

29/21

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SEARCH AND SEIZURE WARRANT

[In terms of section 21 read with section 20 and Chapter 2 of the Criminal Procedure Act, 1977 (Act No.51 of 1977)(CPA)read with section 21 and 22 and section 5(G)(1)(2), read with sec 33 of Provincial Gazette 7830 of 29 September 2017]

TO: The Law Enforcement officials listed in **Annexure A** hereto:

WHEREAS it appears to me from information on oath / ~~affirmation~~* provided by a Law Enforcement involved in an investigation under Provincial Gazette 7830 of 29 September 2017) District of **STELLENBOSCH** suspected commission of offence(s) listed below, that there are reasonable grounds:

A. **For reasonably believing** that the following offence(s) have been * ~~and/or are being committed*~~ ~~and/or are intended to be committed*~~, namely (setting out the common law or statutory offence with Act name and number and the relevant offence section. Also state essential facts regarding offence including date / period / place / area / identified offend(s)):

That the suspect contravened section 4 and 15 of Provincial Gazette 7830 of 29 September 2017. The accused/suspect intentionally/unlawfully kept more than two dogs on his/her property without written permission of Stellenbosch Municipality. Secondly suspected of breeding dogs and hawking them in his residential place contravening Stellenbosch Dog By Laws.

SUBJECT

B. **For reasonably believing** that the articles capable of seizure as listed in **Annexure B** hereto:

* are concerned in the commission or suspected commission of the said offence(s), or otherwise*

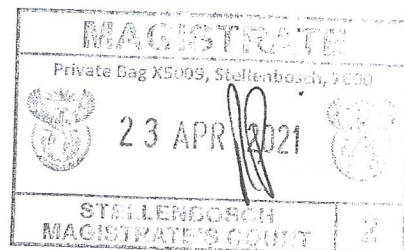
(Two or More Dogs has been kept without written permission of the Stellenbosch municipality)

ADDRESS

Such being hereinafter referred to as, "the premises", and / or

The owner of the dog is:

**Mr. Jan Cilliers
Stumble Inn Back Packers
20 Market Street
Stellenbosch**



SEARCH AND SEIZURE WARRANT

[In terms of section 21 read with section 20 and Chapter 2 of the Criminal Procedure Act, 1977 (Act No.51 of 1977)(CPA)read with section 21and 22 and section 5(G)(1)(2), read with sec 33 of Provincial Gazette 7830 of 29 September 2017]

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B. **For reasonably believing** that the articles capable of seizure as listed in **Annexure B** hereto:

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(Two or More Dogs has been kept without written permission of the Stellenbosch municipality)

ADDRESS

Such being hereinafter referred to as, "the premises", and / or

The owner of the dog is:

**Mr. Jan Cilliers
Stumble Inn Back Packers
20 Market Street
Stellenbosch**



7600

RESPONSIBLE PERSON

(set out the name of the person with identification number or passport number, if available)

Such being hereinafter referred to as "the identified person(s)", and

JAN CILLIERS

THEREFORE THERE IS A NEED to search for and seize said article(s) upon or at the premises* ~~and / or under the control of or upon the identified person(s)*~~ under the authority of a warrant issued in terms of the provisions of section 4 read with section 14 and the further relevant provisions of Chapter 2 of the CPA;

YOU ARE HEREBY AUTHORIZED AND REQUIRED within the context of the performance of all relevant duties required in terms of the provisions of Chapter 2 of the CPA

- to enter the premises and/or approach the identified person' during day and/ or night time and search the premises for the articles listed in Annexure B hereto, and to seize the article that are found and exercise any further powers and perform any further duties in relation to such seized articles as set out in Chapter 2 of Act 51/1977(CPA).

Any person whose rights in respect of any search or article seized under this warrant have been affected is entitled to a copy of this warrant with its Annexures, together with a copy of the supporting affidavit* / ~~statement under affirmation~~* (Annexure C).

Given under my hand at **STELLENBOSCH** on this.....²³ day of

.....^{Apr.} (month)²⁰²¹ (year)



**delete that which is not relevant and retain that which is relevant*

29/21

ABZach

SIGNATURE

INITIALS AND SURNAME:

DESIGNATION:

AREA OF JURISDICTION.....

