



CODIFIED INSTRUCTIONS

SOUTH AFRICAN BOARD FOR SHERIFFS

1
DEPARTMENT OF JUSTICE
CODIFIED INSTRUCTIONS
SHERIFFS

These instructions are dealt with under the following headings:

		Paragraphs
PART I	- INTRODUCTION	1.1 - 1.2
PART II	- APPOINTMENTS	2 - 13
PART III	- AUDITING OF ACCOUNTS	14
PART IV	- FIDELITY FUND FOR SHERIFFS.....	15 - 18
PART V	- IMPROPER CONDUCT	19 - 21
PART VI	- GENERAL	22 - 25

ANNEXURES

A	- Advertisement requesting applications for a vacant office	
B	- Name list of bodies to which the advertisement must be sent	
C	- Official notice for publication (Z95)	
D	- Minute for sending applications for appointment as sheriff to Head Office	
E	- Certificate by magistrate in terms of section 23(4) of the Sheriffs Act, 1986, (Act no. 90 of 1986)	
F	- Regulations under the Sheriffs Act, 1986	
G	- Form 18: Performance of remunerative work outside the office of sheriff	
H	- Code of conduct for sheriffs	
I	- Decisions of the Supreme Court in <u>Meintjes v Roets</u> 1935 (CPD) 59 and in <u>Van Niekerk v Van Niekerk</u> 1940 (CPD) 658	
J	- Return of number of process received by a sheriff	

ALPHABETICAL TABLE OF CONTENTS

Subject	Paragraph
Acting sheriff - appointment	3
Advertising of vacancy	6
Advisory Committee	8
Appeal against suspension by a sheriff	21
Applications -	
received: up to and on closing date	9(a)
received: after closing date	9(b)
procedure when no applications have been received	11
procedure when an application is received	7 - 8
Appointment of sheriffs -	
ad hoc	4
permanent	2 and 10
acting	3
Board for Sheriffs -	
postal address, telephone number and fax number	22
Certificate by an independent auditor: exemption	14
Complaints: submission of	19
Definitions	1.2
Deputy sheriff: appointments	5
Fidelity Fund Certificates -	
are issued to a person	15
obtaining a certified copy by magistrates and registrars for record purposes	16
Fidelity Fund: claims against	18

Performance of remunerative work outside the office of sheriff - application	23
Prescribed contribution: exemption with ad hoc appointments ..	17
Re-appointment of a sheriff after reaching the age of 65 or 70	13
Receipt of an application - procedure	7 and 8
Result of applications	10
Return of number of process received by a sheriff	25
Statutory references	1.1
Suspension of sheriff	20
Term of office of sheriffs	12
Vacant office of sheriff - existence of	6
Vacating of office by a sheriff - attachment of documents	24

PART I - INTRODUCTION

Statutory references

- 1.1 (i) The Sheriffs Act, 1986 (Act No. 90 of 1986), which was promulgated on 1 March 1990, is hereinafter referred to as "the Act".
- (ii) The Regulations relating to Sheriffs, 1990, (Government Notice R.411 of 12 March 1990, as amended by Government Notices Nos. R.2207 of 14 September 1990, R.3440 of 31 December 1992, R.1836 of 1 October 1993, R.1566 of 16 September 1994 and R.1218 of 11 August 1995) are hereinafter referred to as "the Regulations".
- (iii) The Board for Sheriffs established in terms of section 7 of the Act, is hereinafter referred to as "the Board".

Definitions

- 1.2 (i) In this code a word or expression to which a meaning is attached in the Act and the Regulations retains the meaning thus attached, unless the context indicates otherwise.
- (ii) The districts of the former Self Governing Territories of Kwandebele, Kangwane, QwaQwa, Gazankulu, Lebowa and KwaZulu in which the Sheriffs Act, 1986 (Act No. 90 of 1986) is in force in respect of sheriffs

of the superior court is hereinafter referred to as "KKQGLK territories".

- (iii) The Code of Conduct for Sheriffs approved by the Minister in terms of section 16(k) of the Act, is hereinafter referred to as "the Code of Conduct".
- (iv) The Fidelity Fund for Sheriffs established in terms of section 26(1) of the Act, is hereinafter referred to as "the Fidelity Fund".

PART II - APPOINTMENTS

Sheriff

2. In terms of section 2 of the Act the Minister may appoint a person as sheriff for a lower and/or superior court.

Acting sheriff

- 3.1 The power to appoint an acting sheriff for a lower and/or superior court in terms of section 5 of the Act was, in terms of section 63(1)(a) of the Act, delegated by the Minister to magistrates. Because magistrates became independent of the Department of Justice with the promulgation of the Magistrates Act, 1993 (Act No. 90 of 1993) this delegation lapsed. Magistrates must therefore send recommendations for the appointment of an acting sheriff, to the Director-General: Justice.
- 3.2 The above-mentioned power was also delegated to registrars of the High Court in respect of the appointment of an acting sheriff of the division of the High Court which has jurisdiction in the area of the KKQGLK territories. Before an acting appointment is made, the Board should be offered an opportunity to nominate a person or persons for appointment. On the appointment of an acting sheriff, the provisions of paragraph 23 *infra* and regulation 10(1) should be observed and Head Office should be informed of the name and postal address of the acting sheriff. The attention of the acting sheriff should be drawn, in the document of appointment, to the provisions of section 30(1)(b) of the Act and the particulars of the Board mentioned in paragraph 22 *infra* should be furnished to him. In regard to sections 5(1)(a) and 5(1)(b) of the Act, attention is drawn to the provisions of paragraph 9 of the Code of Conduct and the judgments dealing with a conflict of interests in the cases Meintjes v Roets 1935 CPD 59 and Van Niekerk v Van Niekerk 1940 CPD 658, Annexure I.

Ad hoc appointments

4. The power to appoint a person as acting sheriff for the purposes of a specific matter has been delegated by the Minister to registrars of divisions of the High Court who have jurisdiction in the area of the KKQGLK territories and to the Clerk of the Civil Court at a magistrate's office on condition that blacks (African, Coloured, Indian) should be appointed wherever possible and that the Clerk of the Civil Court must consult with the Manager: Board for Sheriffs before an appointment is made. With an **ad hoc** appointment, the provisions of paragraph 17 *infra* should be noted.

Deputy Sheriff

5. A sheriff or acting sheriff may, in terms of section 6 of the Act, with the approval of the Board and on the conditions determined by the Board, appoint one or more deputy sheriffs for whom he is responsible.

Existence of a vacant office

- 6.1 If a magistrate is or becomes aware of the fact that a person who holds the office

of sheriff within his area of jurisdiction or an area or areas within his area of jurisdiction has died or given notice of his resignation in accordance with section 4 (4) of the Act, the provisions of regulations 2(1) and 10(1) should be strictly observed.

- 6.2 In regard to the advertisement of a vacant office of sheriff regulations 2(2) and (4) should be strictly observed. Regulations 2(2) and 2(4) read as follows:

"2 (2) Subject to the provisions of subregulation (5), a magistrate who receives a written notice from the Director-General of Justice that a vacancy in the office of sheriff of a lower or superior court or an area or areas of a lower or superior court has occurred or will occur as a result of -

- (a) the death of a sheriff;
- (b) a description under section 3(2) of the Act by the Minister of one or more areas within the area of jurisdiction of a lower or superior court;
- (c) the attainment by a sheriff of the age of 65, the attainment by a sheriff of the age of 70 as contemplated in section 64(3)(e) of the Act or the attainment by a sheriff of the further age determined by the Minister under section 4(1) of the Act; or
- (d) a vacation of office, a removal from office or a resignation of a sheriff referred to in subsection (2),(3) and (4) of section 4 of the Act, respectively, shall within 14 days after receipt of the said notice advertise the office of sheriff by posting advertisements in as many of the official South African languages as is practicable on the notice boards at his seat and, where applicable, on the notice boards at each periodical court and branch court within his area of jurisdiction.

2.(2A) The advertisement referred to in subregulation (2) shall state -

- (a) the area of jurisdiction of the lower or superior court or the area or areas of a lower or superior court in respect of which the vacancy occurred or will occur;
- (b) the application requirements prescribed by subregulations (6) and (7); and
- (c) the closing date for applications, which date shall be at least 42 days after the said advertisement was posted in the said

manner.

- 2.(4) The magistrate shall, within seven days after the posting of the advertisement as contemplated in subregulation (2), inform the Director-General of Justice and the Board in writing of the closing date for applications."
- 6.3.1 The notice referred to in regulation 2(2) should basically be in the form of Annexure A.
- 6.3.2 To comply with the provisions of regulation 2(4) the magistrate shall, within seven days after the posting of the advertisement, send copies of Annexure A to the Director-General of Justice and the Board. Annexure A must also be sent to:-
- (a) Magistrates of neighbouring districts.
 - (b) The Magistrates of Germiston, Johannesburg, Kempton Park, Randburg, Pretoria, Pretoria North, Nelspruit, Pietersburg, Kimberley, Bloemfontein, Cape Town, Wynberg, Port Elizabeth, Durban, Verulam, Pietermaritzburg and Klerksdorp.
 - (c) The Regional Representatives of the Department of Justice.
 - (d) The President of -
 - (i) the Black Lawyers Association; and
 - (ii) the National Association of Democratic Lawyers.
 - (e) The Director-General of the Association of Law Societies of the Republic of South Africa.
 - (f) The National Director of -
 - (i) the Lawyers for Human Rights; and
 - (ii) the Legal Resources Centre.
 - (g) The local mayor/s of the cities/towns in the area of jurisdiction of the magistrate.
 - (h) The local Assessors Forum.
 - (i) The local Police Forum.
- 6.3.3 The addresses appear in Annexure B.

- 6.4 If the magistrate is requested by the Director-General of Justice in terms of regulation 2(3) to advertise the vacancy in the Government Gazette, the magistrate shall, after receipt of such a notice, without delay advertise the vacancy in the form of Annexure A in the Gazette. Annexure A is sent to the Government Printer, Pretoria, under cover of form Z95 (Annexure C).

Applications

- 7.1 A person who wishes to apply in terms of regulation 2(6) for appointment as sheriff shall complete Form 1 of Annexure F in duplicate and lodge Form 1 as well as the other documents and forms with the magistrate. The following documents in duplicate must accompany Form 1:
- (a) *A curriculum vitae* of the applicant.
 - (b) A statement of the assets and liabilities of the applicant on Form 2 supported by documentary proof.
 - (c) A report on Form 3 of Annexure F, by the applicant's most recent employer or, if the applicant is unable to obtain such a report, certified copies of two recent testimonials, together with an explanation by the applicant why he is unable to obtain such a report.
 - (d) Form 4 of Annexure F. Form 4 is necessary for Head Office to determine according to question 13 of Form 4 on which date the sheriff can assume duty.
 - (e) Form 18 of Annexure G should be completed by an applicant where he will perform other remunerated work outside the office of sheriff.
 - (f) Certified documentary proof of date of birth or identity number, certificates, diplomas or degrees and of assets and liabilities.

Receipt of an application: Procedure

- 7.2.1 When an application is received, the date stamp and time of receipt should appear at the top of page 1 of Form 1. The forms and other documents should be thoroughly checked to ensure that:-
- (a) All particulars have been given fully.
 - (b) All documents have been lodged.
 - (c) Certified documents of the following have been received:
 - (i) Date of birth or identity number.
 - (ii) Educational qualifications - certificates, diplomas and degrees.
 - (iii) Assets and liabilities.

