

CONSTITUTION

OF THE

DÖHNE MERINO BREED SOCIETY

OF SOUTH AFRICA

February 2004

CONSTITUTION [AND BYE-LAWS]

THE DOHNE MERINO BREED SOCIETY OF SOUTH AFRICA

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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 Animal Improvement Act, 1998 (Act 62 of 1998) as amended from time to time, or any other Act which is substituted therefore and includes the regulations;
 - b) "approved" means an animal which conforms to the minimum standard for A or AA grading as provided for in the Standard of Excellence and passed by an inspector [as appointed by Council];
 - c) "Association" means the South African Stud Book and Animal Improvement Association, referred to in the Act as the Stud Book Association;
 - d) "birth" means the birth of a lamb;
 - e) "birth recording" means the procedure whereby the birth of an animal is placed on the records of the Association;
 - f) "breeder" means a member of the Society, who is the owner of -
 - i) the dam at the date of birth of an animal to be registered or recorded;
 - ii) an animal at date of application for registration or recording in the first section of the Developing Register of the Flock Book; or
 - iii) the recipient dam at date of birth of an animal to be registered or recorded as a result of an embryo transfer;
 - g) "buyer" means the person or persons to whom ownership/joint ownership of an animal is transferred by the seller of such an animal;
 - h) "Constitution" means the Constitution (inclusive of the bye-laws) of the Society;
 - i) "Council" means the Council of the Society duly elected in terms of the Constitution;
 - j) "Department" means the Department or Departments charged with the administration of the Act;
 - k) "animal" means a sheep of the Dohne Merino breed registered or recorded, or eligible for registration or recording, in the Dohne Merino Flock Book or an approved certified Foundation Flock and the words "dam/s", "ewe/s", "female/s", "lamb/s", "male/s", "ram/s", "sheep" and "sire/s" shall have the same meaning;
 - l) "embryo" means a fertilized ovum of an animal;
 - m) "Flock Book" means the Flock Book of the Society in which shall be inscribed the details all animals;

- n) "inspector/s" means a person/s appointed by Council for the purposes referred to in Clauses 9.22, 9.23 and 9.24;
- o) "Minister" means the Minister of the relevant Department;
- p) "ovum" means the ovum of an animal and includes an embryo;
- q) "owner" means the person who –
 - i) according to the records of the Association possesses the animal concerned; or
 - ii) submits proof to the satisfaction of Council that the animal concerned is eligible to be registered in his name;
- r) "registering" refers to the procedure of registering or recording an animal in the Flock Book, or by which a prefix or flock designation mark is placed on the records of the Association;
- s) "Registrar" means the officer designated as Registrar of Animal Improvement in terms of the Act;
- t) "Secretary" means the secretary of the Society;
- u) "seller" means the person or persons being the owner/joint owner/s of an animal according to the records of the Association, or in the case of an imported animal, the owner in the country of origin who disposes of such an animal;
- v) "semen" means the semen of an animal;
- w) "Society" means the Dohne Merino Breed Society of South Africa;
- x) "Territories" means South Africa and such other countries as the Society may from time to time determine with the approval of the Association.

1.1 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.

1.2 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 Dohne Merino Breed Society of South Africa.

2. OBJECTIVES

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

- 2.1.1 To encourage the breeding and genetic improvement of the Dohne Merino breed in the Territories;
- 2.1.2 To foster interest in the breed by all possible and available means;
- 2.1.3 To compile, keep and maintain accurate records of the pedigrees and particulars of all animals duly registered or recorded with the Association in the Flock Book;
- 2.1.4 To compile and maintain a "Standard of Excellence" based on performance testing records plus visual appraisal for conformation, functional efficiency and production. For this purpose all performance data shall be made available to Council, inspectors and appointed sub-committee/s;
- 2.1.5 To institute short courses at such venues as may be decided upon by Council for the training of breeders and inspectors;
- 2.1.6 To promote sales of animals – already approved, recorded or registered or eligible for approval, recording or registration;
- 2.1.7 To safeguard and advance the common interests of stud breeders in the Territories, and generally to give effect to the objectives contemplated by the Act.

3. POWERS OF THE SOCIETY

Subject to the terms of this 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 by virtue of its membership of the Association and its incorporation in terms of the Act; and
- b) 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 4.2.4, membership of the Society shall be limited to persons above the age of 18 years.

4.2 There shall be the following categories of members:

4.2.1 ORDINARY MEMBERS

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

Ordinary Members shall be classified as ram breeders or flock breeders according to qualifications as may be laid down by Council from time to time. (Schedule C)

4.1.1.1 Persons who are Active Breeders of animals shall be termed Active Ordinary Members.

4.1.1.2 All other Ordinary Members shall be termed Non-Active Ordinary Members.

4.2.2 HONORARY LIFE MEMBERS

For special services in the interests of the Dohne Merino breed a person may at an Annual General Meeting be elected an 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, and provided further that companies, close corporations, partnerships or body corporates shall not be eligible for Honorary Life Membership.

