

DEXTER

**CONSTITUTION
OF THE**



**DEXTER
CATTLE BREEDERS' SOCIETY
OF SOUTH AFRICA
Proposed Revision 2023**

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DEFINITIONS

1. When used in this constitution and bye-laws, unless a contrary meaning is apparent from the context:

“Act” means the Animal Improvement Act, 1998 (Act 62 of 1998) or any subsequent legislation having similar objectives than the said Act, and includes the regulations promulgated in terms thereof;

"animal" means a bovine of the Dexter breed registered/recorded or eligible for registration/recording in the Herd Book and the words "cattle", "calf/calves", "dam/s", "female/s", "bull/s", "male/s" and "sire/s" shall have the same meaning;

"Association" means the Animal Improvement Association.

"birth" means the birth of a calf.

"breeder" means a member of the Society who is the owner of -

- (a) the dam at the date of birth of an animal to be registered or recorded;
- (b) an animal at the date of application for registration in the Herd Book Proper Section of the Herd Book; or
- (c) an animal at the date of application for registration in the Appendix or Stud Book Proper Section of the Herd Book;
- (d) an animal at the date of application for recording in the Basic Section of the Herd Book; or
- (e) the recipient dam carrying a Dexter embryo which will be registered or recorded as a result of an embryo transfer.

"buyer" means the person or persons to whom ownership/joint ownership of an animal is transferred by the seller of such an animal.

"Constitution" means the constitution (inclusive of the Bye-laws) of the Society.

"Council" means the Council of the Society duly elected in terms of the Constitution.

"Department" means the Department of agriculture in the National government.

"embryo" means a fertilised ovum of an animal.

“General meeting” means the annual general meeting or a special general meeting or an ordinary general meeting of members.

"Herd Book" means the South African Dexter Herd Book in which shall be registered/recorded, through the Society by the Association, the details of all animals;

"inspector/s" means a person/s appointed by the Association on recommendation of the Council for the purposes referred to in Clauses 9(I) and 9(j).

"Minister" means the Minister responsible for agriculture.

"ovum" means the ovum of an animal and includes an embryo.

"**owner**" means the person who -

- (a) according to the records of the Association, possesses the animal concerned; or
- (b) submits proof to the satisfaction of the Council that the animal concerned is eligible to be so registered/recorded in his name;

"**recording**" refers to the procedure of recording an animal in the Basic Section of the Herd Book;

"**registering**" refers to the procedure of registering an animal in the Appendix Section or Herd Book Proper Section of the Herd Book, or by which a prefix or herd designation mark is placed on the records of the Association;

"**Registrar**" means the officer designated as Registrar of Animal Improvement in terms of the Act;

"**Secretary**" means the secretary of the Society.

"**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;

"**semen**" means the semen of an animal.

"**Society**" means the Dexter Cattle Breeders' Society of South Africa.

"**South African-bred Dexter**" means an animal born in, or whilst in transit to South Africa: Provided that an animal born from an imported ovum or embryo shall be regarded as an imported Dexter; and

"**Territory**" means South Africa and such other countries as the Society may from time to time, with the approval of the Association, determine.

2. Other words, abbreviations and phrases in this Constitution, not defined above, shall, unless a contrary meaning clearly appears from the context, have the same meaning assigned thereto in the Act.
3. In the Constitution, unless the contrary intention appears clearly from the context, words referring to persons in the masculine gender shall include females, and words in the singular shall include the plural, and words in the plural shall include the singular.

CONSTITUTION

1. NAME OF THE SOCIETY

The name of the Society is the Dexter Cattle Breeder's 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 encourage and promote the breeding and the improvement of the genetic production potential of animals in the Territory.
- (b) to maintain unimpaired the purity of the Dexter breed in the Territory and promote the interests of the breed by all possible and available means.
- (c) to ensure the accuracy of all records of pedigrees, performance/production and other particulars of all animals registered/recorded in the Herd Book.
- (d) to apply a "Standard of Excellence" and other minimum standards drawn up by Council as a prerequisite for the registration/recording of animals.
- (e) to encourage the expansion of the breed by means of promotion, marketing campaigns and sales;
- (f) to promote participation of Dexter cattle at shows, to nominate judges who have been approved by Council as qualified and competent to judge the breed; and to encourage agricultural show societies to appoint only judges certified as such by Council; and
- (g) to safeguard and advance the common interests of breeders in the Territory, and generally to give effect to the objectives contemplated by the Act.

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 or 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 by virtue of its incorporation in terms of the Act and its membership of the Association.
- (b) The general meeting is the Society's highest authority and shall, *inter alia*, be responsible for –
 - (1) formulation of policies, rules, and regulations.
 - (2) adoption and amendment of the constitution, bylaws and annexures.
 - (3) approval of a strategic plan.
 - (4) approval of the annual budget.
 - (5) adoption of the annual financial statements;
 - (6) appointment of an auditor or external accountant.
 - (7) election of the president and deputy president.
- (c) Subject to the constitution, all Society affairs shall be governed by the Council which may exercise all such powers and perform all such functions as are not required by this constitution to be exercised or performed by the general meeting: Provided that the general meeting retains the authority to exercise such powers and perform such functions if the council is, for whatever reason, unwilling or unable to do so.
- (d) Without derogating from the generality of the foregoing, the council shall determine a policy framework for, and oversee Society governance and exercise the powers and perform the functions necessary to achieve and promote the objects.
- (e) A vote of no confidence in writing signed on behalf of at least ten (10) members against a person referred to in 8.1.2; 8.1.3; 8.1.5; 8.1.6– 8.1.3 shall be referred to a general meeting.
- (f) The provisions in the Act and the rules of common law which govern the powers and functions of members of the board of directors of a public company, the relationship between such directors and such company, whether fiduciary or otherwise, as well as the personal liability, criminal or delinquent, of such members flowing from fraudulent or negligent acts or omissions in relation to such members aforesaid powers and functions, apply *mutatis mutandis*, and to the extent that it is consistent with Society's status, to the members of the council as if Society were a public company.
- (g) The principles and the best practice recommendations set out in the Code of Governance Principles for South Africa - 2009 King IV, as augmented and amended from time to time, shall apply to the governance of the society as a guideline.

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 and shall consist of certain categories of members.

4.2 Categories of Membership

4.2.1 Ordinary Members

Persons who are engaged, directly or indirectly, in the breeding of animals, resident in South Africa, shall on approval of the Council become a member the Society as Ordinary Members who shall enjoy all the rights and privileges of membership, including the right to vote at any general meeting of the Society, and the right to be elected to the Council. For the purposes of this subclause a company, close corporation, partnership, [or] body corporate or trust shall be deemed to be a member represented by an appointee as per Clause 4.3.1

4.2.2 Honorary Life Members

For special services in the interest of the Dexter 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 excluding the right to vote at any meeting of the Society and excluding the right to be elected to the Council: Provided that no person shall be eligible for Honorary Life Membership unless recommended by the Council.

4.2.3 Junior Members

Any person under the age of 18 years may become a Junior Member on approval of the Council: Provided that a Junior Member may not vote at meetings of the Society, is not eligible for election to the Council, but upon payment of the scheduled fees may partake in the other activities of the Society; and provided further that the junior member's parents or guardians countersign the application and accept full responsibility for the financial and other commitments towards the Society on behalf of such a junior member.

4.2.4 Affiliated Members

Any person with an interest in the Dexter breed may become an Affiliated Member by paying a membership fee as laid down by Council. An Affiliated Member may not vote at meetings of the Society, is not eligible for election to Council, and may not apply for inscribing or registration/recording of animals under the Society's rules, but will receive newsletters and any other relevant correspondence from the Society.

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

4.3.1 A company, close corporation, partnership, body corporate or trust 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.

- 4.3.2 All communications addressed to such an authorised 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 authorised representative is in attendance on behalf of the company, close corporation, partnership, body corporate or trust, such a company, close corporation, partnership, body corporate or trust 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 trust shall be eligible for election to Council in terms of Clause 8.
- 4.3.4 Should such a company, close corporation, partnership, body corporate or trust 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, body corporate or trust 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 liquidate of such a company or close corporation, or from the members (either jointly or severally) of such a partnership, body corporate or trust.
 - (b) the liquidate or such a company or close corporation and the members of such a partnership, body corporate or trust 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 the company, close corporation, partnership, body corporate or trust would have had to discharge as a member of the Society; and
 - (c) whatever fees may become due and payable as a result of herd fees, registrations, recordings, 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 Membership Application

- 4.4.1 Application for Ordinary, Junior or Affiliated Membership of the Society shall be made to the Secretary in writing in such a 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 with disclosing the 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.

- 4.4.4 In the discretion of the Council, a person, who resign/cancel their membership from the Society, and want to join again, may be requested to pay subscription for the years that they weren't members with their new application for membership.

4.5 Performance/Production Data

Performance/Production data of animals of members participating in the designated Production Recording Scheme may on request by the Society and subject to the conditions as may be determined by the owner/s of the System, be made available to the Society. The Society undertakes that the utilisation of such data will not be to the disadvantage of any member or members, or the Integrated Computer System and that the further processing of such data will not be contrary to the interests of the said Scheme.

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 him 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) to apply for the registration/recording of animals under the Society's rules;
- (c) to attend all general meetings of the Society and in the cases indicated above, the right to vote at such meetings;
- (d) to receive expert technical advice on Dexter 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 approved by members at the ensuing Annual General Meeting of the Society.
- 5.2 The annual subscriptions and fees shall become due and payable in advance at the beginning of every financial year, on a date or dates to be determined from time to time by Council, and shall be deemed to be in arrears, if unpaid within 90 days from date of invoice.
- 5.3 Any member whose subscription is in arrears, or who is indebted to the Society in respect of any fees or dues for a period longer than 30 days after a demand by email (with proof of delivery receipt) for payment thereof has been addressed to him by the Secretary, shall cease to enjoy any of the rights and privileges of membership until such a time as such indebtedness has been liquidated.

- 5.4 Council may cause an interest charge to be levied and collected on arrears 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 the Council determine that an account is in arrears 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, fines and penalties owing by him.
- 5.7 A person who, for whatever reason, has ceased to be a member of the Society may thereafter again be admitted to membership, upon application made in terms of Clause 4.5.

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 email (with proof of delivery receipt) to the Secretary: Provided that such resignation shall not take effect before and until all moneys owing to the Society by such a member have been paid, and furthermore 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 email from the Secretary continues to remain in arrears 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 the 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.
 - (e) does not abide by the Ethical Code of the Society:

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 email (with proof of delivery receipt) 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 authorised 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 affecting his expulsion was passed, or upon which his membership was forfeited.
- 6.4 Upon due expulsion of a member, Council may at its discretion direct the Secretary forthwith to remove from the Herd Book and any other registers or records of the Society, the name of the member so expelled, and to apply to the Association for the cancellation of all registrations/recordings effected by it, in respect of animals bred by the expelled member and owned by him at date of his expulsion. The Secretary shall moreover call upon the expelled member forthwith to deliver to the Society the registration/recording certificates in respect of all animals bred and owned by him at the date of his expulsion.

