

SUBORDINATE LEGISLATION IN RESPECT OF THE SHERIFFS ACT, 1986
(ACT NO. 90 OF 1986)

A. Regulations made in terms of section 62 of the Sheriffs Act, 1986 (Act No. 90 of 1986) published in Government Notice No. R. 411 of 12 March 1990 (Government Gazette 12307), amended by Government Notices Nos. R. 2207 of 14 September 1990 (Government Gazette No. 12742), R. 3440 of 31 December 1992 (Government Gazette 14498), R. 1836 of 1 October 1993 (Government Gazette 15143), R. 1566 of 16 September 1994 (Government Gazette 15972), R. 1218 of 11 August 1995 (Government Gazette 16608), R. 1193 of 25 September 1998 (Government Gazette 19269), R. 1668 of 18 December 1998 (Government Gazette 19616), R. 256 of 1 March 1999 (Government Gazette 19802) and R. 957 of 5 October 2001 (Government Gazette 22714).

“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.

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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 purposes 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, 194 (Act 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 a 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 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"—

(a) includes, except for the purposes of regulation 2, an acting sheriff; and

(b) includes, for purposes of regulation 11, 11A, 11B, 12, 13 or 14 a deputy 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;
- (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 court 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 of jurisdiction of a lower or superior court;
- (c) 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 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 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 subregulation (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 is the chairperson of the committee;
 - (ii) an attorney nominated 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;
 - (iii) a sheriff nominated by the South African Institute for Sheriffs;
 - (iv) the Regional Head of the Department of Justice, of the province in which the district where the vacancy occurred, is situated or the person appointed by him or her; and
 - (v) a fit and proper member of the local community, nominated by the local government of the district in which the vacancy occurred.
- (cA) The nomination of a person on an advisory committee in terms of paragraph (c) must, where feasible, be based on the principle of representivity in respect of race and gender.
- (d) The advisory committee shall compile a report containing its substantiated recommendation in respect of each 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.

Appointment of more than one sheriff for particular area

2A. (1) The Minister may from time to time, after an investigation, designate a particular area as an area in which more than one sheriff may be appointed.

(2) An investigation contemplated in subregulation (1) shall include consultation with the sheriff in the relevant area and any other person or body which, in the opinion of the Minister, has an interest in the investigation.

(3) The Minister may designate a particular area as an area in which more than one sheriff may be appointed only after—

- (a) notice has been given to the sheriff of the area concerned of the intention to make that designation; and
 - (b) a written invitation has been given to the sheriff of the area concerned to comment, within 21 days after receipt of the invitation, on the intended designation.
- (4) The Minister shall—
- (a) publish his or her decision, whether or not an area has been designated, in the *Gazette*; and
 - (b) in writing inform the sheriff in the area of the decision.
- (5) The provisions of regulation 2 shall, with the necessary changes, be applicable in respect of an area in which more than one sheriff may be appointed as if a vacancy in the office of sheriff has occurred in the particular area.

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 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 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(1)(c)(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 or within 30 days after vacating his or her office, pay to the Board a levy of 0,60 per cent of his or her net income of the preceding financial year, ending on the last day of February.

(2) *(deleted)*

(3) The levy referred to in subregulation (1), 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 or her office during the period mentioned in the said subregulation (1);
- (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.

Measures aimed at co-ordinating functions performed by more than one sheriff in particular area

7A. (1) Where there is more than one sheriff in a particular area, each such sheriff shall on receipt of a warrant of execution for the attachment of property and any other related documentation—

- (a) inform one another by handing to or forwarding a copy of the warrant and any related documentation per facsimile to the other sheriff; and
- (b) keep record of the manner in which paragraph (a) has been complied with.

(2) Every process relating to a warrant of execution for the attachment of property and to any other related documentation which the sheriff concerned has received and dealt with in accordance with subregulation (1)(a), shall thereafter be brought to the attention of the other sheriff in the relevant area in the manner prescribed in subregulation (1).

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) Such 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(1)(c)(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.

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) The notice referred to in section 45(1) of the Act charging a sheriff with improper conduct shall be served personally on that 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 notice report in writing to the Board regarding the service.

(4) If the accused sheriff avoids personal service of the notice, the Board may forward the notice 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 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.

Admission of guilt fines

11A. (1) For the purposes of section 45(2)(b) of the Act the Board shall determine a fine not exceeding R1 500.

(2) A sheriff who wishes to pay an admission of guilt fine shall pay the amount corresponding to the fine determined in the notice referred to in section 45(1) of the Act to the Board in a currency acceptable to the Board.

(3) The Board shall keep or cause to be kept a register of all admission of guilt fines received, in which shall be entered the following particulars:

- (a) The full names, identity number and area of service of the sheriff concerned;
- (b) the nature of the charge of improper conduct against the sheriff;
- (c) the amount of the admission of guilt fine determined in the notice;
- (d) the date on which the fine is received; and
- (e) the date on which the fine is deposited in the bank.

