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CONTRIBUTORS

PREFACE

MODULE: PROTECTION ORDERS IN TERMS OF THE  
DOMESTIC VIOLENCE ACT 116 OF 1998 AND THE  
SOUTH AFRICAN MAINTENANCE SYSTEM

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## **PREFACE**

**Module:** PROTECTION ORDERS IN TERMS OF THE DOMESTIC VIOLENCE ACT 116 OF 1998 AND THE SOUTH AFRICAN MAINTENANCE SYSTEM

## **LEARNING OUTCOME**

1. WELCOME
2. PURPOSE
3. DESIGN OF THE MATERIAL
4. SUBJECT CONTENT
5. CRITICAL OUTCOMES
6. MODULE LAYOUT
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### **LEARNING OUTCOME**

After studying this module, you should be able to:

- Serve and execute a protection order in a professional manner
- Serve and execute court processes in terms of the Maintenance Act 99 of 1988

## **1. WELCOME**

Welcome to Module 8: Protection Orders in terms of the Domestic Violence Act 116 of 1998 And the South African Maintenance System.

This guide covers Protection Orders in terms of the Domestic Violence Act 116 of 1998 And the South African Maintenance System. We trust you will find working through the guide a learning experience that is very interesting and rewarding, and that it will add value not only to your studies but also to your personal life in general.

We believe in the importance of developing a culture of learning and are therefore committed to helping you develop your capacity to perform to the best of your potential and to become not only a successful sheriff, but also an independent life-long learner.

In terms of the Autonomy of your learning, the facilitator expects of you to:

- Take personal responsibility and initiative
- Learn within a structured environment
- Critically evaluate your own performance against set criteria
- Identify your own learning needs within defined contexts

## **2. PURPOSE**

The information in this guide reflects the need of the sheriffing community for competencies that will enable the learner to take responsibility for the serving of documents and execution of judgements within the legal framework within which they operate. In addition, it will improve the quality with which sheriffs' duties are exercised and enhance the professional image of the sheriffing community while contributing towards greater confidence in the sheriffs' profession as a core part of the civil justice system.

This course provides learners with opportunities for professional development as a law enforcement officer or as a sheriff.

### **3 DESIGN OF THE MATERIAL**

We followed an outcomes-based approach during the design of this module, which means that, after having worked systematically through the module — doing what is required — you will have achieved some very specific learning outcomes determined by the industry of the sheriff.

These learning outcomes have been broken down into smaller chunks that we call assessment criteria. These appear in the introduction of each module or unit. If you focus on achieving these criteria, you will achieve success.

### **4. SUBJECT CONTENT**

The content is divided into various sections.

Once you have worked through all the sections you will be able to:

- Explain the prevalence of violence against women and children in South Africa
- Discuss different forms of domestic violence and list the causes and examples
- Describe circumstances which lead to the need for a protection order
- Discuss the different forms that are used for a protection order
- Explain why the sheriff should serve a protection order immediately
- Discuss the basic necessities on which child maintenance is based
- Describe the procedure for maintaining a child who does not stay with the parent
- Comment on the current Child Grant Act
- Discuss the implications for failing to pay maintenance

The sum of the above assessment criteria will be equal to the learning outcome.

The content of this module was put together specifically to guide you through the assessment activities. Do put in the extra effort to consult other sources. You will reap the benefits.

## **5. CRITICAL OUTCOMES**

Other crucial outcomes, you also have to achieve, are those we refer to as critical outcomes. These are the outcomes that will help you develop as life-long learners in your studies, work and personal lives. The critical outcomes are summarised as follows:

- 5.1 Identifying and solving problems in which responses display that responsible decisions, using critical and creative thinking, have been made during the:
  - performance of the duty of service
  - utilization of the various manners of service
- 5.2 Working effectively with others as a member of a team or group or organisation or community by:
  - liaising and establishing relationships with stakeholders and community members
- 5.3 Organising and managing oneself and one's activities responsibly and effectively by:
  - following processes, procedures and protocols
- 5.4 Collecting, analysing, organising and critically evaluating information to better understand and explain when:
  - gathering information and undertaking research
  - applying relevant laws
- 5.5 Communicating effectively using visual, mathematical and/or language skills in the modes of oral and/or written persuasion when:
  - Generating documents
  - Communicating with diverse clients
  - Performing administrative duties
- 5.6 Using science and technology effectively and critically, showing responsibility towards the environment and health of others when:
  - sourcing information on legislation, policies and procedures
  - using computers where available
  - distributing and administering reports
  - demonstrating an understanding of cultural diversity in dealing with clients

