



**New Zealand Miniature Horse Association Inc**

**2018-2019**  
**OFFICIAL RULE BOOK**

**Part A**  
**CONSTITUTION and RULES**

*August 2018 Edition*

*Note: **All changes from previous edition are bold and underlined***

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### **NAME OF SOCIETY - ARTICLE 1**

1. The name of the society is: "New Zealand Miniature Horse Association Incorporated"

### **OBJECTIVES OF SOCIETY - ARTICLE 2**

1. The objects of this society are:
  - a. To promote the identity, popularity and perpetuation of the Miniature Horse breed.
  - b. To aid and encourage the breeding, exhibiting, use and purpose of Miniature Horses; promote and co-ordinate Miniature Horse show activities; promote and encourage exhibiting of Miniature Horses in open classes; co-ordinate with other associations and societies in providing qualified horse judges for Miniature Horse shows; and in devising and adopting Miniature Horse show rules, regulations and standards.
  - c. To formulate publicity and education programmes and other activities in the interest of the Miniature Horse owners, Miniature Horse associations or societies, clubs and enthusiasts, for the purpose of stimulating popular interest in the Miniature Horse; and to promote continuing education of members and the general public in the care, management and use of the Miniature Horse.
  - d. To co-operate with other organisations with similar interests in Miniature Horses
  - e. To own, operate and maintain a register and a stud book for Miniature Horses
  - f. To engage in any manner of business to raise money for the purposes above recited.
  - g. To engage in any and all form of business transactions or enterprises a natural person might do, except as limited by law.
  - h. To publish and distribute an official publication to forward the aims, ideals and news of the Society, it's members and other interested parties.
  - i. To receive donations, bequests and devices of property both real and personal.
  - j. To own, hold, purchase, sell, exchange and deal in, and otherwise dispose of, all kinds of real and personal property.
  - k. To do any and all things necessary or appropriate to accomplish objects and purposes as stated herein.
  - l. To borrow money up-on such terms and conditions as the Council of management shall from time to time arrange and to grant mortgages, charges and encumbrances on any property of the Society in order to secure any loan made to the Society.
2. The property and income of the Society shall be applied solely towards the promotion of the objectives of the Society. No member of the Society or any person associated with a member of the Society shall participate in or materially influence any decision made by the Society in respect of the payment to or on behalf of that member or associated person of any income, benefit, or advantage whatsoever.

Any such income paid shall be not more than would be reasonable and relative to that which would be paid at an arm's length transaction (being the open market value). The provisions and effects of this clause shall not be removed from this document, and shall be included and implied into any document replacing this document.

### **DEFINITIONS - ARTICLE 3**

In these articles, unless the contrary appears

"Council meetings" means meeting referred to in Article 15(1)

"Council member" means persons referred to in paragraph (a), (b), (c), (d), (e), (f) or (g) of Article 10 (1)

"financial year" is as defined in Article 35

"general meeting" means meeting convened under Article 17

"member" means member of the society

"ordinary resolution" means resolution other than a special resolution

"special resolution" has the meaning of notice of Motion affecting the Constitution and General rules and regulations of the Association.

"the Act" means the Incorporated Societies Act 1908





"the Society "means the Society referred to in Article 1

"the Council "means the Council of management of the Society referred to in Article 10 (1)

"the President" means

- a. in the relation to the proceedings of a Council meeting or a general meeting, the person presiding at the Council meeting or general meeting in accordance with Article 11. or
- b. otherwise than in relationship to the proceedings referred to in paragraph (a), the person referred to in Article 10 (1)(a) or, if that person is unable to perform his or her functions, the Vice-president

"the Secretary" means the Secretary referred to in Article 10 (1) (c)

"the Treasurer" means the Treasurer referred to in Article 10 (1) (d)

"the Vice-President" means the Vice- President referred to in Article 10 (1) (b)

"Request in Writing" and "in writing" means communication by post and electronic means. Electronic means shall include email and posting on the Society's formal website.

#### **MEMBERSHIP OF THE SOCIETY - ARTICLE 4**

1. Membership shall be open to all persons/miniature horse clubs or societies who subscribe to the objectives of the New Zealand Miniature Horse Association Incorporated, agree to abide by its rules and regulations, and who apply for membership. Members of the Society shall be admitted, retained, reprimanded, fined, suspended or expelled in accordance with such rules and regulations as the membership may, from time to time adopt. In all matters of elections governed by a vote of members, each regular member in good standing who has attained the age of eighteen (18) years shall be entitled to one vote. Associate and youth members shall not be entitled to vote.
2. Classes of membership are as follows:
  - a. Regular members - those persons who own an undivided or share interest in, or lease approved by the New Zealand Miniature Horse Association Incorporated, and have, once the registry of the New Zealand Miniature Horse Association Incorporated is open, registered with the Society one or more Miniature Horses; who have been applied for and been accepted to membership in the Society by the Council; and who are not in arrears in payment of their annual dues.
  - b. Associate members - are those persons who are interested in the objectives and purposes of the Society but who do not own or lease a Miniature Horse at the time of application for membership; who have applied for and been accepted to membership in the Society by the Council; and who are not in arrears in payment of their annual dues.
  - c. Youth members - are those under the age of eighteen (18) years who are interested in the objectives and purposes of the Society; who may or may not own a Miniature Horse at the time of application for membership; who have applied for and been accepted to membership in the Society by the Council; and who are not in arrears in payment of their annual dues.
  - d. Affiliated Clubs/Societies - A miniature horse club or society (whether incorporated or not) may apply in writing on the prescribed form for affiliation to the New Zealand Miniature Horse Assoc. Inc under the following criteria:
    - (i) The applicant club or society must be incorporated with the New Zealand Register or Incorporated Societies and provide a copy of the Certificate of Incorporation with the application.
    - (ii) The rules and show rules of the applicant club or society shall not be inconsistent with the Constitution, General Rules and Show Rules of the New Zealand Miniature Horse Assoc. Inc.
    - (iii) The applicant club or society shall have a minimum of 10 (ten) NZMHA full members (including life members). The application for affiliation shall be accompanied by a list of all officers of the club and its members.
    - (iv) No club or society may seek or hold affiliation to the New Zealand Miniature Horse Assoc. Inc. when already affiliated to any other New Zealand Miniature Horse body. No Affiliated Club shall run any event in conjunction with ANY other party (eg. club or individual) not affiliated to NZMHA without the prior approval of NZMHA Council.





- (v) An affiliation fee is payable upon application for affiliation. An annual levy per member of the applicant club or society (as at 31<sup>st</sup> January of each year) shall be payable to the New Zealand Miniature Horse Assoc. Inc. by 28<sup>th</sup> February of each year. This fee shall be placed in a fund for the advertising and promotion generally of the Miniature horse.
- (vi) In considering an application for affiliation the Council shall consider any other matters which may be relevant to the application including the following:
  - the name of the applicant club or society
  - other affiliated clubs or societies within the same region
  - any evidence or representations in support or opposition to the application which the Council may hear in its absolute discretion.The Council may approve or decline the application without reason or may defer the application and request the applicant club or society to amend it's rules in such a manner as the Council may direct for the application to proceed.
- (vii) Termination of affiliation - breach of any of the above conditions at any time may result in withdrawal of affiliation.
- (viii) Where an Affiliated Club is hosting an NZMHA Regional Show on behalf of NZMHA, the Affiliated Club will receive funds to assist them with running the show. Each Affiliated Club hosting a Regional Show will receive equal funding, the amount to be reviewed and set by NZMHA Council before the start of each show season.

e. membership shall not be transferable.

- 3. Application for Membership - membership in the Society is a privilege, not a right, and all applications for membership must be made to the Council in writing
  - a. signed by person wishing to become a member, and by both the members referred to in paragraph (c); and
  - b. in such form as the Council from time to time directs; and
  - c. be proposed by one member of good standing and seconded by another such member; and
  - d. using the correct application form, together with the prescribed joining fees.
- 4. The Council members shall consider each application made under Sub-Rule 3 at a Council meeting and shall at the Council meeting accept or reject that application.
- 5. Change of class of membership - should a change in class of membership be required, one must file a new application for that class, and be approved for that class.

