

# PERCHERON



**Percheron Telersgenootskap van SA  
Percheron Breeders Society of SA**

## CONSTITUTION

OF THE

## PERCHERON HORSE BREEDERS' SOCIETY OF SOUTH AFRICA

Updated 2008.07.09  
Updated 2009.05.30  
Updated 2010.12.01  
Updated 2013.10.04  
Updated 2016.10.14  
Updated 2017.12.18  
Updated 2019.10.10  
Updated 2020.09.26  
Updated 2021.11.13  
Updated 2022.10.08

# TABLE OF CONTENTS

	<b>PAGE</b>
<b>DEFINITIONS</b>	<b>4</b>
<b>CLAUSES</b>	
1. Name of the Society	6
2. Objectives	6
3. Powers of the Society	6
4. Membership	7
4.1 Eligibility	7
4.2 Categories	7
4.2.1 Ordinary Members	7
4.2.2 Honorary Life Members	7
4.2.3 Special Honorary Members	7
4.2.4 Junior Members	7
4.2.5 Associate Members	7
4.3 Company, Close Corporation, Partnership or Body Corporate	7
4.4 Application for Membership	8
4.5 Rights and Privileges of Members	8
5. Subscriptions and Fees	9
6. Resignation and Expulsion of Members	9
7. Register of Members	10
8. Council and Election of Officers	10
8.2 Additional Council Members	10
8.2.1 Secretary	10
8.7 Election of President and Vice-President	11
9. Powers and Duties of Council	11
10. Meetings	13
10.1 Council Meetings	13
10.2 General Meetings	14
10.3 Chairperson	15
10.4 Voting Procedures	15
10.5 Non-receipt of Notices	15
10.6 Quorums	15
10.7 Minutes of Meetings	15
11. Financial Provisions	16
12. Affiliations	16
13. Election of Representative/s to the Annual General Meeting of the Association	16
14. Amendments to the Constitution	16
15. Office of the Society	17
16. Dissolution of the Society	17
17. Indemnity	17
18. Authentic Version of the Constitution	17
19. Employees of the Society	17
20. Delegation of Powers	17
21. Non-Members	17

## BYE-LAWS

1.	Stud Book	18
1.1	Foundation Section	18
1.2	Appendix Section	18
1.2.1	Appendix A	18
1.2.2	Appendix B	18
1.3	Stud Book Proper Section	18
1.4	Publishing of Stud Books	18
2.	Prefix	19
3.	Identification of Percherons	19
4.	Names	19
5.	Notification of Births and Applications for registration	19
6.	Rules Governing Artificial Insemination (A.I.)	20
6.7	Collection and Storage of Percheron Semen and the Registration Of Progeny resulting from the use of such Semen	21
7.	Rules Governing Embryo Transfers (E.T.)	21
8.	Gestation and Interfoaling Periods	22
9.	Confirmation of parentage	22
10	Requirements for Registration	22
10.3	South African Bred Percherons	23
10.4	Imported Percherons	23
10.5	Recording of Percheron Sport Horses	23
10.6	Percherons Resulting from Imported Ova	24
11.	Inspection and Performance Requirements	24
11.3	Inspection and Duties of Inspectors	24
12.	Registration Certificates	25
12.1	Original Certificates	25
12.2	Alterations or Additions to Registration Certificates	26
12.3	Duplicate or Replacement of Registration Certificates	26
12.4	Cancellation of Registration Certificates and Reinstatement of Percherons	26
12.5	Certificates of Extended Pedigree	27
13.	Transfers of Percherons	27
14.	Joint Ownership of Percheron Stallions	27
15.	Refusal of Applications	27
16.	Importation and Exportation of Percheron Animals, Semen or Ova	28

## SCHEDULES

<b>A</b>	Fee Structure	29
<b>B</b>	Code of Conduct for Members	31

## DEFINITIONS

1. Words and phrases in this Constitution shall have the following meanings unless a contrary meaning clearly appears from the context –
  - 1.1 "Act" means the Animal Improvement Act, 1998 (Act 62 of 1998) including the regulations promulgated in terms thereof;
  - 1.2 "Association" means the South African Stud Book and Animal Improvement Association;
  - 1.3 "birth" means the birth of a Percheron foal;
  - 1.4 "birth recording" means the procedure whereby the birth of a Percheron is placed on the records of the Association;
  - 1.5 "breeder" (of a Percheron) means a member of the Society, who is the owner of –
    - 1.5.1 the dam at the date of birth of a Percheron to be registered;
    - 1.5.2 an animal at date of application for registration in the first section of the Appendix Section or Stud Book Proper Section of the Herd Book; or
    - 1.5.3 the recipient dam at the date of birth of a Percheron to be registered as a result of an embryo transfer;
  - 1.6 "buyer" means the person or persons to whom ownership/joint ownership of a Percheron is transferred by the seller of such an animal;
  - 1.7 "Constitution" means the Constitution (inclusive of the Bye-laws and Schedules) of the Society;
  - 1.8 "Council" means the Council of the Society duly elected in terms of the Constitution;
  - 1.9 "Department" means the Department of Agriculture in the National government;
  - 1.10 "embryo" means a fertilised ovum of a Percheron;
  - 1.11 "inspector/s" means a person/s appointed by Council for the purposes referred to in Clauses 9.23 and 9.25;
  - 1.12 "Minister" means the Minister of the relevant Department;
  - 1.13 "ovum" means the ovum of a Percheron and includes an embryo;
  - 1.14 "owner" (of a Percheron) means the person who -
    - 1.14.1 according to the records of the Association owns the Percheron/s concerned; or
    - 1.14.2 submits proof to the satisfaction of the Council that the animal concerned is eligible to be birth recorded or registered in his name; or
    - 1.14.3 in the case of an imported animal is entitled to have the animal registered under his name in the recognised herd book of the of the country of its origin;
  - 1.15 "Percheron" means an equine registered or eligible for registration in the Stud Book or foal recorded in the foal book and the words "Animal/s", "Dam/s", "Female/s", "Filly/Fillies", "Foal/s", "Horse/s", "Male/s", "Mare/s", "Sire/s", "Stallion/s" and Geldings shall have the same meaning;
  - 1.16 "present at a meeting" means to be present in person or able to participate in the meeting by an electronic communication method, approved by Council;

