

WARRANT IN TERMS OF SECTION 8 (1) OF THE ANIMALS PROTECTION ACT 71 OF 1962, READ TOGETHER WITH REGULATION 468, ISSUED IN TERMS OF SECTION 10(1)(b) OF THE AFORESAID ACT

To: **INSPECTOR PATRICK CHIWAWA OF THE SWARTLAND AND WEST COAST SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS (SPCA)**

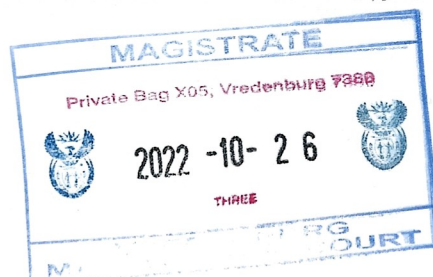
WHEREAS it appears to me from information on oath that there are reasonable grounds to believe that one or more offences listed in Section 2 of the Animals Protection Act 71 of 1962 have and are being committed within the Magisterial District of Vredenburg at the premises **8 ABRAHAM JULIES STREET DIAZVILLE SALDANHA.**

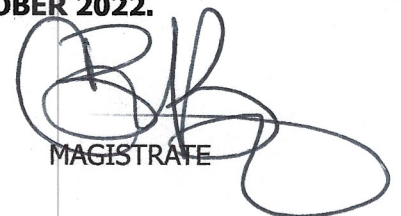
This is therefore to authorise you to enter and search the identified premises and direct you to:

- examine the animal(s) and the conditions in which it is kept;
- take such photographic and / or video footage as may be reasonably necessary;
- take into custody all / any evidence and / or equipment required for the purposes of prosecution;
- if required take with you onto the property the following expert/individual:
 - **MEMBERS OF THE SOUTH AFRICAN POLICE SERVICE (SAPS);**
 - **MEMBERS OF THE SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS (SPCA);**
 - **MEMBERS OF THE SWARTLAND LAW ENFORCEMENT**
- seize such animal(s) and take it into your custody if it is reasonably necessary to prevent cruelty to or suffering of such animal(s);
- deal with it/them according to law/bring it/them before me to be dealt with according to law.

THIS WARRANT is valid for execution on **26 OCTOBER 2022**

GIVEN UNDER my hand at **VREDENBURG** on this **26TH** day of **OCTOBER 2022.**




MAGISTRATE



Society for the Prevention of Cruelty to Animals
Dierebeskermingsvereniging

SEIZURE NOTICE

NAME & SURNAME: Edwili Lamberts DATE: 26/10/22
PHYSICAL ADDRESS: 8 Abraham Jullies street
Hopeland, Saldanha ID No. _____
TEL. No. _____ CELL No. _____ REG No. _____

The following animals have been seized:

1 x Female Pitbull brown & white

The above mentioned animal/s have been seized in terms of the Animals Protection Act No 71 of 1962 read together with Regulation 468 issued in terms of the aforementioned Act.

SIGNED & ACCEPTED BY: Kirelyn refused to sign
PLACE: Hopeland, Saldanha TIME: 12:05
INSPECTOR: Patrick Chinawa



NPO No.: 000-390

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

SUPPORTING AFFIDAVIT

I, Patrick Chiwawa, hereby make oath and declare in English as follows:-

1.

I am an adult male employed as an Inspector by the Swartland and West Coast Society for the Prevention of Cruelty to Animals ("SPCA") at Plaas Yzerfontein R45 Vredenburg with contact telephone number/s 022 289 0998 or 082 959 5084. 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 19 October 2022 my colleague Inspector October did a door to door inspection in Abraham Julies Street Diazville Saldanha. At nr 8 Abraham Julies Street Diazville Saldanha he observed a brown female pitbull dog with a very bad prolapse. Inspector October issued a warning nr W4665 (attached) to:

- Provide the sick animal with adequate veterinary treatment within 4 days and provide the SPCA with a veterinarian report within the given time frame.
- To untie/unchain the animal that was on a short chain immediately or place the dog on a running chain within 4 days.

5.

Inspector October is on leave. On 24 October 2022 I went to the property nr 8 Abraham Julies Street Diazville Saldanha to do a recheck to see if the warning that my colleague issued was adhered to. I was granted access to the property by the girlfriend of the owner of the dog Mr Edwil Lamberts. The girlfriend told me that Aunt Dot from Vredenburg will treat the dog. I phoned Aunt Dot in the presence of the girlfriend and aunt Dot told me that she does not work in Saldanha. The warning issued by my colleague was not adhered to.

