

**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 Inspector employed as such by the Swartland and West Coast Society for the Prevention of Cruelty to Animals ("SPCA") at Eenzaamheid Farm, R45 in Vredenburg with contact telephone number/s 022 492 2781 and 082 938 5173 and email address info@swartlandwestcoastspca.co.za. My certificate of magisterial authority for this district is attached marked "A".

2.

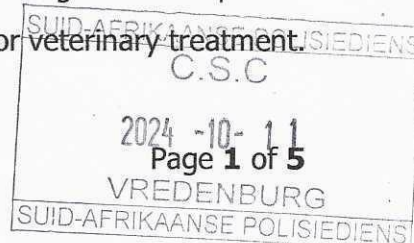
The facts contained in this affidavit fall within my personal knowledge unless indicated otherwise or unless it appears so from the context. The facts are also, to the best of my knowledge and belief, both true and correct.

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 the 9th of October, at approximately 11h20, I responded, in full uniform and with my SPCA-branded vehicle to a complaint at a property known as **4525 Tontelblom Street, Laingville in St Helena Bay** ("the property") about a dog with a suspected broken leg, and the owner not providing the dog with medical or veterinary treatment.



4.1.

Upon my arrival, I entered the property as the property does not have a gate. I saw a dog laying in front of a door and called the dog. The dog approached me, and I could see that the dog possibly has a fractured right hind leg as the leg was hanging, severely swollen, and the dog did not put any pressure on the leg. When I touched the dog's leg the dog whimpered and hobbled away.

4.2.

While I was busy assessing the dog an adult man approached me and advised that the owner of the dog is not present. He advised me that the dog has been in this condition since Tuesday, the 8th of October. I asked him if he has any contact details of the owner, but he did not. He called out to a woman that is residing at the back of the property and advised that she is the owner's daughter. The woman approached me and provided me with a contact number, but the number did not work. I proceeded to issue a written warning (#W6699, hereby attached marked "B") for the attention of the owner stating:

1. To provide the injured animal with adequate veterinary treatment.
2. You can surrender the dog to the SPCA.

I gave the warning to the owner's daughter, who guaranteed that she will hand the warning to the owner when he comes home.

5.

On the 10th of October 2024, at approximately 11h00, I returned to the property to conduct a follow up inspection and to verify if the owner complied with the warning issued.

5.1.

Upon my arrival, I entered the property and observed the dog laying in front of a house door. As I approached the dog, the dog stood up, but with difficulty and I could see that the dog's leg is still in the same condition as yesterday. I knocked on the door and a child opened the door. I asked the child if the owner was present and he advised no, but that he has a contact number for him. I called the provided contact number, and the owner answered. I asked the owner if he received the warning I issued yesterday, and he advised that he received it this morning, as he only returned home this morning. I asked if he has taken the dog for veterinary treatment, to which he responded that he has not had time yet but that he will make a plan today. I emphasised the severity of the injury to the owner and offered that he surrenders the dog to the SPCA, but he

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refused and indicated that I must grant him today as he will have the dog assessed by a veterinarian. I informed him that I will issue a final warning and grant him an additional 24 hours to have the dog taken for adequate veterinary treatment and failing such he will leave me with no other choice but to apply for a warrant in terms of the Animals Protection Act 71 of 1962, to seize the dog as the dog is likely suffering. The owner understood and indicated to me that he will take the dog for treatment today. I proceeded to issue a final written warning (#W6706 hereby attached marked "C") stating:

1. As discussed telephonically, you have till 11h00 tomorrow morning (24 hours) to have the dog taken for veterinary assessment as the dog appears to have a broken leg and is likely suffering.
2. You were given the option to surrender the dog, however you did not want to.

6.

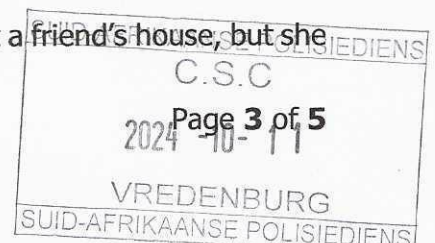
On the 11th of October 2024, at approximately 11h03, I returned to the property to conduct a follow up inspection and to verify if the owner complied with the warning issued.

