



**APPLICATION FOR THE ISSUE OF A WARRANT IN TERMS OF SECTION 8(1) OF
THE ANIMALS PROTECTION ACT 71 OF 1962**

SUPPORTING AFFIDAVIT

I, Stephanie Fortuin, hereby make oath and declare in English as follows:-

1.

I am an adult female employed as an Inspector by the Swartland and West Coast Society for the Prevention of Cruelty to Animals ("SPCA") at Yzerfontein Road Darling with contact telephone number/s 022 492 2781 or 082 938 5173. My certificate of magisterial authority for this district is attached marked "A".

2.

The facts contained in this affidavit fall within my personal knowledge unless indicated otherwise or unless it appears so from the context. The facts are also, to the best of my knowledge and belief, both true and correct.

3.

In terms of my duties as an officer of the SPCA and our objects, especially to prevent the ill-treatment of animals, I may, where necessary, exercise the powers in terms of Section 8 read with section 5(1) of the Animals Protection Act 71 of 1962 pertaining to the search, seizure and destruction, where necessary of animals. I verily believe that it is necessary for me to make use of the powers provided for by the Animals Protection Act 71 of 1962 by virtue of the following circumstances.

4.

On 1 June 2022, the Swartland and West Coast SPCA was informed by Porterville Law Enforcement of a Boerboel dog that was in a very bad condition at 39 Liebenberg Street in Porterville. I went to the property on the same day and was granted access to the property by Ms Lineque Hendricks. I observed a white Boerboel female cross dog in an emaciated condition. I asked Ms Hendricks if she is the owner of the dog and Ms Hendricks advised me

that the dog named Lady belongs to her brother Hyron Hendricks. I asked Ms Hendricks why the dog was so thin and she told me that she does not know as they do feed dog. I asked her to see the food and she told me that they had no more food. I educated Ms Hendricks on how to care for the dog and provide proper food.

I left warning number W4087 to:

- Provide the animal with adequate food twice a day to improve the body condition within 14 days

I then left the property.

5.

On 20 June 2022 I returned to the property 39 Liebenberg Street Porterville to see if the owner complied to my warning. I was granted access to the property by the owner of the female Boerboel Lady, Mr Hyron Hendricks. Lady, was still on the property. Her body condition did not approve. Mr Hendricks told me that he does feed the dog but that the dog does not want to pick up weight. I asked Mr Hendricks to show me the food that he gives. Mr Hendricks said that he could not show me food. I then left another warning nr W4091 to:

- Provide the dog Lady with adequate food twice a day to improve the body condition within 14 days
- To take Lady to the vet within 6 days

I then left the property.

6.

On 27 June 2022 I returned to the property 39 Liebenberg Street Porterville to see if my warnings were adhered to. I was granted access to the property by Ms Lineque Hendricks. The Mother of Mr Hyron Hendricks came out of the house and advised me that the dog was taken to the vet and showed me liquid paraffin that was given by the vet according to them. She said that they did give the paraffin to the dog. I also observed a male black and white Pitbul puppy. They told me that someone gave them the puppy. I then left the property.

7.

After leaving the property I went to Piketberg Animal Hospital. I spoke to Dr Murphy and she confirmed that she saw the dog Lady. She advised me that the dog must come back for a recheck to ensure that the treatment given is working.

8.

On 25 July 2022 I returned to the property to see if the dog Lady's body condition has improved. I was granted access to the property by Ms Lineque Hendricks. The Boerboel dog Lady was still underweight. I asked Ms Hendricks if they have returned the dog to the vet

for a check up as per the vet's instruction. Ms Hendricks told me that the owner of the dog Mr Hyron Hendricks must take the new puppy to the vet on 6 August 2022 and that he will then take Lady with to the vet. I left warning nr W4307 to:

- Take the female Boerboel Lady back to the vet within 2 weeks

I then left the property.

9.

On 8 August 2022 I returned to the property nr 39 Liebenberg Street Porterville. The owner of the dog Mr Hyron Hendricks was not at home. I was granted access to the property by the owner's father Hannes. The dog Lady was still in the same condition. Hannes told me that they did not take the dog Lady to the vet as they did not want to put her in the car. They only took the new puppy to the vet. Hannes promised me that he will take the dog to the vet that week. I left warning nr W4311 to:

- Take the dog Lady to the vet within 6 days

I then left the property.

10.

On 15 August 2022 I returned to the property nr 39 Liebenberg Street Porterville to see if my warning was adhered to. I was granted access to the property by the owner of the dog Mr Hyron Hendricks. The body condition of the dog Lady was still the same and she was still very underweight. Mr Hendricks told me that he did not take the dog Lady to the vet and that he is not going to spend any more money on the dog. He told me he will see if and when he decides to take the dog to the vet. I advised Mr Hendricks that if he cannot afford to look after Lady he has the option to sign her over to the SPCA as it is not fair for her to suffer if he cannot afford to take proper care of her. Mr Hendricks told me that he will not sign her over. I then left the property.

11.

I have reason to believe that one or more offences listed in Section 2 of the Animals Protection Act 71 of 1962 have been and are being committed for the following reasons:

11.1.

The female Boerboel dog Lady is very underweight and is not being provided with veterinary care. I am of the reasonable view that this is an offence in terms of Section 2(1)(a), 2(1)(c) and 2(1)(e) of the Animals Protection Act No 71 of 1962 and that the dog may suffer unnecessarily as a result.

12.

I therefore request a warrant in terms of section 8(1) of the Animals Protection Act 71 of 1962 and Regulation 468 (where appropriate) to examine the conditions in which the aforesaid animal is kept and if necessary remove the aforesaid animal to prevent further suffering.

13.

I request that such a warrant authorise members of Law Enforcement and the SAPS to accompany me upon such examination.

14.

In addition, the SPCA requires to take photographic and / or video footage, and take into custody all / any evidence and / or equipment as may be reasonably necessary for the purpose of prosecution and, if necessary, may exercise its powers in terms of section 5(1) of the Animals Protection Act 71 of 1962.

15.

The SPCA is governed by an Act of parliament, namely the Societies for the Prevention of Cruelty to Animals Act 169 of 1993. The SPCA's objectives in terms of this Act is to prevent the ill-treatment of animals by promoting their good treatment by man.

Shelton

DEPONENT

The deponent has acknowledged that he knows and understands the contents of this affidavit/declaration, which was signed and sworn to before me at Porterville on this the 18 day of Aug 2022, the regulations contained in Government Notice No R1258 of 21 July 1972, as amended, and Government Notice No R1648 of 19 August 1977, as amended, having been complied with.



[Signature]
COMMISSIONER OF OATHS