

FREQUENTLY ASKED QUESTIONS (FAQS)

**The purpose of this document is to assist sheriffs and/or deputy sheriffs with further clarity on the SABFS processes and procedures relating to the SABFS COVID-19 RELIEF BENEFIT. All sheriffs and/or deputies are guided to first consult this document before approaching the SABFS with any queries.*

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A) General Questions:

1. **Why has the SABFS created the relief benefit?**

The SABFS understands the plight the official lockdown has caused sheriffs financially, as many sheriffs have lost income-streams as a result of the lockdown and the current global covid-19 pandemic.

The SABFS also recognises the challenges that deputy sheriffs are facing, as many deputy sheriffs are commission earners and have had to apply for relief via their employers and/or to other relief initiatives and are either still awaiting the outcome of such applications or have not received positive responses from such applications yet.

Given the above and in order to assist, the SABFS has developed the SABFS Covid-19 Relief Initiative with the Ministers approval

2. **How is it possible that the SABFS is allowed to provide once-off financial assistance to identified sheriffs and/or deputy sheriffs?**

Section 16(h) of the Sheriffs Act No. 90 of 1986 allows the SABFS to, *inter alia*, donate money, or other property as long as such donation is used in furthering the enhancement of the sheriffs' profession and is done with the approval of the Minister.

3. **Is the relief benefit offered to other staff within the Sheriff's office?**

No. As indicated, this relief initiative has been developed by the SABFS in an attempt to assist sheriffs and/or deputy sheriffs only. Furthermore, the SABFS is a regulatory body and therefore it does not have the mandate to provide full or ongoing financial assistance to sheriffs.

Should sheriffs require further assistance and/or financial assistance then they are encouraged to approach and apply for the relevant relief initiatives created by the South African Government such as the COVID-19 UIF Temporary Relief Scheme.

In the event, that a sheriff has applied for other relief initiatives and they have not received a positive response then they are guided to take it further with the relevant Government Department responsible for administering the relevant fund. Regrettably, the SABFS will not be able to assist with feedback or comments on applications made to other schemes or funds not administered by the SABFS as this goes beyond the SABFS's mandate.

4. **How do I submit completed application forms to the SABFS to apply for the relief benefit?**

All completed application forms and supporting documentation must be submitted via email to legalobligations@sheriffs.org.za

Please note that given that, *as far as possible*, applications are going to be administered and paid out, *where applicable*, within 14 working days. The SABFS requires that application forms are submitted via email for quick and efficient processing.

Regrettably, the SABFS is unable to accept applications sent via fax and/or courier and/or post, as same will not be considered. Accordingly, if the sheriff and/or deputy sheriff does not have a working email then it is recommended that the sheriff and/or deputy sheriff set up a free email account (i.e. such as a Gmail account) to make the proper submission.

B) Questions relating to the rebate/once-off financial assistance for sheriffs where the gross turnover for the 2018/2019 period was less than R1 000 000

5. How does the rebate application work?

If the SABFS is satisfied, *after consideration of an application*, the SABFS may provide the following relief to the relevant sheriffs who qualify:

All sheriff's offices, where the gross turnover for the 2018/2019 period was less than R1 000 000 (One Million Rand), will each be assisted with R10 000 (Ten Thousand Rand);

- (i) *The R10 000 (Ten Thousand Rand) will not be outright cash but a rebate to the levies due by the sheriff; and*
- (ii) *if the levy is less than the rebate then the sheriff will receive the difference in the form of cash; and*
- (iii) *where the levy is more than R10 000 (Ten Thousand Rand), then the sheriff will pay the difference to the SABFS.*

6. How do I know if I was one of the sheriffs identified by the SABFS who qualifies for the rebate/once-off financial assistance?

The SABFS will provide the relevant sheriffs who qualify for the rebate/once-off financial assistance with the relevant circular and application forms.

