



## **DISCIPLINARY RULES OF CUSTODIANS OF PROFESSIONAL HUNTING – SOUTH AFRICA**

- 1.** The Executive Committee may initiate the procedures provided for in the Constitution and in these Rules whenever it receives a written complaint or information that a member may have contravened any provision of the Constitution, Code of Conduct, Member's Pledge and/or Rules of the association
- 2.** After considering the merits of the information or any complaint received, the Executive Committee may refer the matter to a Disciplinary Panel for further disciplinary action to be taken as provided for in the Constitution and these Rules.
- 3.** The Executive Committee shall appoint the Disciplinary Panel that shall consist of one or more independent practising attorneys or advocates, having at least 10 (ten) years of civil litigation and/or labour law and/or criminal law experience. The Executive Committee shall appoint one of the Panel members to be the Convenor thereof, should the Disciplinary Panel have more than one member. The Disciplinary Panel shall then execute its mandate through the Convenor.
- 4.** The Convenor of the Disciplinary Committee shall as soon as possible, in whatever way he/she finds appropriate, supply the member implicated with the information/complaint at his/her disposal and request him/her to respond in writing thereto within 10 (ten) days.

5. Upon receipt of the member's response, or if the member fails to respond, the Disciplinary Panel shall consider the matter and decide whether a disciplinary hearing must be conducted.
6. If the Disciplinary Panel decides that a disciplinary hearing must be conducted, the Convenor of the Disciplinary Panel shall request the Executive Committee to nominate a full member of the association in good standing to act as prosecutor in the disciplinary process.
7. The prosecutor shall prepare a charge sheet that, complying substantially with Annexure A hereto, shall list every charge separately and shall contain sufficient information to inform the member implicated in reasonably precise terms of:
  - 7.1. every act or omission on which every charge is based,
  - 7.2. the date on which;
  - 7.3. the place where, and
  - 7.4. the manner in which it allegedly occurred, and
  - 7.5. the provisions of the Constitution, Code of Conduct, Pledge and Rules allegedly transgressed.
8. The Convenor of the Disciplinary Panel shall inform the member concerned of the decision to hold a disciplinary hearing and furnish him/her with a copy of the charge sheet as prepared by the prosecutor.
9. In the notice to the member as envisaged in clause 8 above, the member shall be requested to plead in writing to every charge within the time mentioned in the notice, and to submit written submissions simultaneously on the question of sentence on any charge to which he/she pleads guilty to.
10. The member shall furnish the prosecutor and Convenor of the Disciplinary Panel with the plea and submissions (if any) within the stipulated time.
11. If the member pleads guilty to the charge or to all the charges (in the case of multiple charges), the Disciplinary Panel may convict him/her and, after consulting the prosecutor and recommend a sentence or penalty as provided for in these Rules.

- 12.** If (in the case of multiple charges) the member pleads guilty to some of them and the prosecutor decides not to proceed with the charge or charges to which the member pleaded not guilty, the Disciplinary Panel may convict him/her on the charge or charges on which a plea of guilty was received, and, after consulting the prosecutor, recommend a sentence or penalty as provided for in these Rules.
- 13.** If the prosecutor decides to proceed with the charge or charges to which the member pleaded not guilty, or if the latter pleads not guilty to all the charges, a formal hearing shall be held in the manner provided for in clause 14 below.
- 14.** The following provisions shall apply to formal hearings:
- 14.1.** The prosecutor nominated by the Executive Committee or in his/her absence, any other full member, may present the case against the member implicated.
- 14.2.** The member may be represented if the disciplinary panel considers it fair and reasonable. In the event of the member being so represented, the Association shall be entitled to similar representation.
- 14.3.** The Disciplinary Panel shall, when conducting disciplinary hearings, follow such procedures as it deems fair to all the parties thereto, and in particular shall grant the parties the right to lead evidence, cross examine the other party's witnesses, and the right to make oral and/or written representations.
- 14.4.** If the member fails to appear at the hearing after being duly informed of its date, time and venue at least 15 (fifteen) days prior, the hearing may be continued in his/her absence.
- 14.5.** The Disciplinary Panel's verdict and reasons may be pronounced verbally in the member's presence or conveyed in writing to the member and his/her representative by the Convenor. Where the members of the Disciplinary Panel cannot reach a unanimous decision, the Convenor of the meeting shall have a casting vote.
- 14.6.** In the event of a conviction, the prosecutor and member or representatives of both parties shall, depending on the Disciplinary Panel's ruling in this regard, be allowed either to lead evidence and/or present oral argument or to make written submissions on an appropriate sanction or penalty. Evidence that the member had

previously been convicted in disciplinary proceedings of the Association shall be admissible for purposes of sentence and determining an appropriate sanction or penalty.

**14.7.** If the member had pleaded guilty to some of the charges, the Disciplinary Panel may take cognizance of the plea of guilty and convict and sentence the member on the charge or charges in question.

**14.8.** The Disciplinary Panel may, taking due account of the nature and seriousness of the conduct involved in the conviction and of any previous conviction of the member in disciplinary proceedings, recommend the following sanctions:

**14.8.1.** warn the member to desist from such conduct; or

**14.8.2.** reprimand the member; or

**14.8.3.** impose a fine; or

**14.8.4.** suspend the member's membership for such a time as the Executive Committee may decide; or

**14.8.5.** request the member to resign as a member of the Association and failing which, to terminate the member's membership; or

**14.8.6.** report the member's conduct to any relevant Government Authority; or

**14.8.7.** combine any of the above where a combination is feasible; or

**14.8.8.** deal with the member as it deems fit, with or without suspending any of the sanctions or penalties imposed for a period the panel may deem appropriate in the circumstances.