- 5.7 Demonstrating an understanding of the world as a set of related systems by recognising that problem-solving contexts do not exist in isolation when:
- distributing and managing information and reports
  - solving complex problems with a number of actors and factors
  - explaining the relationship between stakeholders and sheriffing
  - solving complex problems with a number of actors and factors
  - explaining the relationship between stakeholders and sheriffing
  - demonstrating an understanding of cultural diversity in dealing with clients

## **6. MODULE LAYOUT**

Each module comprises the following sections:

- **An introduction**

This serves as an orientation on the particular theme of the module.

- **Assessment activities**

A number of assessment activities appear in each module. These activities were designed for evaluation purposes and form part of the learning and teaching strategy. They will assist you to monitor your own progress in achieving the stated outcomes.

The assessment activities will help you to:

- focus on the subject matter
- measure whether and/or to what extent learning outcomes and objectives have been achieved
- measure whether and/or to what extent knowledge, skills, values and attitudes are understood and applied
- present ideas and information in an appropriate format
- stimulate your thinking
- summarise the content

- **Content**

Guides you through the prescribed and recommended material for the subject, and gives explanations of specific concepts and terms that are complex.



- **Reflection**

Here a summary or conclusion to each module is provided.

- **References**

A record of all material and sources that were used during the development of the module appears here. Feel free to consult these sources as well as other relevant sources.

You will be required to engage actively with the content of all material and to record the answers to activities.

Each chapter begins with the learning outcome and ends with a reflection/self-assessment section. Remember to also consider the learning objectives as you work through the module and make sure that you reach these objectives.

## 7. GRAPHIC ILLUSTRATIONS AND ICONS

Where possible, we have included graphic illustrations, mind maps, tables and diagrams to assist you in your learning. We have also highlighted the meaning of certain concepts through the use of specific symbols called icons. The purpose of these icons is to emphasise and draw your attention to important aspects of the work and to highlight activities. The various icons have the following meaning:



**Example:** This indicates that an example has been given in the text to help you understand the point made, solve similar problems or clear up uncertainties.



**Activity:** This icon indicates that you must perform an activity. This will help you to think about a particular aspect of the work and to apply or practice it. Performing the activities will help you monitor your own progress towards achieving the assessment criteria.



**Reference:** This icon refers to previous or other study material, cases or sources that relate to the content with which you are busy.



**Reflection:** This icon indicates an opportunity to reflect whether you have achieved the assessment criteria.



**Definitions:** Definitions appear in grey shaded areas to indicate that an important explanation or formula is being given. Study the definitions carefully and take care to interpret them correctly, as this will help to keep you on the right track.



**Take note:** Additional notes are given for further clarification.

**NB! Please study these icons carefully and make sure you can apply them effectively.**

**REFLECTION  
POINT TO PONDER**

You might want to write a short essay about your understanding of domestic violence and the South African Maintenance System.

Please do not hesitate to contact your facilitator if you have any problems regarding the content of the subject.

We hope that you will enjoy the challenge of taking an active part in acquiring new skills through this course. Remember one learns best when one enjoys what one is doing.

Most people, looking at a newly-ploughed field, simply see a barren landscape. To a farmer though, this is a sight full of promise. An artist feels the same way about a blank canvas. A musician gets inspired by the silence of an empty hall. What you've got, at the moment, is the perfect space in which to create something.

We wish you success in your studies.

**References**

1. *South African Board of Sheriffs Learning Guide*. First Edition. Unisa Print Production. Johannesburg. 2003

**Module:        PROTECTION ORDERS IN TERMS OF THE  
DOMESTIC VIOLENCE ACT 116 OF 1998 AND THE  
SOUTH AFRICAN MAINTENANCE SYSTEM**

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**IMPORTANT POINTERS TO REMEMBER**

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## SECTION 1: VIOLENCE AGAINST WOMEN AND CHILDREN

### Learning Outcome

At the end of this module you should be able to:

- Serve and execute a protection order in a professional manner.

