meeting at which such a decision was taken. The notice will also be accompanied by a repayment of fees that have already been paid by the applicant.



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- 3.4.6 The membership agreement between the Society and applicant come to affect at a place, when and time, the application is accepted, irrespective of where and when the applicant receive or learn that the application is received.

### 3.5 BRAHMAN PERFORMANCE REGISTER

The Society believes and is convinced that participation by the breeder in the Brahman Performance Register (BPR) is in the interests of the Brahman breed and the Brahman Industry, provided that;

- (i) involvement and participation in the Brahman Performance Register is optional for all members,
- (ii) participation, as well as the usefulness of performance testing and estimated breeding values and modern breeding techniques, should continuously be propagated among members, and
- (iii) the Board may, from time to time, specify requirements for the cancellation or suspension of a registration certificate if an animal does not comply with the minimum requirements stipulated in Schedule I.

## 4. REGISTERED BREEDERS

- 4.1 Anyone, including a company, partnership, trust or legal entity that lives or engages in trade in the RSA or Regions, will be known as a registered breeder once he or she has been accepted.
- 4.2 Except for the right to vote at an Annual General Meeting, and to be elected to the Council, all the rights, privileges and obligations of members will mutatis mutandis be applicable to registered breeders.
- 4.3 All provisions, rights, privileges and obligations, outlined in the Constitution, will apply mutatis mutandis to sub-membership.

## 5. REGISTER OF MEMBERS

- 5.1 The Society keeps comprehensive records of all members who are allowed to take up membership of the Society.
- 5.2 Each member has to inform the Society in writing and by return post, facsimile or e-mail of a change of postal address, and all notifications or publications that have been sent to the member's registered address will be deemed as having been duly delivered to the said member.
- 5.3 The Society retains copyright of all information provided by its members or generated from the breed's extended pedigrees and the Performance Database and ownership of the breed's extended pedigree Performance Database shall be established in the Society.

## 6. MEMBERS' RIGHTS, PRIVILEGES AND OBLIGATIONS

- 6.1 The rights and privileges of each member of the Society apply only to the said member, and cannot be transferred. Such rights and privileges of each member will also be subject to the Constitution of the Society, as amended from time to time.
- 6.2 **MEMBERS' RIGHTS ENTAIL THE FOLLOWING:**
- (a) to receive all reports and other publications, issued by the Society, for distribution among members;
  - (b) to attend all meetings of members of the Society, including the Annual General Meeting of the Society; to participate in discussions; and if a matter is subject to a vote at such meetings, to vote;

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- (c) to be able to submit an application for recording or registering Brahman cattle in accordance with the provisions of the Constitution;
  - (d) if available, to obtain all the expert technical advice with regard to matters that pertain to Brahman cattle of the Society;
  - (e) to be assisted by the Society in preparing to participate in the Performance-test register;
  - (f) to use the Society's official reports;
  - (g) to have access to all the rights and privileges stipulated in the Constitution.
- 6.3 The liability of members of the Society for the Society's obligations is limited to outstanding membership fees, other levies, and other obligations that are due, and members as such have no rights to any assets or incidental receipts of the Society.

**7. MEMBERSHIP FEES AND MONIES**

- 7.1 All membership fees, levies or any other monies and commission payable to the Society, are specified from time to time by the Council, and shall be presented for approval and confirmation at the subsequent Annual General Meeting.
- 7.2 The annual membership fees may be paid in advance on the first day of the Society's financial year. A per-capita levy is payable in advance on the first day of the financial year with regard to all live animals that are owned by a member. Such levies are payable within a particular time choice, and are subject to Clause 8.
- 7.3 The Society will provide only one interim per-capita levy list annually as a measure to effect an interim adjustment to a member's levy list. If a member neglects to return the corrected levy list to the Society, within a specified time, a member's levy list will be deemed as prima facie evidence of all living animals in his possession at that time. However, the onus is on the member continuously to provide the Society with any changes with regard to his levy list. Payments are determined in the Addendum of Fees (Schedule A).
- 7.4 Any member whose membership fees are outstanding, or who owes money to the Society with regard to levies or obligations for more than 30 days after a written demand vir registered mail, facsimile or e-mail for payment has been issued to him by the Society, will from then onwards have no rights nor privileges of membership which include, but are not restricted to, suspension of such member's voting right at any meeting until such debts have been settled in full before such debts are fully paid.
- 7.5 Council may, at its discretion, impose interest and/or penalties on any outstanding amounts or overdue accounts at a rate that can be adjusted from time to time and which may be the maximum rate the Acts of the Republic of South Africa permit any creditor to claim.
- 7.6 Any person who, for whatever reason, ceases to be a member of the Society, or who auctions all his cattle, immediately accepts liability for all amounts, as well as any outstanding balance that may have been due to the Society at the time of his terminating membership, or at the time of the auction, as well as in terms of per capita levies which immediately become payable in advance for the remainder of the financial year.
- 7.7 If the Council should decide that a member's account is outstanding, or is outstanding at the time of his terminating membership, such a person will, if his account is handed over to an attorney's firm for debt collection, be held responsible for payment of all legal costs which include, but are not restricted to, tracking expenses, debt-collection fees, attorney's fees, client costs and /or additional fees with regard to additional administrative costs that this may cause, together with the original amount, penalties, interest and claims that were due to the Society.

## **8. RESIGNATIONS, EXPULSIONS AND THE SUSPENSION OF MEMBERS' VOTING RIGHTS**

### **8.1 RESIGNATIONS**

Any member may resign as a member of the Society by notifying the Society in writing, and then either by return post, facsimile or e-mail; in return, the Society issues the member with an acknowledgement of receipt of the notification submitted by the said return post, facsimile or e-mail, provided that –

- (a) no membership fees or parts thereof will be refunded;
- (b) such a member has paid all fees due to the Society in full, and has met all his obligations with regard to the requisite documents, records, transfers or any other obligations up to the date of his resigning as a member.

### **8.2 THE EXPULSION OF MEMBERS**

8.2.1 The Board may expel a member who -

- (a) contravenes the Constitution or any rule or regulation of the Society, or who, in the view of the Council, has acted in a way that has undermined or subverted the character of, or that has compromised the interests of the Society or the Brahman cattle breed or its members;
- (b) through any act or lack thereof, tarnishes the image of the Society, in real or conceivable terms, or who has been guilty of behavior that has compromised, in real or conceivable terms, the aims of the Society;
- (c) has acted with the intention, either for personal gain or advantage in providing incorrect information to the Society or any of its officials, or in providing incorrect information with regard to performance testing to adjudicators at shows or elsewhere, or who has made significant changes to the body of a Brahman to mislead someone else;
- (d) does not comply, or refuses to comply with a request from the Society or any of its officials or any of its officers, with regard to performing blood-typing and submitting herd registers, or any other details that are required;
- (e) tries to bribe an official or any officer of the Society;
- (f) has been found guilty of violating the Law;
- (g) has been found guilty of fraud;
- (h) defaults on the payment of any amount that he owes to the Society within 60 days after a written demand for such payment has been dispatched to him by registered post, facsimile or via e-mail by the Chief Executive Officer or his proxy.

