

Our ref: **NEW SHERIFFS APPOINTMENTS 2012/13**

21 September 2012

Name of Sheriff
Postal address
Postal address
Postal code

Dear Sir / Madam

APPOINTMENT AS A PERMANENT SHERIFF

Please allow us to congratulate you on your appointment as a Sheriff with effect from

1 December 2012, (or any other date agreed to between yourself and the Department of Justice) by the Honourable Minister of Justice and Constitutional Development, Jeff Radebe, (Minister)

The South African Board for Sheriffs (SABFS) welcomes you into the profession and we look forward to working with you as a Sheriff. As the Board our mandate is to ensure that all Sheriffs are equipped and empowered to fulfill their Legislative Mandate in accordance to the Sheriffs Act 90 of 1986 and the Constitution of South Africa.

As a Board we have the mandate to monitor the conduct of Sheriffs to promote the Sheriffs Profession, to set Standards and to develop policies that advance the Sheriffs Profession. As the Board we work with all relevant Stakeholders to ensure that the Profession meets its high ethical and professional standards that the law prescribes for us.

Over the coming months the SABFS will engage with yourself on various matters relating to your respective offices and offer assistance and guidance where required. We are here to serve you as mandated by the law and the regulations thereto.

In order for us to expedite your application and appointment we will require you to kindly attend to the following matters in order to process your application in accordance with the law.

1. Complete **Form 4**, Application for a Fidelity Fund Certificate. This **Form 4** needs to be signed before a Commissioner of Oaths. Please include 2 ID colour photographs of yourself, place it in a small envelope and attach it to **Form 4**.
2. Please provide us with proof of payment in the amount of **R500.00** (Five Hundred Rand Only) for the issuing of your Fidelity Fund Certificate in terms of, Regulation 3 of the Sheriffs Act 90 of 1986.

The **Fidelity Fund banking details** are:

ABSA
Fidelity Fund for Sheriffs
Adderley Street
Branch code 312 109
Account no: 360 158 004

SOUTH AFRICAN BOARD FOR SHERIFFS Established Act 90 of 1986

Mrs C Mabuza (Chairperson), Mr TF Seboka, Mrs P Roodt, Mr NB Nxumalo, Mr HJ Choma, Mr H Ntsikeni, Ms F Moeletsi, Ms L Best, Mr A Mawela, Mr T Tembe, Mr H Mohamed



Reference Number: **(When making deposits, please insert your name and surname and district of appointment, this is very important to ensure that we can confirm your payment)**

3. Ensure that you obtain **Professional Indemnity Insurance** and forward the proof thereof to our office in terms of Section 33 of the Sheriffs Act 90 of 1986.
4. Our preferred Professional Indemnity Insurance company can be contacted at the following number:
Primak: (021) 945-4376
Contact details: Johan Priem Jnr. and Johan Priem Snr.
Email: primak@primak.co.za
5. For the purposes of this application, you are required to open both your **Trust Account and Business Account immediately**. The Trust Account must be opened in terms of Section 22 of the Sheriff's Act 90 of 1986. Please provide proof thereof from the Bank that your Trust Account and Business Account is opened.

You are furthermore advised that once you have opened up your new Trust and Business Accounts in your name, please ensure that the outgoing Sheriffs' Trust Account/s that are in his name are formally closed by the Bank, on the effective date of your appointment as stipulated in the Ministers letter to yourself. The outgoing Sheriff's Accounts should only be closed at the end of the 3 month handover period for he/she will still be the active Sheriff during the handover period to you. You must then ensure that all funds in the closed Trust Account of the outgoing Sheriff are transferred into your new Trust Account. You are furthermore advised that it will become your responsibility to honour payments to clients, in respect of outstanding Trust monies, due to them.

Please utilize any of the major registered banks in South Africa for your required needs.

6. Please submit a certified copy of your **ID Document** as well as a **Utility Bill** in your name confirming your residential address that is not older than 3 months.
7. In accordance with Section 33 of the Sheriffs Act 90 of 1986, we require you to complete the attached **Affidavit Declaration** declaring that you are in full compliance thereto. Please complete the attached Affidavit under Oath.
8. Where appropriate and if you are in a position to appoint your Deputy Sheriffs we attach herewith a Deputy Sheriffs Application form (**Form 14**) to be completed by yourself. If you are ready to appoint your Deputy Sheriff/s, please attach a certified copy of your Deputy/s ID document as well as proof of payment of **R300.00** per Deputy Sheriffs' application and 2 Color photographs per Deputy Sheriff along with **Form 14** as stated above. Please complete a separate **Form 14** for each Deputy Sheriff you wish to employ.

