

DEPUTY SHERIFFS ACT  
(Act No. 21 of 2024)

DEPUTY SHERIFFS REGULATIONS, 2025  
(Published on 14th February, 2025)

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SCHEDULE

IN EXERCISE of the powers conferred on the Minister of Justice and Correctional Services by section 64 of the Deputy Sheriffs Act, the following Regulations are hereby made —

1. These Regulations may be cited as the Deputy Sheriff Regulations, 2025. Citation
2. In these Regulations, unless the context otherwise provides — Interpretation  
“instructing party” means an attorney representing his or her client or a litigant acting in person; and  
“station” means a place specified as the Deputy Sheriff’s area of operation.
3. (1) An application to be admitted as a Deputy Sheriff shall be made to the Sheriff in Form 1 as set out in Schedule 1 to these Regulations. Application for admission  
(2) An application under subregulation (1) shall state —
  - (a) the full name, place of business and contact details of the applicant (where applicable);
  - (b) the academic qualifications of the applicant;
  - (c) the facilities and location of the place secured by the applicant for the safe storage of goods (where applicable);
  - (d) the name of the applicant’s bankers and the address of the bank branch in which his or her trust account is held (where applicable);
  - (e) the applicant’s permanent place of residence; and
  - (f) the names and addresses of at least three referees.  
(3) An application under subregulation (1) shall be accompanied by a non-refundable fee of P200.00.  
(4) An applicant under subregulation (1), shall be issued with an admission certificate in Form 2 as set out in Schedule 1.

Fidelity Fund Certificate	<p>(5) A Deputy Sheriff shall pay to the Board an annual fee of P200.00.</p> <p>4. (1) An application under regulation 3 shall be preceded by an application to the Secretary of the Board for a Fidelity Fund Certificate in Form 3 as set out in Schedule 1.</p> <p>(2) An application under subregulation (1) shall be accompanied by a non-refundable fee of P100.00.</p> <p>(3) Where a Fidelity Fund certificate is issued, the holder of the certificate shall exhibit and keep exhibited in a prominent place in the premises, the certificate.</p>
Issuance of certificate of registration	<p>5. (1) Where the Sheriff is satisfied that the applicant meets the requirements under section 5 of the Act, the Sheriff shall upon payment of P50.00 registration fee, issue the applicant a certificate in Form 4 as set out in Schedule 1.</p> <p>(2) A Deputy Sheriff who has lost his or her certificate issued under subregulation (1), may apply for a duplicate certificate in such manner as shall be determined by the Sheriff.</p>
Register	<p>6. (1) The Sheriff shall keep a register containing a record of persons issued a certificate of registration under regulation 5.</p> <p>(2) A person who wishes to consult, inspect or make a copy of, or obtain an extract from the register shall pay a fee of P100.00.</p>
Cancellation or suspension of certificate of registration	<p>7. (1) The Sheriff may, for good cause, revoke, cancel or suspend a certificate of registration of a Deputy Sheriff.</p> <p>(2) A Deputy Sheriff aggrieved by the decision of the appointing authority under this regulation may appeal to the High Court within 30 days of notification of the decision.</p> <p>(3) Any suspension or cancellation of a certificate of registration shall be recorded in the Register of Deputy Sheriffs and any such order shall be advertised in at least two local newspapers.</p> <p>(4) A Deputy Sheriff whose certificate of registration has been cancelled or suspended shall surrender the certificate of registration to the Sheriff, immediately upon notification, pending the outcome of any appeal or review process.</p> <p>(5) A Deputy Sheriff whose certificate of registration has been suspended or cancelled shall-</p> <p>(a) not perform any work of a Deputy Sheriff; and</p> <p>(b) shall be required to return to the court any pending warrants issued to him or her, until his or her certificate of registration has been restored either by lifting the suspension or by order of court.</p> <p>(6) Provisions of this regulation shall apply with necessary modifications to a Deputy Sheriff who is removed from the register in accordance with section 13 of the Act.</p> <p>(7) A Deputy Sheriff whose name had been removed or cancelled shall have his or her name restored upon payment of P 200.00.</p>
Application for practicing certificate	<p>8. A Deputy Sheriff who has been issued a certificate of registration under these regulations shall apply to the appointing authority for a practicing certificate in Form 5 as set out in Schedule 1.</p>
Tariffs of Deputy Sheriff	<p>9. Tariffs of Deputy Sheriff shall be in accordance with Schedule 2.</p>
Complaints procedure	<p>10. (1) Any person who is dissatisfied with the conduct of a Deputy Sheriff may lodge a complaint before the Board, in Form 6 as set out in Schedule 1.</p>

(2) A complaint may also be forwarded to the Board by the Judicial Service Commission, a court or a member of the Administration of Justice, to whom any complaint has been reported.

(3) The Board shall review the complaint and determine whether the complaint is reasonable.

(4) Disciplinary and administrative complaints shall be addressed to the Secretary to the Board.

11. (1) Where —

Complaint or  
charge against  
Deputy Sheriff

(a) a complaint, accusation or allegation is lodged against a Deputy Sheriff in terms of section 54 of the Act; or

(b) there is a charge of improper conduct against a Deputy Sheriff in terms of section 55 of the Act,

the Secretary to the Board shall cause the complaint to be registered and may issue a "Notice of complaint" to the Deputy Sheriff who shall respond to the complaint within the time specified in the notice.

(2) Service of any process or other document under this regulation shall be sufficient if it complies with the Rules of the High Court.

(3) Where the Board determines that a complaint should be heard, both parties shall be summoned to appear before the Board for the interparty hearing.

(4) The Board may, after hearing a complaint —

(a) make an order for refund of any money not accounted for by the Deputy Sheriff;

(b) refer any complaint to the police for investigation and prosecution or to a court for civil redress;

(c) suspend or cancel the registration certificate of the Deputy Sheriff; or

(d) make any other order as the Board may deem appropriate.

(5) Where a Deputy Sheriff fails to account for money under these Regulations, the Board shall issue civil process against him or her.

(6) Where the Board refers a complaint to another body for determination, it shall inform the parties within 14 days of the reference and the complainant may follow up or withdraw the complaint.

(7) Where the Board has referred a complaint to the police, the appointing authority may suspend the Deputy Sheriff's practicing certificate, pending the decision on the outcome.