8.2.2 A member is expelled if he is certified by any court as insane or is subject to the Mental Health Act, or amendments thereof, or has been placed under curator ship. Provided that no steps towards expulsion are taken against a member of the Society (including cases under Clause 8.2.1(h) where a member has received a notice per registered post about a purely financial matter) if at least 30 days prior to the date of the Council meeting at which the expulsion will be considered, the Society has sent a registered letter, facsimile, or e-mail to such a member in which he is informed of his imminent expulsion, and that he personally or, if he so wishes, his duly authorized proxy, to put his case to the Council meeting.

8.2.3 The Council or any committee of the Council is entitled to embark on intensive enquiries with regard to the behavior of a member as the Council or its committee may deem necessary, and the Council and its committee are entitled to receive and act on information obtained from such places, persons, firms and/or bodies in a way that the Council may deem appropriate. The general arrangements that have bearing on giving evidence do not apply to such a bona fide enquiry, and no member will have the right to any action, claim and/or right of recovery against the Council or his committee with regard to any matter and /or issue that may emanate from such an enquiry or information.

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- 8.2.4 A member who has been expelled must be informed by the Society, in writing via registered mail, facsimile or e-mail within 14 days of the date on which the decision on his expulsion was ratified.
- 8.2.5 After such an expulsion of a member, the Board will have his name removed from the Registration Register and any other register or reports of the Society that have bearing on Brahman cattle that were bred by the expelled member, and which were in the member's possession at the time of his expulsion. Furthermore, the Board may require the expelled member immediately to hand over to the Society all registration certificates of Brahman cattle that are in his possession. After such a date of expulsion, no Brahman cattle that he may breed, or own on the date of expulsion will be transferred in terms of these provisions; no notification of birth, or application for registration received from the said member, will be accepted, and that he will be notified accordingly.
- 8.2.6 Any member who has been expelled, must pay in full all monies due to the Society at the time of expulsion, and meet all his obligations with regard to recordings or registrations and transfers, or any other obligations that have bearing on his membership.
- 8.2.7 Any suspended member immediately forfeits all rights and privileges attached to and relating from his membership, and which include, but are not restricted to, the suspension of a member's voting right and the immediate cessation of all services and registration of animals

### **9. RE-INSTATING A MEMBER**

Anyone who has ceased to be a member of the Society may be considered again for membership, subject to the Council's approval in terms of the provisions of Clause 3.3 and once all debts owing have been paid.

### **10. ELECTION OF THE COUNCIL AND EXECUTIVE**

#### **10.1 COMPOSITION OF THE COUNCIL**

The interests of the Society are controlled and managed by a Council that consists of ten members. Five (5) as Regional council members elected from each of the five (5) geographical areas and Five (5) as Additional council members elected, regardless of area or province.

##### **10.1.1 ADDITIONAL MEMBERS OF THE COUNCIL**

Additional members of the Council are elected by way of a secret ballot at the Annual General Meeting or at a special General Meeting arranged for this purpose, and will hold the position for a two-year term; provided, however, that a year after the election of the first Council, in terms of this Constitution, two (2) of the five (5) members as determined by the casting of the lot, have to step down. When their terms of office expire, the members who stepped down will again be eligible for re-election.

##### **(a) REGIONAL COUNCIL MEMBERS**

At least one member must be elected from each of the five (5) geographical regions demarcated:

- (1) Limpopo Province and the magisterial districts of Groblersdal and Lydenburg, as well as that part of Gauteng Province situated north of the N17 and east of the N1 highways;
- (2) Northwest Province (excluding the Vryburg magisterial district), as well as that part of Gauteng Province situated west of the N1 and N12 highways;
- (3) Free State Province, as well as that part of Gauteng Province situated south of the N17 highways;
- (4) Kwazulu Natal Province as well as the rest of the Mpumalanga Province;
- (5) Western-, Eastern-, and Northern Cape Provinces, as well as the magisterial district of Vryburg

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The aforementioned members will be duly nominated and elected for a two (2) year term in accordance with the existing nomination, election procedures and regulations of the Constitution. with the proviso that only members from that specific geographical area may nominate and vote for such a candidate at an area meeting duly administered by the Brahman office, which shall take place 60 days prior to the Annual General Meeting: provided, however, that a year after the institution of this clause, (3) of the (5) area representatives as determined by the casting of the lot, have to step down. When their terms of office expire, the member who stepped down will again be eligible for re-election. Thus, these duly elected members of the council will then be ratified as Councilors at the Annual General Meeting.

10.1.2 Any member may qualify for election as Council member provided that

- (a) the member is an active member of the Society, and during his term of office, he must at all times own at least thirty (30) registered female animals,
- (b) the Proposer and the Seconders are members of the Society,
- (c) the Proposer must submit the prescribed nomination form (Schedule J) to the Society, duly signed by all four parties, not less than 30 days prior to the annual general meeting as well as regional meetings, so that he may receive an acknowledgement of receipt of Schedule J.
- (d) the nominated member has been seconded by two Seconders in terms of Clause 10.1.2 (c) and
- (e) the moment the nomination form has been signed by all four parties, namely the Proposer, the two seconders and the nominee, duly signed and submitted to the office, the relevant nomination may not be withdrawn.
- (f) In addition to the foregoing and without derogating from the generality thereof, the furnishing and or provision of a nomination form (Schedule J) to the Society shall include physical delivery, as well as sending by way of facsimile or electronic mail in pdf format and acknowledgement thereof by the Society shall likewise be performed in any one of the aforementioned manners.

A sub-member, who, in addition to stipulations above, also qualify in terms of regulations in Clauses 3.2.2 and 3.4.2, is also eligible as Councilor.

10.1.3 A list of duly nominated members will be circulated to members by the Society, together with the agenda, for the annual general meeting.

10.1.4 If, when the date for submitting applications for nominations expires, a situation arises where an inadequate number of nominations have been received, the Society will advertise in the agenda of the Annual General Meeting that further nominations will be valid on condition that Schedule J is submitted at registration for the Annual General Meeting to the Chief Executive Officer.

10.1.5 The Chief Executive Officer of the Society may, at the request of the Society be present, to participate in all discussions, without the right of a vote.

10.1.6 Lifelong Honorary Presidents are not members of the Council, and will not lose this title if they have been elected to the Council in terms of the provisions of Clause 10.

