

S A QUARTER HORSE

SAQHA
South African Quarter Horse Association
CONSTITUTION

of the

SOUTH AFRICAN

QUARTER HORSE ASSOCIATION

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APPLICABLE DOCUMENTS

1. Animal Improvement Act 62 of 1998
2. Animal Identification Act 6 of 2002
3. The Animals Protection Act 71 of 1962.
4. The Performing Animals Protection Act 24/35.
5. The Veterinary and Para-Veterinary Professions Act 19 of 1982.
6. Powers of Seizure Regulation 468 as contained in the
Animals Protection Act 71 of 1962
7. Official handbook of AQHA Rules and Regulations
8. Standard of Excellence

1. DEFINITIONS

- 1.1 When used in this Constitution and Bye-laws, unless a contrary meaning is apparent from the context:
- 1.1.1 **"Act"** means the Animal Improvement Act, 1998 (Act No. 62 of 1998) as amended, or any subsequent legislation having similar objectives than the said Act, and includes the regulations promulgated in terms thereof;
 - 1.1.2 **"animal"** means an equine of the American Quarter Horse breed registered with the South African Quarter Horse Association, registered or eligible for registration in the Herd Book and the words "horse/s", "foal/s", "dam/s", "mare/s", "female/s", "fillies/colts", "male/s", "sire/s" and "stallion/s" shall have the same meaning;
 - 1.1.3 **"Association"** means the South African Stud Book and Animal Improvement Association;
 - 1.1.4 **"AQHA"** means the American Quarter Horse Association;
 - 1.1.5.1 **"AQHA RULE 106"** means the AQHA Disciplinary Procedures (or such rule pertaining to the Disciplinary and Appeal Procedure), as amended.
 - 1.1.6 **"birth"** means the birth of a foal;
 - 1.1.7 **"Board"** means the Board of Directors of SAQHA duly elected in terms of the Constitution;
 - 1.1.8 **"breeder"** means a breeder member of SAQHA who is the owner of –
 - 1.1.8.1 the dam at the time of service except when a mare is held under lease at time of breeding and written notification of such lease, signed by the lessor, is on file with the registration authority at time of registration, in which event the registration certificate shall show the lessee as the breeder of an animal to be registered;
 - 1.1.8.2 an animal at the date of application for registration in the Appendix or Stud Book Proper Section of the Herd Book; or
 - 1.1.8.3 the recipient dam at the date of birth of the animal to be registered as a result of an embryo transfer;
 - 1.1.8.4 a stallion recorded in the Herd Book that is standing at stud to the public through live cover or artificial insemination.
 - 1.1.9 **"breed purity"** refers to an animal both of whose parents are duly registered in such breed's official Breed Registry;
 - 1.1.10 **"buyer"** means the person or persons to whom ownership/joint ownership of an animal is transferred by the seller of such an animal;
 - 1.1.11 **"Constitution"** means the Constitution (inclusive of the Bye-laws) of the SAQHA;
 - 1.1.12 **"Department"** means the Department or Departments in the national government charged with the administration of the Act;
 - 1.1.13 **"embryo"** means a fertilised ovum of an animal;
 - 1.1.14 **"employee"** means a person employed for wages or salary, under any contract of hire, express or implied, oral or written;
 - 1.1.15 **"Entity"** has the meaning ascribed to the following, but not limited to a company, close corporation, partnership, body corporate or trust, which has a legal and separately identifiable existence;

- 1.1.16 **"Herd Book"** means the S A Quarter Horse Herd Book in which shall be registered, through the SAQHA by the Registering Authority, the details of all animals;
- 1.1.17 **"Members"** shall mean documented members of SAQHA;
- 1.1.18 **"Minister"** means the Minister of the relevant Department;
- 1.1.19 **"ovum"** means the ovum of an animal and includes an embryo;
- 1.1.20 **"owner"** means the person who:
- 1.1.20.1 according to the records of the Registering Authority, possesses the animal concerned; or
- 1.1.20.2 submits proof to the satisfaction of the Board that the animal concerned is eligible to be so registered or inscribed in his name;
- 1.1.21 **"registering"** refers to the procedure of registering an animal in the Appendix and Stud Book Proper Sections of the Herd Book, or by which a prefix is placed on the records of the Registering Authority;
- 1.1.22 **"Registrar"** means the officer designated as Registrar of Animal Improvement in terms of the Act;
- 1.1.23 **"SAQHA"** means the South African Quarter Horse Association;
- 1.1.24 **"Secretary"** means the Secretary of the SAQHA;
- 1.1.25 **"seller"** means the person or persons being the owner/joint owner/s of an animal according to the records of the Association or, in the case of an imported animal, the owner in the country of origin who disposes of such an animal;
- 1.1.26 **"semen"** means the semen of an animal;
- 1.1.27 **"Sent electronically"** shall mean any notice or communication sent to members by email or any other electronic means;
- 1.1.28 **"Territory"** means South Africa and such other countries as SAQHA may from time to time, with the approval of the Registering Authority, determine.
2. Other words, abbreviations and phrases in this Constitution, not defined above, shall, unless a contrary meaning clearly appears from the context, have the same meaning assigned thereto in the Act.
3. In the Constitution, unless the contrary intention appears clearly from the context, words referring to persons in the masculine gender shall include females, words in the singular shall include the plural, and words in the plural shall include the singular.

CONSTITUTION

2. NAME

The name of the Society is the SOUTH AFRICAN QUARTER HORSE ASSOCIATION.

3. OBJECTIVES

- 3.1 Subject to the provisions of the Act and of this Constitution, the objectives of the SAQHA shall be –
- 3.1.1 to encourage and promote the breeding and the genetic Improvement of American Quarter Horses in the Territory, to maintain the purity of the breed, and generally to foster its interests;
 - 3.1.2 to ensure the accuracy of all records of pedigrees and other particulars of all horses registered or eligible for registration in the Herd Book;
 - 3.1.3 to encourage dual membership and registration in SAQHA and AQHA;
 - 3.1.4 to compile, keep and maintain accurate records of the pedigrees and particulars of all animals duly registered through SAQHA by the Association in the Herd Book;
 - 3.1.5 to apply a Standard of Excellence and other minimum standards drawn up by the Board as a prerequisite for the registration of animals;
 - 3.1.6 to encourage the expansion of the breed by means of sales,promotion, marketing campaigns and liaison on national and international level;
 - 3.1.7 to promote participation of horses at shows;
 - 3.1.8 to nominate judges who have been approved by SAQHA Board as qualified and competent to judge the breed at shows;
 - 3.1.9 to safeguard and advance the common interests of breeders in the Territory, and generally to give effect to the objectives contemplated by the Act;
 - 3.1.10 to stimulate, administrate and regulate any and all other matters such as may pertain to the history, breeding, exhibition, publicity, sale or improvement of the breed.
- 3.2 SAQHA will not –
- 3.2.1 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
 - 3.2.2 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.

4. INTERNATIONAL AFFILIATION

SAQHA is an international affiliate of AQHA and therefore all of the purposes, policies and activities of SAQHA shall be consistent with the purposes, policies and activities of AQHA. SAQHA members shall remain governed by the AQHA bye-laws, rules and regulations as published in the latest edition of the Official handbook of AQHA Rules and Regulations. The AQHA Bye-laws apply provided that they are not in direct contravention of South African Law.

5. INTERNATIONAL DIRECTOR

The International Director for AQHA who shall hold office for a period of two years, and shall be elected by the members present and entitled to vote. It is a requirement that the AQHA International Director be an elected Board Member of SAQHA and a member in good standing of AQHA for the period served in this capacity.

6. POWERS OF SAQHA

Subject to the terms of the Constitution, SAQHA shall have the power –

- 6.1 to carry out such functions and perform such duties as are or may be imposed upon it by virtue of its incorporation in terms of the Act and its membership of the Association; and
- 6.2 to do all such acts as a body corporate may perform and deem necessary for the attainment of its objectives.

7. MEMBERSHIP

Membership of SAQHA is a privilege and not a right, application for which shall be made by procedures prescribed by SAQHA.

