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## GOEWERMENSKENNISGEWING

### DEPARTEMENT VAN JUSTISIE

No. R. 411

12 Maart 1990

#### REGULASIES KRAGTENS DIE WET OP BALJU'S, 1986 (WET No. 90 VAN 1986)

Die Minister van Justisie het kragtens artikel 62 van die Wet op Balju's, 1986 (Wet No. 90 van 1986), en na oorlegpleging met die Raad vir Balju's, die regulasies vervat in die Bylae uitgevaardig.

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### DEPARTMENT OF JUSTICE

No. R. 411

12 March 1990

#### REGULATIONS UNDER THE SHERIFFS ACT, 1986 (ACT No. 90 OF 1986)

The Minister of Justice has, under section 62 of the Sheriffs Act, 1986 (Act No. 90 of 1986), and after consultation with the Board for Sheriffs, made the regulations contained in the Schedule.

#### SCHEDULE

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## Woordomsrywings

1. In hierdie regulasies het 'n woord of uitdrukking waaraan 'n betekenis in die Wet geheg word, die betekenis aldus daaraan geheg en, tensy uit die samehang anders blyk, beteken—

“**balju**”, behalwe by die toepassing van regulasies 2 en 6 (1), ook 'n waarnemende balju;

“**bruto inkomste**” alle inkomste wat 'n balju toeval ingevolge Deel II van Tabel C van Bylae 2 van die reëls uitgevaardig kragtens artikel 25 van die Wet op Landdroshowe, 1944 (Wet No. 32 van 1944), gelees met artikel 6 (3) van die Wet op die Reëlsraad vir Geregshowe, 1985 (Wet No. 107 van 1985), en ingevolge die tarief in reël 68 van die reëls uitgevaardig kragtens artikel 43 van die Wet op die Hooggeregshof, 1959 (Wet No. 59 van 1959), gelees met artikel 6 (3) van die Wet op die Reëlsraad vir Geregshowe, 1985 (Wet No. 107 van 1985);

“**die Wet**” die Wet op Balju's, 1986 (Wet No. 90 van 1986);

“**landdros**” die landdros van die distrik waarvoor 'n balju vir die laer hof aangestel is of staan te word, of die landdros van die distrik waarbinne die gebied van 'n balju wat vir die hoër hof aangestel is of staan te word, geleë is, en ook 'n addisionele landdros van die distrik, maar nie 'n streeklanddros nie;

“**netto inkomste**” bruto inkomste ná aftrekking van die werklike onkoste wat 'n balju aangegaan het ten opsigte van advertensies in verband met geregtelike verkopings en ten opsigte van posgeld, telefoonoproep, die toesig en bewaring van goed, die oppas en onderhoud van lewende hawe, die verwydering en berging van goed en die gebruikmaking van die dienste van 'n sleutelmaker om enige deur of meubelstuk oop te maak;

“**Raad**”, by die toepassing van regulasie 11 (2) tot (12), ook 'n persoon deur die Minister kragtens artikel 52 (1) van die Wet gemagtig;

“**rekening**” enige rekening in artikel 22 (1) of (2) van die Wet bedoel.

## Aanstelling van balju's

2. (1) Wanneer die amp van balju vakant word, moet die betrokke landdros die Direkteur-generaal van Justisie en die Raad binne sewe dae vanaf die datum waarop die vakature ontstaan het, skriftelik van die vakature en van die sluitingsdatum vir aansoeke om die vakature te vul, in kennis stel.

(2) Binne sewe dae na die ontstaan van 'n vakature in subregulasie (1) bedoel of die ontvangs van 'n kennisgewing van die omskrywing van 'n gebied soos in artikel 3 (2) van die Wet bedoel, moet die landdros kennisgewings aan die kennisgewingsborde by sy kantoor, periodieke howe en takhowe in sy distrik aanbring waarin vermeld word—

- die gebied waarvoor die vakature bestaan of die gebied in artikel 3 (2) van die Wet bedoel;
- die voorskrifte wat van toepassing is op aansoeke om aanstelling as balju; en
- die sluitingsdatum vir sodanige aansoeke.

(3) Die sluitingsdatum vir aansoeke om aanstelling as balju mag nie minder as 30 dae wees nie vanaf die datum waarop die landdros die kennisgewings in subregulasie (2) bedoel, op die kennisgewingsborde aanbring het.

## Definitions

1. In these regulations any word or expression to which a meaning has been assigned in the Act shall bear the meaning so assigned to it and, unless the context otherwise indicates—

“**account**” means any account mentioned in section 22 (1) or (2) of the Act;

“**Board**”, for the purposes of regulation 11 (2) to (12), includes a person authorised by the Minister under section 52 (1) of the Act;

“**gross income**” means all income accrued by a sheriff in terms of Part II of Table C of Annexure 2 by the rules promulgated under section 25 of the Magistrates' Courts Act, 1944 (Act No. 32 of 1944), read with section 6 (3) of the Rules Board for Courts of Law Act, 1985 (Act No. 107 of 1985), and in terms of the tariff in rule 68 of the rules promulgated in terms of section 43 of the Supreme Court Act, 1959 (Act No. 59 of 1959), read with section 6 (3) of the Rules Board for Courts of Law Act, 1985 (Act No. 107 of 1985);

“**magistrate**” means the magistrate of the district for which a sheriff for the lower court has been or is to be appointed, or the magistrate for the district in which the area of the sheriff that has been or is to be appointed for the superior court is situated, and includes an additional magistrate for that district, but not a regional magistrate;

“**net income**” means gross income after deduction of the actual expenses incurred by sheriff in respect of advertisements with regard to sales in execution and in respect of postage, telephone calls, control and possession of goods, tending of livestock, removal and storage of goods and the employment of a locksmith to open any door or piece of furniture;

“**sheriff**”, except for the purposes of regulations 2 and 6 (1), includes an acting sheriff;

“**the Act**” means the Sheriffs Act, 1986 (Act No. 90 of 1986).

## Appointment of sheriffs

2. (1) Whenever the office of sheriff becomes vacant, the magistrate concerned shall within seven days from the date on which the vacancy has occurred, inform the Director-General of Justice and the Board in writing of the vacancy and of the closing date for applications to fill the vacancy.

(2) Within seven days of the occurrence of a vacancy referred to in subregulation (1) or the receipt of a notice of the description of an area referred to in section 3 (2) of the Act, the magistrate shall affix notices to the notice boards at his office, periodical courts and branch courts in his district stating—

- the area for which the vacancy exists or the area referred to in section 3 (2) of the Act;
- the requirements applicable to applications for appointment of sheriff; and
- the closing date for such applications.

(3) The closing date for applications for appointment as sheriff shall not be less than 30 days from the date on which the magistrate affixed the notices referred to in subregulation (2) to the notice boards.

(4) Iemand wat van voorneme is om aansoek te doen om aanstelling as balju, moet 'n vorm soos in Vorm 1 van die Aanhangsel by hierdie regulasies uiteengesit, in tweevoud invul en die vorms by die betrokke landdros indien.

(5) Elke vorm ingedien ingevolge subregulasie (4) gaan vergesel van—

- (a) 'n *curriculum vitae* van die aansoeker;
- (b) 'n staat van die bates en laste van die aansoeker op 'n vorm soos in Vorm 2 van die Aanhangsel by hierdie regulasies uiteengesit; en
- (c) 'n verslag op 'n vorm soos in Vorm 3 van die Aanhangsel by hierdie regulasies uiteengesit, deur die aansoeker se jongste werkgewer of, indien die aansoeker nie in staat is om so 'n verslag te verkry nie, gewaarmerkte afskrifte van twee onlangse getuigskrifte, tesame met 'n uiteensetting deur die aansoeker waarom hy nie in staat is om so 'n verslag te verkry nie.

(6) Binne sewe dae na die sluitingsdatum vir die betrokke aansoeke moet die landdros—

- (a) daardie aansoeke tesame met 'n verslag wat deur hom ten opsigte van elke aansoek opgestel is, aan die Direkteur-generaal van Justisie stuur; en
- (b) afskrifte van daardie aansoeke aan die Raad stuur.

(7) Die Raad lê binne 30 dae na ontvangs van die aansoeke in subregulasie (6) (b) bedoel, die name van die aansoekers aan wie die Raad bereid sal wees om getrouheidsfondssertifikate uit te reik, in voorkeurvolgorde aan die Minister voor.

(8) Na ontvangs van die stukke in subregulasie (7) bedoel, stel die Minister 'n balju vir die betrokke gebied aan.

### Getrouheidsfondssertifikate

3. (1) Die vorm waarop 'n balju by die Raad om 'n getrouheidsfondssertifikaat aansoek kan doen, is soos in Vorm 4 van die Aanhangsel by hierdie regulasies uiteengesit.