### Assessment criteria include the following:

- Explaining the prevalence of violence against women and children in South Africa
- Discussing different forms of domestic violence and list the causes and examples
- Describing circumstances which lead to the need for a protection order
- Discussing the different forms that are used for a protection order
- Explaining why the sheriff should serve a protection order immediately

Throughout this module, you will be sensitised about the role of the applicant and respondent when serving and executing these documents, as well as the role of the sheriff within this procedure.

You will be given background information on issues relating to the rights of the parties at the time of service or execution.

### What learning resources do you need?

- This guide
- Legislation: The Domestic Violence Act 116 of 1998

### 1. Introduction

Violence against women and children has emerged as one of the most serious challenges threatening to undermine women's rights in terms of equality and freedom in a new, democratic South Africa.

This problem is not new to this country. Interventions that have hitherto been employed have not visibly reduced the occurrence of this phenomenon. This violence manifests itself in different forms and takes place in public places, the work place and in the privacy of homes.

The Department of Justice recognises that violence against women is a violation of human rights and the fundamental freedom of women and the girl-child, and impairs or nullifies the enjoyment by women of those democratic rights and freedoms.

Violence against women and children is also a priority crime in terms of the National Crime Prevention Strategy (NCPS).



### **Defining gender violence:**

Gender-based violence is abuse on the basis of sex, whether occurring in public, in private life, in the family, in the community, or perpetuated or condoned by the State. This abuse can take various forms, including:

- Physical abuse
- Verbal abuse
- Emotional abuse
- Economic abuse and deprivation
- Sexual abuse, which could be categorised into assault and rape

## **2. Campaigns on the Prevention of Violence Against Women**

As a result of deep concern for the problem of violence, particularly sexual violence, against women and children in South Africa, the Department of Justice has been conducting an ongoing campaign on the prevention of violence against women and children, since 25 November 1996.

The following two facets formed the basis of the campaign:

- An internal facet, which involved workshops to commence a sensitisation process within the Department and involving departmental personnel in seeking solutions.
- An external facet, which involved a public education campaign whereby posters and pamphlets promoting themes on violence against women were distributed.

Government places a strong emphasis on the eradication of violence. In an effort to combat domestic violence, the Domestic Violence Act 1998 was enacted.

## **3. Domestic Violence Act 116 of 1998 - Summary**

The Domestic Violence Act recognises domestic violence, and the fact that its victims are mostly women, as a serious crime against society.

The most important provisions in the Act, which will alleviate the plight of victims of domestic violence, include the following:

1. The Act applies to any victim who is in a “domestic violence relationship,” and not only “parties to a marriage”.
2. There is a duty on members of the SAPS to inform a victim of his rights at the scene of an incident of domestic violence.
3. At the scene of an incident of domestic violence, a peace officer may arrest any person whom he reasonably suspects of having committed an offence containing an element of violence.
4. An application for a protection order may be brought on behalf of the applicant by any other person who has a material interest in the well-being of the applicant and a interim protection order may be granted, which will be confirmed if the respondent does not appear in court on the return date.
5. The protection order may stipulate that the respondent should make rent or mortgage payments and pay emergency monetary relief or educational expenses. Contact with any child by the respondent may be refused, or structured contact may be ordered.
6. Arms and dangerous weapons may be seized in domestic violence situations.
7. A peace officer may also serve documents, e.g. protection orders and orders that the state would carry all costs.
8. A court, granting a protection order, also issues a suspended warrant for the arrest of the respondent. It remains in force unless the interim protection order is set aside. If the respondent breaches the protection order, he will be arrested by the police. An arrested respondent may be criminally charged for breaching the protection order and also with any other offence resulting from a complaint lodged by the applicant against the respondent.
9. The applicant may apply for the amendment or setting aside of the protection order. However, in recognition of the possibility of manipulation of applicants by respondents, such an application will only be granted if the court is satisfied that the application is made freely and voluntarily.
10. Any form of ill-treatment of children must be reported in accordance with section 42 of the Child Care Act, 1983.
11. The Act makes provisions for material rape and makes it clear that conviction may follow, irrespective of whether the parties are married.
12. With a view to protecting the interests of victims of domestic violence, the proceedings may be held in camera, but any party to the proceedings may request the presence of specified persons.
13. Any party to proceedings has the right to legal presentation.

