

# **CONSTITUTION**

**THE MINIATURE HORSE ASSOCIATION OF CANADA**

**Amended May 11, 1995**

**THE MINIATURE HORSE ASSOCIATION OF CANADA**

Incorporated April 24, 1992  
Constitution approved April 24, 1992  
Affiliated July 21, 1992

**AMENDMENTS**

Amended Articles 20 & 24

April 28, 1995

Amended Articles 6, 11, 20, 23 & 26

May 11, 1995

THE BY-LAWS OF THE MINIATURE HORSE ASSOCIATION OF CANADA 1992

**ARTICLE I-PREAMBLE**

These by-laws shall be deemed to be the by-laws of the Miniature Horse Association of Canada.

**ARTICLE II-NAME**

The name of this Association shall be "The Miniature Horse Association of Canada".

**ARTICLE III-SEAL**

The seal of this Association shall consist of a flat-faced circular die, with the following figures and words engraved thereon: the figure of a miniature horse superimposed upon an outline of a Canadian Maple Leaf, "The Miniature Horse Association of Canada".

**ARTICLE IV-OBJECTIVE**

The purposes for which this association is formed are exclusively scientific, and animal husbandry, defined as follows:

- (A) To establish standards of breeding and carry out a system of registration under the Canadian Livestock Records Corporation.
- (B) Aid and encourage the breeding, exhibiting, use and perpetuation of miniature horses; promote and coordinate miniature horse activities; promote and encourage exhibiting of miniature horses in open classes; coordinate and cooperate with the Canadian Equestrian Federation in providing qualified judges for miniature horse shows; and in devising and adopting miniature horse show rules, regulations and standards.
- (C) Formulate publicity and educational programs and other activities in the interest of miniature horse owners, miniature horse associations, clubs and enthusiasts, for the purpose of stimulating popular interest in the miniature horse.
- (D) Cooperate with other organizations with similar interests in miniature horses.
- (E) Do any and all things necessary or appropriate to accomplish objectives and purposes as stated herein and as set forth in the articles of incorporation.
- (F) To engage in any manner of business to raise money for the purposes above recited.

(G) To found and maintain a National Magazine or Periodical devoted directly and indirectly to the Miniature Horse.

(H) To receive donations, bequests, and devises of property, both real and personal.

(I) To own, hold, purchase, trade, sell, exchange and deal in, and otherwise dispose of, all kinds of real and personal property.

(J) In order to accomplish the objectives of the Association to make all needful contracts and agreements and adopt aims from time to time to protect and assist breeders engaged in propagation and breeding of registered miniature horses in compliance with the Animal Pedigree Act or any regulations made thereunder.

(K) To make, alter and repeal regulations subject to the provision hereinafter set forth.

#### **ARTICLE V-DEFINITIONS AND INTERPRETATION**

In these by-laws and every regulation, rule or schedule made pursuant to these by-laws, unless there is something in the subject or context inconsistent therewith:

(a) "Act" means the Animal Pedigree Act as amended from time to time.

(b) "Board of Directors" or "Board" means all directors and officers of the Miniature Horse Association of Canada.

(c) "Association" or "MHAC" means the Miniature Horse Association of Canada.

(d) "CLRC" means Canadian Livestock Records Corporation as set out in the Animal Pedigree Act.

(e) "Directors" or "Zone Directors" means Zone Directors of the Association and in the absence of a Zone Director, the Vice-Director or Director-Elect for that Zone.

(f) "Breeder/Owner at birth" includes:

(i) an individual, solely or jointly, or

(ii) a partner in a partnership

(iii) a substantial shareholder of voting shares in a corporation, named on a Certificate of Registration issued pursuant to these by-laws and the Animal Pedigree Act, for a living registered Miniature horse.

(g) "Executive Committee" includes: President, Vice-Presidents, Secretary, and Treasurer.

(h) Approved Registry means any Registry approved by the Board of Directors of the MHAC and which has reciprocity with the MHAC.

(i) The American Miniature Horse Association will be the only approved registry in the USA.

(ii) The MHAC will be the only approved Canadian Registry.

(iii) Measurement shall be at the last hairs of the mane while standing on a level surface for all horses born prior to January 1, 2000. After this date measurement shall be to the highest point of the withers.

## ARTICLE VI-MEMBERS

The rules and regulations hereinafter set forth shall be administered and enforced by the Board of Directors or by an Executive Committee appointed by the Board of Directors.

### **A. TYPES OF MEMBERS**

The following shall be the types of memberships:

1. ***Honorary Members.*** The Association may appoint honorary life members at a General Meeting if the Board of Directors have by resolution named the proposed member or members and recommended that such appointment be made, but such Honorary Member shall take no part in the management of the Association's affairs, their positions shall be purely honorary. Honorary members do not have voting privileges.
2. ***Annual Members.*** Annual members shall be those individuals, resident in Canada, or partnerships or companies with a Canadian or Provincial Charter who pay the prescribed annual membership fee due on the first of January each year and who own a M.H.A.C. registered horse. Annual members have full voting privileges.
3. ***Junior Members.*** Junior members shall be those individuals who have not reached their eighteenth (18) birthday before January 1st of the year for which the junior membership applies, are a resident of Canada and pay the prescribed junior membership fee due on the first day of January each year. Junior members shall be non-voting members and shall not be entitled to hold elected office in the Association.
4. ***Foreign Membership.*** An individual who purchases a miniature horse registered in Canada with the MHAC but residing in a foreign country without an approved registry shall be eligible to become a member until such time as an approved registry is formed in that particular country.
5. ***Associate Member.*** Those individuals who are resident in Canada or a foreign country and are interested in the M.H.A.C. but do not qualify for membership in types 1 through 4 may pay the prescribed annual Associate membership fee. Associate members shall be non-voting members and shall not be allowed to hold elected office in the Association.