4.2.3 SPECIAL HONORARY MEMBERS

Any person not necessarily actively engaged in the breeding of animals 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.

4.2.5 SPECIAL MEMBERS

Persons not necessarily actively engaged in the breeding of animals shall be eligible as Special members by paying such fees or subscriptions as are laid down by Council. Special members may not vote at meetings of the Society and are not eligible for election to Council. (Schedule A)

4.3 Company, Close Corporation, Partnership, Body Corporate & Trusts

- 4.3.1 A company, close corporation, partnership, body corporate or trust 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 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 a person shall have the right to nominate an alternate in writing, which written nomination shall be handed to the Secretary not later than the time of the meeting at which such an alternate will be present.
- 4.3.2 All communications addressed to such an authorized representative referred to in Clause 4.3.1 shall be deemed to be duly served upon the company, close corporation, partnership, body corporate or trust and at all meetings at which such an authorized representative is in attendance on behalf of the company, close corporation, partnership or body corporate shall be deemed to be duly represented.
- 4.3.3 The principal person so appointed to represent such a company, close corporation, partnership, body corporate or trusts shall be eligible for election to Council in terms of Clause 8.
- 4.3.4 Should any such company, close corporation, partnership or body corporate cease to comply with the requirements of Ordinary Membership as laid down in Clause 4.2.1, its rights shall automatically be terminated; and the provisions of Clause 4.3.5 shall *mutatis mutandis* apply in respect of such a company, close corporation, partnership, body corporate or trust.
- 4.3.5 The liquidation of a company or close corporation and the dissolution of a partnership or body corporate shall automatically result in the termination of its membership of the Society, provided that:
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 company or close corporation or from the members (either jointly or severally) of such a partnership, body corporate or trust;
 2. the liquidator of such a company or close corporation and the members of such a partnership or body corporate shall be obliged to discharge all the obligations of such a company, close corporation, partnership, body corporate or trust in respect of registrations, recordings, transfers and whatever obligations

3. the company, close corporation, partnership, body corporate or trust would have had to discharge as a member of the Society, and
4. whatever fees may become due and payable as a result of flock fees, recordings, registrations, transfers or other obligations which have of necessity to be fulfilled after such an automatic termination of membership, shall be raised on the scale payable by Ordinary Members.

4.4 Registering Members

4.4.1 Any person over the age of 18 years, including a company, close corporation, partnership, body corporate and trusts who is directly or indirectly engaged in the breeding of animals, shall be eligible to register with the Society as a Registering Member.

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 Registering Members.

4.5 Application for Membership

4.5.1 Application for Ordinary, Life, Junior or Registering Membership of the Society shall be made in writing to the Secretary in such a form as may be described by Council, and shall be accompanied by the relevant entrance and/or subscription 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, disclosing the 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 A probationary member to whom continued membership has been refused shall not be entitled to a refund of any fee, subscription or levy paid by him since the date of his original application for membership and the provisions of Clause 6.4 shall be applicable to him and the recorded or registered in his name.

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. These 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 or recording of animals under the Society's rules;
- c) to attend all general meetings of the Society and subject to Clauses 4.2 and 4.4.2, have the right to vote at such meetings;
- d) to receive expert technical advice on Dohne Merino matters from the Society's inspectors and officials, if available, at a fee to be determined by Council; and
- e) to consult and use the Society's official reports.

5. SUBSCRIPTIONS AND FEES

- 5.1 The amounts payable to the Society in respect of subscriptions, fees or any other dues and commissions shall from time to time be determined by Council, and shall be notified to members at the next 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 60 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 60 days, after a 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 the 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 an 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 entailed in addition to the principal amount, interest, fines and penalties incurred by 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 to the Secretary: Provided that such a resignation shall not take effect before and until all moneys owing to the Society by such a member have been paid, and until

such a member has discharged all his obligations in respect of registrations, recordings, 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 its services to any member who –
- a) Despite due notice and demand directed to him by the Secretary continues to remain in arrear in respect of any fees or dues for a further period of 60 days;
 - b) 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.
 - c) has infringed any provision of the Constitution; or
 - d) has been found guilty of an offence under the Act;

PROVIDED that no proceedings for expulsion 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 an expulsion is to be dealt with, addressed a registered letter to such a 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 a meeting of Council.

- 6.3 Any member who has been expelled shall be notified by the Secretary in writing within a period of 21 days from the date upon which the resolution effecting his expulsion was passed, or upon which his membership was forfeited.
- 6.4 Upon expulsion of a member, Council may at its discretion direct the Secretary forthwith to remove from the Flock Book and any other registers or records of the Society, the name of the member so expelled, and to apply to the Association for the cancellation of all registrations or recordings effected by it, in respect of animals bred by the expelled member 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, 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, 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 under registered cover 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. COUNCIL AND EXECUTIVE COMMITTEE

8.1 Election of Council

Nine members shall be elected by ballot from amongst the members present and entitled to vote at the Annual General Meeting or a special general meeting called for the purpose and shall hold office until the next Annual General Meeting after election when three members, as determined by the drawing of lots, shall retire. Thereafter, at each Annual General Meeting the three members longest in office shall retire. Retiring members shall be eligible for re-election.

