

**Keynote address by the Deputy Minister of Justice and Constitutional
Development,
the Hon John Jeffery, MP
at the opening of the Sheriffs' Induction Course,
Sunnyside, Pretoria, 1 February 2016**

Chairperson of the SA Board for Sheriffs, Mrs Charmaine Mabuza
Members of the Board
Sheriffs and aspirant sheriffs attending the Sheriffs' Induction Course

Thank you for the opportunity to address you.

As we all know, sheriffs are an essential part of the justice system. Without a proper and professional sheriffs' profession, our civil justice system simply cannot function.

This course is important in making newly-appointed sheriffs and aspirant sheriffs aware of their responsibilities in the execution of their duties.

It is a constitutional imperative that the sheriffs, like all sectors of our society, must reflect the demographics of our country in respect of its racial and gender composition.

Last year the South African Board for Sheriffs conducted a nationwide audit of the sheriffs' profession. The outcome of the audit indicated that of the 288 sheriffs, 41% were White, while 39% were African and women comprised only 26% of all sheriffs.

In August last year our Department advertised vacant sheriffs' positions with a closing date of 1 September 2015. The Department worked hand-in-hand with the Board for Sheriffs and the legal profession who acted speedily to designate the sheriffs and attorneys who formed part of the Provincial Advisory Committees, chaired by a chief magistrate, so as to meet the strict deadlines set to fill the vacant posts.

The applicants who were shortlisted and interviewed by the Provincial Advisory Committees had to display the necessary technical competence and experience required to conduct the business of a sheriff and have an understanding of the relevant legislation governing the office of a sheriff.

The Provincial Advisory Committees then make recommendations to myself regarding the most suitable candidates to be appointed as sheriff.

Two important factors that I took into consideration in making the appointments were representivity – in particular the need to ensure more African and women sheriffs – as well as the economic viability of offices. Where it made more sense, from an economic viability point of view, offices serving both the lower courts and the High Court in a particular area, were joined.

I am pleased to announce that I have, on 13 January 2016, appointed 32 sheriffs to various vacant sheriff offices, 19 of the appointees are African (59%), 8 are White (25%), 4 are Coloured (13%) and 1 is Indian (3%). Women represented 41% (13) of the new appointees and men 59% (19).

Two of the appointees, namely for the Nebo High Court in Limpopo and for Koppies High and Lower Courts in the Free State, have since declined appointment, bringing the number of appointments to 30.

Mr H Beukes declined the offer to be appointed as sheriff for Postmasburg High Court, however, accepted his appointment to Springbok.

The newly appointed sheriffs bring the total number of permanent sheriffs currently operating in the country from 288 to **302**. The total number of sheriffs is only affected by 14 of the 30 appointments, as 16 are already permanent sheriffs - either in neighbouring sheriff offices or who are moving from an economically smaller area to a bigger one.

Once these appointments take effect, of the 302 sheriffs, 121 are White (40%), 122 are African (40,3%), 22 are Indian (7,3%) and 37 are Coloured (12,2%).

Women now represent 27,5% (83) of the total sheriffs and men 72,5% (219). The Department is determined to close the gender gap in the sheriffs' profession and, in so doing, further enhance the economic empowerment of women.

To this end, I am pleased that of the 13 women that have been appointed as sheriffs during these interviews, 5 have been appointed to medium and large sheriff offices. They are:

- Ms Nomandla Ndabeni at East London High Court in the Eastern Cape;
- Ms Turscia Vlotman at Albany (Grahamstown) Lower Court in the Eastern Cape;
- Ms Mabatho Setati-Msimango at Oberholzer High and Lower Courts in Gauteng;
- Ms Rachel Chuenyane at Seshego High and Lower Courts in Limpopo; and
- Ms Kelebogile Mpe at Wolmaranstad High and Lower Courts in the North West.

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

Of these 30 appointed sheriffs, 28 will assume duty as of 1 March 2016 after completing their induction training programme and 2, namely those for the Venterstad, Steynsburg and Burgersdorp High and Lower Courts and the East London High Court in the Eastern Cape, will assume office on 20 April 2016 and 3 May 2016, respectively, as these are the dates upon which the current sheriffs' terms of office will expire.

The mandatory induction training programme which you are attending is extremely important and is underpinned by three motivating factors:

- To familiarize new appointees with the operations and day-to-day business of the sheriff's office;
- To set a uniform standard of practice and performance to assist in the minimization of complaints; and

- To empower the new appointees through training and mentoring, thus ensuring that they meet the minimum standard of requirements as stipulated by the Board.