12. (1) A Deputy Sheriff who is aggrieved by the decision of the Sheriff to suspend or cancel his or her practicing certificate, may appeal, in writing, to the Board within 30 days of notification of the decision.

Appeals

(2) A person aggrieved by a decision of the Board on any matter may appeal to the High Court, within 30 days of notification of the decision of the Board.

13. (1) The party in whose favour any judgment has been pronounced may, at his or her own risk, sue out of the office of the Registrar one or more writs for execution thereof as near as may be in accordance with Form 7 as set out in Schedule 1:

Execution

Provided that, except where by judgment immovable property has been specially declared executable, no such process shall issue against the immovable property of any person until a return has been made of any process which may have been issued against his or her movable property, or the Registrar perceives from any return that the said person has not sufficient movable property to satisfy the writ.

(2) No process of execution shall issue for the levying and raising of any costs awarded to any party or the fees chargeable by a Deputy Sheriff until they have been taxed by the taxing master or agreed to in writing by the party concerned in a fixed sum:

Provided that it shall be competent to include in a writ of execution a claim for satisfying costs already awarded to the judgment creditor but not then taxed, subject to due taxation thereafter:

Provided further that, if such costs have not been taxed and the original bill of costs, duly allocated not lodged with the Deputy Sheriff before the day of the sale, such costs shall be excluded from his account and plans of distribution.

(3) Whenever by any process of the court, the Deputy Sheriff is commanded to levy and raise any sum of money upon the goods of any person, he or she or by his or her assistant shall further proceed to the dwelling-house or place of employment or business of such person, unless the judgment creditor gives different instructions regarding the situation of the assets to be attached and there —

- (a) demand satisfaction of the writ, and, failing satisfaction;
- (b) demand that so much movable and disposable property be pointed out as he or she may deem sufficient to satisfy the said writ, and, failing such pointing out; and
- (c) search for such property.

(4) Any such property shall be immediately inventoried with sufficient detail, including serial and other identifying numbers as to enable their subsequent identification and, unless the execution creditor otherwise directs and shall be taken into custody of the Deputy Sheriff:

Provided that if there is any claim made by any other person to any such property seized or about to be seized by the Deputy Sheriff then, if the plaintiff gives the Deputy Sheriff an indemnity to his or her satisfaction to save him or her harmless from any loss or damage by reason of the seizure thereof —

- (a) the Deputy Sheriff shall retain or shall seize, as the case may be, make an inventory of and keep the said property, and
- (b) the Deputy Sheriff shall give to the judgment debtor written notice of the attachment and a copy of the inventory made by him or her, unless he or she is excused by the Registrar from so doing for proper reason.

(5) The Deputy Sheriff shall file with the Registrar a return of any attachment made or other action taken on a process of execution, together with the inventory and shall furnish a copy of such return and inventory to the party who caused such process to be issued and to the judgment debtor.

(6) Where any movable property has been attached by the Deputy Sheriff, the person whose property has been so attached may, together with some person of sufficient means as surety to the satisfaction of the Deputy Sheriff, undertake in writing as near as may be in accordance with Form 8 as set out in Schedule 1 that such property shall be produced on the day appointed for the sale, whereupon the Deputy Sheriff shall leave the said property attached and inventoried on the premises where it was found.

(7) If the judgment debtor does not, together with a surety, give an undertaking as aforesaid, then, unless the execution creditor otherwise directs, the Deputy Sheriff shall remove the said goods to some convenient place of

security, or keep possession thereof on the premises where they were seized, the expense whereof shall be recoverable from the judgment debtor and defrayed out of the levy.

(8) Where any movable property is attached as aforesaid, the Deputy Sheriff shall where practicable and subject to Order 64 of the Rules of the High Court sell it by public auction, for cash and without reserve, to the highest bidder after due advertisement by him or her in one or more newspapers and after the expiration of not less than 14 court days from the time of seizure.

(9) Where perishables are attached, they may with the consent of the execution debtor, or upon the execution creditor indemnifying the Deputy Sheriff against any claim for damages which may arise from such sale, be sold immediately by the Deputy Sheriff concerned in such manner as to him or her seems expedient.

(10) If incorporeal property, whether movable or immovable, is available for attachment, it may be attached without the necessity of a prior application to the judge in the manner hereinafter provided —

- (a) where the property or right to be attached is a lease or a bill of exchange, promissory note, bond or other security for the payment of money, the attachment shall be complete only when —
  - (i) notice has been given by the Deputy Sheriff to the lessor and lessee, mortgagor and mortgagee or lessee, or person liable on the bill of exchange or promissory note or security, as the case may be,
  - (ii) the Deputy Sheriff has taken possession of the writing (if any), evidencing the lease, or the bill of exchange or promissory note, bond or other security, as the case may be, and
  - (iii) in the case of a registered lease or any registered right, notice has been given to the Registrar of Deeds;
- (b) where movable property sought to be attached is the interest of the execution debtor in property pledged, leased or sold under a suspensive condition to or by a third person, the attachment shall be complete only when the Deputy Sheriff has served on the execution debtor and on the third person notice of the attachment with a copy of the warrant of execution; the Deputy Sheriff may, upon exhibiting the original of such warrant of execution to the pledgee, lessor, lessee, purchaser or seller, enter upon the premises where such property is and make an inventory and valuation of the said interest;
- (c) in the case of the attachment of all other incorporeal property or incorporeal rights in property as aforesaid —
  - (i) the attachment shall only be complete when notice of the attachment has been given in writing by the Deputy Sheriff to all interested parties, and where the asset consists of incorporeal immovable property or an incorporeal right in immovable property, notice shall also have been given to the Registrar of Deeds; and the Deputy Sheriff shall have taken possession of the writing or document evidencing the ownership of such property or right, or shall have certified that he or she has been unable, despite diligent search to obtain possession of the writing or documents, and
  - (ii) the Deputy Sheriff may upon exhibiting the original of the warrant of execution to the person having possession of property in which

incorporeal rights exist, enter upon the premises where such property is and make an inventory and valuation of the right attached; or

(d) in the case of the attachment of stocks, shares or interest in close companies, attachment shall be effected by taking possession of the certificates evidencing ownership of such stocks, shares or interest and notice of the attachment shall be given to the Registrar of Companies, the company secretary or principal officer or other regulating authority.