Payment of fine when found guilty of improper conduct

11B. (1) A fine imposed upon a sheriff in terms of section 49(1)(b) of the Act, shall be paid to the Board in currency acceptable to the Board and within such period as may be specified by the Board.

(2) An order referred to in section 49(4) of the Act shall be executed in the manner in which a judgement or order of a magistrate's court is executed.

Appeals

12. (1) A sheriff (hereinafter referred to as "the appellant") who appeals to the Board under section 18(3)(a) of the Act shall within 30 days after the date on which the disciplinary authority 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 authority 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 authority 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. (1) 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 determination 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 Board 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) The Board may, after consideration of the appeal and if the appellant concerned was unsuccessful or partially successful in his or her appeal against the finding or penalty of the disciplinary authority, order the appellant to pay the essential costs incurred by the Board in connection with the consideration of the appeal, and such costs may 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;
- (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; and
- (d) the costs of procuring the attendance of members of the Board to consider the appeal.

Investment of moneys in Fund

15. (1) The Board shall, having regard to the audited annual financial statement referred to in section 28(1)(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;
- (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 Escom;
- (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 percent 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 regulations 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 60(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 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 forename(s) and surname), hereby apply for appointment as sheriff for the lower court and/or the superior court for the area ofand 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:

.....

15. Has any civil judgment been given against you? *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:

.....

.....

.....

.....

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.....

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.....

.....

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 that is false or misleading.
2. The following documents must accompany this application:
 - (a) a *curriculum vitae*;
 - (b) a statement of assets and liabilities; and
 - (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 19.....

(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
.....
.....
.....

All other assets.....

.....

TOTAL ASSETS.....

=====

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.....

=====

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

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 systemic 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.....

 Postal code.....
 Telephone number.....

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 South African Institute for Sheriffs? 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 *Place*
prescribed oath;
- considers the prescribed
oath/affirmation to be binding on *Date*
his/her conscience.

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

**VORM 5
FORM 5**

**REGULASIES BETREFFENDE BALJU'S. 1986
REGULATIONS RELATING TO SHERIFFS, 1990**

**GETROUHEIDSFONDSSERTIFIKAAT
FIDELITY FUND CERTIFICATE**

**[REGULASIE 3(3)]
[REGULATION 3(3)]**

VIR DIE JAAR EINDIGENDE 31 DESEMBER 19...../ FOR THE YEAR ENDING 31
DECEMBER19

Volle name
Full names.....

Aanstelling
Appointment.....

Adres
Address.....

Hierby word gesertifiseer dat die balju wie se naam op hierdie sertifikaat verskyn, 'n geskikte persoon is om 'n getrouheidsfondssertifikaat te hou.

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

.....

Datum van uitreiking/Date of issue

.....

*Namens Raad vir Balju's
For Board for Sheriffs*

Hierdie sertifikaat is slegs geldig indien die seël van die Raad vir Balju's daarop aangebring is.

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, items 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. *Deleted*
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.....(e.g. attorney/advocate/director/partner)
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

Date

representative

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 on19....., being the financial year end, and on19....., 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.....

Date

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 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

.....
Chairman of the Board

List of books, documents or things to be produced

Date	Description	Original or copy

B. Determination of date on which the provisions of section 30 of the Sheriffs Act, 1986 (Act No. 90 of 1986), become applicable published in Government Notice No. R. 1476 of 29 June 1990 (Government Gazette 12554)

“DATE ON WHICH THE PROVISIONS OF SECTION 30 OF THE SHERIFFS ACT, 1986 (ACT No. 90 OF 1986), BECOME APPLICABLE

Under section 64(3)(a) of the Sheriffs Act, 1986 (Act No. 90 of 1986), I, Hendrik Jacobus Coetsee, Minister of Justice, hereby determine 1 July 1990 as the date on which the provisions of section 30¹ of the said Act shall become applicable in respect of a sheriff or an acting sheriff referred to in paragraph (a) or (b) of subsection (2) of section 64² of the said Act.

H. J. COETSEE,

¹ Section 30 provides that the sheriff must be the holder of a fidelity fund certificate and must have obtained professional indemnity insurance.

² Section 64(2) provides that persons who held office as messenger of the court (lower courts) or sheriffs/deputy sheriffs (superior courts) are deemed to be appointed under the Sheriffs Act, 1986.

Minister of Justice.”

C. Determination of maximum amount of fine in terms of section 49(1)(b) of the Sheriffs Act, 1986 (Act No. 90 of 1986) published in Government Notice No. R. 255 of 1 March 1999 (Government Gazette 19802)

“SHERIFFS ACT, 1986: DETERMINATION OF MAXIMUM AMOUNT OF FINE

Under the powers vested in me by section 49(1)(b)³ of the Sheriffs Act, 1986 (Act No. 90 of 1986), I Abdulah Mohamed Omar, Minister of Justice, hereby, for the purposes of the said section determine the amount of the fine to be R10 000.

A. M. OMAR

Minister of Justice”

³ Section 49(1)(b) provides for the fine to be imposed on a sheriff for improper conduct.