## 10.2 ELECTION OF OFFICE-BEARERS AND THEIR RESPONSIBILITIES

10.2.1 The President is elected by the Annual General Meeting or a Special General Meeting, arranged for this purpose, from the newly elected Council, provided that, the person had served in the previous Council. His term of office is two years. In the case of the President's council term expiring in the middle of his presidency term, he is automatically re-elected on the council, provided that the person may not be re-elected on the council for more than two terms of office in succession.

10.2.2 The Vice-President is elected by the Annual General Meeting or a special General Meeting, arranged for this purpose, from the newly elected Council. His term of office is one year, and when his term of office expires, he is eligible for re-election.

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- 10.2.3 In the case where the post of President or Vice-President becomes vacant prior to the expiry of his term of office, the Council must elect a replacement from its own members at the next meeting to fill the vacancy for the unexpired period of the term of office.
- 10.2.4 If a member of the Council passes away, resigns or ceases to be a member of the Society, or has forfeited his office in terms of Clause 10.2.5, the Council can appoint another member of the Society who qualifies in terms of clause 10.1.2(a) as his substitute who has full authority for the unexpired period. The Council is regarded as duly constituted and proceeds to execute all the powers vested in it, notwithstanding any vacancies that may occur in the said Council.
- 10.2.5 Members who are absent from two consecutive Council meetings without submitting apologies to the President, or in his absence, the Vice-President, or in his absence, the Chief Executive Officer, manager or senior administrative officer, will forfeit their office.
- 10.2.6 (a) The President or in his absence the Vice-President, acts as chairperson at all meetings, and will insist on maintaining the Constitution, sign the minutes once they have been approved, and in general, supervise the affairs of the Society. If the President and the Vice-President are not present and a quorum is assembled, the Council members present elect a chairperson for the meeting.
- (b) Over and above his vote, the Chairperson of the meeting has a deciding vote when there is an equality of votes.
- (c) The President and Vice-President are office-bearers, and as required, they will be authorized by the Council to initiate action and legally defend the Society.
- 10.2.7 The Executive of the Society has vested in it powers determined by the Council, and the said Executive consists of the President, Vice-President and two members of the Council who have been nominated by the said Council. All decisions of the Executive must be ratified by the next Council Meeting.
- 10.2.8 The election of office-bearers will take place by way of a secret ballot.

## **11. POWERS AND DUTIES OF THE COUNCIL**

Subject to the provisions of the Constitution and decisions passed by the Society from time to time, the Council has the authority to act in a way that serves the interests of the Society, or may be required, or is desirable to promote or achieve the Society's aims.

In particular, the Council has the power to:

- 11.1 ensure that the payments of loans are made in any way required, including the hypothecation or mortgaging of goods, without compromising the generality thereof, in particular through the issuing of the kind of acknowledgement of debt or acknowledgement of debt securities, with or without security;
- 11.2 enter into exemptions and guarantees and sureties, as well as ensure payment in these terms in any way required;
- 11.3 make donations and grants;
- 11.4 undertake and establish a trust;
- 11.5 pay gratifications and pensions, as well as establish pension schemes and other incentive schemes with regard to its office-bearers and employees;
- 11.6 subject to the provisions of Clause 7.1, amend or adjust membership fees, per capita monies and other financial obligations of members from time to time, and institute any additional fees and obligations, as may be required;

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- 11.7 open one or more bank accounts, savings accounts and other deposit accounts, or draw or effect any cheque or other mode of payment that have bearing on the affairs of the Society;
- 11.8 purchase, rent or take out a bond or obtain any buildings, land, moveable assets and property on behalf of the Society; sell, mortgage, rent out, dispose or otherwise get rid of moveable goods or fixed property of the Society, and employ the monies in ways that will be deemed to be in the best interests of the Society;
- 11.9 invest or employ any monies that are not required to meet the immediate needs of the Society against such securities and on such conditions that the Council may find acceptable, and from time to time, change or withdraw such investments;
- 11.10 pay all the costs and accounts with regard to the administration and management of the Society;
- 11.11 collect and receive monies, donations and other debts and funds, and employ these to the advantage of the Society and/or promote the Brahman breed;
- 11.12 award bursaries and/or loans to students for under- or postgraduate studies and/or research and advice that have bearing on the Brahman breed and the meat industry as a whole;
- 11.13 award prize money and incentive bonuses to participate in shows and exhibitions;
- 11.14 appointing of judges for shows, farmers' days and auctions;
- 11.15 enter into loans where the Society's property is used as the requisite security;
- 11.16 refuse, in terms of Clause 7.4, to perform [inspections], record entries, registration, performance or any other work for members if their accounts are overdue;
- 11.17 arrange General Meetings of the Society, or do so on the basis of a special request for such a meeting in terms of the provisions of the Constitution; or otherwise, if this may be deemed necessary;
- 11.18 appoint, discharge or expel, determine their powers and duties, and determine remuneration and conditions of service, as required, for any attorneys or other legal representatives, agents, office-bearers or officials or other employees, employed on a permanent or temporary basis, with a view to obtain special services, and take such precautions for the proper execution of their duties as may be deemed advisable in specific cases;
- 11.19 to initiate an action, to enter into legal action, to have an action taken, to defend against an action, or to arrive at a settlement with regard to any legal steps by or against the Society, or against any of its office-bearers or officials or employees with regard to the affairs of the Society; and to reduce any debts that are payable, or to give extension for the repayment thereof or to comply with any claims or any demands by or against the Society;
- 11.20 enter into contracts outside the RSA and to obtain contracts, deeds and documents in a foreign country;
- 11.21 specify standards and make recommendations, as well as impose limitations in terms of the Act with regard to the import and export of genetic material of Brahman cattle;
- 11.22 determine, and adjust, from time to time, the insurance, indemnity and remuneration of Council members and/or part-time officials who are not on a salary scale and do not belong to a pension scheme;
- 11.23 co-opt a registered breeder, from time to time, onto the Council, with the breeder assigned full participation in discussions, but without the right to vote;
- 11.24 co-opt any expert person, from time to time, onto the Council, with full participation in discussion, but without the right to vote;

