



Update : April 2020

The Judicial Officer in the World

SOUTH AFRICA

Name (singular and plural): **Sheriff / Sheriffs**

Presentation

Generalities

430 sheriffs are appointed within 430 offices. They work together with approx. 1.200 trainees or assistants and approx. 2.200 staff. All are liberal or self-employed professionals all are privately appointed.

Training

Initial and ongoing training of sheriffs

To become a sheriff, the following level is required: O level or equivalent.

There is an initial training for the future sheriffs. This training is normally compulsory. Duration: up to one week.

An ongoing training is available for the sheriffs. This training is compulsory.

Ongoing training for the staff of sheriffs

Ongoing training courses are available for the staff of sheriffs.

The exercise of the profession

Under exception, a professional exam is necessary to exert the profession of sheriff. The sheriffs are appointed by the Ministry of Justice. There is a limited number of sheriffs. A sheriff can exert his activities within a structure including another or several other sheriffs. However, all the sheriffs exert individually.

The profession is supervised by the South African Board for Sheriffs (SABF) and is represented at national level by:

- South African National Association of Progressive Sheriffs (SANAPS)
- South African Institute for Sheriffs
- United Sheriffs Association (for Deputy Sheriffs)

Obligations of the sheriff and ethical rules

The sheriff is submitted to the following obligations relating to his activities. There are rules relating to ethics and/or deontology applicable to the profession of sheriff. Disciplinary rules are applicable to the profession of sheriff. The sheriff is submitted to a control of his activities.



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Activities exerted by the sheriffs

Enforcement of court decisions

The sheriff is in charge of enforcing court decisions, including the following enforcement measures:

- Attachment of movable goods in the hands of the debtor.
- Attachment of movable goods in the hands of a third party.
- Attachment of immovable.
- Attachment of earnings.
- Attachment in the hands of a third party of funds owed to the debtor.
- Attachment of intangible goods other than the funds owed to the debtor.
- Freezing and/or collection of tangible movable goods that should be handed over by the debtor according to a court decision.
- Attachment of motor vehicles.
- Attachment of ships and vessels.
- Attachment of aeroplanes.
- Attachment of crops.
- Attachment of goods locked in a safe.
- Evictions.
- Arrest of persons according to a court decision.
- Handing of children according to a court decision.
- Bringing physically a party to a court hearing.
- Provisional measures on tangible movable goods of the debtor.
- Provisional measures on intangible movable goods of the debtor.
- Setting up of a provisional judicial security on an immovable of the debtor.
- Physical (as opposed to Internet) forced auction sale of tangible movable goods attached by the sheriff.
- Forced public auction sale of tangible movable goods.
- Forced public auction sale of intangible movable goods.
- Forced public auction sale of immovable.
- Forced auction sale of businesses attached by the sheriff.
- Distribution to creditors of monies collected during the forced auction sale of a movable good.
- Distribution to creditors of monies collected during the forced auction sale of an immovable good.

When in charge of enforcement, the sheriff has no access to information on the assets of the debtor.

Service of judicial or extrajudicial documents

The sheriff can serve judicial and/or extrajudicial documents in civil, commercial and/or criminal matters.

Forced public auction sales

The sheriff can carry out the forced public auction sale of the following goods:



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- Physical (as opposed to Internet) auction sale of tangible movable goods attached by the sheriff.
- Physical (as opposed to Internet) auction sale of intangible movable goods attached by the sheriff.
- Physical (as opposed to Internet) auction sale of businesses attached by the sheriff.
- Physical (as opposed to Internet) sale of immovable goods attached by the sheriff.

Voluntary public auction sales

The judicial cannot carry out the voluntary public auction sale of goods.

Other activities (X = yes)	
Debt collection	
Statements of facts	
Sequestration of goods	
Legal advice	
Bankruptcy proceedings	
Missions entrusted by a judge	
Mediation	
Representation of parties in the court	
Drawing up of private deeds and documents	
Court service	
Real estate management	