8.2 Election of President and Vice-President

8.2.1 Immediately following each Annual General Meeting the elected Council shall hold a meeting at which there shall be elected by ballot from amongst its members, a President and Vice-President who shall hold office for a period of one years.

8.2.2 It shall be a proviso in the case of all Councils, after the first elected under this Constitution, that no Councilor shall be elected to the office of President or Vice-President unless he has served on Council for at least one (1) year prior to election.

8.2.3 Members elected as President and Vice-President shall be eligible for re-election as such.

8.3 Additional Council Members

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

8.3.1 Honorary Life Vice-Presidents

For exceptional services rendered to the Society, persons may at an Annual General Meeting be proposed and elected as Honorary Life Vice-Presidents: Provided that the proposal is recommended by Council and supported by at least three-quarters of the members present at the meeting.

8.3.2 The Secretary

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 meetings, but shall not have the right to vote on any question or resolution at such meetings.

8.4 Executive Committee

The Executive Committee of Council shall consist of the President, Vice-President and two members of Council, the latter to be appointed by Council. All actions or decisions of the Executive Committee shall be approved and confirmed at the ensuing Council Meeting.

8.5 Should any member of Council die, resign or cease to be a member of the Society, or be called upon to fill the office of President or Vice-President as provided for in Clause 8.6, Council may appoint another member of the Society as his substitute with full powers and for the unexpired period of his term of office. Council shall be deemed to

be duly constituted and shall continue exercising all the powers conferred upon it, notwithstanding any vacancies in its body.

- 8.6 In the event of the office of President or Vice-President becoming vacant before the expiration of the period for which he was elected to Council, at its first ensuing meeting by ballot or in such manner as the meeting may determine, shall for the unexpired portion of that period elect another of its members to fill the vacancy.
- 8.7 Members of Council absenting themselves from two consecutive meetings without leave, or other satisfactory reasons, shall automatically vacate their seats.

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 objectives, and in particular shall have the power:

- 9.1 to appoint, dismiss or suspend such attorneys or other legal representatives, auditors, agents, 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 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 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 purposes of the Society, upon such securities and on such terms as it may deem fit, and from time to time to 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; to enter into indemnities, guarantees and surety ships and to secure payment there under in any way; to make donations; 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;
- 9.6 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;

- 9.7 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;
- 9.8 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;
- 9.9 for the better and more convenient carrying on 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;
- 9.10 to pay all costs and charges in connection with the administration and management of the affairs of the Society;
- 9.11 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;
- 9.12 to collect and receive subscriptions, fees donations, other dues and funds, and to devote same towards the objects of the Society;
- 9.13 to receive and consider applications for membership in terms of Clause 4.5 and to accept or refuse applications at its discretion; to recommend persons for Honorary Life Membership in terms of Clause 4.2.2; to elect Special Honorary members in terms of Clause 4.2.3; and to recommend the election of a Honorary Life Vice-President in terms of Clause 8.3.2;
- 9.14 in accordance with Clause 5.3, to refuse inspection, registration, recording and other work for members whose accounts are overdue;
- 9.15 to cancel the membership of any person in accordance with Clause 6;
- 9.16 to convene a general meeting of the Society in terms of Clause 10.2.3 or any other meeting of the Society if it is deemed necessary;
- 9.17 to frame, alter and rescind rules and regulations for conducting the business and carrying out the objectives of the Society, to frame or amend any schedule pertaining to the Constitution as may be deemed necessary from time to time, and to investigate disputes arising from the application of the Constitution and to give decisions in regard thereto;
- 9.18 to impose and exact such penalties as may prescribed from time to time for contravention or infringement of the Constitution, rules and regulations of the Society;
- 9.18 o grant leave of absence to any member of Council or any official or employee of the Society, for such a period and upon such terms as it may in each case determine;
- 9.20 o 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 Vice-President of the Society shall be members *ex officio* of all subcommittees with full rights and privileges;

- 9.21 to elect a representative/s to the Annual General Meeting of the Association; and to nominate a person or persons to represent the Society on any committee, body or organization as may be necessary;
- 9.22 to appoint or discharge inspectors for the inspection of animals submitted for registration or recording 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;
- 9.23 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 or recording;
 - 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) rams shall be recommended for approval for the sale of in terms of the Act.
- 9.24 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;
- 9.25 to make application to the Association to cancel the registration or recording of any animal/s in respect of which there is doubt concerning the correctness of the records or identity of such animal/s;
- 9.26 to organize inspectors courses and examinations, and in its discretion to appoint successful candidates as official Dohne Merino inspectors.
- 9.27 to organize and promote sales, either by public auction or private treaty, and for such purposes to appoint auctioneers and agents and to charge commission on such sales; and
- 9.28 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.

10. MEETINGS

10.1 Council Meetings

- 10.1.1 Council shall meet at such a time and place as it may from time to time determine, or as may be decided by the President: Provided that not less than two 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 an 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 a meeting.

