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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, Patrick Chiwawa, 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 082 959 5084. 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 February 2023 my colleague Trainee Field Officer Jeffrey Mathabela made me aware of a very thin dog tied with a static chain with wounds on his body at 108 Trireem Street Hopland Saldanha. Field Officer Mathabela advised me that the owner Mr Abe Gertse refuses to surrender the dog to the SPCA.

5.

On the same day 7 February 2023 I went to the property nr 108 Trireem Street. Mr Gertse granted me access to the property to inspect the welfare of white and tan pitbull female mix dog named Chloe. I observed the dog named Chloe on a static chain. She was extremely thin and there were sores on her hind leg. I asked Mr Gertse why the dog was so thin and if I could see the dog food. He told me he does not have dog food and he feeds her food from his house. I told him that there is something wrong and that the dog needs adequate food to not be in that condition. I also told him that the dog needs veterinary care. Mr Gertse then proceeded to put salt in the dog's water and said that was the treatment. I told him that he cannot do that and Mr Gertse then promised to take the dog to a vet. I gave Mr Gertse the option to surrender the dog to the SPCA if he could not afford to take it to the vet or to buy him proper dog food. Mr Gertse declined to surrender the dog to the SPCA. I issued warning nr W 5772 for Mr Gertse to:

- Provide the dog Chloe with veterinary care within 24 hours

I then left the property.

6.

I went back to the property nr 108 Trireem Street Saldanha on 8 February 2023 to see if the warning issued to Mr Gertse was adhered to. On my arrival Mr Gertse again granted me access to the property. I asked Mr Gertse if he took the dog Chloe to the vet and he told me that he did not and that it is his dog so he does not have to. I again gave Mr Gertse the option to surrender the dog Chloe to the SPCA and he declined the offer. Mr Gertse then asked me what will happen if he does not comply to my warning and I advised Mr Gertse that I will then apply for a warrant to remove the dog as the dog needs help. I further advised him that we will lay charges of Animal Cruelty against him. He told me to go ahead and to bring SAPS to his property. I then left the property.

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 white and tan dog named Chloe is severely underweight, she has untreated sores on her body and in need of veterinary treatment. I am of the reasonable view that this is an offence in terms of Section 2(1)(a), 2(1)(c) and 2(1)(e) of the Animals Protection

Act no 71 of 1962 and that the dog Chloe is neglected and denied adequate food and veterinary treatment and she is suffering unnecessarily and cannot express normal behaviour.

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.

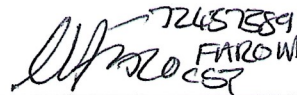


DEPONENT

The deponent has acknowledged that he knows and understands the contents of this affidavit/declaration, which was signed and sworn to before me at Vredenburg SAPS on this the 09 day of February 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.



Affiliated to the National Council of SPCAs (NSPCA)



COMMISSIONER OF OATHS