

I 3194

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

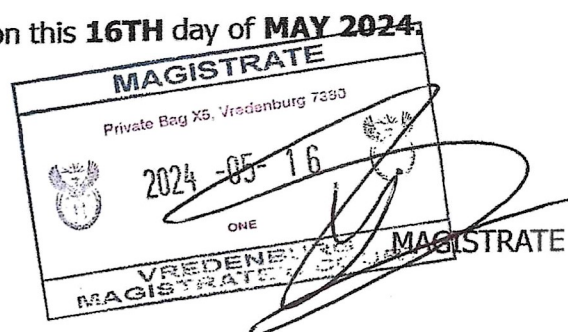
To: **INSPECTOR BODENSTEIN OF THE SWARTLAND AND WEST COAST SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS (SPCA)**

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 1322 Vraagom Street Diazville Saldanha. GPS Coordinates 33°00'29.7"S 17°54'50.1"E.**

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 **16TH** day of **MAY 2024.**





I3194

Swartland and West Coast

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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, 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 Plaas Eenzaamheid R45 Vredenburg next to the Municipal Dumpsite with contact telephone number/s 022 289 0998 or 082 938 5173. 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 18 April 2024 my colleague Trainee Inspector Mathabela was doing pro active door to door inspections in 1322 Vraagom Street Diazville Saldanha. GPS Coordinates 33°00'29.7"S 17°54'50.1"E. He observed a dog on a short chain without a collar. Mr Zain-Lee Adams granted him access to do a welfare inspection. There was an unsterilised female terrier mix dog named Sasha on the property. Trainee Inspector Mathabela educated the owner on

running chains and the fact that a dog must have a collar. Trainee Inspector Mathabela issued a Notice to Comply nr 129 for the owner to:

1. Provide the dog Sasha with a running chain within 7 days
2. Provide the dog Sasha with a collar within 7 days

Mr Adams signed and accepted the Notice to Comply.

5.

On 25 April 2024 Trainee Inspector Mathabela returned to the property 1322 Vraagom Street Diazville Saldanha. GPS Coordinates 33°00'29.7"S 17°54'50.1"E to see if the Notice to Comply that he issued was adhered to. A Francina told him that the owner and the dog moved to another property and was no longer there.

6.

On 2 May 2024 Trainee Inspector Mathabela returned to the property 1322 Vraagom Street Diazville Saldanha. GPS Coordinates 33°00'29.7"S 17°54'50.1"E to see if the dog was back at the property. Ms Anna Adams granted him access to do a welfare inspection. Ms Adams showed Trainee Inspector Mathabela the dog that was moved from the front yard to the back yard. The dog had a collar. The dog was still tied with a short chain and there was no water available for the dog Sasha. Trainee Inspector left another Notice to Comply nr 136 for the owner to:

- Provide the dog Sasha with a running chain within 4 days
- Ensure that the dog always have running water

7.

On 7 May 2024 I returned to the property 1322 Vraagom Street Diazville Saldanha. GPS Coordinates 33°00'29.7"S 17°54'50.1"E to see if the Notice To Comply that was issued was adhered to. On arrival I was granted access by Mr Zain-Lee Adams. I observed a mixed breed adult brindle female dog on a short static chain of approximately 2 meters long. The dog had a chain as a collar. The owner said that he was waiting on a cable to make a running chain. He also mentioned that he used a hosepipe as a collar but that it kept coming off. I granted him a 7 days extension to place the dog on the runner. Mr Adams agreed that if he fails to do so that he will surrender the dog to the SPCA.



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8.

On 14 May 2024 I returned to the property 1322 Vraagom Street Diazville Saldanha. GPS Coordinates 33°00'29.7"S 17°54'50.1"E. I arrived at the property in full uniform and my SPCA branded vehicle.

8.1

I immediately observed a new dog on the property, chained to the washing line pole. The dog is a staffie cross, female, brindle/white, named "Stacy" and in an emaciated condition. The chain is approximately 1 m long and the dog had a raw chain around her neck as a collar. The dog had a makeshift kennel and water. An unidentified coloured male approached me, who resides at the property, and advised that they do not have food for the dogs currently and that they are giving the dogs left over house food. The dog also appeared to be scared and approached me with caution, however leaped at me when she realised I was not there to harm her.

8.2

I then proceeded to the back of the property, at this stage Zain-Lee Adams, owner of the initial observed dog, approached from the house. He tried to place the dog on a runner, however used a thick rope instead of a cable or wire which causes the attached chain to be stuck and twirl as there is also a swivel attached to the attaching points of the chain. The chain is approximately 2m long, but with it being twirled the dog only had a 1.5m roaming range. The dog had a kennel and water. The dog also had a raw chain around the neck as a collar. I asked Mr Adams why he did not use wire and he advised that he could not get a wire or cable or hose pipe to fit around the collar. The owner is not making any noteworthy effort to improve the welfare of his dog.