- 7.2.2 The State Law Advisers are of the opinion that it is clear that regulations 2(6) and 2(7) of the Regulations are indeed form requirements with direct applications for appointment as sheriff. Non-fulfilment thereof must therefore necessarily lead to invalidity, particularly as it is specifically intended to assure the rights and privileges of other interested parties (applicants).
- 7.2.3 When an applicant fails to comply with regulation 2(6) or 2(7) of the Regulations the attention of the applicant should be directed in writing to the fact that his or her application is invalid and will not be considered but the application will be sent to Head Office for information.
- 7.2.4 An applicant whose application complies with the provisions of regulation 2 should be informed in writing that his application is receiving attention and that he will be notified of the result.

Advisory committee

- 8.1 In terms of regulation 2(6) of the Regulations any person who applies for Appointment as sheriff shall appear before an advisory committee.
- 8.2 The advisory committee shall consist of the magistrate of the district in which the vacancy occurred, who shall be the chairman of the committee, an attorney appointed by the attorneys' association of the district or in the absence of such an association the attorneys' circle in which the district is situated or the law society of the province in which the vacancy occurred and a sheriff appointed by the South African Institute for Sheriffs.
- 8.3 As soon as an application is received, enquiries should be made to the Manager: Board for Sheriffs, P O Box 10028, Caledon Square, 7905, as to which sheriff has been nominated by the South African Institute for Sheriffs to serve on the Advisory Committee.
- 8.4.1 The advisory committee shall compile a report containing its substantiated recommendation in respect of each application and if the advisory committee cannot reach agreement with regard to a specific application, each member of the advisory committee shall compile a report containing his substantiated recommendation in respect of that application.
- 8.4.2 The report of the Advisory Committee must include the following regarding an applicant:

- (a) Is the applicant familiar with the Magistrates' Courts Act, 1944 and/or the Supreme Court Act, 1959 and the relevant court rules. If the applicant does not have knowledge of the above-mentioned Act(s) or court rules, does the applicant have the ability to become conversant therewith.
 - (b) Does the applicant have the finances to set up the necessary infrastructure or to maintain the necessary infrastructure.
 - (c) Does the applicant have the necessary knowledge of the duties of a sheriff to make a success of the office. If the applicant does not have knowledge of the duties of a sheriff, does the applicant have the ability to familiarise himself/herself therewith.
- 8.4.3 In the report of the Advisory committee the applicants must be placed in order of preference for appointment and the reasons for such preference must be furnished. When recommendations are made by the Advisory Committee the provisions of paragraph 9 of the Code of Conduct and the judgments in the cases Meintjes v Roets 1935 CPD 59 and Van Niekerk v Van Niekerk 1940 CPD 658, (Annexure I), should be borne in mind.

Dealing with applications after meeting of the Advisory Committee

9. (a) **Applications received up to and on closing date**
- (i) With regard to regulation 2(8)(a) the applications and the report of the Advisory Committee should be sent to Head Office with a covering minute in the form of Annexure D. Magistrates in the KKQGLK territories must send Annexure D to the Registrar.
 - (ii) Copies of the minute in the form of Annexure D, report of the Advisory Committee, applications and annexures are sent to the Board in terms of regulation 2(8)(b). Form 4 of Annexure F should be completed by an applicant and sent to the Board via the magistrate without the prescribed contribution.

(b) **Applications received after the closing date**

The Regulations contain no provision in terms of which the late submission of an application may be condoned. Should a person apply after the closing date, the applicant should be informed by the magistrate in writing that the application cannot be considered because it was submitted late.

The Magistrate and the Board are notified of the result of the applications

10. Head Office informs the Board, the magistrate and the registrar in respect of the KKQGLK territories in writing which applicant has been appointed to the office. A copy of the Act, the Regulations and the Code of Conduct will be sent to the magistrate by Head Office to be handed to the successful applicant. The magistrate should inform the successful applicant immediately in writing of his appointment and draw his attention to the provisions of sections 30, 31 and 53 of the Act and regulations 3 and 7 of the Regulations and observe the provisions of paragraph 24 *infra* and regulation 10(1). The applicants whose applications were unsuccessful, should be informed by the magistrate in writing accordingly. Registrars will also be informed by Head Office of all appointments of sheriffs of superior courts. The acting sheriff should be informed by the magistrate or registrar in writing of the person who has been appointed as sheriff and the date from which he will act as sheriff.

When no applications have been received

11. When no applications have been received, the magistrate should inform the Director-General of Justice and the Board thereof.

Term of office of a sheriff

12. A sheriff appointed before 1 March 1990 holds his office in terms of section 64(3)(e) of the Act until he reaches the age of 70 years. In terms of section 4(1) of the Act a sheriff appointed after 28 February 1990 holds his office until he reaches the age of 65 years.

Re-appointment of a sheriff after reaching the age of 65 years or 70 years

13. In terms of section 4(1) of the Act a sheriff who was appointed after 28 February 1990 and who reaches the age of 65 years may again be appointed sheriff for the period determined by the Minister after consultation with the Board. A sheriff who was appointed before 1 March 1990 and who reaches the age of 70 years, may also again be appointed sheriff for the period determined by the Minister after consultation with the Board. In both cases where a sheriff's term of office expires because he/she has reached the age of 70 or 65 years, the magistrate should advertise the office in terms of regulation 2 of the Regulations and the sheriff whose term of office has expired on account of his/her age, is at liberty to apply for the vacant office. His/ her application will then be considered together with the other applications and if he/she be the successful applicant, he/she will be appointed for a specific period.

PART III - AUDITING OF ACCOUNTS

Exemption from the submission of a certificate by an independent auditor

14. With regard to section 23(4) of the Act the Board has determined the following conditions:

- (i) If a sheriff handles less than 50 transactions in his/her trust account during a specific financial year; and/or
- (ii) the money received in his/her trust account during the financial year concerned does not exceed R50 000, he/she will be exempted by the Board from the submission of a certificate by an independent auditor. Such a sheriff should, however, submit a certificate from his/her local magistrate to the Board in which it is certified that the sheriff has kept proper accounting records up to date as prescribed in section 23(1)(a) of the Act as well as the total amount earned in interest on such an account. The certificate should be accompanied by certified copies of the sheriff's bank statements in respect of accounts opened in terms of section 22 of the Act.

A magistrate should not audit a sheriff's accounting records. He should only satisfy himself that the sheriff maintains an account of money that he/she keeps or receives on behalf of persons and indicate what amount was earned in interest.

- (iii) If a sheriff holds an appointment for more than one district or service area, he/she may keep only one trust account. The certificate of only one magistrate will be adequate in such a case for all his/her service areas.

Annexure E is the certificate that a magistrate completes in this regard.

PART IV - FIDELITY FUND FOR SHERIFFS

Fidelity Fund certificates issued in terms of section 32 of the Act to a sheriff

15. A Fidelity Fund certificate is issued to a person and is valid in respect of all the activities performed by him/her as sheriff, whether in an acting or a permanent capacity for any superior or lower court. This includes his/her activities in respect of the small claims court.

Obtaining of certified copies of Fidelity Fund certificates by magistrates and registrars for record purposes

16. After a sheriff has been appointed, magistrates and registrars should obtain a certified copy of the sheriff's Fidelity Fund certificate from the sheriff and file it on the appropriate file of the sheriff. A Fidelity Fund certificate is valid until 31 December of the year in respect of which it was issued. Magistrates and registrars should consequently obtain a certified copy of the sheriff's new Fidelity Fund certificate from the sheriff after 31 December of each year.

Exemption from the provisions of subsection 30(1)(b) of the Act in respect of ad hoc appointments

17. The Board has determined the following conditions in terms of section 30(2) of the Act:

Where a registrar, in the case of an area of KKQGLK territories and a magistrate are called upon to make an **ad hoc** appointment to perform a specific function and a sheriff who is already in possession of a Fidelity Fund certificate is not available, the appointment of such an acting sheriff should occur with the prior approval of the office of the Board and the prescribed contribution of R50-00 shall not be payable by such an acting sheriff.

Claims against Fidelity Fund for sheriffs

18. Whenever a claim is instituted against the Fidelity Fund the claimant should be informed that, in terms of regulation 5(1), Form 6 of Annexure F must be completed and submitted to the Board.

PART V - IMPROPER CONDUCT

Submission of complaint against a sheriff

19. When a complaint is received against a sheriff, the complainant should be requested to submit the complaint to the Board in the manner prescribed in regulation 11(1) of the Regulations. The postal address of the Board (see paragraph 22 *infra*) should be furnished to the complainant.

Suspension of a sheriff

20. The power to suspend a sheriff, including an acting sheriff, in terms of section 50(1), has been delegated by the Minister to magistrates. In the case of a sheriff of a superior court in the KKQGLK territories, this power has been

delegated to registrars. On the suspension of a sheriff the magistrate or registrar submits a complete report to the Board with regard to the circumstances which gave rise to the suspension. A copy of the report is sent to Head Office. On the appointment of an acting sheriff in terms of section 5(1) of the Act, the provisions of paragraph 3 *supra* are applicable.

Appeal against suspension by a sheriff

21. When a sheriff who has been suspended in terms of section 50(1) of the Act, appeals against such a suspension, the cancellation of his/her Fidelity Fund certificate is postponed. The sheriff, who has appealed against a suspension, must be re-instated in his/her office as sheriff without delay, pending the outcome of the appeal.

PART VI - GENERAL

Board for Sheriffs

22. Correspondence to the Board is directed to the Manager: Board for Sheriffs, P O Box 10028, Caledon Square, 7905. The telephone number of the Manager of the Board is 021-4616622 (Cape Town) and the facsimile number is 021-4619619.

Performance of remunerated work outside the office of sheriff

23. An application on Form 18 (Annexure G) to perform remunerated work outside the office of sheriff, must be completed and submitted to Head Office and the Board together with the comments and recommendations of the magistrate.

Vacating of office by sheriff

24. When a magistrate attaches, in terms of regulation 10(1), process and other documents in the possession of a sheriff, including such records as are necessary to pay claims against the sheriff's account, such documents should be kept in a strong-room until they can be handed over to the sheriff's successor. The successor should acknowledge receipt in writing of the documents received.

Return of number of process received by a sheriff

25. In order to establish the number of process received by a sheriff annually, the magistrate must complete Annexure J annually during July and send it to Head Office.

ANNEXURE A

VACANCY

Applications are invited for the vacant post of Sheriff of the Lower Court for the area of jurisdiction of the Magistrate's Court
 /for the area
 and/or of the Superior Court for the Magisterial District of
 /for the area

In terms of section 2 of the Sheriffs Act, 1986 (Act No. 90 of 1986), the Minister of Justice may appoint a person as sheriff of a lower or superior court. A sheriff performs, within the area of jurisdiction of the lower or superior court for which he or she has been appointed, the functions assigned to the sheriff by or under the Magistrates' Courts Act, 1944 (Act No. 32 of 1944), the Supreme Court Act, 1959 (Act No. 59 of 1959) and the relevant court rules.

A sheriff earns his or her income from tariffs prescribed in the court rules, which are payable to him or her by mandators of process.

A sheriff has to conduct his or her own office and supply his or her own means of communication and transport and should financially and personally be able to perform the duties of a sheriff, as contained in the above-mentioned two Acts, which principally include the following:

The service of summonses on defendants.

The execution of warrants of execution and ejection, interdicts and garnishee orders.

The making of inventories on the execution of warrants of execution.

The provision of returns of service,

The holding of execution auctions.

The keeping of a trust account.

