



CONSTITUTION

OF THE

Santa Gertrudis Cattle Breeders' Society South Africa

REVISED 2010

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DEFINITIONS

1. When used in this Constitution unless a contrary meaning is apparent from the context:
 - 1.1 **"Administrative Manager"** means the administrative manager of the Society appointed by Council
 - 1.2 **"Act"** means the Animal Improvement Act, 1998 (Act 62 of 1998) and includes the Regulations promulgated in terms thereof;
 - 1.3 **"Animal"** means a bovine of the Santa Gertrudis breed registered or eligible for registration in the Herd Book and the words "cattle", "calf", "dam", "female", "bull", "male" and "sire" shall, depending on the context, have the same meaning;
 - 1.4 **"Association"** means the South African Stud Book and Animal Improvement Association, a Registering Authority registered as such under Section 8(7)(a)(ii) of the Act;
 - 1.5 **"Birth"** means the birth of a Santa Gertrudis calf;
 - 1.6 **"Birth Recording"** means the procedure whereby the birth of a Santa Gertrudis calf is taken up in the records of the Society by the Service Provider;
 - 1.7 **"Breed Manager"** means the Manager, for the time being, of the Society;
 - 1.8 **"Breeder"** means a member of the Society who is the owner of:
 - (a) the dam at the date of birth of an Animal to be registered;
 - (b) an Animal at the date of application for registration in the Herd Book; or
 - (c) the recipient dam at the date of birth of an Animal to be registered as a result of an embryo transfer;
 - 1.9 **"Buyer"** means the person or persons to whom ownership/joint ownership of an Animal is transferred by the seller of such animal;
 - 1.10 **"Breeder or person resident in the Territories"** means that the herd of such breeder is domiciled in the Territories and not necessarily that the breeder/person himself is resident in the Territories;
 - 1.11 **"Breed standards"** means a list of standards to which a registered Santa Gertrudis must conform as approved by a General Meeting from time to time;
 - 1.12 **"Calf Book"** means the record of all calves, eligible for registration, of which births have been notified with the Service Provider and have been taken up in the records of the Society.

- 1.13 **"Constitution"** means the Constitution of the Society, including the Bye-Laws and Annexures;
- 1.14 **"Council"** means the Council of the Society duly elected in terms of the Constitution;
- 1.15 **"Department"** means the Department or Departments responsible for the administration of the Act;
- 1.16 **"Embryo"** means a fertilised ovum of an Animal;
- 1.17 **"Herd Book"** means the South African Santa Gertrudis Herd Book in which shall be registered the pedigree details of Animals; maintained and operated by a Registering Authority in terms of the Act;
- 1.18 **"Hybrid meeting"** shall mean a meeting of members at which some participants are attending the meeting in person and others are attending virtually;
- 1.19 **"Inspector"** means a person appointed by Council for the purposes referred to in Clauses 10.24 and 10.26;
- 1.20 **"Intergis"** (Integrated Registration and Genetic Information System), means the computer system established in co-operation with the Department on which Prefixes are registered in accordance with the Act, and on which registration and performance data can be integrated;
- 1.21 **"Minister"** means the minister of the Department;
- 1.22 **"Ovum"** means the ovum of a Santa Gertrudis and includes an embryo;
- 1.23 **"Owner"** means the person who –
- (i) according to the records of the Society possesses the Animal concerned; or
 - (ii) submits proof to the satisfaction of the Council that the Animal concerned is eligible to be registered or inscribed in his name;
- 1.24 **"Production recording"** means the recording and evaluation of production traits such as reproduction and growth by a Service Provider accredited by ICAR (International Committee for Animal Recording) for the purpose of rendering animal recording services;
- 1.25 **"Registering"** refers to the procedure by which a Registering Authority 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 Society;
- 1.26 **"Registering Authority"** means an Animal Breeders' Society or a group of Animal Breeders' Societies which are registered as such in terms of Section 8(7)(a)(ii) of the Act;

- 1.27 **"Registrar"** means the officer designated as Registrar of Animal Improvement in terms of the Act;
- 1.28 **"R S A"** means the Republic of South Africa;
- 1.29 **"Seller"** means the person or persons being the owner/joint owner/s of an Animal according to the records of the Registering Authority, or in the case of an imported animal, the owner in the country of origin, who disposes of such an Animal;
- 1.30 **"Semen"** means the semen of an Animal;
- 1.31 **"Service provider"** means the animal recording organisation nominated by the Society to render Animal recording services (registration and performance recording), to its members;
- 1.32 **"Society"** means Santa Gertrudis Cattle Breeders' Society of South Africa, a Registering Authority, registered as such under the Act;
- 1.33 **"South African bred Santa Gertrudis"** means an Animal born in, or whilst in transit to South Africa: Provided that an Animal born from an imported-embryo, shall be regarded as an imported Animal;
- 1.34 **"Territory"** means the R S A, and such other countries as the Society may determine from time to time;
- 1.35 **"virtual meeting"** shall mean a meeting of members where arrangements have been made in advance to allow participants to attend the meeting by means of a video link or similar means of electronic communication approved by Council;
- 1.36 **"written notice/letter"** "in writing" and/or "sent", means by any information sent between particular parties over internet connection and shall be considered valid. This includes text messages, video messages, emails and internet messaging.
- 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, any reference to a gender includes the other genders and *vice versa*, any reference to the singular includes the plural and *vice versa* and any reference to a person includes a natural or juristic person.
- 4. In the computation of time for the purposes of this Constitution, it shall be undertaken by the exclusion of the first day, Saturdays, Sundays and public holidays and the inclusion of the last day. The preceding shall not apply in the calculation of interest.
- 5. Defined words and expressions will start with capital letters for clarity.

