



**KENNEL UNION OF SOUTHERN AFRICA  
DISCIPLINARY RULES (1989)**



**(Updated)**

**SCHEDULE 1**

1. These Rules shall be read in conjunction with Article 33 of the Constitution of the Kennel Union and Championship Show Regulations, Regulations 31, 37 and 38 (Schedule 3) together with the Code of Ethics (Schedule 9).
2. **FOUNDATION FOR COMPLAINT**
  - 2.1 A complaint may be founded upon or made in respect of :
    - 2.1.1 Any act or conduct relating to a dog; or any matter connected with, arising out of, or relating to the breeding, registration, recording, transfer of ownership, exhibition and judging of dogs; or to any matter connected with, arising out of, or relating to any Affiliated Club, or to the Constitution of the Kennel Union, these Rules or any Regulations; which is improper, disgraceful or discreditable conduct, or prejudicial or injurious to the interests of canine affairs or to persons concerned or connected therewith; or
    - 2.1.2 any person who, having made application to the Kennel Union for registration or recording of a dog has:
      - 2.1.2.1 acted fraudulently or dishonestly in connection with the purchase or sale of such dog; or
      - 2.1.2.2 acted dishonestly or deceitfully in connection with such dog or its pedigree; or
      - 2.1.2.3 knowingly falsified any information supplied for the purposes of such dog; or
    - 2.1.3 any suspension, disqualification, alternative penalty or blacklisting imposed upon a person by any Canine Governing Body with which a reciprocal agreement with the Kennel Union is in force; or
    - 2.1.4 any person having been convicted in a Court of Law of dishonesty, fraud, neglect or cruelty in respect of dogs or other animals or having been convicted in a Court of Law under any of the provisions of Regulation 2 of the Code of Ethics (Schedule 9); or
    - 2.1.5 any dishonourable or disgraceful conduct imputed to or alleged against a member of the Kennel Union or a member of an Affiliated Club; or
    - 2.1.6 any default or omission relating to any matter connected with the registration, recording, transfer of ownership, breeding, entry for a Show, exhibition and judging of dogs or to any Affiliated Club, the Constitution of the Kennel Union, these Rules or any Regulations.
3. Any complaint made under Rule 2 may be made by the Secretary, or by the representative of any Affiliated Club on behalf of the Committee thereof, or by an individual who is not under suspension or disqualified by the Federal Council or the Disciplinary Sub-Committee.
  - 3.1 In the case of a complaint made by the representative of an Affiliated Club or by an individual, a deposit in terms of Subscriptions & Fees (Schedule 7) shall be remitted to the Secretary with the papers.
4. Every complaint made under Rule 2 shall be reduced to writing and when not made by the Secretary or by his duly appointed deputy, it shall be addressed to the Secretary and shall set forth full particulars of the act, conduct, default or omission alleged against the Club or person (hereinafter referred to as the Defendant) and shall be supported by all such statements and affidavits as the Complainant relies upon.
  - 4.1 Any complaint, together with accompanying documents so received, shall be referred to a sub-committee of inquiry consisting of the Secretary and Legal advisor for consideration.
  - 4.2 After consideration of the complaint and after conducting such further investigation, as it deems

necessary, the sub-committee of inquiry shall decide whether or not, in its view, the evidence furnished in support of the complaint *prima facie* discloses a breach of any of the provisions of Rule 2 hereof.

- 4.3 Should the decision on inquiry confirm that, in its opinion, such *prima facie* evidence exists, the Secretary shall arrange to have the case heard by the Disciplinary Sub-Committee and shall proceed as provided in terms of Rule 5 hereof.
5. The Secretary or his duly appointed deputy, shall send to the Defendant by registered post a copy of the complaint and he shall :
  - 5.1 request the Defendant to file, within twenty-one (21) days, (excluding the time taken by the ordinary post) a written explanation thereto, (supported by all such statements and affidavits as the Defendant relies upon) but warning the Defendant that such explanation may be used in evidence against him;
  - 5.2 request the Defendant to state whether he wishes to be represented by a legal practitioner or attend personally to defend the complaint or remain *in absentia* when the complaint is considered;
  - 5.3 notify the Defendant of the date, time and venue of meeting of the Disciplinary Sub-Committee or any other Committee convened to consider the complaint.
  - 5.4 Throughout these Rules every reference to the Disciplinary Sub-Committee shall include a special Committee established under Article 19 of the Constitution of the Kennel Union.
6. Notwithstanding the provisions of Rules 4 and 5, the Secretary shall be empowered to call for and obtain statements, affidavits and any other evidence from persons or bodies who may have information relevant to the consideration of any complaint.
7. At the date, time and place appointed for the meeting of the Disciplinary Sub-Committee to consider any complaint, the complainant and his legal representative and the Defendant and his legal representative shall be entitled to be present but in the event of the Defendant failing to comply with any of the requests made in terms of Rule 5, the Disciplinary Sub-Committee shall be empowered to enquire into the complaint and to adjudicate thereon, whether or not the Defendant has filed a written explanation, or is in attendance or is represented.
  - 7.1 The Disciplinary Sub-Committee shall consider the complaint laid before it on the papers and may record unsworn evidence *viva voce* from such parties thereto who may be present, and at the conclusion thereof it shall be by notice given to the Secretary or his duly appointed deputy, to record its decision in writing, including the imposition of any penalty.
8. If a complaint brought under the provisions of Sub-Rules 2.1, 2.2, 2.3, 2.4 or 2.5 is proved to the satisfaction of the Disciplinary Sub-Committee, it shall have the power to impose any or all of the following penalties :
  - 8.1 Expulsion from membership of the Kennel Union and any Affiliated Club;
  - 8.2 Suspension from taking part in or having any connection with or attending any Show, Obedience Classes, Working Trial or Field Trial or other event held under a Kennel Union licence or from acting as an officer of any Club;
  - 8.3 Disqualification from registration, recording, transfer, exhibition or competition of all dogs owned by him or registered or recorded in his name, or owned and registered or recorded by him jointly with another or others, or owned and registered or recorded in the name of a nominee, or the progeny of any dogs owned by him or owned or registered or recorded by him jointly with another or others, or owned or registered or recorded in the name of a nominee;
  - 8.4 Removal from any Kennel Union Register of Record, withdrawal of any Certificates or award to any dog registered or recorded by virtue of misrepresentation or false information supplied.
  - 8.5 Disqualification from judging at or taking part in the management of a Show, Obedience Classes, Working Trial or Field Trial or other event held under a Kennel Union licence;

