

SOUTH AFRICAN POLICE SERVICE

PART A 1

PREAMBLE TO STATEMENT

Station <u>Wellington</u>		CAS no.	
PERSONAL PARTICULARS			
Title	<u>MS</u>	Initials	<u>E</u>
Surname		<u>GRAHAM</u>	
First names <u>ELANI</u>			
Identity number	<u>91110300038088</u>		
Passport number			
Date of Birth	<u>19911030</u>	Age	<u>33</u>
Nationality	<u>SOUTH AFRICAN</u>		
Race	A	Br	Bl ☒ Other
Country of issue			
Gender	M ☒ L	G	B T I Q
Citizenship			
I am/am not a member of the SAPS with PERSAL no*			

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

ADDRESS - WORK/BUSINESS/INSTITUTION/ORGANISATION			
Name of Institution/Organisation	<u>WELLINGTON JPCA</u>		
Street name	<u>INTERPACE ROAD</u>		
Building/farm/plot/place			
Suburb/Extension/Area	<u>WE</u>		
Town/City	<u>WELLINGTON</u>		
Telephone number	Home Code	No	Work Code
Cellphone number			Fax Code
			No
			No
Would you like to receive information regarding this case via sms? ☒ Yes ☐ No			

SERVICES RENDERED ON INITIAL REPORTING			
Psycho-social Services	<u>Y</u>	<u>N</u>	Medical
			<u>Y</u> <u>N</u>
Other: (Indicate)	Shelter <u>Y</u> <u>N</u>		

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	<u>MS</u>	Initials	<u>E</u>
Surname		<u>DOWN (Manager)</u>	
Telephone number	Home Code	No	Fax Code
			No

22/01/2025
Date

Graham (Inspector Elani 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.



PART A

1

STATEMENT

Station WELLINGTON

CAS no.

The following particulars in respect of the offence/incident is supplied:

PARTICULARS OF OFFENCE/INCIDENT

Date and time of offence/incident

2024 11 18

and

1200

on

2024 11 22

Or

Period between

1117

on

Day of week

Su

M

T

W

T

F

S

Description of Offence/Incident

ANIMAL CRUELTY

Method used/Entrance gained

DENIAL OF VETERINARY TREATMENT, DIRTY AND PARASITIC CONDITIONS

Type of instrument used

ANIMAL

SCENE OF CRIME

Between: Name of place

and: Name of place

or

Street name

12A ROOS / ROSE STREET

Building/farm/plot/place

Suburb/Extension/Area

Town/City

WELLINGTON

Geographical block no

Postal Code

7654

Type of premises

RESIDENTIAL

PLEASE INDICATE WHETHER THE VICTIM ☐ OR ACCUSED ☐ HAS ANY OF THE FOLLOWING

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

22/01/2025

Date

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.



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 18th of November 2024, at approximately 11H17, I received a case about a dog that is kept in a yard full of excess faces causing parasitic conditions at 12A Roos Street in Wellington ("the property").

3.1

At approximately 13h50, Trainee Inspector Hugh Lewis ("Lewis") and I responded to conduct an inspection. We hooted and called out for someone because the property had no bell. It appeared nobody was at home and no dog was seen in the front yard. I left Warning #054 (See "A3") on the gate for the owner/caretaker to contact the SPCA within 24 hours and left the property.

4.

On 19 November 2024, at approximately 14h45, Trainee Inspector Lewis and I did a follow-up inspection at the



[Signature]

property. We hooted and called out for someone, but it appeared nobody was home. Whilst issuing the second warning, we noticed a crumpled piece of paper in front of the gate and confirmed that it was Warning #054. I then proceeded to leave Warning #056 (See "A4") on the gate for the owner/caretaker to contact the SPCA within 24 hours.

4.1.

