



2nd DRAFT MEDIA STATEMENT – APPOINTMENT OF SHERIFFS NATIONWIDE

4 July 2013

Good morning and welcome,

I have called this media briefing to discuss the recent developments in the sheriffs profession.

Functions of a Sheriff

The office of the sheriff is *sui generis* in that:

- The sheriff is appointed by the Minister of Justice and Constitutional Development who may also suspend or remove a sheriff from office should circumstances so require in the interest of the maintenance of an effective and reliable service to the courts and the public;
- The sheriff is an officer of the court;
- 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 judgements.

This places a huge responsibility and commitment on each and every office of sheriff, no matter how big or small as the sheriff is the only person that can give effect to a court order for the execution of property, whether movable or immovable.

The question of access to justice is part and parcel of, and central to, the realization of the Bill of Rights embodied in the Constitution of the Republic of South Africa of 1996, that enshrines the right of all people in our country and affirms the democratic values of human dignity, equality and freedom. In as much as the success of the office of a sheriff is based on sound business principles and systems, the sheriff is constitutionally bound to adhere to and give effect to the Bill of Rights in the execution of their duties. In this regard it is imperative for the sheriff to carefully scrutinize each and every court document no matter from where it may emanate to ensure that it adheres to and complies with the law and the prescribed forms.

Transformation

It is a constitutional imperative that the sheriffs, like all sectors of State and society, must reflect the demographics of South African society in respect of its racial and gender composition, among constitutional attributes. The task of advancing the transformation of the profession requires that progressive programmes be designed to improve the racial and gender profile of the profession.

Before 1994, there were 465 sheriffs operating nationally. Of these 465 sheriffs, 22 (4, 73%) were women and 443 (95, 27%) were men. The racial demographics of these 465 sheriffs were: 414 were Whites (89, 03%); 44 were Africans (9, 46%); 5 were Coloureds (1, 08%) and 2 were Indians (0, 43%).

In 2009 the Department conducted a nationwide audit of the sheriffs' profession which entailed the collation and analysis of information pertaining to sheriffs, including the racial and gender composition of the sheriffs' profession. The outcome of the audit indicated that of the 546 sheriffs, 76% were Whites, while 24% were Blacks and women comprised only 9% of all sheriffs. The audit also revealed that most sheriffs who are

White were appointed in the most lucrative offices which were situated in the metropolitan areas and affluent cities and suburbs, while the majority of sheriffs who are Black were appointed in former Homelands and traditionally Black townships and rural villages which generated a low income.

During August 2012 after the moratorium on the appointment of sheriffs was lifted, I appointed 124 new sheriffs to fill vacant posts of which 61 (49, 2%) were African, 44 White (35, 5%), 12 Coloured (9, 7%) and 7 Indian (5, 6%). Women represented 40 (32%) of the new appointees and men 84 (68%).

According to the South African Board for Sheriffs as at December 2012 there were currently 418 sheriff offices countrywide of which only 298 offices were filled with permanent sheriffs. Further, that the racial and gender demographics of these sheriffs' are: **166 White (55, 7%), 92 African (30, 87%), 20 Coloured (6, 7%) and 20 Indian (6, 7%)**. Of the 298 sheriffs only 63 were Women (21, 14%).

On 16 December 2012 the Department advertised a further 119 vacant offices of sheriffs in national newspapers with a closing date of 18 January 2013. This closing date was later extended to 8 February 2013. The vacant offices were also posted on the Department's website.

I also issued a statement during January 2013 calling on persons who are fit and proper to apply for these vacant sheriff offices. The applicants needed to display the necessary technical competence and experience required to conduct the business of a sheriff and must have an understanding of the relevant legislation governing the office of a sheriff to apply for these vacant posts to further enhance the transformation and to attain gender equality of the sheriffs profession. I thank all those persons that heeded my call and applied for these vacant sheriff offices.

The 119 vacant offices are situated throughout all 9 provinces and the estimated total income for these offices is R72, 9 million with job opportunities for 444 persons.

Of the 119 vacancies, I am pleased to announce that I have today appointed 71 sheriffs of which 47 are African (66%), 11 White (16%), 6 Coloured (8%) and 7 Indian (10%). Women represent 18 (25%) of the new appointees and men 53 (75%). These 71 sheriffs will be filling 76 of the 119 vacant offices. The estimated income of these 76 offices is R67, 5 million and will give rise to employment opportunities for 370 people.

These newly appointed sheriffs bring the total number of permanent sheriffs currently operating in the country from 298 to 365. Of these 365 sheriffs, 175 are White (48%), 139 African (38%), 27 Indian (7%) and 24 Coloured (7%). Women now represent 82 (22%) of the total sheriffs and men 283 (78%). This has resulted in a 9% increase of black persons (Africans, Indians and Coloureds) represented in the profession.

Whilst there is still a long way to go, these appointments have gone a substantial way to making the profession more representative, in line with the transformative vision and goals of our Constitution.

The 71 new sheriffs will assume duty as of 1 October 2013 after the completion of a mandatory induction training programme.

In conclusion, I would like to thank the South African Board for Sheriffs and the legal profession who acted speedily to designate the sheriffs and attorneys to be part of the provincial Advisory Committees so as to meet the strict deadlines we set to fill all the vacant posts. Further, I would like to direct my heartfelt gratitude to all the outgoing sheriffs for their sterling work during their term of office. Some of these outgoing sheriffs availed themselves for continued service beyond their retirement age on acting basis,

and more importantly the sheriffs in active service who took an extra burden by accepting acting appointments in their adjacent vacant offices during this process to fill these vacant offices.

Let me also thank the deputy sheriffs and sheriffs who seized the opportunity for acting as sheriffs when they were required to do so. I would also like to extend my thanks to those outgoing sheriffs who will be assisting these 71 new sheriffs, whether as mentors or simply by offering their assistance in anyway whatsoever.

The role, cooperation and assistance of each and every one of you is highly appreciated and acknowledged.

I THANK YOU

NB: See attached list of newly appointed sheriffs