- 6.5 From the date of his expulsion no transfer of an animal bred by the expelled member shall be registered/recorded, no notifications of birth shall be accepted from him, and he shall be notified accordingly.
- 6.6 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, their email addresses, the amounts received from them with the date of payment, and arrears, if any, which may be due.
- 7.2 Every member shall communicate by email to the Secretary any change of his postal or email address, and all notices or publications posted or emailed (with proof of delivery receipt) to the registered address of a member shall be considered as duly delivered to him.
- 7.3 Communications consigned by email (with proof of delivery receipt) 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 or email addresses of members.

8. COUNCIL

8.1 Election of Council

- 8.1.1 The Council shall consist of a minimum of six (6) members.
- 8.1.2 A minimum of six (6) members shall be instated on a regional basis as proposed by the relevant constituencies (2 TVL, 2 OVS, 1 NATAL, 1 CAPE) such regions to be determined from time to time by Council and approved by the AGM.
- 8.1.3 The regions must submit their proposal candidates not less than 30 days prior to the date of the AGM. A Member can only be selected where his main herd is situated.
- 8.1.4 Council may co-opt Additional members
- 8.1.5 The Secretary is to be appointed by the Council. The Secretary is an ex officio member of council and shall attend all Council meetings and may take part in all discussions but without the privilege to vote on any issue.
- 8.1.6 Council members shall hold office for a period of two years and shall retire at the Annual General Meeting at the end of this period. Retiring members shall be eligible for re-election or co-option.

8.2 Election of President and Vice-President

8.2.1 The Annual General Meeting shall elect a President and Vice-President from the elected members of the incoming council,

8.2.2 The vote will be done by secret ballot

8.2.3 President and vice-president may hold office for not more than three successive years.

8.3 In the case of a vacancy for whatever reason in the office of President or Vice-president, Council is to substitute the office from the Council ranks, until the next election of Council takes place.

8.4 In the case of a vacancy for whatever reason in the instated regional representatives, the relevant region is to nominate a member.

8.5 In the case of a vacancy for whatever reason of the co-opted members, Council may co-opt a substitute, until the next election of Council takes place.

8.6 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 directives of the general meetings of the Society as given from time to time, have the power to do all such things it deems 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 –

- (a) to appoint, dismiss or suspend such attorneys, or other legal representatives, auditors, agents, officers or officials or other employees for or from permanent, temporary or special services as it may deem fit; to determine their powers and duties and to fix their remuneration and conditions of service and to require such security for the due performance of their functions as it may in particular cases deem expedient;
- (b) 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;
- (c) 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, check or other negotiable instrument in connection with the conduct of the affairs of the Society;
- (d) to invest, or in any other manner deal with any moneys not immediately required for the purposes of the Society, upon such securities and on such terms as it may deem fit and, from time to time, to change or realise any such investments: Provided that funds available for investment may only be invested with registered financial institutions as defined in section 1 of the Financial Institutions (Investment of Funds) Act, 1984 (Act No. 39 of 1984), and in securities listed on a licensed stock exchange as defined in the Stock Exchanges Control Act, 1985 (Act No. 1 of 1985);
- (e) 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;

- (f) 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;
- (g) 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 its property and assets.
- (h) 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 *ex officio* members of all subcommittees with full rights and privileges;
- (i) to appoint or discharge inspectors for the inspection of animals submitted for registration/ 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;
- (j) to order an investigation by inspectors of the Society in any case where records are not properly kept or where any doubt should arise as to the correctness of the identity of any animal or animals, and to take such action as it may consider advisable in the interests of the Society;
- (k) 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;
- (l) to convene a general or any other meeting of the Society, either in compliance with a special request thereto made in accordance with the provisions of the Constitution or otherwise if it is deemed necessary;
- (m) to 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;
- (n) to impose and exact such penalties as may be prescribed from time to time for contravention or infringement of the Constitution, rules and regulations of the Society;
- (o) from time to time, subject to the provisions of Clause 5, to adjust or revise subscriptions, fees or dues and to prescribe any such additional fees or dues as it may deem necessary, and to grant discounts on subscriptions, fees or dues;
- (p) to pay all costs and charges in connection with the administration and management of the affairs of the Society;
- (q) to receive and consider applications for membership for categories in clause 4.2.1 and 4.2.3. and to receive and consider and recommend to Council applications for membership for categories in clause 4.2.2 and 4.2.4
- (r) to collect and receive subscriptions, fees, donations, other dues and funds and to devote same towards the objectives of the Society and towards promoting the Dexter breed;
- (s) 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;
- (t) to organise 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;
 - (u) 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;
 - (v) 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;
 - (w) to cancel membership of any person in accordance with Clause 6;
 - (x) in accordance with Clause 5.3 to refuse inspection, registration, recording and other work for members whose accounts are overdue;
 - (y) to draw up a "Standard of Excellence" and to lay down minimum performance/production and other standards by which:
 - (i) animals shall be inspected by inspectors and assessed for the purposes of maintaining their registration status;
 - (ii) Basic section females, Appendix A females and imported animals shall be inspected as a prerequisite for registration;
 - (iii) applications for importation and exportation of animals, semen and ova shall be recommended;
 - (iv) semen and ovum donors shall be approved for embryo transfer purposes; and
 - (v) bulls shall be recommended for approval for the sale of semen in terms of the Act;
 - (z) to organise judges' courses and examinations and in its discretion to appoint candidates as official Dexter judges; and, in accordance with Clause 2(f), to encourage agricultural show societies to appoint such judges to judge Dexters; and
 - (aa) 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, place, and method 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 three members of the 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 emailed (with proof of delivery receipt) 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 the Council are present and so decide.
- 10.1.5 Council is to report to its members by way of an extract of all the resolutions taken within 14 days of the council meeting.

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 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.
 - (e) to ratify all the resolutions by the Council since the previous General meeting

- 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; or
 - (b) by the President (or in his absence by the Vice-President); and
 - (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 emailed (with proof of delivery receipt) 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 a meeting together with the agenda of such a meeting shall be emailed 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 and 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 fulfil all the duties of the President:

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 a casting vote as well as a deliberative vote, provided the ordinary vote has been casted 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.

10.5 Voting by Proxy

- 10.5.1 Voting by Proxy for one next of kin of a breeder who, due to illness or extraordinary circumstances can't attend the AGM, is allowed, but the breeder must report to the secretary at least 24 hours in advance.

10.6 Non-receipt of Notices

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

10.7 Quorums

10.7.1 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 four Councillors personally present at any Council meeting and entitled to vote shall form a quorum for such a Council meeting.

10.7.2 If at any meeting a quorum is not present, the meeting shall stand adjourned to a time (not being less than 14 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 and 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.

10.7.3 When a meeting has been thus adjourned, a notice shall be sent to all relevant members within seven 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.

10.8 Minutes of Meetings

10.8.1 A copy of the minutes of all general meetings shall be supplied to each member of the Society. Copies of the minutes of the Council and meetings of other subcommittees shall be supplied to all persons serving on the committee concerned.

10.8.2 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 banking account or accounts as Council may direct.

11.2 All payments from the funds of the Society shall be accepted by banking practices, executed by the Secretary or a person appointed by Council or such a person or persons as Council may authorise thereto in terms of Clause 9(v): 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.

- 11.3 Council shall cause proper books of account of income and expenditure to be kept in respect of the Society. Financial statements shall be compiled by a registered financial accountant once a year. The financial accountant is responsible to ensure that proper bookkeeping takes place and that the financial statements adhere to accounting standards.
- 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, and with the exception of discounts referred to in Clause 9(o), 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 therein 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 commence on 1 July of each year and end on 30 June of the next year.

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 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 in accordance with Clause 9(u) from amongst the Active Ordinary Members, Honorary Life Members, or the duly authorised representatives of companies, close corporations, partnerships, bodies corporate or trusts which are members.

14. AMENDMENTS TO THE CONSTITUTION, BYLAWS AND ANNEXURES

- 14.1 A member may request that a previous decision must be recalled at an AGM. The Constitution may be added to or altered by a resolution approved by not less than 80% 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. If not approved by 80% of the members present at that AGM, this sanction will go to the next AGM, where that meeting must approve sanction.
- 14.3 Any amendment to the constitution will be submitted to the Commissioner for the South African Revenue Service.

14.4 The bylaws and annexures may be added to or altered by a resolution approved by not less than 50%+1 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 bylaws, not less than 30 days' written notice has been given to each member of the Society

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 subject to confirmation by the ensuing general meeting of members.

16. DISSOLUTION OF THE SOCIETY

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

17. AUTHENTIC VERSION OF CONSTITUTION

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

18. 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.

19. DELEGATION OF POWERS

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

20. NON-MEMBERS

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

21. COMMUNICATION WITH PUBLIC MEDIA

The principle that all people have Freedom of Speech are applicable, but the Society strongly advises that breeders must refrain from making statements to the public media on matters of the Dexter Breed for example: production/performance and breed requirements. Only the Council is allowed to make such statements.

BYE - LAWS.

1. HERD BOOK

The registration system of the Society shall consist of a Herd Book (to be known as the Dexter Herd Book) in which shall be inscribed red, dun and black Dexters, be it computerised or in any other form, which shall be divided into three main sections, namely the Basic section, the Appendix section and the Herd Book Proper section and which shall be maintained and operated by the Association in terms of the Act.

1.1 Basic Section

The following animals are eligible for registration in this section –

- (i) Any female animal which possesses the phenotypical characteristics of a Dexter: Provided that the animal shall have been identified in accordance with Bye-Law 3, with identification marks and sequence numbers of the owner at the time of acceptance. This section shall remain open until otherwise determined by Council.

1.2 Appendix Section

(a) Appendix A

The following animals are eligible for registration in this section –

- (i) Any animal which originates from a herd of which the breeder can give a satisfactory record of origin to Council, and which possesses the phenotypical *cum* genotypical characteristics of a Dexter.
- (ii) The progeny of a Basic section female mated to an Appendix B or a Stud Book Proper male.

(b) Appendix B

The following animals are eligible for registration in this section –

- (i) The progeny of an Appendix A female mated to an Appendix B or Stud Book Proper male.
- (ii) The progeny of an Appendix B female mated to an Appendix B male.

1.3 Stud Book Proper

The following animals are eligible for registration in this section: Provided that the animals comply with all birth notification and requirements in terms of the Constitution; and provided further that the progeny conforms to the minimum performance/production requirements as may be determined by Council –

- (i) The progeny of an Appendix B female mated to a Stud Book Proper male; and
- (ii) the progeny of a Stud Book Proper female mated to an Appendix B or Stud Book Proper male.

