

Siyazanazisa

FROM THE CHAIRPERSON

The year has only just begun and the newly appointed Board (March 2018) is continuing to move at a pace of productivity that you will be proud of.

This is already the second newsletter for the year, Legal Obligations Phase 1 notifications has been distributed, financial audits are underway and the Annual Report 2018 is being developed. The new Board members have met to develop strategic objectives and plans are in place to find a new Executive Manager to head the Office of the Board.

We appointed Mrs Petro Roodt, the sheriff for Bloemfontein East as the Acting Executive Manager at the Board for a period of three months, commencing on 1 April 2018. This was due to the resignation of Mrs Sharon Snell. Mrs Roodt served as member of the Board for three terms and comes with vast knowledge of the profession and the challenges faced by the office of the Board. The SABFS express their appreciation to Mrs Roodt for availing herself.



Mrs Charmaine Mabuza
Chairperson of the SA Board for Sheriffs

It is with pride that I announce the historical achievement of developing a Maritime Law manual that will be used as resource material to train sheriffs and their staff. The pilot training programme will be conducted in Cape Town at the end of May 2018. The office will then arrange further Maritime Law training sessions in Port Elizabeth and Durban. You are encouraged to participate if this specialised sheriffs work is relevant to your practice.

You will know that the World Sheriffs Day is celebrated during the second week of June each year. The exact date and theme is provided by the Union of Judicial Officers (UIHJ), based in Paris. We will communicate these details to you as soon as we receive it – normally about 3 weeks before the World Sheriffs Day. We urge you to participate please.

It is our intention to revisit the grey areas surrounding Rule 43 and 43 during our annual Needs Based Training programme, planned for the third quarter of the year. At this time we will also introduce sheriffs to our online submissions of Legal Obligations. It is our intention to streamline this electronic submission over the next 2 years. We will appreciate your co-operation in this regard.

I thank Ms Amanda Tobias, Sheriff Cape Town North, for embracing the Sheriffs Brand Guide, by prominently displaying her outside office signage as prescribed. I encourage all sheriffs to follow her example!

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88 Loop Street, Cape Town, 8001
T: 021-426 0577 F: 021-426 2598
www.sheriffs.org.za

PO Box 15223, Vlaeberg, 8018
SABFS Fraud Hotline: 0800 000 628

SABFS on SOCIAL MEDIA The South African Board for Sheriffs can be found on Facebook and Twitter on these handles below

 Facebook: The South African Board for Sheriffs

 Twitter: Sheriffs (SABFS) @Sheriffs_SA





FREEDOM DAY 27 APRIL 2018

Adv Hishaam Mohamed, Deputy Chairperson of the Board, addressed youth in Grassy Park on Freedom Day.

“Today the 27th day of April 2018 we celebrate Freedom Day that marks the birth of our democracy, it 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.”

27 APRIL 1994 marked the country’s transition from the oppressive apartheid regime to a free democratic country. This year’s theme is “The year of Nelson Rolihlahla Mandela: towards full realisation of our freedom through radical socio-economic transformation”

The first democratic elections on 27 April 1994 gave birth to our constitutional democracy. For the majority of South Africans who had never voted before, their dignity was restored and the country transformed into a non-racial, non-sexist and democratic society.

It led to the emergence of a national identity built on respect for each other and love for our country. Since then we have embarked on a joint journey to build a country that belongs to all who live in it.

This year’s celebration coincides with the centenary anniversary of former President Nelson Mandela and Mama Albertina Sisulu. These struggle stalwarts epitomised our struggle for liberation. South Africa is the country it is today because of their countless sacrifices and that of many other South Africans who fought tirelessly to overcome the brutal apartheid system.

Freedom Day is also an ideal time for reflection on the progress made thus far in transforming South African society. Nelson Mandela said: “Let us never be mindful of the terrible past from which we come, memory should not be used as a means to keep us shackled to the past in a negative manner rather as a joyous reminder of how far we have come and how much we have achieved.”