#### **REGISTER OF MEMBERS OF SOCIETY - ARTICLE 5**

- 1. The Registrar under the supervision of the Secretary shall on behalf of the Society keep and maintain the register of members in accordance with Section 22 of the Act and that register shall be kept at the work place of the Registrar.
- 2. The Registrar shall cause the name of a person who dies or ceases to be a member under Article 6(5), Article 8 (1) or Article 9, to be deleted from the register of members referred to in Sub-Rule 1.
- 3. A Members Directory consisting of members' names, addresses, phone numbers and email addresses shall be provided at no charge to members no later than 31<sup>st</sup> of August of each calendar year.

#### **SUBSCRIPTIONS OF MEMBERS OF SOCIETY - ARTICLE 6**

- 1. The members shall from time to time at a general meeting, determine the amount of subscription to be paid by each member/affiliated club.
- 2. Each Regular, Associate and Youth member shall pay to the Treasurer, annually on or before 30 September, the amount of the subscription determined in Sub-Rule 1.





3. Annual subscriptions shall be prorated.
4. A member is a financial member for the purposes of these rules if his or her subscription is paid on or before 30 September each year. If a member re-subscribes before 31 March the following year no joining fee is payable
5. Subject to Sub-Rule 4, a member whose subscription is not paid by 30 September, shall automatically be dropped from membership in the Society, unless the Council decides otherwise.

#### **LIABILITY OF MEMBERS - ARTICLE 7**

The liability of a member of the Society to contribute towards the payments of debts and liabilities of the Society, or the costs, charges and expenses of the winding up of the Society is limited to the amount, if any, unpaid by the member in respect of membership of the Society as required by Article 6, or as provided by law.

#### **RESIGNATION OF MEMBERS OF SOCIETY - ARTICLE 8**

1. A member who delivers notice in writing of his or her resignation from the Society to the Secretary or another Council member, ceases on that delivery to be a member.
2. A person who ceases to be a member under Sub-Rule 1, remains liable to pay to the Society the amount of any subscription due and payable by the person to the Society but unpaid at the date of that cessation.

#### **EXPULSION OF MEMBERS OF SOCIETY - ARTICLE 9**

1. If the Council considers that a member should be expelled from the membership of the Society because his or her conduct is detrimental to the interests of the Society, the Council shall communicate, either orally or in writing, to the member; providing
  - a. notice of the proposed expulsion and of the time, date and place of the Council meeting at which the question of that expulsion will be decided; and
  - b. particulars of that conduct, not less than 30 days before the date of the Council meeting referred to in paragraph (a).
2. At the Council meeting referred to under Sub-Rule 1, the Council may, having afforded the member concerned a reasonable opportunity to be heard by, or make representation in writing to, the Council, expel or decline to expel that member from membership of the Society and shall, forthwith after deciding whether or not so to expel that member, communicate that decision in writing to that member.
3. Subject to Sub-Rule 5, a member who is expelled under Sub-Rule 2 from membership of the society ceases to be a member fourteen (14) days after the day on which the decision so to expel him or her is communicated to him or her under Sub-Rule 2.
4. A member who is expelled under Sub-Rule 2 from membership of the Society shall, if he or she wishes appeal against that expulsion, give notice to the Secretary of his or her intention to do so within a period of 14 days referred to in Sub-Rule 3.
5. When notice is given in Sub-Rule 4;
  - a. the association in a general meeting may, after having afforded the member who gave that notice a reasonable opportunity to be heard by, or to make representation in writing to, the Society in the general meeting, confirm or set aside the decision of the Council to expel that member and
  - b. the member who gave that notice does not cease to be a member unless and until the decision of the Council to expel him or her is confirmed under this Sub-Rule.

#### **COUNCIL OF MANAGEMENT - ARTICLE 10**

1. The affairs of the society shall be managed exclusively by an Executive Council (referred to hereinafter as "Council") consisting of:
  - a. a president;
  - b. a vice-president;
  - c. a secretary;





d. a treasurer;

each of whom shall be regular members of the Society and each of whom shall be elected in accordance with the provisions of Sub-Rules 2 and 3;

e. Deleted

f. not more than two (2) other people, all of whom shall be regular members of the Society elected to membership at an Annual General Meeting in accordance with Sub-Rules 2 and 3 or appointed under Sub-Rule 5 ; and

g. Regional Delegates, all of whom shall be regular members, who also shall reside in the region they are elected to, and will be deemed to have resigned upon leaving the region to live elsewhere. Where an affiliated club exists in the region they live in shall be a member of that affiliated club and nominated and elected by the members of the Society in accordance with the provisions of Sub – Rule 2 and 4.

2. All Council members (with the exception of Regional Delegates) shall be elected by regular members by postal ballot to take place not more than 31 days prior to the Annual General Meeting. All Council members (including Regional Delegates) shall be appointed for a period commencing with their election at Annual General Meeting and shall retire at the next succeeding Annual General Meeting, but may stand for re-election at that time. If the number of persons nominated for election to membership of the Council or position does not exceed the number of vacancies in that membership to be filled;

i. the Secretary shall report accordingly to; and

ii. the President shall declare those persons to be duly elected as members of the Council at the Annual General Meeting concerned.

3. Nomination of Council members, shall be made by written nomination and shall be seconded provided such written nomination and seconding is received by an Independent returning officer, who shall be a Justice of the Peace and shall not be a member of the Association or be related to a member of the Association and shall not own/lease a registered miniature horse by 5pm at least 31 days prior to the Annual General Meeting. Nominators and seconders for Regional Delegates must be NZMHA members who reside in the Region for which the Regional Delegate is being nominated. The Secretary shall give to all members not less than 21 days notice prior to the Annual General Meeting as to the nominations received. Provided further that ballots shall be lodged not less than 7 days prior to the Annual General Meeting.

4. Regional Delegates shall be nominated and elected by regular members of their region by postal ballot provided that the geographical boundaries of the region shall be determined by the Council from time to time and provided further that:

□ each region shall be entitled to one Regional Delegate

5. When a casual vacancy within the meaning of Article 14 occurs in the membership of the Council:

a. the Council may appoint a regular member to fill that vacancy; and

b. a member appointed under this Sub-Rule shall

i. hold office until the commencement of; and

ii. be eligible for election to membership of the Council at the following Annual General Meeting

6. The Council shall have the power to co-opt up to two (2) additional members to serve for any special purpose or purposes. These members at no time become voting members of Council.

7. No person shall hold more than one Council position.

8. No person shall be eligible for nomination for any Council position unless they are a current financial member of the Association and have been a regular member of the Association for not less than one year prior to the date that nominations close; or have been a member for one full year previously.







9. No person shall hold any position on Council while they hold a council / committee / executive or similar position with any other Miniature Horse related club / association / society or similar that is not affiliated to or recognised by the New Zealand Miniature Horse Association Inc. "Recognised Miniature Horse Organisations" shall be as determined from time to time by Council of NZMHA.
10. Where no nominations for a Council position are received before nominations close Council may at its discretion decide not to fill the Council position. In such circumstances the position will be left vacant until the following Annual General Meeting. Should Council decide to fill the position then Council may appoint a regular member to fill that vacancy as if it were a Casual Vacancy.
11. Candidates being nominated in the role of Treasurer are required to prove their qualification to perform the role either:
  - i. by certification, recognised degree, diploma, accounting certification, qualification on the tool/system being used to manage the accounts of the Society, or
  - ii. experience in performing similar accounting/bookkeeping roles for a third party. "Doing the books" for the family or a friend's business does not qualify.

If no qualified candidate applies, then the Council can opt to allow an unqualified candidate to stand. If they are elected, the accounts must undergo an official audit at the end of the financial year to confirm that appropriate financial practices have been followed.

#### **DUTIES OF THE PRESIDENT - ARTICLE 11**

1. Subject to this rule, the President shall preside at all general meetings and Council meetings.
2. In the event of the absence from a general meeting of:
  - (i) the president: the Vice-president; or
  - (ii) both the President and the Vice-President:, A Council member elected by the other Council members present, shall preside at the general or Council meetings as the case requires.
3. The President shall be chief Officer of the Society and shall enforce the laws, rules and regulations of the Society, and perform duties incident to the position and office, and which are required by law, and shall perform all other duties that may be prescribed from time to time by the Council.
4. The President shall be an ex officio member of all sub-committees.

