

**BOARD NOTICE 169 OF 2010****RULES INCLUDING ALL THE ADDITIONS AND AMENDMENTS FROM BOARD NOTICE 16 OF 1995 UP TO THE DATE OF THIS GOVERNMENT GAZETTE**

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**NATIONAL COUNCIL OF SOCIETIES FOR THE PREVENTION OF CRUELTY TO ANIMALS IN TERMS OF SECTION 7 OF THE SOCIETIES FOR THE PREVENTION OF CRUELTY TO ANIMALS ACT 169 OF 1993 ("THE ACT")****RULES IN TERMS OF THE ACT****1. RULES FOR CLARIFICATION**

*These rules are to promote the understanding of other rules.*

**1.1** In these Rules unless the context otherwise indicates words and phrases defined in section 1 of the ACT will have the meanings assigned to them in the Act.

**1.2** Reference to the Operations Manual in these Rules shall be a reference to the Operations Manual as laid down by the Council from time to time.

**1.3** For the purpose of these Rules the Governing Body of a Society will mean and include any committee, subcommittee, Board of directors, or other group of people or any individual person, howsoever called, which wholly or partly makes policy decisions for a Society.

**1.4** The Statement of Policy as laid down in the Operations Manual published by the Council from time to time and which has been approved by general meeting for all purposes forms part of these Rules.

**2. RULES TO PROMOTE UNIFORMITY AND RECOGNITION**

*These rules are to promote public recognition of the organisation, protect its reputation and promote easy access.*

**2.1** A Society shall publish its name, telephone numbers including emergency telephone numbers and its physical address in the telephone directory serving its area of operation. Outside of office hours the emergency number must be recorded on the main telephone number. The emergency number must also be displayed on the notice board at the gate of the Society.

**2.2** A Society shall appoint a suitably competent and responsible person who can be readily contacted by members of the public.

**2.3** A Society shall only use printed stationery, which bears the name and logo approved by the Council and stating that it is a Society registered as a Member of the Council in terms of the Act.

**2.4** A Society shall ensure that its qualified inspectors shall wear uniforms, badges and insignia as previously approved by the Council. This may only be worn once the trainee has completed his/her assignment and has passed the AWA requirements for euthanasia.

**2.5** A Society shall adopt the Statement of Policy as its own manifesto and will strictly adhere to and advance the commitments therein contained. Any employee, member of the governing body, or member of the Society, who fails to adhere to this policy shall not be permitted to continue as an employee, member of the governing body, or member of the Society.

**2.6** No Society, its employees, members of the Governing Body or other members shall make any statement or do anything, whether intentionally or negligently, that will or is likely to have the effect of undermining or frustrating the aims, objects or policies of the Council.

**2.7** A Society shall be established and governed by a memorandum, articles of association, constitution or other founding document according to the Non-Profit Organisation Act and requiring a minimum of five members. No member of the governing body or staff of a Society shall be a member, agent, employee, official or representative of another animal welfare organisation, body or committee, interim, temporary or otherwise, or an organisation, body or committee, interim, temporary or otherwise, whose principles, aims, objectives, or general policy do not accord with those of the NSPCA and/or which has a function which may affect or have an impact upon the welfare of animals, unless previously approved in writing by the Board, which approval shall not be unreasonably withheld.

**2.8** A Society shall not raise funds in any area where an existing SPCA is presently operational without the prior written consent of that Society, except in the case of applications to national Trusts. In the event of a dispute, the Board shall act as mediator. This rule shall not apply where the NSPCA, in exceptional circumstances, deems it necessary to raise funds on behalf of a Society.

**2.9** No statistics or publicity may be given or generated by a Society which is intended to create a negative image or give a negative impression of the SPCA movement.

**2.10** No Society shall endorse any product without the written consent of the Board, which consent shall not be unreasonably withheld.

**2.11** In the event that any member, committee member, director, employee or other officer of the NSPCA or any Society acts in breach of any provision of the Act and Rules, then the procedures set out in Section 11 of the Act, as they apply to Societies, shall apply mutatis mutandis, and shall permit the expulsion of such person as a member of the NSPCA, any Society, or the organisation as a whole.

**2.12** All new Committee members, as well as those seeking re-election, and new members of staff of SPCAs must comply with the Statement of Policy and may not take up employment, be employed or serve on the committee of any SPCA if they engage in any activity contrary to the Statement of Policy.

### **3. RULES TO SECURE PUBLIC FUNDS AND FUNDING**

*These rules are to facilitate the provisions of the Act, protect public money and also protect Societies from other Societies fundraising in their area.*

**3.1** Where a Society is situated upon property owned by a private person, it shall not permit or condone the use of funds under its control, or intended for its benefit, to erect permanent structures upon the property, without the prior written consent of the Board first being obtained, and upon such terms and conditions as the Board deems appropriate.

