

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

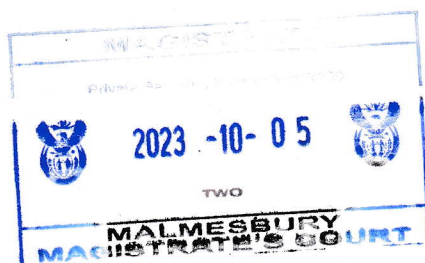
WHEREAS it appears to me from information on oath that there are reasonable grounds to believe that one or more offences listed in Section 2 of the Animals Protection Act 71 of 1962 have and are being committed within the Magisterial District of **MALMESBURY** at the premises **nr 2315 Takkies Brander Crescent Riebeek West**.

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 **5 October 2023**.

GIVEN UNDER my hand at **MALMESBURY** on this **5TH** day of **OCTOBER 2023**.



MAGISTRATE



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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, Jameson October, 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 Yzerfontein Road Darling with contact telephone number/s 022 492 2781 or 082 959 4879. 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 4 October 2023 the Swartland and West Coast SPCA received a complaint regarding a dog that had its tail maimed at nr 2315 Takkies Brander Crescent Riebeek West. The complainant provided the Swartland and West Coast SPCA with an affidavit that stated that the puppy's tail had been amputated. The complainant further stated that Mrs Brigita

J.O

Amerika and her child told her that her husband Mr Lee Amerika cut off the puppy's tail himself.

5.

On 4 October 2023 I contacted Judith Frewen from Riebeek Animal Welfare and she told me that Riebeek Animal Welfare also took this puppy to a vet for a broken leg. According to RAW the owner said that their child sat on the dog and the leg was broken. I went to Riebeek Animal Welfare and Pierre Minnie told me that they were called out to this property on 28 September 2023 to take a puppy to the vet that had a broken leg. The owners claimed that their child fell on the puppy. Mr Minnie took the puppy to Bergzicht Animal Hospital and it was confirmed that the hip and bone was broken. A wire had to be inserted in the puppy's hip as well as a metal pin amongst other processes during surgery. The puppy was returned to the owner with instructions that the puppy must be isolated with restricted movement and be kept away from the young boy. When Mr Minnie returned on the 1st of October 2023 only 3 days after the operation, the puppy was running around unrestricted and he also noticed that the tail had been docked, within 3 days of the operation.

6.

On 4 October 2023 I went to the property nr 2315 Takkies Brander Crescent Riebeek West. I was extremely concerned for the welfare of this animal. She is only 3 months old and already had a broken leg and her tail was cruelly amputated by her owner. Mr Amerika came out of his house and showed me the puppy. I asked Mr Amerika what happened to the dog's tail and he told me that he amputated the puppy's leg by binding a rubber band around her tail. Mr Amerika told me that his wife told him not to do it because they will get into trouble but he went ahead and still amputated the tail.

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 female Boerboel mix dog had her tail amputated by her owner. I am of the reasonable view that this is an offence in terms of Section 2(1)(a) of the Animals Protection Act no 71 of 1962 and that this dog is enduring pain and suffering because her owners wanted to modify her appearance for cosmetic reasons. The owners also are not providing the correct after care for this puppy as per the instructions from the vet. This puppy is suffering unnecessarily.

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.

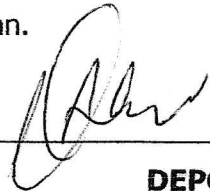
I request that such a warrant authorise members of Law Enforcement and the SAPS to accompany me upon such examination.

10.

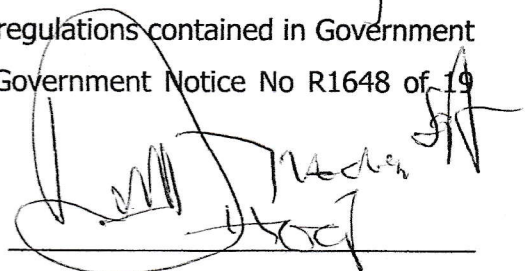
In addition, the SPCA requires to take photographic and / or video footage, and take into custody all / any evidence and / or equipment as may be reasonably necessary for the purpose of prosecution and, if necessary, may exercise its powers in terms of section 5(1) of the Animals Protection Act 71 of 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 Darling on this the 05 day of September 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.


COMMISSIONER OF OATHS

