

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 **33 SUIKERKAN STREET 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 **29 November 2023**.

GIVEN UNDER my hand at **VREDENBURG** on this **29TH** day of **NOVEMBER 2023**.





NAME & SURNAME: Kimberley Lewis DATE: 29/11/23
PHYSICAL ADDRESS: 33 Sinker Kan Street
Langebaan ID No. _____
TEL. No. _____ CELL No. _____ REG No. _____

1x female white pitbull dog

SIGNED & ACCEPTED BY: _____

PLACE: hangebaan TIME: 14h30

INSPECTOR: Stephane Fabin 022810998



**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 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 022 289 0998 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 28 August 2023 the Swartland and West Coast SPCA received a complaint regarding a very thin pitbull kept without food and water at the property nr33 Suikerkan Street Langebaan. I went to the property nr 33 Suikerkan Street Langebaan on 28 August 2023. There were 4????? Pitbull's on the property. The dogs were in a fair condition and there was

shelter available. The Law Enforcement official that was accompanying me educated the owner on the amount of animals allowed to be kept on the property.

5.

On 9 October 2023 the Swartland and West Coast SPCA received a new complaint regarding the dogs on the property nr 33 Suikerkan Street Langebaan. The Complainant claimed that the dogs were thin and the living area was covered in feces. I went to the property nr 33 Suikerkan Street in Langebaan on 9 October 2023. There were no welfare concerns and the owner said that she was looking for home for 2 of the dogs. I told her that she can also surrender the dogs to the SPCA.

6.

On 30 October 2023 I went to the property nr 33 Suikerkan Street Langebaan again as Langebaan Animal Care advised us that the dogs are tied without shelter. When I arrived Kimberly Lewis gave me access to the property. The female dog was tied with a short chain without collar or shelter. I educated the owner and issued warning nr W5375 for the owner to:

- Provide the dog with shelter against the elements within 7 days
- To untie/unchain the dog immediately to roam freely inside the property or to place the animal on a running chain within 7 days

The owner accepted and signed the warning and I left the property.

7.

On 6 November 2023 I returned to the property nr 33 Suikerkan Street to see if my warning was adhered to. There was no one at home and I asked the neighbour if I could look over her wall to see the animals. There were no dogs on the property. I returned on 7 and 14 November 2023 and there was again no one at homeland I could not see the dogs.

8.

On 22 November 2023 I returned to the property nr 33 Suikerkan Street Langebaan. Kimberly Lewis was at home and granted me access to do a welfare inspection. The dog Sky was on a running chain but had no shelter and no collar. She lost weight and is underweight. I provided warning nr W5301 for the owner to:

- Provide the dog with adequate food on a daily basis
- To provide the animal/s with adequate shelter against the elements within 5 days
- To deworm the dog Sky within 7 days
- Sky have to pick up weight within 14 days

- To provide the dog Sky with a collar within 5 days

Ms Lewis refused to sign the warning. I then left the property.

9.

On 27 November 2023 I returned to the property nr 33 Suikerkan Street Langebaan. No one came out of the house. I asked the neighbour again if I could look over the wall and she agreed. The warning was not adhered to. The dog was on a runner and it was tangled up. The dog could not move. There was still no water or shelter. I went to her place of work Pep Stores and one of the workers told me that she was at home not at work.

10.

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:

10.1

The female dog is underweight and is not provided with shelter and the running chain is restraining the dog from expressing normal behaviour and movement. I am of the reasonable view that this is an offence in terms of Section 2(1)(a) and 2(1)(b) and 2(1)(c) of the Animals Protection Act no 71 of 1962 and that the dog Sky is suffering unnecessarily as a result.

11.

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.

12.

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

13.

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.



14.

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.

S. L. du Toit

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 29 day of Nov 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.

[Signature]

COMMISSIONER OF OATHS

