

Terms of Sale - Warranty

THE HEREFORD CATTLE SOCIETY,
HEREFORD HOUSE, 3, OFFA STREET. HEREFORD. HR1 2LL



BULL WARRANTY

- (a) All Bulls 12 months old and over on the day of the sale shall be sold as being fertile and capable of natural service as at the date of sale.
For bulls sold under 12 months of age, this sale warranty will commence in its entirety, from the day the bull reaches 12 months of age.
- (b) No claim in respect of infertility:
- (i) Shall be made during the first month after the date of sale or after the expiration of six months from the same date.
 - (ii) Shall be valid where a veterinary surgeon, nominated or appointed as in regulation (c) (i) below, certifies in writing that infertility is due to illness contracted, or injury suffered, after the fall of the hammer on the day of sale.
 - (iii) Of bulls purchased for export shall be valid unless such claim shall have been admitted or proved correct prior to the shipment by sea or air, or before the expiration of the time allowed by clause (c) hereof whichever shall be the earlier date.
- (c) If, during the second and sixth months after the date of sale, or as provided in clause (b) (i), notice in writing of the bull's infertility be given by the Purchaser to the Society, then, subject to the provisions of clause (b) of this regulation, to establish a claim for infertility the following provisions shall have effect, namely:-
- Upon receipt of such notice:
- (i) If, and only if, both the Vendor and the Purchaser so agree in writing, the bull shall be examined either by an independent Veterinary Surgeon to be agreed upon by both the Vendor and the Purchaser or in default of agreement to be appointed by the Society, and the decision of such Veterinary Surgeon as to fertility or otherwise shall be final and binding on both parties, such decision to be given within three months of the receipt of the notice under clause (c), such decision to contain a certificate as to whether or not, in the case of infertility, such infertility is due to illness contracted or injury suffered after the fall of the hammer; or
 - (ii) The Vendor may take the bull back and shall have three months from the receipt of such notice in which to prove whether or not the bull is fertile for and capable of natural service, such proof to be the decision (which shall be binding on the parties) of an independent Veterinary Surgeon agreed upon or appointed as in sub-para (i) hereof.
- (d) In this Regulation the words "fertility" and "infertility" shall mean "fertile and capable of natural service" and "infertile or not capable of natural service" respectively. All references to months shall mean calendar months.
- (e) The expenses of proving fertility or otherwise shall fall as follows:-
- (i) In the event of the vendor exercising his right of having the bull returned to him under clause (c) (ii) hereof, the cost of carriage shall be paid by the vendor in any event.
 - (ii) All other expenses of carriage and independent veterinary surgeon shall follow the decision of fertility or otherwise.
 - (iii) There shall be no claim by either party for maintenance of a bull, including those bulls sold under 12 months of age.
- (f) In no case shall the vendor be liable, under this regulation, for a sum exceeding the amount for which the bull was sold (and any expenses awarded under the preceding paragraph) less its realisable value at

the time of the decision of the veterinary surgeon. The purchaser shall not unduly reduce the bull's condition without the Vendor's consent.

- (g) Notwithstanding the provisions of the clause (c) of this regulation, the Vendor shall, upon receipt of a notice of claim of infertility, have the option, to be exercised within fourteen days of receipt of such notice, of taking the bull back and refunding the full purchase price to the purchaser.
- (h) Any examination by a veterinary surgeon under this regulation shall be conducted at the place where the bull is kept at the time of the veterinary surgeon's appointment whether this be by agreement of the parties or by the Society.
- (i) A copy of all notices and decisions under this regulation shall be forwarded to the Secretary through whom also all payments other than expenses under clause (e) shall be made. Failure to comply with this regulation may mean that the claim cannot be substantiated.