

Sheriffs Act 90 of 1986

Notice Name	Notice No. / Year	GG No. /
Regulations Relating to Sheriffs, 1990	GN R411 of 1990	GG 12307 12 Mar 19
Determination of Maximum Amount of Fine	GN R424 of 2010	GG 33209 21 May 20
Description of an Area of Jurisdiction of a Lower or Superior Court	GN 765 of 2012	GG 35697 14 Sep 20
Notice Regarding Description of Service Areas in Respect of Sheriffs Affected by the Rationalisation of Magisterial Districts	GN 963 of 2014	GG 38269 28 Nov 20
Description of Service Areas in Respect of Sheriffs Affected by the Rationalisation of Magisterial Districts	GN 57 of 2016	GG 39619 25 Jan 20

Regulations Relating to Sheriffs, 1990

[Link to Act](#) — [Link to Regulation List](#)

Published under

GN R411 in GG 12307 of 12 March 1990

as amended by

GN R2207 in GG 12742 of 14 September 1990

GN R3440 in GG 14498 of 31 December 1992
[with effect from 1 January 1993]

GN R1836 in GG 15143 of 1 October 1993

GN R1566 in GG 15972 of 16 September 1994

GN R1218 in GG 16608 of 11 August 1995

GN R1193 in GG 19269 of 25 September 1998

GN R1668 in GG 19616 of 18 December 1998

GN R256 in GG 19802 of 1 March 1999

GN R957 in GG 22714 of 5 October 2001

GN R1293 in GG 31658 of 5 December 2008

GN R742 in GG 34605 of 14 September 2011

GN R568 in GG 37841 of 18 July 2014

The Minister of Justice has, under section 62 of the Sheriffs Act, 1986 (Act 90 of 1986), and after consultation with the Board for Sheriffs, made the regulations contained in the Schedule.

SCHEDULE

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1 Definitions

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;

'court manager' means the person in control of the administration of a lower or superior court office or, if such an office does not have a court manager, the office manager of that office;

[Definition of 'court manager' inserted by GN R742 of 14 September 2011.]

'Director-General' means the Director-General: Justice and Constitutional Development and includes any person designated by him or her in writing;

[Definition of 'Director-General', previously 'Director-General of Justice', inserted by GN R3440 of 31 December 1992 wef 1 January 1993 and substituted by GN R1293 of 5 December 2008 and by GN R742 of 14 September 2011.]

'gross income' means-

- (a) the total amount, in cash or otherwise, received by or accrued to a sheriff in terms of Part II of Table C of Annexure 2 of the rules promulgated under section 25 of the Magistrates' Courts Act, 1944 (Act 32 of 1944), read with section 6(3) of the Rules Board for Courts of Law Act, 1985 (Act 107 of 1985), and in terms of the tariff in rule 68 of the rules promulgated under section 43 of the Supreme Court Act, 1959 (Act 59 of 1959), read with section 6(3) of the Rules Board for Courts of Law Act, 1985 (Act 107 of 1985); and
- (b) any other income derived in his or her capacity as sheriff in terms of any law or otherwise;

[Definition of 'gross income' substituted by GN R1293 of 5 December 2008 and by GN R742 of 14 September 2011.]

'magistrate' means a magistrate appointed under section 9 of the Magistrates' Courts Act, 1944 (Act 32 of 1944), read with section 10 of the Magistrates Act, 1993 (Act 90 of 1993);

[Definition of 'magistrate' substituted by GN R568 of 18 July 2014.]

'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 the purposes of regulation 11, 11A, 11B, 12, 13 or 14, a deputy sheriff;

[Definition of 'sheriff' substituted by GN R256 of 1 March 1999.]

'the Act' means the Sheriffs Act, 1986 (Act 90 of 1986).

2 Vacancy in office of sheriff

(1) When a vacancy in the office of sheriff of a lower or superior court occurs or will occur, the court manager of the court where the vacancy occurs or will occur shall, within seven days of becoming aware of the vacancy or expected vacancy, notify the Director-General and the Board thereof.

(2) If a vacancy occurs or will occur in an area that extends into two or more magisterial districts, the court manager of the court in whose magisterial district the sheriff who vacated or will vacate the office conducts business, shall notify the Director-General, the Board and any other court manager in whose magisterial district the sheriff concerned also conducts or conducted business of the vacancy or expected

vacancy.

[Reg. 2 amended by GN R2207 of 14 September 1990, substituted by GN R3440 of 31 December 1992 wef 1 January 1993, amended by GN R1836 of 1 October 1993, substituted by GN R1218 of 11 August 1995, amended by GN R256 of 1 March 1999 and substituted by GN R1293 of 5 December 2008 and by GN R742 of 14 September 2011.]

2bis Minimum requirements for appointment

No person shall be appointed as a sheriff unless he or she-

- (a) is a South African citizen or has been lawfully admitted to the Republic for permanent residence therein and is ordinarily resident in the Republic;
- (b) is a fit and proper person to hold the office of sheriff;
- (c) demonstrates the financial and any other ability required to establish and operate an office of a sheriff; and
- (d) is competent to conduct the business of sheriff and has at least-
 - (i) an appropriate post Grade 12 qualification;
 - (ii) an understanding of civil law; and
 - (iii) knowledge and an understanding of the relevant aspects of the-
 - (aa) Constitution of the Republic of South Africa, 1996;
 - (bb) Insolvency Act, 1936 (Act 24 of 1936);
 - (cc) Magistrates' Courts Act, 1944 (Act 32 of 1944);
 - (dd) State Liability Act, 1957 (Act 20 of 1957);
 - (ee) Prescription Act, 1969 (Act 68 of 1969);
 - (ff) Criminal Procedure Act, 1977 (Act 51 of 1977);
 - (gg) Sheriffs Act, 1986 (Act 90 of 1986);
 - (hh) Security by Means of Movable Property Act, 1993 (Act 57 of 1993);
 - (ii) Labour Relations Act, 1995 (Act 66 of 1995);
 - (jj) Basic Conditions of Employment Act, 1997 (Act 75 of 1997);
 - (kk) Maintenance Act, 1998 (Act 99 of 1998);
 - (ll) Rental Housing Act, 1999 (Act 50 of 1999);
 - (mm) National Credit Act, 2005 (Act 34 of 2005);
 - (nn) Consumer Protection Act, 2008 (Act 68 of 2008);
 - (oo) Superior Courts Act, 2013 (Act 10 of 2013);
 - (pp) Rules Regulating the Conduct of the Proceedings of the Supreme Court of Appeal of South Africa (Government Notice R1523 of 27 November 1998) as amended;
 - (qq) Rules Regulating the Conduct of the Proceedings of the several Provincial and Local Divisions of the High Court of South Africa (Government Notice R48 of 12 January 1965) as amended; and

(rr) Rules Regulating the Conduct of the Proceedings of the Magistrates' Courts of South Africa (Government Notice R740 of 23 August 2010) as amended.

