**NATIONAL ASSEMBLY**

**QUESTION FOR WRITTEN REPLY**

**PARLIAMENTARY QUESTION NO: 748**

**DATE OF QUESTION PAPER: 11 MARCH 2022**

**DATE OF SUBMISSION: 28 MARCH 2022**

**Ms N Tafeni (EFF) to ask the Minister of Justice and Correctional Services:**

What has he found to be the reason that the Office of the Sheriff for Johannesburg South is refusing to enforce court order judgment of Case Number: 47/2021 (details furnished)?

**NW924E**

**REPLY:**

The mandate to investigate complaints against sheriffs as well as to institute disciplinary proceedings lies with the South African Board for Sheriffs.

In terms of Section 44 (1) of the Sheriffs Act, 1986 (Act No. 90 of 1986), any complaint, accusation or allegation against a sheriff, may be lodged with the Board in the prescribed manner.

The prescribed manner is in terms of the Regulations relating to Sheriffs, 1990, and includes the submission of formal complaint to the SA Board for Sheriffs in an affidavit-format and/ or per the form as prescribed in the Regulations.

In terms of section 44 of the Sheriffs Act, 1986, the Board can charge a sheriff for improper conduct and institute a disciplinary proceeding.

In terms of Chapter IV of the Sheriffs Act, 1986 (Act No. 90 of 1986), the Minister of Justice and Correctional Services, can suspend the sheriff from office under certain circumstances and usually only does so on the recommendation of the Board for Sheriffs as the regulatory authority.

It is therefore recommended that the Honourable Member address her concerns to the Chairperson of the South African Board for Sheriffs for investigation.