

SOUTH AFRICAN POLICE SERVICE



PART A 1.....

PREAMBLE TO STATEMENT

Station	Wellington	CAS no.	
PERSONAL PARTICULARS			
Title	MS	Initials	E
Surname	GRAHAM		
First names	ELANI		
Identity number	4110300038088	Race	A Br Bl ☒ Other
Passport number		Country of issue	
Date of Birth	19911030	Age	32
Nationality	SOUTH AFRICAN		
Citizenship	M ☒ L G B T I O		

I am/am not a member of the SAPS with PERSAL no' []

RESIDENTIAL ADDRESS			
Street name			
Building/farm/plot/place			
Suburb/Extension/Area	N/A		
Town/City		Postal Code	
Telephone number	Home Code	No	Work Code
Cellphone number			Fax Code

ADDRESS - WORK/BUSINESS/INSTITUTION/ORGANISATION

Name of Institution/Organisation

Street name

Building/farm/plot/place

Suburb/Extension/Area

Town/City Postal Code

Telephone number Home Code No Work Code No

Cellphone number Fax Code No

Would you like to receive information regarding this case via sms?

SERVICES RENDERED ON INITIAL REPORTING		
Psycho-social Services	☐ Y ☐ N	Medical ☐ Y ☐ N
Other (Indicate)		Shelter ☐ Y ☐ N

PLEASE INDICATE WHETHER THE VICTIM HAS ANY OF THE FOLLOWING DISABILITIES	
Vision impairment (blind, partially sighted)	☐
Hearing impairment (deaf or hard of hearing)	☐
Mental impairment (Down Syndrome, Epilepsy, Autism, Psychiatric)	☐
Physical impairment (Limping, using wheelchair or crutches, leg amputation, arm amputation)	☐
Albinism	☐
Multiple Disabilities	Specify if multiple ☐

CONTACT PERSON (IF APPLICABLE)														
Title	M	S			Initials	E			Surname	DOWN (Manager)				
Telephone number					Home	Code	021	No	864 3726	Fax	Code		No	

16/8/2024
Date

Graham (Inspector Eldni Graham)
Member's Signature (Rank, Name, Surname)

In case of theft of a vehicle the statement must be continued on form SAPS 3M(c).
In case of theft of a firearm the statement must be continued on form SAPS 3M(d).
In all other cases the statement must be continued on blank folio paper.



Station WELLINGTON CAS no. _____

PARTICULARS OF OFFENCE/INCIDENT																										
Date and time of offence/incident							-					Or	Period between	1	2	4	0	on								
20	2	4	0	5	31	and	1	0	3	5	on	20	2	4	0	7	0	5	Day of week	Su	M	T	W	T	F	S

Description of Offense/Incident ANIMAL CRUELTY

Method used/Entrance gained.....DENIAL OF WATER, DIRTY AND PARASITIC CONDITIONS,
ANIMAL ON STATIC CHAIN

Type of instrument used ANIMAL / CHAIN

Between: Name of place _____
and: Name of place _____
or _____
Street name 26 PARK STREET
Building/farm/plot/place _____
Suburb/Extension/Area _____
Town/City WELLINGTON Postal Code 7654
Geographical block no.

--	--	--	--	--	--	--	--

 Type of premises RESIDENTIAL

Vision impairment (blind, partially sighted)	☐	Hearing impairment (deaf or hard of hearing)	☐
Mental impairment (Down Syndrome, Epilepsy, Autism, Psychiatric)	☐		
Physical impairment (Limping, using wheelchair or crutches, leg amputation, arm amputation)	☐		
Albinism	☐		
Multiple Disabilities	Specify if multiple		

16/8/2024
Date

Graham
Signature

In case of theft of a vehicle the statement must be continued on form SAPS 3M(c).
In case of theft of a firearm the statement must be continued on form SAPS 3M(d).
In all other cases the statement must be continued on blank folio paper.

**Society for the Prevention
of Cruelty to Animals**



**Dierebeskermings-
vereniging**

Incorporated Association not for gain

Wellington SPCA

Ingelyfde Vereniging sonder winsoogmerk

NPO No.: 092-699 - PBO No.: 9300 33 255

P O Box 387, 7654 Wellington

Tel: 021 864 3726

Emergency: 082 905 9184

info@wellingtonspca.co.za

www.wellingtonspca.co.za

SWORN AFFIDAVIT

I, the undersigned

**ELANI GRAHAM
(ID 911030 0038 08 8)**

Do hereby make oath and state that:

1.

I am an adult female Qualified Inspector employed as such by the Wellington Society for the Prevention of Cruelty to Animals ("SPCA") at Interpace Road, Wellington with contact telephone number/s 021 864 3726 and 082 905 9184 and email address inspectorate@wellingtonspca.co.za.

2.

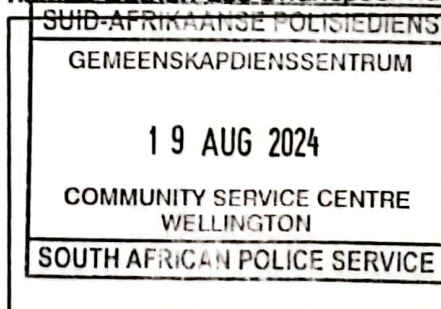
The facts contained in this affidavit fall within my personal knowledge unless indicated otherwise or unless it appears so from the context. The facts are also, to the best of my knowledge and belief, both true and correct.

3.

On the 29th of May 2024, at approximately 16H11, I received a case about a member of public who had witnessed a dog living in poor conditions on a chain at number 26 Park Street in Wellington ("the property").

4.

On the 31st of May 2024, at approximately 13H40, I arrived at the property. I called out but nobody responded. I heard a dog barking, walked around the property and saw a black dog on an extremely short static chain. I knocked at the front door and a young male named Dathon Lee Swanepoel was home. He confirmed that he was 18 years old after asking him and he gave me access to the property. I explained why I am there, got the details of the animals on the property and his father named Ashley Swanepoel ("Mr. Swanepoel") (ID number 7303265058082, Cell phone number 0846448622). We went to inspect the dog named "Tyson" (an unsterilized black and white male Pitbull cross). Tyson was found on a tangled short static chain, restricting him to enter his shelter and a knocked over water bowl denying him potable drinking water. Tyson's living



Handwritten signature and date:
19/8/24

environment contained hazardous material, excess faeces that could cause dirty and parasitic conditions. I then issued a Warning (See "A3") to clean Tyson's living environment from excess faeces and hazardous material within 7 days; Ensure Tyson always has access to water; provide Tyson with a running chain within 7 days. Dalton Lee Swanepoel signed and accepted the warning.

5.

On the 07th of June 2024, at approximately 11H30, Cadet Inspector Hugh Lewis ("Lewis") and I did a follow-up inspection at the property. We called out and Mr. Swanepoel was at home. We introduced ourselves and Mr. Swanepoel gave us access to the property. We noticed no changes has been made and that Tyson was still in dirty living conditions on a short static chain and had no access to drinking water. We explained in detail how he can fix Tyson's living conditions when Swanepoel mentioned that he will be moving to Newton on the 17th of June 2024. He could not tell us the exact address. We took this into consideration and explained how to improve Tyson's living conditions during this time. Mr. Swanepoel ensured us that he will be able to fix everything by the coming weekend. I then issued a Warning (See "A4") to clean Tyson's living environment from excess faeces and hazardous material within 72 hours; Provide water for Tyson at all times; Ensure to elongate Tyson's chain between two (2) to three (3) meters within 72 hours. Mr. Swanepoel signed and accepted the warning.

6.

On the 13th of June 2024, at approximately 14H30, Cadet Inspector Lewis and I did a follow-up inspection at the property. We called out and Mr. Swanepoel was at home. Mr. Swanepoel came out and met with us. We saw that no changes have been made When asked why nothing was done, he claimed that he forgot. He also claimed he moved the cars outside so that he can clean properly. Tyson was found in dirty living conditions on a short static chain with no drinking water. I then issued a Final Warning #002 (See "A5") to clean the environment where Tyson is from hazardous material within 96 hours; Ensure Tyson has water at all times; Ensure to provide Tyson with a two (2) to three (3) meter chain/ running chain within 96 hours. Mr. Swanepoel signed and accepted the warning.

7.

On the 18th of June 2024, at approximately 13H55, Cadet Inspector Lewis and I did a follow-up inspection at the property. Mr. Swanepoel and his son were busy drilling holes in the pavement to build a running chain for Tyson. They complied by giving Tyson drinking water and showed the materials bought for the running chain. He said everything will be done the following day. We reasonably decided to follow-up the next day.

8.

On the 20th of June 2024, at approximately 14H30, Cadet Inspector Lewis and I did a follow-up inspection at the property. We noticed that Tyson was on the running chain but it broke. Mr. Swanepoel's son arrived home and called his father for us. Mr. Swanepoel came out and was very hostile towards us. He told us the hazardous material has not been removed yet as he claimed on waiting for a vehicle to remove it. He also claimed to fix the running chain later during the day. We then decided to assist Mr. Swanepoel in securing the running chain and he allowed us to do so. We fixed the running chain with no assistance from Mr. Swanepoel and saw that it was stable and worked well. I decided to do a random follow-up to see whether the owner kept complying with our warnings. By this time, I also noticed that Mr. Swanepoel has not moved to Newton yet.

SUID-AFRIKAANSE POLISIEDIENS
GEMEENSKAPDIENSSENTRUM
19 AUG 2024
COMMUNITY SERVICE CENTRE WELLINGTON
SOUTH AFRICAN POLICE SERVICE

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20/6/24
8/19

9.

On the 02nd of July 2024, at approximately 14H15, Cadet Inspector Lewis and I did a follow-up inspection at the property. We found Tyson was placed back on his short static chain as the running chain was broken again. Tyson's living environment still had the same hazardous material than previous visits. We could not see clearly whether he had water or not as nobody was home to assist us. After giving more than enough time and numerous attempts of trying to assist Mr. Swanepoel to improve Tyson's living conditions, I believed that obtaining a court order to remove Tyson was necessary.

10.

