



**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 Yzerfontein Road Darling with contact telephone number/s 022 289 0998 or 082 9385173. 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 30 June 2023 I did a Door to Door inspection at 2 Tiptol Street Vredenburg. I was granted access to the property by Bettie Jaars to do a welfare inspection. I observed two tan pitbull dogs that were underweight and both had skin problems. I asked Ms Jaars what they feed the dog and she told me that they do not have dog food. She also told me that they are not treating the dogs for their skin problem. I told Ms Jaars that they can surrender the

Pitbull female named Bella and the male named Striker to the SPCA if they cannot afford to feed or treat the dogs. She refused and said that she will tell the owner of the dogs Mr Willem Joseph. I left a warning nr W4539 for the owner to:

- Provide the dogs with adequate food on a daily basis
- Provide the dogs with veterinary care within 6 days
- To contact me to discuss within 24 hours

I then left the property

5.

On 7 July 2023 I returned to the property nr 2 Tiptol Street Vredenburg to see if the warning that I issued was adhered to. Ms Jaars again provided me with access to the property to do an inspection. She told me that she gave the warning to the owner Mr Joseph. There was still no dog food available for the dogs and they were not treated for their skin condition. I asked her to see where the dogs sleep and they also do not have adequate shelter. I gave the dog a bit of food and he immediately ate all of it. I gave another warning nr W4549 for the owner to:

- Provide the dogs with adequate food on a daily basis
- To provide the dogs with adequate shelter against the elements within 48 hours
- To provide the dogs with veterinary treatment within 48 hours
- To contact me within 48 hours to discuss

6.

On 10 July 2023 I returned to the property nr 2 Titol Street Vredenburg. The warning was not adhered to and the dogs are still in the same condition.

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 2 Pitbull dogs are not receiving adequate food and provided with vet treatment and do not have shelter against the elements. I am of the reasonable view that this is an offence in terms of Section 2(1)(a), 2(1)(b) and 2(1)(e) of the Animals Protection Act no 71 of 1962 and that the dogs are neglected, not provided with adequate food and they have no shelter.

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.

Shelwin

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 10 day of July 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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COMMISSIONER OF OATHS

SUID-AFRIKAANSE POLISIEDIENS
C.S.C
2023 -07- 10
VREDENBURG
SUID-AFRIKAANSE POLISIEDIENS

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 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 2 Tiptol Street Vredenburg**.

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 10 July 2023.

GIVEN UNDER my hand at **VREDENBURG** on this **10th** day of **JULY 2023**.



MAGISTRATE