



Santa Gertrudis Namibia

Constitution

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DEFINITIONS

1. Words and phrases in this Constitution shall have the following meanings unless a contrary meaning clearly appears from the context –
 - (a) **“Act”** means the Livestock Improvement Act, 1977 (Act 25 of 1977) and Livestock Improvement Amendment Act, 1993 (Act 25 of 1993) as amended from time to time, or any other Act which is substituted therefore and includes the regulations;
 - (b) **“Association”** means the Namibian Stud Breeders’ Association;
 - (c) **“birth”** means the birth of a Santa Gertrudis calf;
 - (d) **“birth recording”** means the procedure whereby the birth of a Santa Gertrudis is placed on the records of the Association;
 - (e) **“breeder”** (of a Santa Gertrudis) means a member of the Society, who is the owner of -
 - (i) the dam at the date of birth of a Santa Gertrudis;
 - (ii) an animal at date of application for registration in the first section of the Appendix;
or
 - (iii) a breeding female animal at the time of natural or artificial conception;
 - (f) **“breeder or person resident in the Territories”** means that the herd/s of such breeder is/are domiciled in the Territories and not necessarily that the breeder/person himself is resident in the Territories;
 - (g) **“buyer”** means the person or persons to whom ownership/joint ownership of a Santa Gertrudis animal is transferred by the seller of such animal;
 - (h) **“Constitution”** means the Constitution (inclusive of the Bye-laws) of the Society;
 - (i) **“Council”** means the Council of the Society;
 - (j) **“Ministry”** means the Ministry or Departments charged with the administration of the Act;
 - (k) **“embryo”** means a fertilized ovum of a Santa Gertrudis;
 - (l) **“Herd Book”** means the Herd Book of the Society in which shall be inscribed the details of all Santa Gertrudis’;
 - (m) **“inspector/s”** means a person/s appointed by Council for the purpose referred to in Clauses 9.25, 9.26 and 9.27;
 - (n) **“Minister”** means the Minister of the relevant Ministry;
 - (o) **“ovum”** means the ovum of a Santa Gertrudis and includes an embryo;
 - (p) **“owner”** (of a Santa Gertrudis) means the person who -

- (i) according to the records of the Association possesses the Santa Gertrudis concerned; or
 - (ii) submits proof to the satisfaction of Council that the animal concerned is eligible to be birth recorded or registered in his name;
- (q) **“registering”** refers to the procedure by which the Association inscribes the records of Santa Gertrudis in the Herd Book, or by which a prefix or herd designation mark is placed on the records of the Association;
- (r) **“Registrar”** means the officer designated as Registrar of Livestock Improvement in terms of the Act;
- (s) **“Namibia”** means the Republic of Namibia;
- (t) **“Secretary”** means the secretary, for the time being, of the Society;
- (u) **“seller”** means the person or persons being the owner/joint owner/s of a Santa Gertrudis animal according to the records of the Association, or in the case of an imported animal, the owner in the country of origin, who disposes of such animal;
- (v) **“semen”** means the semen of a Santa Gertrudis;
- (w) **“Society”** means the Santa Gertrudis Cattle Breeders’ Society of Namibia;
- (x) **“Namibian bred Santa Gertrudis”** means a Santa Gertrudis born in or whilst in transit to the Territories : Provided that a Santa Gertrudis born from an imported ovum or embryo shall be regarded as an imported Santa Gertrudis;
- (y) **“Santa Gertrudis”** means a bovine registered or eligible for registration in the Herd Book and the words “Animal/s”, “Cattle”, Calf/Calves”, “Dam/s”, “Female/s”, Bull/s”, “Male/s” and “Sire/s” shall have the same meaning; and
- (z) **“Territories”** means Namibia and such other countries as the Society may from time to time 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, and words in the singular shall include the plural, and words in the plural shall include the singular.

CONSTITUTION

1. NAME OF THE SOCIETY

The name of the Society is the Santa Gertrudis Cattle Breeders' Society of Namibia.

2. OBJECTIVES

Subject to the provisions of the Act and of this Constitution, the objectives of the Society shall be:-

- 2.1 The promoting, breeding, recording or registration, genetic improvement and use of Santa Gertrudis animals in Namibia and Territories;
- 2.2 The determination and the application of breed standards, in its sole discretion, for the purpose of recording and registration of Santa Gertrudis animals bred or imported into Namibia;
- 2.3 The continued commitment to animal improvement;
- 2.4 To encourage the expansion of the Santa Gertrudis breed by means of promotion, marketing campaigns and sales;
- 2.5 To promote participation of Santa Gertrudis cattle at shows; to nominate judges who have been approved by Council as qualified and competent to judge the breed; and to encourage agricultural show societies to appoint only judges certified as such the Council;
- 2.6 To safeguard and advance the common interests of stud breeders in Namibia and Territories, and generally to give effect to the objectives contemplated by the Act.
- 2.7 The Society will not:-
 - 2.7.1 carry on any profit making activities; or participate in any business, profession or occupation carried on by any of its members, or provide any financial assistance, premises, continuous services, or facilities to its members for the purpose of carrying on any business, profession or occupation;
 - 2.7.2 have the power to carry on any business, including, *inter alia*, ordinary trading operations in the commercial sense, speculative transactions and dividend stripping activities as well as the letting of property on a systematic or regular basis.

3. POWERS OF THE SOCIETY

Subject to the terms of the Constitution, the Society shall have the power:-

- (a) to carry out such functions and perform such duties as are or may be imposed upon it under the Act; and
- (b) specifically to make provision in the bye-laws:-
 - (i) that before any information with reference to an individual animal is accepted and the animal is registered or recorded, such information shall be subject to verification in respect of the correctness of parentage, the inter birth cycle of the dam, the ownership of the parents at the time of serving and the birth of the animal; and

- (ii) for the manner of verification of all registration particulars, the manner in which records are created and kept, and that the contents of the records shall comply with the requirements determined by the Registrar, in consultation with all other registering authorities; and
 - (iii) for the applicable fees, if any, for the registration of prefixes and suffixes.
- (c) generally to do all such acts as a body corporate may by law perform, and which the Society may deem necessary for the attainment of its objectives.

4. MEMBERSHIP

4.1 Eligibility

Subject to the provisions of Clause 4.2.6, the membership of the Society shall be limited to persons above the age of 18 years.

4.2 There shall be the following classes of members:

4.2.1 Ordinary Members

Persons resident in Namibia and Territories, who are engaged, directly or indirectly, in the breeding of Santa Gertrudis, shall be eligible for membership of the Society as Ordinary Members. For the purposes of this sub clause a company, close corporation, partnership, trust or body corporate shall be deemed to be a person and, subject to Clause 4.3, be eligible for Ordinary Membership of the Society.

4.2.1.1 Persons who are active stud breeders of Santa Gertrudis shall be termed Active Ordinary Members. Active Ordinary Members shall have the right to vote at meetings and be eligible for election to Council.

