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PROCLAMATION

by the

President of the Republic of South Africa

No. R. 24, 1999

COMMENCEMENT OF THE SHERIFFS AMENDMENT ACT, 1998

(ACT NO. 74 OF 1998)

Under section 26 of the Sheriffs Amendment Act, 1998 (Act No. 74 of 1998), I hereby fix 1 March 1999 as the date on which the said Amendment Act, with the exception of section 2, shall come into operation.

Given under my Hand and Seal of the Republic of South Africa at Cape Town this 25th day of February One thousand Nine hundred and Ninety-nine.

N. R. MANDELA

President.

By Order of the President-in-Cabinet:

A. M. OMAR

Minister of the Cabinet.

PROKLAMASIE

van die

President van die Republiek van Suid-Afrika

No. R. 24, 1999

**INWERKINGTREDING VAN DIE WYSIGINGSWET OP BALJU'S, 1998
(WET NO. 74 VAN 1998)**

Kragtens artikel 26 van die Wysigingswet op Balju's, 1998 (Wet No. 74 van 1998), bepaal ek hierby 1 Maart 1999 as die datum waarop genoemde Wysigingswet, met die uitsondering van artikel 2, in werking tree.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Kaapstad op hede die 25ste dag van Februarie Eenduisend Negehonderd Nege-en-Negentig.

N. R. MANDELA

President.

Op las van die President-in-Kabinet:

A. M. OMAR

Minister van die Kabinet.

GOVERNMENT NOTICES
GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF JUSTICE
DEPARTEMENT VAN JUSTISIE

No. R. 255

1 March 1999

**SHERIFFS ACT, 1986: DETERMINATION OF MAXIMUM AMOUNT OF
FINE**

Under the powers vested in me by section 49(1)(b) of the Sheriffs Act, 1986 (Act 90 of 1986), I, Abdulah Mohamed Omar, Minister of Justice, hereby, for the purposes of the said section determine the amount of the fine to be R10 000.

A. M. OMAR
Minister of Justice

No. R. 255

1 Maart 1999

**WET OP BALJU'S, 1986: BEPALING VAN MAKSIMUM BEDRAG VAN
BOETE**

Kragtens artikel 49(1)(b) van die Wet op Balju's, 1986 (Wet 90 van 1986), bepaal ek, Abdulah Mohamed Omar, Minister van Justisie, hierby dat, by die toepassing van die betrokke artikel, die bedrag van die boete R10 000 is.

A. M. OMAR
Minister van Justisie

REGULATIONS RELATING TO SHERIFFS, 1990: AMENDMENT

The Minister of Justice has, under section 62 of the Sheriffs Act, 1986 (Act 90 of 1986), after consultation with the Board for Sheriffs, made the regulations set out in the Schedule.

SCHEDULE**Definitions**

1. In this Schedule "the Regulations" means the Regulations relating to Sheriffs, 1990, promulgated under Government Notice R. 411 of 12 March 1990 and as amended by Government Notices R. 2207 of 14 September 1990, R. 3440 of 31 December 1992, R. 1836 of 1 October 1993, R. 1566 of 16 September 1994, R. 1218 of 11 August 1995, R. 1193 of 25 September 1998 and R. 1668 of 18 December 1998.

Amendment of contents of the Regulations

2. The contents of the Regulations are hereby amended by the insertion after regulation 11 of the Regulations of the following regulations:

"11A Admission of guilt fines.

11B Payment of fine when found guilty of improper conduct."

Amendment of regulation 1 of the Regulations

3. Regulation 1 of the Regulations is hereby amended by the substitution for the definition of "sheriff" of the following definition:

"sheriff"-

(a) includes, except for the purposes of regulation 2, an acting sheriff; and

(b) includes, for the purposes of regulation 11, 11A, 11B, 12, 13 or 14, a deputy sheriff;"

Amendment of regulation 2 of the Regulations

4. Regulation 2 of the Regulations is hereby amended by the deletion of subregulation (11).

Amendment of regulation 4 of the Regulations

5. Regulation 4 of the Regulations is hereby amended by the substitution for the expression "section 30(b)(ii)" of the expression "section 30(1)(c)(ii)".

Amendment of regulation 6 of the Regulations

6. Regulation 6 of the Regulations is hereby amended -

(a) by the substitution for subregulation (1) of the following subregulation:

"(1) For the purposes of section 19(1) of the Act every sheriff shall annually, on or before 31 July or within 30 days after vacating his or her office, pay to the Board a levy of 0,60 per cent of his or her net income of the preceding financial year, ending on the last day of February.";

- (b) by the deletion of subregulation (2);
- (c) by the substitution in subregulation (3) for the expression "subregulations (1) and (2)" of the expression "subregulation (1)"; and
- (d) by the substitution for paragraph (a) of the said subregulation (3) of the following paragraph:
 - "(a) The gross income received by his or her office during the period mentioned in the said subregulation (1);".

