In the new Board’s first nine months of its term we have had to make some tough decisions in order to enable the institution, the South African Board for Sheriffs, to fulfil its intended purposes of being a regulatory body as envisaged in the Sheriffs Act 90 of 1986 and to benefit the interests of the broader public in the enhancing and realising the expectation of every person who depends on sheriffs’ services and their constitutional right to access to justice.

Late last year, after encountering a number of challenges in the institution, the Board resolved to place the administration of the organisation under special supervision, not to be confused with “financial administration”. This internal special supervision process is for a duration of six months for the Board to properly detect, diagnose and correct some ineffective administrative processes, in order to allow us to review, or put in place policies that are required to guide the institution’s administration and standard operating procedures optimally.

At the beginning of February 2022, we met with the Honourable Deputy Minister of Justice and Constitutional Development, the Department of Justice and the RCC Task Team members. The aim of the meeting was to identify our common goals for the profession and to question the delays, effectiveness and lack of oversight in respect of the work done by the RCC Task Team. We will be entering into a new MOU with the Department soon, which should benefit all parties and assist the Board with its “Modernisation” project.

The Board’s Modernisation objective is an overarching project that includes discussions with IRBA to clarify and agree on the auditing of sheriffs’ trust accounts annually. A meeting has been conducted with the acting CEO and his team and we will be producing a guide for auditors and sheriffs alike, to adhere to regulations.
2 VIRTUAL BOOKKEEPING COURSE
INDUCTION - 01 APRIL 2022

The South African Board for Sheriffs (SABFS) has resolved to embark on a national compulsory Bookkeeping Course for Sheriffs.

The Board for Sheriffs is excited about the implementation of the Bookkeeping Course for Sheriffs. The Board constantly reflect on the Continuing Professional Development of the sheriff and driving this initiative is part of our strategic plan to enhance the esteem and status of the profession. The Board is also obliged to discharge this mandate in terms of Section 7 of the Sheriffs Act, 90 of 1986 (as amended), read in tandem with Section 33(1) (e) and (f) of the same Act.

The course is facilitated by a highly recommended legal company, which is the Gawie le Roux Institute of Law. The format of the course is based on the Legal Practice Bookkeeping Course for Attorneys. Our Reference Group has however revised the content of the material with the service provider to focus on the financial administration of the sheriffs’ office. We are therefore assured that even the admitted attorneys in our profession will gain further valuable insight by completing this course, which is aligned to the specific needs of the sheriff. Suffice to say that the facilitation of such course is indeed a milestone in the history of the sheriffs’ profession.

The Department of Justice and Constitutional Development has declared its support for this initiative since the course will be compulsory for all sheriffs who will be formally trained on proper trust account administration.

As the facilitator takes you through the material and assessment process I urge you to embrace this opportunity to complete this compulsory course and at the same time interact and network with your provincial colleagues during this educational journey.

This three-day session with assessments will deal with the topics set out below as well as any additional topics that the SABFS deems necessary to be included to adequately reflect the needs, identified by the Board to effectively equip sheriffs in performing their duty and keeping proper accounting records.

The following concepts will be contained in the syllabus:

1. What is bookkeeping?
2. Recording of daily transactions
3. Books of Prime Entry (Business and Trust Cash books and journals)
4. Difference between Trust Account and Business Account
5. Ledgers
6. Relevant journals and Transfer journal procedure
7. Value Added Tax (VAT)
8. Trust investments in accordance with relevant legislation
9. Relevant legislation and regulation incorporated under legislation
10. Practical examples
11. Topics the Board deems necessary to be included

Mr Allan Murugan will facilitate a virtual Induction to Bookkeeping session on 4 March 2022 in preparation of the role-out during year.
OFFICE INFRASTRUCTURE & ADMINISTRATION OF A SHERIFFS OFFICE

Do sheriffs comply with and adhere to best practice in their workspace?
The South African Board for Sheriffs expects that the Office Infrastructure and Administration of a sheriffs’ office must include;

1. A current and valid Fidelity Fund Certificate must be displayed in full view of the public;

2. The sheriff must lodge a copy of his Fidelity Fund certificate with his local Chief Magistrate upon receipt

3. A glass-framed sheriffs pledge must be displayed in full view of the public;

4. You must have visible exterior office signage;

5. All signage must be in line with the Sheriffs Brand Guide;

6. Sheriffs and their staff must attend annual training interventions identified and/or presented by the Board;

7. Sheriffs and all deputies must have an SABFS ID card which must be presented when on duty;

8. Each office must have a Sheriffs Guide: Practice and Procedure and must subscribe to Juta Law Publishers for updates;

9. When executing his or her duties as a sheriff, the sheriff must ensure that he or she maintains a high standard of professional ethics, provides his or her services impartially, fairly, equitably without fear and favour and most importantly, without bias;