2. PREFIX AND HERD 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 registration/recording shall be designated, and a herd designation mark by which such animals shall be identified.
- 2.2 No prefix shall exceed 18 characters, and the name of a city, town or post office in the Territory shall not be accepted for registration as a prefix.
- 2.3 The herd designation mark registered with the Association for the breeder's exclusive use shall not exceed four spaces and shall consist of letters, numbers or a combination of letters and numbers, but shall not consist of the same four letters or the same four numbers.
- 2.4 Application for the registration of such a prefix and herd 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 herd designation mark shall be allowed from one breeder to another, except under such conditions and to such persons as are provided for in the Byelaws 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/recording must bear permanent identification marks which shall include a herd designation mark, year letter and a sequence number, and any animal which does not bear the approved identification marks shall not be accepted for registration/recording by the Association.
- 3.2 Ear tattooing and ear coding shall be the Society's official system of marking for the uniform and permanent identification of all animals submitted for birth recording, for registration or recording.
- 3.3 Every calf must be identified by the breeder within 30 days of birth.
- 3.4 The year number shall consist of two numbers indicating the year of birth.
- 3.5 The birth sequence number shall not exceed four characters.
- 3.6 Every calf must be tattooed before inspection with the herd designation, the year number to indicate the year of birth (two figures) and the sequence number.
- 3.7 In the event of a breeder making a mistake when identifying a calf, or in the event of a mark becoming defaced or illegible, the owner of the animal shall report the fact to the Secretary in writing, and the animal shall be re-marked in the presence of an inspector appointed by Council, after such an inspector has satisfied himself as to the correctness of the identity of the animal.
- 3.8 Save for the possible compulsory branding or tattooing of animals as regulated by legislation or the voluntary branding of animals registered in the Stud Book Proper section with the registered brand of the Association, the branding or tattooing of any other brand or tattoo mark whatsoever

on an animal, by the breeder or owner or his agent, is strictly prohibited and the registration certificate of any animal so marked shall be liable to cancellation.

- 3.9 Subject to the requirements of Bye-law 3.7, no animal shall be transferred unless clearly marked.

4. NAMES

- 4.1 In addition to the identification marks referred to in Bye-law 3, all live animals of which the births are notified and all animals offered for registration/recording, must be explicitly named: Provided that the name may be substituted by the animal's identification. Council shall have the right to refuse any application in respect of an animal which in its opinion cannot be clearly identified or is misleadingly named.
- 4.2 The name shall include the prefix registered in favour of the breeder, and exclusive of the prefix, shall not exceed 20 characters.
- 4.3 The name of any animal, once accepted for registration/recording, 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/RECORDING

- 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 or 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.
- 5.2 No birth notification/application for registration/recording of an animal shall be accepted unless the sire had been inspected and approved.
- 5.3 No birth notification/application for registration/recording 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/applications for registration/recording shall be made in a manner approved by the Association.
- 5.5 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.
- 5.6 A birth notification shall also be accompanied, in the case of an animal imported *in utero*, by the necessary documents and blood typing or DNA certificates of both the sire and dam, endorsed by the Herd 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/production and other requirements as may be determined by Council.
 - (c) the sire complies in accordance with Byelaw 10.10.

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

- 6.1 All animals which have been begotten through A.I. shall be eligible for registration/recording: Provided that all requirements of the Act and the Constitution have been complied with.
- 6.2 No birth notification/application for registration/recording shall be accepted for the purpose of registration/recording unless it is endorsed "Begotten by A.I.".
- 6.3 Irrespective of the provisions of Byelaw 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/recording unless the male parentage has been confirmed by a blood typing or DNA test.
- 6.4 The Society reserves the right through its officers to supervise and/or inspect the keeping of records in connection with A.I. by its members.
- 6.5 The Society and the Association reserve the right to refuse to register/record 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/recording of animals under the provisions of the Constitution, may apply for registration/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 be 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 bulls for use in their own herds, and progeny resulting from the use of such semen shall be eligible for registration/recording: Provided that –
- (a) complete details of the ownership of the sire concerned have been submitted to the Association.
 - (b) the official blood typing or DNA laboratory number of the sire has been submitted to the Association.
 - (c) the collection and storage of the semen have been carried out in accordance with the requirements of the Act; and
 - (d) all requirements of the Constitution in respect of birth notifications and registrations/recordings are complied with.
- 6.8 Semen of a bull may not be used for the insemination of animals of more than three joint or successive owners of that bull unless it has been approved for the collection of semen in terms of the Act or without the prior approved of the Council.
- 6.9 In the case of a transfer of a bull (other than one approved for the collection of semen in terms of the Act) from which semen has been collected, frozen and stored, the application for the transfer of such a bull 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 because of E.T., shall be eligible for registration/recording: Provided that –
- (a) both the male and the female animals which gave rise to the embryo concerned were approved for the purpose 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 blood typing or DNA laboratory numbers of the male and female animals that gave rise to the embryo concerned;
 - (ii) a certificate signed by a veterinarian, an embryo transferor, or, in the case of intra-herd E.T., by the owner or his full-time employee, to the effect that the provisions of the Act have been complied with; and
 - (iii) in the case of an animal begotten from an imported ovum, a certificate issued by a competent body, recognized 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 an animal begotten as a result of E.T. and imported *in utero*, the following evidence and documents endorsed by the Herd Book Society (or body recognised by 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) blood typing or DNA certificate of both donors; and
 - (v) evidence that both donors conform to the minimum performance/production and other requirements as may be determined by Council;
 - (d) a birth notification/application for registration/recording in respect of an animal resulting from E.T. shall be made in a manner approved by the association; Bye-Law 5.4
 - (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, registrations, recordings, inspection and/or performance/production 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/recording of animals under the provisions of the Constitution, may apply for the registration/recording 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 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/record 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 progenies from a donor cow resulting from E.T. for registration/recording.

8. GESTATION AND INTERCALVING PERIODS

- 8.1 The gestation period is 280 days. The minimum acceptable gestation period shall be 260 days, and the maximum period shall be 300 days.
- 8.2 The minimum period between the dates of birth of two successive calves out of one cow (intercalving period) shall be 265 days.
- 8.3 Any gestation or intercalving periods outside these ranges shall not be recognised unless the parentage of the calf concerned is confirmed by blood typing or DNA tests.

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 an appropriate parentage control test –
- (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 parentage control test referred to in Byelaw 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 parentage control test referred to in Byelaw 9.1(b) the owner or the Society, as may be determined by Council, shall bear the costs of the testing procedures required.

10. REQUIREMENTS FOR REGISTRATION/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/Production Standard (Annexure A), 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/recording.
- 10.4 Except as provided for in Byelaw 1.2(a) (in respect of Appendix A animals and Basic Section), no application for registration/recording of a South African bred animal will be considered unless details of its birth have been duly notified and accepted in terms of Byelaw 5, and
- (a) both its parents; and
 - (b) its dam, in the case of an animal imported *in utero* or resulting from imported semen.
- have been registered/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/recording have been met.
- 10.6 An imported animal or one resulting from imported semen, or an embryo shall be eligible for registration/recording provided the requirements of the Constitution have been complied with.
- 10.7 A pedigreed animal imported into the Territory shall be eligible for registration provided that the application for registration is accompanied by –
- (a) a certificate of registration or an export certificate issued by a Herd Book Society (or 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/production 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 Territory on the date stated, and
 - (iii) that the animal arrived on the applicant's farm on the date stated.
- 10.8 Registration certificates shall be issued by the Association in respect of imported animals.
- 10.9 Animals resulting from the in ovulation of imported ova in respect of which Byelaw 7 and all other provisions of the Constitution have been complied with, shall be eligible for registration/recording: Provided that such imported ova –
- (a) were 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, shall have been fertilised with the semen of a sire which likewise complies with the above-mentioned minimum requirements.
- 10.10 All breeding bulls' DNA should be parentage verified and tested for Chondrodysplasia with immediate effect from the 2014 breeding season.
- 10.11 All bulls born from 2023 must be parentage verified by DNA.

11. INSPECTION AND PERFORMANCE/PRODUCTION REQUIREMENTS

11.1 Minimum standards

Minimum inspection and performance/production standards, as prerequisites for registration or recording, shall be determined from time to time by Council.

11.2 Growth stimulants

No animal shall be accepted for registration/recording 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(i) of the Constitution, Council shall appoint inspectors to inspect all animals eligible for registration/recording and all imported animals, upon application by the breeder concerned.
- 11.3.2 The inspectors shall inspect each eligible animal upon presentation of the application for registration/recording or registration/recording certificate, and shall satisfy themselves that the age, identification, and other details as appearing on the said application 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/production standards as determined by Council.
- 11.3.3 All animals must be inspected and approved between the age of 12 and 27 months, except in the case of Appendix A and Basic Section, animals and 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 an 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.

- 11.3.6 Special inspections can only be carried out by permission of the Council if such inspectors are available and if the applicant agrees to pay the fees payable in respect of special inspections as lay down by Council from time to time.
- 11.3.7 Inspectors may in addition to the inspections refer to above, perform other duties with the approval of Council, including:
- (a) classification or grading of animals upon application by the breeder concerned; and
 - (b) demonstrations and lectures at farmers' days or judges' courses.
- 11.3.8 Inspectors employed by the Society may not accept instructions from members or non-members to negotiate the buying or selling of animals nor may they accept any commission arising from sales or purchases of animals: Provided that breeders who are appointed as inspectors shall not be subject to this rule.
- 11.3.9 No breeder or relative of that breeder shall act as an inspector of his own animals.
- 11.3.11 Fees payable for inspections and any other duties performed by inspectors shall be determined by Council from time to time.

12. REGISTRATION/RECORDING

12.1 Duplicate or Replacement of Registration/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 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/recorded.

12.2 Cancellation of Registration/Recording Certificates and Reinstatement of Animals

- 12.2.1 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; or
 - (c) been registered or recorded after the owner has failed to comply with any relevant Byelaw.
 - (d) after a second inspection has failed the criteria of the Breed performance/production requirements as set by the Council from time to time:
- and to notify the breeder or owner accordingly.

- 12.2.2 A birth notification list or 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.
- 12.2.3 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.
- 12.2.4 In the event of the birth notification list or registration or recording certificate of an animal having been cancelled, such an animal may be reinstated in the records of the Association only on recommendation of the Society: The reinstatement of any such animal shall be affected upon payment of such a fee as may be determined by Council from time to time.

