

I 3674

WARRANT IN TERMS OF SECTION 8(1) OF THE ANIMALS PROTECTION ACT 71 OF 1962, READ TOGETHER (WHERE APPLICABLE) WITH REGULATION 468 ISSUED IN TERMS OF SECTION 10(1)(b) AND (c) OF THE AFORESAID ACT

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

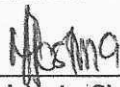
WHEREAS it appears to me from information provided on oath that there are reasonable grounds to believe that within the Magisterial District of **VREDENBURG** there is / are certain animals in the possession of / under the control of / upon the premises of and / or upon the person or any other person designated to care for the animals and / or manage the property known as **22 ABDOL STREET, LAINGVILLE** in **ST HELENA BAY** whose conditions are required to be examined for purposes of determining whether an offence in terms of section 2 of the aforesaid Act has been, is being or is likely to be committed.

This is therefore to authorise you to enter and search the identified premises and direct you to:

1. Examine the animal/s and the conditions in which it/they is/are kept.
2. Take such photographic and/or video footage of such conditions as may be reasonably necessary.
3. Take into custody any and all evidence and/or equipment required for the purposes of a prosecution.
4. If necessary, take with you onto the aforesaid property the following persons:
 - a. **Members of South African Police Service (SAPS)**
 - b. **Members of the Saldanha Bay Municipality Law Enforcement**
 - c. **Members of the Society for the Prevention of Cruelty to Animals (SPCA)**
5. Seize any animal/s and take it/them into your custody if it is reasonably necessary to prevent cruelty to or suffering of such animal/s.
6. Deal with it/them according to law ~~or bring it/them before me to be dealt with according to law.~~

GIVEN UNDER my hand at **VREDENBURG** on this 6 day of **SEPTEMBER 2024**




Magistrate Signature

Magistrate Name & Surname



Society for the Prevention of Cruelty to Animals
Dierebeskermingsvereniging

SEIZURE NOTICE

I 3674

NAME & SURNAME: Wesley CAROLUS DATE: 6 SEPT 2024
PHYSICAL ADDRESS: 22 ABDOOL STR, LAINGVILLE, ST. HELENA
BAY ID No. 8906075200089
TEL. No. _____ CELL No. 0606346918 REG No. _____

The following animals have been seized:

1x DOG

PETER TO REGULATION 468 READ TOGETHER WITH
ANIMALS PROTECTION ACT 71 OF 1962.

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: OWNER NOT PRESENT, LEAF ON HOUSE DOOR

PLACE: LAINGVILLE

TIME: 11:35

INSPECTOR: BODENSTEM

REPORT

Date: 6-9-2024

Order nr: L74/24

Name: ROM

Breed: PITTBULL TERRIER,

Sex: intact male.

Weight: 17kg.

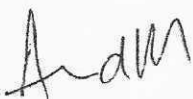
I, Dr Anel van der Merwe, have examined the dog ROM and found him to be underweight and full of ticks. His ear pinnae have dermatitis from damage due to over-exposure to sun and lack of proper shelter.

His bloodsmear confirmed tick bite fever. Treatment was initiated.

Doxydog 100mg tab twice a day for 2 weeks

Nexguard

Regards



Dr. Anel van der Merwe

**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 Inspector employed as such by the Swartland and West Coast Society for the Prevention of Cruelty to Animals ("SPCA") at Eenzaamheid Farm, R45 in Vredenburg with contact telephone number/s 022 492 2781 and 082 938 5173 and email address info@swartlandwestcoastspca.co.za. 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 the 2nd of September 2024, at approximately 14h40, I responded, in full uniform and with my SPCA-branded vehicle, to conduct a follow-up inspection at **22 Abdol Street, Laingville in St Helena Bay** ("the property") to assess a dog that was previously assessed and found to be in an emaciated condition and has not been

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SUID-AFRIKAANSE POLISIEDIENS
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[Signature]

provided with medical and/or veterinary treatment by its owner, who has been identified as Wesley Carolus, with ID number 890607 5200 089 ("the owner").