On the 05th of July 2024, I obtained a court order (See "A7") from Wellington Magistrate's court. Cadet Inspector Lewis and I was assisted by Sergeant Davids and Constable Williams from Wellington SAPS to execute the court order. We arrived at the property at approximately 10H35. Mr. Swanepoel was not present at the time, but both of his children were named Ashlin Swanepoel and Dathon-Lee Swanepoel. I explained to Ashlin that I am there to execute a court order and confiscate Tyson. She and her brother were above the age of 18. Dathon-Lee assisted us by loading Tyson into our vehicle. As Tyson was aggressive, I went to where he was kept. He was kept on an 88-centimeter-long static chain tied to a tap. The broken running chain was still lying next to him. He did not have access to water, and he was stuck to a wooden frame restricting his movement and kept him from entering his kennel. I also confiscated the static chain Tyson was kept on. I issued Seizure Notice #01 (See "A8") which Ashlin Swanepoel signed and gave her a copy of the court order and Regulation 468. I obtained OB# 529/07/2024 from Wellington SAPS and admitted Tyson to Wellington SPCA.

11.

To this day, Mr. Swanepoel has made no effort to claim his dog from the SPCA.

12.

Photographs 1 to 13 were taken by myself, with my Oppo Reno 10 5G cell phone, on 31 May 2024, 7 June 2024, 13 June 2024, 18 June 2024, 20 June 2024, 02 July 2024 and 05 July 2024. I created the folder labeled "Photographic Evidence" which contains the photos. I did not edit or alter these photographs in any way. The photographs are a true and accurate reflection of my findings.

13.

I hereby respectfully request to lay the following criminal charges against Mr. Ashley Swanepoel with ID number 730326 5058 08 2:

- Section 2(1)(a) of the Animals Protection Act 71 of 1962, for neglecting the dog and allowing the dog to suffer unnecessarily; and / or
- Section 2(1)(b) of the Animals Protection Act 71 of 1962, for keeping the dog on a short static chain (88 cm); and / or
- Section 2(1)(c) of the Animals Protection Act 71 of 1962, for denying water to the dog; and / or
- Section 2(1)(e) of the Animals Protection Act 71 of 1962, for keeping the dog in dirty and parasitic conditions; and / or



[Handwritten signature]
2024
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1/11

- Section 2(1)(q) of the Animals Protection Act 71 of 1962, for being the owner of the animal and permitting the commission or omission of any of the above acts; and / or
- Section 2(r) of the Animals Protection Act 71 of 1962, by wantonly or unreasonable or negligently doing or omitting to do any act, which is to provide the animal with veterinary treatment or call for help for the animal, which causes unnecessary suffering to the animal; and / or

14.

I know and understand the content of this declaration.

I have no objection to taking the prescribed oath.

I consider the prescribed oath to be binding on my conscience.

Graham

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 Wellington on this the 14 day of August, 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.

MA ANDREWS

COMMISSIONER OF OATHS

Full names: Mariane Andrews

Designation: n/o

Business address: 87A'S Wellington



"A2"

**Society for the Prevention
of Cruelty to Animals**



**Dierebeskermings-
vereniging**

Incorporated Association not for gain

Wellington SPCA

Ingelyfde Vereniging sonder winsoogmerk

NPO No.: 092-699 - PBO No.: 9300 33 255

P O Box 387, 7654 Wellington

Tel: 021 864 3726

Emergency: 082 905 9184

info@wellingtonspca.co.za

www.wellingtonspca.co.za

SWORN AFFIDAVIT

I, the undersigned

**HUGH ADRIAN LEWIS
(ID 9805275209081)**

Do hereby make oath and state that:

1.

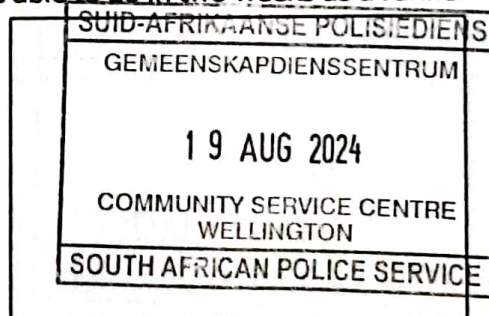
I am an adult male Cadet Inspector employed as such by the Wellington Society for the Prevention of Cruelty to Animals ("SPCA") at Interpace Road, Wellington with contact telephone number/s 021 864 3726 and 082 905 9184 and email address inspectorate@wellingtonspca.co.za.

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.

On the 07th of June 2024, at approximately 11H40, I assisted Inspector Elani Graham (Inspector Graham) with a follow up inspection at 26 Park Street, Wellington ("the property"). When I arrived at the property I saw an unsterilized male, black and white, Pitbull cross, named Tyson ("the dog") was living in dirty, parasitic conditions, with no access to water and still on an inadequate static chain. The owner Ashley Swanepoel ("the owner") came outside and we greeted him and introduced ourselves. He gave us access to his property to inspect the dog. When we explained to him on how he could improve his dog's living conditions, he said that he's moving to a new property in Newton on the 17th of June 2024, and Inspector Graham considered what he would be able to do in two weeks as a runner would be unnecessary costs since he's moving. Inspector Graham then explained to him on how he could improve the living environment by adding a tire around the dog's water bowl to prevent knock over, elongate the static chain and clean the area in which Tyson is being kept from faeces and unnecessary rubble (hazardous material). He then agreed and said he will have it done by the weekend. Inspector Graham issued warning (See "A4") which Ashley Swanepoel signed and received. He also said that we could inspect the new property where he is moving



H.L. *unA*
2024
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19.

to make sure its adequate for Tyson. He was also interested in having Tyson sterilized to prevent him from escaping and we gave him our information pamphlet and told him we will be back in 72 hours to do a follow up.

4.

On the 13th of June 2024, at approximately 14H02, I assisted Inspector Graham with a follow-up inspection at the property. When we arrived at the property, I saw that no changes had been made. The owner Ashley Swanepoel came outside. When asked why he had not made any changes as requested by the previous warning he said, "Ek het vergeet julle kom vandag." He moved the cars to clean the area. Inspector Graham then issued Warning #002 (See "A5") which he signed. Inspector Graham told Ashley that we would be back in 96 hours.

5.

On the 18th of June 2024, at approximately 13H55, I assisted Inspector Graham with a follow-up inspection at the property. When we arrived at the property, I saw them working on building a runner. We greeted them and saw they also placed the water bowl in a tire. He showed us the materials he had bought for the runner. He then said that he will be done by tomorrow and we said that we will be back to see the runner the next day.

6.

On the 20th of June 2024, at approximately 14H30, I assisted Inspector Graham with a follow up inspection at the property. When we arrived at the property, I saw that the dog was on a runner, but it was not stable, and the dog broke the runner. When calling the owner, nobody came outside, and we saw his son in the road, and he called the owner. The owner then came outside, and we asked him why the rubble was still there, to which he replied that he was waiting for a vehicle to take the rubble to the dump. Inspector Graham then asked why the dog broke the runner and he replied that the runner was not secure, and he was planning on fixing it later that day. Inspector Graham then told him that its important to fix it now since the dog could jump the fence. He then allowed us inside and we helped him fix the runner and we watched the dog for a few minutes to see whether he will break the runner again. It then seemed stable, and we left so we could return on the 03rd of July 2024 to see whether Tyson is still on the runner.

7.

On the 02nd of July 2024, at approximately 14H15, I assisted Inspector Graham with a follow up inspection at the property. Upon arrival at the property, I saw the dog was back in the dirty, parasitic conditions and back on a static chain. The yard was still not cleaned from hazardous materials, and we could not see whether Tyson had water because we were not inside the property. We had helped the owner to build a runner the previous time. He claimed that he does not have time to build a runner as he works night shifts. This is after he told us numerous times that he will do it on the weekend. Inspector Graham did not issue a warning as she was going to try and obtain a court order.

8.

On the 05th of July 2024, at approximately 10H35, Inspector Graham obtained the court order (See "A7") and asked Wellington SAPS for assistance. We were helped by Sargeant Davids and Constable Williams. Inspector Graham and I, Cadet Inspector Lewis then drove to the property accompanied by Sargeant Davids and Constable Williams. We arrived at the property and Ashley Swanepoel's daughter named Ashlin Swanepoel and her brother were outside with her child.

SUID-AFRIKAANSE POLISIEDIENS
GEMEENSKAPDIENSSENTRUM
19 AUG 2024
COMMUNITY SERVICE CENTRE WELLINGTON
SOUTH AFRICAN POLICE SERVICE

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2024
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Inspector Graham asked her whether her father was home, and she said he was at work. Inspector Graham then gave the court order to her as she was of age, and she told her we were seizing Tyson. Ashlin Swanepoel then called her brother in order to load the dog in our vehicle. Her brother then came outside, and I accompanied him to the vehicle as he was carrying Tyson. He then loaded him into the vehicle, and I returned and saw Inspector Graham giving her the seizure notice (See "A8") which she signed, and she gave a copy of Regulation 468. We then left and went to SAPS to obtain the OB number and after it was obtained, we held Tyson at Wellington SPCA for owner to claim but he did not.

9.

I know and understand the content of this declaration.

I have no objection to taking the prescribed oath.

I consider the prescribed oath to be binding on my conscience.

Andrews

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 Wellington on this the 19 day of August 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.

4590303

W/O

M.A. ANDREWS

COMMISSIONER OF OATHS

Full names:

Marius Andrews

Designation:

w/o

Business address:

SPAS Wellington

SUID-AFRIKAANSE POLISDIEN

GEMEENSKAPDIENSSENTRUM

19 AUG 2024

COMMUNITY SERVICE CENTRE
WELLINGTON

SOUTH AFRICAN POLICE SERVICE

H.L



WELLINGTON

DIEREBESKERMINGSVERENIGING
SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS

"A3"

WARNING

To: Mr / Mrs / Ms <u>Ashley Smeepuel</u>	Date <u>31/5/2024</u>
Address <u>26 Park St, Voorloop, Wellington</u>	ID No
Tel No	Cell No <u>0846448622</u>
Veh Reg No <u>CN15175</u>	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. days
- ☐ 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 7 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 E. Graham on 082-9059184 within _____ hours / days to discuss the concerns.
- ☐ 12. Other / remarks:

- ② Ensure Tyson has access to water at all times
(Place bucket in tyre to prevent knockover)
- ⑤ Clean Tyson's living environment from excess faeces and hazardous material within 7 days.
- ⑦ Provide Tyson with a running chain as discussed within 7 days.