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- 11.25 co-opt the services of any member of the Society, without the co-opted member having the right to vote, as well as nominate sub-committees on such conditions and such powers as assigned to them as may be deemed desirable from time to time. The President and/or Vice-President of the Society are ex-officio (automatically) members of all sub-committees with all rights and privileges];
- 11.27 appoint breed advisors /selectors to inspect and promote Brahman cattle, as well as pay visits to the commercial sector of the beef industry, promote the cross-breeding characteristics of the Brahman, assist members with selection planning in carrying out the Society's Performance register, and to promote Performance testing.
- 11.28 instruct the breed improvement officers/selectors of the Society to investigate cases where proper records have not been kept, identification has not been done clearly, and Brahman cattle have not been branded as prescribed;
- 11.29 hold information days, from time to time, for purposes of informing interested members, cattle farmers and feedlot farmers about the Brahman in the stud and commercial world;
- 11.30 devise a system of training and grading of adjudicators, as well as hold a register of the various levels of adjudicators and making the register available to shows so that they may use qualified adjudicators;
- 11.31 encourage the sale and export of Brahman cattle and genetic material; visit breeders; offer advisory services, as well as hold National Brahman Cattle Auctions;
- 11.32 organize a National Championship Show from time to time;
- 11.33 appoint one or more members or officials, as well as authorize them to sign documents on behalf of the Society; receive debts and details; initiate legal steps; take action, initiate an action or be summonsed so that the affairs of the Society are executed and concluded with greater ease;
- 11.34 draw up, amend or suspend provisions, rules and regulations that have bearing on the control of affairs and executing the aims of the Society and any matter regulated by the Constitution;
- 11.35 receive and consider applications for membership, and accept or reject them as they see fit in accordance with Clause 3;
- 11.36 terminate the membership of any person in terms of Clause 8;
- 11.37 impose or enforce such penalties or fines prescribed, from time to time, for members of the Society for transgressions or violations of the Constitution, rules and regulations of the Society;
- 11.38 investigate disputes that arise from the application of the Constitution, as well as make decisions in this regard;
- 11.39 change or amend any schedule appended to the Constitution, as may be deemed necessary from time to time;
- 11.40 do everything required, in a general sense, with a view to promoting the prosperity of the Society and the handling of its affairs, always on condition that any steps taken or instructions given, will not be in conflict with the provisions of the Act and the Constitution; and
- 11.41 appoint sub-committees with specific assignments, and on such conditions and with such powers assigned to them as may be deemed desirable from time to time. The President and/or Vice-President of the Society are ex officio (automatically) members of all sub-committees with all rights and privileges. Such



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committees' recommendations must be put before the next Council meeting for its approval and these will be valid and enforceable immediately after approval as a whole or with such amendments as deemed necessary by the Council.

- 11.42 Receive nominations for Honorary Presidents and Honorary members for consideration and approval at the Annual General Meeting. Council will have the right to dispossess someone of the title of Honorary Vice-President or Honorary Member at its sole discretion, should sufficient proof exist that such member has not acted in the interest of the Society.

## **12. MEETINGS**

### **12.1 MEETINGS OF THE EXECUTIVE**

The Executive meets whenever necessary to perform the duties that are assigned to it by the Council. Any Member of the Council may ask the President, or in his absence, the Vice-President, for permission personally to put any matters of concern before the Executive.

### **12.2 COUNCIL MEETINGS**

12.2.1 The Council will meet at such a time and place that it determines from time to time, or as the President, or in his absence, the Vice-President, decides, on condition that at least three Council Meetings are held in the course of the financial year.

#### **12.2.2 EXTRAORDINARY COUNCIL MEETINGS**

- (a) can be arranged by the President, or in his absence, the Vice-President, at such a time and place as the office-bearers decide, or
- (b) shall be arranged on the basis of an application directed at the Society, signed by not fewer than five elected members of the Council, in which reasons for the meeting are stated.

12.2.3 Written notice of the date, time and venue of a forthcoming Council meeting must be sent by the Society to each member of the Council not later than 21 days prior to the meeting, with the exception of a special council meeting.

### **12.3 GENERAL MEETING**

12.3.1 A General Meeting of the Society, which is known as the Annual General Meeting, and which has the highest authority, is held once a year at a time, date and place determined by the Council.

12.3.2 At such an Annual General Meeting, the Council presents its annual report, a duly audited balance sheet and a report on the financial year of the Society.

Such an Annual General Meeting must be held:

- (a) not later than seven months after the end of the financial year of the Society;
- (b) within, at most, 15 months after the date of the most recent preceding Annual General Meeting of the Society.

12.3.3 An Extraordinary Annual General Meeting of the Society may be arranged at any time by

- (a) the Council, or the President (or in his absence, the Vice-President) and is arranged in the latter case on the basis of a written application directed at the Society, signed by not fewer than 25 members of the Society. Such an application must outline the purpose of

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the meeting very clearly, and at such a meeting only the stipulated matters may be considered.

- 12.3.4 Notification of the time, date and place of an Extraordinary Annual General Meeting must be posted, faxed or e-mailed by the Society to all its members who according to Clause 7 qualify, not less than 30 days prior to the meeting. With such a notification of an Extraordinary Annual General Meeting, the
- topic that has to be discussed, and the names and addresses of the signatories to the request, have to be stated.
- 12.3.5 A provisional notification of the time, date and place of an Annual General Meeting must be posted, faxed or e-mailed by the Society to each of its members who according to Clause 7 qualify, at least 60 days prior to the meeting. Any member who intends to present a matter to the Annual General Meeting for discussion must inform the Society in writing of his intention, the written submission to reach the Society not less than 30 days prior to the meeting.
- 12.3.6 A notice of the time, date and place where the Annual General Meeting will be held, together with an agenda for the meeting, must be posted, faxed or e-mailed at least 21 days prior to the stated meeting to each member of the Society, who according to Clause 7 qualifies.
- 12.3.7 No decision will be taken at an Annual General Meeting of the Society unless notification of the matter is included in the agenda sent by post, fax or e-mail to members, together with the notification, and is provided as outlined in Clause 12.3.6 or Clause 12.3.4 in the case of an Extraordinary General Meeting.
- 12.3.8 Decisions of a General Meeting may be revoked by a two-thirds majority decision of members, who have the right to vote, and who are present at the meeting, provided that the matter appears on the agenda.
- 12.3.9 The members at an Annual General Meeting can, if proposed by the Council, taking into consideration the exceptional services rendered in the interests of the Brahman breed and/or the Society, appoint an ordinary member as Honorary member, or a President or Vice-President as Lifelong Honorary President.
- 12.4 The President, and in his absence, the Vice-President, holds the chair. If neither of these two office-bearers is present at the meeting, the members present may elect another Council member to take the chair for such a meeting, and the person who is elected in this way, will have the authority, for that particular meeting, to perform all the duties of the President.
- 12.5 All matters that are put before any meeting must, unless provided for otherwise, be dealt with through a majority of votes from members who are present at the meeting, and have voting rights, and in the case of an equality of votes, the person who takes the chair at that meeting will have a deciding vote, in addition to an ordinary vote. A member who holds various memberships has a vote for each membership.
- If, in the case of an election of office-bearers, an equality of votes occurs, the voting will be re-run. If an equality of votes is obtained once more, a random drawing of lots will be used to decide who the person will be who will hold the Chair at that meeting.
- 12.6 Voting takes place at all meetings through a show of hands, unless stipulated otherwise in the Constitution. If a member requires voting to be done per secret ballot, the member must inform the Society by registered mail, facsimile or e-mail so that the request reaches the Society not less than 14 days prior to the meeting.
- 12.7 No matter that was dealt with properly and constitutionally at any meeting, may be declared invalid merely due to the fact that a member or members, in terms of the Constitution, did not receive notification.
- 12.8 **QUORUMS**

