

section 65(2) of the Act, per page			
9. Correspondence and attendances	[R32,00] R35,00	[R32,00] R35,00	[R32,00] R35,00

(b) by the substitution for Part II of Table C of the following Part:

**"PART II
SHERIFFS WHO ARE NOT OFFICERS OF THE PUBLIC SERVICE**

1A. For registration of any document for service or execution upon receipt thereof: **[R12,00]** R 13,00.

1B. (a) For the service of a summons, subpoena, notice, order or other document not being a document mentioned in item 2, the journey to and from the place of service of any of the above-mentioned documents—

(i) within a distance of 6 kilometres from the court-house of the district for which the sheriff is appointed: **[R48,00]** R 52,00

(ii) within a distance of 12 kilometres, but further than 6 kilometres from the court-house of the district for which the sheriff is appointed: **[R57,50]** R 62,00;

(iii) within a distance of 20 kilometres, but further than 12 kilometres from the court-house of the district for which the sheriff is appointed: **[R77,00]** R 84,00;

(b) For the attempted service of the documents mentioned in paragraph (a), the journey to and from the place of attempted service of any of the above-mentioned documents—

(i) within a distance of 6 kilometres from the court-house of the district for which the sheriff is appointed: **[R41,50]** R45,00;

(ii) within a distance of 12 kilometres but further than 6 kilometres from the court-house of the district for which the sheriff is appointed: **[R48,00]** R52,00;

(iii) within a distance of 20 kilometres but further than 12 kilometres from the court-house of the district for which the sheriff is appointed: **[R69,00]** R75,50;

(c) (i) Where a document must be served together with a process of the court and is mentioned in such process or is an annexure thereto, no additional fees shall be charged for service of the document, otherwise **[R12,00]** R13,00 may be charged for every separate document served;

(ii) No fees shall be charged for a separate document when process in criminal matters is served;

(iii) The service of a notice referred to in rule 54(1) simultaneously with the summons shall not be regarded as a separate service;

(iv) Where a mandator instructs the sheriff, in writing, to serve or execute a document referred to in item 1B(a) or (2)(a) on an urgent basis or after hours, the sheriff shall charge an additional fee of **[R256,00]** R279,50 for such service irrespective of whether the service or execution was successful, which additional fee shall be paid by the mandator, save where the court orders otherwise;

(v) For the purpose of sub-paragraph (iv)—

(aa) "urgent" means on the same day or within twenty four hours of the written instruction; and

(bb) "after hours" means any time—

(aaa) before 7h00 or after 19h00 on Mondays to Fridays; or

(bbb) on a Saturday, Sunday or public holiday.

2. (a) For the execution of a warrant (other than against immovable property), interdict, garnishee order or emoluments attachment order, the journey to and from the place of execution of the above-mentioned documents—