(11) Attachment of property subject to a lien shall be effected with necessary modifications in accordance with the provisions of subregulation 10 (b).

(12) Where property subject to a real right of any third person is sold in execution, such sale shall be subject to the rights of such third person unless he or she otherwise agrees.

(13) Subject to any hypothec existing prior to the attachment, all writs of execution lodged with the Deputy Sheriff before the day of the sale in execution shall rank *pro rata* in the distribution of the proceeds of the goods sold, in the order of preference referred to in subregulation 17.

(14) Where more than one asset has been attached, in conducting a sale in terms of the rule 7 (1) of the High Court Rules, the Deputy Sheriff shall halt the sale when a sufficient sum has been realised to satisfy the judgment debts and costs and shall pay over to the judgment debtor any surplus remaining after the sale of the final asset sold to reach the said total.

(15) If there should remain any surplus, the Deputy Sheriff shall pay it over to the judgment debtor, and the Deputy Sheriff shall make out and deliver to him or her an exact account in writing, of his or her costs and charges of the execution and sale, which shall be liable to taxation upon application by the judgment debtor, and, if upon taxation any sum is disallowed, the Deputy Sheriff shall refund such sum to the judgment debtor.

(16) Within seven court days of the sale, the Deputy Sheriff shall compile and deliver to the Registrar, the judgment creditor and the judgment debtor a roll recording each asset sold, the price realised and the name and address of the purchaser, together with an account of the disposal of all funds realised from the sale and a record of any assets not sold and their disposition.

(17) Where an insufficient sum is realised from a sale, the Deputy Sheriff may make a further attachment or attachments on the same writ, provided that a second or subsequent sale shall not be conducted before the roll of the previous sale or sales has been prepared and delivered in terms of subparagraph 15.

(18) A writ of execution against immovable property shall contain a full description of the nature and situation including the address of the immovable property to enable it to be traced and identified by the Deputy Sheriff; and shall be accompanied by sufficient information to enable him or her to give to effect subparagraph 14.

(19) An attachment shall be made by a Deputy Sheriff upon a writ as near as may be in accordance with Form 9 as set out in Schedule 1.

(20) The mode of attachment of immovable property shall be by notice in writing by the Deputy Sheriff served upon the owner and upon the Registrar of Decds, and, if the property is in the occupation of some person other than the owner, also upon such occupier; any such notice shall be served by means of a registered letter, duly prepaid and posted, addressed to the person intended to be served.

(21) After attachment, any sale in execution shall take place in the district in which the attached property is situate and be conducted by the Deputy Sheriff of such district:

Provided that the Sheriff in the first instance, and subject to the provisions of subregulation (13) may on good cause shown, authorise such sale to be conducted elsewhere and by another Deputy Sheriff; upon receipt of written instructions from the execution creditor to proceed with such sale, the Deputy Sheriff shall ascertain and record what bonds, leases or other encumbrances are registered against the property together with the names and addresses of the person in whose favour such bonds, leases and encumbrances are so registered and shall thereupon notify the execution creditor accordingly.

(22) No immovable property which is subject to any claim preferent to that of the execution creditor shall be sold in execution unless —

- (a) the execution creditor has caused notice in writing of the intended sale to be served by registered post upon the preferent creditor if his or her address is known and, if the property is rateable, upon the local authority concerned, calling upon them to stipulate within 10 court days of a date to be stated a reasonable reserve price, or to agree in writing to a sale without reserve; and has provided proof to the Deputy Sheriff that the preferent creditor has so stipulated or agreed; or
- (b) the Deputy Sheriff is satisfied that it is impossible to notify any preferent creditor in terms of this subparagraph of the proposed sale, or such creditor having been notified has failed or neglected to stipulate a reserve price or to agree in writing to a sale without reserve as provided for in paragraph (a) within the time stated in such notice.

(23) The Deputy Sheriff may by notice served upon any person require him or her to deliver up to him or her all documents in the person's possession or control relating to the debtor's title to the said property.

(24) The Deputy Sheriff shall appoint a day and place for the sale of such property, such day being, except by special leave of the Sheriff, not less than one month after service of the notice of attachment.

(25) The execution creditor shall, after consultation with the Deputy Sheriff, prepare a notice of sale containing a short description of the property and improvements thereon, its situation and street number if any, the time and place for the holding of the sale and the fact that the conditions may be inspected at the office of the Deputy Sheriff with as many copies of the notice as the latter may require.

(26) The Deputy Sheriff shall indicate two suitable newspapers circulating in the district in which the property is situated and require the execution creditor to publish the said notice once in each of the said newspapers and in the *Government Gazette* not later than 14 court days before the date appointed for the sale and to furnish him not later than the day prior to the date of the sale with a copy of each of the said newspapers and with the number of the *Gazette* in which the notice appeared.

(27) Not later than 10 court days prior to the date of the sale, the Deputy Sheriff shall forward by registered post, a copy of the notice of sale to every other judgment creditor who has caused the said immovable property to be attached and to every mortgagee or lessee thereof whose address is known.

(28) Not less than 10 court days prior to the date of sale, the Deputy Sheriff shall affix one copy of the notice on the notice board of the District Commissioner of the administrative district in which the property is situated and one copy at or as near as may be to the place where the said sale is actually to take place.

(29) The conditions of sale shall, not less than 28 court days prior to the date of the sale, be prepared by the execution creditor as near as may be accordance with Form 10 as set out in Schedule 1 and shall be submitted to the Deputy Sheriff to settle them; the execution creditor shall thereafter supply the Deputy Sheriff with two copies of the conditions of sale, one of which shall lie for inspection by interested parties at his or her office.

(30) Any interested party may, not less than seven court days prior to the date of the sale, upon 24 hours' notice to the execution creditor, and the bond or lease holders, apply to the Sheriff for any modification of the conditions of sale, and the Sheriff may make such modification thereon as to him or her may seem meet.

(31) The execution creditor may appoint an attorney to attend to the transfer of the property when sold in execution.