(2) 'n Aansoek om 'n getrouheidsfondssertifikaat gaan vergesel van 'n bydrae van R50,00: Met dien verstande dat die aansoek vergesel gaan van 'n verdere bydrae van R100,00 ten opsigte van elke adjunk-balju wat gedurende die kalenderjaar wat die datum van aansoek voorafgaan, in die aansoeker se diens is of was.

(3) Die vorm waarop die Raad 'n getrouheidsfondssertifikaat aan 'n balju moet uitreik, is soos in Vorm 5 van die Aanhangsel by hierdie regulasies uiteengesit.

(4) 'n Balju moet sy getrouheidsfondssertifikaat in 'n opvallende posisie in sy kantoor vertoon.

(5) Die Raad kan, op skriftelike versoek van 'n balju en teen betaling van 'n bedrag van R25,00, 'n afskrif van die betrokke getrouheidsfondssertifikaat aan die balju uitreik.

(6) 'n Stuk wat heet 'n getrouheidsfondssertifikaat te wees en wat ingevolge die Wet uitgereik is, of 'n afskrif van so 'n sertifikaat wat as 'n ware afskrif gewaarmerk is deur iemand wat heet 'n persoon in die diens van die Raad te wees, is by voorlegging *prima facie*-bewys van die inhoud daarvan.

(4) Any person intending to apply for appointment as sheriff shall complete a form as set out in Form 1 of the Annexure to these regulations in duplicate and lodge the forms with the magistrate concerned.

(5) Each form lodged in terms of subregulation (4) shall be accompanied by—

- (a) a *curriculum vitae* of the applicant;
- (b) a statement of the assets and liabilities of the applicant on a form as set out in Form 2 of the Annexure to these regulations; and
- (c) a report on a form as set out in Form 3 of the Annexure to these regulations by the applicant's most recent employer, or, if the applicant is unable to obtain such a report, certified copies of two recent testimonials, together with an explanation by the applicant as to why he is unable to obtain such a report.

(6) Within seven days after the closing date for the applications in question the magistrate shall—

- (a) forward those applications, together with a report compiled by him in respect of each application, to the Director-General of Justice; and
- (b) forward copies of those applications to the Board.

(7) The Board shall within 30 days after receipt of the applications referred to in subregulation (6) (b) submit the names of the applicants to whom the Board would be prepared to grant fidelity fund certificates, in order of preference to the Minister.

(8) After receipt of the documents referred to in subregulation (7), the Minister shall appoint a sheriff for the area concerned.

### Fidelity fund certificates

3. (1) The form on which a sheriff may apply to the Board for a fidelity fund certificate shall be as set out in Form 4 of the Annexure to these regulations.

(2) An application for a fidelity fund certificate shall be accompanied by a contribution of R50,00: Provided that a further contribution of R100,00 shall accompany the application with regard to each deputy sheriff that is or was in the applicant's employ during the calendar year that precedes the date of application.

(3) The form on which the Board shall issue a fidelity fund certificate to a sheriff shall be as set out in Form 5 of the Annexure to these regulations.

(4) A sheriff shall display his fidelity fund certificate in a conspicuous position in his office.

(5) The Board may, at the written request of a sheriff and against payment of an amount of R25,00, issue a copy of the fidelity fund certificate in question to the sheriff.

(6) A document which purports to be a fidelity fund certificate issued in terms of the Act, or a copy of such a certificate certified as a true copy by a person who purports to be a person in the service of the Board, shall on its production be *prima facie* proof of the particulars contained therein.

**Bydrae deur waarnemende balju**

4. 'n Waarnemende balju betaal vir die doeleindes van artikel 30 (b) (ii) van die Wet 'n bydrae van R50,00.

**Eise teen Fonds**

5. (1) Die vorm waarop 'n eis teen die Fonds ingedien kan word, is soos in Vorm 6 van die Aanhangsel by hierdie regulasies uiteengesit.

(2) Sodanige vorm is op aanvraag by die Raad verkrygbaar.

**Heffings betaalbaar aan Raad**

6. (1) By die toepassing van artikel 19 (1) van die Wet moet elke balju jaarliks, voor of op 31 Augustus, 'n heffing van 0,40 persent van sy netto inkomste van die voorgaande finansiële jaar, wat op die laaste dag van Februarie eindig, aan die Raad betaal.

(2) By die toepassing van artikel 19 (1) van die Wet moet elke waarnemende balju, voor of op die 15 dag van elke maand, 'n heffing van 0,40 persent van sy netto inkomste van die voorgaande maand aan die Raad betaal.

(3) Die heffing in subregulasies (1) en (2) bedoel, gaan vergesel van 'n opgawe waarin die betrokke balju of waarnemende balju die volgende besonderhede vermeld:

- (a) Die bruto inkomste wat gedurende die tydperk in subregulasie (1) of (2) bedoel, na gelang van die geval, deur sy kantoor ontvang is;
- (b) sy netto inkomste;
- (c) die bedrae, wat gespesifiseer moet word, wat van sy bruto inkomste afgetrek word om sy netto inkomste te bereken; en
- (d) die bedrag van die heffing wat aan die Raad verskuldig is.

**Registers, rekenings en ander stukke van balju's**

7. Elke balju moet 'n register hou of laat hou van alle prosesstukke wat vir betekening of tenuitvoerlegging deur sy kantoor ontvang word, waarin die volgende besonderhede aangeteken word:

- (a) Die datum waarop 'n prosesstuk ontvang is;
- (b) die betrokke hofsaknommer;
- (c) die aard van die prosesstuk;
- (d) die partye betrokke;
- (e) die gelde of onkoste geëis ten opsigte van die betekening of tenuitvoerlegging van die prosesstuk;
- (f) die gelde of koste betaal ten opsigte van sodanige betekening of tenuitvoerlegging; en
- (g) enige uitstaande bedrag ten opsigte van sodanige betekening of tenuitvoerlegging.

**Betaling van rente aan Fonds**

8. (1) Rente op geld in 'n rekening moet jaarliks binne 'n tydperk van 90 dae na die laaste dag van Februarie deur die betrokke balju aan die Fonds betaal word: Met dien verstande dat indien so 'n rekening ingevolge artikel 25 van die Wet afgesluit word, die rente onverwyld aan die Fonds betaal word.

(2) Bedoelde betaling van rente gaan vergesel van 'n sertifikaat waarin 'n ouditeur die bedrag rente vermeld wat die rekening van die balju toegeval het gedurende die jaar wat op die laaste dag van Februarie geëindig het.

**Contribution by acting sheriff**

4. An acting sheriff shall pay a contribution of R50,00 for the purpose of section 30 (b) (ii) of the Act.

**Claims against Fund**

5. (1) The form on which a claim against the Fund may be lodged shall be as set out in Form 6 of the Annexure to these regulations.

(2) Such form shall be available from the Board on request.

**Levies payable to Board**

6. (1) For the purposes of section 19 (1) of the Act every sheriff shall annually on or before 31 August pay to the Board a levy of 0,40 per cent of his net income of the preceding financial year, ending on the last day of February.

(2) For the purposes of section 19 (1) of the Act every acting sheriff shall pay to the Board a levy of 0,40 per cent of his net income of the preceding month, before or on the 15 day of each month.

(3) The levy referred to in subregulations (1) and (2), shall be accompanied by a statement in which the sheriff or acting sheriff sets out the following details.

- (a) The gross income received by his office during the period mentioned in subregulation (1) or (2), as the case may be;
- (b) his net income;
- (c) the amounts, which must be specified, deducted from his gross income to calculate his net income;
- (d) the amount of the levy payable to the Board.

**Registers, accounts and other documents of sheriffs**

7. Every sheriff shall keep or cause to be kept a register of all process received for service or execution by his office, in which shall be entered the following particulars:

- (a) The date on which a process is received;
- (b) the case number in question;
- (c) the nature of the process;
- (d) the parties involved;
- (e) the fees or expenses charged in respect of the service or execution of the process;
- (f) the fees or expenses paid in respect of such service or execution; and
- (g) any amount outstanding in respect of such service or execution.

**Payment of interest to Fund**

8. (1) Interest on moneys in an account shall be paid annually to the Fund within a period of 90 days after the last day of February by the sheriff concerned: Provided that if such an account is wound up in terms of section 25 of the Act, the interest shall be paid forthwith to the Fund.

(2) Such payment of interest shall be accompanied by a certificate in which an auditor shall specify the amount of interest which has accrued to the account of the sheriff during the year ending on the last day of February.

(3) Die betaling van rente hoef nie van so 'n sertifikaat vergesel te gaan nie indien die Raad die verslag in artikel 23 (2) van die Wet bedoel, binne 'n tydperk bedoel in subregulasie (1) ontvang en die bedrag rente daarin vermeld word.

