

**REPORT OF THE 5<sup>TH</sup> ANNUAL GENERAL MEETING  
OF THE SOUTH AFRICAN SHERIFF SOCIETY  
19 – 20 May 2017**



The 5<sup>th</sup> Annual General meeting of **The South African Sheriff Society** was held on 19 – 20 May 2017 at Spier, Stellenbosch, Western Cape.

Management would like to thank everybody involved with the planning of the event, but most of all our members who attended.

We are very pleased with the feedback; herewith a report of the highlights of the event:

## **TRAINING : 19 May 2017**

### **1. Illegal repossession of vehicles by bank agents**



Fanie van Wyk updated members on the status and progress of the ongoing engagement with banks in vehicle repossessions.

In recent years the banks developed a system whereby tracing agents are appointed to search for vehicles to be repossessed; the agents are often supplied with the Warrant of delivery or court order and the agents present these warrants in order to persuade the debtor to surrender the vehicle. The South African Sheriff Society disagrees with this practice and is in the process to obtain details of the matter where Wesbank was referred to the National Consumer Tribunal as a result of their voluntary surrender practices

### **2. Enforcement of Awards in the CCMA**

As a result of changes in the Labour Court Act, and in an attempt to make labour law more accessible to employees, a new system was introduced whereby sheriffs have to enforce an arbitration award by the CCMA as if it was a warrant of execution.

In an attempt to address some of the confusion, SASS compiled a guideline, containing the sections of the Labour Court Act applicable to sheriffs, as well as examples of the different documents we will come across.

laan Coetzee is an attorney in Stellenbosch who specialises in labour law and he presented this item to members. It became clear that there are still issues to be clarified with CCMA and that this guide is the first step to structure the enforcement process.

The guide will be published on our website shortly.

### 3. Rationalization of Magisterial Districts and the impact on sheriff service areas.

Mr Mashimbye is the team leader of the project tasked with the alignment of sheriff boundaries to the newly demarcated Magisterial Districts.

He enlightened sheriffs on the processes followed and the criteria used. He assured sheriffs that no portion of his/her existing area can be excised without consent and that he is bound to finding solutions for the problem areas.



Mr Mashimbye requested sheriffs to take cognisance of the fact that no sheriff can serve in a newly demarcated area until formal notices are given and the service area of the sheriff is amended accordingly. He also requested sheriffs to ensure they receive the point-to-point description of his/her area of jurisdiction.

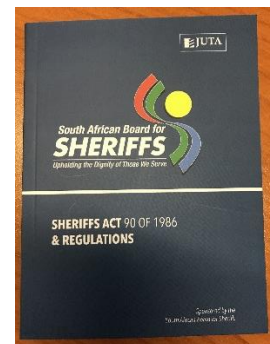
The speech of Mr Mashimbye will be published on the SASS website

### 4. South African Board for Sheriffs (SABFS): Legal obligations and compliance by sheriffs

So many sheriffs are faced with challenges in the issue of their Fidelity Fund Certificates.

Ms Snell, the Executive Manager of the SABFS explained the most common mistakes by sheriffs resulting in the non-issue of Fidelity Fund Certificates:

1. Late filling of information
2. Incomplete documents, resulting in requests for further information
3. Audit report completed by non-registered auditor,
4. Sheriff lodges a Magistrate Certificate when the sheriff doesn't qualify. An audit by an auditor is then requested and this may result in delays.
5. PI insurance: the cover taken out is insufficient for the office, for example insurance is taken out for 5 deputies, whereas there are 7 deputies registered on the database of the SABFS
6. The correct reference number/s must be used when payments are made. It is advised that sheriffs verify payments with the administration of the SABFS.



Ms Snell also touched on the amendments to the Sheriffs Act whereby unclaimed trust funds will be paid to the Fidelity Fund after a 2 year audit cycle.