- 1.17 "recording" refers to the procedure by which the Association inscribes Percherons in the Foundation Section of the Stud Book;
  - 1.18 "registered Percheron" means an equine that has been inspected, Microchipped, DNA profiled and all data about the horse is correct on Logix;
  - 1.19 "registering" refers to the procedure –
    - 1.19.1 of registering an animal in the Appendix Register and Stud Book Proper Section of the Stud Book; or
    - 1.19.2 by which the Association inscribes Percherons in the Stud Book, or
    - 1.19.3 by which a prefix is placed on the records of the Association;
  - 1.20 "Registrar" means the officer designated as Registrar of Animal Improvement in terms of the Act;
  - 1.21 "Remote Inspection" means a form of visual inspection conducted by the appointed inspector/s using visual aids including video technology to allow an inspector/s to carry out the inspection for the purposes referred to in Clauses 9.23 and 9.25, without being onsite;
  - 1.22 "RSA" means the Republic of South Africa;
  - 1.23 "Secretary" means the secretary, for the time being, of the Society;
  - 1.24 "seller" means the person, persons or legal entity being the owner/joint owner/s of a Percheron animal according to the records of the Association, or in the case of an imported animal, the owner in the country of origin, who disposes of such an animal;
  - 1.25 "semen" means the semen of a Percheron;
  - 1.26 "Society" means the Percheron Horse Breeders' Society of South Africa;
  - 1.27 "South African bred Percheron" means a Percheron born in or whilst in transit to South Africa: Provided that a Percheron born from an imported ovum or embryo shall be regarded as an imported Percheron;
  - 1.28 "Studbook" means the Studbook of the Society in which shall be inscribed the details of all Percherons; and
  - 1.29 "Territory" means the RSA and such other countries as the Society may from time to time determine, with the approval of the Association;
2. Other words, abbreviations and phrases in this Constitution, not defined above, shall, unless a contrary meaning clearly appears from the context, have the same meaning assigned thereto in the Act.
  3. In the Constitution, unless the contrary intention appears clearly from the context, words referring to persons in the masculine gender shall include females, and words in the singular shall include the plural, and words in the plural shall include the singular.
  4. If and to the extent that any provisions of this Constitution are in contravention to any provision of the Act, such provision shall (to the extent of such contravention) be *pro non scripto* (regarded as never written).

# CONSTITUTION

## 1. NAME OF THE SOCIETY

The name of the Society is the Percheron Horse Breeders' 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 –

- (a) To promote and encourage the breeding and genetic improvement of Percherons in the Territories, to maintain the purity of the Percheron breed, and generally to foster its interests;
- (b) To ensure the accuracy of all records of pedigrees, performance and other particulars of all Percherons registered or eligible for registration in the Stud Book;
- (c) To apply "Minimum Breed Standards" and other minimum standards drawn up by Council as a prerequisite for the registration of Percherons;
- (d) To encourage the expansion of the Percheron breed by means of promotion, marketing campaigns and sales;
- (e) To promote participation of Percherons 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;
- (f) To safeguard and advance the common interests of stud breeders in the Territory, and generally to give effect to the objectives contemplated by the Act;
- (g) To stimulate and regulate any and all other matters such as may pertain to the history, breeding, exhibition, publicity, sale or improvement of the Percheron breed.

2.2 The Society will not –

- (a) 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 by them; and
- (b) have the power to carry on any business, including *inter alia*, ordinary trading operations in the commercial sense, speculative transactions, dividend stripping activities as well as the letting of property on a systematic or regular basis.

## 3. POWERS OF THE SOCIETY

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

- (a) to carry out such functions and perform such duties as are or may be imposed upon it under the Act and 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, the membership of the Society shall be limited to persons above the age of 18 years.

### 4.2 There shall be the following categories of membership –

#### 4.2.1 Ordinary Members

Persons resident in the Territory, who are engaged, directly or indirectly, in the breeding of Percherons, shall be eligible for membership of the Society as Ordinary Members. For the purposes of this subclause 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.

- (a) A breeder will be deemed an “active breeder” if he/she owns a Studbook registered Percheron Horse and is actively engaged in the breeding of Percherons. Persons who are active breeders of Percherons shall be termed Active Ordinary Members and 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 after a membership of 1 (one) year.

#### 4.2.2 Honorary Life Members

For special services in the interests of the Percheron 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.

#### 4.2.3 Special Honorary Members

Any person not actively engaged in the breeding of Percherons 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 Associate Members

Any person who owns a registered male or female Percheron but who is not actively engaged in the breeding of Percheron may become an Associate Member upon such conditions as Council may determine: Associate Members may not vote at meetings of the Society and are not eligible for election to Council.

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

- 4.3.1 A company, close corporation, partnership or body corporate applying for Ordinary Membership shall disclose to the Society such facts as may be necessary to determine the nature of the controlling interest therein and shall then, or at any time thereafter, in addition to the requirements imposed in respect of all applications, furnish the Society with the name and address of the person appointed by it to act as its representative at meetings of the Society. Such person shall have the right to nominate an alternate in writing, which nomination shall be handed to the Secretary not later than the time of the meeting at which such alternate will be present.

- 4.3.2. All communications addressed to such authorised representative referred to in Clause 4.3.1 shall be deemed to be duly served upon the company, close corporation, partnership or body corporate, and at all meetings at which such authorised representative is in attendance on behalf of the company, close corporation, partnership or body corporate, such 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 company, close corporation, partnership or body corporate shall be eligible for election to Council in terms of Clause 8.
- 4.3.4 Should 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 company, close corporation, partnership or body corporate.
- 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 –
- (a) all amounts owing to the Society as at the date of liquidation or dissolution shall be recoverable by the Society from the liquidator of such company or close corporation or from the members (either jointly or severally) of such partnership or body corporate;
  - (b) the liquidator of such company or close corporation and the members of such partnership or body corporate shall be obliged to discharge all the obligations of such company, close corporation, partnership or body corporate in respect of registrations, transfers and whatever obligations the company, close corporation, partnership or body corporate would have had to discharge as a member of the Society; and
  - (c) whatever fees may become due and payable as a result of stud 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 **Application for Membership**

- 4.4.1 Application for Ordinary or Junior membership of the Society shall be made to the Secretary in writing in such form as may be prescribed by Council, and shall be accompanied by the relevant subscription and/or entrance fees as may be determined by Council from time to time.
- 4.4.2 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. At each Council meeting the Secretary shall submit the names of new applicants whose memberships must be confirmed or refused by Council.
- 4.4.3 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 **Rights and privileges of Members**

Save for executors of deceased estates, trustees of insolvent estates and liquidators of companies or close corporations, the rights and privileges of every member of the Society shall be personal to himself and shall not be transferable or transmissible either by his own act or by operation of law. They shall include the following rights –



- (a) to receive all reports and other matters published by the Society for distribution amongst members;
- (b) with the exception of Non-Active Ordinary Members and Special Honorary Members, to apply for the registration of Percherons under the Society's rules;
- (c) to attend all general meetings of the Society and the right to vote at such meetings;
- (d) to receive technical advice on Percheron 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 all 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 ensuing Annual General Meeting of the Society. The CPI of the Country will be used as a guideline in determining changes in fees.
- 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 60 days after the due date.
- 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 registered letter by the Secretary, shall automatically forfeit his membership of the Society: Provided that the Secretary, with the approval of the President or in his absence, the Vice-President, may in exceptional circumstances allow extension of payment upon written application by the member concerned.
- 5.4 Council may cause an interest charge to be levied and collected on arrear accounts at a rate determined by Council from time to time.
- 5.5 Any member who ceased to be a member of the Society shall remain liable for all amounts due to the Society up to the last day of the financial year during which his membership ceased.
- 5.6 Should an account be in arrear and should such account be handed over to a firm of attorneys for collection, then the member concerned shall be liable to the Society for payment of all legal charges, collection, and attorney and client costs incurred, in addition to the principal amount, interest, fines and penalties owing 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 by registered mail to the Secretary: Provided that such resignation shall not take effect before and until all moneys owing to the Society by such member have been paid, and until such member has discharged all his obligations in respect of registrations, transfers or any other obligation he would have had to discharge as a member of the Society.
- 6.2 Council may expel and/or terminate the Society's services to any member who –
  - (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:

PROVIDED that no proceedings for expulsion in terms of Clauses 6.2(a), (b) and (c) shall be initiated against any member of the Society unless the Secretary has at least 30 days prior to the date of the Council meeting at which such expulsion is to be dealt with, addressed a registered letter to such member notifying him of his proposed expulsion, and calling upon him if he so wishes, to present, either personally

or through his duly authorised representative, his side of the case at such meeting of Council.