[Reg. 2bis inserted by GN R568 of 18 July 2014.]

2A Advertisement of vacancy

(1) The Director-General shall advertise any vacancy in the office of sheriff as soon as is practicably possible-

- (a) in a newspaper that circulates countrywide; and
- (b) by posting advertisements on the notice boards at all the relevant court buildings.

(2) The advertisement contemplated in subregulation (1) shall state the following:

- (a) The area or areas of jurisdiction of the lower or superior court in respect of which the vacancy occurs or will occur;
- (b) the-
 - (i) minimum requirements for appointment as sheriff, as contemplated in regulation 2bis; and
 - (ii) application requirements prescribed by regulation 2B(2);
- (c) that preference will be given to fit and proper applicants whose appointments will promote-
 - (i) equitable demographic representation and inclusiveness in respect of race, gender, disability or any other constitutionally recognised ground; and
 - (ii) the values enshrined in the Constitution of the Republic of South Africa, 1996;
- (d) that a person appointed as sheriff may not perform the functions assigned to a sheriff, unless he or she complies with the provisions of section 30 of the Act;
- (e) that a person appointed as sheriff may not, without the approval of the Minister in terms of section 53 of the Act, perform or engage himself or herself to perform remunerative work outside the office as sheriff;
- (f) that applications shall be lodged with the Director-General;
- (g) the name, address and contact number of the person for enquiries regarding the vacancy; and
- (h) the closing date for applications, which date shall be at least 21 working days after the advertisement was posted in terms of subregulation (1).

[Subreg. (2) substituted by GN R568 of 18 July 2014.]

[Reg. 2A inserted by GN R1293 of 5 December 2008 and substituted by GN R742 of 14 September 2011.]

2B Application for appointment as sheriff

(1) An application for appointment as sheriff shall be-

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- (a) done in writing on a form which corresponds substantially with Form 1 of the Annexure; and
 - (b) submitted to the Director-General.
- (2) The application contemplated in subregulation (1) shall be accompanied by-
- (a) a *curriculum vitae* of the applicant;
 - (b) a certified copy of the identity document of the applicant;
 - (c) certified copies of all educational qualifications of the applicant;
 - (d) certified copies of certificates of service or, if not available, an affidavit by the applicant in respect of previous periods of employment rendered by him or her;
 - (e) testimonials from previous employers of the applicant, if available;
 - (f) the nature and history of any past or present business undertaking, occupation or trade of the applicant;
 - (g) the names, addresses and telephone numbers of two references;
 - (h) an affidavit regarding previous convictions and sequestrations, if any;
 - (i) an affidavit with the necessary supporting documents, if applicable, that an applicant has the financial ability to establish and operate an office of sheriff, including a list of all assets and liabilities of such an applicant; and
 - (j) a certified copy of his or her driver's licence, if the applicant has a valid driver's licence.

[Reg. 2B inserted by GN R1293 of 5 December 2008 and substituted by GN R742 of 14 September 2011.]

2C Advisory Committee

(1) An Advisory Committee is hereby established in every province to shortlist, interview and recommend fit and proper applicants for a vacancy in the office of sheriff in the province in question to the Minister.

(2) An Advisory Committee contemplated in subregulation (1) comprises-

- (a) a chairperson who shall be an appropriately experienced magistrate appointed by the Minister for a period determined by him or her, after consultation with the Magistrates Commission: Provided that the Minister may, at any time, remove a chairperson from office-
 - (i) on his or her written request; or
 - (ii) if in the opinion of the Minister there are sound reasons for doing so;
- (b) the person who occupies the post in the Department of Justice and Constitutional Development of regional head of the province or region in question or, if he or she is absent or for any reason unable to perform his or her duties, a fit and proper person designated by him or her;
- (c) the magistrate who heads the court where the vacancy occurs or will occur, or his or her nominee: Provided that if that magistrate is also the chairperson of the Advisory Committee in question, he or she shall nominate another

appropriately experienced magistrate of that court as a member of that Advisory Committee;

- (d) one attorney, or his or her alternate, in private practice, nominated by the law society in whose area of jurisdiction the vacancy occurs or will occur for a period determined by the law society concerned; and
- (e) one sheriff who is not a member of the Board, or his or her alternate, nominated by the Board for a period determined by the Board, after receiving nominations from any association or professional body recognised by the Board and which represents sheriffs.

(3) The nomination of a person to an Advisory Committee shall, where feasible, be based on the principle of equitable demographic representation and inclusiveness in respect of race, gender, disability or any other constitutionally recognised ground.

(4) At the first meeting of an Advisory Committee, a member of that Advisory Committee shall be elected as deputy chairperson of the Advisory Committee in question.

(5) Three members of an Advisory Committee shall constitute a quorum.

(6) A decision supported by the majority of members present at a meeting of an Advisory Committee constitutes a binding decision of that Advisory Committee.

(7) In the case of an equality of votes, the chairperson of an Advisory Committee has a casting vote.

(8) The deputy chairperson of an Advisory Committee acts as chairperson of that Advisory Committee if-

- (a) the chairperson of the Advisory Committee in question is absent or, for any reason, is unable to perform his or her duties as chairperson; or
- (b) the office of chairperson of the Advisory Committee in question is vacant,

and while he or she so acts he or she has all the powers and shall perform all the duties of the chairperson.

(9) If both the chairperson and deputy chairperson of an Advisory Committee are absent or, for any reason, are unable to preside at a meeting of that Advisory Committee, the members present shall elect another member to act as chairperson at that meeting and while he or she so acts he or she has all the powers and shall perform all the duties of the chairperson.

[Reg. 2C inserted by GN R1293 of 5 December 2008 and substituted by GN R742 of 14 September 2011.]

2D Selection criteria, interview and appointments

(1) The Director-General shall, within 10 working days after the closing date for applications for appointment as sheriff, forward all the applications received to the chairperson of the Advisory Committee in the province where the vacancy in the office of sheriff occurs or will occur, who shall arrange for that Advisory Committee to meet to compile a shortlist of applicants for the vacancy in question.

(2) For the purposes of compiling a shortlist of applicants for an interview for a vacancy in the office of sheriff, an Advisory Committee shall consider, among others, whether the applicant is a fit and proper person who-

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- (a) has properly completed the form contemplated in regulation 2B(1)(a);
 - (b) complies with the requirements set out in regulations 2A and 2B(2); and
 - (c) if appointed, will promote the objectives contemplated in regulation 2A(2)(c).
- [Subreg. (2) substituted by GN R568 of 18 July 2014.]

(3) An Advisory Committee shall, within 14 working days after the applicants for a vacancy in the office of sheriff have been shortlisted, through the chairperson of that Advisory Committee, inform the applicants found to be fit and proper in terms of subregulation (2) of the date, time and place to appear before the Advisory Committee in question for an interview.