**3.2 (a)** A Society shall, within twenty-one (21) days of its Annual General Meeting, notify the Council in writing of the names, addresses and telephone numbers of each of the Society's officers including without limitation each of the members of the governing body, and of any subsequent changes within 21 days of their occurrence.

**(b)** All bank and other accounts with financial institutions operated by a Society shall be in the name of the Society and shall be operated reliant upon the signatures of two or more signatories, who shall not be from the same family nor household, authorised by a written resolution properly passed by the Governing Body of the Society.

**3.3** Societies shall, together with their audited Financial Statements, submit to the NSPCA a certificate signed by their auditor confirming the sum of all legacies received by them. This certificate shall be accompanied by copies of the Last Wills and Testaments which constitute the basis for such legacies.

**3.4 (a)** All Societies with Off Balance Sheet Trusts or Off-Shore Accounts or any account not reflected on the Balance Sheet must provide National Council with audited Financial Statements for the above by the 31 July each year.

**(b)** Except in cases where the money is raised from websites, all income must be paid into the main banking account of a Society and no income, whether in the form of legacies or otherwise, may be paid directly into any Trust or Off-Shore banking account. No Trust may be created unless the terms contained in its founding document have been approved by the Board in writing, which approval shall not be unreasonably withheld.

**3.5** Audited Financial Statements as per the SPCA Act 169 of 1993 Clause 9 (2) (c) – Income Statements must be detailed and include as a separate item (1) Subscriptions (2) Legacy/Bequest (3) Income from Trusts. The expenditure must be detailed and include salaries and wages as separate items.

**3.6** A Society shall keep accurate, complete and legible records of every animal handled by it so that such records give a full account of the circumstances under which the animal came to be handled, the activities undertaken by the Society in relation to the animal and the result thereof. Such records shall be made available to the Board on request to facilitate the compilation of accurate and comprehensive records of the activities of member Societies.

**3.7** A Society shall conduct its activities in compliance with all laws applicable to it including without limitation, the requirements of the NonProfit Organisations Act, 1997 (No 71 of 1997) (and any legislation passed wholly or partly in substitution therefor) the Animals Protection Act and the associated Acts and the Labour Regulations Act, No.28 of 1956 (or any legislation enacted wholly or partly in substitution therefor).

**3.8** SPCAs that have websites, pages on other websites and/or blogs, pages, groups or profiles on Facebook or similar, must have a separate internet bank account and those bank

account details must be displayed. Unless they have separate bank account details displayed, they may not use the internet.

#### **4. RULES TO ENSURE NATIONAL UNIFORMITY**

*This is to ensure that appropriate standards are agreed across the country, and to source the appropriate expertise on a national basis.*

**4.1** No Society, its employees, members of the Governing Body or other members, may provide consent should they be approached to appoint a person, nationally or otherwise on any body, committee or organisation, interim, temporary or otherwise whose decisions will affect or have an impact upon the welfare of animals, this matter shall be referred to the Council for its determination.

**4.2** A Society which becomes aware of or involved in a matter of Provincial or National relevance must inform the Board immediately.

**4.3** In the event that any Society is approached by any person, judicial officer or otherwise, for an opinion and/or advice relating to the issue of a permit in terms of the Performing Animals Protection Act, 24 of 1935, as amended, such enquiry shall be forwarded to the National Council of SPCAs, who shall investigate the matter, and provide the appropriate opinion and/or advice to the person concerned.

#### **5. RULES TO PROMOTE STANDARDS**

*The rules have been passed to ensure that professional standards are upheld.*

**5.1** A Society shall not apply for or allow an application to be made for a Magistrate's Letter of Authority in terms of the Animals Protection Act to be issued in the name of any person unless that person has passed the Council's Inspectorate Examinations or is otherwise authorised by the Council expressly to do so.

**5.2** If a person in whose name a Magistrate's Letter of Authority has been issued ceases for any reason to be appointed by a Society, such Society shall request the Magistrate who issued such Authority to cancel same and the Society shall advise the Council in writing of the termination of such appointment. This shall apply similarly in the case of Animal Welfare Assistants.

**5.3** No Society shall be entitled to raise funds, or use the expression "Society for the Prevention of Cruelty to Animals" or "Dierebeskermingsvereniging" or an abbreviation thereof of any expression which so closely corresponds thereto that it may be misleading, in a manner which is contrary to the Statement of Policy; nor shall it be entitled to use the "blue cross" trade mark for any fundraising activities without the written consent of the Board, which consent shall not be unreasonably withheld

**5.4 (a)** All cruelty complaints shall be investigated (including those reported anonymously), within 24 hours, or within reason, unless immediate attention to the animal(s) is required.