After this, I called the complainant for assistance and more information. The complainant confirmed that there is a Boerboel dog kept in the back yard. The complainant agreed to take pictures for us to confirm the situation for evidence to obtain a court order. The complainant sent the photos to me on Whatsapp. I observed copious amounts of excess faeces, overgrown vegetation and rubbish where the dog is kept. The dog was not seen but could have been against the wall or in the kennel.

5.

On 20 November 2024, at approximately 14H30, Trainee Inspector Lewis and I arrived at the property and saw Warning #054 still lying on the ground and the second warning was removed from the gate. Nobody appeared to be home. Due to the evidence gained, Trainee Inspector Lewis and I decided to obtain a court order to inspect the property.

6.

On the 22nd of November 2024, Trainee Inspector Lewis and I, obtained the court order from the Wellington Magistrates court (See "A6"). We were then assisted by Sergeant Moses and Constable Adams from Wellington SAPS.

6.1.

Upon arrival, at approximately 10H50, we found that nobody was home. Hugh and I proceeded to climb over the fence but realized that the garage was enclosed, and it is impossible to get to the backyard. We then asked our colleagues to assist us with a ladder to climb onto the roof. Our colleague, Enzo Koopman ("Koopman"), arrived at the premises and he also entered the property. Koopman, Trainee Inspector Lewis and I then climbed on top of the garage roof to inspect the living conditions of the dog and whether we can get the dog out over the roof. We observed the backyard and saw copious amounts of excess faeces, overgrown vegetation and rubble. We also observed a large brown unsterilized male Boerboel dog that appeared to be in poor condition. We realized the dog was too heavy and the roof too high to be able to get him out of the property over the roof. We could see door at the back of the garage entering to the back yard but it was closed. The neighbour on the right of the property came out and gave me contact details of the owner named Sarel van Wyk (Van Wyk"). I tried calling Mr. Van Wyk several times, but he did not answer his phone. I also sent a message to which he has never responded. We then reconvened and decided to call a locksmith to assist us with opening the garage doors. The locksmith arrived, removed the locks on the front gate and the garage. When the locksmith did this, we realized that the garage door was bolted and closed from the inside, making it impossible to access the back yard. The neighbour agreed that we can cut the barbed wire on his side of the wall and try to seize the dog through his property. We went to the neighbouring property, cut the thorn bush and opened the barbed wire. There was a pungent stench coming from the property with the dog. Trainee Inspector Lewis decided to climb over the wall with the ladder to see the temperament of the dog. I then fetched the animal transport crate, handed it over the wall to Trainee Inspector Lewis who got the dog to go inside the



CLM

crate. Sgt Moses and I also climbed over the wall and observed the extent of excess faeces in the yard. We lifted the Boerboel in the travel crate over the wall whilst Constable Adams held it on the other side. Working together, we successfully got the dog out of the yard. Before I climbed back over the wall, I took photographic evidence of the dog's living conditions in the back yard. I then issued Seizure Notice # 04 (See "A7"), placed it in a plastic sleeve with a copy of the court order and Regulation 468 and left it on the front gate of the property. We closed the gates with new locks and kept the keys for the owner to fetch at Wellington SPCA. Trainee Inspector Lewis and I went back to the neighbour and restored the barbed wire. Trainee Inspector Lewis took the dog to Wellington Animal Hospital (WAHG) for a veterinary report. The dog was assessed by Dr Elani van Wyk who found that the dog had a bacterial cocci infection in the right ear, bilateral entropion (eyelid folds inwards), hip dysplasia, hygromas on the back legs and left facial nerve paralysis (See "A8"). I obtained OB# 2395/11/2024 from Wellington SAPS.

6.2.

At approximately 14H00, the owner called the SPCA in response to the Seizure Notice #04 left on his gate. He was hostile and when I tried to make an appointment with him, he dropped the call.

7.

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

8.

Photographs 1 to 5 and 7 to 12 were taken by myself, with my Oppo Reno 10 5G cell phone, on 18 November 2024, 19 November 2024 and 22 November 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.

