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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)**

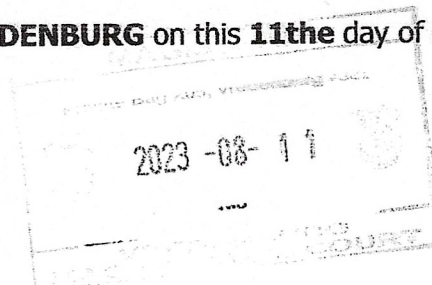
WHEREAS it appears to me from information on oath that there are reasonable grounds to believe that one or more offences listed in Section 2 of the Animals Protection Act 71 of 1962 have and are being committed within the Magisterial District of **Vredenburg** at the premises **nr 17 Jaffe Street Saldanha**.

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 **11 August 2023**.

GIVEN UNDER my hand at **VREDENBURG** on this **11th** day of **AUGUST 2023**.



Mosima

MAGISTRATE



**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 21 February 2023 the West Coast SPCA in Vredenburg received a complaint regarding a Boerboel dog that was left abandoned on the premises 17 Jaffe Street Saldanha. According to the complainant the premises is also covered in feces. My colleague Patrick Chiwawa went to the property on 21 February and 24 February 2023. He was advised by the neighbours that the owners are no longer living at the property and that all the neighbours are feeding

the dog. He left a warning for the owners to clean the feces. When he returned to the property it was cleaned and because the neighbours were feeding the dog he closed the case until further notice.

5.

On 30 May 2023 the West Coast SPCA received another complaint regarding a Boerboel dog that was abandoned at nr 17 Jaffe Street Saldanha. It also mentioned that the property was covered in feces. I went to the property on the same day and there was no one at home.

6.

On 31 May 2023 I returned to the property nr 17 Jaffe Street Saldanha. I saw a female Boerboel that was in an acceptable condition. There was water and food available. The yard was covered with feces. I tried to phone the number of the owner but got no response. I left warning nr W4513 for the owner to:

- Clean and hygienically maintain the animal/s living environment within 24 hours
- To contact me within 24 hours

7.

On 1 June 2023 I returned to the property nr 17 Jaffe Street Saldanha. The area was not cleaned. The owner did not contact me. The neighbour told me that the neighbourhood is still feeding the dog and the owners were not there. I left a warning nr W4515 for the owner to:

- Clean and hygienically maintain the animal/s living environment within 24 hours
- To contact me within 24 hours
- Possible abandonment of animal/s on the property is suspected

8.

On 2 June 2023 I returned to the property nr 17 Jaffe Street Saldanha. The area was cleaned and the warning was taken off the wall. Nobody has contacted me regarding the dog on the property. I left warning nr W4516 for the owner to:

- To contact me within 24 hours
- Possible abandonment of animal/s on the property is suspected

9.

On 5 June 2023 I returned to the property nr 17 Jaffe street. A Mr de Goede met me and told me he is a consultant for the family and told me I must rather talk to him. He told me that the dog is there to look after the property. The complainant then also came to the property and she and Mr de Goede came to an agreement that he will buy dog food and that she will feed the dog.

10.

On 7 August 2023 the complainant contacted the West Coast SPCA again and advised us that the family consultant Mr de Goede did not provide them with any dog food and that they are still feeding the dog from their own pocket. I went to the property nr 17 Jaffe Street and the property was covered with feces and the grass was overgrown. I left warning nr W4581 for the owner to:

- Provide the animal with adequate food on a daily basis
- To provide the animal with adequate shelter against the elements within 3 days
- To clean and hygienically maintain the animal's living environment within 24 hours
- Possible abandonment of animal on the property is suspected
- To contact me within 24 hours

11.

On 8 August 2023 I returned to the property nr 17 Jaffe Street Saldanha. The owner did not adhere to the warning or contact me. I gave the dog some food and water. I left another warning nr: W5484 for the owner to:

- Provide the animal with adequate food on a daily basis
- To provide the animal with adequate shelter against the elements within 2 days
- To clean and hygienically maintain the animal's living environment within 24 hours
- Possible abandonment of animal on the property is suspected
- To contact me within 24 hours

12.

On 10 August 2023 I returned to the property nr 17 Jaffe Street Saldanha. The owner has not contacted me. All the warnings were still on the wall where I left it. No food or shelter. Water was dirty. Property was still covered in feces and the grass overgrown. I gave another warning nr W5486 for the owner to:

- Provide the animal with adequate food on a daily basis
- Provide the animal with potable water 24 hours a day
- To provide the animal with adequate shelter against the elements within 3 days
- To clean and hygienically maintain the animal's living environment within 24 hours
- Possible abandonment of animal on the property is suspected
- To contact me within 24 hours

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- To provide the animal with adequate shelter against the elements within 2 days
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- To contact me within 24 hours

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- Provide the animal with adequate food on a daily basis
- Provide the animal with potable water 24 hours a day
- To provide the animal with adequate shelter against the elements within 3 days
- To clean and hygienically maintain the animal's living environment within 24 hours
- Possible abandonment of animal on the property is suspected
- To contact me within 24 hours

13.

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:

13.1

The Boerboel dog has been abandoned on the property with no food, water or shelter and the living environment is covered in feces. I am of the reasonable view that this is an offence in terms of Section 2(1)(a), 2(1)(c) and 2(1)(p) of the Animals Protection Act no 71 of 1962.

13.2

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.

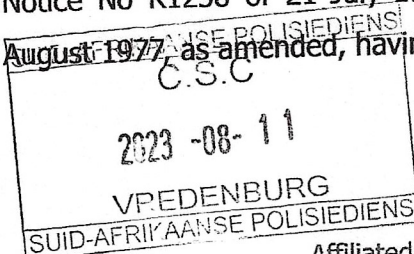
11.

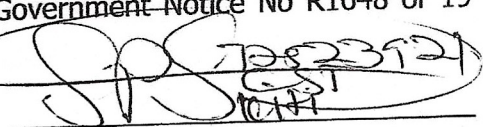
The SPCA is governed by an Act of parliament, namely the Societies for the Prevention of Cruelty to Animals Act 169 of 1993. The SPCA's objectives in terms of this Act is to prevent the ill-treatment of animals by promoting their good treatment by man.



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 on this the 11 day of August 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



Society for the Prevention of Cruelty to Animals
Dierebeschermingsvereniging

SEIZURE NOTICE

NAME & SURNAME: _____ DATE: 11/8/23

PHYSICAL ADDRESS: 17 Jaffe Street

Saldanha ID No.

TEL. No. _____ CELL No. _____ REG No. _____

The following animals have been seized:

ix Female Booby

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: Soldanha TIME: 12h10

INSPECTOR: Stephanie LeBlanc 0222890998