

# **BY- LAWS**

## **CANADIAN BROWN SWISS AND BRAUNVIEH ASSOCIATION**

**Amended as of July 2, 2008**

**Incorporated July 16, 1914**

**Affiliated December 7, 1950**

**AMENDMENTS**

Revised	July 26, 1923
Article 16	April 6, 1925
Article 16	June 28, 1928
Revised	July 5, 1934
Article 6	May 8, 1944
Section 23	November 13, 1962
Re-organized	September 27, 1962
Article 23	June 1, 1966
Article 20	April 30, 1965
Article 23	July 4, 1972
Revised	July 4, 1972
Article 6 Article 15 Article 19	June 12, 1973
Article 6 Article 17 Article 19 Article 20 Article 21 Article 22	September 2, 1975
Article 3 Article 7 Article 12 Article 15 Article 19 Article 20 & 22	April 14, 1976
Article 19 Article 22	July 24, 1978

Article 3 & 22	July 17, 1979
Articles 3, 6, 19, 20, 22	June 9, 1980
Article 23	June 17, 1981
Articles 19 & 22	April 26, 1983
Article 19 & 22	May 29, 1984
Article 3 & 22	May 27, 1986
Article 19	March 1st, 1988
Articles 3, 19 and 20	August 23rd, 1988
Article 19	August 27th, 1990
Articles 6 & 7	February 21, 1994
Articles 2 to 7, 9 to 11 and 15 to 29	February 14, 1995
Articles 6, 8, 12, 14, 20, 21	June 12, 1995
Article 1	June 24, 1996
Articles 1, 12, 16, 17, 19, 21, 24, 25, 27	December 23, 1999
Articles 19, 20, 21	January 21, 2000
Articles 12, 15, 17 and 21	August 16, 2000
Addition of Article 15.6	August 16, 2000
Articles 15, 19 and 21	November 16, 2001
Articles 12, 19 and 21	July 23, 2002
Article 19	April 20, 2005
Articles 4 and 6, and replacement of all references to Canadian Livestock Records Corporation	January 10, 2006
Article 19	July 2, 2008

# **CANADIAN BROWN SWISS AND BRAUNVIEH ASSOCIATION**

## **BY-LAWS**

### **1. NAME**

1. The Association shall be known as the "Canadian Brown Swiss and Braunvieh Association" hereinafter referred to as "The Association".
2. The Association was organized June 12, 1914, and incorporated July 16, 1914, under the guidance of the Livestock Pedigree Act, with the name "Canadian Brown Swiss Association". The incorporation officially declared the Brown Swiss cattle a distinct breed as defined by the Livestock Pedigree Act. This recognition of Brown Swiss Cattle as a distinct breed was approved by the Deputy Minister of Agriculture for Canada.
3. Article 2 OBJECTS of the 1914 Constitution read as follows:
  - a. "To keep a record of the pedigrees of Brown Swiss Cattle".
  - b. "To collect, preserve and publish data, information and documents relating to Brown Swiss Cattle".
  - c. "To encourage the breeding of Brown Swiss Cattle in whatsoever way The Association may see fit to do so".
4. Name of The Association remained the same from 1914 until it was modified, and adopted in July 1996, as the "Canadian Brown Swiss and Braunvieh Association". This modification was made to formally recognize Brown Swiss beef type animals as Braunvieh, and at the same time to formally recognize Brown Swiss dairy type animals as Brown Swiss.
5. The "distinct breed" formerly known as the Brown Swiss breed since 1914, is now known as the Brown Swiss/Braunvieh breed since 1996.

### **2. OBJECTIVES**

1. The Association shall have for its objectives the encouragement, the development and the regulating of breeding Brown Swiss dairy cattle and Braunvieh beef cattle in Canada.
2. The Association shall achieve such objectives as follows:
  - a. By keeping a record of the breeding and origin of all Brown Swiss cattle and Braunvieh cattle and by collecting, preserving and publishing data and documents relating to same.
  - b. By establishing standards of breeding and by carrying out a system of registration under the Canadian Livestock Records Corporation system.
  - c. By adopting means from time to time to protect and assist breeders engaged in propagating and breeding of Brown Swiss cattle and Braunvieh cattle in compliance with the Animal Pedigree Act or any regulation thereunder.
  - d. By maintaining an efficient supervision of breeders of Brown Swiss cattle and Braunvieh cattle to prevent, detect and punish fraud.

- e. By compiling statistics of the industry and furnishing official and authentic information hereto.
- f. And for these purposes to have power to make all needful contracts and agreements, and to make, alter and repeal regulations subject to the provisions hereinafter set forth.

### **3. MEMBERS**

1. There shall be five classes of members:

A. Honorary Members:

The Association may appoint Honorary Life Members at a General Meeting if the Board of Directors have, by resolution, named the proposed Members and recommended that such appointment be made. Such Honorary Members shall take no part in the management of The Association's affairs.

B. Life Members:

Life members shall be those individuals, partnerships or companies, who have paid the prescribed fee. No further applications for Life Memberships shall be accepted after August 1, 1979. After August 1, 1979, Life Members must pay user fees equal to the regular Annual Membership Fee.

C. Annual Members:

Annual Members shall be those individuals, partnerships or companies resident in Canada who pay the prescribed annual membership fee due the first day of January of each year.

D. Junior Members:

Junior Members shall be those individuals under 18 years of age, who have at least one animal registered in their name. A Junior Member shall annually pay a junior membership as listed in the fee schedule. A Junior Member shall have all the rights and privileges of an Annual Member, except the right to vote or hold office. A Junior Member may become a regular Annual Member at the end of the year in which they reach 18 years of age.

E. Non-Resident Membership:

Individuals, partnerships, or companies resident outside of Canada may become annual members, but shall not hold office or be entitled to vote at any meeting.

- 2. a. Application for annual membership shall be in writing and each applicant on becoming a member shall agree to be bound by the Constitution and amendments thereto and all rules and regulations of The Association. However, The Association shall have power to reject any application for membership where the applicant has breached or deemed to have breached the by-laws of The Association or the regulations of the Animal Pedigree Act for Canada as defined in Section 61.0 and 63.0 of The Act. Any applicant so rejected shall not be allowed to register or transfer as a non-member.