9.

I hereby respectfully request to lay the following criminal charges against Mr. Sarel van Wyk with cell phone number 067 171 7816:

- Section 2(1)(a) of the Animals Protection Act 71 of 1962, for neglecting the dog and allowing the animal to suffer unnecessarily; and / or
- Section 2(1)(e) of the Animals Protection Act 71 of 1962, for denying the dog veterinary or other treatment and allowing the dog to suffer unnecessarily; 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
- 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



[Handwritten signature] *[Handwritten initials]*

treatment or call for help for the animal, which causes unnecessary suffering to the animal; and / or

- Section 8(4) of the Animals Protection Act 71 of 1962, for wilfully obstructing, hindering and/or resisting an officer authorized in terms of Section 8 of the Animals Protection Act 71 of 1962.

10.

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.

[Signature]
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 22 day of JANUARY 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.

[Signature]
COMMISSIONER OF OATHS

Full names: CHESLON

Designation: JP

Business address: 18 JAN VAN NIEBEL, 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 an oath and state that:

1.

I am an adult male Trainee 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 from the context. The facts are also, to the best of my knowledge and belief, both true and correct.

3.

On the 18th of November 2024, at approximately 13H50, I assisted Inspector Elani Graham (Inspector Graham) with an inspection at 12A Roos Street, Wellington ("the property").

3.1.

When we arrived at the property, I saw that the yard had been secured with locks on the gate and we called from the outside. We then gave up after numerous attempts to try to call the owner. Inspector Graham then left a contact warning (054) on the gate, stating that the owner needs to contact the SPCA within 24 hours and we left.

4.

On the 19th of November 2024, at approximately 14H45, I assisted Inspector Graham with a follow-up inspection at the property. When we arrived at the property, we tried calling the owner from outside the property and I saw that the warning (054) had been removed from the gate but no efforts to contact us had been made. I, after further inspection, could see the



H.C. E.N.

previous warning laying torn at the gate. Inspector Graham then left another warning (056) on the gate, stating that the owner needs to contact us within 24 hours. We then decided to call the complainant and asked the complainant whether the complainant would be able to send us pictures from their view of the yard. Since we had no access to the property the complainant then agreed and sent us the pictures and we could see the yard was completely neglected. We still could not see the dog in the pictures sent to us.

5.

On the 20th of November 2024, at approximately 14H30, I assisted Inspector Graham with a follow-up inspection at the property. When we arrived at the property, we tried calling the owner from outside the property. I could then see the previous warning (054) still laying on the ground along with the previous warnings (056) pocket which it was in. We then decided together that we would obtain a court order the following day.

6.1

On the 22nd of November 2024, at approximately 10H50, Inspector Graham obtained the court order and asked Wellington SAPS for assistance. We were helped by Sargeant Moses and Constable Adams. Inspector Graham and I, Cadet Inspector Lewis then drove to the property accompanied by Sargeant Moses and Constable Adams. We arrived at the property and tried calling the owner from outside, but no one was home. We then decided to jump the gate and try climbing the roof to reach the dog. We then requested assistance with a ladder which was then brought to us. We then climbed the ladder and got onto the roof, at this point we could then get a glimpse of the dog. We could then see that it was a large type boerboel dog, but the neglected yard was also visible to us. The height of the roof made it impossible for us to reach the animal or lift the animal. Inspector Graham then called numerous locksmiths and had them on alert for our call. We then climbed down from the roof and debated how we were going to proceed. Inspector Graham then agreed with us that the next step was to get a locksmith so we could gain access to the back. We waited about 20minutes, and the locksmith arrived. He then took the locks off from the garage as this looked like the best entry point. He then mentioned to us that the garage was sealed from the inside. We then left the yard and the neighbor came outside. We then explained to him what we are aiming to execute, and we asked him whether he has a number for the owner. He then gave us the number and inspector graham tried calling the owner but he did not answer the calls. We then asked the neighbor whether he would grant us access to his property for us to see the situation more clearly from his yard. He then agreed and we went inside. I then stood on a chair which the neighbor gave us so that I could see the dog. I then moved the barb wire back which he gave permission for me to do, and I got on the wall which is dividing the two properties. I then jumped the wall and put a leash around the dog. I then requested that Inspector Graham bring me an animal travel crate and I put the dog in the crate. Inspector Graham then jumped the wall, and we tried lifting the dog, but it was quite heavy. I then asked Constable Adams who followed us into the yard to help us lift the crate on to the wall. We then put the crate on the wall, and I jumped back over to the other side to help Sgt Moses who stood on the other side holding the crate. Colonel Adams then soon after followed me and we put the crate on the ground. Inspector Graham then jumped the wall again and the two of us carried the crate with the dog into our vehicle. We then went back and restored the barb wire of the neighbor, and we thanked him for his assistance.