4.1

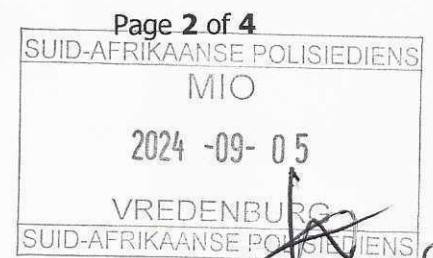
Upon my arrival, I approached the property and observed a Pitbull-type dog kept on the right side of the house. A man from across the street shouted at me and approached me stating that he is the owner of the dog. I introduced myself and shared the intent of my inspection. The owner advised that he has not been able to take the dog for veterinary assessment but has made arrangements to have the dog taken tomorrow. I approached the dog and examined the dog whereby I observed the dog to be in an emaciated physical condition as the rib cage, spine and hip bones were clearly protruding. I granted the owner the option to surrender the dog, however the owner refused and stated again that he will have the dog seen by a veterinarian tomorrow. I proceeded to issue a Warning #W5146 (hereby attached marked "B"), stating:

1. Your dog ("Roman") is underweight and likely has an underlying medical condition.
2. To provide the underweight animal with adequate veterinary treatment withing 24 hours and provide the SPCA with a veterinarian report.

The owner signed and accepted the warning.

4.2.

On the 4th of September 2024, at approximately 10h50, I returned to the property to conduct a follow-up inspection and to verify if the owner complied with the warning previously issued. Upon my arrival, no one appeared to be home as there was no response to my presence. I approached the dog and observed the dog to be kept in the same condition as previously observed, however the dog had raw sores on his ears and hip bones today as well. I proceeded to call the owner. The owner answered the phone, and I advised that I am at the property to verify if the dog was taken for veterinary treatment. The owner advised that he is currently at work and was at work yesterday as well and has not been able to take the dog for veterinary treatment. The owner then stated, in a hostile tone, that I will not take his dog. I asked the owner when he will be able to have the dog assessed and he advised that he is not sure as he can't just leave his work to have the dog taken to a veterinarian. I advised the owner that he is currently in contravention of the Animals Protection Act 71 of 1962, as the dog is in need of veterinary treatment and is currently being denied such and that I will have no other choice but to apply for a warrant to remove the dog in terms



of said Act under section 8(1), to which the owner responded, I must then do what I want as he will not give me the dog and can't just drop everything because the dog must see a veterinarian.

4.3.

The owner was previously warned, on 26 August 2024, to have the dog assessed by a veterinarian as the dog is underweight and appeared to be sick. Warning #W5581 hereby attached marked "C".

4.4.

The owner has been given ample opportunity to have the dog taken for veterinary assessment and possible treatment as the dog is in need of such, however the owner is intentionally, deliberately and negligently denying the animal such treatment and is causing the dog to suffer unnecessarily.

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 one (1) dog is emaciated with his rib cage, spine and hip bones protruding and is being denied veterinary or medical treatment. It is cruel and inhumane to deny any animal veterinary or medical treatment. I am of the reasonable view that this is an offense in terms of Section 2(1)(a) and (e) of the Animals Protection Act No 71 of 1962 and that the dog is 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 animals are 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.

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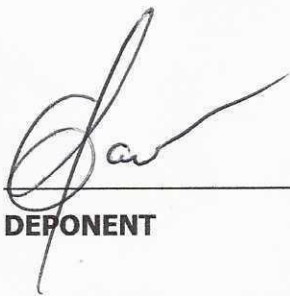


8.

I request that such warrant authorize members of the **Swartland and West Coast SPCA (SPCA)** and/or **South African Police Service (SAPS)** and/or the **Saldanha Bay Municipality Law Enforcement** to accompany me upon such examination, if their assistance is required.

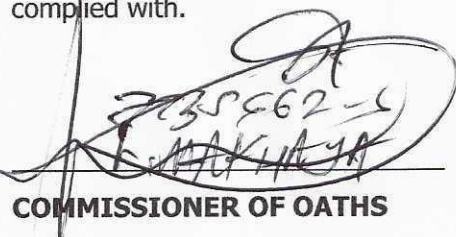
9.

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 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 Vredenburg on this the 09 day of September 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: Lwando Makaya
Designation: Constable
Business address: 85 Main Road, V.B.P.

