

**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**

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To: **INSPECTOR FORTUIN OF THE SWARTLAND AND WEST COAST SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS (SPCA)**

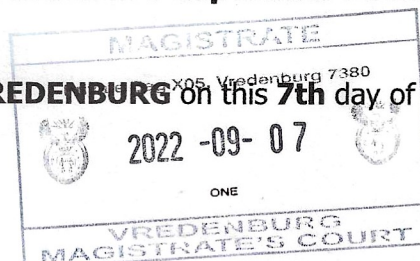
**WHEREAS** it appears to me from information on oath that there are reasonable grounds to believe that one or more offences listed in Section 2 of the Animals Protection Act 71 of 1962 have and are being committed within the Magisterial District of **Vredenburg** at the premises at 104 Nackerdien Street 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 **7 September 2023**.

GIVEN UNDER my hand at **VREDENBURG** on this **7th** day of **SEPTEMBER 2023**.



A large, stylized handwritten signature in black ink, written over the word 'MAGISTRATE'.

MAGISTRATE



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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 R45 Plaas Eenzaamheid Next to the Municipal Dumpsite 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 25 August 2023 I did routine inspections in Vredenburg. At nr 104 Nackerdien Street Vredenburg. I observed two black mixed breed dogs on very short chains with no collars. The owner Jennifer Murray gave me access to the property to do a welfare check. The dogs did not have adequate shelter. The owner told me that she chains the dogs because the property is not fenced and she claims that they also chase people on the street. I educated



Ms Murray on the correct way to confine the dogs and also on adequate shelter. I left Warning nr W5408 for Ms Murray to:

- Provide the dogs with adequate shelter from the elements within 7 days
- To put the dogs on a running chain within 7 days
- To provide the dogs with collars within 7 days

Miss Murray signed and accepted the warning and I then left the property.

## 5.

On 1 September 2023 I returned to the property nr 104 Nackerdien Street Vredenburg to see if my warning was adhered to. The owner Ms Murray was not at home but an occupant of the home, Benjamin, opened the door and granted me access to do a welfare inspection. The owner did not adhere to the warning. The dogs were chained to even shorter chains and still no collars. There was no food or water available to them and there was still no adequate shelter. I gave the dogs some food that I have in my vehicle and they immediately ate all of it. I noticed one dog, the male was injured and could barely stand up. He could not move properly. I left another warning nr W5415 for the owner Ms Murray to:

- Provide the dogs with adequate food on a daily basis
- Provide the dogs with potable water 24 hours a day
- To provide the animal with adequate shelter against the elements within 2 days
- To provide the sick or injured animal/s with adequate veterinary treatment within 48 hours
- To put the dogs on a running chain within 2 days
- To contact me within 24 hours

Benjamin signed and accepted the warning and I then left the property.

## 6.

On 4 September 2023 I returned to the property nr 104 Nackerdien Street Vredenburg to see if my warnings were adhered to.

The owner was not at home but a Mr Phillip Jacobs gave me access to the property to do a welfare inspection. Mr Jacobs told me that the owner did not take the dogs to the vet. There was water available but the shelter was still inadequate. The dogs were running loose. The male dog could still not walk properly and still required veterinary care. The warning issued was again not adhered to. Mr Jacobs told me that he told the owner of the dogs Ms Murray to just surrender the dogs to the SPCA but she refused. I left another warning nr W5417 for the owner Ms Murray to:

- To provide the animal with adequate shelter against the elements within 24 hours

- To provide the sick or injured animal/s with adequate veterinary treatment within 24 hours
- To contact me within 24 hours

Mr Jacobs did not want to sign the warning but he accepted it and told me that he will give it to Ms Murray. I then left the property.

## 7.

On 5 September 2023 I returned to the property nr 104 Nackerdien Street Vredenburg to see if the warnings issued were adhered to. Ms Murray was again not at home but her daughter Catherine Murray was at home and granted me access to the property to do a welfare check and to see if the warnings were adhered to. The dogs were roaming free but there was still no adequate shelter and both dogs were now injured and limping. The dog was not taken for veterinary care. I left another warning nr: W5421 for the owner Ms Jennifer Murray to:

- Provide the animals with adequate food on a daily basis
- To provide the animals with adequate shelter against the elements within 12 hours
- To provide the sick or injured animals with adequate veterinary treatment within 12 hours
- To contact me immediately

Ms Catherine Murray signed and accepted the warning and told me that she will give it to her mother.

I then left the property.

## 8.

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:

### 8.1

The two black mix breed dogs are not provided with veterinary care and adequate shelter. 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.

## 9.

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.

## 10.

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.

**DEPONENT**

1. *M. J.* 7/22/50  
EST  
MUTSHINKA

SUID-AFRIKAANSE POLISIEDIENS  
COMMUNITY SERVICE CENTRE  
07 SEP 2023  
VREDENBURG  
SOUTH AFRICAN POLICE SERVICE



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

# SEIZURE NOTICE

NAME & SURNAME: \_\_\_\_\_ DATE: 1/9/23

PHYSICAL ADDRESS: 104 Nacker den Street

Uredenburg ID No. \_\_\_\_\_

TEL. No. \_\_\_\_\_ CELL No. \_\_\_\_\_ REG No. \_\_\_\_\_

**The following animals have been seized:**

2x Male black x Breed dogs

**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: 13h00

INSPECTOR: Stephanie Requin