

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

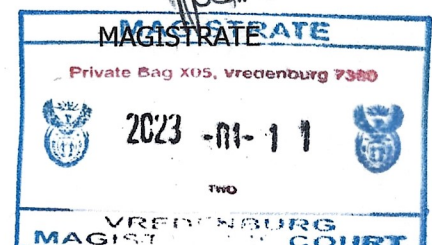
WHEREAS it appears to me from information on oath that there are reasonable grounds to believe that one or more offences listed in Section 2 of the Animals Protection Act 71 of 1962 have and are being committed within the Magisterial District of **Vredenburg** at the premises Vino Shop on the corner of Appie Street and Adelaar Street in Witteklip Vredenburg. GPS Coordinates **32°55'08.6"S 18°00'17.2"E**.

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 **11 JANUARY 2023**

GIVEN UNDER my hand at **VREDENBURG** on this **11TH** day of **JANUARY 2023**.



**APPLICATION FOR THE ISSUE OF AN ORDER IN TERMS OF SECTION 8(1)
OF THE ANIMALS PROTECTION ACT 71 OF 1962**

SUPPORTING AFFIDAVIT

I, **Jameson Garth October**, hereby make oath and declare in English as follows:-

1.

I am an adult male employed as Inspector by the Swartland and West Coast Society for the Prevention of Cruelty to Animals at Plaas Eenzaamheid R45 Cape Town with contact telephone number/s 022 289 0998. 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 9 January 2023 the Swartland and West Coast SPCA received a complaint about dogs that are not in a good condition and have mange at the an alleged emaciated dog being kept at the Vino Shop on the corner of Appie Street and Adelaar Street in Witteklip Vredenburg. GPS Coordinates **32°55'08.6"S 18°00'17.2"E**.

5.

On 9 January 2023 at approximately 16:00 I went to the property to investigate the matter. Upon my arrival the owner refused to grant me access to the premises and told me to "fuck off from the property". At that stage more people came out of the property and were swearing at me. The SPCA will require a court order in order to enter the premises to examine the living conditions under which the dogs (and possible other animals) are being kept at the above-mentioned property. As per Section 8(1)(a) of the Animals Protection Act 71 of 1962 an order must be obtained from court if access to the property is refused by the owner or occupier.

6.

I have reason to believe that one or more offences listed in Section 2 of the Animals Protection Act 71 of 1962 have been or are being committed for the following reasons:

6.1

That dogs on the property are being neglected and possibly denied veterinary care. I am of the reasonable view that this is an offence in terms of Section 2(1)(a), Section 2(1)(e) of the Animals Protection Act No 71 of 1962 and that the dogs may be suffering unnecessarily as a result.

7.

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.

8.

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.

J. O.

9.

I request that such warrant authorise **Trainee Field Officer Mathabela** to accompany me upon such examination, who is also a duly authorised representative of the **Swartland and West Coast Society for the Prevention of Cruelty to Animals (SPCA)**, as well as **members of the South African Police Service (SAPS)** and **members of Law Enforcement**.

10.

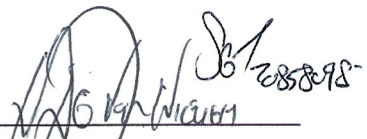
The SPCA is governed by an Act of parliament, namely the Societies for the Prevention of Cruelty to Animals Act 169 of 1993. The SPCA's objectives in terms of this Act is to prevent the ill-treatment of animals by promoting their good treatment by man, to promote the interests of Societies for the Prevention of Cruelty to Animals and to make cognisance of the application of laws affecting animals and Societies and to make representations in connection therewith to the appropriate authority.

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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 SPS on this the 11 day of January 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

Full names: JERRIC GEESEN VAN NIEUW

Designation: Sgt

Business address: Vredenburg SPS, 85 Main Road

