

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 nr **36 4th Avenue Saldanha**.

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 **15 February 2024**.

GIVEN UNDER my hand at **VREDENBURG** on this **15th** day of **FEBRUARY 2024**.



MAGISTRATE



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**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 Vredenburg next to the Municipal Dumpsite 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 07 February 2024 the Swartland West Coast SPCA received a complaint about 2x dogs on a property that is very thin and that the dogs do not have any food or water available. I went to number 36,4th Avenue in Saldanha and was met by the complainant who also happens to be the owner of the house where the 2x thin dogs are being kept in the flat that

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15 FEB 2024

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she is renting to the owners of these dogs. I went to the back and knocked on the door, Mel De Kok opened the door and told me that both his parents are working. I asked Mel how many animals they have inside the flat and he told me that they have 2x dogs and 2x kittens. I saw 1x black terrier x male and 1x brown and black terrier x female. I also saw 2x DSH Ginger kittens inside the flat. The 2x dogs and the kittens are underweight. I asked Mel if they have any food for the animals and he told me that they don't have money for food but sometimes they get food from Koos who also stays on the property. I also asked Mel if he knew when the last dogs and kittens had been dewormed and he replied by saying that they have never been dewormed. I issued a warning to provide the dogs and kittens with adequate food and to also deworm the kittens and the dogs within 7x days and that I will come and do a recheck.

5.

On 14 February 2024 I went to do a recheck at the property and was met by the father Gert De Kok. I asked Mr. De Kok if I can see the food for the dogs and the kittens and he told me that they don't have any food and that Koos is feeding the dogs and kittens. I asked Mr. De Kok if the dogs and kittens have been dewormed and he told me that Koos said that he will organize a dewormer for the 2x dogs and 2x kittens. I told Mr. De Kok that Koos is not the owner of these animals and that it's his responsibility to care for his animals. The 2x dogs and the 2x kittens body conditions have deteriorated since the last time I saw them, and the 1x black terrier x also developed a skin condition on his back. I could also smell the cat urine inside the flat. I had some dog food with me and gave some to them which they devoured within seconds. The kittens also came to eat some of the dog food, that is how hungry they are. The owner has not adhered to my warning and clearly is unable to look after these poor animals.

6.

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:

6.1

Section 2. 1. (a) Any person who ill-treats and neglects any animal.

(c) Unnecessarily starves or under-feeds or denies water or food to any animal.

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(e) Being the owner of any animal, deliberately or negligently keeps such animal in a parasitic condition or allows it to become infested with external parasites or fails to render or procure veterinary or other medical treatment.

7.

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.

8.

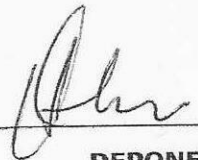
I request that such a warrant authorise members of Law Enforcement and the SAPS to accompany me upon such examination.

9.

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.

10.

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 15 day of FEBRUARY 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.

SOUTH AFRICAN POLICE SERVICE
COMMUNITY SERVICE CENTRE
15 FEB 2024
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