

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 FORTUIN OF THE SWARTLAND AND WEST COAST SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS (SPCA)**

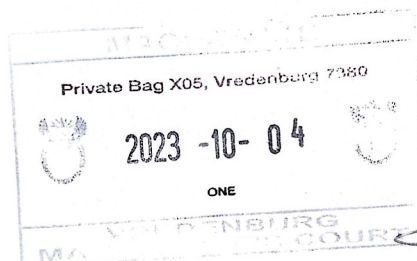
WHEREAS it appears to me from information on oath that there are reasonable grounds to believe that one or more offences listed in Section 2 of the Animals Protection Act 71 of 1962 have and are being committed within the Magisterial District of **VREDENBURG** at the premises **nr 1 Kransduif Street Hopland Langebaan**.

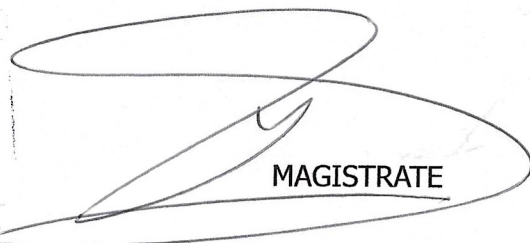
This is therefore to authorise you to enter and search the identified premises and direct you to:

- 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 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 **4 October 2023**.

GIVEN UNDER my hand at **VREDENBURG** on this **4TH** day of **OCTOBER 2023**.




MAGISTRATE



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, 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 R45 Plaaz Eenzaamheid Vredenburg with contact telephone number/s 022 289 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 7 September 2023 my colleague Field Officer Jeffrey Mathabela did routine inspections in Hopland Langebaan. At nr 1 Kransduif Street Hopland Langebaan someone told him that they know that there is a dog in the property under a closed up bath. He asked a person on the property to take away the cover in front of the bath and he then observed a mix breed tan and white dog that was tied and closed under the bath. There was no ventilation. Field

Officer Mathabela asked the person on the property to remove the cover from the bath and they did.

5.

On 8 September 2023 I went to the property nr 1 Kransduif Street Hopland Langebaan. Mr Johannes Kleinsmidt granted me access to the property to do a welfare inspection. I observed 2 dogs on the property. Both dogs were in fair condition. They were on chains. The male dog had proper shelter and the female tan and white dog did not have proper shelter. I left a warning nr W5427 for the owner to:

- Put the female dog on a longer chain
- To provide the female dog with proper shelter

Mr Kleinsmidt signed and accepted the warning and I then left the property.

6.

On 15 September 2023 I returned to the property nr 1 Kransduif Street Hopland Langebaan. I was granted access to the property by Dinero Kleinsmidt to do a welfare inspection and to see if the warning was adhered to. The warning was not adhered to and the living environment was covered in feces. I left another warning Nr W5430 for the owner to:

- Clean and hygienically maintain the animal's living environment
- To provide the dogs with adequate food
- To place the animals on a running chain

Mr Kleinsmidt signed and accepted the warning and I then left the property.

7.

On 20 September 2023 I returned to the property nr 1 Kransduif Street Hopland Langebaan. I was granted access to the property by Johannes Kleinsmidt. The dog was still on a short chain. My warnings were not adhered to. Mr Kleinsmidt told me that another welfare said that they will provide him with wire to make a running chain. I said I will come and check if it was done. I then left the property.

8.

On 26 September 2023 I returned to the property nr 1 Kransduif Street Hopland Langebaan. Mr Johannes Kleinsmidt was at the property and granted me access. He did not provide the dogs with a running chain. He told me that he was not prepared to pay R30 for a cable. I gave him another warning nr W5440 for the owner to:

- Provide the animals with adequate food on a daily basis
- To untie/unchain the animal/s or put them on a running chain

Mr Kleinsmidt signed and accepted the warning and I then left the property.

9.

On 28 September 2023 I returned to the property nr 1 Kransduif Street Hopland Langebaan. There was no one at home and I could see that the warnings were not adhered to. I gave the dogs some food and they were very hungry. I then left the property.

10.

On 3 October 2023 I returned to the property nr 1 Kransduif Street Hopland Langebaan. The warnings were not adhered to and the dogs were still tied with short chains. The female dog still did not have proper shelter. They could not show me any dog food and the male black dog has lost some body condition. 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 dogs are tied with short chains and the shelter for the female dog is inadequate. I am of the reasonable view that this is an offence in terms of Section 2(1)(a), 2(1)(b), 2(1)(c) and 2(1)(e) of the Animals Protection Act no 71 of 1962 and that the dog is suffering unnecessarily as a result.

14.

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.

15.

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

16.

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.

17.

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 Viedenburg on this the 04 day of October 2023, 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.

th.  7222975-4
CST
MUNSHINAKA

COMMISSIONER OF OATHS

SUID-AFRIKAANSE POLISIEDIENS
C.S.C
2023 -10- 04
VREDENBURG
SUID-AFRIKAANSE POLISIEDIENS



**Society for the Prevention of Cruelty to Animals
Dierebeskermingsvereniging**

SEIZURE NOTICE

NAME & SURNAME: Eloy Pholman DATE: 4/10/23
PHYSICAL ADDRESS: 19 Arend Street
Langelaan ID No. _____
TEL. No. _____ CELL No. _____ REG No. _____

The following animals have been seized:

1x Male Steffie black & 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: _____

PLACE: Langelaan TIME: 12h12

INSPECTOR: Stephanie Schuur 0222890998