Amendment of regulation 10 of the Regulations

7. Regulation 10 of the Regulations is hereby amended -

- (a) by the substitution in paragraph (b) of subregulation (1) for the expression "section 30(b)(ii)" of the expression "section 30(1)(c)(ii)"; and
- (b) by the deletion of subregulation (6).

Amendment of regulation 11 of the Regulations

8. Regulation 11 of the Regulations is hereby amended -

- (a) by the substitution for subregulation (2) of the following subregulation:
 - "(2) The notice referred to in section 45(1) of the Act charging a sheriff with improper conduct shall be served personally on that sheriff by any other sheriff or person designated by the Board.";
- (b) by the substitution in subregulation (3) for the expression "charge" of the expression "notice"; and
- (c) by the substitution in subregulation (4) for the word "charge", wherever it appears of the word "notice".

Insertion of regulations 11A and 11B in the Regulations

9. The following regulations are hereby inserted after regulation 11 of the Regulations:

"Admission of guilt fines

11A. (1) For the purposes of section 45(2)(b) of the Act the Board shall determine a fine not exceeding R1 500.

(2) A sheriff who wishes to pay an admission of guilt fine shall pay the amount corresponding to the fine determined in the notice referred to in section 45(1) of the Act to the Board in a currency acceptable to the Board.

(3) The Board shall keep or cause to be kept a register of all admission of guilt fines received, in which shall be entered the following particulars:

- (a) The full names, identity number and area of service of the sheriff concerned;
- (b) the nature of the charge of improper conduct against the sheriff;
- (c) the amount of the admission of guilt fine determined in the notice;
- (d) the date on which the fine is received; and
- (e) the date on which the fine is deposited in the bank.

Payment of fine when found guilty of improper conduct

11B. (1) A fine imposed upon a sheriff in terms of section 49(1)(b) of the Act, shall be paid to the Board in a currency acceptable to the Board and within such period as may be specified by the Board.

(2) An order referred to in section 49(4) of the Act shall be executed in the manner in which a judgment or order of a magistrate's court is executed."

Amendment of regulation 12 of the Regulations

10. Regulation 12 of the Regulations is hereby amended -

- (a) by the substitution in subregulation (1) for the expression " section 18(4)" of the expression " section 18(3)(a)"; and
- (b) by the substitution for the expression "committee", wherever it appears in the said regulation 12, of the expression "authority".

Amendment of regulation 14 of the Regulations

11. Regulation 14 of the Regulations is hereby amended by the substitution for subregulation (8) of the following subregulation:

"(8) The Board may, after consideration of the appeal and if the appellant concerned was unsuccessful or partially successful in his or her appeal against the finding or penalty of the disciplinary authority, order the appellant to pay the essential costs incurred by the Board in connection with the consideration of the appeal, and such costs may include the following:

- (a) The costs of recording, transcribing and preparing copies of any record;
- (b) the costs of procuring the attendance of witnesses and their witness fees;
- (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; and
- (d) the costs of procuring the attendance of members of the Board to consider the appeal."

Amendment of regulation 15 of the Regulations

12. Regulation 15 of the Regulations is hereby amended by the deletion of the proviso to paragraph (a) to subregulation (2).

Amendment of regulation 16 of the Regulations

13. Regulation 16 of the Regulations is hereby amended by the substitution for subregulation (2) of the following subregulation:

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

Amendment of Form 1 of the Annexure to the Regulations

14. Form 1 of the Annexure to the Regulations is hereby amended by the insertion after item A.14. of the following item:

"15. Has any civil judgement been given against you? *YES/NO If so, give details:

.....
.....
..... "

Amendment of Form 4 of the Annexure to the Regulations

15. Form 4 of the Annexure to the Regulations is hereby amended by the substitution in item 19 for the expression "Association of Sheriffs of South Africa" of the expression "South African Institute for Sheriffs".

Amendment of Form 5 of the Annexure to the Regulations

16. Form 5 of the Annexure to the Regulations is hereby amended by the substitution for the expression "Office" and "Chairman: Board for Sheriffs" of the expression "Appointment" and "For Board for Sheriffs", respectively.