If a sheriff did not receive the circular/forms relating to the once-off financial assistance and he/she can confirm that his/her gross turnover for the 2018/2019 financial period was less than R1 000 000 then the sheriff must contact the SABFS for assistance who will then provide the relevant circular and application forms.

7. What financial period was considered when determining which sheriffs qualified for the rebate/once-off financial assistance, considering that the lockdown was implemented from March 2020?

The 2018/2019 financial period was considered when determining which sheriffs qualified as this was the latest and most recent legal obligations documentation the SABFS had received from all sheriffs.

As indicated under question 3, please note that the relief initiative has been developed by the SABFS in an attempt to assist sheriffs and does not replace other relief initiatives created by the South African Government. *(for ease of reference please see question 3)*

8. What if a sheriff was newly appointed after the 2018/2019 LOP1 submission to the SABFS (i.e. after the 31st July 2019), then will that particular sheriff still be able to apply for the once-off financial assistance?

If a sheriff was appointed after the 2018/2019 LOP1 submission, then the sheriff may still apply to the SABFS for the once-off financial assistance.

However, it is important to note that since the newly appointed sheriff does not automatically qualify for the once-off financial assistance, the SABFS will consider each application on a case-by-case basis. Further note, in the event, that the sheriffs' application is successful then he/she might not be entitled to the full rebate of R10 000, as the newly appointed sheriff will not be paying levies for a full financial year, given that he/she would have only started after

the 31st July 2019. (i.e. the levies due for that financial year would then be from after 31st July 2019 – 29th February 2020).

9. Why is the once-off financial assistance not in the form of outright cash?

In terms of the provisions of the Sheriffs Act No. 90 of 1986 the sheriffs are required to submit their legal obligations to the SABFS annually in order to, *inter alia*, be compliant and be eligible to receive a valid fidelity fund certificate to enable the sheriff to operate.

Accordingly, given this annual obligation, the SABFS has identified that the best way to assist sheriffs who qualify would be in the form of a rebate to the levy payment due. In the event that the levy payment is *less* than R10 000 then the SABFS will pay the difference in cash to the sheriff whereby the cash will be paid into the sheriff's business banking account.

10. Why is it a requirement that the application must be submitted with Legal Obligations – Phase 1(LOP1)?

Since the once-off financial assistance is essentially in the form of a rebate to the levies due by the sheriff, the SABFS requires that the LOP1 is submitted by the sheriff as this will confirm whether or not the sheriff is compliant and that the levy calculation done by the sheriff is correct.

11. If my levies due is more than R10 000 and I must pay the balance to the SABFS, will I still be allowed to stagger the payment over 3 months and how do I apply?

Yes. Should a sheriff wish to apply for the staggering of the levy payment then they can make an application to the SABFS by submitting a completed application **Form 2** and Annexure "A2".

12. If I submitted my LOP1 and the SABFS still requires more information and/or documentation relating to certain sections of my LOP1 submission then will this impact on the processing of my relief benefit application and payment?

Yes. It is a requirement of the SABFS that a full and complete LOP1 submission is made in order to qualify for the relief benefit.

13. How do I submit an application form and what supporting documentation is required by the SABFS to consider an application for the once-off financial assistance for sheriffs?

Should a sheriff wish to apply for this benefit then they need to complete and submit to the SABFS, application **Form 1** and Annexure "A1" by sending same to the following email address : legalobligations@sheriffs.org.za

The Application must have the following documentation attached to be considered:

- 13.1 Completed **Form 1** (*completed by the sheriff*)
- 13.2 Completed **Annexure A1** (*completed by the sheriff – please see below table as a guideline to assist with completion*)
- 13.3 Completed **Annexure B – Deputy Declaration** (*completed by the deputy sheriff and signed by the deputy sheriff and the sheriff*)
- 13.4 Proof of banking details of the **business banking account** of the sheriff
- 13.5 Proof of banking details of the **personal banking account** of the deputy sheriff
- 13.6 Certified ID copy of the sheriff
- 13.7 Certified ID copy of the deputy sheriff

