

Who is the SHERIFF?

your absence, follow up and try to find out what you need to do

- Do not ignore any documents, notes or messages left for you by the Sheriff
- It is to your advantage to take immediate action, additional visits only add to the costs incurred

The Sheriff is an unbiased official of the Court performing a duty in the interests of justice to all parties. The Sheriff is willing to help with explaining the legal process and what you should do next but cannot give you legal advice.

What do you do if you have a complaint?

- Sheriffs and their Deputies report to the South African Board for Sheriffs and must comply with various laws when performing their duties
- If you have a complaint, or if you are unsure of your rights, contact:

The Chief Executive Officer
South African Board for Sheriffs
PO Box 5454
Cape Town
8000

Tel: 021 461 6622 Fax: 021 461 9619
e-mail: contact@sheriffs.org.za
www.sheriffs.org.za



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South African Board for
SHERIFFS
Upholding the Dignity of Those We Serve



DELIVERING WITH DIGNITY

Who is the Sheriff?

The Sheriff is an impartial and independent official of the Court appointed by the Minister for Justice and Constitutional Development.

What does the Sheriff do?

The Sheriff or Deputy Sheriff must serve or execute all documents issued by our courts. These include summonses, notices, warrants and court orders.

Who regulates the Sheriff's actions?

The South African Board for Sheriffs monitors the service of Sheriffs and their Deputies, ensuring it is executed in a humane manner in terms of the Code of Conduct for Sheriffs. Sheriffs operate independently from each other - in fact, they are private business people.

What type of cases involve the Sheriff?

The role of the Sheriff is required when there are civil judgments against people who have failed to pay their accounts, their rent or municipal services and maintenance. They also serve documents in divorce and family violence matters.

What area does the Sheriff cover?

Sheriffs are appointed to act within a specific magisterial district or an area within a district.

How do you know if the person knocking on your door is really a Sheriff?

All Sheriffs and Deputy Sheriffs must carry a valid Identification Card issued by the South African Board for Sheriffs while on duty and must be able to produce it on request.

What must you do if the Sheriff comes to your home or work?

- Do not hide
- Trust the Sheriff as a representative of the court
- Ask for proof of identification
- Listen carefully to the Sheriff's instructions

- Be sure to understand what you must do next
- In some cases you'll have five days to act, don't delay
- In some cases you can meet the requirements of the order immediately to stop all further proceedings
- Do not interfere with the Sheriff or Deputy Sheriff from performing their duties
- Do not give false or misleading information
- Remember, the Sheriff acts under orders from the Court. If you do not follow the instructions you may be liable for prosecution and further costs

What rights does the Sheriff have?

When executing duties with a legal court order the Sheriff can:

- Enter your premises, even when you're not there
- Open any door, vehicle or piece of furniture on your premises
- Attach, remove and sell your vehicle, furniture and moveable or immovable property

What rights do you have?

- The Sheriff must treat you with dignity at all times
- The Sheriff must explain the contents of the document and what you need to do next
- The Sheriff must as far as possible keep your private affairs confidential
- The Sheriff may not attach and remove necessary items such as food and beds, bedding and clothes

There are also limitations on other things, such as tools of trade you may need to carry out your work, that may not be attached

Important points to remember

- Only a Sheriff or Deputy Sheriff may demand payment or attach goods or money in terms of a Warrant or Order of Court
- Debt collectors do not work under the authority of the court and are not allowed to attach or remove your goods
- Always demand a receipt for any monies paid to the Sheriff or Deputy Sheriff
- Make sure both the original and copies of documents are marked with any payment made and with your signature or mark
- Always keep a copy of the document as proof
- If the Sheriff or Deputy Sheriff visited your home in