### **B. APPLICATION**

1. Application for partnership or an incorporated company membership shall specify the person authorized to vote, act, or sign for the partnership or corporation. A member of a partnership or corporation other than the person mentioned in the application may be authorized by the partnership or corporation to act or vote at any meeting of the Association.

### **C. TERMS OF MEMBERSHIP**

1. The membership year shall be the calendar year with all memberships, except Honorary, terminating on December 31st each year.
2. All 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 the original incorporators of this Association. No member who is in arrears of membership or other fees or dues shall enjoy such rights or privileges.
3. Every member shall be entitled to a certificate of membership, a duplicate certificate may be issued upon such terms as the Board of Directors shall prescribe.
4. A member in good standing is a member who has complied with the regulations as hereinafter set forth and who is not in arrears of membership or other fees or dues.
5. The financial liability of the members to the Association shall be limited to the amount due from him/her in respect to this membership, registration fees and any other fees for services provided by the association.
6. A member may, provided he/she is not in arrears for membership or other fees or dues, at any time resign from membership in the Association by giving notice in writing to the Secretary of his/her intention to do so, but membership shall not terminate until the end of the then current membership year.
7. No member shall hold office, or benefited to vote at a meeting or give notice to amend these by-laws, if at the time is in arrears of membership or other fees or dues.
8. No members shall be entitled to any of the rights and privileges of the Association during any year until his annual fee for that year is paid. On December 31st in each year all members who paid for the preceding Association year, but who have not paid for the then current year, shall be removed from the membership roll. They may nevertheless again become members in the manner prescribed by these by-laws.

### **ARTICLE VII-FISCAL YEAR**

The fiscal year of the organization shall be from January 1st of any year to December 31st of the same year.

### **ARTICLE VIII-ASSOCIATION OFFICES**

1. The head office of the Association shall be at such place as the Board of Directors may from time to time determine.

2. The office for the registration of pedigrees for Miniature horses shall be the office of the Canadian Livestock Records Corporation and under the supervision of the officials and boards constituted under the Animal Pedigree Act.

## **ARTICLE IX-VOTING**

1. Each annual member who has paid the annual membership fee due on January 1st of each year shall be entitled to one vote, provided such a members is over eighteen years of age and is in good standing.
2. Such members may vote at any Members' or Zone meeting in person.

## **ARTICLE X-QUORUM**

1. ***Board of Directors Meetings.*** Two-thirds of the Zone Directors and a majority of the Board of Directors as constituted for the time being shall constitute a quorum for the transaction of business at a meeting of the Board of Directors, but a fewer number may adjourn any meeting from time to time and the meeting may be held as adjourned without further notice. When a quorum is present at any meeting a majority of the members present thereat shall decide any questions brought before such meeting; it shall be necessary, however, for proper notice in accordance with this constitution to have been sent to al members of the Board of Directors before any meeting of the Board of Directors may take place. Proof of such notice shall be presented to the meeting of the Board of Directors by the Secretary or any other officer producing for the meeting a photostatic or certified copy of the notice and a written statement that the notice requirements of this Constitution had been complied with by the Officer making this statement.
2. ***Members Meetings.*** Providing notice has been given to the members, a quorum at any annual or special meeting of members shall be ten (10) members present.

## **ARTICLE XI-OFFICERS AND DIRECTORS**

### **A. OFFICERS**

1. The officers of the Association shall be a President, an Eastern Vice-President, a Western Vice-President, a Secretary and a Treasurer.
2. The Officers shall be elected by the Board of Directors. Such elections to be held in any year only for the Officers whose term of office has expired, and a meeting shall be held without notice for this purpose, immediately after the annual meeting of the members or any meeting held in lieu thereof and at the same place.

3. No person shall be an Officer of the Association unless he/she is the owner of a Miniature Horse registered under the Animal Pedigree Act and is a voting member in good standing. This will apply after registration commences.
4. The President must be a resident of Canada but may reside anywhere in Canada. The Eastern Vice-President must reside east of the Ontario/Manitoba border. The Western Vice-President must reside west of the Ontario/Manitoba border.
5. Officers, once appointed by the board, shall immediately become members of the Board of Directors with full voting and other rights.
6. No officer of the Association may hold more than one office at any given time.
7. The Board of Directors at its discretion may appoint such clerks, executives, employees or agents to assist in the objects of the Association or to assist any Officer in carrying out his/her duties as it may deem from time to time advisable. The clerks, executives, employees or agents so appointed need not be members of the Association or Miniature Horse owners.

## **B. ZONE DIRECTORS**

1. For the purpose of the election of Directors, the Zone boundaries of the Canadian Miniature Horse Association shall be designated in the following manner:
  - (a) British Columbia & Yukon
  - (b) Alberta & Northwest Territories
  - (c) Saskatchewan & Manitoba
  - (d) Ontario & Quebec
  - (c) New Brunswick, Nova Scotia, PEI, & Newfoundland
2. Each zone will have a director for up to 250 registered animals (2 directors up to 500; 3 directors for up to 750, 4 directors for over 750) elected by the voting members for that zone. To be eligible for election a nominee for zone director must be a member in good standing, resident in that zone.
3. The procedure for election of a Director in each Zone shall be as follows:
  - (a) A written notice from the outgoing Zone Director or failing that from the Secretary , to all members in the Zone, which said notice shall contain:
    - (i) the date of expiration of the term of the outgoing Zone Director.
    - (ii) the call for nominations.
    - (iii) the date by which nominations must be received.
    - (iv) the procedure for filing a nomination.
    - (v) the election procedure following nomination and dates applicable thereto.

- (b) To constitute a valid nomination for the position of Zone Director.
  - (i) the nomination must be in writing, signed by one voting member in that Zone.
  - (ii) the nominee must be a voting member in good standing.
  - (iii) the nominee must file a written statement signed by him/her that he/she agrees to stand for the position;
  - (iv) the nomination and statement must be filed with the Secretary by the nomination date. The nomination date shall be twenty-one (21) days from the date of the notice.