4.2.1.2 All other Ordinary Members shall be termed Non-Active Ordinary Members with no voting powers.

4.2.2 Honorary Life Members

For exceptional services in the interest of the Santa Gertrudis breed, a person may at an Annual General Meeting be elected as Honorary Life member, who shall enjoy all the rights and privileges of membership, including the right to vote at any meeting of the Society, and the right to be elected to Council: Provided that no person shall be eligible for Honorary Life membership unless recommended by Council.

4.2.3 Special Honorary Members

Any person not actively engaged in the breeding of Santa Gertrudis may be elected a Special Honorary Member by Council, upon such conditions as Council may determine : Provided that a Special Honorary Member may not vote at meetings of the Society and shall not be eligible for election to Council.

4.2.4 Junior Members

Persons under the age of 18 years may become Junior Members on approval of Council, subject to their parents or guardian countersigning the application and accepting full responsibility for the financial and other commitments towards the Society on behalf of such Junior Members. Junior Members may not vote at meetings of the Society and are not eligible for election to Council.

4.3 Company, Close Corporation, Partnership, Trust or Body Corporate

- 4.3.1 A company, close corporation, partnership, trust or body corporate applying for Ordinary Membership shall disclose to the Society 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 the Society with the name and address of the person appointed by it to act as its representative at meetings of the Society. Such person shall have the right to nominate an alternate in writing, which nomination shall be handed to the Secretary not later than the time of the meeting at which such alternate will be present.
- 4.3.2 All communications addressed to such authorized representative referred to in Clause 4.2.1 shall be deemed to be duly served upon the company, close corporation, partnership, trust or body corporate, and at all meetings at which such authorized representative is in attendance on behalf of the company, close corporation, partnership, trust or body corporate, such company, close corporation, partnership, trust or body corporate shall be deemed to be duly represented.
- 4.3.3 The principal person so appointed to represent such company, close corporation, partnership or body corporate shall be eligible for election to Council in terms of Clause 8.
- 4.3.4 The liquidation of a company or close corporation and the dissolution of a partnership, trust or body corporate shall automatically result in the termination of its membership of the Society, provided that –
- (a) all amounts owing to the Society as at the date of liquidation or dissolution shall be recoverable by the Society from the liquidator of such company or close corporation or from the members (either jointly or severally) of such partnership, trust or body corporate;
 - (b) the liquidator of such company or close corporation and the members of such partnership, trust or body corporate shall be obliged to discharge all the obligations of such company, close corporation, partnership, trust or body corporate in respect of registrations, transfers and whatever obligations the company, close corporation, partnership, trust or body corporate would have had to discharge as a member of the Society; and
 - (c) whatever fees may become due and payable as a result of herd fees, registrations, transfers or other obligations, which have of necessity to be fulfilled after such automatic termination of membership, shall be raised on the scale payable by Ordinary Members.

4.4 Registered Breeders

- 4.4.1 Any person over the age of 18 years, including a company, close corporation, partnership, trust or body corporate, resident in Namibia, excluded in Clause 4.2.1, who is directly or indirectly engaged in the breeding of Santa Gertrudis', shall be eligible to register with the Society as a "Registered Breeder".
- 4.4.2 With the exception of the following rights:-
- (a) to vote at general meetings of the Society, and
 - (b) to be eligible for election to Council

all the provisions of the Constitution in respect of persons applying to be admitted or already admitted as members and all the rights, privileges and obligations of such members as set out in the Constitution shall mutatis-mutandis apply to all persons applying to be registered or already registered with the Society as Registered Breeders.

4.5 Application for Membership

- 4.5.1 Application for Ordinary or Junior membership of the Society shall be made to the Secretary in writing in such form as may be prescribed by Council, and shall be accompanied by the relevant subscription and/or entrance fees as may be determined by Council from time to time.
- 4.5.2 Council may admit and applicant to membership of the Society either unconditionally or on such conditions as it may determine, or it may refuse admission to membership without disclosing any reason for such refusal. At each Council meeting the Secretary shall submit the names of new applicants whose membership must be confirmed or refused by Council.
- 4.5.3 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.

4.6 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 the Society shall be personal to himself and shall not be transferable or transmissible either by his own act or by operation of law. They shall include the following rights:-

- (a) to receive all reports and other matters published by the Society for distribution amongst members;
- (b) with the exception of Non-Active Ordinary members and Special Honorary Members, to apply for the registration of Santa Gertrudis under the Society's rules;
- (c) to attend all general meetings of the Society and in the case indicated above the right to vote at such meetings and the right to be nominated as an officer of the Society;
- (d) executors of deceased estates, trustees of insolvent estates and liquidators of companies, close corporations and trusts shall not have the right to vote or to be elected to Council;
- (e) to receive expert technical advice on Santa Gertrudis matters from the Society's inspectors and officials if available at a fee to be determined by Council; and
- (f) to consult and use the Society's official reports

5. SUBSCRIPTION AND FEES

- 5.1 The amounts payable to the Society in respect of all subscriptions, fees or any other dues and commissions shall from time to time be determined by Council and confirmed by a majority vote at the ensuing Annual General Meeting of the Society.
- 5.2 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 arrear, if unpaid within 30 days.

- 5.3 Any member whose subscription is in arrear, or who is indebted to the Society in respect of any fees or dues, for a period longer than 30 days after a written demand for payment thereof has been addressed to him by registered letter by the Secretary, shall automatically forfeit his membership of the Society: 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.
- 5.4 Council may cause an interest charge to be levied and collected on arrear accounts at a rate determined by Council from time to time.
- 5.5 Any member, who, for any reason whatsoever, has ceased to be a member of the Society, shall remain liable for all amounts due to the Society, as at the date on which his membership ceases.
- 5.6 Should an account be in arrear and should such account be handed over to a firm of attorneys for collection, then the member concerned shall be liable to the Society for payment of all legal charges, collection, and attorney and client costs incurred, in addition to the principal amount, interest, fines and penalties owing to him.