- (i) within a distance of 6 kilometres from the court-house of the district for which the sheriff is appointed: **[R69,00]** R75,50;
- (ii) within a distance of 12 kilometres, but further than 6 kilometres from the court-house of the district for which the sheriff is appointed: **[R77,00]** R84,00;
- (iii) within a distance of 20 kilometres, but further than 12 kilometres from the court-house of the district for which the sheriff is appointed: **[R96,00]** R105,00;
- (b) For the attempted execution of the documents mentioned in paragraph (a), the journey to and from the place of attempted execution of the above-mentioned documents —
- (i) within a distance of 6 kilometres from the court-house of the district for which the sheriff is appointed: **[R57,50]** R62,00;
- (ii) within a distance of 12 kilometres, but further than 6 kilometres from the court-house of the district for which the sheriff is appointed: **[R69,00]** R75,50;
- (iii) within a distance of 20 kilometres, but further than 12 kilometres from the court-house of the district for which the sheriff is appointed: **[R86,00]** R94,00;
- (c) (i) For the ejection of a defendant from the premises referred to in the warrant of ejection: **[R41,00]** R45,00 per half hour or part thereof (except extraordinary expenses necessarily incurred);
- (ii) A further fee of **[R27,00]** R29,50 shall be paid after execution for every person over and above the person named or referred to in the process of ejection, in fact ejected from separate premises: Provided that where service on any person other than the judgment debtor, respondent or garnishee is necessary in order to complete the execution, the fee laid down in item 1B(a) may be charged in respect of each such service.
- (d) for the execution of any writ against immovable property—
- (i) for execution, including service of notice of attachment upon the owner of the immovable property and upon the registrar of deeds or other office charged with the registration of such property, and if the property is in occupation of some other person other than the owner, also upon such occupier: **[R227,00]** R247,50;
- (ii) for notice of attachment to a single lessee or occupier: **[R21,00]** R22,50;
- (iii) identical notices where there are several lessees, occupiers or owners, for each after the first: **[R7,50]** R8,50;
- (iv) for making valuation report for purposes of sale, per half hour or part thereof: **[R57,50]** R60,00;
- (v) when a sheriff has been authorised to sell property and the property is not sold by reason of the fact that the attachment is withdrawn or stayed, all the necessary notice for the withdrawal or stay of the attachment: **[R227,00]** R247,50; Upliftment of judicial attachment on immovable property: **[R227,00]** R247,50;
- (vi) for ascertaining and recording what bonds or other encumbrances are registered against the property, together with the names and addresses of the persons in whose favour such bonds and encumbrances are so registered including any correspondence in connection therewith (in addition to reasonable expenses necessarily incurred): **[R114,00]** R124,50;
- (vii) for notifying the execution creditor of such bonds or other encumbrances and of the names and addresses of the persons in whose favour such bonds or other encumbrances are registered: **[R19,00]** R21,00;
- (viii) for consideration of proof that a preferent creditor has complied with the requirements of rule 43(5)(a): **[R12,00]** R13,50;
- (ix) for notice referred to in rule 43(6): **[R21,00]** R22,50;
- (x) for considering of notice of sale prepared by the execution creditor in consultation with the sheriff; and
- for verifying that notice of sale has been published in the newspapers indicated and in the *Gazette*, inclusive fee for such consideration and verification: **[R114,00]** R124,50;

- (xi) for forwarding a copy of the notice of sale to every judgment creditor who had caused the immovable property to be attached and to every mortgagee thereof whose address is known, for each copy: **[R21,00]** R22,50;
- (xii) for affixing a copy of the notice of sale to the notice board of the magistrates' court referred to in rule 43(7)(e) and at or as near as may be to the place where the sale is actually to take place, an inclusive fee of **[R49,00]** R53,50 and travelling costs referred to in item 4(a);
- (xiii) for considering the conditions of sale prepared by execution creditor; for considering further or amended conditions of sale submitted by interested party; settling of conditions of sale: **[R114,00]** R124,50 for each attendance;
- (xiv) for all necessary attendances prescribed by any law related to auctions, in particular the Consumer Protection Act, 2008 (Act No. 68 of 2008): **[R343,00]** R374,00;
- (xv) for the conducting of an auction, save that this fee may not be charged if commission is claimed in terms of items 2(d)(xvi) and (xvii): **[R227,00]** R247,50;
- (xvi) On the sale of immovable property by the sheriff as auctioneer, 6 per cent on the first R100 000,00, 3.5 per cent on R100 001,00 to R400 000,00 and 1.5 per cent on the balance of the proceeds of the sale, subject to a maximum commission of R40 000,00, in 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;
- (xvii) If an auctioneer is employed as provided in rule 43(10), 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 in 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;
- (xviii) for written notice to the purchaser who has failed to comply with the conditions of sale: **[R57,50]** R62,00;
- (xix) for any report referred to in rule 43(11): **[R57,50]** R62,00;
- (xx) for informing judgment debtor of the cancellation referred to in rule 43(11)(a)(iii): **[R21,00]** R22,50;
- (xxi) for giving notice referred to in rule 43(11)(c): **[R21,00]** R22,50;
- (xxii) for giving transfer to the purchaser: **[R27,00]** R29,50;
- (xxiii) for receipt of certificate referred to in rule 43(14)(a): **[R21,00]** R22,50;
- (xxiv) for preparing a plan of distribution of the proceeds (including necessary copies) and for forwarding a copy to the registrar: **[R114,00]** R124,50;
- (xxv) for giving notice to all parties who have lodged writs and to the execution debtor that the plan of distribution will lie for inspection, for every notice: **[R21,00]** R22,50;
- (xxvi) for the report referred to in rule 43A(9)(d): **[R57,50]** R62,00;