14. No order of cost will be granted against any party to proceedings.
15. A person who breaches the interdict is guilty of an offence and when convicted, may be fined and/or imprisoned for a period not exceeding 5 years.
16. The failure by law enforcement agents to carry out their duties in the crucial stages in the applicant's encounter with the legal system will be an offence punishable with a fine and/or imprisonment for a period not exceeding three months.

#### **4. Who may obtain a protection order?**

- Anyone who has been abused
- A minor may bring an application unassisted
- A person who has an interest in the life of someone else
- A counsellor
- A health worker
- A policeman
- A social worker
- A teacher

Unless a person is a minor, a mentally retarded or unconscious person, or if the court is satisfied that he/she is unable to give the required consent, he/she must give consent in writing.

#### **5. Where can an application for a protection order be made?**

Any Magistrate's Court or High Court nearest to where:

- The abused lives, owns a business or is employed
- The abuser lives, owns a business or is employed
- The abuse took place

#### **6. When can an application be made?**

- During ordinary court hours
- Outside ordinary court hours
- During weekends or public holidays

#### **7. To whom should an application for a protection order be made?**

- To the clerk of the Magistrate's Court or the Registrar of the High Court.



- The clerk will take the application to the magistrate, who will prepare a notice to the abuser informing him/her of the application for a protection order.
- The abuser will be told to come to court on a particular day for a hearing.
- This notice is served on the abuser by the sheriff, the police or the clerk of the court.

### **8. Service of Protection Orders by the sheriff**

In terms of Regulation 4(1), the protection order must be delivered to the sheriff for service if the registrar or the clerk of the court in terms of regulation 3 could not affect service.

Regulation 4(2) describes the mode of service by the sheriff:

1. By personally delivering a copy of the interdict / protection order to the respondent or presenting this for delivery.
2. By delivering it to any person at his place of residence, work or business who apparently is not less than sixteen (16) years of age and who apparently resides or is employed there.
3. If, however, the respondent keeps his place of residence, work or business closed the affixing of a copy of the protection order to the outer or principal door of the place of residence, work or business is deemed to constitute sufficient service of protection order.

With two exceptions, the mode of service substantially corresponds with the rules for service contained in the Supreme Court Act 59 of 1959 and the Magistrates Court Act 32 of 1944.

In terms of these Acts express provision is made for service to be considered sufficient if the protection order were to be offered to the respondent and he/she should refuse to receive the process.

It is also important that the service may be affected by means of affixing it to the place of residence, business or work if the respondent keeps this closed.

It may thus be assumed that the respondent is hiding inside the relevant place of residence, work or business in an attempt to avoid service.

It is not very clear whether service by affixing an interdict to the outer or principal door would be considered sufficient if, to the best of the sheriff's knowledge, the respondent is not on the premises, especially in view of the serious nature and contents of the interdict granted against the respondent.



The Sheriff or his deputy must serve the protection order as a matter of urgency, in other words, this document needs to be served within 24 hours or sooner if so requested by the court.

The court bears the cost of the protection order, application for a protection in cases where the applicant has no means of paying for the service of the document. In these cases the court will endorse the document with an O/H number, which will justify your office rendering an account to the clerk of the court for the service of this document. Cost charged, will be the cost as per the Magistrate's Court rules.

If the applicant has the means to pay, he/she will be personally responsible to pay the sheriff, for the service of the document. Cost charged will be as decided by the South African Institute for sheriffs. It was agreed to affect service at a low cost (+- R50).

#### **9. The Return of Service**

Form 5 prescribes a return of service in terms of Regulation 4(5). Regulation 4(5) provides that the sheriff must lodge a return on a form, which substantially corresponds with Form 4 setting out the mode of service of the protection order.

