



**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 Yzerfontein Road Darling 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.

The Swartland and West Coast SPCA has received credible information indicating that the same Boerboel dog, which was previously concealed during the execution of the warrant on 7 September 2023, has returned to the property Silvertown Small Farmers, Chatsworth -33.55035634767186, 18.586781542328108. During the execution of the first warrant, we

were only able to take custody of one female Boerboel, as the male Boerboel was hidden. Additionally, a new female Boerboel has been reported on the premises. According to the witness, both Boerboel dogs are in an extremely emaciated condition.

On Thursday, 11 July 2024, I visited the property at Silvertown Small Farmers, Chatsworth -33.55035634767186, 18.586781542328108. A Malawian individual named Peter was present on the property. Upon inquiry, he denied the presence of any dogs on the premises. However, the complainant asserts that the dogs are being hidden at the back of the property and are in a severely neglected state. Furthermore, it has been reported that the Congolese owner of the property is seldom present and that dog food is never observed being delivered.

The SPCA will require a court order in order to enter the premises to examine the living conditions under which the dogs are being kept at the above mentioned property. As per Section 8(1)(a) of the Animals Protection Act 71 of 1962 an order must be obtained from court if access to the property is refused by the owner or occupier.

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

That dogs on the property are allegedly emaciated. I am of the reasonable view that this is an offence in terms of Section 2(1)(a) and 2(1)(c) of the Animals Protection Act no 71 of 1962 and that the dogs may be suffering unnecessarily as a result.

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.

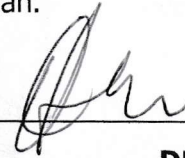
8.

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.

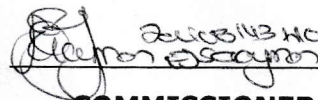
8.1.

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 Darling SARS on this the 18 day of July 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

SUID-AFRIKAANSE POLISIEDIENS
SUPPORT HEAD
18 JUL 2024
SUPPORT DARLING
SOUTH AFRICAN POLICE SERVICE