6. RESIGNATION AND EXPULSION OF MEMBERS

- 6.1 Any member may resign from the Society by giving not less than one month's written notice by registered mail to the Secretary: Provided that such resignation shall not take effect before and until all moneys owing to the Society by such member have been paid, and until such member has discharged all his obligations in respect of registrations, transfers or any other obligation he would have had to discharge as a member of the Society.
- 6.2 Council may expel and/or terminate the Society's services to any member who –
- 6.2.1 has acted in any manner which in the opinion of Council is or may be prejudicial to the interests of the Society or any of its members;
- 6.2.2 has infringed any provision of the Constitution; or
- 6.2.3 has been found guilty of an offence under the Act:
- PROVIDED that no proceedings for expulsion in terms of Clause 6.2 shall be initiated against any member of the Society unless the Secretary has at least 30 days prior to the date of the Council meeting at which such 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 authorized representative his side of the case at such meeting of Council.
- 6.3 Any member who has forfeited his membership in terms of Clause 5.3 or who has been expelled in terms of Clause 6.2 shall be notified by the Secretary in writing within a period of 21 day from the date upon which the resolution affecting his expulsion was passed, or upon which his membership was forfeited.
- 6.4 Where a member has forfeited his membership in terms of Clause 5.3 or has been expelled in terms of Clause 6.2 –
- 6.4.1 from the date of his expulsion, no birth notification/application for registration or transfer of any animal bred and owned by the expelled member shall be accepted; and

- 6.4.2 Council may at its discretion direct the Secretary forthwith to remove from the Herd Book and any other registers or records of the Society, the name of such member, and to apply to the Association for the cancellation of all registrations effected by it, in respect of animals bred by such member and owned by him at the date on which his membership was terminated. The Secretary shall moreover call upon the expelled member forthwith to deliver to the Society the registration certificates in respect of all animals bred and owned by him at the date of his expulsion.
- 6.5 A person, who, for whatever reason, has ceased to be a member of the Society, may thereafter again be admitted to membership, upon application made in terms of Clause 4.5.

7. REGISTER OF MEMBERS

- 7.1 The Society shall keep a register of all members reflecting the date of their admission to membership, their postal addresses, e-mail addresses, any amounts received from them and the dates of payment, and arrears, if any, which may be due.
- 7.2 Every member shall communicate in writing to the Secretary any change of his postal address, e-mail addresses and all notices or publications posted to the registered address of a member shall be considered as duly delivered to him.
- 7.3 Communications consigned by registered or certified mail to members by the Secretary shall be binding.
- 7.4 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.

8. ELECTION OF OFFICERS

- 8.1 The affairs of the Society shall be controlled and administered by a Council consisting of seven members, including the President and Vice President, elected by the Annual General Meeting or Special General Meeting called for the purposes:-
- 8.1.1 A President elected by ballot who will hold office for a period of one year, after which he will be eligible for re-election. No elected President may hold office for more than four successive years. He is, however, eligible for re-election to the office of President after a break of one year.
- 8.1.2 A Vice-President who will similarly be elected for a term of one year, after which he will also be eligible for re-election. No elected Vice-President may hold office for more than four successive years. He is, however, eligible for re-election to the office of Vice-President after a break of one year.
- 8.2 At each Annual General Meeting of the Society one half of the members of Council shall retire from office. In every subsequent year the one-half who have been longest in office shall retire. The length of time a member has been in office shall be computed from his last election. A retiring member shall be eligible for re-election.
- 8.3 Should any member of Council be medically unfit, die, resign or cease to be a member of the Society, Council may appoint another member of Society as his substitute until the next election of Council takes place. Council shall be deemed to be duly constituted and shall

continue exercising all the powers conferred upon it, notwithstanding any vacancies in its body.

- 8.4 A member of Council absenting himself from two consecutive meetings without leave, or other satisfactory reason, shall automatically vacate his seat and cease to be a member of Council.
- 8.5 A member of Council absenting himself from Namibia and Territories or a period of six month without leave of absence from the President, shall automatically vacate his seat and cease to be a member of Council.
- 8.6 The Annual General Meeting may on the recommendation of Council elect any member as a Life President or as a Life Vice-President of the Society. No more than one person may hold the office of Life President at one time, and no more than two the office of Life Vice-President. Any person so elected shall *ex officio* be a member of Council, but shall not have the right to vote.
- 8.7 There shall be a Secretary to the Society who shall attend all meetings of the Society and have the right to participate in any discussions at such meeting, but shall not have the right to vote on any question or resolution at such meetings, provided that such person is not a member of Council
- 8.8 In the event of the office of the President or Vice-President becoming vacant before the expiration of the period for which he was elected, Council shall at its first ensuing meeting, by ballot or in such manner as the meeting may determine, elect another of its members to fill the vacancy for the unexpired portion of that period.
- 8.9 The Executive Committee of Council, with powers delegated by Council, shall consist of the President, Vice-President and one Council member appointed by Council. All actions or decisions of the Executive Committee must be confirmed at the ensuing Council meeting.

9. POWERS AND DUTIES OF COUNCIL

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

- 9.1 to appoint, dismiss or suspend such attorneys, or other legal representatives, agents, auditors, officers or officials or other employees for 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;
- 9.2 to institute, conduct, defend, compound or abandon any legal proceedings by or against the Society or against any of its officers or officials or other employees in connection with the affairs of the Society, and to compound or allow, or ask for time for payment or satisfaction of any debts due to or any claim or demand by or against the Society;
- 9.3 to open one or more banking accounts in the name of the Society, and to draw, accept, endorse, make or execute any bill of exchange, promissory note, cheque or other negotiable instrument in connection with the conduct of the affairs of the Society;

- 9.4 to invest or in any other manner deal with any moneys not immediately required for the purpose of the Society, upon such securities and on such terms as it may deem fit, and from time to time change or realize any such investments;
- 9.5 to lend or borrow money for the purposes of the Society upon security as determined by it;
- 9.6 to enter into indemnities, guarantees and suretyships and to secure payment thereunder in any way; to make donations; and to undertake and execute any trust; to secure the payment of moneys borrowed in any manner, including the mortgaging and pledging of property, and, without detracting from the generality thereof, in particular by the issue of any kind of debenture or debenture stock, with or without security;
- 9.7 to purchase, hire, take on lease or acquire for the purpose of the Society, buildings, land, goods, chattels and effects; to sell, mortgage, pledge, let, alienate or otherwise dispose of any movable or immovable property belonging to the Society, and to apply the consideration arising therefrom in such a manner as it may consider to be to the best advantage of the Society;
- 9.8 to manage, insure, sell, lease, mortgage, dispose of, give in exchange, work, develop, build on, improve, turn to account or in any way otherwise deal with all, or any part, of the Society's property and assets;
- 9.9 to remunerate any person or persons for services rendered; and to establish schemes for the provision of pensions, gratuities and other incentives for its office-bearers and employees;
- 9.10 for the better and more convenient conducting and fulfillment of the business of the Society, 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 the Society;
- 9.11 to pay all costs and charges in connection with the administration and management of the affairs of the Society;
- 9.12 from time to time, subject to the provisions of Clause 5, to adjust or revise subscriptions, fees or dues, to prescribe any such additional fees or dues as it may deem necessary, and to grant discounts on subscriptions, fees or dues;
- 9.13 to collect and receive subscriptions, fees, donations, other dues and funds, and to devote same towards the object of the Society;
- 9.14 to receive and consider applications for memberships in terms of Clause 4.5, and to accept or refuse such applications at its discretion, to recommend persons for Honorary Life Membership in terms of Clause 4.2.3; to elect Special Honorary Members in terms of Clause 4.2.4; and to recommend the election of a Life Vice-President in terms of Clause 8.4;
- 9.15 in accordance with Clause 5.3, to refuse inspection, registration and other work for members whose accounts are overdue;
- 9.16 to terminate the membership of any person in accordance with Clause 6;
- 9.17 to convene a general meeting of the Society in terms of Clause 10.2.3(a), or any other meeting of the Society if it is deemed necessary;