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- 12.8.1 Twenty five members of the Society, who have the right to vote, and who are present at the start of the Annual General Meeting, form a quorum for such a meeting.
- 12.8.2 Six members of the Council present, where the said members have the right to vote at any Council Meeting, form a quorum for such a meeting.
- 12.8.3 If at the meetings specified in Clauses 12.8.1 and 12.8.2, a quorum is not present, the meeting may adjourn to a time and place determined by the members present, and at such a postponed meeting, the members present will form a quorum: Provided that such a postponed meeting does not take place within 14 days and that all the members of the Society or Council (whomever is involved then) have been notified in writing of the time, place and date of the postponed meeting.
- 12.8.4 Any meeting as stipulated in Clauses 12.8.1 and 12.8.2, where a quorum is not present, but where the President or Vice-President is present, may be adjourned for half an hour, after which the members who are then present and have voting rights, form a quorum for concluding such matters on the agenda that are declared to be urgent by the Chairperson. No constitutional amendments may be discussed or made. Such an adjournment for half an hour will not be to the disadvantage of the rights of the meeting, after attention has been paid to the urgent matters, to adjourn to a time and place determined by the meeting.
- 12.8.5 Twenty five members of the Society, of whom at least 20 must be signatories to the request for an Extraordinary General Meeting, form a quorum for such a meeting. If a quorum is not present, the request lapses to hold a meeting. If the President or Vice-President is present, the meeting acts in accordance with Clause 12.8.4, provided that 20 of the signatories of the request to hold an Extraordinary General Meeting and who have voting rights are present.
- 12.8.6 If the Council arranges an Extraordinary General Meeting, the quorum is 25 and if a quorum is not present, the meeting acts in accordance with Clause 12.8.4.

**13. MINUTES**

- 13.1 The minutes of the Executive meeting must be kept accurately, and be posted within 14 days to all members of the Council.
- 13.2 The minutes of the Council Meeting must be kept accurately and posted to members of the Council within 30 days.
- 13.3 A copy of the minutes of all General Meetings must be posted within 60 days, to all members of the Society, who according to Clause 7 qualify.
- 13.4 The minutes of all previous meetings, signed by the President or the person who holds the chair at the next meeting, excluding an extraordinary general meeting, serve as proof that these meetings took place legally and that all elections, nominations and decisions that were accepted, are legally binding.

**14. FINANCIAL PROVISOS**

- 14.1 The Council will ensure that one or more bank accounts are opened on behalf of the Society into which all monies received by the Society, will be deposited.
- 14.2 All payments from the funds of the Society are done by cheque, or electronic transfer, and cheques have to be signed and countersigned by the Chief Executive Officer, manager and the Chief Accounting Officer who has been nominated by the Council in terms of Clause 11.33. Electronic transfer is performed through the independent approval of such transactions by the afore-mentioned officials or any other nominated official.
- 14.3 The Council may agree to maintain a petty cash, which is properly recorded in the accounting system of the Society as an ancillary account.

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- 14.4 The Society's accounts must be managed in terms of an accepted accounting system, while a register of assets must also be maintained where these have to be audited from time to time, but not less than once a year, by an auditor appointed at the Annual General Meeting for purposes of preparing a properly audited balance sheet and report on the finances of the Society as on the last day of February of the financial year that the report pertains to, as outlined in Clause 12.3.2, where the said statements have to be presented to the Annual General Meeting of the Society.
- 14.5 All property of the Society is vested in the Society.
- 14.6 The income and property of the Society, received from whatever source, are employed for the sole purpose of promoting the aims of the Society, and no part thereof will be paid or transferred, directly or indirectly, as a dividend or bonus or otherwise, to any persons who had been members of the Society at any time, or otherwise, on condition that nothing contained herein can prevent payment, in good faith, owed to any employee or any other person for services that have been rendered to the Society.
- 14.7 The financial year of the Society commences on 1 December of each year and ends on the last day of November of the next year.

**15. THE ELECTION OF REPRESENTATIVES TO THE BOARD OF THE LIVESTOCK REGISTERING FEDERATION (LRF)**

The Board can nominate a representative or representatives and proxies for election to the Board of the LIVESTOCK REGISTERING FEDERATION from time to time.

**16. AMENDMENT TO THE CONSTITUTION**

- 16.1 Additions to or amendments or changes to the Constitution may only be made by a two-thirds majority decision of members who have voting rights and who are present at a General Meeting of the Society. Moreover, all members of the Society have to be notified of the proposed amendments or additions or changes to the Constitution, as well as changes, not less than 21 days prior to the meeting.
- 16.2 In spite of the fact that it has been accepted in the way stipulated in Clause 16.1, no additions, amendments or changes to the Constitution will be valid or apply prior to and unless these have been approved by the Minister or Registrar as stipulated in the Act.
- 16.3 Any additions to or amendments or changes to the Constitution of the Society from Income Tax, must be submitted to the Commissioner of Internal Revenue.

**17. MEMBERSHIP OF AND AFFILIATION TO ORGANISATIONS**

- 17.1 Membership of the LRF is voluntary and can only be obtained through the Society;
- 17.2 The Board can decide to affiliate to any organization that has similar aims and objectives, where such an affiliation will be to the advantage of the Society.

**18. REGISTRATION AS REGISTERING AUTHORITY**

- 18.1 The Society or group of animal breeders' societies can apply for registration as Registering Authority for Brahman cattle, or for animals of a specific breed or breeds, if –
- a) no other registration of this kind with regard to a Registering Authority involved in the registration of Brahman cattle, has been granted, provided that
    - i) if another Registering Authority had been registered earlier for Brahman cattle or a particular breed of such animals, the Registrar may grant an application in terms of the Act, giving proper consideration to the decision of the majority of breeders who are

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registered with the Society involved in breeding such an animal or breeds of such an animal; on the condition, furthermore,

- b) that the Constitution of the Society as a Registering Authority makes provision for the following:
- i) before any information with regard to an individual animal is accepted and the animal is registered or recorded, that such information will be subject to verification with regard to parentage, the intermediate birth period of the mother, the ownership of the parents at the time of servicing and the birth of the animal;
  - ii) the mode of verification of all registration details, and the way in which records are created and kept, and that the content of the records will comply with the requirements, specified by the Registrar, in consultation with all other registration authorities;
  - iii) the appropriate fees, if any, will be paid for the registration of prefixes to the organization that has been contracted by the Department to perform this duty.

**19. REGISTRATION OF THE PROGENY OF MULTIPLE-SIRE MATING**

Registration of any of the progeny in case of multiple sires mating takes place in terms of the prescriptions and conditions contained in the regulations.