(32) Immovable property attached in execution shall be sold by the Deputy Sheriff or by an auctioneer appointed by him or her at the direction of the judgment creditor by public auction, and a record shall be kept of each of the highest bidders up to four, and of their highest bids:

Provided that should an auctioneer be appointed the fees and commissions recovered by the Deputy Sheriff and the auctioneer from the proceeds of the sale shall not in aggregate exceed those provided for in Schedule 2.

(33) If the purchaser fails to carry out any of his or her obligations under the conditions of sale, the sale may be cancelled by a judge summarily on the report of the Deputy Sheriff after due notice to the purchaser, and the property may at the option of the judgment creditor and with the written consent of the Registrar be offered to the next bidder in line and so on by the Deputy Sheriff, or may again be put up for sale by public auction, and the purchaser shall be responsible for any loss sustained by reason of his or her default, which loss may, on the application of any aggrieved creditor whose name appears on the Deputy Sheriff's distribution account, be recovered from him or her under judgment of the judge, pronounced summarily on a written report by the Deputy Sheriff after such purchaser has received notice in writing that such report will be laid before the judge for such purpose; and if he or she is already in possession of the property, the Deputy Sheriff may, on seven court days' notice, apply to a judge for an order ejecting him or any person claiming to hold under him or her therefrom.

(34) Subject to subregulation (5), the sale shall be without reserve and the property shall be sold to the highest bidder.

(35) The Deputy Sheriff shall give transfer to the purchaser against payment of the purchase money and upon performance of the conditions of sale and may for that purpose do anything necessary to effect registration of transfer, and anything so done by him shall be as valid and effectual as if he or she were the owner of the property.

(36) The Deputy Sheriff shall not pay out to the creditor the purchase money until transfer has been given to the purchaser, but upon receipt thereof he shall forthwith pay the Sheriff all moneys received in respect of the purchase price.

(37) The Deputy Sheriff shall, as soon as possible after the sale and in any event within 14 court days thereafter, prepare in order of preference as hereinafter provided a plan of distribution of the proceeds and shall forward a copy of such plan to the Sheriff; and immediately thereafter the Deputy Sheriff shall give notice by registered post to all parties who have lodged writs and to the execution debtor that the plan will lie for inspection for 14 court days from the date mentioned at his office and at the office of the Sheriff and unless such parties signify in writing their agreement to the plan, such plan shall so lie for inspection.

(38) After deductions from the proceeds of the costs and charges of execution the following shall be the order of preference —

- (a) the claims of preferent creditors ranking in priority in their legal order of preference and thereafter; and
- (b) the claims of other creditors whose writs have been lodged with the Sheriff in the order of preference laid down in the Insolvency Act.

(39) Any interested person objecting to such plan shall, within four court days of the expiry, of the period referred to in subregulation (20) give notice in writing to the Deputy Sheriff and all other interested persons of the particulars of his objection and shall bring such objection before a judge for review on 10 court days' notice to the Deputy Sheriff and the said persons.

(40) The judge on review shall hear and determine the matter in dispute and may amend or confirm the plan of distribution or may make such order, including an order as to costs.

(41) If —

- (a) no objection is lodged to such plan;
- (b) the interested parties signify their concurrence therein; or
- (c) the plan is confirmed or amended on review,

the Sheriff shall on production of a certificate from the conveyancer that transfer has been given to the purchaser and on the request of the Deputy Sheriff payout in accordance with the plan of distribution; if the address of a payee is not known, the amount due to him shall be paid into the Guardian's Fund established under the Administration of Estates Act.

(42) In this regulation, the Sheriff may perform any function of a Deputy Sheriff.

**14.** (1) Where the Sheriff or his or her deputy has made a return of *nulla bona* or not sufficient goods on a writ of execution, the judgment creditor may cause to be issued a summons commanding the judgment debtor to pay the amount of the judgment, and, unless he or she does so, to show cause at a time and place stated why an order for personal attachment should not be decreed against him or her.

Imprisonment  
for debt

(2) The summons shall be in Form 11 as set out in Schedule 1 with such variations as circumstances may require.

(3) A copy of the writ of execution as endorsed by the Sheriff or his or her deputy and a copy of the judgment shall be served on the judgment debtor together with the summons.

(4) Where the judgment debtor has not paid the amount due, the judgment creditor shall on the return day of the summons, or on any adjournment thereof, produce to the judge the original judgment and the original writ of execution with

the return may, thereon or annexed thereto, and thereafter move for judgment in terms of the summon; and thereafter the judgment debtor may show cause why a writ of personal attachment shall not issue and may be examined, cross-examined and re-examined.

(5) The judge may adjourn the hearing for further evidence or refuse or grant an order for the personal attachment and imprisonment of the judgment debtor, or grant an order and suspend its execution on such terms as he or she deems fit, and may in his or her order limit the term of the imprisonment and make such order as to costs as the justice of the case requires.

(6) Where an order has been made for personal attachment of a judgment debtor, and its execution suspended, so long as certain installments are paid, the Registrar may, before issuing a writ, require the party applying therefor to satisfy him or her by affidavit that the debtor has failed in due payment of any such installment.

(7) Where there are two or more orders of personal attachment and imprisonment against the same debtor, such orders shall be cumulative with effect according to priority of issue of the respective writs of personal attachment, unless otherwise directed by the judge.

(8) A writ of personal attachment of a judgment debtor shall be signed by the Sheriff and addressed to the Sheriff or his or her deputy and to the keeper of a specified prison and shall be in Form 12 as set out in Schedule 1.

(9) Except where immunity is conferred by any law, a writ for the personal attachment of a judgment debtor may be executed at any hour on any day except on a Sunday, and at any place.

(10) The Sheriff may order the release of a judgment debtor from prison whenever it is shown to his or her satisfaction that the judgment debtor has paid the judgment debt and all costs which he or she has been ordered to pay, or where the judgment creditor has failed to pay for the judgment debtor's maintenance, or where the judgment creditor consents to his release, or where a provisional or final order of sequestration is made in respect of the estate of the judgment debtor.

(11) The judge may grant the release of a judgment debtor for good cause shown by him or her after notice of motion to the judgment creditor.

Code of conduct

**15.** A Deputy Sheriff that admitted to practice in terms of these Regulations shall comply with terms and conditions the Code of conduct as set out in Schedule 3.