Amendment of Form 6 of the Annexure to the Regulations

17. Form 6 of the Annexure to the Regulations is hereby amended by the deletion of item A.3.

REGULASIES BETREFFENDE BALJU'S, 1990: WYSIGING

Die Minister van Justisie het kragtens artikel 62 van die Wet op Balju's, 1986 (Wet 90 van 1986), en na oorlegpleging met die Raad vir Balju's, die regulasies vervat in die Bylae uitgevaardig.

BYLAE**Woordomskrywing**

1. In hierdie Bylae beteken "die Regulasies" die Regulasies betreffende Balju's, 1990, afgekondig by Goewermentskennisgewing R. 411 van 12 Maart 1990 en soos gewysig deur Goewermentskennisgewings R. 2207 van 14 September 1990, R. 3440 van 31 Desember 1992, R. 1836 van 1 Oktober 1993, R. 1566 van 16 September 1994, R. 1218 van 11 Augustus 1995, R. 1193 van 25 September 1998 en R. 1668 van 18 Desember 1998.

Wysiging van inhoud van die Regulasies

2. Die inhoud van die Regulasies word hierby gewysig deur na regulasie 11 van die Regulasies die volgende regulasies in te voeg:

"11A Skulderkenningsboetes.

11B Betaling van boete by skuldigbevinding aan onbehoorlike gedrag."

Wysiging van regulasie 1 van die Regulasies

3. Regulasie 1 van die Regulasies word hierby gewysig deur die omskrywing van "balju" deur die volgende omskrywing te vervang:

"balju" -

(a) behalwe by die toepassing van regulasie 2, ook 'n waarnemende balju; en

(b) by die toepassing van regulasie 11, 11A, 11B, 12, 13 of 14, ook 'n adjunkbalju;"

Wysiging van regulasie 2 van die Regulasies

4. Regulasie 2 van die Regulasies word hierby gewysig deur subregulasie (11) te skrap.

Wysiging van regulasie 4 van die Regulasies

5. Regulasie 4 van die Regulasies word hierby gewysig deur die uitdrukking "artikel 30(b)(ii)" deur die uitdrukking "artikel 30(1)(c)(ii)" te vervang.

Wysiging van regulasie 6 van die Regulasies

6. Regulasie 6 van die Regulasies word hierby gewysig -

(a) deur subregulasie (1) deur die volgende subregulasie te vervang:

"(1) By die toepassing van artikel 19(1) van die Wet moet elke balju jaarliks, voor of op 31 Julie of binne 30 dae nadat sy of haar amp ontruim is, 'n heffing van 0,60 persent van sy of haar netto inkomste van die voorafgaande finansiële jaar, wat op die laaste dag van Februarie eindig,

aan die Raad betaal.";

- (b) deur subregulasie (2) te skrap;
- (c) deur in subregulasie (3) die uitdrukking "subregulasies (1) en (3)" deur die uitdrukking "subregulasie (1)" te vervang; en
- (d) deur paragraaf (a) van genoemde subregulasie (3) deur die volgende paragraaf te vervang:
 - "(a) Die bruto inkomste wat gedurende die tydperk in genoemde subregulasie (1) bedoel deur sy of haar kantoor ontvang is;"

Wysiging van regulasie 10 van die Regulasies

7. Regulasie 10 van die Regulasies word hierby gewysig -
- (a) deur die uitdrukking "artikel 30(b)(ii)" in paragraaf (b) van subregulasie (1) deur die uitdrukking "artikel 30(1)(c)(ii)" te vervang; en
 - (b) deur subregulasie (6) te skrap.

Wysiging van regulasie 11 van die Regulasies

8. Regulasie 11 van die Regulasies word hierby gewysig -
- (a) deur subregulasie (2) deur die volgende subregulasie te vervang:
 - "(2) Die kennisgewing in artikel 45(1) van die Wet bedoel wat 'n balju van onbehoorlike gedrag aankla, word persoonlik aan daardie balju beteken deur 'n ander balju of persoon deur die Raad aangewys.";
 - (b) deur in subregulasie (3) die uitdrukking "aanklag" deur die uitdrukking "kennisgewing" te vervang; en

- (c) deur in subregulasie (4) die uitdrukking "aanklag", oral waar dit voorkom, deur die uitdrukking "kennisgewing" te vervang.

Invoeging van regulasies 11A en 11B in die Regulasies

9. Die volgende regulasies word hierby na regulasie 11 van die Regulasies ingevoeg:

"Skulderkenningsboetes

11A. (1) By die toepassing van artikel 45(2)(b) van die Wet bepaal die Raad 'n boete wat nie R1 500 oorskry nie.