**20. DISSOLUTION OR LIQUIDATION OF THE SOCIETY**

If, on the termination or dissolution of the Society, once all debts and liabilities have been paid, any assets, of whatever nature, remain, such assets shall not be divided or paid out to the members of the Society, but be donated or transferred to another body or bodies whose aims are similar to those of the Society and which are in accordance with Article 10(1)(cA)(i) of the Income Tax law, also exempted of income tax, as decided by a majority at a General Meeting of the Society.

**21. OFFICES OF THE SOCIETY**

The offices of the Society can be at a place determined by the Council. The Society herewith chooses as its *domicilium citandi et excutandi* : The Brahman Cattle Breeders' Society of South Africa, Private Bag X12, BRANDHOF, 9324, and as physical address: 6 CP Hoogenhout Street, 7 Genius Loci Office Park, Langenhovenpark, BLOEMFONTEIN 9301, which Council may alter from time to time and will give notification of such in the Journal, which notification will be deemed sufficient notification

**22. AUTHENTIC READING OF THIS CONSTITUTION**

As this Constitution has been drawn up, submitted and considered in Afrikaans, the Afrikaans reading will be regarded as the authentic version of the text until such time as the English version of the Constitution has been reviewed to be eventually regarded as the authentic reading.

## **BY-LAWS**

### **1. HERDBOOK**

Animals that comply with the Bye-laws of the Constitution shall be eligible for recording in the following herd book sections, and an inspection by a Breed advisor , duly authorized for that purpose in terms of this Constitution, is a prerequisite in terms of Appendix animals for registration.

#### **1.1 Appendix**

1.1.1 Appendix A: only female animals that have been improved by a Breed advisor (inspector) in accordance with the breed standards.

1.1.2 Appendix B: The female progeny of an Appendix A animal and a fully registered bull that have been approved by a Breed advisor (inspector) in accordance with the breed standards.

#### **1.2 Fully registered (or Stud Book Proper).**

1.2.1 The female progeny of an Appendix B animal and a fully registered bull that have been approved by a Breed advisor (inspector) in accordance with the breed standards.

1.2.2 The female and male progeny of fully registered parents.

### **2. NOTIFICATION OF BIRTHS**

2.1 The birth of a calf from a [calf book or] registered female must be reported to the Society in the prescribed format within the period of time as determined by Council, irrespective as to whether such a calf was born dead or alive, is purebred or crossbred, or is retained for registration, and a copy of such notification must be retained by the seller.

2.2 A notification presented as 'not for registration' will only serve as information for the recording and capturing of the mother's calving for updating of her reproduction record.

2.3 All notifications that are received more than 90 days subsequent to birth, are subject to late birth fees that shall from time to time be determined and adjusted by Council. Notification of births received by the Society more than 365 days subsequent to birth, shall be accompanied by a written explanation by the breeder for such late submission and may be referred [by the birth notification clerk] to Council or the relevant committee for a ruling.

2.4 Council reserves the right to reject any birth notification unless accompanied by appropriate DNA parentage verification as determined in bye-law.

2.5 Calves from cancelled or visually pure grade Brahman cows and registered Brahman bulls may, due to advantageous extension of weighing groups, be presented as 'not for registration'.

### **3. TATTOOING AND BRANDING**

3.1 All breeders shall, in accordance with Bye-law 8, register a herd designation that may not be used by any other Brahman breeder.

3.2 The Society 's official system of permanent identification of animals is ear tattooing and branding in accordance with Bye-law 3.5 No duplication in identification is admissible.

3.3 In accordance with Bye-law 3.5 animals have to be tattooed within 60 days subsequent to birth.

3.4 All recorded or registered animals shall be branded within 15 months subsequent to birth with the same identification as determined in Bye-law 3.5 subject to stipulation of the Livestock Branding Act however, the animal be sold, bartered, traded or alienated in any other way between the age of 7 months and 15 months, the breeder shall brand the animal with aforementioned marks prior to the animal's leaving his possession. Should

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the animal leave his possession. before age 7 months, the new owner shall, in consultation with the breeder, make arrangements to apply the brand mark on the animal before it is 15 months old.

- 3.5 As regards tattooing and branding, one of two methods has to be used for all calves that are born alive:
- 3.5.1 Identification method A: (i) The herd designation letter(s) which have been registered in accordance with Bye-law 8.1, followed by (ii) a sequence number of each animal, starting at 1 each year, followed by (iii) the last two digits of the year in which the calf was born. For example: herd designation AA, then the first calf in the relevant year of birth, eg. 1, followed by only the last two digits of the year of birth, eg. 2004 = 04. The identification mark will therefore be AA 1 04. The next calf will be AA 2 04.
- 3.5.2 Identification method B: - (i) The herd designation letter(s) that have been registered in accordance with Bye-law 8.1, followed by (ii) a sequence number that will run continuously up till 999 or 9999, and then start at 1 again, followed by (iii) the last two digits of the relevant year, eg. 2004 = 04.
- 3.6 Tattoo marks, once affixed to an animal, may under no circumstances be improved changed without the written consent of the Society. Any breeder, on receiving such written consent from the Society, shall comply with the instructions contained therein within 30 days of receipt thereof, and notify the office in writing that the approved alteration has been effected.
- 3.7 All brand marks shall comply with the requirements as stipulated in the Act on Livestock Brand Marks and should be executed with a hot branding iron.
- 3.8 Imported animals without a tattoo should be tattooed prior to inspection with the last four digits of their foreign registration number.
- 3.9 Appendix A animals are tattooed and branded with the herd letter(s) of the owner and a serial number never before used in his tattoo series.

**4. APPLICATION FOR REGISTRATION [RECORDING AS CALF BOOK ANIMAL]**

- 4.1 On receipt of a valid notification of birth of a calf, the correctness of the calf's particulars shall be verified by the Society.
- 4.2 Applications for animals to be registered in the herd book [as calf book animals], are subject to the following:
- 4.2.1 The animal must be the calf of parents that have already been recorded (calf book), or registered (registered) in the herd book. The (i) sire of an animal begotten by AI and (ii) parents of an animal procreated by an imported embryo must already have been registered in the herd book.
- 4.2.2 All herd sires must be DNA-typed, as well as paternity confirmation by herd sire's sire
- 4.2.3 The animal shall be tattooed in accordance with Bye-law 3.
- 4.2.4 In the event of a final decision regarding a live calf, a minimum gestation period of 263 days and a maximum gestation period of 323 days applies.
- 4.2.5 The sire and dam of a calf may at the time of procreation of such a calf not be younger than 8 and 10 months respectively.
- 4.2.6 Active membership as determined in the Constitution;
- 4.2.7 A minimum period of 234 days between the calving or abortion dates of consecutive calving/abortion is required for the calculation of the ICP.
- 4.2.8 The Society may, on the basis of parentage control by means of DNA typing and full particulars of the relevant breeder, refer an application for recording that does not conform to the regulations of Bye-laws 4.2.4 or 4.2.5 to the Council or relevant committee for a final ruling.