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: Giver to Dathan Lee D'swanepuel

PLACE: Wellington TIME: 13:43

INSPECTOR: E. Graham



WELLINGTON

DIEREBESKERMINGSVERENIGING
SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS

"14"

WARNING

To: Mr / Mrs / Ms <u>Archie Wierpael</u>	Date <u>7/6/2024</u>																				
Address <u>21 Pura St.</u>																					
<u>Wellington</u>	ID No <table border="1"><tr><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr></table>																				
Tel No	Cell No <u>082 405 9154</u>																				
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 _____ 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 72 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 72 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 E Graham on 082 405 9154 within _____ hours / days to discuss the concerns.
- ☐ 12. Other / remarks:

- ① Ensure to clean Tyson's living environment from hazardous material and faeces within 72 hours
- ② Provide water for Tyson at all times (Place bucket in tyre)
- ③ Ensure to elongate Tysons chain between 2 meters within 72 hours

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: _____

PLACE: Wellington TIME: 11:40INSPECTOR: E Graham Graham & M Lewis



Wellington SPCA

WARNING

002

To: Mr / Mrs / Ms <u>Ashley Swanevogel</u>	Date <u>13/6/2024</u>
Address <u>26 Park rd</u> <u>Wellington</u>	ID No <u>7303265058082</u>
Tel No	Cell No <u>0846446622</u>
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 _____ 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 96 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 as a last resort place the animal/s on a "running chain" within 96 hours / days.
- ☐ 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. No animal may be trained, exhibited or used for safeguarding without being in possession of a valid licence that is issued in terms of the Performing Animals Protection Act 24 of 1935. The use of animals for training, exhibition or safeguarding must cease with immediate effect until the said licence is obtained.
- ☒ 12. To refrain from leaving your animal inside a vehicle unattended.
- ☒ 13. To contact SPCA Inspector E. Graham on 082 905 9184 within _____ hours / days to discuss the concerns.
- ☐ 14. Other / remarks:

- Ensure that Tyson has access to water at times.
- Provide Tyson with a 2-3 meter chain / running chain within 96 hours.
- To clean the environment where Tyson is from hazardous material within 96 hours.

This warning has been issued in terms of the Society for the Prevention of Cruelty to Animals Act 169 of 1993.

Failure to comply with this warning may render you liable for prosecution under the Animals Protection Act 71 of 1962 and / or Performing Animals Protection Act 24 of 1935.

Any person who:- obstructs, hinders or resists an officer authorised in terms of the Animals Protection Act 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: _____

PLACE: Wellington TIME: 14:02

INSPECTOR: E. Graham

Affiliated to the National Council of SPCAs (NSPCA)

**NATIONAL
COUNCIL OF
SPCAs**



**NASIONALE
RAAD VAN
DBVs**

"A6"

Registered Address: 101-103 NPO

2011-06-21

Reg. No. 003-169 NPO

01 1320
Abertou
1400
Republic of South Africa
☎ (011) 507-3590/1/2/3
Fax: (011) 507-4010
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

ELANI GRAHAM

ID No: 9110300038088

a Qualified Inspector and an Officer for the **WELLINGTON SPCA** (Society for the Prevention of Cruelty to Animals), to exercise within the Magisterial District of **WELLINGTON (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 **WELLINGTON SPCA** to act on its behalf.

Given under my hand this 21 day of June 2011

Name

A.H. Sappie

(Maintenance)

Official Stamp togo here

Signed

[Signature]

Holder's Photograph



**SPCA NATIONAL COUNCIL
Authorisation NO. 15294**

ORDER 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 GRAHAM OF THE WELLINGTON 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 **WELLINGTON** there is / are certain animals in the possession of / under the control of / upon the premises of and / or upon the person of **MR ASHLEY SWANEPOEL** or any other person designated to care for the animals and / or manage the property known as **26 PARK STREET, WELLINGTON** 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 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 **WELLINGTON** on this 5 day of **JULY 2024**


Magistrate Signature
2024-07-05
Magistrate Name & Surname

Society for the Prevention
of Cruelty to Animals



Wellington SPCA

Dierebeskermings-
vereniging

Incorporated Association not for gain
NPO No.: 092-699

Ingelyfde Vereniging sonder winsoogmerk

P O Box 387, 7654 Wellington
Tel: 021 864 3726
Emergency: 082 905 9184
info@wellingtonspca.co.za
www.wellingtonspca.co.za

OB# 529/07/2024

SEIZURE NOTICE

01

To: Mr / Mrs / Ms	Ashley Swanepeel	Date	5/07/2024
Address	26 Park St, Wellington	ID No	7303265058082
Tel No		Cell No	0846448622
Veh Reg No		Trailer Reg No	

The following animals have been seized:

- 1 dog
- See Regulation 428 and Court order given.
- Contact E. Graham on 021 864 3726
082 905 4184

The above-mentioned animals have been seized in terms of the Animals Protection Act 71 of 1962, read together with Regulation 468 Issued in terms of Section 10(1)(b) and (c) of the aforementioned Act.

SIGNED & ACCEPTED BY: Given to Ashley Swanepeel
PLACE: Wellington TIME: 10:36
INSPECTOR: E. Graham & H. Lewis

PHOTOGRAPHIC EVIDENCE

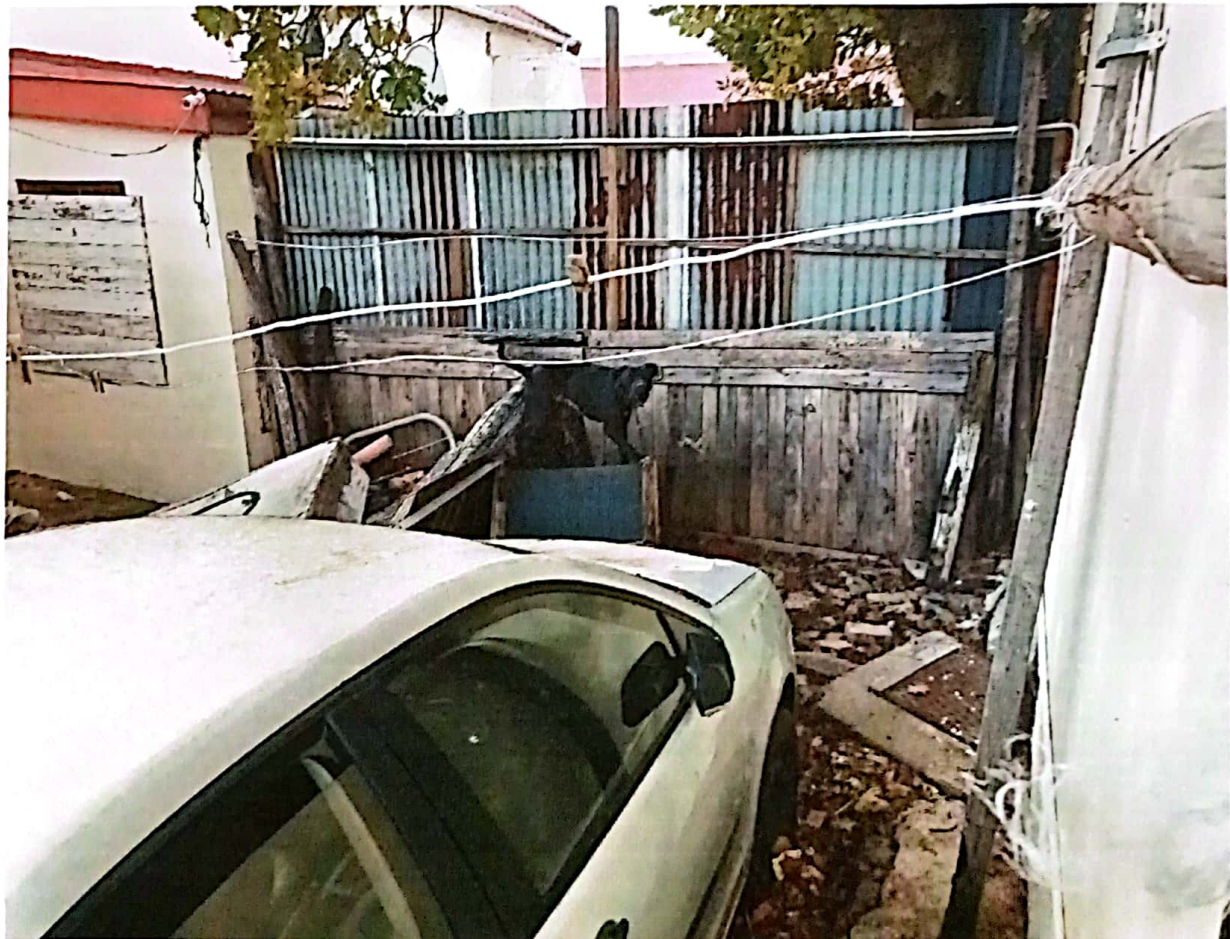
Address photos taken: 26 Park Street, Wellington

Owner of animal/s: Mr Ashley Swanepoel

Date photos taken: 31 May 2024

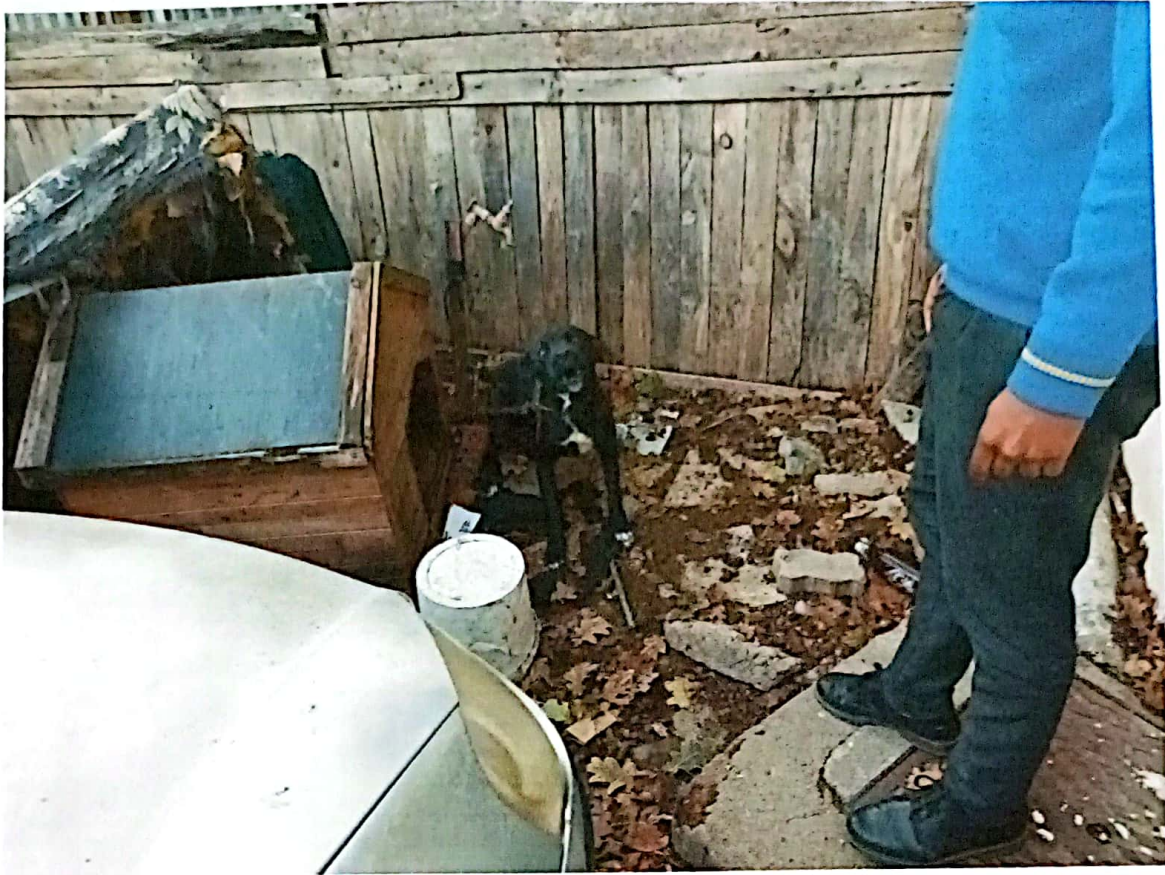
Photos taken by: Insp. E Graham

Photos taken with: Oppo Reno 10 Cell Phone



Picture 1:

Tyson seen on a short static chain without water and in a dirty living environment.