13. TRANSFER OF ANIMALS

- 13.1 For the purpose of this Byelaw "transfer" means any transaction whereby any person acquires the right to sole ownership of an animal, or to any share or additional share of the ownership of an animal, and the relinquishment of any share in the ownership of such an animal or bull (as the case may be).
- 13.2 Any seller who transfers sole ownership, or part ownership of an animal, shall within 30 days of the date of such a transfer, notify –
- (a) the Association with the details of the animal concerned, as with the details of the new owner or partitioner duly completed on such a certificate; and
 - (b) the Society with the prescribed fee as may be determined by Council from time to time:
- 13.3 In the case of sole ownership, the date of transfer shall be deemed to be the date on which the animal left the seller's possession.
- 13.4 If the animal to be transferred is:
- (a) a pregnant female, the seller shall together with his application for transfer, furnish the Association with a certificate specifying the name, identification number and registration/recording number of the bull by whom she was served together with the service date/s, or of the bull with whose semen she was inseminated, and the insemination date/s, whichever the case may be. The seller shall in addition furnish the buyer with a copy of such a certificate.
 - (b) a recipient dam, the application for transfer shall be accompanied by the pre-printed birth notification/application for registration/recording referred to in Byelaw 5.4.
- 13.5 Should the seller for any reason whatsoever fail or refuse to take any steps to effect such a transfer 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.

14. JOINT OWNERSHIP OF ANIMALS

- 14.1 When an animal is transferred to joint owners, the full name and address of each joint owner shall be submitted to the Association.
- 14.2 The joint ownership and use of an animal 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 28 days, the Society shall request the Association to refuse registration/recording unless the male parentage is confirmed by means of a blood typing or 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 Herd Book on behalf of such a person.
- 15.4 The Society shall not take any action under Byelaws 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.
- 15.5 In the case of calves born from breeding Bulls, where DNA has not been parentage verified or tested for Chondrodysplasia (also refer to Byelaw 10.10).

16. IMPORTATION AND EXPORTATION OF ANIMALS, SEMEN OR OVA

- 16.1 Applications to import or export animals, semen or ova, shall, in terms of the Act, be submitted in triplicate, on forms available from the Registrar, to 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/production and other requirements for the importation and exportation of animals, semen, and ova in terms of Clause 9(y) 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 Byelaw 16.2 and the requirements of the Constitution shall be eligible for registration/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. BREED STANDARD FOR THE S A DEXTER

CLASSIFICATION

The Dexter is classified as dual purpose.

FEATURES

17.1 HEAD

- Male: Masculine appearance with good length and breadth with strong eyebrow ridges.
- Female: Feminine appearance with a calm expression, good length, and width.
- Eyes: Large and bright, not showing much white.
- Ears: Of medium size and carried alertly.
- Muzzle: Broad and strong with large open nostrils.
- Jaws: Well defined, broad, and strong.
- Teeth: Large and strong, fitting well against the pad of the upper jaw.

17.2 NECK

- Male: Long, deep, and thick with a well-developed crust.
- Female: Long, flatter than the bull. Wrinkles on the sides finer than those of the bull.

17.3 SHOULDERS

- Male: Well-muscled, neatly attached, moving well, and rounded across the chine.
- Female: Smoother, without heavy muscling.

17.4 CHEST

Broad

17.5 CHEST CAPACITY

Male: Broad and deep

Female: Broad but with less depth

Crops: Full

Back: Broad and straight

Loin: Broad and full

Ribs Well sprung

17.6 HIPS

Male: Broad, slightly rounded on top. Hip bones less prominent and not as widely spaced as with females.

Females: Broad, slightly rounded on top.

Rump: Long, broad, with slight roofiness and medium fall from front to back and wide Thurl's.

17.7 HIND QUARTER

Male: Long, broad, well-muscled. Broad in pin bones with widest point in the thighs.
Must resemble the shape of a horseshoe.

Female: Deeper, without heavy muscling.

17.8 LEGS AND HOOVES

Squarely placed. Well shaped hooves with good depth behind. Broad, strong, clean-cut, and refined hocks on a flat bone structure.

17.9 COVER

Skin & hair: Skin loose and pliable, well pigmented, hairy short, thick, soft, and shiny.

17.10 COLOUR

Black, Red, and Dun with proof of gene.

Male: Limited white near genital organs allowed.

Female: White on udder and limited to behind the navel on the underline allowed.

Black & Dun: Limited white only around scrotum.

Red: Predominant white in the tail switch allowed.

Dark pigmentation on nose and dark hoofs allowed. Limited Smokey pigmentation on muzzle and hooves allowed. Black or dark pigmentation on muzzle, eyelids and genital organs is undesirable and for registration purposes will be penalised by at least one level.

17.11 UDDER AND TEATS

Well balanced udder with four functional quarters. Attached well forward, almost level with underline. Four teats of average length and thickness. Udder must be carried above the hocks. Higher rear attachment preferred.

17.12 GENITAL ORGANS

Male: Well developed and normal in all respects. The scrotum contains two uniform, well developed testes, hangs straight down, a relative thin neck, away from the body, and is covered with soft hair. The sheath blends well with the underline without appearing excessively coarse.

Female: Well developed and without any visible signs of infantilism or malformation.

17.13 GENERAL APPEARANCE

Male: Masculine and robust. Sufficient muscling on forearm, back, loins and thighs with a well-defined masculine crest. Bone structure relatively fine but strong, with a well-developed front quarter and chest depth in relation to length or body.

Female: Finer than the bull in all aspects. A sound, balanced framework with a wedge shape from hips to shoulders, also seen from the side, with the rear end deeper than the chest. Superfluous fat covering during lactation is highly undesirable as is excessive fat covering next to the tail root, on the brisket, the udder and flank.

17.14 HEIGHT

Male: Ideally 120 cm's. measured immediately in front of the rump.

Female: Ideally 112 cm's. measured immediately in front of the rump.

17.15 UNDESIRABLE CHARACTERISTICS

- A) Tendency towards being too big or too small.
- B) Pigeon toes.
- C) Excessive white in switch or underline.
- D) Excessive fat deposits on females.
- E) Defects in hocks.
- F) Small badly suspended udders with oversized teats.
- G) Twisted scrotum.
- H) Hollow or roach back.
- I) Excessive fineness in bulls or coarseness in cows.
- J) Black pigmentation on the nose, below knee joint on shin bone, muzzle, eyelids, and udder genital organs.
- K) Baboon tail with female animals.

17.16 DISQUALIFICATIONS

A disqualification is a deviation that renders an animal unfit for stud breeding.

- A) Any of the undesirable characteristics in (15) above occurring in an extreme degree;
- B) Post hockedness.
- C) Infantile or malformed genital organs.
- D) Any signs of subfertility.
- E) Colour mixtures.
- F) Skew tail.
- G) Overshot jaw.
- H) Undershot jaw.
- I) Skew face.
- J) Devils grip.
- K) Bad temperament.
- L) Small testes.
- M) Baboon tail with male animals.

18. ETHICAL CODE

The Society consists of a group of breeders with common interests, who is mutually dependent on each other, and who share responsibilities for the welfare of the breed, the Society and for fellow breeders. Therefore any action that is intentionally detrimental to the breed, the Society or fellow breeders, is regarded as unethical.

Unethical conduct may include the following:

18.1.1 The intentional and malicious -

1.1.1 I m p l e m e n t a t i o n of practices, that is detrimental to the breed and the Society

1.1.2 O b s t r u c t i o n of sound animal breeding principles

1.1.3 Withholding of information about parentage, health, fertility or genetic defects

1.1.4 Obstruction of actions and projects intended to promote the breed and the Society

1.1.5 Defamatory and damaging statements regarding the Society, Officials and fellow breeders

Members agree to:

18.1.2 Promote the Goals and Mission of the Society at all times, through their actions and words. To update their knowledge regarding the breed, screening, inspections and official documents of the Society, from time to time. All members must consider themselves an ambassador of the Society and the breed, and will at all times promote the Dexter breed, and do honour to the Society in a constructive manner.

18.1.3 To act with integrity and honesty, and take individual responsibility to contribute towards a courteous, harmonious and productive culture among our members, through a basic social code of ethics. To be respectful of other people, their opinions and their feelings. To uphold their own image, character, integrity, loyalty, and unbiased judgement, on all official occasions and at all times, either by their actions or by sentence, in an irreproachable and praiseworthy manner.

18.1.4 To never disapprove or comment adversely upon co-members', officials' and inspectors' decisions or rulings in public. Breeders will subject themselves to the ruling of the panel of senior inspectors. Any conflict of opinion or dissatisfaction can rather be put forward in writing to the Council of the society. Our aim is to solve any differences by listening and talking to each other respectfully.

18.1.5 To abide by the Constitution and Bye-Laws of the Society, or any other requirements that comes into effect, and to the authority of the Council address them, and even discharge them of membership, regarding any unacceptable behaviour on their part, after they have had the opportunity to state their side of the matter.

18.1.6 To treat any matter, regarded by the Society as confidential, in such a manner.

19. CHONDRODYSPLASIA GENE

In recent year's breeders worldwide have gained more knowledge of the Chondrodysplasia gene (also known as the Bulldog gene) and the Society stipulated the following for knowledge and the safeguard of all breeders on this aspect:

19.1. Chondrodysplasia / Bulldog / Short Leg / Carrier – all terms that have been used to describe the dwarfing gene carried by some Dexters. This is an inherited lethal gene but these days it can be managed quite easily. Prior to around the year 2000 there was no technical way of confirming that your cow or bull was a carrier of the gene. Basically all that was known was that it was the short legged Dexters that carried the gene and that mating two short legged Dexters may result in a deformed calf being produced. It should also be mentioned that the term 'bulldog' is a term used loosely by many vets to describe a deformed calf displaying bulldog-like features.

- 19.2. Extensive research was done at the University of Sydney and the gene was identified. A test was then developed to identify carriers of the gene.
- 19.3. All breeding bulls must be tested for this gene and no bull that is positive may be sold to other breeders.
- 19.4. No progeny from positive bulls will be accepted for registration.

20. CLUBS AND AFFILIATIONS

The Dexter Society welcomes all Dexter clubs as members. It is however necessary to define a club in order to provide clarity on membership. Clubs come in all shapes and sizes but there are some aspects that differentiate a club from a breeder. There are separate arrangements for breeders who wish to become members of the Society as laid down in the Constitution hereto.

- 20.1. Characteristics of a Dexter club:
 - 20.1.1 Members belong to the Dexter Society.
 - 20.1.2 Has a bank account with two authorized signatories.
 - 20.1.3 Has a formal constitution, approved by the club committee.
 - 20.1.4 Has open membership.
 - 20.1.5 Is committed to achieving the objectives within the Society and Dexter breeder community.
 - 20.1.6 Adhered to all the rules and buy-laws as laid down in the constitution of the Society and amended, from time to time.
- 20.2. The Dexter Society is the national governing body for Dexter breeders in the Republic of South Africa. It takes responsibility for managing and developing services for the breed, organizing national competitions, shows, advertising and policies. It also provides support and guidance for clubs at a local level.
- 20.3. By being affiliated to the Dexter Society, your club will be able to enter competitions, shows, inspections and marketing under the guidance and protection of the Society.
- 20.4. There is a charge for affiliation. 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 ensuing Annual General Meeting of the Society.