### Ouditverslag

9. Die vorm waarop 'n ouditeur ingevolge artikel 23 (2) van die Wet 'n verslag aan die Raad moet verstrek, is soos in Vorm 7 van die Aanhangsel by hierdie regulasies uiteengesit.

### Ontruiming van amp

10. (1) Wanneer 'n balju te sterwe kom of om 'n ander rede sy amp ontruim, word alle proses- en ander stukke wat in sy besit was, met inbegrip van die aantekeninge wat nodig is om eise teen sy rekening te betaal, deur die betrokke landdros in besit geneem en afgelewer aan die balju se opvolger, wat daarvoor verantwoordelik is om daardie eise uit die geld in daardie rekening te betaal: Met dien verstande dat sodanige aflewering nie plaasvind nie tensy die betrokke opvolger bewys lewer dat—

- (a) 'n getrouheidsfondssertifikaat aan hom uitgereik is; of
- (b) hy die bydrae bedoel in artikel 30 (b) (ii) van die Wet betaal het.

(2) Sodra 'n balju die proses- en ander stukke, met inbegrip van rekeningkundige state, van 'n landdros ontvang het en hy sover doenlik alle eise teen die trustrekening betaal het, sluit die balju die trustrekening van sy voorganger.

(3) Enige bedrag wat by die sluiting van 'n trustrekening in krediet van die rekening staan, word deur die opvolger aan die persone wat daarop geregtig is, betaal.

(4) 'n Landdros of 'n inspekteur kragtens artikel 56 van die Wet aangestel, of die Raad kan 'n bankinstelling of bouvereniging skriftelik gelas om binne die tydperk in die lasgewing vermeld, die inligting wat hy in verband met 'n rekening van 'n balju verlang en waarvoor die bankinstelling of bouvereniging beskik, aan hom te verstrek.

(5) Elke aantekening of ander stuk wat 'n balju uit hoofde van sy amp verkry of in sy besit het, moet deur die balju behou word vir 'n tydperk van minstens drie jaar na die datum waarop dit betrekking het.

### Onbehoorlike gedrag

11. (1) 'n Klage, beskuldiging of bewering teen 'n balju moet in die vorm van 'n skriftelike beëdigde verklaring wees waarin die datum en tyd van die voorval, die naam van die balju en die name van enige ooggetuies van die voorval vermeld word, en word tesame met enige stawende dokumente so gou doenlik nadat die voorval plaasgevind het, by die Raad ingedien.

(2) 'n Aanklag van onbehoorlike gedrag word persoonlik aan 'n balju beteken deur 'n ander balju of persoon deur die Raad aangewys.

(3) So 'n ander balju of persoon doen binne sewe dae na ontvangs van die aanklag skriftelik aan die Raad verslag oor die betekening.

(4) Indien die aangeklaagde balju persoonlike betekening van die aanklag vermy, kan die Raad die aanklag per geregistreerde pos aan die jongsbekende adres van die aangeklaagde balju se kantoor stuur.

(3) The payment of interest need not be accompanied by such a certificate if the Board receives the report referred to in section 23 (2) of the Act within the period referred to in subregulation (1) and the amount of interest is specified therein.

### Audit report

9. The form on which an auditor shall furnish the Board with a report in terms of section 23 (2) of the Act, shall be as set out in Form 7 of the Annexure to these regulations.

### Vacating of office

10. (1) When a sheriff dies or for any other reason vacates his office, all process and other documents which were in his possession, including such records as may be necessary to pay claims against his account, shall be taken into possession by the magistrate concerned and delivered to the sheriff's successor, who shall be responsible for the payment of those claims from the moneys in that account: Provided that such delivery shall not take place unless the successor in question furnishes proof that—

- (a) a fidelity fund certificate has been issued to him; or
- (b) he has paid the contribution referred to in section 30 (b) (ii) of the Act.

(2) As soon as a sheriff has received the process and other documents, including accounting records, from a magistrate and he has as far as possible paid all claims against the trust account, he shall close the trust account of his antecessor.

(3) Any amount to the credit of the account at the closing of a trust account shall be paid by the successor to the persons entitled thereto.

(4) A magistrate or an inspector appointed under section 56 of the Act, or the Board may in writing direct a banking institution or building society to furnish him or it within the period specified in the direction with such information as he or it may require in connection with an account of a sheriff and as may be available to the banking institution or building society.

(5) Every record or other document acquired by or in the possession of a sheriff by virtue of his office shall be retained by the sheriff for a period of at least three years after the date to which it relates.

### Improper conduct

11. (1) Any complaint, accusation or allegation against a sheriff shall be in the form of a written affidavit, stating the date and time of the incident, the name of the sheriff and the names of any eyewitnesses to the incident, and shall together with any corroborative documents be lodged with the Board as soon as may be practicable after the incident.

(2) A charge of improper conduct shall be served personally on a sheriff by any other sheriff or person designated by the Board.

(3) Such other sheriff or person shall within seven days after receipt of the charge report in writing to the Board regarding the service.

(4) If the accused sheriff avoids personal service of the charge, the Board may forward the charge by registered post to the last known address of the accused sheriff's office.

(5) Die bepalings van subregulasies (2), (3) en (4) is *mutatis mutandis* van toepassing ten opsigte van die skriftelike kennis wat ingevolge artikel 46 van die Wet aan die aangeklaagde balju gegee moet word.

(6) 'n Dagvaarding bedoel in artikel 48 (2) van die Wet is in die vorm soos in Vorm 8 van die Aanhangsel by hierdie regulasies uiteengesit.

(7) Die oorspronklike dagvaarding en een afskrif daarvan word deur die Raad aan 'n balju of ander persoon deur die Raad vir dié doel aangewys, versend vir betekening aan die persoon wat gedagvaar word.

(8) Die afskrif van die dagvaarding word deur die balju of so 'n ander persoon aan die betrokke persoon persoonlik beteken of dit word by daardie persoon se woon- of besigheidsplek of plek waar hy in diens is, aan 'n ander persoon, wat oënskynlik nie jonger as 16 jaar is nie en oënskynlik daar woon of in diens is, oorhandig.

(9) Indien 'n persoon aan wie 'n dagvaarding beteken moet word, sy woon- of besigheidsplek gesluit hou en aldus betekening van die dagvaarding aan hom verhoed of onmoontlik maak, word die dagvaarding beteken deur 'n afskrif daarvan aan die buite- of hoofdeur van sodanige woon- of besigheidsplek te heg.

(10) Die balju of ander persoon wat 'n dagvaarding beteken, moet, indien die persoon aan wie dit beteken word, dit vereis, die oorspronklike dagvaarding aan hom toon.

(11) Die balju of ander persoon wat 'n dagvaarding beteken, moet 'n relaas van betekening maak deur op die oorspronklike dagvaarding of op 'n stuk daaraan geheg, die wyse van betekening aan te teken.

(12) Die relaas van betekening moet onverwyld aan die Raad versend word.

### Appèlle

12. (1) 'n Balju (hieronder "die appellant" genoem) wat kragtens artikel 18 (4) van die Wet na die Raad appelleer, moet binne 30 dae na die datum waarop die betrokke tugkomitee die bevinding gedoen of straf opgelê het, 'n skriftelike kennisgewing van appèl by die Raad indien waarin hy, met gepaste besonderhede, die gronde van appèl uiteensit en vermeld of die appèl teen die bevinding of straf, of beide, is.

(2) So gou doenlik nadat die Raad 'n kennisgewing van appèl ontvang het, stel die Raad die Minister in kennis van die appèl en van die gronde waarop die appèl berus.

(3) Binne 30 dae na ontvangs deur die Raad van die kennisgewing van appèl stel die Raad 'n gewaarmerkte afskrif van die notule van die verrigtinge van die tugkomitee aan elke lid van die Raad en aan die appellant beskikbaar.

(4) By die oorweging van so 'n appèl deur die Raad is 'n gewaarmerkte afskrif van die notule van die verrigtinge van die tugkomitee *prima facie*-bewys van die inhoud daarvan.

(5) Die voorsitter van die Raad of 'n persoon deur hom aangewys, bepaal die tyd, plek en datum waarop die appèl oorweeg sal word en stel die lede van die Raad, die appellant en sy verteenwoordiger, as daar een is, en die Minister per geregistreerde pos daarvan in kennis: Met dien verstande dat die appèl binne 60 dae na beskikbaarstelling van die afskrifte van die notule bedoel in subregulasie (3), deur die Raad oorweeg moet word.

(5) The provisions of subregulations (2), (3) and (4) shall *mutatis mutandis* apply in respect of the notice in writing to be given to the sheriff charged in terms of section 46 of the Act.