**(b)** The findings of such investigation shall be reported to the complainant, if known, in the most appropriate manner within 7 (seven) days of the complaint being lodged.

(c) All investigations shall be documented. Warnings shall be in writing and all investigation shall be followed up to prevent suffering.

**5.5** All committee members elected or co-opted onto a committee of a Society must sign the Code of Conduct for committee members to be found in the Operations Manual.

## **6. RULES TO PROMOTE ANIMAL WELFARE AND HUSBANDRY**

*Rules considered necessary to fulfil our mission.*

**6.1** A Society shall not refuse admission to any unwanted or stray animal.

**6.2** A Society shall not refuse to assist an injured or sick animal.

**6.3** A Society shall be alert to and ready to take action against any person guilty of contravening the Animals Protection Act and/or an associated Act and shall take such action as may be available and appropriate to prevent or prosecute such contravention, as the case may be.

**6.4** A Society shall not home a dog to a person or legal entity, which intends to or is reasonably likely to use the dog for the provision of security services. Definition of a legal entity is a private or commercial security organisation, which shall include :- Companies, SAPS, SADF, Prison Services and any other service which uses dogs for guarding/protection services.

**6.5** Euthanasia carried out by a Society shall be in accordance with the recommended procedures laid down in the Operations Manual published by the Council from time to time.

**6.6** A Society shall sterilise every animal as specified in the Operations Manual published by the Council from time to time. In those cases where the animal is too young for the surgical procedure the Society shall make contractual arrangements for the future sterilisation of the animal when it is old enough on the basis that if the person to whom the animal is homed does not comply with the contractual obligations, the animal shall be repossessed.

**6.7** A Society shall adopt and apply the highest standards of animal husbandry as specified in the Operations Manual published by the Council from time to time.

**6.8** A Society shall not keep any animals for breeding purposes nor allow SPCA facilities to be used for breeding animals.

**6.9** A Society shall not confine on its premises for an indefinite period, or for any period beyond that which is strictly necessary for the well-being of the animal, any animal, which shall include all invertebrates, other than man.

**6.10** A Society shall not home a dog if it knows or ought to know that the dog will or might reasonably be expected to be kept chained or caged.

**6.11** A Society shall not home any animal, except for domesticated felines, on any property which is inadequately fenced, gated and equipped for that animal.

**6.12** A Society shall not supply a live or dead animal to any organisation, body or person for research or teaching purposes. Trials may be conducted on live animals where such trials are for the benefit of the same species, cause no suffering, are done upon the premises of a Society, and are conducted under the supervision of a veterinarian approved by the Council. Further, prior to the conduct of such trial, the prior written consent of the Board must first be obtained, and the trial shall be conducted upon such terms and conditions as the Council deems fit.

**6.13** Any Society that homes puppies or kittens to areas outside their area of jurisdiction must sterilise such animals before releasing them to their new owners notwithstanding the provisions of Rule 6.6.

**6.14** No Society shall exhibit animals taken or given into their care, off the SPCA property, whether for gain or not and irrespective of whether the animals are owned by or in the care of the SPCA.

**6.15** Societies may not use the Internet for posting of "lost and found" notices and may not authorise, support or become involved with any other party which does so whether this is on behalf of a Society or with their knowledge.

**6.16** Every Society shall have at least one qualified Inspector on its staff. The Board may however exempt a Society from such a requirement upon such conditions and for such period (which period shall not exceed 12 months) as it may deem fit, having regard to the particular circumstances of the Society, and after receipt of a request for such exemption, fully motivated, from the Society.

**6.17** All Inspectors are required to attend a Refresher Course every 5 years and pass the appropriate examination.

**6.18** All sick or injured vervet monkeys and baboons admitted to an SPCA must be humanely euthanased. All non-injured primates must be kept for five days only and then euthanased. This period is to allow for a permit holder, in terms of the relevant nature conservation legislation, to claim the primate. Only primates in KwaZulu Natal will be exempt from the above ruling with the proviso that it is possible to repatriate the primates back into the wild. This Rule will be reviewed on a 6-monthly basis.

**6.19** Pre home checks must be undertaken for all animals adopted from an SPCA prior to the animal leaving the Society. Post home checks should be undertaken at least annually.