Picture 2:

Tyson seen on a short static chain without water and in a dirty living environment. Dathon-Lee Swanepoel seen on the right.

PHOTOGRAPHIC EVIDENCE

Address photos taken: 26 Park Street, Wellington
Owner of animal/s: Mr Ashley Swanepoel
Date photos taken: 07 June 2024
Photos taken by: Insp. E Graham
Photos taken with: Oppo Reno 10 Cell Phone



Picture 2A ;

Tyson seen on a short static chain without water and in a dirty living environment.

PHOTOGRAPHIC EVIDENCE

Address photos taken: 26 Park Street, Wellington

Owner of animal/s: Mr Ashley Swanepoel

Date photos taken: 13 June 2024

Photos taken by: Insp. E Graham

Photos taken with: Oppo Reno 10 Cell Phone



Picture 3:

Tyson seen on a short static chain without water and in a dirty living environment.



Picture 4:

Tyson seen on a short static chain without water and in a dirty living environment.

PHOTOGRAPHIC EVIDENCE

Address photos taken: 26 Park Street, Wellington

Owner of animal/s: Mr Ashley Swanepoel

Date photos taken: 18 June 2024

Photos taken by: Insp. E Graham

Photos taken with: Oppo Reno 10 Cell Phone



Picture 5:

Tyson seen on a short static chain and in a dirty living environment.

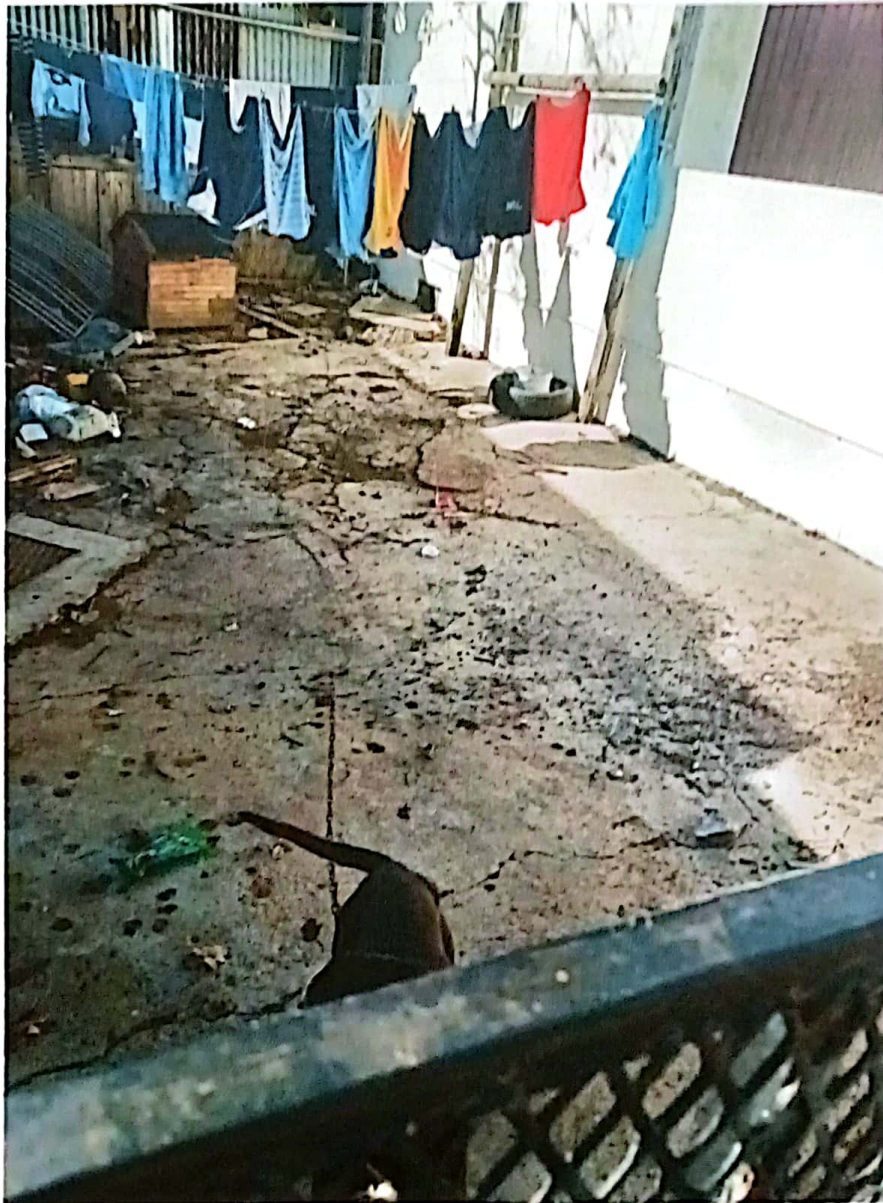


Picture 6:

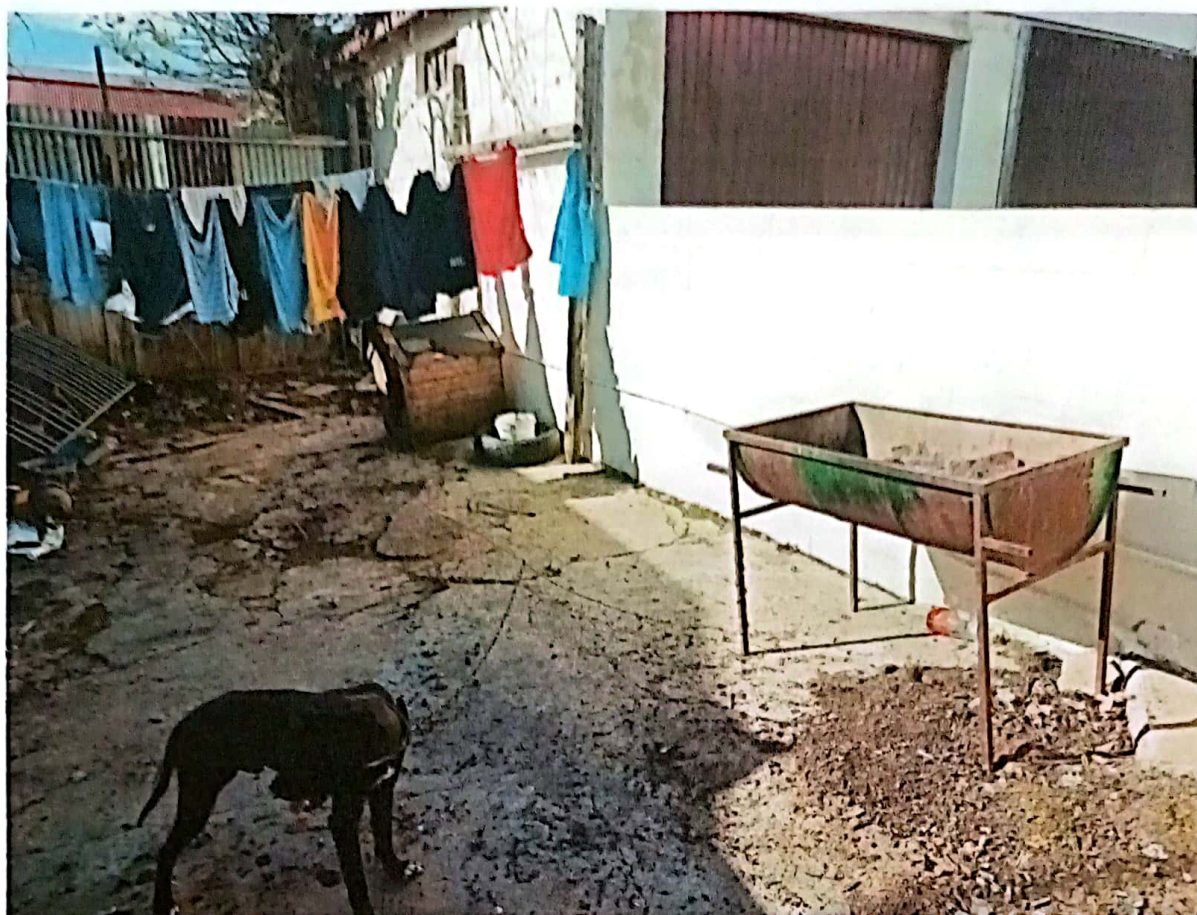
Dathon-Lee Swanepoel seen building a running chain and Tyson in the background on a short static chain and in a dirty living environment.

PHOTOGRAPHIC EVIDENCE

Address photos taken: 26 Park Street, Wellington
Owner of animal/s: Mr Ashley Swanepoel
Date photos taken: 20 June 2024
Photos taken by: Insp. E Graham
Photos taken with: Oppo Reno 10 Cell Phone



Picture 7:
Tyson seen on a broken running chain and in a dirty living environment.



Picture 8:
Tyson seen on a working running chain after assisting Mr Ashley Swanepoel in fixing Tyson's living environment.