- b. Application for partnership or company membership shall specify the person authorized to vote, act or sign for the partnership or company. A member of a partnership or company other than the person mentioned in the application may be authorized by the partnership or company to act or vote at any meeting of The Association.
3. Members in good standing shall as a matter of contract and except as hereinafter provided, enjoy the same rights and privileges and be subject to the same liabilities as original incorporators of The Association. A member who is in arrears of membership or other fees or dues shall not enjoy such rights and privileges.
4. A member in good standing is a member who has complied with the by-laws and regulations as hereinafter set forth, and who is not in arrears of membership or other fees or dues or who is not suspended.
5. The financial liability of each member shall be limited to the amount due The Association in respect to membership and registration fees.
6.
  - a. An individual, partnership, or company shall not be entitled to any of the "Member" rights and privileges of The Association during any year until fees for that year are paid.
  - b. On March 31st of each year, an individual, partnership, or company, that has paid the annual membership fee for the preceding year but has not paid for the then current year shall be removed from the membership roll. However, they may elect to register or transfer at non-member rates during this three month period. Nevertheless, they may again become Members in the manner prescribed by this Constitution.
  - c. An individual, partnership, or company that has not paid the annual membership fee for the preceding year by December 31st of that year, shall forfeit all voting rights at the Annual General meeting for that year.
7.
  - a. The Board of Directors shall have the power to suspend or expel any Member who fails to observe all by-laws set forth in this Constitution, or who fails to observe all regulations set forth in Section 61.0 and Section 63.0 of the Animal Pedigree Act for Canada, or whose conduct is in the opinion of The Board as prejudicial to the interest of The Association.
  - b. A Member so suspended or expelled shall after the expiration of sixty days have the right to apply to The Board of Directors for reinstatement, and shall on application, be reinstated at the next meeting of The Board, provided two thirds of the members of The Board present thereat vote in the affirmative. If The Board of Directors refuses to reinstate an individual, partnership, or company suspended or expelled from membership, such individual, partnership, or company shall have the right to apply for reinstatement at the next succeeding Annual General Meeting. Member reinstatement at an Annual General Meeting shall be by a vote of two-thirds of the members present thereat, and voting.
8. Any individual, partnership, or company expelled from membership by an other association incorporated under the Animal Pedigree Act, shall not be eligible for membership in The Association. If that individual, partnership or company is a member of The Association at the time of such expulsion, membership shall thereupon and forthwith be terminated.
9. The membership year of The Association shall correspond with the calendar year.

#### **4. OFFICES**

1. The head office of The Association shall be at such place as The Board of Directors may determine.
2. The office(s) for the registration of pedigrees shall be at such place(s) as the Board of Directors may determine.

#### **5. FISCAL YEAR**

1. The fiscal year of The Association shall correspond with the calendar year.

#### **6. OFFICERS**

##### 1. Directors:

- a. Directors shall be elected on a provincial basis as follows:

Provinces with 10 - 75 members - 1 Director  
Provinces with 76 - 150 members- 2 Directors  
Provinces with over 150 members- 3 Directors

- b. Provinces not eligible for a Director shall be considered as part of the nearest qualifying province. If membership in neighbouring non-qualifying provinces equal 10 or more members, they may combine to elect a Director.
- c. Election of Directors shall be the responsibility of the qualifying provincial association at their respective Annual Meetings.
- d. The term of office for each Director shall be for two years. Elections to be held annually by provincial associations requiring replacement of retiring Directors.
- e. The Board of Directors shall have power to fill vacancies which may occur among the officers through resignation or death. The Board of Directors may delegate any of the powers to the Executive Committee.
- f. Members elected to the Board of Directors must have registered or transferred at least two animals during the previous fiscal year. In addition, each member of The Board must own at least ten registered animals.
- g. A member shall be defined as having voting privileges in ARTICLE III MEMBERS.

##### 2. President:

- a. The President shall be elected annually from their number by The Board of Directors at their first meeting after the Annual General Meeting.
- b. Duties of the President shall include but not be limited to the following:

- i The President shall be the Chief Executive Officer of The Association.
- ii The President shall preside at all general meetings and shall be Chairman of the Board.
- iii The President shall call meetings of The Board when required.
- iv The President shall present at each Annual General Meeting a report on the activities of The Association.
- v The President shall be the chair for the Executive Committee.

c. The President shall hold office for one year or until his successor is elected and shall be eligible for re-election.

3. Vice-President:

a. The Vice-President shall be elected annually from among their number by The Board of Directors at their first meeting after the Annual General Meeting.

b. Duties of the Vice-President shall include but not be limited to the following:

- i In case the President is unable to act on account of illness or absence, the Vice-President shall perform all the duties of the President.

- ii The Vice-President shall be the Vice-Chair for the Executive Committee.

c. The Vice-President shall hold office for one year or until his successor is elected and shall be eligible for re-election.

4. Executive Committee:

a. The Board of Directors shall at their first meeting after each Annual General Meeting elect by ballot two of their number to act on the Executive Committee who together with the President and Vice-President shall constitute the Executive Committee.

b. Duties of the Executive Committee shall include but not be limited to the following:

- i Do such things and execute such matters and carry out such instructions as The Board of Directors may direct. This may include functions of financial control and grievances in respect to animal registrations.

- ii Maintain control of The Association office administration.

- iii Determine time and place of Annual General Meeting.

c. Within ten days, minutes of each Executive meeting shall be forwarded to each Director, and to the Registrar.

5 Secretary-Treasurer:

- a. Board of Directors shall from time to time as occasion may require, appoint a Secretary and a Treasurer or a Secretary-Treasurer who shall act under the control and with the approval of The Board of Directors.
- b. Duties of the Secretary-Treasurer shall include the following:
  - i Attend meetings of the Association, The Board of Directors, the Executive Committee, and keep exact minutes of these meetings.
  - ii Do such other things as may be delegated by this Constitution, The Board of Directors, and Executive Committee.
  - iii Deposit all monies received in a chartered bank, to the credit of The Association.
  - iv Make payments by cheque only, countersigned by the President or other officer appointed for that purpose by the Executive Committee.
  - v Deposit for safekeeping all securities owned by The Association in a safety deposit vault as approved by The Board of Directors, and withdraw the same only in the presence of the President or other officer named by the Board of Directors.
  - vi Keep proper books of account containing entries of all such matters or things as are usually entered in books of account, and furnish from time to time such statements in detail outlining the affairs of The Association, or such other matters as may be directed by the Board of Directors or the Executive Committee.
- c. The Secretary may be bonded as required from time to time by the Board of Directors.

6. Honorary President:

- a. The Board of Directors may appoint honorary presidents and honorary vice-presidents. They shall hold office at the pleasure of the Board.

7. Special and Standing Committees:

- a. The Board of Directors may appoint from their number or from the other members of The Association, Special and Standing Committees. The Board must in all cases name one of their number to be presiding officer on each Committee.
- b. The activities of any Special Committee or Standing Committees are subject to the approval of The Board of Directors.
- c. In addition to the Executive Committee, The Board shall appoint the following Standing Committees:
  - i Promotion Committee: This Committee shall plan and develop method of promotion of Brown Swiss dairy cattle and Braunvieh beef cattle.