A. Pdzek

Magistrate

Stellenbosch

DATE STAMP

MAGISTRATE	
Private Bag X5009, Stellenbosch, 7600	
	23 APR 2021
STELLENBOSCH MAGISTRATE'S COURT	
	2

Annexure B

The articles capable of seizure are as follows:

All Border Collies (Dogs) in possession, owned or in the care of Mr. Jan Cilliers at his place of residency which is at number 20 Market Street, Stellenbosch.

The said Border Collies include 4 adult dogs with all the puppies (10).

A total of 14 dogs will be removed from the premises for safe keeping and be cared for by the Animal Welfare society of Stellenbosch.



ANNEXURE C

PARTICULARS OF LAW ENFORCEMENT OFFICERS WHO WILL BE EXECUTING THE SEARCH WARRANT AT ADDRESS:

**JAN CELLIERS, 20 MARKET STREET, STUMBLE INN
BACKPACKERS, STELLENBOSCH**

- | | | |
|---------------------|------------------|------------------|
| 1. MKHULULI MQIKELA | ID.7501256034083 | PERSAL:191618 |
| 2. COBIN ARENDSE | ID.9307305105082 | PERSAL:196122 |
| 3. LEON MULLER | ID.6801015092088 | (ANIMAL WELFARE) |
| 4. RUDY BERGSTEDT | ID.8104265047086 | (ANIMAL WELFARE) |

SEARCH WARRANT APLLIED FOR BY MKHULULI MQIKELA ID.
7501256034083 AT STELLENBOSCH MUNICIPAL COURT ON

.....YEAR.....

Mgud



STUMBLE INN BACKPACKERS

12 Market Street

Stellenbosch

7600

Tel: +27(021) 8874049/0745118757

E-mail: stumble@iafrica.com

DATE: 21/04/21

I George Oosthuizen ID.7410035030083, here by declare this document as the truth as follows:

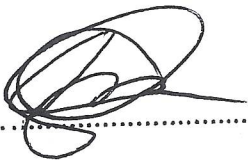
Jan Cilliers has been staying at the backpackers for 3 months and still owes us the amount of R11000 in unpaid accommodation.

Told me he only has two dogs and later arrived with 14 dogs, which is very un-hygienic .

After many warnings to remove dogs and to pay for outstanding accommodation, he has still not complied.

I request to have the dogs and Jan Cilliers removed from my property, he still has belongings I can sell to recoup my losses.

GEORGE OOSTHUIZEN



SUID-AFRIKAANSE POLISIEDIENS
STASIE BEVELVOERDER STELLENBOSCH
2021-04-21
STATION COMMANDER STELLENBOSCH
SOUTH AFRICAN POLICE SERVICE

verklarende dat bestaande verklaring deur my gemaak is en dat verklaarder erken dat hy vertrouwd is met die inhoud van hierdie ver- klaring en dit begryp. Hierdie verklaring is voor my beëdig/bevestig en verklaarder se handtekening/merk/duimafdruk is in my teen- woordigheid daarop aangebring.	I certify that the above statement was made by me and that the deponent has acknowledged that he/she knows and understands the contents of this statement. This statement was sworn to/affirmed before me and deponent's signature/mark/thumbprint was placed thereon in my presence.
te Stellenbosch op 21.04.21 om 12.20 at op at	
(HANDTEKENING) KOMMISSARIS VAN EDE (SIGNATURE) COMMISSIONER OF OATHS	
ABRAHAM JOHANNES JACOBI	
VOLLE VOORNAME EN VAN IN DRUKSKRIF FULL FIRST NAMES AND SURNAME IN BLOCK LETTERS	
33 A 107 STREET STELLENBOSCH	
BESIGHEIDSAADRES (STRAATADRES) BUSINESS ADDRESS (STREET ADDRESS)	
STELLENBOSCH SAP	
CAPTAIN	
RANG/RANK	
SA POLISIEDIENS	



STELLENBOSCH MUNICIPALITY
COMMUNITY & PROTECTION SERVICES
LAW ENFORCEMENT – WETSTOEPASSING
1 HOFMAN STREET, STELLENBOSCH, 7600
(021) 808 8890/1