The requirements applicable to applications for appointment as sheriff are contained in regulation 2(6)(a) and (b) and (7) of the Regulations relating to Sheriffs, 1990, which were made under section 62 of the Sheriffs Act, 1986, and which provide as follows:

“(6)(a) Any person who wishes to apply for appointment as sheriff shall complete a form in the form of Form 1 of the Annexure to these regulations in duplicate and lodge the forms with the magistrate concerned.

(b) Any person who applies for appointment as sheriff in terms of paragraph (a) shall, on the date and at the time and place determined by the magistrate with whom the application is lodged, appear before an advisory committee referred to in paragraph (c).

(7) Each form lodged in terms of subregulation (6) shall be accompanied by -

- (a) a *curriculum vitae* of the applicant;
- (b) a statement of the assets and liabilities of the applicant on a form in the form of Form 2 of the Annexure to these regulations, supported by documentary evidence; and
- (c) a report on a form in the form of Form 3 of the Annexure to these regulations by the applicant's most recent employer or, if the applicant is unable to obtain such a report, certified copies of two recent testimonials, together with an explanation by the applicant of why he is unable to obtain such a report."

Applications should reach the undersigned before 16:00 on the day of

No application for appointment as sheriff shall be accepted by the magistrate after 16:00 on the closing date for the applications in question.

Forms 1, 2 and 3 can be obtained from the undersigned or your local magistrate.

PLACE:

TELEPHONE:

MAGISTRATE

ENQUIRIES:

DATE:

SEKGOBA SA MOSOMO

Dikgopelo tša mošomo di a nyakwa mabapi le poso ya go ba motsetamoletakgoro ke gore šerifi ya Kgoro ya ka tlase lefelong la maatlataolotoka la Kgoro ya Masetarata

.....
/lefelong le

le

goba wa Kgoro ya ka Godimo ya Setereke sa Masetrata wa

/lefelong le

Go ya ka Karolo 2 ya Molao wa Batsetabaletakgoro wa 1986 (Molao wa bo-90 wa 1986) Tona ya tša mošomo Toka a ka kgona go kgetha motho go ba šerifi ya Kgoro ya ka Tlase goba ya ka Godimo. Šerifi o dira mošomo wa gagwe lefelong la maatlataolotoka a Kgoro ya ka Tlase goba ya ka Godimo yeo a kgethetšwego yona, mešomo yeo šerifi a e abetswego ke go ba ka fase ga Molao wa Kgoro ya Masetrata wa 1944 (Molao wa bo 32 wa 1944), le Bolao wa Kgorokgolo ya Tsheko wa 1959 (Molao wa bo-59 wa 1959) le melao ya kgoro.

Šerifi o hwetša mogolo wa gagwe go ya ka melao ye e beilwego ya kgoro. O lefša mogolo woo go ya ka tshepetšo ya kgapeletšo.

Šerifi o swanetše go ba le ofisi yeo e laolwago ke yena gomme a tšweletše mekgwa ya kgokaganyo le transporoto gomme o swanetše go ba le tšhelete le go kgona go dira mošomo wa gagwe wa bošerifi ka boyena go ya ka melao ye mebedi ye e boletšwego ka godimo yeo ka bogolo e akaretšago tše di latelago:

Kamogetšo ya tagafalo go moitšhireletši.

Tiragatšo ya ditaelo tša go diragatša go tšea, dithibelo le tšhelete yeo e swerwego.

Go ngwalwa ga kamogetšo ya tagafalo.

Tiragalo ya dipoelo tša dikamogetšo.

Go swarwa ga tiragatšo ya diokšene/difantisi

Go boloka tšhupaletlotlo/akhaonthe ya trasete.

Dinyakwa tša maswanedi tšeo dinya di nyakegago ge go kgethwa šerifi di hwetšwa molaong wa 2(6)(a) le (b) le (7) ya Melao yeo e lego mabapi le Dišerifi ya 1990, yeo e dirilwego ka fase ga Karolo 62 ya Molao wa Batsetabaletakgoro/Dišerifi wa 1986 wo o bolelwago ka tšela ye:

- “(6)(a) Motho yo mongwe le yo mongwe yo a nyakago go dira dikgopelo tša go kgethwa go ba šerifi o tla tlatša fomo yeo e lego Fomo I ya Koketšo go melao ye. O tla tlatša fomo ye tee ya go swana gabedi gomme a e iša go masetrata wa maleba.
- (b) Motho yo mongwe le yo mongwe yo a dirago dikgopelo tša go kgethwa go ba šerifi go ya ka temana ya (a) ka godimo o tla swanela ke go tšwelela pele ga Komiti ya Keletšo yeo go bolelwago ka yona mo temaneng ya (c) ka letšatši le nako le lefelo

leo le tla bego le beilwe ke masetrata.

- (7) Foromo ye nngwe le ye nngwe yeo e tla bego e rometšwe mabapi le molawana (6) e swanetše go romelwa le:
- (a) Kharikhulamo bithae/lenaneo la tša bokgoni (CV) la mokgopedimošomo.
 - (b) Statamente sa matlotlo le dikoloto tša mokgopedimošomo seo setlatšwago go ya ka Foromo 2 ya Koketšo mo melaong ye, seo se nago le mangwalo a bohlatse.
 - (c) le Raparoto/pego yeo e tlatšwago go ya ka Foromo 3 ya Koketšo mo melaong ye ke mongmošomo yo mokgopelamošomo a sa tšwago go mo šomela goba ge mokgopelamošomo a sa kgone go hwetša (pego) raporoto ye bjalo gona o swanetše go hwetša mangwalo a bopaki a a sa tšogo ngwalwa gomme a a romele le tlhaloso ya gore ke ka baka la eng a se a kgona go hwetša pego yeo e nyakegago.”

Dikgopelo di swanetše go fihla go mosaeni pele ga iri ya 16:00 ka di
tša ngwaga wa

Ga go na dikgopelo tša go kgethwa go ba šerifi tšeo di tla amogelwago ke masetrata ka morago ga iri ya 16:00 ka letšatsi leo dikgopelo di tšwalelwago ka lona.

Diforomo 1, 2 le 3 di ka hwetšwa go mosaeni goba go masetrata wa lefelong la geno.

LEFELO:

MOTATO:

MASETRATA:

DINYAKIŠIŠO:

LETŠATŠIKGWEDI:

N Sotho

SEHLOMATHISO A
SEKGEO

Ho lebelletswe dikopo bakeng sa sekgeo sa mosebetsi wa mophethisi wa molao (sheriff) wa Lekgotla le Tlase bakeng sa lebatowa le leng tlasa matla a Lekgotla la Moahlodi/bakeng sa lebatowa
le/kapa wa Lekgotla le Phahameng la Setereke sa Moahlodi sa

Ho ya ka karolo ya 2 ya Molao wa Baphethisi ba Molao, 1986 (Molao wa 90 wa 1986). Letona la Toka le ka nna la kgetha motho jwalo ka mophethisi wa molao wa lekgotla le tlase kapa le phahameng. Lebatoweng la matla a lekgotla le tlase kapa le phahameng, leo a kgethetsweng lona, mophethisi wa molao o phetha mesebetsi ya hae ho ya ka Molao wa Makgotla a Baahlodi, 1944 (Molao wa 32 wa 1944) Molao wa Lekgotla le Phahameng, 1959 (Molao wa Lekgotla le Phahameng, 1959 (Molao wa 59 wa 1959) le ditaelo tse amehang tsa lekgotla.

Mophethisi wa molao o fumana moputso wa hae ditefellong tse behwang ho ya ka ditaelo tsa lekgotla, e leng tse etswang ke balaodi ba tshebetso.

Mophethisi wa molao o tshwanetse ho tsamaisa ditaba tsa ofisi ya hae le ho ipatlela mekgwa ya hae ya kgokahanyo le ya dipalangwang, mme yena ka boyena a kgone lehlakoreng la ditjhelete, ho ka phetha mesebetsi ya mophethisi wa molao, jwalo ka ha Molao e mmedi, e boletsweng hodimo mona e bolela, eo hantlentle e fupereng tse latelang:

Tshebeletso ya disamane ho baqosuwa. Ho hlokomela hore tsena di phethwa: kahlolo ya lefu, ho ntshetswa ka ntle, le thibelo ya kotlo kapa tayo, le melao e gobellang hore molato wa kotlo o a lefshwa.

Pokello ya manane a tse ngotsweng mabapi le kahlolo ya lefu.

Ho hlokomela hore pehelo ya mosebetsi a e etswa.

Ho hlokomela hore fantisi ya thepa e ba teng kahlolong ya lefu.

Polokelo ya tjhelete bankeng e be teng, eo eseng ya hae (Trust account).

Tse hloka halang bakeng sa ho kena mosebetsing wa ho ba mophethisi wa molao di fuperwe taelong (regulation 2(6)(a) le (b) le (7) ya Ditaelo tse mabapi le Baphethisi ba molao, 1990, tse entsweng tlasa karolo ya 62 ya Molao wa Baphethisi ba Molao, 1986, tse fanang ka tse latelang:

“(6) (a) Motho e mong le e mong ya lakatsang ho etsa kopo ya ho kgethwa jwalo ka mophethisi wa molao, o tla tlatsa foremo e nkileng sebopeho sa Foromo 1 ya Sehlomathiso sa ditaelo tsena, e menahantswe habedi mme a nehalane ka diforomo ho moahlodi ya amenang.

- (b) Motho e mong le e mong ya etsang kopo ya ho ba mophethisi wa molao ho yha ka temana ya (a), o tla hlaha pela komiti e eletsang, eo ho buuwang ka yona temaneng ya (c), letsatsing, nakong le sebakeng se tla bolelwa ke moahlodi eo kopo e lebiswang ho yena.

7. Foromo ka nngwe ho ya ka taelo (6) e tla felehetswa ke -

- (a) Ditaba le thuto ya moikopedi (*curriculum vitae*).
- (b) Melemo le dikgaello (assets and liabilities) tsa maruo a moikopedi foromong e nkileng sebopeho sa Foromo ya 2 ya Sehlomathiso ditaelong tsena, mme sena se tshehetswe ke bopaki bo ngotsweng; le
- (c) Peholo foromong e nkileng sebopeho sa Foromo ya 3 ya Sehlomathiso ditaelong tsena ka monga mosebetsi wa moraorao wa moikopedi, kapa ha eba moikopedi a sitwa ho fumana phelo ya mofuta oo, ho be teng dikopi tse tiisitsweng tse pedi tsa moraorao tse mo pakang, hammoho le tlhaloso ya moikopedi ya hore hobaneng a sitwa ho fumana peholo eo.

Dikopo di finyelle ho ya saenneng mona tlase pele ho nako ya 16:00 letsatsing la kgwedding ya

Ha ho kopo ya mosebetsi wa mophethisi wa molao e tla amohelwa ke moahlodi ka mora 16:00 letsatsing la ho qetela la dikopo tse amehang.

Foromo 1, 2 le 3 di ka fumaneha ho ya saenneng tlase mona kapa ho moahlodi wa lehae.”