CONSTITUTION

1. NAME OF THE SOCIETY

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

2. OBJECTIVES

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

- 2.1 To encourage and promote the breeding, recording or registration and the improvement of the genetic production potential and use of Animals in the R S A and Territory;
- 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 the R S A;
- 2.3 to compile and determine, maintain and apply a "breed standard" to which Animals have to conform as far as it is related to functional efficiency based on production records and visual appraisal for conformation and genetic defects. For this purpose, all production data shall be made available to the Council, Inspectors and appointed subcommittee/s;
- 2.4 The continued commitment to animal improvement;
- 2.5 To encourage the expansion of the Santa Gertrudis breed by means of promotion, marketing campaigns and sales;
- 2.6 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 by Council;
- 2.7 To safeguard and advance the common interests of Breeders in the R S A and Territory, and generally to give effect to the objectives contemplated by the Act.
- 2.8 The Society will not –
 - 2.8.1 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;
 - 2.8.2 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:

- 3.1 to carry out such functions and perform such duties as are or may be imposed upon it in terms of this Constitution, the Act and its membership of the Association;
- 3.2 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 by the Service Provider according to the standards approved by the Society 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 or cession of prefixes with the organisation appointed by the Department to manage the INTERGIS; and
- 3.3 generally to do all such acts as a juristic person may by law perform, and which the Society may deem necessary for the attainment of its objectives;
- 3.4 to register as a Registering Authority according to the conditions in the Act for this purpose, with all the rights and privileges as laid down in the Act.
- 3.5 to acknowledge a breeder's right to participate directly in the INTERGIS according to the Act in the event of the Society's failure, in the opinion of the Registrar, to comply with its own Constitution.

4. MEMBERSHIP

4.1 Eligibility

Subject to the provisions of Clause 4.2.3, the membership of the Society shall be limited to persons that have attained the age of 18 years and shall consist of certain categories of members.

4.2 Categories of Membership:

4.2.1 Ordinary Members

Persons resident in the R S A and Territories, who are directly engaged, in the breeding of Animals, shall be eligible for membership of the Society as Ordinary Members who shall enjoy all the rights and privileges of membership, including the right to vote at any General Meeting of the Society, and the right to be elected to the Council. For the purposes of this

sub-clause 4.2.1 a company, close corporation, partnership or body corporate shall be deemed to be a person and be eligible for ordinary membership of the Society as an active breeder: Provided that: Any Ordinary Member residing in the Territory, but outside the Republic of South Africa, will be responsible for payment of all scheduled Society fees and fees due to the Society's nominated official Service Providers as well as fees invoiced for services rendered by the Society or its officials in loco, in SA Rand.

4.2.2 Special Honorary Life Members

For special services in the interest of the Santa Gertrudis breed, Council may nominate any person to be elected by a majority vote at an Annual General Meeting as a Special Honorary Life Member: Provided that existing elected Honorary positions will be maintained according to their specific elections. A Special Honorary Life Member may attend all meetings of the Society and also take part in discussions: Provided that unless a Special Honorary Life Member is an Ordinary Member of the Society, he may not vote at meetings and will not be eligible for election to the Council: and Provided further that there may at no time be more than two Special Honorary Life members.

4.2.3 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 Legal Entity (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 or data as may be necessary to determine the nature of the controlling interest therein and shall then, or as soon as possible—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, on behalf of the Legal Entity, have the right to nominate an alternate in writing to attend a specific meeting, which nomination for that meeting shall be handed to the Breed Manager not later than the time of the meeting at which such alternate will be present.
- 4.3.2 All communications addressed in writing to such an authorised representative referred to in Sub clause 4.3.1 shall be deemed to be duly served upon the company, close corporation, partnership, trust or body corporate, and at all meetings at which such authorised representative is in attendance on behalf of the legal entity, such a legal entity shall be deemed to be duly represented.

- 4.3.3 The principal person so appointed to represent such a legal entity shall have the right to attend all meetings of the Society and vote and shall be eligible for election to Council in terms of Clause 8.: Provided that such principal person, if elected, shall be obliged to resign when he ceases, for any reason, to be the representative of the relevant legal entity.
- 4.3.4 Should such a legal entity cease to comply with the requirements of Ordinary Membership as laid down in Sub clause 4.2.1, Council may terminate its services to it and/or expel it as and the provisions of Sub clause 4.3.5 shall apply in respect of such a legal entity.
- 4.3.5 The liquidation or the dissolution of a legal entity shall automatically result in the termination of its membership of the Society, and if the principal person have been elected to Council, he shall cease to be a Councillor with immediate effect: Provided that –
- 4.3.5.1 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 a legal entity or from the members (either jointly or severally) of such a legal entity;
- 4.3.5.2 the liquidator of such a legal entity and the members of such a legal entity shall be obliged to discharge all the obligations of such a legal entity in respect of registrations, transfers and whatever obligations the legal entity would have had to discharge as a member of the Society; and
- 4.3.5.3 any 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 legal entity, resident in the R S A, who does not qualify for Ordinary Membership of the Society in terms of Subclause 4.2.1 and 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:

Provided that Council shall have the right to allow certain rights and privileges to such Registered Breeders under certain circumstances as specified by Council from time to time.

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 Administrative Manager 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 any 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.
- 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.
- 4.5.4 Council will not approve any application for membership without the application being signed by the applicant or its representative.

4.6 Utilisation of Data

Members consent that recorded registration and production data of his Animals, recorded and processed by the Society's designated Service Provider, may, on request by the Society to the applicable Service Provider, be made available to the Society. The Society undertakes that the utilisation of such data will not be to the disadvantage of any member or members and the Service Provider and that the further processing of such data will not be contrary to the interests of the recording system of the Service Provider.

4.7 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 Life 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: provided that a member may only exercise his

right to vote at any meeting if all his moneys due to the Society are fully paid

- (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. SUBSCRIPTIONS 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 or Special General Meeting convened for that purpose, for approval by members.
- 5.2 The annual subscriptions and fees for each financial year shall be payable in advance and shall be due after invoicing early in July of each year. Payment shall be made within sixty (60) days of the date of invoice, failing which the account shall be deemed to be in arrears, unless otherwise determined by a General Meeting.
- 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 60 days after a written demand for payment thereof has been addressed to him by a written demand by the Administrative Manager, shall automatically forfeit his membership of the Society: Provided that the Breed Manager, 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 or a debt collector for collection, then the member concerned shall be liable to the Society for payment of all legal charges, collection, and attorney or debt collector and client costs incurred, in addition to the principal amount, interest, fines and penalties owing by him.