- 9.18 to frame, alter and rescind rules and regulations for conducting the business and carrying out the objects of the Society;
- 9.19 to frame or amend any Schedule pertaining to the Constitution as may be deemed necessary from time to time;
- 9.20 to investigate disputes arising out of the application of the Constitution and to give decisions in regard thereto;
- 9.21 to impose and exact such penalties as may be deemed expedient from time to time for contravention or infringement of the Constitution, rules and regulations of the Society;
- 9.22 to grant leave of absence to any member of Council or any official or employee of the Society, for such period and upon such terms as it may in each case determine;
- 9.23 to co-opt the services of any member of the Society or other person and to appoint persons to sub-committees upon such terms and with such powers as it may from time to time deem expedient: Provided that the President and Vice-President of the Society shall be members ex officio of all sub-committees with full rights and privileges;
- 9.24 to elect a representative/s to the Council of the Association in terms of Clause 13; and to nominate a person or persons to represent the Society on any committee, body or organization as may be necessary;
- 9.25 to appoint or discharge inspectors for the inspection of Santa Gertrudis animals submitted for registration and for such other purposes as members of the Society may require the service of such inspectors, and to give such inspectors instructions and powers in regard to their duties for the purpose of ensuring that the objectives of the Society are being carried out;
- 9.26 to draw up a "Standard of Excellence" and to lay down minimum performance and other standards by which:-
- (a) animals shall be inspected by inspectors for the purposes of registration;
 - (b) applications for importation and exportation of animals, semen and ova shall be recommended;
 - (c) semen and ovum donors shall be approved for embryo transfer purposes; and
 - (d) bulls shall be recommended for approval for the sale of semen, according to the Act;
- 9.27 to order an investigation by inspectors of the Society in any case where records are not properly kept or where any doubt may 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 the Society;
- 9.28 to organize judges' courses and examinations, and in its discretion to appoint successful candidates as official Santa Gertrudis judges; and, in accordance with Clause 2.5, to encourage show societies to appoint such judges to judge Santa Gertrudis;
- 9.29 to organize and promote sales of Santa Gertrudis, either by public auction or private treaty and for such purpose appoint auctioneers and agents and to charge commission on such sales; and
- 9.30 generally to perform all such acts as may be necessary for the welfare of the Society and the conduct of its affairs: Provided always that any actions taken or instructions given shall not be contrary to the terms of the Constitution.

10. MEETINGS

10.1 Council Meetings

- 10.1.1 Council shall meet at such time and place as it may from time to time determine, or as may be decided upon by the President: Provided that not less than two Council meetings shall be held in each financial year.
- 10.1.2 A special Council Meeting:-
- (a) may be called by the President (or in his absence by the Vice-President) at such time and place as such office-bearer may decide, or
 - (b) shall be called upon a requisition signed and addressed to the Secretary, by not less than four members of Council stating the reasons for such meeting.
- 10.1.3 Not less than 21 days prior to the holding of a Council meeting, written notice or e-mail notice of the time, date and place of such meeting shall be posted or forwarded by the Secretary to each member of Council.
- 10.1.4 No resolution of Council 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 21 days' notice specifying the intention to vary or rescind has been given to all Council members: Provided that a resolution may be varied or rescinded without such notice if all members of Council are present and so decide.

10.2 General Meetings

- 10.2.1 A general meeting of the Society to be known as the Annual General Meeting shall be held once a year at such time and place as may be determined by Council, but not later than four months after the end of the financial year.
- 10.2.2 The business of the Annual General Meeting shall be –
- (a) to receive and consider the annual report of Council, together with the duly audited financial statements of the Society as at the end of the previous financial year;
 - (b) to appoint auditors, to fix their remuneration and to determine their conditions of appointment;
 - (c) to transact any other business which under this Constitution is required to be transacted at the Annual General Meeting; and
 - (d) to consider any other matter for which due notice has been given in terms of Sub-Clauses 10.2.4, 10.2.5 and 10.2.6 below.
- 10.2.3 A special general meeting of the Society may, at any time upon 30 days' written notice or e-mail notice to members, be called:-
- (a) by Council;
 - (b) by the President (or in his absence by the Vice-President);
 - (c) shall be so called, upon a written requisition signed and addressed to the Secretary by not less than ten members of the Society, stating the business to be transacted at such meeting.
- 10.2.4 Not less than 60 days prior to the holding of the Annual General Meeting a preliminary notice of the time, date and place of the meeting shall be posted or e-mailed 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 or e-mail notice thereof to reach the Secretary not less than 40 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 requisite notice of motion has been given in terms of this sub-clause.

- 10.2.5 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 posted or e-mailed to each member of the Society.
- 10.2.6 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.
- 10.2.7 Any general meeting may be adjourned by a two-thirds majority of the members present thereat and entitled to vote.
- 10.3 The President, or in his absence, the Vice-President or the Life Vice-President, in this order, shall preside at all meetings, and should all these office-bearers be absent from any meeting, the members present thereat shall elect another member to preside at such meeting, and any person so elected shall in relation to that meeting, have all the powers and fulfill all the duties of the President.
- 10.4 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 a casting vote as well as a deliberative vote.
- 10.5 Voting at all meetings shall be by show of hands unless voting by ballot is demanded by two-thirds of members present and entitled to vote, in which event voting shall be by secret ballot.
- 10.6 No business, which is 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.
- 10.7 Notwithstanding anything to the contrary contained herein members shall have the right to vote by proxy at any Annual General meeting: Provided the proxy is executed in such form as may be determined by Council; and provided that no member shall represent more than one member by proxy, and provided further that no proxy shall be valid unless it is received by the Secretary in the proper and approved form not less than seven days before the date of the relevant Annual General meeting.
 - 10.7.1 Members whose accounts are fully paid at the time of the meeting shall be entitled to vote.

10.8 Quorums

- 10.8.1 One third of the members of the Society personally present at the commencement of any general meeting and entitled to vote shall form a quorum for such meeting, and four Councilors personally present at any Council meeting and entitled to vote shall form a quorum for such Council meeting.

10.8.2 If at any meeting a quorum is not present, the meeting shall stand adjourned to a time (not less than 14 days and not more than 30 days thereafter) and place determined by the members personally present, and at such adjourned meeting the members present shall form a quorum: Provided that any meeting at which the President or Vice-President is present shall, if there is no quorum, stand adjourned for half an hour. The members then present shall form a quorum for the disposal of such business (other than any amendment of the Constitution) as the presiding member may declare to be of an urgent nature, and such adjournment for half an hour shall be without prejudice to the rights of the meeting after dealing with such urgent business to adjourn to a time, date and place as herein provided.