6.2

I then left and took the dog to Wellington Animal Hospital (WAGH) for a checkup. He was then assessed by Dr. Elani Van





Wellington SPCA

WARNING

054

To: Mr / Mrs / Ms <u>Owner / caretaker</u>	Date <u>18/11/2021</u>																				
Address <u>12 Rose Str</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																				
Veh Reg No	Trailer Reg No																				

You are hereby warned to:

We have received a concern about your animal/s.
Contact the SPCA within 72 hours to set
up a time to meet and discuss the concerns.

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: Nobody home left on gate
PLACE: Wellington TIME: 13:53
INSPECTOR: F. Graham



Wellington SPCA

WARNING

056

To: Mr / Mrs / Ms	Owner / Caretaker	Date	17/11/2024
Address	17 A Roos Rd, Wellington		
Tel No	ID No		
Veh Reg No	Cell No		
	Trailer Reg No		

You are hereby warned to:

We have received a concern about your dogs. Contact the SPCA within 24 hours to set up a time to meet and discuss the concerns.

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: Nobody home. Left on gate.
PLACE: Wellington TIME: 14:42
INSPECTOR: E. Graham

**NATIONAL
COUNCIL OF
SPCAs**



**NASIONALE
RAAD VAN
DBVs**

"A5"

Incorporated Association not for gain

2004-06-21
Incorporated Veterinary Council of South Africa

Reg. No. 003-169 NPO

1320
Alberton
1450
Republic of South Africa
☎ (011) 907-3550/1/2/3
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

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 2004

Name

A.R. Sappier

(Mairi Tait)

Official Stamp to go here

Signed

[Signature]

Holder's Photograph



SPCA NATIONAL COUNCIL
Authorisation No. **15294**

Private Bag 201, Wellington 7635
2024-11-22
"A6"

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/ or any other person designated to care for the animals and / or manage the property known as **12A ROSE/ROOS 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 22 day of **NOVEMBER 2024**

Private Bag 201, Wellington 7635

2024-11-22

THREE

Magistrate Signature

Magistrate Name & Surname



"A7"

SEIZURE NOTICE

04

To: Mr / Mrs / Ms	Sarah van Wyk	Date	22/11/2024
Address	12 A Rose/Road Str, Wellington	ID No	
Tel No		Cell No	067 171 7816
Veh Reg No		Trailer Reg No	

The following animals have been seized:

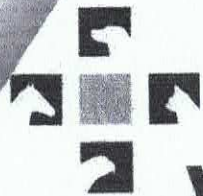
- dog
- replaced locks (Keys are at Wellington SPCA)
- see Regulation 468
- Court order left on gate in sleeve (copy)

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: Left on gate. Nobody home

PLACE: Wellington TIME: 13:16

INSPECTOR: F. Graham



WAHG

WELLINGTON
ANIMAL HOSPITAL
GROUP

WELLINGTON ANIMAL HOSPITAL:

Tel No: 021 873 1196 | **Fax No:** 021 873 3255

32 Piet Retief Street, Wellington
P.O. Box 499, Wellington, 7654

"A8"

BOULEVARD ANIMAL HOSPITAL - PAARL:

Tel No: 021 863 3187 | **Fax No:** 021 863 2378

72 Berg River Boulevard, Paarl

FRANSCHHOEK ANIMAL CLINIC:

Tel No: 021 876 2504 | **Fax No:** 086 246 7913

Village Artisan, 54 Cabriere Street, Franschhoek

www.wahg.co.za

Veterinary Report for G2/27

Date of Examination:

22/11/24 (Initial Check-up)

3/12/24 (Follow-up Examination)

Patient Information:

Species: Dog

Breed: Boerboel

Gender: Male

Reproductive Status: Uncastrated

Age: Adult

Clinical Findings:

Body Condition Score (BCS): 3/5 (Normal body weight)

General Observations: Bright, alert, and responsive.

Appetite: 4+ (Normal, good appetite)

Habitus: 4+ (Normal, healthy condition)

Coat: A bit dry, may require some moisturizing or supplementation.

Mucous Membranes: Pink, moist, and glistening, indicating good hydration.

Lymph Nodes (LN): No abnormalities detected (NAD).

Heart Rate: Within normal limits (WNL).

Respiratory Rate: Within normal limits (WNL).

Temperature: 40°C, likely due to heat or excitement during the examination.

Diagnostic Tests:

Blood Smear: No abnormalities detected.

Clinical Issues Identified:

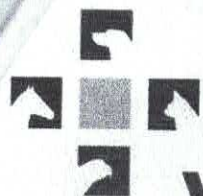
Bilateral Entropion:

A congenital condition causing conjunctivitis. This may require surgical correction if it worsens or causes significant discomfort.

wellington@wahg.co.za | boulevard@wahg.co.za | franschhoek@wahg.co.za

Partners: Dr HA van Rooyen, Dr J.B. Morkel, Dr GJ van Tonder, Dr E du Plessis, Dr PW van Zyl

Reg. No: 1998/O28681/23 | VAT No: 468 0152 586



WAHG

WELLINGTON
ANIMAL HOSPITAL
GROUP

WELLINGTON ANIMAL HOSPITAL:**Tel No:** 021 873 1196**Fax No:** 021 873 325

32 Piet Retief Street, Wellington
P.O. Box 499, Wellington, 7654

BOULEVARD ANIMAL HOSPITAL - PAARL:**Tel No:** 021 863 3187**Fax No:** 021 863 237

72 Berg River Boulevard, Paarl

FRANSCHHOEK ANIMAL CLINIC:**Tel No:** 021 876 2504**Fax No:** 086 246 791

Village Artisan, 54 Cabriere Street, Franschhoek

www.wahg.co.za

Mild Right Hip Dysplasia:

Evidence of mild hip dysplasia on the right side. This condition may require monitoring, pain management, and possible joint support supplements.

Hygromas on Both Hind Legs:

Fluid-filled swellings (hygromas) present on both hind legs, likely due to trauma or pressure. These may require monitoring for growth or signs of infection.

Suspected Left Facial Nerve Paralysis:

Clinical signs suggest possible facial nerve paralysis on the left side, requiring further investigation.

Right Ear Otitis Externa:

Bacterial cocci infection identified in the right ear.

Evidence of a previous (othematoma) that has healed.

Recommendations for Follow-up:

Entropion: Consider referral for corrective surgery if symptoms worsen or persist.

Hip Dysplasia: Monitor for signs of pain or discomfort and consider joint supplements (e.g., glucosamine) and weight management.

Hygromas: Continue monitoring for size change or signs of infection. Avoid trauma to the affected areas.

Facial Nerve Paralysis: Re-assess for potential causes (e.g., nerve injury, infection) and initiate supportive treatment if necessary.

Ear Infection: Follow-up for resolution of infection and ear cleaning instructions. Monitor for any signs of recurrence.