6. RESIGNATION, SUSPENSION AND EXPULSION OF MEMBERS

- 6.1 Any member may resign from the Society by giving not less than one month's written notice to the Administrative Manager: 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 and provided furthermore that the member will not be entitled to any of the rights or privileges of Membership as from the effective date of the written notice.

- 6.2 Council may suspend or expel any member who -
- (a) 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;
 - (b) has infringed any provision of the Constitution; or
 - (c) has been found guilty of an offence under the Act or other criminal offence:

PROVIDED that no proceedings for suspension or expulsion in terms of Sub clauses 6.2(a), (b) and (c) shall be initiated against any member of the Society unless the Breed Manager has at least 30 days prior to the date of the Council meeting at which such proposed suspension or expulsion is to be dealt with, addressed a written letter to such member notifying him of a hearing to be held regarding his alleged offensive conduct 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 meeting of Council.

- 6.3 After the hearing of such alleged offensive conduct by a member, the Council shall have the power to, by way of a decision supported by a two-thirds majority,

6.3.1 Expel and terminate his membership, or

6.3.2 Suspend such member, depriving him of some of or all the rights and privileges of membership for such time or period as the Council in its absolute discretion, may deem fit.

- 6.4 Any member who has forfeited his membership in terms of Sub clause 5.3 or who has been suspended or expelled in terms of Sub clause 6.2 and 6.3 shall be notified by the Breed Manager in writing within a period of 21 days from the date upon which the resolution effecting his suspension or expulsion was passed, or upon which his membership was forfeited.

- 6.5 Where a member has forfeited his membership in terms of Sub clause 5.3 or has been expelled in terms of Sub clause 6.2 and 6.3.1:

- (a) from the date of his expulsion, no birth notification, or application for registration or transfer of any animal bred and owned by the expelled member shall be accepted; and
- (b) Council may at its discretion direct the Breed Manager forthwith to remove from the Herd Book and any other registers or records of the Society, the name of such members, and instruct the Service Provider cancel 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.

- 6.6 Where a member's membership has been suspended in terms of Sub clauses 6.2 and 6.3.2, the terms and conditions of such suspension as determined by Council in its sole discretion, will be applicable as from the date of suspension.
- 6.7 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 Sub clause 4.5.
- 6.8 Any member who has been expelled is and will be responsible for payment of all outstanding moneys due to the Society on the date of expulsion.

7. REGISTER OF MEMBERS, PERSONAL INFORMATION AND RECORDS

- 7.1 The Society shall keep a register of all members reflecting all information as determined by Council from time to time.
- 7.2 Every member shall communicate in writing to the Administrative Manager his e-mail address and other contact particulars or any change thereof, and all notices or publications sent to the e-mail address of a member shall be considered as duly delivered to and received by such member.
- 7.3 Communications consigned by written notice to members by the Breed Manager and/or the Administrative Manager shall be binding.
- 7.4 The Breed Manager and/or Administrative Manager shall submit to the Service Provider such information as it may require concerning admissions to membership, terminations of membership (for whatever reason), and contact information of members.
- 7.5 The Society will only use members' personal information or data internally for the purpose of achieving its objectives to the benefit of the members.
- 7.6 The Society shall not unveil or provide personal information or any data belonging to its members, to any third party without prior consent from the members.

8. THE COUNCIL

- 8.1 The affairs of the Society shall be controlled and administered by a Council consisting of seven Councillors elected by ballot at the Annual General Meeting or Special General Meeting called for that purpose.
- 8.2 A Councillor shall hold office for a term of two years when he shall retire, but all Councillors will, subject to the provisions of Clause 8.4, be eligible for re-election.
- 8.3 Immediately after the election of the Council, the Council shall elect a President and Vice-President from among its members by ballot, to hold office for a term of two years.
- 8.4 The President may not serve in that position for more than four consecutive years when he will retire as President and shall not be eligible for re-election as President for two years where after he will again be eligible for election as President. During

this retirement period, he will be eligible for election as Vice-President or ordinary Councillor.

- 8.5 Councillors will, amongst themselves, decide on various portfolios as from time to time deemed necessary for the efficient functioning of the Council's responsibilities. A portfolio will be assigned to a Councillor or more as deemed necessary: Provided that there will always be a Councillor assigned as Treasurer.
- 8.6 Should any member(s) of Council become medically unfit, die, resign or cease to be a member of the Society for whatever reason, Council may appoint another member(s) of the Society with full powers as substitute(s) for the unexpired period of term of office of the specific vacancy or vacancies. Council shall be deemed to be duly constituted and shall continue exercising all the powers conferred upon it, notwithstanding any vacancies in its body.
- 8.7 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.
- 8.8 A member of Council absenting himself from the R S A and Territories or a period of six months without leave of absence from the President, shall automatically vacate his seat and cease to be a member of Council.
- 8.9 The Breed Manager of the Society shall have the right to attend all meetings of the Society as well as Council meetings and have the right to participate in any discussions at such meetings but shall not have the right to vote on any question or resolution at such meetings.

9. EXECUTIVE COMMITTEE

- 9.1 The executive Committee of the Society shall consist of the President, Vice-President, Treasurer and Breed Manager.
- 9.2 All decisions or actions of the Executive Committee must be approved at the ensuing Council Meeting.

