

common
myths and
Facts!

about ...



myth Sheriffs are the bearers of bad news who should be avoided at all costs.

Fact! Sheriffs are unbiased officials of the court responsible for the serving of all court documents including summonses, notices, warrants, orders and execution of judgements and orders. A sheriff is the public face of the civil justice system.

myth Sheriffs can break your door down, damage your property and abuse you.

Fact! The South African Board for Sheriffs monitors the service provided by sheriffs and their deputies ensuring it is executed in a humane manner in terms of the Code of Conduct for Sheriffs. If anyone feels a sheriff has not acted fairly they are encouraged to report the incident to the CEO of the Board.

myth Once a sheriff arrives at your door there is nothing you can do to fix the situation.

Fact! On arrival, sheriffs will explain the contents of the document they are serving and what you need to do next. They are there to help explain the legal process but cannot give you legal advice.

myth There is no way of knowing if the person at your door is a genuine sheriff or a debt collector.

Fact! Every sheriff and deputy sheriff must be able to produce a valid identification card issued by the South African Board for Sheriffs.

myth Sheriffs only represent big business. They are not there for the ordinary man in the street.

Fact! It is the duty of sheriffs to serve all people, rich and poor, with empathy and dignity at all times.

myth Sheriffs are self-appointed and do as they please.

Fact! Sheriffs are appointed by the Minister for Justice and Constitutional Development and act under rules of, and orders from, the Court.

myth Sheriffs should be chased away with stones and any documents served can be ignored or thrown away.

Fact! If you interfere with a sheriff performing their duty or do not follow instructions given to you by the sheriff, you may be liable for prosecution.

myth The sheriff can do nothing if you refuse to cooperate.

Fact! In terms of the law, a sheriff can enter your premises and open your house, even when you are not there. Attach, remove and sell your vehicle, furniture and other moveable property or if necessary your immovable property to recover your debt.

myth Sheriffs can take anything they want from your home.

Fact! Sheriffs must explain the contents of the document they are serving and may not attach and remove necessary items such as food and beds, bedding and clothes. Furthermore, they may not, subject to certain guidelines, remove all your tools that you may rely on to earn a living.

myth Sheriffs can demand money and don't have to issue a receipt.

Fact! Sheriffs are supposed to issue receipts for any monies paid and to make sure both the original and copies of documents are marked with any payment made and acknowledged with your signature or mark. You are entitled to keep a copy of the original document.

If you have any questions regarding the role or function of the sheriff please feel free to contact:

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