PHOTOGRAPHIC EVIDENCE

Address photos taken: 26 Park Street, Wellington

Owner of animal/s: Mr Ashley Swanepoel

Date photos taken: 02 July 2024

Photos taken by: Insp. E Graham

Photos taken with: Oppo Reno 10 Cell Phone

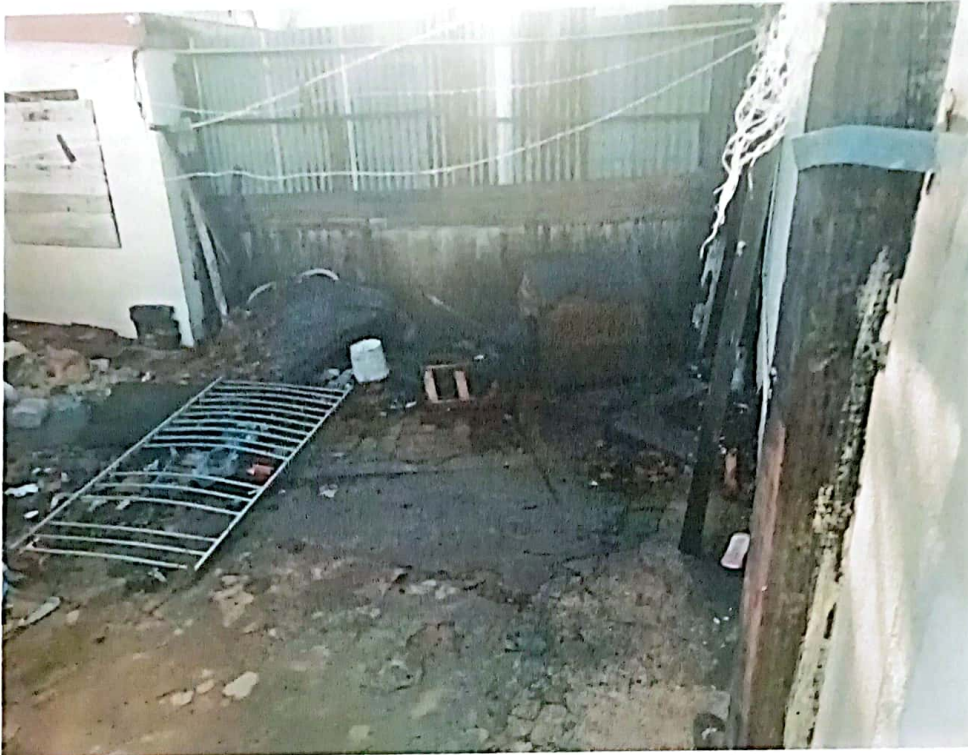


Picture 9:

Tyson seen on a short static chain and in a dirty living environment.

PHOTOGRAPHIC EVIDENCE

Address photos taken: 26 Park Street, Wellington
Owner of animal/s: Mr Ashley Swanepoel
Date photos taken: 05 July 2024
Photos taken by: Insp. E Graham
Photos taken with: Oppo Reno 10 Cell Phone



Picture 10:

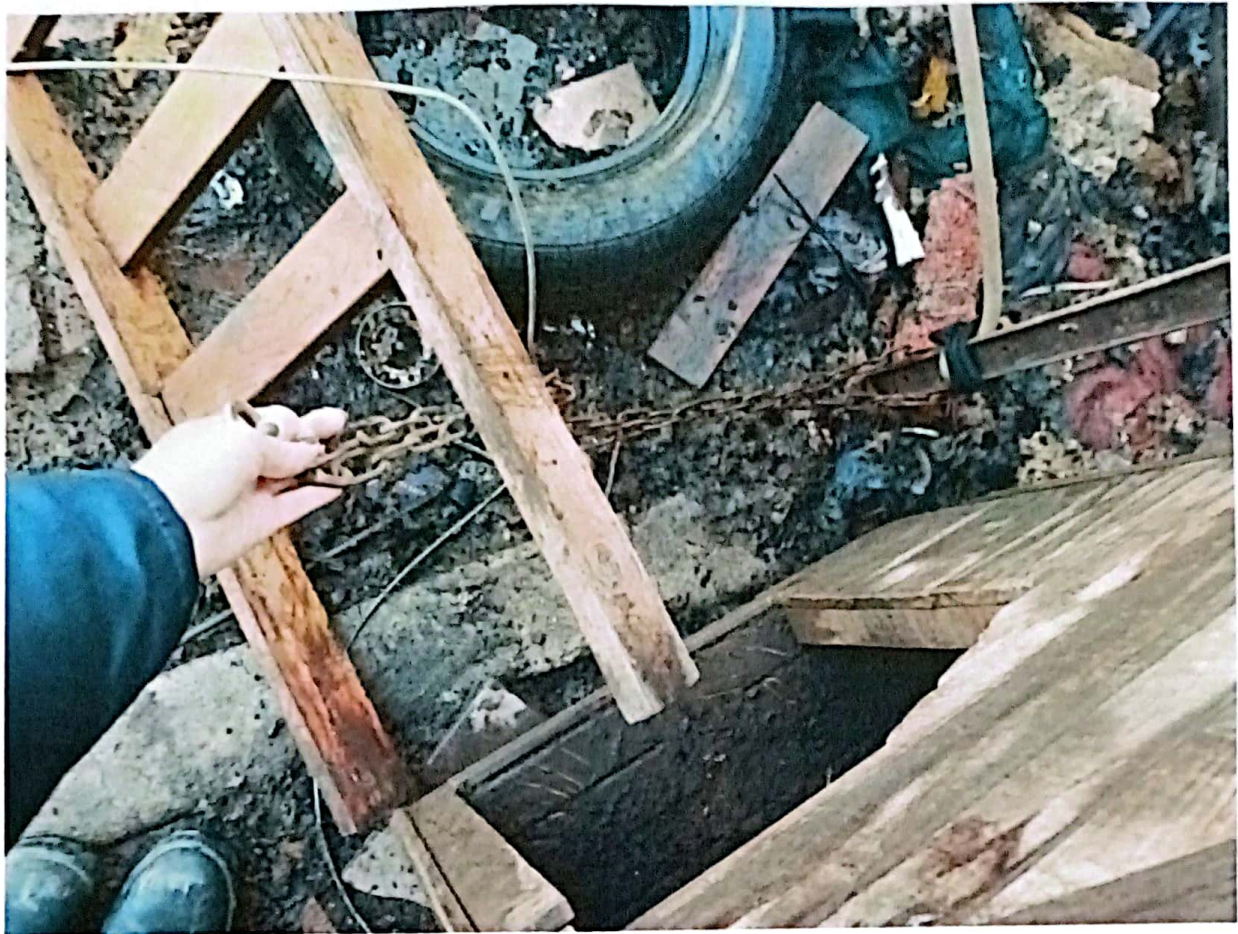
Tyson seen on a short static chain and in a dirty living environment.



Picture 11:
A closer look at where Tyson was kept.



Picture 12:
A closer look at where Tyson was kept. The water bowl was knocked over, the short static chain is seen tangled around a wooden frame, hazardous material that can cause injury is seen in a dirty living environment.



Picture 13:

Inspector Graham seen holding the static chain of 88cm that Tyson was kept on.

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STATUTES OF THE REPUBLIC OF SOUTH AFRICA—ANIMALS

ANIMALS PROTECTION ACT

NO. 71 OF 1962

[ASSENTED TO 16 JUNE, 1962]

[DATE OF COMMENCEMENT: 1 DECEMBER, 1962]

(Afrikaans text signed by the State President)

as amended by

General Law Amendment Act, No. 102 of 1972
[with effect from 5 July, 1972—see title GENERAL LAW AMENDMENT ACTS.]
Animals Protection Amendment Act, No. 7 of 1972
Animals Protection Amendment Act, No. 54 of 1983
Animals Protection Amendment Act, No. 20 of 1985
Animals Protection Second Amendment Act, No. 84 of 1985
Protection of Animals Amendment Act, No. 7 of 1991
Animal Matters Amendment Act, No. 42 of 1993
Abolition of Corporal Punishment Act, No. 33 of 1997
[with effect from 5 September, 1997—see title CRIMINAL LAW AND PROCEDURE]

GENERAL NOTE

In terms of Proclamation No. 1245 of 8 August, 1997, the administration of Act No. 71 of 1962 has been assigned to the Minister for Agriculture and Land Affairs.

ACT

To consolidate and amend the laws relating to the prevention of cruelty to animals.

1. Definitions.—In this Act, unless the context otherwise indicates—

"animal" means any equine, bovine, sheep, goat, pig, fowl, ostrich, dog, cat or other domestic animal or bird, or any wild animal, wild bird or reptile which is in captivity or under the control of any person;

"Minister" means the Minister of Justice;

"owner", in relation to an animal, includes any person having the possession, charge, custody or control of that animal;

"police officer" includes a member of any force established under any law for the carrying out of police powers, duties or functions;

"veterinarian" means a person registered as such under the Veterinary and Para-Veterinary Professions Act, 1982 (Act No. 19 of 1982),
[Definition of "veterinarian" substituted by s. 12 of Act No. 7 of 1991.]

2. Offences in respect of animals.—(1) Any person who—

(a) overloads, overdrives, overrides, ill-treats, neglects, infuriates, tortures or maims or cruelly beats, kicks, goads or terrifies any animal; or
[Para. (a) substituted by s. 13 (a) of Act No. 7 of 1991.]

