

Siyazanazisa

May 2016 | quarterly newsletter

ZERO TOLERANCE APPROACH

The South African Board for Sheriffs is taking a strong stance against any irregularities relating to the conduct of sheriffs. Reports of poor service and the theft of Trust monies has urged the Board to clamp down on any sheriff who is found to be operating in contradiction to the Code of Conduct for sheriffs.

Mrs Charmaine Mabuza, the Chairperson of the South African Board for Sheriffs said, "The Board has adopted a zero tolerance approach to theft of Trust monies or misconduct of any kind by any sheriff, and the Board will use all legal remedies available to protect the interest of the public as well as the profession."

The Board has instituted criminal charges against two sheriffs for the theft of Trust money. The proceeds of sales in execution of immovable property were allegedly stolen over a period of time and the sheriffs' commission with regard to such sales was charged multiple times, for a single matter.

The Board views such transgressions in a very serious light. It directly infringes on the Code of Conduct and the Pledge for sheriffs, it increases the exposure of the Fidelity Fund for sheriffs and undermines public trust in the sheriffs' profession, and places the profession in a bad light.

To circumvent the risk to the Fidelity Fund, a new desktop inspection model introduced by the Board uses risk stratification to identify and predict high-risk sheriff offices to target for on-site inspections. Inspection teams have been beefed up with the requisite financial skills to be able to detect any financial irregularities in the Trust accounts.

Mrs Charmaine Mabuza,
Chairperson of the Board.



SHERIFFS' GUIDE: FIRST UPDATE

The new updates to the Sheriffs' Guide: Practice and Procedure

Juta Law Publishers have provided us with the following information to ensure that sheriffs and our other stakeholders are encouraged to purchase the Guide.

The way that Juta looseleaf purchases and subscriptions work is as follows:

- Anyone who has filled out and submitted the Guide's subscription form, which they would have received with the original looseleaf, will be sent a copy of the revision service when it is released from the warehouse together with an invoice for the cost of the service plus shipping.
- If an owner of the looseleaf hasn't subscribed, they will have to contact Juta to purchase the service in a similar fashion to any book purchase from them.
- A person buying a copy of the main volume looseleaf AFTER the service is released from the warehouse will have the service incorporated into the binder at no additional cost (i.e. when they sell a looseleaf, it is sold in its most up-to-date form to a buyer; they don't have to buy the original volume and all services are released at date of purchase).



South African Board for
SHERIFFS
Upholding the Dignity of Those We Serve

CELEBRATING FREEDOM DAY, 27 APRIL

By the Deputy Chairperson of the SABFS

The Deputy Chairperson of the South African Board for Sheriffs addressed various forums on Freedom Day. This is an edited version of his speech.

“On this day, we celebrate the birth of our democracy. Freedom Day gives us the opportunity to reflect on the past struggles for equality, justice and freedom as well as the progress we have made since 1994 to meet the demands of the Freedom Charter. It is also a time to take stock of how far we have come to build a Human rights-based culture and establish what still needs to be done to ensure a united South Africa.

This year also marks the 20th anniversary since our Constitution which was signed into law on 8 December 1996.

Let us remind ourselves that the Preamble to the Constitution expressly states that the Constitution was adopted so as to:

- “Heal the divisions of the past and establish a society based on democratic values, social justice and fundamental human rights;
- Lay the foundations for a democratic and open society in which government is based on the will of the people and every citizen is equally protected by law; and
- Improve the quality of life of all citizens and free the potential of each person.”

Given our history of conflict and the scars inflicted by apartheid, we were always going to have to recognise the injustices of the past. In doing so, we should move forward in building a community based on democratic values such as human dignity; the achievement of equality and the advancement of human rights. We, therefore, have a duty to improve the quality of life of our local community and free the potential of each person to enable them to be self-sufficient in accessing justice.

FACTS ABOUT OUR CONSTITUTION

- Over two million people participated in the drafting of the South African Constitution.
- The Constitution is the supreme law of our country – that is why it is essential that we all familiarise ourselves with its contents.
- There have been 17 amendments to the Constitution over the past 20 years and each amendment was made with the intention of improving our justice system and creating a better life for all South Africans.

Our Bill of Rights does indeed speak from the soul of a divided nation, a nation that still has to deal with the legacy of centuries of human rights abuses. It also speaks of hope for a better future.

The Department of Justice & Constitutional Development plays an important role in this regard. Our key mandate is constitutional development and the promotion of human rights, access to justice for all, with particular emphasis on impoverished and marginalised communities. We will continue to transform our justice system, which at is premised on the values underpinning

our constitution, namely dignity, equality and non-discrimination.