- 6.3 Any member who has forfeited his membership in terms of Clause 5.3 or who has been expelled in terms of Clause 6.2 shall be notified by the Secretary in writing within a period of 21 days from the date upon which the resolution affecting his expulsion was passed, or upon which his membership was forfeited.
- 6.4 Where a member has forfeited his membership in terms of Clause 5.3 or has been expelled in terms of Clause 6.2:
- (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 Secretary forthwith to remove from the Stud Book and any other registers or records of the Society, the name of such members, and to apply to the Association for the cancellation of all registrations effected by it, in respect of animals bred by such member and owned by him at the date on which his membership was terminated. The Secretary shall moreover call upon the expelled member forthwith to deliver to the Society the registration certificates in respect of all animals bred and owned by him at the date of his expulsion.
- 6.5 A person who, for whatever reason, has ceased to be a member of the Society may thereafter again be admitted to membership, upon application made in terms of Clause 4.4.

## **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 and/or email address, and all notices or publications sent to either of the registered addresses of a member shall be considered as duly delivered to him.
- 7.3 Communication, correspondence and notification sent out by the Society to its members whether electronically, by registered or certified mail, via email, electronic text message, posting on the Society's web page, or any other reasonable form of communication accepted by the Council, will be considered a valid form of communication and shall be deemed binding. It will be the responsibility of all members to ensure access to electronic communication.
- 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 and email addresses of members.

## **8. COUNCIL AND ELECTION OF OFFICERS**

- 8.1 The affairs of the Society shall be controlled and administered by a Council consisting of five members including the President and Vice-President.

### **8.2 Additional Council Members**

In addition to the members elected to Council by the Society, the following members will also serve on Council in an advisory capacity, but without the right to vote:

#### **8.2.1 Secretary**

There shall be a Secretary of the Society who shall attend all meetings of the Society and have the right to participate in any discussions at such meetings.

- 8.3 At each Annual General Meeting of the Society all the members of Council shall retire from office, with exception of the President who will remain in office for a period of two years.

- 8.4 Should any member of Council die, resign or cease to be a member of the Society, Council may appoint another member of the Society as his substitute until the next election of Council takes place. Council shall be deemed to be duly constituted and shall continue exercising all the powers conferred upon it, notwithstanding any vacancies in its body.
- 8.5 A member 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.
- 8.6 A member of Council absenting himself from the RSA for 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.
- 8.7 Election of President and Vice-President**  
At the Annual General Meeting of the Society the Vice-President shall be elected from the members elected. The President shall be elected from the current Council. The President will however only be elected every other year as he/she will remain in office for a period of two years in terms of Clause 8.3.

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

The Council shall, subject to the terms of the Constitution and subject further to the directives of the general meetings of the Society as given from time to time, have the 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 attorneys or other legal representatives, auditors, agents, officers or officials or other employees for or from permanent, temporary or special services as it may deem fit and 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 officials or other employees in connection with the affairs of the Society, and to compound or allow, or ask for time for payment or satisfaction of any debts due to or any claim or demand by or against the Society;
- 9.3 to open one or more banking accounts in the name of the Society, and to draw, accept, endorse, make or execute any bill of exchange, promissory note, cheque or other negotiable instrument in connection with the conduct of the affairs of the Society;
- 9.4 to invest or in any other manner deal with any moneys not immediately required for the 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 the funds available for investment may only be invested with registered financial institutions as defined in section 1 of the Financial Institutions (Investment of Funds) Act, 1984, and in securities listed on a licensed stock exchange as defined in section 1 of the Stock Exchange Control Act, 1985 (Act No. 1 of 1985);
- 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 suretyships and to secure payment thereunder in any way; to make donations; and to undertake and execute any trust; to secure the payment of moneys borrowed in any manner, including the mortgaging and pledging of property, and, without detracting from the generality thereof, in particular by the issue of any kind of debenture or debenture stock, with or without security;

- 9.6 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 therefrom 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 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, 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 objectives of the Society;
- 9.13 to receive and consider applications for membership in terms of Clause 4.5, and to accept or refuse such applications at its discretion; to recommend persons for Honorary Life Membership in terms of Clause 4.2.2; to elect Special Honorary Members in terms of Clause 4.2.3;
- 9.14 in accordance with Clause 5.3, to refuse inspection, registration and other work for members whose accounts are overdue;
- 9.15 to terminate 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(a), 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;
- 9.18 to investigate disputes arising out of the application of the Constitution and to give decisions in regard thereto;
- 9.19 to impose and exact such penalties as may be deemed expedient from time to time for contravention or infringement of the Constitution, rules and regulations of the Society;
- 9.20 to grant leave of absence to any member of Council or any official or employee of the Society, for such period and upon such terms as it may in each case determine;
- 9.21 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 Vice-President of the Society shall be members *ex officio* of all subcommittees with full rights and privileges;

- 9.22 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 organisation as may be necessary;
- 9.23 to appoint or discharge inspectors for the inspection of Percherons submitted for registration and for such other purposes as members of the Society may require the service of such inspectors, and to give such inspectors instructions and powers in regard to their duties for the purpose of ensuring that the objectives of the Society are being carried out;
- 9.24 to draw up "Minimum Breed Standards" and to lay down minimum performance and other standards, referred to in Clause 2.1(c), by which:
- (a) animals shall be inspected by inspectors;
  - (b) applications for importation and exportation of animals, semen and ova shall be recommended in terms of the Act;
  - (c) semen and ovum donors shall be approved for embryo transfer purposes in terms of the Act; and
  - (d) stallions shall be recommended for approval for the sale of semen in terms of the Act;
- 9.25 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;
- 9.26 to organise judges' courses and examinations, and in its discretion to appoint successful candidates as official Percheron judges; and, in accordance with Clause 2.1(c), to encourage agricultural show societies to appoint such judges to judge Percherons;
- 9.27 to organise and promote sales of Percherons, 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 time and place as it may from time to time determine, or as may be decided upon by the President or in his absence the Vice-President: Provided that not less than one Council meeting shall be held in each financial year.
- 10.1.2 A special Council meeting –
- (a) may be called by the President (or in his absence by the Vice-President) at such time and place as such office-bearer may decide, or
  - (b) shall be called upon a requisition signed and addressed to the Secretary, by not less than three members of Council stating the reasons for such meeting.
- 10.1.3 Not less than 21 days prior to the holding of a Council meeting, written notice of the time, date and place of such 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 notice if all members of Council are present and so decide.

