
GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT

NO. R. 1330

30 NOVEMBER 2018

**SHERIFFS ACT, 1986 (ACT NO. 90 OF 1986): AMENDMENT OF REGULATIONS
RELATING TO SHERIFFS, 1990**

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

SCHEDULE**Definition**

1. In this Schedule "the Regulations" means the Regulations relating to Sheriffs, 1990, published by Government Notice No. R. 411 of 12 March 1990, as amended by Government Notices Nos. 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, R. 1668 of 18 December 1998, R. 256 of 1 March 1999, R. 957 of 5 October 2001, R. 1293 of 5 December 2008, R. 742 of 14 September 2011 and R. 568 of 18 July 2014.

Amendment of regulation 2bis of Regulations

2. Regulation 2bis of the Regulations is hereby amended by the substitution for subparagraph (i) of paragraph (d) of the following subparagraph:

"(i) an appropriate post Grade 12 qualification, as determined by the Board in consultation with the Minister;"

Substitution of regulation 2F of Regulations

3. Regulation 2F of the Regulations is hereby substituted for the following regulation:

"Appointment of acting sheriffs

2F. (1) The Minister may, subject to the provisions of section 5(1B), in writing, appoint an acting sheriff contemplated in section 5 of the Act.

(2) The written appointment contemplated in subregulation (1) shall state the following:

- (a) The period for which the acting sheriff is appointed; and
(b) the conditions, if any, of such acting appointment.

(3) All court processes and other documents which were in the possession of the sheriff, including such records as may be necessary to pay claims against his or her account, shall be taken into possession by the Director-General and delivered to the acting sheriff contemplated in subregulation (1).

(4) When the period of an acting sheriff's appointment is completed, the acting sheriff shall hand all court processes and other documents which were in his or her possession to the Director-General, who shall deliver it back to—

- (a) the sheriff if he or she—
(i) is able to perform his or her functions again;

- (ii) is no longer prohibited by any court of law from performing any particular function in connection with a case;
 - (iii) is able to hold office again; or
 - (iv) has been appointed for a specific area of jurisdiction of a lower or superior court; or
- (b) the sheriff's successor, if a sheriff dies or for any other reason vacates his or her office as contemplated in regulation 10.
- (5) An acting sheriff is entitled to the same fees and remuneration as those of the sheriff in whose place he or she is acting."

DEPARTEMENT VAN JUSTISIE EN STAATKUNDIGE ONTWIKKELING

NO. R. 1330

30 NOVEMBER 2018

WET OP BALJU'S, 1986: WYSIGING VAN REGULASIES BETREFFENDE BALJU'S, 1990

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

BYLAE

Woordomskrywing

1. In hierdie Bylae beteken "die Regulasies" die regulasies afgekondig by Goewermentskennisgewing No. R. 411 van 12 Maart 1990, soos gewysig deur Goewermentskennisgewings No's. 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, R. 1668 van 18 Desember 1998, R. 256 van 1 Maart 1999, R. 957 van 5 Oktober 2001, R. 1293 van 5 Desember 2008, R. 742 van 14 September 2011 en R. 568 van 18 Julie 2014.

Wysiging van regulasie 2bis van Regulasies

2. Regulasie 2bis van die Regulasies word hierby gewysig deur die vervanging van subparagraaf (i) van paragraaf (d) deur die volgende subparagraaf:

- "(i) 'n toepaslike kwalifikasie na Graad 12 verwerf, soos deur die Raad, in oorleg met die Minister, bepaal;"

Vervanging van regulasie 2F van Regulasies

4. Regulasie 2F van die Regulasies word hierby deur die volgende regulasie vervang:

"Aanstelling van waarnemende balju's

2F. (1) Die Minister kan, behoudens die bepalings van artikel 5(1B), skriftelik 'n waarnemende balju in artikel 5 van die Wet beoog, aanstel.

(2) Die skriftelike aanstelling in subregulasie (1) beoog moet die volgende verklaar:

- (a) Die tydperk waarvoor die waarnemende balju aangestel is; en

(b) die voorwaardes, indien enige, van sodanige aanstelling.

(3) Alle prosesstukke en ander dokumente wat in besit van die balju, soos in artikel 5 van die Wet beoog, was, insluitende sodanige aantekeninge wat nodig mag wees om eise teen sy of haar rekening te betaal, moet deur die Direkteur-generaal in besit geneem word en aan die waarnemende balju in subregulasie (1) beoog, oorhandig word.

(4) Wanneer die tydperk van die waarnemende aanstelling voltooi is, moet die waarnemende balju alle prosesstukke en ander dokumente wat in sy of haar besit was, aan die Direkteur-generaal oorhandig wat dit weer sal teruglewer aan—

(a) die balju as hy of sy—

(i) weer bevoeg is om sy of haar werksaamhede uit te voer;

(ii) nie langer deur 'n geregshof verbied word om 'n spesifieke werksaamheid rakende 'n saak, uit te voer nie;

(iii) bevoeg is om pos weer te beklee; of

(iv) vir 'n spesifieke regsgebied van 'n laer of hoër hof aangestel is; of

(b) die balju se opvolger, indien 'n balju gesterf het of vir enige ander rede sy of haar amp, soos in artikel 10 beoog, ontruim het.

(5) 'n Waarnemende balju is geregtig op dieselfde foie en vergoeding as daardie van die balju in wie se plek hy of sy waarneem."