



New South Wales

Sheriff Regulation 2005

under the

Sheriff Act 2005

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Sheriff Act 2005*.

BOB DEBUS, M.P.,
Attorney General

Explanatory note

The objects of this Regulation are:

- (a) to prescribe the form of oath or affirmation to be taken or made by the Sheriff and sheriff's officers, and
- (b) to exclude certain bodies from the prohibition of using the word "sheriff" in their operating names, and
- (c) to prescribe matters to which the Sheriff must have regard in deciding whether or not to grant or revoke consent to the use of an operating name that includes the word "sheriff", and
- (d) to prescribe the form of identification certificate to be issued to a sheriff's officer.

This Regulation is made under the *Sheriff Act 2005*, including section 16 (the general power to make regulations), sections 7, 11, 12 and 13 and clause 1 of Schedule 2 (the power to make regulations of a savings or transitional nature).

This Regulation relates to matters of a machinery nature and matters of a savings or transitional nature.

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Sheriff Regulation 2005

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Sheriff Act 2005

1 Name of Regulation

This Regulation is the *Sheriff Regulation 2005*.

2 Commencement

This Regulation commences on 1 July 2005.

3 Definitions

In this Regulation:

the Act means the *Sheriff Act 2005*.

4 Oath or affirmation of office for Sheriff and sheriff's officers: section 7

- (1) The form of the oath required to be taken by the Sheriff and sheriff's officers under section 7 of the Act is as follows:

I, _____, do swear that I will well and truly serve our Sovereign Lady the Queen as [the Sheriff*]/[a sheriff's officer*] without favour or affection, malice or ill-will until I am legally discharged, and that while I continue to be [the Sheriff*]/[a sheriff's officer*] I will to the best of my skill and knowledge discharge all my duties faithfully according to law. So help me God.

* Omit whichever does not apply.

- (2) The form of the affirmation is the same as the form of the oath, except that:

- (a) the words "solemnly, sincerely and truly declare and affirm" are to be substituted for the word "swear", and
- (b) the words "So help me God." are to be omitted.

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5 Bodies authorised to carry on business under operating name that includes “sheriff”: section 11

The following bodies are declared to be bodies to which section 11 of the Act does not apply:

Any body that has, among its primary objects, the object of providing public entertainment.

6 Matters for consideration for consents: section 12

For the purposes of section 12 (3) of the Act, the following matters are prescribed as matters to which the Sheriff must have regard in deciding whether or not to grant or revoke consent to the use of an operating name that includes the word “sheriff”:

- (a) whether an application for registration of that name under the *Business Names Act 2002* has been, or would be, refused,
- (b) whether an application for incorporation of an association under that name under the *Associations Incorporation Act 1984* has been, or would be, refused,
- (c) whether that name suggests a connection to the Sheriff or to sheriff’s officers,
- (d) whether that name is used, or is proposed to be used, in connection with the carrying out of any security activity within the meaning of the *Security Industry Act 1997* or any security officer function under the *Court Security Act 2005*.

7 Prescribed form of identification for sheriff’s officers: section 13

The prescribed form for a certificate of identification referred to in section 13 of the Act is Form 1 in Schedule 1.

8 Saving as to use of word “sheriff” in operating name

- (1) Any person or body of persons who, immediately before the commencement of this clause, was lawfully carrying on an activity under an operating name (within the meaning of section 11 of the Act) that includes the word “sheriff” is taken, on that commencement, to have been granted a consent under section 12 of the Act to the carrying on of that activity under that name.
- (2) The provisions of section 12 of the Act apply to a consent referred to in subclause (1) in the same way as they apply to a consent granted under that section.

Schedule 1 Forms

Form 1 Certificate of identification

(Clause 7)

(Sheriff Act 2005, section 13)

I, the Sheriff of New South Wales, certify that the holder of this certificate:

[Insert name of sheriff's officer]

whose photograph, authority number and signature appear below, is a sheriff's officer for the purposes of the *Sheriff Act 2005*.

[Insert authority number]

Authority number



.....
Signature of sheriff's officer

.....
Signature of Sheriff