## **10.2 General Meetings**

10.2.1 A general meeting of the Society to be known as the Annual General Meeting shall be held once a year at such time and place as may be determined by Council, but not later than six months after the end of the financial year.

10.2.2 The business of the Annual General Meeting shall be –

- (a) to receive and consider the annual report of Council, together with the duly audited financial statements of the Society as at the end of the previous financial year;
- (b) to appoint auditors, to fix their remuneration and to determine their conditions of appointment;
- (c) to transact any other business which under this Constitution is required to be transacted at the Annual General Meeting; and
- (d) to consider any other matter for which due notice has been given in terms of Subclauses 10.2.4, 10.2.5 and 10.2.6 below.

10.2.3 A special general meeting of the Society may, at any time upon 30 days' written notice 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 five members of the Society, stating the business to be transacted at such meeting.

10.2.4 Not less than 60 days prior to the holding of the Annual General Meeting a preliminary notice of the time, date and place of the meeting shall be sent 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 subclause.

10.2.5 Not less than 30 days prior to the holding of any general meeting a final notice of the time, date and place of such meeting together with the agenda of such meeting shall be sent to each member of the Society.

10.2.6 No resolution shall be taken at a general meeting in respect of any matter unless notice thereof appears in the agenda sent to the members, with the notice calling the meeting, unless such meeting agrees by two-thirds of the members present and entitled to vote that any matter not specifically on the agenda, shall be discussed and voted upon.

10.2.7 Any general meeting may be adjourned by a two-thirds majority vote of the members present thereat and entitled to vote.

10.2.8 A member who cannot be personally present at an Annual General Meeting will have the right to be accommodated by an electronic communication method, approved by Council.

**10.3 Chairperson**

The President, or in his absence, the Vice-President, in this order, shall preside at all meetings, and should both 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. Provided that in the event of the death 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 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. Subject to the provisions of Clause 8, 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.

Voting by Electronic media will be allowed via SMS, WhatsApp, email or a similar means, during the meeting and send to the secretary and checked by a seconded person appointed by Council of which both should be present at the meeting.

**10.5 Non-receipt of Notices**

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

**10.6 Quorums**

10.6.1 Five members of the Society present at the commencement of any general meeting and entitled to vote shall form a quorum for such meeting, and three Councillors present at any Council meeting and entitled to vote shall form a quorum for such Council meeting.

10.6.2 If at any meeting a quorum is not present, the meeting shall stand adjourned to a time (not less than 21 days and not more than 30 days thereafter) and place determined by the members actually present, and at such adjourned meeting the members present shall form a quorum: Provided that any meeting at which the President, the Vice-President or the Honorary Life President is present shall, if there is no quorum, stand adjourned for half an hour. The members then present shall form a quorum for the disposal of such business (other than any amendment to the Constitution) as the presiding member may declare to be of an urgent nature, and such adjournment for half 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 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 subcommittee 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 The Council shall cause one or more banking accounts to be opened in the name of the Society, and any amounts accruing to the Society, shall be deposited in such banking account or accounts as Council may direct.
- 11.2 All payments out of the funds of the Society shall be effected by Electronic Funds Transfer and/or debit card, conducted by a person appointed by Council: 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 done by Electronic Funds Transfer and/or debit card.
- 11.3 Council shall cause proper books of account to be kept in respect of the Society. All accounts shall be subjected to an Independent Review from time to time, but not less than once every year by an auditor or auditors appointed at the Annual General 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 and gains, shall be applied solely to the promotion and furtherance of the objectives of the Society, 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.
- 11.6 The Society's financial year shall end on the 30th of April of each calendar year.

**12. AFFILIATIONS**

The Society –

- (a) shall, 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 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.

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

Council shall elect a representative or representatives to the Annual General meeting of the Association from among the Active Ordinary Members, Honorary Life Members, or the duly authorised representatives of companies, close corporations, partnerships or bodies corporate which are members.

**14. AMENDMENTS TO THE CONSTITUTION**

- 14.1 The Constitution may be added to or altered by a resolution approved by not less than two-thirds of the members present and entitled to vote at a general meeting of the Society, of which meeting and of which proposed addition to, alteration, variation or amendment of the Constitution, not less than 30 days' written notice has been given to each member of the Society.
- 14.2 No such addition to, alteration, variation or amendment of the Constitution, notwithstanding that it has been passed in the manner prescribed in Clause 14.1, shall be of any force or effect until and except it is confirmed and approved by the Registrar, in terms of the Act, and shall comply with and be submitted to the Association in the manner set out in its constitution.
- 14.3 Any amendments to the constitution shall 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 determined by Council from time to time.

**16. DISSOLUTION OF THE SOCIETY**

If, upon the winding up or dissolution of the Society there remains, after the satisfaction of all its debts and liabilities, any property whatsoever, such property shall not be paid to or distributed amongst the members of the Society, but shall be given or transferred to such other institution or institutions having objectives similar to those of the Society which is itself exempt from income tax in terms of section 10(1)(cA)(i) of the Income Tax Act.

**17. INDEMNITY**

The members of the Council and Society members engaged in Society work on the instructions of the Council shall be and are hereby indemnified against all claims, losses and expenses arising out of their services as members of the Council: Provided that they shall have acted *bona fide* and otherwise not have been guilty of gross dereliction of duty or dishonesty.

**18. 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.

**19. 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 Percherons.

**20. DELEGATION OF POWERS**

Notwithstanding anything to the contrary in the Constitution, any member may under power of attorney, duly executed and filed with the Secretary, authorise another person to sign on his behalf any birth notification/application for registration, application for transfer, certificate of transfer, certificate of service, returns or reports or any other document in connection with the administration of a Percheron stud; any such signature given by such authorised 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 authorised 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.

**21. 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 services rendered by the Society to non-members shall be as determined by Council and payable in advance.

# BYE-LAWS

## 1. STUDBOOK

The registration system of the Society shall consist of the Stud Book (to be known as the Percheron Stud Book of South Africa), be it computerised or in any other form, which shall be divided into four sections, namely the Foundation Section, the Appendix Section and the Stud Book Proper Section and the Part-Bred Percheron Section for horses which shall be recorded as part-bred horses by the Association, and which shall be maintained and operated by the Association in terms of the Act.

### 1.1 FOUNDATION SECTION

The Foundation Section has been closed with effect 1 March 2013. Foundation mares that were approved before 1 March 2013 will retain their status, and the progeny of these mares will be eligible for registration in the Stud Book Proper Section; provided that the progeny has been inspected and approved, and complies with all birth notification and registration requirements in terms of the Constitution and the Bye-Laws and provided further that the progeny conforms to the minimum requirements as may be determined by Council.