The proposed amendments will be published on the SASS website

### 5. Interactive Session

The training and information day was concluded by an interactive session, facilitated by Kgomotso Mphahlane and six panel members, sharing their experience of management of finances, use of technology, legal obligations, risk management and people management.

A report will be published in due course.



## GALA DINNER

The new Minister of Police, **Fikili Mbalula**, addressed sheriffs and guests

This prestigious event is one of the highlights on the SASS calendar.

The Minister was recently appointed as Minister of Police.

SASS considers the SAPS as one of the sheriff's major stakeholders; management also received reports from members, calling for engagement with the SAPS as there are challenges with cooperation and understanding on station level.

We were therefore very privileged to have the top cop in our presence.

Minister Mbalula acknowledged the importance of the work of sheriffs and that the SAPS will act in support of sheriffs. He also undertook to arrange meetings on management level.

Minister Mbalula commended the slogan of SASS "justice with compassion"

He also shared with us the current focus areas of the police, in that gender violence and gangsterism will be targeted and that police stations must be equipped to support women.

The evening was concluded by our annual auction fund raising.

This year six contestants competed and Mr Marks Mangaba won the 2017 SASS auction competition. Well done Marks!

We raised an amount of R127 900.00 for SASS.

Mr Tirhani Mabunda participated in the event and gave practical guidelines for auctioning.

He also offered the six contestants a course in auctioneering at his auctioneering academy, to the value of R60,000 each.

## **ANNUAL GENERAL MEETING, 20 May 2019**

1. Diets Nieuwoudt of SheriffNet is no stranger to SASS and the profession. He introduced his new integrated system whereby a cell phone is provided to the sheriff/deputy and every call is logged and billed on the Sheriff Operating system, resulting in proper billing of telephone calls.
2. Reports were delivered by the treasurer and secretary.  
Both reports were adopted by the meeting and will be published on the website.
3. SASS website and communicator: Tobie van der Merwe demonstrated the SASS website and communicator app that was launched last year. The first SASS website for an individual sheriff was also demonstrated. One of the functions of the website is to advertise auctions. More information will follow.
4. Allan Murugan, vice President explained the importance of the participation and successful operation of provincial structures and delivered his provincial report:

### **EASTERN CAPE**

During the past provincial meeting the following matters were addressed:

Non-payment of sheriff accounts

Engagement to serve traffic notices and summonses

Assistance is required to get Eastern Cape courts to give maintenance work to sheriffs to boost income

CCMA: challenges with execution of enforcement awards and the non-payment of sheriff accounts

Post office is slow in deliveries in rural areas causing delays and hampering service delivery

### **KZN**

Management finds it difficult to get members to attend meetings.

KZN members are disappointed that there has been no fee increase the past year.

A workshop was held on the alignment of HC and LC tariffs and a document was produced which was eventually submitted to the SABFS and the Rules Board. A warm word of thanks from national management for members of KZN for this report.

KZN management went on a road show and visited some members at their offices.

Members also requested intervention with non-payment of CCMA

### **FREE STATE**

SASS Free State had one meeting during which the following was discussed:

Interpleader summonses (HC & LC), Section 65 proceedings and warrant of arrests, CCMA and labour court matters, Rule 45(12) attachment of money and incorporeal assets, SAPS assistance in Free State Sheriff legal obligations.

It must further be noted that Free State members have to travel vast distances to attend meetings and it poses challenges for management to arrange meetings.

The province also reported the recent passing of member Evert Pietersen on 15 May 2017.

The province has a functional WhatsApp group.

## **LIMPOPO**

Management focused mainly on the service of maintenance work by sheriff and is pleased to announce that the meetings with the Department of Justice is now bearing fruits as some courts already give the work to sheriffs.

Management is also attending to the court's concerns.

This is a long awaited breakthrough for the province

## **MPUMALANGA**

The province had 4 formal meetings and one informal meeting for sheriffs and staff.

The WhatsApp group is active and functions well.

Martin and management have regular meetings with Magistrates and other stakeholders.