7.1 Eligibility

- 7.1.1 Subject to the provisions of Clause 7.2.4, the membership of the Society shall be limited to persons above the age of 18 years.
- 7.1.2 Membership, or application therefore, may be terminated or rejected by the majority vote of the Board for cause detrimental to the interests of the SAQHA and AQHA, their programmes, policies, and objectives as determined by the Board.
- 7.1.3 Membership shall not be granted to a person who has a criminal record, has been expelled from other Societies or Associations, or has been convicted of animal cruelty in a court of law.
- 7.1.4 Termination proceedings shall be conducted under AQHA Rule 106 for notice, hearings and temporary suspension. The effect of termination may be denial of privileges of SAQHA and AQHA as set forth in the AQHA Handbook. All such actions shall be reported to AQHA, the Fédération Equestre Internationale (FEI), and all other equestrian organizations with which AQHA and SAQHA interact.

There shall be the following categories of members:

7.2 Categories of Membership

7.2.1 Breeder Members

- 7.2.1.1 Persons resident in South Africa or the Territory who are actively engaged in the breeding of animals, shall be eligible for membership of SAQHA as Breeder Members, as defined in definitions of breeder and subject to Clause 7.3.
- 7.2.1.2 For the purposes of this subclause a company, close corporation, partnership body corporate or trust shall be deemed to be a person and, subject to Clause 7.3, be eligible for Breeder Membership of SAQHA: Provided that application for registration as a Breeder Member must be made to the SAQHA Board for approval;
- 7.2.1.3 Breeder Members shall enjoy all the rights and privileges of breeder membership, including the right to vote at any general meeting of SAQA, and the right to be elected to the Board.

7.2.2 Life Member

7.2.2.1 No person, other than existing Life Members, shall be eligible for Life Membership.

7.2.2.2 Existing Life Members shall enjoy all the rights and privileges of general membership, including the right to vote at any general meeting of the SAQHA, and the right to be elected to the Board.

7.2.3 General Members

7.2.3.1 Any person not actively engaged in the breeding of animals may be accepted as General Members, upon such conditions as the Board may determine.

7.2.3.2 General Members shall enjoy all the rights and privileges of general membership, including the right to vote at any general meeting of the SAQHA, and the right to be elected to the Board.

7.2.4 Youth Members

7.2.4.1 Any person under the age of 18 years may become a Youth Member on approval of the Board: Provided that a Youth Member may not vote at meetings of SAQHA, nor be eligible for election to the SAQHA Board, but upon payment of the scheduled fees may participate in the other activities of SAQHA, and provided further that the youth member's parents or guardians countersign the application and accept full responsibility for the financial and other commitments towards SAQHA on behalf of a youth member.

7.2.4.2 A Youth Life Membership is available and covers a youth from the date of initial membership until the individual's 18th birthday. After that date, General or Breeder membership should be applied for by the individual.

7.3 Company, Close Corporation, Partnership Body Corporate or Trust ("Entity")

7.3.1 Any Entity applying for Membership shall disclose to SAQHA such facts 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 SAQHA with the name and address of the person appointed to act as its representative at meetings of SAQHA, which person must fulfil the minimum requirements of SAQHA membership.

7.3.2 All communications addressed to such an authorised representative referred to in Clause 7.3.1 shall be deemed to be duly served upon such Entity, and at all meetings at which such an authorised representative is in attendance on behalf of such Entity, such Entity shall be deemed to be duly represented.

7.3.3 The principal person so appointed to represent such Entity shall be eligible for election to the Board in terms of Clause 7.3.1.

7.3.4 Should such Entity cease to comply with the requirements of Membership as laid down in Clauses 7.2.1 and 7.2.2, its rights shall automatically be terminated, and the provisions of Clause 7.3.5 shall *mutatis mutandis* apply in respect of such Entity.

7.3.5 The liquidation and/or the dissolution of such Entity shall automatically result in the termination of its membership of SAQHA: Furthermore:

7.3.5.1 all amounts owing to SAQHA as at the date of liquidation or dissolution shall be recoverable by SAQHA from the liquidator of such company or close corporation, or from the members (either jointly or severally) of such partnership, body corporate or trust;

- 7.3.5.2 the liquidator of such company or close corporation and the members of such partnership, body corporate or trust shall be obliged to discharge all the obligations of such Entity in respect of registrations, recordings, transfers and whatever obligations such Entity would have had to discharge as a member of SAQHA; and
- 7.3.5.3 whatever fees may become due and payable as a result of registrations, transfers or other obligations which have of necessity to be fulfilled after such an automatic termination of membership, shall be raised on the scale payable by the category of Membership.

7.4 Application for Membership

- 7.4.1 Application for Breeder, General or Youth Membership of SAQHA shall be made to the Secretary in writing in such form as may be prescribed by the Board, and shall be accompanied by the relevant subscription and/or entrance fees as may be determined by Board from time to time.
- 7.4.2 The Secretary shall, electronically, send all applications for membership to Board Members for approval within 5 working days of verifying that the relevant subscription fees have been paid.
- 7.4.3 Each Board Member must, within 5 calendar days approve or reject, with reasons, the application by informing the Secretary electronically.
- 7.4.4 The Board may admit any applicant to membership of SAQHA either unconditionally or on such conditions as it may determine, or it may refuse admission to membership, disclosing the reason for such refusal.
- 7.4.5 An applicant to whom admission to membership has been refused, shall be entitled to a refund of any fees forwarded with his application for membership.

7.5 Rights and Privileges of Members

Save for executors of deceased estates, trustees of insolvent estates and liquidators of companies or close corporations, the rights and privileges of every member of SAQHA shall be personal to himself and may not be ceded or assigned.

These shall include the following rights –

- 7.5.1 to receive all reports and other matters published by SAQHA for distribution amongst members;
- 7.5.2 to apply for the inscribing or registration of animals under SAQHA's rules;
- 7.5.3 to attend all general meetings of SAQHA and, subject to Clause 7.2, have the right to vote at such meetings;
- 7.5.4 be eligible for election to the Board;
- 7.5.5 to submit a Proxy Voting Form whereby another member is authorised to vote on his behalf in his absence, provided that such member may not have authority to exercise a proxy vote on behalf any other member. A proxy vote cannot be used to elect Board Members;
- 7.5.6 to receive technical advice on SAQHA matters from SAQHA's appointed inspectors and officials (cost of same to be defrayed by the applicant); and
- 7.5.7 to consult and use the SAQHA's official reports.

8. RULES, DISPUTES, DISCIPLINARY PROCEDURES

- 8.1 All members agree to be governed by SAQHA and AQHA rules, regulations, bye-laws,

and disciplinary procedures and wave the right to use other methods to resolve disputes internal to SAQHA.

- 8.2 Should a member resort to any other method of resolving a dispute, that member agrees to assume all costs involved, including those incurred by SAQHA, regardless of the outcome of the dispute.
- 8.3 In the event of disciplinary procedures against any member or person, Rule 106 of the AQHA Rule Book, shall apply: Provided that if the member is found guilty of an offense that requires legal action, South African law shall apply.
- 8.4 SAQHA shall not be held liable for the cost of legal representation of any member who is subject to disciplinary procedures.

9. SUBSCRIPTIONS AND FEES

- 9.1 The amounts payable to SAQHA in respect of all subscriptions, fees or any other dues and commissions shall from time to time be determined by the Board and shall be notified to members at the ensuing Annual General Meeting of SAQHA.
- 9.2 The annual subscriptions and fees shall become due and payable in advance at the beginning of each and every financial year, and shall be deemed to be in arrears, if unpaid within 60 days.
- 9.3 Any member whose subscription is in arrears, or who is indebted to SAQHA in respect of any fees or dues for a period longer than 60 days after a demand by registered post, as well as being sent electronically, for payment thereof has been addressed to him by the Secretary, shall cease to enjoy any of the rights and privileges of membership until such time as such indebtedness has been liquidated: Provided that the Secretary, with the approval of the President, or in his absence, the Vice-President, may in exceptional circumstances allow extension of payment upon written application by the member concerned.
- 9.4 The Board may cause an interest charge to be levied and collected on arrear accounts at a rate determined by the Board from time to time.
- 9.5 Any member who, for any reason whatsoever, has ceased to be a member of SAQHA shall remain liable for all amounts due to SAQHA, as at the date on which his membership ceases.
- 9.6 Should the Board determine that an account is in arrears and should such account be handed over to a firm of attorneys for collection, then the member shall be liable to SAQHA for payment of all legal charges, collection, and attorney and client costs incurred in addition to the principal amount, fines and penalties owing by him.