- ii Breed Improvement Committee: This committee shall be responsible for supervising performance and progeny tests and all genetic programs for genetic improvement of the breed.
- iii Membership Committee: This committee shall design and direct all programs for enhancement of the number and activity of members.
- iv Show Committee: This committee shall design and direct the policy and activities of The Association in the sponsorship of market cattle shows and breeding livestock shows which enhance the breed in cooperation with provincial associations and fair boards.
- v Advisory Committee: This committee shall be composed of all Past Presidents actively engaged in the breeding of Brown Swiss dairy cattle and Braunvieh beef cattle. The Chairman shall be the immediate past President. The committee shall provide advice in general matters and specific matters of concern to the breed, as requested by The President.
- vi. Amendments Committee: This committee shall review submissions to amend the Constitution and make recommendations to the Board of Directors on such proposed amendments. The Board shall approve the final form and notice of the amendments.

8. Registrar:

- a. The Registrar shall be determined by the Board of Directors.
- b. The Registrar shall be charged in respect to the keeping pedigree records and the performance of other services for The Association.

9. Pedigree Records Committee:

- a. The Association Secretary, the Registrar, and one of the Directors on the Executive Committee shall be a Pedigree Records Committee.
- b. The Pedigree Records Committee shall have the authority to deal with change of ownership, and registration of animals, where signature or other information is for any reason unobtainable. A decision of the Pedigree Records Committee shall be final. Where the decision of the Pedigree Records Committee is not unanimous, the matter in question shall be submitted to the Board of Directors for the final decision.
- c. The Pedigree Records Committee or the Board of Directors shall have no power to authorize the registration of any animal unless the pedigree of breeding submitted complies in all particulars with the rules of eligibility as outlined elsewhere in this Constitution.
- d. All decision by the Pedigree Records Committee shall be submitted to the Board of Directors and shall be incorporated in the minutes of the next Board meeting.

10. Auditor:

- a. The Association at each Annual General Meeting shall appoint an Auditor or Auditors.

b. The Auditor shall examine the books of account of The Association, vouchers for all payments, and certify the statement of receipts and expenditures and assets and liabilities for the year, for presentation to the next Annual General Meeting.

11. Representatives:

a. Representatives to organizations asking that such be appointed shall be appointed at the Annual General Meeting. Where any of these representatives are not so appointed, the Board of Directors shall have power to appoint same.

b. Representatives to the Canadian Livestock Records Corporation shall be appointed by the Board of Directors.

12. Provincial Associations

a. Members of The Association in good standing may organize provincial Brown Swiss Associations and provincial Braunvieh Association. Such Provincial Associations shall obtain prior approval from The Association Board of Directors.

b. The activities of any provincial association shall be confined solely to its own interests and shall not conflict in any way with the activities of The Association.

## **7. MEETINGS**

1. a. The Annual General Meeting of The Association shall be held at such time and place as decided upon by the Executive Committee of The Association. Other General Meetings shall be held at the time and place fixed by the Board of Directors. A notice of at least fourteen days in advance shall be given indicating the time and place of meeting.

b. A copy of the notice calling an Annual General Meeting or Special General Meeting shall be forwarded to the Minister of Agriculture for Canada and to the Registrar.

2. Notice of meetings of the Board of Directors other than the one immediately following the Annual General Meeting shall be mailed to each director at least fourteen days before the date of meeting or shall be given by telephone at least seven days before the date of meeting.

3. A meeting of the Board of Directors may be held on shorter notice or without written notice providing all Directors have given their consent to the meeting being held. A minute of such consent shall be entered in the minutes.

4. Notice of meetings of the Executive Committee shall be mailed to each member thereof, fourteen days at least before the date of meeting or shall be given by telephone at least seven days before the date of the meeting.

5. Meetings of the Executive Committee may be held on shorter notice or without written notice providing all have given their consent to the meeting being held. A minute of such consent shall be entered in the minutes.

6.
  - a. For the transaction of the business of The Association at an Annual or other General Meeting, a quorum shall be at least 200% of the number of the Board of Directors.
  - b. For a meeting of the Board of Directors, a quorum shall be at least 51% of that Board.
  - c. For a meeting of the Executive Committee, a Quorum shall be three.
7. At the written request of ten members, the Secretary shall call a Special General Meeting of The Association, which shall have the same status as if it had been called in the regular way by the Board of Directors of The Association, but such meeting shall have no power to amend this constitution.
8. A copy of the Minutes of all meetings of the Board of Directors and of the Executive Committee shall be mailed within ten days following such meeting, to each Director, and to the General Manager, Canadian Livestock Records Corporation. Such minutes shall Stand approved if no objection is raised within seven days by anyone who was in attendance at such meeting.
9. Except where The Constitution specifically stipulates, the procedure for conducting The Association activities and business meetings, the standard Rules of Order shall be observed.

## **8. ORDER OF BUSINESS**

The order of business at all Annual General Meetings or Special General Meetings shall be as follows:

- a. Identification of members
- b. Reading Minutes of previous meeting
- c. Report of officers, directors and committees
- d. Correspondence
- e. Unfinished business
- f. If Annual Meeting, election of directors and other officers
- g. New business
- h. Adjournment

The above order with the exception of "a. Identification of members" and "h. Adjournment" may be changed at the pleasure of the meeting assembled.

## **9. AUDIT AND ANNUAL REPORT**

1. The Board of Directors at each Annual General Meeting shall submit a complete report of its acts and of the affairs of The Association. The Board of Directors shall present a detailed statement duly audited of the receipts and expenditures of the preceding year and of the assets and liabilities of The Association.
2. A copy of this report, a list of the officers elected, a list of the appointed representatives to the Canadian Livestock Records Corporation, and general information on the affairs of The Association, shall be sent to the Minister of Agriculture for Canada, and to the Registrar within twenty days after the annual meeting.
3. A copy of the annual report may be sent to each member in good standing.

## **10. EXPENSES, INCOME, AND PROPERTY**

1. The income and property of The Association from whatever source derived, shall be applied solely towards the promotion and furtherance of the objectives of The Association, and no part thereof shall be paid or transferred directly or indirectly by way of bonus or otherwise as profit or gain to members of The Association, past, present or future, or to any person claiming through any member provided, however, that nothing herein contained shall prevent the bona fide payment of remuneration to any Secretary, Treasurer, Registrar, Officer, Clerk or Servant or other person or persons for services actually rendered The Association whether such are members of The Association or not, and the expenses of the directors or other officers incurred in doing the business of The Association.
2. The Association shall with other organizations comprising the membership in the Canadian Livestock Records Corporation, pay a proportionate amount of the expense to conduct the Canadian Livestock Records Corporation Office as defined in Section 36.0 and 37.0 of the Animal Pedigree Act for Canada.