21. AUCTIONS UNDER THE PROTECTION OF THE DEXTER SOCIETY

Auction rules are in place to help sellers to get a good price for their animals as well as to protect the buyer. The Dexter Society under write the following rules and if not fully complied the Society distance him from such animals:

21.1. Testing of Animals:

- 21.1.1 All bulls must be tested for the chondrodysplasia gene and must test Negative. (A certificate to this extent must be handed in.) Testing of cows and heifers for the chondrodysplasia gene is not needed.
- 21.1.2 All bulls must also be tested for fertility. (A certificate must be handed in)
- 21.1.3 All bulls must also be tested for Trichomoniasis, Vibriosis and Brucellosis and must test negative for these diseases. (A certificate must be handed in)
- 21.1.4 The DNA of the bulls must also be tested. (A certificate must be handed in.)
- 21.1.5 All cows and heifers must be tested for Brucellosis and must test negative. (A certificate must be handed in.
- 21.1.6 A certificate must be handed in as proof that cows and heifers are pregnant. Animals without this certificate will be seen as non-pregnant. (Female animals must be pregnant or with a calf when sold.) Heifers under 2 years do not have to comply with this rule.

21.2. General rules:

- 21.2.1 The seller must certify which female animals are pregnant.
- 21.2.2 Where a cow and her calf is for sale, the calf must have a birth certificate.
- 21.2.3 All female stud animals (A, B and SP) as well as Basic Section animals are allowed. (See Byelaw 1)
- 21.2.4 Only SP Bulls are allowed to be auctioned.
- 21.2.5 Bulls must be older than 2 years and female animals 12 months.
- 21.2.6 Animals can be shaved/groomed or not. It is the seller's own choice. The ears of the animals must however be shaved for the inspectors to check the tattoo identification of the animals.
- 21.2.7 Female stud animals older than 12 months must be inspected already.
- 21.2.8 Animals with a poor temperament can be disqualified.
- 21.2.9 All animals must be healthy and in good condition.
- 21.2.10 Sellers must make certain that the animals have water and food at the auction.

- 21.2.11 All animals must be tattooed or branded and in accordance with Legislation.
- 21.2.12 All animals must be inspected and approved by 2 inspectors. The inspectors may reject animals.
- 21.2.13 Older animals may also be sold, but it must still be healthy. No animal older than 10 years may be sold at an Auction under the protection of the Dexter Society.
- 21.2.14 All animals to be sold at the Auction must be accompanied by all the relevant documentation.
- 21.2.15 All animals must be without internal and external parasite.
- 21.2.16 Any animals not qualified to be sold under the protection of the Dexter Society, must be clearly stated by reason by the auctioneer to the buyers on the day of the auction.
- 21.2.17 An auction not held under the protection of the Dexter Society, must be clearly stated by the auctioneer to the buyer at the commencement of the auction.

22. SHOW RULES & REGULATIONS OF THE DEXTER SOCIETY

Show rules and regulations are in place to ensure consistent practise and procedure is applied at various shows, to provide a mechanism for the course of events, to inform exhibitors in order to prepare for the show and to ensure that quality animals are exhibited to promote the breed to the public.

22.1. Health and welfare:

- 22.1.1 All animals must be healthy and in good condition.
- 22.1.2 Animals must be certified negative for CA and TB in the past two years by a Veterinarian or an accredited animal technician.
- 22.1.3 All animals must be without internal and external parasites.
- 22.1.4 Animals with a poor temperament may be disqualified.
- 22.1.5 It is the responsibility of the exhibitor to ensure his/ her animals have sufficient feed, water and bedding for the duration of the show.
- 22.1.6 Overall shaving of animals is optional yet discouraged. In the event of overall shaving, the exhibitor shall ensure that his/ her animals are protected against the elements during shipment and stalling to, at and from the show.

22.2. Administration:

- 22.2.1 National championships will be hosted on rotational basis at the discretion of Council.
- 22.2.2 In the event of a National Championship, the “Large show” classes will be applied.
- 22.2.3 In the event of a Regional show where more than 50 animal entries are received for the show, the ‘Large show’ classes will be applied.
- 22.2.4 In the event of a Regional show where less than 50 animal entries are received for the show, the ‘Smaller show’ classes will be applied.
- 22.2.5 Entry forms must be fully completed by the entrant before submission.
- 22.2.6 Exhibitors are expected to honour closing dates of entries. Show administrators are under no obligation to accept late entries.

22.3. General rules:

- 22.3.1 All animals must be tattooed or branded, in accordance with legislation.
- 22.3.2 Only Studbook Proper and Appendix B animals are permitted to partake.
- 22.3.3 Only polled or dehorned animals are permitted to partake.
- 22.3.4 All animals must be halter-trained.
- 22.3.5 Bulls above the age of 12 months shall have nose rings.
- 22.3.6 Animals shall be groomed neatly (Overall shaving is not recommended yet optional).
- 22.3.7 The decision of the judge is final and breeders are expected to honour the code of conduct in this regard.
- 22.3.8 Handlers shall wear blue jeans with a green or khaki shirt. No personalized branding is permitted in the show ring.
- 22.3.9 No animals subjected to growth stimulants are permitted to partake. Samples of animals may be taken at the show and tested by the Society. Animals testing positive will be disqualified at or after the show. In such case the cost involved will be debited against the account of the relevant exhibitor and the exhibitor/ breeder will be subjected to the disciplinary code of the Society which may result in expulsion from the Society.
- 22.3.10 In all aspects, the health, welfare, risk, liability and responsibility of an animal remains with the owner of the animal. The organisers, the Society and / or the Club will not be held accountable for any loss or damage caused in any way whatsoever.

22.4. **DEXTER CLASSES – Large shows (50 animals and above)****SENIOR FEMALES**

Class:

- 1 Lactating cow – 10 years and above
- 2 Dry cow – 10 years and above
- 3 Lactating cow – 7 – 10 years
- 4 Dry cow – 7 – 10 years
- 5 Lactating cow – 5 – 7 years
- 6 Dry cow – 5 – 7 years
- 7 Lactating cow – 3 – 5 years
- 8 Dry cow – 3- 5 years
- 9 Senior udder competition
- 10 Senior Champion Cow
- 10a Reserve Senior Champion Cow

JUNIOR FEMALES

Class:

- 11 Lactating cow – 30 – 36 months
- 12 Dry cow – 30 – 36 months
- 13 Lactating cow – 24 – 30
- 14 Dry cow/ heifer – 24 – 30 months
- 15 Lactating cow – 18 – 24 months
- 16 Dry cow/ heifer – 18 – 24 months
- 17 Junior udder competition
- 18 Junior Champion Cow/ heifer.
- 18a Reserve Junior Champion Cow/ heifer

TODDLER FEMALES

Class:

- 19 Heifer – 15 – 18 months
- 20 Heifer – 12 – 15 months
- 21 Heifer – 9 – 12 months
- 22 Heifer 6 – 9 months
- 23 Toddler Champion Heifer
- 23a Reserve Toddler Champion Heifer

- 24 GRAND CHAMPION COW/ HEIFER
- 24a RESERVE GRAND CHAMPION COW/ HEIFER

SENIOR BULLS

Class:

- 25 Bull – 10 years and older
- 26 Bull – 7 – 10 years
- 27 Bull – 5 – 7 years
- 28 Bull – 4 – 5 years
- 29 Bull – 3 – 4 years
- 30 Senior Champion Bull
- 30a Reserve Senior Champion Bull

JUNIOR BULLS

Class:

- 31 Bull – 30 – 36 months
- 32 Bull – 24 – 30 months
- 33 Bull – 18 – 24 months
- 34 Junior Champion Bull
- 34a Reserve Junior Champion Bull

TODDLER BULLS

Class:

- 35 Bull – 15 – 18 months
- 36 Bull – 12 – 15 months
- 37 Bull – 9 – 12 months
- 38 Bull 6 – 9 months
- 39 Toddler Champion Bull
- 39a Reserve Toddler Champion Bull

40 GRAND CHAMPION BULL

40a RESERVE GRAND CHAMPION BULL

41 BREED CHAMPION

41a RESERVE BREED CHAMPION

GROUP CLASSES

- 42 Best Pair – Bull and cow/ heifer over 18 months
- 43 Best Pair of the future – Bull and heifer below 18 months
- 44 3 Descendants of one bull
- 45 2 Descendants of one cow
- 46 Group of 3 bulls
- 47 Group of 3 females
- 48 Best presentation of 3 animals (Both sexes must be represented)
- 49 Handler class

PERFORMANCE TESTED CLASSES

- 50 Phase C Performance Tested Bull
51 Phase D Performance Tested Bull

The minimum performance standards are as follows:

- Wean Index 95
- ADG Index 100
- FCR Index 100

22.5. **DEXTER CLASSES – Smaller shows (50 animals and below)**

SENIOR FEMALES

Class:

- 24 Lactating cow – 10 years and above
25 Dry cow – 10 years and above
26 Lactating cow – 7 – 10 years
27 Dry cow – 7 – 10 years
28 Lactating cow – 5 – 7 years
29 Dry cow – 5 – 7 years
30 Lactating cow – 3 – 5 years
31 Dry cow – 3- 5 years
32 Senior udder competition
33 Senior Champion Cow
10a Reserve Senior Champion Cow

JUNIOR FEMALES

Class:

- 34 Lactating cow – 27 – 36 months
35 Dry cow – 27 – 36 months
36 Lactating cow – 18 – 27 months
37 Dry cow/ heifer – 18 – 27 months
38 Junior udder competition
39 Junior Champion Cow/ heifer.
16a Reserve Junior Champion Cow/ heifer

TODDLER FEMALES

Class:

- 40 Heifer – 12 – 18 months
41 Heifer – 6 – 12 months
42 Toddler Champion Heifer
19a Reserve Toddler Champion Heifer
20 GRAND CHAMPION COW/ HEIFER
20a RESERVE GRAND CHAMPION COW/ HEIFER

SENIOR BULLS

Class:

- 21 Bull – 10 years and older
- 22 Bull – 7 – 10 years
- 23 Bull – 5 – 7 years
- 24 Bull – 3 – 5 years
- 25 Senior Champion Bull
- 25a Reserve Senior Champion Bull

JUNIOR BULLS

Class:

- 26 Bull – 30 – 36 months
- 27 Bull – 24 – 30 months
- 28 Bull – 18 – 24 months
- 29 Junior Champion Bull
- 29a Reserve Junior Champion Bull

TODDLER BULLS

Class:

- 30 Bull – 12 – 18 months
- 31 Bull – 6 – 12 months
- 32 Toddler Champion Bull
- 32a Reserve Toddler Champion Bull

- 33 GRAND CHAMPION BULL
- 33a RESERVE GRAND CHAMPION BULL

- 34 BREED CHAMPION
- 34a RESERVE BREED CHAMPION

GROUP CLASSES

- 35 Best Pair – Bull and cow/ heifer over 18 months
- 36 Best Pair of the future – Bull and heifer below 18 months
- 37 3 Descendants of one bull
- 38 2 Descendants of one cow
- 39 Pair of 2 bulls
- 40 Group of 3 females
- 41 Best presentation of 3 animals (Both sexes must be represented)
- 42 Handler class

PERFORMANCE TESTED CLASSES

- 43 Phase C Performance Tested Bull
- 44 Phase D Performance Tested Bull

The minimum performance standards are as follows:

- Wean Index 95
- ADG Index 100
- FCR Index 100

23. INSPECTION RULES & REGULATIONS OF THE DEXTER SOCIETY

Inspection rules and regulations are in place to ensure qualified agents in the field who consistently practise inspections according to the breed standards in order to ensure the quality of the breeding stock in the national herd. Secondly, to ensure consistent and unbiased procedure, administration and code of conduct regarding all inspections.