General penalty

**16.** Any person who contravenes the provisions of these Regulations commits an offence and is liable to the penalties provided for in the Act.

**SCHEDULES  
SCHEDULE 1**

**Form 1**

*(reg. 3)*

**APPLICATION FOR ADMISSION**

**(Note: This form must be completed in block letters)**

I, ..... (full name) apply to be appointed and registered as a Deputy Sheriff and furnish the following particulars: -

**A. PERSONAL PARTICULARS**

Sex: ..... Date of birth: .....

Nationality: ..... National Identity Card: .....

Residential Address: ..... Postal code/address: .....

Telephone/mobile no.: ..... Present occupation: .....

Work address: ..... Work telephone no.: .....

Location and address of storage facilities: .....

Do you, or have you, at any time, suffered from any physical or mental defect or any serious disease? *Yes/No. (If yes, give details)*

.....

.....

Have you ever been convicted of criminal offence? *Yes/No*

.....

Have you ever been declared insolvent? *Yes/No*

.....

.....

**B. LANGUAGE PROFICIENCY**

*(State "Good", "Fair" or "Poor" in the appropriate space)*

ENGLISH/SETSWANA/Other Languages *(Specify)*

Speak

Read

Write

**C. QUALIFICATIONS**

1. Highest ACADEMIC qualification: .....

2. Year obtained .....

3. Certificate, diploma or degree obtained .....

4. Name of educational institution .....

5. Year when the qualification was obtained .....

6. Attach copies of Degrees, Diploma and Certificates

.....  
**SIGNATURE OF APPLICANT**

**Form 2**  
*(reg. 3)*

**CERTIFICATE OF ADMISSION**

No. ....  
This is to certify that  
.....  
of ..... has been admitted as a Deputy Sheriff  
of the Courts of Botswana.

.....  
*Sheriff*

Gaborone, Botswana  
Date .....

**Form 3**  
(reg. 4)

**APPLICATION FOR FIDELITY FUND CERTIFICATE**

**DEPUTY SHERIFF'S ACT**

To the Sheriff:

I, .....  
Of .....  
Hereby apply for Fidelity Fund Certificate for the year 20..... and enclose the sum of  
P..... in payment of the fee.

In terms of section ..... of the Act, I give the following information:

Name of firm  
.....

Place or places of business  
.....

Date of Admission and Enrolment as a Deputy Sheriff  
.....

Date ..... (Signature) .....

Form 4  
(reg. 8)

**CERTIFICATE OF REGISTRATION**

No. ....  
This is to certify that .....  
of .....has been admitted and enrolled as a Deputy Sheriff  
of the Courts of Botswana.

.....  
*Sheriff*

Gaborone, Botswana  
Date .....

**Form 5**  
*(reg. 8)*

**PRACTISING CERTIFICATE**

PURSUANT to the Deputy Sheriffs Act, it is hereby certified that .....  
.....whose name is enrolled in the roll of Deputy Sheriff is entitled to  
practise as Deputy Sheriff for the year ending on 31st December, 20.....

Dated this .....day of ..... 20.....

.....  
*Sheriff*

**Form 6**  
*(reg. 10)*

**COMPLAINT FORM**

**PART A: COMPLAINANT PARTICULARS**

NAMES: .....  
ADDRESS: .....  
CONTACTS: .....

**PART B: PARTICULARS OF DEPUTY SHERIFF AGAINST WHOM COMPLAINT  
LODGED**

.....  
.....  
.....

**PART C: CASE PARTICULARS (if known to complainant)**

Name of the Parties: .....  
.....  
Court: .....  
Case No. ....  
Presiding Judge/Magistrate: .....

**PART D: NATURE OF COMPLAINT (briefly and concisely narrate the nature of your  
complaint. If there are more details an extra page/s may be used)**

Witnesses (if any)

Witness 1: .....  
Witness 2: .....

**PART E: DECLARATION**

I confirm that whatever I stated herein above is true and correct to the best of my knowledge.

Given by: ..... signed: .....  
Date: .....

Complaint receive by: ..... signed: .....  
Date: .....

**Form 7**  
*(reg. 13)*

**WRIT OF EXECUTION**

In the High Court of the Republic of Botswana  
Civil Case No.....

In the matter between:

..... Plaintiff

and

..... Defendant

To the Deputy-Sheriff for the district of .....

You are hereby directed to attach and take into execution the movable goods of.....

for above-mentioned defendant of ..... (address), and

of the same to cause to be realised by public auction the sum of ..... together

with interest thereon at the rate of ..... per cent per annum ..... from

the ..... day of ..... of the said ....., which he recovered by

judgment of this court dated the ..... day of ..... 20 .....

in the above-mentioned case, and also all other costs and charges of the plaintiff in the said

case to be hereafter duly taxed according to law, besides all your costs thereby incurred.

Further pay to the said ..... or his attorney the sum or sums due to him with

costs as above-mentioned, and for your so doing this shall be your warrant.

And return you this writ with what you have done thereupon.

DATED at ..... this ..... day of ....., 20 .....

.....  
Registrar of the High Court

.....  
Plaintiff's attorney

(Address)  
.....  
.....

**Form 8**  
*(reg. 13(6))*

**FORM OF SECURITY UNDER ORDER 52**  
In the High Court of the Republic of Botswana  
In the matter between:

..... Plaintiff  
and

..... Defendant  
WHEREAS by virtue of certain writ of the High Court of Botswana dated the .....day  
of ....., 20....., issued at the instance of .....against.....  
of....., the Deputy-Sheriff seized and laid under attachment the  
under-mentioned articles, namely:

.....  
Now, therefore, we, the said ..... and ..... of .....  
at..... (occupation) as surety for him, bind ourselves severally in solidum, hereby  
undertaking to said Deputy Sheriff or his cessionaries, assigns or successors in office, that the  
said goods shall be not be made away with or disposed of, but shall remain in possession of  
the said .....under the said attachment, and be produced to the said Deputy Sheriff (or  
other person authorized by him to receive the same) on the.....day of....., 20.....  
(the day appointed for the sale), or on any other day when the same may be required in order  
to be sold, unless the said attachment shall legally be removed, failing which I, the said.....  
hereby bind myself, my person, goods and effects, to pay and satisfy the sum of.....  
(estimated value of the effects seized) to the said Deputy-Sheriff, his cessionaries, assigns  
or successors in office, for and on account of the said.....  
IN WITNESS whereof, we, the said .....and ..... have hereunto  
set our hands on this .....day of ....., 20.....

