



## OFFICE OF THE CHAIRPERSON

25 Thornhill Office Park, 84 Bekker Rd, Vorna Valley, Midrand, 1686 (Head Office)  
88 Loop Street, Cape Town, 8001 or PO Box 15223, Vlaeberg, 8018 (Regional Office)  
T: 011 535 1800 • F: 021 426 2598 • E-mail: mmorgan@sheriffs.org.za

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### CIRCULAR NO 1 OF 2024

#### TO:

- **SHERIFFS**
- **ALL VOLUNTARY PROFESSIONAL ORGANISATIONS AND ANY OTHER ASSOCIATION REPRESENTING SHERIFFS AND DEPUTIES**
  - South African Sheriff Society (SASS)
  - South African National Association of Progressive Sheriffs (SANAPS)
  - Deputy Sheriffs Forums

**RE: SABFS APPEAL TO CONSTITUTIONAL COURT IN THE MATTER BETWEEN BG BOJOSINYANE & ASSOCIATES v SHERIFF: MICHAEL SMITH & THE SOUTH AFRICAN BOARD FOR SHERIFFS (1072/2022)**

1. On 8 December 2023 the Supreme Court of Appeal (“SCA”) handed down judgment in the above-mentioned matter in which South African Board for Sheriffs (“SABFS”) is cited a party to the proceeding by virtue of it being a regulatory authority of the sheriff against whom the action was instituted against (Sheriff Michael Smith).

2. The voluntary associations in the profession wrote to the Chairperson of the Board of the SABFS requesting that the judgment and order granted by the SCA be appealed to the Constitutional Court, because of the far-reaching practical implications the judgment was going to have in the running and operations of a sheriff's office and private practice. Recently, sheriffs through their voluntary associations have advised that the practical implication predicted have become a reality at present.
3. On 30 January 2024, the SABFS lodged it's an application for leave to appeal to the Constitutional Court under case number CCT 21/24. The SABFS's application for leave to appeal can be found here: <https://sheriffs.org.za/in-the-constitutional-court-of-south-africa/>
4. As of 30 January 2024, the respondent BG Bojosinyane & Associates, now has 10 days to file its written submissions to the SABFS's application. Thereafter, the voluntary associations may lodge their intended application to be admitted as amicus curiae within five (5) days of the respondent having filed its written submissions.
5. Since the institution of the SABFS appeal application at the Constitutional Court, the order of the SCA in this matter is suspended, and the SCA's order cannot be imposed or executed on against sheriffs pending the finalization of the appeal before the Constitutional Court. [In this regard see Section 18 (1) to (3) of the Superior Courts Act 10 of 2013 and *Minister of Finance v Sakeliga NPC (previously known as Afribusiness NPC) and Others* (CCT 62/22) [2022] ZACC 17; 2022 (4) SA 401 (CC); 2023 (2) BCLR 171 (CC) (30 May 2022) at para 12.]

**END**

**SOUTH AFRICAN BOARD FOR SHERRIFS**