23.1. Inspector training and qualification:

23.1.1 Inspector courses are presented under the protection of the Dexter Society of South Africa.

23.1.2 Inspector courses provide for the following:

23.1.2.1 The formal training and / or advancement of inspectors.

23.1.2.2 The discussion of alterations to the breed standards as and when deemed necessary.

23.1.2.3 Ensuring consistency in procedure and quality of inspections.

23.1.2.4 The upkeep of a panel of inspectors according to capability and level of training.

23.1.3 Inspector courses will be arranged by a delegate appointed for this purpose by the board. Such delegate will possess a minimum qualification of Senior inspector and will be assisted by another Senior inspector.

23.1.4 In order to prepare for the course, course material will be provided beforehand to the candidates who have entered and paid for the upcoming course.

23.1.5 Sufficient animals, male and female, senior and junior, must be available for the practical aspect of the course.

23.1.6 The program of the training will be as follows:

23.1.6.1 A theoretical component followed by an exam in which a minimum of 80% should be achieved.

23.1.6.2 A practical component

23.1.6.3 A minimum of two inspections alongside a senior inspector after which the senior may commend the junior inspector to be promoted to senior inspector. Alternatively, the senior may suggest a third inspection for the junior for further evaluation.

23.1.6.4 Any promotion to senior inspector shall become valid only once endorsed by the Board of the Dexter Society.

23.1.7 Specialist consideration:

This provides for the consideration of direct promotion to senior inspector of persons with good Dexter knowledge and in possession of prior qualifications in specialist fields. For example, academics involved with animal breeding at Universities, research institutions in breeding, genetics, etc. as well as interbreed judges. In all such cases, the candidate will be evaluated during his / her first involvement in inspection of Dexters. All reports and recommendations will be presented to the Board for evaluation and consideration of endorsement.

23.2. Inspection procedure:

23.2.1 The breeder requests a formal inspection in writing from the Secretary of the Dexter Society. Thereafter, an inspector will be assigned by the Secretary.

23.2.2 The breeder prints an inspection list off Logix to present to the inspector on his / her arrival.

23.2.3 A head clamp must be available to enable the inspector to verify the tattoos in the animal's ears. No animal without verified identification by means of tattoo or branding shall be illegible for inspection.

23.2.4 Ensure the animals to be inspected are separated beforehand for ease of inspection and time management.

23.2.5 The breeder and the inspector sign the inspection form once the inspection is done.

23.2.6 It is the responsibility of the inspector to submit the inspection form to the Secretary of the Dexter Society who in turn shall submit to SA studbook after verification of procedures and administration. Please note, inspections are not to be submitted directly to SA Studbook.

23.2.7 In case a breeder is dissatisfied with an inspection, the Dexter office should be notified with immediate effect.

23.3. General:

23.3.1 Only animals of 12 months and older are eligible for inspection.

23.3.2 In addition to passing an inspection, male animals are subject to DNA typing and are required to test negative for Chondrodysplasia before promotion from Calf book to full registration status can be processed by LNR.

23.3.3 The breeder is responsible to reimburse the inspector for travel costs as per the current rate endorsed by the Society

24. TRAINING OF DEXTER JUDGES

The Dexter, being a unique breed of cattle due to its dual-purpose qualities as well as its small frame, requires specialised training for cattle judges. In order to achieve this level of training, the Dexter Cattle Society of South Africa has opted to make use of the Dexter Training Manual, published by Mr. Manie Oberholzer in the year 2001 and further revised in 2007. This training manual is a detailed document, alone standing and separate to this document. The reigning Dexter breed standards at the time of the formal training, will be applied.

The procedure regarding the qualification and promotion of Dexter judges is as follows:

24.1. Judging courses are presented under the protection of the Dexter Society of South Africa.

24.2. Judging courses provide for the following:

24.2.1 The formal training and / or advancement of judges.

24.2.2 The discussion of alterations to the breed standards as and when deemed necessary.

24.2.3 Ensuring consistency in procedure and quality of judges.

24.2.4 The upkeep of a panel of judges according to capability and level of training.

24.3. Judging courses will be arranged by a delegate appointed for this purpose by the board.

24.4. Minimum qualifications for presenters of judging courses are as follows:

- Junior Judging course: A Senior judge, may be assisted by a Junior judge.
- Senior Judging course: An Examiner, may be assisted by a Senior judge.

24.5. In order to prepare for the course, course material will be provided beforehand to the candidates who have entered and paid for the upcoming course.

24.6. Sufficient animals, male and female, senior and junior, must be available for the practical aspect of the course.

24.7. The program of the training will be as follows:

24.7.1 A theoretical component:

- The course material and breed standards, as well as the implementation thereof on male and female animals, are discussed at length and in detail. This is followed by an exam in which a minimum of 80% should be achieved.

24.7.2 A practical component:

- In a practical exam, candidates must place animals in chronological order and provide verbal motivations for their placements.

24.7.3 Promotion:

- Candidates having achieved a minimum of 80% in their combined theoretical and practical exams qualify as **Trainee judges**. Trainee judges should then be given as much exposure as possible in the ring as trainee judges or alternatively as ring stewards.
- To qualify as **Junior judge**, a Trainee judge must partake in judging at least twice alongside a senior judge in the ring. Such Senior judge must provide a written recommendation of the candidate if he or she finds the candidate suitable to be promoted to Junior judge.

- Promotion to Senior Judge will be in discretion of Council on recommendation by a Senior Judge or Intellectual judge.

Any promotion to Dexter Judge shall become valid only once endorsed by the Board of the Dexter Society.

25. DISCIPLINARY CODE

RULES PERTAINING TO DISCIPLINARY INVESTIGATIONS AND HEARINGS

25.1. DEFINITIONS:

Words and phrases in this Annexure shall have the following meanings unless a contrary meaning clearly appears from the context -

“ACCUSED”- a member against whom a complaint was submitted, including a director of a company, a member of a close corporation, a partner of a partnership, a trustee of a business trust, an administrator or person in control of an organisation, alternatively the accountable person of any legal entity, or representative of a group as determined by the rules of any show held under the auspices of the Society, in connection with which a hearing is held, representing the company, close corporation, partnership, business trust, organisation, other business or group, and any other person who has been substituted for any such representative;

“APPEAL TRIBUNAL”- A tribunal consisting of three persons appointed by the President of the Society, who have not been involved in the disciplinary process previously.

“CHAIRMAN”- Chairman of the Disciplinary Committee as appointed by the Council who manages the Disciplinary Process according to this Disciplinary Code.

“COMPLAINANT”- The member submitting the complaint.

“COMPLAINT”- A written complaint in which the Complainant explains the facts, on which his complaint is founded, that a member was allegedly guilty of misconduct, is based. Such complaint must clearly reflect the date, place and time where such misconduct or sanction came to the notice of the Complainant and all available and relevant documents on which the Complainant bases his allegation must also be submitted.

“CONSTITUTION”- means the Constitution of the Dexter Breeders’ Society of South Africa and all rules made in terms of the Constitution;

“DOCUMENT”- includes any recorded information, regardless of the form or medium;

“DISCIPLINARY COMMITTEE”- (unless different from the context, also called “the Committee”). A Committee consisting of at least three persons, including the Chairman, who are not necessarily members of the Society, appointed by the Chairman for each disciplinary hearing, and of which one person, if possible, may be a lawyer or advocate. The Committee may co-opt additional members. Decisions of the Disciplinary Committee are made by majority vote and the Chairman has a vote.

“DISCIPLINARY PROCESS”- The investigation into alleged misconduct or any other unacceptable sanction, or transgression of a rule, submitted by any person or concern against another person, disciplinary hearing, appeal process and execution of disciplinary sanction relating thereto.

“INVESTIGATOR(S)”- A member or members appointed at the discretion of the Prosecutor if he deems it necessary to investigate the merit of a complaint and to report back to the Prosecutor, in order to assist the Prosecutor with his decision to proceed with a disciplinary hearing or not and/or to assist him with the preparation for such disciplinary hearing.

“MEMBER”- A natural person that is a member of the Society, or in the case where the member is not a natural person, such person appointed at the time of application for registration as a member or as the representative or proxy of such member.

“MISCONDUCT OR UNACCEPTABLE BEHAVIOR”- Includes but is not limited to deliberate or negligible failure to conform to the Constitutional stipulations of the Society, rules, regulations, prescriptions, directions, arrangements and decisions of the Annual General meeting, the decisions of a special general meeting or of Council, a Committee of the Society and any conduct which is not in accordance with the membership code of the Society.

“PARTY”- in relation to a hearing, means the Prosecutor or the Accused;

“PRESIDENT”- The President of the Dexter Breeders’ Society of South Africa.

“PRESIDING OFFICER”- means the Chairman or a person with delegated authority appointed by the Chairman, who presides over a disciplinary hearing and chairs the Disciplinary Committee in a disciplinary hearing.

“PROSECUTOR”- The Legal Representative of the Council, or failing him, a person appointed by the President, who investigates the merits of a complaint with or without the assistance of investigators appointed by him, presents the complaint and leads all evidence and produces proof on behalf of Council and/or the Complainant during the disciplinary hearing. The Prosecutor would be taking on the role of the Complainant during the Disciplinary hearing which Complainant need not be present in person, except insofar it may be necessary for the Complainant to lead evidence

“SANCTION”- An amount of money that a member, found guilty of misconduct by the Disciplinary Committee, is ordered to pay, which amount may not be less than the minimum amount and not more than the maximum amount as prescribed by Council from time to time.

“SOCIETY”- The Dexter Breeders’ Society of South Africa.

“WORKING DAYS”- Any day except Saturday, Sunday or official public holiday. The term “days” refers to working days.

“WRITTEN NOTICE”- The delivery of the relevant document by virtue of the handing over of a copy thereof to the recipient or by virtue of e-mail to e-mail address indicated by the member when applying for membership. Such notice will then be considered as having been received on the same date of the e-mail.

25.2. INTERPRETATION:

In the context of these rules:-

25.2.1 male will include female and vice versa;

25.2.2 singular will include plural and vice versa and

25.2.3 headings are not used to describe a specific rule.