10.1.3 Not less than 21 days prior to the holding of a Council meeting, written notice of the time, date and place of such a meeting shall be posted 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 a 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 a time and place as may be determined by Council, but not later than nine 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;
- 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.

10.2.3 A special general meeting of the Society may, at any time upon 30 days' written 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 a 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 by the Secretary to every member. Any member intending to put forward any matter for discussion at the Annual General Meeting shall give written notice thereof to reach the Secretary not less than 35 days prior to the holding of the meeting. No subject put forward by any member shall be put on the agenda of the Annual General Meeting unless the requisite notice of motion has been given in terms of this sub clause.

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 a meeting together with the agenda of such a meeting shall be posted 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 a 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 **Chairperson**

The President, the Vice-President, the Life President or a 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 a meeting, and any person so elected shall in relation to that meeting, have all the powers and fulfill all the duties of the President: Provided that in the event of the death or resignation of the President, the Vice-President shall act as President until the next Annual General Meeting of the Society.

10.4 **Voting Procedures**

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

10.5 **Non-receipt of Notices**

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

10.6 **Quorums**

10.6.1 Ten members of the Society personally present at the commencement of any general meeting and entitled to vote shall form a quorum for such a meeting, and one more than half the number of Councilors personally present at any Council meeting and entitled to vote shall form a quorum for such a Council meeting.

10.6.2 If at any meeting a quorum is not present, the meeting shall stand adjourned to a time (not being less than 21 days and not more than 30 days thereafter) and place determined by the members actually present, and at such an adjourned meeting the members present shall form a quorum: Provided that any meeting at which the President, Vice-President or a Honorary Life Vice-President is present shall, if there is no quorum, stand adjourned for half an hour. The members then present shall form a quorum for the disposal of such business (other than any amendment to the Constitution) as the presiding member may declare to be of an urgent nature, and such an 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.

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

10.7 Minutes of Meetings

10.7.1 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 the committee concerned.

10.7.2 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.

11. FINANCIAL PROVISIONS

11.1 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 a banking account or accounts as Council may direct.

11.2 All payments out of the funds of the Society shall be effected by cheque, signed by the Secretary or a person appointed by Council and countersigned by the Auditors, or such a person or persons as Council may authorize in terms of Clause 9.9: 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.

11.3 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 a Council Meeting.

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

11.5 The income and property of the Society, from whatever source derived, including profits or gains, shall be applied solely to the promotion and furtherance of the objectives of the Society, and with the exception of discounts referred to in Clause 9.11, no part thereof shall be paid or transferred, directly or indirectly by way of dividend or bonus or otherwise, to any person Provided that nothing herein contained shall prevent the payment in good faith of remuneration to any employee or other person/s for services rendered to the Society.

11.6 The financial year period of the Society is from 1st December to 30th November.

12. AFFILIATIONS

The Society shall –

- a) in accordance with the Act be a member of the Association and shall maintain such membership on the conditions set out in the constitution of the Association; and
- b) 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 organization having aims and objectives kindred to those of the Society.

13. ELECTION OF REPRESENTATIVE TO THE ANNUAL GENERAL MEETING OF THE ASSOCIATION

Council shall elect a representative or representatives to the Annual General Meeting of the Association in accordance with Clause 9.21.

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 Association, and shall comply with and be submitted to the Association in the manner set out in its Constitution.

14.3 Any amendment to the Constitution will be submitted to the Commissioner for the South African Revenue Service.

15. OFFICE OF THE SOCIETY

The office of the Society shall be at any centre as may be determine 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/s having objectives similar to those of the Society as may be determined by majority decision of a general meeting of the Society and which is itself exempt from income tax in terms of section 10(1)(A)(i) of the Income Tax Act.

17. AUTHENTIC VERSION OF CONSTITUTION

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

BYE-LAWS

1. FLOCK BOOK

The recording system of the Society shall consist of the FLOCK BOOK, be it computerized or in any other form, which shall be divided into two main sections, namely the FOUNDATION FLOCKS and the FLOCK BOOK PROPER, which shall be maintained and operated by the Association in terms of the Act.

1.1 FLOCK BOOK PROPER SECTION

Progeny of registered females mated to a registered ram shall be eligible for registration in the Flock Book Proper section of the Flock Book: Provided that they have been inspected and approved in accordance with Bye Law 11, and comply with all birth notification and registration requirements in terms of the Constitution and provided further that they conform to the minimum performance requirements as may be determined by Council.

1.2 FOUNDATION FLOCKS

1.2.1 Application shall be made to the Association for all flocks with F1, F2 and F3 females to be registered as CERTIFIED FOUNDATION FLOCKS.

1.2.2 Breeding in Certified Foundation Flocks will take place under the supervision of Society Inspectors who will inspect all females in each generation according to the standards laid down in the Rules pertaining to the Foundation Flock Register and in Clause 1.2.4. Summaries of such inspections will be kept by the Society in a special register to be known as the Foundation Flock Register.