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- 4.2.9 In the event of procreation by means of embryo transfer, the conditions of Bye-law 1 have to be complied with.
- 4.2.10 The birth notification of an animal procreated by imported semen, an imported embryo or from a pregnant animal served/inseminated in the country of origin are subject to the conditions of Bye-law 12.
- 4.3 When all particulars have been duly found to be correct, the animal will be recorded in the relevant Herd book section and, an application for registration for Appendix animals will be issued or a registration certificate in terms of fully registered animals. The responsibility for the correctness of the information on the birth certificate rests with the breeder and any errors on the birth certificate should be reported in writing to the office within 90 days of issuance of such certificate.
- 4.4 Notwithstanding Bye-law 4.3, a notification in accordance with Bye-law 2.2 (not for registration) will not be recorded. [as calf book, unless the breeder applies at a later stage in writing for recording as calf book.]
- 4.5 Should Council for any reason have grounds to question the good faith or correctness of any application, it has the right to refuse such application for registration. Further more Council has the right to cancel a registration that has already been affected, should false or incorrect information be proven to the satisfaction of said Council.
- 4.6 All animals that qualify for application for registration, can be registered in the herd book as: (i) Brahman, (ii) White Brahman, (iii) Red Brahman, (iv) Gir, (v) Indu Brazil, (vi) Nelore or (vii) Guzerat.
- 4.7 A birth notification in respect of a calf from multiple sires mating is acceptable, provided that it is accompanied with certification by a pathological laboratory acceptable by Council that links the identity of the calf beyond doubt with sire and dam.

### **5. TECHNICAL ADVISE (INSPECTION) AND REGISTRATION**

- 5.1 Inspection of an animal is optional and a breeder can request the Breed Adviser (inspector) for such service during a farm visit. Such inspected animal's registration certificate will accordingly serve as proof that the animal has been subjected to inspection. Imported animals are inspected at the first visit of the Breed advisor (inspector) and Appendix A heifers/cows can be presented for inspection at any time after they have been weaned or between the age 12 to 36 months.
- 5.2 The registration of any animal with faulty or illegible ear tattooing, or which have not been branded in terms of Bye-law 3.4, is subject to parentage verification by means of blood or DNA typing.
- 5.3 At the inspection of Appendix animals the Breed advisor (inspector) may approve, reject or suspend the animal to the next inspection.
- 5.4 An owner who is not satisfied with the Breed advisor (inspector's) decision may lodge an appeal within seven days subsequent to inspection with the Society who will then appoint a Breed Examiner who will re-inspect the relevant animal or animals within 14 days after such appeal has been received. The appellant shall be liable for the costs of the Breed Examiner.
- 5.5 Technical Advisory Service will only be available to active members whose services have not been suspended. Such will be regarded as being an optional and not a compulsory farm visit by a Technical Adviser.
- 5.6 Rejected animals are cancelled in the herd book.
- 5.7 No female animal from a multiple birth of both sexes is considered for registration, unless her ability to breed has been confirmed by calving or DNA-typing.
- 5.8 If a registered animal does not comply with the reproduction requirements determined by Council, such registration shall be cancelled.



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### **6. PERFORMANCE RECORDING**

- 6.1 Council will appoint an experienced organization that enjoys international recognition to perform a BLUP analysis at least once yearly in order to calculate breeding values for the traits determined by Council.
- 6.2 Participation in performance testing to acquire estimated breeding values is optional, although it is very highly recommended.
- 6.3 Council preserves the right not to accept any notice with weighing and/or classification data, unless the correctness or good faith of such is beyond doubt.
- 6.4 Which breeding values or other data of animals to be announced on the web, certificates, in auction catalogues or by any other means shall be determined by Council.

### **7. DNA-TYPING**

- 7.1 All bulls used for breeding shall be DNA typed.
- 7.2 Council preserves the right at any time to subject any animal or a whole herd to DNA typing in order to test the correctness of parentage. The owner shall be liable for all expenses incurred by these tests.
- 7.3 The Society shall annually nominate herds to be subjected to DNA parentage determination with a view to testing the correctness of parentage and orderly record keeping, provided that:
  - 7.3.1 the number of herds shall not constitute more than 2% of the total number of registered herds;
  - 7.3.2 a maximum of 5 animals, selected randomly by the office, be nominated per herd;
  - 7.3.3 in the event of an animal being tested negative, 5 new animals to be nominated by the office for testing;
  - 7.3.4 in the event of an animal being tested negative in the second test as well, Council shall have the right to subject more animals or the whole herd to additional tests;
  - 7.3.5 where an animal is proved negative in the third test, Council shall decide which disciplinary measures to be instituted against the relevant member;
- 7.4 should a member fail to have tests done within the prescribed time limit, Council shall decide which disciplinary measures to institute against the relevant member.
- 7.5 Registration of an animal, in respect of which parentage typing tests have been requested by the Society, shall be cancelled, should the tests be negative and may not be re-instated by the member, unless subsequent tests prove parentage to be positive.

### **8. PREFIX, DESIGNATION LETTERS AND NAMES**

- 8.1 No animal is accepted for registration unless on joining, the Society registers a prefix and designation letter(s) on behalf of the breeder with the organization contracted to handle suchlike registrations for identification of all animals bred by him.
- 8.2 Transfer of a prefix and/or designation letters from one registered membership to another can be affected, subject to the conditions of the Law and other prerequisites as determined by Council.
- 8.3 All animals that are eligible for registration, excluding imported animals, shall be furnished with a name and number, which represents the name.
- 8.4 Names, excluding the prefix, shall not take up more than 20 character spaces.

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8.5 The name of an animal may be changed, provided that no progeny has, by the relevant stage, been generated from the animal and the prescribed correction fee has been paid.

### **9. SELLING OF ANIMALS**

9.1 Notification of transfer in respect of the following events must be furnished in the prescribed format to the Society: selling, bartering, donation, inheritance, obtaining or relinquishing of a share in a bull.

9.2 The transferor of an animal must furnish the Society within 60 days of alienation on the prescribed format with the date of transfer, and the name, address and telephone number of the new owner. The date of transfer shall be deemed the date on which the relevant animal in question was delivered to the new owner. Notification of transfer which is received by the Society more than 60 days subsequent to change of ownership, is subject to payment of late transfer fees as prescribed by the Council.

9.3 In the event of joint use of a bull or semen, the details of each joint user must be submitted to the Society as prescribed.

9.4 In the event of a pregnant animal being transferred, the seller must furnish the buyer with the service or insemination particulars in writing. This includes the name, identification and computer name of the relevant bull, as well as the running period, service date or insemination date.

9.5 No animal shall be transferred if not equipped with clearly legible tattoo marks. If the tattoo marks are not clear or applied erroneously, application for re-tattooing should immediately be made in writing to the Society.