## **11. BOOKS**

1. The Association shall cause a book to be kept by the Secretary-Treasurer and by the Secretary-Treasurer of each branch of The Association, if any, where-in shall be contained a copy of this Constitution together with all pursuant amendments, all available for examination by anyone.
2. Members of The Association shall receive and maintain a copy of this Constitution together with all pursuant amendments, and all other related documentation.

## **12. AMENDMENTS**

1. All amendments will be dealt with at the Annual General Meeting, however under special circumstances as approved by the Board of Directors the Constitution may be amended by the general membership through an official mail ballot vote, provided at least 25% of membership respond. An affirmative vote of two-thirds of the votes received will pass a given amendment.
2. No amendment shall be valid until Agriculture Canada Ministerial approval is received and the Amendments are filed at the Department of Agriculture for Canada.
3. Notice of proposed amendment(s) shall be in writing and signed by two members in good standing and given to the Secretary-Treasurer at least 90 days before the Annual General Meeting.
4. The amendment(s) submitted by the mover and seconder shall include supporting reason(s) for the proposed change(s) sufficiently detailed for review by the amendments committee. The amendments committee may request additional details in support of their review and recommendation(s) to The Board.
5. Amendments that have been affirmed by the Executive Committee shall be submitted to the membership for a mail ballot vote between March 15th and March 31st, subsequent to the latest fiscal year..
6. The amendments submitted by the mover and seconder, together with the supporting reason(s) shall be included in the notice calling the Annual General Meeting, otherwise the Annual General Meeting will have no power to deal with same.

### **13. CORPORATE SEAL**

The seal, as stamped in the margin hereof, shall be the corporate seal of the Association.

### **14. REGISTRATION OF PEDIGREES**

1. A Herd Book shall be kept at the office of the Registrar. This Herd Book shall be known as The Association Herd Book. Pedigrees shall be kept in The Association Herd Book divided into two sections as follows:

- A. Brown Swiss Section
- B. Braunvieh Section

2. The Registrar shall furnish separate Certificates of Registration for:

- A. Brown Swiss animals
- B. Braunvieh animals

All living animals registered, shall be identified on a certificate of registration adopted by the Pedigree Records Committee. The certificates of registration shall be in such form as approved by The Association Board of Directors.

3. Any individual, partnership, or company, suspended or expelled from membership because of failure to observe all by-laws set forth in this Constitution, or failure to observe all regulations set forth in Section 61.0 and Section 63.0 of the Animal Pedigree Act for Canada, shall not be allowed the privilege of registering animals in the Herd Book of The Association.

4. Any individual, partnership, or company, prohibited from registering animals by any other association incorporated under the Animal Pedigree Act for Canada, shall not be allowed to register animals in The Association Herd Book.

5. Where the Registrar deems it prudent not to process a given application for registration or transfer of ownership of an animal, such action taken by the Registrar shall be immediately reported to The Association Executive Committee.

6. Where application is made to register an animal that is a progeny resulting from a registered dam that has been leased from a breeder, the process shall be the same as if the applicant owned the registered dam. However, the lease agreement on a registered dam shall be submitted to the Registrar.

### **15. REGISTRATION OF TATTOO LETTERS**

1. A breeder must apply to the Registrar for and be allotted letters for exclusive use with which to identify animals with a tattoo mark, to be registered. This includes animals born the property of the applicant for registration. Imported animals do not have to be re-tattooed.

2. Letters shall be tattooed in the ear, right or left, designated by the Registrar at the time letters are allotted. In addition to the letters, there must also be designating year letters to indicate the year of birth. The "T" shall indicate that the animal was born in 1985; the letter "U" shall indicate 1986; "W" - 1987; "X" - 1988; etc. Note that letters "I", "O", "Q", and "V" shall not be used as designator year letters.

3. The complete tattooed ear identification for each registered animal shall be comprised of the allotted tattoo letter prefix, followed by a unique designator number, with the designator year letter at the end of the sequence.
4. All calves shall be identified at birth by a unique designator number, and shall be tattooed as soon after birth as possible. All calves must be tattooed before weaning. No two animals born in the same year shall have the same tattoo.
5. The tattoo letters may be transferred on application to the Registrar by the registered owner or his authorized representative.
6. As an alternative to tattooing, animals may also be tagged using tags approved by the Board of Directors. Properly tagged animals may be registered in the association herd book. In the case where animals are only dual tagged according to the rules no herd letters are required.

## **16. REGISTRATION OF PREFIXES AND NAMING ANIMALS**

1. A breeder may register a name prefix for exclusive individual use in naming animals owned by breeder at birth. A name prefix registered under this by-law shall not be used by any other person, partnership or corporate body in naming animals for registration.
2. In registering a name prefix, priority in use shall be considered. Any dispute between breeders as to priority right to a prefix shall be referred to the Executive Committee for decision.
3. A name prefix may be transferred on application to the Registrar by the registered owner of the name prefix.
4. A registered name prefix that has not been used in the naming of registered animals may be canceled after a period of five years, unless the breeder has been a continuous Member of The Association.
5. Names of animals should not be duplicated.
6. A name shall not contain more than thirty letter spaces or characters including numeral affix. Letters or numerals may be used as a name prefix.
7. Animals from other countries shall be registered with the same name as shown on the certificate of registration issued in the country from which they come.
8. The Association reserves the right to refuse any name which may be misleading, or any name which may be misleading as to the origin or relationship of an animal.
9. Names of the Royal Family or Leaders of National Governments of the day, shall not be used.
10. The Registrar may approve a change in the name of the animal, providing there are no registered offspring. A new application for registration must be completed and signed by the owner at birth, then presented to the Registrar with the original registration certificate and the necessary fees. If a registered prefix was used in the original name, it must also be used in any new application for name change.

11. In the case of joint ownership of the dam at the time of conception, the prefix registered to any one of the breeders may be used in the naming of the progeny, provided the breeder applicant has been declared sole owner with an official transfer of ownership of the embryo resulting in the progeny.
12. Animals born the property of any one other than the breeder shall be named with the prefix of the breeder. This applies to animals resulting from natural mating, or animals resulting from embryo transfer.
13. The registered owner of a prefix may authorize the use of such prefix by members of the immediate family.

## **17. PRIVATE BREEDING RECORDS**

1. There shall be kept by each breeder private breeding records which shall contain names of every animal in the herd, registration number, sex, date of birth, tattoo markings, accurate record of all services and birth dates, name and registration number of sire used.
2. All deaths or removals of animals from the herd for any cause shall also be recorded. If animals are sold, name and address of purchaser with date of sale and delivery shall be recorded.
3. This record shall at all times be open to the inspection by The Association and the Registrar.
4. All animals must be tagged using tags acceptable in the industry and endorsed by the Board of Directors for the purpose of health records and a standard identification.
5. This record, whether kept in written or electronic format, shall be maintained for a minimum of fifteen years from date of each entry. Breeders that are presently inactive shall each be formally advised of this requirement.