1.2.3 The Foundation Flock Register will consist of F1, F2 and F3 females bred and selected as follows:

a) **F1**

Females which originated from the mating of Merino ewes originating a flock approved by Council. A or AA and Dohne Merino rams shall be screened visually for conformity to the breed standards (Schedule B) and animals approved on this basis, shall on application by the breeder, be eligible for acceptance as F1 females in the Foundation Flock Register.

b) **F2**

The female progeny of F1 ewes of a polled, dual purpose Dohne Merino ram fine woolled type i.e. Letelle, shall be screened visually for conformity to the breed standard (Schedule B) and objectively for fleece mass and body mass. A maximum of sixty percent (60%) of the most superior females selected in a particular flock on this basis, and in respect of which such other recording requirements as Council may determine have been met, shall be eligible for acceptance as F2 females in the Foundation Flock Register.

c) **F3**

(i) The female progeny of F2 X AA approved Dohne Merino rams shall be screened visually for conformity to the breed standard

(Schedule B) and objectively for fleece mass and body mass. A maximum of twenty percent (20%) of the most superior females selected in a particular flock on this basis, and in respect of which such other recording requirements as Council may determine have been met, shall be eligible for acceptance in the Foundation Flock Register and application shall be made to the Association for the registration of such F3 females in the Foundation Section of the Flock Book.

- (ii) In a flock of proven origin and background, approved by Council, the annual maiden ewe progeny shall be screened visually for conformity to the breed standard (Schedule B) and objectively for fleece and body mass. A maximum of twenty percent (20%) of the most superior females selected in a particular flock on this basis, and in respect of which such other recording requirements as Council may determine have been met, shall be eligible for acceptance in the Foundation Flock Register and application shall be made to the Association for the registration of such F3 females in the Foundation Section of the Flock Book.

d) **Foundation Section**

The progeny of Foundation Section X Flock Book Proper matings (the sire in each instance to be of AA standard) which comply with the minimum breed standards and in respect of which all other recording requirements have been met, shall be eligible for registration in the Flock Book Proper as Dohne Merinos.

- 1.2.4 F1, F2 and F3 females need not be individually recorded, but will be identified according to the generation to which they belong by means of coloured tags as set out in the Rules pertaining to the Certified Foundation Flocks. (Schedule H)
- 1.2.5 Approved F3 females as defined in Clause 1.2.3(c) shall be registered with the Association and all registration requirements applicable to ewes registered in the Flock Book Proper will also apply to approved F3 ewes. The annual per capita fee levied by the Society in respect of registered ewes will also be payable in respect of approved F3 (Foundation Section) ewes.

2. PREFIX AND FLOCK DESIGNATION MARK

- 2.1 No animal shall be accepted for birth recording, registration or recording unless the breeder has previously, through the Society, registered with the Association for his exclusive use, a prefix by which all animals bred by him and eligible for birth recording, registration or recording shall be designated, and a flock designation mark by which such animals shall be identified.
- 2.2 No prefix shall exceed 20 characters, and the name of a city, post office or town in the Territory shall not be accepted for registration as a prefix.
- 2.3 The flock designation mark registered with the Association for the breeder's exclusive use shall not exceed four spaces and shall consist of letters only.

- 2.4 Application for the registration of such a prefix and flock designation mark shall be made to the Secretary and shall be accompanied by such a fee as may be prescribed from time to time by Council or by the Association.
- 2.5 No transfer of a prefix or flock 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 Association.

3. IDENTIFICATION

- 3.1 All live animals of which the births are notified and all animals offered for registration or recording, must bear permanent identification marks which shall include a flock designation mark, a year number and a sequence number:

i.e. **A** **89** **0123** = **A890123**
 Flock Year of sequence
 Designation birth number

Any animal, which does not bear the approved identification marks, shall not be accepted for birth recording, registration or recording by the Association.

- 3.2 Ear tagging shall be the Society's official system of marking for the uniform and permanent identification of all animals submitted for birth recording, registration or recording. Tattooing in the left ear is optional.
- 3.3 The year number shall consist of two digits indicating the year of birth and the birth sequence number shall not exceed four digits.
- 3.4 Every lamb, unless born dead or destroyed within 7 days of birth, shall within at least 14 days of birth be identified by means of an ear tag in each ear, to be placed facing forward as close to the head as possible. The lamb's own identification number (Bye-law 3.1) shall be inscribed on the upper side of the tag and the identification number of the sire of the lamb shall be inscribed on the underside of the tag. Multiple births shall be indicated on the ear tag by a colon or multiple full stops, whichever the case may be.
- 3.5 In the event of a breeder making a mistake when marking a lamb, 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.
- 3.6 The insertion of any other mark whatsoever on an animal, by the breeder or owner or his agent, is strictly prohibited, and the birth notification, registration or recording certificate of any animal so marked shall be liable to cancellation.
- 3.7 Subject to the requirements of Bye-Law 3.4, no animal shall be transferred unless clearly marked.