*Criteria – Annexure A1: Guideline for completion by a sheriff

No	Once-off financial assistance to sheriffs	Indicate Yes/No	Explanatory Notes
1	Is the sheriff's office gross turnover for the 2018/2019 period less than R1 000 000 (One Million Rand)		Compulsory Sheriff to indicate Yes/No to confirm
2	Has the sheriff submitted his/her full legal obligations – phase 1 on or before the 31 July 2020		Compulsory Sheriff to indicate Yes/No to confirm
3	Has the sheriff correctly calculated the levy payment due to the SABFS		Compulsory Sheriff to indicate Yes/No to confirm
4	Is the sheriff in good standing with the SABFS		Compulsory Sheriff to indicate Yes/No to confirm
5	Does the sheriff currently hold a valid fidelity fund certificate		Compulsory Sheriff to indicate Yes/No to confirm
6	Does the sheriff currently owe the SABFS any money		Compulsory Sheriff to indicate Yes/No to confirm
7	Has the sheriff attached a certified copy of his/her identity document		Compulsory Sheriff to indicate Yes/No to confirm same has been attached
8	Sheriff to indicate whether he/she has applied for any other relief from other organisations or government funding (e.g. UIF) for assistance owing to the lockdown. <i>If the Sheriff has applied then he/she is to provide brief details of the same in a separate document and attach it to this application.</i>		For information purposes only. Sheriff to indicate Yes/No , and if applications were made sheriff to provide brief details of this on a separate document and attach to the application. NB – please note that this will <u>not</u> impact the consideration of the relief benefit application.

C) Questions relating to the once-off financial assistance for deputy sheriffs

14. Do all deputy sheriffs qualify for the once-off financial assistance and how does it work?

If the SABFS is satisfied, *after consideration of an application*, the SABFS may provide the following relief to the relevant deputy sheriffs:

- (i) All deputy sheriffs will receive a once-off cash amount of R2 000 (Two Thousand Rand);

15. How did the SABFS calculate the total number of deputies who qualify for the once-off financial assistance?

The total number of deputies was calculated based on the legal obligations - phase 2 (LOP2) submissions by sheriffs made on or before the 31st October 2019.

16. What if a deputy sheriff was newly appointed after the 2019 LOP2 submission to the SABFS (i.e. after the 31st October 2019), then will that particular sheriff still be able to apply for the once-off financial assistance for his/her deputy?

If a deputy sheriff was appointed after the 2019 LOP2 submission, then the sheriff may apply to the SABFS for the once-off financial assistance for his/her deputy.

17. Should the application be successful, can the sheriff accept payment on behalf of the deputy sheriff?

No. The SABFS will be making the payment directly into the personal bank account of the deputy sheriff and the deputy will be required to provide proof of his/her personal banking details. This is so that the SABFS can ensure that all deputies receive their payment quickly and efficiently.

18. Who is responsible for providing information relating to the relief benefit to the deputy sheriff?

All sheriffs will receive the relevant circular and application forms and the sheriff has to provide the deputy sheriff with a copy of the circular and the forms relevant to the deputy sheriff to enable the deputy to complete his/her section. The SABFS will also make the relevant information available on their website.

19. What should the sheriff and deputy sheriff do if they are not within the same office or location at the time of completing the forms (e.g. owing to the lockdown the sheriff and the deputy are in different cities/provinces)?

It is the duty of the sheriff to ensure that both the sheriff and the deputy sheriff sign the relevant form and submit the completed document to the SABFS. The sheriff will accordingly have to make the necessary arrangements with his/her deputy sheriff.

20. How do I submit an application form and what supporting documentation is required by the SABFS in order to consider an application for the once-off financial assistance for deputy sheriffs?

