

Important points to remember:

- Only a Deputy Sheriff may demand payment or attach goods or money in terms of a writ or court order.
- Debt collectors do not work under the authority of the Court and are not allowed to attach or remove any goods.
- Always demand a receipt for any monies paid to the Deputy Sheriff.
- Ensure that both the original and copies of documents are marked with your signature or mark with any payment made.
- Always keep a copy of the document as proof.
- If the Deputy Sheriff visited your home in your absence, follow up and find out what you need to do.
- Do not ignore any documents, messages left by the Deputy Sheriff.
- Take immediate steps to rectify the situation, delay may result in additional costs.
- Note that the sheriff cannot give you legal advice.

Where can you lodge a complaint?

- Any complaint relating to Deputy Sheriffs must be lodged with the Sheriff of the High Court.
- If your complaint in relation to a Deputy Sheriff relates to a suspected criminal activity, report to the Police.



Administration of Justice

For further details contact

REGISTRAR & MASTER

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TOLL FREE NUMBERS

0800 600 922

0800 600 947

0800 601 027

**KNOW
YOUR
RIGHTS**
About Deputy Sheriffs

Who is a deputy Sheriff?

- Is an impartial and independent official appointed by the Sheriff of the High Court of Botswana.

Who oversees the operations of the Deputy Sheriff?

- The sheriff of the High Court who happens to be The Registrar

What does a Deputy Sheriff Do?

- Execute all documents issued by the Court. These are summonses, notices, warrants and court orders.
- When executing a writ, the Deputy Sheriff must first demand the amount of money shown on the writ, if the cost debtor does not have money, then the sheriff will request him/her to show him movable property which he can attach to execute the writ.
- When attaching property the sheriff will prepare a notice of attachment and he must file a copy with all parties to the proceedings.
- The Deputy Sheriff may just attach the property and not remove.
- Where the attached property is removed you the cost debtor may be liable to pay storage charges.
- Disposing or concealing of property under attachment is a criminal offence under section 127 of the Penal Code.

In what type of cases are Deputy Sheriffs involved?

- In civil judgments against people who have defaulted to pay their accounts, debts, rent etc.
- They also serve documents in divorce matters.

What area does a Deputy Sheriff cover?

- They are appointed to act in a specific area within a District.

How would you know that the person knocking on your door is a deputy Sheriff?

- He/she must carry a valid identity card issued by the sheriff of the High Court and produce it on request.

What is expected of you if the Deputy Sheriff comes to your home or work place?

- Ask for proof of identification.
- Do not hide.
- Listen carefully to the Sheriff's instructions.
- Ensure that you understand what you are expected to do.
- You will only have few days within which to act , so please act promptly.
- In certain instances you can comply with the order immediately to stop all further proceedings and associated costs.

- Do not interfere with the Sheriff in the execution of his/her duties.
- Do not give false or misleading information.
- Remember the Sheriff acts under orders from the Court; failure to comply makes you liable.

What are the rights of the sheriff?

- When in possession of a court order he/ she can;
- Enter your premises in your absence.
- Open any door, vehicle, piece of furniture in your absence.
- Attach, remove and sell your vehicle, furniture, movable and immovable property.
- Attachments can only be done during the day.

What are your rights?

- You are entitled to be treated with dignity at all times.
- The sheriff must explain the contents of the documents and your options.
- The sheriff must keep your private affairs as confidential as possible.
- The sheriff may not attach and remove necessary items such as food, beds, bedding, clothes, and tools of trade that you may need to carry out your work.
- If there is any surplus money from the sale after the capital debt and all costs have been paid, the surplus must be paid to the cost debtor.