10. 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, if any, have the power and the duty to do all such things as it may deem necessary or advisable in the interests of the Society, for the advancement and attainment of the Society's objectives, to ensure compliance with its Constitution and directives and shall, without limiting the generality of the afore going, have the powers –

- 10.1 to convene an Annual General Meeting as well as Special General Meetings of the Society as and when deemed necessary by Council or at the request of members according to sub-clause 11.3.3;
- 10.2 to appoint, dismiss or suspend attorneys or other legal representatives, auditors, agents, officers, officials and/or other experts and employees for permanent,

temporary or special services as it may deem fit and to determine their powers, duties and conditions of service in connection with the affairs of the Society, the interpretation of its Constitution, its wellbeing and, in general, its rights and obligations and to pay their reasonable fees and disbursements and to require such security for the due performance of their functions as it may in particular cases deem expedient;

- 10.3 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 its wellbeing and to pay the reasonable fees and disbursements in respect thereof, and to compound or allow, or ask for time for payment or satisfaction of any debts due by or any claim or demand by or against the Society;
- 10.4 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;
- 10.5 to invest or in any other manner deal with any moneys not immediately required for the purposes of the Society, upon such securities and on such terms as it may deem fit, and from time to time to change or realise any such investments; Provided that funds available for investment may only be invested with a financial institution as contemplated in section 1 of the Financial Institutions (Protection of Funds) Act, 2001, (Act No. 28 of 2001) and in securities listed on a licensed exchange as defined in the Financial Markets Act, 2012 (Act No. 19 of 2012);
- 10.6 to lend or borrow money for the purposes of the Society upon security as determined by it;
- 10.7 to enter into indemnities, guarantees and suretyships and to secure payment there under 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;
- 10.8 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 there from in such a manner as it may consider to be to the best advantage of the Society;
- 10.9 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;

- 10.10 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;
- 10.11 for the better and more convenient carrying on and fulfilment 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;
- 10.12 to pay all costs and charges in connection with the administration and management of the affairs of the Society;
- 10.13 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;
- 10.14 to collect and receive subscriptions, fees, donations, other dues and funds, and to devote same towards the objectives of the Society;
- 10.15 to receive and consider applications for membership in terms of Sub clause 4.5, and to accept or refuse such applications at its discretion; to recommend persons for Special Honorary Life Membership in terms of Sub clause 4.2.2;
- 10.16 in accordance with Sub clause 5.3, to refuse inspection, registration and other work for members whose accounts are overdue;
- 10.17 to terminate or suspend the membership of any person in accordance with Clause 6;
- 10.18 to convene a General Meeting of the Society in terms of Sub clause 11.3.3(a) or any other meeting of the Society if it is deemed necessary;
- 10.19 to frame, alter and rescind rules and regulations for conducting the business and carrying out the objectives of the Society.
- 10.20 to investigate disputes arising out of the application of the Constitution and to give decisions in regard thereto;
- 10.21 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;
- 10.22 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;
- 10.23 to co-opt the services of any member of the Society 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 Breed Manager of the Society shall be members *ex officio* of all subcommittees with full rights and privileges;

- 10.24 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;
- 10.25 to draw up a "Standard of Excellence" and minimum performance standards and other standards (Annexure A), to be recommended to a General Meeting for approval, by which:
- (a) animals shall be inspected by inspectors for the purposes of registration;
 - (b) applications for importation and exportation of animals, semen and embryo's shall be recommended;
 - (c) semen and embryo donors shall be approved for embryo transfer purposes; and
 - (d) bulls shall be recommended for approval for the sale of semen in terms of the Act;
- 10.26 to order an investigation by inspectors for 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;
- 10.27 to organise judges' courses and examinations, and in its discretion to appoint successful candidates as official Santa Gertrudis judges; and, in accordance with Sub clause 2.5, to encourage agricultural show societies to appoint such judges to judge Santa Gertrudis;
- 10.28 to organise and promote sales of Santa Gertrudis, either by public auction or private treaty, and for such purposes to appoint auctioneers and agents and to charge commission on such sales; and
- 10.29 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 action taken, or instructions given shall not be contrary to the terms of the Constitution.

11. MEETINGS

11.1 Executive Committee Meetings

The Executive Committee shall meet when necessary to discuss and prepare urgent matters for approval by Council at an ensuing Council Meeting or to carry out duties delegated to it by Council.

The Executive Committee may decide that an Executive Committee meeting is in person, hybrid or entirely as a virtual meeting, as long as the electronic communication used enables all persons participating in the meeting to be able to communicate with each other at all times with no intermediary, and to participate in the meeting reasonably effectively.

11.2 Council Meetings

- 11.2.1 Council shall meet at such date, 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;
- 11.2.2 A special Council meeting:
- (a) may be called by the President (or in his absence by the Vice-President) at such date, time and place as such office-bearer may decide, or
 - (b) shall be called upon a requisition signed and addressed to the Breed Manager, by not less than four members of Council stating the reasons for such meeting.
- 11.2.3 The Council may decide that a Council meeting is in person, hybrid or entirely as a virtual meeting, as long as the electronic communication used enables all persons participating in the meeting to be able to communicate with each other at all times with no intermediary, and to participate in the meeting reasonably effectively.
- 11.2.4 Not less than 21 days prior to the holding of a Council meeting, written notice of the time, date, place and form of participation together with the agenda of such meeting shall be given by the Administrative Manager to each member of Council.
- 11.2.5 Where arrangements have been made for a virtual or hybrid meeting, the notice must state this clearly and include the details of the manner in which a member can attend the meeting, to enable members access to the available electronic communication medium.
- 11.2.6 Access to the medium or means of electronic communication is at the member's expense, unless the Council determines otherwise.
- 11.2.7 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.
- 11.2.8 Councillors either who are present in person or by means of an electronic communication method at a council meeting are entitled to vote at such a council meeting with the provision that all those present by means of electronic communication are clearly identified.

11.3 General Meetings

- 11.3.1 A general meeting of the Society to be known as the Annual General Meeting shall be held once a year, either in person, hybrid or an entirely virtual meeting, at such date, time and place and form of participation as

may be determined by Council, but must take place not later than six months after the end of the financial year.

11.3.2 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 11.3.4, 11.3.5 and 11.3.8 below.

11.3.3 A special general meeting of the Society may, at any time upon 30 days' written notice to members, be called:

- (a) by the Council, or;
- (b) by the President (or in his absence by the Vice-President), or
- (c) upon a written requisition signed and addressed to the Breed Manager by not less than ten members of the Society, stating the business to be transacted at such meeting and only the business specified in the requisition may be discussed at such meeting.
- (d) at such date, place, time and form of participation of a Special General Meeting as shall be determined by Council.