(4) If-

- (a) from the applications received; or
- (b) from the interviewed candidates,

an Advisory Committee is of the opinion that there are no fit and proper applicants to be shortlisted, as contemplated in subregulation (2), or to be appointed as a sheriff, as contemplated in subregulation (7)(a), as the case may be, that Advisory Committee shall inform the Director-General accordingly, in writing and request the Director-General to-

- (i) re-advertise the vacancy in the office of sheriff concerned, as contemplated in regulation 2A; or
- (ii) give further directions to the Advisory Committee in question with regard to the filling of the vacancy in the office of sheriff in question.

[Subreg. (4) substituted by GN R568 of 18 July 2014.]

(5) An Advisory Committee shall, subject to subregulation (4), compile-

- (a) a list of the applicants interviewed by the Advisory Committee and who of the applicants the Advisory Committee deems to be the most fit and proper persons to be appointed as a sheriff; and
- (b) a report for the Minister, containing the Advisory Committee's substantiated comments in respect of each applicant contemplated in paragraph (a) and in which it is indicated which of the applicants are, in the opinion of that Advisory Committee, the most fit and proper applicants to be appointed as sheriff.

[Subreg. (5) substituted by GN R568 of 18 July 2014.]

(6) The-

- (a) list and report contemplated in subregulation (5); and
- (b) the applications and documents contemplated in regulation 2B(2) of each applicant contemplated in subregulation (5),

shall be submitted to the Minister.

(7)(a) The Minister may, after receipt of the list and report contemplated in subregulation (5), and if he or she is satisfied that all the requirements have been met, appoint an applicant mentioned in that list as sheriff to the vacant post.

[Para. (a) substituted by GN R568 of 18 July 2014.]

(b) If the Minister is not satisfied that-

- (i) all the requirements have been met; or
- (ii) there is a fit and proper applicant to be appointed in the vacant office of sheriff,

he or she may give the directions to the Advisory Committee in question or to the Director-General as he or she deems fit.

(8) A person appointed as sheriff shall in terms of section 31 of the Act apply to the Board for a fidelity fund certificate on a form which corresponds substantially with Form 4 of the Annexure.

[Reg. 2D inserted by GN R1293 of 5 December 2008 and substituted by GN R742 of 14 September 2011.]

2E Appointment of more than one sheriff for particular area

(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 can 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 regulations 2, 2A, 2B, 2C and 2D 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.

[Subreg. (5) amended by GN R1293 of 5 December 2008.]

[Reg. 2E, previously reg. 2A, inserted by GN R957 of 5 October 2001 and renumbered by GN R1293 of 5 December 2008.]

2F Appointment of acting sheriffs

(1) The Minister may, subject to the provisions of section 5(1B), in writing, appoint an acting sheriff contemplated in section 5 of the Act.

(2) The written appointment contemplated in subregulation (1) shall state the following:

- (a) The period for which the acting sheriff is appointed; and

(b) the conditions, if any, of such acting appointment.

(3) An acting sheriff is entitled to the same fees and remuneration as those of the sheriff in whose place he or she is acting.

[Reg. 2F inserted by GN R1293 of 5 December 2008, deleted by GN R742 of 14 September 2011 and inserted by GN R568 of 18 July 2014.]

2G Designation of official and manner in which fees are payable in terms of section 6A

(1) The Minister may designate any official in the employ of the Department contemplated in section 6A(1) of the Act in writing on a form which corresponds substantially with Form 9 of the Annexure.

(2) The official designated in terms of subregulation (1) shall, when serving any process of court or other document, identify himself or herself and show his or her official designation to the person on whom the process of court or other document is served.

(3) The fees payable to a sheriff or acting sheriff when serving any process of court or other document, shall be payable to the Department in the case of a designation contemplated in subregulation (1) and shall be payable by the person requiring the services of a sheriff or acting sheriff, within thirty days of the date of an invoice having been submitted to him or her.

(4) The invoice contemplated in subregulation (3) shall correspond substantially with Form 10 of the Annexure and shall be completed and signed by the official designated in terms of subregulation (1).

(5) The official designated in terms of subregulation (1) shall submit the original invoice to the person requiring the services of a sheriff or acting sheriff and a copy of the invoice to the magistrate's court in whose area of jurisdiction the service was rendered.

(6) The fees payable for the service of any process of court or other document contemplated in this regulation are set out in Form 11 of the Annexure and are payable-

(a) at a magistrate's court; or

(b) directly into the following bank account of the Department:

(i) Department of Justice and Constitutional Development Vote Account Deposits;

(ii) ABSA Corporate;

(iii) Account number 4053764491; and

(iv) Branch code 632005.

(7) The reference to be used regarding the payment of the fees contemplated in subregulation (6)(a) and (b) shall be-

(a) 'sheriff's fees'; and

(b) the case number.

[Reg. 2G inserted by GN R1293 of 5 December 2008, deleted by GN R742 of 14 September 2011 and inserted by GN R568 of 18 July 2014.]

2H Recognition of professional society or association representing sheriffs

(1) The Minister may, after recommendation of the Board, recognise any society or association which, in the opinion of the Minister represents the sheriffs' profession, as a professional society or association representing sheriffs.

(2) Any society or association recognised by the Minister contemplated in subregulation (1), shall be published on the websites of the Department and the Board.

[Reg. 2H inserted by GN R568 of 18 July 2014.]

3 Fidelity fund certificates

(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 R500.00, as well as a further contribution of R300.00 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.

[Subreg. (2) substituted by GN R1566 of 16 September 1994 and amended by GN R1293 of 5 December 2008.]

(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 R50.00, issue a copy of the fidelity fund certificate in question to the sheriff.

[Subreg. (5) amended by GN R1293 of 5 December 2008.]

(6) A document which purports to be a fidelity fund certificate issued in terms of the Act, or a copy of such a certificate certified 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 the 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.

[Subreg. (7) added by GN R3440 of 31 December 1992 wef 1 January 1993.]

4 Contribution by acting sheriff

An acting sheriff shall pay a contribution of R500.00 for the purpose of section 30(1)(c)(ii) of the Act.

[Reg 4 amended by GN R256 of 1 March 1999 and by GN R1293 of 5 December 2008.]

5 Claims against Fund

(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.

6 Levies payable to Board

(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 1,5 percent ¹* of his or her net income of the preceding financial year, ending on the last day of February.

[Subreg. (1) amended by GN R3440 of 31 December 1992 wef 1 January 1993 and by GN R1193 of 25 September 1998, substituted by GN R256 of 1 March 1999 and amended by GN R1293 of 5 December 2008 and by GN R742 of 14 September 2011.]

(2)

[Subreg. (2) amended by GN R1193 of 25 September 1998 and deleted by GN R256 of 1 March 1999.]

(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);

[Para. (a) substituted by GN R256 of 1 March 1999.]

(b) his net income;

(c) the amounts, which must be specified and must not exceed 20 percent ²* of his or her gross income, deducted from his or her gross income to calculate his or her net income;

[Para. (c) substituted by GN R1293 of 5 December 2008 and amended by GN R742 of 14 September 2011.]