10. The sheriff undertakes to respond to his or her clients’ needs and to render the services in a fully accountable manner, without avoidable delay.
11. To do so the sheriff recognises the need for adequate record-keeping and to make these records available upon request by the Board in the event of any complaints;

12. The sheriff shall ensure that he or she has the basic minimum requirements necessary for running a professional office e.g., office, staff, stationery, computer systems with internet facilities and motor vehicles.

13. The sheriff shall ensure the safe keeping of all assets entrusted to him and shall ensure that these assets are kept in a good condition.

14. Your office should be located in the magisterial district that you are serving and preferably close to the community/court/police station to effect prompt service delivery.

15. Ensure that your office has the following:
   a. Reception area with waiting room
   b. General offices for staff and deputies
   c. A fairly large room to hold auctions
   d. Filing room with cabinets
   e. Store room (storage of removals)
   f. Office furniture
   g. Fax machine
   h. Photocopy machine
   i. Telephone switchboard with extension lines
   j. Internet and email facilities
   k. Sheriff’s computer programme to capture processes
   l. Various rubber stamps
   m. Stationery that includes invoices, attachment books, etc.

16. Upon your appointment you must obtain insurance to cover theft and damage of third party goods, including public liability insurance.
   16.1 Professional Liability Insurance
   16.2 Advisable to have insurance for cyber fraud
   16.3 Insurance against fire, theft, damage to your office and its content.

17. You must have sufficient funds (cash) to carry your office in respect of expenses such as rent, lights, water, salaries, PAYE, VAT and transport.

18. In order to run a financially sound business that can meet the operational expenses, the Sheriff must understand and implement proper credit control systems in his business.

19. Apply for a VAT number from SARS, where applicable.

20. Apply for a PAYE number.

21. Apply for a UIF number.

22. Register staff for workmen’s compensation.

23. Advisable to register with WinDeed (provides access to databases, e.g. deed search to confirm ownership and interdicts).

24. Register all your deputies with the South African Board for Sheriffs.

25. Have employment contracts in place with all staff including deputies.

26. Arrange for a Post Box and/or Docex.

27. Apply for a Tax Clearance Certificate – government has prescribed that tax clearance certificates for sheriffs are required in order for sheriffs to be paid for services rendered to the Department/Government. It is therefore incumbent on all sheriffs that they receive tax clearance certificates from SARS. The certificate is required by you to register on the National Supplier Database as a vendor to do business with government.

28. There is no set uniform for the sheriff or the deputy sheriffs. However, it is imperative that your staff are dressed neatly at all times.

29. When holding an auction, in terms of the Consumer Protection Act (Act 68 of 2008), sheriffs are required to register all buyers on their database. The buyer must comply with FICA requirements by handing in a copy of his/her ID document, proof of residence and a utility bill not older than three months. The buyer must pay a registration deposit in order to obtain a buyer’s card. It is also advisable to have a pay point system (from your bank) or accommodate EFT’s, in your office, which will avoid large sums of cash being handled at the auction.

30. Auctions rules must be displayed in an area that all buyers read and understand same.
HOW WELL DO YOU KNOW THE SHERIFFS ACT 90 OF 1986?

The SABFS has committed to publish various parts or chapters of the Act for your ease of reference in each quarterly Siyanazisa.

CHAPTER I

APPOINTMENT OF SHERIFFS AND OTHER PERSONS (ss 2-6B)

4 Term of office of sheriffs

(1) A sheriff shall hold office, subject to the other provisions of this section, until the date on which he attains the age of 65 years, but may be reappointed for such period as the Minister may after consultation with the Board determine.

(2) A sheriff shall vacate his or her office-

(a) if he or she is removed from office under subsection (3) or section 49 (5); or

(b) if he or she is deemed to be removed from office in terms of section 51.

[Sub-s. (2) substituted by s. 3 of Act 74 of 1998.]

(3) The Minister may at any time after consultation with the Board remove a sheriff from his office-

(a) if the fidelity fund certificate of the sheriff has been cancelled under section 34 (1) or 49; or

(b) if in the opinion of the Minister reasons exist for doing so in the interest of the maintenance of effective and reliable service to the courts and the public.