I issued warning nr W4726 to:

- Provide the sick dog with adequate veterinary treatment within 24 hours and to provide the SPCA with a veterinarian report within the given time frame.
- To remove the dog from the short chain
- To provide the animal with sufficient potable water 24 hours a day

6.

On 25 October 2022 I returned to the property nr 8 Abraham Julies Street Diazville Saldanha to see if the warning that I issued was adhered to.

The pitbul was loose on the property and the owner Edwill Lamberts was at home. He had about 5 or 6 of his Rasta friends with him and they became aggressive and rude when I asked him if the dog was taken to the vet. He told me that he does not have money to take the dog to the vet. I told him if he cannot afford to look after the dog and provide her with treatment and care that he has the option to sign the dog over to the SPCA. He refused to do so.

7.

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:

7.1.

The brown female pitbull is not provided with veterinary care. I am of the reasonable view that this is an offence in terms of Section 2(1)(a) and 2(1)(e) of the Animals Protection Act No 71 of 1962 and that the dog is being neglected and suffering unnecessarily as a result.

8.

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.

9.

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

10.

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.

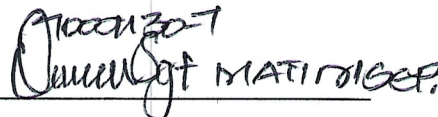
11.

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.



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 Vredenburg on this the 26 day of October 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.



COMMISSIONER OF OATHS



ADMISSION, ASSESSMENT AND HISTORY RECORD

A 2325



KENNEL No.				ADMISSION No. D 0248		
Stray	Surrender	Abandoned	Returned	Impounded	Confiscated	Request for euthanasia
Date in	26/10/22		Time in	12:45	Date for release	

IDENTIFICATION & LOST AND FOUND			Lost & Found checked	☒ Yes ☐ No	Lost & Found Date checked	26/10/22
Microchip / Collar or ID tag found	☒ Yes ☐ No	Date scanned or checked	26/10/22	Microchip or ID Tag number		

DESCRIPTION & HISTORY	Dog ☒	Cat	Other species (Specify)					
	Breed	Pitbul		Colour and Markings	Brown + white			
	Condition	Prolapse		Sex	F	Age	Adult	
	Temperament	Nervous		Sterilisation details	Nil	Name	-	
	Coat	S	Tail	L	Teeth Condition	Fair	Ears	B
	Area found / collected from	Hopeland, Saldanha				Date	26/10/22	
	Reason for surrender	Confiscated						

ASSESSMENT		Surrendered by		Name		Patrick Chirawa	
Found by		Residential Address		Plaas Eenzaamheid SPCA			
				Vredenburg			
Postal Address							
Tel (H)		Tel (W)		Cell			
Email							
Donation R		Cash	Card	EFT	(Receipt No.)		
COMMENTS:							

PLEASE INSIST ON A RECEIPT

Confiscated: OB No. 1402/10/2022 Case No: Inspector: P. Chirawa

STATEMENT OF SURRENDER

I do hereby certify that I DO / I DO NOT own the animal/s described above, that IT IS / IT IS NOT a stray and I DO / I DO NOT know where it comes from. I also freely surrender all interest, if any, therein to the SPCA, and I request that the animal be dealt with as deemed advisable in the discretion of the SPCA. It is expressly agreed that neither the SPCA nor its officers and employees will incur any obligation to me on account of such disposition of said animal/s. I confirm that I am over the age of eighteen (18) years of age. Also see 'Conditions' on reversed side.

Hiermee verklaar ek dat ek dier/e hierbo beskryf **BESIT / NIE BESIT NIE**, dat dit 'n **RONDLOPER / NIE RONDLOPER NIE** is, en dat ek **WEET / NIE WEET** waar dit vandaan kom nie. Ek doen ook vrywillig afstand van alle belange daarin, indien enige, ten gunste van die DBV en ek versoek dat die dier hanteer word soos wat die DBV goed ag. Daar word uitdruklik ooreengekom dat nóg die DBV nóg sy amptenare, en werknemers enige verpligtinge het, teenoor my ten opsigte van die hantering van die dier/e nie. Ek bevestig dat ek bo die ouderdom van agtien (18) jaar is. Sien ook die 'Voorwaardes' op die agterblad.

Signature

Witness for Society

FOR OFFICE USE: PENDING ADOPTION

Details of first Applicant

Details of second Applicant

Details of third Applicant