**6.20** Pre and post home inspections shall be carried out physically by a trained individual for all species of animals adopted by a Society. All aspects of the possible adoption shall be inspected i.e. property, housing and feeding of animal/s, present animals and capability and knowledge of new owner to care for animal/s adequately. Furthermore animals shall not be adopted into areas where there are no animal welfare organisations and/or SPCA that are able to provide this service and are in agreement with carrying out these inspections on a regular basis. This Rule shall be in conjunction with Rules 6.10 and 6.11 respectively.

**6.21** No exotic animal may be homed by any Society with the exception of rabbits, rodents, budgerigars, canaries, cockatiels and goldfish and on condition that adequate enrichment and appropriate facilities are provided to promote the welfare of the animal. In respect of all other exotic animals this provision shall not apply where the animal may be relocated to a sanctuary approved by the NSPCA, which relocation shall be subject to such

conditions as may be necessary to promote the welfare of the animal concerned. Where this is possible and it is reasonably practical and/or possible to do so, such animal may be repatriated to its country of origin. Where neither of these alternatives is available then the Society shall with written motivation and details of the proposed environment refer the matter to the NSPCA for a decision on whether the animal shall be homed to an individual under specific conditions or whether the animal shall be humanely euthanased by a veterinarian/appropriate skilled person with the requisite knowledge, skill and experience.

**6.22** Societies shall be obliged to adhere to any licensing or permit requirements established by law or regulation, as well as any codes of practice which have been endorsed by the NSPCA as well as to enforce same for the general public.

**6.23** A Society shall take immediate, appropriate action against a committee member and disciplinary action against a staff member if in the opinion of the Council the person has contravened the Animals Protection Act or any other Acts which are applicable to the welfare and protection of animals.

**6.24** Prior to homing an animal, including owner claimed or stray, the Society shall ensure that it is micro-chipped. In the event that the Society is unable to do so for financial reasons or reasons that are not practicable then the humane alternative methods of identification should be adopted.

## **GUIDELINES**

**1** A Society shall display on its premises, prominently in a public place, a notice that it is a Society registered as a Member of the Council in accordance with the Act.

**2** The location of an operational Society shall be identified and signposted in its vicinity of operation by means of signs and marks approved by the Council which enables the public to easily locate and identify the premises occupied by such Society.

**3** A Society shall be permitted to assume the functions of the Municipal Licensing Department in its area of operation: Provided that if the function is assumed the Society shall employ sufficient staff to fulfil the required functions so as to ensure that the Society and its staff are in no way compromised from fulfilling as an absolute priority the aims, objects and policies of the Society.

**4** A Society shall give notice to the Council of its Annual General Meeting by circulating to the Council the usual notice of meeting as and when circulated to members.

**5** Societies are to have their current membership lists available at an AGM or Special General Meeting for perusal and confirmation that only paid-up members are voting. Furthermore the attendance register for the AGM should be forwarded along with the other year-end requirements, noting the date of payment by each member present at the meeting.

**6** A Society shall retain all of its records in a safe and accessible place. Unless a longer period of retention is required by Statute, such records shall be retained for a minimum period of five years, and every Society shall inform the Council in writing of the place where such records are maintained

**7** The Chairman of an SPCA management committee may serve for only four consecutive years, after completion of which he may not serve for one full year in that capacity before once again becoming eligible for re-election. If the Society is unable to find a replacement and this places the continued existence of the Society in jeopardy, the Society may apply to the NSPCA Board of Directors for exemption. This exemption would be for one year only and must be re-applied for on an annual basis if the problem persists.

**8** Annual and Special General Meetings of Societies must be held at a public venue, which shall include SPCA premises.

**9** Societies with websites and blogs must provide the Council with their website and blog URL addresses as well as the email contact details of the person responsible for managing the website content in writing which can be per email or fax. Societies must inform the Council within 24 hours of making any changes or updates to websites and provide the Council with the direct URL link to the affected page(s); Council must also be notified within 24 hours of changes to the contact details of the person responsible for managing the website content.

**10** A Society shall adopt fair labour practices incorporating the Grievance and Disciplinary Procedures contained in the Operations Manual published by the Council from time to time.

**11** At the Annual General Meeting the Board shall advise the Council of any actions it has taken with regard to contravention of the Act and Rules by any member Society.

**12** No member, committee member, director, employee or other officer of the NSPCA or any Society may use any information obtained by him/her through his/her association with the NSPCA or Society for any purpose other than for the benefit of the NSPCA or Society; he/she is specifically prohibited from deriving any personal benefit therefrom unless he/she has first obtained the prior written consent of the Board. In the absence of such consent, such member, director, employee or other officer shall be liable to account for any profits or benefits received by him/her to the NSPCA or Society concerned.

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