4. MATING LISTS

- 4.1 The owner of registered animals, shall within 60 days of mating his animals, submit to the Society upon the prescribed form a Mating List in which details are set out relating to the females mated to each specific sire, the dates between which mating took place

and whether mating was natural, by means of hand mating or by means of artificial insemination, are set out.

- 4.2 Upon receipt of the mating list the Society will issue the Breeder with a Birth Notification Form to be used for the notification of births in respect of the animals listed in the mating list.

5. NOTIFICATION OF BIRTHS

- 5.1 The breeder of an animal born from a registered or recorded dam or one eligible for registration or recording shall notify the Association within 120 days of its birth, whether it be born dead or alive or retained for registration, recording or otherwise. Births notified after such a period shall be accepted subject to the approval of Council and on payment of a late notification fee as may be determined by Council. Any lamb whose birth is not notified within six months shall not be eligible for registration or recording.
- 5.2 Notwithstanding Clause 5.1, the births of lambs of approved F3 (Foundation Section) females, where the standard of the lamb will be a criterion for recording, may, with the approval of Council, be notified after lamb inspection, and will not be subject to a late birth notification fee.
- 5.3 No birth notification of an animal shall be accepted unless the sire and dam at the time of service were more than eight months old.
- 5.4 All birth notifications shall be made on the birth notification forms as approved by the Association, and copies thereof shall be kept by the breeder concerned for inspection and checking at all reasonable times by officers of 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 an animal begotten as a result of embryo transfer must be submitted to the Association on a pre-printed birth notification form as prescribed by the Association.
- 5.7 Records shall be kept by the Association in the name of each breeder of all animals 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, registrations and recordings have been complied with.”
- 5.9 A birth notification shall also be accompanied, in the case of an animal imported *in utero*, by the necessary certificates reflecting the official approved parentage verification of both the sire and dam, endorsed by the Flock Book Society (or body recognised by the Society and the Association) in the country or 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 performance and other requirements as may be determined by Council.

6. RULES GOVERNING ARTIFICIAL INSEMINATION (A.I)

- 6.1 All animals that have been begotten through A.I. shall be eligible for registration or recording: Provided that all requirements of the Act and the Constitution have *mutatis mutandis* been complied with.
- 6.2 No birth notification of an animal begotten by A.I. shall be accepted for the purpose of registration or 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 17 days apart, no resultant progeny shall be eligible for registration or recording unless the male parentage has been confirmed by an approved parentage verification 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. by its members.
- 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 the Territory outside South Africa who enjoy the privileges of registration or recording of animals under the provisions of the Constitution, may apply for registration or recording 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 a manner as may duly approved by the Society from time to time.
- 6.7 The Society confirms the right of breeders, subject to the provisions of the Act, to collect, freeze and store the semen of their own Dohne Merino rams for use in their own flocks, and progeny resulting from the use of such semen shall be eligible for registration or recording: Provided that -
 - a) complete details of the ownership of the sire concerned have been submitted to the Association;
 - b) the official approved parentage verification 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; and
 - d) all requirements of the Constitution in respect of birth notifications, registrations or recordings are complied with.
- 6.8 Semen of a ram may not be used for the insemination of animals, unless it has been approved in terms of the Act and the semen is accompanied by a written warranty.

- 6.9 In the case of a transfer of a ram (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 ram must be accompanied by a certificate signed by the seller indicating the number of doses of semen stored at the date of transfer.

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

- 7.1 All animals which have been begotten as a result of E.T, shall be eligible for registration or recording: Provided that –
- a) both the male and the female animals which gave rise to the embryo concerned, were approved for the purposes by the Society;
 - b) except in the case of an animal begotten as a result of E.T. and imported *in utero*, all the following documents are submitted to the Association within 120 days of each embryo transfer -
 - i) the certificates reflecting the official approved parentage verification laboratory numbers of the male and female animals that gave rise to the embryo concerned; and
 - ii) a certificate signed by a veterinarian, an embryo transferor, or, in the case of intra-flock E.T., by the owner to the effect that the provisions of the Act have been complied with; and
 - iii) in the case of an animal begotten from an imported ovum, a certificate issued by a competent body, recognised by the Society and the Association, in the country of origin, stating the names, identification and registration or recording numbers of the ovum and semen donors, the date and place of collection, the number of viable ova collected, and the date exported;
 - c) in the case of an animal begotten as a result of E.T. and imported *in utero*, the following evidence and documents endorsed by the Flock Book Society (or body recognised by the Society and the Association) in the country of origin are submitted to the Association within 30 days of the arrival of the recipient dam in South Africa –
 - 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) approved parentage verification certificate of both donors; and
 - v) evidence that both donors conform to the minimum performance and other requirements as may be determined by Council;
 - d) a birth notification in respect of an animal resulting from E.T. is submitted on the pre-printed birth notification form referred to in Bye-Law 5.3;
 - e) confirmation of parentage in each instance is supplied, unless otherwise determined by the Society and the Association; and
 - f) all other requirements of the Constitution in respect of birth notifications, inspection and/or performance, registrations or recordings 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 outside South Africa who enjoy the privileges of registration or recording of animals under the provisions of the Constitution, may apply for registration or recording 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 inovation of the animals and the maintenance of records shall be effected in such a 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 or record the progeny resulting form 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 ewe resulting from E.T. for registration or recording.

