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## **SOUTH AFRICAN SHERIFFS SOCIETY (SASS)**

### **SHERIFF'S FEES : GAZETTE NO: 41142 – DATED 29<sup>TH</sup> SEPTEMBER 2017 – AMENDMENT OF PART 11 OF TABLE C OF ANNEXURE 2 OF THE RULES**

**EFFECTIVE FROM: 1 NOVEMBER 2017**

### **MAGISTRATE COURT FEES:**

- |  |        |
|--|--------|
| 1. Registration of documents for service/execution | R10.00 |
| 2. Return (Including original & copy)              | R16.00 |

**A. SERVICE OF SUMMONS, SUBPOENAS, NOTICES, ORDERS FROM COURT/SHERIFFS OFFICE – (REFER TO NOTES BELOW ON TRAVELLING)**

- |               |                     |
|---------------|---------------------|
| 1. 0 – 6 km   | R40.00 + travelling |
| 2. 6 – 12 km  | R47.00 + travelling |
| 3. 12 – 20 km | R63.00 + travelling |

*Where a mandator instructs the Sheriff in writing to serve a document referred to above urgently on the day of receipt of such a document or after normal office hours, the costs shall be calculated at double the abovementioned tariff. Even if the Sheriff is unsuccessful in his attempt, double fee is charged.*

**B. ATTEMPTED SERVICE OF DOCUMENTS MENTIONED IN “A” – (REFER TO NOTES BELOW ON TRAVELLING)**

- |               |                     |
|---------------|---------------------|
| 1. 0 – 6 km   | R33.50 + travelling |
| 2. 6 – 12 km  | R40.00 + travelling |
| 3. 12 – 20 km | R56.00 + travelling |

**WHERE A DOCUMENT MUST BE SERVED TOGETHER WITH A PROCESS OF THE COURT IS MENTIONED IN SUCH PROCESS OR IS AN ANNEXURE THERETO, NO ADDITIONAL FEES SHALL**

BE CHARGED FOR SERVICE OF THE DOCUMENT, OTHERWISE **R10.00** MAY BE CHARGED FOR EVERY SEPARATE DOCUMENT SERVED.

**NB: NO FEES SHALL BE CHARGED FOR A SEPARATE DOCUMENT WHEN PROCESS IN CRIMINAL MATTERS IS SERVED.**

**NB: Service of a Notice in Terms of Rule 54(1) simultaneously with the Summons shall not be regarded as a separate service.**

**C. EXECUTION OF WARRANTS, INTERDICTS, GARNISHEE ORDERS OR EMOLUMENTS ATTACHMENT ORDER – (REFER TO NOTES BELOW ON TRAVELLING)**

- |               |                     |
|---------------|---------------------|
| 1. 0 – 6 km   | R56.00 + travelling |
| 2. 6 – 12 km  | R63.00 + travelling |
| 3. 12 – 20 km | R78.50 + travelling |

Where a mandator instructs the Sheriff in writing to serve a document referred to above urgently on the day of receipt of such a document or after normal office hours, the costs shall be calculated at double the abovementioned tariff. Even if the Sheriff is unsuccessful in his attempt, double fee is charged.

**D. ATTEMPTED EXECUTION OF WARRANTS, INTERDICTS, GARNISHEE ORDERS OR EMOLUMENTS ATTACHMENT ORDER – (REFER TO NOTES BELOW ON TRAVELLING)**

- |               |                     |
|---------------|---------------------|
| 1. 0 – 6 km   | R47.00 + travelling |
| 2. 6 – 12 km  | R56.00 + travelling |
| 3. 12 – 20 km | R70.50 + travelling |

**E. PLEASE REFER TO THE NOTES BELOW ON HOW TO CALCULATE TRAVELLING AND THE REQUIREMENTS**

1(a) The Sheriff shall, in addition to the fees mentioned in items A, B, C and D but subject to item 1(b) and (c), be allowed a travelling allowance of R5.00 per kilometre, or part thereof, for the shortest possible forward and return journey from the office of the Sheriff to the place of service or execution and back.

(b) The travelling allowance mentioned in items 1(a), 2(a), 2(c)(i) 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.

