

Payment of sheriffs' accounts, *ad hoc* appointments
and general court matters



ADVISORY FROM THE LAW SOCIETY OF SOUTH AFRICA

Dear Colleagues

The Law Society of South Africa (LSSA) has had a very productive meeting with the Deputy Minister of Justice and Constitutional Development, Mr John Jeffery, where matters of mutual interest were discussed.

The Deputy Minister has been delegated to deal with the sheriffs' profession and the sheriffs have raised some concerns with him, *inter alia* the issue of delayed or non-payment of their accounts.

It appears that some attorneys tend to delay the payment of sheriffs' accounts to the last possible date. They interpret the Magistrates' Courts Act in such a way as to allow them to pay the sheriff only after three months, and then they still want to have the bill taxed, thus delaying payment even further.

Practitioners are urged not to delay or withhold payment of sheriffs' accounts, unless it is for exceptional reason.

The issue of *ad hoc* appointments was also discussed. The concern is that, when the working relationship between the sheriff appointed for a particular area and the attorneys is strained, attorneys approach the Court Manager or the Registrar to appoint an acting sheriff (often an attorney) in terms of Section 5(1)(a) of the Sheriffs Act to serve processes, thereby undermining the office of the appointed sheriff. These *ad hoc* appointments may, of course, also lead to a conflict of interest when attorneys serve processes in the same area where they work.

Efforts should be made to desist from applying for *ad hoc* appointments and, in any event, *ad hoc* appointments should be applied for only if there is no potential conflict of interest on a specific matter.

We are conscious of the fact that there are also problems as far as the level of service provided by some sheriffs is concerned.

The Deputy Minister has invited practitioners to escalate any problem that cannot be resolved through this avenue to him.

Other court matters

The Deputy Minister has indicated that practitioners can also alert his office to other problems relating to the functioning of the courts.

Submissions can be copied to the LSSA, so that it can engage through its Court Committees.

E-mail the Deputy Minister at deputyminister@justice.gov.za and blwilliams@justice.gov.za
Also copy the LSSA in at professionalaffairs@LSSA.org.za.

Regards

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