

ANNEXURE C

TARIFF OF FEES OF DEPUTY-SHERIFFS

Tariff for deputy-sheriffs

	N\$.c
1. For registration of any documents for service or execution, on receipt thereof	7.50
2. For service of any process:	
(a) For service, of summonses, petitions together with notice of motion or notice of set down, other notices, orders or any other documents, each.....	75.00
except that -	
(i) where any document to be served with any such process is mentioned in the process or forms as an annexure thereto, no additional fees may be charged for the service of such document, but a fee of N\$7.50 may be charged for service of each separate document that is not annexed to the process concerned;	
(ii) fees for the service of a separate document may not be charged in respect of the service of process in criminal cases.	
(b) Attempted service of summonses, petitions together with notice of motion or notice of set down, other notices, orders and any other documents.....	35.00
An attempted service of more than one document on the same person must be treated as an attempted service of one document only.	
3. Travelling allowance:	
(a) For the distance actually and necessarily travelled by the deputy-sheriff or his or her assistant, reckoned from the office of the deputy-sheriff, both on the forward and the return journey, per kilometre or fraction of a kilometre	5.00
(b) When two or more summonses or other process, whether at the instance of the same party or of different parties, are capable of being served on one and the same journey, the traveling allowance for performing the round of service must be fairly and	

equitably apportioned among the several cases, regard being had to the distance at which the parties against whom such process is directed respectively reside from the office of the deputy-sheriff, but the fee for service is payable for each service made or attempted to be made

(c) This allowance is payable only in cases where the duty in question is to be performed beyond a radius of one kilometre from the office of the deputy-sheriff.

(d) if the office of the deputy-sheriff is situated more than three kilometres from the office of the magistrate of his or her district the allowance is payable only where the duty is to be performed beyond a distance of one kilometre from the magistrate's office.

(e) The restriction imposed by paragraph (d) may however be relaxed by the Minister, in his or her discretion, where circumstances warrant this and on the recommendation of the sheriff, in which case the sheriff must specially mention the extent of the recommended relaxation at the time of the appointment of the deputy-sheriff

4. (a) Postage in civil matters, as per postal tariff

(b) Postage in criminal matters, as per postal tariff

[**Note:** The deputy-sheriff may take any postal matter to the registrar of the court or if there is no registrar in his or her own town or city, to the magistrate, who must hand to the deputy-sheriff a pre-printed official envelope which is endorsed for use by the deputy-sheriff.]

5. For the execution of -

(a) any writ -

(i) of personal arrest, including the conveyance of the person concerned to court, to a legal practitioner's office or to a prison, per person and if the court sessions is on the same day as the arrest, attending at court, per ½ hour..... 125.00

(ii) for conveying the person concerned to court from a place of custody on a day subsequent to the day of arrest and attending at court per ½ hour..... 125.00

[Identical notices where there are several lessees,

	occupiers or owners, for each after the first N\$ 2.00]	20.00
(iii)	for attachment of property <i>ad fundandam jurisdictionem</i> or <i>ad confirmandam jurisdictionem</i> , per ½ hour.....	125.00
(iv)	where an attachment in terms of subparagraph (iii) is withdrawn or suspended.....	15.00
(b)	a writ of ejectment; N\$125.00 per ½ hour subject to a minimum fee of.....	125.00
	[Note: In addition to reasonable expenses necessarily incurred]	
(c)	a writ against immovable property -	
(i)	for execution on the registrar of deeds or other officer charged with the registration of property and if the property is in occupation of some person other than the owner, also on that occupier.....	125.00
(ii)	for notice of attachment to single lessee or occupier.....	10.00
	[Identical notices where there are several lessees, occupiers or owners, for each after the first N\$ 2.00].....	5.00
(iii)	for making valuation or report for purposes of sale, N\$125.00 per ½ hour, with a minimum of.....	125.00
(iv)	when a deputy-sheriff has been authorised to sell the property and the property is not sold because the attachment is withdrawn or stayed, irrespective of the amount of the writ and all the necessary notices for the withdrawal of the attachment.....	125.00
(v)	for ascertaining and recording what bonds or other encumbrances are registered against the property, together with the names and addresses of the persons in whose favour that bonds and encumbrances are so registered, including any correspondence in connection therewith (in addition to reasonable expenses necessarily incurred).....	125.00

