

24 May 2023  
Our Ref: SABFS Response / RAF Letter  
Your Ref: Mr Sefotle Modiba

**MR SEFOTLE MODIBA  
ACTING CHIEF INVESTMENT OFFICER  
THE ROAD ACCIDENT FUND**

Per email: Sefolte@RAF.co.za

Dear Mr Modiba,

**RE: IMPROVED WRITS MANAGMENT: SERVING OF DOCUMENTS ON THE ROAD  
ACCIDENT FUND (RAF)**

1. Your letter dated 3 May 2023 under reply refers.
2. We note the concerns raised in your letter in particular that, during the fiscal year the Road Accident Fund ("RAF") was served with a number of writs of execution court orders by sheriffs and / or deputy sheriffs in their respective areas of service. Further, that these writs of executions orders were served correctly on the RAF but on officials who lacked authority or mandate to act on them and thus resulting in the non-action or non-compliance with the court orders.
3. We acknowledge the revamped process and procedure that the RAF has put in place in order to curb or avoid its non-compliance with the court orders as a result of them being served on officials without the necessary authority or mandate to act on them. We further note the designated mailboxes which have been created to forward the writs of execution orders and the physical address preferred for effecting physical service of the writs of execution orders as stipulated in paragraphs 5 and 6 of your letter under reply. We have brought the content of and request in your letter to the profession by issuing a circular attached hereto, marked "A".



25 Thornhill Office Park, 84 Bekker Rd, Vorna Valley, Midrand, 1686 /  
88 Loop Street, Cape Town. PO Box 15223, Vlaeberg 8018  
Tel: 011 535 1800, E-mail: mmorgan@sheriffs.org.za  
www.sheriffs.org.za

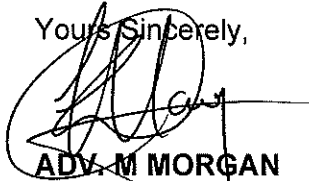
South African Board for Sheriffs - Established in terms of Act 90 of 1986  
Adv M Morgan (Chairperson), Ms Z Nkosi, Mr I Burton, Mrs A Titus, Ms P Mlandu  
Ms T Tshoaeadi, Mr S Maremane, Mrs S Mashaba, Mr A Shabalala, Mr K Mahlaba, Mr S Chiloane

4. Further, we advise that it is our view that your request for service of copies of the writs of execution orders to the dedicated emails can only be served in accordance with the procedures set out in the respective courts Rules of Practice, i.e. in respect of High Court orders the Uniform Rules of Court as amended; in respect of Magistrates Court orders the Rules Regulating the Conduct of the Proceedings of the Magistrates' Courts of South Africa as amended.
  
5. As you aware the South African Board for Sheriffs ("SABFS") cannot endorse or advise against the circumvention of the legislated forms, methods or procedures of service of court orders, processes or writs as envisaged in the respective Rules of Court. Therefore, the method of service stipulated in paragraph 5 and 8 of your letter can only be recognised as an additional measure to the existing ones stipulated in the Rules of Court to assist your organisation in better complying with court orders. A revision of, or amendment to the methods and procedures set out in the respective Rules of Court are a function of the constitutional established body, the Rules Board of Courts of Law, which is tasked amongst others with the function of revising and/or amending rules of court. Therefore, regrettably we cannot advise sheriffs to not effect service in accordance with the provisions Rules of Court stated above. The same will go for the enforcement of court orders in all other *fora* which are governed by their own rules of procedure.
  
6. Further, we note under paragraph 7, a list of expectations your organisation has on sheriffs on functions you purport they should perform prior to executing a writ against the RAF, on this score we have requested sheriffs to assist where possible in trying to assist your organisation in dealing with these matters efficiently but in no way make it peremptory to enforce all your expectations where they have no legal obligation to do so i.e., ascertaining the authenticity or validity and / or enforceability of the judgment or court order and writs of execution arising therefrom. Sheriffs including deputies are expected to perform their functions and duties in enforcing court orders in accordance with the respective Rules of Court and the Sheriffs Code of Conduct. Nowhere in these Codes are they expected to ascertain the authenticity of orders on behalf of the judgment creditor / executor and / or debtor, for this would require additional resources (financial and otherwise) and time not at their immediate disposal. For ease of reference, we attach hereto the Sheriff's Code of Conduct marked "B".

*M2M*

7. We trust you find the above in order and should you require any clarificatory meeting please do not hesitate to schedule one.

Yours Sincerely,

A handwritten signature in black ink, appearing to be 'Adv. M Morgan', written over a circular stamp or seal.

**ADV. M MORGAN  
CHAIRPERSON  
SOUTH AFRICAN BOARD FOR SHERIFFS**