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

10.9 Minutes of Meetings

10.9.1 A copy of the minutes of all general meetings shall be supplied to each member of the Society. Copies of the minutes of Council and any sub-committee meetings shall be supplied to all persons serving on Council.

10.9.2 The minutes of all meetings approved at a subsequent meeting and signed by the President or the person who may chair the subsequent meeting shall be proof thereof that all the proceedings were conducted properly and that all elections, appointments and resolutions adopted at that meeting are valid and binding.

11. FINANCIAL PROVISIONS

11.1 The financial year of the Society shall end on the 31st December of each year.

11.2 Council shall cause one or more banking accounts to be opened in the name of the Society, and any amounts accruing to the Society, shall be deposited in such banking account or accounts as Council may direct.

11.3 All payments out of the funds of the Society shall be effected by electronic transfer or cheque, signed by the Secretary or a person appointed by Council and countersigned by the auditors, or such person or persons as Council may authorize in terms of Clause 9.10: Provided that nothing herein contained shall prevent Council from maintaining and operating a petty cash fund, or from paying in cash such ordinary and usual monthly accounts as do not in total exceed a sum determined by Council, and provided further that the total sum necessary for the payment of such accounts is drawn by cheque.

11.4 Council shall cause proper books of account of income and expenditure to be kept in respect of the Society. All accounts shall be audited from time to time but not less than once every year by an auditor or auditors appointed at the Annual General Meeting.

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

11.6 The income and property of the Society, from whatever source derived, shall be applied solely to the promotion and furtherance of the objects of the Society, and with the exception of discounts referred to in Clause 9.12, no part thereof shall be paid or transferred, directly or indirectly by way of dividend or bonus or otherwise, to any persons who at any time are or were members of the Society: Provided that nothing herein contained shall prevent the payment in

good faith of remuneration to any employee of other person/s for services rendered to the Society.

12. AFFILIATIONS

The Society shall, be a member of the Association and shall maintain such membership on the conditions set out in the Constitution of the Association; and may further, by a majority vote of a least tow-thirds of the members personally present, voting and entitled to vote, at any general meeting, affiliate with or incorporate any association, society or organization having aims and objects kindred to those of the Society.

13. ELECTION OF REPRESENTAIVE/S TO THE COUNCIL OF THE ASSOCIATION

Council shall elect a representative or representatives to the Council of the Association among the Active Ordinary Members, Honorary Life Members, or the duly authorized representatives of companies, close corporations, partnerships or body corporate, which are members.

14. AMENDMENTS TO THE CONSTITUTION

14.1 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 the Society, of which meeting and of which proposed addition to, alteration, variation or amendment of the Constitution, not less than 30 days' written notice has been given to each member of the Society.

14.2 No such addition to, alteration, variation or amendment of the Constitution, notwithstanding that it has been passed in the manner prescribed in Clause 14.1, shall be of any force or effect until and except it is confirmed and approved by the Registrar.

15. OFFICE OF THE SOCIETY

The office of the Society shall be at any center as may be determined by Council from time to time subject to confirmation by the ensuing general meeting of members.

16. DISSOLUTION OF THE SOCIETY

If, upon the winding up or dissolution of the Society there remains, after the satisfaction of all its debts and liabilities, any property whatsoever, such property shall not be paid to or distributed amongst the members of the Society, but shall be given or transferred to such other institution or institutions having objects similar to those of the Society as may be determined by a majority decision of a general meeting of the Society.

17. AUTHENTIC VERSION OF THE CONSTITUTION

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

* * * * *

BYE-LAWS

1. SANTA GERTRUDIS HERD BOOK

Animals which comply with the bye-laws of this Constitution and other requirements which in terms of this Constitution as may be determined by Council from time to time shall be eligible for registration in the following sections, and which shall be maintained and operated by the Association. Only members of the Society shall be allowed to apply for registration of Santa Gertrudis.

1.1 APPENDIX SYSTEM

The Santa Gertrudis shall comprise of the following sections:

1.1.1 APPENDIX A

Any female which originates from a herd of which the breeder can give a satisfactory record of origin to Council, and which possesses the phenotypical cum genotypical characteristics of a Santa Gertrudis, is eligible for registration in the Appendix A Section of the Herd Book: Provided that she shall have been identified in accordance with Bye-Law 3, with the identification marks of the owner at the time of acceptance and sequence number; and provided further that she has been inspected in accordance with Bye-Law 11. The Appendix A Section of the Herd Book shall remain open until otherwise determined by Council.

1.1.2 APPENDIX B

- (a) The female progeny of an Appendix A female mated with a fully registered Santa Gertrudis bull (Single or Multiple Sires) or females which according to the inspector comply with the phenotypical characteristics of a Santa Gertrudis of which the sire and birth date is known, as well as females which have been degraded by the inspector from Stud Book Proper category.
- (b) Male progeny of an Appendix A female mated with a fully registered (Single Sire) Santa Gertrudis bull.

1.2 STUD BOOK PROPER (FULLY REGISTERED)

1.2.1 The male and female progeny of an Appendix B female mated with a fully registered Santa Gertrudis bull (Single Sire): Provided that they comply with all registration requirements in terms of the Constitution.

1.2.2 The progeny of fully registered parents.

1.3 Publishing of Herd Books

- 1.3.1 The Herd Book may when deemed necessary by Council, be published by the Association on behalf of the Society.
- 1.3.2 Volumes of the Herd Book may be sold at a price calculated to cover the cost of printing and publishing thereof, as Council may determine.

2. PREFIX AND HERD DESIGNATION MARK

- 2.1 No Santa Gertrudis other than one imported, shall be accepted for registration unless the breeder has previously, through the Society, registered with the Association for his exclusive use, a prefix by which all Santa Gertrudis' bred by him and eligible for registration shall be designated, and a herd designation mark by which such animals shall be identified.
- 2.2 No prefix shall exceed 18 characters, and the name of a city, post office or town in Namibia shall not be accepted for registration as a prefix.
- 2.3 The herd designation mark registered with the Association for a breeder's exclusive use shall not exceed four spaces and shall consist of letters, numbers or a combination of letters and numbers, but shall not consist of the same four letters or the same four numbers.
- 2.4 Application for the registration of such prefix and herd designation mark shall be made to the Secretary and shall be accompanied by such fee as may be prescribed from time to time by Council or by the Association.
- 2.5 No transfer of a prefix or herd designation mark from one breeder to another shall be allowed except under such conditions and to such persons as are provided for by the Society and/or the Association.

