



# CODE OF CONDUCT

SOUTH AFRICAN BOARD FOR SHERIFFS

## **CODE OF CONDUCT FOR SHERIFFS**

The South African Board for Sheriffs has, with the approval of the Minister of Justice, in terms of section 16 (k) of the Sheriffs Act, 1986 (Act 90 of 1986), framed the Code of Conduct for Sheriffs set out in the Schedule hereto.

### **SCHEDULE**

1. A sheriff may serve or execute process only within the area of jurisdiction or the portion of an area of jurisdiction for which he has been appointed.
2. A sheriff entrusted with the service or execution of a process shall act without avoidable delay in accordance with the provisions of rule 8 (4) of the Magistrate's Court Rules or rule 4 (6) (a) of the Supreme Court Rules: Provided that any process, requiring urgent attention shall be dealt with forthwith.
3. The return made on a process shall be made on A4 size paper in the official language in which the process was sued out, and shall contain further the following minimum information:
  - 3.1 Case number;
  - 3.2 court and district of issuing;
  - 3.3 full names of the parties;
  - 3.4 address where service or execution took place;
  - 3.5 date and time of service or execution, and / or dates and times of attempted services or executions and reasons for the non-services or non-executions;
  - 3.6 manner of service (strictly in accordance with the rules of service and supplying a full description of the facts and circumstances);
  - 3.7 specified bill of costs; and
  - 3.8 signature of sheriff or deputy sheriff.
4. A sheriff who undertakes other remunerative work or is associated with an organization or a business undertaking or who has a direct or indirect financial interest in an organization or a business undertaking shall perform any act of function pertaining thereto, and word any advertisement pertaining thereto in such a way that it cannot be associated with the office of sheriff.
5. All letters, except standard letters accompanying process, shall be answered in writing with the least possible delay.

- 6 The appointment of deputy sheriffs and other employees shall take place in the following manner and on the following conditions:
  - 6.1 No person who has been convicted of any offence involving dishonesty or of any other offence for which he has been sentenced to imprisonment without the option of a fine may be employed as a deputy sheriff or in any other capacity without the prior approval of the Board for Sheriffs. The application for the appointment of a deputy sheriff shall further-  
  
be made on the prescribed form, which is obtainable from the Board for Sheriffs, and accompanied by two passport size photos';  
  
be accompanied by a certified copy of the applicant's highest educational qualifications; and  
  
be accompanied by two recent certified testimonials.
- 7 A Sheriff who is requested by the Board for Sheriffs to furnish any information or to complete any form shall do so within the prescribed time and shall ensure that full and correct information is supplied.
- 8 Trust money shall be paid out to the person entitled thereto without avoidable delay.
- 9 A sheriff shall refrain from performing any act as sheriff in any matter in which he has a direct or indirect interest.
- 10 A Sheriff shall at all times act in an impartial, unbiased and fair manner and with discretion towards all parties and shall ensure, as far as it is possible for him to do so, that deputy sheriffs in his employ act in like manner.
- 11 A sheriff shall refrain from discussing with the press or other media policy matters relating to his office and from making statements or commenting thereon save with the consent of the Board.]
- 12 A sheriff shall serve members of the public in the official language in which he is addressed or otherwise communicated with and shall ensure that the deputy sheriffs in his employ serve the public in like manner.
- 13 A sheriff may not act in any way that will bring the good name and esteem of the office of sheriff in particular and the administration of justice in general into disrepute or cause it to appear in a bad light

and shall, as far as it is possible for him to do so, ensure that deputy sheriffs in his employ do not so act.

- 14 A sheriff may not accept from or on behalf of any person any favour or gift (including excessive hospitality or receptions), which may influence him in the execution of his duties, or which in the opinion of any reasonable person, may so influence him and shall ensure, as far as it is possible for him to do so, that deputy sheriffs in his employ do not so act.
- 15 A sheriff may not use for personal gain or for the personal gain of third parties any confidential information which he has obtained by virtue of his position and may also not divulge any such confidential information. He shall also ensure, as far as it is possible for him to do so, that deputy sheriffs in his employ do not so act.

Details of the Board for Sheriff are as follows:

*Postal address:* P O Box 15223, Vlaeberg, 8018

*Telephone number:* (021) 461-6622

*Facsimile number:* (021) 461-9619

(16 November 1990)