



**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 Swartland SPCA Yzerfontein Road Darling 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.

J. O

4.

On 28 May 2025, the Swartland and West Coast SPCA received a complaint regarding two puppies allegedly kept without shelter, food, or water at a property situated in 4th Avenue Chatsworth. The house in question does not have a visible number. The GPS coordinates for the property are -33.542555, 18.585515. On the same day, my colleague, Patrick Chiwawa, was dispatched to the location to conduct an inspection.

Upon arrival, Trainee Inspector Chiwawa found that there were no individuals present at the property. He observed approximately ten dogs on the premises, including two puppies that appeared underweight. One of the puppies was restrained with a cable. Due to visible security cameras on the premises, he was unable to take photographs of the situation. A neighbour provided him with a contact number for the owner of the dogs.

When Trainee Inspector Chiwawa contacted the owner telephonically, the owner responded aggressively and proceeded to threaten him. Despite the hostile response, Trainee Inspector Chiwawa issued a notice to comply with the following instructions:

- Remove the brown juvenile dog from the short cable,
- Seek treatment for the fly bite wounds on the ears of the black adult dog, and
- Improve the body condition of the two brown puppies.

The owner was granted seven days to comply with these instructions.

As no one was present at the residence to receive the notice, Trainee Inspector Chiwawa handed the notice to a neighbour who declined to provide her name but confirmed that she would pass it on to the owner. Trainee Inspector Chiwawa then departed from the property.

5.

On 6 June 2025, my colleague, Trainee Inspector Patrick Chiwawa, returned to the same address in 4th Avenue, Chatsworth, with GPS coordinates -33.542555, 18.585515. Once again, there was no one present at the property. From the gate, he was able to observe four dogs on the premises, two of which were puppies. The brown puppy appeared thin. The puppy that had previously been tied to the vehicle was no longer visible. The body condition of the remaining dogs appeared to be acceptable.

J. O

Trainee Inspector Chiwawa had, by this point, made numerous attempts to contact the owner telephonically, but although the phone rings, the owner refuses to answer the calls.

Inspector Chiwawa then went to a nearby residence belonging to a person named Robert. He showed Robert a photograph of the puppies, and Robert confirmed that he was the person who had originally given the puppies to the current owner. Robert stated that he intended to speak with the owner that same afternoon and would attempt to convince him to return the puppy. He further indicated that if successful, he would take the puppy back into his care and subsequently hand it over to the SPCA.

Inspector October is scheduled to conduct a follow-up inspection at the property on 7 June 2025 to determine whether the owner is present and to engage further with Robert. Trainee Inspector Chiwawa then left the premises.

6.

On 7 June 2025, I returned to the property situated at 4th Avenue, Chatsworth, with GPS coordinates -33.542555, 18.585515. I attended the premises on a Saturday at approximately 13:00 in an attempt to locate the owner. I called out and shouted outside the property, but no one responded or came out. I observed four dogs on the premises, two of which appeared underweight. I attempted to contact the owner telephonically once again, but there was no response. I then proceeded to the nearby residence of Robert, who had previously been identified as the individual who provided the puppies to the owner. Robert informed me that he would go to the neighbouring property again and would contact me. He also informed me that the owner's name is George. I left a warning notice, reference number W5320, at the property for the owner, instructing him to contact me and to ensure that the two medium-sized dogs gained weight within 4 days.

On 11 June 2025 my colleague Trainee Inspector Chiwawa returned to the property 4th Avenue, Chatsworth, with GPS coordinates -33.542555, 18.585515. Upon arrival, Robert signed over one of the puppies into our care. However, he stated that he would not be surrendering the second puppy, as he believed there was nothing wrong with it. The puppy that Robert kept was found to be in acceptable condition.

He then left a notice to comply Nr I4523 that he must seek veterinary treatment for the 2 thin dogs within 4 days. Trainee Inspector Chiwawa then left the property.

J.O

7.

On 17 June 2025, my colleague, Trainee Inspector Patrick Chiwawa, returned once again to the property situated at 4th Avenue, Chatsworth, with GPS coordinates -33.542555, 18.585515. As with previous visits, there was no one present at the property. He observed three black dogs on the roof of the structure, and their body condition appeared to be acceptable. He was unable to see the puppies during this visit. He then left the property.

8.

On 19 June 2025, my colleague, Trainee Inspector Patrick Chiwawa, once again returned to the property located at 4th Avenue, Chatsworth, with GPS coordinates -33.542555, 18.585515. On this occasion, he was only able to observe two black dogs on the premises. There was once again no one at home, and he was unable to make contact with anyone at the property. He then left the premises. The neighbour told him that they suspect that there are more dogs on the other side of the property where you cannot see from anywhere. 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.

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 dogs on the property are allegedly underweight and do not have shelter and water. I am of the reasonable view that this is an offence in terms of Section 2(1)(a), 2(1)(b) and 2(1)(c) of the Animals Protection Act no 71 of 1962 and that the dogs may be 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 animals are kept and if necessary remove the aforesaid animal to prevent further suffering.

11.

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

J.O

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.

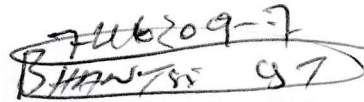
13.

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 he knows and understands the contents of this affidavit/declaration, which was signed and sworn to before me at VREDENBURG on this the 19 day of JUNE 2025, 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