If the said statement of nominee is not filed as provided herein, it shall be deemed that the nominee has declined the nomination. An individual validly nominated becomes a candidate.

(c) If there is only one valid nomination for each vacant position, the Secretary shall declare that candidate elected by acclamation.

- (d) If there is more than one valid nomination, there shall be an election held as follows:
  - (i) the election shall be conducted by the Election Officer, who shall be the Secretary, unless a candidate, the Secretary, or the Board requests otherwise, in which case the Board shall appoint some other person, firm or organization to act as the Election Officer either solely or jointly with the Secretary, or the Board may divide the conduct of the election between the Secretary and an Election Officer so appointed.
  - (ii) voting shall be by ballot.
  - (iii) the Election Officer shall, not later than twenty-one (21) days after the nomination date, mail a ballot containing the names of all candidates, together with any candidate resumes to each voting member, in good standing, in that Zone.
  - (iv) it is the responsibility of the candidate to provide the Election Officer with a resume.
  - (v) the Board shall prescribe the form of the ballot and may prescribe the form of the resume as well as set guidelines for the conduct of the election and rule upon any inquiry brought by any nominee, candidate or member within that Zone.

(e) In order to be counted in the election, a ballot must be marked for one candidate only for each office thereon and received by the Election Office by the election date. The election date shall not be less than twenty-one (21) days after the date on which ballots were mailed by the election officer. The day following the election date the Election Office in the presence of any candidate or any agent of any candidate duly appointed in writing by that candidate, shall count the ballots and declare elected the candidate receiving the greatest number of votes.

(f) Within seven (7) days of declaring a nominee elected, whether by acclamation or by vote, the Election Officer shall notify, by ordinary mail, the President, The Regional Vice-President in whose region the Zone is located, the Secretary, all candidates, and the retiring Director of the name of the newly elected Zone Director and in the case of an election, of the election results as prescribed by the board. The Secretary shall publish the name of the newly elected Zone Director and the election results in the next issue of the National Magazine, for which the advertising deadline has not passed. Election results shall include total number of ballots

received by the Election Officer, number of spoiled ballots, and number of ballots cast for each candidate.

4. No person shall be a Director of the Association, unless he/she is an owner of a Miniature horse, registered pursuant to these by-laws and the Animal Pedigree Act. This will apply after registration commences.

5. The newly elected Director shall take office immediately upon the close of the first annual meeting of members subsequent to his election. Between his election and his taking office such newly elected Director shall be designated as "Director-elect" for the Zone which he/she will represent. The Director-elect may attend any meeting of the Board of Directors held while he/she is Director-elect but shall not vote thereat unless the Director for that Zone is unable to attend or unable or unwilling to vote, in which event the Director-elect, not the Vice Director, shall have the same rights as the Director for that Zone.

6. (a) Each Zone Director shall promote the interests and the objectives of the Association within that Zone and perform all the duties set out in this Constitution, commonly incident to the office and such other duties as the Board of Directors may designate from time to time.

(b) Each Zone Director shall be responsible to the Regional Vice-President in whose region the Zone is located.

(c) The Board of Directors may prescribe guidelines and/or make rules and regulations for the carrying out of duties of Zone Director.

7. (a) A Vice-Director shall be elected for each Zone by the members of that Zone.

(b) Should a Director be unable or unwilling to participate at such a meeting, the Vice-Director for that Zone may attend and shall have the same rights, including the right to vote, as the Director.

(c) A vice-Director shall be subject to the same qualifications as a Director and shall be elected under the same procedure, at the same time and for the same term as the Director for that Zone.

(d) Should there not be a Vice-Director for a zone for any reason, the Zone shall elect a new Vice-Director for that Zone by a majority vote for all the members of that Zone.

(e) The members of any Zone at a Zone meeting called specifically for that purpose may remove the Vice-Director for that Zone by a majority vote of all the members of that Zone.

### **C. BOARD OF DIRECTORS**

1. To provide continuity of knowledge, decisions, etc., the immediate Past President shall be the ex-officio member of the Board of Directors and shall have full voting and other rights as a member of the Board.

2. (a) The Board of Directors shall have the entire management of the business and objects of the Association.

(b) In the management and the control of the property, business, and affairs of the Association, the Board of Directors is hereby vested with all powers possessed by the Association itself. Without limiting the generality of the foregoing the Board of Directors:

(i) shall be the only body empowered to deal with matters arising under the Animal Pedigree Act and any authority or person constituted thereunder.

(ii) shall have the right to fill vacancies which may occur among the officers through resignation, removal, disqualification or otherwise.

(iii) shall have the right to set up such committees and appoint members thereto as the Board deems necessary to carry out the objects of the Association and the provision of this Constitution and the Board may delegate such powers and authority to such committees as the Board deems appropriate.

(iv) shall have the power to make, amend, and repeal regulations, rules or schedules necessary to exercise the powers given to this Board and to carry out the provisions of these by-laws and the Act.

3. (a) Any director or Officer of the Association may resign during his/her term of office by giving written notice to the Secretary of the Association.

(b) Any Director who ceases to reside within the Zone shall be deemed to have resigned upon the expiration of ninety days (90) of that Director ceasing to reside within that Zone.

(c) Any Director who ceases to be a member in good standing shall be deemed to have resigned upon the expiration of ninety days (90) of that Director ceasing to be a member in good standing, provided that Director does not become a member in good standing.

(d) The members of the Zone at any meeting called specifically for that purpose may remove from office the Director of that Zone by a vote of the majority of members voting. The Board of Directors may remove from office any Officer, agent, or member of any committee elected or appointed by the Board, by a vote of the majority of the entire Board.