This year also marks the 22nd anniversary since our Constitution that was signed into law at Sharpeville on the 10th 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;”

When we drafted the Constitution some 24 years ago, over two million people participated in the drafting of the South African Constitution. The Constitution is the supreme law of our country which is why it is essential that we all familiarise ourselves with its content. Over the past 22 years there have been 17 amendments to the Constitution with each amendment made with the intention to improve our justice system and create a better life for all South Africans.

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

We must continue to give effect to the values underpinning our mandate, as well as the values underpinning our constitution, being dignity, equality and non-discrimination.

The celebration of Freedom Day also marks the need for all of society (government and community) to defend the freedoms that we had won as a result of a long, difficult and costly struggle.

Our actions must at all times be guided by **the Constitution**:

- The Preamble of the Constitution refers to a democratic and open society in which government is based on the will of the people and every citizen is equally protected by law.
- The Bill of rights reaffirms that everyone has inherent dignity and the right to have their dignity respected and protected. It refers to the right to freedom of conscience, religion, thought, belief and opinion. It includes the right of freedom of expression and of association.

Though we have worked hard towards realising this vision, **the long walk to freedom is not yet complete**. If the next generation of South African leaders are to determine our future, they must first understand the struggle of our past. Young people are our next generation!

Just as the struggle against apartheid defined my generation, the great challenge facing today's youth is inequality. The collective will of young people can hasten the end of inequality. If young people are aware of their rights enshrined in our constitution they will be empowered with the correct tools to eradicate inequality and use the economic empowerment opportunities.

We all have the responsibility to build a free and prosperous society that requires all of us to play our part: In the spirit of Thuma Mina (Send Me) sweeping across our nation let us work to build the country envisioned at the start of our freedom.

Our nation is founded on the values of human dignity, non-racialism and non-sexism, the rule of law and the universal

adult suffrage, as enshrined in the Constitution. Over the last 24 years our democracy has restored the dignity of millions of South Africans and changed our lives for the better.

Let us continue to build a nation where values of human dignity, non-racialism and non-sexism, and the rule of law remain paramount. All of us must continue to remove the barriers which still divide us. Freedom did not automatically heal the divisions of the past, we must work to remove the obstacles that still divide our society. There is more that binds us together as South Africans than that which divides us, let us strive to build on our many ties.

We are now forging a national identity that is built on mutual respect, tolerance and acceptance.

NEW BOARD MEMBERS **INDUCTED**

The Minister of Justice and Correctional Services, Advocate Michael Masutha has announced the appointment of members to the new Board on 1 February 2018 in terms of section 9(2) (a) of the Sheriffs Act, 1986 (Act No. 90 of 1986).

With each new Board appointed by the Justice Ministry, a few of the members are retained to serve another term to ensure continuity. The current Board received four new members to complete the total of eleven members.



From left to right: Mr A Murugan, Ms Anna Ralehlaka, Mr A Nkhumise, Mr P Mogale.

The Deputy Minister for Justice and Constitutional Development, Mr John Jeffery, welcomed the new Board members on 15 March 2018 at the office of the Board in Cape

Town. The new members of the Board were invited to attend an induction session where matters relating to the envisioned SABFS strategic objectives were shared.

LEGAL OBLIGATIONS: PHASE 1 (2018)

SUBMISSION OF LEGAL OBLIGATIONS: SHERIFFS ACT, 1986 ACT 90 / 1986 AS AMENDED (The Act) FOR THE FINANCIAL YEAR 2017/2018

By now you should have received your legal obligations pack, for the financial year 1 March 2017 - 28 February 2018. Please note that the following documents need to be submitted to the SABFS before 31 July 2018:

1. Audit Report, alternatively a Magistrate certificate + 12 months' bank statements;
2. Form 16 (+ proof of payment of levies);
3. IT3(b) Income

Tax certificate from your bank; and

3. IT3(b) Income Tax certificate from your bank; and
4. Unclaimed Trust Money form.

It is no longer compulsory to submit a certificate confirming bank charges for the year. Where necessary, the information will be requested from the specific sheriff.