### 1.2 APPENDIX SECTION

#### 1.2.1 Appendix A

Any female which originates from a stud of which the breeder can give proof of origin and that she is of the desired phenotype *cum* genotype to Council and which complies with the minimum breed and performance standard shall be eligible for registration in the Appendix A section of the Stud Book, provided that at least one of the parents is known and DNA verified.

#### 1.2.2 Appendix B

The female progeny of an Appendix A Percheron female mated to a registered Percheron stallion is eligible for registration in the Appendix B section of the Stud Book: Provided that she has been inspected and approved in accordance with Bye-law 11 and complies with all birth notification and registration requirements in terms of the Constitution and provided further that she conforms to the minimum requirements as may be determined by Council. It is also required that both parents are known and DNA verified.

### 1.3 STUD BOOK PROPER SECTION

1.3.1 Progeny of a Percheron female registered in the Appendix B section and mated to a registered Percheron stallion shall be eligible for registration in the Stud Book Proper Section of the Stud Book: Provided that it has been inspected and approved in accordance with Bye-law 11 and complies with all birth notification and registration requirements in terms of the Constitution and provided further that it conforms to the minimum requirements as may be determined by Council.

1.3.2 Progeny of a Percheron female registered in the Stud Book Proper section and mated to a registered Percheron stallion shall be eligible for registration in the Stud Book Proper Section of the Stud Book: Provided that it has been inspected and approved in accordance with Bye-law 11 and complies with all birth notification and registration requirements in terms of the Constitution and provided further that it conforms to the minimum requirements as may be determined by Council.

### 1.4 PUBLISHING OF STUD BOOKS

1.4.1 The Stud Book may when deemed necessary by Council be published by the Association on behalf of the Society.

1.4.2 Volumes of the Stud Book may be sold at a price calculated to cover the cost of printing and publishing thereof, as Council may determine.

**2. PREFIX**

- 2.1 No Percheron shall be accepted for birth recording or registration unless the breeder has previously, through the Society, registered with the Association for his exclusive use a prefix by which all Percherons bred by him and eligible for birth recording or registration shall be designated.
- 2.2 No prefix shall exceed 18 characters, and the name of a city, post office or town in the RSA shall not be accepted for registration as a prefix.
- 2.3 Application for the registration of such prefix shall be made to the Secretary and shall be accompanied by such fee as may be prescribed by Council or by the Association from time to time.
- 2.4 No transfer of a prefix shall be allowed from one breeder to another, except under such conditions and to such persons as are provided for in the Bye-laws to the constitution of the Association.

**3. IDENTIFICATION OF PERCHERONS**

Micro chipping 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 whilst DNA profiling will serve as an additional requirement for the identification of Percheron horses.

**4. NAMES**

- 4.1 In addition to the identification marks referred to in Bye-law 3, all live Percherons of which the births are notified, and all animals offered for registration, must be explicitly named. Council shall have the right to refuse any application in respect of a Percheron which in its opinion cannot be clearly identified or is misleadingly named.
- 4.2 The name shall include the prefix registered in favour of the breeder, and exclusive of the prefix, shall not exceed 20 spaces.
- 4.3 The name of any Percheron, once accepted for recording of its birth, shall not thereafter be changed or amended, except when the name reflects an obvious error, in which event it shall be permissible to amend the name only to the extent of correcting the error.

**5. NOTIFICATION OF BIRTHS AND APPLICATIONS FOR REGISTRATION**

- 5.1 The breeder of a Percheron born from a registered dam or one eligible for registration shall notify the Society within 90 days of its birth, whether it be born dead or alive or retained for registration or otherwise, and the DNA profile of each live foal must accompany the birth notification. Births notified after such period shall be accepted subject to the approval of Council and on payment of a late notification fee as may be determined by Council. Any foal whose birth is not notified within six months shall not be eligible for registration unless approved by Council and accompanied by the penalty fee as determined by Council from time to time.
- 5.2 A birth notification shall in the case of an animal which is eligible for registration include an application for registration. Whenever the Society receives a due and notification of the birth of a live foal which is eligible for registration, a birth certificate shall forthwith be issued by the Association: Provided that the breeder may indicate that the foal is not for registration, in which case no document shall be issued, but the birth shall nevertheless be entered in the records of the sire and the dam.
- 5.3 No birth notification/application for registration of a Percheron shall be accepted unless the sire and dam at the time of service were more than 24 months old.
- 5.4 All birth notifications/applications for registration shall be made on forms as approved by the Association, and copies thereof shall be kept by the breeder concerned for inspection and checking at all reasonable 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/application for registration form the number and sex of the other twin, triplets, etc., as the case may be.
- 5.6 A birth notification/application for registration in respect of a Percheron begotten as a result of an embryo transfer must be submitted to the Society on a pre-printed form as prescribed by the Society.
- 5.7 Records shall be kept by the Association in the name of each breeder of all Percherons 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/application for registration shall contain a declaration in the following terms:
- "I declare that the pedigree, breeding particulars and identification marks of the animal described herein are correct, and that all the requirements of the Constitution and the Act relating to birth notifications and applications for registration, have been complied with."*
- 5.9 The birth notification/application for registration shall also be accompanied, in the case of a Percheron imported *in utero*, by the necessary documents and certificates confirming parentage of both the sire and dam, endorsed by the stud book society (or body recognised by the Society and the Association) 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 performance and other requirements as may be determined by Council.

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

- 6.1 All Percherons which have been legally begotten through A.I. (i.e. in accordance with the Act) shall be eligible for registration, provided that all requirements of the Constitution have *mutatis mutandis* been complied with.
- 6.2 No birth notification/application for registration of a Percheron begotten by A.I. shall be accepted for the purpose of birth recording unless it is endorsed "begotten by A.I.".
- 6.3 Irrespective of the provisions of Bye-law 6.1, where different sires are used for the supply of semen for the artificial insemination of the same female at two consecutive heat periods less than 28 days apart, no resultant progeny shall be eligible for registration unless the male parentage has been confirmed by an approved 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 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 Territories who enjoy the privileges of registration of Percherons under the provisions of the Constitution may apply for registration of progeny begotten by A.I.: Provided that the semen is obtained from a source approved by the Society and provided further that the collection of semen, the handling thereof, the insemination of the animals and the maintenance of records shall be effected in such manner as may be duly approved by the Society from time to time.

## 6.7 **Collection and Storage of Percheron 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, deepfreeze and store the semen of their own Percheron stallions for use in their own studs, and progeny resulting from the use of such semen shall be eligible for registration: Provided that –

- (a) complete details of the ownership of the sire concerned have been submitted to the Association;
- (b) the official laboratory number of the confirmation of parentage 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 or registrations are complied with.

6.7.2 In the case of a transfer of a Percheron stallion (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 stallion must be accompanied by a certificate signed by the seller indicating the number of doses of semen stored at the date of transfer.