## **18. SUSPENSIONS**

### **1. SUSPENDED MEMBER**

- a. A suspended Member is a Member whose Association privileges have been suspended due to failure to observe all by-laws set forth by this Constitution, or failure to observe all regulations set forth in Section 61.0 and Section 63.0 of the Animal Pedigree Act for Canada, or whose conduct is in the opinion of The Board as prejudicial to the interests of The Association.

### **2. SUSPENDED REGISTRATION**

- a. A suspended registration is a registration of a pedigree or transfer of ownership that has been placed under suspension by the Board of Directors or by the Registrar on account of some irregularity. Such suspension to remain until it has been lifted by a resolution of the Board of Directors of The Association.

## **19. BROWN SWISS RULES OF ELIGIBILITY**

1. Brown Swiss cattle records consist of two categories as follows:
  - a. "Purebred", which consist of direct and indirect imported animals from a country of origin whose herd book records are recognized by The Board of Directors and that such animals are deemed 100.0 percent pure foundation stock. Animals that are  $\frac{31}{32}$  Brown Swiss and greater are considered "Purebred" as long as they exhibit breed distinguishing characteristics. These breed distinguishing characteristics include a white ring around the muzzle, hooves that are entirely black, and the desired colour which may vary from light brown to very dark brown. Any animal with any white or off-colour markings above the underside of the belly or having a white core in the switch does not meet colour standards and shall be designated when registered and his/her papers predominately marked "Off Colour Spot". If they do not meet the requirements they remain at the 15/16 level, but their progeny are eligible to graduate to the purebred level if they meet the aforementioned breed distinguishing characteristics. The certificate of registration shall bear the designation "Purebred" for such animals.
  - b. "Percentage Recorded", which consists of female animals of unknown pedigree (0% Brown Swiss), percentage animals most typically the  $\frac{1}{2}$  Brown Swiss, the  $\frac{3}{4}$  Brown Swiss, the  $\frac{7}{8}$  Brown Swiss and the 15/16 Brown Swiss, as well as animals that fall within these fractions. Also included are animals that do not exhibit the desired breed distinguishing characteristics as mentioned in Article XIX-1a). The certificate of registration shall bear the exact mathematical percentage of purity. Any animals that fall below 50% Brown Swiss will be recorded and no certificate shall be issued.
  - c. The above two categories of the Herd Book records are based on breeder records that have been validated by the checks and balances provided in this Constitution.
2. The following Brown Swiss dairy animals are eligible for registration in the Brown Swiss Section of the Association Herd Book. No animals produced via clone or gene manipulation shall be eligible for registration.
  - a. An animal imported from a foreign country that is registered in the Herd Book of the country of origin, and that such Herd Book is recognized by the Board of Directors of the Association.
  - b. A female under five years of age or a male under two years of age, born in Canada, whose sire and dam are registered in the Association Herd Book.
  - c. A female five years of age and older or a male two years of age and older, born in Canada, whose sire and dam are registered in the Association Herd Book, only after approval by the Board of Directors.
  - d. A female under five years of age or a male two years of age imported in dam whose dam is registered in the Association Herd Book and whose sire is registered in the recognized Brown Swiss Herd Book in the country of origin.
  - e. A female whose parents are registered in the Braunvieh Section shall require approval by the Board of Directors to be registered in the Brown Swiss Section of the herd book.
  - f. A female having one parent registered in the Braunvieh Section and the other parent registered in the Association Herd Book, shall require approval by the Board of Directors to be registered in the Brown Swiss Section of the herd book.

g. An animal under five years of age born in Canada, as a result of fresh or frozen semen artificially inseminated, providing both the sire and dam are registered in the Association Herd Book. An animal five years of age and older shall require approval by the Board of Directors. (The Association supports the Canadian Dairy Breeds as its aims and those regulations pertaining to semen when such regulations are applicable and when such regulations are approved by the Board of Directors of The Association and when ratified by the Canadian Department of Agriculture.)

h. Animals qualifying in accordance with the Brown Swiss Upgrading Program.

### 3. Blood Typing and DNA Profiles

a. Blood types or DNA profiles shall be filed with the Registrar on the following animals:

- i. Brown Swiss cattle imported from a foreign country whose Herd Book is NOT recognized by the Board of Directors of the Association.
- ii. All Canadian born bulls that will be used as artificial insemination sires or natural mating sires.
- iii. Animals over 12 months of age at time of application for registration shall be subject to a random parentage test of a minimum of one in every ten animals. More frequent testing may be requested at the discretion of the Registrar.
- iv. Animals over 24 months of age at time of application for registration shall be subject to a parentage test.
- v. A calf whose dam has been bred and/or exposed to two or more sires within a period of fourteen days shall be parentage tested.

### 4. Eligibility Rules in Force

a. The date of ministerial approval of Constitution amendments shall determine the application of the appropriate rules of eligibility in force.

### 5. Brown Swiss Upgrading Program

a. A Grading-Up program using registered Purebred or Graded-Up bulls and grade, unregistered or registered dairy females shall have resulting progeny registered according to Article XIX-1b). Unless the animal's Brown Swiss percentage is 31/32 or better and that it exhibits the desired breed characteristics as described in Article XIX-1a0, then it will be registered according to Article XIX-1a).

### 6. National Identification Program

a. An animal identified on the National Identification Program for Grades (N.I.P.) may be directly transferred to the upgrading program giving it the official Brown Swiss Pure percentage as follows:  
A = 50%; B = 75%; C = 87.5%; D = 93.8%; P or E = Purebred

b. Any beef percentage animal registered prior to June 1, 1988 may be considered a Dairy animal for the purpose of the Dairy Table of Eligibility.

b. Animals identified in the National Identification Program for Grades (N.I.P.) are recognized for the purpose of the Dairy Table of Eligibility as follows:

- c.
- N.I.P. "A" = 50% pure
- N.I.P. "B" = 75% pure
- N.I.P. "C" = 87.5% pure
- N.I.P. "D" = 93.8% pure

- N.I.P. "E" = purebred
- N.I.P. "P" = purebred
- N.I.P. "U" = 0% pure (unregistered)
- N.I.P. "X" = animals will be given an appropriate percentage based on their parentage

d. Dairy Brown Swiss females are eligible for recordation if they are not eligible for registration.