(e) Any such vacancy, whether the result of resignation, removal by the Members of the Association, removal by the Board of Directors, or otherwise, shall be filled, in the case of an

Officer or the appointee of the Board forthwith by appointment by the Board of Directors for the unexpired term of the vacating office or appointee and in the case of a Director, as provided in this Constitution.

4. (a) Should any Zone, upon the expiration of the term of the Zone Director, fail to elect a Director should a Zone Director resign, retire, be removed, disqualified, or otherwise vacate his office, the Vice-Director for that Zone shall immediately fill the vacancy for the unexpired term of the vacating Director, or in the case of a Zone not electing a Director, for the regular term of directorship for that zone.

(b) The Secretary shall forthwith upon the vacancy being filled shall so notify, in writing the new Director, the President, and the Regional Vice-President in whose region the Zone is located, including in such notice the Zone which the new Director represents and the term for which the new Director is to hold office. Such notice shall be published as soon as possible in the Association Magazine.

5. Each member of the Board of Directors shall be of the full age of eighteen (18) and shall be a permanent citizen of Canada.

6. In the event that during the term of office of any new Director, Vice-Director, Director-elect, or Officer, he/she should cease to meet the qualification of being the owner of a Miniature horse registered pursuant to this Constitution and the Act, for any reason, such Director, Vice-Director, Director-elect, or Officer shall have three (3) months from the date of ceasing to meet this qualification, to become an owner of a Miniature horse, registered pursuant to this Constitution and the Act. Should any Director, vice-Director, Director-elect, or Officer not become an owner as required then upon the expiration of three (3) months, the Director, Vice-Director, Director-elect, or Officer shall be disqualified and this office be declared vacant.

7. Members of the Board of Directors may be interested directly or indirectly in any contract relating to the operations conducted by the Association and in any contract of furnishing supplies thereto.

## **ARTICLE XII-DUTIES OF THE OFFICERS**

1. ***President.*** The President shall be the chief co-ordinating officer of the Association and when present shall preside at all meetings of the members and of the Board of Directors. Unless some other person is thereunto specifically authorized to do so by a vote of the Board of Directors, the President with the Secretary or Treasurer shall sign all certificates of membership, bonds, deeds, and contracts of the Association. He/she shall perform all the duties commonly incident to this office and shall perform such other duties as the Board of Directors shall designate from time to time.

2. ***Vice-Presidents.*** The Regional Vice-Presidents shall promote the interest of the Miniature Horse Breed in their respective areas. In the event of absence of the President, a regional Vice-President designated by the Board of Directors shall perform the duties and have the powers of the President. Each regional Vice-President shall perform such other duties and have such other powers as the Board of Directors shall designate from time to time. In lieu of the President, a Vice-President together with the Secretary or Treasurer may sign a certificate of membership. Each regional Vice-President shall require the respective Zone Directors and Committee Chairpersons, within the region, to report to the Vice-President from time to time as may be necessary or required.

3. ***Secretary.*** The Secretary shall keep accurate minutes of all meetings of the members and the Board of Directors and shall perform all duties incident to this office and shall perform such other duties as the Board of Directors shall designate from time to time. The Secretary shall have power together with the President or a Vice-President to sign certificates of membership in the Association. He/she shall be responsible for the proper filing of all Association correspondence and for the maintenance of statistical records of the Association. He/she shall carry on and have the power to sign general correspondence on behalf of the Association. In this absence at any meeting, an Assistant Secretary or a Secretary Pro Tempore shall perform the duties thereof.

4. ***Treasurer.*** The Treasurer subject to the order of the Board of Directors shall have the care and custody of the money, funds, valuable papers, and documents of the Association (other than his own bond which shall be in the custody of the President). He/she shall have exercise under the supervision of the Board of Directors all the powers and duties commonly incident to his/her office and shall give bond, if required by the Board of Directors, in such form and with such sureties as it shall require. He/she shall deposit all funds of the Association in such bank or banks, trust company or trust companies, or with such firm or firms doing a banking business as the Board of Directors shall designate. He/she may endorse for deposit or collection all cheques and notes, payable to the Association or to its order, may accept drafts on behalf of the Association. He/she shall keep accurate books of account of the Association's transactions which shall be the property of the Association, and together with all its property in his possession shall be subject at all times to the inspection and control of the Board of Directors. The Treasurer shall hold his office during the pleasure of the Board of Directors and shall be subject in every way to its orders and shall render an account of the Association's funds at each annual meeting of the members. All cheques, drafts, notes, or other obligations for the payment of money shall be signed by the Treasurer (except as the board of Directors shall otherwise especially order). Notes and bonds shall be countersigned or registered as to the condition of their validity by the President or such other Officer as the Board of Directors shall be resolution direct. The Board of Directors may appoint an Assistant-Treasurer or an Accountant with such powers and duties as it shall deem best.

5. ***Registrar.*** The Registrar shall be appointed by the CLRC and will keep the records and enforce the by-laws of the Association.

### **ARTICLE XIII-TERMS OF OFFICE**

1. The term of the first incorporators of the Association shall be for three months from the date of incorporation, and thereafter the term of office for all Directors and Officers of this Association shall be for three years except for the office of the President to be on an annual election basis.
2. Zone directors shall be elected within three months of incorporation. One-third of the Directors shall be elected for a term of three years, one-third shall be elected for a period of four years, and one-third shall be elected for a term of five years. Thereafter Directors shall be elected as their respective terms expire but all for a three year period. Retiring Directors shall be eligible for re-election.
3. The term of office for Officers and Directors shall be from annual meeting to annual meeting although each shall hold office until his/her successor takes office.
4. The Secretary shall publish in the Association magazine at least once every calendar year the names, addresses, and year of expiration of the term of office for each Officer and Director.