#### **DUTIES OF THE SECRETARY - ARTICLE 12**

The secretary shall

1. Co-ordinate the correspondence of the Society
2. Keep full and complete minutes of the proceedings of the Council and of the Society
3. Comply on behalf of the Society with the Incorporated Societies Act 1908;
  - a. in respect of the register of members of the Society.
  - b. in respect of the rules of the Society
  - c. in respect of the records of office holders and any trustees of the Society
4. Have custody of all books, documents, records and registers of the Society, including those referred to in paragraph 3, other than those required by Article 13 to be kept and maintained by, or in the custody of the Treasurer; and
5. Perform such other duties as are imposed by these rules on the Secretary, or as may from time to time be prescribed by the Council.





6. Lodge any rule changes with the Registrar of Incorporated Societies within 30 days of their change.

### **DUTIES OF THE TREASURER - ARTICLE 13**

The Treasurer shall;

1. Be responsible for the receipt of all moneys paid to or received by him or her on behalf of the Society.
2. Pay all moneys referred to in paragraph 1 into such account or accounts of the Society as the Council may from time to time direct.
3. Make payments from the funds of the Society with the authority of a general meeting or of the Council and in so doing ensure that all cheques are signed by at least one (1) other Council member other than himself or herself. Should payments need to be made prior to a general or Council meeting the treasurer may, with the approval of the President, make such payments and obtain retrospective approval at the next meeting.
4. Comply on behalf of the Society with section 23 of the Act in respect to the accounting records of the Society.
5. Whenever directed to do so by the president, submit to the Council a report, balance sheet or financial statement in accordance with that direction.
6. Have custody of all securities, books and documents of financial nature and accounting records of the society, including those referred to in paragraph 4 and 5 and
7. Perform such duties as are imposed by these rules on the Treasurer.\
8. The Treasurer will provide to all council members a current financial report no less than fourteen (14) days prior to every Council meeting as set down by Council.

### **CASUAL VACANCIES IN MEMBERSHIP OF COUNCIL - ARTICLE 14**

A casual vacancy occurs in the office of a Council member and that office becomes vacant if the Council member:

- a. dies.
- b. resigns by notice of writing delivered to the president, or if the Council member is the President, to the Vice-President.
- c. is convicted of an offence under the Act.
- d. is permanently incapacitated by mental or physical health.
- e. is absent from more than
  - (i) 3 consecutive Council meetings, or
  - (ii) 3 Council meetings in the same financial year, of which he or she has received notice, without tendering an apology to the person presiding at each of those Council meetings, or
- f. ceases to be a member of the Society
- g. the Council has the right to waive clause (e) (i)

Should a vacancy occur in the position of Regional Delegate, nominations must be called for and a postal election held within 45 days of the vacancy occurring. Should this vacancy occur within 90 days prior to the AGM, the Council reserve the right to leave this position vacant or appoint an interim delegate.

### **PROCEEDINGS OF COUNCIL - ARTICLE 15**

1. The Council shall meet together for the dispatch of business not less than four times in each calendar year and the President may at any time convene a meeting of the Council. The date and venue of each meeting shall be advised to the membership by electronic mail no less than 30 days prior to the meeting date.





2. The Council is at all times responsible for handling the affairs of the Society, except where otherwise dictated by law.
3. Each Council member has a deliberative vote.
4. A question arising at a Council meeting shall be decided by a majority of votes, but, if there is an equality of votes, the person presiding at the Council meeting shall have a casting vote in addition to his or her deliberative vote.
5. At a Council meeting no less than 51% of the Members holding Council Positions shall constitute a quorum.
6. Subject to these rules, the procedure and order of business to be followed at Council meetings shall be determined by the Council members present at the Council meeting.

#### **GENERAL MEETING - ARTICLE 16**

1. The Council
  - a. may at any time convene a special general meeting;
  - b. shall convene the Annual General Meeting of the Society as and when the Council shall determine, provided however that such a meeting is held within four (4) months of the end of each financial year. The AGM of NZMHA shall be held in the South Island every three years. c. shall, within 30 days of
    - (i) receiving a request in writing to do so from not less than ten (10) members, convene a special general meeting for the purpose specified in that request; or
    - (ii) the Secretary receiving notice under Article 9:4, convene a special general meeting for the purpose of dealing with the appeal to which that notice relates.
2. The members making a request referred to in Sub-Rule 1 (c) shall:
  - (i) State in that request the purpose for which the special general meeting concerned is required; and (ii) sign that request.
3. If a special general meeting is not convened within the relevant period of 30 days referred to
  - a. in Sub-Rule 1 (c) (i), the members who made the request concerned may themselves convene a special meeting as if they were the Council; or
  - b. in Sub-Rule 1 (c) (ii) the member who gave notice concerned may himself or herself convene a special meeting as if he or she were the Council.
4. When a special general meeting is convened under Sub-Rule 3 (a) or (b)
  - a. the Council shall ensure that members or the member convening the special general meeting are/is supplied free of charge with particulars of all members; and
  - b. the Society shall pay reasonable expenses of convening and holding the special general meeting.
5. Subject to Sub-Rule 8 the Secretary shall give to all members not less than 14 days notice of a general meeting and of any motions to be moved at the general meeting.
6. A notice given under Sub-Rule 5 shall specify
  - a. when and where the general meeting is to be held; and
  - b. particulars of the business to be transacted at the general meeting concerned and of the order in which that business is to be transacted.
7. In the case of an annual general meeting, the order in which business is to be transacted is
  - a. first, the consideration of accounts and reports of the Council;
  - b. second, remits and any other business requiring consideration by the Society in a general meeting;
  - c. third, the election of the Council members to replace out-going Council members





8.
  - a. **The Secretary shall give to all members not less than 21 days notice of a general meeting at which a special resolution is to be proposed and of any other motions to be moved at that general meeting.**
  - b. **The Secretary shall circulate a copy of the financial statement to all members not less than 14 days prior to a general meeting.**
9. The Secretary may give a notice under Sub-Rule 5 or 8 by
  - a. serving it on a member personally; or
  - b. sending it by post to a member at the address of the member appearing in the register of members kept and maintained under section 22 of the Act.
10. When a notice is sent by post under Sub-Rule 9 (b), sending of the notice shall be deemed to be properly effective if the notice is sufficiently addressed and posted to the member concerned by ordinary prepaid mail.

#### **QUORUM IN PROCEEDINGS AT GENERAL MEETINGS - ARTICLE 17**

1. At a general meeting nine (9) members present in person constitute a quorum.
2. If within 30 minutes after the time specified for holding a general meeting in a notice given under Article 16 Sub-Rule 5 or 16 Sub-Rule 8 -
  - a. as a result of a request or notice referred to in Article 16 Sub-Rule 1 (c) or as a result of action taken in Article 16 Sub-Rule 3, a quorum is not present, then the general meeting lapses; or
  - b. otherwise than as a result of a request, notice or action referred to in paragraph (a), the general meeting stands adjourned to the same time on the same day in the following week and to the same venue.
3. If within 30 minutes of the time appointed by Sub-Rule 2 (b) for the resumption of an adjourned general meeting a quorum is not present, the members who are present in person or by proxy may nevertheless proceed with the business of that general meeting as if a quorum were present.
4. The President may, with the consent of a general meeting at which a quorum is present, and shall, if so directed by such a general meeting, adjourn that general meeting from time to time and from place to place.
5. There shall not be transacted at an adjourned general meeting any business other than business left unfinished or on the agenda at the time when the general meeting was adjourned.
6. When a general meeting is adjourned for a period of 30 days or more, the Secretary shall give notice under Article 16 of the adjourned general meeting as if that general meeting were a fresh general meeting.
7. At a general meeting -
  - a. an ordinary resolution put to the vote shall be decided by a majority of votes cast; and
  - b. a special resolution put to the vote shall be decided by a three-fourths majority of votes cast.
8. A declaration by the President at a general meeting that a resolution has been passed as an ordinary resolution thereat shall be evidence of that fact unless, during the general meeting at which the resolution is submitted, a poll is demanded in accordance with Sub-Rule 9.
9. At a general meeting, a poll may be demanded by the President at the general meeting or by three (3) or more members present in person or by proxy and, if so demanded, shall be taken in such a manner as the President directs.





10. If a poll is demanded and taken under Sub-Rule 9 in respect of an ordinary resolution, a declaration by the President of the result of the poll is evidence of the matter so declared.
11. A poll demanded under Sub-Rule 9 on the election of a person to preside over the general meeting or on the question of an adjournment shall be taken forthwith on the demand being made.