- (b) confines, chains, tethers or secures any animal unnecessarily or under such conditions or in such a manner or position as to cause that animal unnecessary suffering or in any place which affords inadequate space, ventilation, light, protection or shelter from heat, cold or weather; or
- (c) unnecessarily starves or under-feeds or denies water or food to any animal; or
- (d) lays or exposes any poison or any poisoned fluid or edible matter or infectious agents except for the destruction of vermin or marauding domestic animals or without taking reasonable precautions to prevent injury or disease being caused to animals; or

continued on page 273

- (e) being the owner of any animal, deliberately or negligently keeps such animal in a dirty or parasitic condition or allows it to become infested with external parasites or fails to render or procure veterinary or other medical treatment or attention which he is able to render or procure for any such animal in need of such treatment or attention, whether through disease, injury, delivery of young or any other cause, or fails to destroy or cause to be destroyed any such animal which is so seriously injured or diseased or in such a physical condition that to prolong its life would be cruel and would cause such animal unnecessary suffering; or
- (f) uses on or attaches to any animal any equipment, appliance or vehicle which causes or will cause injury to such animal or which is loaded, used or attached in such a manner as will cause such animal to be injured or to become diseased or to suffer unnecessarily; or
- (g) save for the purpose of training hounds maintained by a duly established and registered vermin club in the destruction of vermin, liberates any animal in such manner or place as to expose it to immediate attack or danger of attack by other animals or by wild animals, or baits or provokes any animal or incites any animal to attack another animal; or
- (h) liberates any bird in such manner as to expose it to immediate attack or danger of attack by animals, wild animals or wild birds; or
- (i) drives or uses any animal which is so diseased or so injured or in such a physical condition that it is unfit to be driven or to do any work; or
- (j) lays any trap or other device for the purpose of capturing or destroying any animal, wild animal or wild bird the destruction of which is not proved to be necessary for the protection of property or for the prevention of the spread of disease; or
- (k) having laid any such trap or other device fails either himself or through some competent person to inspect and clear such trap or device at least once each day; or
- (l) except under the authority of a permit issued by the magistrate of the district concerned, sells any trap or other device intended for the capture of any animal, including any wild animal (not being a rodent) or wild bird, to any person who is not a *bona fide* farmer; or
- (m) conveys, carries, confines, secures, restrains or tethers any animal—
 (i) under such conditions or in such a manner or position or for such a period of time or over such a distance as to cause that animal unnecessary suffering; or
 (ii) in conditions affording inadequate shelter, light or ventilation or in which such animal is excessively exposed to heat, cold, weather, sun, rain, dust, exhaust gases or noxious fumes; or
 (iii) without making adequate provision for suitable food, potable water and rest for such animal in circumstances where it is necessary; or
 [Para. (m) substituted by s. 13 (b) of Act No. 7 of 1991.]
- (n) without reasonable cause administers to any animal any poisonous or injurious drug or substance; or
- (o) [Para. (o) deleted by s. 2 of Act No. 43 of 1991.]
- (p) being the owner of any animal, deliberately or without reasonable cause or excuse, abandons it, whether permanently or not, in circumstances likely to cause that animal unnecessary suffering; or
- (q) causes, procures or assists in the commission or omission of any of the aforesaid acts or, being the owner of any animal, permits the commission or omission of any such act; or

- (r) by wantonly or unreasonably or negligently doing or omitting to do any act or causing or procuring the commission or omission of any act, causes any unnecessary suffering to any animal; or
- (s) kills any animal in contravention of a prohibition in terms of a notice published in the *Gazette* under subsection (3) of this section,
[Para. (s) inserted by s. 21 (b) of Act No. 102 of 1972.]

shall, subject to the provisions of this Act and any other law, be guilty of an offence and liable on conviction to a fine or to imprisonment for a period not exceeding twelve months or to such imprisonment without the option of a fine.

[Sub-s. (1) amended by s. 3 of Act No. 33 of 1983, by s. 3 of Act No. 20 of 1985, by s. 13 (c) of Act No. 7 of 1991 and by s. 2 of Act No. 33 of 1997.]

(2) For the purposes of subsection (1) the owner of any animal shall be deemed to have permitted or procured the commission or omission of any act in relation to that animal if by the exercise of reasonable care and supervision in respect of that animal he could have prevented the commission or omission of such act.

(3) The Minister may by notice in the *Gazette* prohibit the killing of an animal specified in the notice with the intention of using the skin or meat or any other part of such animal for commercial purposes.

[Sub-s. (3) added by s. 21 (a) of Act No. 102 of 1972.]

2A. Animal fights.—(1) Any person who—

- (a) possesses, keeps, imports, buys, sells, trains, breeds or has under his control an animal for the purpose of fighting any other animal;
- (b) baits or provokes or incites any animal to attack another animal or to proceed with the fighting of another animal;
- (c) for financial gain or as a form of amusement promotes animal fights;
- (d) allows any of the acts referred to in paragraphs (a) to (c) to take place on any premises or place in his possession or under his charge or control;
- (e) owns, uses or controls any premises or place for the purpose or partly for the purpose of presenting animal fights on any such premises or place or who acts or assists in the management of any such premises or place, or who receives any consideration for the admission of any person to any such premises or place; or
- (f) is present as a spectator at any premises or place where any of the acts referred to in paragraphs (a) to (e) is taking place or where preparations are being made for such acts,

shall be guilty of an offence and liable on conviction to a fine or imprisonment for a period not exceeding two years.

(2) In any prosecution in terms of subsection (1) it shall be presumed, unless the contrary is proved, that an animal which is found at any premises or place is the property or under the control of the owner of that premises or place, or is the property or under the control of the person who uses or is in control of the premises or place.

(3) Notwithstanding anything to the contrary contained in any law, a magistrate's court shall have jurisdiction to impose any penalty provided for in this section.

[S. 2A inserted by s. 3 of Act No. 42 of 1991.]

3. Powers of court.—(1) Whenever a person is convicted of an offence in terms of this Act in respect of any animal, the court convicting him may in addition to any punishment imposed upon him in respect of that offence—

- (a) order such animal to be destroyed if in the opinion of the court it would be cruel to keep such animal alive;

STATUTES OF THE REPUBLIC OF SOUTH AFRICA—ANIMALS
Animals Protection Act, No. 71 of 1962

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- (b) order that the person convicted be deprived of the ownership of such animal;
- (c) declare the person convicted to be unfit to own or be in charge of any animal, or of any animal of a specified kind, for a specified period;
- (d) make any order with regard to such animal as it deems fit to give effect to any order or declaration made under any of the preceding paragraphs.

(2) Any person who is found in possession or in charge of any animal in contravention of a declaration made in terms of paragraph (c) of sub-section (1), shall be guilty of an offence and liable on conviction to the penalties prescribed in sub-section (1) of section two.

4. Power of court to award damages.—(1) Whenever any person is convicted by a magistrate's court of an offence under this Act and it is proved that such person has by the commission of that offence caused loss to any other person or that any other person has as the result of such offence incurred expense in providing necessary veterinary attention or treatment, food or accommodation for any animal in respect of which the offence was committed or in caring for such animal pending the making of an order by the court for the disposal thereof, the court may, on application by such other person or by the person conducting the prosecution acting on the instructions of such other person, summarily enquire into and determine the amount of the loss so caused or expense so incurred and give judgment against the person convicted and in favour of such other person for the amount so determined, but not exceeding an amount of R5 000.

[Sub-s. (1) substituted by s. 6 (a) of Act No. 20 of 1985.]

(2) Any such judgment shall have effect as if it had been given in a civil action duly instituted before such court.

(3) The provisions of sub-sections (1) and (2) shall *mutatis mutandis* apply in respect of—

- (a) any costs incurred in connection with the custody of an animal seized in terms of the Criminal Procedure Act, 1977 (Act No. 51 of 1977), for the purposes of a prosecution in terms of this Act; and

[Para. (a) substituted by s. 9 of Act No. 7 of 1972 and by s. 6 (b) of Act No. 20 of 1985.]

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- (b) any costs incurred in connection with the destruction of an animal in terms of an order under paragraph (a) of sub-section (1) of section three and the removal and burial or destruction of the carcass.

5. When police officer may destroy any animal.—(1) Whenever a police officer is of the opinion that any animal is so diseased or severely injured or in such a physical condition that it ought to be destroyed, he shall, if the owner be absent or refuses to consent to the destruction of the animal, at once summon a veterinarian or, if there is no veterinarian within a reasonable distance, two adult persons whom he considers to be reliable and of sound judgment, and, if such veterinarian or adult person after having duly examined such an animal certify that the animal is so diseased or so severely injured or in such physical condition that it would be cruel to keep it alive, such police officer may without the consent of the owner destroy the animal or cause it to be destroyed with such instruments or appliances and with such precautions and in such manner as to inflict as little suffering as practicable.

(2) Any police officer who destroys any animal or causes it to be destroyed in the absence of the owner shall, if such owner's name and address are known, advise him of the destruction, and where the destruction of any animal takes place on any public place or public road shall, subject to the provisions of the Animal Diseases Act, 1984 (Act No. 35 of 1984), remove the carcass or cause it to be removed therefrom.

[Sub-s. (2) substituted by s. 10 of Act No. 7 of 1972 and by s. 14 of Act No. 7 of 1991.]

(3) A veterinarian may in respect of any animal exercise the powers conferred by sub-section (1) upon a police officer without summoning another veterinarian, police officer or any other person, and in respect of such exercise of those powers the provisions of sub-section (2) shall apply.

(4) Any expenses which may be reasonably incurred by any police officer or veterinarian in carrying out the provisions of this section may be recovered from the owner of the animal in question as a civil debt.

(5) It shall be a defence to an action brought against any person arising out of the destruction of an animal by him or with his authority, to prove that such animal was so severely injured or so diseased or in such a physical condition that it would have been cruel to have kept it alive, and that to summon a police officer or follow the procedure prescribed in this section would have occasioned unreasonable delay and unnecessary suffering to such animal.

6. Poundmaster may recover expenses.—Any poundmaster shall be entitled to recover from the owner of any impounded animal any reasonable expenses necessarily incurred by him in rendering or providing veterinary or medical attention for such animal.

7. Owner may be summoned to produce animal for inspection by court.—(1) A court trying any person for an alleged offence under this Act may summon the owner of any animal in respect of which such offence is alleged to have been committed to produce that animal at a time and place stated in the summons for inspection by the court.

(2) Any person who without satisfactory excuse fails to comply with a summons issued in terms of sub-section (1) shall be guilty of an offence and liable on conviction to the penalties prescribed in sub-section (1) of section two.

8. Powers of officers of society for prevention of cruelty to animals.—(1) If authorized thereto by writing under the hand of the magistrate of a district, any officer of any society for the prevention of cruelty to animals may in that district—

- (a) without warrant and at any time with the consent of the owner or occupier, or failing such consent on obtaining an order from a magistrate, enter any premises where any animal is kept, for the purpose of examining the conditions under which it is so kept;

STATUTES OF THE REPUBLIC OF SOUTH AFRICA — ANIMALS
Animals Protection Act, No. 71 of 1962

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- (b) without warrant arrest any person who is suspected on reasonable grounds of having committed an offence under this Act, if there is reason to believe that the ends of justice would be defeated by the delay in obtaining a warrant;
- (c) on the arrest of any person on a charge of an offence under this Act, seize any animal or thing in the possession or custody of that person at the time of the arrest and take it forthwith to a police officer, who shall deal with it in accordance with the provisions of the Criminal Procedure Act, 1977 (Act No. 51 of 1977);

[Para. (c) substituted by s. 7 of Act No. 20 of 1985.]