SEBAKA:

MOHALA:

DIPOTSO:

S Sotho

MOAHLODI:

LETSATSI:

SICHIBIYELO A
SIKHALA SEMSEBENTI

Kwatiswa bantfu kutsi batfumele tincwadzi teticelo temsebenti tesikhala semsebenti wekuba sitfunywa seNkantolo leNcane endzaweni lengaphansi kweNkantolo yeMantji/yenzawo
futsi/nome yeNkantolo leNkkhuulu yesiGodzi yaMantji ye
/yenzawo
Ngekulandzela sigaba 2 seMtsetfo wetiTfunywa teNkantolo, 1986 (uMtsetfo No. 90 wa-1986), iNduna yeliTiko leteBulungiswa ingabeka umuntfu kusti abe sitfunywa senkantolo lencane nome lenkhulu. Sitfunywa senkantolo sisebenta, endzaweni lengaphansi kwenkantolo lencane nome lenkhulu leyo lacashelwe kuyo, imisebenti lesinikwe yona nguMtsetfo weNkantolo yaMantji nome NguMtsetfo longaphansi kweNkantolo ya Mantji, 1944 (uMtsetfo No. 32 wa- 1944) uMtsetfo weNkantolo leNkhulu, 1959 (uMtsetfo No. 59 wa- 1959), kanye nemitsetfo lehambelana netinkantolo.

Sitfunywa senkantolo sitfolo liholo laso ngaphansi kweluhlelo lwekutseliswa kwemphahla loluhlelwe emitsetfweni yetinkantolo ngenchubo lefanele.

Sitfunywa senkantolo sisebentela ehhovisi laso (hhayi lahullumende) sisebentisa tintfo taso tekuchumana netekuhamba futsi sibe netimali tekusisita ekwenteni lemisebenti futsi sibe ngumuntfu longakhona kwenta lemisebenti yekuba sitfunywa senkantolo, ngengobe ihleliwe kuleMitsetfo lembili lebalwe lapha ngenhla, lefaka ekhatsi lefaka ekhatsi lena lelandzelako:

Kunika bamangalelwa emasamanisi.

Kukhipha emawalanti ekutsatsa imphahla kumannalelwa lowehluleka kukhokha kanye nekumcosha, kumencabela lowo mmangalelwa ekwenteni lokutsite kanye nekumncumela kutsi akhokhe malini ngelicala lakhe.

Kwenta luhla lwekukhipha emawalanti ekutsata imphahla kubamangalelwa.

Kwenta umbiko ngemisebenti leyentiwe sitfunywa senkantolo.

Kubamba indali yekutsengiswa kwemphahla leyetsatfwe kubamangalelwa.

Kugcina i-akhwunti yetimali letisisiwe.

Tidzingo letifunekako kubacelimsebenti labafuna kutsatsa lomsebenti wekuba sitfunywa senkantolo tihlelwe emtsetfweni 2(6)(a) na (b) na (7) eMtsetfweni lephatseleni netitfunywa tenkantolo, 1990, lengaphansi kwesigaba 62 seMtsetfo wetiTfunywa tenkantolo, 1986, lefaka ekhatsi loku lokulandzelako:

“(6) (a) Umuntfu lofuna kuba sitfunywa senkantolo utafaka sicelo salomsebenti ngekugcwalisa lifomu lelibitwa ngekutsi Lifomu 1 laleSichibiyelo salemitsetfo ngalokuphindvwe kabili abese sewetfula lamaformu kumantji wangakubo.

- (b) Umuntfu locela kutsi acashelwe esikhundleni sekuba sitfunywa senkantolo macondzana nendzinyana (a), ngelusuku nesikhatsi nendzawo lokucokwe nguloyo mantji lapho kwetfulwe khona sicelo semsebenti, utawuvela embikwelikomidi lekweluleka lelibalwa endzinyaeni (c).
- (7) Onkhe emafomu letfuliwe macondzana nemtseshwana (6) atawuphekeletelwa -
- (a) yincwajana leneminingwane ngemcelimsebenti (iCV);
- (b) sitatimende imphahla kanye nemacala etimali temcelimsebenti lokubhalwe efomini lelibitwa kutsiwe Lifomu 2 laleSichibiyelo salemitsetfo, loku kufanele kucinisekiswe ngemaciniso labhaliwe;
- (c) umbiko lobhalwe efomini lelibitwa kutsiwe Lifomu 3 laleSichibiyelo salemitsetfo ngumcashi wekugcina wemcelimsebenti, nome-ke uma ingabe umcelimsebenti akakwati kutfolo lombiko, emakhophi lafungelwe lamabili etifakazelo letisetnsha, kanye nenchazelo lebhawwe ngumcelimsebenti lechazako kutsi wehlulwe yini kutfolo umbiko lobhalwe ngumcashi wakhe wekugcina.”

Ticelo talomsebenti tifanele tifike kulona losayinde lapha ngentansi ngembili kwa-16:00 ngemhlaka
welusku lwe

Kute sicelesebenti semuntfu lofuna kuba sitfunywa senkantolo lesitawemukelwa ngumantji emuva kwa-16:00 ngelusuku lwekugcina kwetfulwa kweticelo.

Emafomu 1, 2, na-3 atfolakala ehhovisi lalona losayinde lapha ngentansi nome enkantolo yamantji wesigodzi sangakini.

INDZAW:

INOMBOLO YELUCINGO:

KUBUTWA:

MANTJI:

LUSUKU:

Swazi

ISIKHALA SOMSEBENZI

Izicelo zesikhala esivulekile somsebenzi wephoyisa eliphatha isifunda ziyamenywa eNkantolo yamacala encane endaweni eyengamelwe yinkantolo yeMantshi
/endaweni yase kanye/noma yeNkantolo enkulu esifundeni seMantshi sase/endaweni yase

Mayelana neSiqephu 12 soMthetho wamaphoyisa aphatha isifunda, 1986 (uMthetho No. 90 ka-1986), uNgqongqoshe wezokuLungisa angaqasha umuntu njengephoyisa eliphatha isifunda enkantolo encane noma enkulu yamacala. Iphoyisa eliphatha isifunda lenza umsebenzi phakathi kwaleyo ndawo eyengamelwe yinkantolo encane noma enkulu yamacala lapho lelo phoyisa lizobe liqashelwe khona, imisebenzi ezokwabelwa iphoyisa eliphatha isifunda yileyo evela ngaphansi koMthetho weziNkantolo zeziMantshi, 1944 (uMthetho No. 59 ka-1959), kanye neminye imithetho yaseNkantolo yamacala efanele.

Iphoyisa eliphatha isifunda likhokhelwa iholo lalo maqondana neqinhlelo zezimali ezibekwe emithethweni yaseNkantolo yamacala, alikhokhelwa yilabo abasemagunyeni okwenza lokho.

Iphoyisa eliphatha isifunda kumele liphathe umsebenzi walo ngokwalo futhi lizitholele ezalo izinto zokuxhumanisa kanye nezokuhambisa kanto futhi kumele ukuba likwazi ngokokuma kwemali nangokuma kwempilo yalo uqobo ukwenza imisebenzi yalo yalolu hlobo lobuphoyisa, njengoba kutholakala eMithethweni embili ephawulwe ngenhla, imithetho equkethe okulandelayo:

Umsebenzi wokukhipha izamanisi eziya kubamangalelwa.

Ukukhipha izincwadi ezigunyaza ngokukhishwa kwezinyalelo.

Ukwenza izinhlu eziqukethe amagama ekukhipheni izincwadi zokugunyaza.

Ukunika ukubuyiselwa kwemisebenzi.

Ukuphatha umsebenzi wezindali.

Ukugcina isikhwama sezimali ezisisiwe.

Imigomo esethenziswa kulabo abafaka izicelo zokuba baqashwe njengamaphoyisa aphatha isifunda itholakala emthethweni 2(6)9a) no(7) weMithetho eqondene namaPhoyisa aphatha isifunda, 1990, eyenziwa ngaphansikweSiqephu 62 seMithetho yamaPhoyisa aphatha isifunda, 1986, leyo ebekeke kanje:

“(6) (a) noma yimuphi umuntu onesifiso sokufaka isicelo somsebenzi njengephoyisa eliphatha isifunda uzogwalisa ifomu eyiFomu 1 ye-anekisha yale mithetho ngokuphindwe kabili bese eyishiya kuleyo mantshi ethintekayo.

- (b) Noma yimuphi umuntu ocela isikhundla somsebenzi njengephoyisa mayelana nepharagrafu (a), uzovela ngaphambi kwekomiti elelulekayo eliphawulwe kupharagrafu (c) ngosuku nangesikhathi kanye nendawo ezongunywa imantshi leyo isicelo esifakwe kuyo.
- (7) Yileso naleso sicelo esizofakwa mayelana nomthetho ongaphansi kuka (6) uzophelekezelwa -
- (a) incwadi *ewuhlelo oluveza konke okuphathelene nalowo ocela isikhundla somsebenzi;*
- (b) isitatimende sezimphahla zonke umuntu anazo kanye namacala onke anawo lowo ocela isikhundla somsebenzi efomini yeFomu 2 ye-anekeisha yale mithetho, ihambisana nobufakazi obubhalwe phansi; kanye
- (c) nombiko ovela kumqashi wamuva walowo ocela umsebenzi, efomini yeFomu 3 ye-anekeisha yale mithetho noma, uma lowo ocela umsebenzi engaphumeleli ukhuthola lolu hlobo lombiko, afake amakhophi amabili ezincwadi zamuva ezifakaza ngaye lowo ocela umsebenzi, kanye nencazelo ebhalwe yilowo ocela umsebenzi yokhuthi kungasiphi isizathu engaphumeleli ukuthola lolu hlobo lombiko.”

Izicelo zomsebenzi kumelo zifike kulowo osayine lapha ngaphansi ngaphimbi kuka-16:00 ngezi usuku luka

Asikho isicelo somsebenzi esiyokwemukelwa yimantshi ngemuva kuka-16:00 ngosuku lokuvalwa kwezicelo ezithintekayo.

AmaFomu 1, 2 no-3atholakala kulowo osayine lapha ngezansi noma kumantshi yendawo yangakini.

INDAWO:

UCINGO:

IMANTSHI:

IMBUZO INGAQONDISWA KU:

USUKU:

Zulu

ANNEXURE B

- A. Magistrates of Germiston, Johannesburg, Kempton Park, Randburg, Pretoria, Pretoria North, Nelspruit, Pietersburg, Kimberley, Bloemfontein, Cape Town, Wynberg, Port Elizabeth, Durban, Verulam, Pietermaritzburg, Klerksdorp.
- B. (i) The Regional Representative:
Department of Justice
Private Bag X0012
BISHO
5608
- (ii) The Regional Representative:
Department of Justice
Private Bag X40
CHUENESPOORT
0745
- (iii) The Regional Representative:
Department of Justice
Private Bag X575
GIYANI
0826
- (iv) The Regional Representative:
Department of Justice
Private Bag X4010
KWAMHLANGA
1022
- (v) The Regional Representative:
Department of Justice
Private Bag X1006
LOW'S CREEK
1302
- (vi) The Regional Representative:
Department of Justice
Private Bag X2033
MMABATHO
8681
- (vii) The Regional Representative:
Department of Justice
Private Bag X5085
THOHOYANDOU

- (viii) The Regional Representative:
Department of Justice
Private Bag X06
ULUNDI
3838
- (ix) The Regional Representative:
Department of Justice
Private Bag X5007
UMTATA
5100
- (x) The Regional Representative:
Department of Justice
Private Bag X848
WITSIESHOEK
9870
- C.
 - (i) The President of the
Black Lawyers Association
407 Smith Street
DURBAN
4001
 - (ii) The President of the
National Association of
Democratic Lawyers
P O Box 3370
JOHANNESBURG
2000
 - (iii) The National Director:
Lawyers for Human Rights
713 Van Erkom Building
217 Pretorius Street
PRETORIA
0001
 - (iv) The National Director:
Legal Resources Centre
P O Box 9495
JOHANNESBURG
2000
 - (v) The Director-General
Association of Law Societies of

the Republic of South Africa
P O Box 36626
MENLO PARK
0102

ANNEXURE C

**81/42603
(Z95)**

REPUBLIC OF SOUTH AFRICA

OFFICIAL NOTICE FOR PUBLICATION

Department of: Justice

Magistrate's office

.....