TRAINING SESSION FOR SABFS STAFF: RULE 46 & 43

Changes to legislation affecting Rule 46 & 43, was effective on 22 December 2017. With this in mind, the Board commissioned a group of senior, experienced sheriffs to meet in Johannesburg.

Learner material was later developed and training was conducted in all 9 provinces. We thank all sheriffs who participated in the training sessions and wish to assure you that further training will be provided during our NBT later this year.



Members of the expert group of sheriffs photographed, from left to right are: **Seated - Mrs Roodt, Mr Van Wyk, Mr Van Nieuwenhuizen, Mr Mahomed, Standing- Mr Murugan, Mrs Carelse and Mr Seboka**



Mrs Carelse conducts training on Rule 46 & 43 at the office of the Board.



Mrs Roodt welcomes staff and Mrs Carelse to the training session.

MARITIME LAW TRAINING

The purpose of the training, facilitated by the SABFS, is to deepen the knowledge of sheriffs and to enhance their capability to act professionally within the confines of maritime law. A maximum of 20 sheriffs and deputies will be able to attend at each venue.

The identified coastal offices are located in KZN, Eastern Cape and the Western Cape. The course will be conducted in one/two days. Learning material has been developed by the SABFS to provide additional support to the learner.

Admiralty law or maritime law is a distinct body of law that governs maritime questions and offenses. It is a body of both domestic law governing maritime activities, and private international law governing the relationships between private entities that operate vessels on the oceans.

Outcomes of the course

Participants will have knowledge and practice of:

- Relevant legislation guiding the enforcement and defence of maritime claims in South Africa;
- Evidence necessary to obtain an arrest or attachment;
- Difference in respect to arresting a ship for a maritime claim and a maritime lien;

- Geographical locality to file an Admiralty Suit;
- Types of proceedings: Action in rem, including, purpose behind action in rem, maritime property, procedure for arrest of the vessel, service of the warrant of arrest, the sheriff as custodian, the preservation function of the sheriff, release from arrest, sale and fees;
- Action in personam, including, purpose of action in personam, procedure for attachment;
- Security arrests;
- The role of the fund following a judicial sale of maritime property;
- Tariffs
- The duties and responsibilities of the Sheriff towards the crew on board after arrest of the ship;
- Wrongful arrests and excessive claims; Exchange control/currency of judgment;
- Enforcement of foreign awards or judgments;
- Ranking as set out in the Act.

Sheriffs who actively practice maritime law are encouraged to attend this historical first Maritime Law training session for sheriffs and deputy sheriffs.

WORLD SHERIFFS DAY

Tuesday 14 June 2018

The theme this year is “**Professional Good Practices**”. World Sheriffs Day is usually held in the second week of June each year - the UIHJ will release the date and theme closer to the time. Annually we have sheriffs asking us for the date and theme of the event, but the SABFS is unable to provide these details until the Union of Judicial Officers, who is based in Paris, releases the information – **the information is normally available about 3 to 4 weeks before the event.**

A request was sent to sheriffs in the November 2017 and March 2018 newsletters to serve all documents relating

to family matters, FREE of charge on World Sheriffs Day. We have received response from many sheriffs, who have agreed to join.

The Board will be happy to collaborate with local sheriffs on World sheriffs Day. We can put up our banners and distribute flyers and newsletter to the public.

Please contact our office if you wish to partner with us. Below is a list of sheriffs that have responded to the email request for **servicing documents free of charge** on the day.

1.	Ms Anet Erasmus - Sheriff Krugersdorp
2.	Ms K Goolam - Sheriff Brits
3.	Mr Wayne Hicks - Sheriff Wolseley
4.	Mr JT Mphahlele - Sheriff Lephalale
5.	Mr Andrew Tsotetsi - Sheriff Newcastle
6.	Ms Kgomotso Mphahlele - Sheriff Sandton North
7.	Ms Lydia Monyamane - Sheriff Mookgopong
8.	Ms Annah Ralehlaka - Sheriff Polokwane
9.	Mrs Ellah Mahamba - Sheriff Chief Albert Luthuli