3. Compilation of any return in terms of rule 8, in duplicate: **[R19,50]** R22,00.

4. (a) The Sheriff shall, in addition to the fees mentioned in items 1B(a), 1B(b), 2(a) and 2(b), but subject to item 4(b) and (c), be allowed a travelling allowance of **[R6,00]** R7,50 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 4(a), 5(a) and 5(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 4(b) is not met, then the travelling allowance mentioned in items 4(a), 5(a) and 5(c)(i) shall be calculated on the distance reckoned from the court-house closest to the address for service.

5. (a) In respect of the discharge of any official duty other than those mentioned in items 1 and 2, but subject to item 4(b) and (c), a travelling allowance of ~~[R6,00]~~ R7,50 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 ~~[R6,00]~~ R7,50 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.

6. (a) Making an inventory, including the making of all necessary copies and time spent on stock-taking: ~~[R41,00]~~ R45,00 per half hour or part thereof.

(b) For assistance, if necessary, with the making of an inventory, ~~[R41,00]~~ R45,00 per half hour or part thereof.

7. The perusing, drawing up and completing of a bail bond, deed of suretyship or indemnity bond: ~~[R12,00]~~ R13,50.

8. Charge or custody of property (money excluded):

(a) (i) For each officer necessarily left in possession, a reasonable inclusive amount not exceeding ~~[R142,00]~~ R155,00 per day.

(ii) Travelling allowances, to include board in every case.

(b) If livestock is attached, only the necessary expenses of herding and preserving the stock shall be allowed.

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

9. (a) '**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.

(b) '**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.

(c) '**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.

10. (a) (i) Where a garnishee order is paid in full or in part, to the sheriff, 9 per cent on the amount paid with a minimum fee of ~~[R76,50]~~ R83,50 and a maximum of ~~[R752,50]~~ R820,50;

(ii) For the execution of any warrant against movable property—

(aa) when a warrant is paid in full or in part on presentation to the sheriff, 9 per cent on the amount so paid with a minimum fee of ~~[R76,50]~~ R83,50 and a maximum of ~~[R752,50]~~ R820,50;

(bb) when a warrant is paid in full or in part to the sheriff after attachment but before sale, 9 per cent on the amount so paid with a minimum fee of ~~[R76,50]~~ R83,50 and a maximum of ~~[R752,50]~~ R820,50; or

(cc) when moneys are taken in execution, 9 per cent of the amount so taken, but subject to a maximum of ~~[R752,50]~~ R820,50;

(b) Notice of attachment to defendant and to each person to be notified: ~~[R12,00]~~ R13,50;

11. (a) Where property is released from attachment in terms of rule 41(18)(a), or the warrant of execution is withdrawn or stayed, or the judgment debtor's estate is sequestrated after the attachment, but before the sale, 2,3 per cent of the value of the goods attached, subject to a maximum of ~~[R227,00]~~ R247,50. Provided that if a sale subsequently takes place in consequence of the said attachment, the amount so paid shall be deducted from the commission payable under item 12.

(b) Commission referred to in item 11(a) shall not be chargeable against a judgment debtor on the value of movable property attached and subsequently released pursuant to a claim by a third party, unless notwithstanding a claim by a third party, the removal of such property is done at the express direction of the judgment creditor, in writing, in which event the judgment creditor shall be liable to the sheriff for commission at a rate of 2.3% of the value of the goods and costs.