## 7. Off-Colour Spots

a. Any animal with any white or off-colour markings above the underside of the belly or having a white core in the switch does not meet colour standards and shall be designated when registered and his/her papers predominately marked "Off Colour Spot".

b. If off colour spot develops after registration, it shall be the obligation of the owner to send the registration to the proper authorities to be stamped, as outlined in "a".

c. The characteristic mealy band around the muzzle, the light coloured line up the back and the light area around the poll and horns shall not be considered as off colour spots.

d. Paragraphs a., b., and c. apply to Purebred Brown Swiss only.

## 8. Embryo Transplant Progeny

a. Offspring propagated by embryo transplant shall be registered on the same basis as offspring propagated by natural or artificial mating, except a blood type or DNA record of the sire and donor dam must be on file with the Registrar.

b. A certified Breeding Report and Embryo Transplant verification form shall be submitted with application for registration, all as required by the Association.

c. An embryo certificate of registration will be issued for each embryo transplant upon submission of the application for registration and report of transplant to the Registrar.

d. A Standard Embryo Transplant Form shall be used, and it shall be produced in four copies. The original to be submitted to the Registrar. The second copy remains with the transplant centre. The remaining two copies go with the recipient dam, with one copy being submitted to the Registrar with the application for registration, and the owner of the calf retains the last copy.

e. An embryo certificate of registration will be issued for each flush upon submission of the application for registration and report of flush to the Registrar. The procedure to follow is the same as for an individual embryo. One offspring per flush has to undergo a Blood Type or DNA profile.

## **20. BRAUNVIEH RULES OF ELIGIBILITY**

1. Braunvieh cattle records consist of three categories as follows:

- a. "Original Purebred", which consist of direct and indirect imported animals from a country of origin whose Herd Book records are recognized by the Board of Directors, and that such animals are deemed as 100.0 percent pure foundation stock. The certificate of registration shall bear the designation "Original Purebred" for such animals.
- b. "Purebred", which consist of animals resulting from the grading up program described herein, and which have achieved a minimum purity of 98.4 percent for males and 96.9 percent purity for females. The certificate of registration shall bear the designation "Purebred" for such animals.
- c. "Percentage", which consist of animals that have not completed the grading up program and are in some stage of grading up as described herein. The certificate of registration shall bear the designated percentage of purity for such animals.
- d. The above three categories of the Herd Book records are based on breeder records that have been validated by the checks and balances provided in this Constitution.

2. "Original Purebred" Braunvieh

- a. The following Braunvieh animals are eligible for registration in the Braunvieh section and designated as an "Original Purebred" on the Certificate of Registration, with the prefix letter "B" preceding the registration number:
  - i. Progeny of all animals registered in the Beef Section of the Canadian Brown Swiss Herd Book, with the exception of those animals that have been graded up.
  - ii. Progeny of all animals imported from Switzerland and Germany, and their descendants which can trace back entirely to German and Switzerland pedigrees, that are registered in the Canadian Brown Swiss Herd Book, prior to the commencement of the Beef Section.
  - iii. Progeny resulting from a mating where one parent is registered in the Braunvieh Section and one parent is registered in the Brown Swiss Section, provided neither parent has been graded up.
  - iv. An animal imported from a foreign country that is registered in the Herd Book of the Country of origin, and that such Herd Book is recognized by the Board of Directors of The Association.
  - v. An animal two years of age and under five years of age born in Canada whose sire and dam are registered in The Association Herd Book provided parentage is verified through blood typing or DNA profiles.
  - vi. Animals born in Canada, as a result of fresh or frozen semen artificially inseminated, providing both the sire and dam are previously registered in The Association Herd Book.
  - vii. Animals born in Canada as a result of artificial insemination using semen from a sire who is registered in the Herd Book in a country of origin recognized by the Board of Directors, on the same basis as with the use of Canadian registered sires.
  - viii. Animals born as a result of natural mating from a sire and dam who are registered in The Association Herd Book.

ix. Animals born in Canada as a result of frozen embryos from a sire and dam registered in the Herd Book in a Country of origin recognized by the Board of Directors, on the same basis as with the use of Canadian registered sires and dams.

x. Animals having a graded up sire or dam, will not be registered as an “Original Purebred” Braunvieh.

3. “Purebred” Braunvieh

a. In order to facilitate the development of Braunvieh cattle in Canada through the widest possible genetic base, The Association will encourage breeders to engage in an grading up program using registered "Original Purebred" bulls and grade females or registered “Purebred” bulls and grade females. Any female that is not registered in the Herd Book and is entered in the first step of the Braunvieh Grading Up Program is considered to be a grade.

b. Upgrading shall conform with the following Table A:

**Braunvieh Grading Up Program of Eligibility - Table A**

Sire Herd Book Status	Dam Herd Book Status	Heifer Calves Herd Book Status	Bull Calves Herd Book Status
Registered Purebred	Grade	Reg. 50% Pure	Not Eligible
Registered Purebred	Reg. 50% Pure	Reg. 75% Pure	Not Eligible
Registered Purebred	Reg. 75% Pure	Reg. 87.5% Pure	Not Eligible
Registered Purebred	Reg. 87.5% Pure	Reg. 93.8% Pure	Not Eligible
Registered Purebred	Reg. 93.8% Pure	Reg. 96.9% Purebred	Not Eligible
Registered Purebred	Reg. 96.9% Pure	Reg. 98.4% Purebred	Purebred
Grade	Reg. Purebred	Reg. 50% Pure	Not Eligible

c. Parent stock must be registered through each phase of grading up.

d. Bulls are accepted as “Purebred” and eligible for registration as “Purebred”, if they are at least 98.4 percent pure.

e. Bulls will not be registered which are less than 98.4 percent pure.

f. Heifers are accepted as “Purebred” and eligible for registration as “Purebred”, if they are at least 96.9 percent pure.

g. Heifers will not be registered as “Purebred” which are less than 96.9 percent pure.

h. Each animal that is accepted as a “Purebred” as described in sub-paragraphs “d” and “f” shall be designated as a “Purebred” on the certificate of registration, having the registration number preceded with the prefix “BG”.

i. Each animal that is not accepted as “Purebred” as described in sub-paragraphs “d” and “f”, but is in some stage of grading up in accordance with eligibility Table A, shall be designated with a percentage of purity on the Certificate of Registration. The registration number on such certificate of registration shall be preceded with the prefix “BR”.

