



SOUTH AFRICAN SHERIFFS SOCIETY (SASS)

SHERIFF'S FEES : GAZETTE NO: 41142 – DATED 29TH SEPTEMBER 2017 – RULE 68 OF THE HIGH COURT ACT 59 OF 1959 (AS AMENDED)

EFFECTIVE FROM: 1 NOVEMBER 2017

AMENDMENT OF RULE 4 OF THE RULES

2. Rule 4 of the Rules is hereby amended by the substitution for subrule (9) of the following subrule:

“Service

4. (9) In proceedings in which the State or an organ of state, a Minister, a Deputy Minister, a Premier or a Member of an Executive Council in such person’s official capacity as the defendant or respondent, the summons or notice instituting such proceedings shall be served in accordance with the provisions of any law regulating proceedings against and service of documents upon the State or organ of state, a Minister, a Deputy Minister, a Premier or a Member of an Executive Council”.

AMENDMENT OF RULE 6 OF THE RULES

3. Rule 6 of the Rules is hereby amended by the substitution in subrule (5) for paragraph (b) of the following paragraph:

“(b) In a notice of motion the applicant must –

- (i) Appoint an address within 15 kilometres of the office of the registrar, at which applicant will accept notice and service of all documents in such proceedings;
- (ii) State the applicant’s postal, facsimile or electronic mail addresses where available; and

- (iii) Set forth a day, not less than five days after service thereof on the respondent, on or before which such respondent is required to notify the applicant, in writing, whether respondent intends to oppose such application, and must further state that if no such notification is given the application will be set down for hearing on a stated day, not being less than 10 days after service on the said respondent of the said notice :

Provided that –

(aa) for the purposes of this subrule, the days between 21 December and 7 January, both inclusive, shall not be counted in the time allowed for delivery of the notice of intention to oppose or delivery of any affidavit;

(bb) the provisions of subparagraph (aa) shall not apply to applications brought under subrule 6(12) of this rule and applications brought under rule 43.”

AMENDMENT OF RULE 43 OF THE RULES

4. Rule 43 of the Rules is hereby amended by the repeal of subrules (7) and (8).

AMENDMENT OF RULE 68 OF RULES

5. Rule 68 of the Rules is hereby amended by the amendment of the Tariff as follows:

HIGH COURT FEES:

1. Registration	R10.00
2. Return (Including original & copy)	R33.50
A. <u>SERVICE OF SUMMONSES, PETITIONS TOGETHER WITH NOTICE OF MOTION OR SET DOWN, OTHER NOTICES, ORDERS OR ANY OTHER DOCUMENTS</u>	R63.00
A fee for each separate document (except for criminal)	R10.00
B. <u>ATTEMPTED SERVICE OF SUMMONSES, PETITIONS TOGETHER WITH NOTICE OF MOTION OR SET DOWN, OTHER NOTICES, ORDERS OR ANY OTHER DOCUMENTS</u>	R47.00
C. <u>SERVICE OF WRIT, WARRANT OF ARREST, GARNISHEE ORDERS</u>	
(Including conveying person to court)	R78.50
Conveying person from place of custody to court, attorneys office or to prison	R93.50 per hour

(or part thereof)

Attachment of property <i>ad fundandam jurisdictionem</i> or <i>ad confirmandam jurisdictionem</i>	R78.50
Attachment Withdrawn/Suspended i.t.o. 5(a)(iii)	R23.00
Ejectment R93.50 per hour or part thereof, subject to a minimum of which shall include the first hour (in addition to reasonable expenses necessarily incurred)	R139.00

NOTE:

3. TRAVELLING ALLOWANCE

- (a) For the distance actually and necessarily travelled by the sheriff or his or her officer, reckoned, subject to item 3(c) and (d), from the office of the sheriff, both on the forward and the return journey, per kilometre or part thereof R5.00
- (b) When two or more summonses or other process, whether at the instance of the same party or of different parties, are capable of being served on one and the same journey, the travelling allowance for performing the round of service shall be fairly and equitably apportioned among the several cases, regard being had to the distance at which the parties against whom such process is directed respectively reside from the office of the sheriff, but the fee for service shall be payable for each service made or attempted to be made.
- (c) The travelling allowance mentioned in item 3(a) and (b) shall be calculated on the distance reckoned from the office of the sheriff if –
- (i) The sheriff's office is situated within the area of jurisdiction allocated to the sheriff by the Minister; and
 - (ii) The distance from the sheriff's office is less than the distance reckoned from the court-house closest to the address for service.
- (d) If the requirement in item 3(c) is not met, then the travelling allowance mentioned in item 3(a) and (b) shall be calculated on the distance reckoned from the court-house closest to the address for service.