11.3.4 Not less than 60 days prior to the holding of the Annual General Meeting a preliminary written notice of the time, date, place and form of participation of the meeting shall be given by the Administrative Manager to every Member. Any Member intending to put forward any matter for discussion at the Annual General Meeting shall give written notice thereof to reach the Administrative Manager 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 the requisite notice of motion has been given in terms of this Sub clause.

11.3.5 Not less than 30 days prior to the holding of any General Meeting a final written notice of the time, date, place and form of participation of such meeting together with the agenda of and any other relevant documents to such meeting will be sent to each Member of the Society by the Administrative Manager.

11.3.6 Where arrangements have been made for a virtual or hybrid meeting, the notice must state that fact and include the details of the manner in which a

member can attend the meeting, to enable members access to the available electronic communication medium.

- 11.3.7 The electronic communication used must enable all persons participating in the meeting to be able to communicate with each other at all times with no intermediary, and to participate in the meeting reasonably effectively. Access to the medium or means of electronic communication is at the member's expense, unless the Council determines otherwise.
- 11.3.8 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: Provided that any Constitutional amendment may only be dealt with as stated in Clause 13.
- 11.3.9 Any general meeting may be adjourned by a two-thirds majority vote of the members personally present thereat and entitled to vote.
- 11.4 The President, or in his absence, the Vice-President or any Honorary Life Member, 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 fulfil all the duties of the President.
- 11.5 All matters submitted to any meeting shall, save as is otherwise provided, be decided by the votes of the majority of those members present and entitled to vote and voting, and in the event of an equality of votes, the person presiding at the meeting shall have a casting vote as well as a deliberative vote.
- 11.6 Members whose accounts are fully paid and who are present in person at a General meeting shall be entitled to vote, whereas members attending by means of electronic communication may participate in the meeting, including discussion and deliberation, but shall not be entitled to vote at such a General Meeting. Subject to the provisions of Clauses 8.1 and 8.3, voting at all meetings shall be by show of hands unless voting by ballot is demanded by two-thirds of the members present and entitled to vote and voting, in which event voting shall be by secret ballot.
- 11.7 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.
- 11.8 Quorums**
- 11.8.1 Ten (10) 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 Councillors personally or by means of an electronic communication method present at any Council meeting and entitled to vote shall form a quorum for such Council meeting.

- 11.8.2 If at any meeting a quorum is not present, the meeting shall stand adjourned to a date, time (not less than 21 days and not more than 30 days thereafter) and place determined by the members present, personally or by means of an electronic communication method and at such adjourned meeting the members present shall form a quorum: Provided that any meeting at which the President, the Vice-President, or an Honorary Life Member 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 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 written notice shall be sent to all members within 14 days after the adjournment, in which shall be stated the time, date and place and form of participation to which the meeting has been adjourned and the reason for the adjournment.

- 11.8.3 Both the President and Vice-President must be present at any meeting of the Executive Committee in order for it to be functional.

11.9 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 subcommittee 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 the meeting are valid and binding.

12. FINANCIAL PROVISIONS

- 12.1 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.
- 12.2 All payments out of the funds of the Society shall be effected by electronic transfer, signed by the Breed Manager or a person appointed by Council and counter-signed by the auditors, or such person or persons as Council may authorise in terms of Sub clause 10.11: 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 from time to time, and provided further that the total sum necessary for the payment of such accounts is drawn by debit or credit card.

- 12.3 Council shall cause proper books of account 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.
- 12.4 All the property of the Society shall be vested in Council.
- 12.5 The income and property of the Society, from whatever source derived, shall be applied solely to the promotion and furtherance of the objectives of the Society, and with the exception of discounts referred to in Sub clause 10.13, no part thereof shall be paid or transferred, directly or indirectly by way of dividend or bonus or otherwise, to any persons who at any time are or were members of the Society: Provided that nothing herein contained shall prevent the payment in good faith of remuneration to any employee or other person/s for services rendered to the Society.
- 12.6 The financial year of the Society will commence on 1 January of each year and end on 31 December of the same year

13. AMENDMENTS TO THE CONSTITUTION

- 13.1 The Constitution may be added to, altered, varied or amended by a resolution approved by not less than two-thirds of the members present and entitled to vote at the Annual General Meeting or a General Meeting convened for the purpose of a proposed addition to, alteration, variation or amendment to the Constitution 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.
- 13.2 No such addition to, alteration, variation or amendment of the Constitution, notwithstanding that it has been passed in the manner prescribed in Subclause 13.1 hereof, shall be of any force or effect until and except it is confirmed and approved by the Registrar, in terms of the Act, and shall comply with and be submitted to the Registrar in the manner as set out in the Act.

14. AFFILIATIONS

The Society shall be a member of the Association as its Service Provider and shall maintain such membership on the conditions set out in the constitution of the Association, and may further by a majority vote of at least two-thirds of the members personally present, voting and entitled to vote, at any General Meeting, affiliate with or incorporate any association, society or organisation having aims and objectives kindred to those of the Society.: Provided that the members may decide with a two thirds majority vote at an Annual General Meeting or General Meeting convened for this purpose, to appoint another organisation as its Service Provider and terminate its membership of the Association.

15. 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 be transferred to such other institution or institutions having objectives similar to those of the Society, as may be determined by a majority decision of a General Meeting of the Society.

16. OFFICE OF THE SOCIETY

The office of the Society shall be at any centre as may be determined by Council from time to time subject to confirmation by an ensuing General Meeting of members.

17. COPYRIGHT

The Society retains copyright on all information supplied to the Society by members and the ownership of the entire recorded data base shall be vested in the Society.

18. EXEMPTION FROM INCOME TAX

18.1 No profits or gains may be paid out to any person.

18.2 Funds available for investing may only be invested with registered financial institutions as described in Article 1 of the Act of Financial Institutions (Investing of Funds) 1984 (Act Nr 39 of 1984) and in shares that are noted on the Stock Exchange as described in the Act on the Control of Stock Exchanges, 1985 (Act Nr 1 of 1985).

18.3 A copy of any amendments of the Constitution of the Breed Society must be forwarded to the Commissioner of the South African Revenue Services.