Reference No:

THE GOVERNMENT PRINTER
PRETORIA

DATE.....

Please accept the attached official notice, in English and Afrikaans for publication:

<input type="checkbox"/>	Government Notice	<input type="checkbox"/>	General Notice	<input checked="" type="checkbox"/>
Proclamation	<input type="checkbox"/>	Vacancy	<input type="checkbox"/>	Other
<input type="checkbox"/>				<input type="checkbox"/>

Tender

Short description: Sheriff

in the -

- (1) Ordinary Government Gazette
- (2) Separate Gazette
- (3) Ordinary Regulation Gazette
- (4) Separate Regulation Gazette
- (5) Tender Bulletin

X	For Government Printer's use	
	Proclamation No	
	Govt Notice No	
	General Notice No	

Number of insertions: One

Date of first insertion:

.....

Whether proof required: No.

Further instructions:

.....

Further information:

M Magistrate's Office: Telephone

SLIP COPIES

(As appearing in the Gazette, i.e. with languages side by side but on one side of paper)

Number required

Deliver to

.....

NOT APPLICABLE

.....

ANNEXURE D

Reference:

Fax:

Telephone:

Dialling Code:

Postal Code:

Enquiries:

Magistrate's office/

Supreme Court

Private Bag

.....

.....

Date:

THE DIRECTOR-GENERAL: JUSTICE
 PRIVATE BAG X81
 PRETORIA
 0001

**APPLICATION/S FOR APPOINTMENT AS SHERIFF OF THE LOWER AND/OR
 SUPERIOR COURT:.....
 YOUR DATED**

1. In terms of regulation 2(2) and (3) of the Regulations relating to Sheriffs, 1990, the above-mentioned office/s was/were advertised for the period to at the Magistrate's Court at/ periodical courts at Copies of the attached Annexure A have been sent to the following:
 - (a) The Manager, Board for Sheriffs.
 - (b) The Magistrates of
(See paragraph 6.3.2(a) of the code "Sheriffs")
 - (c) The Magistrates of Germiston, Johannesburg, Kempton Park, Randburg, Pretoria, Pretoria North, Nelspruit, Pietersburg, Kimberley, Bloemfontein, Cape Town, Wynberg, Port Elizabeth, Durban, Verulam, Pietermaritzburg and Klerksdorp.
 - (d) The Regional Representatives of the Department of Justice at Bisho, Chuenespoort, Giyani, Kwamhlanga, Low's Creek, Mmabatho, Thohoyandou, Ulundi, Umtata, Witsieshoek, Durban, Johannesburg.
 - (e) The President of -
 - (i) the Black Lawyers Association; and
 - (ii) the National Association of Democratic Lawyers.
 - (f) The Director-General of the Association of Law Societies of the Republic of South Africa.
 - (g) The National Director of -

- (i) the Lawyers for Human Rights; and
- (ii) the Legal Resources Centre.

(h) the Mayor(s) of

(i) The local Assessors Forum.

(j) The local Police Forum.

2. The acting sheriff is Mr/Ms since
.....

3. The following application/s was/were received:

- (a)
- (b)
- (c)
- (d)
- (e)
- (f)
- (g)
- (h)
- (i)
- (j)

4. The report of the Advisory Committee, applications (Form 1) and other forms and documents are attached.

5. Remarks:

6. The applicant(s) was/were notified in terms of the provisions of paragraph 7.2.4 of the Code "Sheriffs", that his/her/their application(s) is/are being processed.

7. Copies of this minute, report of the Advisory Committee, applications, annexures and form 4 of the above-mentioned application(s) was/were, in terms of regulation 2(8)(b) and paragraph 9(a)(ii) of the code "Sheriffs" sent to the Manager: Board for Sheriffs on

.....
MAGISTRATE/REGISTRAR OF

ANNEXURE E

CERTIFICATE BY MAGISTRATE IN TERMS OF SECTION 23(4) OF THE SHERIFF’S ACT, 1986 (ACT NO. 90 OF 1986)

I, magistrate of, certify hereby

- (i) that Mr/Mrs/Miss sheriff for the Supreme Court/Magistrate’s Court for the service area/magistrate’s district thoroughly kept up to date accounts books during the period to
- (ii) that the total sum of interest earned on the trust account of above-mentioned sheriff and/or any savings or other interest bearing account that was kept by the aforesaid sheriff in terms of section 22(1) and (2)(a) of above-mentioned Act amounts to R

MAGISTRATE

DATE

NOTES:

- (i) Above-mentioned certificate is issued in respect of a sheriff who handles less than 50 transactions on his/her trust account and/or
- (ii) the moneys received on his/her trust account during the applicable year did not exceed more than R50 000-00;
- (iii) certified copies of the sheriff’s accounts opened in terms of section 22 of the Act that must be submitted by the sheriff to the magistrate, must accompany the magistrate’s certificate.

ANNEXURE F**GOVERNMENT NOTICE
DEPARTMENT OF JUSTICE**

No. R.411 of 12 March 1990 as amended by Nos. R.2207 of 14 September 1990, R.3440 of 31 December 1992, R.1836 of 1 October 1993, R.1566 of 16 September 1994 and R.1218 of 11 August 1995.

**REGULATIONS UNDER THE SHERIFFS ACT,
1986 (ACT NO. 90 OF 1986)**

The Minister of Justice has, under section 62 of the Sheriffs Act, 1986 (Act No. 90 of 1986), and after consultation with the Board for Sheriffs, made the regulations contained in the Schedule.

**SCHEDULE
CONTENTS****Regulation**

1. Definitions.
2. Appointment of sheriffs.
3. Fidelity fund certificates.
4. Contribution by acting sheriff.
5. Claims against Fund.
6. Levies payable to Board.
7. Registers, accounts and other documents of sheriffs.
8. Payment of interest to Fund.
9. Audit report.
10. Vacating of office.
11. Improper conduct.
12. Appeals.
13. Witnesses at appeals.
14. Consideration of appeals.
15. Investment of moneys in Fund.
16. Offences and penalties.
17. Short title.

ANNEXURE

Form

1. Application for appointment as sheriff.
2. Statement of assets and liabilities.
3. Report by employer.
4. Application for Fidelity fund certificate.
5. Fidelity fund certificate.
6. Claims against Fund.
7. Audit report.
8. Summons.

Definitions

1. In these regulations any word or expression to which a meaning has been assigned in the Act shall bear the meaning so assigned to it and, unless the context otherwise indicates -

“account” means any account mentioned in section 22(1) or (2) of the Act;

“Board”, for the purpose of regulation 11(2) to (12), includes a person authorised by the Minister under section 52(1) of the Act;

“Director-General of Justice” includes, for the purposes of regulation 2(2), (3) and (5), any person authorised by the Director-General of Justice to exercise the powers referred to in the said regulation;

“gross income” means all income accrued by a sheriff in terms of Part II of Table C of Annexure 2 by the rules promulgated under section 25 of the Magistrates' Courts Act, 1944 (Act No. 32 of 1944), read with section 6(3) of the Rules Board for Courts of Law Act, 1985 (Act No. 107 of 1985), and in terms of the tariff in rule 68 of the rules promulgated in terms of section 43 of the Supreme Court Act, 1959 (Act No. 59 of 1959), read with section 6(3) of the Rules Board for Courts of Law Act, 1985 (Act No. 107 of 1985);

“magistrate” means the magistrate of the district for which a sheriff for the lower court has been or is to be appointed, or the magistrate for the district in which the area of the sheriff that has been or is to be appointed for the superior court is situated, and includes an additional magistrate for that district, but not a regional magistrate;

“net income” means gross income after deduction of the actual expenses incurred by a sheriff in respect of advertisements with regard to sales in execution and in respect of postage, telephone calls, control and possession of goods, tending of livestock, removal and storage of goods and the employment of a locksmith to open any door or piece of furniture;

“**sheriff**”, except for the purposes of regulations 2 and 6(1), includes an acting sheriff;

“**the Act**” means the Sheriffs Act, 1986 (Act No. 90 of 1986).

Appointment of sheriffs

2. (1) If a magistrate is or becomes aware of the fact that a person who holds the office of sheriff within his area of jurisdiction or an area or areas within his area of jurisdiction has -
- (a) died; or
 - (b) given notice of his resignation in accordance with section 4(4) of the Act,

the magistrate shall without delay inform the Director-General of Justice and the Board thereof.

- (2) Subject to the provisions of subregulation (5), a magistrate who receives a written notice from the Director-General of Justice that a vacancy in the office of sheriff of a lower or superior court or an area or areas of a lower or superior court has occurred or will occur as a result of -
- (a) the death of a sheriff;
 - (b) a description under section 3(2) of the Act by the Minister of one or more areas within the area of jurisdiction of a lower or superior court;
 - (c) the attainment by a sheriff of the age of 65, the attainment by a sheriff of the age of 70 as contemplated in section 64(3)(e) of the Act or the attainment by a sheriff of the further age determined by the Minister under section 4(1) of the Act; or
 - (d) a vacation of office, a removal from office or a resignation of a sheriff referred to in subsection (2), (3) and (4) of section 4 of the Act, respectively, shall within 14 days after receipt of the said notice advertise the office of sheriff by posting advertisements in as many of the official South African languages as is practicable on the notice boards at his seat and, where applicable, on the notice boards at each periodical court and branch court within his area of jurisdiction.

- (2A) The advertisement referred to in subregulation (2) shall state -
- (a) the area of jurisdiction of the lower or superior court or the area or areas of a lower or superior court in respect of which the vacancy occurred or will occur;
 - (b) the application requirements prescribed by subregulations (6) and (7); and
 - (c) the closing date for applications, which date shall be at least 42 days after the said advertisement was posted in the said manner.
- (3) If the magistrate is requested by the Director-General of Justice in the notice referred to in subregulation (2) to advertise the vacancy concerned in the *Gazette* too, the magistrate shall, after receipt of such a notice, without delay advertise the vacancy concerned in accordance with the manner prescribed by subregulation (2A) in the *Gazette*.
- (4) The magistrate shall, within seven days after the posting of the advertisement as contemplated in subregulation (2), inform the Director-General of Justice and the Board in writing of the closing date for applications.
- (5) The Director-General of Justice may exempt a magistrate from complying with any one or all of the provisions of subregulations (2), (2A) and (4).
- (6) (a) Any person who wishes to apply for appointment as sheriff shall complete a form in the form of Form 1 of the Annexure to these regulations in duplicate and lodge the forms with the magistrate concerned.
- (b) Any person who applies for appointment as sheriff in terms of paragraph (a) shall, on the date and at the time and place determined by the magistrate with whom the application is lodged, appear before an advisory committee referred to in paragraph (c).
- (c) The advisory committee referred to in paragraph (b) shall consist of -
- (i) the magistrate of the district in which the vacancy occurred, who shall be the chairman of the committee;

- (ii) an attorney appointed by the attorneys' association of the district or in the absence of such an association the attorneys' circle in which the district is situated or the law society of the province in which the vacancy occurred; and
 - (iii) a sheriff appointed by the South African Institute for Sheriffs.
 - (d) The advisory committee shall compile a report containing its substantiated recommendation in respect of each application and if the advisory committee cannot reach agreement with regard to a specific application, each member of the advisory committee shall compile a report containing his substantiated recommendation in respect of that application.
- (7) Each form lodged in terms of subregulation (6) shall be accompanied by -
- (a) a *curriculum vitae* of the applicant;
 - (b) a statement of the assets and liabilities of the applicant on a form in the form of Form 2 of the Annexure to these regulations, supported by documentary evidence; and
 - (c) a report on a form in the form of Form 3 of the Annexure to these regulations by the applicant's most recent employer or, if the applicant is unable to obtain such a report, certified copies of two recent testimonials, together with an explanation by the applicant of why he is unable to obtain such a report.
- (8) The magistrate shall as soon as possible after the closing date for the applications in question -
- (a) forward those applications, together with the report or reports referred to in subregulation (6)(d), compiled in respect of each application to the Director-General of Justice; and
 - (b) forward copies of those applications to the Board.
- (9) The Board shall within 30 days after receipt of the applications referred to in subregulation (8)(b) submit the names of the applicants to whom the Board would be prepared to grant fidelity fund certificates in order of preference to the Director-General of Justice for submission to the Minister.
- (10) After receipt of the documents referred to in subregulation (9), the Minister may appoint a sheriff for the area concerned.
- (11) The provisions of subregulations (1) up to and including (10) shall apply

mutatis mutandis to the registrar of the division of the Supreme Court of South Africa which has jurisdiction in the territory of a former self-governing territory with regard to the appointment of a sheriff for a superior court or an area or areas of a superior court within that former self-governing territory: Provided that such a registrar may authorise any person to perform on his behalf any act which may so be performed by the registrar: Provided further that the registrar shall post the advertisements referred to in subregulation (2) at such place or places as he may deem fit and to which the public has access.