(6) A summons referred to in section 48 (2) of the Act shall be in the form as set out in Form 8 of the Annexure to these regulations.

(7) The original summons and one copy thereof shall be forwarded by the Board to a sheriff or other person designated by the Board for that purpose, for service on the person who is summoned.

(8) The copy of the summons shall be served by the sheriff or such other person personally on the person concerned or by handing it at that person's residence or place of business, or at his place of employment, to any other person who apparently is not less than 16 years of age and who apparently resides or is employed there.

(9) If a person on whom a summons is to be served, keeps his residence or place of business closed and so prevents the service of the summons on him or makes it impossible, the summons shall be served by affixing a copy of the summons to the outer or principal door of such residence or place of business.

(10) The sheriff or other person serving a summons shall, if the person on whom it is being served so demands, exhibit to him the original summons.

(11) The sheriff or other person serving a summons shall make a return of service by entering on the original summons or on a document attached thereto, the mode of service.

(12) The return of service shall immediately be forwarded to the Board.

### Appeals

12. (1) A sheriff (hereinafter referred to as "the appellant") who appeals to the Board under section 18 (4) of the Act shall within 30 days after the date on which the disciplinary committee concerned has made a finding or imposed a penalty, lodge a notice of appeal in writing with the Board in which he shall set out, with the appropriate particulars, the grounds of the appeal and state whether the appeal is against the finding or the penalty, or both.

(2) As soon as may be practicable after the Board has received a notice of appeal, the Board shall notify the Minister of the appeal and of the grounds on which the appeal is based.

(3) Within 30 days after receipt of the notice of appeal by the Board, the Board shall make a certified copy of the record of the proceedings of the disciplinary committee available to every member of the Board and to the appellant.

(4) At the consideration by the Board of such an appeal a certified copy of the record of the proceedings of the disciplinary committee shall be *prima facie* proof of the contents thereof.

(5) The chairman of the Board or a person appointed by him shall determine the time, place and date on which the appeal shall be heard and shall notify the members of the Board, the appellant and his representative, if any, and the Minister by registered post thereof: Provided that the appeal shall be heard by the Board within 60 days after the copies of the record referred to in subregulation (3) were made available.

(6) Die Raad hou notule van die verrigtinge.

(7) Die Raad kan toelaat dat verdere getuienis deur die aanklaer of appelland voorgelê word.

(8) Indien die appelland teenwoordig of verteenwoordig is, word hy of sy verteenwoordiger geleentheid gegee om die gronde van appèl te beredeneer, waarna sy saak afgesluit is.

(9) Die deur die Raad gemagtigde aanklaer word daarna geleentheid gegee om die gronde van appèl te beredeneer, waarna sy saak afgesluit is.

(10) Nadat albei partye se sake finaal afgesluit is, spreek die aanklaer die Raad toe oor die getuienis, as daar is, en die regsposisie.

(11) Die appelland of sy verteenwoordiger spreek daarna insgelyks die Raad aldus toe.

(12) Die Raad kan na goeddunke die aanklaer toelaat om repliek te lewer op regsvrae wat die appelland of sy verteenwoordiger in sy rede geopper het.

### Getuies by appèlle

13. (1) Nadat 'n getuie by die oorweging van 'n appèl sy getuienis gelewer het, is die teenparty daarop geregtig om die getuie te kruisvra, en daarna mag die Raad enige vraag aan die getuie stel.

(2) Nadat 'n getuie onder kruisondervraging geneem is, is die party wat die getuienis gelei het, daarop geregtig om die getuie te herondervra, maar hy moet sy herondervraging beperk tot aangeleenthede waarvoor die getuie gekruisvra is of waarvoor die Raad vrae aan die getuie gestel het.

(3) Alle mondelinge getuienis word onder eed of bevestiging afgelê.

(4) Die bepalings van regulasie 11 (3), (4) en (6) en van artikel 48 en paragrawe (e), (f) en (g) van artikel 60 (1) van die Wet is *mutatis mutandis* van toepassing op 'n getuie by 'n appèl.

### Oorweging van appèlle

14. (1) Na afloop van die aanhoor van 'n appèl moet die Raad die appèl *in camera* oorweeg.

(2) Na oorweging van die appèl maak die Raad die bevinding van die Raad bekend.

(3) Na die bekendmaking van die bevinding van die Raad moet die Raad, waar 'n straf nog opgelê moet word, die aanklaer 'n geleentheid bied om getuienis aan te bied en om verhoë te rig in verband met die oplegging van 'n straf.

(4) Die Raad bied daarna aan die appelland, indien teenwoordig, 'n geleentheid om getuienis aan te bied en om die Raad ter versagting van die straf wat opgelê staan te word, toe te spreek.

(5) Daarna moet die Raad die oplegging van straf *in camera* oorweeg.

(6) Na oorweging van straf maak die Raad die beslissing van die Raad bekend.

(7) So gou doenlik na die afhandeling van 'n appèl stel die Raad die Minister en die appelland, indien hy nie teenwoordig was nie, in kennis van die uitslag van die appèl.

(8) Indien 'n bevinding van 'n tugkomitee of 'n straf waarteen geappelleer is, bekragtig word, betaal die betrokke appelland die noodsaaklike koste wat die Raad in verband met die oorweging van die appèl opge-loop het en sodanige koste sluit die volgende in:

(a) Die koste van die opname, oorskrywing en maak van afskrifte van enige oorkonde;

(6) The Board shall keep a record of the proceedings.

(7) The Board may allow further evidence to be led by the prosecutor or the appelland.

(8) If the appelland is present or represented, he or his representative shall be given the opportunity to argue the grounds of appeal, whereafter his case shall be closed.

(9) The prosecutor, authorised by the Board, shall thereafter be given an opportunity to argue the grounds of appeal, whereafter his case shall be closed.

(10) After the cases of both parties have been finally closed, the prosecutor shall address the Board with regard to the evidence, if any, and the legal position.

(11) The appelland or his representative shall thereafter likewise address the Board.

(12) The Board may in its discretion allow the prosecutor to reply to questions of law raised by the appelland or his representative in his address.

### Witnesses at appeals

13. (1) After a witness has testified at the consideration of an appeal the opposing party shall be entitled to cross-examine the witness, and thereafter the Board may put any question to the witness.

(2) After a witness has been cross-examined, the party who led the evidence shall be entitled to re-examine the witness, but he shall limit his re-examination to matters on which the witness had been cross-examined or on which the Board has put questions to the witness.

(3) All oral evidence shall be under oath or affirmation.

(4) The provisions of regulation 11 (3), (4) and (6), and of section 48 and paragraphs (e), (f) and (g) of section 60 (1) of the Act shall apply *mutatis mutandis* to a witness at an appeal.

### Consideration of appeals

14. (1) After the termination of the hearing of an appeal the Board shall consider the appeal *in camera*.

(2) After consideration of the appeal the Board shall make known the finding of the Board.

(3) After the announcement of the finding of the Board the Board shall, where a penalty is still to be imposed, give the prosecutor an opportunity to lead evidence and to make representations in connection with the imposition of a penalty.

(4) The Board shall thereafter give the appelland, if present, an opportunity to lead evidence and to address the Board in mitigation of the penalty which is to be imposed.

(5) Thereafter the Board shall *in camera* consider the penalty which is to be imposed.

(6) After consideration of the penalty the Board shall make known the finding of the Board.

(7) As soon as possible after the consideration of an appeal by the Board, the Board shall notify the Minister and the appelland, if he was not present, of the outcome of the appeal.

(8) If a finding of a disciplinary committee or a penalty against which an appeal was lodged, is confirmed, the appelland concerned shall pay the essential costs incurred by the Board in connection with the consideration of the appeal, and such costs shall include the following:

(a) The costs of recording, transcribing and preparing copies of any record;

- (b) die koste van die verkryging van die aanwesigheid van getuies en hul getuiegelde; en
- (c) die koste opgeloop deur die Raad ten opsigte van 'n ouditeur of ouditeure of ander persoon wat aangestel is om ondersoek in te stel na en verslag te doen oor die appellante se proses- en ander stukke, met inbegrip van rekeningkundige aantekeninge, wat op die appellante se praktyk betrekking het.

### Belegging van geld in Fonds

15. (1) Die Raad besluit, met inagneming van die geouditeerde finansiële jaarstate in artikel 28 (1) (b) van die Wet bedoel, watter geld in die Fonds nie onmiddellik vir die doeleindes van die Fonds nodig is nie.