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**NATIONAL
COUNCIL OF
SPCAs**



**NASIONALE
RAAD VAN
DBVs**

Incorporated Association not for gain

Ingelyfde Vereniging sonder winsoogmerk

Reg. No. 003-189 NPO

1320

Alberton

1450

Republic of South Africa

☎ (011) 907-3590/1/2/3

Fax: (011) 907-4013

e-mail: nspca@nspca.co.za

website: <http://www.nspca.co.za>

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 **VREDENBURG (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 _____ day of 2024 -02- 28 20____

Name Yousuf Siraj

Signed _____

SPCA NATIONAL COUNCIL
Authorisation No. **15116**

Official Stamp to go here

Holder's Photograph





I3674

Society for the Prevention of Cruelty to Animals
Dierebeskermingsvereniging

"B"

PROCESSED

WARNING

W 5146

To: Mr / Mrs / Ms <i>Wesley Carole</i>	Date <i>2 SEPT 2024</i>
Address <i>22 Abolot Str, Lairyville</i>	
ID No <i>8906075220009</i>	
Tel No	Cell No <i>060 634 6918</i>
Veh Reg No	Trailer Reg No

You are hereby warned: (Please pay attention to all the points on this warning, even those not ticked)

- ☐ 1. To provide the animal/s with adequate food on a daily basis.
- ☐ 2. To provide the animal/s with sufficient potable water 24 hours a day.
- ☐ 3. To provide the animal/s with adequate shelter against the elements within _____ hours / days.
- ☒ 4. To provide the sick or injured animal/s with adequate veterinary treatment within *24* hours and provide the SPCA with a veterinarian report within the given time frame.
- ☐ 5. To clean and hygienically maintain the animal/s living environment within _____ hours.
- ☐ 6. To groom the animal/s within _____ hours and keep them in a fit and healthy state at all times.
- ☐ 7. To untie/unchain the animal/s immediately to roam freely inside the property or to place the animal/s on a "running chain" within _____ hours / days. (Advice can be obtained from Inspector)
- ☐ 8. Possible abandonment of animal/s on the property is suspected.
- ☐ 9. Tail / ear maiming or any other surgical mutilation is not permitted on animals.
- ☐ 10. Baiting, inciting or provoking any animal to attack another animal or to allow any animal to attack another animal is not permitted.
- ☐ 11. To contact SPCA Inspector *Bodenstein* on *082 938 5175* within _____ hours / days to discuss the concerns.
- ☐ 12. Other / remarks:

You Hand Comm is undergoing an hot month in order to provide medical assistance. So as to ensure, for said the hand more, Sept 2024 in the weeks to come.

This warning has been issued in terms of the Society for the Prevention of Cruelty to Animals Act No 169 of 1993.

Failure to comply with this warning may render you liable for prosecution under the Animals Protection Act No 71 of 1962 and / or Performing Animals Protection Act No 24 of 1935.

Any person who:- obstructs, hinders or resists an officer authorised in terms of the Animals Protection Act No 71 of 1962 or conceals any animal shall be guilty of an offence in terms of Section 8(4) of the aforementioned Act.

SIGNED & ACCEPTED BY: *[Signature]*

PLACE: *Lairyville*

INSPECTOR: *Bodenstein*

TIME: *14:00*

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Society for the Prevention of Cruelty to Animals
Dierebeskermingsvereniging

PROCESSED

WARNING

W 5581

To: Mr / Mrs / Ms <u>Walter Grobler</u>		Date <u>26/8/24</u>	
Address <u>22 Hobart St</u> <u>Langkloof</u>			
Tel No		ID No	
Veh Reg No		Cell No	
		Trailer Reg No	

You are hereby warned: (Please pay attention to all the points on this warning, even those not ticked)

- ☒ 1. To provide the animal/s with adequate food on a daily basis.
- ☐ 2. To provide the animal/s with sufficient potable water 24 hours a day.
- ☐ 3. To provide the animal/s with adequate shelter against the elements within _____ hours / days.
- ☒ 4. To provide the sick or injured animal/s with adequate veterinary treatment within _____ hours and provide the SPCA with a veterinarian report within the given time frame.
- ☐ 5. To clean and hygienically maintain the animal/s living environment within 7 hours.
- ☐ 6. To groom the animal/s within _____ hours and keep them in a fit and healthy state at all times.
- ☐ 7. To untie/unchain the animal/s immediately to roam freely inside the property or to place the animal/s on a "running chain" within _____ hours / days. (Advice can be obtained from Inspector)
- ☐ 8. Possible abandonment of animal/s on the property is suspected.
- ☐ 9. Tail / ear maiming or any other surgical mutilation is not permitted on animals.
- ☐ 10. Baiting, inciting or provoking any animal to attack another animal or to allow any animal to attack another animal is not permitted.
- ☒ 11. To contact SPCA Inspector Joel Grobler on 082 957 4077 within 7 hours / days to discuss the concerns.
- ☐ 12. Other / remarks:

* Roman die pitbull ren moet binne
xdae by 12 regele was want
die hond was oke boelkoud was
hot, dis heken die hond was geurig
met me.
* 30 binne xdae was goed.