18.4 Should the Society cease to operate, its remaining assets must be transferred to another Society with similar interests, which has also been exempted from Income Tax according in terms of section 10(1)(cA)(i) of the Income Tax Act, as may be determined by a majority decision of a General Meeting of the Society.

19. DELEGATION OF POWERS

Notwithstanding anything to the contrary in the Constitution, any member may under power of attorney, duly executed and filed with the Breed Manager, 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 as valid and binding as if it had been given by the member himself: Provided that nothing herein contained shall entitle such authorized person in any manner whatsoever to participate in the nomination of, or voting for, any member of Council, or voting on any matter where his principal has a vote, or to attend any meeting on his principal's behalf.

20. NON-MEMBERS

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

21. AUTHENTIC VERSION OF 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

The registration system of the Society shall consist of the Herd Book which shall be divided into three main sections, namely the Basic Section, Appendix Section and the Studbook Proper Section (SP), which shall be maintained and operated by the Registering Authority in terms of the Act.

1.1 BASIC SECTION (BS)

Any female is eligible for registration in the Basic Section (BS), provided that the animal comply with the requirements as may be laid down by Council. Such conditions shall be subject to an inspection. Such female animals 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 complies with the minimum breed standards as determined by Council from time to time.

1.2 APPENDIX SECTION

1.2.1 APPENDIX A

The female progeny of a Basic Section (BS) female mated with a Studbook Proper (SP) Santa Gertrudis bull (Single or Multiple Sires) or an Appendix B bull, 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 the Studbook Proper Section.

1.2.2 APPENDIX B

- (a) The progeny of an Appendix A female mated with a SP Santa Gertrudis bull (Single or Multiple Sires) or an Appendix B bull, 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 the Studbook Proper Section.
- (b) Male progeny of an Appendix A female mated with a SP Santa Gertrudis bull (Single or Multiple Sire) or an Appendix B bull, which according to the inspector comply with the phenotypical characteristics of a Santa Gertrudis of which the sire and birth date is known. Calves from multiple sires are recorded as pending until paternity is determined.

1.3 STUDBOOK PROPER SECTION (SP)

1.3.1 The male and female progeny of an Appendix B female mated with a SP Santa Gertrudis bull (Single Sire).

1.3.2 The progeny of SP parents (SP x SP).

2. PREFIX AND HERD DESIGNATION MARK

- 2.1 No Animal shall be accepted for birth recording or registration unless the breeder has previously, requested the Society to register on his behalf, a Prefix for his exclusive use at the organization appointed by the Department to manage the Intergis, by which all animals bred by him and eligible for birth recording or registration shall be designated.
- 2.2 A Herd Designation Mark (HDM), must furthermore be registered with the Society by which such animals shall be identified.
- 2.3 No prefix shall exceed 18 characters, and the name of a city, post office or town in the Territory shall not be accepted for registration as a prefix.
- 2.4 The herd designation mark registered and recorded for the breeder's exclusive use, shall not exceed four characters 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.
- 2.5 Application for the registration of such prefix and herd designation mark shall be made to the Administrative Manager and shall be accompanied by such fee as may be prescribed from time to time by Council or by the organisation specified according to the Act.
- 2.6 No transfer of a prefix or herd designation mark 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 Society and the rules of 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 letter and a sequence number, and any animal which does not bear the approved identification marks shall not be accepted for the recording of its birth or for subsequent registration by the Registering Authority.
- 3.2 Ear tattooing or micro-chipping AND branding shall be the Society's official system of marking for the uniform and permanent identification of all animals submitted for birth recording or for registration: Provided that, should micro-chipping be applied, the breeder shall accept full responsibility for it and at all times have a scanner/reader available.
- 3.3 Every calf must be tattooed or micro-chipped by the breeder within 60 days of birth.
- 3.4 All calves shall be branded before the age of 8 (eight) months with the Herd Designation Mark followed by the year number to indicate the year of birth and the sequence number corresponding with the tattoo or micro-chip. No application for registration of an animal which has not been tattooed or micro-chipped and branded shall be considered.
- 3.5 The year number shall consist of two numbers indicating the year of birth.

- 3.6 The birth sequence number shall not exceed four characters.
- 3.7 In the event of a breeder making a mistake when tattooing or micro-chipping a calf, or in the event of a mark becoming defaced or illegible, the owner of the animal shall report the fact to the Breed Manager 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.
- 3.8 The insertion of any other tattoo mark or micro-chipped identification whatsoever on a Santa Gertrudis, by the breeder or owner or his agent, is strictly prohibited, and the birth notification or registration certificate of any Santa Gertrudis so marked shall be liable to cancellation.
- 3.9 Subject to the requirements of Bye-law 3.7, 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 Animals of which the births are notified, and all animals 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 characters.
- 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 BIRTHS

- 5.1 All animals from births notified and eligible for registration, will be recorded in the Calf Book in the Herd Book of the Society until the animal has been inspected after qualifying for registration according to the Constitution.
- 5.2 The breeder of a Santa Gertrudis born from a registered dam or one eligible for registration shall notify the Society within 210 days of its birth, whether it be born dead or alive or retained for registration or otherwise. Births notified after such period shall be accepted subject to the approval of the Society and on payment of a late notification fee as may be determined by Council.
- 5.3 No birth notification of a Santa Gertrudis shall be accepted unless the sire and dam at the time of service were more than eight months old. From 1 January 2027, no calf shall be registered unless the sire has a Genomic profile on record.
- 5.4 All birth notification shall be notified in the format as approved by the Society.

- 5.5 In the event of multiple births the breeder shall in addition to the particulars ordinarily required also record on the birth notification form the number and sex of the other twin, triplets, etc. as the case may be.
- 5.6 A birth notification in respect of a Santa Gertrudis begotten as a result of embryo transfer must be submitted to the Society as prescribed by the Society.
- 5.7 Records shall be kept by the Society in the name of each breeder of all Santa Gertrudis born, whether born dead or alive, whose births have been duly notified by the relevant breeder, and of such other details as may be determined by the Society.
- 5.8 The birth notification 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, have been complied with."
- 5.9 The birth notification shall also be accompanied, in the case of a Santa Gertrudis 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 Society and the Registrar) in the country of origin, to the effect that –
- (a) the identity of the sire, as indicated by the said documents is correct; and
 - (b) that the sire conforms to the minimum breed standards, production and other requirements as may be determined by Council.