(2) Geld in subregulasie (1) bedoel, moet deur die Raad ooreenkomstig artikel 27 (2) van die Wet in enige een of meer as een van die volgende vorme van sekuriteite belê word:

- (a) Op deposito by 'n bankinstelling, bougenootskap of geregistreerde onderlinge lewensversekeringsmaatskappy: Met dien verstande dat nie meer as 25 persent van die geld in subregulasie (1) bedoel, by sodanige lewensversekeringsmaatskappy belê mag word nie;
- (b) in wissels, skuldbriewe, sertifikate, obligasies of effekte uitgereik of gewaarborg deur die Regering van die Republiek;
- (c) in effekte van enige plaaslike owerheid in die Republiek wat by wet gemagtig is om belastinge op onroerende eiendom te hef;
- (d) in obligasies of effekte van die Reserwebank, die Randwaterraad of enige ander liggaam saamgestel of ingestel by of kragtens enige wet en geheel of gedeeltelik deur publieke fondse gefinansier;
- (e) in skuldbriewe, skuldbriefeffekte of ander sekuriteite van Eskom;
- (f) in lenings teen sekuriteit van 'n eerste verband op stedelike onroerende eiendom; en
- (g) in stedelike onroerende eiendom: Met dien verstande dat nie meer as 10 persent van die Fonds se bates, bereken op die datum van belegging, in stedelike onroerende eiendom belê mag word nie.

### Misdrywe en strawwe

16. (1) Iemand wat—

- (a) 'n bepaling van regulasie 3 (4), 6, 7, 8 (1) of (2) of 10 (5) oortree of versuim om daaraan te voldoen;
- (b) versuim om aan 'n lasgewing kragtens regulasie 10 (4) te voldoen; of
- (c) behoudens artikel 60 (1) (d) van die Wet, in enige aansoek, staat, verklaring, eis of ander dokument ingevolge 'n bepaling van hierdie regulasies besonderhede of inligting verstrek of 'n verklaring doen en wetens aldus besonderhede of inligting verstrek of 'n verklaring doen wat vals of misleidend is,

is aan 'n misdryf skuldig.

(2) Iemand wat aan 'n misdryf ingevolge hierdie regulasies skuldig bevind word, is strafbaar met 'n boete van hoogstens R1 000 of met gevangenisstraf vir 'n tydperk van hoogstens ses maande.

### Kort titel

17. Hierdie regulasies heet die Regulasies betreffende Balju's, 1990.

- (b) the costs of procuring the attendance of witnesses and their witness fees; and
- (c) the costs incurred by the Board in respect of an auditor or auditors or other person appointed to conduct an examination and report on the appellant's process of court and other documents, including accountancy notes relating to the appellant's practice.

### Investment of moneys in Fund

15. (1) The Board shall, having regard to the audited annual financial statements referred to in section 28 (1) (b) of the Act, decide what moneys in the Fund are not immediately required for the purposes of the Fund.

(2) Any money referred to in subregulation (1) shall, in terms of section 27 (2) of the Act, be invested by the Board in any one or more of the following forms of security:

- (a) On deposit with a banking institution, building society or registered mutual life assurance company: Provided that not more than 25 per cent of the moneys referred to in subregulation (1) may be invested in such life assurance company;
- (b) in bills, bonds, certificates, debentures or stock issued or guaranteed by the Government of the Republic;
- (c) in stock of any local authority in the Republic which is authorised by law to levy rates on immovable property;
- (d) in debentures or stock of the Reserve Bank, the Rand Water Board or any other body constituted or established by or under any law and financed wholly or partly from public funds;
- (e) in debentures, debenture stocks or other securities of Eskom;
- (f) in loans against security of a first mortgage bond on urban immovable property; and
- (g) in urban immovable property: Provided that not more than 10 per cent of the Fund's assets, calculated on the date of investment, may be invested in urban immovable property.

### Offences and penalties

16. (1) Any person who—

- (a) contravenes or fails to comply with a provision of regulation 3 (4), 6, 7, 8 (1) or (2) or 10 (5);
- (b) fails to comply with a direction under regulation 10 (4); or
- (c) subject to section 60 (1) (d) of the Act furnishes particulars or information or makes a statement in any application, statement, claim or other document in terms of a provision of these regulations, knowing that the particulars or information so supplied or the statement so made is false and misleading,

shall be guilty of an offence.

(2) Any person who is convicted of an offence under these regulations shall be liable to a fine not exceeding R1 000 or to imprisonment for a period not exceeding six months.

### Short title

17. These regulations shall be called the Regulations relating to Sheriffs, 1990.



**AANHANGSEL**

**VORM 1**

**REGULASIES BETREFFENDE BALJU'S, 1990**

**AANSOEK OM AANSTELLING AS BALJU**

[Regulasie 2 (4)]

(Let wel: Hierdie vorm moet in druk- of tikskrif ingevul word)

Ek, ..... (volle  
voornaam en van), doen hiermee aansoek om aanstelling as balju van die laer en/of hoër hof van die gebied .....  
en verstrek die volgende besonderhede:

**A. PERSOONLIKE BESONDERHEDE**

1. Geslag .....
2. Huwelikstaat .....
3. Geboortedatum .....
4. Burgerskap .....
5. Identiteitsnommer .....
6. Woonadres .....  
..... Poskode .....
7. Telefoonnommer .....
8. Posadres .....  
..... Poskode .....
9. Huidige beroep .....
10. Werkadres .....  
..... Poskode .....
11. Telefoonnommer .....
12. Ly u of het u gely aan enige liggaamlike of geestelike gebrek of enige ernstige siekte? \*JA/NEE Indien wel, verstrek besonderhede:  
.....  
.....  
.....
13. Is u ooit aan enige strafregtelike oortreding skuldig bevind? \*JA/NEE Indien wel, verstrek besonderhede:  
.....  
.....
14. Is u ooit insolvent verklaar? \*JA/NEE Indien wel, verstrek besonderhede:  
.....  
.....  
.....

\* Skrap wat nie van toepassing is nie.

**B. TAALBEDREWENDHEID**

Meld "Goed", "Redelik" of "Swak" in toepaslike ruimte

	Afrikaans	Engels	Ander (spesifiseer)
Praat.....			
Lees .....			
Skryf.....			

**C. OPVOEDKUNDIGE KWALIFIKASIES**

1. Hoogste standaard op skool geslaag .....
2. Jaar waarin geslaag .....
3. Sertifikate, diplomas of grade verwerf ..... Naam van onderwysinrigting of sentrum ..... Jaar waarin verwerf .....

D. ONDERVINDING

Enige ander inligting wat u onder die Minister se aandag wil bring, veral met betrekking tot kennis van die Wet op Landdroshowe, 1944 (Wet No. 32 van 1944), of die Wet op die Hooggeregshof, 1959 (Wet No. 59 van 1959), en die reëls daarkragtens uitgevaardig, asook kennis van die werksaamhede van 'n balju:

.....  
.....  
.....  
.....  
.....  
.....  
.....  
.....  
.....  
.....

Ek verklaar dat die besonderhede wat ek verstrek het, in alle opsigte volledig en korrek is.

.....  
*Handtekening van Aansoeker*

.....  
*Datum*

*Opmerkings:*

1. Ingevolge die Regulasies betreffende Balju's, 1990, is dit 'n misdryf om besonderhede of inligting te verstrek of 'n verklaring te doen wat vals of misleidend is.
2. Hierdie aansoek moet van die volgende stukke vergesel gaan:
  - (a) 'n curriculum vitae;
  - (b) 'n staat van bates en laste; en
  - (c) 'n verslag deur die jongste werkgewer of, indien so 'n verslag nie verkry kan word nie, gewaarmerkte afskrifte van twee onlangse getuigskrifte, tesame met 'n uiteensetting waarom so 'n verslag nie verkry kan word nie.

**ANNEXURE**

**FORM 1**

**REGULATIONS RELATING TO SHERIFFS, 1990**

**APPLICATION FOR APPOINTMENT AS SHERIFF**

[Regulation 2 (4)]

(Please note: This form must be completed in block letters or typing)

I, ..... (full forename(s) and surname), hereby apply for appointment as sheriff of the lower court and/or the superior court for the area of ..... and furnish the following particulars:

**A. PERSONAL PARTICULARS**

1. Sex .....
2. Marital status .....
3. Date of birth .....
4. Nationality .....
5. Identity number .....
6. Residential address ..... Postal code .....
7. Telephone number .....
8. Postal address ..... Postal code .....
9. Present occupation .....
10. Work address ..... Postal code .....
11. Telephone number .....
12. Do you, or did you at any time, suffer from any physical or mental defect or any serious disease? \*YES/NO If so, give details:  
.....  
.....  
.....
13. Have you ever been convicted of any criminal offence? \*YES/NO If so, give details:  
.....  
.....
14. Have you ever been declared insolvent? \*YES/NO If so, give details:  
.....  
.....  
.....

\* Delete whichever is not applicable.