12. Where the warrant of execution against movables is completed by sale, 9 per cent for the first R15 000,00 or part thereof, and thereafter 6 per cent, with a maximum of ~~[R10018,50]~~ R10 923,50;

13. For the 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 ~~[R41,00]~~ R45,00.

14. ...

15. When immovable property has been attached in execution and the attachment lapses, as referred to in section 66(4) of the Act: ~~[R69,00]~~ R75,50;

16. ...

17. In addition to the fees allowed by items 10 to 13, both inclusive, there shall be allowed—

(a) 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.

18. 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.

19. 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.

20. 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.

21. If it is necessary for the sheriff to return a document received by him or her for service or execution to the mandator because—
(a) the address of service which appears on the process does not fall within his or her jurisdiction; or
(b) the mandator requested, before an attempted service or execution of the process, that it be returned to him or her,
an amount of [R12,00] R13,50 shall be payable.

22. For the conveyance of any person arrested by the sheriff or committed to his or her custody from the place of custody to the court on a day subsequent to the day of arrest: [R41,00] R45,00 per journey and [R77,00] R84,00 per hour, or part thereof, for attending at court.

23. For the examination of an indicated newspaper in which the notice of sale has been published, as referred to in rule 41(19)(c): [R12,00] R13,50.

24. ...

25. For affixing a copy of the notice of sale on the notice board or door of the court-house or other public building and at or as near as may be to the place where the said sale is actually to take place referred to in rule 41(19)(b): [R28,00] R30,50 and travelling costs, referred to in item 5(a).

26. For interpleaders referred to in Magistrates' Courts Rule 44.....[R209,00] R228,00.

27. In addition to the fees prescribed in this Table, the sheriff shall be entitled to the amount actually disbursed for postage and telephone calls.

28. For the writing of each necessary letter, facsimile or electronic mail, excluding formal letters accompanying process or returns: [R21,00] R22,50;

29. Each necessary attendance by telephone: [R20,00] R21,50;

30. Sending and receiving of each necessary facsimile or electronic mail per page (in addition to telephone charges): [R7,50] R8,50.

31. ...

32. For the making of all necessary copies of documents: [R5,50] R6,50, per A4 size page

33. (a) A request to tax an account of a sheriff shall be made in writing within 20 days after the date on which the account of which the fees are disputed, has been rendered.

(b) For the drawing up of the bill for taxation and attendance of the taxation by the sheriff: **[R77,00] R84,00;**

34. Bank charges: Actual costs incurred relating to bank charges **[and cheque forms]**.

35. (a) Drafting of notice to the judgment debtor in terms of section 65A(8)(b) of the Act: **[R21,00] R22,50;**

(b) Service of the notice referred to in paragraph (a): Tariff as prescribed in item 1B(a).

(c) Attempted service of the notice referred to in paragraph (a): Tariff as prescribed in item 1B(b).

(d) The tariff, as prescribed in item 4, shall apply to paragraphs (b) and (c).

36. (a) For the arrest or attempted arrest of a judgment debtor in terms of section 65A(6) of the Act:

(i) The tariff as prescribed in item 2(a) or item 2(b), as the case may be.

(ii) The tariff, as prescribed in item 4, shall apply to this item.

(b) For the handing over of the judgment debtor to the South African Police Service, prisoners' friend or clerk of the court or other lawful place of detention:

(i) The tariff, as prescribed in item 2(a).

(ii) Travelling costs from place of arrest to place of handing over to the relevant authority, referred to in paragraph (b), per kilometre or part thereof: **[R6,00] R7,50.**

(iii) Waiting time in regard to handing over the judgment debtor to the relevant authority, referred to in paragraph (b): **[R41,00] R45,00**, per half hour or part thereof, with a maximum of **[R151,00] R164,50."**

Commencement

5. These Rules come into operation on **19 June 2023**.