#### **MINUTES OF MEETINGS OF SOCIETY - ARTICLE 18**

1. The Secretary shall cause proper minutes of all proceedings of all general meetings and Council meetings to be taken and entered within 21 days after the holding of each general meeting or Council meeting, as the case requires, in a minute book kept for that purpose.
2. **a. All Council minutes will be typed and must then be firstly by approved by email by a majority of the Council members who were in attendance at that meeting. The minutes must then be signed as correct by the President of that meeting.**

**These minutes (excluding "In Committee Minutes") must then be released to all of the NZMHA membership, password protected, via the NZMHA web site within 30 days of the said meeting and a copy of these released minutes must then be distributed with the next available issue of Tynytales to the NZMHA membership.**

- b. The President shall ensure that the minutes taken of a general meeting Under Sub Rule 1 are checked and signed as correct by the President at that General meeting.
3. When minutes have been entered and signed as correct under this rule, they shall, until the contrary is proved, be evidence that
  - a. the general meeting or Council meeting to which they relate (in this Sub-Rule called " the meeting") was duly convened and held,
  - b. all procedures recorded as having taken place at the meeting did in fact take place thereat; and
  - c. all appointments or elections purporting to have been made at the meeting have been validly made.

#### **VOTING RIGHTS OF MEMBER OF SOCIETY - ARTICLE 19**

1. Subject to these rules, each regular member is entitled to present a deliberative vote at a general meeting either in person or by proxy, and in the case of election of their Regional Delegate shall be entitled to present a deliberative vote by postal ballot.
2. Deleted
3. Deleted
4. Deleted
5. Where an election or vote in terms of these Constitution and Rules is to take place by way of a postal ballot, the Registrar, who shall not be a member of Council nor be a member seeking election to Council, shall provide a list of Regular members directly to an independent returning officer, who shall be a Justice of the Peace, residing in the area of the forthcoming general meeting, and who shall not be a member of the Association or be related to a member of the Association and shall not own/lease a registered miniature horse. The votes cast shall be checked and counted by the independent Returning Officer.

The Returning Officer or if necessary his nominee, who shall also not be a member of the Association or related to a member of the Association and shall not own/lease a registered miniature horse, shall attend the General meeting and report to the members in the general meeting as to votes cast.





#### **PROXIES OF MEMBER OF SOCIETY - ARTICLE 20**

1. A member (in this rule called "the appointing member") may appoint in writing another member who is a natural person to be the proxy of the appointing member at any general meeting.
2. All proxies shall be sent to an independent returning officer, who shall be a Justice of the Peace and shall not be a member of the association or be related to a member of the association and shall not own/lease a registered miniature horse by 5 p.m. seven days prior to the meeting.

The Secretary and a minimum of one other Council member shall be responsible for validating the membership status of both the appointing member and appointed member.

#### **RULES OF THE SOCIETY - ARTICLE 21**

1. The Society may alter or rescind these rules, or make rule additional to these rules, in accordance with the procedures set out in section 21 of the Act.
2. These rules bind every member and the Society to the same extent as if every member and the Society has signed and sealed these rules and agreed to be bound by all their provisions.
3. No addition to or alteration or recession of the rules shall be approved if it affects the non-profit aims, personal benefit clause or the winding up clause. The provisions and effect of this clause shall not be removed from this document and shall be included and implied into any document replacing this document.

#### **COMMON SEAL OF THE SOCIETY - ARTICLE 22**

1. The Society shall have a common seal on which its corporate name shall appear in legible characters.
2. The common seal of the Society shall not be used without the express authority of the Council and every use shall be recorded in the minute book referred to in Article 18.
3. The affixing of the common seal of the Society shall be witnessed by any of the President, the Secretary and the Treasurer.
4. The common seal of the Society shall be kept in the custody of the Secretary or of such other person as the Council from time to time decides.

#### **INSPECTION OF RECORDS, ETC OF SOCIETY - ARTICLE 23**

A member may at any reasonable time inspect without charge the books, documents, records and securities of the Society.

#### **DISTRIBUTION OF SURPLUS PROPERTY ON WINDING UP OF THE SOCIETY - ARTICLE 24**

If, on the winding up of the Society, any property of the Society remains after satisfaction of the debts and liabilities of the Society and the costs, charges and expenses of that winding up, that property shall be distributed:

- a. to another Incorporated Society having charitable objectives similar to those of the Society; or
- b. for any other charitable purpose which incorporated Society or purpose, as the case requires, shall be determined by resolution of the members when authorising and directing the Council to prepare a distribution plan for the distribution of surplus property of the Society.

#### **REGISTRY AND STUD BOOK - ARTICLE 25**

1. Establishment: - The Council shall be responsible for the registry and stud book on the New Zealand Miniature Horse Association Incorporated, and both shall be under the supervision of the Registrar, and whom Council shall appoint, or Secretary or as dictated by the Council. The Registrar shall not at any time be a member of Council.
2. Open registry: - Subject to these rules, the registry and stud book of the New Zealand Miniature Horse Association Incorporated shall be open to miniature Horses in the following categories;





- a. Temporary Registration: for Miniature Horses aged 0 - 48 months (for horses born prior to 31 July 2001) or aged 0-60 months (for horses born after 31 July 2001)
- b. Permanent Registration: for all qualified Miniature Horses who have attained the age of 48 months (for horses born prior to 31 July 2001) or who have attained the age of 60 months (for horses born after 31 July 2001)

For the purposes of these rules, a miniature Horse is one which meets the requirements of the Society's Standard and when measured at the base of the last hair of the mane, while standing squarely on a level surface, fall within one of the following categories;

Category A: measures 34 inches or less in height

Category B: measures more than 34 inches but not more than 38 inches in height

Category C: Foundation mare Appendix; This category shall remain open for twelve (12) months from the date the registry is first opened and is solely for breeding mares not exceeding 40 inches in height. However, this category will be reopened to admit breeding mares which exceed 38 inches, but not 40 inches in height, provided that such mares were first registered with this Society under either temporary or permanent registration Category A or B during the twelve 12 calendar months this category was originally open.

\* Height Limitations: - At no time shall a Miniature Horse, apart from those foundation mares registered under category C, remain registered with the association if it's height, measured at the base of the mane while standing squarely on a level surface, exceed 38 inches.

At no time shall a foundation mare, registered under category C remain registered with the Association if it's height, measured at the base of the mane while standing squarely on a level surface, exceed 40 inches.

3. The registry of the NZMHA shall be closed. All newly registered horses shall consist only of those horses with previously registered NZMHA sires and dams, with the following exceptions:

- a. Registry Transfers

Any imported miniature horse registered with an approved closed overseas registry may transfer to the NZMHA registry upon payment of the usual fees and compliance with the usual conditions for registration as set forth in the NZMHA Constitution and Rules. "Approved closed overseas registries" shall be determined from time to time by the Council of the NZMHA and shall be published at least annually in the official publication of the Association.

- b. Hardship Registration

Any horse over the age of 24 months with one or more unknown or unregistered parents and complying with the Rule G05 - NZMHA Height Verification, shall on payment of the appropriate fee, be eligible for registration. Height verification shall be conducted by a member of Council and/or the Council's designee. The report shall be accomplished by arrangement between the owner and the inspector at the owner's expense.

The Hardship Registration Fee shall be determined by the Council but in all instances shall not be less than:

- Twenty (20) times the regular stallion fee
- Ten (10) times the regular mare fee
- and five (5) times the regular gelding fee.

In the case of stallions the normal fee for a Stallion Certificate of Soundness shall also be payable when applicable.

#### Offspring/Progeny

- (i) Only foals born as the result of the breeding after the post mark on the hardship application shall be eligible for registration under the normal registration criteria and for the regular fee;





(ii) Progeny Hardship – Any foals born outside of (i) above including any in utero foals at the time of the hardship application will be eligible for registration provided both parents are registered with NZMHA at the time of the registration application. These foals:

- must be DNA parent qualified,
- must comply with Rule G05 - NZMHA Height Verification at the time of inspection,
- must comply with any other hardship registration requirements, and
- must meet all other regular registration criteria

The Progeny Hardship Registration Fee shall be determined by the Council but in all instances shall not be less than two (2) times the regular registration fee

Thereafter horses shall, upon registration under this subsection, comply with the usual conditions set forth in the Associations Constitution and Rules.

c. Horses domiciled or in utero in New Zealand as at 31 July 1998 may be entered onto the register without hardship and penalty until 31 July 1999.