Overall, Health Status:

G2/27 is in stable health but has a few ongoing conditions requiring monitoring and possible intervention. Continue regular veterinary check-ups and address the identified health concerns as needed.

Veterinarian: Dr. Elani van Wyk

Clinic: Wellington Animal Hospital Group

Signature: 

WELLINGTON
Dierehospitaal / Animal Hospital
Posbus / P.O. Box 499
Wellington • 7654
Tel: 021 873 1196

wellington@wahg.co.za | boulevard@wahg.co.za | franschhoek@wahg.co.za

Partners: Dr HA van Rooyen, Dr JB. Morkel, Dr GJ van Tonder, Dr E du Plessis, Dr PW van Zyl

Reg. No: 1998/O28681/23 | VAT No: 468 0152 586

PHOTOGRAPHIC EVIDENCE

Address photos taken: 12A Roos/Rose Street, Wellington

Owner of animal/s: Mr Sarel van Wyk

Date photos taken: 18 November 2024

Photos taken by: Insp. E Graham

Photos taken with: Oppo Reno 10 Cell Phone



Picture 1:

Property as seen in front with my warning on the gate.

PHOTOGRAPHIC EVIDENCE

Address photos taken: 12A Roos/Rose Street, Wellington

Owner of animal/s: Mr Sarel van Wyk

Date photos taken: 19 November 2024

Photos taken by: Inspector E Graham

Photos taken with: Oppo Reno 10 Cell Phone



Picture 2:
Property from the front.



Picture 3:
Warning seen crumpled in front of the property's gate.



Picture 4:
Trainee Inspector Hugh Lewis confirming that it is our warning.



Picture 5:
Second warning left on the property's gate.

PHOTOGRAPHIC EVIDENCE

Address photos taken: 12A Roos/Rose Street, Wellington

Owner of animal/s: Mr Sarel van Wyk

Date photos taken: 19 November 2024

Photos taken by: Anonymous

Photos taken with: Unknown



Picture 6:

Back yard seen full of faeces and overgrown vegetation.

PHOTOGRAPHIC EVIDENCE

Address photos taken: 12A Roos/Rose Street, Wellington

Owner of animal/s: Mr Sarel van Wyk

Date photos taken: 20 November 2024

Photos taken by: Insp. E Graham

Photos taken with: Oppo Reno 10 Cell Phone



Picture 7:
Property seen from the front yard.

PHOTOGRAPHIC EVIDENCE

Address photos taken: 12A Roos/Rose Street, Wellington

Owner of animal/s: Mr Sarel van Wyk

Date photos taken: 22 November 2024

Photos taken by: Insp. E Graham

Photos taken with: Oppo Reno 10 Cell Phone



Picture 8:

Alley way on the left side of the house with hazardous material as seen from the roof.



Picture 9:

A Boerboel dog seen in the backyard filled with excess faeces and hazardous material (photograph taken from roof).



Picture 10:

A Boerboel dog seen in the backyard filled with excess faeces and hazardous material (photograph taken from roof).



Picture 11:
Trainee Inspector Lewis seen putting the Boerboel dog seen in a transport crate.



Picture 12:

Seizure Notice, a copy of the court order and Regulation 468 left in a plastic sleeve on the property's gate.

Reproduced under Government Printer's Copyright Authority No 9954 dated 23 February 1995

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 1 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 1 September, 1997—see title CRIMINAL LAW AND PROCEDURE]

GENERAL NOTE

In terms of Proclamation No. R45 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.]

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

s. 2

s. 2

- (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. 42 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.

[Subs. (1) amended by s. 3 of Act No. 36 of 1983; by s. 5 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 (c) 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;

- (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.]

continued on page 277

- (b) any costs incurred in connection with the destruction of an animal in terms of an order under paragraph (2) 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;

- (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. 468

14 Maart 1986

REGULASIES BETREFFENDE DIE BESLAGLEGGING OF 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 Dier-
beskermingswet, 1962 (Wet 71 van 1962), die regulasies
vervat in die Bylae hiervan, uitgevaardig.

