

Leidig Attorneys

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URGENT

Our ref:
N Leidig/H005

Your ref:
Jaco Pieterse/Elani

Date:
16 August 2021

Dear Sir

HIGHLANDS RIDING ACADEMY

We confirm that we act on behalf of Mrs. Leanne Ragaller, the owner of Highlands Riding Academy in Durbanville.

Our client was informed this morning by one or your inspectors/employees, Elani, that you will be applying to court today for an order to remove her horses, since they do not have shelters.

Inspectors from your offices have been harassing Ms. Ragaller, as well as other animal owners in that specific valley, for the past few months, and it has now reached a point where you are overstepping your boundaries completely. Your inspectors have been to our client's stables on at least 4 occasions in the past few months. They have also been to another client's stables on at least 4 occasions, finding different reasons to complain.

As you are well aware, your powers are derived from the prescriptions of the Animals Protection Act No. 71 of 1962. Your work should be to assist and rescue animals that are being abused or confined in inhumane circumstances. The horses at Highlands Riding Academy are first of all in excellent condition, being fed only the best feed available. Furthermore they are blanketed at night, with rain duvets when necessary.

Apparently your complaint is that the horses don't have shelters. There is nowhere in the Act where it is stated that horses should have shelters. In fact, it is common knowledge that horses prefer to be outside rather than in stables or shelters, and the fact that these horses have blankets in winter, means that they have the best possible protection from the elements, as they have warmth from the blankets, but can still move around, and still graze, which all helps to create body warmth. To this end we can provide you with scientific data. World renowned Dr. Andrew McLean, who formed equitation science and the ISES congress, which focuses on happiness and welfare of horses, has done a huge amount of research in this regard, and there are tons of data available. Nevertheless, your inspectors don't care about horses that are abused and malnourished, but insist that these well cared for horses should have shelters 24 hours a day (this is in fact what your inspectors told Ms. Ragaller, when she showed them the holding camp from where the horses are tacked up for riding lessons etc.). This is a clear misrepresentation of the Act, and in our opinion comes down to malicious abuse of power.

One of your inspectors, during a visit, insisted that the horses all have shelters, at all times, and referred to Section 2(1)(m). However, if you read this section, it actually refers to the transport of animals:

2.(1) Any person who –

.....

(m) conveys or carries any animal –

(i)

(ii) in conditions affording inadequate shelter, light or ventilation, or in which such animal is excessively exposed to heat, cold, weather, sun, rain or dust;

This is a total misrepresentation of the Act. This is about transporting animals, not about animals in paddocks. There are many published articles that have found that horses that are left outside are happier and healthier than horses kept in stables. These horses are kept warm with blankets, but can still move around and graze.

As mentioned, your inspectors have been targeting stables in this Valley outside Durbanville. One of the owners was also threatened by removal of her horses, because the horses were standing in mud. This, in the middle of July in the wettest winter in years. The inspector came and took photos of the paddocks. But not once did he request a vet or a farrier to inspect the horses. Not once did they pick up a horse's foot, to check for mud fever, or thrush. This was so clearly and blatantly not about the welfare of the horses.

The horses that are currently being threatened with removal, are horses that get fed properly every day, exercised regularly, have their feet done every 5-6 weeks, their teeth done annually, and vaccinated regularly.

If you are really interested in the welfare of the horses, then we suggest you talk to the people who provide services to these horses. The horses are treated by Dr. Francois Triegaardt, one of the best known horse vets in Cape Town. Their feet are done regularly by Kevin Dodd, one of the best known farriers in Cape Town. Their teeth are done regularly by Paula van Niekerk of Tulbagh, previously by Bennie Waldon. All these people are easily reachable, should you actually be interested in the welfare of these horses, and all are prepared to testify that these horses get the best care possible. Alternatively you can bring your own veterinarians and farriers, and they can report whether they find anything wrong with these horses.

Should you proceed with an application to remove these horses, we will immediately apply to the High Court for an interdict to prevent you from doing so. But we will also hold you responsible for any stress or injuries caused to these horses, as well as for damages to the excellent name of this riding academy. Leanne Ragaller is well known in the Western Cape for helping previously abused horses, for assisting mentally challenged children with horse therapy, etc.

We all know in the whole of Mamre, Philippi, and on many farms horses are standing outside, with no blankets, very little good quality food, and definitely do not have their teeth and feet done regularly. Yet you decide to target a person whose horses are blanketed, fed, given the best possible care. This is clearly personal and harassment, and should you proceed, we will take the necessary legal action against you.

I am attaching photos to this mail. The first eight photos are of the horses you are threatening to remove. As is very clear, these are happy horses, with large paddocks, lots of grazing, and more than enough trees for shelter from wind. The last six photos are of a horse that I myself was involved in trying to get help from the SPCA. Despite numerous requests, and visits from your inspectors, nothing was done except a warning to the owners. I was involved in a few more cases like this. Should you proceed to remove these healthy, happy horses, we will take this matter further, as this is clearly not about the welfare of the horses at all.

We suggest you provide us with proof from the relevant Acts and regulations stating that it is law that horses have to have built shelters. And then we suggest you also provide reasons why you would then remove horses who are blanketed and fed properly, before you remove horses with absolutely no protection from the cold.

We look forward to your urgent reply.

Yours sincerely

A handwritten signature in black ink, appearing to read "N. Leidig". The signature is written in a cursive, flowing style with a large initial "N" and a long, sweeping underline.

LEIDIG ATTORNEYS
PER: N LEIDIG