(2) 'n Balju wat 'n skulderkenningsboete wil betaal, moet aan die Raad die bedrag betaal wat ooreenstem met die boete wat bepaal is in die kennisgewing in artikel 45(1) van die Wet bedoel, in 'n betaalmiddel wat vir die Raad aanvaarbaar is."

(3) Die Raad moet 'n register hou of laat hou van alle skulderkenningsboetes ontvang, waarin die volgende besonderhede aangeteken word:

- (a) Die volle naam, identiteitsnommer en diensgebied van die betrokke balju;
- (b) die aard van die aanklag van onbehoorlike gedrag teen die balju;
- (c) die bedrag van die skulderkenningsboete wat in die kennisgewing bepaal is;
- (d) die datum waarop die boete ontvang is; en
- (e) die datum waarop die boete in die bank gestort word.

Betaling van boete by skuldigbevinding aan onbehoorlike gedrag

11B. (1) 'n Boete wat aan 'n balju ingevolge artikel 49(1)(b) van die Wet opgelê word, word aan die Raad betaal in 'n betaalmiddel wat vir die Raad aanvaarbaar is en binne die tydperk wat die Raad vermeld.

(2) 'n Bevel in artikel 49(4) van die Wet bedoel, word ten uitvoer gelê op die wyse waarop 'n vonnis of bevel van 'n landdroshof ten uitvoer gelê word."

Wysiging van regulasie 12 van die Regulasies

10. Regulasie 12 van die Regulasies word hierby gewysig -

- (a) deur in subregulasie (1) die uitdrukking "artikel 18(4)" deur die uitdrukking "artikel 18(3)(a)" te vervang; en
- (b) deur die uitdrukking "tugkomitee", waar dit ookal in genoemde regulasie 12 voorkom, deur die uitdrukking "dissiplinêre gesag" te vervang.

Wysiging van regulasie 14 van die Regulasies

11. Regulasie 14 van die Regulasies word hierby gewysig deur subregulasie (8) deur die volgende subregulasie te vervang:

"(8) Die Raad kan, na oorweging van die appèl en indien die betrokke appellant onsuksesvol of deels suksesvol was in sy of haar appèl teen die bevinding of straf van die dissiplinêre gesag, die appellant beveel om die noodsaaklike koste te betaal wat die Raad in verband met die oorweging van die appèl opgehoop het, en sodanige koste kan die volgende insluit:

- (a) Die koste van die opname, oorskrywing en maak van afskrifte van enige oorkonde;
- (b) die koste van die verkryging van die aanwesigheid van getuies en hul getuiegelde;
- (c) die koste opgehoop 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 appellant se proses- en ander stukke, met inbegrip van rekenkundige aantekeninge wat op die appellant se praktyk betrekking het; en

- (d) die koste van die verkryging van die aanwesigheid van lede van die Raad om die appèl te oorweeg."

Wysiging van Regulasie 15 van die Regulasies

12. Regulasie 15 van die Regulasies word hierby gewysig deur die voorbehoudsbepaling by paragraaf (a) van subregulasie (2) te skrap.

Wysiging van regulasie 16 van die Regulasies

13. Regulasie 16 van die Regulasies word hierby gewysig deur subregulasie (2) deur die volgende subregulasie te vervang:

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

Wysiging van Vorm 1 van die Aanhangsel by die Regulasies

14. Vorm 1 van die Aanhangsel by die Regulasies word hierby gewysig deur na item A.14. die volgende item in te voeg:

"15. Is daar ooit enige siviele uitspraak teen u gegee? *JA/NEE Indien wel, verstrek besonderhede:

.....

 "

Wysiging van Vorm 4 van die Aanhangsel by die Regulasies

15. Vorm 4 van die Aanhangsel by die Regulasies word hierby gewysig deur in item 19 die uitdrukking "Vereniging van Balju's van Suid-Afrika" deur die uitdrukking "Suid-Afrikaanse Instituut vir Balju's" te vervang.

Wysiging van Vorm 5 van die Aanhangsel by die Regulasies

16. Vorm 5 van die Aanhangsel by die Regulasies word hierby gewysig deur die uitdrukking "Kantoor" en "Voorsitter: Raad vir Balju's" onderskeidelik deur die uitdrukking "Aanstelling" en "Namens Raad vir Balju's" te vervang.

Wysiging van Vorm 6 van die aanhangsel by die Regulasies

17. Vorm 6 van die Aanhangsel by die Regulasies word hierby gewysig deur item A.3. te skrap.

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