RACISM: NOT IN MY NAME

Recently, we observed several incidents of racial intolerance in our country. As South Africans, we owe it to ourselves to rid our communities of these injustices and make unity in diversity a reality, as enshrined in the Constitution.

All court managers in the province signed the anti-racism pledge this month in support of the National Action Plan (NAP). We pledged to:

- Remove all prejudice from our heart and mind;
- Respect the dignity of every individual regardless of race, in both word and deed; and
- Speak up in situations of prejudice, racism and exploitation of any person... even in the workplace.

In order to deal with intolerances, our department developed a National Action Plan (NAP) on racism, racial discrimination, xenophobia and related intolerance to provide the basis for the development of a comprehensive public policy against discrimination. The plan aims to assist South Africa in fulfilling its international human rights obligations related to the elimination of racism, racial discrimination, xenophobia and related intolerance.

The overall majority of our people are not racist. The challenge, however, lies in not becoming complicit through silence. It is extremely important for us all to read the draft NAP and to send through comments. We need practical suggestions and solutions to address these challenges.

The National Action Plan (NAP) aims to:

- Promote human dignity through the promotion and protection of human rights;
- Raise awareness of anti-racism, equality and anti-discrimination issues among public official, civil society and the general public; and
- Ensure that the concerns of individuals and groups encountering racism are more effectively addressed.

The Honourable Adv. Michael Masutha, the Minister of Justice and Correctional Services, in his budget speech at Parliament last week announced that Government will also soon introduce legislation to Parliament to combat hate speech.

The ultimate sacrifice by Solomon Mahlangu, Oliver Tambo, Chris Hani and others who all passed on during the month of April, cannot be in vain. Let us therefore continue to serve our people – the poorest of the poor.”



Regional Head of the Western Cape Department of Justice: Adv. Hishaam Mohamed

PROGRESS REPORT ON **RCC MEETINGS** (REGIONAL CO-ORDINATING COMMITTEE)

At provincial level, each RCC is managed by the Regional Head of Justice and administered by his or her office.

RCC meetings are arranged and conducted by the Regional Head to discuss issues such as:

- Public consultations
- Stakeholder consultations (SAPS, etc.)
- Sheriffs' consultations
- Draft maps
- Point-to-point descriptions
- Cross border activities/services
- HR for courts
- New courts, etc.

The project, spearheaded by Adv J.B. Skosana, is based in the Department of Justice and Constitutional Development. A project team was established at the national office of Justice, chaired by Judge van der Merwe. The project manager from Adv. Skosana's office is Mr Moagi Makena.

The following 'arrangement' has been communicated to sheriffs at RCC meetings, in our quarterly newsletter and on our website.

Sheriffs were informed that if a portion of their current area is excised and added to an adjacent service area, the current serving sheriff will be given the option to continue to serve the area as long as they now charge travel fees from the adjacent service area court. If they no longer wish to serve the area, they were requested to relinquish the excised area to the neighbouring sheriff by signing a map and point-to-point description of the new demarcated service area they agree to service.

This arrangement will necessitate that the impacted sheriff be re-appointed by the Minister of Justice and Correctional Services, to the area/s he or she has agreed to serve. The sheriff will therefore need to be re-issued with corresponding Fidelity Fund Certificates by the SABFS.

Although sheriffs have not received new appointment letters for the new demarcated areas, which may or may not yet have been proclaimed by the Minister, some sheriffs are already operating in other sheriffs' areas. This action/behaviour has caused great dissatisfaction among those sheriffs who are affected. If you are involved in this illegal activity, you are yet again being advised to stop it immediately or face prosecution.

The Board is involved in more than one aspect of the demarcation process. Its participation can be divided into the attendance at RCC meetings as well as activities regarding identified areas of concern emanating from the 'Petersen Report'. To date, the SABFS has spent an amount of R220 594.70 on its participation at these meetings.

RCC meetings the SABFS attended in the following provinces:

List of RCC Meetings 2015 and 2016	
KwaZulu-Natal	9 March 2015
Limpopo	24 March 2015
Eastern Cape	19 June 2015
KwaZulu-Natal	29 June 2015
Mpumalanga	9 July 2015
Gauteng	14 August 2015
Eastern Cape	13 August 2015
Limpopo	10 September 2015
Limpopo	1 September 2015
Mpumalanga	16 September 2015
Free State	4 November 2015
Limpopo	24 November 2015
Mpumalanga	24 December 2015
Eastern Cape	29 February 2016

FREE AUCTIONS LISTING ON OUR WEBSITE

An exciting feature on our website allows sheriffs to advertise their auctions directly to the public for free. With only four easy steps to complete, you can create a new listing in under five minutes. It's really simple – just follow the steps listed below:

1. Go to <http://www.sheriffs.org.za>.
2. Login with your username and password using the sheriff login button. If you don't have a username and password, use the 'Request Access' link to register.
3. Once in your sheriff member's area, click the 'Auction Upload' option in the sheriff menu on the right-hand side.
4. Fill in the fields on the 'Auction Upload' form. Your listing will now be added to the new auction area on our website.

