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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 SPCA Yzerfontein Road with contact telephone number/s 022 492 2781 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 17 April 2024 I conducted Door To Door Inspections In Riverlands. At nr 13 Suikerbekkie Street Riverlands I observed 1 Brown and White Terrier mix adult dog on a running chain with a collar. The dog's body condition was acceptable. The dog did not have any shelter and I issued warning nr W5624 for the owner to:

- Provide the dog with adequate shelter.

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5.

On 24 April 2024 I returned to the property nr 13 Suikerbekkie Street Riverlands. The owner of the dog Mr Saul Petersen was at home and granted me access to do a welfare inspection. The dog was moved to an area where there is a roof but it was still not adequate as it does not protect the dog from rain. I asked Mr Peterson why there still was no shelter and he told me that he asked someone to build a shelter with pellets for him and that it will be finished the following week.

6.

On 2 May 2024 I returned to the property nr 13 Suikerbekkie Street Riverlands to see if the dog had shelter. The dog had shelter and was still on a running chain. The body condition was acceptable.

7.

On 17 May 2024 I returned to the property nr 13 Suikerbekkie Street Riverlands. The brown and white terrier mix dog was tied with a short rope and the dog has lost weight. The area where the dog was living was covered with feces. I phoned the owner and Mr Petersen told me that the kennel was stolen. He could not answer me as to the bad body condition of the dog. I issued warning nr W5624 for the owner to:

- Provide the dog with adequate shelter within 5 days
- To provide the dog with veterinary care within 5 days
- To clean and hygienically maintain the dog's living environment within 5 days
- To put the dog on a running chain within 5 days

8.

On 22 May 2024 I returned to the property nr 13 Suikerbekkie Street Riverlands. The owner adhered to some of the welfare concerns. The dog has been provided with shelter and was on a running chain. The dog was still underweight. I contacted the owner Mr Petersen and he told me that he was getting paid that week and will take the dog to the vet on Saturday. I gave Mr Petersen the option to surrender the dog to the SPCA if he could not afford to take the dog to the vet. Mr Petersen refused and said he will take his dog to the vet.

9.

On 31 May 2024 I contacted Mr Petersen telephonically and he said he took the dog to a woman called Monica in Chatsworth for an injection. I told Mr Petersen that this person cannot treat an animal as she is not a vet. Mr Petersen told me that he will take the dog to a vet on the following Wednesday.

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On 7 June 2024 my colleague Field Officer Patrick Chiwawa returned to the property nr 13 Suikerbekkie Street Riverlands to see if the owner did take his dog to the vet as praised. A Ms Skye-Lee Petersen was at the property and she advised my colleague that her father Saul Petersen did not take the dog to a vet. My colleague also contacted the owner Mr Saul Petersen telephonically and Mr Petersen said to my colleague he did not take the dog to a vet as it was raining. My colleague issued a Notice to Comply for the owner to:

- Provide the animal with veterinary care within 3 days
- Provide a collar for the dog
- Seek treatment for the external parasites for the dog

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On 10 June 2024 I returned to the property nr 13 Suikerbekkie Street Riverlands. The owner did not comply and the dog was not in a good condition. I contacted Mr Petersen and asked him why the dog was still not taken to a vet. Mr Petersen told me that it was raining on Wednesday and I told him that that is not an excuse as he has a vehicle and then told me again that he does not have money. I again gave him the option of surrendering the dog to the SPCA and he refused. Mr Petersen told me then I must do what I must do and then he will do what he will do. I asked him if he is threatening me and he said no it is not a threat but he will do what he has to do.

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

12.

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:

12.1

The brown and white mix terrier dog is underweight, covered in external parasites and has no 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 dog is suffering unnecessarily as a result.

13.

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.

14.

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

15.

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.

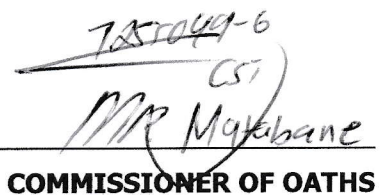
16.

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 10 day of JUNE 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