(vi)	for notifying the execution creditor of such bonds or other encumbrances and of the names and addresses of the persons in whose favour those bonds or other encumbrances are registered.....	20.00
(vii)	for consideration of proof that a preferent creditor or regional council or local authority council has, in writing, stated a reasonable reserve price or has agreed to a sale without reserve.....	5.00
(viii)	for drawing or in the case of being furnished with a draft by the execution creditor perusing of the notice by the deputy-sheriff to be served on any person requiring him or her to deliver forthwith all documents in his or her possession or control relating to the debtor's title to the said property.....	20.00
(ix)	for consideration of notice of sale prepared by the execution creditor in consultation with the deputy-sheriff;	
(x)	for verifying that notice of sale has been published in the newspapers indicated and in the <i>Gazette</i> ; and	
(xi)	for forwarding a copy of the notice of sale to every judgment creditor who has caused the immovable property to be attached and to every mortgagee thereof whose address is known, for each copy, inclusive fee for items (ix), (x) and (xi).....	60.00
(xii)	for affixing a copy of the notice of sale to the notice board of the magistrate's court of the district in which the property is situated or if the property is situated in the district in which the court out of which the writ issued is situated, on the notice board of such court and at or as near as may be to the place where the sale is actually to take place, an inclusive fee of.....	20.00
(xiii)	for considering the conditions of sale.....	50.00
(xiv)	on the sale of immovable property by the deputy-sheriff as auctioneer, 5 per cent of the proceeds of the sale which must be paid by the purchaser - subject to a minimum fee of N\$2 500.00 and a maximum fee of N\$50 000.00 on any residential property and a maximum fee of N\$150 000.00 on any other property not	

being zoned exclusively for residential purposes (this includes a call to pay into the deposit account of the magistrate of the district all monies received in respect of the purchase price).

(xv)	for a report of the deputy-sheriff in support of a request or application to a judge for the cancellation of a sale in execution due to failure by the purchaser to carry out his or her obligations under the conditions of sale or in support of an application to a judge for an order ejecting the purchaser or any person claiming to hold under him or her therefrom.....	30.00
(xvi)	for giving transfer to the purchaser.....	30.00
(xvii)	for preparing a plan of distribution of the proceeds (including the necessary copies) and for forwarding a copy to the registrar	60.00
(xviii)	for giving notice to all parties who have lodged writs and to the execution debtor that the plan will lay for inspection, for every notice.....	10.00
(xix)	for request to magistrate to pay out in accordance with the plan of distribution.....	10.00
(d)	a writ against movable property -	
(i)	when a writ is paid on presentation, 7½ per cent on the amount so paid, subject to a maximum fee of ...	5 000.00
(ii)	for any abortive attempt at attachment, including search and enquiry, per ½ hour.....	125.00
(iii)	when a writ is withdrawn or stayed before any property is attached.....	20.00
(iv)	for making an attachment, including search and enquiry, per ½ hour.....	125.00
(v)	notice of attachment, if necessary, to a single person	10.00
	[Identical notices, when there is more than one person to be given notice, for each after the first N\$ 2.00.....	5.00

