



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

SUPPORTING AFFIDAVIT

I, Carina Bodenstein, 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 Plaas Eenzaamheid R45 Vredenburg next to the Municipal Dumpsite with contact telephone number/s 022 289 0998 or 082 938 5173. 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 10 September 2024, at approximately 15:10, I was conducting a proactive inspection in Storm Street, Witteklip, Vredenburg. Upon arriving at 2 Storm Street, I was met at the gate

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by a woman who identified herself as Natania, the girlfriend of the owner of an unsterilized female crossbreed dog named Lyla, tan and white in color. The dog exhibited signs of a severe skin condition. Natania informed me that Lyla was recovering from an incident where she had been scalded with boiling water. I advised Natania that the symptoms appeared more consistent with mange rather than burns from boiling water. Natania then suggested that I speak with the dog's owner, who was not present at the time. I subsequently issued a written warning, reference number W6655, instructing the owner to have the dog assessed by a veterinarian within five days.

5.

On 16 September 2024, at approximately 14:35, I returned to 2 Storm Street Witteklip Vredenburg, where Natania once again granted me access to inspect the premises. Lyla, the dog was not present on the property during this visit. She informed me that the owner had refused to take Lyla to a veterinarian, stating that he knew how to treat the dog himself and would not surrender the animal if he was unable to afford professional care. I attempted to contact the owner by phone on two occasions, but both calls went unanswered as his phone was switched off. As a result, I issued a second warning, reference number W6666, requiring the owner to seek veterinary care for the dog within 48 hours.

6.

On 18 September 2024, at approximately 14:30, I returned to the property nr 2 Storm Street, Witteklip, Vredenburg. Natania allowed me access and relayed that the dog's owner, Levy, was not home, and she was unsure of when he would return. During this visit, the dog Lyla was present, and her skin condition had not improved.

Natania further mentioned that Levy had indicated he would permit me to take Lyla for treatment, provided I returned the dog afterwards. I informed Natania that it is the owner's responsibility to ensure the dog receives proper veterinary care, and that such services are not provided by the SPCA. I reminded her that I had attempted to call Levy during my previous visit and had also sent him a WhatsApp message. Natania confirmed that Levy had received the message, as he had mentioned it to her. I instructed her to inform Levy that he needed to contact me by 17:00 that day, warning that failure to do so would result in me seeking a warrant to remove the dog. Natania confirmed she would communicate this to him.

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7.

The owner did not contact me by the 17:00 deadline on 18 September 2024 as requested. On 19 September 2024, I received a WhatsApp message from Levy the owner of the dog Lyla, in which he stated that he was using his own herbal remedies to treat the dog. I responded by advising him that the dog required professional veterinary treatment and informed him that he had until Monday to comply. I further indicated that if the dog did not receive proper care by that time, I would pursue a warrant.

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 owner has not informed me that the dog Lyla has been taken for veterinary care as requested, and despite being given ample time to either provide the necessary treatment or surrender the dog if he could not afford it, I am now compelled to seek a warrant for the removal of the dog to ensure its welfare. 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 the dog Lyla is suffering unnecessarily as a result.

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.

11.

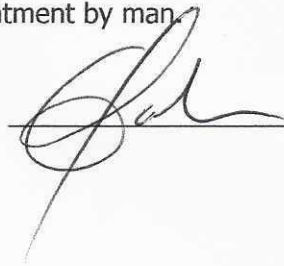
In addition, the SPCA requires to take photographic and / or video footage, and take into custody all / any evidence and / or equipment as may be reasonably necessary for the purpose of prosecution and, if necessary, may exercise its powers in terms of section 5(1) of the Animals Protection Act 71 of 1962.

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12.

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 01 day of October 2024, 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

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