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

7.1 All Percherons which have been legally begotten as a result of E.T. (i.e. in accordance with the Act), shall be eligible for registration: Provided that –

- (a) both the male and the female Percheron which gave rise to an embryo concerned were approved for the purpose by the Society;
- (b) except in the case of a Percheron 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 in ovulation –
  - (i) the duly completed in ovulation certificate as may be prescribed by the Association;
  - (ii) the certificates reflecting the official laboratory numbers confirming the parentage of the Percheron male and female that gave rise to the embryo concerned;
  - (iii) a certificate signed by a veterinarian, an embryo transferor, or, in the case of intra-stud E.T., by the owner or his full-time employee, to the effect that the provisions of the Act have been complied with; and
  - (iii) in the case of a Percheron 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 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 a Percheron begotten as a result of E.T. and imported *in utero*, the following evidence and documents endorsed by the stud 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 the RSA –
  - (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) certificates confirming parentage 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/application for registration in respect of an animal resulting from E.T. is submitted on the pre-printed birth notification/application for registration form referred to in Bye-law 5.6;
- (e) confirmation of parentage in each instance by blood typing or DNA is supplied unless otherwise determined by the Society and the Association; and
- (f) all other requirements of the Constitution in respect of birth notifications/applications for registration, 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 Territories who enjoy the privileges of registration of Percherons under the provisions of the Constitution may apply for registration of progeny begotten as a result of E.T.: Provided that the fertilised ova are obtained from a source approved by the Society, and provided further that the collection of ova, the handling thereof, the in ovulation of the animals and the maintenance of records shall be effected in such manner as may be duly approved by the Society from time to time.

7.4 The Society and the Association reserve the right to refuse to register the progeny resulting from E.T. should any of these rules not be fully adhered to.

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

## **8. GESTATION AND INTERFOALING PERIODS**

The gestation period recognised in respect of Percheron animals shall be 348 days. The minimum acceptable gestation period shall be 294 days, and the maximum period shall be 370 days. The minimum acceptable interfoaling period is 364 days. Any gestation or interfoaling periods outside these ranges shall not be recognised unless the parentage of the foal concerned is confirmed by blood typing or DNA.

## **9. CONFIRMATION OF PARENTAGE**

9.1 In order to confirm the parentage of an animal, the Society shall at any time have the right to insist on blood typing or any other proven scientific method of confirming parentage –

- (a) as a routine procedure, on a basis to be determined by the Association from time to time; and
- (b) in any case of doubt.

9.2 In respect of the tests referred to in Bye-law 9.1(a) the breeder will be responsible for all costs of all parentage control tests from the second test onwards.

9.3 In respect of the tests referred to in Bye-law 9.1(b) the owner or the Society, as may be determined by Council, shall bear the costs of the tests required.

9.4 Irrespective of the provisions of Bye-laws 9.1, 9.2 and 9.3, it is compulsory that the parentage of all foals born from March 2013 be verified by DNA profiling or any other scientific means approved by the Association.

## **10. REQUIREMENTS FOR REGISTRATION**

10.1 Inspection is a prerequisite for the registration of all Percherons: Provided that –

- (a) no animal shall be inspected under the age of 24 months;
- (b) in the event of an animal that is not accepted for registration at first inspection, the owner can present such an animal for re-inspection after a period of twelve months;
- (c) the registration of any animal which fails to comply with the minimum performance standards as determined by Council shall be automatically cancelled by the Association;

- (d) any animal which is not approved during a stud or other inspection ordered by Council in terms of Bye-law 11 shall be cancelled forthwith; and
- (e) Any colt/stallion which is required for breeding purposes must be DNA typed and parentage verified.

In all cases where the animal's registration is to be cancelled, the owner shall be required to return the animal's registration certificate to the Association for cancellation.

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

### 10.3 **South African Bred Percherons**

10.3.1 Except as provided for in Bye-law 1.2.1 (in respect of Appendix A females), and Bye-law 1.1 (Foundation section) no application for registration of a South African bred Percheron 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 Association.

### 10.4 **Imported Percherons**

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

10.4.2 An imported Percheron shall be eligible for registration provided the application for registration is accompanied by –

- (a) a certificate of registration or an export certificate issued by a stud book society (or other 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 Council and approved by the Association; 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 Territories on the date stated; and
  - (iii) that the animal arrived on the applicant's farm on the date stated.

10.4.3 South African Stud Book registration certificates shall be issued in respect of imported animals.

### 10.5 **RECORDING OF PERCHERON SPORT HORSES**

10.5.1 Percheron Sport horses shall under no circumstances be eligible for registration. A Birth-notification certificate will be proof for recording under the Percheron Sport Horses.

10.5.2 A horse shall be eligible for recording as a Percheron Sport horse provided that the sire is a Registered (SP) Percheron stallion.

- 10.5.3 Except in the cases referred to in Bye-law 10.5.2 no application for the recording of a South African bred Percheron Sport horse will be considered unless -
- (a) due notification of the birth of such horse has been given, and
  - (b) the record of its breeding indicates the registration number of the Sire of pure Percheron blood stating the Stud Book Proper (SP) status.
  - (c) Percheron Sport horses will be identified by DNA profiling, verified parentage of the sire and a microchip.
  - (d) Percheron Sport horses will not be inspected to be recorded.
- 10.5.4 If the Council doubts the *bona fides* or correctness of any application for recording of a Percheron Sport horse for any reason, it shall be entitled to postpone consideration of such application pending a full investigation and inspection (if necessary) or to summarily reject such application.
- 10.5.5 Percheron Sport Horses recorded in the Percheron Sport horse section cannot be registered as Appendix A or B animals.
- 10.5.6 Appendix A or B animals cannot be recorded as Percheron Sport horses.
- 10.5.7 Owners of Percheron Sport horses can apply for Association membership.

## **10.6 Percherons Resulting from Imported Ova**

- 10.6.1 Animals resulting from the in ovulation of imported ova in respect of which Bye-law 7 and all other provisions of the Constitution have *mutatis mutandis* been complied with, shall be eligible for registration.
- 10.6.2 Such imported ova -
- (a) shall have been collected by a competent body in the country of origin (approved by the Directorate of Animal Health of the Department) 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, such ova shall have been fertilised with the semen of a Percheron which likewise complies with the above-mentioned minimum requirements.

## **11. INSPECTION AND PERFORMANCE REQUIREMENTS**

- 11.1 Minimum inspection and performance standards as prerequisites for registration shall be determined from by Council from time to time in terms of Clause 9.24 of the Constitution.
- 11.2 No Percheron shall be accepted for registration if it has been treated with hormonal growth stimulants. Such practices shall be considered prejudicial to the interests of the Society.
- 11.3 **Inspections and Duties of Inspectors**
- 11.3.1 In terms of Clause 9.23 of the Constitution, Council shall appoint inspectors to inspect all Percherons eligible for registration, including imported Percherons, upon application by the breeder concerned.
- 11.3.2 An inspection shall be performed either physical on-site which is the primary means of inspection or done by a remote inspection.
- 11.3.3 The application for remote inspection must be submitted by the owner to the Society for the approval of Council. The fees for remote inspections shall be determined by the Council from time to time.