10. RESIGNATION AND EXPULSION OF MEMBERS

- 10.1 Such resignation will take effect immediately, however, the member will remain liable for all monies owing to SAQHA by such member, and furthermore, such member shall be obliged to discharge all his obligations in respect of registrations, transfers or any other obligation he would have had to discharge as a member of SAQHA.
- 10.2 Any member resigning during a specific financial year shall not be eligible to receive a refund of fees paid, either in full or pro-rata.
- 10.3 The Board may expel, and/or terminate its services to any member who has –
 - 10.3.1 acted in any manner which in the opinion of the Board is or may be prejudicial to the interests of SAQHA or any of its members;
 - 10.3.2 infringed any provision of the Constitution and/or Constitution of the Association or on any rule provision of AQHA;

- 10.3.3 been convicted of animal cruelty in a court of law;
 - 10.3.4 been expelled by another equestrian organization; or
 - 10.3.5 been found guilty of an offence under the Act:
- 10.4 Provided that no proceedings for expulsion shall be initiated against any member of SAQHA unless the Secretary has, at least 30 days prior to the date of the Board meeting at which such an expulsion is to be dealt with, addressed a registered letter to such member notifying him of his proposed expulsion, and calling upon him, if he so wishes, to present, either personally or through his duly authorised representative, his side of the case at such a meeting of the Board.
- 10.5 Provided further that once a decision has been made in accordance with AQHA Rule 106, in all cases requiring legal action after expulsion, South African Law will apply.
- 10.6 Any member who has been expelled shall be notified by the Secretary in writing within a period of 21 days from the date upon which the resolution effecting his expulsion was passed, or upon which his membership was forfeited.
- 10.7 Upon expulsion of a member, the Board may, at its discretion, direct the Secretary forthwith to remove from the Herd Book and any other registers or records of SAQHA, the name of the member so expelled, and to apply to the Association for the cancellation of all registrations effected by it, in respect of animals bred by the expelled member and owned by him at the date of his expulsion. The Secretary shall moreover call upon the expelled member forthwith to deliver to SAQHA the registration certificates in respect of all animals bred and owned by him at the date of his expulsion.
- 10.8 From the date of his expulsion no transfer of an animal bred or owned by the expelled member shall be registered in his name, no notifications of births shall be accepted from him, and he shall be notified accordingly.
- 10.9 A person who, for whatever reason, has ceased to be a member of SAQHA, may thereafter again be considered for membership, upon application made in terms of Clause 7.4 and subject to the terms and conditions of clause 7.1.

11. REGISTER OF MEMBERS

- 11.1 SAQHA shall keep a register of all members reflecting the date of their admission to membership, their postal addresses, the amounts received from them with the date of payment, and arrears, if any, which may be due.
- 11.2 Every member shall communicate in writing to the Secretary any change of his postal address, email address, and telephone or cell phone number, and all notices of publications posted to the registered address of a member or sent electronically to the last recorded email address shall be considered as duly delivered to him.
- 11.3 Communications consigned under registered cover or sent electronically with read receipt to members by the Secretary shall be binding.
- 11.4 The Secretary shall submit to the Association such information as it may require concerning admissions to membership, terminations of membership (for whatever reason), and postal addresses of members.

12. ELECTION OF OFFICERS

12.1 Election of Board

- 12.1.1 A steering committee comprising of a minimum of seven people will be appointed for a two year period following the SAQHA's inception.
- 12.1.2 Thereafter, seven members shall be elected by ballot from amongst the members present and entitled to vote at the Annual General Meeting or a

special general meeting called for the purpose and shall hold office until the next Annual General Meeting after election when three members, as determined by the drawing of lots, shall retire. Thereafter, at each Annual General Meeting the members longest in office shall retire. Retiring members shall be eligible for re-election.

- 12.1.3 At each Annual General Meeting, Board members who have served their two-year term shall retire. No Board member shall serve more than two consecutive terms in the same position.
- 12.1.4 Members present shall nominate and vote for members who have made themselves available for election. The majority of Board Members are to be breeder members.
- 12.1.5 Should any member of the Board die, resign or cease to be a member of SAQHA, or be called upon to fill the office of President or Vice-President as provided for in clause 12.1.6, the Board may appoint another member of SAQHA as his substitute with full powers for his term of office, until the next Annual General Meeting. The Board shall be deemed to be duly constituted and shall continue exercising all the powers conferred upon it, notwithstanding any vacancies in its body.
- 12.1.6 In the event of the office of President becoming vacant before the expiration of the period for which he was elected to the Board, the Vice President shall assume the duties of President until the next Annual General Meeting. If the office of Vice President becomes vacant, the remaining Board Members shall, at its next meeting by ballot or in such manner as the meeting may determine, elect another of its Board Members to fill the vacancy until the next Annual General Meeting.
- 12.1.7 Subject to clause 13.1.9, members of the Board absenting themselves from two consecutive meetings shall automatically vacate their seats and cease to be members of the Board. The remaining Board Members may appoint other eligible members to serve until the next Annual General Meeting.
- 12.1.8 The President will appoint one of the Board members as Treasurer (in the portfolio for Finances), who will be responsible for preparing an annual operating budget, budgets for SAQHA events, and who will oversee all financial transactions. He will present the Financial Report to the Annual General Meeting, will assure that the financial records are reviewed by the appointed Auditors before the Annual General Meeting, and will assist in maintaining accurate accounts of income and expenditure.
- 12.1.9 No individual serving as an Officer, Board Member, or International Representative for any other equestrian organization – including but not limited to Breeders' Societies, Discipline Organizations, or Sporting Bodies – may serve on the SAQHA Board or as the International Director, in order to prevent possible conflict of interest.
- 12.1.10 No two members of an immediate family – including but not limited to husbands and wives, members of a domestic partnership, parents and adult children, siblings, etc. – may serve on the SAQHA Board at the same time, in order to prevent possible conflict of interest.

12.2 Election of President and Vice-President

- 12.2.1 The President and Vice-President, who shall hold office for a period of two years, shall be elected by the members (present and entitled to vote at the Annual General Meeting) concerned from amongst the elected and present Board.

- 12.2.2 In order to effect continuity in SAQA, the President and Vice-President should not vacate their positions in the same year. Their terms of office should overlap by one year.
- 12.2.3 The elected President shall preside at all meetings of the Board and shall ensure that the bye-laws, rules and regulations of SAQHA and AQHA are enforced, and shall perform all other duties that may be prescribed from time to time by the Board. The President shall be ex officio member of all committees.
- 12.2.4 Members elected as President and Vice-President shall be eligible for re-election as such.
- 12.2.5 No elected President may hold office for more than two successive terms. He is, however, eligible for re-election to the office of President after a break of one year.
- 12.2.6 At the discretion of the Board, the immediate Past President may be co-opted as Board Advisor, without voting rights.

12.3 Additional Board Members

In addition to the seven elected members of the Board, the following persons will also serve on the Board in an advisory capacity and are also entitled to attend any Board or general meeting, but without the right to vote:

12.3.1 Representative of the Minister

The Minister may nominate an officer of the Department to represent him in terms of the Act.

12.3.2 The Secretary

- 12.3.2.1 The Secretary is an ex officio member of the Board and shall attend all Board meetings and may take part in all discussions but without the privilege to vote on any issue.
- 12.3.2.2 The Secretary may not be a Breeder Member of SAQHA, or an immediate family member of a Breeder Member of SAQHA, or an employee of a Breeder member of SAQHA, in order to prevent possible conflict of interest.

12.4 Executive Committee

The Executive Committee of the Board of Directors shall consist of the President, Vice-President and a member of the Board appointed by the Board. All actions or decisions of the Executive Committee shall be approved and confirmed at the ensuing Board Meeting.