4. Temporary and Permanent registration: - Qualified miniature Horses shall be issued Temporary certificates of registration from birth until they attain the age of 48 months (for horses born prior to 31 July 2001) or 60 months (for horses born after 31 July 2001). When the Miniature Horse attains permanent status at the age of 48 months (for horses born prior to 31 July 2001) or 60 months (for horses born after 31 July 2001) and complies with all society standards, a Permanent Registration certificate will be issued. All imported horses with proof of importation shall have the word IMP and the country of origin on their New Zealand registration papers.

5. The Council shall recommend a schedule of fees to the annual general meeting, and the membership shall determine from time to time, the fees and charges for registration, issuance of certificates of registration, and the furnishing of other instruments or documents of the Society pertaining to the structure for members and non-members.

6. Non-Breeding Stock – The owner of any filly or mare, either registered or eligible for registration, may request that the registration records and certificate of registration be endorsed “Non Breeding Stock”. The Registrar will, on receipt of duly signed documentation and the appropriate fee, register the filly or mare with the endorsement or in the case of a registered filly or mare endorse the certificate of registration, but shall not, at any subsequent date knowingly register any offspring of that filly or mare whether such future request be by normal registration process or hardship provision. The wording “Non Breeding Stock” shall be boldly displayed in the Certificate of Registration.

7. Exported Horses - All exported horses shall have the suffix EXP added to their name when proof of exportation is provided to the Registrar.

#### **BRANDING AND PREFIXES - ARTICLE 26**

Miniature horses registered with the society may be branded, however all prefixes and brands must be approved by, and registered with, the Society.

#### **OFFICIAL PUBLICATION - ARTICLE 27**

1. The name of the official publication of the New Zealand Miniature Horse Association Incorporated, shall be decided by the Council.

2. The Editor of the official publication shall be selected and appointed by the Council.

3. The editorial polices and the policies of the official publication shall be set up by the Council.

4. Subscriptions and advertising rates shall be recommended by the Treasurer and the Editor, and shall be approved by the Council.







5. Subscriptions and advertising rates are to be published in every issue of Tinytales.

#### **OFFICIAL RULES AND REGULATIONS - ARTICLE 28**

1. There shall be published a rule book, which shall be entitled the "Official Rule Book of the New Zealand Miniature Horse Association Incorporated", and it shall be made available to every member at a cost to be determined by the Council from time to time, and shall be printed in the following order; a foreword; a table of contents; the Articles of Incorporation (or Constitution) together with the Society Rules and regulations; and other rules, regulations or information of the Society.
2. There shall be published a rule book, which shall be entitled the "Official Show Rule Booklet of the New Zealand Miniature Horse Association Incorporated", and it shall be made available to every member at a cost to be determined by the Council from time to time, and shall be printed in the following order; a foreword; a table of contents; and Show Rules.

#### **MINIATURE HORSE SHOWS - ARTICLE 29**

The general meeting shall set the criteria for approving and the policies and show rules for the approved Miniature Horse Shows. These shall be part of these Articles and Rules and shall be published in the "Official Rule Book of the New Zealand Miniature Horse Association Incorporated". When deemed necessary, the Council may exercise their power upon any of the rules and policies as per Article 30.

#### **Rules of the New Zealand Miniature Horse Show**

The New Zealand Miniature Horse Show shall be run under the New Zealand Miniature Horse Association Inc Show Rules.

#### **POWERS OF SOCIETY - ARTICLE 30**

1. The corporate powers of the New Zealand Miniature Horse Association Incorporated shall be those provided by law and the Articles of Incorporation and shall be administered as provided in this Article.
2. The powers of the members are as follows
  - a. the regular members at any annual general meeting provided for in Article 16 hereof, shall have exclusive powers to enact, repeal and amend the Articles of Incorporation and the Rules and Regulations; and to dissolve the Society.
  - b. the regular members at any annual general meetings or special meeting provided for in Article 16 hereof, may by resolution take any other action not inconsistent with law, with these Articles of Incorporation and these Rules.
3. The Council shall have the power and authority to make, amend, repeal and enforce such rules and regulations, not contrary to law, the Articles of Incorporation and Rules and Regulations, as they may deem expedient and necessary concerning conduct, management and activities of the Society, including but not limited to the collection of dues and fees, regulation regarding stud book, registration, the expenditures of money, the auditing of book and records, the awarding of championships, conducting of shows, contests, exhibitions, sales, social functions and other details relating to the general purposes of the society. All of the foregoing are subject to revision or amendment and approval by the members at any general or special general meeting of members.

#### **GENERAL RULES AND REGULATIONS - ARTICLE 31**

The annual general meeting shall approve general rules and regulations, which shall govern the members and the Society, on all matters not already contained in these articles and rules, but shall be published in the "Official Rule Book of the New Zealand Miniature Horse Association Incorporated". When deemed necessary, the Council shall exercise their power upon any of the above rules and regulations as per Article 30.





## FEES - ARTICLE 32

The Council shall determine the fees and charges for all items not expressly stated in these Articles and Rules.

## AMENDMENT OF CONSTITUTION AND RULES - ARTICLE 33

These Constitution and Rules may be amended at any General or Special General meeting of the Society subject to the proposed amendment having met the following criteria of proper notice and approval.

1. Requirements as to Notice:
  - i. The Secretary shall call for proposed amendments at least 90 days prior to the Annual General Meeting, ii. Notice of any proposed amendment shall be made by written remit provided such written remit is received by the Secretary at least 60 days prior to the Annual General Meeting.
  - iii. The Secretary shall provide all Council members with a copy of the remit and the Council shall review the remit in consultation with members and may, with the written consent of the Proponents amend the remit in order to give effect to its intent.
  - iv. The Secretary shall give notice of the remit in final form to all Affiliated Clubs and Members not less than 21 days prior to the Annual or Special General Meeting.
2. Requirements as to Approval:
  - i. Voting on remits shall be by way of a postal ballot.
  - ii. Ballots shall be lodged with the **Justice of the Peace** no less than 7 days prior to the Annual or Special General Meeting.

## INSURANCE - ARTICLE 34

The society shall from time to time effect and maintain such insurance as shall be deemed necessary by the Council.

## FINANCIAL YEAR - ARTICLE 35

Until otherwise determined each financial year shall commence on the first day (1st) of April of the relative year.

## METRIC EQUIVALENTS - ARTICLE 36

For the purpose of The Constitution and Rules and the General Rules and Regulations of the Society, the following metric equivalents apply:

1 inch	is equal to	2.54 centimetres
34 inches	is equal to	86.36 centimetres
38 inches	is equal to	96.52 centimetres
40 inches	is equal to	101.60 centimetres

## GENERAL RULES AND REGULATIONS

### MEMBERSHIP - RULE 1

Membership in the society shall be as stated in Article 4 of the Constitution and Rules of the New Zealand Miniature Horse Association Incorporated.

### RIGHTS OF A MEMBER - RULE 2

While in good standing, all members shall have equal rights, interest and responsibilities with respect to the society and it's property: shall obey and be bound by all Articles of incorporation, Rules regulations of the Society, and decisions or actions of the Council, shall have the right to attend any membership meeting; shall have floor privileges: and shall have the right to hold Council assignments; except as otherwise limited.





### **RIGHT TO VOTE - RULE 3**

The right to vote and hold office shall be by class of membership held:

- a. regular member - one vote, whether the regular is an individual, a partnership or a company.
- b. associate member - no voting privileges.
- c. youth member - no voting privileges.

### **RIGHTS OF NON-MEMBERS - RULE 4**

In regards to individuals who are non-members but own New Zealand Miniature Horse Association Incorporated registered Miniature Horses, file registration application and other documents which the Society, or participate in Society events, by such actions and in regard to such transactions, do thereby agree to be bound by all Rules and regulations of the Society and decisions and actions of the Council.

### **LITIGATION - OBLIGATION OF COST - RULE 5**

The Society has adopted the following provision for the mutual benefit of members and with the intention of reducing the society's litigation expenses, which expenses would ultimately be borne by members and nonmembers participating in society activities. Every member, by joining the society, or non-member, by purchasing New Zealand Miniature Horse Association Incorporated registered Miniature Horses, filing registration applications or other documents with the Society, or participating in society's approved events, does thereby agree: if unsuccessful in an attempt to overturn Society's decisions, actions, rules or regulations, to reimburse the society for it's reasonable attorney's fees, court and other expenses in defence of such suit.