### **ARTICLE XIV-EXPENSES, INCOME AND PROPERTY**

1. The income and property of the Association from whatever source derived shall be applied solely toward the promotion and furtherance of the objects 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 to the Association whether such are members of the Association or not, and the expenses of the Directors and other Offices incurred in doing the business of the Association, if such payment shall have the approval of the Board of Directors. Provided, further, that it shall be deemed a promotion and furtherance of the objects of the Association to encourage and promote the distribution of a National Magazine.
2. The Association shall, with other organizations comprising the Canadian Livestock Records Corporation pay to the CLRC a proportionate amount of the expenses in conducting the CLRC office as may be determined under the Animal Pedigree Act and the rules and regulations made pursuant thereto from time to time.
3. All fees shall be paid to the Accountant, CLRC and may be sent by postal note, post office money order, express money order, bank money order, credit card, or certified cheque, payable at par at the CLRC office they shall forthwith be deposited by him/her to the credit of the Association, in a Chartered Bank selected by the CLRC Board.

4. In case membership fees in the Association are received by the Treasurer of the Association they shall immediately be forwarded to the account of the CLRC for deposit.

5. That any and all funds raised solely by fund raising efforts of a zone of the MHAC, shall be deposited in a bank account within the Zone, provided that the expenditure of such funds shall be applied solely toward the promotion and furtherance of the MHAC. Any such Zone Bank account shall have the Zone Director and Vice-Director as signing authorities. The Zone books of account shall be open for inspection by the Board at any time and by Zone members at the annual Zone meeting, but need not be audited unless the Zone so requires by vote at a Zone meeting. Transfer of any of the said funds to the MHAC General account shall require 60% approval by the Zone members. The Zone Director shall provide a copy of the financial statement to the annual Zone meeting.

#### **ARTICLE XV-AUDIT AND ANNUAL REPORT**

1. The Board of Directors at each annual general meeting shall submit a complete record of its acts and of the affairs of the Association. It shall present a detailed statement duly audited of the records and expenditures of the preceding year and of the assets and liabilities of the Association. A copy of this report, a list of the Officers elected and the representatives to the CLRC Board, also general information of the affairs of the Association will be sent to the Minister of Agriculture of Canada, and to the General Manager of the CLRC within twenty (20) days after the annual meeting. A copy of the annual report shall be mailed to each member on request, provided that such a member is in good standing.

2. Auditors shall be appointed who shall be chartered accountants to audit and verify the books of account of the Association, vouchers for all payment and certify the usual statement of receipts and expenditures, assets and liabilities for the year for presentation by the Board to the next Annual General Meeting.

#### **ARTICLE XVI-BOOKS OF RECORD**

1. The Association shall cause a book to be kept by the Secretary which shall contain a copy of the by-laws and amendments thereto, and every person on becoming a member of the Association shall receive a copy of the by-laws together with all amendments thereto to date. The Secretary shall also keep the Association's Articles of Incorporation.

2. The Board of Directors shall cause a book to be kept by the Secretary, which shall contain all regulations, rules, and schedules enacted by the Board of Directors and any amendments thereto, and every person upon becoming a member of the Association shall receive a copy of all such regulations, rules and schedules, together with all amendments thereto to date.

3. Books of account shall be kept by the Treasurer at a place convenient to him/her or where directed by the Board of Directors from time to time, and shall be available to all members in good standing for inspection at all reasonable times.

## **ARTICLE XVII-MEETINGS**

1. **Zone Meetings.** Each Zone shall hold a minimum of one meeting per year called at a time and place most convenient for the majority of members, as determined by the Zone Director. Minutes of such meetings shall be duly recorded and submitted to the Association Secretary within thirty (30) days of the meeting.

2. **Board Meetings.** Regular meetings of the Board of Directors shall be held at such places within Canada and at such times as the Board may by vote determine from time to time. Special meetings of the Board of Directors may be held at any time or place whenever called by the President, a Vice-President, the Secretary, or three or more Directors, in which case notice thereof must be given to each member of the Board of Directors by the Secretary or the person calling the meeting such special and regular business as deemed appropriate by the Board of Directors may be conducted at such special meeting. Meetings may also take place at any time without formal notice provided that all members of the Board of Directors are present or those not present have waived notice thereof.

3. **Annual Meeting.** An annual meeting of the Association shall be called at such date, time and place within Canada as decided by the Board of Directors but in any event such meeting must take place before August 31 of each year.

4. **Special Meetings.** Special meetings may take place at any time upon the call of the President, a Vice-President, the Secretary, or three or more Directors.

5. Notice of all meetings stating the time and place thereof shall be given by mailing the same to each member of the Zone in the case of Zone meetings, to each member of the Board of Directors in the case of Directors' meetings, to each member in the case of member meetings, by prepaid mail (except in the case of the members of the Board of Directors where same shall be by certified or other similar type of mail the delivery of which is ascertainable to the addressee at his last noted residence or business address according to the Association records). At least fourteen (14) days shall elapse between the time the notice is mailed as aforesaid and the date of the meeting.

6. The order of business at all meetings shall be:

- (i) Identification of members.
- (ii) Reading minutes of previous meeting.
- (iii) Reports of Officers, Directors and committees.
- (iv) Correspondence
- (v) Unfinished business

- (vi) New business
- (vii) Adjournment

7. In the case of a dispute in procedure, the President's ruling shall be final.

8. A copy of the minutes of all meetings of the Board of Directors and of the Association shall be mailed within thirty (30) days following such meetings to each member of the Board of Directors and to the General Manager of the CLRC. Such minutes shall stand approved if no objection is raised within thirty (30) days by anyone who was in attendance at such meeting.

9. The Secretary shall publish the minutes or a summary thereof of all meetings of the Association and such meetings of the Board as the Board in its absolute discretion deems appropriate, in the magazine as soon after such meetings as feasible. Members may obtain copies of minutes of such meetings, except for any Board meetings or parts thereof the Board deems confidential in the manner prescribed by the Board upon payment of the cost of supplying such minutes.