13. POWERS AND DUTIES OF THE BOARD

- 13.1 The board shall, subject to the terms of the Constitution and subject further to the directives of the general meetings of SAQHA as given from time to time, have the power to do all such things it deems necessary or advisable in the interests of SAQHA and for the advancement and attainment of SAQHA's objectives and in particular shall have the power:
 - 13.1.1 to appoint, dismiss or suspend such attorneys, or other legal representatives, auditors, agents, officers or officials or other employees for or from permanent, temporary or special services as it may deem fit; to determine their powers and duties and to fix their remuneration and conditions of service and to require such security for the due performance of their functions as it may in particular cases deem expedient;

- 13.1.2 to institute, conduct, defend, compound or abandon any legal proceedings by or against any of its officers or officials or other employees in connection with the affairs of SAQHA, 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 SAQHA;
- 13.1.3 to open one or more banking accounts in the name of SAQHA, and to draw, accept, endorse, make or execute any bill of exchange, promissory note, cheque or other negotiable instrument in connection with the conduct of the affairs of SAQHA;
- 13.1.4 to invest, or in any other manner deal with any monies not immediately required for the purposes of SAQHA, upon such securities and on such terms as it may deem fit and, from time to time, to change or realise any such investments: Provided that funds available for investment may only be invested with registered financial institutions as defined in section 1 of the Financial Institutions (Investment of Funds) Act, 1984, and in securities listed on a licensed stock exchange as defined in the Stock Exchanges Control Act, 1985 (Act No. 1 of 1985);
- 13.1.5 to co-opt the services of any member of SAQHA or other person and to appoint persons to subcommittees upon such terms and with such powers as it may from time to time deem expedient: Provided that the President and Vice-President of SAQHA shall be *ex officio* members of all subcommittees with full rights and privileges;
- 13.1.6 to appoint or discharge inspectors (refer to Bye-law 11.2.1) for the examination of animals for such purposes as members of SAQHA may require the service of such inspectors and to give such inspectors instructions and powers in regard to their duties for the purpose of ensuring that the objectives of SAQHA, and stipulations of the Act are being carried out;
- 13.1.7 to order an investigation by inspectors of SAQHA in any case where records are not properly kept or where any doubt should arise as to the correctness of the identity of any animal or animals, and to take such action as it may consider advisable in the interests of SAQHA;
- 13.1.8 to convene a general or any other meeting of SAQHA, either in compliance with a special request thereto made in accordance with the provisions of the Constitution or otherwise if it is deemed necessary;
- 13.1.9 to grant leave of absence to any member of the Board or any official or employee of SAQHA, for such a period and upon such terms as it may in each case determine;
- 13.1.10 to impose and exact such penalties as may be prescribed from time to time for contravention or infringement of the Constitution, rules and regulations of SAQHA, AQHA, and/or the Association;
- 13.1.11 from time to time adjust or revise subscriptions, fees or dues and to prescribe any such additional fees or dues as it may deem necessary;
- 13.1.12 to pay all costs and charges in connection with the administration and management of the affairs of SAQHA;
- 13.1.13 to receive and consider applications for membership and to accept or refuse such applications at its discretion;
- 13.1.14 to collect and receive subscriptions, fees, donations, other dues and funds and

to devote same towards the objectives of SAQHA;

- 13.1.15 to frame, alter and rescind rules and regulations for conducting the business and carrying out the objectives of SAQHA, to frame or amend any schedule pertaining to the Constitution as may be deemed necessary from time to time, and to investigate disputes arising from the application of the Constitution and to give decisions in regard thereto;
- 13.1.16 to elect a representative/s to the Annual General Meeting of the Association and to nominate a person or persons to represent SAQHA on any committee, body or organisation as may be necessary;
- 13.1.17 for the better and more convenient carrying on and fulfilment of the business of SAQHA to appoint one or more members or officials with power and authority to sign and receive documents, papers and process, and to act, sue and be sued on behalf of SAQHA;
- 13.1.18 to cancel membership of any person in accordance with Clause 10;
- 13.1.19 in accordance with Clause 9.3 to refuse inspection, registration and other work for members whose accounts are overdue;
- 13.1.20 to draw up a "Standard of Excellence" and to lay down standards by which –
 - 13.1.20.1 applications for importation and exportation of animals, foals in utero, semen and ova shall be recommended;
 - 13.1.20.2 semen and ovum donors shall be approved for embryo transfer purposes;
 - 13.1.20.3 stallions shall be recommended for approval for the sale of semen in terms of the Act;
- 13.1.21 generally to perform all such acts as may be necessary for the welfare of SAQHA and the conduct of its affairs, provided always that any action taken, or instructions given, shall not be contrary to the terms of the Constitution.

14. MEETINGS

14.1 Executive Meetings

The Executive shall meet when necessary in order to carry out the duties delegated to it by the Board.

14.2 Board Meetings

- 14.2.1 The Board shall meet at such time and place as it may from time to time determine, or as may be decided by the President: Provided that not less than two Board meetings shall be held in each financial year.
- 14.2.2 A Special Board meeting –
 - 14.2.2.1 may be called by the President (or in his absence by the Vice-President) at such a time and place as such office-bearer may decide; or
 - 14.2.2.2 shall be called upon a requisition signed and addressed to the Secretary, by not less than four members of the Board stating the reasons for such meeting.
- 14.2.3 Not less than 14 days prior to the holding of a Board meeting, written notice of the time, date and place of such meeting shall be send electronically (or posted) by the Secretary to each member of Board.

- 14.2.4 No resolution of the Board in respect of any matter shall be varied or rescinded unless the resolution varying or rescinding the same be passed at a meeting in respect of which not less than 14 days' notice, sent electronically (or posted), specifying the intention to vary or rescind has been given to all Board members: Provided that a resolution may be varied or rescinded without such notice if all members of the Board are present and so decide.

14.3 General Meetings

- 14.3.1 A general meeting of SAQHA to be known as the Annual General Meeting ("AGM") shall be held once a year on such date and at such time and place as may be determined by the Board but not more than 90 calendar days after the end of the Financial Year.
- 14.3.2 The business of the AGM shall be –
- 14.3.2.1 to receive and consider the annual report of the Board, together with the duly audited balance sheet and financial statements of SAQHA as at the end of the previous financial year.
 - 14.3.2.2 to transact any other business which under this Constitution is required to be transacted at the AGM; and
 - 14.3.2.3 to consider any other matter for which due notice has been given in terms of Sub-clauses 14.3.3, 14.3.4 and 14.3.5.
- 14.3.3 A special general meeting ("SGM") of SAQHA may, at any time upon 30 days' written notice or sent electronically to members, be called:
- 14.3.3.1 by the Board; or
 - 14.3.3.2 by the President (or in his absence by the Vice-President); and
 - 14.3.3.3 upon a written requisition signed and addressed to the Secretary, by post or email, by not less than 10 (ten) members of SAQHA stating the business to be transacted at such meeting.
- 14.3.4 Not less than 60 days prior to the holding of the Annual General Meeting a preliminary notice of the date of the meeting shall be sent electronically or posted by the Secretary to every member. Any member intending to put forward any matter for discussion at the Annual General Meeting shall give written notice thereof by post or email to reach the Secretary not less than 35 days prior to the holding of the meeting. No subject put forward by any member shall be put on the agenda of the Annual General Meeting unless the requisite notice of motion has been given in terms of this sub-clause.
- 14.3.5 Not less than 30 days prior to the holding of any general meeting a final notice of the time, date and place of such meeting together with the agenda of such meeting shall be sent electronically or posted to each member of SAQHA.
- 14.3.6 No resolution shall be taken at a general meeting in respect of any matter unless notice thereof appears in the agenda sent to the members with the notice calling the meeting, unless such meeting agrees by two-thirds of the members present and entitled to vote, that any matter not specifically on the agenda, shall be discussed and voted upon.
- 14.3.7 Any general meeting may be adjourned by a two-thirds majority of the members present and who are entitled to vote at such meeting.

14.4 Chairperson

The President or in his absence, the Vice-President, shall preside at all meetings and should these office-bearers be absent from any meeting, the members present thereat shall adjourn the meeting for 30 minutes without prejudice and when the meeting is reconvened, 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 for the duration of that meeting.