8. GESTATION AND INTERLAMING PERIODS

- 8.1 The gestation period recognized in respect of animals shall be 150 days. The minimum acceptable gestation period shall be 135 days, and the maximum period shall be 165 days.
- 8.2 The minimum acceptable interlambing period is 165 days.
- 8.3 Any gestation or inter lambing periods outside these ranges shall not be recognized unless the parentage of the lamb concerned is confirmed by an approved parentage verification test.

9. CONFIRMATION OF PARENTAGE

- 9.1 In addition to the compulsory approved parentage verification test laid down for E.T. in Bye-Law 7.1 (b), in order to confirm the parentage of animals, the Society shall at any time have the right to insist on an approved parentage verification test.
- 9.2 The owner or the Society as may be determined by Council shall bear the costs of the approved parentage verification test required in terms of this Bye-law.

10. REQUIREMENTS AND APPLICATION FOR REGISTRATION OR RECORDING

- 10.1 Inspection shall be a prerequisite for the registration or recording of South African bred or imported animals and except by special permission of Council no animal shall be registered or recorded under the age of 12 months.
- 10.2 No animal, which does not comply with the Minimum Breed and Performance Standard, shall be eligible for registration or recording.
- 10.3 Any animal of which the particulars supplied on the birth notification form or accompanying certificates are open to question may in the discretion of Council be debarred from registration or recording.
- 10.4 No application for registration or recording of a South African bred animal will be considered unless details of its birth have been duly recorded or are accepted for recording 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 or recorded by the Association.
- 10.5 The form of application shall -
- (a) be laid down by the Association; and
 - (b) be endorsed by the Society to the effect that all the requirements of the Constitution in respect of registration or recording have been met.
- 10.6 An imported animal or one resulting from imported semen or an embryo shall be eligible for registration or recording provided the requirements of the Constitution have been complied with.
- 10.7 An 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 Flock Book Society (or body recognised by the Society and the Association) 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 the Society;
 - (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 Territory on the date stated; and
 - (iii) that the animal arrived on the applicant's farm on the date stated.
- 10.8 Registration or recording certificates shall be issued by the Association in respect of imported animals.
- 10.9 Animals resulting from the inoovulation of imported ova in respect of which Bye-law 7 and all other provisions of the Constitution have been complied with, shall be eligible for registration or recording: Provided that such imported ova –
- (a) were collected by a competent body in the country of origin (approved by the Directorate: Animal Health of the National Department of Agriculture) from an animal which complies with the minimum requirements for the importation of ova determined by Council and approved by the Association; and
 - (b) if fertilised, shall have been fertilised with the semen of a sire which likewise complies with the above-mentioned minimum requirements.

11. INSPECTION AND PERFORMANCE REQUIREMENTS

- 11.1 Minimum standards
Minimum inspection and performance standards, as prerequisite for registration or recording shall be determined from time to time by Council
- 11.2 Growth stimulants

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

11.3 Inspection and Duties of Inspectors

- 11.3.1 In terms of Clause 9.22 of the Constitution, Council shall appoint inspectors to inspect all animals eligible for registration or recording, upon application by the breeder concerned.
- 11.3.2 The inspectors shall inspect each eligible animal upon presentation of the birth notification certificate, 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.
- 11.3.3 All animals must be inspected and approved between the ages of 15 and 24 months in order to be eligible for registration or recording in the Flock Book except in the case of imported animals where no age limit shall apply. The inspectors are empowered to use their discretion in holding any particular animal over for inspection during their next visit in which case the maximum age referred to above shall not apply.
- 11.3.4 Any breeder dissatisfied with an inspector's decision may lodge an appeal to the Secretary within three weeks after the inspection. Such appeal must be accompanied by a deposit of an amount as prescribed by 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 less expenses incurred by Council.
- 11.3.5 Inspectors acting on the instructions of Council may at any time, without previous notice, carry out a general inspection of any breeder's flock.
- 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 Special inspections can only be carried out by permission of the Executive Committee if such inspectors are available and if the applicant agrees to pay the fees payable in respect of special inspections as laid down by Council from time to time.
- 11.3.8 Inspectors may in addition to the inspections referred to above, perform other duties with the approval of Council, including:
- (a) classification or grading of animals upon application by the breeder concerned at a fee determined by Council from time to time; and
 - (b) demonstrations and lectures at farmers' days or judges' courses.
- 11.3.9 Inspectors appointed by the Society may not accept any commission arising from sales or purchases of animals.
- 11.3.10 Except in the case of the initial inspection of lambs, no breeder shall act as an

inspector of his own animals.