#### **ARTICLE XVIII-VOTING OF STOCK HELD**

1. Unless otherwise provided by resolution of the Board of Directors, the President, or a Vice-President may from time to time appoint an attorney or attorneys or agent or agents of this Association in the name and on behalf of this Association, to cast the votes which this Association may be entitled to cast as a stockholder or otherwise in any other organization or corporation, any of whose stocks or securities held by this Association at the meeting of the holders of the stock or other securities of such other organizations or corporations, or to consent in writing to any action by any such other corporation or organization and may instruct the person or persons so appointed as to the manner of casting such votes or giving such consent and may execute or cause to be executed on behalf of this Association and under its corporate seal or otherwise, such written proxies, consents, waivers, or other instruments as he/she may deem necessary or proper in the premises; or either the President or a Vice-President may himself attend any meeting of the holders of stock or other security of such other corporation or organization and thereat vote or exercise any or all other powers of this Association as a holder of such stock or other securities of such other organization or corporation.

#### **ARTICLE XIX-REGISTRATION OF PEDIGREES**

1. A register shall be kept at the office of the CLRC. This register shall be called the Miniature Horse Association of Canada Registry and shall be published by the CLRC at such time as decided by the Board of Directors and in such form as it may decide.

2. There shall be furnished by the CLRC for all living animals registered, a certificate of registration. This certificate shall be in such form as decided by the Association Board of Directors in consultation with CLRC staff.
3. The CLRC shall have right to refuse applications for registration or transfer from any person whether a member or not. Any such action taken by the CLRC under this provision shall be immediately reported to this Association. The CLRC may refuse to accept the signature of any person on an application for registration or transfer whether a member or not pending action of the Board of Directors of the Association.
4. It is the responsibility of the Board of Directors to protect the integrity of the Registry.

#### **ARTICLE XX-IDENTIFICATION AND INSPECTION**

1. There will be two methods used to identify each animal, the first of which is the use of photographs. This will be determined by providing two (2) colour photographs of each side of the horse showing all markings (photos must be no smaller than three by three inches (3 X 3) with the horse's image being no less than 80% of the picture) of each animal to be registered. The second method will be the use of blood typing and/or DNA typing for each animal to be registered.
2. The Board of Directors may from time to time make regulations regarding inspection of all Miniature Horses. The manner in which inspections shall be carried out and the purpose of such inspection shall be consistent with the provisions, intent and aims of the constitution.

#### **ARTICLE XXI-NAMES AND PREFIXES**

- 1.(a) The Board of Directors has the right to refuse to accept for registration any name it deems inappropriate, improper, or likely to adversely affect the Registry or the Association, or which may be misleading or confusing as to the origin or relationship of an animal or otherwise.
- (b) The Board of Directors may make rules and regulations regarding names for registration.
- (c) No name chosen shall consist of more than thirty (30) letters.
2. Animals from a foreign country shall be registered with the same name they had in the country from which they came.
3. The following names shall not be used;
  - (i) Names of members of the Royal Family or leaders of national government of the day.
  - (ii) Names of animals registered or recorded previously in the Miniature Horse Association of Canada Registry.

(iii) No two animals shall have the same name.

4. (a) A breeder may register for his exclusive use a name to be used as a prefix in naming his animals.

(b) A particular prefix will be allowed to one person or partnership or corporation only and in registering such prefix priority in use and in application for registration shall be considered.

(c) Such registered prefix may be transferred to another person, partnership or corporation upon application:

(i) by the person in whose name it is registered,

(ii) by the authorized representative of a partnership or corporation in whose name it is registered, or

(iii) by the legal representative of a deceased owner, a bankrupt or other legally incompetent party in whose name it is registered.

(d) After the expiration of five (5) years the registered prefix will be forfeited if it has not been used in registering an animal or the registered owner has not been a member of this association.

## **ARTICLE XXII-PRIVATE BREEDING RECORDS**

1. There shall be kept by each breeder a private record which shall contain full particulars of his/her breeding operations. This record shall at all times be open to the inspection of officials of this Association, officials of the Department of Agriculture for Canada and the officials of the CLRC.

## **ARTICLE XXIII-STANDARDS OF PERFECTION**

The Miniature Horse Standard of Perfection is as follows:

### **GENERAL IMPRESSION**

A small, sound, well-balanced horse, possessing the correct conformation characteristics required to most big horse breeds. Refinement and femininity in the mare. Boldness and masculinity in the stallion. The general impression should be one of symmetry, strength, agility, and alertness.

### **SIZE**

Must measure not more than 34 inches at the last hair of the mane. In the year 2000 it shall be not more than 34 inches at the highest point of the withers.

### **HEAD**

In proportion to length of neck and body. Broad forehead with large prominent eyes, set wide apart. Comparatively short distance between eyes and muzzle. Profile straight or slightly concave below the eyes. Large nostrils. Clean refined muzzle. Even bit.

### **EARS**

Medium in size. Pointed. Carried alertly, with tips curving slightly inward.

### **THROAT-LATCH**

Clean and well defined, allowing ample flexion at the poll.

### **NECK**

Flexible, lengthy, in proportion to body and type and blending smoothly into the withers.

### **SHOULDER**

Long, sloping and well angulated, allowing a free swinging stride and alert head/neck carriage. Well muscled forearm.

### **BODY**

Well muscled, with ample bone and substance. Balanced and well proportioned. Short back and loins in relations to length of underline. Smooth and generally level top-line. Deep girth and flank. Trim barrel.

### **HINDQUARTERS**

Long, well muscled hip, thigh and gaskin. Highest point of coup to be same height as withers. Tail set neither excessively high or low, but smoothly rounding off rump.

### **LEGS**

Set straight and parallel when viewed from front or back. Straight, true and squarely set, when viewed from the sides with hooves pointing directly ahead. Pasterns sloping about 45 degrees and blending smoothly, with no change of angle, from the hooves to the ground. Hooves to be round and compact, trimmed as short as practicable for an unshod horse. Smooth fluid gait in motion.

