



Matter No: SAEF JC 005/2019

In the matter between

**DISTANCE RIDING ASSOCIATION OF SA**

**Applicant (Referring Party)**

and

**SOUTH AFRICAN EQUESTRIAN FEDERATION**

**First Respondent**

**ENDURANCE RIDING ASSOCIATION OF SA**

**Second Respondent**

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**PRELIMINARY ENQUIRY OUTCOME AND RULING IN TERMS OF RULE 28.3 OF THE  
PROCEDURE FOR AVOIDANCE AND RESOLUTION OF DISPUTES AND  
DISCIPLINARY CODES**

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**IT HAS BEEN CONFIRMED** that the Judicial Committee (“**JC**”) of the South African Equestrian Federation (“**SAEF**”), has the necessary jurisdiction to adjudicate and rule on the dispute at hand, and in accordance with its supplementary powers in terms of Part B: Rule 14 of the Procedure for Avoidance of Resolution of Disputes of the SAEF, to join the Second Respondent as an interested and affected party, *amicus curiae* as it has done.

In accordance with the Supplementary Powers of the JC it has called for further information and/or statements from both the Respondents, to assist it in deciding on the existence of a *prima facie* dispute. A properly constituted JC has now considered all documents, recordings and relevant information before it and finds as set out below

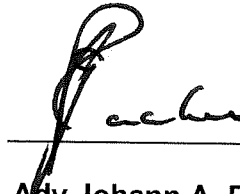
1. The Referring Party's dispute and relief sought can be found in the Referral Form DPRC Form1 as part of the bundle of documents attached hereto, supported by a comprehensive history despite the short existence of the Referring Party as a Discipline Association.
2. The **JC** listened to the audio recordings of the forum where the Referring Party made its submissions and undertakings to the SAEF when seeking registration as a discipline. The clearly expressed intent was to host and facilitate an equestrian distance riding discipline where the maximum distance is limited to 2 x 20 km.
3. The proposed "rule change" is a material change. It seeks to increase distances of competitions/rides held by DRASA. This is a substantive and material alteration of the very basic purpose which DRASA represented to SAEF it intended to fulfil, and which materially and significantly distinguishes its purpose and function from that of the already registered, SAEF recognised discipline ERASA.
4. A change to the most material and substantive basis of the function for which it was constituted, and its registration as a separate discipline was permitted, namely the distance of its rides, is not a "rule change". It is an "identity" change; a change to the essence of the discipline as it was represented to SAEF. The intended change would bring about duplication of the nature and purpose of the activities of DRASA and ERASA, which, if this had been the situation at the time DRASA applied for registration as a discipline, would have resulted in a failed application.
5. Whether DRASA misrepresented to SAEF that its activities would be limited to 40km and now seeks to increase its ambit by way of a purported "rule change", or whether DRASA genuinely intended to serve the 40km or less market, but has found so soon after its establishment that the distance limitation prevents its members from progressing as they had hoped, is irrelevant (although the JC hopes that former is not the case). The fact is that to extend the ambit of its activities beyond the 2 x 20km which

was very clearly the maximum distance to be offered by this discipline cannot be done by a simple "rule change". It is a material alteration to the nature, purpose and ambit of the discipline as registered. Since such a change would duplicate an already existing discipline this would lead to numerous complications and SAEF would doubtless disallow it to continue as a registered discipline.

## **CONCLUSION**

In these circumstances the JC finds that DRASA cannot do as it wishes by way of an "amendment to its rules", and its referral is dismissed.

**SIGNED** at **SANDTON** on the 12<sup>th</sup> day of **DECEMBER** 2019



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**Adv Johann A. Raubenheimer**  
Chairperson SAEF Judicial Committee

**Assisted by: -**

Mr. Fanus Ferreira

Mrs. Ceri von Ludwig