

2023 -11- 28

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 **RONDEVLEI FARM MALMESBURY**.

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 **28 November 2023**.

GIVEN UNDER my hand at **MALMESBURY** on this **28TH** day of **NOVEMBER 2023**.

MAGISTRATE



**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 022 492 278 1 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 24 November 2023 the Swartland and West Coast SPCA received a complaint regarding sheep in a terrible state on the farm Rondevlei near Malmesbury. The complainant also said that there were calves in a bad state in small cages.

5.

My colleague Inspector Fortuin went to the farm Rondevlei near Malmesbury on 24 November 2023 at approximately 16:56. There was no one at home. She observed 3 calves that were very underweight and in very small enclosures. There was no food or water and Inspector Fortuin gave the calves some water which they drank up immediately. The camps were covered in feces.

6.

I went to the farm Rondevlei near Malmesbury on 27 November 2023. Mr Attie van Schoor was at the farm and granted me access. I also saw the 3 calves in a very bad condition. The area was covered in feces and the calves were very underweight. I asked Mr van Schoor why the calves were enclosed like that and why they were so underweight. Mr van Schoor told me that that is how he farms and no one will tell him how to farm. I told him that the food that he is giving is clearly not adequate as otherwise the calves would not be so underweight. He insisted that I will not tell him how to farm. He could not give me a reason as to why the Calves are contained in that manner. The mother cows are at the farm but he refuses to let them walk with them. I told Mr van Schoor that the calves should be bottle fed and they will not eat adequately of the "grain savings" that he is feeding them. It is not adequate as can be seen looking at their body condition. I gave Mr Van Schoor the option to surrender the calves to the SPCA if he cannot afford to look after them in the correct manner or if he is unable to look after them. He told "there is no fucking way" that he will surrender the animals and no one will tell him how to farm.

We have had complaints from this farm reported to the Swartland and West Coast SPCA since 2015.

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 calves are underweight and are kept in parasitic conditions. I am of the reasonable view that this is an offence in terms of Section 2(1)(a), 2(1)(b) and 2(1)(c) of the Animals Protection Act no 71 of 1962 and that these calves are 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.

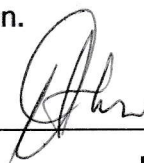
I request that such a warrant authorise members of Law Enforcement and the SAPS to accompany me upon such examination.

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.

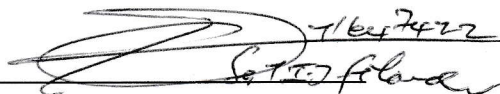
11.

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 Darling on this the 28 day of November 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





Society for the Prevention of Cruelty to Animals
Dierebeschermingsvereniging

SEIZURE NOTICE

NAME & SURNAME: Attie van Schoor DATE: 28/11/23
PHYSICAL ADDRESS: Konderlei Ploeg
Melmsbury ID No. _____
TEL. No. _____ CELL No. _____ REG No. _____

The following animals have been seized:

* 2X brown Jersey calves, 2 males.

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: Alm W. Schatz
PLACE: Rondelet Pkgs / Macpherson TIME: 13:53
INSPECTOR: J. OCTOBER 11th