

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)

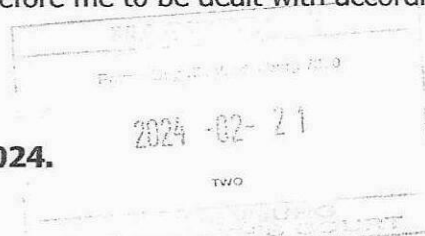
WHEREAS it appears to me from information on oath that there are reasonable grounds to believe that one or more offences listed in Section 2 of the Animals Protection Act 71 of 1962 have and are being committed within the Magisterial District of **VREDENBURG** at the premises nr **41 Sterlitzia Street 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 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 **21 February 2024.**

GIVEN UNDER my hand at **VREDENBURG** on this **21st** day of **FEBRUARY 2024.**



M. Asma

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 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 19 February 2024 the Swartland and West Coast SPCA received a complaint regarding Pitbull dogs at nr 41 Sterlitzia Street Vredenburg that were not in a good condition. I went to the property nr 41 Sterlitzia Street on 20 February 2024 at approximately 11:55 am. No one came out of the property. 2 Pitbull dogs came running to the gate - a white male pitbull dog and one brown and white pitbull female dog. Both dogs are underweight and both dogs

have skin problems. Both dogs are covered with external parasites. Because there was no one at home I could not enter the property to see if they had water and food. We are familiar with the owner of the property Mr J Manuel. We had a case of Animal Cruelty against him in 2018 where Mr Manuel pleaded guilty to Animal Abuse and paid a fine. Refer to the attached court documents. Vredenburg Magistrate Court A783/19

5.

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:

5.1

The Pitbull dogs are underweight and covered in external parasites and both dogs have a skin condition. I am of the reasonable view that this is an offence in terms of Section 2(1)(a), 2(1)(c) and 2(1)(e) of the Animals Protection Act no 71 of 1962 and that these dogs are suffering unnecessarily.

5.2

I hereby affirm that based on prior convictions for animal abuse and the continued neglect evident in the owner's actions, it is imperative to obtain a warrant for the immediate removal of the animals in question to prevent further suffering and ensure the enforcement of justice especially in light of the fact that this owner previously pleaded guilty to animal abuse.

6.

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.

7.

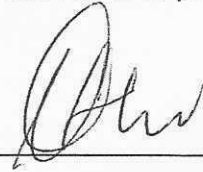
I request that such a warrant authorise members of Law Enforcement and the SAPS to accompany me upon such examination.

8.

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.

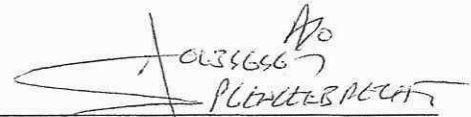
9.

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 Updeburg on this the 21 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.



COMMISSIONER OF OATHS