### **COLOUR**

Any colour or marking pattern, and any eye colour, is equally acceptable. The hair should be lustrous and silky.

## **ARTICLE XXIV-RULES OF ELIGIBILITY**

### **1. Foreign Registered Horses owned by Canadian Residents**

The following classifications of Miniature Horses are eligible for registration when approved by the Board of Directors:

a) To and including July 1, 1992, all Miniature Horses registered by an approved registry and blood typed and/or DNA typed, provided such horses shall have attained the actual age of five (5) years and measured thirty-four (34) inches or less in height, measured at the last hairs of the mane while standing squarely on a level surface as measured by a MHAC officer shall be issued permanent certificates.

b) To and including July 1, 1992, all Miniature Horses under 5 years old registered by an approved registry and blood typed and/or DNA typed and measuring thirty-four inches (34) or less shall be issued temporary certificates. When the animal is 60 months of age the temporary certificate expires, whereupon the animal that is verified as still being under thirty-four inches (34) will be granted a permanent certificate.

c) Horses that do not have three generations of registered ancestors will be considered hardship registered horses and this will be identified on their certificates.

d) After July 1, 1992 all newly registered horses shall consist of only those animals previously registered (by an approved registry) with three generations of registered ancestors registered by an approved registry and measuring under thirty-four inches (34). Horses under five (5) years old shall be issued temporary certificates and animals over five (5) years that are measured under thirty-four (34) inches by a MHAC Officer shall be issued permanent certificates. All horses must be blood typed and/or DNA typed and proof of parentage must be supplied.

## **2. Canadian Born Horses**

Temporary registration of horses in the Miniature Horse Association of Canada Registry shall be limited to those miniature horses which are:

a) After July 1, 1992, animals born in Canada, the sires of which are registered with the MHAC (or for mares bred outside of Canada, sires must be registered in an approved registry provided three generations of registered ancestors are registered with the approved registry and measure thirty-four (34) inches or less and proof of parentage is supplied) and dams of which are registered with the MHAC or are temporarily registered with the MHAC and measure thirty-four (34) inches or less at the time of conception of the foal. Blood typing and/or DNA typed will be required. Qualified miniature horses shall be issued a temporary certificate of registration from both until they attained the actual age of sixty (60) months. When the temporary certificate expires the animal must be verified as still being thirty-four (34) inches or less and will be granted a permanent certificate.

## **3. Permanent Registration**

Permanent registration of horses in the Miniature Horse Association of Canada shall be limited to those miniature horses which are:

a) Animals having temporary registration with the MHAC and who have attained the actual age of five (5) years, and measure thirty-four (34) inches or less in height. Measuring shall be done by an officer of the Miniature Horse Association of Canada.

## **ARTICLE XXV-APPLICATIONS FOR REGISTRATION**

1. Every application for registration must be executed with the personal signature of the owner of the dam at the time of foaling, subsequent to which each and every transfer of ownership must be registered within the CLRC authorities for registration in the Miniature Horse Association of Canada. If the sire is owned by a resident of, and is in a foreign country, the sire must be registered by an approved registry in the name of the person certifying to the service.
2. Application for registration of animal born in Canada must be made by the person owning the dam at the time of foaling on forms supplied by the CLRC. All blank spaces must be completed in ink or may be typewritten, and the form must be signed in ink by the breeder, owner, and owner of service sire.
3. When an animal is a twin, it shall be so stated when applying for registration and the sex given of the animal with which it is a twin. Should a twin be entered upon the record without such statement, no subsequent application for entry of animal twinned with same shall be accepted.
4. The breeder of an animal is the owner or lessee of the dam at the time she was served. A copy of the lease agreement must accompany the application for registration.
5. Applications for registration shall only be considered if all applicable provisions of the Act, by-laws, the rules and regulations made pursuant to these by-laws have been complied with and the appropriate fees submitted.
6. Correctness of Pedigree and particulars on the application for registration are the absolute and sole responsibility of the person making the application for registration.
7. Should any animal be registered or transferred through misrepresentation or fraud, the registration or transfer thereof shall be void. The registration of an animal that is void shall automatically void the registration of any lineal descendant of that animal.
8. The Canadian Miniature Horse Association, or any Director, Officer, Executive, Clerk, Employee, Agent, or Appointee of the Association while acting in such a capacity, shall not be responsible for any erroneous statement made upon application for registration.

## **ARTICLE XXVI-TRANSFERS AND DUPLICATE CERTIFICATES**

1. In the case of the *sale of an animal*, the seller must furnish a Certificate of Registration in the Miniature Horse of Canada registry at the seller's cost, showing the purchaser's ownership within six (6) months of the sale. Refusal to do so on any pretext whatever, except under written agreement to the contrary, shall be grounds for his expulsion. If a member, from the

Association, or if not a member, further applications for registrations or transfers shall be refused.

2. ***Applications for transfers of ownership*** must be made in ink or typewritten on forms supplied by the CLRC and must give date of sale and date of delivery, and in the case of a female, if bred the service certificate must be completed. The application for transfer of ownership must be forwarded with the Certificate of Registration to the CLRC by the registered owner.

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

4. ***Transfers*** must be made within six (6) months of the time of the sale and at the seller's expense.

5. ***Dead Animals.*** A notation in ink shall be placed on the face of the certificate stating that the animal died and the date of said event. The certificate shall be then forwarded to the Canadian Livestock Records Corporation.

#### **ARTICLE XXVII-PEDIGREE COMMITTEE**

1. The Secretary, the CLRC appointed Registrar and the General Manager of the CLRC shall be a committee with the authority to authorize change of ownership and registration of pedigree where signatures or other information are for any reason unobtainable. The decision of the committee if unanimous shall be final. If the committee is not unanimous the matter in question shall be submitted to the Board of Directors for a decision. This 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 for registration as outlined in these by-laws. All decisions of the committee shall be submitted to the Board of Directors and shall be incorporated in the minutes of their next meeting.