- 8.6 Imposition of a fine payable at such time and, in the event of non-payment, subject to such alternative penalties, as the Federal Council may determine;
  - 8.7 Reprimand and warning;
  - 8.8 Any suspension or disqualification imposed under this Rule may be for life or such shorter period as the Disciplinary Sub-Committee shall order.
  - 8.9 In the event of any of the above penalties being imposed, the Disciplinary Sub-Committee may, at its discretion, and taking into account the particular facts and circumstances of the matter, suspend the penalty on such terms and conditions as it deems fit.
9. If a complaint brought under the provisions of Sub-Rule 2.6 is proved to the satisfaction of the Disciplinary Sub-Committee, it shall have power to impose any or all of the following penalties;
- 9.1 Imposition of a fine payable at such time and, in the event of non-payment, subject to such alternative penalties as the Federal Council may determine;
  - 9.2 Reprimand and warning;
  - 9.3 If the Defendant makes default in payment of any fine imposed, he shall, so long as such default continues, be liable to suspension as provided in Rule 8.2.
10. Whenever, upon the hearing of any complaint brought under the provisions of Sub-Rules 2.1, 2.2, 2.3, 2.4 or 2.5 the Disciplinary Sub-Committee is not satisfied that the complaint is proved, but is satisfied that a default or omission as defined in Sub-Rule 2.6 has been proved, it may decide accordingly and impose any or all of the penalties set out in Rules 9.1, 9.2 and 9.3.
11. In the event of the Federal Council having delegated power to a Provincial Councilor to a Committee other than the Disciplinary Sub-Committee, to enquire into and deal with a Complaint, all the provisions of Rules 7, 8, 9 and 10 shall apply *mutatis mutandis*.
12. The Secretary shall notify the Complainant and Defendant and, where applicable their respective legal advisors, by registered post of the written decision and details of any penalty imposed which shall also be transmitted to the Federal Council without delay.
- 12.1 Any Defendant who may be aggrieved by such decision or by any penalty imposed may lodge a notice of appeal to the Federal Council within twenty-one (21) days of receiving notification thereof. The Appellant shall specify in his notice all the grounds of appeal and shall state clearly and specifically all the material allegations and contentions upon which he relies.
  - 12.2 After the expiry of twenty-one (21) days as prescribed in Rule 12.1, and only if a notice of appeal has been lodged, the Appeals Committee of the Federal Council shall consider the written decision and any penalty imposed, together with any notice of appeal which may have been lodged and shall be empowered to confirm, quash or vary the decision and penalty, reserving to itself the power exercisable at any subsequent time to remove or modify any suspension or disqualification.
  - 12.3 Whenever a Appeals Committee acts in terms of Rule 12.2 no person who was a member of the Disciplinary Sub-Committee responsible for the written decision and penalty shall take part in the Appeals Committee deliberations.
13. The Appeals Committee of the Federal Council's decision as to what constitutes improper, disgraceful or discreditable conduct, or conduct prejudicial or injurious to the interests of canine affairs or to persons concerned or connected therewith, or dishonourable or disgraceful conduct, shall be final and not subject to further appeal.
14. In consequence of any complaint made under any of the provisions of Rule 2, the Appeals Committee of the Federal Council shall be empowered to publish in the Official Kennel Union Journal full details

thereof, including the name and address of the Defendant, details of the complaint made, the Disciplinary Sub-Committee's decision and the Federal Council's decision.

- 14.1 The Appeals Committee of the Federal Council shall be empowered to publish in the official Kennel Union Journal separate lists of persons suspended or disqualified and it shall have power to extend publication of such lists by circulating them to Affiliated Clubs, Canine Control bodies in reciprocity with or recognised by the Kennel Union and such persons as it shall deem fit.
15. The complaint deposit lodged in terms of Rule 3.1 shall, at the discretion of the Executive Committee, be refunded. In the event of the complaint deposit not being refunded, it shall be retained by the Kennel Union.

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