.....  
Judgment Debtor Surety  
.....  
Deputy-Sheriff

**Form 9**  
(reg. 13(17))

**WRIT OF ATTACHMENT-IMMOVABLE PROPERTY**

In the High Court of the Republic of Botswana

.....Civil Case No.....

In the matter between:

.....Plaintiff

and

.....Defendant

To the Deputy Sheriff for the district of.....

WHEREAS you were directed to cause to be realised the sum of ..... in satisfaction of a judgment debt and costs obtained by ..... against the said

..... in this court on the ..... day of ....., 20 .....

AND WHEREAS your return stated ..... (here quote the Deputy Sheriff's return on the writ against movables).

NOW, therefore, you are directed to attach and take into execution the immovable property of the said ..... being ..... (here again

the description of the property) to cause to be realised therefrom the sum of ..... together with the costs hereof and of the prior writ amounting to .....

and your charges in and about the same, and thereafter to dispose of the proceeds thereof in accordance with regulation 13, rule 17.

For which this shall be your warrant.

DATED at..... this ..... day of ....., 20 .....

.....  
Registrar of the High Court

.....  
Plaintiff's attorney  
(Address)

**Form 10**  
(reg 13(27))

**CONDITIONS OF SALE IN EXECUTION OF IMMOVABLE PROPERTY**

In the High Court of the Republic of Botswana

In re:

..... Plaintiff

and

..... Defendant

The property which will be put up to auction on the ..... day of ....., 20 ....., consists of .....

The sale shall be subject to the following conditions:

1. The property shall be sold by the Deputy-Sheriff of .....at ..... to the highest bidder without reserve/with a reserve price of .....
2. The sale shall be for Pula, and no bid for less than one Pula shall be accepted.
3. If any dispute arises about any bid the property may be again put up to auction.
4. If the auctioneer makes any mistake in selling, such mistake shall not be binding on any of the parties, but may be rectified. If the auctioneer suspects that a bidder is unable to pay either the deposit referred to in condition 6 or the balance of the purchase price he may refuse to accept the bid of such bidder, or accept it provisionally until the bidder has satisfied him that he is in a position to pay both such amounts. On the refusal of a bid under such circumstances, the property may immediately be again put up to auction.
5. The purchaser shall, as soon as possible after the sale, and immediately on being requested by the ....., sign these conditions and if he has bought qua qualitate, state the name of his principal.
6. (1) The purchaser shall pay a deposit of 10 per cent of the purchase price in cash on the day of sale, the balance against transfer to be secured by a bank or building society guarantee, to be approved by the plaintiff's attorney, to be furnished to the Deputy Sheriff within ..... days after the date of sale.  
(2) If transfer of the property is not registered within one month after the sale, the purchaser shall be liable for payment of interest to the plaintiff at the rate of six per cent per annum and to the ..... bondholder at the rate of .....per cent per annum on the respective amounts of the award to the plaintiff and the bondholder in the plan of distribution as from the expiration of one month after the sale to the date of transfer.
7. If the purchaser fails to carry out any of his obligations under the conditions of sale, the sale may be cancelled by a judge summarily on the report of the Deputy-Sheriff after due notice to the purchaser, and the property may again be put up for sale; and the purchaser shall be responsible for any loss sustained by reason of his default, which loss may, on the application of any aggrieved creditor whose name appears on the Deputy Sheriff's distribution account, be recovered from him under judgment of the judge pronounced summarily on a written report by the Deputy-Sheriff, after such purchaser has received notice in writing that such report will be laid before the judge for such purpose; and if he is already in possession of the property the Deputy-Sheriff may, on seven days' notice, apply to a judge for an order ejecting him or any person claiming to hold under him therefrom.
8. The purchaser shall pay auctioneer's charges on the day of sale and, in addition, transfer dues, costs of transfer, and arrear of rates, taxes and other charges necessary to effect transfer, upon request by the attorney for the execution creditor.
9. The property may be taken possession of immediately after payment of the initial deposit, and shall after such deposit be at the risk and profit of the purchaser.
10. The purchaser may obtain transfer forthwith if he pays the whole price and complies with

condition 8, in which case any claim for interest shall lapse, otherwise transfer shall be passed only after the purchaser has complied with the provisions of conditions 6 and 8 hereof.

11. The Deputy-Sheriff may demand that any buildings standing on the property sold shall be immediately insured by the purchaser for the full value of the same, and the insurance policy handed to him and kept in force as long as the whole price has not been paid: and if he does not do so, the Deputy-Sheriff may effect the insurance at the purchaser's expense.

12. The property is sold as represented by the title deeds and diagram, the Deputy Sheriff not holding himself liable for any deficiency that may be found to exist and renouncing all excess. The property is also sold subject to all servitudes and conditions specified in the deed of transfer.

13. The execution creditor shall be entitled to appoint an attorney to attend to transfer.

DATED at ..... this ..... day of ....., 20 .....

.....  
Deputy-Sheriff.

I hereby certify that today the ..... in my presence the hereinbeforementioned property was sold for ..... to .....

I, the undersigned ....., residing at ..... do hereby bind myself as the purchaser of the hereinbefore-mentioned property to pay the purchase price and to perform all and singular the conditions mentioned above.

.....

Form 11  
(reg. 14)

**SUMMONS FOR IMPRISONMENT FOR DEBT**  
In the High Court of the Republic of Botswana  
To: The Sheriff or his or her Deputy,

Command ..... of ..... (hereinafter called "the defendant") that justly and without delay he render and pay to ..... (hereinafter called "the plaintiff") the sum of P ..... of lawful money, with interest thereon at the rate of ..... per cent per annum from the ..... day of ..... , 20 ..... , to the day of payment which he owes to the said plaintiff upon and by virtue of a certain sentence of the High Court of Botswana at ..... bearing date the ..... day of ..... , 20 ..... , together with the sum of P..... and P..... being the taxed costs incurred by the said plaintiff in obtaining the said sentence and execution thereof; which said sentence has been carried into execution and a return since made thereon that no goods or chattels of the said defendant could be found whereof the exigency of the said writ or any part thereof could be made; as it is said.