12. BIRTH NOTIFICATION, REGISTRATION AND RECORDING CERTIFICATES

12.1 Original Certificates

12.1.1 Registration or recording certificates to be issued in respect of any animal may, with the consent of the Association, be in the form desired by the Society. Data in respect of performance measured in an official scheme approved by Council, or other information, may appear on the registration or recording certificate or on an accompanying performance certificate.

12.1.2 All registration or recording certificates issued by the Association in respect of animals begotten by embryo transfer shall bear the letters "ET" behind the names of the animals appearing on such certificates.

12.2 Alterations or Additions to Birth Notification, Registration or Recording Certificates

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

12.3 Duplicate or Replacement of Birth Notification, Registration or Recording Certificates

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

12.4 Cancellation of Birth Notification, Registration or Recording Certificates and Reinstatement of Animals

12.4.1 Council may direct the Secretary to apply to the Association for the cancellation of the registration or recording of any animal which has:

- (a) been registered or recorded by mistake;
- (b) been registered or recorded on the strength of false or fraudulent information supplied by the owner;
- (c) been registered or recorded after the owner has failed to comply with any relevant Bye-law; or
- (d) in the case of rams and ewes, 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, registration or recording certificate of an animal issued by the Association shall be returned to the Association for cancellation and/or endorsement within 60 days after its death, sale for slaughter, culling, castration, spaying or other circumstances requiring the certificate's cancellation or endorsement in terms of the Constitution of the Society or that of the Association.

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

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

12.5 Certificates of Extended Pedigree

A member may apply to the Secretary for a certificate of extended pedigree in respect of an animal, and the Secretary shall apply to the Association to issue such a certificate. Every such an application shall be accompanied by the requisite 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 an animal, or to any share or additional share of the ownership of a Dohne Merino ram, and the relinquishment of any share in the ownership of such a [Dohne] Dohne Merino or Dohne Merino ram (as the case may be).

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

- a) the Society with an application for transfer on the prescribed transfer certificate with details of the transfer, and in the case of an ewe, the full record of her lambs to date including their grading and performance to date, where applicable, duly completed on such a certificate; and
- b) the Society with the prescribed transfer 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 animal left the seller's possession.

13.4 If the animal to be transferred is:

13.4.1 a pregnant female, the seller shall, together with his application for transfer, furnish the Society which in turn will furnish the Association with a certificate

specifying the name, identification number and registration or recording number of the ram by whom she was served, together with the service date/s, or of the ram 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 a certificate.

13.4.2 a recipient dam, the application for transfer shall be accompanied by the birth notification form referred to in Bye-law 5.

- 13.5 Should for any reason whatsoever the seller fail or refuse to take any steps to effect such a transfer, including failing or refusing to deliver the original birth notification, registration or recording 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 deems fit in order to effect the transfer.
- 13.6 No alteration to an already recorded transfer date shall be effected unless an application to that effect, duly signed by the buyer and the seller concerned, is made to the Association.
- 13.7 In all cases of transfer between spouses or from parent to child, or child to parent (including children-in-law and grandchildren) whether by way of sale, donation or inheritance, only half the prescribed transfer fee shall be payable.

14. JOINT OWNERSHIP OF RAMS

- 14.1 When a Dohne Merino ram is transferred to joint owners, the full name and address of each joint owner shall be submitted to the Association.
- 14.2 The joint ownership and use of a Dohne Merino ram is subject to the provisions of the Act.

15. REFUSAL OF APPLICATIONS

- 15.1 In the case of progeny begotten from a dam mated to different males or inseminated with semen from different males at consecutive oestrus periods within 17 days, the Society shall request the Association to refuse birth recording, registration unless the male parentage is confirmed by means of an approved parentage verification 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 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, request the Association to cancel any or all previous entries made in the Flock Book on behalf of such a 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 ANIMALS, SEMEN OR OVA

- 16.1 Applications to import or export animals, semen or ova, shall, in terms of the Act, be submitted in triplicate, on forms available from the Registrar [approved by the Association], to the Society, together with the prescribed fee; the Society shall forward two copies together with its recommendation thereto, and the required documents reflecting the details referred to in Bye-law 16.2, to the Association; and the Association shall in turn submit one copy together with its recommendation to the Registrar.
- 16.2 Council shall determine minimum performance and other requirements for the importation and exportation of animals, semen and ova in terms of Clause 9.23 of the Constitution, and no such importation or exportation shall be recommended to the Association by the Society unless the said requirements are complied with.
- 16.3 Only imported animals and animals resulting from the importation of semen or ova which comply with the minimum requirements referred to in Bye-law 16.2 and the requirements of the Constitution, shall be eligible for registration or recording.
- 16.4 The Association may, upon application, issue export certificates in respect of animals, semen or ova in the form desired by the Society and approved by the Association.

17. EMPLOYEES OF THE SOCIETY

No employee of the Society shall, except in the performance of his duties as such an employee, render any service or be connected with any business concerned with the purchase or sale of animals.

18. DELEGATION OF POWERS

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

19. NON MEMBERS

Such privileges of membership as 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 services rendered by the Society to non-members, shall be as determined by Council and payable in advance.