14.5 Voting Procedures

All matters submitted to any meeting shall, save as is otherwise provided, be decided by the votes of the majority of those members present and entitled to vote and in the event of an equality of votes, the person presiding at the meeting shall have the casting vote as well as a deliberative vote. Voting at all meetings shall be by show of hands, unless voting by ballot is demanded by two-thirds of the members present and who are entitled to vote, in which event voting shall be by secret ballot.

14.6 Non-receipt of Notices

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

14.7 Quorums

14.7.1 Six members of SAQHA personally present and entitled to vote at the commencement of any general meeting shall form a quorum for such meeting and five Board members personally present at any Board meeting shall form a quorum for such Board meeting.

14.7.2 Any two members of the Executive Committee personally present at the commencement of any meeting of the Executive Committee shall form a quorum.

14.7.3 If at any meeting a quorum is not present, the meeting shall stand adjourned to a time (not being less than 21 days and not more than 30 days thereafter) and place determined by the members actually 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. 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 may declare to be of an urgent nature, and such adjournment for half and hour shall be without prejudice to the rights of the meeting after dealing with such urgent business to adjourn to a time, date and place as herein provided.

14.7.4 When a meeting has been thus adjourned, a notice shall be sent to all relevant members within 14 days after the adjournment, in which shall be stated the time, date and place to which the meeting has been adjourned and the reason for the adjournment.

14.8 Minutes of Meetings

14.8.1 A copy of the minutes and financial statements of all general meetings shall be submitted to AQHA and each member of SAQHA within 60 (sixty) calendar days of the general meeting.

14.8.2 Copies of the minutes of the Board and other subcommittees shall be supplied to all persons serving on the committee concerned within 10 (ten) calendar days of the meeting.

14.8.3 The minutes of all meetings approved at a subsequent meeting and signed by the President, Chairperson or the Presiding Official, 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.

- 14.8.4 Any person requesting a copy of the minutes of any meeting of SAQHA, shall receive such documents at the sole discretion of the Board.

15. FINANCIAL PROVISIONS

- 15.1 The Board shall cause one or more banking accounts to be opened in the name of SAQHA and any amounts accruing to SAQHA shall be deposited in such banking account or accounts as the Board may direct authorised by the Treasurer and President and/or the Vice President.
- 15.2 All payments from the funds of SAQHA shall be, signed by the Secretary, or a person appointed by the Board and approved by the Auditor, or such person or persons as the Board may authorise thereto in terms of Clause 13.1.17, provided that nothing herein contained shall prevent the Board from maintaining and operating a petty cash fund, or from paying such ordinary and usual monthly accounts as do not in total exceed a sum as determined by the Board.
- 15.3 The Board shall cause proper books of account of income and expenditure to be kept in respect of SAQHA. All accounts shall be audited from time to time, but not less than once every year by an auditor or auditors appointed by the Board.
- 15.4 All the assets of SAQHA shall be vested in the Board.
- 15.5 The income and property of SAQHA, from whatever source derived, including profits or gains, shall be applied solely to the promotion and furtherance of the objectives of SAQHA, and no part thereof shall be paid or transferred, directly or indirectly by way of dividend or bonus or otherwise, to any person: Provided that nothing herein contained shall prevent the payment in good faith of remuneration to any employee or other person/s for services rendered to SAQHA.
- 15.6 SAQHA's financial year shall end on the last day of December of each calendar year.
- 15.7 No person shall be allowed to raise funds, obtain sponsorship or collect money on behalf of SAQHA unless such individual is in possession of an original letter signed by either the President or Vice-President.
- 15.8 All donations of money intended for SAQHA must be deposited directly into a SAQHA account rather than paid directly to a third party.
- 15.9 Any expenditure of SAQHA funds shall require the approval of the President and/or Vice President. Such approval may be by electronic means.

16. AFFILIATIONS

SAQHA shall:

- 16.1 in accordance with the Act, be a member of the Association and shall maintain such membership on the conditions set out in the constitution of the Association; and
- 16.2 may further, by a majority vote of at least two-thirds of the members personally present, and entitled to vote, affiliate with or incorporate any association, society or organisation having aims and objectives kindred to those of SAQHA and AQHA as long as such association, society or organization is not subject to a South African law that conflicts with the Act or SAQHA's role as a Breeders' Society under the Act;
- 16.3 be affiliated to the parent body, AQHA, in the United States of America, and as such be subject to the Rules and Regulations governing International Affiliates of AQHA: Provided that such rules and regulations are not contradictory to, or in contravention of the Act, this Constitution, the constitution of the Association or South African Law.

17. ELECTION OF A REPRESENTATIVE/S TO THE ANNUAL GENERAL MEETING OF THE ASSOCIATION

The Board shall elect a representative or representatives to the Annual General Meeting of the Association in accordance with Clause 13.1.16.

18. AMENDMENTS TO THE CONSTITUTION

18.1 The Constitution may be added to or altered by a resolution approved by not less than two-thirds of the members present, and entitled to vote at a general meeting of SAQHA, at which meeting, the proposed addition to, alteration, variation or amendment of the Constitution, shall be presented: Provided that not less than 30 days' written notice has been given to each member of SAQHA.

18.2 No such addition to, alteration, variation or amendment of the Constitution, notwithstanding that it has been passed in the manner prescribed in Clause 18.1, shall be of any force or effect until confirmed and approved by the Association, in terms of the Act, and shall comply with and be submitted to the Association in the manner set out in its Constitution and approved by the Registrar.

18.3 Any amendment to the constitution will be submitted to the Commissioner for the South African Revenue Service.

19. OFFICE OF SAQHA

The office of SAQHA shall be at any centre as may be determined by the Board from time to time.

20. EMPLOYEES OF SAQHA

No employee of the SAQHA shall, except in the performance of his duties as such an employee, render any service or be connected with any business concerned with the purchase or sale of animals, semen or embryos. It must be noted that Officers, Board Members, the International Director, and Committee Chairs or Members are not employees of SAQHA.

21. DISSOLUTION OF SAQHA

If, upon the winding up or dissolution of SAQHA 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 SAQHA, but shall be given or transferred to such other institution or institutions having objectives similar to those of SAQHA as may be determined by a majority decision of a general meeting of SAQHA and which is itself exempt from income tax in terms of section 10(1)(cB)(i)(ff) of the Income Tax Act.

22. DELEGATION OF POWERS

Notwithstanding anything to the contrary in the Constitution, any member may under power of attorney, duly executed and filed with the Secretary, authorise another person to sign on his behalf any birth notification, application for registration, application for transfer, certificate of transfer, certificate of service, returns or reports or any other document in connection with the administration of a stud. Any such signature given by such an authorised person, shall be accepted by SAQHA as being as valid and binding as if it had been given by the member himself.

Provided that nothing herein contained shall entitle such authorised persons in any manner whatsoever to participate in the nomination of, or voting for, any member of Council on his principal's behalf.

23. NON-MEMBERS

Such privileges of membership as the Board may determine, may be conferred on non-members: Provided that there shall be no legal or other obligation on SAQHA to such non-members, and provided further that all fees payable in respect of any services rendered by SAQHA to non-members, shall be as determined by the Board and payable in advance.

24. AUTHENTIC VERSION OF THE CONSTITUTION

This Constitution and Schedules hereto having been drawn, submitted and considered in English, the English version shall be deemed to be the authentic version.

BYE - LAWS

1. HERD BOOK

The registration system of SAQHA shall consist of the Herd Book, be it computerised or in any other form, which shall be divided into two main sections, namely the Appendix Section and the Stud Book Proper Section, which shall be maintained and operated by the Association in terms of the Act. All animals registered in the Herd Book must comply with the registration requirements as detailed in the AQHA Official Handbook of Rules and Regulations: Provided that these do not contravene any stipulation of the Act as gazetted in South Africa.

