



REPORT ON CONSULTATIVE FORUM MEETING HELD ON THE 23 FEBERUARY 2017

IN ATTENDANCE:

South African Board for Sheriffs

South African Sheriff Society (SASS)

SASS was represented by our Deputy President Mr. Allan Murugan and Mr. Chris De Wet member of Exco.

On the outset we wish to confirm that we held a very productive meeting with the SABFS. Once again we are given the sole responsibility to represent and address the needs of Sheriffs across the country as we are the only organisation representing the profession at the Consultative forum.

We urge all our members and Sheriffs across the country to address matters of concern with us, so that we can present same to the South African Board for Sheriffs. We confirm that this forum is the only avenue that is available to the profession to address our concerns. This is apart from individual Sheriffs writing directly to the Board. History has taught us that speaking in one voice benefits everyone.

Members and Sheriffs across our country can be rest assured that we will do whatever it takes to ensure that the needs of the profession is addressed in the most professional, efficient and diplomatic manner possible with all stakeholders, this being side we assure our members that we do hold our stakeholders accountable and ensure that they act to the benefit of our members, as the need arises.

We wish to report on a few matters as addressed at the forum meeting:

SARS – TAX CLEARANCE CERTIFICATE

As noted in our last report, wherein we called upon all Sheriffs who are non complaint to urgently resolve this matter. We can now report that there has been improvement but there is still a number Sheriffs that need to get tax compliant and obtain their TCC. Being non

complaint will only frustrate service delivery and the end result will be that you lose revenue in your office. Should you require assistance in this regard – please feel free to contact our secretary petro@sheriffbfne.co.za

LEGAL AID SOUTH AFRICA (CSD)

We can safely report that there has been improvement in Sheriffs registering on the CSD Website. We have request the Board to provide us with an updated report on Sheriffs who are still battling to register on the website. The Board has undertaken to communicate with Legal Aid South African and find ways to assist the Sheriffs who are still not registered.

Should you require assistance please contact our secretary on petro@sheriffbfne.co.za or Deputy President on sashmurugan@mweb.co.za.

DEMARCATON OF SERVICE AREAS

There have been no further major changes, but we can report that the Department is currently concentrating on Mpumalanga and Limpopo. We urge all Sheriffs in these Provinces to attend the meetings with the RCC, should an invite be extended to you. It is in your best interest to make every effort to attend these meetings.

EVICIONS PROCESS AND PROCEDURE AND THE MUNICIPALITY

We attached to this report a detailed guide on the procedure that should be followed when handling an eviction order. This guide was drawn up by the South African Board for Sheriffs after considering all the information gathered from the Needs Based Training held in all Provinces in 2016. In order to have a good product, we welcome any further suggestions on the document.

GUIDELINES FOR THE APPOINTMENT OF DEPUTY SHERIFFS

The Deputy Minister has requested the SABFS to develop Guidelines for the employment of Deputy Sheriffs. We attach herewith a draft document and request members input on the matter. We wish to submit our comments to the Board urgently and therefore request all members to respond within the next two weeks with suggestions and/or comments.

SASS has prepared a Code of Conduct for Deputy Sheriffs and Staff of the Sheriffs profession. The document is currently available for inspection should you wish to peruse same, kindly drop an email to Allan Murugan at sashmurugan@mweb.co.za should you require an emailed copy.

APPOINTMENTS

Management wishes all candidates the best of luck for the upcoming interviews. We are aware that interviews have started in some Provinces and therefore call upon all applicants to be well prepared.

REPOSSESSION OF MOTOR VEHICLES BY TRACING AGENTS

As promised SASS took this matter to the Board in the last consultative forum meeting and the Board in turn called for a meeting with the Banking forum. The meeting that was first scheduled for December was moved to the 4 February 2017. This meeting was well attended by all the relevant stakeholders.

SASS was represented by our President Mr. Maleluke, Mr. Thaka Seboka and Mr. Fanie Van Wyk. The banks took cognisance of our plight and agreed that a smaller working committee be established to drive the project further. We attach herewith a brief report on that meeting for your attention and perusal.

Kindly forward any problem matters that you encounter so that we could address same at this forum meeting. SASS has called upon the Board to assist in obtaining a legal opinion on whether the banks are acting within the law when they present the court order and take possession of the vehicles in the absence of the Sheriff.

Colleagues, this is a very important matter that requires the attention of every Sheriff in the country, as this process can provide the much needed income to keep our offices sustainable. We therefore urge all Sheriffs to provide us with your input.

LEGAL OPINION ON BANKS SELLING MOVABLE AND IMMOVABLE PROPERTY PRIOR TO SHERIFFS SALE DATE

SASS has called upon the SABFS to urgently assist the profession in finding a solution to this problem. SASS has briefed the Board on matters that was brought to our attention by members and highlighted the problem areas in the actions of the banks. The Board confirmed that they have briefed the Deputy Minister on the problems faced by a few Sheriffs, especially the difficult one in Worcester in the Western Cape.

We further brought to the attention of the Board the financial loss that Sheriffs are suffering due to abuse by the Banks. You would have noticed an email from the Tasneem Hassan of the Board calling for examples or further confirmation of this problem. Therefore we urge all Sheriffs to bring matters of this nature to the attention of the Board, so that same can be directed to council for an opinion.

AMENDMENTS TO RULE 46 AND 43 – COMMISSIONS INCREASE

This matter is still to be finalised as informed by the Board. SASS has now requested a progress report on the matter and called on the Board to report to the profession urgently.

TARIFFS INCREASE

SASS management is in the process of finalising our submission for a fee increase. We will in due course be forwarding our submission to members for comments. We urge members to respond with suggestions as your livelihood depends on your input.

FORM 16

At our last conference a decision was taken to approach the Board to review Form 16, as members felt that payment of these levies is becoming a burden to many of us. The Board is still deliberating on the matter and undertook to provide feedback shortly to the profession.

RESPONSE FROM BOARD ON MATTERS LODGED BY SASS ON BEHALF MEMBERS

1. Worcester - Board reported matter to the Deputy Minister for Action.
2. Cross Border serving - Board has confirmed that they have written to the respective Sheriffs who are serving outside their jurisdiction e.g Limpopo and Mpumalanga
3. Ad Hoc Appointments - Various complaints have been lodged with the Board through a number of forum meetings. – Board has undertaken to assist in this regard. The Board has confirmed that the department is reviewing this matter in light of the various complaints lodged by SASS.
4. Banks repossessions – On the insistence of the SASS the Board set up a meeting with all major banks – to find solutions- matter is currently being investigated.
5. Legal Opinion – various matters – Board undertook to look into the matter as one of urgency – Immediately after the CF meeting the Board despatched sms to sheriffs requested further supporting documents on illegal repossessions.
6. Unlawful Court Orders and Court Orders that differ from the Rules of Court – SASS has been addressing this matter with the Board extensively. You would have by now received correspondence from the Board to assist with proof of these orders, so that the Board can address same with the Chief Justice.

WE URGE MEMBERS TO INFORM MANAGEMENT OF MATTERS THAT YOU FEEL SHOULD BE BROUGHT TO THE ATTENTION OF THE BOARD.

REMEMBER SASS IS THE ONLY ASSOCIATION REPRESENTING SHERIFFS ON THIS FORUM.

“SASS THE ORGANISATION OF CHOICE. “

Meeting closed at 14h00