Fidelity fund certificates

3. (1) The form on which a sheriff may apply to the Board for a fidelity fund certificate shall be as set out in Form 4 of the Annexure to these regulations.
- (2) An application for a fidelity fund certificate shall be accompanied by a contribution of R50-00 as well as a further contribution of R100-00 in respect of each deputy sheriff that is in the applicant's employ on 30 September of the year preceding the calendar year with regard to which the fidelity fund certificate is to be issued.
- (3) The form on which the Board shall issue a fidelity fund certificate to a sheriff shall be as set out in Form 5 of the Annexure to these regulations.
- (4) A sheriff shall display his fidelity fund certificate in a conspicuous position in his office.
- (5) The Board may, at the written request of a sheriff and against payment of an amount of R25-00, issue a copy of the fidelity fund certificate in question to the sheriff.
- (6) A document which purports to be a fidelity fund certificate issued in terms of the Act, or a copy of such a certificate certified as a true copy by a person who purports to be a person in the service of the Board, shall on its production be *prima facie* proof of the particulars contained therein.
- (7) Every application for the renewal of a fidelity fund certificate shall be made on or before 31 October of the year preceding the year for which the certificate is required.

Contribution by acting sheriff

4. An acting sheriff shall pay a contribution of R50-00 for the purpose of section 30(b)(ii) of the Act.

Claims against Fund

5. (1) The form on which a claim against the Fund may be lodged shall be as set out in Form 6 of the Annexure to these regulations.
- (2) Such form shall be available from the Board on request.

Levies payable to Board

6. (1) For the purposes of section 19(1) of the Act every sheriff shall annually on or before 31 July pay to the Board a levy of 0,40 per cent of his net income of the preceding financial year, ending on the last day of February.
- (2) For the purposes of section 19(1) of the Act every acting sheriff shall pay to the Board a levy of 0,40 per cent of his net income of the preceding month, before or on the 15th day of each month.
- (3) The levy referred to in subregulations (1) and (2), shall be accompanied by a statement in which the sheriff or acting sheriff sets out the following details:
 - (a) The gross income received by his office during the period mentioned in subregulation (1) or (2), as the case may be;
 - (b) his net income;
 - (c) the amounts, which must be specified, deducted from his gross income to calculate his net income;
 - (d) the amount of the levy payable to the Board.

Registers, accounts and other documents of sheriffs

7. Every sheriff shall keep or cause to be kept a register of all process received for service or execution by his office, in which shall be entered the following particulars:
 - (a) The date on which a process is received;
 - (b) the case number in question;
 - (c) the nature of the process;

- (d) the parties involved;
- (e) the fees or expenses charged in respect of the service or execution of the process;
- (f) the fees or expenses paid in respect of such service or execution; and
- (g) any amount outstanding in respect of such service or execution.

Payment of interest to Fund

8. (1) Interest on moneys in an account shall be paid annually to the Fund within a period of 150 days after the last day of February by the sheriff concerned: Provided that if such an account is wound up in terms of section 25 of the Act, the interest shall be paid forthwith to the Fund.
- (2) Each payment of interest shall be accompanied by a certificate in which an auditor shall specify the amount of interest which has accrued to the account of the sheriff during the year ending on the last day of February.
- (3) The payment of interest need not be accompanied by such a certificate if the Board receives the report referred to in section 23(2) of the Act within the period referred to in subregulation (1) and the amount of interest is specified therein.

Audit report

9. The form on which an auditor shall furnish the Board with a report in terms of section 23(2) of the Act, shall be as set out in Form 7 of the Annexure to these regulations.

Vacating of office

10. (1) When a sheriff dies or for any other reason vacates his office, all process and other documents which were in his possession, including such records as may be necessary to pay claims against his account, shall be taken into possession by the magistrate concerned and delivered to the sheriff's successor, who shall be responsible for the payment of those claims from the moneys in that account: Provided that such delivery shall not take place unless the successor in question furnishes proof that -
- (a) a fidelity fund certificate has been issued to him; or
 - (b) he has paid the contribution referred to in section 30(b)(ii) of the Act.

- (2) As soon as a sheriff has received the process and other documents, including accounting records, from a magistrate and he has as far as possible paid all claims against the trust account, he shall close the trust account of his antecessor.
- (3) Any amount to the credit of the account at the closing of a trust account shall be paid by the successor to the persons entitled thereto.
- (4) A magistrate or an inspector appointed under section 56 of the Act, or the Board may in writing direct a banking institution or building society to furnish him or it within the period specified in the direction with such information as he or it may require in connection with an account of a sheriff and as may be available to the banking institution or building society.
- (5) Every record or other document acquired by or in the possession of a sheriff by virtue of his office shall be retained by the sheriff for a period of at least three years after the date to which it relates.
- (6) The registrar of the division of the Supreme Court of South Africa which has jurisdiction in the territory of a self-governing territory referred to in section 26 of the National States Constitution Act, 1971 (Act No. 21 of 1971), shall, after the coming into operation of this subregulation, perform all acts which in terms of this regulation would have had to be performed by a magistrate in such territory, and any reference to the 'magistrate concerned' or the 'magistrate' in this regulation shall, in such cases, be construed as a reference to such a registrar: Provided that such a registrar may authorise a person to perform on his behalf any act which may so be performed by the registrar.

Improper conduct

11. (1) Any complaint, accusation or allegation against a sheriff shall be in the form of a written affidavit, stating the date and time of the incident, the name of the sheriff and the names of any eyewitnesses to the incident, and shall together with any corroborative documents be lodged with the Board as soon as may be practicable after the incident.
- (2) A charge of improper conduct shall be served personally on a sheriff by any other sheriff or person designated by the Board.
- (3) Such other sheriff or person shall within seven days after receipt of the charge report in writing to the Board regarding the service.
- (4) If the accused sheriff avoids personal service of the charge, the Board may forward the charge by registered post to the last known address of

the accused sheriff's office.

- (5) The provisions of subregulations (2), (3) and (4) shall *mutatis mutandis* apply in respect of the notice in writing to be given to the sheriff charged in terms of section 46 of the Act.
- (6) A summons referred to in section 48(2) of the Act shall be in the form as set out in Form 8 of the Annexure to these regulations.
- (7) The original summons and one copy thereof shall be forwarded by the Board to a sheriff or other person designated by the Board for that purpose, for service on the person who is summoned.
- (8) The copy of the summons shall be served by the sheriff or such other person personally on the person concerned or by handing it at that person's residence or place of business, or at his place of employment, to any other person who apparently is not less than 16 years of age and who apparently resides or is employed there.
- (9) If a person on whom a summons is to be served, keeps his residence or place of business closed and so prevents the service of the summons on him or makes it impossible, the summons shall be served by affixing a copy of the summons to the outer or principal door of such residence or place of business.
- (10) The sheriff or other person serving a summons shall, if the person on whom it is being served so demands, exhibit to him the original summons.
- (11) The sheriff or other person serving a summons shall make a return of service by entering on the original summons or on a document attached thereto, the mode of service.
- (12) The return of service shall immediately be forwarded to the Board.

Appeals

12. (1) A sheriff (hereinafter referred to as "the appellant") who appeals to the Board under section 18(4) of the Act shall within 30 days after the date on which the disciplinary committee concerned has made a finding or imposed a penalty, lodge a notice of appeal in writing with the Board in which he shall set out, with the appropriate particulars, the grounds of the appeal and state whether the appeal is against the finding or the penalty, or both.

- (2) As soon as may be practicable after the Board has received a notice of appeal, the Board shall notify the Minister of the appeal and of the grounds on which the appeal is based.
- (3) Within 30 days after receipt of the notice of appeal by the Board, the Board shall make a certified copy of the record of the proceedings of the disciplinary committee available to every member of the Board and to the appellant.
- (4) At the consideration by the Board of such an appeal a certified copy of the record of the proceedings of the disciplinary committee shall be *prima facie* proof of the contents thereof.
- (5) The chairman of the Board or a person appointed by him shall determine the time, place and date on which the appeal shall be heard and shall notify the members of the Board, the appellant and his representative, if any, and the Minister by registered post thereof: Provided that the appeal shall be heard by the Board within 60 days after the copies of the record referred to in subregulation (3) were made available.
- (6) The Board shall keep a record of the proceedings.
- (7) The Board may allow further evidence to be led by the prosecutor or the appellant.
- (8) If the appellant is present or represented, he or his representative shall be given the opportunity to argue the grounds of appeal, whereafter his case shall be closed.
- (9) The prosecutor, authorised by the Board, shall thereafter be given an opportunity to argue the grounds of appeal, whereafter his case shall be closed.
- (10) After the cases of both parties have been finally closed, the prosecutor shall address the Board with regard to the evidence, if any, and the legal position.
- (11) The appellant or his representative shall thereafter likewise address the Board.
- (12) The Board may in its discretion allow the prosecutor to reply to questions of law raised by the appellant or his representative in his address.

Witnesses at appeals

13. After a witness has testified at the consideration of an appeal the opposing party shall be entitled to cross-examine the witness, and thereafter the Board may put any question to the witness.
 - (2) After a witness has been cross-examined, the party who led the evidence shall be entitled to re-examine the witness, but he shall limit his re-examination to matters on which the witness had been cross-examined or on which the Board has put questions to the witness.
 - (3) All oral evidence shall be under oath or affirmation.
 - (4) The provisions of regulation 11(3), (4) and (6) and of section 48 and paragraphs (e), (f) and (g) of section 60(1) of the Act shall apply *mutatis mutandis* to a witness at an appeal.

