

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

SUPPORTING AFFIDAVIT

I, **Lindokuhle Mbele**, 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 the 15th February 2024, the SPCA received a complaint about the conditions of dogs being kept at 20 Emily Hobhouse Street, Goodwood ("the property"). I inspected the animals from outside the property. As no one was home I did not enter the premises but the animals ~~were barking and came to~~



The owner of the dogs, did intentionally and unlawfully dock or cause to be docked, the tails of his puppies, in direct contravention of Section 2(1)(a) of the Animals Protection Act 71 of 1962.

9.

The animals are currently being kept in conditions contravening the Animals Protection Act 71 of 1962, and their wellbeing and welfare is/are being compromised. 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 and to seize the animals as it is reasonably necessary to prevent cruelty or suffering of such animals. It is important to note that SPCA Inspectors may not seize any animal unless in possession of an order in terms of Section 8(1)(a) of the Animals Protection Act 71 of 1962, read together with Regulation 468.

10.

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 animal is kept and if necessary remove the aforesaid animal to prevent further suffering.

11.

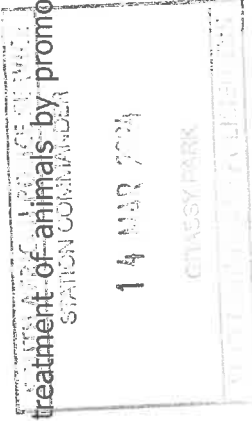
In addition, the SPCA requires to take photographic and / or video footage, and take into custody all / any evidence and / or equipment as may be reasonably necessary for the purpose of prosecution and, if necessary, may exercise its powers in terms of section 5(1) of the Animals Protection Act 71 of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

12.

I request that such 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.

13.

The SPCA is governed by an Act of parliament, namely the Societies for the Prevention of Cruelty to Animals Act 169 of 1993. The SPCA's objectives in terms of this Act is to prevent the ill-treatment of animals by promoting their good treatment by man, to



**NATIONAL
COUNCIL OF
SPCAS**



**NASIONALE
RAAD VAN
DBVS**

Magisterial Association No. 101-01-01

Ingelyce Vereniging sonder winsoogmerk

Reg. No. 003-100 NTC

38 1320
Alberton 1430
Republic of South Africa
☎ (011) 907-3590/12/3
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

LINDOKUHLE TREASURE MBELE

ID No. 931119 5591 088

A Trainee 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 **GOODWOOD (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 **CAPE OF GOOD HOPE SPCA** to act on its behalf.

Given under my hand this 16 day of January 2024

Official Stamp to go here

Name Semben

Holder's Photograph

Signed [Signature]



SPCA NATIONAL COUNCIL
Authorisation No. **15055**

2024 -01- 24

TIME



Incorporated Association not for gain

Co. No. 1939/013624/08
NPO 003-244 • PBO 930004317

Ingelyfde Vereniging sonder winsoogmerk

Cnr 1st Avenue & 1st Road, Grassy Park, 7941
P O Box 3, Plumstead, 7801
Tel: 021 700 4140
Fax: 021 705 2127
enquiries@spca-ct.co.za
www.capespca.co.za

PHOTOGRAPHIC EVIDENCE

Address photos taken: 20 EMILY HOBHOUSE STREET, GOODWOOD.

Date photos taken: 16 FEBRUARY 2024

Photos taken by: INSPECTOR LINDO MBELE

Photo taken with: Samsung A12

Picture 1:

BLACK AND WHITE PUPPIES CAN BE SEEN WITH LONG TAILS (NATURAL)





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Picture 2: THE PUPPIES CAN BE SEEN WITH LONG TAILS (NATURAL)



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PHOTOGRAPHIC EVIDENCE

Address photos taken: 20 EMILY HOBHOUSE STREET, GOODWOOD.

Date photos taken: 12 MARCH 2024

Photos taken by: INSPECTOR LINDO MBELE

Photo taken with: Samsung A12

Picture 3: THE SAME BLACK AND WHITE PUPPIES CAN NOW BE SEEN WITH DOCKED
TAILS





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PHOTOGRAPHIC EVIDENCE

Address photos taken: 20 EMILY HOBHOUSE STREET, GOODWOOD.

Date photos taken: 12 MARCH 2024

Photos taken by: INSPECTOR LINDO MBELE

Photo taken with: Samsung A12

Picture 4: THE SAME BLACK AND WHITE PUPPY CAN NOW BE SEEN WITH DOCKED TAIL





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WARNING

To: Mr/ Mrs / Ms <u>Linda Tjale</u>	Date <u>16 February 2024</u>
Address <u>20 Emily Moshouse Street</u>	
Tel No <u>Forrester Estate</u>	ID No <u>80109236465086</u>
Veh Reg No	Cell No <u>0676386201</u>
	Trailer Reg No

You are hereby warned to:

14078

It has been brought to attention that you were
seen mistreating your dogs. If we should receive
any evidence supporting these allegations. It
may lead into actions taken against you for
being in contravention of the animals protection
act 71 of 1962.

02170045819 Office Hours
0833261604 After Hours
inspectorate@spca-ct.co.za

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 office 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: LELATA Tjale TIME: 15:52
PLACE: Forrester Estate
INSPECTOR: Lindouhl