This warning has been issued in terms of the Society for the Prevention of Cruelty to Animals Act No 169 of 1993.

Failure to comply with this warning may render you liable for prosecution under the Animals Protection Act No 71 of 1962 and / or Performing Animals Protection Act No 24 of 1935.

Any person who:- obstructs, hinders or resists an officer authorised in terms of the Animals Protection Act No 71 of 1962 or conceals any animal shall be guilty of an offence in terms of Section 8(4) of the aforementioned Act.

SIGNED & ACCEPTED BY: Chlorus

PLACE: Langkloof

TIME: 15.08

INSPECTOR: Joel Grobler

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SUID-AFRIKAANSE POLISIEDIENS

PHOTOGRAPHIC EVIDENCE

Address: 22 Abdol Street, Laingville in St Helena Bay

Owner/s: Mr Wesley Carolus, ID: 890607 5200 089

Date photos taken: 04 September 2024

Photos taken by: Insp Carina Bodenstein

Photos taken with: Samsung Galaxy A32

Picture 1:

Depicting the dog in an emaciated condition with his rib cage protruding.



PHOTOGRAPHIC EVIDENCE

Address: 22 Abdol Street, Laingville in St Helena Bay

Owner/s: Mr Wesley Carolus, ID: 890607 5200 089

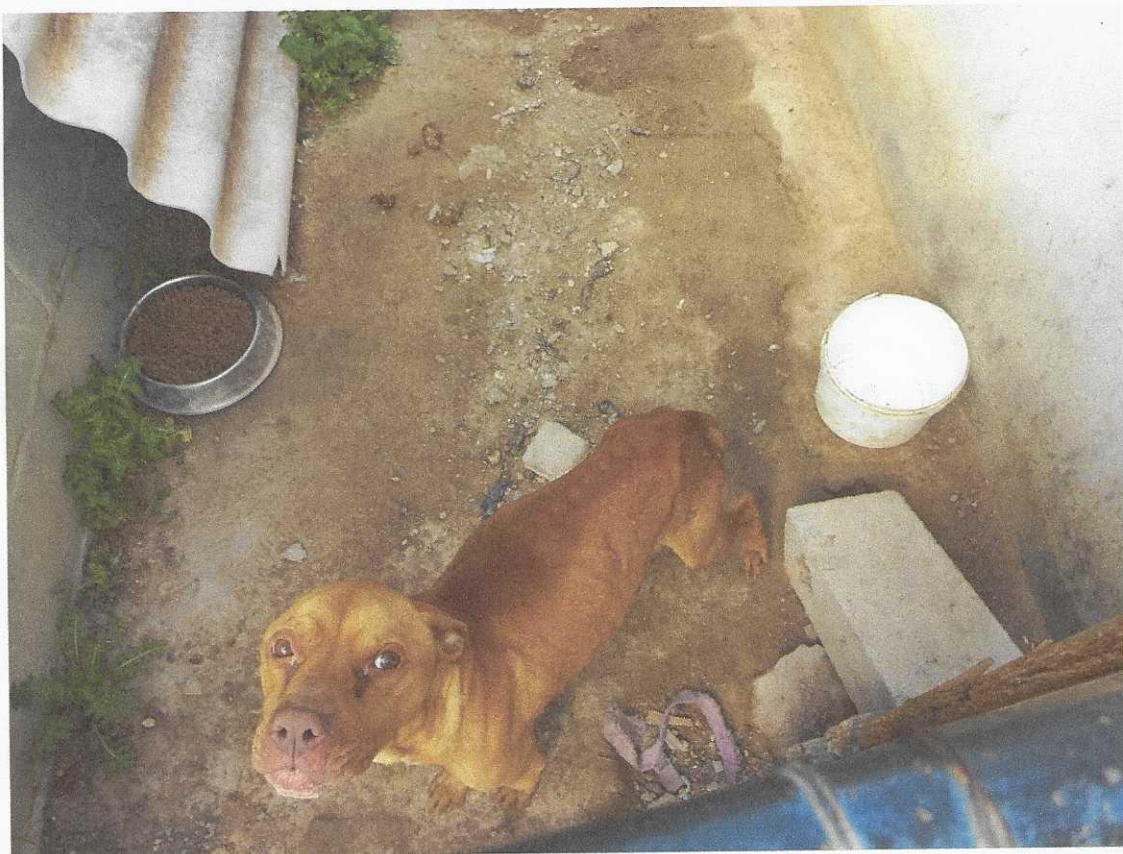
Date photos taken: 04 September 2024

Photos taken by: Insp Carina Bodenstein

Photos taken with: Samsung Galaxy A32

Picture 2:

Depicting the dog in an emaciated condition with his rib cage, spine and hip bones protruding.



PHOTOGRAPHIC EVIDENCE

Address: 22 Abdol Street, Laingville in St Helena Bay

Owner/s: Mr Wesley Carolus, ID: 890607 5200 089

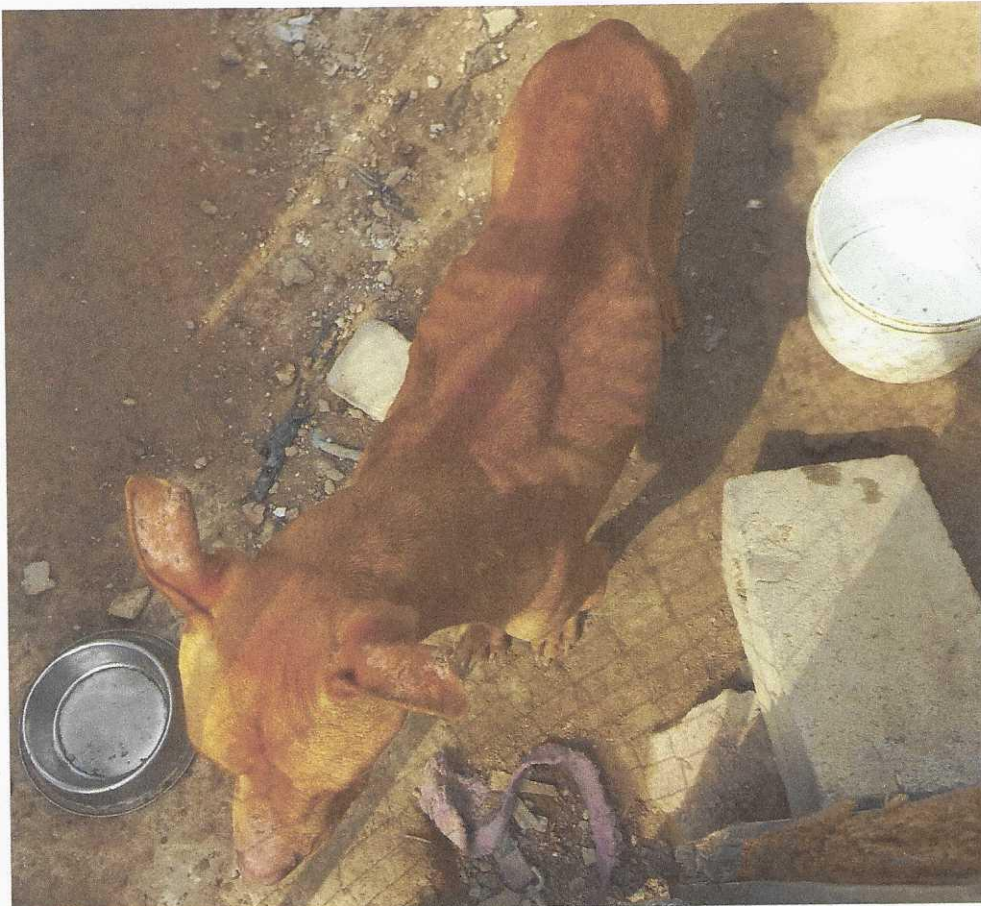
Date photos taken: 04 September 2024

Photos taken by: Insp Carina Bodenstein

Photos taken with: Samsung Galaxy A32

Picture 3:

Depicting the dog in an emaciated condition with his rib cage, spine and hip bones protruding, the dog also has raw sores on his ears.