BYLAE

Woordomskrifwing

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

"beampte" 'n beampte van 'n vereniging;
"die Wet" die Dierbeskermingswet, 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 betekenis 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,
onnadelike sorg nodig het of indien dit redelikerwys no-
dig is om mishandeling of lyding van so 'n dier te voorkom,
op daardie dier beslag lê en in bewaring van die vereniging
neem.

DEPARTMENT OF JUSTICE

No. R. 468

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 magtiging kragtens subregulasie (1) verleen.

Kennisgewing

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

- 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;
- indien die eienaar van die dier se naam en adres nie aan die vereniging bekend is nie en die dier nie losgelat 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—

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

Beskikking

4. Wanneer die dier wat in bewaring van die vereniging geneem is, nie binne sewe (7) dae na die datum van die advertensie of kennisgewing aan die eienaar opgeteis 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 daar nie andersins oor die dier beskik kan word nie.

Uitgawes

5. 'n Vereniging wat 'n dier ooreenkomstig 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—

- (tensy hy ooreenkomstig 'n bepaling van 'n Wet daartoe gemagtig is, 'n dier waarop 'n beampte ooreenkomstig hierdie regulasies beslag gele het of wat aldus in bewaring van 'n vereniging is, uit die besit of bewaring van so 'n beampte of vereniging verwyder nie; of
- 'n beampte of 'n vereniging opsetlik hinder, belemmer of teengaan by die uitvoering 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 skuldigbevinding 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—

- 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
- 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—

- sent to the police station, police office or police post intended in regulation 2 (2);
- sent to every other society for the prevention of cruelty to animals in the same district as the society concerned; and
- 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—

- 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
- 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.



**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.

Case No/Saak Nr:
Count No/Aanklag Nr:

THE STATE versus
Sarel van Wyk

(Hereinafter referred to as the accused)

CRUELTY TO ANIMALS

THAT the accused is/are guilty of the crime of contravening of Section 2(1)(a) of the Animals Protection Act 71 of 1962, also read with Section 1 and 2(2) of said Act, also read with Section 90 and 250 of the Criminal Procedure Act No 51 of 1977 (where applicable).

IN THAT on **22 November 2024** and at **12A Rose/Roos Street** in the District/Regional Division of **Wellington**, the accused did unlawfully and intentionally or negligently: -

- neglected and ill-treated a dog.

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.

Case No/Saak Nr:
Count No/Aanklag Nr:

THE STATE versus
Sarel van Wyk

(Hereinafter referred to as the accused)

CRUELTY TO ANIMALS

THAT the accused is/are guilty of the crime of contravening of Section 2(1)(e) of the Animals Protection Act 71 of 1962, also read with Section 1 and 2(2) of said Act, also read with Section 90 and 250 of the Criminal Procedure Act No 51 of 1977 (where applicable).

IN THAT on **22 November 2024** and at **12A Rose/Roos Street** in the District/Regional Division of **Wellington**, the accused did unlawfully and intentionally or negligently: -

- having being the owner of the animal, kept such animal in a dirty / parasitic condition and/or allowed it to become infested with external parasites and/or failed to render or procure veterinary or other medical treatment or attention and/or failed to destroy or caused to be destroyed an animal which was so seriously diseased / in such a physical condition that to prolong its life was cruel and caused the animal unnecessary suffering.

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.

Case No/Saak Nr:
Count No/Aanklag Nr:

THE STATE versus
Sarel van Wyk

(Hereinafter referred to as the accused)

CRUELTY TO ANIMALS

THAT the accused is/are guilty of the crime of contravening of Section 2(1)(q) of the Animals Protection Act 71 of 1962, also read with Section 1 and 2(2) of said Act, also read with Section 90 and 250 of the Criminal Procedure Act No 51 of 1977 (where applicable).