(c) If the requirement in item 1(b) is not met, then the travelling allowance mentioned in items 1(a), 2(a) and 2(c)(i) shall be calculated on the distance reckoned from the court-house closest to the address for service.

2(a) In respect of the discharge of any official duty other than those mentioned in items A and C, but subject to item 1(b) and (c), a travelling allowance of R5.00 per kilometre for every kilometre, or part thereof, shall be payable to the sheriff for going and returning.

(b) A travelling allowance shall include all the expenses incurred in travelling, including train fares.

- (c) A travelling allowance shall be calculated in respect of each separate service, except that –
- (i) where more services than one can be done on the same journey, the distance from the sheriff's office to the first place of service may be taken into account only once, and shall be apportioned equally to the respective services, and the distance from the first place of service to the remaining places of service shall similarly be apportioned equally to the remaining services; and
  - (ii) where service of the same process has to be effected by a sheriff on more than one person at the same service address, only one charge for travelling shall be allowed.
- (d) When it is necessary for the sheriff to convey any person under arrest, an allowance of R5.00 per kilometre in respect of that portion of his or her journey on which he or she was necessarily accompanied by such person shall be allowed.

**F. SUMMARISED EXPLANATION OF TRAVELLING CHARGES**

1. Travelling cost is R5.00 per km.
2. Sheriff is now entitled to charge the gazetted fee for service/execution plus travelling per km to and from service address.
3. The Sheriff is required to calculate their travelling charges from his office or the court whichever is closer to the service address.
4. The Sheriff must proportion his travelling costs amongst the number of documents that is being served on the same trip.
5. Travelling costs will include all added expenses – we presume toll fees as well.
6. If there is only one document on the trip, then you would charge the full cost per km.
7. If service is effected on more than one person at the same address – only one travelling allowance should be charged.

Ejection of Defendant	R33.50 per half hour (or part thereof)
Further fee after execution for every person over and above the person referred to in the process of ejection	R22.50
For the Arrest of a Defendant tanquam suspectus de fuga, shall in addition to Item C, pay for waiting time	R25.50 per half hour
Travelling	R5.00 per km

**MOVABLE PROPERTY**

Making Inventory including making all necessary copies and time spent on stock-taking	R33.50 per half hour
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	or part thereof
For assistance to make inventory	R33.50 per half hour or part thereof
Officer left on premises per day	R117.00 per day

#### REMOVAL/STORAGE

If **'LIVESTOCK'** is attached, only the necessary expenses of herding and preserving the stock shall be allowed.

If the goods are removed and stored, only the cost of removal and storage shall be allowed.

**'POSSESSION'** shall mean actual physical possession by a person employed and paid by the sheriff, whose sole work for the time being is to remain on the premises where the goods have been attached, and who, in fact, remains in possession for the period for which possession is charged.

**'COST OF REMOVAL'** shall mean the amount actually and necessarily disbursed for removal or attempted removal if the goods were removed by a third party or an attempt was made to remove them, if they were removed by the sheriff him – or herself, such amount as would fairly be allowable in the ordinary course of business if the goods were removed by a third party, or an attempt was made to so remove them.

**'COST OF STORAGE'** shall mean the amount actually and necessarily paid for storage if the goods were stored with a third person or, if the sheriff provided the storage, such amount as would fairly be allowable in the ordinary course of business if the goods were stored with a third person.

Perusing/drawing up Indemnity, Bill Bond, Deed of Surety	R10.00
Sheriff's Commission - Warrant of Execution or Garnishee Order paid in full or part thereof or monies attached in execution against movables	9% of the amount paid Min R63.00 Max R614.00
Notice of Attachment to Defendant and each other person	R10.00
Release – Rule 41(7)(f)(i) before sale or Defendant's Estate has been sequestered after attachment but before sale (2.3% of value of attached goods) subject to a maximum of	Max R186.00
Movable Property Sold in Auction – Sale Commission	9% for first R15 000.00 (or part thereof) Thereafter 6% Max R8 178.50
Insurance of Attached Property, if deemed necessary, and on written instructions of the judgment creditor to	

the sheriff, in addition to the premium to be paid, an all-inclusive amount of R33.50

Bank Charges (as per your bank stipulated rates)