Successful candidates who already occupy the office of sheriff, but applied to be appointed in bigger and more economically viable sheriff's areas, have been exempted by the SABFS from this induction training programme. The same applies to a sheriff who holds office in a small area and has now been appointed to one or more adjacent areas to make it more economically viable.

I have been informed that a number of volunteer learners, mostly deputy sheriffs, who aspire to be appointed as sheriffs in the future, have been included in the induction training programme and this augers well for the sheriffs' profession.

Deputy sheriffs play a crucial role in all sheriffs' offices, as they interact regularly with the public, attorneys and other stakeholders. Deputy sheriffs are often the face of the sheriff's profession. That's why we are pleased to note that many deputy sheriffs are also attending this induction training programme.

I have long been concerned about the conditions of employment of deputy sheriffs and have asked the Board to investigate this.

To the newly appointed sheriffs, you are the sheriff of your area. If you employ a deputy sheriff to assist you, that is your choice – however, you are responsible for the activities of your office and you are expected to be actively working in your office – accessible and available.

With regard to the demarcation of sheriff's areas, by and large the sheriff's area will follow the magisterial district, except in the more economically active areas where more than one sheriff may be appointed per magisterial district.

Obviously, magisterial districts vary as far as economic activity is concerned and some will be more lucrative than others. As stated early, I am in favour of the sheriff for the higher and lower courts being the same person in less economically viable areas.

We will also look favourably at a sheriff for a less viable area being responsible for more than one sheriff's district to increase viability.

It is important that there is some kind of financial equity between the sheriff's areas in a single magisterial district in some of our cities. Complaints have been raised regarding the unequal division of income in Johannesburg and Pretoria; Durban and Port Elizabeth and a Task Team under the leadership of Judge Van der Merwe has been appointed to investigate and make recommendations for these areas.

It is of concern that some of the sheriffs only see the work of the Task Team as a further opportunity to increase their already big areas with no regard to increased access for the public.

The Task Team have also been tasked with investigating other areas where there are boundary disputes and to look at the demarcation of all sheriff's areas in Gauteng and the North West, following the re-demarcation of the magisterial districts.

For those not aware, the Department is in the process of re-demarcating the magisterial districts to ensure that they generally follow the municipal boundaries. The process has been completed in Gauteng and the North West Province, while the changes in Limpopo and Mpumalanga have just taken effect.

Sheriffs may therefore have been appointed for a specific geographical area in a magisterial district, only to find that the district has now changed its boundaries. The Task Team will therefore also be making recommendations on the sheriff's demarcations in Gauteng and the North West.

The investigation in respect of the abovementioned areas is due for completion by 31 March 2016 or soon thereafter. I have already received a provisional report.

There were sheriff's areas that were advertised during this round, particularly in the Northern Cape that had no takers - because they simply are not viable.

We will have to look at what to do in these magisterial districts to ensure that the delivery of justice is not compromised.

The Department of Justice and Constitutional Development has committed itself to assist in the consistent improvement of, and enhanced service delivery, by the sheriffs' profession.

I would also like to take the opportunity to thank the Board members and the Chairperson and Deputy Chairperson for their dedicated contributions to ensure a justice system that works and in making accessible justice a reality for our people.

Under their leadership and guidance much has been done to professionalize the sheriffs, for example the implementation of the Pledge and updating of the Code of Conduct which came into effect on 1 March 2014.

The Sheriff's Code was last updated in 1990. This resulted in the Sheriff's Code not being in line with the constitutional imperatives of our democratic dispensation.

We are confident that the Code of Conduct and Pledge for sheriffs has helped to improve service delivery by the sheriffs' profession and assists in building the public's confidence in the profession.

I also want to commend the Board for the Needs Based Training that was undertaken last year as well as the launch of the "sheriff search sms"-function.

The Needs Based Training courses were provided after due consideration and consultation with sheriffs in the field, and vary from year to year depending on the current challenges faced by them.

The new sms function allows a person, for example, a member of the public or the legal profession, to easily sms the name of the area they are looking for to 42269 and they will receive a reply sms with the contact details of the sheriff for that area. I have tried it out myself and it works very well. This is one way of making justice more accessible to our people.

Ladies and gentlemen,

I want to congratulate the new incumbents on their appointment and wish you all a very fruitful induction programme.

All the best in the successful running of your various offices. As a sheriff, perform your duties without fear or favour and to the best of your ability, upholding the dignity of those you serve.

Be ever-mindful that the sheriff is very often the face of the civil justice system, as it's the first person that a respondent, defendant or judgment debtor will meet.

Justice starts with you.

I thank you.