1.1 APPENDIX SECTION

1.1.1 Appendix A

- (a) Any approved Jockey Club registered Thoroughbred female, is eligible as a dam for a foal to be registered in the Appendix A section of the Herd Book: Provided that she has been identified in accordance with Bye-law 3.
- (b) Any female or male out of a Stud Book Proper registered S A Quarter Horse female sired by a Thoroughbred stallion which is Jockey Club registered, is eligible for registration in the Appendix A section of the Herd Book: Provided that the foal has been identified in accordance with Bye-law 3; provided that the foal conforms to the minimum requirements as may be determined by the Board; and provided further that all male progeny be gelded and that no foals sired by such male prior to being gelded be eligible for registration.
- (c) Any female or male out of an approved Jockey Club registered Thoroughbred female sired by a Stud Book Proper registered S A Quarter Horse stallion, is eligible for registration in the Appendix A section of the Herd Book: Provided that the foal has been identified in accordance with Bye-law 3; provided that the foal conforms to the minimum requirements as may be determined by the Board; and provided further that all male progeny be gelded and that no foals sired by such male prior to being gelded be eligible for registration.

1.1.2 Appendix B

- (a) The female progeny of an Appendix A registered S A Quarter Horse female mated to a Stud Book Proper registered S A Quarter Horse stallion is eligible for registration in the Appendix B section of the Herd Book: Provided that she complies with all birth notification and registration requirements in terms of the Constitution; and provided further that she conforms to the minimum requirements as may be determined by the Board.
- (b) The male progeny of an Appendix A registered S A Quarter Horse female mated to a Stud Book Proper registered S A Quarter Horse stallion is eligible for registration in the Appendix B section of the Herd Book: Provided that he complies with all birth notification and registration requirements in terms of the Constitution; provided that he conforms to the minimum requirements as may be determined by the Board; and provided further that he be gelded and that no foals sired by such male prior to being gelded be eligible for registration.

1.1.3 Appendix C

- (a) The female progeny of an Appendix B registered S A Quarter Horse female mated to a Stud Book Proper registered S A Quarter Horse stallion is eligible for registration in the Appendix C section of the Herd Book: Provided that she complies with all birth notification and registration requirements in terms of the Constitution; and provided further that she

conforms to the minimum requirements as may be determined by the Board.

- (b) The male progeny of an Appendix B registered S A Quarter Horse female mated to a Stud Book Proper registered S A Quarter Horse stallion is eligible for registration in the Appendix C section of the Herd Book: Provided that he complies with all birth notification and registration requirements in terms of the Constitution; provided that he conforms to the minimum requirements as may be determined by the Board; and provided further that he be gelded and that no foals sired by such male prior to being gelded be eligible for registration.

1.2 STUD BOOK PROPER SECTION

- 1.2.1 The progeny of a S A Quarter Horse female registered in the Appendix C section mated to a Stud Book Proper registered S A Quarter Horse stallion shall be eligible for registration in the Stud Book Proper section of the Herd Book: Provided that it complies with all birth notification and registration requirements in terms of the Constitution; and provided further that it conforms to the minimum requirements as may be determined by the Board.
- 1.2.2 Progeny of a Stud Book Proper registered S A Quarter Horse female mated to a Stud Book Proper registered S A Quarter Horse stallion shall be eligible for registration in the Stud Book Proper section of the Herd Book: Provided that it complies with all birth notification and registration requirements in terms of the Constitution; and provided further that it conforms to the minimum requirements as may be determined by the Board.

2. PREFIX

- 2.1 No animal shall be accepted for birth recording or registration unless the breeder has previously, through SAQHA, registered with the relevant authority for his exclusive use, a prefix by which all animals bred by him and eligible for birth recording or registration shall be designated by which such animals shall be identified.
- 2.2 No prefix shall exceed 18 characters; be offensive in nature; or be the name of a city, town or post office in the Territory as these shall not be accepted for registration as a prefix.
- 2.3 Application for the registration of such prefix shall be made to the Secretary and shall be accompanied by such fee as may be prescribed by the Relevant Authority.
- 2.4 No transfer of a prefix shall be allowed from one breeder to another, except under such conditions and to such persons as are provided for in the Bye-laws to the Constitution of the relevant authority.

3. IDENTIFICATION

- 3.1 Detailed descriptions of colour markings and any scars and/or whorls, completion of prescribed graphic representation of all markings and DNA or any approved scientific method of confirming parentage shall be SAQHA's official system of "identification" for the uniform and permanent identification of all animals submitted for birth recording or for registration.
- 3.2 SAQHA must be notified in writing of any animal that has changed in colour. The certificate of the relevant animal must be submitted with such notification in order for the Association to effect necessary correction.

4. NAMES

- 4.1 In addition to the identification referred to in Bye-law 3, all live animals of which the births are notified and all animals offered for registration, must be explicitly named. The Board shall have the right to refuse any application in respect of an animal, which, in its opinion

cannot be clearly identified or is misleadingly named.

- 4.2 The name shall include the prefix registered in favour of the breeder, and exclusive of the prefix, shall not exceed 20 characters.
- 4.3 The name of any animal, once accepted for recording of its birth, shall not thereafter be changed or amended, except when the name reflects an obvious error, in which event it shall be permissible to amend the name only to the extent of correcting the error.

5. NOTIFICATION OF BIRTHS AND APPLICATION FOR REGISTRATION

- 5.1 The breeder of an animal born from a registered dam or one eligible for registration shall notify SAQHA within seven months of its birth. Births notified after such a period shall be accepted subject to the approval of the Board and on payment of a late notification fee as may be determined by the Board.
- 5.2 A birth notification/application for registration shall in the case of an animal which is eligible for registration include an application for registration. Whenever the Association receives a notification of the birth of a live foal which is eligible for registration, a registration certificate shall forthwith be issued.
- 5.3 No birth notification/application for registration of an animal shall be accepted unless the sire and dam at the time of service were more than 24 months old.
- 5.4 All births shall be notified in the format as approved by SAQHA and the Association, and copies thereof shall be kept by the breeder concerned for inspection and checking at all reasonable times by SAQHA.
- 5.5 In the event of multiple births, the breeder shall in addition to the particulars ordinarily required, also record on the birth notification/application for registration the number and sex of the other twin, triplets, etc., as the case may be.
- 5.6 Records shall be kept by the Association in the name of each breeder of all animals born whose births have been duly notified by the relevant breeder, and of such other details as may be determined by SAQHA.
- 5.7 The birth notification/application for registration shall contain a declaration in the following terms:

"I declare that the pedigree, breeding particulars and identification marks of the animals described herein are correct, and that all the requirements of the Constitution and the Act relating to birth notifications and applications for registration have been complied with."
- 5.8 The birth notification/application for registration shall also be accompanied, in the case of an animal imported *in utero*, by the necessary certificates confirming parentage of both the sire and dam, endorsed by the Herd Book Society (or body recognised by the Association) in the country of origin, to the effect that:
 - 5.8.1 the identity of the sire, as indicated by the said documents, is correct; and provide the DNA profile of the sire; and
 - 5.8.2 that the sire conforms to the minimum requirements as may be determined by the Board.

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

- 6.1 All animals which have been begotten through A.I. shall be eligible for registration: Provided that all requirements of the Act and the Constitution have been complied with and all forms have been completed and filed with the Secretary: Provided that if the animal begotten through A.I. was imported *in utero*, proof be provided that the semen donor was tested negative for all genetic diseases/conditions recognized by SAQHA and AQHA prior

to application for registration.

- 6.2 No birth notification/application for registration shall be accepted for the purpose of registration unless it is endorsed "Begotten by A.I." and the resulting foal is parentage verified prior to acceptance of the birth notification/application for registration.
- 6.3 SAQHA reserves the right through its officers to supervise and/or inspect the keeping of records in connection with A.I. by its members.
- 6.4 SAQHA and the Association reserve the right to refuse to register the progeny resulting from A.I. should any of these rules not be fully adhered to.
- 6.5 Subject to the provisions of the Act and compliance therewith, Breeders resident in the Territory outside South Africa who enjoy the privileges of registration of animals under the provisions of the Constitution, may apply for registration of progeny begotten by A.I.: Provided that the semen is obtained from a source approved by SAQHA; that the semen donor was tested negative for all genetic conditions recognized by SAQHA and AQHA; and provided further that the collection of semen, the handling thereof, the insemination of the animals and the maintenance of records shall be effected in such a manner as may be duly approved by SAQHA from time to time.
- freeze 6.6 SAQHA confirms the right of breeders, subject to the provisions of the Act, to collect, and store the semen of their own stallions for use in their own herds, and progeny resulting from the use of such semen shall be eligible for registration: Provided that –
- 6.6.1 complete details of the ownership of the sire concerned have been submitted to SAQHA;
- 6.6.2 the official laboratory number of the parentage control test of the sire has been submitted to SAQHA;
- 6.6.3 the collection and storage of the semen have been carried out in accordance with the requirements of the Act;
- 6.6.4 All required documentation has been properly completed and filed with the Secretary; and
- 6.6.5 all requirements of the Constitution in respect of birth notifications and registrations are complied with.
- 6.7 Semen of a stallion may only be used in accordance with the requirements of the Act.
- in 6.8 In the case of a transfer of a stallion (other than one approved for the collection of semen terms of the Act) from which semen has been collected, frozen and stored, the application for the transfer of such a stallion must be accompanied by a certificate signed by the seller indicating the number of doses of semen stored at the date of transfer.