Consideration of appeals

14. (1) After the termination of the hearing of an appeal the Board shall consider the appeal *in camera*.
 - (2) After consideration of the appeal the Board shall make known the finding of the Board.
 - (3) After the announcement of the finding of the Board the Board shall, where a penalty is still to be imposed, give the prosecutor an opportunity to lead evidence and to make representations in connection with the imposition of a penalty.
 - (4) The Boards shall thereafter give the appellant, if present, an opportunity to lead evidence and to address the Board in mitigation of the penalty which is to be imposed.
 - (5) Thereafter the Board shall *in camera* consider the penalty which is to be imposed.
 - (6) After consideration of the penalty the Board shall make known the finding of the Board.
 - (7) As soon as possible after the consideration of an appeal by the Board, the Board shall notify the Minister and the appellant, if he was not present, of the outcome of the appeal.
 - (8) If a finding of a disciplinary committee or a penalty against which an appeal

was lodged, is confirmed, the appellant concerned shall pay the essential costs incurred by the Board in connection with the consideration of the appeal, and such costs shall include the following:

- (a) The costs of recording, transcribing and preparing copies of any record;
- (b) the costs of procuring the attendance of witnesses and their witness fees; and
- (c) the costs incurred by the Board in respect of an auditor or auditors or other person appointed to conduct an examination and report on the appellant's process of court and other documents, including accountancy notes relating to the appellant's practice.

Investment of moneys in Fund

15. (1) The Board shall, having regard to the audited annual financial statements referred to in section 28(b) of the Act, decide what moneys in the Fund are not immediately required for the purposes of the Fund.
- (2) Any money referred to in subregulation (1) shall, in terms of section 27(2) of the Act, be invested by the Board in any one or more of the following forms of security:
 - (a) On deposit with a banking institution, building society or registered mutual life assurance company: Provided that not more than 25 per cent of the moneys referred to in subregulation (1) may be invested in such life assurance company;
 - (b) in bills, bonds, certificates, debentures or stock issued or guaranteed by the Government of the Republic;
 - (c) in stock of any local authority in the Republic which is authorised by law to levy rates on immovable property;
 - (d) in debentures or stock of the Reserve Bank, the Rand Water Board or any other body constituted or established by or under any law and financed wholly or partly from public funds;
 - (e) in debentures, debenture stocks or other securities of Eskom;
 - (f) in loans against security of a first mortgage bond on urban immovable property; and
 - (g) in urban immovable property: Provided that not more than 10 per cent of the Fund's assets, calculated on the date of investment, may be invested in urban immovable property.

Offences and penalties

16. (1) Any person who -
- (a) contravenes or fails to comply with a provision of regulation 3(4), 6, 7, 8(1) or (2) or 10(5);
 - (b) fails to comply with a direction under regulation 10(4); or
 - (c) subject to section 6(1)(d) of the Act furnishes particulars or information or makes a statement in any application, statement, claim or other document in terms of a provision of these regulations, knowing that the particulars or information so supplied or the statement so made is false and misleading, shall be guilty of an offence.
- (2) Any person who is convicted of an offence under these regulations shall be liable to a fine not exceeding R1 000 or to imprisonment for a period not exceeding six months.

Short title

17. These regulations shall be called the Regulations relating to Sheriffs, 1990.

ANNEXURE

FORM 1

REGULATIONS RELATING TO SHERIFFS, 1990

APPLICATION FOR APPOINTMENT AS SHERIFF

[Regulation 2(6)]

(Please note: This form must be completed in block letters or typing)

I,
(full name(s) and surname), hereby apply for appointment as sheriff of the lower court and/or the superior court for the area of
and furnish the following particulars.

A. PERSONAL PARTICULARS

- 1. Sex
- 2. Marital status
- 3. Date of birth
- 4. Nationality
- 5. Identity number
- 6. Residential address
.....
..... Postal code
- 7. Telephone number
- 8. Postal address
.....
..... Postal code
- 9. Present occupation
- 10. Work address
.....
..... Postal code
- 11. Telephone number
- 12. Do you, or did you at any time, suffer from any physical or mental defect or any serious disease? *YES/NO If so, give details:
.....
.....
.....
.....

13. Have you ever been convicted of any criminal offence? *YES/NO If so, give details:

14. Have you ever been declared insolvent? *YES/NO If so, give details:

*Delete whichever is not applicable

B. LANGUAGE PROFICIENCY

State "Good", "Fair" or "Poor" in the appropriate space

	Afrikaans	English	Other (specify)
Speak			
Read			
Write			

C. EDUCATIONAL QUALIFICATIONS

1. Highest standard passed at school

2. Year in which passed

3. Certificates, diplomas or degrees obtained	Name of educational institution or centre	Year obtained
---	---	---------------

.....
.....
.....

D. EXPERIENCE

Any other information you wish to bring to the Minister's attention, particularly with reference to knowledge of the Magistrates' Courts Act, 1944 (Act No. 32 of 1944), or the Supreme Court Act, 1959 (Act No. 59 of 1959), and the rules promulgated thereunder, as well as knowledge of the functions of a sheriff:

.....
.....
.....
.....
.....
.....

I declare that the particulars furnished by me are in all respects complete and correct.

.....
Signature of Applicant

.....
Date

Remarks:

1. In terms of the Regulations relating to Sheriffs, 1990, it is an offence to furnish false or misleading particulars or information or make a statement which is false or misleading.
2. The following documents must accompany this application:
 - (a) a *curriculum vitae*;
 - (b) a statement of assets and liabilities;
 - (c) a report by the most recent employer or, if such a report cannot be obtained, certified copies of two recent testimonials, together with an explanation as to why such a report cannot be obtained; and
 - (d) certified documentary proof of date of birth or identity number, certificates, diplomas or degrees, and of assets and liabilities.

FORM 2
REGULATIONS RELATING TO SHERIFFS, 1990
STATEMENT OF ASSETS AND LIABILITIES
[Regulation 2(7)(b)]

Statement of assets and liabilities of as on 20....
(Information furnished regarding assets and liabilities must be supported by certified documentary proof).

A. ASSETS

R*

Fixed property (give details)

.....

Investments (give details)

.....

.....

Shares (give details)

.....

.....

Bank balance

Cash

Vehicles and implements

Furniture and equipment

Life assurance (not payable to third parties)

Policy number Endowment value Surrender value

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

TOTAL ASSETS R _____

B. LIABILITIES

Bonds on fixed property (give details of properties on which bonds are registered and in favour of whom):

.....

.....

.....

.....

.....

.....

.....

.....

Notarial bonds (give details)

.....
.....
.....

Owing to bank

.....
.....
.....

Owing under credit agreements

.....
.....

All other liabilities (give details)

.....
.....
.....

TOTAL LIABILITIES R _____

C. SALARY PER MONTH (if applicable)

Gross salary R

Net salary R

*Indicate amounts in rand only

FORM 3
REGULATIONS RELATING TO SHERIFFS, 1990

REPORT BY EMPLOYER
[Regulation 2(7)(c)]

I
[full name(s) and surname], hereby confirm that the applicant
.....
[full name(s) and surname], was or is employed at
.....
(name of business or employer) from to

In my opinion the general standard of the applicant's performance in respect of the following attributes is as follows:

(A) **RESPONSIBILITY** (having regard to matters such as punctuality regarding hours of attendance, correctness of work, independent action and loyalty to employer):

.....
.....

(B) **INSIGHT** (having regard to intellectual abilities):

.....
.....

(C) **HUMAN RELATIONS** (having regard to matters such as disposition, ability to work with people, and leadership):

.....
.....

(D) **ORGANISATION** (having regard to matters such as systematic course of action, division of work and determination of work priorities):

.....
.....

(E) ANY OTHER REMARKS:

.....
.....

.....
Signature of Employer

.....
Date

Capacity

Telephone number

Address of business or employer

.....
.....

Telephone number

Postal code
.....

FORM 4
REGULATIONS RELATING TO SHERIFFS, 1990
APPLICATION FOR FIDELITY FUND CERTIFICATE
(Regulation 3)

1. Title
2. Surname
3. Forenames
4. Sex
5. Date of birth
6. Identity number
7. Nationality
8. Residential address
- Postal code
9. Telephone number
10. Business address
- Postal code
11. Telephone number
12. Postal address
- Postal code
13. From which date will you be able to act as sheriff?
.....
14. Were you previously in possession of a fidelity fund certificate? If so, give details:
.....
.....
15. Have you at any time been dismissed from a position of trust by reason of improper conduct involving a breach of such trust? If so, give details:
.....
.....
16. Have you at any time been convicted of any offence involving dishonesty, or of any other offence for which a sentence of imprisonment without the option of a fine was imposed? If so, give details:
.....
.....
17. Have you ever been declared insolvent? If so, give details:
.....
.....
18. Were you previously the holder of a fidelity fund certificate which was cancelled under sections 34(1) or 49 of the Sheriffs Act, 1986? If so, give details:
.....
.....
19. Have you passed the course of the Association of Sheriffs of South Africa? If so, attach a certified copy of certificate hereto:
.....

20. Have you been exempted by the Board or the Minister from passing the Board’s examination? If so, give details:

.....
.....
.....

21. Have you passed the examination of the Board for Sheriffs? If so, state on which date the examination was passed:

.....
.....

22. Has the Board ever cancelled a fidelity fund certificate of a sheriff of whom you were an employee at the time of such cancellation? If so, give details:

23. Have you already paid over to the Fidelity Fund of the Board the interest accrued to your trust account for the previous financial year?

I declare hereby under oath/affirmation that the above particulars given by me are in all respects true and correct.

.....
Sheriff

.....
Date

Duly executed and sworn/affirmed before me at the place and on the date herein mentioned by the deponent, who acknowledges that he/she -

- * knows and understands fully the contents of this declaration:
- * has no objection to taking the prescribed oath:
- * considers the prescribed oath/affirmation to be binding on his/her conscience.

.....
Commissioner of Oaths/
Justice of the Peace

.....
Place

.....
Date

FORM 5

REGULATIONS RELATING TO SHERIFFS, 1990

FIDELITY FUND CERTIFICATE

[Regulation 3(3)]

FOR THE YEAR ENDING 31 DECEMBER 20...

Full names:

Office:

Address:

This is to certify that the sheriff whose name appears on this certificate is a suitable person to hold a fidelity fund certificate.

.....
Date of issue

.....
Chairman: Board for Sheriffs

This certificate shall only be valid if it bears the seal of the Board for Sheriffs.

FORM 6
REGULATIONS RELATING TO SHERIFFS, 1990

CLAIMS AGAINST FUND
[Regulation 5]

I, (*full names of claimant/representative of claimant), duly authorised by (full names of claimant), hereby lodge a claim in respect of contingency referred to in section 35 of the Sheriffs Act, 1986 (Act No. 90 of 1986), against the Fidelity Fund for Sheriffs.

A. PERSONAL PARTICULARS

(Items 1 to 10 to be completed by or on behalf of a natural person, item 9 to 12 on behalf of a juristic person or partnership and items 13 to 15 by an authorised representative of such a person, juristic person or partnership).

- 1. Sex
 - 2. Marital status
 - 3. Population group
 - 4. Date of birth
 - 5. Nationality
 - 6. Identity number
 - 7. Residential address
.....
..... Postal code
 - 8. Telephone number
 - 9. Work or business address
.....
..... Postal code
 - 10. Telephone number
 - 11. Postal address
.....
..... Postal code
 - 12. Telephone number
 - 13. Capacity
 - 14. Work or business address
.....
..... Postal code
 - 15. Telephone number
- *Delete whichever is not applicable

B. PARTICULARS OF CLAIM

- 1. Place of contingency
- 2. Date of contingency
- 3. Date when claimant became aware of contingency
-
- 4. Nature of contingency
-

- 5. Names and addresses of eyewitnesses to contingency
 - (a) Postal code
 - (b) Postal code
 - (c) Postal code
- 6. Name and address of sheriff or deputy sheriff in respect of whom the claim arose
.....
Postal code
- 7. Details of damage or loss suffered
- 8. Total amount claimed

I declare that the particulars furnished by me are in all respects complete and correct.