**B. LANGUAGE PROFICIENCY**

State "Good", "Fair" or "Poor" in appropriate space

	Afrikaans	English	Other (specify)
Speak.....			
Read.....			
Write .....			

**C. EDUCATIONAL QUALIFICATIONS**

1. Highest standard passed at school.....
  2. Year in which passed .....
  3. Certificates, diplomas or degrees obtained                      Name of educational institution or centre                      Year obtained
- .....
- .....
- .....
- .....

**D. EXPERIENCE**

Any other information you wish to bring to the Minister's attention, particularly with reference to knowledge of the Magistrates' Courts Act, 1944 (Act No. 32 of 1944), or the Supreme Court Act, 1959 (Act No. 59 of 1959), and the rules promulgated thereunder, as well as knowledge of the functions of a sheriff:

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

I declare that the particulars furnished by me are in all respects complete and correct.

.....  
Signature of Applicant

.....  
Date

**Remarks:**

1. In terms of the Regulations relating to Sheriffs, 1990, it is an offence to furnish false or misleading particulars or information or make a statement which is false or misleading.
2. The following documents must accompany this application:
  - (a) a curriculum vitae;
  - (b) a statement of assets and liabilities; and
  - (c) a report by the most recent employer or, if such a report cannot be obtained, certified copies of two recent testimonials, together with an explanation as to why such a report cannot be obtained.

**VORM 2**

**REGULASIES BETREFFENDE BALJU'S, 1990**

**STAAT VAN BATES EN LASTE**

[Regulasie 2 (5) (b)]

Staat van bates en laste van ..... soos op .....19.....

**A. BATES**

R\*

Vaste eiendom (gee besonderhede):

.....

.....

.....

Beleggings (gee besonderhede):

.....

.....

.....

Aandele (gee besonderhede):

.....

.....

.....

Banksaldo.....

Kontant.....

Voertuie en gereedskap .....

Meubels en toebehore .....

Lewensversekering (nie betaalbaar aan derde partye):

.....  
.....  
.....

Alle ander bates (gee besonderhede):

.....  
.....  
.....

TOTALE BATES .....

\_\_\_\_\_  
=====

**B. LASTE**

Verbande oor vaste eiendom (gee besonderhede van eiendomme waaroor geregistreer en ten gunste van wie geregistreer):

.....  
.....  
.....

Notariële verbande (gee besonderhede):

.....  
.....  
.....

Verskuldig aan bank

.....  
.....  
.....

Verskuldig ingevolge kredietooreenkomste

.....  
.....  
.....

Alle ander laste (gee besonderhede):

.....  
.....  
.....

TOTALE LASTE .....

\_\_\_\_\_  
=====

**C. SALARIS PER MAAND (indien van toepassing)**

Bruto salaris

R

Netto salaris

R

\* Toon bedrae slegs in rand.

**FORM 2**

**REGULATIONS RELATING TO SHERIFFS, 1990**

**STATEMENT OF ASSETS AND LIABILITIES**

[Regulation 2 (5) (b)]

Statement of assets and liabilities of ..... as on ..... 19.....

**A. ASSETS**

R\*

Fixed property (give details):

.....  
.....  
.....

Investments (give details):

.....  
.....  
.....

Shares (give details):

.....  
.....  
.....

Bank balance .....

Cash .....

Vehicles and implements .....

Furniture and equipment .....

Life assurance (not payable to third parties):

.....  
.....  
.....

All other assets (give details):

.....  
.....  
.....

TOTAL ASSETS .....

**B. LIABILITIES**

Bonds on fixed property (give details of properties on which bonds are registered and in favour of whom):

.....  
.....  
.....

Notarial bonds (give details):

.....  
.....  
.....

Owing to bank

.....  
.....

Owing under credit agreements

.....  
.....  
.....

All other liabilities (give details):

.....  
.....  
.....

TOTAL LIABILITIES .....

**C. SALARY PER MONTH (if applicable)**

Gross salary R .....

Net salary R .....

\* Indicate amounts in rand only.

**VORM 3**

**REGULASIES BETREFFENDE BALJU'S, 1990**

**VERSLAG DEUR WERKGEWER**

[Regulasie 2 (5) (c)]

Ek.....  
(volle voorname en van), bevestig hiermee dat die aansoeker..... (volle voorname en van),  
werksaam was of is by..... (naam van besigheid of werkgewer) vanaf..... tot.....  
in die hoedanigheid van.....

Na my oordeel is die algemene standaard van die aansoeker se prestasie ten opsigte van die volgende eienskappe soos volg:

(A) VERANTWOORDELIKHEID (met inagneming van aangeleenthede soos stiptheid met betrekking tot diensure, korrektheid van werk, selfstandige optrede en lojaliteit teenoor werkgewer):

.....  
.....

(B) INSIG (met inagneming van verstandelike vermoëns):

.....  
.....

(C) MENSEVERHOUDINGS (met inagneming van aangeleenthede soos geaardheid, vermoë om met mense te werk en leierskap):

.....  
.....

(D) ORGANISASIE (met inagneming van aangeleenthede soos stelselmatige handelswyse, indeling van werk en bepaling van werks-prioriteite):

.....  
.....

(E) ANDER OPMERKINGS:

.....  
.....

.....  
*Handtekening van Werkgewer*

.....  
*Datum*

Hoedanigheid .....

Telefoonnommer .....

Adres van besigheid of werkgewer .....

.....

.....

.....

Telefoonnommer .....

Poskode.....

**FORM 3**

**REGULATIONS RELATING TO SHERIFFS, 1990**

**REPORT BY EMPLOYER**

[Regulation 2 (5) (c)]

I, .....  
[full forename(s) and surname], hereby confirm that the applicant, ..... [full forename(s)  
and surname], was or is employed at ..... (name of business or employer) from ..... to .....  
in the capacity of .....

In my opinion the general standard of the applicant's performance in respect of the following attributes is as follows:

(A) RESPONSIBILITY (having regard to matters such as punctuality regarding hours of attendance, correctness of work, independent action and loyalty to employer):

.....  
.....

(B) INSIGHT (having regard to intellectual abilities):

.....  
.....

(C) HUMAN RELATIONS (having regard to matters such as disposition, ability to work with people, and leadership):

.....  
.....

(D) ORGANISATION (having regard to matters such as systematic course of action, division of work, and determination of work priorities):

.....  
.....

(E) ANY OTHER REMARKS:

.....  
.....

.....  
*Signature of Employer*

.....  
*Date*

Capacity .....

Telephone number .....

Address of business or employer .....

.....

.....

.....

Telephone number .....

Postal code .....

VORM 4

REGULASIES BETREFFENDE BALJU'S, 1990

AANSOEK OM GETROUHEIDSFONDSSERTIFIKAAT

(Regulasie 3)

1. Titel .....
2. Van.....
3. Voornamen .....
4. Geslag .....
5. Geboortedatum .....
6. Identiteitsnommer .....
7. Burgerskap .....
8. Woonadres .....
- ..... Poskode .....
9. Telefoonnommer .....
10. Besigheidsadres .....
- ..... Poskode .....
11. Telefoonnommer .....
12. Posadres .....
- ..... Poskode .....
13. Van watter datum af sal u as balju kan optree?
- .....
14. Was u voorheen in besit van 'n getrouheidsfondssertifikaat? Indien wel, verstrek besonderhede:
- .....
- .....
15. Is u te eniger tyd uit 'n posisie van vertroue ontslaan weens onbehoorlike gedrag wat 'n skending van sodanige vertroue behels? Indien wel, verstrek besonderhede:
- .....
- .....
16. Is u te eniger tyd skuldig bevind aan 'n misdryf waarvan oneerlikheid 'n element is, of aan 'n ander misdryf waarvoor 'n vonnis van gevangenisstraf sonder die keuse van 'n boete opgelê is? Indien wel, verstrek besonderhede:
- .....
- .....
17. Is u al ooit insolvent verklaar? Indien wel, verstrek besonderhede:
- .....
- .....
18. Was u voorheen die houër van 'n getrouheidsfondssertifikaat wat kragtens artikels 34 (1) of 49 van die Wet op Balju's, 1986, ingetrek is? Indien wel, verstrek besonderhede:
- .....
- .....
19. Het u die kursus van die Vereniging van Balju's van Suid-Afrika geslaag? Indien wel, heg gesertifiseerde afskrif van sertifikaat hierby aan:
- .....
20. Is u deur die Raad of Minister daarvan vrygestel om die Raad se eksamen te slaag? Indien wel, verstrek besonderhede:
- .....
- .....
21. Het u die Raad vir Balju's se eksamen geslaag? Indien wel, meld op watter datum die eksamen geslaag is:
- .....
- .....
22. Het die Raad al ooit 'n getrouheidsfondssertifikaat van 'n balju ingetrek van wie u ten tyde van sodanige intrekking 'n werknemer was? Indien wel, verstrek besonderhede:
- .....
- .....