- j. An animal registered in the Beef Section of the Canadian Brown Swiss Herd Book under the Beef grading up Program, will qualify in The Association Herd Book as follows:
    - i. Where the animal is “Purebred” in accordance with the grading up program as defined in the Beef Section and has been registered as a “Purebred”, it will be accepted as a “Purebred” Braunvieh.
    - ii. Where an animal is not considered purebred in accordance with the grading up program defined in the Beef Section and has been registered as a percentage animal, it will be accepted as a “Percentage” Braunvieh at the same percentage level.
    - iii. The percentage pure in any mating will be calculated by adding the two parents’ percentages and dividing by 2 to determine the registered percentage pure.
  - k. In the first generation of grading up, a registered purebred dam may be used in lieu of a sire.
4. Blood Typing and DNA Profiles
- a. Bloodtypes or DNA Profiles (Genotypes) shall be filed with the Registrar on the following animals:
    - i. Braunvieh cattle imported from a foreign country whose Herd Book is recognized by The Board of Directors of The Association.
    - ii. All Canadian born bulls that will be used as artificial insemination sires or natural mating sires.
    - iii. Animals over 12 months of age at time of application for registration shall be subject to a random parentage test of a minimum of one in every ten animals. More frequent testing may be requested at the discretion of the Registrar.
    - iv. Animals over 24 months of age at time of application for registration shall be subject to a parentage test.
    - v. A calf whose dam has been bred and/or exposed to two or more sires within a period of fourteen days shall be parentage tested.
5. Embryo Transplant Progeny
- a. Offspring propagated by embryo transplant shall be registered on the same basis as offspring propagated by natural or artificial mating except a blood type or DNA profile record of the sire, donor dam and calf must be on file with the Registrar.
  - b. A certified Breeding Report and Embryo Transplant verification form shall be submitted with application for registration, all as required by the Association.
  - c. An Embryo Registration Certificate will be issued for each embryo transplant upon submission of the application for registration and report of transplant to the Registrar.
  - d. A Standard Embryo Transplant Form shall be used, and it shall be produced in four copies. The original to be submitted to the Registrar. The second copy remains with the transplant centre. The remaining two copies go with the recipient dam, with one copy being submitted to the Registrar with the application for registration, and the owner of the calf retains the last copy.

e. An embryo certificate of registration will be issued for each flush, upon submission of the application for registration and report of flush to the Registrar. The procedure to follow is the same as for an individual embryo.

6. Eligibility Rules in Force

a. The date of Ministerial approval of The Constitution amendments shall determine the application of appropriate rules of eligibility “in force”.

## **21 APPLICATION FOR REGISTRATION**

1. a. Prior to registration, and before reaching the age of six (6) months, each animal must be permanently identified by tattoo markings. Alternatively, identification can be done by means of electronic identification devices or tags in both ears of the animal, whose use has been approved by the Board of Directors.

b. Application for registration of imported animals must be made on forms supplied by the Registrar and be signed by the Canadian Importer. Application must show date of importation, and be accompanied by a certificate issued by the foreign organization, together with other support documents as required by The Board of Directors.

2. Other requirements for importing animals are as follows:

(a) The Registrar is to notify the importer as soon as registration tracings arrive in their office. The Corporation is also to notify the Association office when animals have been imported.

(b) Bulls being imported must be assigned a registration number in the Herd Book before semen is processed.

(c) Exporters of semen from foreign countries must register the respective bulls in the Association Herd Book. Exporters of semen from foreign countries must also supply blood type or DNA profile information, and the official pedigree on each respective bull, to the Registrar.

3. Application for registration of Canadian born animals may be made using either of the following methods:

a. Application for registration may be made manually on forms supplied by the Registrar. In this method, all information must be filled in by ink or typewriter. All signatures must be in ink.

b. Application for registration may be made by computer using the Registrar’s standard file format with the information transferred onto a magnetic disk(s). The magnetic disk(s) shall be submitted in a formal manner by each applicant.

c. Application for registration may be made by computer using the Registrar’s standard file format, with the information transferred to their computer through the use of a telecommunications modem.

d. Application for registration may be made by computer using the Registrar’s Internet Service.

- e. Applications for registration may be submitted by telephone or fax, provided the applicant has signed an agreement assuming responsibility for the accuracy of such applications and has established credit with the Association.

In either method used to make application for registration the dam must be registered in the ownership of the applicant, and the sire must be registered in the name of the owner certifying the service. Where the applicant does not own the dam, the applicant must produce a formal transfer of ownership of the embryo resulting in the animal on the application.

4. When an animal is a twin it shall be so stated when applying for registration, and the sex given for each of the twins. Should a twin be entered upon the record without such statement, no subsequent application for entry of an animal twin with the same parentage and birth date will be accepted.

5. The breeder of an animal is the owner or lessee of the dam at the time she was served and conception took place. The first owner is the owner or lessee of the dam at the time the calf was born.

6. a) The letter "P" will be used and placed after the registration number to designate the animals born polled and that have been identified like that on the registration form. The "Scurrs" that are not attached to the cranial structure must not be considered and such animals must be classified "polled".

b) When more than one abbreviation (GU, DR, RD and P) is required for the same animal; the abbreviation for the level of purity (GU, DR or RD) must be inscribed in first after the registration number of the country of origin and after this, the abbreviation P including a space between abbreviations (e.g. 1570GU P).

7. Each 300th application for registration of a Brown Swiss animal, and each 300th application for registration of a Braunvieh animal, a parentage test shall be carried out before the registration certificate is issued. In the case of the 300th animal's parents not being available, a substitute animal bred by the same breeder shall be selected by the Registrar.

## **22. TRANSFERS AND DUPLICATE CERTIFICATES**

1. In the case of the sale of an animal or embryo, the seller must furnish a certificate of registration showing the purchaser's ownership. Refusal to do so on any pretext whatever, except under written contract, shall be grounds for expulsion of a member, from the Association. In the case of non-member, further applications for registration or transfer shall be refused.

2. Applications for transfer must be forwarded with the registration certificates to Canadian Livestock Records Corporation for endorsement of the change of ownership.

3. In the case of a leased or loaned animal for breeding purposes, the form of lease supplied by the Registrar must be filled in in ink or typewritten and signed by the lessor and forwarded together with the registration certificate to the Registrar to be placed on record. The lessee will in all cases be considered the breeder of the progeny of leased or loaned animals.

4. In the case of the sale of an animal for other than for breeding purposes as prescribed by regulations of The Association, the seller shall not furnish the purchaser with the certificate, but forward it with full details of the sale to the Registrar. The transfer of ownership of an animal so reported shall not be included in the records on the records of The Association.

5. A duplicate certificate may be issued if the registered owner or his authorized agent files a statutory declaration on a form supplied by the Registrar showing in a satisfactory manner that the original is lost, destroyed or unobtainable.

### **23. FEES**

1. The appropriate fees must accompany all applications to the Registrar for all services in accordance with the current schedule of fees All applications must be correctly submitted together with the tabulated fees, in order that services are to be performed.

2. The fee schedule is taken out of the Constitution in a separate document. Increases in fees must be approved at an Annual General Meeting.