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

- 7.1 All animals which have been begotten as a result of E.T. shall be eligible for registration: Provided that –
- 7.1.1 both the male and the female animals which gave rise to the embryo concerned, were approved for the purpose by SAQHA;
- 7.1.2 except in the case of an animal begotten as a result of E.T. and imported *in utero*, all the following documents are submitted to SAQHA within 30 calendar days of each embryo transfer:

- of
- 7.1.2.1 the certificates reflecting the official parentage control laboratory numbers of the male and female animals that gave rise to the embryo concerned;
- 7.1.2.2 a certificate signed by a veterinarian, an embryo transferor, or, in the case
intra-herd E.T., by the owner, to the effect that the provisions of the Act
have been complied with; and
- 7.1.2.3 in the case of an animal begotten from an imported ovum, a certificate issued by a competent body, recognised by SAQHA and the Association, in the country of origin, stating the names, identification and registration numbers of the ovum and semen donors, the date and place of collection, the number of viable ova collected, DNA Profiles and the date exported;
- 7.1.3 in the case of an animal begotten as a result of E.T. and imported *in utero*, the following evidence and documents endorsed by the Herd Book Society (or body recognised by SAQHA and the Association) in the country of origin are submitted to the Association within 30 days of the arrival of the recipient dam in South Africa, in accordance with the Act:
- 7.1.3.1 evidence of the service or insemination and flushing of the embryo donor;
- 7.1.3.2 evidence of the transfer of the embryo concerned and date thereof to the relevant recipient dam;
- 7.1.3.3 three-generation pedigrees of both donors;
- 7.1.3.4 parentage verification certificates of both donors;
- 7.1.3.5 evidence that both donors conform to the minimum requirements as may be determined by the Board;
- 7.1.3.6 proof that the male and female which gave rise to the embryo were tested and proven to be negative for all genetic diseases recognized by SAQHA and AQHA at the time of collection of the genetic material and prior to insemination.
- 7.1.4 a birth notification/application for registration in respect of an animal resulting from E.T. is submitted on the pre-printed birth notification form;
- 7.1.5 confirmation of parentage in each instance is supplied, unless otherwise
determined by SAQHA and the Association;
- 7.1.6 all other requirements of the Constitution in respect of birth
notifications/applications for registration and/or inspection are complied with.
- 7.2 SAQHA reserves the right through its officers to supervise and/or inspect the keeping of records in connection with the practice of E.T. by its members.
- 7.3 Breeders resident in the Territory outside South Africa who enjoy the privileges of registration of animals under the provisions of the Constitution, may apply for registration of progeny begotten as a result of E.T.: Provided that the fertilised ova are obtained from a source approved by SAQHA; and provided further that the collection of ova, the handling thereof, the inovulation of the animals and the maintenance of records shall be effected in such manner as may be duly approved by SAQHA from time to time.
- 7.4 SAQHA and the Association reserve the right to refuse to register the progeny resulting from E.T. should any of these rules not be fully adhered to.

- 7.5 The Board shall have the right to limit the number of progeny from a donor mare resulting from E.T. for registration.

8. GESTATION AND INTERFOALING PERIODS

- 8.1 The gestation period shall be approximately 348 days. The minimum acceptable gestation period shall be 324 days, and the maximum period shall be 370 days.
- 8.2 Any gestation or interfoaling periods outside these ranges shall not be recognised unless the parentage of the foal concerned is confirmed.

9. CONFIRMATION OF PARENTAGE

- 9.1 In order to confirm the parentage of an animal, SAQHA shall at any time have the right to insist on DNA or any approved scientific method of confirming parentage in any case of doubt:
- 9.2 In respect of the tests referred to in Bye-law 9.1 the owner of the animal concerned, as may be determined by the Board, shall bear the costs of the tests required.

10. REQUIREMENTS FOR REGISTRATION

- 10.1 The only requirements for the registration of an animal shall be the acceptance of a due and valid notification of its birth and DNA certificate or certificate of any approved scientific method whereby the parentage was confirmed: Provided that –
- 10.1.1 The registration of any animal which fails to comply with the minimum standards as determined by the Board shall be automatically cancelled by the Association;
- 10.1.2 any animal which is not approved during a stud or other inspection ordered by the Board in terms of Bye-law 11 shall be cancelled forthwith.
- In all cases where the animal's registration is to be cancelled, the owner shall be required to return the animal's registration certificate to the Association for cancellation.
- 10.2 Any animal of which the particulars supplied on the birth notification/application for registration form or accompanying certificates are open to question may, at the discretion of the Board, be debarred from registration.
- 10.3 No application for registration of a South African bred animal will be considered unless details of its birth have been duly recorded or are accepted for registration in terms of Bye-law 5, and
- 10.3.1 both its parents; or
- 10.3.2 its dam, in the case of an animal imported *in utero* or resulting from imported semen;
- have been registered by the Association.
- 10.4 The form of application shall –
- 10.4.1 be laid down by the Association; and
- 10.4.2 be endorsed by SAQHA to the effect that all the requirements of the Constitution in respect of registrations have been met.
- 10.5 An imported animal or one resulting from imported semen or an embryo shall be eligible for registration: Provided that the requirements of the Constitution including, mandatory genetic testing, have been complied with prior to import.
- 10.6 A pedigreed animal imported into the Territory shall be eligible for registration: Provided that the application for registration is accompanied by –
- 10.6.1 a certificate of registration or an export certificate issued by a Herd Book Society or

AQHA in the country of origin;

10.6.2 an official DNA profile issued by a body recognised by the Association;

10.6.3 evidence to the effect that the animal concerned conforms to the requirements as may be determined by SAQHA from time to time and approved by the Association, including proof that the animal has been tested negative for all genetic diseases/conditions recognized by SAQHA and AQHA at the time of application for an import permit;_ and

10.6.4 at the discretion of the Board, a report of the inspector confirming that –

10.6.4.1 the animal bears the permanent indelible identification as recorded on the registration or export certificate;

10.6.4.2 the animal was sold and left the seller's possession on the date stated and that the animal was shipped and/or transported to the Territory on the date stated; and

10.6.4.3 that the animal arrived on the applicant's farm/property on the date

stated.

10.7 Registration certificates shall be issued by the Association in respect of imported animals.

10.8 Animals resulting from the inovulation of imported ova in respect of which Bye-law 7 and all

other provisions of the Constitution have been complied with, shall be eligible for registration: Provided that such imported ova –

10.8.1 were collected by a competent body in the country of origin (approved by the Department: Animal Health of the National Department of Agriculture) from an animal which complies with the minimum requirements for the importation of ova determined by the Board and approved by the Association; and

10.8.2 if fertilised, shall have been fertilised with the semen of a sire which complies with the minimum requirements for semen donors as determined by the Board and approved by the Association; and.

10.8.3 official DNA profiles of both parents issued by a body recognised by the Association are provided.

10.9 Before progeny of a stallion may be registered in the South African Quarter Horse Herd Book, a licensed Veterinarian must inspect the stallion and provide the Breeder with a statement that attests to the fact that the animal is not a cryptorchid and is not parrot mouthed in accordance with the regulations of the Act. The original of that statement must be submitted to SAQHA prior to, or with, the first Stallion Breeding Report filed for that animal.

11. INSPECTION REQUIREMENTS

11.1 Minimum standards

Minimum standards for inspection shall be determined from time to time by the Board, in accordance with provisions in the Act.