- (d) exercise in respect of any animal the powers conferred by sub-section (1) of section five upon a police officer and in respect of such exercise of those powers, the provisions of the said section shall *mutatis mutandis* apply.

(2) Any authority granted under sub-section (1) may at any time for good cause be revoked by the magistrate of the district.

(3) An officer to whom authority has been granted under sub-section (1) shall, when required to do so in the exercise of his powers, produce that authority for inspection.

(4) Any person who wilfully obstructs, hinders or resists an officer authorized under sub-section (1) in the exercise of the powers conferred upon him or conceals any animal or thing with intent to defeat the exercise of such powers, or who upon demand fails to give his name and address to such officer, shall be guilty of an offence and liable on conviction to the penalties set out in sub-section (1) of section two.

9. Costs may be awarded against vexatious complainant.—If at the trial of any person on a charge of an offence under this Act, the court is satisfied that any person or body has without reasonable cause and vexatiously lodged or caused to be lodged the complaint which led to such trial, it may award costs, including attorney and client costs, on the magistrate's court scale, against such person or body as if the proceedings were civil proceedings between the accused and such person or body.

10. Regulations.—(1) The Minister may make regulations relating to—

- (a) the method and form of confinement and accommodation of any animal or class, species or variety of animals, whether travelling or stationary;
- (b) any other reasonable requirements which may be necessary to prevent cruelty to or suffering of any animal;
- (c) the seizure, impounding, custody or confining of any animal due to any condition of such animal, the disposal or destruction of such animal and the recovery of any expenses incurred in connection therewith from the owner of such animal; and

[Para. (c) substituted by s. 1 of Act No. 84 of 1985.]

- (d) generally such matters as are required for the better carrying out of the objects and purposes of this Act.

(2) Such regulations may prescribe penalties for contravention thereof or failure to comply therewith not exceeding a fine of R4 000 or imprisonment for a period of twelve months.

[Sub-s. (2) substituted by s. 4 of Act No. 54 of 1983 and by s. 8 of Act No. 20 of 1985 and amended by s. 15 of Act No. 7 of 1991.]

10A.

[S. 10A inserted by s. 11 of Act No. 7 of 1972 and repealed by s. 16 of Act No. 7 of 1991.]

11. Repeal of laws.—The Prevention of Cruelty to Animals Act, 1914 (Act No. 8 of 1914), the Prevention of Cruelty to Animals Act, 1914, Amendment Act, 1922 (Act No. 14 of 1922), the Prevention of Cruelty to Animals Act, 1914, Amendment Act, 1928 (Act No. 10 of 1928), and the Prevention of Cruelty to Animals Amendment Act, 1949 (Act No. 28 of 1949), are hereby repealed.

12. Short title and commencement.—This Act shall be called the Animals Protection Act, 1962, and shall come into operation on a date to be fixed by the State President by proclamation in the *Gazette*.

DEPARTEMENT VAN JUSTISIE

No. R. 463

14 Maart 1986

REGULASIES BETREFFENDE DIE BESLAGLEGGING OP DIERE DEUR 'N BEAMPTTE VAN 'N VERENIGING TOT VOORKOMING VAN MISHANDELING VAN DIERE

Die Minister van Justisie het kragtens die bevoegdheid
hom verleen by artikel 10 (1) (b) en (c) van die Diers-
beskermingswet, 1962 (Wet 71 van 1962), die regulasies
vervat in die Bylae hiervan, uitgevaardig.

BYLAE

Woordeboek

1. In hierdie regulasies, tensy uit die samehang anders
blyk, beteken—

"beampte" 'n beampte van 'n vereniging;

"die Wet" die Diersbeskermingswet, 1962 (Wet 71
van 1962);

"vereniging" 'n vereniging tot voorkoming van mis-
handeling van diere bedoel in artikel 8 (1) van die Wet,
en het 'n woord of uitdrukking waaraan 'n betekenis in
die Wet geheg is, die betekenls aldus daaraan geheg.

Beslaglegging en rapportering

2. (1) Indien skriftelik daartoe gemagtig deur die land-
dros van 'n distrik mag 'n beampte van 'n vereniging in
daardie distrik, indien dit blyk dat daar redelike gronde is
om te glo dat 'n dier wat in daardie distrik gevind word,
onmiddellike sorg nodig het of indien dit redelikerwys no-
dig is om misbrandeling of heding van so 'n dier te voorkom,
op daardie dier beslag lê en in bewaring van die vereniging
aan.

DEPARTMENT OF JUSTICE

No. R. 463

14 March 1986

REGULATIONS RELATING TO THE SEIZURE OF ANIMALS BY AN OFFICER OF A SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS

The Minister of Justice has, by virtue of the powers
vested in him by section 10 (1) (b) and (c) of the Animals
Protection Act, 1962 (Act 71 of 1962), made the regulations
contained in the Schedule hereto.

SCHEDULE

Definition

1. In these regulations, unless inconsistent with the con-
text—

"officer" means an officer of a society;

"the Act" means the Animals Protection Act, 1962
(Act 71 of 1962);

"society" means a society for the prevention of
cruelty to animals as intended in section 8 (1) of the Act,

Seizure and reporting

2. (1) If authorised thereto in writing under the hand of
the magistrate of a district, any officer of any society may in
that district, if it appears that there are reasonable grounds
to believe that an animal found in that district needs imme-
diate care or if it is reasonably necessary to prevent cruelty
to or suffering of such an animal, seize such animal and take
it into the custody of the society.

(2) Sodanige beslaglegging moet binne 24 uur gerapporteer word aan 'n polisiebeampte aan diens by die polisie-stasie, polisiekantoor of polisiepos wat die naaste aan die plek waar die dier gevind is, geleë is.

(3) Subartikels (2) en (3) van artikel 8 van die Wet is *mutatis mutandis* van toepassing ten opsigte van 'n inagting kragtens subregulasie (1) verleen.

Kenningsgewing

3. (1) Indien daer nie ingevolge artikel 20 van die Strafpenswet, 1977 (Wet 51 van 1977), op die dier beslag geleë word nie, moet die betrokke vereniging—

- (a) Indien die eienaar van die dier se naam en adres bekend is aan die vereniging, onverwyld op die wyse wat in die omstandighede gepas is, kennis van die beslaglegging aan die eienaar gee;
- (b) Indien die eienaar van die dier se naam en adres nie aan die vereniging bekend is nie en die dier nie losgelaat is nie, die feit dat die dier in die vereniging se bewaring geplaas is, binne sewe dae na die beslaglegging adverteer deur publikasie van 'n kennisgewing daarvan in Afrikaans in 'n Afrikaanstalige koerant en in Engels in 'n Engelstalige koerant wat in die betrokke distrik in omloop is. Met dien verstande dat indien 'n tweetalige koerant in daardie distrik in omloop is, 'n kennisgewing in albei amptelike tale aldus daarin gepubliseer word.

(2) 'n Vereniging bedoel in regulasie 2 (1) laat binne die tydperk genoem in regulasie 3 (1) (b) 'n afskrif van die kennisgewing in laasgenoemde regulasie bedoel—

- (a) aan die polisie-stasie, polisiekantoor of polisiepos bedoel in regulasie 2 (2) stuur;
- (b) aan elke ander vereniging tot voorkoming van mishandeling van diere in dieselfde distrik as die betrokke vereniging stuur; en
- (c) op 'n kennisgewingsbord by die kantoor van die vereniging aanbring.

Beskikking

4. Wanneer die dier wai in bewaring van die vereniging geneem is, nie binne sewe (7) dae na die datum van die advertensie of kennisgewing aan die eienaar opgeëis is nie, beskik die vereniging oor die dier. Met dien verstande dat die vereniging die dier kan vernietig, ongeag die toestand waarin die dier verkeer as daer nie andersins oor die dier beskik kan word nie.

Uitgawes

5. 'n Vereniging wat 'n dier oorteenkomstig hierdie regulasies in bewaring het of gehad het, kan die redelike ontkoste in verband daarmee aangegaan, op die eienaar van die dier verhaal.

Misdrywe

6. (1) Niemand mag—

- (a) tensy hy oorteenkomstig 'n bepaling van 'n Wet daartoe gemagtig is, 'n dier waarop 'n beampte oorteenkomstig hierdie regulasies beslag geleë het of wat aldus in bewaring van 'n vereniging is, uit die besit of bewaring van so 'n beampte of vereniging verwyder nie; of
- (b) 'n beampte of 'n vereniging opsetlik hinder, belemmer of teengaan by die uitoefening van 'n bevoegdheid wat ingevolge hierdie regulasies aan so 'n beampte of vereniging verleen is, nie.

(2) Iemand wat 'n bepaling van subregulasie 1 oortree, is aan 'n misdryf skuldig en by skuldigebevinding strafbaar met 'n boete van hoogstens R2 000 of met gevangenisstraf vir 'n tydperk van hoogstens een (1) jaar.

(2) Such seizure must be reported within 24 hours to a police officer on duty at the police station, police office or police post situated nearest to the place where the animal was found.

(3) Subsections (2) and (3) of section 8 of the Act shall *mutatis mutandis* apply to an authority granted in terms of subregulation (1).

Notice

3. (1) If the animal is not seized in terms of section 20 of the Criminal Procedure Act, 1977 (Act 51 of 1977), the society concerned must—

- (a) if the name and address of the owner of the animal are known to the society, forthwith give notice of the seizure to the owner in the manner best suited under the circumstances; or
- (b) if the name and address of the owner of the animal are not known to the society and the animal has not been released, within seven days of the seizure, advertise the fact that the animal has been taken into the society's custody by publication of a notice thereof in Afrikaans in an Afrikaans language newspaper and in English in an English language newspaper circulating in the district concerned. Provided that, if a bilingual newspaper circulates in that district, a notice in both official languages shall be published therein.

(2) The society referred to in regulation 2 (1) shall within the period mentioned in regulation 3 (1) (b) cause a copy of the notice intended in the last-mentioned regulation to be—

- (a) sent to the police station, police office or police post intended in regulation 2 (2);
- (b) sent to every other society for the prevention of cruelty to animals in the same district as the society concerned; and
- (c) affixed to a notice board at the office of the society.

Disposal

4. Whenever an animal that was taken into the custody of the society has not been claimed within seven days of the advertisement or notice to the owner, the society shall deal with the animal in its discretion. Provided that the society may destroy the animal, irrespective of the condition of the animal, if the animal cannot be disposed of otherwise.

Expenses

5. A society that has or had an animal in custody in terms of these regulations may recover from the owner of the animal the reasonable expenses incurred in connection therewith.

