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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 September 2023 the West Coast SPCA in Vredenburg received a complaint regarding a sick German Shepherd dog with no food and water at the property on the corner of Taurus and Mars Street Vredenburg. On 5 September 2023 at approximately 11:00 am I went to the property at the corner of Taurus and Mars Street Vredenburg. GPS co-ordinates **32°54'52.8"S 17°58'57.3"E**.

A young female lady opened the door and gave me access to the property to look for the dog. There was no dog on the property. I walked all around the yard. She told me she does not know anything about a sick dog. She said there is a dog and it belongs to her mother Eugenia. I told her that I will come back later in the day to check again. I went back to the property at approximately 16:00. The same female lady gave me access to the property. The dog was still not there. I advised the lady that they can surrender the sick dog to the SPCA when the dog is back at the property, they must contact me. I then left the property.

5.

On 6 September 2023 I returned to the property at the corner of Taurus and Mars Street Vredenburg. GPS co-ordinates **32°54'52.8"S 17°58'57.3"E**.

There was no one at home. I saw a German Shepherd mix dog laying on the ground. There was vomit and traces of diarrhea on the ground. The dog cannot get up and is in a very bad state. I phoned the owner of the dog Eugenia and told her that her dog is very sick and needs immediate vet treatment or she can sign the dog over to us. She refused to sign the dog over and said she will take the dog to the vet when she is back from work in the evening. She then put the phone down before I could respond. I tried to phone her back 3 times with no response. I also sent her a whatsapp to say that the dog requires immediate vet treatment. She responded that the SPCA must treat the dog but not euthanase the dog. I replied to her and advised her that the SPCA are not vets and that we cannot treat the dog. She then advised me that it must wait until she gets home as the vet advised her the previous day that it will cost R850. According to the complainant the dog has not been eating for more than a week.

6.

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:

6.1.

The German Shepherd dog is in a very bad state and requires immediate veterinary care. 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.

7.

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, the SAPS and Members of the Society for the Prevention of Cruelty to Animals (SPCA) 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 VRESENBURG on this the 06 day of SEPTEMBER 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.



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)

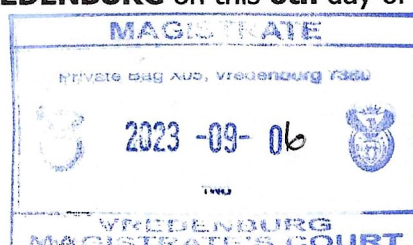
WHEREAS it appears to me from information on oath that there are reasonable grounds to believe that one or more offences listed in Section 2 of the Animals Protection Act 71 of 1962 have and are being committed within the Magisterial District of **Vredenburg** at the premises at the corner of Taurus and Mars Street Vredenburg. GPS co-ordinates **32°54'52.8"S 17°58'57.3"E**.

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 **6 September 2023**.

GIVEN UNDER my hand at **VREDENBURG** on this **6th** day of **SEPTEMBER 2023**.




MAGISTRATE



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

SEIZURE NOTICE

NAME & SURNAME: Eugenia Mtambo DATE: 6/9/23
PHYSICAL ADDRESS: Imars Street
Vredenburg ID No. _____
TEL. No. _____ CELL No. _____ REG No. _____

The following animals have been seized:

1x CSD dog Carass

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: 14h54

INSPECTOR: Stephanie Leffur