

~~T2127~~ J2121

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)

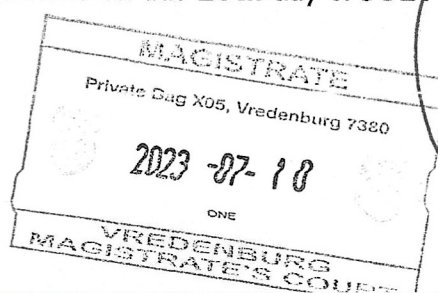
WHEREAS it appears to me from information on oath that there are reasonable grounds to believe that one or more offences listed in Section 2 of the Animals Protection Act 71 of 1962 have and are being committed within the Magisterial District of **Vredenburg** at the premises **nr 39 Suikerbekkie Street Langebaan.**

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

**Society for the Prevention
of Cruelty to Animals**

Incorporated Association not for gain



Swartland and West Coast

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**Dierebeskermings-
vereniging**

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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 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 5 July 2023 I did Door to Door inspections in Suikerbekkie street Langebaan. I saw a German Shepherd mix dog with a big abscess. I stopped and asked the people who the dog belongs to. A David told me that the dog lives in nr 39 Suikerbekkie Street Langebaan and the owner of the dog is Willem Andrew. I asked David what happened to the dog and he

told me that the dog was bitten more than a week ago. I left a warning nr : W4542 for the owner Willem Andrew to:

- Provide the German Shepherd mix male dog with veterinary care within 48 hours
- To contact me within 48 hours

I gave the warning to David who said that he will give it to the owner of the dog.

It is to be noted that I wrote the incorrect date on the warning. I wrote 6 July 2023 instead of 5 July 2023.

5.

On 7 July 2023 I returned to the property nr 39 Suikerbekkie street Langebaan. There was no one at home and the dog was still in the same condition. I left another warning number W4546 for the owner to:

- Provide the German Shepherd mix dog with veterinary treatment within 48 hours
- and to contact me within 48 hours

I attached the warning to the front door and then left the property.

6.

On 10 July 2023 I returned to the property nr 39 Suikerbekkie street Langebaan. The warning was not adhered to and the dog is 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 male German Shepherd mix dog has a very big abscess and is not being provided with veterinary treatment. I am of the reasonable view that this is an offence in terms of Section 2(1)(a) and 2(1)(e) of the Animals Protection Act no 71 of 1962 and that the dog is neglected and denied veterinary care.

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.

S. S. S.

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.

*28825535
A Dywili AC81*

COMMISSIONER OF OATHS

*Constable
A Dywili*

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VREDENBURG
SUID-AFRIKAANSE POLISIEDIENS