3. IDENTIFICATION OF SANTA GERTRUDIS

- 3.1 All live Santa Gertrudis of which the births are notified and all animals offered for registration, must bear permanent identification marks which shall include a herd designation mark, a year number and a sequence number, and any animal which does not bear the approved identification marks, shall not be accepted for registration by the Association.
- 3.2 Ear tattooing and or branding shall be the Society's official system of marking for the uniform and permanent identification of all animals submitted for registration. Ear tattooing shall be applied in the right ear of the animal.
- 3.3 Every calf must be identified by the breeder within 6 month of birth.
- 3.4 The year number shall consist of two figures indicating the year of birth.
- 3.5 The birth sequence number shall not exceed four spaces.
- 3.6 In the event of a breeder making a mistake when tattooing or branding a calf, or in the event of a mark becoming defaced or illegible, the owner of the animal shall report the fact to the Secretary in writing, and the animal shall be re-marked in the presence of an inspector, after such inspector has satisfied himself as to the correctness of the identity of the animal.
- 3.7 The insertion of any other tattoo mark or branding whatsoever on a Santa Gertrudis, by the breeder or owner or his agent, is strictly prohibited and the registration certificate of any Santa Gertrudis so marked shall be liable to cancellation.

- 3.8 Subject to the requirements of Buy-Law 3.6, no Santa Gertrudis shall be transferred unless clearly marked.

4. NAMES

- 4.1 In addition to the identification marks referred to in Bye-Law 3, all live Santa Gertrudis of which the births are notified and offered for registration, must be explicitly named: Provided that the name may be substituted by the animal identification. Council shall have the right to refuse any application in respect of a Santa Gertrudis, 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 spaces.
- 4.3 The name of any Santa Gertrudis, 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 BIRTH AND APPLICATION FOR REGISTRATION

- 5.1 The breeder of a Santa Gertrudis born from a registered dam shall notify the Association within 90 days of its birth, whether it is born dead or alive or retained for registration or otherwise. Births notified after such period shall be accepted subject to the approval of Council and on payment of a late notification fee as may be determined by Council or Association. Any calf whose birth is not notified within twelve months shall not be eligible for registration.
- 5.2 No birth notification/application for registration of a Santa Gertrudis shall be accepted unless the sire and dam at the time of service were more than eight months old.
- 5.3 All birth notifications/applications for registration shall be made on forms as approved by the Association, and copies thereof shall be kept by the breeder concerned for inspection and checking at all reasonable time by officers of the Society.
- 5.4 In the event of multiple births, the breeder shall in addition to the particulars ordinarily required also record on the birth notification/application for registration form the number and sex of the other twin, triples, etc., as the case may be.
- 5.5 A birth notification/application for registration in respect of a Santa Gertrudis begotten as a result of an embryo transfer must be submitted to the Association on a pre-printed form as prescribed by the Association.
- 5.6 Records shall be kept by the Association in the name of each breeder of all Santa Gertrudis born, whether born alive or dead, whose births have been duly notified by the relevant breeder, and of such other details as may be determined by the Society.
- 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 animal described herein are correct and that all the requirements of the Constitution and the Act, relating to birth notifications and applications for registrations have been complied with.”

5.8 The birth notification/application for registration shall also be accompanied, in the case of a Santa Gertrudis imported in-utero, by the necessary documents and DNA certificates of both the sire and the dam, endorsed by the Herd Book Society (or body recognized by the Society) 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

5.8.2 that the sire conforms to the minimum performance and other requirements as may be determined by Council.

6. RULES GOVERNING THE PRACTICE OF ARTIFICIAL INSEMINATION (A.I.)

6.1 All Santa Gertrudis which have been legally begotten through A.I. (i.e. in accordance with the Act) shall be eligible for registration, provided that all requirements of the Constitution have mutatis-mutandis been complied with.

6.2 No birth notification/application for registration of a Santa Gertrudis begotten by A.I. shall be accepted for the purpose of birth recording unless it is endorsed “begotten by A.I.”

6.3 Irrespective of the provisions of Bye-Law 6.1, where different sires are used for the supply of semen for the artificial insemination of the same female at two consecutive heat periods less than 28 days apart, no resultant progeny shall be eligible for registration unless the male parentage has been confirmed by a DNA test.

6.4 The Society reserves the right through its officers to supervise and/or inspect the keeping of records in connection with A.I.

6.5 The Society 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.

6.6 Breeders resident in Namibia and Territories who enjoy the privileges of registration of Santa Gertrudis 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 the Society and provided further that the collection of semen, the handling thereof, the insemination of the animals and the maintenance of records shall be effected in such manner as may be duly approved by the Society from time to time.

6.7 Collection and storage of Santa Gertrudis semen and the registration of progeny resulting from the use of such semen.

6.7.1 The Society confirms the right of breeders, subject to the provisions (of Section 7 - delete) of the Act, to collect, deepfreeze and store the semen of their own Santa Gertrudis bulls for use in their own herds, and progeny resulting from the use of such semen shall be eligible for registration: Provided that –

(a) complete details of the ownership of the sire concerned have been submitted to the Association;

(b) the official DNA laboratory number of the sire has been submitted to the Association;

(c) the collection and storage of the semen have been carried out in accordance with the requirements of the Act;

(d) all requirements of the Constitution in respect of birth notifications and registrations are complied with.

7. RULES GOVERNING THE PRACTICE OF EMBRYO TRANSFERS (E.T.)

- 7.1 All Santa Gertrudis which have been legally begotten as a result of E.T. (i.e. in accordance with the Act) shall be eligible for registration, provided that:-
- 7.1.1. a breeder must first apply for approval by Council before flushing of cows;
 - 7.1.2. both the male and the female Santa Gertrudis which gave rise to the embryo concerned, were approved for the purpose by the Society and complies with the requirements as stated in Bye-Laws 7.5 to 7.8;
 - 7.1.3. except in the case of a Santa Gertrudis begotten as a result of E.T. and imported in-utero, all the following documents are submitted to the Association within 120 days of each inoovulation –
 - (a) the duly completed inoovulation certificate as may be prescribed by the Association;
 - (b) the certificates reflecting the official DNA laboratory numbers of the male and female Santa Gertrudis that gave rise to a embryo concerned;
 - (c) a certificate signed by a veterinarian, an embryo transferor, or, in the case of intra-herd E.T., by the owner or his full-time employee, to the effect that the provisions of the Act have been complied with; and
 - (d) in the case of a Santa Gertrudis begotten from an imported ovum, a certificate issued by a competent body, recognized by the Society, in the country of origin, stating the names, identification and registration numbers of the ovum and semen donors, the date and place of collection, the number of viable ova collected, and the date exported;
 - 7.1.4. in the case of a Santa Gertrudis begotten as a result of E.T. and imported in-utero, the following evidence and documents endorsed by the Herd Book Society (or body recognized by the Society) in the country of origin are submitted to the Association within 30 days of the arrival of the recipient dam in Namibia and Territories –
 - (a) evidence of the service or insemination and flushing of the embryo donor;
 - (b) evidence of the transfer of the embryo concerned and date thereof to the relevant recipient dam;
 - (c) two-generation pedigrees of both donors;
 - (d) DNA certificates of both donors; and
 - (e) evidence that both donors conform to the minimum performance and other requirements as may be determined by Council;
 - 7.1.5. a birth notification/application for registration in respect of an animal resulting from E.T. is submitted on the pre-printed birth notification/application for registration form referred to in Bye-Law 5.5;
 - 7.1.6. confirmation of parentage in each instance by DNA profiling is supplied, unless otherwise determined by the Society and the Association; and
 - 7.1.7. all other requirements of the Constitution in respect of birth notifications, inspections, performance and reproduction, and registrations are complied with. All embryo

calves must be inspected by persons appointed by Council before registration. All calves born as a result of embryo transfers must be DNA profiled for the purpose of parentage control within 42 days.

