



**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 22 February 2023 the West Coast SPCA in Vredenburg received a complaint regarding a dog that was chained in the sun with no access to shelter, food and water at 25 Madeliefie Street Laingville St Helena Bay. My colleague Parick Chiwawa went to the property nr 25 Madeliefie Street in Laingville on 23 February 2023. Pearl Swartz granted him access to inspect the condition that the dog was living in. The dog was tied with a rope and had no

access to shelter and there was no water available. He issued warning nr W4604 for the owner to:

- Provide the dog with adequate shelter within 7 days
- Provide the dog with potable water 24 hours a day

Pearl Swartz signed and accepted the warning.

5.

On 2 March 2023 my colleague Patrick Chiwawa went back to the property nr 25 Madeliefie Street Laingville. Pearl Swartz again granted him access to the property. The previous warning was not adhered to and the dog has to sleep under a tree. He left warning nr W5800 for the owner to:

Provide the animal with adequate shelter within 7 days

Pearl Swartz signed and accepted the warning.

6.

On 14 March 2023 my colleague returned to the property nr 25 Madeliefie Street Laingville. The warnings issued were not adhered to. He provided issued a notice to comply for the owner to:

Provide the dog with adequate shelter

7.

On 20 March 2023 my colleague Patrick Chiwawa returned to the property nr 25 Madeliefie Street Laingville. The occupants advised him that the dog sleeps in the back of the property.

8.

On 4 April 2023 I went to the property nr 25 Madeliefie Street Laingville to see if the warnings issued by my colleague were adhered to. The owner of the dog Eunice Jantjies was not at home. Her son was at home and showed me where the dog was tied at the back of the property. It was on a short chain. I issued warning nr W5854 for the owner to:

- Untie the animal immediately to roam free or to place the animal on a running chain within 7 days.

I then left the property.

9.

On 11 April 2023 I returned to the property nr 25 Madeliefie Street Laingville to see if the warnings were adhered to. Eunice Jantjies granted me access to the property. The dog was still chained with a short chain. Eunice Jantjies advised that they will extend the chain. I issued warning nr W5681 for the owner to:

- to untie the animal immediately to roam free or to place the animal on a running chain within 14 days

I then left the property.

10.

On 25 April 2023 I returned to the property nr 25 Madeliefie Street Laingville to see if my warnings were adhered to. There was no one at home and I could see the dog was still chained to a short chain and the shelter provided was not adequate as it does not provide cover from the rain or sun. I left another warning nr W5876 for the owner to:

- to untie the animal immediately to roam free or to place the animal on a running chain within 6 days
- to provide the animal with adequate shelter
- to contact me to discuss the issue within 24 hours

I then left the property

11.

On 2 May 2023 I returned to the property nr 25 Madeliefie Street Laingville to see if my warnings were adhered to.

There was no one at home. I could see the dog was still chained to a short chain with the same shelter.

I then left the property.

12.

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:

12.1

The dog on the property is tied with a short chain and the shelter does not provide her with protection against the weather. I am of the reasonable view that this is an offence in terms of Section 2(1)(a) and 2(1)(b) of the Animals Protection Act no 71 of 1962 and that the dog is neglected and tied in such a manner that causes her unnecessary suffering and she cannot express normal behaviour. She is also not protected against the weather conditions.

13.

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.

14.

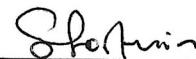
I request that such a warrant authorise members of Law Enforcement and the SAPS to accompany me upon such examination.

15.

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.

16.

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 SALDANHA on this the 08 day of MAY 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

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 25 Madeliefie Street Laingville St Helena Bay.

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 **8 May 2023**.

GIVEN UNDER my hand at **VREDENBURG** on this **8th** day of **MAY 2023**.



MAGISTRATE