Offences

6. (1) No person shall—

- (a) unless authorised thereto in accordance with a provision in an Act, remove an animal that was seized by an officer or that is in the custody of a society in accordance with the provisions of these regulations from the possession or custody of such officer or society; or
- (b) wilfully obstruct, hinder or resist an officer or a society in the exercise of a power conferred on an officer or society in terms of these regulations.

(2) Any person who contravenes a provision in subregulation (1) shall be guilty of an offence and liable on conviction to a fine not exceeding R2 000 or to imprisonment for a period not exceeding one year.



REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

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Vol. 313

CAPE TOWN, 3 JULY 1991

No. 13348

KAAPSTAD, 3 JULIE 1991

STATE PRESIDENT'S OFFICE

No. 1497.

3 July 1991

It is hereby notified that the State President has assented to the following Act which is hereby published for general information:—

No. 101 of 1991: Adjustment of Fines Act, 1991

KANTOOR VAN DIE STAATSPRESIDENT

No. 1497.

3 Julie 1991

Hierby word bekend gemaak dat die Staatspresident sy goedkeuring gegee het aan die onderstaande Wet wat hierby ter algemene inligting gepubliseer word:—

No. 101 van 1991: Wet op die Aanpassing van Boetes, 1991

ACT

To provide that the maximum fine as an alternative to which a period of imprisonment may be imposed in respect of offences in terms of certain laws, shall be in the same ratio with regard to the period of imprisonment as the ratio of the fine as against imprisonment where the court is not a court of a regional division, as contemplated in section 92(1) of the Magistrates' Courts Act, 1944; and to provide for matters connected therewith.

(English text signed by the State President.)
(Assented to 27 June 1991.)

BE IT ENACTED by the State President and the Parliament of the Republic of South Africa, as follows:—

Calculation of maximum fine

1. (1) (a) If any law provides that any person on conviction of an offence may be sentenced to pay a fine the maximum amount of which is not prescribed or, in the alternative, to undergo a prescribed maximum period of imprisonment, and there is no indication to the contrary, the amount of the maximum fine which may be imposed shall, subject to section 4, be an amount which in relation to the said period of imprisonment is in the same ratio as the ratio between the amount of the fine which the Minister of Justice may from time to time determine in terms of section 92(1)(b) of the Magistrates' Courts Act, 1944 (Act No. 32 of 1944), and the period of imprisonment as determined in section 92(1)(a) of the said Act, where the court is not a court of a regional division.

(b) For the purposes of paragraph (a) a fine as well as imprisonment may be imposed.

(2) If any law (irrespective of whether such law came into operation prior to or after the commencement of this Act) provides that any person may upon conviction of an offence be sentenced to pay a fine of a prescribed maximum amount or a maximum amount which may be determined by a Minister or, in the alternative, to undergo a prescribed maximum period of imprisonment, or be sentenced to such a fine and such imprisonment, the amount of the maximum fine which may be imposed shall, notwithstanding the said penalty-clause, but subject to section 4, be an amount calculated in accordance with the ratio referred to in subsection (1)(a): Provided that this provision shall not apply if the maximum amount of the fine prescribed in the law or determined by the Minister exceeds the maximum amount calculated in accordance with the ratio referred to in subsection (1)(a).

Calculation of fine in case of fraction of year

2. Subject to the provisions of section 281 of the Criminal Procedure Act, 1977 (Act No. 51 of 1977), in the application of this Act—

(a) a reference in any law to a period of imprisonment of less than 31 days shall be construed as a reference to a period of imprisonment of one month;

(b) the maximum amount of a fine which may be imposed as an alternative to a maximum period of imprisonment amounting to a fraction of a year, and which does not amount to a multiple of R50, shall be rounded off to an amount equal to the nearest higher multiple of R50.

Act applies to penalties contained in empowering provision

3. This Act shall *mutatis mutandis* apply to a provision in any law authorizing

the promulgation of another law, which provision confers the power to prescribe a penalty contemplated in section 1 in respect of any contravention of the law so authorized.

Savings

4. This Act shall not apply in respect of a provision providing— 5
- (a) for the imposition of a fine in the case of an offence or omission which continues; or
 - (b) that the court may impose such fine as it may in its discretion deem fit.

Short title

5. This Act shall be called the Adjustment of Fines Act, 1991. 10



**CURRENT PUNISHMENTS UNDER THE ANIMALS PROTECTION ACT NO 71 OF 1962
FOR OFFENCES IN TERMS OF SECTION 2(1)**

This document is read in terms of Section 2(1) of the Animals Protection Act 71 of 1962, read together with the Adjustment of Fines Act 101 of 1991:

Penalty provision:

An unspecified fine (Not exceeding R40 000 in accordance with the Adjustment of fines Act 101 of 1991)

and/or

Imprisonment to a maximum of 12 months.

**CURRENT PUNISHMENTS UNDER THE ANIMALS PROTECTION ACT NO 71 OF 1962
FOR OFFENCES IN TERMS OF SECTION 2A**

This document is read in terms of Section 2A of the Animals Protection Act 71 of 1962, read together with the Adjustment of Fines Act 101 of 1991:

Penalty provision:

An unspecified fine (Not exceeding R80 000 in accordance with the Adjustment of fines Act 101 of 1991)

and/or

Imprisonment to a maximum of 2 years.

"85"

**Society for the Prevention
of Cruelty to Animals**



**Dierebeskermings-
vereniging**

Incorporated Association not for gain

Wellington SPCA

Ingelyfde Vereniging sonder winsoogmerk

NPO No.: 092-699 - PBO No.: 9300 33 255

P O Box 387, 7654 Wellington

Tel: 021 864 3726

Emergency: 082 905 9184

info@wellingtonspca.co.za

www.wellingtonspca.co.za

16 August 2024

To whom it may concern:

SPCA APPLICATION IN TERMS OF SECTION 3 OF ACT NO 71 OF 1962

The Wellington Society for the Prevention of Cruelty to Animals hereby request, upon conviction of the accused, that the following be awarded -

Denial of ownership in terms of **Section 3(1)(c) of Act 71 of 1962** (Animals Protection Act):

3. Powers of court - (1) Whenever a person is convicted of an offence in terms of this Act in respect of any animal, the court convicting him may in addition to any punishment imposed upon him in respect of that offence -

- (a) order such animal to be destroyed if in the opinion of the court it would be cruel to keep such animal alive;
- (b) order that the person convicted be deprived of the ownership of such an animal;
- (c) declare the person convicted to be unfit to own or be in charge of any animal, or of any animal of a specified kind, for a specified period;**
- (d) make any order with regard to such animal as it deems fit to give effect to any order or declaration made under any of the preceding paragraphs.

(2) Any person who is found in possession or in charge of any animal in contravention of a declaration made in terms of paragraph (c) of sub-section (1), shall be guilty of an offence and liable on conviction to the penalties prescribed in subsection (1) of section two.

We hope that the above would be considered in the benefit of these animals, as well as other animals, to prevent any possible future suffering being caused.

Kind regards,

**Insp. E Graham
Inspectorate Department
Wellington SPCA**

16 August 2024

ATT: Public Prosecutor,

CHARGES IN TERMS OF THE ANIMALS PROTECTION ACT NO 71 OF 1962

In the case of the State versus:

- Ashley Swanepoel - ID 7303265058082 (ACC 1);

The Wellington Society for the Prevention of Cruelty to Animals (SPCA) request that the accused be charged for animal cruelty in terms of the following Sections of the **Animals Protection Act No 71 of 1962**:

SECTION 2

Offences in respect of animals – (1) Any person who:

(a) overloads, overdrives, overrides, ill-treats, neglects, infuriates, tortures or maims or cruelly beats, kicks, goads or terrifies any animal; or

(b) confines, chains, tethers or secures any animal unnecessarily or under such conditions or in such a manner or position as to cause that animal unnecessary suffering or in any place which affords inadequate space, ventilation, light, protection or shelter from heat, cold or weather; or

(c) unnecessarily starves or under-feeds or denies water or food to any animal; or

(e) being the owner of any animal, deliberately or negligently keeps such animal in a dirty or parasitic condition or allows it to become infected with external parasites or fails to render or procure veterinary or other medical treatment or attention which he is able to render or procure for any such animal in need of such treatment or attention, whether through disease, injury, delivery of young or any other cause, or fails to destroy or cause to be destroyed any such animal which is so seriously injured or diseased or in such a physical condition that to prolong its life would be cruel and would cause such animal unnecessary suffering; or

(q) causes, procures or assists in the commission or omission of any of the aforesaid acts or, being the owner of any animal, permits the commission or omission of any such act; or

(r) by wantonly or unreasonably or negligently doing or omitting to do any act or causing or procuring the commission or omission of any act, causes any unnecessary suffering to any animal; or

shall, subject to the provisions of this Act and any other law, be guilty of an offence and liable on conviction to a fine or imprisonment for a period not exceeding twelve months or to such imprisonment without the option of a fine.

SECTION 2(2)

For the purposes of sub-section (1) the owner of any animal shall be deemed to have permitted or procured the commission or omission of any act in relation to that animal if by the exercise of reasonable care and supervision in respect of that animal he could have prevented the commission or omission of such act.

The Wellington Society for the Prevention of Cruelty to Animals (SPCA) request that the accused be charged for obstructing, hindering and resisting under the following section of the **Animals Protection Act No 71 of 1962**:

Please do not hesitate to contact us for further information or clarification.

Kind regards,



**Insp. E Graham
Inspectorate Department
WELLINGTON SPCA**

**Society for the Prevention
of Cruelty to Animals**



Wellington SPCA

**Dierebeskermings-
vereniging**

Incorporated Association not for gain

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16 August 2024

ATT: The Investigating Officer (SAPS IO),

STATUS OF INVESTIGATION

This docket relates to charges of animal cruelty and has been compiled by the SPCA. We believe that all the witness statements and other important evidence have been included and processed as required for the purposes of prosecution. You may confirm with the Prosecutor if this docket is in order to proceed or if anything is else is still required by them.

If you have any questions or require any assistance, please do not hesitate to contact us. I am able to have a meeting with you if needed. I also require regular updates and feedback on this case as soon as possible.

My contact details are as follows:

Cell: 079 992 3299

Tel: 021 700 41 58/9

Email: inspectorate@wellingtonspca.co.za

Kind Regards

**Insp. E Graham
Inspectorate Department
CAPE OF GOOD HOPE SPCA**

Revision 1.1 Dated 2006-11-15



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	I, _____, confirm that I have received all of the above documents on this _____ day of _____ 20_____.	
	Signature: _____	