IN THAT on **22 November 2024** and at **12A Rose/ Roos Street** in the District/Regional Division of **Wellington**, the accused did unlawfully and intentionally or negligently: -

- caused / procured / assisted in the commission / omission of the aforesaid act/s / having being the owner of an animal, permitted the commission / omission of the aforesaid act/s.

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.

Case No/Saak Nr:
Count No/Aanklag Nr:

THE STATE versus
Sarel van Wyk

(Hereinafter referred to as the accused)

CRUELTY TO ANIMALS

THAT the accused is/are guilty of the crime of contravening of Section 2(1)(r) of the Animals Protection Act 71 of 1962, also read with Section 1 and 2(2) of said Act, also read with Section 90 and 250 of the Criminal Procedure Act No 51 of 1977 (where applicable).

IN THAT on **22 November 2024** and at **12A Rose/Roos Street** in the District/Regional Division of **Wellington**, the accused did unlawfully and intentionally or negligently: -

- did wantonly / unreasonably / negligently do / omitting to do the aforesaid act/s / causing / procuring the commission / omission of the aforesaid act/s causing unnecessary suffering to an animal.

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.



22 January 2025

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 -

(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;

(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 upon conviction in the benefit of the animals and to prevent future suffering.

Kind regards,

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



22 January 2025

ATT: Public Prosecutor,

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

In the case of the State versus:

- Sarel van Wyk (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

(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 8(4)

Any person who wilfully obstructs, hinders or resists an officer authorized under sub-section (1) in the exercise of the power 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.**

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

Kind regards,

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



22 January 2025

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 feedback on this case as soon as possible.

My contact details are as follows:

Cell: 079 992 3299

Tell: 021 864 3726

Email: inspectorate@wellingtonspca.co.za

Kind Regards


Insp. E Graham
Inspectorate Department
WELLINGTON SPCA



INVESTIGATION DIARY * ONDERSOEKDAGBOEK

Station
Stasie

CAS no

MAS no

Date and Time
Datum en TydParticulars of investigation / Enquiry
Besonderhede van ondersoek / NavraagReference
Verwysing

Society for the Prevention of Cruelty to Animals

Incorporated Association not for gain



Wellington SPCA

**Dierebeskermings-
vereniging**

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

CONTENTS

#	DOCUMENT/ITEM REGISTER	REF:
		{A}
1	SAPS 3M(a) (1 Page)	A1
2	SAPS 3M(b) (1 Page)	A1
3	Statement: Insp. E. Graham (4 Pages)	A1
4	Statement: Cadet Insp. H. Lewis (4 Pages)	A2
5	Warning: #054 (1 Page)	A3
6	Warning: #056 (1 Page)	A4
7	Magisterial Authorisation: #15294: Insp. E. Graham (1 Page)	A5
8	Order In Terms Of Section 8(1) Of The Animals Protection Act 71 Of 1962 (1 Page)	A6
9	Seizure Notice: #04 (1 Page)	A7
10	Veterinary Report: Dr. E. Van Wyk (2 Pages)	A8
11	Photographic Evidence (12 Pages)	A9
		{B}
12	Animals Protection Act No 71 of 1962 (7 Pages)	B1
13	Regulation 468 (2 Pages)	B2
14	Amounts (1 Page)	B3
15	Counts 1, 2, 3 and 4 (4 Pages)	B4
16	SPCA Application in terms of Section 3 of Act No 71 of 1962 (1 Page)	B5
17	Letter to the Public Prosecutor (2 Pages)	B6
18	Letter to the Investigation Officer (1 Page)	B7
		{C}
19	SAPS 5 (1 Page)	C1
20	Contents Page (1 Page)	C2
	I, _____, confirm that I have received all of the above documents on this _____ day of _____ 20_____.	
	Signature: _____	

Date stamp