



MEDIA STATEMENT
PUBLIC AWARENESS & EDUCATION IMBIZO
KHAYELITSHA- 30 OCTOBER 2014

30 October 2014

The South African Board for Sheriffs (the Board) identified the Khayelitsha community as part of its annual outreach programmes so as to engage with the community, stakeholders and non-governmental organisations in order to clarify the role of the Sheriff of the Court. The Board in partnership with the Department of Justice and Constitutional Development (DOJCD) today held a service delivery imbizo in Khayelitsha with the aim to improve and enhance the relationship between the sheriff and the community.

The purpose for the Imbizo was to educate the community of Khayelitsha about the role of the Sheriff of the Court in respect of civil procedures and inform the public of the processes involved from the time a dispute is lodged until court orders are made and summons are served.

The Sheriff's profession is one of the critical components of the justice system and contributes immensely in the quality and accessibility of justice. Very often the first person that a defendant or judgment creditor will encounter at the start of a legal dispute is the Sheriff. The Sheriff or deputy sheriff, in the execution of his or her duties, not only serves court process but also informs the judgment debtor - who is often amongst the poorest of the poor and in some instances illiterate - of the Sheriff's responsibilities and explain the contents of the court document being served. The judgment debtor is also entitled to have his/her rights explained in a language that he/she understands.

During the imbizo, communities were informed that the Sheriff must treat everyone with dignity at all times.

Communities were further informed that:

- The Sheriff is appointed by the Minister of Justice and Constitutional Development;
- The Minister may also suspend or remove a sheriff from office for misconduct;
- The Sheriff is an officer of the court, and is therefore impartial and must exercise their duties without fear or favour;
- The Sheriff generates his/her own income in terms of the prescribed tariffs approved by the Minister after the recommendation of the Rules Board for Courts of Law;
- The Sheriff is prohibited from performing any functions of a Sheriff unless he/she is in possession of a fidelity fund certificate;
- The Sheriff must have a trust account and must subscribe to the code of conduct for Sheriffs; and
- The Sheriff has sole competence in the execution of civil judgments.

The community was also familiarised with the Code of Conduct for Sheriffs. The Board, with the approval of the Minister, adopted the Code of Conduct which came into effect on 1 March 2014.

This Code seeks to explain how a sheriff should perform his or her duties, for example, that a sheriff must have regard to the rights of all citizens when performing their functions and to ensure that all citizens are treated with dignity and respect. The Board has trained all 362 Sheriffs nationwide on the Code of Conduct.

The Imbizo, with the participation of the various stakeholders and role players such as the National Consumer Commission, Banking Council, Legal Aid SA, Law Society, Public Protector, South African Human Rights Commission, DOJCD, Khayelitsha Development Forum, SABFS, Ward Councillors and most importantly the community of Khayelitsha, enhanced and strengthened the relationship between the community and the newly appointed Sheriff for Khayelitsha, Mr Mkhululi Ngxumza.

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