Should a sheriff wish to apply for this benefit on behalf of his deputy sheriff then they need to complete and submit to the SABFS *either* application **Form 1** and Annexure “**A1**” or application **Form 2** and Annexure “**A2**” (*depending on what benefit the sheriff is applying for*) by sending same to the following email address: legalobligations@sheriffs.org.za

The Application must have the following documentation attached to be considered:

- 20.1 Completed **Form 1** or **Form 2** (*completed by the sheriff*)
- 20.2 Completed **Annexure A1** or **Annexure A2** (*completed by the sheriff – please see below table as a guideline to assist with completion*)
- 20.3 Completed **Annexure B – Deputy Declaration** (*completed by the deputy sheriff and signed by the deputy sheriff and the sheriff*)
- 20.4 Proof of banking details of the **personal banking account** of the deputy sheriff
- 20.5 Certified ID copy of the sheriff
- 20.6 Certified ID copy of the deputy sheriff

*Criteria – Annexure A1 & Annexure A2 (Deputy Section): Guideline for completion by the sheriff

No	Once-off financial assistance to deputy sheriffs	Indicate Yes/No	Explanatory Notes
1	Has the sheriff submitted his/her full legal obligations – phase 1 on or before the 31 July 2020		Compulsory Sheriff to indicate Yes/No to confirm
2	Is the Deputy Sheriff the sheriff is applying for assistance for office-bound		For information purposes only. Sheriff to indicate Yes/No to confirm. NB – please note that this will <u>not</u> impact the consideration of the relief benefit application.
3	Are the sheriff and his/her deputy in good standing with the SABFS		Compulsory Sheriff to indicate Yes/No to confirm
4	Does the sheriff currently hold a valid fidelity fund certificate		Compulsory Sheriff to indicate Yes/No to confirm
5	Has the deputy sheriff received a salary during the lockdown period?		For information purposes only. Sheriff to indicate Yes/No to confirm. NB – please note that this will <u>not</u> impact the consideration of the relief benefit application.
6	Sheriff to indicate whether his/her deputy sheriff has applied for any other relief from other organisations or government funding (e.g. UIF) for assistance owing to the lockdown. <i>If the deputy sheriff has applied then he/she is to provide brief details of the same in a separate document and attach to this application.</i>		For information purposes only. Sheriff to indicate Yes/No , and if applications were made sheriff to provide brief details of this on a separate document and attach to the application. NB – please note that this will <u>not</u> impact the consideration of the relief benefit application.
7	Has the deputy sheriff attached a certified copy of his/her identity document		Compulsory Sheriff to indicate Yes/No to confirm same has been attached
8	Has the deputy sheriff provided proof of his/her personal banking details?		Compulsory Sheriff to indicate Yes/No to confirm same has been attached
9	Has the sheriff and his/her deputy completed and signed the required declaration marked “Annexure B” and submitted same with the application.		Compulsory Sheriff to indicate Yes/No to confirm same has been attached

D) Questions relating to the application for the staggering of the levy payments by the sheriff

21. If I do not qualify for the rebate then what assistance does the SABFS offer me?

The SABFS may assist sheriffs with the staggering of the levy payment, due by the sheriff as part of their legal obligations and which becomes due to the SABFS and payable by no later than the 31 July 2020.

22. How does the staggering of the levy payment application work?

If the SABFS is satisfied, *after consideration of an application*, the SABFS may provide the following relief to the relevant sheriffs:

- (i) Only upon prior approval by the SABFS, the levy payments may be paid in no more than 3 monthly instalments and an application to stagger the payments must be made to the SABFS on or before the 31 July 2020; *and*
- (ii) the last payment would be due on or before the 31 October 2020; and
- (iii) the application must reach the SABFS on or before the 31 July 2020, since the levy payment is due in terms of the provisions of the Sheriffs Act No. 90 of 1986. The SABFS will then be made aware via the application that the levy payment will still be made by the particular sheriff and that there is no issue of non-compliance owing to non-payment since the sheriff will instead be staggering the payment.

23. Can the payment be made in more than 3 monthly instalments?

If necessary, a sheriff may apply to the SABFS to pay off the levy payments in more than 3 monthly instalments.