### **FEES - CURRENCY - RULE 6**

All fees required by the Society shall be payable in New Zealand currency.

### **FEES - REGULATIONS - RULE 7**

For the purpose of this Society, the permanent registration fee for Stallions may be up to five times that of the permanent registration fee for Mares, in order to discourage indiscriminate retention of entires.

### **DELETED – RULE 8**

### **MEASUREMENT OF HORSES - RULE 9**

- a. For registration purposes, measurements of Miniature Horses may be performed by Registered Veterinarian or Regular Member of good standing, other than the horse's owner, lessee, vendor, breeder or other interested party, or the family of the same. The onus is on the person doing the measuring to ensure that it is done with the utmost care and honesty.
- b. Where the Council is satisfied that compliance with Rule 9 Sub-Rule a. would be unreasonably difficult, it may, without prejudice, accept other reliable documentation as evidence of height and instruct the registrar to issue the appropriate certificate.
- c. The name, address and signature of the measurer must be provided to the Registrar with all applications calling for height measurement, and these details may also be recorded on the registration certificates of the horse concerned, for all to witness.

### **MEASUREMENT PROCEDURE - RULE 10**

The correct procedure for height verification is to measure the vertical distance from the base of the last true hair of the mane, to the ground with the front two legs vertical and in line with or parallel to the measuring device, and the back of the hocks in a vertical line with the horse's buttocks. The horse's head and neck should be in a natural position and the animal must stand squarely on all four feet. After initial measurement, horses may not return more than one (1) time to be re-measured for the same occasion for which they were initially measured.





### **VIOLATIONS - REFUSAL TO ASSIST - RULE 11**

No person shall refuse, on reasonable request, to assist the Society, its officers, Council, or agents, in locating, identifying, and inspecting, or to answer promptly and truthfully any inquiry concerning a horse or an ancestor thereof, in his or her ownership or control, which has been registered, or for which application to register has been made.

### **VIOLATIONS - NEW ZEALAND MINIATURE HORSE ASSOCIATION INCORPORATED PROPERTY - RULE 12**

Ownership of an issued New Zealand Miniature Horse Association Incorporated registration certificate remains with the Society; certificate is issued in reliance of a written application submitted and attested by the owner and upon expressed condition that the Society has the privilege to correct and/or cancel the certificate for cause under its Rules and Regulations.

### **VIOLATIONS - REFUSAL TO RETURN NEW ZEALAND MINIATURE HORSE ASSOCIATION INCORPORATED PROPERTY - RULE 13**

No person shall refuse a Society request for the return of a registration certificate, either before, or after, or pending hearing to determine registration or participation privilege in Society's approved events. The Society may retain possession of a certificate until resolution of the matter for which the return of the certificate was requested

### **DISRESPECT OF PERSON - RULE 14**

In the furtherance of their official duties all Society representatives shall be treated with courtesy, cooperation, and respect, and no person shall direct abusive or threatening conduct towards them. All members must treat each other with respect. No intimidation, abuse or threatening conduct shall be accepted by any member at any NZMHA sanctioned activity.

### **NON-PAYMENT OF OBLIGATIONS - RULE 15**

Any member may be suspended and denied privileges of the Society and any non-member may be denied privileges of the Society by the President for failure to pay when due any obligations owing to the Society; provided that fifteen (15) days before action by the President, written notice of the accounts due and the intention to suspend or withhold privileges of the Society shall be mailed to such member or non-member. Any suspension or denial of privileges under this section shall terminate upon full payment of the obligation due to the Society.

### **INTENT TO VIOLATE - RULE 16**

A member or non-member shall not conspire with another person(s) to intentionally violate the Rules and Regulations of the Society, or to knowingly contribute or cooperate with another person (s), either by affirmative action or inaction, to violate the Rules and Regulations of the Society.

Violations of this rule shall subject such member or non-member to disciplinary action, whether or not such person has actually signed reports filed with the Society asserted to be true or correct.

1. Influencing an Official - It shall be illegal to influence a horse show judge by reason of favours, coercion, or monetary gain.
2. Intent to Malign - No person shall engage in any act adversely affecting the purpose, objectives or good name of the New Zealand Miniature Horse Association Incorporated

### **FRAUDULENT PRACTICES - RULE 17**

1. False Endorsements - No person shall represent, by advertisement, claim, or otherwise, that a horse has earned or is entitled to any official Society designation, honours, or titles, prior to actual recording of such designations, honour, or title in the records of the Society.
2. False Representation - No person shall represent any horse owned or managed by him or her to be registered with the Society unless the same is registered in the official records of the Society; and no





person shall represent as a Miniature Horse any Horse other than those horses which meet New Zealand Miniature Horse Association Incorporated's established definition of a Miniature Horse and for which a certificate of registration was issued.

3. False Statements - All information furnished the Society as a basis for action by the Society or any of its officers with respect to any horse, must be true and correct.
4. False Certificates - No person, firm, or corporation shall issue, sell, exchange., give away, or receive, or offer to do any thereof, any false or fraudulent official certificate issued by the Society.
5. False Identification - No person firm, or corporation shall issue, sell, exchange, give away, or receive any registration certificates of the Society without the transfer of the same and correct horse.
6. Name of Horse - No person shall advertise, or enter in any horse event or competition, any horse registered with the Society by any other name than its complete registered name.
7. Ringers and Look-Alikes - No person shall represent as a registered Miniature Horse, any horse other than the horse for which the New Zealand Miniature Horse Association Incorporated certificate was issued.
8. Alteration of Certificate - No change in or alteration of a certificate of registration or identification required by the Society shall be made except by the Society upon proper evidence of the necessity for such change or alteration, by reason of change in colour or markings; change in height; mistake or the like; nor shall any person display or advertise or have in his or her possession any such certificate that has been changed or altered otherwise than by the Society or on its authority.
9. Alteration of Marking - No person shall alter, in any way change, or attempt to hide the natural markings of a horse by surgery, dye, or any other manner.
10. Cosmetic Surgery - Any surgical procedure, other than gelding, which could affect the horse's performance or alter its natural conformation or appearance is prohibited, except for those surgical procedures performed by a duly licensed veterinarian for the sole purpose of protecting the health of the horse.

#### **INVESTIGATION AND DISCIPLINE - RULE 18**

The Council may investigate circumstances involving possible violation of the Rules or Regulations. After investigation, the Council will decide whether possible violations can satisfactorily resolved by agreement for corrective action with the person involved, or whether notice will be issued to that person as in Article 9 of the Constitution and Rules, and dealings will proceed as laid down in Article 9. After investigation , and the laying down of a notice to the person concerned, the Council may also suspend that person's use of the society's privileges pending an appeal or hearing and decision by the Council, if they find that such suspension is necessary for the protection of third parties or of the Society's purposes and good name. Notice of such suspension will be mailed to the person charged.

#### **PENALTIES - RULE 19**

Any member may be suspended or expelled from the Society and any member or non-member may be denied any and all privileges of the Society by the Council whenever it is established by satisfactory evidence that such member or non-member has violated any pertinent rule, regulation or policy of the Society.

1. On or after such time as any person has been suspended, expelled or denied Society privileges, in addition to other provisions of these rules or policies of the Society, the following restrictions may apply:
  - a. Participation, Accredited Privileges - Such persons shall not participate in any New Zealand Miniature Horse Association Incorporated approved events, shows, or functions, nor shall such person be eligible to hold any other Society accreditation.
  - b. Registration and Transfer Privileges - No horse shall be registered which is either sired by a stallion or out of a mare owned by such person or owned by any member of the same household during the





suspension period or after expulsion from the New Zealand Miniature Horse Association Incorporated when the breeding date is on or subsequent to the date of the disciplinary action. All records of breeding for twelve (12) months prior to the disciplinary action, under this rule, shall be submitted on proper written and signed forms, within fifteen (15) days after notice of disciplinary action.