(4) A sheriff may resign by giving the Minister three months’ notice in writing of his resignation.

6 Appointment of deputy sheriffs and employees

(1) Any sheriff or acting sheriff may with the approval of the Board and on such conditions as the Board may determine appoint one or more deputy sheriffs, for whom he shall be responsible.

(2) A deputy sheriff may, subject to the directions of the sheriff or acting sheriff appointing him, perform the functions of any such sheriff or acting sheriff.

(3) Any sheriff or acting sheriff may appoint such other persons in his employ as he may consider necessary.

6A Minister may designate person to serve process

(1) Whenever process of any court in a civil or criminal case is to be served within an area for which-

(a) no sheriff or acting sheriff has been appointed; or

(b) a vacancy in the office of sheriff in that area has, for any other reason, not been filled,

the Minister may, notwithstanding any other law, and if he or she deems it necessary to achieve the objectives of effective and sustainable service delivery and in the interests of justice, in writing, designate any official in the employ of the Department-

(i) for the period specified in the designation;

(ii) in respect of the court specified in the designation; and

(iii) on the conditions, if any, specified in the designation,

to serve any process of that court or any other document as if the official had been appointed as a sheriff of that court.

(2) Section 30 does not apply to a person designated in terms of subsection (1).

(3) The fees payable to a sheriff or acting sheriff in respect of or in connection with any service effected by an official referred to in subsection (1), shall be chargeable and shall be dealt with in the prescribed manner.

[S. 6A added by s. 5 of Act 14 of 2012.]

6B Minister may appoint sheriff or acting sheriff to perform functions in another area

(1) Whenever any functions of a sheriff, other than the service of process of any court or any other document, are to be performed within an area for which no sheriff or acting sheriff has been appointed, the Minister may, after consultation with the Board, in writing, appoint any sheriff or acting sheriff to perform those functions in that area on the conditions that the Minister may determine.

(2) The Rules Board for Courts of Law may make rules in respect of functions performed by a sheriff or acting sheriff referred to in subsection (1).

[S. 6B added by s. 5 of Act 14 of 2012.]
INTRODUCING SABFS’ NEW STAFF APPOINTMENTS

Sabina Lech – Legal & Complaints Manager

Ms. Lech who replaces – Reesha Kasipershad has been appointed in the role of Legal, Complaints & Claims Manager. She is an admitted Attorney of the High Court and has extensive legal experience. Her work journey has taken her to various organisations with her last position being Labour Market Practitioner at the Commission for Conciliation, Mediation & Arbitration.

Sharleen Ranjith (Board Secretary and PA to the Chairperson of the Board)

Ms. Ranjith has been appointed in the role of the Board Secretary and PA to the Chairperson. She has 25 years of Executive PA experience. Her work journey has taken her to various organisations with her last position being an Executive Assistant at Cliffe Dekker Hofmeyr Inc.

FRAUD HOTLINE

SOUTH AFRICAN BOARD FOR SHERIFFS HAS OPENED LINES OF COMMUNICATION FOR YOU TO REPORT FRAUD WITHIN THE ORGANISATION.

The hotline can be used to report unethical behaviour, theft, fraud and other related activities of staff and boards member of the South African Board of Sheriffs by simply dialing this toll free number 0800 000 628 from a Telkom line.

The Board has established a fraud hotline to help maintain the culture of ethical behaviour. The hotline is aimed at enhancing an honest work ethic. We therefore want to provide internal and external stakeholders with a mechanism to bring any unethical business practices to the attention of management.

This is a safe and result guarenteed method of blowing the whistle on unethical behaviour in the organisation for the following reasons:
- All calls are recorded
- The caller may remain anonymous

SABFS Fraud Hotline: 0800 000 628

- Confidentiality is guarenteed
- The caller’s details will not be revealed to anyone
- A reference number is provided for the complaint
- All matters are handed over to SABFS senior management for investigation
- Feedback is provided to the complainant on request

If you have any queries, complaints or compliments please contact us
SOUTH AFRICAN BOARD FOR SHERIFFS - 88 LOOP STREET, CAPE TOWN 8000
T: 021-426 0577, F: 021-426 2598,
SABFS Fraud Hotline: 0800 000 628
E: contact@sheriffs.org.za | W: www.sheriffs.org.za