(d) the amount of the levy payable to the Board.

¹ *Editorial note:* GN R742 of 14 September 2011 amends "per cent" to "percent".

² *Editorial note:* GN R742 of 14 September 2011 amends "20%" to "20 percent".

7 Registers, accounts and other documents of sheriffs

Every sheriff shall keep or cause to be kept 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.

7A Measures aimed at co-ordinating functions performed by more than one sheriff in particular area

(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).

[Reg 7A inserted by GN R957 of 5 October 2001.]

8 Payment of interest to Fund

(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.

[Subreg. (1) amended by GN R3440 of 31 December 1992 wef 1 January 1993.]

(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.

9 Audit report

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.

10 Vacating of office

(1) When a sheriff dies or for any other reason vacates his or her office, all process and other documents which were in his or her possession, including such records as may be necessary to pay claims against his or her account, shall be taken into possession by the Director-General 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 her; or
- (b) he or she 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 the Director-General and that sheriff has as far as possible paid

all claims against the trust account, the sheriff shall close the trust account of his or her predecessor.

(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) The Director-General, 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, her or it within the period specified in the direction with such information as he, she 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 or her office shall be retained by the sheriff for a period of at least three years after the date to which it relates.

[Reg. 10 amended by GN R2207 of 14 September 1990 and by GN R256 of 1 March 1999 and substituted by GN R1293 of 5 December 2008.]

11 Improper conduct

(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.

[Subreg. (2) substituted by GN R256 of 1 March 1999.]

(3) Such other sheriff or person shall within seven days after receipt of the notice report in writing to the Board regarding the service.

[Subreg. (3) amended by GN R256 of 1 March 1999.]

(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.

[Subreg. (4) amended by GN R256 of 1 March 1999.]

(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 summonsed.

(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 the 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.

11A Admission of guilt fines

(1) For the purposes of section 45(2)(b) of the Act the Board shall determine a fine not exceeding R10 000.

[Subreg. (1) amended by GN R1293 of 5 December 2008.]

(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.

[Reg 11A inserted by GN R256 of 1 March 1999.]

11B Payment of fine when found guilty of improper conduct

(1) A fine imposed upon a sheriff in terms of section 49(1)(b) of the Act, shall be paid to the Board in a 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 judgment or order of a magistrate's court is executed.

[Reg 11B inserted by GN R256 of 1 March 1999.]

12 Appeals

(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.

[Subreg. (1) amended by GN R256 of 1 March 1999.]

(1A) The Board may condone a late notification of appeal under exceptional circumstances and upon a written application setting out the reasons why the 30 day period referred to in subregulation (1) cannot or could not be adhered to, provided that

such application is lodged with the Board within 90 days after a finding has been made or a penalty imposed.

[Subreg. (1A) inserted by GN R1293 of 5 December 2008.]

(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.

[Subreg. (3) amended by GN R256 of 1 March 1999.]

(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.

[Subreg. (4) amended by GN R256 of 1 March 1999.]

(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.

13 Witnesses at appeals

(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.

14 Consideration of appeals

(1) After the termination 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.

[Subreg. (8) substituted by GN R256 of 1 March 1999.]

15 Investment of moneys in Fund

(1) The Board shall, having regard to the audited annual financial statements 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;

[Para. (a) amended by GN R256 of 1 March 1999.]

- (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 Eskom;
- (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 per cent of the Fund's assets, calculated on the date of investment, may be invested in urban immovable property.

16 Offences and penalties

(1) Any person who-

- (a) contravenes or fails to comply with a provision of regulation 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.

[Subreg. (2) substituted by GN R256 of 1 March 1999.]

17 Short title

These Regulations shall be called the Regulations relating to Sheriffs, 1990.

ANNEXURE FORMS

[Annexure amended by GN R568 of 18 July 2014.]

FORM 1 APPLICATION FOR APPOINTMENT AS SHERIFF

[Form 1 substituted by GN R3440 of 31 December 1992 wef 1 January 1993, amended by GN R256 of 1 March 1999 and substituted by GN R1293 of 5 December 2008 and by GN R742 of 14 September 2011.]

REGULATIONS RELATING TO SHERIFFS, 1990

[Regulation 2B(1)]

Please note:

- 1 *This form must be completed in block letters.*

- 2 *The information required in respect of race and gender is for giving effect to legislation and policies relating to equity.*
- 3 *If there is a conflict of interest regarding any current post held by you, you may be asked to relinquish such post.*
- 4 *If you are successful in your application, you will have to be in possession of a fidelity fund certificate issued by the South African Board for Sheriffs, before you may perform any function of a sheriff.*
- 5 *The following documents must accompany the application form:*
 - (a) *A curriculum vitae;*
 - (b) *a certified copy of your identity document;*
 - (c) *certified copies of all educational qualifications;*
 - (d) *certified copies of certificates of service or, if not available, an affidavit by you in respect of previous periods of service;*
 - (e) *testimonials from previous employers, if available;*
 - (f) *the nature and history of any past or present business undertaking, occupation or trade;*
 - (g) *the names, addresses and telephone numbers of two references;*
 - (h) *an affidavit regarding previous convictions and sequestrations (if any);*
 - (i) *an affidavit that you have the financial ability to establish and operate an office of sheriff, including a list of all your assets and liabilities; and*
 - (j) *a certified copy of your driver's licence, if you have a valid driver's licence.*
- 6 *If you wish to apply for more than one post (if more than one post was advertised) a separate application form is to be completed for each post you wish to apply for.*

[If the space provided is inadequate, submit information as an Annexure to this form and sign each page.]

THE ADVERTISED POST	
Area of jurisdiction (as advertised):	
Reference number (as stated in the advertisement):	
If you are offered the position, when can you start/how much notice must you serve with your current employer?	

PART A: APPLICATION [To be completed by applicant]	
Surname:	
Full names:	

ID. No./Date of birth	<input type="text"/>	/	/
Race:			
Gender:	Female		Male
Are you a South African citizen? If no, please state nationality:	Yes	No	Nationality:
Have you been convicted of a criminal offence? If yes, please give details of offence and sentence:	Yes	No	Details:
Have you ever been dismissed from employment? If yes, please give full details:	Yes	No	Details:
Has any civil judgment been given against you? If yes, please give full details:	Yes	No	Details:
Has any sequestration order been given against you? If yes, please give full details:	Yes	No	Details:
Residential address:			
	Code ()		
Residential telephone number:	<input type="text"/>		
Cellular phone number:	<input type="text"/>		
Occupation:			
Work address:			
	Code ()		
Work telephone number:	<input type="text"/>		
Preferred method for correspondence:	Post	E-mail	Fax
Correspondence contact details (in terms of above):			
Postal address:			
	Code ()		
Preferred official language for correspondence?			
Do you have a valid driver's licence?	Yes	No	Code:

PART B: CHOICE OF AREA OF JURISDICTION OF APPOINTMENT (in the event of more than one vacancy in one area of jurisdiction being advertised)

PART C: LANGUAGE PROFICIENCY - state 'good', 'fair' or 'poor'						
	Languages (specify)					
Speak						
Read						
Write						

PART D: QUALIFICATIONS		
Name of School/Technical College	Highest qualification obtained	Year obtained
Tertiary education (complete for each qualification you obtained after your grade 12 qualification, as well as seminars/courses attended relating to functions of sheriff)		
Name of institution	Name of qualification	Year obtained
Current study (institution and qualification):		

PART E: WORK EXPERIENCE AND CURRENT BUSINESS ACTIVITIES						
Employer (including current employer)	Position held	From		To		Reason for leaving (including retirement, misconduct or ill-health)
		M	YY	M	YY	

PART F: REFERENCES		
Name	Relationship to you	Tel. No. (office hours)

PART G: DECLARATION
I declare that all the information provided (including any attachments) is complete and correct to the best of my knowledge. I understand that any false information supplied could lead to my application being disqualified or my discharge if I am appointed.

Signed at this day of 20

.....
Signature of applicant

FORM 2

[Form 2 substituted by GN R3440 of 31 December 1992 wef 1 January 1993 and repealed by GN R1293 of 5 December 2008.]

FORM 3

[Form 3 amended by GN R1218 of 11 August 1995 and repealed by GN R1293 of 5 December 2008.]

**FORM 4
APPLICATION FOR FIDELITY FUND CERTIFICATE**

[Form 4 amended by GN R256 of 1 March 1999.]

REGULATIONS RELATING TO SHERIFFS, 1990

[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 execute 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;
Place

* has no objection to taking the prescribed oath;
Date

* considers the prescribed oath/affirmation to be binding on his/her conscience.
Commissioner of Oaths/Justice of the Peace

**FORM 5
FIDELITY FUND CERTIFICATE**

[Form 5 amended by GN R256 of 1 March 1999.]

REGULATIONS RELATING TO SHERIFFS, 1990

[Regulation 3(3)]

FOR THE YEAR ENDING 31 DECEMBER 20.....

Full names

Appointment

Address

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

.....
Date of issue

.....
For Board for Sheriffs

This certificate shall only be valid if it bears the seal of the Board for Sheriffs.

**FORM 6
CLAIMS AGAINST FUND**

[Form 6 amended by GN R256 of 1 March 1999.]

REGULATIONS RELATING TO SHERIFFS, 1990

[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 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
[Item 3 deleted by GN R256 of 1 March 1999.]
- 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

**FORM 7
AUDIT REPORT**

[Form 7 substituted by GN R3440 of 31 December 1992 wef 1 January 1993.]

REGULATIONS RELATING TO SHERIFFS, 1990
[Regulation 9]

**REPORT OF THE INDEPENDENT AUDITOR TO THE BOARD FOR SHERIFFS
IN TERMS OF SECTION 23(2) OF THE SHERIFFS ACT, 1986 (ACT 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 on 20....., being the
financial year end, and on 20....., 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 case 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 Rwas 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
SUMMONS**

REGULATIONS RELATING TO SHERIFFS, 1990
[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 theday of.....20....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 20

.....
Chairman of the Board

FORM 9
DESIGNATION OF OFFICIAL TO SERVE PROCESS OR DOCUMENT REGULATIONS
RELATING TO SHERIFFS, 1990

[Form 9 added by GN R568 of 18 July 2014.]

[Regulation 2G(1)]

By virtue of the authority vested in the Executive Authority in terms of the Sheriffs Act, 1986 (Act 90 of 1986), I, TM Masutha, MP Minister of Justice and Correctional Services, hereby designate the following official for purposes of section 6A of the Sheriffs Act, 1986 to serve any process of the court or any other document as if the said official had been appointed as a sheriff or acting sheriff of that court:

Full names:				
Surname:				
Identity number:				
Persal number:				
Court for which official is designated:				
Period of designation:	From:		To:	
Conditions of designation, if any:				

Signed at this day of 20.....

T M MASUTHA, MP (Adv)
Minister of Justice and Correctional Services

FORM 10
INVOICE REGARDING SERVICE OF PROCESS OR DOCUMENT BY DESIGNATED
OFFICIAL:SHERIFFS' FEES

[Form 10 added by GN R568 of 18 July 2014.]

REGULATIONS RELATING TO SHERIFFS, 1990

[Regulation 2G(4)]

Note:

- 1 The prescribed fee is payable in terms of regulation 2G(6).
- 2 The amount indicated on this invoice is payable within 30 days of the date of this invoice.

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3 This invoice must be submitted when payment is made.

A	SERVICE OF PROCESS OR OTHER DOCUMENT (Please indicate with 'x')
----------	--

Service of summons, notices, letters order or other documents of Superior Court

Service of summons, notices, letters order or other documents of Magistrate's Court

B	DETAILS OF CASE
Court for which official is designated:	
Case number:	
Full names of person on whose behalf process or documents were served and who is responsible for the payment of this invoice:	

C	SERVICE RENDERED (Please indicate with 'x')	
Superior Court		
1	For service of summonses, petitions together with notice of motion or set down, other notices, orders or any other documents.	
2	For attempted service of summonses, petitions together with notice of motion or notice of set down, other notices, orders and any other documents	
Magistrate's Court		
For service or attempted service of any process or document:		

AMOUNT PAYABLE: _____

Name of designated official: _____

Signature of designated official:

Date: _____

FOR OFFICIAL USE:

Receipt No/Bank Deposit Ref: _____

Amount: _____

Signature: _____

Date: _____

**FORM 11
FEES CHARGEABLE REGARDING SERVICE OF PROCESS OR DOCUMENT BY
DESIGNATED OFFICIAL**

[Form 11 added by GN R568 of 18 July 2014.]

REGULATIONS RELATING TO SHERIFFS, 1990
[Regulation 2G(6)]

Note:

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- (1) The fees and charges as set out below shall be chargeable and allowed.
- (2) Where any dispute arises as to the validity or amount of any fees or charges, or where necessary work is done and necessary expenditure incurred for which no provision is made, the matter shall be determined by the taxing officer of the court whose process is in question.
- (3) A request to tax an account of an official shall be done within 90 days after the date on which the account of which the fees are disputed has been rendered.

