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STATE PRESIDENT'S OFFICE

KANTOOR VAN DIE STAATSPRESIDENT

No. 656.

28 March 1991

No. 656.

28 Maart 1991

It is hereby notified that the State President has assented to the following Act which is hereby published for general information:—

Hierby word bekend gemaak dat die Staatspresident sy goedkeuring geheg het aan die onderstaande Wet wat hierby ter algemene inligting gepubliseer word:—

—No. 3 of 1991: Sheriffs Amendment Act, 1991.

No. 3 van 1991: Wysigingswet op Balju's, 1991.

Act No. 3, 1991

SHERIFFS AMENDMENT ACT, 1991

GENERAL EXPLANATORY NOTE:

Words underlined with solid line indicate insertions in existing enactments.

ACT

To amend the Sheriffs Act, 1986, so as to provide for the appointment of acting sheriffs in particular suits; and to empower the Board for Sheriffs to grant certain exemptions regarding the requirement to be the holder of a fidelity fund certificate, the payment of certain contributions to the said Board and the auditing of accounts; and to provide for matters connected therewith.

*(English text signed by the State President.)
(Assented to 18 March 1991.)*

BE IT ENACTED by the State President and the Parliament of the Republic of South Africa, as follows:—

Amendment of section 5 of Act 90 of 1986

1. Section 5 of the Sheriffs Act, 1986 (hereinafter referred to as the principal Act), is hereby amended by the insertion after subsection (1) of the following subsection: 5
- “(1A) The Minister may for the purposes of a particular suit appoint a person to act as sheriff—
- (a) if objection is made against the service or execution of any process by the sheriff on the grounds that he has an interest in the suit or that he is related to a party to the suit; 10
- (b) if the Minister for any other reason considers it necessary.”

Amendment of section 23 of Act 90 of 1986

2. Section 23 of the principal Act is hereby amended—
- (a) by the substitution for subsection (1) of the following subsection: 15
- “(1) A sheriff shall, subject to the provisions of subsection (4)—
- (a) keep separate record of moneys deposited or invested by him in, and payments made by him out of, an account mentioned in section 22 (1) or (2);
- (b) cause the records referred to in paragraph (a) to be audited by an auditor at least once annually.”; and 20
- (b) by the addition of the following subsection:
- “(4) The Board may, on such conditions as it may determine, exempt a sheriff from the provisions of subsection (1) (b) of this section.”

Amendment of section 30 of Act 90 of 1986

3. Section 30 of the principal Act is hereby amended by the addition of the following subsection, the existing section becoming subsection (1): 25
- “(2) The Board may, on such conditions as it may determine, exempt a sheriff appointed under section 5 (1A) from the provisions of subsection (1) (b) of this section.”

Short title

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4. This Act shall be called the Sheriffs Amendment Act, 1991.