6. RULES GOVERNING 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 Act and Constitution have *mutatis mutandis* been complied with.
- 6.2 No birth notification of a Santa Gertrudis begotten by A.I. shall be accepted for the purpose of registration 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 parentage has been confirmed by a Genomic test, DNA test or any other proven scientific method of confirming parentage.
- 6.4 The Society reserves the right through its officers to supervise and/or inspect the keeping of records in connection with A.I. by its members
- 6.5 The Society reserves 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 the Territory 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 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 the Act, to collect, deep-freeze 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 Society;
- (b) the official Genomic or DNA profile number of the sire, allocated by the official laboratory, or any other proven scientific method of confirming paternity, has been submitted to the Society;
- (c) the collection and storage of the semen has been carried out in accordance with the requirements of the Act;
- (d) all requirements of the Constitution in respect of birth notifications or registrations are complied with.

6.7.2 In the case of a transfer of a Santa Gertrudis bull (other than one approved for the collection of semen in terms of the Act) from which semen has been collected, frozen and stored, the application for the transfer of such bull must be accompanied by a certificate signed by the seller indicating the number of doses of semen stored at the date of transfer.

6.8 Transfer of semen from one breeder to another

Semen collected from a registered bull, may only be sold to or used by a Breeder who is not the owner of the bull, if the bull has, prior to any sale of semen, been approved by the Society and registered as a donor of genetic material by the Registrar, following an application by the Society in this regard in terms of Sections 7(4) and 8(1)(b)(ii) of the Act. Semen from such approved Santa Gertrudis bulls may be sold to stud breeders and the resulting progeny shall be eligible for Registration.

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

7.1 All Santa Gertrudis which have been legally begotten as a result of *in vivo* or *in vitro* derived embryo's shall be eligible for registration: Provided that –

- (a) both the male and the female Santa Gertrudis which gave rise to an embryo concerned were approved for the purpose by the Society;
- (b) 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 Society within 120 days of each embryo transfer -

- (i) the duly completed inovulation certificate as may be prescribed by the Society;
 - (ii) the certificates reflecting the official parentage verification laboratory numbers of both the male and female Santa Gertrudis that gave rise to the embryo concerned:
 - (iii) 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
 - (iv) in the case of a Santa Gertrudis begotten from an imported ovum, a certificate issued by a competent body, recognized by the Society and the Registrar 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 embryos collected, and the date exported;
- (c) 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 and the Registrar) in the country of origin are submitted to the Society within 30 days of the arrival of the recipient dam in the R.S.A and Territories:
- (i) evidence of the service or insemination and flushing of the embryo donor;
 - (ii) evidence of the transfer of the embryo concerned and date thereof to the relevant recipient dam;
 - (iii) two-generation pedigrees of both donors;
 - (iv) Genomic or DNA profiles or any other proven scientific method of confirming parentage of both donors; and
 - (v) evidence that both donors conform to the minimum breed and production standards required as may be determined by Council;
- (d) a birth notification in respect of an animal resulting from E.T. is submitted as referred to in Bye-law 5.4;
- (e) confirmation of parentage in each instance by a Genomic or DNA test or any other proven scientific method of confirming parentage is supplied, unless otherwise determined by the Society; and
- (f) all other requirements of the Constitution in respect of birth notifications, inspection and/or performance and registrations are complied with.

- 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 Territory 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 embryo's are obtained from a source approved by the Society, and provided further that the collection of embryo's, the handling thereof, the inovation 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 reserves the right to refuse to register the progeny resulting from E.T. should any of these rules not be fully adhered to.
- 7.5 Council shall have the right to limit the number of progeny from a donor cow resulting from E.T. for registration.

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.

9. DNA PROFILING

- 9.1 In order to confirm the parentage of Santa Gertrudis, the Society shall at any time have the right to insist on DNA verification or any other proven scientific method of confirming parentage –
- (a) as a routine procedure, on a basis to be determined by the Society from time to time; and
 - (b) in any case of doubt.
- 9.2 The owner or the Society, as may be determined by Council, shall bear the costs of the parentage verification tests or any other proven scientific method of confirming parentage required in terms of this Bye-law.
- 9.3 The Registering Authority shall nominate the herd/s in which animals are to be subjected to parentage verification tests when required according to its Constitution;
- 9.3.1 The Service Provider shall nominate the animal/s in the relevant herd to be subjected to parentage verification tests on a basis to be determined by the Society from time to time.
- 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 Registering Authority. 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 procedures as stipulated by the Registering Authority will be followed.

9.3.4 Genomic or DNA test or any other proven scientific method of confirming parentage will be accepted as identification of animals.

9.4 Whenever there is a discrepancy regarding parentage verifications between different methods, the results from a genomic verification will be accepted as being valid, provided that in the event that a genomic verification is for any valid reason not possible, the DNA verification will be valid.

9.5 For animals born on or after 1 January 2027, there may be no discrepancies between parentage verification methods. In the case of discrepancies between methods of parentage determination, the result of genomic verification shall be accepted as valid.

9.6 All herd sires born during or after 2023 must be genomically tested, and the results must be recorded with effect from 1 January 2027.

10. REQUIREMENTS AND APPLICATION FOR REGISTRATION

10.1 Inspection shall be a pre-requisite for the registration of South African 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 recorded at birth or accompanying information or data are open to question may in the discretion of Council be debarred from registration.

10.3 South African Bred Santa Gertrudis

10.3.1 Except as provided for in Bye-law 1.1 (in respect of Basic Section females), no application for registration of a South African bred Santa Gertrudis shall be considered unless details 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 Society.

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 or an embryo shall be eligible for registration, provided the requirements of the Constitution have *mutatis mutandis* been complied with.
- 10.4.2 An pedigreed animal imported into the Territory shall be eligible for registration provided that 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 and the Registrar) in the country of origin;
 - (b) evidence to the effect that the animal concerned conforms to the minimum breed standards, production and other requirements as may be determined from time to time by Council and approved by the Society; 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 Registering Authority's (Santa Gertrudis SA) registration certificates shall be issued in respect of imported animals.