The cross border service problem still exists but is attended to.

Martin thanks Harry van Nieuwenhuizen for his valuable input.

SASS members in Mpumalanga is pleased with the functionality of the organization.

## **WESTERN CAPE**

There was a meeting in March 2017 where various organisational matters have been discussed.

Management of the province proposes that provincial chairs and management should be receiving training and guidance as to understand their mandate from SASS national management.

## **NORTH WEST**

No formal meetings were conducted, but there are various informal engagements amongst members.

Hendrik Tau, chairperson of North West, thanks Fanie van Wyk for the assistance to him and other members in the province.

**IN CLONCLUSION**, Allan announced there will be an award to the "BEST RUN PROVINCE" next year.

## **5. President's report**

Prince Maluleke, SASS president, delivered his report.

Firstly he reported on the status of the 2016 resolutions:

1. Assist the Deputy Minister and Department of Justice to define viability
  - Service of maintenance documents by sheriffs: follow up and bring to finality
  - conduct study to compare cost and time for maintenance officer vs. cost of sheriff
2. Put together sub-committee for coastal sheriffs to develop guide for marine work
3. Ad hoc appointments
4. Funding of organisations by the board
5. Levies of sheriffs – revisit and look at deductions, etc
6. Electronic services – pro-active study
7. Redemarcation: SASS be involved with new process (2 committees, sheriff sit on 1 committee)

Mr Maluleke also reported on stakeholder engagements:

Consultative Forum: This is the forum convened by the South African Board for Sheriffs. SASS supports this forum and participate in meetings.

CCMA: This forum is valuable as the execution of enforcement awards is fairly new and still on a learning curve.

Deputy Minister: As our principal SASS interacts via correspondence and physical meetings.

Banking forum: SASS requested the SABFS to convene a meeting, as members reported illegal behavior by banks, which had to be addressed.

Law Society: SASS members participate in provincial meetings quarterly and bi-annually

The full report will be available on the website

## 8. Guest speaker: Deputy Minister J Jefferey



We were privileged to have the Honourable Deputy Minister J Jefferey as the guest speaker at the Annual General Meeting.

He addressed members on relevant topics of the day and emphasized that despite efforts by voluntary organizations and the Board, the role of the sheriff is still not known and is something to attend to by the profession.

He gave an update on the Rationalization of Courts and the RCC process.

Furthermore, shortlisting and interview processes for the advertised vacant posts will soon be completed and newly appointed sheriffs are expected to assume office on 1 September 2017.

The Deputy Minister also gave some insight into the Judicial Amendments Bill which will allow the Minister to describe new areas and to join areas.

Furthermore, the Deputy Minister confirmed that the proposed amended tariff increase for sheriffs is expected to be published in the Government Gazette of September 2017.

Concerns were raised on sheriffs not being tax compliant and not in possession of a tax clearance certificate. It is also very concerning for the Deputy Minister to note the increased number of complaints lodged with the SABFS of sheriffs with trust shortages.

The culture of poor payments by attorneys to sheriffs has been attended to, but the Deputy Minister will need specific examples to be able to address further with the Law Society.

Other matters addressed by the Deputy Minister included the determination of a viable office, the performance of other remunerative work by sheriffs, the cost factor of the service of maintenance documents for government and service of traffic fines.

The Deputy Minister addressed questions and comments from the floor:

- DM and SABFS was thanked for assistance with difficult eviction matter and the subsequent development of eviction guidelines
- The dilemma of VAT on invoice basis was illustrated in practice
- DM and SABFS was thanked for the help line with tax clearance problems
- Support program and services of female sheriffs
- Service of traffic work through SANRAL and Municipalities
- The role of sheriff organizations and sheriffs in the justice system

The management of SASS and all members thank the Deputy Minister and his team for his involvement and interest in the sheriff profession and for his personal engagement with members at the AGM.

We also thank all members and sponsors for your financial contribution towards our AGM

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