23. Het u reeds die rente wat vir die vorige finansiële jaar op u trustrekening verdien is, aan die Getrouheidsfonds van die Raad oorbetaal?

Ek verklaar hiermee onder eed/bevestig dat die besonderhede wat ek hierbo verstrek het, in alle opsigte waar en korrek is.

Balju

Datum

Aldus gedoen en beëdig/bevestig voor my by die plek en op die datum hierin vermeld deur die deponent wat erken dat hy/sy—

★ vertrouwd is met die inhoud van hierdie verklaring en dit ten volle verstaan en begryp;

Plek

★ geen beswaar het teen die aflê van die voorgeskrewe eed nie;

Datum

★ die voorgeskrewe eed/bevestiging bindend op sy/haar gewete beskou.

Kommissaris van Ede/Vrederegter

FORM 4

REGULATIONS RELATING TO SHERIFFS, 1990

APPLICATION FOR FIDELITY FUND CERTIFICATE

(Regulation 3)

- 1. Title .....
- 2. Surname .....
- 3. Forenames.....
- 4. Sex .....
- 5. Date of birth .....
- 6. Identity number .....
- 7. Nationality .....
- 8. Residential address .....
- ..... Postal code .....
- 9. Telephone number .....
- 10. Business address .....
- ..... Postal code .....
- 11. Telephone number .....
- 12. Postal address.....
- ..... Postal code .....
- 13. From which date will you be able to act as sheriff?
- .....
- 14. Were you previously in possession of a fidelity fund certificate? If so, give details:
- .....
- .....
- 15. Have you at any time been dismissed from a position of trust by reason of improper conduct involving a breach of such trust? If so, give details:
- .....
- .....
- 16. Have you at any time been convicted of any offence involving dishonesty, or of any other offence for which a sentence of imprisonment without the option of a fine was imposed? If so, give details:
- .....
- .....
- 17. Have you ever been declared insolvent? If so, give details:
- .....
- .....
- 18. Were you previously the holder of a fidelity fund certificate which was cancelled under sections 34 (1) or 49 of the Sheriffs Act, 1986? If so, give details:
- .....
- .....
- 19. Have you passed the course of the Association of Sheriffs of South Africa? If so, attach a certified copy of certificate hereto:
- .....



20. Have you been exempted by the Board or the Minister from passing the Board's examination? If so, give details:  
 .....  
 .....
21. Have you passed the examination of the Board for Sheriffs? If so, state on which date the examination was passed:  
 .....  
 .....
22. Has the Board ever cancelled a fidelity fund certificate of a sheriff of whom you were an employee at the time of such cancellation? If so, give details:  
 .....  
 .....
23. Have you already paid over to the Fidelity Fund of the Board the interest accrued to your trust account for the previous financial year?  
 .....  
 .....

I declare hereby under oath/affirmation that the above particulars given by me are in all respects true and correct.

.....  
*Sheriff* ..... *Date* .....

Duly executed and sworn/affirmed before me at the place and on the date herein mentioned by the deponent, who acknowledges that he/she—

- ★ knows and understands fully the contents of this declaration; ..... *Place* .....
- ★ has no objection to taking the prescribed oath; ..... *Date* .....
- ★ considers the prescribed oath/affirmation to be binding on his/her conscience. .... *Commissioner of Oaths/Justice of the Peace* .....

**VORM 5  
 FORM 5**

**REGULASIES BETREFFENDE BALJU'S, 1990  
 REGULATIONS RELATING TO SHERIFFS, 1990**

**GETROUHEIDSFONDSSERTIFIKAAT  
 FIDELITY FUND CERTIFICATE**

[REGULASIE 3 (3)]  
 [REGULATION 3 (3)]

VIR DIE JAAR EINDIGENDE 31 DESEMBER 19...../FOR THE YEAR ENDING 31 DECEMBER 19.....

Volle name .....  
 Full names .....  
 Kantoor .....  
 Office .....  
 Adres .....  
 Address .....

Hierby word gesertifiseer dat die balju wie se naam op hierdie serti- This is to certify that the sheriff whose name appears on this certifi-  
 fikaat verskyn, 'n geskikte persoon is om 'n getrouheidsfonds- cate is a suitable person to hold a fidelity fund certificate.  
 serti- fikaat te hou.

.....  
*Datum van uitreiking/Date of issue* .....

.....  
*Voorsitter: Raad vir Balju's*  
*Chairman: Board for Sheriffs*

Hierdie serti- This certificate shall only be valid if it bears the seal of the Board  
 fikaat is slegs geldig indien die seël van die Raad vir for Sheriffs.  
 Balju's daarop aangebring is.

**VORM 6**

**REGULASIES BETREFFENDE BALJU'S, 1990**

**EISE TEEN FONDS**

[Regulasie 5]

Ek ..... (\*volledige naam  
 van eiser/vertegenwoordiger van eiser), behoorlik gemagtig deur .....  
 (volledige naam van eiser), stel hiermee 'n eis ten opsigte van 'n gebeurlikheid bedoel in artikel 35 van die Wet op Balju's, 1986 (Wet No. 90  
 van 1986), teen die Getrouheidsfonds vir Balju's in.

**A. PERSOONLIKE BESONDERHEDE**

(Items 1 tot 10 moet deur of namens 'n natuurlike persoon, items 9 tot 12 namens 'n regspersoon of vennootskap en items 13 tot 15 deur 'n gemagtigde verteenwoordiger van so 'n persoon, regspersoon of vennootskap ingevul word.)

- 1. Geslag .....
- 2. Huwelikstaat .....
- 3. Bevolkingsgroep .....
- 4. Geboortedatum .....
- 5. Burgerskap .....
- 6. Identiteitsnommer .....
- 7. Woonadres .....
- ..... Poskode .....
- 8. Telefoonnommer .....
- 9. Werk- of besigheidsadres .....
- ..... Poskode .....
- 10. Telefoonnommer .....
- 11. Posadres .....
- ..... Poskode .....
- 12. Telefoonnommer .....
- 13. Hoedanigheid ..... (bv. prokureur/advokaat/direkteur/vennoot)
- 14. Werk- of besigheidsadres .....
- ..... Poskode .....
- 15. Telefoonnommer .....

\* Skrap wat nie van toepassing is nie.

**B. BESONDERHEDE VAN EIS**

- 1. Plek waar gebeurlikheid plaasgevind het .....
- 2. Datum van gebeurlikheid .....
- 3. Datum waarop eiser van gebeurlikheid te wete gekom het .....
- 4. Aard van gebeurlikheid .....
- 5. Name en adresse van ooggetuies van gebeurlikheid
  - (a) .....
  - ..... Poskode .....
  - (b) .....
  - ..... Poskode .....
  - (c) .....
  - ..... Poskode .....
- 6. Naam en adres van balju of adjunk-balju ten opsigte van wie die eis ontstaan het .....
- ..... Poskode .....
- 7. Besonderhede van verlies of skade gely .....
- 8. Totale bedrag geëis .....

Ek verklaar dat die besonderhede wat ek verstrek het, in alle opsigte volledig en korrek is.

.....  
 Handtekening van eiser of gemagtigde  
 verteenwoordiger

.....  
 Datum

**Opmerkings:**

- 1. Ingevolge die Regulasies betreffende Balju's, 1990, is dit 'n misdryf om besonderhede of inligting te verstrek of 'n verklaring te doen wat vals of misleidend is.
- 2. Hierdie eis moet van die volmag en stawende dokumente vergesel gaan.

FORM 6

REGULATIONS RELATING TO SHERIFFS, 1990

CLAIMS AGAINST FUND

[Regulation 5]

I, ..... (\*full names of claimant/representative of claimant), duly authorised by ..... (full names of claimant), hereby lodge a claim in respect of contingency referred to in section 35 of the Sheriffs Act, 1986 (Act No. 90 of 1986), against the Fidelity Fund for Sheriffs.

A. PERSONAL PARTICULARS

(Items 1 to 10 to be completed by or on behalf of a natural person, items 9 to 12 on behalf of a juristic person or partnership and items 13 to 15 by an authorised representative of such a person, juristic person or partnership.)

- 1. Sex .....
2. Marital status .....
3. Population group .....
4. Date of birth .....
5. Nationality .....
6. Identity number .....
7. Residential address .....
Postal code .....
8. Telephone number .....
9. Work or business address .....
Postal code .....
10. Telephone number .....
11. Postal address .....
Postal code .....
12. Telephone number .....
13. Capacity ..... (e.g. attorney/advocate/director/partner)
14. Work or business address .....
Postal code .....
15. Telephone number .....

