

Date: 13 July 2026

To: Andre Kirsten Attorneys
Att: Andre Kirsten
Per Email: andre@andre Kirsten.co.za

Our ref: SPCA-001
Your ref: AK/Gericke

*** WITHOUT PREJUDICE ***

Dear Sir,

IN RE: OLIVER GERICKE — SEIZED ANIMALS AND RELATED PUBLICATIONS

1. We refer to the above matter and your letter dated 6 July 2026.
2. We act on behalf of the Cape of Good Hope SPCA (“our client”).
3. We do not intend to address each and every allegation contained in your letter. Our decision not to do so must not be construed as an admission of the correctness thereof. Our client reserves all of its rights to deal with same at the appropriate time and in the appropriate forum, if necessary.
4. Our client received a complaint concerning the unhygienic living conditions at the premises and the conditions in which the animals, including the snakes, were being kept. Our client was lawfully obliged to investigate the complaint and duly did so.
5. The conditions observed by our client’s inspectors were unacceptable and disclosed contraventions of various provisions of the Animals Protection Act 71 of 1962 (“the APA”) and the applicable Nature Conservation Regulations.
6. The APA defines an “owner” of an animal as including any person having possession, charge, custody or control of that animal. Accordingly, the alleged proprietary interests of your client’s former girlfriend do not absolve your client of responsibility for animals that were in his possession, charge, custody or control. This applies in particular to the Ball Python and the chickens while they remained at his premises.
7. Our client disputes the allegation that no veterinarian treating exotic animals was available over the relevant weekend. Exotic veterinary services were available within Cape Town. Your client was also invited to surrender the Ball Python and chickens to our client so that they could receive appropriate care, which he declined to do. He consequently remained responsible for ensuring that the animals did not suffer.
8. Our client reserves the right to lay charges and to institute or support such further proceedings as may be advised in relation to the condition of those animals.

✉ info@gishenmcleod.co.za ☎ 021 207 2727

📍 First Floor, Block A, 7 West Quay, Victoria & Alfred Waterfront, Cape Town, 8001
P.O. Box 50347, Waterfront, 8002

Directors | Stephen Gishen Bcom LLB | Alec McLeod Veitch BCom LLB | Tamaryn Campbell LLB (Notary, Conveyancer)
Senior Associates | Camri Jones BSocSci LLB
Candidate Attorneys | Jaco Pieterse LLB
Consultants | Tracy Frank LLB (Conveyancer)

9. Our client also refutes the allegation that your client had only sufficient time to rehouse the displaced viper. He had ample opportunity to address the concerns communicated to him. Several of the required measures, including cleaning the animals' living environment and providing clean drinking water, could have been attended to promptly. He failed to do so.
10. Our client clearly informed your client what was required of him. It was your client who dismissed or failed to comply with the inspectors' reasonable instructions. Our client is mandated to enforce the APA, and persons responsible for animals are obliged to comply with lawful and reasonable requirements where animal welfare is at risk.

Arrest and continuing investigation

11. Your client was arrested by Law Enforcement, Metro Police and members of the South African Police Service. Any complaint regarding the lawfulness, scope or manner of the search or arrest must be directed to the relevant authorities and not to our client.
12. The investigating officer has, however, contacted our client and requested an affidavit for the proceedings. Our client has been informed that the investigation remains pending and is proceeding once the investigation and outstanding affidavits have been obtained.

The seizure

13. The snakes were seized pursuant to a warrant issued by the Bellville Magistrates' Court and in accordance with Section 8, read together with the Regulations Relating to the Seizure of Animals by an Officer of a Society for the Prevention of Cruelty to Animals, promulgated under section 10 of the APA by Government Notice R468 of 14 March 1986 ("**R468**").
14. Regulation 2 of R468 authorises seizure where there are reasonable grounds to believe that an animal requires immediate care or where seizure is reasonably necessary to prevent cruelty to or suffering of the animal. The decision was based on the conditions observed, the welfare risks identified and the evidence available to the inspectors. It was not based on the unrelated items reportedly discovered by the other authorities or on the mere fact of your client's arrest.
15. The earlier issuing of a compliance notice did not deprive our client's inspectors of their statutory power to seize animals if, upon considering the inspection as a whole, they reasonably formed the view that seizure had become necessary. The compliance notice and the subsequent seizure were not legally inconsistent.
16. Your client was given notice of the seizure and was informed, both personally by our client's inspectors and in writing, that he was required to claim the animals within seven days. Although he was released from custody during that period, he failed to claim them within the prescribed time.
17. Your contention that R468 requires proof that an owner intended permanently to abandon an animal is not accepted. Regulation 4 provides that, where an animal has not been claimed within seven days after the applicable notice or advertisement, the society may deal with the animal in its discretion. It does not make the exercise of that discretion dependent upon proof of a subjective intention to abandon ownership.
18. Our client relies upon its statutory discretion under Regulation 4. Without conceding your client's interpretation concerning ownership, our client has elected to exercise its discretion by affording your client the final conditional opportunity set out below.

19. Our client confirms that the snakes are alive, safe and receiving appropriate care. They have been examined by an exotic veterinarian. During the compliance period provided in this letter, and pending the inspection and decision contemplated below, our client will not rehome, transfer or otherwise dispose of them. This undertaking is subject only to the unlikely event that urgent action, including humane euthanasia, becomes necessary on veterinary advice to prevent suffering.