And unless he shall do so, then summon the said defendant that he appear before the High Court of Botswana at ..... in the forenoon, or so soon thereafter as counsel can be heard, to show cause why he has not done it; and also to show cause, if any, why a writ of personal attachment shall not forthwith be decreed to issue against the person of the said defendant, to have effect and hold good until he has paid the said plaintiff the sum of P.....

And also summon the said defendant then and there to plead to the claim of the said plaintiff for payment thereof, under security, with costs, and to join issue thereon; and serve on the said defendant a copy of this summons, of the said sentence, writ of execution and return thereon, whereon the said claim is founded; and return you then and there this summons with whatsoever you have done thereupon.

DATED at ..... this ..... day of ..... , 20 .....

.....  
Registrar of the High Court

Plaintiff's attorney

.....

**Form 12**  
(reg. 14)

**WRIT OF EXECUTION-IMPRISONMENT FOR DEBT**  
In the High Court of the Republic of Botswana  
To: The Sheriff or his or her Deputy,

You are hereby commanded, in pursuance of an order of the High Court of Botswana, bearing date the ..... day of ..... 20 ....., to take ..... of ..... and deliver him to the Officer-in-Charge of the prison at ..... together with a certified copy of this writ, there to be safely kept for a period of or until he has paid to ..... of ..... the sum of P ..... of lawful money, with interest thereon at the rate of ..... per cent per annum from the ..... day of ..... 20 ....., to the day of payment which the said ..... by sentence of the said court bearing date the ..... day of ..... 20 ....., recovered against the said ..... together with the sum of P ..... for the taxed costs and charges of the said ..... together with the further sum of P ..... for this writ, by him about this suit in that behalf expended, whereof the said ..... is convicted, as appears of record, or until the said .....

**SCHEDULE 2**  
**Tariffs of Deputy Sheriff**  
*(reg. 11)*

**ALLOWANCES**

**1. Travelling Allowance**

- (a) When a motor vehicle includes a motorcycle or a motor scooter is used, the rates applicable to persons employed in the public service as authorised in General Orders.
- (b) When a public conveyance is used..... The actual disbursement
- (c) When service is effected by means other than (1) to (2), rates applicable to persons employed in the public service as authorised in the General Orders.

*Note: This allowance shall be payable only in cases where the duty in question is to be performed beyond a radius of one kilometre from the office of the messenger or the abode or office of the other person, not being a party to the action, effecting service;*

*Provided: that if the office of the messenger or the abode or office of such other person is situated more than three kilometre from the Land Tribunal the allowance shall be payable only where such duty is to be performed beyond a distance of one kilometre from the Land Tribunal.*

**2. Subsistence Allowance**

- (a) Subsistence allowance shall be paid in addition to travel allowance at the rate applicable to person employed in the public service as authorised in the General Orders per day or part of a day.
- (b) No subsistence allowance shall be allowed when service is effected within the limits of the township or village in which the Land Tribunal is situated.
- (c) A judicial officer may increase the subsistence allowance in any case in which he considers there are special circumstances to warrant such an increase. Travelling allowance and subsistence allowance may be allowed for attempted service as well as for actual service. When two or more summonses or other process, whether at the instance of the same plaintiff or of different plaintiffs, have been, or in the opinion of the taxing officer, should have been served on one and the same journey, the travelling allowance and subsistence allowance for performing the round of served shall be fairly and equitably apportioned among the several cases, regard being had to the distances at which the parties against whom such process is directed respectively, reside, but the fee for service shall be payable for every service made or attempted to be made.

- 3. (a) For taking inventory per folio or portion thereof.....P5.00
- (b) For each necessary copy thereof.....P2.50
- 4. For drawing advertisement of sale of goods attached.....P12.50
- 5. In respect of execution –

- (a) When a writ is paid on presentation, one percent on the amount of the writ, with a minimum fee of P5.00;
- (b) When a writ is withdrawn by the judgment creditor or the judgment debtor's estate is placed under sequestration before any movable property has been attached, a fee of P25;
- (c) When a writ is withdrawn by the judgment creditor or the judgment debtor's estate is placed under sequestration after movable property has been attached, but before sale, tow and a half percent on the value of the movable property attached, but commission shall not in any case be calculated on an amount greater than that directed to be recovered;
- (d) When a writ is paid by the judgment debtor to the messenger after movable property has been attached but before sale, three percent on the amount so paid –
- (e) after sale in execution -
  - (i) for the first P1000 or less than P1000 of the amount recovered, five percent; and
  - (ii) for every subsequent P1000 or portion thereof, four percent.
- (f) Commission shall not be allowed on the value of movable property attached, but subsequently claimed by a person other than the judgment debtor and released in consequence of such claim, unless such property has been attached on the express direction of the judgment creditor.

6. Keeping possession of property seized –

- (a) for each custodian (not exceeding two in number) necessarily left in possession, *per diem*... "possession" means the continuous and necessary presence on the premises and for the period in respect of which possession is charged for a custodian employed and paid by the messenger for the sole purpose of retaining possession;
- (b) for removal and storage, the reasonable and necessary expenses of such removal and storage;
- (c) for herding and preserving livestock, the necessary expenses of herding and preserving such stock;
- (d) disbursement can only be allowed when actually and necessarily made, and on production of receipts therefor when obtainable;
- (e) when no officer is left in possession and no security bond is taken, but the removal property attached remains under the supervision of the messenger, a reasonable fees to exceeding *per diem*....
- (f) a messenger may insure movable property attached if it is necessary and he or she is authorized in writing by the judgment creditor to do so, and for effecting such insurance he shall be allowed a fee of P25 in addition to the premium paid.

