

43/2023
J.J.

2023 -09- 07

**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 OCTOBER 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 **MALMESBURY** at the
premises at Silvertown Small Farmers Chatsworth -33.55035634767186,
18.586781542328108.

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**.

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

2023 -09- 07

[Signature]
MAGISTRATE

**NATIONAL
COUNCIL OF
SPCAs**



**NASIONALE
RAAD VAN
DBVs**

Reg. No. 003-189 NPO

Registration No. 003-189 NPO

St. 1120

Alberton

1450

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ANIMALS PROTECTION ACT 71 of 1962

MAGISTERIAL AUTHORIZATION

By virtue of the powers vested in me under section 8(1) of the Animals Protection Act 71 of 1962, I hereby authorise

JAMESON GARTH OCTOBER

ID No. 821022 5206 082

a Qualified Inspector and an Officer for the **SWARTLAND SPCA** (Society for the Prevention of Cruelty to Animals), to exercise within the Magisterial District of **MALMESBURY**, all or any of the powers conferred by the said Act, and in particular those under Section 8(1)(a), (b), (c) and (d) and supporting Regulation No R468 2.(1), for the purpose of carrying out his/her duties as an Officer of the SPCA.

This Authority will remain enforceable only whilst the Appointee is authorised by the **NATIONAL COUNCIL of SPCAs** to act on its behalf.

Given under my hand this 5th day of May 2023.

Official Stamp to go here

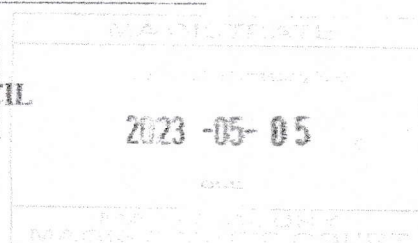
Name

J. HE. JANTJES

Signed

[Signature]

SPCA NATIONAL COUNCIL
Certificate of Competency
No. **11561**



Holder's Photograph





Society for the Prevention of Cruelty to Animals
Dierebeskermingsvereniging

SEIZURE NOTICE

NAME & SURNAME: Shaku DATE: 07/09/23
PHYSICAL ADDRESS: Silvertown Small Farmers
Chatsworth ID No. _____
TEL. No. _____ CELL No. _____ REG No. _____

The following animals have been seized:

1x Brown female Bearded (unsterilized)
cat/leopard Luxie

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: Peter iron

PLACE: Chatsworth, Silvertown TIME: 15:33

INSPECTOR: J. OCTOBER John



**APPLICATION FOR THE ISSUE OF A WARRANT IN TERMS OF SECTION 8(1) OF
THE ANIMALS PROTECTION ACT 71 OF 1962**

SUPPORTING AFFIDAVIT

I, Jameson October, hereby make oath and declare in English as follows:-

1.

I am an adult male 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 022 492 278 1 or 082 959 4879. 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 18 August 2023 I did routine inspections in Chatsworth at the Silertown Small Farmers. At one of the plots Jacob I observed 2 Boerboel dogs a male and a female that were both underweight. There was a Malawian man named Jacob that was looking after the plot. I asked him who the dogs belonged to and they were so underweight. Jacob told me that the owner of the dogs lives in the Congo and that he knows the owner as Shaku. He also told

me that the owner's girlfriend who is supposed to look after the dogs lives in Cape Town. Jacob told me that he told the girlfriend that there was no more dog food but she did not do anything about it. Both dogs were chained with long static chains and the male boerboel had no collar. I issued warning nr W5982 for the owner to:

- To provide the dogs with adequate food on a daily basis
- To provide the male boerboel with a collar
- To deworm both dogs within 4 days
- To contact me

Jacob accepted the warning and told me he will send the warning to the girlfriend via Whatsapp. I then left the property.

5.

On 22 August 2023 I returned to the Silertown Small Farmers in Chatsworth to see if the warnings issued were adhered to and to check on the welfare of the two Boerboel dogs. Jacob the man who looks after the property provided me access to do a welfare check. Jacob showed me an empty deworming packet and told me that he dewormed the dogs. He also showed me a 20kg of Monty and Me dog food. Because the owner adhered to the warning I left the property.

6.

On 6 September 2023 I went back to Silertown Small Farmers in Chatsworth to check if the dogs had picked up weight.

There was a new man looking after the plot named Peter who granted me access to do a welfare inspection. Peter told me that the owner's brother came to fetch the male boerboel and only the female is left. The female was still on a long chain. Her condition was the same and she did not gain any weight. There was an Epol bag of dog food. Peter told me that the dog is eating but is not picking up weight. Peter also told me that the owner is living in the Congo and the girlfriend in Cape Town and that he has not seen them for quite some time. I asked Peter for the girlfriend's number and tried to contact her but she did not answer. I issued a 24 hour warning nr W5998 for the owner to:

- To provide the female boerboel dog with veterinary treatment within 24 hours
- To contact me within 24 hours

Peter did not sign the warning but accepted it and will send it to the girlfriend via Whatsapp. I then left the property.

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 female dog is underweight and is not provided with 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 and that she is suffering unnecessarily as a result.

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.

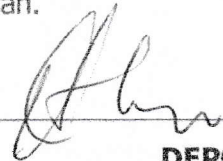
I request that such a warrant authorise members of Law Enforcement and the SAPS to accompany me upon such examination.

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.

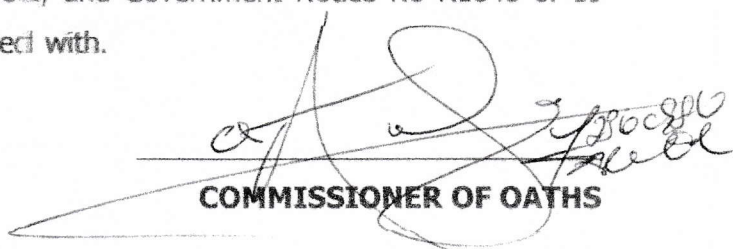
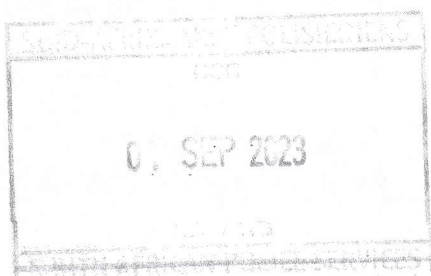
11.

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.



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 Springbok on this the ten 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.



COMMISSIONER OF OATHS