.....
Signature of claimant or authorised
representative

.....
Date

Remarks

- 1. In terms of the Regulations relating to Sheriffs, 1990, it is an offence to furnish particulars or information or make a statement which is false or misleading.
- 2. This claim must be accompanied by the procuration and corroborative documents.

FORM 7
REGULATIONS RELATING TO SHERIFFS, 1990

AUDIT REPORT
[Regulation 9]

**REPORT OF THE INDEPENDENT AUDITOR TO THE BOARD FOR SHERIFFS IN
TERMS OF SECTION 23(2) OF THE SHERIFFS ACT, 1986 (ACT No. 90 OF 1986)**
Report of the independent auditors to the Board for Sheriffs

We have audited the records of
(name of sheriff) of the
(court and full address of office) relating to trust moneys as contemplated by section 22 of the Act for the financial year ended and have performed certain procedures in order to report on items required by the Board for Sheriffs. The accounting records are the responsibility of the sheriff. Our responsibility is to report on compliance with sections 22 and 23(1)(a) of the Act and on the results of the agreed procedures.

We conducted our audit in accordance with generally accepted auditing standards. These standards require that we plan and perform the audit so as to obtain reasonable assurance that the sheriff has complied with sections 22 and 23(1)(a) of the Act.

Our audit included an evaluation of the effectiveness of the accounting controls and an examination, on a test basis, of the evidence in support of the amounts and disclosures included in the accounting records relating to trust moneys. The audit also included an evaluation of the appropriateness of the overall presentation of accounting records relating to trust moneys. We consider that in the circumstances our audit procedures qualify us to express the opinion presented below.

In our opinion (name of sheriff) complied with sections 22 and 23(1)(a) of the Act during the year.

Our agreed procedures and findings are summarised as follows:

We examined the accounting records of the sheriff on 20...., being the financial year end, and on 20...., being one other month end during that year and selected by us at random. We report that the total amount standing to the credit of the trust account and any savings or other interest-bearing account kept by the sheriff in terms of section 22(1) and (2) of the Act, together with any trust moneys which, according to the sheriff's accounting records, were held as cash on hand, were sufficient to cover the trust balance on these dates. We have satisfied ourselves that the cash on hand was deposited in the sheriff's trust account on the first banking day after these dates.

We investigated the circumstances under which negotiable instruments which were deposited into the sheriff's trust account up to and inclusive of the dates referred to above were not subsequently honoured, and report that these circumstances are satisfactory.

We tested the system employed to transfer amounts (including interest earned) from such sheriff's trust account to his business account and report that the system ensures that whenever any such transfer is made, the balance remaining to the credit of such trust account and any savings or other interest-bearing account referred to in section 22(2) of the Act, together with any trust moneys held as cash on hand, amounts to not less than the trust balances.

We extracted the following information from the records:

Interest in the amount of R was earned during the financial year on moneys deposited in terms of section 22(1) of the Act in a trust account and on moneys invested in terms of section 22(2) of the Act in any savings or other interest-bearing account, which interest was dealt with as follows:

Total amount of interest earned:	R
Interest paid over to the Fidelity Fund for Sheriffs:	R
Interest earned and accumulated, but not yet paid over to the said Fidelity Fund:	R

Auditor CA (SA)

Address:

.....

.....

FORM 8
REGULATIONS RELATING TO SHERIFFS, 1990

SUMMONS
[Regulation 11(6)]

Inquiry into a charge of improper conduct instituted by the Board for Sheriffs against

.....
.....
.....

To:

1.

..... (full names and surname)

..... (address)

2.

..... (full names and surname)

..... (address)

3.

..... (full names and surname)

..... (address)

4.

..... (full names and surname)

..... (address)

You are hereby instructed to appear in person before the Board at on the
..... day of 20... at for above-mentioned inquiry
and to give evidence or to produce the books, documents or things set out in the list hereto.

Signed at this day of 20....

.....
Chairman of the Board

ANNEXURE G

FORM 18
BOARD FOR SHERIFFS

PERFORMANCE OF REMUNERATIVE WORK OUTSIDE THE OFFICE OF SHERIFF
(Sections 53 and 64 of the Sheriffs Act)

NB This form must be used in respect of all remunerative work to be undertaken by a sheriff after **1 March 1990**.

I, (full names and surname)
sheriff/acting sheriff for (place or area of appointment) wish
to perform other remunerative work outside my office as sheriff and require the approval of the
Minister in terms of section 53 of the Sheriffs Act.

Nature of remunerative work:
.....

Average number of hours per day to be taken up by this work:
.....

Reason for the performance of this remunerative work:
.....
.....

Average number of process handled per day:
.....

Number of deputy sheriffs in my employ:
.....

Number of other staff in my employ:
.....

.....
SIGNATURE OF SHERIFF

.....
DATE

REMARKS:

1. "Remunerative work" includes all work or other functions which are performed and for which any amount in money is received as compensation or allowance, but does not include travel and subsistence costs.
2. Please note that a sheriff who commits himself to perform other remunerative work outside his office as sheriff, without the approval of the Minister, shall be deemed to have been discharged from his office on the grounds of improper conduct.

ANNEXURE H**CODE OF CONDUCT**

The Board for Sheriffs has, with the approval of the Minister of Justice, in terms of section 16(k) of the Sheriffs Act, 1986 (Act No. 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 service 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 organisation or a business undertaking or who has a direct or indirect financial interest in an organisation or a business undertaking shall perform any act or 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.

- 6.2 The application for the appointment of a deputy sheriff shall further -
- 6.2.1 be made on the prescribed form, which is obtainable from the Board for Sheriffs, and be accompanied by two passport size photos;
 - 6.2.2 be accompanied by a certified copy of the applicant's highest educational qualifications; and
 - 6.2.3 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), whether in the form of service, a loan, thing or promise, 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 Sheriffs are as follows:

Postal address: P O Box 5454
CAPE TOWN
8000

Telephone number (021) 461-6622
Facsimile number (021) 461-9619

ANNEXURE I

**DECISION OF THE SUPERIOR COURT IN MEINTJES v ROETS 1935 (CPD) 59
AND VAN NIEKERK v VAN NIEKERK 1940 (CPD) 658****A. MEINTJES v ROETS**

1935. NOVEMBER 8. DAVIS, J

**PRACTICE - SUMMONS - SERVICE - PLAINTIFF HIMSELF DEPUTY SHERIFF
SERVING PROCESS**

Where in a claim for default judgment under Rule 329(d) it appeared that the deputy-sheriff who had served the summons on the defendant was himself the plaintiff, the Court, in view of the practice extending over many years of accepting such service as good, allowed the service to stand and granted judgment for the plaintiff. In view, however, of the undesirability of the practice, the Court indicated that for the future such service would not be accepted as good and that where the plaintiff in an action was the deputy-sheriff, the sheriff in future should appoint as his deputy for the purpose of service in such action some independent person, e.g. the messenger for the district in question.

Claim for judgment under rule of Court 329(d) for moneys lent and advanced and for an order declaring property specially hypothecated under a covering bond executable. The plaintiff was the deputy sheriff who had served the summons.

A F Williamson, for plaintiff: The practice to accept such service as good, see Watermeyer qq. v. Watermeyer and Lindeque (1 M.527); Reynolds v. Jooste (1878, Buch. 1); Du Toit v. Grimbeek (1906, T.S. 22). But see also Kannemeyer, Groch and Botha v. Coetzee (1922, E.D.L. 323) and Neethling v Coetzee (1925, G.W.L.D. 19). Rule of Court 326 does deal with the position of a deputy sheriff who is an interested party.

DAVIS, J: In this matter the plaintiff, who is the deputy sheriff of Barkly East, claims provisional sentence on a mortgage bond. In accordance with the practice of this Court the summons was sent to the deputy sheriff for service, and was duly served by him on the defendant. The practice of forwarding summonses to the deputy sheriff for service has been in existence for over one hundred years, and in this instance I shall accept the service as good. I find the same point was raised in Watermeyer's case. (1 Menzies, 527), in the year 1831, and again in the case of Reynolds v. Jooste in the year 1878. In both instances the practice was approved of, but nevertheless I agree entirely with what was said by **SMITH, J.**, in the Transvaal case cited by counsel, that it is a bad practice. The duty of the deputy sheriff is not merely to serve documents, but to explain the nature and exigency thereof to the defendant, and that fact, without any elaboration by me, is sufficient to show

that it is most undesirable that a plaintiff should both be a litigant and the official whose duty it is to explain the nature and exigency of the documents which he serves on his own behalf. Consequently, for that reason, service of this nature will not be accepted in future.

I have consulted my brother Judges, and they all agree with me that in cases of this kind the high sheriff should send the process for service to somebody other than the plaintiff. It could be forwarded, for instance, as was suggested in a case in the Eastern Districts Court, to the messenger of the magistrate's court.

It must, however, be understood, that in what I have said I am not in the least blaming the high sheriff for following what has been the invariable practice; nor am I in any sense reflecting upon the plaintiff, as is shown by the fact that I am prepared in this case to grant judgment in terms of the summons, as prayed, and to declare the property specially hypothecated executable.

B. VAN NIEKERK v. VAN NIEKERK

1940. SEPTEMBER 26. JONES, J

PRACTICE - SUMMONS - SERVICE OF - DEPUTY SHERIFF INTERESTED, DIRECTLY OR INDIRECTLY, IN SUIT - NOT PROPER PERSON TO EFFECT SERVICE

Where one of the parties to a suit is the deputy sheriff for the district in which the summons is required to be served, or the deputy sheriff is a partner of one of the parties to the suit, or he or his firm is acting for the party taking out the summons, such deputy sheriff should not effect service of the summons. He should request the sheriff to nominate some fit and proper person to effect service of the summons.

Action for restitution of conjugal rights heard at the De Aar Circuit Court Local Division. The summons had been served by the deputy sheriff who was a partner of the firm taking out the summons.

Le de V van Winsen, for the plaintiff.

The defendant in default.

JONES, J.: Although the rule requires service of the summons to be effected by the sheriff or his deputy, where one of the parties to the suit is the deputy sheriff for the district in which it is required to be served, or where the deputy sheriff is a partner of one of the parties to the suit, and also where he or his firm is acting for the party taking out

the summons, in my opinion the deputy sheriff should not effect service of the summons. he should avail himself of what is provided for in the second part of the rule, that is request the sheriff to nominate some fit and proper person in those circumstances to effect service of the summons.

I had a similar case at Upington, where I gave the same expression of views, that is that where there is such interest, whether it is direct or indirect, the deputy sheriff should, before taking out his summons, or immediately after taking it out, request the sheriff to appoint somebody for the purpose of acting in his place in effecting service and explaining the exigency and nature thereof to the party concerned.

In the present case, however, the return of service will be accepted.

ANNEXURE J

Fax:
 Telephone:
 Dialling Code:
 Postal Code:
 Enquiries:

Reference:
 Magistrate's Office

 Date:

THE DIRECTOR-GENERAL: JUSTICE
 PRIVATE BAG X81
 PRETORIA
 0001

**RETURN OF NUMBER OF PROCESS RECEIVED BY A SHERIFF:
 PARAGRAPH 25 OF THE CODE "SHERIFFS"**

Particulars are as follows:

Name of sheriff and area	Number of process received				Total
	Period 1 July 20.... to 30 June 20....		Other process		
	Lower Court Number	Superior Court Number	Number	Indicate nature	
(a)					
(b)					
(c)					
(d)					
(e)					
(f)					
(g)					
(h)					

THE MAGISTRATE OF