10.	Mr Pieter Hull - Sheriff Clanwilliam
11.	Mr M.S Hoosen - Sheriff Middleburg
12.	Ms A J Daniels - Sheriff Groblersshoop
13.	Mr PA Stoffberg - Sheriff Ermelo
14.	Mr WA Hicks - Sheriff Bonnievale
15.	Mr R Singh - Sheriff Lower Tugela (Stanger)
16.	Mr FWJ Coetzee - Sheriff Roodepoort
17.	Ms Lana Nel - Sheriff Pretoria East
18.	Mrs G Naidoo - Sheriff Wynberg East

STAKEHOLDER SATISFACTION SURVEY

A total of 101 sheriffs responded to the survey conducted by the Board. We are most grateful to those persons that contributed. The purpose of the survey is to be self-critical in respect of the

strategic performance areas of the Board. The sample of the survey is very representative as the response rate was 34% from the respective sheriffs' offices in the country.

Rate the Board's performance in achieving its vision to promote a professional sheriffs' service that is respectful and efficient to deliver justice to all with integrity and accountability.

ANSWER CHOICES	RESPONSES
The Board does promote this vision and has a coherent strategy in place which has achieved the vision	46.53% - 47
The Board's activities are satisfactory and there has been some progress made to achieve this vision	51.49% - 52
The Board's activities are inadequate and there is no coherent strategy in place to promote this vision	1.98% - 2
TOTAL	101

What are your perceptions of the Board as a regulator charged with enforcing compliance of the Sheriff's Act, regulations and the Code of Conduct?

ANSWER CHOICES	RESPONSES
I believe that the Board is a toothless regulator and sheriffs can commit serious transgressions with impunity and nothing will be done about it.	14.29% - 14
I believe that the Board does somewhat enforce compliance but if sheriffs have a good lawyer they can get away with serious misconduct and there is nothing the Board can do.	16.33% - 16
I believe that the Board has a zero tolerance towards serious misconduct and will act swiftly against sheriffs through an array of remedies at their disposal (freezing trust accounts, applying to suspend the sheriff, inspections, disciplinary and criminal action).	69.39% - 68
TOTAL	98

A key objective set by the Board is to increase the financial performance of the Fidelity Fund. How would you rate the Board's performance?

ANSWER CHOICES	RESPONSES
The Board is doing an excellent job of managing the Fidelity Fund and the fund is in a very healthy state	59.00% - 59
The Board is doing a satisfactory job of managing the Fidelity Fund but more can be done	41.00% - 41
The Board is managing the Fidelity Fund poorly and the Fund is in a unhealthy state	0.00% - 0
TOTAL	100

The Board has introduced a number of initiatives to improve the sustainability of the profession. Rate the efficacy thereof.

	POOR	SATISFACTORY	EXCELLENT	TOTAL
Lobby DOJCD and Rules Board to increase the sheriff's tariffs	11.22% 11	48.98% 48	39.80% 39	98
Lobby banks to pay more interest on trust account balances	10.75% 10	68.82% 64	20.43% 19	93
Assistance provided to sheriffs to resolve SARS problems	15.22% 14	58.70% 54	26.09% 24	92
Assistance provided to sheriffs to register onn the Central Supplier Database of government	26.09% 24	51.09% 47	22.83% 21	92
Project to assist sheriffs recover fees from the DOJCD and State Attorney	21.51% 20	56.99% 53	21.51% 20	93
Lobbying for Maintenance work for sheriffs	28.42% 27	45.26% 43	26.32% 25	95

Rate the Board's performance in achieving its vision to promote a professional sheriffs' service that is respectful and efficient to deliver justice to all with integrity and accountability.