This return must be attached to the original order and be returned to the Registrar of the High Court or the clerk of the Magistrate's Court.

#### **10. The hearing**

If the alleged abuser or respondent does not appear in court on the day of the hearing, the protection order may be granted in his/her absence. If he/she does appear, the court hears evidence from both parties. Witnesses may also be called. When the magistrate has heard all the evidence, he/she will decide whether or not to issue the protection order and suspended warrants of arrest. The applicant and police station of choice will be provided with copies.

**11. What does an abused person do if the abuser violates the protection order?**

- Approach any member of the police service with the suspended warrant of arrest.
- The applicant may lay a criminal charge against the abuser.
- The abuser will be arrested or given notice to appear in court.
- Once this arrest warrant has been used, applicant must go back to court to get another warrant in case the abuser harms applicant again.

**12. What powers do the police have in domestic violence cases?**

- To arrest the abuser at the scene of abuse
- To arrest the abuser on a presentation by a person of a warrant of arrest and an affidavit containing an allegation that the abuser has violated the protection order

**13. The protection order**

The court may use the protection order to prevent the abuser from:

- Committing any specified act of domestic violence
- Asking another person to abuse applicant
- Entering the family home
- Entering the house at all
- Entering a specified part of the house
- Entering the applicant's house or workplace

The protection order can:

- Instruct police to take away the abusers firearms or any dangerous weapons;
- Instruct police to provide an escort to fetch your personal belongings;
- Instruct abuser to provide money for food and any other household expenses;
- Refuse the abuser contact with minors; and/or
- Impose additional conditions necessary to protect and provide for the safety, health or well-being of the abused person.

**14. How long is the protection order valid?**

- Until the abused person changes or cancels it.

- If the abuser files an appeal, the order continues to operate until cancelled by the Appeal Court.

**15. What if the abused person cannot afford to pay for the protection order to be delivered?**

He may apply to the clerk of the court for financial assistance.



**ACTIVITY 1**

Do you think there is an increase or a decrease in domestic violence in South Africa? Give reasons for your answer.

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## ACTIVITY 2

Do you agree that the most remarkable provision of the Domestic Violence Act 116 of 1998 undoubtedly lies in the wide definition given to conduct that constitutes abuse which now includes: physical, sexual, emotional, verbal, psychological and economic abuse, intimidation, harassment, stalking, damage to property and entry into a women's residence without consent where she is not staying with the abuser or any other controlling behaviour that may cause imminent harm to her safety, health or well-being?

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You have now reached the end of section 1. We will now consider the South African Maintenance System in the following section.

## SECTION 2: THE SOUTH AFRICAN MAINTENANCE SYSTEM

### **Learning outcome**

At the end of this module you should be able to:

- Serve and execute court processes in terms of the Maintenance Act 99 of 1988.

The assessment criteria include the following:

- Discussing the basic necessities on which child maintenance is based
- Describing the procedure for maintaining a child who does not stay with the parent
- Commenting on the current Child Grant Act
- Discussing the implications for failing to pay maintenance

### **1. Introduction**

Maintenance is regulated by the Maintenance Act 99 of 1988.

Every child has the right to basic necessities such as:

- Food
- Shelter
- Clothing
- Medical care
- Schooling

Children should receive these basic needs from their parents or relatives. The support given by parents or relatives is called maintenance. Parents or relatives maintain children directly when the child lives with them. Parents or relatives maintain children indirectly, when the child lives with someone else, by paying maintenance to support the child and to provide for his/her basic needs.

## **2. Who has a duty to pay maintenance?**

The law requires a child to be supported or maintained by:

- His or her parents, whether married, unmarried, living together, separated or divorced, including parents who have adopted the child; and
- His or her grandparents, if the child's parents were married to each other.

This legal duty is called "the duty to maintain" or "duty to support".

## **3. What is the maintenance system?**

When parents separate, many parents voluntarily pay maintenance to the parent who lives with the child. Other parents fail to honour their legal duty to maintain their children.

The maintenance system is the system of courts that ensures that parents honour their duty to maintain their children.

A maintenance court can order a parent who does not live with his child to pay maintenance for the support of his child. The maintenance system therefore ensures that parents not living with their children make a fair financial contribution towards the support of their children.