9.6 The Society shall by no means become involved with or take responsibility for the purchasing, selling or terms and conditions of sale of animals, or transition of legal title thereon, and will assume no liability for the correctness of data furnished by the seller.

### **10. ARTIFICIAL INSEMINATION AND AI BULLS**

10.1 By virtue of the terms and regulations of the Law, Council has the right to lay down minimum standards for calves procreated by artificial insemination (AI) and to determine prerequisites for semen donors (AI bulls).

10.2 In the event of semen of different bulls used within a period of 28 days on the same animal, paternity shall be proved by means of DNA certification.

10.3 The owner of a bull may collect semen for own use but selling of semen is subject to the regulations of the Law.

10.4 An owner requiring a bull to be approved as semen donor in terms of the Act shall apply to the Society along the lines determined by the Registrar and Council. Such application shall be accompanied by the prescribed application fee and certification. In the event of such bull complying with the requirements of Council, the Society refers the application, together with a recommendation and the registration certificate, to the Registrar.

10.5 Bulls that are recommended for the Society's Young bull programme or any other AI bull programme shall comply with the requirements of Council, and, *mutatis mutandis*, the legal requirements.

### **11. EMBRYO TRANSFERS (E.T.)**

11.1 Council may lay down minimum requirements for semen and ovum donors.

11.2 The birth notification relating to an animal procreated by embryo transfer shall go accompanied by:

11.2.1 the prescribed ET form, duly signed by the relevant veterinary surgeon;

11.2.2 confirmation of parentage by means of DNA typing;

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- 11.2.3 in the event of an imported embryo: regulations in accordance with Bye-law 12.
- 11.3 Semen from more than one semen donor may be used on one ovum donor, provided that an authorized body, before insemination occurs, confirms in writing that parentage of such mating is verifiable.
- 12. IMPORTATION AND EXPORTATION**
- 12.1 Any recommendation for the importation or exportation of an animal, semen or embryo by the Society to the Registrar shall be subject to the provisions of the Act.
- 12.2 Council may lay down minimum performance, herd book and/or appearance requirements for the import and export of animals, semen and/or embryos, which have to be complied with before approval an application is approved.
- 12.3 An application for recording/registration of an imported animal, embryo and semen shall be accompanied by the under mentioned certification by a duly authorized organization in the country of origin:
- 12.3.1 Imported animal: A four generation registration certificate issued by the society of the country of origin, and in the event of a bull, the DNA typing;
- 12.3.2 Animal procreated by imported semen: The sire's four generation registration certificate, issued by the society in the country of origin and its DNA typing;
- 12.3.3 Animal procreated by an imported embryo: The semen and ovum donor's four generation registration certificate and the semen donor's DNA typing.
- 12.4 The semen and embryos of imported animals must come from a country that is a member of the "World Brahman Federation". In the event of another country, the relevant herd book first has to be approved by Council
- 12.5 An imported animal shall be inspected on the first visit of the inspector subsequent to its arrival on the importer's farm, and regardless of being registered in the country of origin; such animal may be rejected for registration in the herd book.
- 12.6 In the event of an imported pregnant animal the birth notification of the calf must be accompanied by the sire's DNA typing certificate duly signed by an authorized organization in the country of origin and certification in which the exporter provides full service/A I particulars of the sire.
- 13. CANCELLATION OF AN ANIMAL**
- 13.1 In the event of an animal having died or been culled from the stud, but not sold for breeding, the owner must inform the Society of such in the prescribed format, also supplying the date and reason for cancellation. If this procedure is not followed, the animal shall not be removed from the levy list.
- 13.2 Council may request the office to cancel the registration of an animal that:
- 13.2.1 was incorrectly registered;
- 13.2.2 was registered on the basis of false or deceptive information furnished by the owner;
- 13.2.3 was registered after the owner had failed to comply with any requirement of any relevant Bye-law;
- 13.3 No progeny of an animal of which the registration has been cancelled in terms of Bye-law 13.2, shall be registered.
- 13.4 A cow that does not comply with the reproduction requirements as determined by Council, shall be cancelled when the relevant calving is recorded, provided that the owner shall be notified of the cancellation.

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**14. RE-INSTATEMENT**

- 14.1 In the event of cancellation of a recorded or registered animal, re-instatement shall be permissible under the following conditions:
- 14.1.1 payment of the re-instatement fee, and
- 14.1.2 application to be done by the person who was the registered owner at the time of cancellation, or
- 14.1.3 written permission for re-instatement from the person who cancelled the animal to the buyer, provided that such buyer shall be responsible for the costs in accordance with Bye-law 14.1.1.

**15. HERD REGISTERS**

- 15.1 Every breeder must keep proper record of everything that he submits to the Society.
- 15.2 Any official is entitled to go through the records kept by the breeder.

**16. AUCTIONS**

- 16.1 It shall be an offence against these regulations to withhold any information relating to the animal which may influence a prospective purchaser in his assessment of the value of the animal or engage in any conduct which is deceptive or misleading.
- 16.2 The use by sellers of hormones, tranquillizers or drugs to mask the temperament or any form of cosmetic or corrective surgery, other than normal hoof trimming, the branding of horns and treatment of injuries or disease is prohibited.
- 16.3 Only catalogues generated by the Society may be published on web sites of the Society.

**17. BAN ON USE OF ARTIFICIAL STIMULANTS**

The use of growth stimulants of any nature whatsoever on registered or recorded animals is strictly prohibited. Trespassing of this rule shall result in disciplinary measures. Council reserves the right to have any animal in the herd register tested at any time without detriment to any rights of the Society, and as a routine inspection of animals in a member's herd to the advantage and promotion of the breed."

**18. SERVICES TO SOCIETIES AND NON-MEMBERS**

- 18.1 The Society shall act as Registering Authority in accordance with the Law.
- 18.2 In terms of Bye-Law 18.1 registration and relevant services may be rendered to other societies, provided that the application and service package be approved by Council.
- 18.3 The Society may render services to non-members on condition that no legal or other liabilities shall rest with the Society, and that the services and relevant fees shall be determined by Council.

**19. DATA OWNERSHIP AND ACKNOWLEDGEMENT**

- 19.1 The Society reserves copyright on all information provided by members and generated from the Society's data base. The ownership of this information shall be vested in the Society and availability of any data must be in accordance with a decision by Council.
- 19.2 The Society is recognized by the "World Brahman Federation" as the only organization that may issue a registration certificate for a Brahman that has been bred in South Africa.

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19.3 Disclosure of animals' pedigrees, classifications, breeding values, calving records and other particulars by means of the certificate, web site, catalogues or any other means shall be in accordance with Council decisions.

**20. AUTHENTIC VERSION OF THESE BYE-LAWS**

These Bye-Laws have been compiled, submitted and considered in Afrikaans and therefore the Afrikaans version shall be deemed to be the authentic version.