- 7.2 The Society 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 Territories who enjoy the privileges of registration of Santa Gertrudis' under the provisions of the Constitution may apply for registration of progeny begotten as a result of E.T.: Provided that the fertilized ova are obtained from a source approved by the Society, and provided further that the collection of ova, the handling thereof, the ino-vulation of the animals and the maintenance of records shall be effected in such manner as may be duly approved by the Society from time to time.
- 7.4 The Society 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 semen donor must comply with the requirements of the Society and the Registrar in regard to the importation of semen.
- 7.6 The semen donor must be an approved, registered Santa Gertrudis bull or imported semen.
- 7.7 The ovum donor must be an approved, registered female Santa Gertrudis. The ovum donor must be inspected by persons appointed by Council.
- 7.8 All recipient cows must be tested for TB and CA with negative results.

8. GESTATION AND INTERCALVING PERIODS

The gestation period recognized in respect of Santa Gertrudis animals shall be 286 days. The minimum acceptable gestation period shall be 263 days, and the maximum period shall be 310 days. The minimum acceptable intercalving period is 270 days. Any gestation or intercalving periods outside these ranges shall not be recognized unless the parentage of the calf concerned is confirmed by DNA tests.

9. DNA PROFILING

- 9.1 In order to confirm the parentage of Santa Gertrudis, the Society shall any time have the right to insist on DNA profiling:-
 - (a) As a routine procedure, on a basis to be determined by the Society from time to time; and
 - (b) In any cast of doubt.
- 9.2 The owner or the Society, as may be determined by Council, shall bear the costs of the DNA tests or any other proven scientific method of confirming percentage required in terms of this Bye-law.
- 9.3 The Association shall nominate the herd/s in which animals are to be subjected to parentage verification tests.

9.3.1 The Society shall nominate the animal/s in the relevant herd to be subjected to parentage verification tests and the number of animals to be nominated shall be 10% of the particular year's calf crop with a minimum of three, but a maximum of five calves.

9.3.2 If all the nominated animals test positive no further steps need be taken.

Such verification tests must be completed within six (6) months from the date of nomination of the relevant herd by the Association. If not, the registration of animals from such herd will be withheld until such time as the necessary results are received.

9.3.3 Should any of the calves nominated for the first test, test negative, the procedure as stipulated by Council will be followed.

9.3.4 DNA or any other proven scientific method of confirming parentage will be accepted as identification of animals instead of blood typing.

10. REQUIREMENTS AND APPLICATION FOR REGISTRATION

10.1 Inspection shall be a pre-requisite for the registration of Namibian bred or imported Santa Gertrudis and except by special permission of Council no animal shall be registered under the age of 12 months.

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

10.3 Namibian Bred Santa Gertrudis

10.3.1 Except as provided for in Bye-law 1.1.1 (in respect of Appendix A females), no application for registration of a Namibian bred Santa Gertrudis shall be considered unless detail of its birth have been duly recorded in terms of Bye-law 5; and

- (a) both its parents; or
- (b) its dam, in the case of an animal imported in utero or resulting from imported semen;

have been registered by the Association

10.3.2 The form of application shall:-

- (a) be laid down by the Society; and
- (b) be endorsed by the Society to the effect that all the requirements of the Constitution in respect of registration have been met.

10.4 Imported Santa Gertrudis

10.4.1 An imported Santa Gertrudis or one resulting from imported semen shall be eligible for registration provided the requirements of the Constitution have mutatis-mutandis been complied with.

10.4.2 An imported Santa Gertrudis animal shall be eligible for registration provided the application for registration is accompanied by:-

- (a) a certificate of registration or an export certificate issued by a Herd Book Society or other body recognized by the Society in the country of origin;
- (b) evidence to the effect that the animal concerned conforms to the performance and other requirements as may be determined from time to time by Council and
- (c) a report of the inspector confirming that:-
 - (i) the animal bears the permanent indelible identification marks as recorded on the registration or export certificate;
 - (ii) the animal was sold and left the seller's possession on the date stated and that the animal was shipped and/or transported to the applicant's farm on the date stated; and
 - (iii) that the animal arrived on the applicant's farm on the date stated.

10.4.3 The Association registration certificates shall be issued in respect of imported animals.

10.5 Santa Gertrudis Resulting from Imported Ova

10.5.1 Animals resulting from the in ovulation of imported ova, in respect of which Bye-law 7 and all other provisions of the Constitution mutatis-mutandis have been complied with, shall be eligible for registration.

10.5.2 Such imported ova shall have been collected by a competent body in the country of origin (approved by the Division of Veterinary Services of the Ministry) from an animal which complies with the minimum requirements for the importation of ova determined by Council and approved by the Society and, if fertilized, such ova shall have been fertilized with the semen of a Santa Gertrudis bull which likewise complies with the above-mentioned minimum requirements.

11. INSPECTION AND PERFORMANCE REQUIREMENTS

11.1 Minimum inspection and performance standards as pre-requisites for registration shall be determined from time to time by Council in terms of Sub Clause 9.25 of the Constitution.

11.2 No Santa Gertrudis shall be accepted for registration if it has been treated with hormonal growth stimulants. Such practices shall be considered prejudicial to the interests of the Society.

11.3 Inspections and Duties of Inspectors

11.3.1 In terms of Clause 9.25 of the Constitution, Council shall appoint inspectors to inspect all Santa Gertrudis eligible for registration, including imported Santa Gertrudis, upon application by the breeder concerned.

11.3.2 The inspectors shall inspect each eligible animal upon presentation of the birth notification confirmation, and shall satisfy themselves that the age, identification, and other details as appear on the said proof are correct and correspond with the animal offered for inspection. Furthermore, they shall satisfy themselves that the animal confirms in all respects to the minimum inspection and performance standards as determined by Council.