Drawing/Issuing Interpleader Summons R93.50

## **IMMOVABLE PROPERTY**

Immovable Property Stayed/Withdrawn or Defendant's Estate Sequestered R186.00

Drawing up of report of the Improvements R33.50 per half hour or part thereof

Written Notice to Purchaser who has failed to comply With Conditions of Sale – Rule 43 R47.00

Considering Conditions of Sale R93.50

Attachment Lapsed, as referred to in Section 66(4) R56.00

Sheriff's Commission – Sale of Immovable Property  
6% on first R100 000.00  
3.5% on R100 001.00 to R400 000.00 and 1.5% on the balance of the proceeds of the sale  
Min R3 000.00  
Max R40 000.00

### **NOTE:**

If Auctioneer is employed as provided in Rule 43(9), 3 per cent on the first R100 000.00, 2 per cent on R100 001.00 to R400 000.00 and 1 per cent on the balance thereof, subject to a maximum commission of R22 850.00 total and a minimum of R3 000.00 (inclusive in all instances of the sheriff's bank charges and other expenses incurred in paying the proceeds into his or her trust account), which commission shall be paid by the purchaser.

In addition to the fees allowed above, there shall be allowed – the sum actually and reasonably paid by the sheriff or the auctioneer for printing, advertising and giving publicity to any sale or intended sale in execution.

Giving Transfer R23.50

**NOTE FURTHER:**

Where the sheriff is in possession under more than one warrant of execution, he or she may charge fees for only one possession, and such possession shall, as far as possible, be apportioned equally to the several warrants issued during the same period: Provided that each execution creditor shall be jointly and severally liable for such possession to an amount not exceeding what would have been due under his or her execution if it had stood alone.

Fees payable on the value of goods attached or on the proceeds of the sale of goods in execution shall not be chargeable on such value or proceeds so far as they are in excess of the amount of the warrant.

The fees and expenses of the sheriff in execution of a garnishee order shall be added to the amount to be recovered under the order, and shall be chargeable against the judgment debtor.

Document returned to Attorney/Mandator before service or execution or because address does not fall within sheriff's jurisdiction or the mandatory requested, before attempted service or execution of the process, that it be returned to him or her R10.00

Examining Newspaper Advert and *Gazette* in which the Notice of sale has been published, as referred to in rule 43(6)(c) and rule 41(8)(c) R10.00

Forwarding copy of Sale Notice to Mortgage/Creditor who has lodged writs with the sheriff R10.00

Affixing Notice of Sale to court, notice board or other public place R23.50 + travelling

Affixing Notice of Sale on the property to be sold R23.50 + travelling

Perusing Records of Registrar of Deeds (if investigated by the sheriff himself or if the sheriff utilises the service of a third party for the investigation, the actual cost, as required by the third party, provided that it is reasonable) R56.00

Letters written R10.00

Telephone R10.00 + prescribed trunk charges

Fax (send/receive) R5.50 + tel. Cost

E-mails (send/receive – NOT GAZETTED)

Photocopies R4.00

***A REQUEST TO TAX AN ACCOUNT OF A SHERIFF SHALL BE DONE WITHIN 90 DAYS AFTER THE DATE ON WHICH THE ACCOUNT OF WHICH THE FEES ARE DISPUTED, HAS BEEN RENDERED.***

Drawing Bill of Taxation and Attendance R63.00

*BANK CHARGES: ACTUAL COSTS INCURRED RELATING TO BANK CHARGES AND CHEQUE FORMS.*

Drafting Warning Notice to Debtor – SECT 65A(8)(b) R17.50

Arrest Attending R33.50 per journey and R63.00 (per hour or part thereof for attending court)

*POSTAGE AND PETTIES AS PER PRESCRIBED TARIFFS BY POST OFFICE*

Waiting time in regards to handing over a judgment debtor to the relevant authority of any person attending court arrested by the sheriff R33.50 per half hour (or part thereof) Max R124.00

## **DISCLAIMER NOTIFICATION**

This Tariff Guide is 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 and 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 cost must be Proportioned between the number of document served on the same trip to and from the Service address.

Kind Regards

Prince Maluleke  
SASS President

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