Some tips

- Use the description field to give a detailed inventory, or description, of the auction.
- Include up to six images to increase your chances of drawing attention.

We encourage all sheriffs to utilise this function to promote their sales in execution. It's quick, simple and absolutely free!



LEGAL OBLIGATIONS 2016

Phase one of the Legal Obligations is now due. The deadline for submission is 31 July 2016. All sheriffs are reminded to submit the necessary documentation with the accompanying payments timeously.

For any queries, you may contact the General Manager of Corporate and Financial services, Mr Andrew Simon on 021 426 0577 or email: andrew@sheriffs.org.za

The circular for Legal Obligations Phase 1 was sent to all Sheriffs in March 2016, **and the due date is 31 July 2016 and no extensions will be granted.** The circular clearly outlines what sheriffs are required to do, in order to be fully compliant. The following documents were attached for completing as well:

- Form 16;
- Form 7;
- Magistrate's certificate;
- Residue form; and
- Sheriff update form.

The table is an extract of the circular that was sent to all sheriffs and it explains the requirements that must be met. We identified some issues in the year 2015, where sheriffs were not using their own **unique reference numbers** when making

payments. This has caused some confusion and monies were incorrectly allocated according to the incorrect unique reference numbers that sheriffs have used.

Note: In the table below, **blocks 1 and 2 indicate the banking details.**

- **Block 1** – the details are specifically for the **Levies** to be paid into.
- **Block 2** – the details are specifically for the **Interest of the trust** account to be paid into.

The Board has streamlined the process of sending Legal Obligations by using email and or fax, therefore all sheriffs should have received the documents by 23-24 March. The **due date for Legal Obligations is 31 July 2016 and no extensions will be granted.**

Documents must be returned to the designated email and fax number, legalobligations@sheriffs.org.za; Fax: 086 531 6180, which is provided specifically for all legal obligations. It is also important to note that all sheriffs have been allocated a unique reference code, which is noted on their cover letter. It is imperative that this unique reference code be used when making payments to the Board. Sheriffs are welcome to contact Fahemah Mohamed/Lindsay Bell with any queries relating to Legal Obligations on 021 426 0577 ext 45/54.

	Type of Obligation	Form to be Used	Due Date	Payee
1.	Levy of 1.5% of the net income of a sheriff. Sheriffs/acting sheriffs	Form 16 Regulation 6 of the Regulations relating to sheriffs, 1990 is amended by Regulation 9 of Regulation No: 31658 of 5 December 2008 and Regulations 34605 of 2011.	Due and payable on or before 31 July 2015 for the preceding financial year.	Transfer to: South African Board for Sheriffs (Acc No: 070614385, Code: 051001, Bankers: STANDARD BANK) <i>Correct deposit reference is your unique reference number;</i> «SHERIFF_ID»
2.	Interest from Trust Account	<ul style="list-style-type: none"> • Either Form 7 for sheriffs with more than 50 transactions or sheriffs who handle more than R50 000 per annum in their Trust account. • Magistrate Court Certificate for sheriffs who either handle less than 50 transactions or R50 000 per annum in their Trust accounts. 	Due and payable within 150 days after the last day of February, i.e. 31 July 2015	Transfer to: Fidelity Fund for Sheriffs (Acc No: 070614407, Code: 051001, Bankers: STANDARD BANK) <i>Correct deposit reference is your unique reference number;</i> «SHERIFF_ID»
3.	Interest from Trust account	IT 3(b) Income Tax Certificate from your Bank on interest accrued for the period 1 March 2014 to 28 February 2015.	Due on or before 31 July 2015	N/A
4.	Interest from Trust account	Bank Certificate indicating your accumulative bank charges for the period 1 March 2014 to 28 February 2015.	Due on or before 31 July 2015	N/A
5.	Declaration of Residue/ unclaimed monies in Trust account	Residue Form for residue in your trust account and/or unclaimed trust monies	Due on or before 31 July 2015	N/A
6.	Update for Sheriffs & Deputies	These updates are for record purposes	N/A	N/A

SASSETA INFORMATION MEETING

By Precious Nzimande and Vernon Weitz

The SASSETA held an information meeting on Wednesday March 16, 2016 at the Durbanville Conference Centre in Cape Town, with its key purpose of addressing technicalities pertaining to the submission of the 2016/2017 Workplace Skills Plan (WSP) and the 2015/2016 Annual Training Report (ATR). The presenters also explained linkages to the Sector Skills Plan (SSP) documents, the importance of the Organising Framework for Occupancy (OFO), conditions of Mandatory Grants, and demonstrated the new WSP online submission process.