Travelling	R5.00 per km (on return trip)
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IMMOVABLE PROPERTY

Immovable property execution of Notice of Attachment on Registrar	R186.00
Notice of Attachment to Single Lessee/Occupier	R17.50
Service on each Occupier thereafter (should there be several occupiers)	R5.50

Improvements (per hour or part thereof)	R93.50
Attachment Stayed/Withdrawn	R186.00
Obtaining Conveyancer's Certificate	R93.50
Notifying Execution Creditor of Bonds or other Encumbrances	R17.50
Considering Proof that Preferent Creditor Complied with Rule 46(5)(a)	R10.00
Notice (Rule 46(6))	R17.50
Considering Notice of Sale and Service on every Judgment Creditor and verify that the notice of sale has been published in the newspaper	R93.50
Affixing Notice of Sale (Rule 46(7)(e))	R33.50
Consider Conditions of Sale	R78.50
Sheriff's Commission (inclusive in all instances of the Sheriff's bank charges and other expenses incurred in paying the proceeds into his or her trust account)	6% on the first R100 000 3.5% on R100 001.00 to R400 000.00 and 1.5% on the balance of the proceeds of the sale Max R40 000.00 Min R3000.00
Report – Rule 46(11)	R47.00
Giving Transfer to Purchaser	R23.00
Preparing Plan of Distribution	R93.50
Notice to Parties who have lodged writs and to Debtor that plan of distribution will lie for inspection	R17.50
Request to Magistrate to pay out in accordance with Plan of Distribution	R10.00

MOVABLE PROPERTY

Writ – Movable Property – paid on presentation	9% on the amount paid Min R63.00 Max R614.50
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Abortive Attempt of Attachment, including one hour's

search and enquiry	R63.00
Writ Stay/Withdrawn before Attachment	R23.00
Making Attachment (Incl. 1 hour's search and enquiry)	R153.50
Notice of Attachment	R16.00
Notice to each person thereafter	R10.00
Attachment Withdrawn/Stayed before a sale	3% on the value of the property attached or amount on Writ, whichever is lesser, Max R460.00
Writ is paid after attachment but before the sale	9% on the paid amount Min R63.00 Max R614.00
Monies taken in execution	9% of the amount taken subject to a Max of R614.00
Drawing Advertisements for sale of goods attached	R63.00
Selling in Execution	9% of the first R15 000.00 thereafter 6% on the balance Max R8531.50

NOTE:

Commission shall not be chargeable against a judgment debtor on the value of movable property attached and subsequently claimed by a person other than the judgment debtor and released in consequence of such claim, unless such property has been attached at the express direction of the judgment creditor, in writing, in which event the judgment creditor shall be liable to the sheriff for the commission

Drawing Interpleader Summons	R93.50
Insuring Movables attached when it is considered necessary and when the sheriff is directed thereto in writing by the judgment creditor, in addition to the amount of premium paid, an inclusive fee of	R33.50
Keeping Possession of property (per officer per day – officer on premises)	R117.00 (officer left in possession)

NOTE:

‘Possession’ means the continuous and necessary presence on the premises for the period in respect of which possession is reckoned, of a person employed and paid by the sheriff for the sole purpose of retaining possession.

For removal and storage, the reasonable and necessary expenses for such removal and storage, and if an animal is to be stabled or fed, the reasonable charges for such stabling and feeding.

For tending livestock, the necessary expenses for tending such stock.

Keeping Possession of property (when movable property attached and remains under the supervision of sheriff – but no officer left in possession and no security bond is taken)	R3.00
Making Inventory (per hour)	R117.00 per hour
Assistance in making Inventory (per day)	R117.00
Drawing Indemnity (Bill Bond, Deed of Surety)	R23.50
Making photocopies per A4 size page	R4.00
Attending any Criminal Session of a Superior Court or any Circuit Court	R93.50 per hour Max R460.00
Letters Written	R17.50
Attendance of Telephone Call (in addition to prescribed trunk charges)	R10.00
Fax (sending and receiving faxes – in addition to telephone charges)	R5.50 + tel. charges
E-Mail Sent/Received (not gazetted)	
Urgency Fee (not gazetted)	
Bank Charges (Sheriffs to check with their relevant banks on actual cost charged)	

AMENDMENT OF RULE 70 OF THE RULES

Rule 70 of the Rules is hereby amended –

(a) By the substitution for sub-rule (4), of the following sub-rule:

“(4) The taxing master shall not proceed with the taxation of any bill of costs unless he or she is satisfied that the party liable to pay the costs has received –

(a) Due notice in terms of sub-rule (3B); and

(b) Not less than 10 days' notice of the date, time and place of such taxation and that he or she is entitled to be present thereat: Provided that such notice shall not be necessary –

- (i) If the party liable to pay the costs has consented in writing to taxation in his or her absence;
- (ii) If the party liable to pay the costs failed to give notice of intention to oppose in terms of sub-rule (3B); or
- (iii) For the taxation of writ and post-writ bills:

DISCLAIMER NOTIFICATION

This Tariff Guide was prepared by the South African Sheriffs Society with the aim of simplifying the fees, so that Sheriffs can understand and implement it easily and effectively.

Kindly note that there is no gazetted fee for: E-Mails, Urgency Fee, Bank Charges. Each Sheriff should be able to explain the reasons for charging a fee that is not gazetted and further note that you are charging these fees in accordance to the actual work done. The organisation will not take responsibility to explain on your behalf.

Therefore we suggest that you apply your mind to the fee charged carefully before implementing same at your office.

Kindly note further that we recommend that all sheriff's contact their respective computer software service provider for assistance in the updating of the fee structure on your computer system, by the end of October to take effect on 1 November 2017.

Note that there is no change to the travelling fee. Also note that travelling expenses must be Proportioned according to the number of documents being served on the same trip to and from the office of the Sheriff or Court whichever is closer to the service address.

Kind Regards

Prince Maluleke
SASS President

Document compiled by A. Murugan