- 11.3.4 The Society shall provide the applicant with the relevant information and documentation regarding the requirements of the remote inspection. Should the appointed inspector/s be of the opinion that the video recording is of poor quality and cannot complete the remote inspection, the applicant will be notified accordingly and a physical on-site inspection must follow.
- 11.3.5 The inspectors shall inspect each eligible animal upon presentation of the birth certificate and shall satisfy themselves that the age, identification, and other details as appear on the said form or 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.
- 11.3.6 Any breeder dissatisfied with an inspector's decision may lodge an appeal to the Secretary within three weeks after the time of inspection. Such appeal must be accompanied by a deposit of an amount as prescribed by Council from time to time. A board of appeal appointed by Council shall then re-inspect the animal or animals in question, and if the appeal is upheld, the relevant deposit shall be refunded less expenses incurred by Council.
- 11.3.7 Inspectors acting on the instructions of Council may at any time, without previous notice, carry out a general inspection of any member's Percheron Stud.
- 11.3.8 Except in cases referred to in Bye-law 11.3.7, timeous notice shall be given to breeders of an intended visit by the inspectors.
- 11.3.9 Inspectors may in addition to the inspections referred to above, perform other duties with the approval of Council, including:
- (a) classification or grading of Percherons upon application by the breeder concerned; and
  - (b) demonstrations and lectures at farmers' days or judges' courses.
- 11.3.10 Inspectors employed by the Society may not accept instructions from members or non-members to negotiate the buying or selling of Percherons, nor may they accept any commission arising from sales or purchases of Percherons: Provided that Percheron breeders who are appointed as inspectors shall not be subject to this rule.
- 11.3.11 No breeder shall act as an inspector of his own animals.
- 11.3.12 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 Original Certificates**

- 12.1.1 Registration certificates to be issued in respect of Percherons may with the consent of the Association, be in the form desired by the Society.
- 12.1.2 In respect of Percherons begotten by in ovulation, the letters "INOV" shall be printed on the registration certificate after the animal's name.
- 2.1.3 In respect of Percherons begotten by artificial insemination, the letters "AI" shall be printed on the registration certificate after the animal's name.
- 2.1.4 Confirmation of the maintenance of registration status of an animal shall be indicated on the registration certificate –
- (a) in the case of Appendix A and B females and the progeny of Appendix B females, by the signature of a Society inspector after inspection and approval of the animal;

- (b) in the case of all other Percherons, by the signature of the owner of the animal concerned.

## **12.2 Alterations or Additions to Registration Certificates**

With the exception of the signatures referred to in Bye-law 12.1.4 above, any alteration or addition to the essential information or particulars officially recorded on any Percheron registration certificate, which has not been initialled by the General Manager of the Association, or any unauthorised endorsement or remark on such certificate bearing upon the essential information or particulars contained therein, shall render such certificate invalid.

## **12.3 Duplicate or Replacement of Registration Certificate**

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

## **12.4 Cancellation of Registration Certificates and Re-instatement of Percherons**

12.4.1 Council may direct the Secretary to apply to the Association for the cancellation of the birth recording or registration of any Percheron 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 mares and fillies, 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 Council may request the Association to cancel the registration of any Percheron which has -

- (a) failed to meet minimum performance standards as may be determined by Council from time to time; or
- (b) failed to meet minimum inspection standards during an inspection by inspectors appointed by the Society;

and to notify the breeder or owner accordingly.

12.4.3 A registration certificate of a Percheron 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.

12.4.4 All documents so returned shall be suitably endorsed and kept by the Society.

12.4.5 In the event of the registration certificate of a Percheron having been cancelled, such animal may be reinstated in the records of the Association: Provided that the application for the reinstatement is made by the person who applied for the cancellation of the registration certificate or new owner of an animal approved by Council. The reinstatement of any such Percheron shall be affected upon payment of such fee as may be determined by Council from time to time.

**12.5 Certificates of Extended Pedigree**

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

**13. TRANSFERS OF PERCHERONS**

13.1 For the purpose of this Bye-law "transfer" means any transaction whereby any person acquires the right to sole ownership of a Percheron, or to any share or additional share of the ownership of a Percheron stallion, and shall include the sale, exchange, inheritance or donation of whole or part ownership, and the relinquishment of any share in the ownership of such Percheron or Percheron stallion (as the case may be).

13.2 Any seller who transfers sole ownership of a Percheron, or part ownership in a Percheron stallion, shall within 30 days of the date of such transfer, furnish –

- (a) the Society with the registration certificate of the horse concerned, together with the completed transfer report (supplied by the Society); and
- (b) the Society with the prescribed fee as may be determined by Council from time to time.

The Society will forward the registration certificate to the Association.

13.3 In the case of sole ownership, the date of transfer shall be deemed to be the date on which the Percheron left the seller's possession.

13.4 If the animal to be transferred is –

13.4.1 a pregnant Percheron female, the seller shall together with his application for transfer furnish the Association with a certificate specifying the name, identification and registration number of the stallion by whom she was served together with the service date/s, or of the stallion with whose semen she was inseminated, and the insemination date/s, whichever the case may be. The seller shall in addition furnish the buyer with a copy of such certificate.

13.4.2 a recipient dam, the application for transfer shall be accompanied by the birth notification/application for registration referred to in Bye-law 5.5.

13.5 Should for any reason whatsoever the seller fails or refuse to take any steps to affect such transfer, including failing or refusing to deliver the original registration certificate, and should the buyer be willing to pay such fees as may be laid down by Council, Council may take such steps as it deems fit in order to affect the transfer.

13.6 No alteration to an already recorded transfer date shall be affected unless an application to that effect, duly signed by the buyer and the seller concerned, is made to the Association.

**14. JOINT OWNERSHIP OF PERCHERON STALLIONS**

14.1 When a Percheron stallion 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 Percheron stallion is subject to the provisions of the Act.

**15. REFUSAL OF APPLICATIONS**

15.1 In the case of Percheron 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 request the Association to refuse birth recording or registration unless the male parentage is confirmed by means of a DNA test.

- 15.2 The Society may request the Association to refuse to accept applications from any person who has intentionally supplied false, inaccurate or misleading information or who has negligently failed to supply any information or particulars which it was his duty to supply within a reasonable time.
- 15.3 Whenever the Association has refused to accept applications from any person, the Society may, in addition, request the Association to cancel any or all previous entries made in the Stud 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 PERCHERON ANIMALS, SEMEN OR OVA**

- 16.1 Applications to import or export Percheron animals, semen or ova, 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 a copy together with its recommendation in regard thereto, and the required documents reflecting the details referred to in Bye-law 16.2, to the Registrar.
- 16.2 Council shall determine minimum performance and other requirements for the importation and exportation of Percheron animals, semen and ova in terms of Clause 9.24 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 Percherons and Percherons resulting from the importation of semen or ova which comply with the minimum requirements referred to in Bye-law 16.2 and the requirements of the Constitution shall be eligible for registration.
- 16.4 The Association may, upon application, issue export certificates in respect of Percheron animals, semen or ova in the form desired by the Society and approved by the Association.