The first speaker, Vukani Memela, briefly informed us about the SSP, which is a document that provides economic context and analysis of the labour market for the safety and security sub-sectors. Looking at the sector profile, the Private Security sub-sector has the largest labour market by 49%, Policing follows with 26%, Defence at 10%, Legal Services 7%, Corrections 5% and Justice 3%.

There are issues causing an impact on skills demand and supply in sectors, such as population growth, unemployment, the growing crime rate, changes in the South African Security (SAS) sector, and the stabilisation of the region. The extent of skills mismatch looks at the nature of demand, as to which occupations have vacancies, the nature of supply, and the scarce skills in the sector. The SASSETA has identified five key areas of intervention. These are:

- Enhancing the capacity of sector training institutions and academies;
- Transforming and professionalising the sector;

- Supporting targeted and specialised skills;
- Building an active citizenry; and
- Focusing on information communication technology linked interventions.

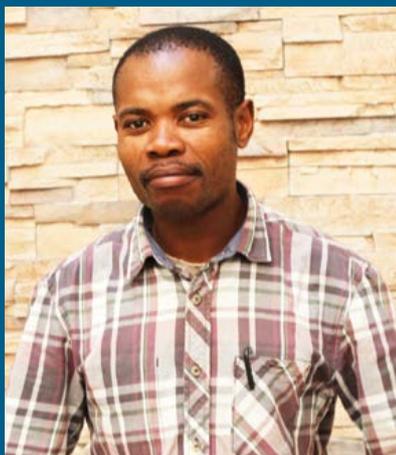
The second speaker was Ruth Molefe, who took us through the concept of the OFO, which is a coded classification system that encompasses all occupations in the South African context and makes it easy to locate a specific occupation within the system.

The third speaker was Mihloti Mhinga, who spoke about the Mandatory Grant, which funds education and training programmes as contained in the WSP. The Grant is seen as an incentive to employers to plan and implement training for their employees. It also improves the quality and quantity of labour market information received by SETAS. The Mandatory Grant is awarded to employers who meet the stated requirements.

The last speaker of the day was Monique Strijdom, who introduced the online system for submissions. SASSETA expects the WSP and ATR to be submitted online from 2016. The broad framework of the WSP online submission process is embedded in the document below.

The SABFS has circulated the WSP forms to all sheriffs for completion. We thank all 28 sheriffs who have submitted their WSP information timeously. It is most unfortunate that we did not receive the support or response from the remaining almost 300 sheriffs. Please note that the Board is obligated to submit WSPs to the SASSETA annually in order to qualify for Discretionary Grant funding. Without this funding, we will not be able to address the learning needs of the profession. We appeal to you to assist the Board by completing these forms and returning them to the Training Officer for submission to the SASSETA.

WELCOME TO OUR NEW EMPLOYEES AT THE OFFICE OF THE BOARD



Mr Phila Ngwane
Fidelity Fund Administrator



Mr Vukile Shandu
Inspector

RADIO CAMPAIGN – THE ROLE OF THE SHERIFF IN THE EVICTION PROCESS

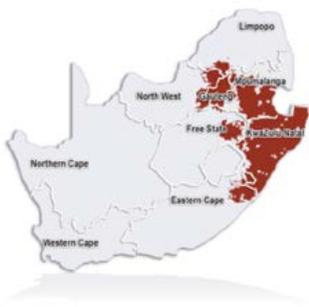
The SABFS has produced a voice clip advert for radio broadcast. The purpose of the advert is to educate the public on the role of the sheriff with respect to evictions.

The advert was produced in four different languages, i.e. English, Sotho, Xhosa and Zulu, and is between 30 to 40 seconds long. These adverts were broadcast during February 2016 and the target audience reached was adults of the 15+ age group.

The advert was broadcast on the following radio stations and we reached a total audience of 18 382 000.



LESEDI FM – Listenership: 3 728 000



UKHOZI FM – Listenership: 7 386 000



UMHLOBO WENENE FM – Listenership: 4 654 000

SAVE THE DATE

8TH ANNUAL WORLD SHERIFFS DAY

9 June 2016

World Sheriffs Day is celebrated every year in the second week of June. We will keep you abreast of the theme for this year as soon as we receive the information from the UIHJ.