SUPERIOR COURT

Item		R	C
1	For service of summonses, petitions together with notice of motion or set down, other notices, orders or any other documents, each: Provided that- (i) Whenever any document to be served with any such process is mentioned in the process or forms an annexure thereto, no additional fee shall be charged for the service of such document, but otherwise a fee of R7.00 may be charged in respect of each separate document served; (ii) No fee for the service of a separate document shall be charged in respect of the service of process in criminal cases.	49	00
2	For attempted service of summonses, petitions together with notice of motion or notice of set down, other notices, orders and any other documents: Provided that an attempted service of more than one document on the same person shall be treated as an attempted service of one document only.	36	50

MAGISTRATE'S COURT

Item		R	C
	For each service or attempted service of any process or document: Provided that service of a notice referred to in rule 54(1) simultaneously with the summons shall not be regarded as a separate service.	7	00

Determination of Maximum Amount of Fine

[Link to Act](#) — [Link to Regulation List](#)

Published under

GN R424 in GG 33209 of 21 May 2010

Under the powers vested in me by section 49(1)(b) of the Sheriffs Act, 1986 (Act 90 of 1986), I, Jeffrey Thamsanqa Radebe, Minister of Justice and Constitutional Development, hereby, for the purposes of the said section determine the amount of the fine to be R25 000.

J T RADEBE

Minister of Justice and Constitutional Development

Description of an Area of Jurisdiction of a Lower or Superior Court

[Link to Act](#) — [Link to Regulation List](#)

Published under

GN 765 in GG 35697 of 14 September 2012

The Minister of Justice and Constitutional Development has under section 3(2)(a) of the Sheriffs Act, 1986 (90 of 1986), in column B, described the areas as indicated under column C of the Schedule within the jurisdiction of the lower courts or superior courts listed under Column A, for allocation to a sheriff.

SCHEDULE

COLUMN A Superior and lower courts	COLUMN B Description of area	COLUMN C Service area of a sheriff
South Gauteng High Court, Johannesburg and Randburg Lower Court	At the intersection of the Randburg magisterial boundary and the R55, proceed in a southerly direction on the R55 to a point where the R55 intersects with Witkoppen Road. From the intersection, proceed in a westerly direction on Witkoppen Road to a point where Witkoppen Road intersects with the R511. From the intersection of the R511 and Witkoppen Road, proceed in a northerly direction to the magisterial boundary of Randburg; at the intersection of the R511 and the magisterial boundary of Randburg in an easterly direction to the starting point at the intersection of the R55 and the magisterial boundary of Randburg.	Sandton North High and Lower Court
South Gauteng High Court, Johannesburg and Randburg Lower Court	At the intersection of the R55 and Witkoppen Road, proceed in a westerly direction along Witkoppen Road to intersect William Nicol Drive, then proceed in a southerly direction on William Nicol Drive to the point where William Nicol Drive meets the southern magisterial boundary of Randburg, then proceed in an easterly direction on the Randburg magisterial boundary and along Corlett Drive to a point where the boundary intersects with Old Pretoria Road. At the intersection of this boundary, proceed in a northerly direction on the Old Pretoria Road up to the intersection of the Old Pretoria Road and the R55. At the intersection of the R55 and Old Pretoria Road, proceed in a northerly direction on the R55 to the intersection of Witkoppen Road and the R55, then proceed in a westerly direction on Witkoppen Road to the starting point of the description.	Sandton South High and Lower Courts
South Gauteng High Court, Johannesburg and Randburg Lower Court	At the intersection of the Randburg magisterial boundary and Malibongwe Drive (R512), proceed in a southerly direction on Malibongwe Drive to the intersection of Malibongwe Drive and President Fouche Road. At the intersection of President Fouche Road, proceed in a northerly direction on President Fouche Road and continue to the intersection of Jacaranda and President Fouche Road. At the intersection, proceed in an easterly direction on Jacaranda Road to a point where Jacaranda Road goes into Cumberland Road and	Randburg West High and Lower Courts

	<p>continue in an easterly direction on Cumberland Road to the intersection of Cumberland Road and Homestead Avenue. At the intersection of Homestead Avenue and Cumberland Road, proceed in a southeasterly direction on Homestead Avenue to the intersection of Homestead Avenue and Bramficher Road. At the intersection of Homestead Avenue and Bramficher Road, the road continues in an easterly direction on Peter Place. Proceed in an easterly direction on Peter Place to a point where Peter Place intersects with William Nicol Drive. At the intersection of William Nicol Drive and Peter Place, proceed in a northerly direction on William Nicol Drive to a point where William Nicol Drive intersects with the boundary of the Randburg magisterial district. Then proceed in a westerly direction and then southerly directions on the western magisterial boundary of Randburg to a point where the boundary meets with Malibongwe Drive being the starting point.</p>	
<p>South Gauteng High Court, Johannesburg and Randburg Lower Court</p>	<p>At the intersection of Malibongwe Drive and the Randburg magisterial boundary, proceed in a southerly direction along the boundary and then in a southeasterly direction on the same boundary then continue easterly on the boundary and to a point where the boundary intersects with William Nicol Drive. At the intersection of the magisterial boundary of Randburg and William Nicol Drive, proceed in a northerly direction on William Nicol Drive to a point where William Nicol Drive intersects with Peter Place. At the intersection of Peter Place and William Nicol Drive, proceed in a westerly direction on Peter Place to a point where Peter Place intersects with Bramficher Road and continue on Bramficher Road. At the intersection of Bramficher Road and Peter Place, continue on Homestead Avenue in a westerly direction to a point where Homestead intersects with Cumberland Road, then proceed in a southerly direction on Cumberland Road to a point where Cumberland Road intersects with Malibongwe Drive+. At the intersection of Cumberland Road and Jacaranda Road, continue in a westerly direction on Jacaranda Road to a point where Jacaranda Road intersects with President Fouche Road. At President Fouche Road, proceed in a southerly direction on President Fouche Road to a point where President Fouche Road intersects with Malibongwe Drive. At the intersection of Malibongwe Drive, proceed in a westerly direction and then north westerly direction on Malibongwe Drive to a point where Malibongwe Drive meets with the Randburg magisterial boundary being the starting point.</p>	<p>Randburg South West High and Lower Courts</p>
<p>North Gauteng High Court, Pretoria and Pretoria Lower Court</p>	<p>From the intersection of Delmas Road (R50) and the municipal Boundary, proceed north west along Delmas Road (R50) to intersect Hans Strijdom Drive. Proceed west along Hans Strijdom Drive to intersect the municipal boundary until intersection with Queen Wilhelmina road. Proceed west along municipal boundary until intersection with Mears road. Then proceed south Christina de Wit Road to intersect the N14. Proceed south along N14 and</p>	<p>Centurion East High and Lower Courts</p>

