

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

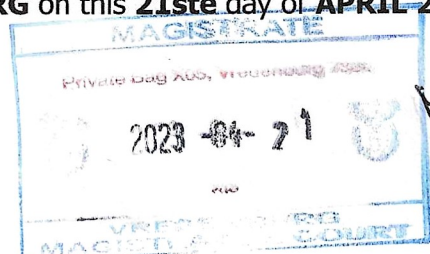
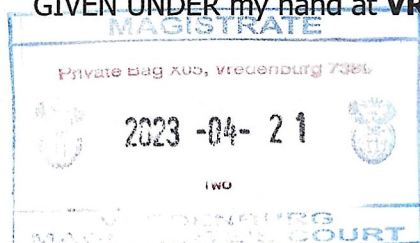
WHEREAS it appears to me from information on oath that there are reasonable grounds to believe that one or more offences listed in Section 2 of the Animals Protection Act 71 of 1962 have and are being committed within the Magisterial District of **Vredenburg** at the premises nr 7 Ramona Street Saldanha.

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 **21 April 2023**.

GIVEN UNDER my hand at **VREDENBURG** on this **21^{ste}** day of **APRIL 2023**.



Alasma
MAGISTRATE



Society for the Prevention of Cruelty to Animals
Dierebeskermingsvereniging

SEIZURE NOTICE

NAME & SURNAME: Cornelius Tibies DATE: 21/4/2013
PHYSICAL ADDRESS: 7 Ramona Street
Saldanha ID No. _____
TEL. No. _____ CELL No. _____ REG No. _____

The following animals have been seized:

1x Semak pitbull x Ton Miger

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: _____

PLACE: Saldanha TIME: 12h15

INSPECTOR: Stephanie Sabrin



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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, Stephanie Fortuin, hereby make oath and declare in English as follows:-

1.

I am an adult female employed as an Inspector by the Swartland and West Coast Society for the Prevention of Cruelty to Animals ("SPCA") at Plaas Eenzaamheid R45 Road Vredenburg 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 14 April 2023 I did a pro active welfare inspection at nr 7 Ramona Street Saldanha. A Mr Cornelius Tieties granted me access to the property. I observed two dogs on the property. On closer inspection I saw that it was a male and female pitbull mix dogs. They were both tied with short chains and there were no water available to them. The female dog named Miya had a skin problem and was very underweight. She had no collar around her neck. The

Handwritten signature and date:
2023/04/14
14 April 2023

male pitbull named Bullet had an open wound on his foot and ear. Mr Tieties advised me that the female dog belongs to him and the male dog is being looked after by his son Heinrich Oackes for someone in the informal settlement. I told Mr Tieties that they can surrender the animals to the SPCA if they are not in a position to look after them. Mr Tieties advised me that he will seek treatment for the animals.

I left warning nr W5865 for Mr Tieties to:

- Provide the dog with adequate food on a daily basis
- Sufficient potable water
- Provide the dog with veterinary treatment
- To put the dog on a running chain
- To provide the female dog Miya with a collar

I left warning nr W5864 for Mr Oackes to:

- Provide the dog with adequate food on a daily basis
- Sufficient potable water
- Provide the dog with veterinary treatment
- To put the dog on a running chain

Mr Tieties signed and accepted both warnings.

I then left the property.

5.

On 17 April 2023 I returned to the property nr 7 Ramona Street Saldanha to see if the warnings that I left were adhered to. Mr Tieties was at home and again granted me access to examine the welfare conditions of the animals. Only the female dog Miya was on the property. Mr Tieties advised me that the male dog Bullet was returned to the informal settlement. Mr Tieties did not fix any of the issues as per my warning. Mr Tieties said that he cannot afford to treat and feed the animal. I again advised Mr Tieties that if he cannot afford to look after the animal that he can surrender it to the SPCA. He refused my help. I left another warning nr: W5868 to:

- Provide the dog with adequate food on a daily basis
- Provide the dog with veterinary treatment
- To put the dog on a running chain
- To provide the female dog Miya with a collar

Mr Tieties signed and accepted the warning. I then left the property.

6.

On 20 April 2023 I returned to the property nr 7 Ramona Street Saldanha. Mr Tieties was not at home and a person named Angelo provided me access to the property to see if my warnings were adhered to. The dog was still tied to the short chain without a collar. There was no food available to the dog and Angelo said that there was no dog food. He said the dog was not taken to the vet and his mother gave the dog a deworming tablet but could not show me any proof of that. I told him that a deworming tablet will not fix the skin problem. I then gave the dog Miya some dog food that I brought with me and she devoured the food in a few seconds. I told Angelo again that his father must contact me if they wanted to surrender the animal. 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 dog on the property is underweight, tied with a short chain without a collar and has a skin condition that requires veterinary treatment. I am of the reasonable view that this is an offence in terms of Section 2(1)(a), 2(1)(b), 2(1)(c) and 2(1)(e) of the Animals Protection Act no 71 of 1962 and that the dog is neglected and denied adequate food and tied in such a manner that causes her unnecessary suffering and she cannot express normal behaviour. She also requires veterinary treatment.

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.

Spartan

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 21 day of April 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.



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- AD by 1 at.

COMMISSIONER OF OATHS