The Board would like to encourage all sheriffs to participate and celebrate World Sheriffs Day in their various districts by, e.g.:

- Serving documents free of charge;
- Hosting soup kitchens;
- Donating blankets to the homeless;
- Visiting the Magistrate Courts and hand out the sheriffs' information pamphlets; and
- Meeting with local and community organisations in your district.

We will be most grateful if you can participate and use your creativity to promote your office and the profession during the said week. You can record your involvement by taking photographs and writing a short report. Please request information brochures from our office in the languages that you require for your specific areas. If you would like an SABFS official or Board member to join you on World Sheriffs Day, please contact Precious or Lucinda at 021 426 0577.

EMBRACING THE CHALLENGE OF UNEMPLOYED GRADUATES AND UNDERGRADUATES

By Precious Nzimande and Vernon Weitz

The Board successfully applied to the Public Sector Education Authority (PSETA) to employ interns for the Work Integrated Learning (WIL) programme.

Based on the contractual arrangement with PSETA, the South African Board for Sheriffs is in the position to employ four subsidised interns. The Board is committed to employ a total of seven interns; three of the unemployed graduates are fully subsidised by the SABFS. Interns have contractual arrangements with the SABFS, ranging from twelve to eighteen months. Three interns, Matthew Compton, Thandazwa Tsoko and Roxanne Carolissen, spent a week shadowing various sheriffs in offices of the Cape Town Metro. According to Matthew, who was assigned at the Bellville office, he has learned that the most important part of the administration process is when documents are served, and it's a process that requires careful attention. These documents should be delivered within two working days.

Roxanne, who was assigned to the Goodwood office, was fascinated by the amount of challenges sheriffs face on a daily basis. She said, "They operate in a very volatile and emotional arena that exposes them to harm and physical assault and yet they still achieve their goals with passion."

Thandazwa shared her experience of serving a warrant of execution to a debtor. She said that she felt like a real sheriff in that process. Although it was a sad situation, she had to be strong and do what had to be done. The learner was also introduced to the SQL system, which is used to register new cases, and shown how to do returns. "I have obtained a lot of knowledge regarding the sheriff profession and now I can share it with other people," said Thandazwa.

Why is the SABFS engaged with such a project and what has been our experience working with interns? According to PSETA sources, the National Development Plan (NDP) calls for the building of a capable State, underpinned by effective, coordinated State institutions with skilled public servants who are committed to the public good and capable of delivering consistently high quality services. The SABFS views itself as an important government-guided institution to build capacity within itself, as well as related state institutions, where interns will most likely apply their skills in future.

The Board agrees that public services and related institutions need to be transformed into innovative training spaces, which in turn, have the potential to help fill the skills gaps the country is experiencing. The reasons for implementing the programme



Matthew with the Bellville office staff.



Thandazwa with the Cape Town office staff.

have also been influenced by the White Paper on Post-School Education and Training, National Development Plan imperatives, and the commitment of the SABFS to address the triple scourge of unemployment, inequality and poverty. The subtext is the rebuilding of our fragile society.

The target group of interns are mainly students from previously disadvantaged groups; one of our aims is to redress historical skill imbalances. Three main constituencies benefit from the project: these are the students, the sheriffs' profession and educational institutions. We would like sheriffs to embrace similar programmes in collaboration with the Board.

The Board is cognisant that the percentage of unemployed black graduates is a complicated sore point, however, *City Press* claimed in June 2012 that "University degrees or diplomas no longer hold the promise of jobs for young South Africans as hundreds of thousands of them battle to find work. Labour market analyst Loane Sharp says that about 600 000 university graduates are languishing at home, unable to put into practice what they have learned."

The South African Board for Sheriffs would like to thank Mr Ngesi, Ms Cupido, Mr van Greunen and Mr Jacobs for sharing their experiences with the interns. We also thank all other sheriffs around South Africa who participate in similar programmes.

Looking for a Sheriff?

Visit our website and utilise the “Locate a Sheriff” button or try our new Mobi site directly from your smartphone.



**It's quick,
easy and
convenient!**

**Our “SHERIFF
SEARCH FUNCTION”
via SMS is here!**

Sheriff's search via sms

*Simply sms the area you are looking for to **42269** and you will receive a reply sms with the Sheriffs contact details for that area.*

* Note that if the name of the area is two words please type it as one word eg. “Somerset West” type as “Somersetwest” and you will receive the name and contact numbers for the requested area via return sms.



If you have any queries, complaints or compliments please contact us.

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