Reference Number: **(When making deposits, please insert your name and surname and district of appointment, this is very important to ensure that we can confirm your payment)**

9. Please complete, sign and return the attached **Credit Check Form** with your application.

10. All newly appointed Sheriffs **MUST** attend the First Day of the Induction Course of the Sheriffs Introductory Course (SIC) to receive an Induction Pack that would include all additional Legal Obligation Forms, resource material, etc. The session will be used for orientation.
11. All newly appointed Sheriffs who have not been exempted from training must complete the **Sheriffs Introductory Course** (SIC) presented by the SABFS in order to achieve a competency certificate that would be used to obtain a Fidelity Fund Certificate from the South African Board for Sheriffs for 2013. (Please refer to point number 17 in respect of an exemption from attending the Sheriffs Introductory Course).
12. When attending the Sheriffs Introductory Course, travel and accommodation will be for your own cost. The training course itself will be paid for by the South African Board for Sheriffs.
- a. Training will comprise of 10 days contact/classroom situation at a venue to be announced by the South African Board for Sheriffs.
 - b. As part of the training programme and in addition, you will be placed with a Mentor in his/her office, for one week.
 - c. You will also have to attend an Auctioneering course for one week.
 - d. The entire training programme will be staggered to assist you with your attendance and availability.
 - Week 1 5 to 9 November 2012 (SIC Classroom Training)
 - Week 2 21 to 25 January 2013 (SIC Classroom Training)
 - Week 3 Feb/Mar 2013 (SIC Training with the Mentor – 1 week)
 - Week 4 April /May /June 2013 (Auctioneering Course)
 - e. Full venue address details will be forwarded to you in due course.
 - f. Host cities for training are listed as follows for the Sheriffs Introductory Course:

Eastern Cape:	Port Elizabeth
Free State:	Bloemfontein
Gauteng:	Pretoria (Host City)
KwaZulu Natal:	Durban (Host City)
Limpopo:	Pretoria (Host City)
Mpumalanga:	Durban (Host City)
Northern Cape:	Bloemfontein (Host City)
North West:	Pretoria (Host City)

Western Cape: Cape Town (Host City)

13. The issue of the 2012 **Fidelity Fund Certificate is Conditional**, unless you are exempted as described in point number 17.
14. As from **2013** you will have to sign a **Service Level Agreement** with the South African Board for Sheriffs as part of your Legal Obligations.

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15. Should you qualify to be exempted from attending the Sheriffs Introductory Course, you may complete the attached **Sheriffs Introductory Course Exemption Form**.

The criteria for exemption are as follows:

- a. If you have completed the SIC successfully with Technicon South Africa or UNISA, you will be exempted. Provide proof of your competency certificate.
 - b. Learners holding a Learnership qualification will also be exempted from completing the SIC. Provide proof of your qualification.
 - c. If a Sheriff has more than 5 years experience and his/her record at the Office of the Board is relatively clear of major infringements, he/she could be exempted.
 - d. All Acting Sheriffs who have served in a post for more than 5 years may also be exempted if his/her record at the Office of the Board is relatively clear of major infringements.
16. All persons who have not received a Credit Bearing Certificate or an Attendance Certificate for the **Auctioneering Course** provided by the Board through ATASA in 2011 will have to attend a two day session with our accredited training service provider ATASA. The two day session will commence provincially, on the last two days of the ten days "classroom session" of the Sheriffs introductory Course. Travel and accommodation will be for your own cost.
 17. Should you qualify to be exempted from attending the Sheriffs Auctioneering Course, you may complete the attached **Sheriffs Auctioneering Course Exemption Form**.
 18. Please courier ALL required documents, attached in the pack to the South African Board for Sheriffs, **within 14 days** of receipt of this letter, to:

Executive Manager
South African Board for Sheriffs
(NEW SHERIFF APPOINTMENTS)
5th Floor
4 Church Square
Cnr Spin and Parliament Street
Cape Town
8001

(Please do not dismantle the folder – complete and return to us as is)

