

I 3054

**APPLICATION FOR THE ISSUE OF A WARRANT IN TERMS OF SECTION 8(1)
OF THE ANIMALS PROTECTION ACT 71 OF 1962**

SUPPORTING AFFIDAVIT

SUID-AFRIKAANSE POLISIEDIENS
STATION COMMANDER MALMESBURY
13 MAR 2024
COMMUNITY SERVICE CENTRE
SOUTH AFRICAN POLICE SERVICE

I, **Carina Bodenstein**, hereby make oath and declare in English as follows: -

1.

I am an adult female employed as an Inspector by the Swartland and West Coast Society for the Prevention of Cruelty to Animals ("SPCA") at Yzerfontein Road in Darling with contact telephone number/s 022 492 2781. 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 12 March 2024, at approximately 12h00, I responded, in full uniform and in my SPCA branded-vehicle, to a property know as **6241 Nobuhle Street** in **Malmesbury ("the property")** to inspect five (5) dogs, as reported to the Swartland and West Coast SPCA, that are underweight, has severe skin conditions and are denied veterinary or medical treatment by their owner.

4.1

Upon my arrival at the property, I was met by an unidentified adult female, who did not want to disclose her name to me, however did state that she is the owner of the dogs. I introduced myself and advised the owner that I am at the property to inspect the animals and the conditions they are kept in. The owner was hostile towards me and stated, in an aggressive tone, that nothing is wrong with the dogs. I advised the owner that the dogs likely have Sarcoptic Mange, which is a highly contagious disease, and advised that the dogs will have to be assessed by a veterinarian. The owner kept stating that the dogs have been in this condition for a long period of time and that she does not see any fault with them. I advised the owner that she can either take the dogs to be assessed by a veterinarian, or surrender the dogs to the SPCA if she is not able to care for them accordingly. The owner was reluctant to listen to me and I further then advised the owner that she will leave me then with no other option but to apply for a warrant and remove the dogs, the owner responded that I must then proceed with the warrant as there is no concern with her dogs and that she will not take them anywhere to be assessed by anyone.

4.2.

I observed five (5) X-breed type-dogs, of various ages, that were free roaming inside the property. The dogs appear to have severe skin conditions, suspected Sarcoptic Mange, as some of them barely had any hair left on their bodies. Two (2) of the dogs had more bare skin than hair and also had a foul smell, which I could smell from the gate of the property. The skin around the eyes of the dogs were also crusted. The dogs are also underweight, as their rib cages, hip bones and spines were clearly visible.

4.3.

Since the owner is not willing to take the dogs for veterinary assessment and possible treatment, the dogs are currently denied adequate veterinary or medical treatment. I am of the view that there is no other option but to confiscate the dogs as the dogs are suffering unnecessarily. I am also of the opinion that the owner is intentionally, deliberately and negligently denying the dogs medical treatment as an opportunity was given to the owner to render or procure veterinary or medical treatment, however the owner sees no concern with the condition the dogs are in.



5.

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:

5.1.

The dogs are underweight and have severe skin conditions, and are denied veterinary or medical treatment. I am of the reasonable view that this is an offence in terms of Section 2(1)(e) of the Animals Protection Act No 71 of 1962 and that the dogs are suffering unnecessarily.

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.

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.

8.

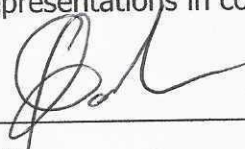
I request that such a warrant authorise members of the **Swartland and West Coast Society for the Prevention of Cruelty to Animals (SPCA)**, as well as members of the **South African Police Service (SAPS)** and/or the **Swartland Municipality Law Enforcement** to accompany me upon such examination, if their assistance is required.

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, to promote the interests of Societies for the Prevention of Cruelty to Animals

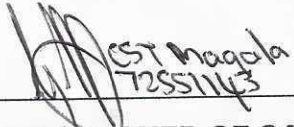
INDUSTRIAL DEVELOPMENT STATION COMMANDER 13 MAR 2024 COMMUNITY

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 Malmesbury on this the 13 day of March **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: Yonga Magala

Designation: Malmesbury

Business address: 1 Pilleberg Street

**NATIONAL
COUNCIL OF
SPCAs**



**NASIONALE
RAAD VAN
DBVs**

Incorporated Association not for gain

Reg. No. 003-189 NPO



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 **MALMESBURY (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 26th day of February 2024.