PHOTOGRAPHIC EVIDENCE

Address: 22 Abdol Street, Laingville in St Helena Bay

Owner/s: Mr Wesley Carolus, ID: 890607 5200 089

Date photos taken: 02 September 2024

Photos taken by: Insp Carina Bodenstein

Photos taken with: Samsung Galaxy A32

Picture 4:

Depicting the dog in an emaciated condition with his rib cage, spine and hip bones protruding.



PHOTOGRAPHIC EVIDENCE

Address: 22 Abdol Street, Laingville in St Helena Bay

Owner/s: Mr Wesley Carolus, ID: 890607 5200 089

Date photos taken: 26 August 2024

Photos taken by: Insp Jameson October

Photos taken with: Samsung Galaxy A32

Picture 5:

Depicting the dog in an emaciated condition with his rib cage, spine and hip bones protruding.



ADMISSION, ASSESSMENT AND HISTORY RECORD



KENNEL No.				ADMISSION No. D 7399		
Stray	Surrender	Abandoned	Returned	Impounded	Confiscated	Request for euthanasia
Date in	6/9/24		Time in	11:35	Date for release	

IDENTIFICATION & LOST AND FOUND				Lost & Found checked	☐ Yes ☒ No	Lost & Found Date checked
Microchip / Collar or ID tag found	☐ Yes ☒ No	Date scanned or checked		Microchip or ID Tag number		

DESCRIPTION & HISTORY	☒ Dog	Cat	Other species (Specify)			
	Breed	PITBULL			Colour and Markings	TAN / WHITE CHEST
	Condition	Poor, underweight, sores on ears, + leg (front)			Sex	M
	Temperament	Ok			Sterilisation details	No
	Coat	S	Tail	L	Teeth Condition	
	Area found / collected from	LAINGVILLE, St. HELENA BAY			Date	6/9/2024
	Reason for surrender	CONFISCATED WITH WARRANT				

ASSESSMENT		Surrendered by		Name	
GOOD WITH: Yes No		Found by		WESLEY CAROLUS	
Children		Residential Address		22 ABDOL STR, LAINGVILLE	
Cats				ST. HELENA BAY	
Other Dogs		Postal Address			
Livestock/other		Tel (H)		Tel (W)	Cell
DO THEY: Yes No		Email			
Jump Fences		Donation R		Cash	Card
Run Away				EFT	(Receipt No.)

PLEASE INSIST ON A RECEIPT

Confiscated: OB No:

Case No: I 3674

Inspector: BODENSTEIN

STATEMENT OF SURRENDER

I do hereby certify that I DO / I DO NOT own the animal/s described above, that IT IS / IT IS NOT a stray and I DO / I DO NOT know where it comes from. I also freely surrender all interest, if any, therein to the SPCA, and I request that the animal be dealt with as deemed advisable in the discretion of the SPCA. It is expressly agreed that neither the SPCA nor its officers and employees will incur any obligation to me on account of such disposition of said animal/s. I confirm that I am over the age of eighteen (18) years of age. Also see 'Conditions' on reversed side.

Hiermee verklaar ek dat ek hierbo beskryf BESIT / NIE BESIT NIE, dat dit 'n RONDLOPER / NIE RONDLOPER NIE is, en dat ek WEET / NIE WEET waar dit vandaan kom nie. Ek doen ook vrywillig afstand van alle belange daarin, indien enige, ten gunste van die DBV en ek versoek dat die dier hanteer word soos wat die DBV goed ag. Daar word uitdruklik ooreengekom dat nóg die DBV nóg sy amptenare, en werknemers enige verpligtinge het, teenoor my ten opsigte van die hantering van die dier/e nie. Ek bevestig dat ek bo die ouderdom van agtien (18) jaar is. Sien ook die 'Voorwaardes' op die agterblad.

Signature	Witness for Society
	CARINA

FOR OFFICE USE: PENDING ADOPTION	Details of second Applicant
Details of first Applicant	Details of third Applicant

Claimed ☐ Adopted ☐ Euthanased ☐ Died ☐ Other ☐ On Date: _____