(vi)	when an attachment is withdrawn by a judgment creditor or stayed before sale, 2½ percent on the value of the property attached or the amount of the writ, whichever is the lesser, but subject to a maximum fee of.....	300.00
(vii)	when a writ is paid by the debtor to the deputy-sheriff after attachment but before sale, 7½ percent on the amount so paid, subject to a maximum fee of.....	5 000.00
(viii)	when monies are taken in execution, 7½ percent of the amount so taken, but subject to a maximum fee of.....	3 500.00
(ix)	for drawing advertisements of sale of goods attached.....	60.00
(x)	for selling in execution, whether auctioneer employed or not, including distribution of proceeds, 7½ percent on the proceeds of the sale	
(xi)	the deputy-sheriff himself or herself must sell movable property in execution but he or she must engage the services of an auctioneer if directed thereto in writing by the execution creditor, in which case the execution creditor bears the additional commission, if any;	
(xii)	commission is not chargeable against a judgment debtor on the value of movable property attached and subsequently claimed by a person other than the execution debtor and released in consequence of that claim unless such property has been attached at the express direction of the judgment creditor, in writing, in which case that judgment creditor is liable to the deputy-sheriff for the commission	
(xiii)	for insuring movable property attached when it is considered necessary and when the deputy-sheriff is directed thereto in writing by the execution creditor, in addition to the amount of premium paid, an inclusive fee of.....	60.00

6. For keeping possession of property (money excluded)-

(a)	for an officer necessarily left in possession, reasonable inclusive fee per day not exceeding.....	250.00/day
-----	--	------------

	for an additional officer, where necessary, limited to one per day, a fee not exceeding.....	100.00/day
	[Note: 'Possession' means the continuous and necessary presence on the premises for the period in respect of which possession is charged for a person employed and paid by the deputy sheriff for the sole purpose of retaining possession]	
	(b) for removal and storage, the reasonable and necessary expenses for such removal and storage, and if an animal is to be stabled or fed and given water, the reasonable charges for such stabling, feeding and giving water;	
	(c) for tending livestock, the necessary expenses for tending such stock;	
	(d) when no officer is left in possession and no security bond is taken, but moveable property attached remains under the supervision of the deputy-sheriff, per day.....	35.00
7.	For -	125.00
	(a)making an inventory, including all necessary copies and time spent in stock taking, per ½ hour.....	
	(b) assistance, where necessary, in taking inventory, per ½ hour.....	125.00
8.	For making -	
	(a)return of service or execution, including drawing and typing original for court, limited to one person on each original process; and	
	(b) copy thereof for party desiring service or execution.....	35.00
9.	Drawing and completing bail bond, deed of suretyship or indemnity bond.....	30.00
10.	Copies of process and orders necessarily made, per folio.....	5.00
11.	Copies of summonses, orders, subpoenas, writs, etc.....	5.00

12. Taking statement from accused, who is not represented and who desires witnesses to be subpoenaed at the expense of the State, as to his or her means, the names and addresses of the witnesses and what they can say in his or her defense, in order to enable the registrar to decide whether the witnesses should be subpoenaed, per ½ hour..... 125.00
- [**Note:** This information is to be obtained at the time of serving the notice of trial and indictment and conveyed to the registrar or clerk of the court in the same letter under cover of which the documents are returned]
13. Attending any criminal session of the court, per ½ hour..... 125.00
14. Attending any court session in an interpleader where the deputy-sheriff has the rights of an applicant, including the reasonable time spend in travelling to and from the court, measured from the place where the deputy-sheriff ordinarily conducts his or her business, per ½ hour..... 125.00
- Provided that, in the absence of a written undertaking by any of the parties to the interpleader to pay, payment of this fee will follow the cost order made by the court 125.00
15. Each necessary letter, excluding formal letters, accompanying process or return..... 10.00
16. Each necessary attendance by telephone or fax (in addition to prescribed trunk call charges), irrespective whether the made or received by the deputy-sheriff 10.00
17. Bank charges due and payable in respect of cash deposits or cheques drawn in respect of payment of any monies due and payable to a party in terms of the rules of court or a court order, the actual expense
18. VAT payable on deputy-sheriff fee is allowed on all fees charged in terms of this Annexure.