**15.** Any fine shall be recoverable by the association by appropriate proceedings in a competent court.

**16.** If any situation arises which is not covered by the Constitution or any of these Rules, the matter shall be resolved by the Disciplinary Panel after discussing it with the member implicated.

**17.** The Disciplinary Panel shall supply the Executive Committee of the association with a concise report of the disciplinary proceedings and its findings, which findings shall be final and binding and not subject to appeal.

- 18.** The Executive Committee shall act upon the report and findings of the Disciplinary Panel and shall:
- 18.1.** implement the findings; and
  - 18.2.** impose such sanctions as it may see fit.
- 19.** If the member in any way wilfully obstructs the Convenor or the panel or prosecutor in the performance of his/her or its duties, or insults the Convenor or any member of the panel or prosecutor, or behaves in a disorderly or insulting manner at the hearing, he/she shall be liable to be disciplined in terms of article 14.4.5 of the Constitution for conduct unbecoming a member of the Association.
- 20.** These Rules are made by the Executive Committee in terms of clause 11 of the Constitution of the Association and shall be effective as from the date of adoption thereof by the Executive Committee, subject to the provisions of the said clause 11.
- 21.** These Rules are adopted in conjunction with proposed amendments to the Constitution of the Association (dated 25 October 2022) and the operation of these Rules shall, notwithstanding the provision of clause 20, be suspended until such time as the proposed amendments, or amendments that are substantially similar, are made.
- 22.** These Rules may be amended from time to time by the Executive Committee.
- 23.** All members are bound to adhere to these Rules.
- 24.** The interpretation of the Executive Committee and Disciplinary Panel in respect of the meaning of any provision of the Constitution, the Code of Conduct, the Member's Pledge and the Disciplinary Rules of the Association shall be final and binding upon members.
- 25.** Any member who shall be suspended or expelled or otherwise dealt with by the Executive Committee in terms of the disciplinary procedures of the Association shall have no right of appeal against the decision, which decision shall be final and binding.
- 26.** The preferred address and method of contact as indicated by all new and existing members, inclusive of existing e-mail addresses, shall be used for all communication to a member in respect of these Rules.

THESE RULES WERE ADOPTED BY WRITTEN CONSENT OF THE MAJORITY OF THE MEMBERS OF THE EXECUTIVE COMMITTEE GIVEN BY ELECTRONIC COMMUNICATION, AFTER EACH MEMBER HAS RECEIVED NOTICE, ON 25 OCTOBER 2022.



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S Kelly  
Chairperson

THESE RULES WERE RATIFIED BY A MAJORITY OF MEMBERS WITH VOTING RIGHTS PRESENT AT THE ANNUAL GENERAL MEETING HELD ON 25 NOVEMBER 2022 AT MORGAN BAY HOTEL, EASTERN CAPE



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S Kelly  
Chairperson

**OFFICIAL CHARGE SHEET**

**TAKE NOTICE THAT THIS CHARGE SHEET, TOGETHER WITH ANY DOCUMENTARY OR ELECTRONIC EVIDENCE IN SUPPORT OF THE CHARGES, MUST BE DELIVERED BY THE PROSECUTOR TO THE MEMBER ACCUSED OF MISCONDUCT PER ELECTRONIC MAIL, REGISTERED/PAID POST OR BY HAND AT LEAST \_\_\_\_\_ DAYS PRIOR TO THE DATE OF THE DISCIPLINARY HEARING / ENQUIRY AS ALLOCATED BY THE CONVENOR OF THE DISCIPLINARY AND DISPUTE RESOLUTION BOARD.**

**TO: \_\_\_\_\_(full name and surname of the accused member)**

**METHOD OF DELIVERY (underline); BY HAND / BY ELECTRONIC MAIL / BY PAID POST**

**TO: THE PANEL MEMBERS: THE DISCIPLINARY PANEL**

**AND TO: THE CONVENOR OF THE DISCIPLINARY PANEL**

**AND TO: THE EXECUTIVE COMMITTEE**

**I, the undersigned complainant,**

\_\_\_\_\_

**lay the following complaint against \_\_\_\_\_, a member of the Association, whose disciplinary hearing / enquiry will take place at**

\_\_\_\_\_ (place of hearing) on the \_\_\_ (day) of  
\_\_\_\_\_ (month) \_\_\_\_\_ (year) as directed by the Convenor of the  
Disciplinary of the Association.

The Prosecutor appointed by the Association is : \_\_\_\_\_

**TO THE MEMBER ACCUSED OF MISCONDUCT – TAKE NOTICE THAT:**

You will be required to prepare written or oral representations in rebuttal to the charges of misconduct set out hereunder, which representations will be made before the Disciplinary Panel at the time and on the date set out above in defence against the charges and evidence led against you by the above-mentioned prosecutor.

**NATURE OF THE ALLEGED MISCONDUCT**

(name the section(s) of the Code of Conduct or Constitution that has been contravened)

\_\_\_\_\_  
\_\_\_\_\_.

**1. DESCRIPTION OF THE ALLEGED MISCONDUCT**

(elaborate on the alleged misconduct and set out the facts available)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
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\_\_\_\_\_.



**2. EVIDENCE AVAILABLE TO COMPLAINANT**

(List the documentary / electronic evidence to be presented for hearing by the Disciplinary Panel).

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**3. LIST OF WITNESSES INTENDED TO BE USED BY PROSECUTION**

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Hereby dated at \_\_\_\_\_ (place) on this \_\_\_(day) of \_\_\_\_\_(month) \_\_\_\_\_(year).

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**Complainant's Signature**

**Complainant's Full Name and Surname:** \_\_\_\_\_