However, it is important to note that since the sheriff does not automatically qualify for the staggering of the levy payment, the SABFS will consider each application on a case-by-case basis. The sheriff will be required to give a separate statement and submit the same together with the application detailing the reasons as to why the levy payment cannot be paid within 3 months.

24. What happens if I pay after the 31st October 2020 and/or I do not honour my arrangement should my application for staggering the levy payment be successful?

Should a sheriff pay after the 31st October 2020 and/or not honour the payment arrangement accepted by the SABFS then the sheriff will be considered as non-compliant with his/her legal obligations and the SABFS will then proceed with the necessary steps against that particular sheriff in terms of the provisions of the Sheriffs Act No. 90 of 1986.

25. How do I submit an application form and what supporting documentation is required by the SABFS to consider an application for the staggering of the levy payment?

Should a sheriff wish to apply for this benefit then they need to complete and submit to the SABFS, application **Form 2** and Annexure "**A2**" by sending same to the following email address: legalobligations@sheriffs.org.za

The Application must have the following documentation attached to be considered:

25.1 Completed **Form 2** (*completed by the sheriff*)

- 25.2 Completed **Annexure A2** (completed by the sheriff – please see below table as a guideline to assist with completion)
- 25.3 Completed **Annexure B – Deputy Declaration** (completed by the deputy sheriff and signed by the deputy sheriff and the sheriff)
- 25.4 Proof of banking details of the **personal banking account** of the deputy sheriff
- 25.5 Certified ID copy of the sheriff
- 25.6 Certified ID copy of the deputy sheriff

***Criteria – Annexure A2: Guideline for completion by the sheriff**

No	Once-off financial assistance to sheriffs	Indicate Yes/No	Explanatory Notes
1	Has the sheriff indicated his/her latest gross turnover for the period 1 March 2019 to 29 February 2020		Compulsory Sheriff to indicate Yes/No to confirm
2	Has the sheriff submitted his/her full legal obligations – phase 1 on or before the 31 July 2020		Compulsory Sheriff to indicate Yes/No to confirm same has been attached
3	Has the sheriff correctly calculated the levy payment due to the SABFS		Compulsory Sheriff to indicate Yes/No to confirm that this was indicated in the LOP1 submission
4	Has the sheriff confirmed that he/she will pay his/her levies in full within 3 (three) months and that the last payment will be received by the SABFS by no later than the 31 October 2020		Compulsory Sheriff to indicate Yes/No to confirm
5	Is the sheriff in good standing with the SABFS		Compulsory Sheriff to indicate Yes/No to confirm
6	Does the sheriff currently hold a valid fidelity fund certificate		Compulsory Sheriff to indicate Yes/No to confirm
7	Does the sheriff currently owe the SABFS any money		Compulsory Sheriff to indicate Yes/No to confirm
8	Has the sheriff attached a certified copy of his/her identity document		Compulsory Sheriff to indicate Yes/No to confirm same has been attached

E) Questions relating to the payment of successful applications to sheriffs and/or deputy sheriffs

26. When will payment for sheriffs and/or deputy sheriffs should they be successful in their applications for once-off financial assistance be made?

Subject to a proper and full application form received and if all the relevant criteria are met then the sheriff/deputy sheriff should receive a payment within 14 days. If nothing is received within 14 days then the sheriff and/or deputy sheriff can make inquiries with the SABFS.

27. When will I receive the invoice for my payment from the SABFS if I am staggering my levy payment?

Invoices will be issued as soon as the processing of the payment takes place. It will be accompanied by a statement indicating what the sheriff owes the SABFS.

F) Questions relating to forms of assistance the sheriffs and/or deputy sheriffs can access to obtain more information regarding the relief benefit

28. What forms of assistance does the SABFS provide should I have queries and/or require further assistance with the relief benefit application?

Should a sheriff and/or deputy sheriff have any queries or require further assistance then they are guided to kindly contact our Compliance Team on **021 426 0577** – ext. **45** and/or **48** and/or email: legalobligations@sheriffs.org.za and an administrator will assist.