25.3. THE DISCIPLINARY PROCESS:

The Disciplinary process commences when a Complaint is submitted to the office of the Society and is regarded as having been dealt with when the Disciplinary Committee has come to a final decision regarding both the verdict and the disciplinary sanction, or should an appeal be lodged against the decision of the Disciplinary Committee, when the Appeal Tribunal has come to a final decision regarding both the verdict and the disciplinary sanction and when the Disciplinary Committee or the Appeal Tribunal made a finding upon a disciplinary sanction, when such disciplinary sanction is instituted, alternatively upon settlement after mediation. This process must at all times be conducted in a reasonable, fair and objective manner and without any prejudice.

25.4. THE COMPLAINT:

25.4.1 The complaint must be submitted in writing with the support of an affidavit, to the President of the Society by the Complainant or his proxy within 30 days after the date on which the incident had occurred and/or the necessary proof in respect of a transgression had come to hand. A period of 60 days is allowed for submission of a complaint by the Council, show committees, Trainers Association or Stewards Association, or similar concerns. Rules in respect of dispatch and the time lapse in respect thereof will *mutatis mutandis* apply.

25.4.2 A complainant other than Council, show committees, Trainers Association or Stewards Association or similar concerns, will pay a fee as annually prescribed by Council, simultaneous with the lodging of a complaint.

25.5. PRELIMINARY INVESTIGATION:

25.5.1 Directly subsequent to receipt of the complaint, the President will refer it to the Legal Representative who may appoint Investigators with the request to assist him on the nature of the complaint i.e. whether a disciplinary hearing is warranted.

25.5.2 The finding of the Legal Representative regarding the merits of the complaint and whether or not it deserves a disciplinary hearing, will be advised to the President who is entitled to request reasons for a decision not to proceed from the Legal Representative.

25.5.3 Should the Legal Representative be of the opinion that the complaint warrants a Disciplinary hearing he will advise the President and the Chairman and deliver a copy of the final charge sheet to the Chairman and a copy to the President for his information.

25.5.4 When considering the nature and urgency of the complaint the Legal Representative and/or Investigators are empowered to request the Complainant to provide more detail in respect of the complaint. The Accused may also be requested to, should he/she prefer, provide the Investigators with his/her version of the event provided that the Accused's right to remain silent be reserved at all times.

25.5.5 On receipt of the notification by the Chairman of the Disciplinary Committee that a disciplinary hearing is warranted, he may inter alia:-

25.5.5.1 invite the relevant parties (complainant, accused) to an informal mediation before him or his delegate, who then will act as mediator and who will prescribe the rules of the mediation. The outcome of the mediation is depended on the consent of the relevant parties and the mediator, in which case such outcome will be final. If the parties cannot reach consent in the mediation, the matter will proceed to a Disciplinary Hearing. All statements made by the Accused in the mediation are subject to privilege and cannot be used against the Accused in the Disciplinary Hearing.

25.5.5.2 appoint the members of the Disciplinary Committee.

25.5.5.2 set a date, time and place for a Disciplinary Hearing and notify the Legal Representative and the Accused thereof.

25.6. NOTIFICATION OF DISCIPLINARY HEARING

The notification to the Accused of the Disciplinary Hearing will be accompanied by the Charge Sheet and all supporting documents and such notification will include the following:

- 25.6.1 notification to the Accused that the Society intends to institute a hearing as a result of the charge as contained in the charge sheet;
- 25.6.2 require the Accused in writing to give written notice to the Chairman within 10 days, whether the Accused intends to plead guilty or not guilty to the charge as contained in the charge sheet;
- 25.6.3 notify the Accused in writing that if the Accused intends to plead not guilty to the charge, the Accused may make substantiated submissions to the Chairman within 10 days, indicating the basis of the defence in such a manner and with such detail that it will enable the Chairman to make a decision on whether the hearing should be instituted, instituted in respect of certain charges only, or which may limit the proceedings at a hearing;
- 25.6.4 notify the Accused in writing that if the Accused intends to plead guilty to the charge, the Accused must do so in writing within the 10 day period to the Chairman and may also submit substantiated representations in connection with the imposition of an appropriate disciplinary sanction;
- 25.6.5 notify the Accused in writing that a plea of guilty submitted on behalf of an Accused which is a legal entity other than a natural person, must be accompanied by a resolution or other adequate proof that the person acting on behalf of the Accused is authorised to plead guilty and submit representations in connection with the imposition of a sanction;
- 25.6.6 inform the Accused of the Accused's rights as listed paragraph 11.1.

25.7. MANAGEMENT OF DISCIPLINARY PROCESS

- 25.7.1 The Chairman or his delegate will be responsible for the management of the disciplinary process.
- 25.7.2 The Legal Representative, or in his absence a member appointed by the President, will act as Prosecutor.

25.8. ACKNOWLEDGEMENT OF GUILT

- 25.8.1 Should the Accused admit being guilty of the offense of which he is being charged with, he must within ten days after receipt of the relevant documents, put such acknowledgement of guilt in an affidavit and submit such facts which, in his discretion, should be considered by the Committee in the levying of a disciplinary sanction.
- 25.8.2 On receipt of such affidavit the Committee may –

25.8.2.1 if it appears from the affidavit that the Accused pleads guilty to the charge, find the Accused guilty of the charge in question; or

25.8.2.2 require supplementary relevant information from the Accused or any other person in order to consider the matter; or

25.8.2.3 require the Accused to attend a hearing

25.8.3 The Committee may, after convicting an Accused of improper conduct, and with due regard to the representations (if any) submitted by the Accused, as well as the applicable considerations contemplated in the Disciplinary Code, impose a sanction on the Accused provided for in the Disciplinary Code.

25.8.4 The Accused must be informed by a written notice signed by the Chairman and served on him or her, of every decision of the Committee.

25.9. PLEADING INNOCENT

Should the Accused deny the charge made against him, he must within ten days after receipt thereof advise the Chairman of the Disciplinary Committee accordingly.

25.10. NECESSARY PARTICULARS OR NECESSARY FURTHER PARTICULARS OF CHARGE

25.10.1 An Accused may at any reasonable time before the commencement of a hearing, but not less than 5 days before the commencement, request the Prosecutor in writing to furnish relevant particulars or further particulars of any aspect of the charge as contained in the charge sheet served on the Accused, that are reasonably necessary to enable the Accused to prepare for the hearing.

25.10.2 The particulars must be served on the Accused as soon as it is reasonably possible and will form part of the record of the proceedings.

25.10.3 The Presiding Officer before whom a hearing into a charge is pending may, at any time before evidence in respect of that charge has been led, direct that necessary particulars or further particulars duly requested in terms of sub-rule (1) be delivered to the Accused if the Accused is entitled to the particulars that have not been delivered before, and may, if necessary, adjourn the proceedings in order that such particulars may be delivered.

25.11. THE HEARING

25.11.1 Rights of Accused

An Accused has, subject to these rules, the following rights in regard to a hearing -

- 25.11.1.1 to be present at the hearing or any part thereof;
- 25.11.1.2 not to be present at the hearing or any part thereof;
- 25.11.1.3 to be assisted by a fellow member or legal representative
- 25.11.1.4 to call a witness and to give or submit evidence;
- 25.11.1.5 to be heard;
- 25.11.1.6 to cross-examine any person called as a witness in support of the charge;
- 25.11.1.7 to dispute any evidence submitted in support of the charge;
- 25.11.1.8 to inspect any document or object produced as evidence; and
- 25.11.1.9 to exercise any other right provided for in these rules

25.11.2 Witnesses and related matters

- 25.11.2.1 The parties or the Presiding Officer have the right to call witnesses to give such evidence and to produce any document which may be relevant to the hearing, and which is or presumably is, in the possession of such person.
- 25.11.2.2 Subject to the provisions of these rules and the Code of Conduct, evidence by witnesses at a hearing must be given orally under oath or affirmation, administered by the Presiding Officer. If the Presiding Officer within his discretion so direct, on application from any party or witness, evidence may be heard via electronic medium that provides a sufficient service in this regard.
- 25.11.2.3 The Chairman may within his discretion and out of the funds of the Society, or the funds derived from a cost order, pay to any person who attended a hearing as a witness for the prosecution or accused, such fees and allowances as may from time to time be determined by the Chairman with the concurrence of Council.
- 25.11.2.4 The Chairman may not pay any person any such fee or allowance, unless the Presiding Officer (if it is not the Chairman) has certified that the person concerned has conducted himself or herself properly and satisfactorily as a witness or that, where the person was not called upon to actually give evidence, he or she at all relevant times held himself or herself available for that purpose or, where his or her inability to give evidence was due to circumstances beyond his or her control, that such circumstances prevented him or her from giving evidence.
- 25.11.2.5 Different fees or allowances in respect of different classes of witnesses or different circumstances or classes of enquiries may be determined by the Chairman.

25.11.3 Absence of Accused or Prosecutor, adjournment and related cost orders

25.11.3.1 The Presiding Officer may, at the request of the Prosecutor, determine that a hearing or any part thereof may commence, be conducted or be continued in the absence of an Accused if the Accused was properly notified to appear at the hearing, and -

25.11.3.1.1 the Accused is represented by a member who is duly authorised thereto by the Accused; or

25.11.3.1.2 it is reasonable to assume from the information submitted to the presiding Officer, or from the known circumstances, that the Accused is exercising, or is probably exercising, his or her right not to be present at the hearing or any part thereof; or

25.11.3.1.3 it is reasonable and fair in the circumstances, on the basis of information submitted to the Presiding Officer, to commence, conduct or continue with the hearing in the absence of the Accused.

25.11.3.2 The Presiding Officer may at any time if the interests of justice so require, direct that a hearing which has commenced, has been conducted or has continued in the absence of the Accused or Prosecutor, be adjourned in order to give the Accused or Prosecutor a reasonable opportunity to be present at the hearing.

25.11.3.3 The Presiding Officer may at any time after the commencement of the proceedings of a hearing, on request of a party or on his or her own initiative, where a sound reason exists, direct that the hearing be adjourned to a date, time and place mentioned in the directive.

25.11.3.4 The Presiding Officer may on good cause shown by a party, order the other party to pay the former party's wasted costs as a result of the adjournment of the proceedings at any time and may, after considering any representations that the parties may submit, make an order as to the amount and manner of payment of such costs.

25.11.4 Tendering of plea and related procedures

25.11.4.1 At the commencement of a hearing the Presiding Officer must put the charge to the Accused and request the Accused to plead to the charge.

25.11.4.2.1 If the Accused pleads guilty and the Presiding Officer is satisfied that the Accused is, in accordance with the plea, guilty of the charge, the Presiding Officer must find the Accused guilty.

25.11.4.2.2 No plea of guilty referred to in paragraph 11.4.2.1 may be accepted by the Presiding Officer from a representative of a legal entity unless the representative submits to the Presiding Officer a certified resolution or other adequate proof of the authorisation of the representative to plead guilty.