7. For effecting an arrest.....P50
8. For conveying a defendant to prison from the place of arrest, per kilometre or fraction of a kilometre.....P50
9. For bringing a defendant to the Land Tribunal from the place of custody, per day or fraction of a day.P50
10. For drawing and completing a bail bond, deed of security or indemnity bond.....P12.50
11. For executing a writ of ejection.....P25
12. For executing a writ of attachment of immovable property or an attachment to found jurisdiction, including notices to the owner and the Registrar of Deeds and endorsing the necessary return.....P25
13. Notice of attachment to a single lessee or occupier identical notices when there are several lessees or occupier for each after the first.....P15
14. A Deputy Sheriff shall be competent to do work anywhere in Botswana and shall be allocated a station from where he or she shall be operating.
- (15) A Deputy Sheriff who engages in work outside of his or her station shall not be entitled to charge any meal, travel or accommodation expenses, unless –
  - (a) the instructing party has given the Deputy Sheriff permission to do so in which case the instructing party shall bear the expenses;
  - (b) where, for purposes of service, it is necessary to follow the party to be served outside the station; or
  - (c) where, for purposes of execution, it is necessary to follow the debtor or property outside the Deputy Sheriff's station.
- (16) The fees and charges applicable under this Regulations shall be chargeable by and allowed to Deputy Sheriffs:
 

Provided that no fees may be charged for the service of process in proceedings brought or defended under Order 46 of the Rules of the High Court but the necessary disbursements for the purpose of such service may be recovered).
- (17) Where there are more ways than one of doing any particular act, the least expensive way shall be adopted unless there is some reasonable objection thereto, or unless the party at whose instance process is executed desires any particular way to be adopted at his or her expense.
- (18) Where any dispute arises as to the validity or amount of any fees or charges, payable or where necessary work is done and necessary expenditure incurred for which no provision is made, the matter shall be determined by the taxing master.

**SCHEDULE 3**  
Code of conduct  
(reg. 16)

**CODE OF CONDUCT FOR DEPUTY SHERIFFS**

1. A Deputy Sheriff must at all times be aware that his authority and duties are those of an officer of the court, and he must not act in any way which subordinates him to the instructing party or otherwise conflicts with the independent performance of his office. Deputy Sheriffs serve the courts and the public. They must serve any document required to be served under any legal process or to execute any writ or warrant, except where it is not reasonably practicable to do so. To fulfil these duties, Deputy Sheriffs are granted extraordinary powers by judicial warrants or under statutes. The public therefore have the right to expect the highest standards of conduct from them.
2. This Code sets out the principles which guide Deputy Sheriffs. It does not seek to restrict their discretion: rather, it aims to define the parameters of conduct within which that discretion should be exercised. Any breach of the principles in this Code may result in action being taken against them. In serious cases, this could involve dismissal from the office.
3. Deputy Sheriffs, whether engaged in the performance of official or unofficial business, should do nothing to lessen public confidence in the profession. Any allegation of misconduct, brought to the attention of the Sheriff, which could, if proved, bring discredit to the profession of Deputy Sheriff, shall be investigated by the Sheriff, to establish if a breach of the Code could have occurred and whether a referral for formal disciplinary action is appropriate.
4. Deputy Sheriffs are, in all circumstances, to act as follows:
  - 4.1. Honesty and integrity – Deputy Sheriffs must be open, honest and truthful in their dealings, to the full extent that their duties of confidentiality permit. They must not be improperly beholden to any person or institution, and should avoid giving any impression of being improperly influenced by any such party. They must always discharge their duties with integrity.
  - 4.2. Fairness and impartiality – Deputy Sheriffs have a particular responsibility to act with fairness and impartiality in all their dealings with members of the public and their colleagues.
  - 4.3. Politeness and tolerance – Deputy Sheriffs should treat their colleagues and members of the public with courtesy and respect. In particular, Deputy Sheriffs must avoid favouritism of an individual or group, all forms of harassment, victimisation or unreasonable discrimination, and overbearing conduct to a client.
  - 4.4. Use of force and of authority – Deputy Sheriffs must never knowingly use more force than is reasonable or necessary; nor should they ever abuse in any way the authority provided by their licence or the terms of a particular writ or warrant.
  - 4.5. Performance of duties – Deputy Sheriffs should be conscientious and diligent in the performance of their duties. They must execute lawful instructions as promptly as is reasonable, and with all necessary skill.
  - 4.6. Lawful instructions - Unless there is good and sufficient cause to do otherwise, Deputy Sheriffs must comply with all lawful instructions and abide by the provisions of all relevant statutory provisions. Deputy Sheriff should support their colleagues in the execution of their lawful duties. They should oppose any improper behaviour and report any manifest instances of it to the appropriate authorities.
  - 4.7. Confidentiality - Private information which comes into the possession of Deputy Sheriffs in the course of their official duties must be treated as confidential. Such information should not be used for personal benefit; nor should it be divulged to other parties, except in the proper course of lawful instructions. Deputy Sheriffs should also treat all information about their own clients as being confidential, unless they are authorized to disclose such information.

4.8. Vulnerable Individuals - The exercise of appropriate discretion is needed, not only to protect the debtor, but also the Deputy Sheriff who has been trained to avoid taking action which could lead to accusations of inappropriate behaviour. Deputy Sheriffs must withdraw from domestic premises if the only person present is, or appears to be, under the age of 18; they will ask when the debtor will return home, where appropriate. Deputy Sheriffs will withdraw from making enquiries at any address if the only person's present are children who appear to be under the age of 12. Although not exhaustive, Deputy Sheriffs recognise the following groups as being potentially vulnerable and will act accordingly:

- a) the elderly;
- b) people with disability;
- c) the seriously ill;
- d) the recently bereaved;
- e) pregnant women;
- f) those who have obvious difficulty in understanding, speaking or reading the language of the court

4.9. Criminal offences – Deputy Sheriffs must report to the Sheriff, within 21 days of the relevant date, bringing of any proceedings against them for a criminal offence and any subsequent conviction.

4.10. Property – Deputy Sheriffs should exercise all reasonable care to prevent loss or damage to other people's property while in the execution of their duties.

4.11. Client Finances – Monies received on behalf of, or raises in execution for, a client shall be transmitted without delay and without deductions except for taxed Deputy Sheriffs charges and legal costs.

4.12. Sobriety – Deputy Sheriffs should not be affected by, or consume, alcohol or drugs, when engaged in the performance of their duties.

4.13. Appearance – Deputy Sheriffs should be clean and tidy and present themselves in smart business attire whilst engaged in the execution of their duties.

MADE this 11th day of February, 2025,

**RAMAOTWANA N. RAMAOTWANA,**  
*Minister of Justice and Correctional  
Services.*