- 11.3.3 All Santa Gertrudis must be inspected and approved between the ages of 12 and 36 months in order to be eligible for registration except for Appendix A registration of the Herd Book, where no maximum age limit shall apply. The inspectors are empowered to use their discretion in holding any particular animal over for inspection during their next visit regardless of the maximum ages referred to above.
- 11.3.4 Any breeder dissatisfied with an inspector's decision may lodge an appeal to the Secretary within three weeks after the time of inspection. Such appeal must be accompanied by a deposit of an amount as prescribed by Council from time to time. A board of appeal appointed by Council shall then re-inspect the animal or animals in question, and if the appeal is successful, the relevant deposit shall be refunded; if not the appellant forfeits his deposit and pays any additional costs of the inspector.
- 11.3.5 Inspectors acting on the instructions of Council may at any time, without previous notice, carry out a general inspection of any member's Santa Gertrudis herd.
- 11.3.6 Except in cases referred to in Bye-law 11.3.5, timeous notice shall be given to breeders of an intended visit by the inspectors.
- 11.3.7 Inspectors may in addition to the inspections referred to above, perform other duties with the approval of Council, including:-
- (a) Classification or grading of Santa Gertrudis upon application by the breeder concerned; and
 - (b) Demonstrations and lectures at farmers' days or judges' courses.
- 11.3.8 Inspectors appointed by the Society may not accept instructions from members or non-members to negotiate the buying or selling of Santa Gertrudis, nor may they accept any commission arising from sales or purchases of Santa Gertrudis; provided that any Santa Gertrudis breeders who are appointed as inspectors shall not be subject to this rule.
- 11.3.9 No breeder shall act as an inspector of his own animals.
- 11.3.10 Fees payable for inspections and any other duties performed by inspectors shall be determined by Council from time to time.

12. BIRTH NOTIFICATION AND REGISTRATION CERTIFICATES

12.1 Original Certificates

- 12.1.1 Registration certificates to be issued in respect of Santa Gertrudis will be in the form desired by the Society. Data in respect of performance measured in an official Ministerial scheme, or other information, may appear on the registration certificate or on an accompanying performance certificate.
- 12.1.2 In respect of Santa Gertrudis begotten by ino-vulation, the letters "INOV" shall be printed on the registration certificate after the animal's name.

12.2 Alterations or Additions to Birth Notifications or Registration Certificates

Any alteration or addition to the essential information or particulars officially recorded on any Santa Gertrudis birth notification or registration certificate, which has not been initialed by the Manager of the Association or any unauthorized endorsement or remark on such certificate bearing upon the essential information or particulars contained therein, shall render such certificate invalid.

12.3 Duplicate or Replacement of Birth Notification Proof or Registration Certificates

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

12.4 Cancellation of Birth Notification Proof or Registration Certificates and re-instatement of Santa Gertrudis

12.4.1 Council may direct the Secretary for the cancellation of the birth recording or registration of any Santa Gertrudis which has:-

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

and to notify the breeder or owner accordingly.

12.4.2 A birth notification Proof or Registration Certificate of a Santa Gertrudis issued by the Association shall be returned to the Association for cancellation and/or endorsement within 60 days after its death, sale for slaughter, culling, castration, spaying or other circumstances requiring the Certificate's cancellation or endorsement in terms of the Constitution of the Society.

12.4.3 All documents so returned shall be suitably endorsed and kept by the Society for a period of six (6) months.

12.4.4 All females that have failed to produce two calves before the age of six years or to produce three calves before the age of seven years or which has not calved before the age of 45 months, will automatically be cancelled.

12.4.5 In the event of the birth notification proof or registration certificate of a Santa Gertrudis having been cancelled, such animal may be re-instated in the records of the Society; provided that the application for the re-instatement is made by the person who applied for the cancellation of such animal. The re-instatement of any such Santa Gertrudis shall be effected upon payment of such fee as may be determined by Council from time to time.

12.5 Certificates of Extended Pedigree

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

13. TRANSFERS OF SANTA GERTRUDIS

- 13.1 For the purpose of this Bye-law “transfer” means any transaction whereby any person acquires the right to sole ownership of a Santa Gertrudis or to any share or additional share of the ownership of a Santa Gertrudis bull and shall include the sale, exchange, inheritance or donation of whole or part ownership, and the relinquishment of any share in the ownership of such Santa Gertrudis or Santa Gertrudis bull, as the case may be.
- 13.2 Any seller who transfers sole ownership of a Santa Gertrudis, or part ownership in a Santa Gertrudis bull, shall within 30 days of the date of such transfer furnish –
- (a) the Association with the registration certificate of the Santa Gertrudis concerned, or proof of record, with the details of the transfer duly completed on such certificate; and
 - (b) the Association with the prescribed fee as may be determined by Council 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 Santa Gertrudis left the seller’s possession.
- 13.4 If the animal to be transferred is:-
- 13.4.1 a pregnant Santa Gertrudis female, the seller shall together with his application for transfer furnish the Association with a service certificate specifying the name, identification number and registration number of the bull by whom she was served together with the service date/s, or of the bull with whose semen she was inseminated and the insemination date/s, whichever the case may be. The seller shall in addition furnish the buyer with a copy of such certificate;
 - 13.4.2 a recipient dam, the application for transfer shall be accompanied by the birth notification/application for registration form referred to in Bye-Law 5.6.
- 13.5 Should for any reason whatsoever the seller fail or refuse to take any steps to effect such transfer, including failing or refusing to deliver the original registration certificate, and should the buyer be willing to pay such fees as may be laid down by Council, Council may take such steps as it may deem fit in order to effect the transfer.
- 13.6 No alteration or 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.

14. JOINT OWNERSHIP OF SANTA GERTRUDIS

- 14.1 When a Santa Gertrudis bull is transferred to joint owners, the full name and address of each joint owner shall be submitted to the Association.

15. REFUSAL OF APPLICATIONS

- 15.1 In the case of Santa Gertrudis progeny begotten from a dam mated to different males or inseminated with semen from different males at consecutive oestrus periods within 28 days,

the Association shall refuse birth recording or registration unless the parentage is confirmed by means of a DNA test.

- 15.2 The Society 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.
- 15.3 Whenever the Association has refused to accept applications from any person, the Society may, in addition, requests the Association to cancel any or all previous entries made in the Herd Book on behalf of such person.
- 15.4 The Society 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 Council, and in accordance with the recommendation of that commission.

16. IMPORTATION AND EXPORTATION OF SANTA GERTRUDIS ANIMALS, SEMEN OR OVA

- 16.1 Applications to import or export Santa Gertrudis animals, semen or ova, shall, in terms of the Act, be submitted in triplicate, on the forms approved by the Registrar, which approval must also be granted by the Society.
- 16.2 Council shall determine minimum performance and other requirements for the importation and exportation of Santa Gertrudis animals, semen and ova in terms of Clause 9.26 of the Constitution, and no such importation or exportation shall be recommended to the Registrar by the Society unless the said requirements are complied with.
- 16.3 Imported Santa Gertrudis and Santa Gertrudis 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 Santa Gertrudis animals, semen or ova in the form desired by the Society and approved by the Association.
- 16.5 No animal or genetic material may be exported without written authorization from the Registrar.

17. DELEGATION OF POWERS

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

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