- c. Horse's Eligibility to Participate in Shows - No horse which is recorded in the name of such person or spouse, or any member of the same household, is eligible to participate in any event approved or recognised by the Society, such as shows and sales.
  - d. Personal Signature Recognition - The Society shall not accept the signature of such person, nor his/her spouse, nor the signatures of any member of the same his/her household on registration applications, breeding certificates, or stallion breeding reports evidencing breeding on or after the date of such disciplinary action.
    - (i) Such signatures will be honoured on transfers and bills of sale for the purpose of allowing such disciplined person or his/her spouse to transfer horses recorded in his her ownership at the time of such disciplinary action.
    - (ii) Written leases filed with the Society prior to the time of disciplinary action shall remain valid and the signature of the lessee shall be accepted during the term of lease, but no renewal thereof.
2. Agents and Employees - if any person acting as agent for the owner of a horse or any person having horses owned by another in his or her care, custody or control, is found to have violated these rules and regulations, the Council may proceed against that person as provided for in these rules. in addition, the Council may direct the Society to refuse acceptance of any registration, or transfer of certificates of registration, or breeder certificates, or all three, for horses which are in such person's care, custody or control.
  3. Further Action - During period of expulsion, suspension, or denial of Society's privileges, failure to comply with these regulations and any other expressed conditions or restrictions of said disciplinary action, may constitute grounds for further disciplinary action.
  4. Publication - When a member is disciplined, suspended, or expelled, or a non member is denied membership privileges, notice of imposition of any penalties of any person, other than by private censure, including the duration of the action taken will be published in the official publication of the Society.
  5. Restoration of Privileges - The Council may restore privileges, including membership, to any person who has been denied privileges pursuant to this rule, upon application and satisfactory showing by such person that restoration of privileges is warranted.
  6. Notices - Any and all notices required or permitted under these rules and regulations will be deemed given on the date such notice is mailed to a person's last known address according to the Society' records.

## RECORDS - RULE 20

1. Individual Personal requirements - Any person subject to these rules and regulations may be required to supply such information and documents as the Society may determine to be necessary with respect to the registration of horses or the transfer of registration certificates.
  - a. Record keeping - Complete and accurate records of breeding (hand and pasture breeding), foaling, etc, must be kept in permanent form by the owner of horses and these records must be available to the Society as be determined necessary with respect to the registration or the transfer of registration certificates.
  - b. Failure to keep or show Records - If the Society determines that no systematic and satisfactory plan for keeping records is in use, or if no records are made available upon Society's written request for compliance, the Society may, for up to forty-five (45) days, temporarily refuse registration or transfer of registration certificates from such owner until the records are complete. if during that forty-five day period the owner fails to demonstrate compliance with the Society's request to provide the office with such paper-work or for keeping and maintaining a systematic and satisfactory set of records, the Society may proceed against the owner under the rules of Disciplinary procedure.





2. Annual Reports -

- a. Stallion breeding reports shall be submitted to the New Zealand Miniature Horse Association Incorporated office by July 31 of each year. If a breeding stallion dies during any current breeding year, his stallion report is due within thirty (30) days following his death.
- b. Annual Horse Returns shall be submitted to the New Zealand Miniature Horse Association Incorporated office by July 31 of each year, by all members, showing all horses owned and leased by them at the time.

3. Service / Breeders Certificates -

A Service / Breeders certificate signed by the owner of the stallion and the owner of the mare at the time of service must be submitted with the application for registration of a foal. The certificate shall certify the date or dates upon which the service occurred. The certificate shall be presented unaltered. No certificate is required where the applicant is the owner of both the mare and stallion at time of service.

4. Right to Refuse, Deny, or Cancel Registrations - The Society shall only accept Miniature Horses that qualify for registration, and deny request for registration, transfer, or cancel such paperwork under rules and regulation of the Society. Should the Society take any action, the Society will notify the person(s) involved or the applicant in writing, who may then request a hearing to determine the validity of action taken.

- a. Request for hearing - The request must; be in writing; state all grounds and reasons upon which applicant relies for determining valid registration, and be received by the Society within thirty (30) days after receipt of the notice of denial or cancellation.
- b. Burden of proof - if a request for a hearing is received in accordance with this rule, a hearing will be held as provided in the Constitution and Rules on hearings and appeals. In all disciplinary matters the burden of proof lies with the charged person. The applicant or person (s) seeking registration or to retain or change status of registration of a horse will have burden of proving the horse qualifies for registration in the New Zealand Miniature Horse Association Incorporated. In all proceeding concerned with or affecting the registration and records of the Society, the burden of resolving any doubt as to the true parentage or identification of a horse shall be upon the applicant, owner, lessee, or other member (s) involved. If no request for a hearing is received within the required time period the decision of the Society stands as final.

5. Procedures for Denial or Cancellation of Registration - The Society may propose to deny or cancel the registration of a horse if it finds that there are reasonable grounds to believe: a. That the horse does not meet the requirements for registration; or

- b. That the horse identified as the subject of registration is not the same horse the certificate is issued to or requested for; or
- c. That any information on the applicant or registration certificate is determined to be false or incorrect. The Society will advise the recorded owner in writing of any proposal to deny or cancel the registration and the reason supporting this proposal. The recorded owner shall have thirty (30) days to provide the New Zealand Miniature Horse Association Incorporated register Office with information preventing denial or cancellation. If such information does not resolve the difficulty the decision of the Registrar stands, and the recorded owner may then request a hearing or appeal as per the rules and regulations.

6. Publication - Notice of any cancellation of certificates of registration will be published in the official publication.

**QUALIFICATION AS A MINIATURE HORSE - RULE 21**

1. A Miniature Horse for the purpose of these rules and for registration purposes with the New Zealand Miniature Horse Association Incorporated is a horse which measured in the manner laid down in Rule 10, and which conforms to the Standard of Excellence for the breed, as put forward by the New Zealand Miniature Horse Association Incorporated, (see Standard of Excellence), falls within one of the categories set out in Article 25 of the Constitution and Rules. A horse may be refused registration or disqualified for any of the following -





- a. Height in excess of a category set out in Article 25 of the Constitution and Rules
  - b. Dwarfism
  - c. Overshot (lower jaw) or monkey mouth (3 mm maximum allowable)
  - d. Undershot (lower jaw) or parrot mouth (3 mm maximum allowable)
  - e. Monorchids or crytorchids in stallions
  - f. Lockstifle, congenital cataract, nasal disease, navicular disease, or malformation of the genitals;
  - g. Any other determinable genetic fault.
2. Eligibility for Registration - As per Article 25 of the Constitution and Rules:
- For Horses born prior to 31 July 2001
- a. Temporary Registration or foal recording is available for qualified Miniature Horses from birth to the actual age of 48 months. However, once a stallion has attained the age of 48 months an approved Certificate of Soundness as per the Society form, will be required, except where a stallion is to be used for stud purposes prior to the actual age of 48 months, then an approved Certificate of Soundness will also be required. Failure to produce such certificate will result in the refusal or cancellation of registration.
  - b. Permanent Registration is available for a qualified Miniature Horse once it has attained the actual age of 48 months. Stallion registration requires an approved Certificate of Soundness as per the Society form.
- For Horses born after 31 July 2001
- c. Temporary Registration or foal recording is available for qualified Miniature Horses from birth to the actual age of 60 months. However, once a stallion has attained the age of 60 months an approved Certificate of Soundness as per the Society form, will be required, except where a stallion is to be used for stud purposes prior to the actual age of 60 months, then an approved Certificate of Soundness will also be required. Failure to produce such certificate will result in the refusal or cancellation of registration.
  - d. Permanent Registration is available for a qualified Miniature Horse once it has attained the actual age of 60 months. Stallion registration requires an approved Certificate of Soundness as per the Society form.

Definition: A "qualified" Miniature Horse is one which meets the requirements of Rule 21 paragraph (1)

#### **REGISTRATION PROCEDURE - RULE 22**

Applicants must complete, sign and submit proper New Zealand Miniature Horse Association Incorporated registration application forms, with photographs of the horse taken in such manner as required on the form, to the registrar of the New Zealand Miniature Horse Association Incorporated.

1. Responsibility - The owner of the dam at the time of foaling is responsible for the registration of the foal. If a foal is to be listed in another party's name than the owner of the dam at the time of foaling, then a transfer report and fee is required.
2. Naming of the Horse - The owner of the dam at the time of foaling has the right to name the offspring. The name of the horse can not be a duplication of any other name recorded on the records of the registry, and must be distinguished by a prefix or suffix which has not been used by another farm, breeder.
3. Stud Prefixes - Prefixes and suffixes must be reserved and registered by request and the payment of required fee to the Society. Foals may not be registered by a breeder until that breeder has registered a prefix or suffix with the New Zealand Miniature Horse Association Incorporated.
4. Alteration - Names of horses may not be changed after registration.
5. Breeder - The owner of the dam at the time of foaling shall be listed as the breeder for all records except for all horses born after 31 July 1999, the owner or lessee of the dam at the time of service shall be listed as the breeder for all records.