8.3

Another individual approached from inside the house, an adult coloured female who claimed to be the owner of Stacy. According to her the dog was kept at her mother's property and she brought the dog to her property Saturday. I asked if the dog was taken for veterinary assessment as the dog is emaciated and likely has an underlying medical condition and she immediately became hostile with an aggressive tone in her voice stating that her dog does not require veterinary treatment, besides she does not have money for these things. I asked if the dog was thoroughly dewormed and she responded in a snarky manner that she gave the dog deworming syrup. I asked if she has any proof of purchasing or administering the syrup and again she responded in an aggressive tone that she does not have. I advised that the dog requires a broad spectrum deworming tablet to begin with and good nutritional food on a daily basis. The owner was reluctant to listen to me and dismissed my advice. I informed the owner that she is in contravention of the Section 2(1)(a)(b)(c)(e)(q) and (r) of



the Animals Protection Act 71 of 1962 and that she will leave me with no other choice but to apply for a warrant and remove the dog as it is evident that she won't comply with a warning nor put in any effort to improve the welfare of her dog. She responded that I must come with my warrant as she has come a long time with the dog and won't surrender the dog or have the dog taken for veterinary assessment and possible treatment to follow.

Based on my findings and the little to no compliance from the owners, it will be best to remove these animals as keeping them in these conditions will cause unnecessary suffering.

9.

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:

9.1

The brindle and white female mix breed dog Sasha is chained with a short chain without a collar and the Brindle and White female Staffordshire Terrier dog is emaciated and chained with a short chain without a collar. I am of the reasonable view that this is an offence in terms of Section 2(1)(a)(b)(c)(e)(q) and (r) of the Animals Protection Act 71 of 1962 and that the dogs are suffering unnecessarily as a result.

10.

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.

11.

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

12.

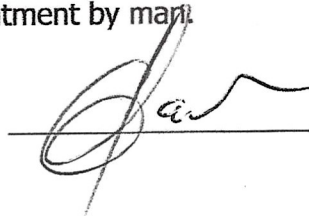
In addition, the SPCA requires to take photographic and / or video footage, and take into custody all / any evidence and / or equipment as may be reasonably necessary for the purpose of prosecution and, if necessary, may exercise its powers in terms of section 5(1) of the Animals Protection Act 71 of 1962.



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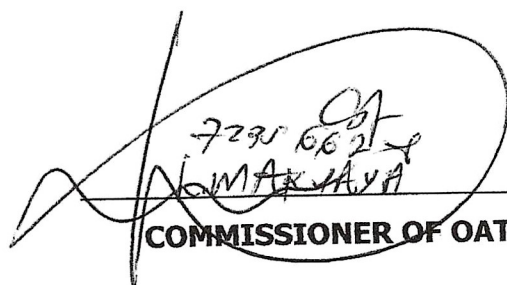
13.

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 she knows and understands the contents of this affidavit/declaration, which was signed and sworn to before me at VREDENBURG on this the 16 day of May 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.



729 6624
N. M. A. A. A.
COMMISSIONER OF OATHS





Society for the Prevention of Cruelty to Animals
Dierebeskermingsvereniging

SEIZURE NOTICE

NAME & SURNAME: ANUSHKE ANNIGUE DE KOCK DATE: 16 MAY 2024
PHYSICAL ADDRESS: 1322 VRAAGOM STR, DIAZVILLE,
SALDANIA ID No. 95020505 3085
TEL. No. _____ CELL No. _____ REG No. _____

The following animals have been seized:

1x DOG ("Jacy")

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: [Signature]

PLACE: SALDANIA

TIME: 12H24

INSPECTOR: BOENSTEIN [Signature]

I3194

16/5/2024

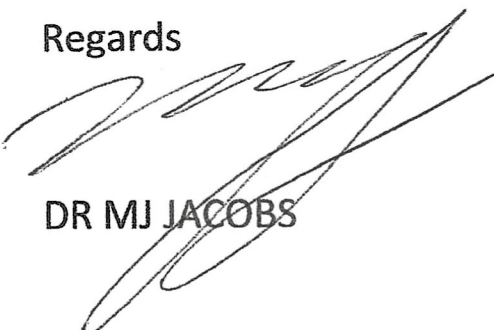
Veterinary report: STACEY, Staffordshire terrier

On examination Stacey was found to be extremely emaciated with a poor body condition, consistent with starvation or malnutrition for an extended period. Secondary to the malnutrition, symptoms such as scruffy coat, stiff joints and miliary sores on the skin was noted.

Lastmentioned a result of confinement around the neck through means unknown to the examiner but which was too constricting in its application.

Stacey had a fever and a heightened white blood cell count- consistent with an infection. Antibiotics was dispensed in treatment of.

Regards



DR MJ JACOBS