

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)

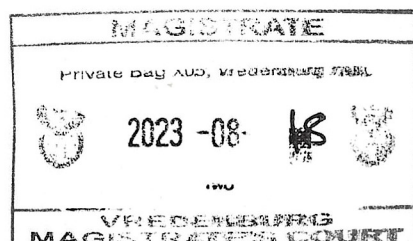
WHEREAS it appears to me from information on oath that there are reasonable grounds to believe that one or more offences listed in Section 2 of the Animals Protection Act 71 of 1962 have and are being committed within the Magisterial District of **Vredenburg** at the premises **13 Boswewer Street Vredenburg**.

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 **18 August 2023**.

GIVEN UNDER my hand at **SWARTLAND** on this **18th** day of **AUGUST 2023**.



Moshino
MAGISTRATE
2023/08/18



Society for the Prevention of Cruelty to Animals
Dierebeschermingsvereniging

SEIZURE NOTICE

NAME & SURNAME: Oscar Jacobs DATE: 18/8/23

PHYSICAL ADDRESS: 13 Boswender

_____ Wednesday ID No. _____

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

The following animals have been seized:

1 x Tan female dog Caringer

1 x white male dog frikkie

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: Vredenburg TIME: 14h27

INSPECTOR: Stephanie Foster 0222890998



**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 R45 Plaas Eenzaamheid Vredenburg 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 31 July 2023 I did a routine inspection at number 13 Boswewer Street Vredenburg. There was nobody at home but I could see 3 mixed breed dogs, 2 white dogs and 1 tan through the gate of the property. The dogs were all underweight. I left a warning number W5474 for the owner to:

- Provide the animals with adequate food on a daily basis

- To deworm the dogs within 7 days
- To contact me within 24 hours

5.

On 2 August 2023 I returned to the property 13 Boswewer Street Vredenburg to check if my warning was adhered to. The owner did not make contact with me. I was granted access to the property by Oscar Jacobs. He told me he is the owner of the dogs. He said he bought deworming tablets and grated it over the food for the 3 dogs. I told him that he had to feed them separately to ensure that all the dogs get the proper dosages and to ensure that all dogs get some of the food. He told me that that is the way they always get fed and I told him that that might be the reason why they are so underweight. I did not give him another warning because I educated him on how to feed the dogs.

6.

On 14 August 2023 I returned to the property 13 Boswewer Street Vredenburg to see if the condition of the dogs had improved. I was granted access to the property by a Charney. The body condition of the one white dog was slightly improved but the other white dog and tan dog's were still very underweight. I gave the dogs some of the dog food that I carry in my SPCA vehicle and they were very hungry and ate all the food. Because the body condition of 2 of the dogs did not improve I left another warning nr: W5491 for the owner to:

- Provide the animals with adequate food on a daily basis
- To provide the animals with veterinary treatment within 72 hours
- To contact me within 24 hours

7.

On 17 August 2023 I returned to the property 13 Boswewer Street Vredenburg to check if the owner complied with the warning I issued and if the condition of the animals had improved. I was granted access to the property by Mrs Jacobs, the wife of the owner of the animals. I asked her if the 2 underweight dogs were taken to a vet and she said the vets were full and that she will take them at the end of the month and that they do feed the dogs. I told her that that is not acceptable because if the dogs are getting proper food then there is something else wrong with them. I told her that if they cannot afford to take the dogs to a vet or buy them adequate food that they can surrender the dogs to the SPCA and if they do not take that option that I will have no choice but to remove the dogs with a warrant. She did not answer me. I fed the dogs again with my own food and they ate it all up immediately and appeared very hungry even the white dog that appeared to have picked up weight. The living area of the dogs was covered in feces.

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:

2 of the dogs are not receiving adequate food and provided with vet treatment and all 3 dogs are living in parasitic conditions. I am of the reasonable view that this is an offence in terms of Section 2(1)(a), 2(1)(c) and 2(1)(e) of the Animals Protection Act no 71 of 1962 and that the dogs are neglected, not provided with adequate food, not provided with vet care and living in parasitic conditions.

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.

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

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.

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.

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 18 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.

August 1977, as a
SUID-AFRIKAANSE POLISTEDIENS
COMMUNITY SERVICE CENTRE
18 AUG 2023
VREDENBURG
SOUTH AFRICAN POLICE SERVICE

Affiliated to the National Council of SPCAs (NSPCA)