	POOR	SATISFACTORY	EXCELLENT	TOTAL	WEIGHTED AVERAGE
Annual Needs Based Training workshops	3.00% 3	48.00% 48	49.00% 49	100	2.46
Delivery of Sheriffs Introductory Course (SIC)	3.03% 3	47.47% 47	49.49% 49	99	2.46
Developing sheriffs to be skilled facilitators, assessors and moderators in the profession	10.10% 10	45.45% 45	44.44% 44	99	2.34
Produce relevant learning material for sheriffs	4.00% 4	49.00% 49	47.00% 47	100	2.43
Continuous Professional Development	8.00% 8	50.00% 50	42.00% 42	100	2.34

Rate the Board's performance in achieving its vision to promote a professional sheriffs' service that is respectful and efficient to deliver justice to all with integrity and accountability.

	I TRUST TO BE ACCOUNTABLE, TRANSPARENT AND WLWAYS ACT WITH THE UTMOST INTEGRITY	I DO NOT TRUST TO BE ACCOUNTABLE, TRANSPARENT AND WLWAYS ACT WITH THE UTMOST INTEGRITY	TOTAL	WEIGHTED AVERAGE
Members of the Board of SABFS	93.75% 90	6.25% 6	96	1.06
Top Management (Executive Manager of SABFS)	95.83% 92	4.17% 4	96	1.04
Senior and Middle Management	92.71% 89	7.29% 7	96	1.07
Staff of SABFS	90.72% 88	9.28% 9	97	1.09

SOUTH AFRICAN BOARD FOR SHERIFFS NOTICE IN RESPECT OF THE VAT RATE CHANGE

The Minister of Finance announced the value-added tax (VAT) rate increase in the budget speech on **21 February 2018**. The standard rate of VAT will change from **14% to 15%** with effect from **1 April 2018**.

This means there will be VAT changes as follows:

Form 16 VAT from **14% to 15%**

Sheriffs Appointment from **R570.00 to R575.00**

Deputy Appointment from **R342.00 to R345.00**

Your fees are according to legislation inclusive of VAT.

SABFS TEL: 021 426 0577



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



NEW ACTING EXECUTIVE MANAGER AT THE SABFS

The South African Board for Sheriffs hereby announce the appointment of Mrs Petro Roodt, the sheriff for Bloemfontein East as the new Acting Executive Manager at the Board for a period of three months, commencing 1 April 2018.

NEW APPOINTMENT

The SABFS welcomes Reesha Kasipershad as the new Manager in the Legal, Complaints Division.



UNEMPLOYED GRADUATES OFFERED INTERNSHIPS AT THE SOUTH AFRICAN BOARD FOR SHERIFFS

The steady rise of unemployment in South Africa is affecting more than 6 million youth under the age of 35. According to the 2017 unemployment statistics an estimated 9.3 people are struggling to find jobs, of which 6 million are youth and new graduates. The worrying figures also shows a steady

increase in unemployment for youth in the 15-24 and 25-34 age categories. The South African Board for Sheriffs are doing their part in creating job opportunities for unemployed graduates and youth seeking experience in the workplace. Four new graduates joined the SABFS offices in Cape Town.



Melikhaya Mazwana is passionate about education and motivating young people to educate themselves. Mazwana, who is originally from the Eastern Cape, joined the Training, Development and Communications Division of the SABFS in March after completing his BTech Degree in Public Relations at the Cape Peninsula University of Technology. "I love working with people and feel really lucky to have found this opportunity."



Akhona Colleen Ngaleka finds commercial law very interesting and is looking forward to learning more in the Legal, Complaints and Claims Division of the SABFS. Ngaleka completed a BTech Degree in Internal Auditing at the Cape Peninsula University of Technology and started her internship in March. "Commercial Law was one of my modules at school and I can't wait to delve deeper into it."



Ntumekelelo Ntlokwana is using his 12 month internship at the SABFS to learn as much as he can. "Law is something I fell for from an early age and knew that it was something I wanted to study." Ntlokwana completed his LLB Degree at the University of the Western Cape and will be doing his internship in the Legal, Complaints and Claims Division of SABFS. "This is a big learning lesson for me."



Lazola Magazi joined the Finance Division of the SABFS and says he always liked working with numbers. "I've always been good at Accounting compared to other subjects at school and liked working with numbers." Magazi completed his BCom Degree in Financial Accounting at the University of the Western Cape. "This internship is an all-round learning process."