<p>KwaZulu-Natal High Court, Durban and Durban Lower Court</p>	<p>Commencing 12 nautical miles in line with the mouth of the Umgeni River and proceeding in a Westerly direction on the Umgeni River to a point where the Umgeni River mouth traverses the Southern magisterial Boundary. Proceed in a southerly direction along the Coast to the entrance of the harbour, then continue along the southern boundary of the harbour in a southerly direction to a point where entrance of the harbour meets with Java Road and Cilibres Road, continue in a south westerly direction on Hokkaido Road along Frederick Avenue in Malbrow Park on the railway line that runs along the Bay Road to a point where the railway line traverses Bayhead Road. Proceed in a westerly direction across the Umhlthazana Canal on Bayhead Road along a section of the Bayhead Canal to a point where Bayhead Road traverses the southern freeway. Proceed in an northerly direction on the southern freeway to a point where the Southern freeway intersects with Berea Road, proceed in a westerly direction on Berea Road to a point where Berea Road enters the N3 and continue on the N3 to a point where the N3 traverses Brickfield Road. At the intersection of Brickfield Road and the N3, proceed in a northerly direction on Brickfield Road to a point where the Brickfield Road proceeds into Alpine Road and then continue on Alpine Road to a point where Alpine Road traverses Umgeni Road and at the intersection of Umgeni Road and Alpine Road continue to proceed across in a straight line through a portion of Springfield Park into the Umgeni River. At the intersection of the Umgeni River and a straight line from Alpine Road and Umgeni Road intersection, proceed in an easterly direction on the Umgeni River across the mouth of the Umgeni River and the Coastline to a point 12 nautical miles into the ocean that been the starting point.</p>	<p>Durban Coastal High and Lower Courts</p>
<p>KwaZulu-Natal High Court, Durban and Durban Lower Court</p>	<p>At the intersection of the Umgeni River and Alpine Road extended to the river, proceed in a westerly direction on the Umgeni River to the western boundary of the magisterial district. At the intersection of the western boundary of the magisterial district with the Umgeni River proceed in a south westerly direction along the boundary, then in a westerly direction along the boundary, then in a short southerly direction along the boundary and thereafter in an easterly direction along the western boundary to a point where the boundary traverses the Umhlthazana River at Mount Vernon, proceed in an easterly direction on the Umhlthazana river to a point where the Umhlthazana River traverses the southern freeway, proceed then in a northerly direction on the southern freeway to a point where the southern freeway traverses Bayhead Road. At the intersection of the southern freeway and Bayhead Road, proceed in an easterly direction along Bayhead Road to a point where the Bayhead Road traverses the railway line along Bayhead Road. At the intersection of the railway line and Bayhead</p>	<p>Durban West High and Lower Courts</p>

	<p>Road, proceed on Wentworth Kingsrest route railway line and proceed in a southerly direction to a point where the line traverses Kinross Place, proceed in an Easterly direction away from the railway line on Kinross Place to the intersection Bluff Road and Old Mission Road, proceed then in a south easterly direction on Old Mission Road which then turns into Grays Inn Road (M7) and continue with Grays Inn Road to a point where Grays Inn Road intersects with Marine Drive. At the intersection of Marine Drive and Grays Inn Road proceed in a Northerly direction along Marine Drive to a point where Marine Drive intersects with Anstey Road. At the intersection of Marine Drive and Anstey Road proceed in an easterly direction to the low water mark of Ansteys Beach at the ocean.</p>	
<p>KwaZulu-Natal High Court, Durban and Durban Lower Court</p>	<p>At the intersection of the eastern boundary of the Umgeni River mouth, proceed in a westerly direction along the Umgeni River to a point where the river intersects the western magisterial boundary. At the intersection of the river and the western magisterial boundary, proceed along the boundary in a Northerly direction and continue with the magisterial boundary until it meets the ocean and then proceed along the eastern boundary which is the ocean line until it meets the starting point at the intersection of the magisterial boundary and Umgeni River.</p>	<p>Durban North High and Lower Courts</p>
<p>KwaZulu-Natal High Court, Durban and Durban Lower Court</p>	<p>At the point where the magisterial boundary traverses the Umhlathuzana River at Mount Vernon, proceed in an Easterly direction on the Umhlathuzana River to a point where the Umhlathuzana River traverses the Southern freeway to a point where the southern freeway [sic] then proceed in a northerly direction on the Southern freeway to a point where the Southern freeway traverses Bayhead Road. At the intersection of the Southern freeway and Bayhead Road proceed in an easterly direction along Bayhead Road to a point where Bayhead Road traverses the railway line along Bayhead Road. At the intersection of the railway line and Bayhead Road, proceed in Wentworth Kingsrest route and proceed in a southerly direction to a point where the line traverses Kinross Place, proceed in an easterly direction away from the railway line on Kinross Place to the intersection Bluff Road and Old Mission Road, proceed then in a south easterly direction on Old Mission Road which then turns into Grays Inn Road (M7) and continue with Grays Inn Road to a point where Grays Inn Road intersects with Marine Drive. At the intersection of Marine Drive and Grays Inn Road proceed in a northerly direction along Marine Drive to a point where Marine Drive intersects with Anstey Road. At the intersection of Marine Drive and Anstey Road proceed in an easterly direction to the low water mark of Ansteys Beach at the ocean. Proceed along the ocean in a southerly direction with the ocean line being the magisterial boundary to a point where the magisterial boundary traverses the magisterial boundary of Karridene. At the intersection of the</p>	<p>Durban South High and Lower Courts</p>

<p>Western Cape High Court, Cape Town and Cape Town Lower Court</p>	<p>From the point of the ocean at Breakwater Road, proceed south west into Fort Road and then into Portswood Road until intersecting with Western Road. Proceed south east along Hans Strydom Road to the circle, and then proceed north east along Heerengracht Road, then proceed south east into Oswald Pirow Road. Proceed along into Tennant Road, then into Roeland Road to intersect George Road. Proceed in a southerly direction along Geor[g]e Road to the foot of Table Mountain. Proceed east along the foot of the mountain to the point where Main Street intersects the edge of the magisterial boundary. Proceed south west along the magisterial boundary, traversing the Mountain Plateau until the magisterial boundary meets the ocean. Proceed along the edge of the ocean in a northerly direction to meet the starting point of this description. The area also includes Robben Island, Dasson Island, Penguin Island, Prince Edward Island, Marion Island, the latitude 33: 59: 13 S traversing the ocean in the north to the low watermark of the Atlantic Ocean in the east latitude 33: 59: 43 S in the south and the 12 sea mile international boundary in the west.</p>	<p>Cape Town West High and Lower Courts</p>
<p>Western Cape High Court, Cape Town and Cape Town Lower Court</p>	<p>From the point of the ocean at Breakwater Road, proceed south west into Fort Road and then into Portswood Road until intersecting with Western Road. Proceed south east along Hans Strydom Road to the circle, and then proceed north east along Heerengracht Road, then proceed south east into Oswald Pirow Road. Proceed along into Tennant Road, then into Roeland Road to intersect George Road. Proceed in a southerly direction along Geor[g]e Road to the foot of Table Mountain. Proceed east along the foot of the mountain to the point where Main street intersects the edge of the magisterial boundary. Then proceed East along the magisterial boundary to meet Aerodrome Road. Proceed north along the magisterial boundary to intersect Bosmansdam Road. Proceed east along this road to intersect Koeberg Road, and then proceed west along Loxton Road to intersect the ocean. Proceed south along the edge of the ocean until the starting point of this description is reached. This includes Summer Greens. Travel north along Aerodrome Road to intersect the N1 at the railway lines as it passes over the N1, follow the N1 east to the N7 and then along the N7 to Bosmansdam/N7 interchange. At this intersection travel west along the Bosmansdam Road to the intersection of Bosmansdam and Montague Drive.</p>	<p>Cape Town East High and Lower Courts</p>
<p>Western Cape High Court, Cape Town and Cape Town Lower Court</p>	<p>From the intersection of Loxton Road with the ocean proceed east to intersect Koeberg Road. Proceed north into Bosmansdam Road until intersecting with the magisterial boundary. Proceed north along the magisterial boundary to the south east corner Beacon of the Farm Morningstrar AH. Proceed west along the magisterial boundary to intersect the ocean at the south west Beacon of Atlantic Beach Estate Farm. Proceed south along the edge of the ocean to intersect the starting of this description.</p>	<p>Cape Town North High and Lower Courts</p>