#### **ARTICLE XXVII-FEES**

1. The fees to be charged for membership, registrations, transfers and other services of the Association shall be set from time to time by the Board of Directors and an up-to-date schedule of fees will be provided to all members or published in the Association magazine at least once each year and upon every change to the schedule of fees.

#### **ARTICLE XXIX-NON MEMBERS**

1. Any person not a member of this Association registering and transferring animals on the records of this Association shall be subject to the same rules and regulations as a member except as otherwise specifically provided for.

### **ARTICLE XXX-ASSOCIATION MAGAZINE**

1. In order to achieve one of the objectives of this Association the Board of Directors shall ensure that a national magazine or periodical is available for subscription by the members.
2. If the Board of Directors in its discretion deems at any time that there is not any available vehicle for subscription by the members, the Board of Directors may authorize the publication or production of such vehicle.
3. In addition to any available magazine or periodical deemed suitable by the Board of Directors for subscription by its members, the Board of Directors may authorize the publication of such other periodical or newsletter as the Board of Directors deems appropriate.
4. Until otherwise determined by the Board of Directors, the National Magazine of the Association shall be the "Miniature Horse Association of Canada" magazine published by the Miniature Horse Association of Canada.
5. It shall be the duty of each director to promote the interests of any said national magazine or periodical in that director's zone, encouraging submission of items of news to, subscriptions to, and advertising for in the said magazine or periodical.

### **ARTICLE XXXI-SUSPENSIONS, OFFENCES & PENALTIES**

#### ***A. Suspension or Expulsion of a Member***

1. Any member who violates any rule or regulation of the Association automatically suspends himself.
2. The Board of Directors shall have the power to suspend or expel any member who fails to observe any provision of the Act or any provision set forth in these by-laws or any rule, regulation, or schedule made pursuant to these by-laws, or whose conduct is, in the opinion of the Board, prejudicial to the interests of the Association.
3. The Board shall set up an Executive Committee to hear charges laid against members. On report to the Executive Committee of a charge against any member which may result in suspension or expulsion, the charge shall be laid before a meeting of the Executive Committee and the member so charged shall have fifteen (15) days notice in writing of such meeting and shall have the right to be heard. The Executive Committee shall make its recommendations with reasons in writing to the Board.
4. A person who has been suspended or expelled from membership shall after the expiration of sixty (60) days from the date of suspension or expulsion, have the right to apply to the Board of Directors for reinstatement. On such application the Board at its next meeting may by a vote of two-thirds (2/3) of the members of the Board present reinstate the person.
5. If the Board refuses to reinstate a person suspended or expelled from membership, such person shall have the right to apply for reinstatement by the next succeeding general meeting of

members. Reinstatement at a general meeting shall only be by a vote of two-thirds (2/3) of the members present and voting.

6. Any person expelled from membership by any other association incorporated under the Animal Pedigree Act shall not be eligible for membership in this Association and if he/she is already at the time of said expulsion his membership shall thereupon forthwith automatically terminate. Such member shall not be eligible for membership in this Association for so long as he/she remains expelled by the other Association.

### ***B. Suspension of Registration or Pedigree***

1. Pedigrees registered or recorded incorrectly may be corrected and re-registered by the original owner upon application to the CLRC at the expense of the original owner for registration or transfer.
2. Each suspension of a registration shall remain in effect until such suspension has been lifted by the Board of Directors of the Association.
3. Suspension, either of a member or of a registration shall not in any way derogate from the liability incurred by the member or the person.

### ***C. Offenses & Penalties***

1. If it is brought to the attention of the Board of Directors that as a result of an inspection, the manner in which private records are kept and identification practiced by the breeder or if it is shown the rules and regulations in that regard as laid down by the Association are not being observed, the Board of Directors may immediately suspend or expel such breeder if a member, if not a member, further registration or transfer may be refused. If such inspection should indicate that the private records and identification system, if practiced by such breeder, are inaccurate, confusing, or in such a state as to raise doubt as to the identify of any number or all horses standing in the name of such breeder.
2. If any person knowingly makes a misleading, false or fraudulent statement in order to register or transfer, that transaction shall be expunged from the registry or record and that person shall be barred from making further registrations or transfers.
3. If any person knowingly commits any act or fails to perform any act the result of which may harm, diminish, or call into question the integrity of the Miniature Horse Association of Canada registry, transfer registered, or recorded therein, such person if a member shall be suspended or expelled or whether member or not shall be refused further registrations or transfers.
4. The Board of Directors may reinstate any member or the rights of any person upon such terms as the Board deems appropriate.
5. The Board of Directors, the Association, or the CLRC shall not be held responsible or be liable in any way for any loss or damage that may be sustained through suspension, cancellation, or correction of any registration or transfer, or through suspension or expulsion of any member.
6. The offences and penalties set out in the Animal Pedigree Act and amendments thereto are applicable to all acts which are contrary to the provisions of these by-laws or any regulation, rule, or schedule made pursuant to these by-laws.

## **ARTICLE XXXII-AMENDMENTS, AMALGAMATION OR DISSOLUTION**

1. A Proposal to amend the by-laws of this Association or to amalgamate with another Association or to dissolve the Association shall be in writing, signed by ten (10) members in good standing. Notice of all proposed amendments shall be sent by registered mail to the Secretary of the Association sixty (60) days in advance of any Annual General Meeting or special meeting or special voting by mail only, and, when dealt with at a meeting, they shall be included in a notice calling such a meeting, otherwise the meeting shall have no power to deal with same. The meeting and/or voting by mail has only power to deal with the section and sub-section as stated in the notice calling such meeting and/or voting by mail, excepting the section dealing with fees and only those fees so stated can be amended. Notice of all such amendments shall also be sent to the Minister of Agriculture for Canada and to the General Manager of the CLRC.