



**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 Eenzaamheid 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 21 October 2022 the West Coast SPCA in Vredenburg received a complaint about a very thin brown female boerboel mix dog that is tied to a short chain with no food, water and shelter at nr 46 Rooihals Street Louwville Vredenburg. My colleague Inspector October went to the property on the same day and left a warning nr W4668 to:

Provide the animal with veterinary care within 3 days

Affiliated to the National Council of SPCAs (NSPCA)

5.

My colleague Inspector October is on leave so I returned to the property nr 46 Rooihals street Louwville Vredenburg on 24 October 2022. I was granted access to the property by Bassel Pholman, the owner of the dog. Mr Pholman told me that he did not take the dog to the vet and that he does not have money to buy dog food. I advised Mr Pholman that if he cannot afford to look after the dog that he can surrender the dog to the SPCA. He declined to surrender the dog. I issued a warning nr W4727 that the body condition of the dog must be improved.

6.

On 31 October 2022 I returned to the property nr 46 Rooihals Street Louwville Vredenburg. The owner of the dog Mr Bassel Pholman granted me access to the property. The body condition of the dog did not improve and the dog is looking very thin and in a bad condition. Mr Pohlman again told me that he does not have money to take the dog to a vet or to buy him food. I again gave Mr Pohlman the option to surrender the dog to the SPCA. At that point Mr Pohlman's wife became very rude and aggressive and shouted at me that the SPCA can pay for vet treatment and food. I advised her that that is not the responsibility of the SPCA and that the owner of an animal is responsible for the animal. I then left the property.

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 boerboel mix dog is not 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 is being neglected, denied access to adequate food, veterinary care 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 1 day of NOVEMBER, 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

