

PRESIDENT'S REPORT TO THE ANNUAL GENERAL MEETING OF MEMBERS OF SOUTH AFRICAN SHERIFF SOCIETY ON 28 MAY 2016

Honourable Deputy Minister John Jeffrey

Chairperson of the South African Board for Sheriffs Mrs Charmaine Mabuza

DDG Court Services – Adv Jacob Skhosana

Adv Hishaam Mohamed

Invited guests

Members of the Executive Committee

Ladies and Getlemen

Dames n Heren

Manene na Manenekazi

Let me start by welcoming all of you to our Annual General Meeting here in the beautiful city of Port Elizabeth.

I must say, 2016 has seen a phenomenally growth of your organization both qualitatively and quantitatively. We continue to receive new and valuable members from other quarters. Our constructive engagement with relevant stakeholders continues to bore fruit as evidenced in the numerous positive results and developments as highlighted below.

Colleagues I am indeed pleased to report to on the activities that we have undertaken in the year under review including our continued and meaningful participation in a number of stakeholders Forums that deal with matters germane to our profession. Importantly we have been active in a number of activities including:

Consultative Forum

This is a very important forum and a platform where the two organizations and the Board meet to discuss matters that affect the profession. The following issues were discussed and the profession consulted on:

1. Vat and related tax problems – six of our members had serious problems which we submitted to the forum. Furthermore, we also met with senior officials from the South African Receiver of Revenue where we agreed on some form of protocol on resolving tax matters including the delay in the issuance of tax clearance certificates.
2. The forum is in the process of compiling a document on the non-payment of Sheriff's account by the legal profession.

3. We have also agreed on new guidelines for the appointment of ad hoc sheriffs and acting sheriffs. We strongly believe that these appointments should not be used as a tool to avoid paying sheriffs accounts.
4. The Forum also facilitated a process that resulted in the profession and Legal Aid South Africa signing a historic agreement on the payment of sheriff's fees. The feedback I have is that Legal Aid has largely abided by the agreement and payments levels have improved.
5. Demarcation of magisterial districts. Both Judge Van der Merwe and the Deputy Minister have dealt extensively with this matter.
6. PI Insurance- there is need for members to be properly insured. However, we are concerned about the high costs of insurance and consequently support the Board's decision to review the current contract with a view to achieving some level of affordability.
7. Section 118 of the Municipal System Act. A guideline document has been developed and distributed to members before the AGM.
8. Ethical standards of sheriffs and deputies. This is an item ongoing engagement at the forum.

Rules Board

I am also pleased to inform you that for the very first time the Sheriffs' profession is now represented on the structures of the Rules Board. In this regard I am equally pleased to congratulate our Treasurer on his appointment to two committees of the Rules Board. We have also been assured that as soon as a vacancy arises in the main Board that it would be occupied for the profession.

We have also seen an improvement in the consultation process and in this regard I am pleased to inform you that we have been able to comment on the following proposed amendments:

- High Court Rule 46 – we understand that the Board has agreed to a R40 000 commission and R3000 cancellation fee.
- Magistrate Court Rule 43
- Form 21

There are two outstanding submissions that we are currently working on and would like to encourage you to send us your comments as soon as possible.

Banking Forum

Although the forum has not met in a long while, we are however grateful that we were able to agree on a new commission and the cancellation fee with the banks. We also firmly believe that the issue of who appoints conveyancers should be left to the bank. A detailed submission in this regard will be prepared on your behalf and forwarded to the Rules Board.

CCMA

We continue to engage with the CCMA on the Rule 143 warrants and the payment of Sheriffs accounts. We await the outcome of the CCMA appeal to the Labour Appeal Court on the enforceability of the

section 143 warrants issued and certified by the CCMA itself. We will keep you informed on the outcome and the Way forward.

Adopt A sheriff

I am happy to inform members that the organization has been able to assist members in some non-viable offices. Thank you for your continued support.

Our relationship with the Department of Justice continues to improve and we believe that we are no longer treated as a stepchild of the department. However there are areas that we still need to work on. In this regard we look forward to a robust engage on a new governance model for the profession.

Although we have made significant progress in the year under review there remains some significant challenges.

Quite honestly, we are not happy with the way the latest rounds of appointments we done. We remain firmly of the belief that the principle of combining the High and Magistrate Courts should be maintained. We have taken some of the issues arising out of the recent appointments with the office of the Deputy Minister.

We wish to reiterate our position that the appointment of Ad Hoc and Acting Sheriffs should be done in accordance with the agreed policy guidelines and that abuses by some Regional Heads should be stopped.

We are also of the strong view that the issue of non-viable offices should be addressed as a matter of urgency. We will be taking up this matter with both the Board and the Department immediately after this AGM. This situation can simply not be allowed to continue. We need to continue to create additional sources of work for the profession including the service of traffic summons and maintenance orders.

The non-payment of sheriff's accounts should be addressed in the proposed review of the Sheriff's Act.

Members, we are building an organization that will fight for and represent your interest in a responsible manner. We call upon the Board to expedite the finalization of the policy on the funding of the sheriffs' organizations. This will go a long way in assisting us in rolling out the training programs for our members.

As we say, Nothing about sheriff, without sheriffs.

I thank you.