10.5 Santa Gertrudis Resulting from Imported embryo's

- 10.5.1 Animals resulting from the in ovulation of imported embryo's, 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 embryo's shall have been collected by a competent body in the country of origin (approved by the South African Department of Animal Health and the Registrar of Animal Improvement) from an animal which complies with the minimum requirements for the importation of embryo's determined by Council and approved by the Society; and, if fertilized, such embryo's shall have been fertilized with the semen of a Santa Gertrudis bull which likewise complies with the above mentioned minimum requirements.

11. INSPECTION AND PRODUCTION REQUIREMENTS

- 11.1 Minimum inspection and performance standards as pre-requisites for registration shall be determined from time to time by the Society in terms of Sub clause 10.26 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 Minimum Breed and production standards

Minimum breed and production standards (Annexure A), as prerequisites for registration, shall be recommended by Council from time to time to be confirmed at a General Meeting.

11.4 Inspections and Duties of Inspectors

- 11.4.1 In terms of Clause 10.25 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.
- 11.4.2 The inspectors shall inspect the animals on the inspection list provided by the breeder and shall satisfy themselves that the age, identification, and other details as appear 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 inspection and performance standards as determined by Council.
- 11.4.3 To confirm the execution of the inspection, the inspector must send the signed inspection list to the Society. The inspector's inspector number issued by the Society, must appear on the inspection list to validate the inspection.
- 11.4.4 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 recordings in the Basic Section 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.
- 11.4.5 Any breeder dissatisfied with an inspector's decision may lodge an appeal to the Breed Manager 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 upheld, the relevant deposit shall be refunded; if not, the appellant forfeits his deposit and pays any additional costs of the inspector.
- 11.4.6 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.
- 11.4.7 Except in cases referred to in By-law 11.4.6, timeous notice shall be given to breeders of an intended visit by the inspectors.

- 11.4.8 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.
- 11.4.9 Inspectors employed 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.
- 11.4.10 No breeder shall act as an inspector of his own animals.
- 11.4.11 Fees payable for inspections and any other duties performed by inspectors shall be determined by Council from time to time.

12. REGISTRATION CERTIFICATES

12.1 Issuing of Certificates

- 12.1.1 Registration certificates in respect of Santa Gertrudis, if issued, will be in the form decided by the Society. Data in respect of production recording, processed by the Service Provider, may appear on the certificates.
- 12.1.2 Registration certificates issued by the Society in respect of animals begotten by A.I. and E.T. shall bear the letters "AI" and "ET" respectively behind the names of the animals appearing on such certificates.

12.2 Alterations or Additions to Registration Certificates

No alteration or addition to the essential registration information or particulars officially of any animal officially recorded by the Society or any endorsement or remark on printed certificates or advertisement material, shall be allowed without prior written consent from the Society.

12.3 Cancellation of the Registration Certificates and re-instatement of Santa Gertrudis

- 12.3.1 Council may direct the Administration Manager for the cancellation of the registration of any animal which has –
- (a) been birth recorded or registered by mistake;
 - (b) been birth recorded or registered on the strength of false or fraudulent information supplied by the owner;
 - (c) been birth recorded or registered after the owner has failed to comply with any relevant Bye-law: or
 - (d) in the case of female animals, failed to meet the minimum breed standards as may be determined by Council from time to time;

and to notify the breeder or owner accordingly.

- 12.3.2 The Society must be informed within 60 days of the cancellation and/or endorsement of an animal after its death, sale for slaughter, culling, castration, spaying or other circumstances changing the status of registered animals.
- 12.3.3 In the event of the cancellation of an animal, 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 the 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.

13. TRANSFERS 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 a Santa Gertrudis, or to any share or additional share of the ownership of a Santa Gertrudis and the relinquishment of any share in the ownership of such Santa Gertrudis.
- 13.2 Any seller who transfers sole ownership of a Santa Gertrudis, or part ownership in a Santa Gertrudis shall within 30 days of the date of such transfer, furnish-
 - (a) the Society with the identification of the animal concerned and full particulars of the new owner; and
 - (b) the Society 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 female, the seller shall together with his application for transfer, furnish the Society, as well as the buyer in writing with 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
 - 13.4.2 a recipient dam, the application for transfer shall be accompanied by the birth notification information and other information in compliance with Bye-law 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 provide the relevant registration information in writing and should the buyer be willing to pay such fees as may be laid down by Council, Council 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 in writing to that effect, duly signed by the buyer and the seller concerned is made to the Society.

14. JOINT OWNERSHIP OF BULLS AND LOAN BULLS

- 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 Society.
- 14.2 The joint ownership and use of a bull is subject to the provisions of the Act.
- 14.3 If one breeder makes a bull available to another breeder for a specific period, the Society must be informed by the owner in writing of the breeder involved, the full identification of the bull and the period involved.

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 Society shall refuse registration unless the parentage is confirmed by means of a DNA parentage control or any other proven scientific method of confirming parentage.
- 15.2 The Society may 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 Society has refused to accept applications from any person, the Society may in addition, 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 EMBRYO'S

- 16.1 Applications to import or export Santa Gertrudis animals, semen or embryo's, shall, in terms of the Act, be submitted in duplicate, on forms approved by the Registrar, to the Society, together with the prescribed fee. The Society shall forward one copy together with its recommendation thereto, and the required documents reflecting the details referred to in Bye-law 16.2, together with its recommendation to the Registrar.
- 16.2 Council shall determine minimum breed standards and other requirements for the importation and exportation of Santa Gertrudis animals, semen and embryo's in terms of Sub clause 9.25 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 embryo's which comply with the minimum requirements referred to in By-law 16.2 and the requirements of the Constitution shall be eligible for registration.
- 16.4 The Registering Authority may, upon application, issue export certificates in respect of Santa Gertrudis animals, semen and embryo's in the form desired by the Society.
- 16.5 No animal or genetic material may be exported without written authorisation from the Registrar in accordance with the Act.