6.1.

Upon my arrival, I entered the property as the property does not have a gate. I saw the dog laying in front of the house, huddled up in a bundle. I called the dog to stand up and the dog stood up but with great difficulty. The dog still appeared to have a fractured right hind leg as the leg was hanging, swollen, and the dog did not put any pressure on the leg. When I touched the dog's leg the dog was whimpering, a possible indication of being in pain. It was evident to me that the dog has not received veterinary treatment.

6.2.

I proceeded to call the owner. A man answer the phone stating that he is the owner's brother, and that the owner is currently not with him. I asked the owner's brother if he knows the whereabouts of the owner and he advised that he is around as he saw his car parked outside the property a few minutes ago when he passed the property, but he does not know his exact current whereabouts. I asked the brother if he is aware of the condition the dog is in, and he advised that he is not, and that I would need to discuss the matter with the owner. An elderly woman approached from the back of the property and advised that she is a tenant. I asked if she knows the whereabouts of the owner and she advised that he is around and likely drinking at a friend's house, but she



does not know his exact current location. I asked if she could confirm if the dog was taken for veterinary treatment, and she responded that the dog has not left the property since my initial inspection.

7.

The owner has been given ample opportunity to have the dog taken for veterinary assessment and possible treatment as the dog is in need of such, however the owner is intentionally, deliberately and negligently denying the animal such treatment and is causing the dog to suffer unnecessarily.

8.

I have reason to believe that one or more offenses listed in Section 2 of the Animals Protection Act 71 of 1962 have been or are being committed for the following reasons:

8.1.

The one (1) dog has a possible fractured right hind leg and is being denied veterinary or medical treatment. I am of the reasonable view that this is an offense in terms of Section 2(1)(a) and (e) of the Animals Protection Act No 71 of 1962 and that the dog is suffering unnecessarily.

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 animals are kept and if necessary, remove the aforesaid animal to prevent further suffering.

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.

I request that such warrant authorize members of the **Swartland and West Coast SPCA (SPCA)** and/or **South African Police Service (SAPS)** and/or the **Saldanha**

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Page 4 of 5
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Bay Municipality Law Enforcement to accompany me upon such examination, if their assistance is required.

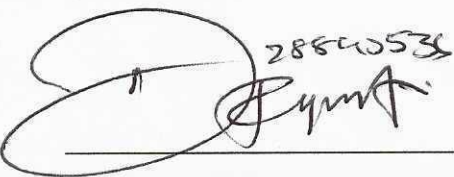
12.

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, to promote the interests of Societies for the Prevention of Cruelty to Animals and to make cognisance of the application of laws affecting animals and Societies and to make representations in connection therewith to the appropriate authority.



DEPONENT

The deponent has acknowledged that she knows and understands the contents of this affidavit/declaration, which was signed and sworn to before me at Vredenburg on this the 11 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

Full names: ASTRIDUR DYWID
Designation: CONSTABLE
Business address: 85 Mon Road, Vredenburg
7380



**NATIONAL
COUNCIL OF
SPCAs**



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DBV's**

Incorporated Association in South Africa

Republiek van Suid-Afrika

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ANIMALS PROTECTION ACT 71 of 1962

MAGISTERIAL AUTHORISATION

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

CARINA BODENSTEIN

ID No. 910612 0284 084

a Qualified Inspector and an Officer for the **SWARTLAND & WEST COAST SPCA** (Society for the Prevention of Cruelty to Animals), to exercise within the Magisterial District of **VREDENBURG (WC)**, 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 **SWARTLAND & WEST COAST SPCA** to act on its behalf.

Given under my hand this _____ day of 2024 -02- 28 20

Official Stamp to go here

Name

Yousuf Siraj

Signed

SPCA NATIONAL COUNCIL
Authorisation No. **15116**

Holder's Photograph