6. Temporary registration - Any horse registered temporarily shall be eligible for permanent status within six (6) months after becoming eligible. If not brought permanent, temporary papers will be revoked.
7. Term of Temporary Registration - Temporary certificate shall contain the following phrase:  
"This certificate is valid until..... (date) unless horse exceeds height restrictions as stated in Article 25 of the Constitution and Rules."  
Registration will be revoked six months after said date if application is not made for permanent status.
8. Reinstatement - Revoked registration papers may be reinstated provided the horse falls within a category as stated in Article 25 of the Constitution and Rules paying two times the normal cost of applying for permanent status as per the fee schedule.
9. Foals of Temporary Registered Parents -
  - a. No foal shall be accepted into the registry while either parents papers have been revoked.
  - b. No foal may be registered if either parent is eligible for permanent registration until such time as the eligible parent/s is permanently registered.
  - c. The height of the temporary registered sire and/or dam is required on the foal's certificate along with the word "temporary".
  - d. If the height of the temporary registered sire or dam exceeds any category stated under Article 25 of the Constitution and Rules, no further foals will be allowed to be registered to them. Foals previously registered shall not be affected.
10. Registration Numbers - The Society will issue registration numbers in consecutive order, based upon the order in which applications are processed by the Society.
11. From 1 August 1999 no foal may be registered until it's dam has reached the actual age of thirty six (36) months
12. Joint and common ownership: where any certificate or document is required to be signed in terms of these rules and the ownership of the subject horse is recorded as joint or common between two or more persons, the following shall apply:
  - a. Where ownership is recorded as being common with the word "and" interposed between the names of the owners, the signatures of all recorded owners shall be required for all purposes;
  - b. Where ownership is recorded as joint with "or" interposed between the names of the owners, the signatures of all owners shall be required for the purposes of application for registration, transfer of ownership and notice of lease unless a letter signed by all owners is provided to the Registrar advising that the signature of any one authorised representative of the joint owners is all that is required. In any other case, the signature of any one authorised representative of the joint owners shall be required;
  - c. Where joint owners do not specify that ownership is common by interposing the word "and" between the names of the owners, it shall be deemed that ownership is joint and paragraph (b) above shall apply.

### **CERTIFICATES - RULE 23**

The Society shall issue a Certificate of Registration based upon information submitted on proper form attesting to the qualification for registration.

1. Transfer without Signature of Recorded Owner - Whenever legal title to a registered horse passes to another by reason of death of the recorded owner, by reason of foreclosure of any liens, or by any order or decree of the court, or otherwise by operation of law, the Society may transfer the registration of such horse to the new owner upon:
  - a. Order of a court of jurisdiction or other satisfactory proof of authority for a transfer.
  - b. Payment of the transfer fee and any reasonable cost and expenses of investigation; and
  - c. Satisfaction of such other requirements as may be adopted by the Society.
2. General Transfers of Ownership - all registrations of transfer of ownership of registered Miniature Horses, shall be duly recorded on the correct Society transfer form, and forwarded, together with the prescribed





fee, to the Society within sixty (60) days of the transfer taking place. Failure to comply within this time, will cause additional fee to be charged.

3. Sale without certificate of registration - if a registered horse is sold without the certificate of registration, the certificate must be surrendered by the recorded owner to the Society for cancellation.
4. Duplicate Certificates - To obtain a duplicate certificate of registration, the recorded owner must file with the Society a completed affidavit satisfactorily explaining the loss of the original certificate, and pay the duplication fee. Upon approval by the Society, a duplicate certificate, so marked, will be issued to the recorded owner.
5. Replacement certificates - To obtain a replacement for a certificate which has been torn, mutilated, soiled or otherwise defaced, but which is identifiable, the recorded owner must submit the original certificate to the Society for identification and pay the replacement certificate fee.
6. Certificate Corrections - A recorded owner may request a change in the horse's height, markings, or colour as shown on the certificate by submitting the certificate of registration to the Society along with a signed affidavit of height or statements attesting to the corrections or changes, and submit such additional information as may be required by the Society. There shall be no charge for an amended or corrected certificate.
7. After a colt or stallion has been gelded, the certificate of registration must be submitted to the Society by the recorded owner, together with notification of the procedure. A new certificate will be issued at no charge.
8. Cancellation upon death of a Horse - Upon the death of a registered horse, it's certificate of registration and a statement signed by the recorded owner showing the date of death must be submitted to the Society for recording. Upon request the Society will mark the cancellation on the back of the certificate and return it to the recorded owner.
9. New pictures required - Under all sections of Rule 24, new photographs may be required.

#### **LEASES - RULE 24**

For a lease of a horse to be recorded by the Society, whether for breeding or showing purposes, written notice of it's existence shall be filed with the New Zealand Miniature Horse Association Incorporated Office, signed by both lessor (or authorised agent) and lessee (or authorised agent) along with the fee outlined in the fee schedule.

The notice shall provide the effective date of the lease, the name and registration number of the horse, and may provide a termination date, otherwise it may be terminated by written notice, giving a termination date, signed by both lessor and lessee; or by a properly executed transfer report which shows a change of ownership from lessor to lessee and which is signed by the lessor. No additional fee shall be charged for termination, whether automatic or by subsequent notice thereof.

1. Recognition - New Zealand Miniature Horse Association Incorporated will recognise only one lease per horse.
2. Recordation - In regard to Society procedures, recordation of notice of lease, authorises a lessee to execute all documents pertaining to the recognised activities of breeding and showing regardless of any limitation in the actual lease agreement. Enforcement against the lessee of limitation on use of the horse is solely the responsibility of the lessor.
3. Transfer of Ownership - During the effective term of the lease the New Zealand Miniature Horse Association Incorporated, will not record subsequent changes of ownership until the lease is terminated; and only the lessee (or authorised agent) is authorised to sign breeder's certificate, stallion breeding report or registration application pertaining to the leased horse.





### **BREEDING REQUIREMENTS - RULE 25**

1. Forty-two Day Rule - After a mare has been exposed or bred, either hand or pasture breeding, to one stallion, at least forty-two (42) days must elapse before exposing the mare to a different stallion.
2. Pasture Breeding - Only one colt or stallion over the age of six months may be run with a mare or group of mares in a pasture, and they must be enclosed by permanent fencing maintained in such a manner that no other stallion can cover a mare.

### **AMENDMENTS - RULE 26**

These rules and regulations may be repealed, amended, or new rules and regulations enacted, without notice, by regular members, at any general meeting or special meeting, with the approval of the Council.

### **SOCIETY NOT LIABLE - RULE 27**

The Society, its Council and other Officers, employees, representatives and agents, will attempt to obtain true and complete information relating to the registration, appeals, hearings, and all other business pertaining to Society's activities and business. Except for proven intentional wrong doings, neither the Society or any of the above will be liable in any way, whether in damages or otherwise, for the issuance of any certificate of registration, for the refusal to issue a certificate, for the issuance of any pedigree statements, for the refusal to transfer any certificates of registration, for any disciplinary proceedings brought against or penalties imposed on any member or non-member by or on behalf of the Society.

### **HARDSHIP - RULE 28**

Where compliance with any single Rule or Regulation is deemed to be unduly difficult, application may be made to the Council for a Discretionary Alternative. Until an Approved Discretionary Alternative is given, each member must abide by all general Rules and Regulations as defined.

### **REGISTERED OFFICE - RULE 29**

The address of the Registered Office of the Society shall be that of the current Secretary.

### **NOTIFICATION OF SHOWS – RULE 30**

1. Regional Delegates shall notify members, in their region, of all NZMHA Shows, Hi Point and Gelding Incentive shows within their region.
2. Notification shall be made in writing or by electronic mail in no less than 14 days of the final day of entry for the show.
3. Written notification can be in the form of a list or the show schedule.
4. In the absence of a Regional Delegate notification shall be carried out by a Council Member.

### **NOTIFICATION OF MEASURING DAYS – RULE 31**

1. Regional Delegates shall notify members, in their region, of official measuring days within their region.
2. Members shall be notified in writing in no less than 7 days prior to the measuring day.
3. In the absence of a Regional Delegate notification shall be carried out by a Council member.