Western Cape High Court, Cape Town and Bellville Lower Court	From the intersection of the M12 and M25, proceed generally east along the M25, Carl Cronje Drive and Mountain View Rd until intersection with the magisterial boundary. Then proceed south along the R300, then west along the N2 to intersect the M22. Then proceed generally north along the magisterial boundary until intersection with the M10. Thence along the M10, M29 and west along the magisterial boundary until intersection with the M12. Then proceed north along the M12 until the beginning of this description.	Bellville South High and Lower Courts
Western Cape High Court, Cape Town and Bellville Lower Court	From the intersection of the M12 M25, proceed generally north along the M12 and then along the magisterial boundary, then west towards the Tygerberg Nature Reserve crossing until Contermanskloof crossing. Then south along the magisterial boundary, intersecting Jan van Riebeeck and the railway line along the magisterial boundary until the intersection with Mountain View Rd, then west along Carl Cronje Drive, generally west along the M25 until the beginning of the description.	Bellville North High and Lower Courts
Western Cape High Court, Cape Town and Kuilsriver Lower Court	From the intersection of the magisterial boundary and the R101, proceed east along the R101 Kruisfontein Rd, and then proceed south east along that road, to intersect the magisterial boundary on the east. Then proceed south, east and generally south along the magisterial boundary, passing the farms Penhill, Cedardale, intersecting the M49 and continue along the magisterial boundary first south and then generally west to intersect the M46, proceeding in the same direction to intersect Settlers Way. Then proceed north along the R300, continuing to the starting point of this description.	Kuilsriver South High and Lower Courts
Western Cape High Court, Cape Town and Kuilsriver Lower Court	From the intersection of the magisterial boundary with the R101, proceed northwards and then generally north west and south east along the magisterial boundary, until the intersection with the M15. Then proceed south west along the magisterial boundary until intersection with Kruisfontein Road, then north west along that road until intersection with the R101. Then proceed west along the R101 until the starting point of this description is reached.	Kuilsriver North High and Lower Courts

Notice Regarding Description of Service Areas in Respect of Sheriffs Affected by the Rationalisation of Magisterial Districts

[Link to Act](#) — [Link to Regulation List](#)

Published under

GN 963 in GG 38269 of 28 November 2014

It is hereby made known that the Minister of Justice and Correctional Services will, in terms of section 3(2)(a) of the Sheriffs Act, 1986 (Act 90 of 1986), describe service areas in respect of sheriffs who are affected by the rationalisation of magisterial districts

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which commences on 1 December 2014 in the Gauteng and North West provinces. The contemplated description of service area(s) is with a view to allocating any area that has been excised from the original service areas of a sheriff as a result of the outcome of the rationalisation process, to the sheriff concerned.

The Department of Justice and Constitutional Development, after consulting the South African Board for Sheriffs, published a bid inviting bidders to submit proposals to undertake the investigation required in terms of regulation 2E of the Sheriffs Regulations. The bid was published in the *Government Gazette* of 21 October 2014. A successful bidder will be appointed by mid-January for the investigation to commence soon thereafter.

The investigation will first commence in respect of the Gauteng and North West provinces and will thereafter run concurrent with the rollout of the rationalisation of magisterial districts' project country-wide.

Until such time that the description of service areas contemplated above has taken place, any sheriff will continue to serve process in respect of an area that has been excised from the original service area of the sheriff concerned. Acting appointments will be made where necessary to facilitate this process.

The South African Board for Sheriffs as well as sheriffs and stakeholders affected by the description of service areas contemplated above will be consulted as part of the investigation undertaken under regulation 2E of the Sheriffs Regulations.

Description of Service Areas in Respect of Sheriffs Affected by the Rationalisation of Magisterial Districts

[Link to Act](#) — [Link to Regulation List](#)

Published under

GN 57 in GG 39619 of 25 January 2016

With further reference to the General Notice in respect of the above, published under General Notice 963 dated 28 November 2014, it is published, for general information that:

- (a) The Minister of Justice and Correctional Services has, in terms of section 2 of the Magistrates' Courts Act, 1944 (Act 32 of 1944) published notices in the *Gazette* creating new magisterial districts in respect of the Limpopo and Mpumalanga provinces which come into effect on 25 January 2015. (See Government Notices 32 and 33 published in the *Gazette* of 15 January 2016). The implementation in respect of the latter provinces comes a year after implementation in the Gauteng and North [West] Provinces took effect. (See Government Notice 43 dated 24 January 2014). Implementation in respect of the remaining five (5) provinces will occur incrementally over the 3 years.
- (b) The service area for which any sheriff was initially appointed is not affected by changes made to magisterial districts or areas of jurisdiction under a Division of the High Court. Any consequential change that may be required or necessary in relation to any such areas for which a sheriff has been appointed, will be made by the Minister in terms of section 3(2)(a) of the Sheriffs Act, 1986 (Act 90 of 1986). The process for the re-description of

areas, whether in respect of magisterial districts, or a subdivision within a district or an area under the jurisdiction of a Division of the High Court, will take place after the new magisterial districts or areas under the jurisdiction of the Division of a High Court have taken effect.

- (c) There is an on-going investigation underway which focuses in respect of affected and certain vacant areas in the Gauteng, the Western Cape, Kwa-Zulu Natal and the Eastern Cape Provinces. This investigation is conducted jointly with the South African Board for Sheriffs with a view to ensuring effective involvement and participation by the Sheriff's profession. The investigation in respect of the above areas is due for completion by 31 March 2016 or soon thereafter. The Department will continue to undertake similar investigations where necessary as a result of the outcome of the implementation of the rationalisation process. Details regarding such investigations will be communicated to the affected sheriffs, role players and communities.

Any inquiry regarding the changes to a service area of a sheriff as a result of the changes to magisterial districts must be addressed to the Deputy Director-General: Court Service, Department of Justice and Constitutional [Development] for the attention of Mr M Moagi at the following address:

Private Bag X 81

Pretoria

0001 or

Email address: Rationalisation@justice.gov.za