Official Stamp to go here

Name

J. H. E. JANTJES

Holder's Photograph

Signed



SPCA NATIONAL COUNCIL

Authorisation No. **15113**



**APPLICATION FOR THE ISSUE OF A WARRANT IN TERMS OF SECTION 8(1) OF THE
ANIMALS PROTECTION ACT 71 OF 1962**

PHOTOGRAPHIC EVIDENCE

Address: 6241 Nobuhle Street in Malmesbury ("the property")

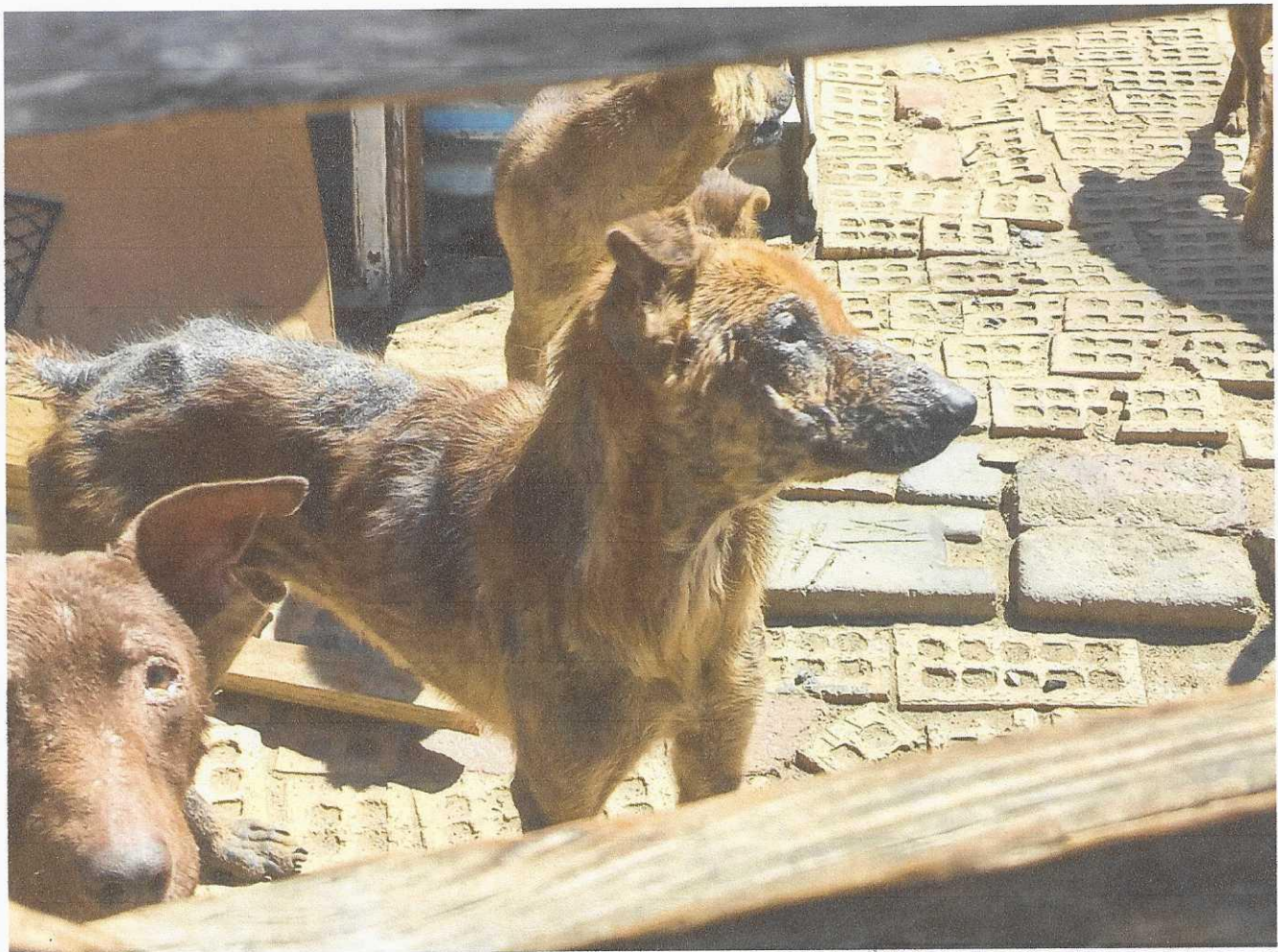
Date photo taken: 12 March 2024

Photos taken by: Insp. Carina Bodenstein

Photos taken with: Samsung Galaxy A32 Cell Phone

Picture 1:

One of the dogs observed on the property with a severe skin condition, depicting the dog with severe hair loss, crust around the eyes and hip bones protruding.



SUID-AFRIKAANSE POLISIEDIENS

STATION COMMANDER
MALMESBURY

13 MAR 2024

COMMUNITY SERVICE CENTRE