CapeNature permits and enclosure requirements

20. Your assertion that CapeNature's knowledge of the enclosure dimensions excuses non-compliance with the Nature Conservation Regulations is denied. The disclosure of dimensions in an application, or the issuing of a captivity permit, does not override the prescribed minimum cage requirements unless a lawful and applicable exemption or written authorisation has expressly been granted.
21. Your letter appears to suggest that only the python is presently included on a permit and that the remaining snakes may be added when that permit is renewed in 2027. An indication that animals may be added to a permit in future does not establish that your client is presently entitled to keep them.
22. Your client must therefore obtain written confirmation from CapeNature identifying every snake concerned and confirming that he is currently legally entitled to possess and keep each animal at the relevant premises.
23. We also remind your client of Regulations 23 and 24 of the Nature Conservation Regulations promulgated under Provincial Notice 955 of 1975. These provisions require, *inter alia*, appropriate food and drinking water, suitable sleeping and bathing facilities where applicable, ventilation, protection from climatic conditions, adequate light, daily cleaning and compliance with prescribed minimum cage dimensions, applied with due regard to the manner in which the particular species lives in nature. The evidence collected by our client's inspectors demonstrates that your client failed to comply with these requirements, resulting in contraventions of various sections of the APA as well.

Publications and requested records

24. Our client denies that it published false or misleading material. The publication was based on the operation and the facts known to our client at the time, and concerned matters of animal welfare and legitimate public interest.
25. Your client was not named, no image of his face was published by our client, and no identifying particulars were provided. The allegation that the material nevertheless identified your client to the reasonable reader is denied.
26. In any event, our client denies that the publication conveyed the meanings alleged in your letter. In particular, our client did not purport to determine your client's guilt in relation to the items seized by the other authorities. It reported on the operation and the involvement of the relevant authorities.
27. Our client will accordingly not remove the post or photographs and will not publish the correction demanded in your letter.
28. Your demand for every veterinary report, inspection report, welfare assessment, photograph, internal memorandum and record of communications is refused at this stage. These materials form part of an ongoing investigation and potential criminal docket and may also contain confidential, privileged or otherwise protected information.

29. All relevant records are being preserved. Any disclosure to which your client may lawfully be entitled must be pursued through the applicable statutory or court process. Our client's refusal to provide its investigation file informally must not be construed as suggesting that the records do not exist or that they will not be disclosed when lawfully required.

Final opportunity to remedy the conditions

30. Without any admission of liability and solely in an effort to resolve the dispute, our client affords your client **seven (7) days from the date of this letter** to:

- 30.1. Clean the interior of the house in which the dogs and snakes are kept;
- 30.2. Ensure that all animals have continuous access to potable drinking water;
- 30.3. Rectify the following snake enclosures to comply with Regulation 24 of the Nature Conservation Regulations:

30.3.1. **Coastal Carpet Python — approximately 1.2 m**

Enclosure found: approximately 1.204 m², measuring 1.4 m × 0.86 m × 0.55 m.

Regulatory minimum for one snake measuring more than 1 m but not more than 2 m:

- floor area: 0.75 m²;
- length: 1.5 m;
- volume: 0.525 m³; and
- height: 0.7 m.

Although the enclosure complies with the minimum floor-area requirement, it does not comply with the prescribed minimum length and height requirements. The enclosure must therefore be rectified or replaced so that it has a minimum length of 1.5 m and a minimum height of 0.7 m, while continuing to comply with all other applicable requirements.

30.3.2. **White-lipped Pit Viper — approximately 20 cm**

Enclosure found: approximately 0.138 m² and 0.0414 m³, measuring 0.30 m × 0.46 m × 0.30 m.

Regulatory minimum for up to two snakes measuring 0.5 m or less:

- floor area: 0.18 m²;
- length: 0.6 m;
- volume: 0.054 m³; and
- height: 0.3 m.

The enclosure does not comply with the minimum floor area, length or volume requirements. It must therefore be rectified or replaced so that it has a minimum floor area of 0.18 m², a minimum length of 0.6 m and a minimum volume of 0.054 m³.

30.3.3. **Marcops Tree Vipers — two specimens, each approximately 20 cm**

Enclosure found: approximately 0.184 m² and 0.0552 m³, measuring 0.46 m × 0.40 m × 0.30 m.

Regulatory minimum for up to two snakes measuring 0.5 m or less:

- floor area: 0.18 m²;
- length: 0.6 m;
- volume: 0.054 m³; and
- height: 0.3 m.

Although the enclosure complies with the prescribed minimum floor-area, volume and height requirements, it does not comply with the minimum length requirement. The enclosure must therefore be rectified or replaced so that it has a minimum length of 0.6 m.

- 30.4. Provide a written undertaking that he will maintain the animals' living environment in a hygienic condition, provide sufficient clean drinking water, meet their welfare needs and comply with the APA and all applicable nature conservation legislation.
32. Once your client advises that the requirements have been met, our client will conduct a further inspection. If our client is satisfied with the conditions, it will return the snakes upon receipt of:
- 33.1. Written confirmation from CapeNature that your client is presently legally entitled to possess and keep every snake concerned; and
- 33.2. The required CapeNature transport permit.
34. We trust that your client will use this final opportunity to comply with the reasonable and lawful requirements of our client, thereby avoiding the need for further proceedings.
35. All our client's rights remain strictly reserved *in toto*.

Yours faithfully,



JACO PIETERSE
GISHEN MCLEOD ATTORNEYS
Electronically signed