## **4. Why pay maintenance?**

If you do not live with your children, you are not there from day to day to provide for their basic needs. Therefore, you must pay money as maintenance to help the parent living with the children with these basic needs.

If a parent does not pay maintenance, his/her children:

- May not have enough food;
- May not be able to see a doctor if they are sick; and/or
- May not be able to go to school, if school fees cannot be paid.

## **5. How is maintenance paid?**

Most parents decide themselves how the parents living away from the children should support his children and contribute his/her share towards their upbringing. However, the maintenance system is there if the parents cannot decide themselves how maintenance should be paid, or how much.

The parent living with the children may approach a maintenance court in order to obtain maintenance. The maintenance court will make an order about the amount, period and where it is to be paid.

## **6. Must I still pay maintenance if the other parent:**

- Remarries?
- Is involved in another relationship?
- Does not let me see the children?

Children's right to have their basic needs provided for has nothing to do with one parent's view of the other parent's behaviour.

Children still need maintenance, and a parent must still pay maintenance, even if the other parent remarries or gets involved in another relationship.

Again, children are still entitled to maintenance even if a parent cannot see them. The parent's duty to maintain them is totally separate from their right to see the parent. The parent's duty to pay does not depend on whether or not he can see the children.

## **7. What if the parents have other children?**

A parent's duty to maintain his children continues even if the parent living with the children has other children.

If the parent is living away from the children and concerned about the welfare of the children, he/she is still required to pay maintenance, though he could lodge a complaint to the welfare authorities or apply to a court to have the children come and live with him/her.

If the parent living away from the children has other children himself or herself, he is still obliged to pay maintenance. He must still pay maintenance if he/she now lives with a new partner and that partner's children. There may, however, be a change in how much maintenance a parent must pay if he/she has further children of his own.



**8. How is the amount of maintenance calculated?**

The maintenance court or the maintenance officer at court will help to work out how much money should be paid as maintenance. Usually, the court first works out how much the children need for their maintenance. The court will then ensure that each parent makes a fair contribution to those needs, usually by requiring them to contribute in proportion to their respective incomes.



**ACTIVITY**

Should the amount of maintenance be based on the needs of the child or on the income of the parent, and how does South African Law currently regulate this issue? Discuss.

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**9. What happens if maintenance is not paid?**

If maintenance is not paid, children may suffer. Further you may be charged with contempt of a court order and upon conviction sentenced.

## **10 Where to go for advice?**

- SOCA (sexual offences and community affairs), contact number (012) 317 5000

This body was set up by the Department of Justice and Constitutional Development in 2001. It finds missing parents, investigates their financial affairs and helps women to process their maintenance claims.

- The People's Family Law Centre, contact number: (021) 422 3003, or visit their website at [www.pflc.org.za](http://www.pflc.org.za)

This organization helps with all legal matters relating to marriages, divorce, spousal and child maintenance, and domestic violence.

Now that you have a basic knowledge on the maintenance system in South Africa, you are in a better position to serve and execute processes in terms of the Maintenance Act 116 of 1988.

## SECTION 3: SERVICE AND EXECUTION IN TERMS OF THE MAINTENANCE ACT 99 OF 1998

### Service and Execution

In this area the sheriff becomes directly involved with the different parties in this complex social problem. We will study this section by means of the following activity



### ACTIVITY

Let us start with a practical exercise to measure your understanding of the sheriff's involvement in the process and to identify the gaps in your learning experience thus far.

Divide into groups of 5[five], appoint a reporter and:

Analyse section 62 of the Maintenance Act 99 of 1998. The Magistrate's Courts Act 32 of 1944 of may be a useful resource.

Consider the following questions carefully, and then, during an in-group session, give short summaries of your views on these issues.

1. Why should the sheriff be sensitised?
2. On what issues should the sheriff be sensitised?
3. How are these documents served?
4. How is the sheriff paid for the service rendered?
5. What to do when execution against property is required?
6. Are the Rules as directed by section 62 directly applicable?
7. Identify the problem areas that exist with execution and service and list them.
8. Give suggestions as to how these problems could be addressed.