3. Separate Fee Schedules for Brown Swiss and Braunvieh will designate the applicable tariffs for Brown Swiss and Braunvieh, as well as, the tariffs for the respective services provided by Canadian Livestock Records Corporation.

### **24. PENALTIES**

1. Any member who violates any by-law in the Constitution, or who violates any regulation defined in Section 61.0 and 63.0 of the Animal Pedigree Act for Canada, shall be immediately suspended from making further registrations or transfers.

2. Registration or transfer of ownership of an animal is made on the understanding that the particulars given on the application are correct. If it is subsequently discovered that the particulars given are incorrect or fraudulent, the registration or transfer shall be suspended by the Registrar and canceled by The Association.

3. Certificates of registration recorded incorrectly shall be canceled and then recorded correctly by the Registrar at the expense of the original applicant for registration or transfer.

4. It is expressly understood, that neither The Association nor the Registrar shall be held responsible for any loss or damage that may be sustained through suspension, cancellation or correction of any document.

5. Any member who is suspended from making further registrations due to any by-law violations may or may not be reinstated, conditionally at the discretion of the Board in accordance with the following:

a. Where a member has been suspended in respect to animal registration particulars, with conditional reinstatement of the Board may impose random blood or DNA typing at the applicant's expense. The Board may impose a requirement for up to five random tests within a two year period for first offenders. For second offenders, the Board may impose a requirement of ten random tests within a two year period. Third offenders will be permanently suspended or expelled.

b. A member that has been suspended or expelled by the Board for any violation may appeal such suspension or expulsion at the next Annual General Meeting. A formal appeal must be made by the appellant forty days prior to the Annual General Meeting.

## **25. NON-MEMBERS**

1. Any individual, partnership, or company, not a Member of The Association that registers and transfers animals on the records of The Association, shall be subject to the by-laws of this Constitution and the regulations of the Animal Pedigree Act, just as a Member.

## **26. LANGUAGE**

1. All correspondence and publications from Head Office to be issued upon the request of recipient in either English or French.

## **27. ANIMAL PEDIGREE ACT**

The Association is incorporated under the Animal Pedigree Act. All breeders of registered stock must comply with this Act. The following sections 61.0, 63.0, 65.0, 66.0, and 67.0 of the Animal Pedigree Act define the entitlement of rights, the offences, and the penalties under this Act.

Section 61.0 -

Notwithstanding anything in the by-laws of an association, no person shall be denied the right to have registered, to have identified or to transfer the ownership of any animal unless that person

- a. is, at the time the right is denied, in arrears of any fees owing to the association; or
- b. has contravened
  - i. a by-law of the association relating to
    - (A) the eligibility for registration or identification, as the case may be, of animals by the association,
    - (B) The individual identification of animals, or
    - (C) the keeping of private breeding records,
  - ii. any provision of this Act or the regulations, or
  - iii. any provision of the Animal Disease and Protection Act or the regulations thereunder relating to the identification, within the meaning of that Act, or testing of animals.

Section 63.0 -

- a. Except as authorized by this Act, where an association is authorized by this Act to register or identify animals of a distinct breed or evolving breed, no person shall keep pedigrees in respect of animals of that distinct breed or evolving breed or issue any document purporting to evidence that a particular animal is of that distinct breed or evolving breed or closely resembling a certificate of

registration, or certificate of identification, as the case may be, that it would likely be mistaken for such a certificate.

b. No person shall issue in respect of any animal any document of any kind likely to deceive the public into believing that the document is a certificate of registration or certificate of identification in respect of the animal or that the animal is registered or identified under the authority of this Act.

Section 64.0 - No person shall:

- (a) knowingly sign or present, or cause or procure to be signed or presented, to a recording officer of any association or of the Corporation any declaration or application in relation to the registration, identification or transfer of ownership of any animal, semen or embryo that contains any material false statement or representation;
- (b) knowingly represents that a certificate of registration or certificate of identification applies to an animal other than the one in respect of which it was issued;
- (c) knowingly represent that a semen certificate or embryo certificate applies to any semen or embryo in respect of which it was issued;
- (d.) falsify or alter any certificate of registration, certificate of identification, semen certificate or embryo certificate;
- (e) without an express statement that the animal's registration or identification is from a jurisdiction other than Canada, offer to sell, contract to sell, or sell as registered or identified, within or outside the meaning of this Act, any animal that is not registered or identified;
- (f) offer to sell, contract to sell, or sell, as recorded, or as eligible to be recorded, in the books of any association, or of the Corporation, any semen or embryo that is not recorded or eligible to be recorded in those books;
- (g) knowingly offer to sell, contract to sell or sell any animals in a manner that is likely to create an erroneous impression that the animal is registered or eligible to be registered;
- (h) offer to sell, contract to sell, or sell as a purebred of a breed, any animal that is not registered or eligible to be registered as a purebred by the association authorized to register animals of that breed or by the Corporation;
- (i) without an express statement that the animal's registration, identification or status as a purebred is from jurisdiction other than Canada, offer to sell, contract to sell, or sell, as registered or identified, or as a purebred, any animal for which there is no individual identification in accordance with the by-laws of the association that has registered or identified the animal; and
- (j) without an express statement that the animal's registration, identification or status as a purebred is from a jurisdiction other than Canada and that the animal will not be registered or identified in Canada by the person, sell, as registered or identified, or as eligible to be registered or identified, or as a purebred, any animal without providing to the buyer thereof within six months after the sale the animal's duly transferred certificate of registration or certificate of identification.

Section 65.0 -

No person shall, without the lawful authority, use the name of the Corporation or the name of any association or any name so clearly resembling the name of the Corporation or the name of an association in a manner that is likely to deceive the public.

Section 66.0 -

Any person who contravenes any provision of this Act or the regulations:

- a is guilty of an offence punishable on summary conviction and is liable to a fine not exceeding twenty five thousand dollars; or
- b. is guilty of an indictable offence and is liable to a fine not exceeding fifty thousand dollars.

In determining the fine in relation to an offence under any of sections 1. to 5., the judge making the determination shall take into account the value, or purported value, of the animal, semen or embryo to which the offence relates.

Section 67.0 -

The provisions of the Criminal Code prescribing a time limit for making complaint or laying an information in respect of offences punishable on summary conviction do not apply to proceedings in respect of an offence under this Act.

## **28. CODE OF ETHICS**

1. The role of The Association and its breeders is to provide genetically improved cattle to the industry. In this respect a CODE OF ETHICS has been prepared as a further guide to breeder practices. THE CODE OF ETHICS published as a separate document, outlines standards for fair business practices, recommended by The Association.

## **29. REPEAL OF AMENDMENTS**

1. The Constitution of this Association and Amendments thereto as heretofore in effect, is hereby repealed.