

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 **VREDENBURG** at the premises **408 BETTER LIFE STREET, GEORGE CARRIAGE, 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 entities:
 - **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.

GIVEN UNDER my hand at **VREDENBURG** on this 26 day of November **2024.**



MAGISTRATE



**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 Plaas Eenzaamheid R45 with contact telephone number/s 022 289 0998 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 19 November 2024, my colleagues, Inspector Bodenstein and Trainee Inspector Mathabela, conducted door-to-door inspections in the George Carriage area, Vredenburg. At the property located at 408 Better Life Street, they observed five adult dogs and five puppies exhibiting severe skin conditions, with some animals having raw, exposed skin. A man identifying himself as Mr. Melikhaya Canzibe approached them at the gate. Inspector Bodenstein informed Mr. Canzibe of the concerning state of the animals and explained the necessary actions to address their poor condition. Mr. Canzibe stated that the dogs belonged to his sister, Ms. Lungiswa Ncaphane, who was at work. Inspector Bodenstein offered Mr. Canzibe the option to surrender the animals to the SPCA if they were unable to provide adequate care, but Mr. Canzibe declined, stating they would not surrender the animals. Inspector Bodenstein then issued Warning No. W6721, instructing that the animals must receive veterinary care within 24 hours. The warning also reiterated the option to surrender the animals to the SPCA. Mr. Canzibe assured Inspector Bodenstein that he would relay the warning to his sister.

5.

On 20 November 2024, Ms. Lungiswa Ncaphane, the owner of the animals, communicated that she was willing to surrender some of the dogs. Arrangements were made to collect the animals after hours. During this interaction, Ms. Ncaphane requested an extension of 48 hours to seek veterinary care for the remaining four dogs. Inspector Bodenstein granted this extension, with the understanding that Ms. Ncaphane would take the dogs to the veterinarian by Friday, 22 November 2024. Later that same evening, we collected seven of the animals from the property.

6.

On 25 November 2024, I conducted a follow-up inspection at 408 Better Life Street, George Carriage, Vredenburg, to confirm whether the remaining animals had been taken to the veterinarian. Upon arrival, I observed approximately seven dogs on the property, all of which exhibited severe skin conditions consistent with mange. Two of the dogs had visible infections causing their eyes to be sealed shut. All the animals appeared emaciated and were in poor overall condition. I spoke to the owner's daughter, who was present at the property, and inquired if her mother had taken the animals to a veterinarian as agreed. She confirmed that her mother had not done so.

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 dogs on the property are not being provided with veterinary care and are suffering unnecessarily. I am therefore compelled to seek a warrant for the removal of these dogs to ensure their welfare. I hold a reasonable belief that this situation constitutes an offense under Section 2(1)(a) & 2(1)(e), of the Animals Protection Act No. 71 of 1962, as the dogs are experiencing unnecessary suffering as a direct result of these conditions.

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.

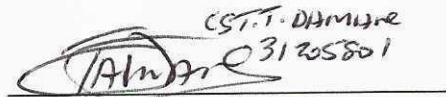
11.

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 Vredenburg SAPS on this the 25 day of November 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



Society for the Prevention of Cruelty to Animals
Dierebeskermingsvereniging

SEIZURE NOTICE

NAME & SURNAME: Lungiswa Ngaphyi DATE: 26/11/24
PHYSICAL ADDRESS: 408 Rietdijk 11th
Orangeburg / Vredenburg ID No. _____
TEL. No. _____ CELL No. _____ REG No. _____

The following animals have been seized:

1x Brown female terrier x (Adult)
1x Brown terrier x male (Adult)
1x Brown + white female terrier x (Adult)
1x Terrier x male black (Adult)
1x Black + brown terrier x male (Adult)
1x Black terrier x male (Adult)
1x Brown terrier x female (Adult)
1x Brown + black terrier x female (Adult)
5x Tan + black Puppies ± 2 weeks old

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: Owner not at home

PLACE: Vredenburg TIME: 11:05

INSPECTOR: J. O'Brien

2178/11/2024