

APPLICATION FOR THE ISSUE OF AN ORDER IN TERMS OF SECTION 8(1) OF THE ANIMALS PROTECTION ACT 71 OF 1962

SUPPORTING AFFIDAVIT

I, **Theo Arendolf**, hereby make oath and declare in English as follows:-

1.

I am an adult male employed as an Inspector by the Cape of Good Hope Society for the Prevention of Cruelty to Animals ("SPCA") at c/o First Road and 1st Avenue, Grassy Park, Cape Town with contact telephone number/s 021 700 4158/9. My certificate of magisterial authority for this district is attached marked "A".

2.

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

3.

In terms of my duties as an officer of the SPCA and our objects, especially to prevent the ill-treatment of animals, I may, where necessary, exercise the powers in terms of Section 8 read with section 5(1) of the Animals Protection Act 71 of 1962 pertaining to the search, seizure and destruction, where necessary of animals. I verily believe that it is necessary for me to make use of the powers provided for by the Animals Protection Act 71 of 1962 by virtue of the following circumstances.

4.

On 16 November 2023, I responded to **78 Sonata** in **Retreat** ("the property") to inspect two (2) dogs that were reportedly very thin, chained, and not being fed regularly. Upon arrival at the property at approximately 16h40, I met with a coloured adult female who claimed to be the owner of the animals and explained the reason for my presence. She did not understand and did not want to give me access to the property. While standing outside the property, I observed an Africanis cross dog, brindle

n.n
1.A

and white in colour that was very thin and an Africanis cross dog, black and white in colour, in fair condition. I could see the yard was littered with rubble and hazardous material that could possibly cause injury to the dogs. I also saw an adult domestic shorthair cat that appeared to be thin and in poor condition. I was denied access, and I could not conduct a thorough inspection of the animals and their welfare.

5.

I have reason to believe that there may be one or more contraventions in Section 2 of the Animals Protection Act No 71 of 1962. The owner denied me access to the property which means I was unable to examine the animals on the property. In terms of Section 8(1)(a) of the Animals Protection Act 71 of 1962 an order must be obtained from a magistrate if consent cannot be obtained from the owner or occupier by an authorized inspector to enter the property and fulfill his or her duties in terms of the said Act.

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;

This leaves me with no other option but to approach this honourable court for an order in terms of Section 8(1)(a) of the Animals Protection Act 71 of 1962, read together with Regulation 468, to enter the property in order to examine the conditions under which the animals are kept and to seize them if it is reasonably necessary to prevent cruelty or suffering of such animals.

6.

I therefore request an order in terms of section 8(1) of the Animals Protection Act 71 of 1962 and Regulation 468 (where appropriate) to examine the conditions in which the aforesaid animals are kept and, if necessary, remove the aforesaid animals to prevent further suffering.

7.

In addition, the SPCA requires to take photographic and / or video footage, and take into custody all / any evidence and / or equipment as may be reasonably necessary for the purpose of prosecution and, if necessary, may exercise its powers in terms of section 5(1) of the Animals Protection Act 71 of 1962.

8.

I request that such an order authorise members of the **Cape of Good Hope Society for the Prevention of Cruelty to Animals (SPCA)**, as well as members of the **South African Police Service (SAPS)** and/or the **City of Cape Town Law Enforcement** to accompany me upon such examination, if their assistance is required.

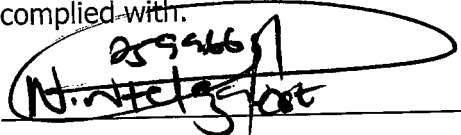
9.

The SPCA is governed by an Act of parliament, namely the Societies for the Prevention of Cruelty to Animals Act 169 of 1993. The SPCA's objectives in terms of this Act is to prevent the ill-treatment of animals by promoting their good treatment by man, to promote the interests of Societies for the Prevention of Cruelty to Animals and to make cognisance of the application of laws affecting animals and Societies and to make representations in connection therewith to the appropriate authority.



DEPONENT

The deponent has acknowledged that he knows and understands the contents of this affidavit/declaration, which was signed and sworn to before me at Grassy Park on this the 11 day of November 2023, the regulations contained in Government Notice No R1258 of 21 July 1972, as amended, and Government Notice No R1648 of 19 August 1977, as amended, having been complied with.



COMMISSIONER OF OATHS



Full names: NTELOZA Nonyoniso

Designation: Constable

Business address: Reddy Avenue, Grassy Park. SAPS

**NATIONAL
COUNCIL OF
SPCAs**



**NASIONALE
RAAD VAN
DBVs**

Incorporated Association not for gain

Ingelyfde Vereniging sonder winsoogmerk

Reg. No. 003-189 NPO

2015-05-15

RECEIVED

1320
Alberton
1450

Republic of South Africa

(011) 907-3590/1/2/3

Fax: (011) 907-4013

e-mail: nspca@nspca.co.za

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

ANIMALS PROTECTION ACT 71 of 1962

MAGISTERIAL AUTHORISATION

By virtue of the powers vested in me under section 8(1) of the Animals Protection Act 71 of 1962, I hereby authorise

THEO JOHN ARENDOLF

ID No. : 870111 5059 086

a Qualified Inspector and an Officer for the **CAPE OF GOOD HOPE SPCA (Society for the Prevention of Cruelty to Animals)**, to exercise within the Magisterial District of **WYNBERG (Cape Town)**, 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.

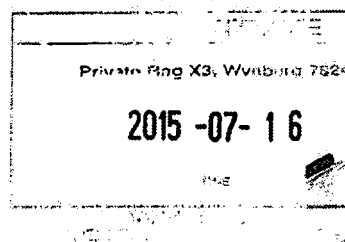
This Authority will remain enforceable only whilst the Appointee is authorised by the **NATIONAL COUNCIL OF SPCAs** to act on its behalf.

Given under my hand this 16th day of July 2015

Name HELEN ALMAN

Signed [Signature]

Official Stamp to go here



**SPCA NATIONAL COUNCIL
Certificate of Competency**

No. **10700**