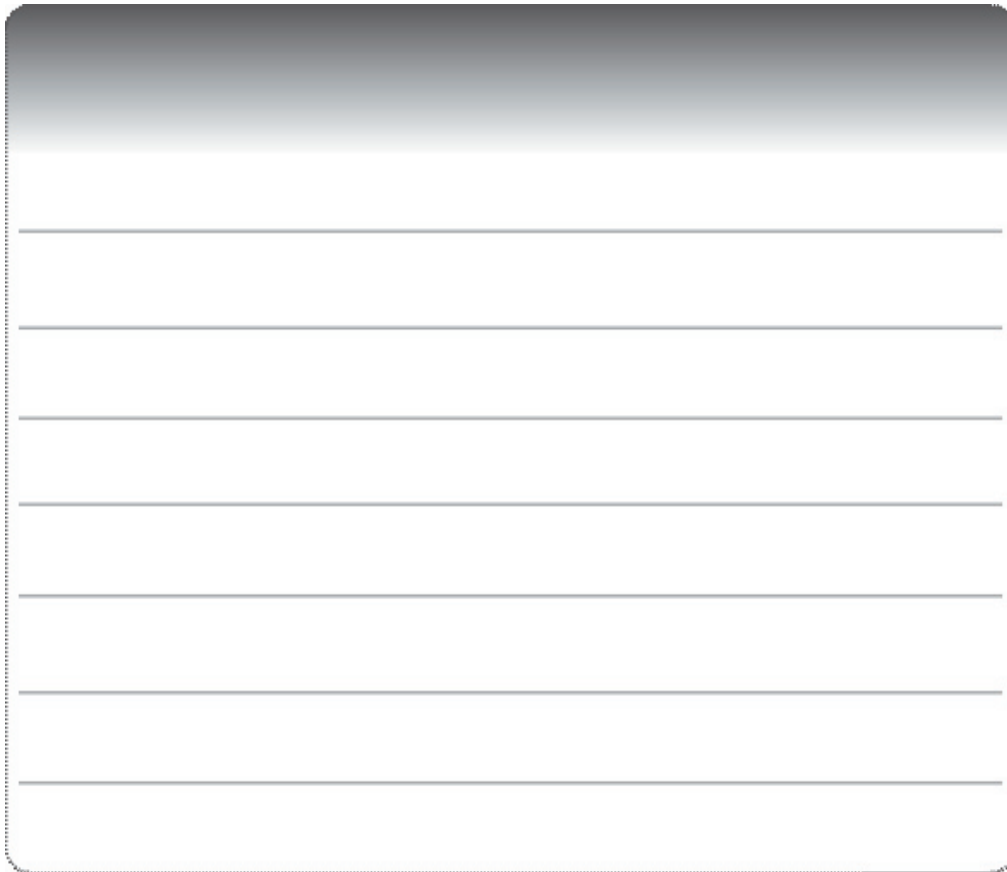


The service and execution of all process of the Maintenance Act is done in terms of the Magistrates Courts Act and the Rules that regulate it. Section 62 of the Maintenance Act gives direction.

In your discussion also pay particular attention to the following aspects:

- Execution procedures to be financed by applicant in advance [deposits]
- Security in terms of Rule 38
- Removal and sale procedures

- Advertisement
- Interpleaded procedures
- Sequestrations
- Administrations
- Recession of judgment
- Immediate removal
- Garnishee and emoluments orders
- Attachment of debt or other incorporeal assets



## **CONCLUSION**

You now have a basic understanding of the Maintenance and Family Violence Acts. The added value that you have acquired in terms of your skills and knowledge development in these subjects will strengthen your effectiveness in the work place.

The basic principles of human rights and the Constitution form part of the rest of the learning material of this course. This element is, however, of such importance in the day-to-day execution of documents emanating from these Acts that one has to re-emphasise that the action taken by the sheriff should be measured against these imperatives.

We therefore trust that the extraordinary approach that was taken in presenting the information to you has stimulated your investigative spirit.

## **REFERENCES**

1. Domestic Violence Act 116 of 1998
2. Maintenance Act 99 of 1988
3. Magistrate's Court Act 32 of 1944