\* Delete whichever is not applicable.

B. PARTICULARS OF CLAIM

- 1. Place of contingency .....
2. Date of contingency .....
3. Date when claimant became aware of contingency .....
4. Nature of contingency .....
5. Names and addresses of eyewitnesses to contingency
(a) .....
Postal code .....
(b) .....
Postal code .....
(c) .....
Postal code .....
6. Name and address of sheriff or deputy sheriff in respect of whom the claim arose .....
Postal code .....
7. Details of damage or loss suffered .....
8. Total amount claimed .....

I declare that the particulars furnished by me are in all respects complete and correct.

Signature of claimant or authorised representative

Date

Remarks:

- 1. In terms of the Regulations relating to Sheriffs, 1990, it is an offence to furnish particulars or information or make a statement which is false or misleading.
2. This claim must be accompanied by the procuration and corroborative documents.

VORM 7

REGULASIES BETREFFENDE BALJU'S, 1990

ODUITVERSLAG

[Regulasie 9]

1. Op (datum) is die aantekening van (volle voorname en van), Balju van die (hof), van (volledige adres van kantoor) aan ons oorhandig. Ons het genoemde handtekeninge ingevolge artikel 23 (1) (b) van die Wet op Balju's, 1986 (Wet No. 90 van 1986), geouditeer ten opsigte van die jaar wat op geëindig het, en wens soos volg verslag te doen:

2. Na ons oordeel en gebaseer op ons ondersoek -

- 2.1 het voormelde balju gedurende die betrokke tydperk aan die bepalings van artikels 22 en 23 (1) (a) van gemelde Wet voldoen;
2.2 was die totale bedrag wat in krediet gestaan het van die trustrekening en enige spaar- of ander rentegewende rekening wat deur voormelde balju ingevolge artikel 22 (1) en (2) (a) van gemelde Wet gehou word, op 19... synde die einddatum van die boekjaar, voldoende om die trustsaldo's op daardie datum te dek;
2.3 blyk die omstandighede waaronder verhandelbare dokumente wat voor die datum bedoel in 2.2 hierbo, in die balju se trustrekening inbetaal en daarna gedishonoreer is, bevredigend te wees;
2.4 is die stelsel waarvan gebruik gemaak word om bedrae vanaf die balju se trustrekening en enige spaar- of ander rentegewende rekening na sy besigheidsrekening oor te dra, voldoende om te verseker dat, by elke geleentheid van oordrag, die saldo wat in krediet van daardie trustrekening en enige spaar- of ander rentegewende rekening staan, nie minder as die trustsaldo is nie;
2.5 is rente ten bedrae van R gedurende die finansiële jaar verdien op geld wat ingevolge artikel 22 (1) van die Wet in 'n trustrekening gedeponeer is en op geld wat ingevolge artikel 22 (2) (a) van die Wet in 'n spaar- of ander rentegewende rekening belê is, met welke rente gehandel is soos hieronder uiteengesit:
2.5.1 Totale bedrag rente verdien: R
2.5.2 Rente oorbetaal aan die Getrouheidsfonds vir Balju's: R
2.5.3 Rente verdien en opgehoop, maar nog nie oorbetaal aan gemelde Getrouheidsfonds nie: R

3. Enige onreëlmatighede of ander inligting wat onder die aandag van die Raad gebring behoort te word:

4. 'n Afskrif van hierdie verslag word vandag aan die balju van gestuur.

Ouditeure

Adres

Poskode

Telefoonnommer

Ouditeur

Datum

Opmerkings:

- (1) Die verslag moet ongekwalifiseerd wees. Indien die ouditeur die verslag nie ongekwalifiseerd kan verstrek nie, moet die tersaaklike feite en redes daarvoor volledig in sy verslag aan die Raad vir Balju's verstrek word.
(2) Geen veranderinge of skrappings mag op hierdie vorm aangebring word nie.

FORM 7

REGULATIONS RELATING TO SHERIFFS, 1990

AUDIT REPORT

[Regulation 9]

1. On ..... (date) the records of ..... [full forename(s) and surname], Sheriff of the ..... (court), from ..... (full address of office) were handed to us. We have audited the said records in terms of section 23 (1) (b) of the Sheriffs Act, 1986 (Act No. 90 of 1986), in respect of the year ending on ....., and wish to report as follows:

2. In our opinion and based on our examination—

- 2.1 the aforementioned sheriff complied with the provisions of sections 22 and 23 (1) (a) of the Act during the said period;
2.2 on ..... 19....., being the final date of the financial year, the total amount to the credit of the trust account and any savings or other interest-bearing account kept by the aforementioned sheriff in terms of section 22 (1) and (2) (a) of the said Act was sufficient to meet the trust balances on that date;
2.3 the circumstances under which negotiable documents that were paid into the sheriff's trust account before the date referred to in 2.2 above and that were dishonoured thereafter seem to be satisfied;
2.4 the system which is used to transfer amounts from the sheriff's trust account and any savings or other interest-bearing account to his business account, is sufficient to ensure that, on each occasion of transfer, the balance to the credit of that trust account and any savings or other interest-bearing account is not less than the trust balance;
2.5 interest to the amount of R..... was earned during the financial year on money deposited in terms of section 22 (1) of the Act in a trust account and on money invested in terms of section 22 (2) (a) of the Act in any savings or other interest-bearing account, which interest was dealt with as set out hereunder:
2.5.1 Total amount of interest earned: R .....
2.5.2 Interest paid over to the Fidelity Fund for Sheriffs: R .....
2.5.3 Interest earned and accumulated, but not yet paid over to the said Fidelity Fund: R .....

3. Any irregularities or other information which ought to be brought to the attention of the Board:
.....
.....
.....
.....
.....
.....
.....
.....
.....
.....

4. A copy of this report is being sent today to the sheriff of .....

Auditors .....
Address .....
Postal code .....
Telephone number .....

Auditor ..... Date .....

Remarks:
(1) The report shall be unqualified. If the auditor cannot furnish the report unqualified, the relevant facts and reasons therefore shall be furnished in full in this report to the Board for Sheriffs.
(2) No alterations or deletions shall be effected on this form.

VORM 8

REGULASIES BETREFFENDE BALJU'S 1990

DAGVAARDING

[Regulasie 11 (6)]

Onsoek na 'n aanklag van onbehoorlike gedrag ingestel deur die Raad vir Balju's teen .....

**Aan:**

- 1. .... (volle naam en van)  
..... (adres)
- 2. .... (volle naam en van)
- 3. .... (volle naam en van)  
..... (adres)
- 4. .... (volle naam en van)  
..... (adres)

U word hierby aangesê om persoonlik te .....  
 op die ..... dag van ..... 19..... om ..... in bogenoemde ondersoek  
 voor die Raad te verskyn om getuienis af te lê of die boeke, stukke of sake wat in die lys hierby uitgeengesit is, voor te lê.  
 Geteken te ..... op hede die .....  
 dag van ..... 19.....

.....  
*Voorsitter van die Raad*

**Lys van boeke, stukke of sake wat voorgelê moet word**

Datum	Beskrywing	Oorspronklike of afskrif

**FORM 8**  
**REGULATIONS RELATING TO SHERIFFS, 1990**  
**SUMMONS**  
 [Regulation 11 (6)]

Inquiry into a charge of improper conduct instituted by the Board for Sheriffs against .....

**To:**

- 1. .... (full names and surname)  
..... (address)
- 2. .... (full names and surname)  
..... (address)
- 3. .... (full names and surname)  
..... (address)
- 4. .... (full names and surname)  
..... (address)

You are hereby instructed to appear in person before the Board at .....  
 on the ..... day of ..... 19..... at ..... for above-mentioned  
 inquiry and to give evidence, or to produce the books, documents or things set out in the list hereto.

Signed at ..... this .....  
 day of ..... 19.....

.....  
*Chairman of the Board*

## List of books, documents or things to be produced

Date	Description	Original or copy

## Spaar 'n druppel — en vul die dam

Indien almal van ons besparingsbewus optree, besnoei ons nie slegs uitgawes nie maar wen ook ten opsigte van ons kosbare water- en elektrisiteitsvoorraad



## Save a drop — and save a million

Water conservation is very important to the community and industry to ensure their survival. So save water!

INHOUD			CONTENTS			
No.		Bladsy No.	Koerant No.	No.	Page No.	Gazette No.
<b>GOEWERMENTSKENNISGEWING</b>			<b>GOVERNMENT NOTICE</b>			
<b>Justisie, Departement van Goewermentskennisgewing</b>			<b>Justice, Department of Government Notice</b>			
R.411	Wet op Balju's (90/1986): Regulasies .....	1	12307	R.411	Sheriffs Act (90/1986): Regulations .....	1 12307