SWORN STATEMENT

I, NAMES & SURNAME: Leon David Muller OCCUPATION: Inspector Animal Welfare
GENDER: Male HOME LANGUAGE: ID NUMBER: 6801015092088

HOME ADDRESS

HOUSE NR & STREET NAME: 29 14th Street, Strand
AREA/SUBURB: Strand POSTAL CODE: 7599
TOWN/CITY:

WORK ADDRESS

BUSINESS NAME/ADDRESS: Animal Welfare Devonvalley Road
AREA/SUBURB: Devonvalley TOWN/CITY: Stellenbosch POSTAL CODE: 7600

CONTACT DETAILS

H: W: 021 8883 9129 CELL: 074 680 5925
EMAIL:

DECLARE UNDER OATH IN ENGLISH/AFRIKAANS:

That I am a male adult employed as an Inspector with the Stellenbosch Animal Welfare, stationed at Devonvalley Animal welfare station.

On the 20th of April 2021 at about 13:30 I responded to a complaint from the owner of the Stumble Inn Backpackers a Mr. George Oosthuizen. He complained about one of his tenants who was staying at his Inn who has brought 14 border collies to stay with him on his property at 20 Market Street.

He requested that his property be visited and inspected to ascertain the wellbeing of the 14 dogs. He complained also of the unhygienic conditions the dogs are being kept under.

I visited the address at 20 Market street and found nobody home. I walked to the back of the property through the vacant property of 18 Market Street from where I could see into 20 Market Street.

I could see 4 adult border collies roaming the yard. I immediately contacted the owner of the property, Mr. George Oosthuizen and he informed me that the other 10 dogs were being kept in the garage. From where I was, I could not gain access to the garage or view if the dogs were kept inside the locked garage.

Mr. George Oosthuizen gave me the name of his tenant as a Mr Jan Cilliers who have been renting from him for the past 3 months.

I am aware of Mr. Jan Cilliers as I have been dealing with him on numerous occasions where he was illegally breeding with border collies at various address in Stellenbosch.

I first had an encounter with Mr. Cilliers on the 22nd of February 2021 at his girlfriend's flat of Berg en Dal in Buitekring Street, Dalsig.



STELLENBOSCH MUNICIPALITY
COMMUNITY & PROTECTION SERVICES
LAW ENFORCEMENT - WETSTOEPAASSING
1 HOFMAN STREET, STELLENBOSCH, 7600
(021) 808 8890/1

From this address he also bred illegally with the 4 adult border collies.

After visiting him and investigating the complaint from his neighbours on the flat, he moved the dogs to number 99 Buitekring Street from where he continued to illegally breed with the 4 dogs.

I therefore ask that a warrant for the immediate impoundment of all the animals used in his illegal breeding activities at his current address of 20 Market Street.

All the animals (dogs) will be kept at the Stellenbosch Animal welfare society and cared for.

I ask for your immediate assistance as the breeding activities of Mr. Jan Cilliers are having a severe impact on the dog's health.

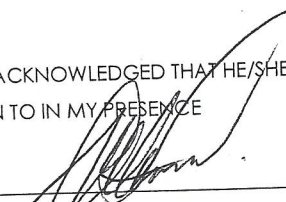
I KNOW AND UNDERSTAND THE CONTENTS OF THIS STATEMENT. I HAVE NO OBJECTION TO TAKING THE PRESCRIBED OATH

I CONSIDER THE PRESCRIBED OATH TO BE BINDING ON MY CONSCIENCE


SIGNATURE OF DEPONENT

I CERTIFY THAT THE ABOVE-MENTIONED STATEMENT WAS TAKEN BY ME AND THAT THE DEPONENT HAS ACKNOWLEDGED THAT HE/SHE KNOWS AND UNDERSTANDS THE CONTENTS OF THE STATEMENT. THIS STATEMENT HAS BEEN SIGNED AND SWORN TO IN MY PRESENCE

AT Stellenbosch. ON 22 April 2021 AT 12:16.


SIGNATURE (COMMISSIONER)

Kevin Prins
FULL NAME & SURNAME

Senior Inspector. Leo. Serv.
PEACE OFFICER DESIGNATION