**SKEDULE A / SCHEDULE A**



# Percheron Telersgenootskap van SA

## Percheron Breeders Society of SA

PO BOX 1209

Telephone / Telefoon: +27 83 455 6966

PERCHERON TELERSGENOOTSAP FOOIE	PERCHERON BREEDERS' SOCIETY FEES	2023/2024
Aansoek invoer van diere (buite Afrika)	Application to import an animal (Outside Africa)	R650,00
Aansoek invoer van semen	Application to import semen	R650,00
Aansoek om keuring	Application for inspection	R300,00
Aansoek vir uitvoer	Application to export	R650,00
Appél om herkeuring	Appeal for re-inspection	R300,00
Assosiaat lid – Intreefooi	Associate member – Entry Fee	R750,00
Assosiaat lid – Ledegeld	Associate member – Membership	R350,00
Duplikaatsertifikaat	Duplicate certificate	R155,00
Geboortekennigsewing (12 maande)	Birth notification (12 months)	R80,00
Geboortekennigsewing- Dooie vul	Birth notification- Dead foal	R0,00
Herinstelling van dier	Reinstatement of animal	R110,00
Herinstelling van lidmaatskap	Reinstatement of membership	R900,00
Jaarlikse Heffing – Hingste (3 jaar en ouer)	Yearly levy – Stallion (3 years & older)	R120,00
Jaarlikse Heffing – Merries	Yearly levy – Mare & Foals	R100,00
Jaarlikse Heffing – Reuns	Yearly Levy – Geldings	R85,00
Jaarlikse heffings – Hingste (onder 3 jaar)	Yearly Levy – Colts under 3 years	R85,00
Juniorlid intreefooi	Junior Member Entry Fee	R220,00
Juniorlid ledegeld	Junior Membership Fee	R210,00
Kansellasië van oordrag of registrasie	Cancellation of transfer or Registration	R55,00
Kastrasie	Castration	R55,00
Keuring per perd	Inspection per horse	R250,00
Keuringsreiskoste (per kilometer)	Inspection (Travelling cost per kilometer)	R6,00
Laat Geboortekennigsewing (na 12 maande)	Late birth notification (after 12 months)	R230,00
Ledegeld fooi per jaar	Membership fee per year	R 800,00
Nie-lede oordragsfooi	Non-member transfer Fee	R260,00
Nuwe lid – Intreefooi	New member – Entry fee	R1000,00
Nuwe lid – Ledegeld	New member – Membership	R800,00
Oordrag	Transfer	R160,00
Registrasie	Registration	R120,00
Registreer hings as KI donor	Registration of stallion as AI donor	R650,00
Registreer merrie as 'n donor	Registration of mare as a donor	R650,00
Regstelling & invoeg van stam	Correction & Strain	R55,00
Sessie	Cession	R155,00
Voorvoegsel	Prefix	R250,00
<b>PERCHERON SPORHORSES</b>		
Geboortekennigsewing	Birth notification	R80,00
Geboortekennigsewing van dooie vul	Birth notification of dead foal	R0,00
Heffing van hings	Levy of stallion	R100,00
Heffing van merrie/reun	Levy of mares/geldings	R55,00
Oordrag	Transfer	R160,00
Registrasie en leeftyds aantekening	Registration and lifetime notification	R100,00

\*Hierdie fooie is van toepassing vanaf 30 Maart 2023 tot 30 Maart 2024 \*These fees are valid from 30 March 2023 – 30 March 2024

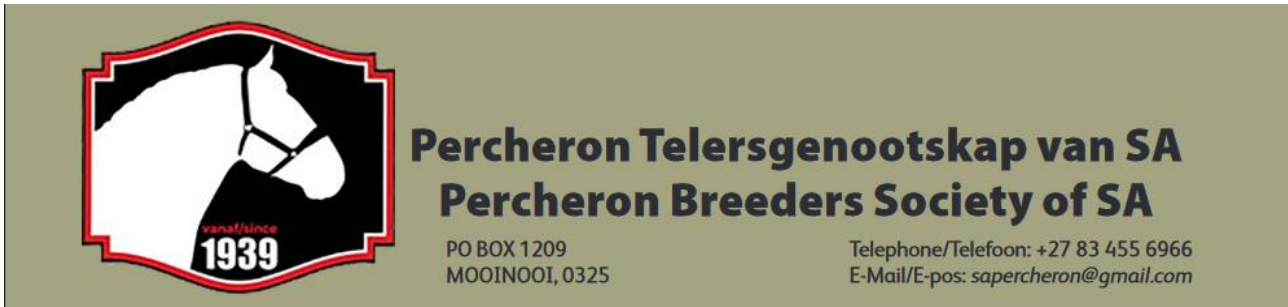
### Sleutel /Key:

Keurings/Inspections

Aansoeke & lidmaatskap/Applications & Membership

Administratiewe fooie/Administrative fees

Percheron Sport Horses

**SKEDULE B / SCHEDULE B****GEDRAGSKODE VIR LEDE  
CODE OF CONDUCT FOR MEMBERS**

Deur as 'n lid van die Percheron Telersgenootskap van Suid-Afrika aan te sluit, verbind elke lid hom of haar tot die volgende gedragskode:

When enrolling as a member of the Percheron Society of South-Africa, the member commits him or her to the following code of conduct:

1. Die optrede en houding van die lid strek te alle tye tot voordeel van die Genootskap, die lede van die Genootskap en die ras as sodanig.

The presence and attitude of a member shall at all times benefit the Society, members of the Society and the breed as such.

2. Die gedrag van lede by veilings, uitstallings en ander openbare geleenthede getuig te alle tye van samehorigheid tussen die lede sowel as lojaliteit teenoor die Genootskap en die ras as sodanig.

The conduct of members at sales, exhibitions and in public shall at all times bear proof of the cohesion between members and their loyalty towards the Society and the Percheron Breed as such.

3. Klagtes oor die gedrag van 'n mede-lid, 'n inspekteur, 'n Raadslid of die Raad van die Genootskap, moet skriftelik onder die aandag van die Raad gebring word vir beslegting van die geskil en, waar nodig, toepassing van die toepaslike tugmaatreëls.

Complaints regarding the behaviour of a fellow member, an inspector, a Councillor or the Council of the Society, must be put in writing to the Council, who will hear the case and where necessary take the applicable disciplinary measures.

4. Elke lid onderwerp hom/haar aan die tugmaatreëls soos, onder andere, vervat in die Genootskap se Konstitusie.

Every member will subject him/her to the disciplinary measures, as *inter alia* contained in the Society's Constitution.

Ek/I \_\_\_\_\_ (naam in drukskrif/print name)  
 onderneem om my aan die bogenoemde Gedragskode vir Lede te verbind / undertake to be bound by the above  
 Code of Conduct for Members.

Geteken te/Signed at \_\_\_\_\_ hierdie/this \_\_\_\_ dag/day van/of \_\_\_\_\_ 20 \_\_\_\_.

\_\_\_\_\_  
**LID HANDTEKENING**  
**MEMBER SIGNATURE**