19. The costs incurred for the courier service to our office, is for your own account. You may use your own courier service or Speed Services provided by the Post Office.
20. Once your documentation is received by us the following administrative process will be followed:
 1. Receipt of your submission will be recorded.
 2. All information will be captured electronically.
 3. Due Diligence in terms of Fidelity Fund criteria checks – credit reviews, etc
 4. A Complaints check will be conducted if you served as a Sheriff previously.
 5. A table with all recorded details will be submitted to the Board for consideration and approval
21. The South African Board for Sheriffs will forward your **Conditional Fidelity Fund Certificate within thirty days**, upon the submission and fulfillment of the above requirements.
22. In respect of your **Conditional Fidelity Fund Certificate**, as you will now pay your application fees for the 2012 financial year, even though you are only being appointed as an active sheriffs from 1 December 2012. In terms of the Sheriffs Act your **Conditional Fidelity Fund Certificate** is valid for a calendar year. In light hereof SABFS will not charge you application fees for 2013 financial year. We will issue you with new **Conditional Fidelity Fund Certificate** end December 2012, valid one year from 1 January 2013 – 31 December 2013
23. In order to facilitate the smooth handover between the incoming and outgoing Sheriff we have prepared a guideline as stipulated in Regulation 10 of the Sheriffs Act 90 of 1986, outlining the documentary process to be handed over between the two parties. **See Regulation 10 Handover Document.**

You are furthermore advised to contact your local chief magistrate to ensure that the hand-over to yourself from the outgoing sheriffs is done properly. You may also contact the provincial office of the Department of Justice & Constitutional Development, should you be unable to make contact with the chief magistrate in your district.

See below contact details for the outgoing Sheriff for the Jurisdiction that you have been appointed to:

DETAILS TO BE INSERTED

24. No application will be accepted unless ALL obligations are adhered to and all required documents are submitted.

The following checklist is provided to assist you with your submission:

No	DOCUMENT	SUBMITTED		COMMENT
		Yes	No	
1	Form 4 Completed			

2	2 x Color ID Photographs (Form 4 – Sheriff)			
3	Payment Proof of R 500			
4	Professional Indemnity Insurance			
5	Proof of a Trust Account in your name			
6	Proof of a Business Account			
7	Certified ID Copy of new Sheriff			
8	FICA Requirement Utility Bill			
9	Affidavit in terms of Section 33 of the Sheriffs Act 90 of 1986			
10	Form 14 Completed			
11	2 x Color ID Photographs (Form 14 – Deputy/s Sheriff) plus proof of payment of R300.00 per Deputy Sheriff			
	Credit Check Form			
12	Sheriffs Introductory Course Exemption Form			
13	Auctioneering Course Exemption Form			
14	Sheriffs Introductory Course Certificate			
15	National Certificate in Law Enforcement (Learnership)			
16	Auctioneering Certificate			
17	National Sheriffs Register			

You are kindly requested that all documentation filled in by yourself in accordance with this letter is completed in blank ink pen.

For further assistance on any matter relating to your legal obligations applications, please contact:

Ms Sharon Toerien
Office number: 021 462 32 09
Cell Number: 073 596 4710
Sharon@sheriffs.org.za

Mrs Fahemah Mohamed
Office Number: 021 462 32 09
Cell Number: 082 056 27 62
Fahemah@sheriffs.org.za

We furthermore enclose a copy of the publication by the SABFS to guide you in the establishment of your office and your administration of a new Sheriff. This guide simplifies many of the processes and procedures you will encounter in meeting your requirements and objectives under the Act. For any further information please visit the SABFS website: www.sheriffs.org.za

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To furthermore assist you in ensuring that you are able and ready to practice as a Sheriff on the 1 December 2012, the SABFS has appointed mentors (experienced sheriffs) to help guide you over the coming months, with any queries you might have in respect of office planning, staff planning and any other logistical advice you may require in how best to set-up your office operations. **See Mentor List**

We furthermore request that you complete the **National Sheriffs Register**, once you have taken office on the 1 December 2012, this information is critical for the SABFS, as it will ensure that our office has proper records of office and its operations.

We furthermore enclose a copy of the SABFS **Annual Report 2011/2012**, which was published a few weeks ago. The publication contains important information about the SABFS and its work in relations to the sheriffs professions.

Once again congratulations on your appointment and wish you all the best in your new endeavors as a sheriff.

Yours Sincerely,

Mr Hoosain Kagee
EXECUTIVE MANAGER