11.2 Inspections and Duties of Inspectors

11.2.1 In terms of Clause 13.1.6 of the Constitution, the Board shall appoint official/s to fulfil the duties of inspectors to inspect all animals in terms of Clause 10 of the Bye-laws and upon application by the breeder concerned.

11.2.2 The inspectors shall inspect each eligible animal upon presentation of the registration certificate and shall satisfy themselves that the age, identification, and other details as appearing on the said certificate are correct and correspond with the animal offered for inspection. Furthermore, they shall satisfy themselves that

the animal conforms in all respects to the minimum standards as determined by the Board.

- 11.2.3 Inspectors acting on the instructions of the Board may at any time, without previous notice, carry out a general inspection of any breeder's herd.
- 11.2.4 Any breeder dissatisfied with an inspector's decision may lodge an appeal to the Secretary within three weeks after the inspection. Such appeal must be accompanied by a deposit of an amount as prescribed by the Board from time to time. A board of appeal appointed by the Board shall then re-inspect the animal or animals in question and, if the appeal is upheld, the relevant deposit shall be refunded less expenses incurred by the Board.
- 11.2.5 Except in cases referred to in Bye-law 11.2.3, timeous notice shall be given to breeders of an intended visit by an inspector.
- 11.2.6 Special inspections can only be carried out by permission of the Executive Committee if such inspectors are available and if the applicant agrees to pay the fees payable in respect of special inspections as laid down by the Board from time to time.
- 11.2.7 Compulsory inspection of all animals offered for sale at a SAQHA National Sale shall be done by an independent inspector appointed by the Board for this purpose.
- 11.2.8 Voluntary inspection of stallions and mares will be carried out by an international accredited AQHA Judge designated to do so at such time and place as will be determined by the Board. Costs of such inspections will be for the account of the member requesting the inspection.
- 11.2.9 No breeder shall act as an inspector of his own animals.

12. REGISTRATION CERTIFICATES

12.1 Original Certificates

- 12.1.1 Registration certificates to be issued in respect of any animal may, with the consent of the Association, be in the form desired by SAQHA.
- 12.1.2 All registration certificates issued by the Association in respect of animals begotten by artificial insemination shall bear the letters "AI" behind the names of the animals appearing on such certificates.
- 12.1.3 All registration certificates issued by the Association in respect of animals begotten by embryo transfer shall bear the letters "ET" behind the names of the animals appearing on such certificates.

12.2 Alterations or Additions to Registration Certificates

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

12.3 Duplicate Registration Certificate

The Association may upon written application, accompanied by a statement by the applicant setting out all the relevant circumstances, issue a duplicate or replacement of any registration certificate or birth notification list issued by the Association, which has been mislaid, mutilated or lost: Provided that such application shall be made by the person in whose name the animal concerned was last registered or recorded.

12.4 Cancellation of Registration Certificates and Reinstatement of Animals

12.4.1 The Board may direct the Secretary to apply to the Association for the cancellation of the registration of any animal which has –

- 12.4.1.1 been birth recorded or registered by mistake;
- 12.4.1.2 been birth recorded or registered on the strength of false or fraudulent information supplied by the owner;
- 12.4.1.3 been birth recorded or registered [after the owner has failed to comply with any relevant Bye-law; or
- 12.4.1.4 failed to meet minimum breed standards as may be determined by the Board from time to time;

and to notify the breeder or owner accordingly.

12.4.2 A registration or recording certificate of an animal issued by the Association shall be returned to the Association for cancellation and/or endorsement within 60 days after its death, culling, castration, spaying or other circumstances requiring the certificate's cancellation or endorsement in terms of the Constitution of SAQHA or that of the Association.

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

12.4.4 In the event of the registration certificate of an animal having been cancelled, such animal may be reinstated in the records of the Association only on recommendation of SAQHA: Provided that the application for the reinstatement is made by the person who applied for the cancellation of the birth or registration certificate. The reinstatement of any such animal shall be effected upon payment of such fee as may be determined by the Board from time to time.

12.5 Certificates of Extended Pedigree

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

13. TRANSFER OF ANIMALS

13.1 For the purpose of this Bye-law "transfer" means any transaction whereby any person acquires the right to sole ownership of an animal, or to any share or additional share of the ownership of an animal, and the relinquishment of any share in the ownership of such animal.

13.2 Any seller who transfers sole ownership or part ownership of an animal shall within 30 days of the date of such transfer, furnish –

13.2.1 SAQHA with a registration certificate of the animal concerned, with the details of the transfer duly completed on a transfer report; and

13.2.2 SAQHA with the prescribed fee as may be determined by the Board from time to time: Provided that should such application be received by SAQHA more than 30 days, but within 60 days, or within 90 days after such transfer, the fees payable in respect of such transfer shall be respectively double and treble the prescribed transfer fee. Any application for such transfer, received by SAQHA more than 90 days after such transfer, shall be accepted and dealt with by SAQHA subject to such fees as it may determine by the Board, from time to time.

13.3 In the case of sole ownership, the date of transfer shall be deemed to be the date on which

the animal left the seller's possession.

- 13.4 If the animal to be transferred is –
- 13.4.1 a pregnant female, the seller shall, together with his application for transfer, furnish SAQHA with the name, identification number and registration number of the stallion by whom she was served together with the service date/s, or of the stallion with whose semen she was inseminated, and the insemination date/s, whichever the case may be;
- 13.4.2 a recipient dam, the application for transfer shall be accompanied by the necessary documentation in compliance with Bye-law 6.
- 13.5 Should the seller for any reason whatsoever fail or refuse to take any steps to effect such transfer, including failing or refusing to deliver the original birth notification or registration certificate and should the buyer be willing to pay such fees as may be laid down by the Board, the Board may take such steps as it deems fit in order to effect the transfer.
- 13.6 No alteration to an already recorded transfer date shall be effected unless an application to that effect, duly signed by the buyer and the seller concerned is made to the Association.
- 13.7 In all cases of transfer between spouses or as from parent to child, or child to parent (including children-in-law and grandchildren) whether by way of sale, donation or inheritance, only half the prescribed transfer fee shall be payable.

14. JOINT OWNERSHIP OF ANIMALS

- 14.1 When an animal is transferred to joint owners, the full name and address of each joint owner shall be submitted to the SAQHA.
- 14.2 The joint ownership and use of animals is subject to the provisions of the Act.

15. REFUSAL OF APPLICATIONS

- 15.1 SAQHA may request the Association to refuse to accept applications from any person who has intentionally supplied false, inaccurate or misleading information or who has negligently failed to supply any information or particulars which it was his duty to supply within a reasonable time.
- 15.2 Whenever SAQHA or the Association has refused to accept applications from any person, SAQHA may, in addition, request the Association to cancel any or all previous entries made in the Herd Book on behalf of such person.
- 15.3 SAQHA shall not take any action under Bye-laws 15.2 and 15.3 except after an investigation by a commission consisting of the President and/or Vice-President and two other members appointed by the Board, and in accordance with the recommendation of that commission.

16. IMPORTATION AND EXPORTATION OF ANIMALS, SEMEN OR OVA

- 16.1 Applications to import or export animals, semen or ova shall, in terms of the Act, be submitted in triplicate, on forms available from the Registrar, to SAQHA, together with the prescribed fee; SAQHA shall forward two copies together with its recommendation thereto, and the required documents reflecting the details referred to in Bye-law 16.2, to the Registrar.
- 16.2 The Board shall determine minimum requirements for the importation and exportation of animals, semen and ova in terms of Clause 13.1.20 of the Constitution, and no such importation or exportation shall be recommended to the Registrar by SAQHA unless the said requirements are complied with, and that documentation proving that animals, donors of genetic material, or the sire of a foal *in utero* were tested negative for all genetic conditions recognized by SAQHA and AQHA before the application for import was submitted including, but not limited to animals tested negative for HYPP, HERDA GBED, PSSM1, MH and CEM.

- 16.3 Imported animals and animals resulting from the importation of semen or ova which comply with the minimum requirements referred to in Bye-law 16.2 and the requirements of the Constitution shall be eligible for registration.
- 16.4 The Association may, upon application, issue export certificates in respect of animals, foals *in utero*, semen or ova in the form desired by SAQHA and approved by the Association.