- 25.11.4.2.3 An Accused may at any stage of the proceedings alter a plea of not guilty to a plea of guilty, whereupon paragraph 11.4.2.1 will apply.
- 25.11.4.3 If the Accused tenders a plea other than a plea of guilty, or refuses or fails to tender a plea, or if the proceedings commence in the absence of an Accused and the Accused has not indicated that he or she offers a plea of guilty, the Presiding Officer must record that the Accused has pleaded not guilty and the hearing will proceed in accordance with these regulations.
- 25.11.4.4.1 Where an Accused tenders a plea of not guilty, or where the Presiding Officer records a plea of not guilty, the Presiding Officer may ask the Accused whether the Accused wishes to make a statement indicating the basis of the defence.
- 25.11.4.4.2 Where the Accused does not make a statement contemplated in paragraph 11.4.2.1, or does so and it is not clear from the statement to what extent the Accused denies or admits the allegations in the charge sheet, the Presiding Officer may question the Accused in order to establish which allegations are in dispute.
- 25.11.4.4.3 The Disciplinary Committee may in their discretion put any question to the Accused in order to clarify any matter raised under paragraph 11.4.2.1 or 11.4.2.2 and any admission by the Accused in terms of this sub-rule will serve as prima facie proof of any matter covered by such admission.
- 25.11.5 **Procedure**
- 25.11.5.1 The normal rules pertaining to evidence as applied in disciplinary hearings will apply and the onus of proof will be that of a balance of probabilities.
- 25.11.5.2 During the hearing the Prosecutor will firstly be given an opportunity to present his case in respect of the complaint to the Disciplinary Committee. For this purpose he may call witnesses that may be questioned and cross questioned. Additional documents other than those attached to the complaint, may only be used with permission of the Presiding Officer, provided that no documents may be used by the Prosecutor unless all parties are familiar with the contents thereof. Should objection be submitted to the use of a document it must be done formally in order for the Presiding Officer to take a decision as to whether it may be used or not.
- 25.11.5.3 An Accused may, after the Prosecutor has closed his or her case, apply to the Disciplinary Committee to be acquitted of the charge, and the Presiding Officer must acquit the Accused if the Disciplinary Committee is of the opinion that the Prosecutor has not tendered evidence on which a reasonable person might find the Accused guilty on a balance of probabilities.

- 25.11.5.4 After the Prosecutor had closed his case the Accused is given an opportunity to present his case to the Disciplinary Committee with the same rights as the Prosecutor to call witnesses and to question such witnesses or to present documents to the Disciplinary Committee.
- 25.11.5.5 Both parties have the right to cross-examine to the opposing party's witnesses.
- 25.11.5.6 All questions meant in the foregoing paragraphs must be relevant to the arguments between the parties.
- 25.11.5.7 The Disciplinary Committee may put questions to any one of the parties or their witnesses.
- 25.11.5.8 Subsequent to witnesses having been heard, the parties each have the right to tender closing statements in favour of or against a finding of misconduct either personally or by virtue of their representatives.
- 25.11.5.9 Subsequent to the Disciplinary Committee having heard the arguments and evidence of the relevant parties, the Disciplinary Committee must by virtue of the majority vote decide whether the Prosecutor has successfully proved the complaint to be based on a balance of probabilities. Should the Disciplinary Committee find it necessary to consider its finding the investigation may be postponed to a place, date and time agreed to by the Presiding Officer in consultation with the parties concerned.
- 25.11.5.10 Should the Disciplinary Committee find that the Prosecutor had successfully proven the merits of the complaint, the Presiding Officer must afford the parties the opportunity to address the Disciplinary Committee with regard to the factors which in their opinions should be considered in the levying of a suitable sanction, provided that if no such presentation is made, the Disciplinary Committee may, without delay, continue with the levying of a suitable disciplinary sanction.
- 25.11.5.11 Subsequent to consideration of the presentations of the parties the Disciplinary Committee will levy a sanction and advise the parties thereof without delay.
- 25.11.5.12 The Presiding Officer must within 20 days after the hearing of the evidence and arguments of the parties make known the Disciplinary Committee's finding and provide the reasons therefore to the parties.
- 25.11.5.13 The Chairman must ensure minutes of all proceedings during the investigation whether by hand, electronically or in a format to be transcribed.
- 25.11.5.14 No media may be present during the investigation or any part thereof

25.12. DISCIPLINARY SANCTION:

- 25.12.1 The Disciplinary Committee is empowered to levy any of the following sanctions:
- 25.12.1.1 A warning, which may be qualified as a final warning
 - 25.12.1.2 Temporary suspension of membership, the period of which must be determined by the Disciplinary Committee, whereby the relevant member will be barred from participation in Society activities or activities organized by the Society.
 - 25.12.1.3 A penalty not exceeding the maximum amount as decided by Council from time to time. In addition thereto, drug test costs as well as any other additional costs incurred. In addition thereto, temporary suspension from participation in any Society activities and that of related concerns and sub unions, until the penalty is fully paid, save where the Disciplinary Committee directed that a penalty may be paid on extended terms.
 - 25.12.1.4 Termination of the Society membership of the Accused, provided that it be confirmed by two thirds of the attendees of Council at its first ensuing meeting. If it is not confirmed, the investigation will be referred back to the Disciplinary Committee for reconsideration.
 - 25.12.1.5 Publication of appropriate details of the conviction of improper conduct and any sanction imposed; or
 - 25.12.1.6 any combination of the above.
- 25.12.2 The disciplinary sanction may be suspended on any condition that is reasonably likely to promote compliance with this Code by the member.
- 25.12.3 Where a fine has been imposed on an Accused, the fine is due and payable to the Society forthwith without further demand. If an Appeal is pending, payment of the fine is suspended until finalisation or termination of the Appeal process.
- 25.12.4 In addition to any other relevant fact, the following must be considered and properly taken into account in imposing any sanction contemplated in this rule -
- 25.12.4.1 the gravity and nature of the improper conduct;
 - 25.12.4.2 the known relevant circumstances of the member and such other relevant circumstances as the member may prove to exist;
 - 25.12.4.3 the national interest, the interest of the Society and co –members, of the public and the interest of the member;

- 25.12.4.4 the risk posed by the improper conduct to the rights or legitimate interests of any person;
- 25.12.4.5 any previous conviction of the member of improper conduct in terms of this Code or the repealed code of conduct;
- 25.12.4.6 the financial or other benefit or likely benefit obtained or that may be obtained by the member through the commission of improper conduct; and
- 25.12.4.7 any actual or potential harm caused by the member through the commission of improper conduct.

25.13. SUSPENDED DISCIPLINARY SANCTIONS

If an Accused has been found guilty at a hearing and the Disciplinary Committee finds that the Accused has not complied with a condition for the suspension of a previous disciplinary sanction, the Disciplinary Committee may, after the Accused has been granted a fair opportunity to submit oral or written representations -

- 25.13.1 put the suspended sanction or any part of the suspended disciplinary sanction into operation.
- 25.13.2 further suspend the suspended disciplinary sanction or any part of the suspended disciplinary sanction on appropriate conditions.

25.14. COST ORDERS IN REGARD TO ENQUIRIES

25.14.1 The Disciplinary Committee may -

- 25.14.1.1 order an Accused who has been found guilty of improper conduct to pay the Society's costs as contemplated in this rule if the Accused, or a person assisting the Accused, acted in a frivolous or vexatious manner in the defence or in his or her conduct during the hearing; or
- 25.14.1.2 order the Society or the Complainant to pay to an Accused who has been found not guilty of improper conduct at a hearing, the costs of the Accused as contemplated in this regulation if any person acting on behalf of the Society acted in a frivolous or vexatious manner in initiating or proceeding with the hearing.

25.14.2 A party seeking a cost order contemplated in this rule, must apply to the Disciplinary Committee as soon as possible after the findings of the Disciplinary Committee have been made known and present the necessary evidence, information and submissions to enable the Disciplinary Committee to make an appropriate order.

- 25.14.3 Costs contemplated in this rule must be calculated on the appropriate tariffs and scales determined by the Disciplinary Committee for this purpose.
- 25.14.4 The Society may be awarded costs only in respect of -
- 25.14.4.1 the professional services of a Presiding Officer that is appointed due to his professional expertise, other than the Chairman;
 - 25.14.4.2 the costs of travel and accommodation in respect of the Disciplinary Committee, the Prosecutor, witnesses and any person who attended a hearing at the request of the Society and whose attendance at the hearing was necessary; and
 - 25.14.4.3 Transcription costs and costs of professional reports required by the Prosecutor, Chairman or Disciplinary Committee;
 - 25.14.4.4 the costs of renting premises and facilities for the purposes of the hearing.
- 25.14.5 An Accused may be awarded costs only in respect the costs of the Accused and necessary witnesses of the Accused in regard to travel and accommodation, incurred in connection with attending the hearing. Costs of legal representatives are specifically excluded.
- 25.14.6 The cost award may be taxed by the Chairman on request by any party and will thereupon reflect the final amount payable.

25.15. APPEAL:

- 25.15.1 Any one of the parties not satisfied with the finding pertaining to the validity or not of the complaint and/or the disciplinary sanction levied by the Disciplinary Committee, is entitled to appeal to the Appeal Tribunal that is appointed by the President for this purpose. The President also appoints the Presiding Officer of the Appeal Tribunal.
- 25.15.2 Such appeal must be lodged within ten days after receipt of the written finding of the Disciplinary Committee or the written notice of the disciplinary sanction being imposed, whichever the case may be. Such appeal must be in writing and must provide the grounds for appeal as well as, what the appellant thought the finding should have been and what disciplinary sanction should have been imposed.
- 25.15.3 The notice of appeal must be delivered to the opposing party, the Chairman of the Committee and the President at the Society's address.

- 25.15.4 Within 30 days from receipt of a notice of appeal the Disciplinary Committee must draw up a comprehensive record of the Hearing which must include all declarations and documents that were submitted as well as the minutes of the proceedings,
- 25.15.5 Copies of the appeal record, properly indexed, must be submitted by the Disciplinary Committee to the Presiding Officer of the Appeal Tribunal at the Society's address with one copy thereof to each of the parties.
- 25.15.6 Notice of appeal must be preceded by payment of a fee as decided to from time to time by Council. Should the appeal be upheld in favour of the relevant party, such fee will be reimbursed. Should the appeal be dismissed, the fee will be forfeited to the Society.
- 25.15.7 The appeal will be conducted along the following principles:
- 25.15.7.1 The appeal tribunal will limit its reconsideration to the record of the disciplinary process and hearing and will not hear or have insight into any further evidence.
 - 25.15.7.2 On a date set down by the Chairman of the Appeal Tribunal the parties may address that forum with presentations on behalf of the respective parties.
 - 25.15.7.3 The Chairman of the Appeal Tribunal may make any directions regarding the process which he deems fit within his discretion.
- 25.15.8 The findings of the appeal tribunal are final.
- auctioneer to the buyer at the commencement of the auction.